

# **AGENDA ITEM 5**

## **APPENDIX 3**

**2018/0043/DET**

# **HABITATS REGULATIONS ASSESSMENT**

## Habitats Regulations Assessment

2018/0043/DET

### Grampian Road, Aviemore, Apartments

#### 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 2018/0043/DET. The development is for the erection of 32 apartments.

The proposal is situated near the southern end of Aviemore, close to Grampian Road and on an area of land which is currently half hard-standing and half woodland, some of this is ancient woodland.

The residency level for 32 apartments, comprises of six and four person occupancy giving a maximum of 144 people. The proposal will result in an increase in residency in this area and has potential to increase recreation levels in the Cairngorms SPA and Kinveachy SPA both of which are approx. 2km from the development site.

#### Background to the assessment

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

- Design Statement 6<sup>th</sup> February 2018
- SNH Response dated 14<sup>th</sup> February 2018
- RSPB Response 30<sup>th</sup> January 2018

**Table 1. Stages of Assessment**

<b>Stages of Assessment</b>	
<b>Stage 1</b>	Decide whether proposal is subject to HRA
<b>Stage 2</b>	Identify Natura Sites that should be considered and gather information about the Natura Sites
<b>Stage 3</b>	Consultation on the method and scope of the appraisal with SNH and others. Request additional information from applicant if required.
<b>Stage 4</b>	Screening the proposal for likely significant effects on Natura sites including mitigation measures included within the proposal
<b>Stage 5</b>	Screen for “in combination effects” with other plans or projects
<b>Stage 6</b>	Appropriate Assessment to determine effect upon conservation objectives. Preliminary conclusion about adverse effect upon the

	integrity of any site.
<b>Stage 7</b>	Consultation with SNH (and others if considered appropriate)
<b>Stage 8</b>	Apply additional mitigation measures, if required, via conditions or agreements to ensure that there is no adverse effect on site integrity
<b>Stage 9</b>	Conclusion on Integrity test
<b>Stage 10</b>	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 direct and indirect effects.

<b>Natura Site</b>	<b>Direct Effect</b>	<b>Indirect Effect</b>
<b>Cairngorms SPA</b>	<b>x</b>	<b>x</b>
<b>Kinveachy SPA</b>	<b>x</b>	<b>x</b>
<b>Abernethy SPA</b>		<b>x</b>
<b>Anagach SPA</b>		<b>x</b>
<b>Craigmore Wood SPA</b>		<b>x</b>

Other sites were considered but have not been taken forward. For example, the River Spey SAC is in close proximity and may have been at risk from pollution during construction. The surface water will be contained using on-site infiltration during construction and with an infiltration suds system during operation therefore there is no connectivity. Cairngorms SAC was not considered due to no foreseen impacts on habitat.

**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 and the likely impacts of the proposal on neighbouring designated areas a response was received on 14<sup>th</sup> February 2018.

**Stage 4: Screening the proposal for likely significant effects**

The effects identified are discussed in Table 3 below.

**Table 3. Screening for LSE from Grampian Rd, Aviemore**

<b>Cairngorms SPA &amp; Kinveachy SPA</b>					
<b>Qualifying Feature Affected</b>	<b>Possible effect of development</b>	<b>Likely significant effect</b>	<b>Duration</b>	<b>Screening assessment</b>	<b>Screening outcome</b>
Capercaillie	Increase in recreational activity within Cairngorm SPA from residents of new development. <b>This is a direct effect on the Cairngorms SPA.</b>	Disturbance to lekking, brood rearing and feeding habitats from recreational activity	Permanent	The proposal has access on foot, by cycle or short drive to the Cairngorms SPA, either via the Tullochgrue road or the Old Logging Way.  The proposal has access on foot, by cycle or short drive to the Kinveachy SPA	<b>Likely Significant Effect</b>
	Increase in recreation in other SPAs that support capercaillie. <b>This is an indirect effect on the Cairngorms &amp; Kinveachy SPA.</b>	Increased recreation in neighbouring SPAs, leading to a reduction in productivity in neighbouring SPAs, reducing the viability of the meta population through decreased migration and increased habitat fragmentation. This could have an effect upon the Cairngorms and Kinveachy SPA	Permanent	<b>This proposal could lead to increases in recreational pressure in Abernethy SPA, Craigmere Woods SPA and Anagach Woods SPA</b>	<b>Likely Significant Effect</b>

