

AGENDA ITEM 8

APPENDIX 2

HABITATS REGULATION ASSESSMENT

Habitats Regulations Assessment consultation

2016/0120/DET

Abernethy Outdoor Trust, Nethy bridge

Introduction

This is a record of the assessment under regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for the planning application 2016/0120/DET made by the Abernethy Outdoor Trust. The development is for an extension to an existing building at the Abernethy Outdoor Trust to provide an additional accommodation block.

The Abernethy Outdoor Centre lies on the northern outskirts of Nethy Bridge. It lies approximately 210m from the Craigmore Wood SPA, which can be accessed from the outdoor centre via a footbridge over the Allt Mor, on the northern side of the site. The proposal seeks to expand the accommodation facilities available at the site. This has potential to increase the capacity of the site. Due to the close proximity of Craigmore Woods SPA from the proposal, there is potential for increased recreation in this woodland by users of the site.

The applicant has provided information as to the purpose of the extension, its capacity and type of visitors anticipated. The proposed extension is required to address the need for additional and better quality guest and staff accommodation. The will accommodate 44 guests. As part of the proposal, some of the existing accommodation on the site is being restructured and reduced. This means that overall, with the new extension; the increase in the site's capacity is expected to be 13 bed spaces.

Guests that stay at the Abernethy Trust are taken to a variety of locations to participate in a range of outdoor activities. The majority of groups are taken beyond Nethy Bridge to locations such as Loch Morlich where there are facilities for outdoor recreation. A small proportion of guests stay within the Abernethy Trust site during the daytime to recreate. Guests are normally part of an organised group (school group, work parties etc) and have arranged transport. Few guests are likely to have their own vehicles. According to the applicant, the woods surrounding the site are not used as part of the Trust's activities and are not actively promoted to guests (site manager, pers. comm.). Only a small number of the site's staff regularly recreate within the woodland neighbouring the site, such as Craigmore wood.

The Abernethy Outdoor Trust is also adjacent to the Allt Mor which is designated as part of the River Spey SAC. The proposed works are taking place approximately 50m from the burn.

Background to the assessment

The principal documents which have been taken into account for this assessment are:

- Abernethy Trust - Abernethy Proposed Extension Design Plan
- Site Plan (G (--)) 001)
- SNH response, dated 2nd August 2016

Table 1. Stages of Assessment

Stages of Assessment	
Stage 1	Decide whether proposal is subject to HRA
Stage 2	Identify Natura Sites that should be considered and gather information about the Natura Sites
Stage 3	Consultation on the method and scope of the appraisal with SNH and others. Request additional information from applicant if required.
Stage 4	Screening the proposal for likely significant effects on Natura sites including mitigation measures included within the proposal
Stage 5	Screen for “in combination effects” with other plans or projects
Stage 6	Appropriate Assessment to determine effect upon conservation objectives. Preliminary conclusion about adverse effect upon the integrity of any site.
Stage 7	Consultation with SNH (and others if considered appropriate)
Stage 8	Apply additional mitigation measures, if required, via conditions or agreements to ensure that there is no adverse effect on site integrity
Stage 9	Conclusion on Integrity test
Stage 10	Regulation 49 derogation procedures. This only applies if adverse effects remain and Competent Authority still wishes to approve the application

Stages 1-5 describing the Natura sites and Screening

The proposed development is not wholly concerned with the necessary management of a European site for nature conservation and requires planning permission and so the plans must be subject to assessment under the terms of Directive 92/43/EEC.

Stages 2: Identification of Natura Sites and gathering their details

The list below is those sites that have been taken forward to screening for likely significant effects. See Appendix I for details on each site and its qualifying features.

Special Areas for Conservation (SAC)

River Spey SAC

Special Protection Area (SPA)

Craigmore Woods SPA
Abernethy Forest SPA
Cairngorms SPA
Anagach SPA
Kinveachy SPA

Stage 3: Discussions on the method and scope of the appraisal and requests for additional information

Advice has been sought from SNH as to the scope of the appraisal, which sites should be included and what the likely impacts are.

Additional information was provided by the Deputy Chief Executive of the Abernethy Outdoor Trust, Barry Edmundson, during a site visit with the Natural Heritage Officer on 12th May 2016 regarding the capacity of the proposed extension and the behaviour of guests that visit in terms of recreation in woodland around the site. The applicant has since provided a design statement (Abernethy Trust - Abernethy Proposed Extension Design Plan), which outlines the accommodation proposals and recreational use of the site.

Stage 4: Screening the proposal for likely significant effects

The effects identified are discussed in Table 3 below.

