

AGENDA ITEM 7

APPENDIX 5

2019/0386/NOT

COMMENTS - OBJECTION

Edward Swales
Cairngorms National Park Authority

By email: planning@cairngorms.co.uk

27 January 2020

Dear Edward

2019/0386/NOT | Erection of forestry building | Baddengorm Wood Carrbridge

We previously submitted comments regarding this application to Highland Council on 20 December 2019 (cc'd to CNPA) prior to its call in by CNPA. We would like to re-emphasise our significant concerns regarding this application following submission of additional information from the applicants.

Whilst initial advice was given to the applicants by our Capercaillie Officer in 2018 in regards to forestry management and capercaillie, RSPB Scotland were not consulted on the woodland management plan and note that there is no mention of the need for a forestry building within this plan.

We acknowledge that the applicants plan to undertake forestry works to improve the woodland habitat and we welcome their efforts to try to reduce impacts on capercaillie. However, the species is particularly susceptible to disturbance and the erection of a building within this woodland is likely to result in unacceptable disturbance of this Annex 1 priority species. Whilst habitat management is an important aspect in the conservation of capercaillie, the birds are unlikely to utilise even the best habitat available if subject to disturbance.

We understand that another hut/forest building has already been built within this forest, additional plots sold or for sale and a planning application for another hut refused by CNPA. We are seriously concerned regarding the potential for further applications for huts within this woodland, and the potential for cumulative impact.

Capercaillie are now largely confined to Strathspey, and as a result of severe national declines the species is afforded the highest level of protection under UK and European law. Capercaillie are also identified as priority species in the Cairngorms Nature Action Plan, UK Biodiversity Action Plan and Scottish Biodiversity List species.

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The RSPB is part of BirdLife International,
a partnership of conservation organisations
working to give nature a home around the world.

Patron: Her Majesty the Queen **Chairman of Council:** Professor Steve Ormerod, FIEEM **President:** Miranda Krestovnikoff
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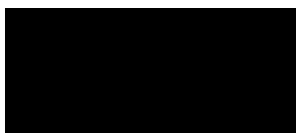
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Capercaillie is a qualifying interest of Kinveachy Forest SPA and Abernethy Forest SPA. Due to the nature of the site and its close proximity to Abernethy Forest SPA and Kinveachy Forest Wood SPA, it is likely to act as a 'stepping stone', facilitating interchange between separate components of the SPA metapopulation. Therefore, this area is used by birds which are functionally linked to the SPAs and potential disturbance would have a likely significant effect on the SPA.

We would note that as there is a likely significant effect on a SPA, the applicant is required to notify the Cairngorms National Park Authority as Planning Authority. Regulation 60-63 of The Conservation (Natural Habitats etc) Regulations 1994 required that in such cases, development shall not begin until the developer has received the written approval of the local planning authority, with SNH consulted on the proposal.

We would be happy to provide further advice and would welcome being included as a consultee with regards to any future applications that are required for the proposed development.

Yours sincerely



Alison Phillip
Conservation Officer – South Highland

BSCG
info

From: BSCG info
Sent: Mon, 13 Jan 2020 23:35:32 +0000
To: Planning
Subject: 2019/0386/NOT Comment

Badenoch & Strathspey Conservation Group

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13 January 2020

Dear Ed Swales
2019/0386/NOT | (Prior Approval) Erection of a forestry building | Land Near
Baddengorm Carrbridge

BSCG objects to this proposal and requests the opportunity to address the committee when the application is determined.

[REDACTED]

As is well established, and referred to in the CNPA's Capercaillie Framework, capercaillie are sensitive to disturbance from people and avoid disturbed areas, meaning that human disturbance effectively reduces the area of habitat available for capercaillie.

Such reduction in habitat would act against the CNPA's intention to increase capercaillie habitat.

The use of the building for forest management purposes would inevitably make it a focus of human activity and disturbance. Such disturbance, as well as throughout the middle of the day, would be likely to extend to early in the morning and late into the evening. These are times when disturbance might otherwise be especially low. In addition, it is established that capercaillie can roost around the periphery of lek sites, meaning that disturbance late in the evening can disturb birds coming in to roost in the vicinity of a display site. Disturbance early in the morning can disturb birds associated with the lek. There is a risk that permitting this proposal could lead to the abandonment of the nearest lek.

Given the need to secure successful breeding of capercaillie, additional disturbance in the vicinity of display sites should particularly be avoided. The seriousness of disturbance to capercaillie has already been recognized by Reporters.

We have grave concerns that the CNPA would not be in a position to effectively enforce what the building was used for. In addition to potential overnight use by the owners and people associated with them, the building could become a draw or focus for other activities by other people, including activities that could lead to a fire risk as well as disturbance.

We do not look upon the presence of a building as in any way essential to any forest management, including for storage of tools and the production of tree seedlings. We note that there are large areas of managed forest locally which do not require associated buildings.

If this proposal were to be approved it would set a precedent for further buildings in this wood.

It would also seriously undermine the CNPA's refusal of 2019/0134/DET Erection of Hut and Composting Toilet.

We note that the grounds for refusal of that application include that the proposal is contrary to Policy 4 (Natural Heritage) of the CNPA Local Development Plan and is contrary to the aims of the National Park due to the likely effect on the 5 SPAs.

Whereas it is possible that the level of disturbance from the proposed hut could have been greater than that from the proposed forestry building, this depends on usage which cannot be predicted.

Moreover, we note that it is impossible to devise a planning condition that would prevent disturbance to capercaillie from this proposal; and conditions seeking to reduce disturbance by controlling types of use of the building would be unenforceable in practice and therefore unsafe.

Yours sincerely

Gus Jones
Convener