	Increase in recreation in non SPA habitat which supports Capercaillie <b>This is an indirect effect on the Cairngorms &amp; Kinveachy SPA.</b>	Increased recreation in neighbouring non- SPA habitat which supports capercaillie, leading to a reduction in productivity in neighbouring SPAs, reducing the viability of the meta population through decreased migration and increased habitat fragmentation. This could have an effect upon the Cairngorms and Kinveachy SPA		<b>This proposal could lead to increases in recreational pressure in Inshriach Woods</b>	<b>Likely Significant Effect</b>
Scottish Crossbill	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites and foraging habitat	Permanent	There is no evidence that species affected by recreational disturbance; species does not nest on the ground. Therefore birds within SPA are not likely to be affected.	<b>No effect</b>
Osprey (Cairngorms SPA only)	Increase in recreational activity from residents of new development within the SPA	Disturbance to nesting sites	Permanent	Nest sites are well managed and monitored by Rothiemurchus Estate. General recreation managed by FCS and Rothiemurchus to encourage recreational access to promoted paths away from nest sites.	<b>No effect</b>
Dotterel (Cairngorms SPA only)	Increase in recreational activity from residents of new development within the SPA	Increase disturbance to nesting from more visitors to relevant habitats in the SPA	Permanent	Nest sites are in remote uplands. The number of visits generated by new development of 32 apartments is not likely to have an effect.	<b>No effect</b>

Golden eagle (Cairngorms SPA only)	Increase in recreational activity from residents of new development within the SPA	Increase disturbance to nesting from more visitors to relevant habitats in the SPA	Permanent	Nest sites are in remote uplands. The number of visits generated by new development to the SPA is likely to be very small and restricted to walkers and a few cyclists. Eagle nests are already in view of footpaths so some habituation is likely. The number of visits generated by additional 32 apartments not likely to have an effect.	<b>No effect</b>
Merlin (Cairngorms SPA only)	Increase in recreational activity from residents of new development within the SPA	Increased disturbance to nesting sites	Permanent	Nest sites are in remote upland sites in heather moorland. The number of visits generated by additional 32 apartments is not likely to have an effect.	<b>No effect</b>
Peregrine (Cairngorms SPA only)	Increase in recreational activity from residents of new development within the SPA	Increased disturbance to nesting sites	Permanent	Nest sites are usually on inaccessible cliff faces away from footpaths, though sometimes within sight. Tolerance to people varies between individual birds but habituation is significant in other sites near to Aviemore. The number of visits generated by additional 32 apartments is not likely to have an effect.	<b>No effect</b>

<b>Abernethy SPA, Anagach woods SPA, Craigmore Woods SPA</b>					
<b>Qualifying Feature Affected</b>	<b>Possible effect of development</b>	<b>Likely significant effect</b>	<b>Duration</b>	<b>Screening assessment</b>	<b>Screening outcome</b>
Capercaillie (all sites)	Increase in recreation in Cairngorm SPA, increased disturbance	A reduced dispersal of birds from Cairngorm SPA into these SPAs, thus reducing the viability and productivity	Permanent	Above screening for the Cairngorms SPA shows a Likely Significant Effect on the capercaillie in the Cairngorms SPA. This means that the capercaillie populations of the neighbouring SPAs could be	<b>Likely Significant Effect</b>

	reducing productivity and subsequently a reduction in dispersal rate to these SPAs. <b>This is an indirect effect on these SPAs.</b>	in these SPAs.		affected.	
Capercaillie (all sites)	Increase in recreation in Kinveachy SPA, increased disturbance reducing productivity and subsequently a reduction in dispersal rate to these SPAs. <b>This is an indirect effect on these SPAs.</b>	A reduced dispersal of birds from Kinveachy SPA into these SPAs, thus reducing the viability and productivity in these SPAs.	Permanent	Above screening for the Kinveachy SPA shows a Likely Significant Effect on the capercaillie in the Kinveachy SPA. This means that the capercaillie populations of the neighbouring SPAs could be affected.	<b>Likely Significant Effect</b>



## Stage 5: In-combination effects

There are Minor Residual Effects identified from:

