AGENDA ITEM 7

APPENDIX 2

2021/0090/DET

HABITATS REGULATIONS APPRAISAL

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2021/0090/DET, Formation of 12 bay campervan site on hardcore type I substrate, land 315m south west of the Half House, between Craigmore and Sliemore wood, Nethy Bridge, including freshwater supply, rubbish collection/recycling point, and chemical toilet/waste water collection point in undergrounded sealed tank that will be regularly emptied and disposed of off-site.
Appraised by	Nina Caudrey, Planning Officer
Date	22 June 2021
Checked by	Rebecca Watts, Conservation Officer
Date	23 June 2021

INFORMATION

European site details

Name of European site(s) potentially affected

I) River Spey SAC

2) Craigmore Wood SPA¹

Qualifying interest(s)

I) River Spey SAC

Atlantic salmon

otter

freshwater pearl mussel

sea lamprey

2) Craigmore Wood SPA

capercaillie (breeding)

Conservation objectives for qualifying interests

I) River Spey SAC

Conservation Objective 2. To ensure that the integrity of the River Spey SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel):

2b. Restore the distribution of freshwater pearl mussel throughout the site

2c. Restore the habitats supporting freshwater pearl mussel within the site and availability of food

2d. Restore the distribution and viability of freshwater pearl mussel host species and their supporting habitats

2a. Restore the population of freshwater pearl mussel as a viable component of the site

2b. Maintain the distribution of sea lamprey throughout the site

2c. Maintain the habitats supporting sea lamprey within the site and availability of food

2a. Maintain the population of sea lamprey as a viable component of the site

¹ It is recognised that effects on capercaillie at any one of the Badenoch and Strathspey capercaillie SPAs or associated woodlands shown on the map in **Annex I** has the potential to affect the wider capercaillie metapopulation of Badenoch and Strathspey. Attention has been focused in this HRA on the woods likely to be used regularly for recreation by users of the proposed development site, which in this case is Craigmore Wood SPA (wood H on the map). Other capercaillie SPAs and woods were considered during the initial phase of the assessment (see **Annex I question 3**) but detectable effects were ruled out, so they have not been included in this HRA. If however the HRA had concluded an adverse effect on site integrity, or required mitigation, then all of the capercaillie SPAs in Badenoch and Strathspey would have been reassessed in relation to potential effects on the metapopulation.

2b. Restore the distribution of **Atlantic salmon** throughout the site

2c. Restore the habitats supporting Atlantic salmon within the site and availability of food

2a. Restore the population of Atlantic salmon, including range of genetic types, as a viable component of the site

2b. Maintain the distribution of **otter** throughout the site

2c. Maintain the habitats supporting otter within the site and availability of food

2a. Maintain the population of otter as a viable component of the site

Conservation Objective I. To ensure that the qualifying features of the River Spey SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status

2) Craigmore Wood SPA

To avoid deterioration of the habitats of the qualifying species 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:

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

APPRAISAL

<u>STAGE I</u>:

What is the plan or project?

Relevant summary details of proposal (including location, timing, methods, etc)

Creation of Type I hardcore substrate bays for 12 campervans, with electric hook ups and a sealed tank for effluent disposal (which would be regularly emptied and removed for offsite disposal), using an existing farm entrance from the public road and existing access track that the bays would be created off. There is an existing private water supply nearby at the farm buildings to the west of the proposed development site, which would be used to supply fresh water to users of the site. A picnic area, open-air museum of old farm machinery and recycling facilities would also be provided.

The closest part of the boundary of Craigmore Wood SPA is located approximately 250m to the north of the proposed campervan site.

The Allt Mor runs roughly from east to west approximately 200m from the proposed development site, with a public road, forestry and other vegetated land inbetween. It is part of the River Spey SAC.

<u>STAGE 2</u>:

Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?

No.

<u>STAGE 3</u>:

Is the plan or project (either alone or in-combination with other plans or projects) likely to have a significant effect on the site(s)?

I) River Spey SAC

Freshwater pearl mussel, Atlantic salmon, sea lamprey, otter: no LSE as no direct or indirect connectivity with the proposed development site due to the nature of the proposals, intervening topography and vegetation. There is no LSE on otter through disturbance because the intervening topography and vegetation makes it highly unlikely that people will scramble through the undergrowth to get to the Allt Mor, which is not visible from the site or public road. In addition the habitat, ground conditions and nearby buildings (and so existing human activity) make it suboptimal for otter holts.