Table 3. Screening for LSE from Abernethy Outdoor Trust development

Craigmore Woods SPA					
Qualifying Feature Affected	Possible effect of development	Likely significant effect	Duration	Screening assessment	Screening outcome
Capercaillie	Increase in recreational use of Craigmore Woods SPA	Disturbance to lekking, brood rearing and feeding habitats from recreational activity.	Permanent	<p>The proposal is expected to create a net increase of 13 bed spaces at the Outdoor Centre. The Outdoor Centre is situated approximately 210m from Craigmore Wood SPA. Known capercaillie leks are situated further into the woodland, away from main walking routes.</p> <p>The existing pattern of use for the site involves guests recreating in other locations where facilities are already in place for outdoor activities. The woods neighbouring the site are not used as part of the Trust's activities and are not promoted to guests. Therefore existing recreation by guests in Craigmore Wood SPA is expected to be very low, if any.</p> <p>The behaviour of guests and pattern of use is not expected to change as a result of the proposed extension. As such there is not anticipated to be an increase in the level of recreation by guests in Craigmore Wood SPA and as such there is not anticipated to be an increase in disturbance to capercaillie</p>	No effect
	Increase in recreation use of	Disturbance to lekking, brood rearing and feeding		There are no known capercaillie leks in non-SPA woodland within short walking distance of the	No effect

	non-SPA woodland surrounding the proposal	habitats from recreational activity.		<p>site.</p> <p>The woods neighbouring the site are not used as part of the Trust's activities and are not promoted to guests. The behaviour of guests and pattern of use is not expected to change as a result of the proposed extension. As such there is not anticipated to be an increase in the level of recreation by guests in neighbouring non-SPA woodland and as such there is not anticipated to be an increase in disturbance to capercaillie.</p>	
	Disturbance during construction	Disturbance to lekking, brood rearing and feeding habitats from construction process	Temporary	The construction of the proposed accommodation is not within a capercaillie area, and is not immediately adjacent to woodland that capercaillie use. Disturbance due to noise from the site during construction on known capercaillie sites nearby is not likely.	No effect

Abernethy Forest SPA					
Qualifying Feature Affected	Possible effect of development	Likely significant effect	Duration	Screening assessment	Screening outcome

Capercaillie	Increase in recreational use of Craigmore Woods SPA. This is a direct effect on this SPA.	Disturbance to lekking, brood rearing and feeding habitats from recreational activity.	Permanent	<p>The shortest route from the Outdoor Centre to the closest point of Abernethy Forest SPA is 2.4km and involves travelling on roads. There are routes involving forest tracks but these are convoluted and are restricted to crossings over the River Nethy.</p> <p>The existing pattern of use for the site involves guests recreating in other locations where facilities are already in place for outdoor activities. The woods neighbouring the site are not used as part of the Trust's activities and are not promoted to guests. Therefore existing recreation by guests in Abernethy Forest SPA is expected to be low, if any. Guests of the Outdoor Centre are more likely to use Craigmore Wood or School Wood, which are both within short walking distance.</p> <p>The behaviour of guests and pattern of use is not expected to change as a result of the proposed extension. As such there is not anticipated to be an increase in the level of recreation by guests in Craigmore Wood SPA and as such there is not anticipated to be an increase in disturbance to capercaillie</p>	No Effect
Scottish Crossbill	Increase in recreational activity from guests at the Outdoor Centre within the SPA	Disturbance to nesting sites and foraging habitat	Permanent	There is no evidence that this species is affected by disturbance; species does not nest on the ground. Therefore birds within SPA are not likely to be affected.	No Effect
Osprey	Increase in recreational activity from	Disturbance to nesting sites	Permanent	Nest sites are well managed and monitored by RSPB. General recreation managed by RSPB to encourage recreational access to promoted paths	No Effect

	guests at the Outdoor Centre within the SPA			<p>away from nest sites. The number of visits from the guests of the proposal to Abernethy SPA is not considered to be high enough to create any likely disturbance for the birds.</p> <p>There are no known osprey nests near the development and no loch where osprey could feed.</p>	
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Kinveachy Forest SPA, Cairngorms SPA, Anagach Woods SPA, Abernethy Forest SPA					
Qualifying Feature Affected	Possible effect of development	Likely significant effect	Duration	Screening assessment	Screening outcome
Capercaillie (all sites)	Increase in recreation in Craigmore Wood SPA, increased disturbance reducing productivity and subsequently a reduction in dispersal rate to these SPAs. This is an indirect effect on these SPAs.	A reduced dispersal of birds from Craigmore Wood SPA into these SPAs, thus reducing the viability and productivity in these SPAs.	Permanent	Above screening for the Craigmore Woods SPA and Abernethy SPA shows No Effect, therefore there cannot be an indirect effect on these SPAs from the development.	No Effect
Scottish crossbill (Kinveachy SPA)	Increase in recreational activity from residents of new development	Disturbance to nesting sites and foraging habitat	Permanent	There is no evidence that this species is affected by disturbance; species does not nest on the ground. Therefore birds within SPA are not likely to be affected.	No Effect

	within the SPA				
Golden eagle, merlin, peregrine (Cairngorms SPA only)	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites	Permanent	The number of visits from the residents of the development sites to the Cairngorms SPA is not considered to be high enough to create any likely disturbance for the birds. There are no known nests of these species near the development.	No Effect