2015/0133/DET Badaguish Outdoor Centre on Cairngorms SPA

2016/0224/DET Allt Mor Housing, Aviemore on Kinveachy SPA

**These will be considered further if the Appropriate Assessment for this application identifies a LSE or MRE**

## Stages 6–10 Assessment and Conclusions

### Stage 6: Appropriate Assessment

The proposals have been screened in Stages 4 and 5. It was found that for some Natura sites there were likely significant effects upon the qualifying interests. Consequently the following appropriate assessment is required to ascertain the implications for the conservation objectives for each site. The affected sites identified are:

- Cairngorms SPA – LSE due to increased recreation and therefore increased disturbance to capercaillie
- Kinveachy Forest SPA - LSE due to increased recreation and therefore increased disturbance to capercaillie
- Abernethy Forest SPA – LSE due to an LSE on the Cairngorms SPA & Kinveachy Forest SPA, leading to indirect effect on capercaillie population within this SPA
- Craigmore Wood SPA - LSE due to an LSE on the Cairngorms SPA & Kinveachy Forest SPA, leading to indirect effect on capercaillie population within this SPA
- Anagach Woods SPA - LSE due to an LSE on the Cairngorms SPA & Kinveachy Forest SPA, leading to indirect effect on capercaillie population within this SPA

### Cairngorms SPA

#### Qualifying species and conservation status

Capercaillie: Favourable Maintained  
Peregrine: Favourable Maintained  
Dotterel: Unfavourable Declining  
Golden eagle: Favourable Maintained  
Osprey: Favourable Maintained

#### Conservation objectives

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- No significant disturbance of the species
- 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

**Is the operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives**

Capercaillie: Likely Significant Effect  
Peregrine: No Effect  
Dotterel: No Effect  
Golden Eagle: No Effect  
Osprey: No Effect

**Will the development adversely affect the site's conservation objectives?**

In this assessment, the implications of the planning application for the site's conservation objectives are assessed in order to answer the question: "Can it be ascertained that the proposal will not adversely affect the integrity of the site?"

The over-arching conservation objective of SPAs is to avoid deterioration of the habitats of the qualifying species, or significant disturbance to the qualifying species, thus ensuring that the integrity of the sites is maintained. This over-arching conservation objective can be broken down into the following detailed elements:

To ensure that the following are maintained in the long term for the qualifying species:

- No significant disturbance of the species
- Population of the species as a viable component of the sites  
Distribution of the species/habitat within sites
- Distribution and extent of habitats supporting the species  
Structure, function and supporting processes of habitats supporting the species

**Assessment against the Conservation Objectives**

***Capercaillie***

**I. No significant disturbance of the species**

The proposal lies approx. 2km from the Cairngorms SPA.

The housing proposal of 32 apartments will result in a small increase in the population of this area (a maximum of 144 if all apartments have maximum occupancy).

Increased levels of recreation could lead to increased disturbance of capercaillie, leading to displacement of birds which could impact on the population of birds in the Cairngorms SAC.

- Residents are likely to routinely use the closest paths to the development, Craigellachie

NNR, the Speyside Way and the Aviemore Orbital are readily accessible to the development. These routes are well promoted and signposted and may 'intercept' a number of walkers from the proposal site.

- Leks within the Cairngorms SPA are generally remote from footpaths and in less visited areas. Brood rearing habitats are more extensive though generally away from busy areas. The most popular areas are Lochan Mor, Loch an Eilean and the Laraig Ghru. These areas are accessed via well-established paths and are already very popular for recreational activities. There are no leks, no brood rearing areas, and low incidences of sightings in this area. The scale and type of proposal is such that it is not likely that existing patterns of recreation in the local area will change.
- The expected increase in the local population through the proposal is small in comparison with the numbers already recreating in this area. The patterns of recreation are not likely to differ from existing patterns of use.
- **Abernethy Forest SPA** (approx. 7km away) – potential small increase in occasional use of western side of SPA at weekends including walking with dogs. This part of the SPA already attracts approximately 40,000 visitors per annum to visitor centre. The area is managed by RSPB to minimise effects by visitors, as far as possible, through encouraging use of promoted paths which are out with key habitat and lekking sites. The RSPB currently deploys Trail Wardens to raise awareness of these issues with a particular emphasis on dog ownership and recreation. Lodge road is closed to vehicular traffic early in mornings during lekking season. The effects are considered to be general and largely on brood rearing habitat. However there are two lekking sites within 100m of main paths. Effect from additional occupants of 32 apartments over 7km away not likely to have an effect over and above existing recreation levels.
- **Anagach Woods SPA** (approx. 20km away) - SPA is already well used from Grantown residents (circa 2,200) and has promoted paths. Distance from development means this SPA is not likely to be a significant target destination, therefore increased recreation pressure from the proposal is not likely. Effect from additional occupants of 32 apartments over 20km away not likely to have an effect.
- **Craigmore Wood SPA** (approx. 18km away) - this SPA is not a popular destination with one promoted path which skirts southern edge and no core paths. The proposal is not likely to generate significant increase in users to paths; distance from development means it is unlikely to be a significant target destination. Effect from additional occupants of 32 apartments 18km away not likely to have an effect.
- **Inshriach Woods (approx. 7km away)** –this non-SPA habitat supports capercaillie. The Speyside Way leads from Aviemore through Inshriach Woods but has been carefully sited so as to avoid capercaillie prime habitat. Effect from occupants of 32 apartments over 7km away not likely to have an effect.