The River Spey SAC is therefore not considered further in this HRA.

2) Craigmore Wood SPA

Breeding capercaillie – potential for LSE: there is potential for disturbance to capercaillie in Craigmore Wood SPA should people using the campervan site enter the woods from the tracks providing access to dwellings on the north of the public road, as described in sections I - 3 of **Annex II.**

<u>STAGE 4</u>:

Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives

Craigmore Wood SPA

Distribution of the species within site

The distribution of the species within the site is unlikely to be affected as no off-path activity is expected to arise as a result of the proposed development. Therefore this conservation objective will be met.

Distribution and extent of habitats supporting the species; Structure, function and supporting processes of habitats supporting the species

There will be no effects on the structure, function or supporting processes of the habitats supporting the species as a result of the proposed development. Therefore this conservation objective will be met.

No significant disturbance of the species

See **Annex II** for assessment. Provided the below mitigation measures are implemented as conditions of planning permission, then there should not be significant additional disturbance to capercaillie over and above what is already occurring through use of the existing tracks and access points to the north of the public road. Therefore this conservation objective can be met. The mitigation measures are:

 Provide a fenced route within the field in which the proposed campervan site would located (as shown in the below image), that provides an alternative route off the public road and opportunities to connect with the existing path network around Nethy Bridge. The route should have signage directing people to the existing path network accessible from near the north western end of the field (where gated access for pedestrians should be provided). Creating a more appealing alternative route directly accessible from the campervan site would help connect with and encourage people to make use of the field route for short walks (including early morning/late evening dog exercise), as well as make more use of the promoted path network in and around Nethy Bridge, rather than the sensitive capercaillie woods.



- Promote the field route as a means to access other routes away from the sensitive capercaillie woods, via information provided at time of booking (as part of the booking terms and conditions), as well as a permanent onsite interpretation board. The information on the interpretation panel and terms and conditions (the same information could be used) should not be specific about the sensitivities to avoid drawing attention to them (which runs the risk of people seeking them out). It should include a map and route information for promoted walks in the area associated with Nethy Bridge (eg https://cairngorms.co.uk/wp-content/uploads/2020/01/NETHY-BRIDGE-CPL_screen-l.pdf) and how the field route provides opportunities to connect to the existing path network. The interpretation panel and terms and conditions information will need to be agreed with CNPA and in place before the site is in use.
- On-site signage to encourage use of the field route, such as "Nethy Bridge and walks this way".

Population of the species as a viable component of the site

As the other conservation objectives can be met with the mitigation described above, the population of capercaillie should not be affected and so this conservation objective will be met.

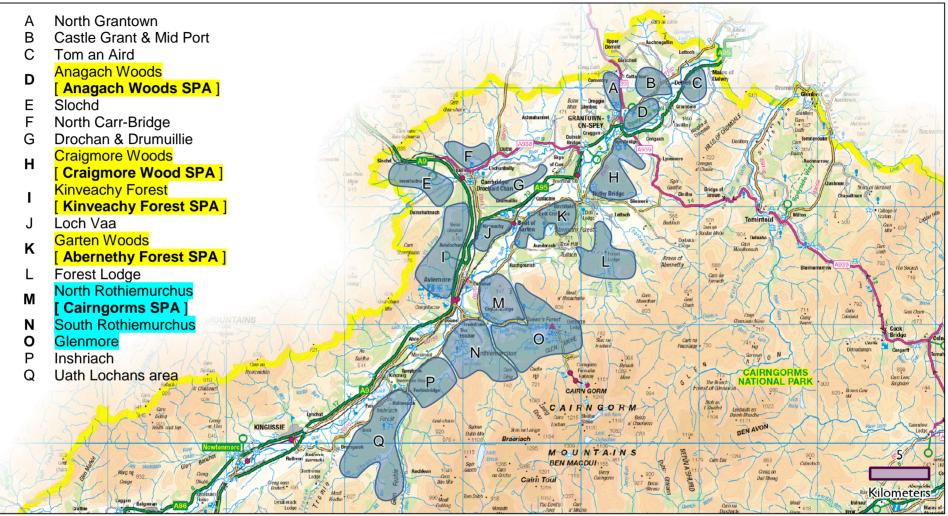
In conclusion, the mitigation measures identified above (provision of field route, interpretation panel, signage, online information) reduce the risk of additional disturbance from people from the proposed campervan site accessing Craigmore woods to a minimal level, so that all the conservation objectives can be met.