River Spey SAC					
Qualifying Feature Affected	Possible effect of development	Likely significant effect	Duration	Screening assessment	Screening outcome
Otter	Disturbance during operation of new accommodation facilities	Disturbance to otter foraging and commuting along Allt Mor	Permanent	The proposed new extension is not expected to change the current pattern of recreation across the site. Activities on the site are confined to daylight hours and therefore disturbance to otter at night is not likely.	No effect
Otter	Disturbance during construction	Injury/trapping of individual otter. Disturbance of otter, leading to displacement	Temporary	The construction works will take place more than 50m from the Allt Mor, which is outside the 30m disturbance distance permitted for otter. The site lies on an already developed footprint, the habitats affected by the construction are not suitable for otter for foraging or resting. The construction area is screened from the river by	No effect

				existing buildings and adjoining woodland. Otter are therefore unlikely to be affected by the construction works.	
	Pollution of watercourse via run-off from site of chemicals, fuel and sedimentation	Poisoning of otter, poisoning of food source	Temporary	The construction works will take place more than 50m from the Allt Mor. There are no ditches or tributaries leading from the construction area to the burn. At this distance, run-off from the site is not likely.	No effect
Atlantic salmon	Pollution of watercourse via run-off from site of chemicals, fuel and sedimentation		Temporary	The construction works will take place more than 50m from the Allt Mor. There are no ditches or tributaries leading from the construction area to the burn. At this distance, run-off from the site is not likely.	No effect
Fresh water pearl mussel	Pollution of watercourse via run-off from site of chemicals, fuel and sedimentation		Temporary	The construction works will take place more than 50m from the Allt Mor. There are no ditches or tributaries leading from the construction area to the burn. At this distance, run-off from the site is not likely.	No effect
Sea lamprey	Pollution of watercourse via run-off from site of chemicals, fuel and sedimentation		Temporary	The construction works will take place more than 50m from the Allt Mor. There are no ditches or tributaries leading from the construction area to the burn. At this distance, run-off from the site is not likely.	No effect

Stage 5: In-combination effects

The plans and projects in Table 4 have been searched for any likely insignificant effects that may combine with those identified the proposed development.

No Likely Significant Effects were found during the screening at Stage 4 above, therefore there are no combination effects.

Stage 6: Appropriate Assessment

The proposals have been screened in Stages 4 and 5. It was found that there are no Likely Significant Effects upon the qualifying interests of the above Natura Sites. Consequently an appropriate assessment is not required.

Stage 7: Consultation

Wider consultation of the draft report is at the discretion of the competent authority. In the case, no consultation was deemed necessary.

Stage 8: Additional mitigation

An Appropriate Assessment was not required, and no additional mitigation is deemed necessary.

Stage 9: Conclusion on the integrity test

This assessment based upon the best available scientific evidence and advice offered from SNH and others has shown that, with the additional mitigation measures, there is not a Likely Significant Effect from the proposed development upon the qualifying features or the conservation objectives for the following Natura sites:

River Spey SAC
Craigmore Wood SPA
Abernethy Forest SPA
Kinveachy Forest SPA
Anagach Wood SPA

We therefore conclude that the proposed development will not adversely affect the integrity of any of these sites.

Stage 10: Section 49 (derogation)

The conclusion that there is no adverse effect upon the integrity of any of the Natura sites covered in this report means that regulation 49 is not relevant.

References

Council Directive 92/43/EEC “the Habitats Directive” EEC adopted 1992

Managing Natura 2000 sites – EU communities 2000

Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC - EC 2007

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Welsh Assembly Government TAN 5: Nature Conservation and Planning - 2009

Habitat Regulations Appraisal of Plans – Guidance for Plan Making Bodies in Scotland SNH/DTA
August 2012 (Version 2.0)

Appendix I
Details of Natura 2000 sites within, or adjacent to, the proposed development site

Name of European Site	Abernethy Forest
Site Type	Special Protection Area
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species</p>
Qualifying Species	Capercaillie, Scottish crossbill, Osprey.
Site Condition	<p>Capercaillie: Favourable Maintained Osprey: Favourable Maintained Scottish Crossbill: Favourable Maintained</p> <p>From SNH SCM Report (SNH SiteLink 30/05/2016)</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	Recreational disturbance to species from neighbouring development Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.