In summary, an increase population at Grampian Rd, Aviemore of 32 apartments, is not likely to increase the levels of recreation at the above SPAs over and above the existing level of recreation. This means that disturbance to capercaillie in these SPAs is not likely to increase, therefore the populations of capercaillie in these SPAs will not be effected and subsequently, any indirect impacts on the Cairngorms SPA through reduced movement of birds is not likely.

## Conclusion

We have considered the advice provided by SNH and conclude that the proposal to build 32 apartments, will not result in significant disturbance to capercaillie.

Therefore we also conclude that the proposal cannot have a significant effect on any other conservation objective, namely:

- Population of the species as a viable component of the sites
- Distribution of the species/habitat within sites
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species

## Additional mitigation

No additional mitigation is deemed necessary.

## Likely insignificant effects

No Likely insignificant effects (minor residual effects) have been identified.

## Conclusion on site integrity

**There will not be an adverse effect upon the integrity of the Cairngorms SPA**

## Kinveachy Forest SPA

### Qualifying species and conservation status

- Capercaillie: Favourable Maintained
- Scottish crossbill: Favourable Maintained

### Conservation objectives

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

**To ensure for the qualifying species that the following are maintained in the long term:**

- No significant disturbance of the species
- 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

Is the operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives.

- Capercaillie: Likely Significant Effect
- Scottish crossbill: No Effect

**Will the development adversely affect the site's conservation objectives?**

In this assessment, the implications of the planning application for the site's conservation objectives are assessed in order to answer the question: "Can it be ascertained that the proposal will not adversely affect the integrity of the site?"

The over-arching conservation objective of SPAs is to avoid deterioration of the habitats of the qualifying species, or significant disturbance to the qualifying species, thus ensuring that the integrity of the sites is maintained. This over-arching conservation objective can be broken down into the following detailed elements:

To ensure that the following are maintained in the long term for the qualifying species:

- No significant disturbance of the species
- Population of the species as a viable component of the sites
- Distribution of the species/habitat within sites
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species

**Assessment against the Conservation Objectives**

Capercaillie

I. No significant disturbance of the species

The proposal lies approx. 2km from the Kinveachy Forest SPA.

The housing proposal of 32 apartments will result in a small increase in the population of this area (a maximum of 144 if all apartments have maximum occupancy).

Increased levels of recreation could lead to increased disturbance of capercaillie, leading to displacement of birds which could impact on the population of birds in the Kinveachy SAC.

Our assessment is based on the following:

- Residents are likely to routinely use the closest paths to the development, Craigellachie NNR the Speyside Way and the Aviemore Orbital are readily accessible to the development. These routes are well promoted and signposted and may 'intercept' a number of walkers from the proposal site. The Scotland People & Nature Survey (SPANS) data tells us that local parks and open space are nearly twice as popular as woodland for visits it is safe to assume that there will be bias in the residents to use nearby open space such as the Aviemore Orbital and Craigellachie NNR rather than Kinveachy