<u>STAGE 5</u>:

Can it be ascertained that there will not be an adverse effect on site integrity?

Provided the mitigation measures below are implemented, then the conservation objectives will be met and therefore there will not be an adverse effect on site integrity for the Craigmore Wood SPA. The mitigation measures to minimise the potential for effects caused by disturbance to capercaillie, required as conditions of planning permission, are:

- Fenced route within the field in which the campervan site is to be located, including gated pedestrian access at the north western corner, to be in place prior to the site being used for booked overnight stays, and maintained in perpetuity while the campervan site is in operation. The specification and location of the route, fencing and gate to be agreed with CNPA prior to installation. The route should provide opportunities to connect with the existing path network around Nethy Bridge. [Reason: To minimise the potential for likely significant effects through disturbance to capercaillie in Craigmore Wood SPA.]
- Interpretation panel promoting walking routes that can be accessed from the proposed campervan site to be in place prior to the site being used for booked overnight campervan stays, with the location and information on the panel to be agreed with CNPA prior to installation. [To promote use of less sensitive routes accessible from the field in which the campervan site is located, therefore minimising the potential for likely significant effects on capercaillie in Craigmore Wood SPA.]
- Signage within the campervan site and field route to highlight connections with existing path networks around Nethy Bridge, to be in place prior to the car park being used for booked overnight motorhome stays, with the location and information on the signs to be agreed with CNPA prior to installation. [To raise awareness of and promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for likely significant effects on capercaillie in Craigmore Wood SPA.]
- Information to be made available to customers as part of the terms and conditions of booking, which should promote walking routes that can be accessed from the proposed campervan site, with the content to be agreed with CNPA prior to any bookings being made (it should be possible to use the same information as agreed for the interpretation panel, made into a pdf document). [To promote use of less sensitive routes accessible from the campervan site, therefore minimising the potential for likely significant effects on capercaillie in Craigmore Wood SPA.]



Capercaillie woodland in Badenoch and Strathspey.

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Q1. Is the proposed development likely to change levels of human activity or patterns of recreation around the proposed development/associated settlement? Q1: This and Q2 are included as screening questions to filter out any developments that aren't likely to have changed levels or patterns of recreation.	Yes in relation to access to woodlands in the immediate vicinity of the proposed campervan site: Assuming a worst case scenario that the proposed campervan site is used at capacity and all year round, and that each van has an average of 2 occupants, an additional 28 people will be present in an area where currently there are few houses. However the area immediately surrounding the development site is agricultural so some level of human activity already occurs. Evidence for 2019/20 estimates that around 23% of residents of the UK have a dog or dogs ² . Due to the predicted increase in dog ownership as an effect of the covid-19 pandemic, the figure has been rounded up to 25% ³ . Therefore, again assuming a worst case scenario, 4 of the 14 campervans may bring dogs with them. The dogs will need to be exercised and toileted in proximity to the campervan site, particularly first/last thing in the morning and evening. Therefore users of the site are likely to walk their dogs in the immediate vicinity of the proposed campervan site at these times. Further consideration of the potential effects of access taken from the
	immediate vicinity of the proposed campervan site, particularly into the less well used eastern part of Craigmore Wood, is required. <u>No in relation to existing use of paths accessed from Nethy Bridge:</u>
	The woodlands in the immediate vicinity of and accessed from Nethy Bridge are well used by residents and visitors for recreation and dog walking, both on promoted path networks and informal paths and tracks. Users of the campervan site are also likely to visit Nethy Bridge (1.7 miles west along a public road) to make use of amenities such as the shop, hotel and café, as well as the network of promoted paths around the village.
	The village and associated path networks, including the western part of Craigmore Wood that includes promoted paths, are already heavily used by residents and visitors for recreation and dog walking. The addition of potentially 28 more people, of which 4 may have dogs, per day, would not significantly add to or change the level of human activity or patterns of recreation already associated with use of the existing path networks accessed from Nethy Bridge and nearby (such as Castle Roy). <u>Therefore, access taken from Nethy Bridge or other nearby promoted access points</u>

² Evidence from <u>https://www.pfma.org.uk/historical-pet-population</u>

³ Data for 2021 estimates an increase in dog ownership to 33%, however the data was collected in a different way to previous surveys, so is not comparable with previous years of data. So while acknowledging that there is likely to have been an increase in dog ownership due to the covid-19 pandemic, it is unclear how long lasting this will be or what the level of increase has been. A compromise position has therefore been adopted whereby the 23% ownership level has been increased to 25% for the purposes of the assessment. It is considered that this is appropriate, as not all dog owners will take them away with them in a campervan, so even if the proportion of ownership in the population is sustained at 25-33%, this is unlikely to reflect the proportion that would then accompany owners during campervan trips.