Name of European Site	Anagach Woods
Site Type	Special Protection Area
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p>

	<p>Population of the species as a viable component of the site</p> <p>Distribution of the species within the site</p> <p>Distribution and extent of habitats supporting the species</p> <p>Structure, function and supporting process of habitats supporting the species</p> <p>No significant disturbance of the species</p>
Qualifying Species	Capercaillie
Site Condition	Unfavourable, Declining. SNH SCM report (SNH Site Link as of 30/05/2016)
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	Recreational disturbance from neighbouring development. Relevant settlements: An Camas Mor, Boat of Garten. Also the development of, or extension to existing recreational facilities.

Name of European Site	Craigmore Wood
Site Type	Special Protection Area
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site</p> <p>Distribution of the species within the site</p> <p>Distribution and extent of habitats supporting the species</p> <p>Structure, function and supporting process of habitats supporting the species</p> <p>No significant disturbance of the species</p>
Qualifying Species	Capercaillie
Site Condition	<p>Capercaillie: Unfavourable, Declining</p> <p>From SNH SCM Report (SNH Site Link as of 30/05/2016)</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	<p>Recreational disturbance to species from neighbouring development</p> <p>Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.</p>

Name of European Site	Kinveachy Forest
Site Type	Special Protection Area
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species</p>
Qualifying Species	Capercaillie, Scottish crossbill
Site Condition	<p>Capercaillie: Favourable Maintained Scottish Crossbill: Favourable Maintained</p> <p>From SNH SCM Report (SNH SiteLink 30/05/2016)</p>
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	Recreational disturbance to species from neighbouring development Relevant settlements: An Camus Mòr, Boat of Garten – also developing of, or extension of existing, recreational facilities.

Name of European Site	River Spey
Site Type	Special Area of Conservation
Conservation Objectives	<p>To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long-term:</p> <p>Population of the species as a viable component of the site Distribution of the species within the site Distribution and extent of habitats supporting the species Structure, function and supporting process of habitats supporting the species No significant disturbance of the species</p>

Qualifying Species	Sea lamprey (<i>Petromyzon marinus</i>) Otter (<i>Lutra lutra</i>) Atlantic salmon (<i>Salmo salar</i>) Freshwater pearl mussel (<i>Margaritifera margaritifera</i>)
Site Condition	Sea lamprey (<i>Petromyzon marinus</i>) Favourable Maintained Otter (<i>Lutra lutra</i>) Favourable Maintained Atlantic salmon (<i>Salmo salar</i>) Unfavourable Recovering Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) Unfavourable Declining From SNH SCM Report (SNH SiteLink 30/05/2016)
Factors currently influencing site	In terms of development, none at present
Vulnerabilities to change/potential effects of the Plan	<ul style="list-style-type: none"> • Effects on water quality including sewerage treatment, release of minerals, contamination or other pollution and waste • Functioning of flood plains and the river system • Abstraction of water Relevant settlements: Dalwhinnie, Newtonmore, Kingussie, An Camus Mòr, Aviemore, Inverdrue, Kinraig, Insh, Boat of Garten, Carr-Bridge, Dulnain Bridge, Nethy Bridge, Grantown-on-Spey, Cromdale

Appendix 2

Glossary of terms and abbreviations

Appropriate Assessment (AA)	The part of the Habitats Regulations Assessment process that considers the effects of an aspect of a plan upon the conservation objectives for a Natura site.
CNPA	Cairngorms National Park Authority
CNAP	Cairngorms Nature Action Plan
Competent Authority	The decision making body required under the Habitats Directive to undertake HRA. This includes Scottish Government, National Park Authorities, SNH , SEPA or Local Authorities.
CPP	Core Paths Plan
Habitats Regulation Assessment (HRA)	The whole appraisal process for determining effects upon Natura Sites. It includes Appropriate Assessments. It is a requirement by the Habitats Directive that competent authorities carry out HRAs where a plan or project affects a Natura site.
CLDP	Draft Cairngorms National Park Local Development Plan
Likely Significant Effect	An adverse effect of the development upon a qualifying interest or conservation objective that is considered to be potentially severe enough as to threaten the integrity of the Natura site itself.
Natura Sites	Collective term for Special Protection Areas and Special Areas

	of Conservation
Ramsar sites	Ramsar sites are wetlands of international importance designated under the Ramsar Convention 1971. Not technically Natura sites they are however usually also SPAs. They are included within the HRA process by policy.
Special Area of Conservation (SAC)	An area designated for the protection of habitats and species. Authorised under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (commonly called the “Habitats Directive”). One of three designation to be considered in a HRA
Special Protection Area (SPA)	An area designation for the protection of birds. Authorised by the Directive 2009/147/EC of the European Parliament and of the Council (commonly called the “Birds Directive”). One of three designation to be considered in a HRA