## Forest.

- For the Aviemore part of the SPA, the SPA boundary is separated from the non-SPA forest by a 2m high deer fence. The non-SPA forest comprises of the steep slope of Kinveachy (known as Kinveachy face) in between the A9 and the SPA boundary. Capercaillie use both the SPA and non-SPA areas. Leks are concentrated within the SPA, and although the non-SPA was previously only thought to be used by wintering birds, recent survey evidence suggests that the non-SPA might also be used for brood rearing, increasing the importance of this habitat. Due to the nature of the capercaillie metapopulation, impacts on non-SPA habitat can indirectly affect SPA habitat where the movement of birds between different areas, or the functionality of different areas is impacted.
- The boundary of Kinveachy SPA is approximately 2 miles by footpath from the proposed development. Closest access by vehicle from the site involves driving through Aviemore, under the A9 underpass on Old Meall Road and parking within the High Burn side housing estate. This reduces the journey to the Kinveachy Forest SPA boundary to less than a mile. To reach the boundary of the SPA visitors need to walk through non-SPA woodland - Kinveachy face. Recreation in Kinveachy (both the SPA and adjoining non-SPA woodland) has some management with signs present alerting users to presence of capercaillie.
- The expected increase in the local population through the proposal (6.5%) is small in comparison with the numbers already recreating in this area. The patterns of recreation are not likely to differ from existing patterns of use. However, we know for a fact that mountain biking and off trail riding is becoming increasingly popular in the Park and that it is popular with under 16s. Even so given the relatively low overall increase in population it is safe to assume the likelihood of the new residents using the informal trails in Kinveachy is going to be low and if there are residents using these trails it is more likely they will be using the established trails rather than create new ones in sensitive areas.
- Established behaviour in the forest is for the use of the forest tracks and informal paths at the southern end of the forest above the existing High Burnside development.
- **Abernethy Forest SPA** (approx. 7km away) – potential small increase in occasional use of western side of SPA at weekends including walking with dogs. This part of the SPA already attracts approximately 40,000 visitors per annum to visitor centre. The area is managed by RSPB to minimise effects by visitors, as far as possible, through encouraging use of promoted paths which are out with key habitat and lekking sites. The RSPB currently deploys Trail Wardens to raise awareness of these issues with a particular emphasis on dog ownership and recreation. Lodge road is closed to vehicular traffic early in mornings during lekking season. The effects are considered to be general and largely on brood rearing habitat. However there are two lekking sites within 100m of main paths. Effect from additional occupants of 32 apartments over 7km away not likely to have an effect over and above existing recreation levels.

- **Anagach Woods SPA** (approx. 20km away) - SPA is already well used from Grantown residents (circa 2,200) and has promoted paths. Distance from development means this SPA is not likely to be a significant target destination, therefore increased recreation pressure from the proposal is not likely. Effect from additional occupants of 32 apartments over 20km away not likely to have an effect.
- **Craigmore Wood SPA** (approx. 18km away) - this SPA is not a popular destination with one promoted path which skirts southern edge and no core paths. The proposal is not likely to generate significant increase in users to paths; distance from development means it is unlikely to be a significant target destination. Effect from additional occupants of 32 apartments 18km away not likely to have an effect.
- **Inshriach Woods (approx. 7km away)** –this non-SPA habitat supports capercaillie. The Spyside Way leads from Aviemore through Inshriach Woods but has been carefully sites so as to avoid capercaillie prime habitat. Effect from occupants of 32 apartments over 7km away not likely to have an effect.

### **Conclusion**

We have considered the advice provided by SNH and conclude that the proposal to build 32 apartments, will not result in significant disturbance to capercaillie.

Therefore we also conclude that the proposal cannot have a significant effect on any other conservation objective, namely:

- Population of the species as a viable component of the sites
- Distribution of the species/habitat within sites
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species

### **Additional mitigation:**

No additional mitigation is deemed necessary.

### **Likely insignificant effects:**

No Likely insignificant effects (minor residual effects) have been identified.

### **Conclusion on site integrity:**

There will not be an adverse effect upon the integrity of the **Kinveachy Forest SPA**

## Abernethy Forest SPA, Anagach Woods SPA, Craigmore Woods SPA

### Qualifying species and conservation status

Capercaillie: Unfavourable Declining – Anagach, Craigmore

Capercaillie: Favourable Maintained – Abernethy Forest, Kinveachy Forest

Scottish crossbill (Kinveachy Forest and Abernethy Forest only): Favourable Maintained

Osprey (Abernethy Forest only): Favourable Maintained

### Conservation objectives

To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- No significant disturbance of the species
- 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

### Is the operation likely to have a significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives

Capercaillie: Likely Significant Effect

Crossbill: No Effect

Osprey: No Effect

### Will the development adversely affect the site's conservation objectives?

In this assessment, the implications of the planning application for the site's conservation objectives are assessed in order to answer the question: "Can it be ascertained that the proposal will not adversely affect the integrity of the site?"