	(such as Castle Roy) is not considered further.
Q2. Are capercaillie woods significantly more accessible from this development site than from other parts of the associated settlement? Q2: This is included to ensure the effect of otherwise small-scale development sites particularly close to capercaillie woods are adequately considered. Evidence from settlements in Strathspey where houses are adjacent to woodlands indicates that networks of informal paths and trails have developed within the woods linking back gardens with formal path networks and other popular local destinations (eg primary schools). Such paths are likely to be used by visitors.	Yes, the eastern part of Craigmore Wood is more accessible due to proximity: There are access tracks serving houses that then continue on into capercaillie woodland via farm and forestry tracks approximately 0.3 and 0.4 miles from the proposed campervan site along the unclassified road that the site sits next to. These access points, and the eastern part of Craigmore Wood they connect to, are unlikely to be heavily used for recreation at present due to distance and alternatives more easily accessed from Nethy Bridge (although the tracks they connect to within Craigmore Wood are linked to the path networks associated with access to the western part of the woodlands taken from Nethy Bridge). Therefore, due to the proximity of potential access points to the proposed campervan site, it is possible that users would make use of them to exercise dogs and enter the eastern part of Craigmore Wood.
If Q1 & Q2 = No, conclusion is no significant di If Q1 or Q2 = Yes, continue to Q3	sturbance to capercaillie and assessment ends here
Q3. Which capercaillie woods are likely to be used regularly for recreation by users of the development site at detectable levels? (list all) Q3: This is included to identify which capercaillie woods are likely to be used for recreation by users of non- housing development sites at levels that would be detectable. The answer will be assessed using professional judgement based on knowledge of existing patterns of recreation around settlements and in the local area, the relative appeal of the capercaillie woods concerned compared to other recreational opportunities in the area, the volume of recreational visits likely to be generated by the development site, and informed by national survey data (eg on the distances people travel for recreational visits).	Craigmore Wood SPA, in particular the eastern part as it is little used at present so any increase in activity would be at a noticeable level. Users are also likely to visit other woods in the area associated with tourist amenities and promoted path networks* as part of their visit to the wider area. However it is unlikely that they would all go to the same place at the same time. Therefore the effect would be dispersed and not a detectable change to the existing levels or patterns of use. * such as Garten Woods associated with the RSPB Loch Garten visitor centre (Abernethy Forest SPA), the path network at Anagach Woods near Grantown (Anagach Woods SPA), and the Rothiemurchus and Glenmore area (Cairngorms SPA).

Annex II – detailed capercaillie effects assessment

Continue to Q4				
Q4. Are residents / users of this development site predicted to undertake any off path recreational activities in any of the woods identified at Q3 at detectable levels?	No off path activities predicted: It is unlikely that people overnighting at the campervan site would undertake off path recreational activities – they are more likely to stick to promoted and/or established paths and tracks.			
Q4: This is included because any off path recreational use in capercaillie woods will result in significant disturbance and require mitigation.				
If Q4 = No for any woods, continue to Q5				
If Q4 = Yes for any woods, mitigation is needed. Note and continue to Q5.				
Q5: Are each of the woods identified at Q3 already established locations for recreation?	No: the access points and connected eastern area of Craigmore Wood is less well used than those associated with access taken from Nethy Bridge - see also answer to question 2.			
Q5: This is included because if users of the development site are likely to access previously infrequently-visited capercaillie woods, or parts of these woods, for recreation, significant disturbance is likely and mitigation is needed. This will be answered on the basis of professional knowledge.				
If Q5 = No for any woods, mitigation is needed. Note and continue to Q6.				
If Q5 = Yes for any woods, continue to Q6				
Q6: For each of the woods identified at Q3, are users of the development site predicted to have different temporal patterns of recreational use to any existing visitors, or to undertake a different profile of activities? (eg. more dog walking, or early morning use) Q6: This is included because some types of recreation are particularly disturbing to capercaillie; and increased levels of these types of recreation will cause significant	Yes: there would be a different profile of activities and different temporal patterns to existing use particularly dog walking morning and evening - see also answer to question 2. There is a 4 bedroom/8 person holiday house advertised for dog-friendly weekly lets on the edge of Craigmore Wood, roughly 400m north east of the proposed campervan site (The Maltings, currently advertised on booking.com but previously with another company, meaning it is an established holiday let). This means visitors with dogs may walk in the immediate area of the holiday house, albeit in low numbers as not every guest would venture into the forest. So there likely to be an existing very low level of disturbance from dog walking in that area. People staying at the campervan site may see the tracks and access points, and choose to go			