The over-arching conservation objective of SPAs is to avoid deterioration of the habitats of the qualifying species, or significant disturbance to the qualifying species, thus ensuring that the integrity of the sites is maintained. This over-arching conservation objective can be broken down into the following detailed elements:

To ensure that the following are maintained in the long term for the qualifying species:

- No significant disturbance of the species
- Population of the species as a viable component of the sites  
Distribution of the species/habitat within sites
- Distribution and extent of habitats supporting the species  
Structure, function and supporting processes of habitats supporting the species



## Assessment against the Conservation Objectives

### *Capercaillie*

#### **I. No significant disturbance of the species**

A Likely Significant Effect was found during screening on the SPAs above, indirectly, via a Likely Significant Effect on the Cairngorms SPA and Kinveachy Forest SPA on capercaillie. A direct Likely Significant Effect on Abernethy Forest, Anagach Woods and Craigmore Woods SPA's was not found during screening.

Capercaillie exist as a meta-population and birds frequently move from site to site. A Likely Significant Effect was identified on the Cairngorms and Kinveachy Forest SPA at screening (stage 5). However when considered within the appropriate assessment above it was concluded that there was no adverse impact on the Cairngorms or Kinveachy Forest SPA. Consequently an indirect effect cannot happen on the neighbouring SPAs.

Therefore we also conclude that the proposal cannot have a significant effect on any other conservation objective, namely:

- Population of the species as a viable component of the sites
- Distribution of the species/habitat within sites
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species

#### **Additional mitigation**

No additional mitigation is deemed necessary.

#### **Likely insignificant effects**

No Likely insignificant effects (minor residual effects) have been identified.

#### **Conclusion on site integrity**

**There will not be an adverse effect upon the integrity of the Anagach Woods SPA, Abernethy Forest SPA or Craigmore Woods SPA**

## Stage 7: Consultation

Regulation 48(3) requires the authority to consult with the appropriate conservation body and to have regard to their representations. This is in such cases where a Likely Significant Effect is identified and an Appropriate Assessment is undertaken. In Scotland SNH is the appropriate conservation body and this report has been subject to consultation with SNH.

## **Stage 8: Additional mitigation**

No additional mitigation is required.

## **Stage 9: Conclusion on the integrity test**

This assessment based upon the best available scientific evidence and advice offered from SNH has shown that there is not a likely significant effect from the proposed development upon the qualifying features or the conservation objectives for the following Natura sites:

- Abernethy Forest SPA
- Anagach Woods SPA
- Cairngorms SPA
- Craigmore Wood SPA
- Kinveachy Forest 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**

### **Habitat Regulations process**

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)

### **Other sources**

Cairngorms National Park Core Paths Plan 2015

CRAGG Visitor, visitor infrastructure and tourism Audit. Robinson 2013

Cairngorms Outdoor Access Strategy – Active Cairngorms - 2016

Wilson, V. and Stewart, D. 2013. Scottish Recreation Survey: Annual summary report 2012. Scottish Natural Heritage Commissioned Report No. 604.

## Appendix I

### Glossary of terms and abbreviations

<b>Appropriate Assessment (AA)</b>	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.
<b>CNPA</b>	Cairngorms National Park Authority
<b>CNAP</b>	Cairngorms Nature Action Plan
<b>Competent Authority</b>	The decision making body required under the Habitats Directive to undertake HRA. This includes Scottish Government, National Park Authorities, SNH, SEPA or Local Authorities.
<b>CPP</b>	Core Paths Plan
<b>Habitats Regulation Assessment (HRA)</b>	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.
<b>CLDP</b>	Draft Cairngorms National Park Local Development Plan
<b>Likely Significant Effect</b>	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.
<b>Natura Sites</b>	Collective term for Special Protection Areas and Special Areas of Conservation
<b>Ramsar sites</b>	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.
<b>Special Area of Conservation (SAC)</b>	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
<b>Special Protection Area (SPA)</b>	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