Annex II - detailed capercaillie effects assessment

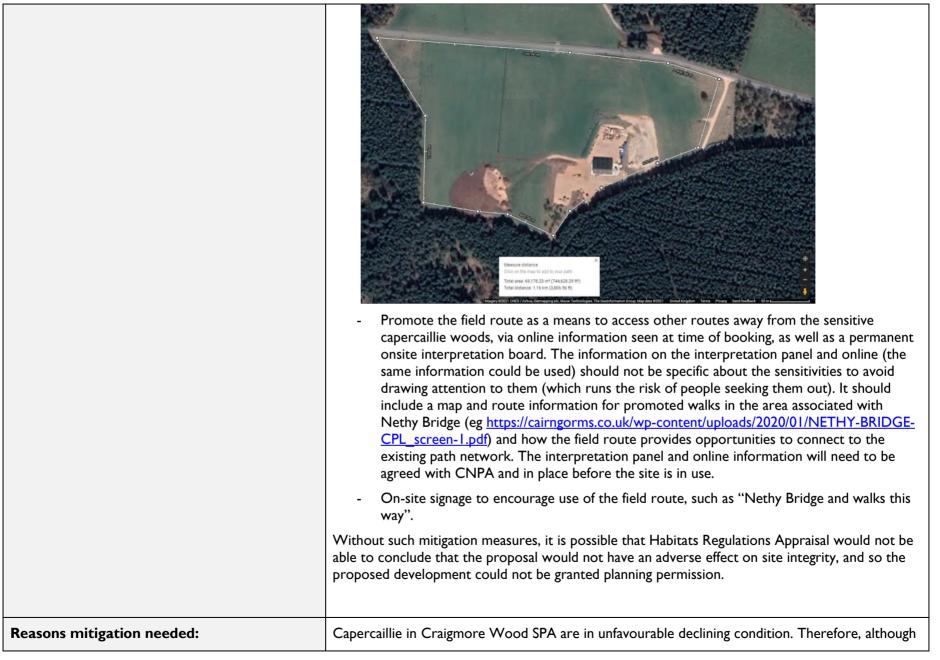
disturbance and require mitigation. This will be answered on the basis of professional knowledge on existing patterns of recreational use and whether each location is sufficiently close and/or convenient in relation to the development site and patterns of travel from there, to be used by users of the development for different recreational activities or at different times of day. For example, capercaillie woods with safe routes for dogs that are located close to development sites are likely to be used for early morning &/or after work dog walking.	exploring into the woods, particularly to exercise dogs. However, as people staying at the campervan site are unlikely to stay there for a long time (due to the lack of facilities), they are less likely to go exploring off existing paths. However, they are more likely to walk early morning and late evening as the first/last exercise and toileting for their dogs, compared to visitors to the holiday house, which has a large enclosed garden that is more likely to be used for such purposes.			
If Q6 = yes for any woods, mitigation is needed. Note and continue to Q7				
If Q6 = No for any woods, continue to Q7				
Q7: For each of the woods identified at Q3, could the predicted level of use by residents / users of the development site significantly increase overall levels of recreational use? Q7: This is included because a significant increase in recreational use could result in significant disturbance to capercaillie, even in situations where the capercaillie wood is already popular for recreation, and no changes to current recreational patterns / activities or off path activities are predicted. The answer was assessed on the basis of professional judgement of current levels of	No: the potential level of use would not significantly increase the overall levels of recreational use. Based on the HRA for the LDP ⁴ , in 2020 the population of Nethy Bridge was estimated at 747 people. By 2024 the population is predicted to increase to 766 people, based on the number of housing sites allocated in the LDP and predicted population changes, reducing to 751 by 2029. Assuming a worst case scenario that the campervan site is full and open all year round, and that campervans had an average of 2 people per van, there would be an additional 28 people in the area, around a quarter of whom are likely to have dogs that require exercising. Over the period up to 2029, this would result in around a 0.92 to 0.94% increase in the number of people associated with Nethy Bridge and the campervan site who are likely to also have dogs. Not all of the campervan users will walk in the woods, resulting in a lower level of effects.			
use and whether the increase is likely to be more than approximately 10%.	Therefore, the potential level of use would not significantly increase the overall levels of recreational use.			
	Nonetheless, given the sensitivity of the eastern part of Craigmore Wood, any additional human activity, particularly if accompanied with dogs, could have a significant effect on capercaillie			

⁴ Data from LDP HRA (page 117) on predicted changes to estimated population of Nethy Bridge during 2020 – 2029:

E	stimated population 2020	Estimated population at end of 2024	Population change 2020 - 2024	% Population change 2020 - 2024	Estimated population at end of 2029	Population change from 2020	% Population change from 2020
	747	766	+19	+3%	751	3	0%

	breeding success through disturbance.			
If Q4-7 = No for all woods, conclusion is no significant disturbance to capercaillie and assessment ends here If Q4, 5, 6 and/or 7 = Yes for any woods, mitigation is needed				
Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?	Yes: mitigation is required to encourage campervan users, particularly those with dogs, to make use of alternative routes rather than going into Craigmore Wood.The woods to the north of the public road bounding the site are part of the Craigmore Wood Special Protection Area for capercaillie. Due to the high sensitivity of that part of the woods, there is potential for disturbance to capercaillie through human activity, should people using the campervan site spot tracks going into the woods on a map and go off exploring.Due to the low level of existing human activity in that area of Craigmore Wood, additional human activity (particularly if accompanied by dogs) could adversely affect the breeding success, and so population, of capercaillie.			
	 Mitigation to minimise the potential for this happening would be to: Provide a fenced route within the field in which the proposed campervan site would located (as shown in the below image), that provides an alternative route off the public road and opportunities to connect with the existing path network around Nethy Bridge. The route should have signage directing people to the existing path network accessible from near the north western end of the field (where gated access for pedestrians should be provided). Creating a more appealing alternative route directly accessible from the campervan site would help connect with and encourage people to make use of the field route for short walks (including early morning/late evening dog exercise), as well as make more use of the promoted path network in and around Nethy Bridge, rather than the sensitive capercaillie woods. 			

Annex II - detailed capercaillie effects assessment



the potential disturbance effects caused by users of the campervan site entering the eastern part of the woodlands are small, they could hinder the recovery of the population. Mitigation as described above would help reduce effects to a minimal level such that recovery would not be hindered by the proposed development.
The mitigation required for HRA purposes, as conditions of any permission granted, is:
- Fenced route within the field in which the campervan site is to be located, including gated pedestrian access at the north western corner, to be in place prior to the site being used for booked overnight stays, and maintained in perpetuity while the campervan site is in operation. The specification and location of the route, fencing and gate to be agreed with CNPA prior to installation. The route should provide opportunities to connect with the existing path network around Nethy Bridge. [Reason: To minimise the potential for likely significant effects through disturbance to capercaillie in Craigmore Wood SPA.]
 Interpretation panel promoting walking routes that can be accessed from the proposed campervan site to be in place prior to the site being used for booked overnight campervan stays, with the location and information on the panel to be agreed with CNPA prior to installation. [To promote use of less sensitive routes accessible from the field in which the campervan site is located, therefore minimising the potential for likely significant effects on capercaillie in Craigmore Wood SPA.]
- Signage within the campervan site and field route to highlight connections with existing path networks around Nethy Bridge, to be in place prior to the car park being used for booked overnight motorhome stays, with the location and information on the signs to be agreed with CNPA prior to installation. [To raise awareness of and promote use of less sensitive routes accessible from the parking area, therefore minimising the potential for likely significant effects on capercaillie in Craigmore Wood SPA.]
- Online information to be in place on the online booking site promoting walking routes that can be accessed from the proposed campervan site, to be in place prior to the site being used for booked campervan stays, with the content to be agreed with CNPA prior to uploading (it should be possible to use the same information as agreed for the interpretation panel). [To promote use of less sensitive routes accessible from the campervan site, therefore minimising the potential for likely significant effects on capercaillie in Craigmore Wood SPA.]