

# **AGENDA ITEM 7**

## **APPENDIX 4A**

**2021/0090/DET**

### **PUBLIC REPRESENTATIONS- OBJECTIONS**

BSCG  
info

---

From: BSCG info  
Sent: 19 Apr 2021 23:28:08 +0100  
To: Stephanie Wade; Planning  
Subject: 2021/0090/DET Comment

## Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

Tel [REDACTED]

Scottish Charity No. SC003846

Email [REDACTED]

Website [bscg.org.uk/](http://bscg.org.uk/)

Stephanie Wade  
CNPA  
Grantown on Spey

19 April 2021

Dear Stephanie Wade

2021/0090/DET | Formation of campervan site | Land 315M SW Of The Half House  
Nethy Bridge

BSCG wishes to object to the above application, and we request the opportunity to address the planning committee, in person or remotely, when the application is determined.

Capercaillie. The proposal is very close to Sliemore Wood and would increase disturbance to the wood through e.g. vehicle activity and noise. This wood lies between the SPAs for capercaillie of Abernethy Forest and Craigmore Wood and provides important connecting pine woodland of favourable habitat directly between the two SPAs. Sliemore Wood is owned and managed for conservation by the RSPB. It is well established that movement of capercaillie between the Strathspey woodlands is necessary for the survival of the Strathspey metapopulation. No single SPA can support a viable population in isolation. The capercaillie population in Scotland remains at a critically low level. If they are to return to favourable conservation status and have a sustainable future in Scotland, their numbers need to increase, and their distribution expand very substantially.

At present Sliemore Wood is considered to receive light use by capercaillie. However, by virtue of its good habitat and connecting location it is in a prime position as a forest for capercaillie to expand into. It is therefore significant that disturbance needs to be minimised in order to avoid the situation whereby suitable habitat for capercaillie is rendered unused due to disturbance levels.

Over 80% of the Scottish population is in Strathspey, meaning that the forests of Strathspey are critical to the survival of capercaillie in Scotland.

Capercaillie are known to be very sensitive to disturbance from people and their pets. The proposal would result in a new source of disturbance to Sliemore Wood from the proximity of campervans and associated activity and noise, including at what are commonly quieter times of day such as in the evenings and early mornings.

The proposal would be likely to increase disturbance in Craigmore Wood SPA, which is a short and very attractive bike ride, run or walk from the proposal site. The proposal would also be likely to result in increased recreational disturbance in Culstank Moss and School Wood. At present Culstank Moss receives relatively little recreational disturbance and caper do still use this woodland.

Capercaillie is on the Scottish Biodiversity List and the Scottish Biodiversity Duty of the Nature Conservation (Scotland) Act 2004 applies.

Otter have been known to use Culstank Moss, School Wood, the Caochan Fhuarain and the Allt Mor over many years, and are considered to be part of the River Spey and Tributaries SAC population. The proposal would be likely to increase disturbance to otters in these areas, through increased recreational use by people and their pets walking, running etc from the proposal site.

Otters in the SAC are considered to be under growing pressure, due to flooding issues associated with climate change and declines in important food sources such as salmon and eels. Use of these smaller water courses may have growing importance for the Spey otter population due to climate change leading to more frequent floods when smaller water bodies may be safer for otters than the main stem of the Spey. Small water courses can have a high value for foraging otters, and use by otters of the Caochan Fhuarain may be particularly associated with presence of amphibians, which coincides with a time when other food sources are scarce. There has been anecdotal evidence of a young cub otter by the Allt Mor near School Wood.

Badgers use the nearby woodlands and the proposal would encroach into foraging habitat in the field.

Brown Hare are known to use the field and the proposal would encroach into their habitat. In addition, the proposal would be a source of increased disturbance from vehicles, people and their pets.

Landscape. The proposal would be detrimental to the landscape qualities of what is a very scenic location.

Yours sincerely

Gus Jones  
Convenor

Megan  
Crook

---

From: Megan Crook

Sent: 2 Apr 2021 18:49:20 +0100

To: Planning

Subject: 2021/0090/DETI would like to comment on the planning application for a campervan site at Land 315m southwest of The Half House, Nethybridge.

As a caravaner and motor home owner I am not against camper van sites. However I believe they should be sensitively placed.

The proposed site is on land that until a few years ago was open farmland. The land is outside the village on a quiet relatively narrow road as you leave Nethybridge and head out into open farm and moorland. The road affords wonderful views of wild Scotland at it's best.

The field has undergone development in the last few years to accommodate a farm building a large area of parking for industrial/agricultural vehicles. There also exists planning permission for a farmhouse.

The further development of a camper / motor home site will do nothing to improve this wonderful location.

It will risk creating both noise and light pollution in an area easily visible from the road. The quiet nature of this road would be disturbed unnecessarily by potentially large motor homes/vans.

When planning permission for the farm and buildings was approved there was a stipulation that screening in the form of trees should be put in place. No such screening has ever materialised. Nor if this were required for this development do I expect that would happen either.

Yours respectfully,

Megan Crook

Roy Turnbull  
Torniscar  
Nethy Bridge  
Inverness-shire PH25 3ED  
Scotland

Tel: [REDACTED]

Email: [REDACTED]

Stephanie Wade,  
Case Officer,  
CNPA

18<sup>th</sup> April 2021

Dear Stephanie Wade ,

**2021/0090/DET | Formation of campervan site | Land 315M SW Of The Half House Nethy Bridge**

**1. Disturbance**

This application raises the concerns that are correctly summarised in the CNPA's Notification of Call In letters to the applicant/agent and to The Highland Council, namely:

*“The application would create a site for visitor accommodation in a location where there is little current provision and close to habitats that may contain species that are sensitive to human disturbance and is therefore considered to raise issues of significance to the aims of the National Park.”*

The habitats referred to include Sliemore Wood, Garlyne Moss and the woodland of Culstank Moss, all of which are characterised as i) currently having very little human disturbance and, as a consequence, ii) provide suitable habitat for ground nesting birds, including woodcock, black grouse, capercaillie and other wildlife. These are not the only species of concern – on 22<sup>nd</sup> April 2013, I counted around 20 curlew feeding in the applicant's fields to the south of the road and adjacent to Culstank Moss.

Human disturbance of such habitats is increasingly being recognised as having a negative impact on the survival of such species. For example, the recent (14<sup>th</sup> April 2021) article by the CNPA Conservation Engagement Officer entitled “Our Brave Ground-Nesting Birds”, viz:

<https://cairngorms.co.uk/our-brave-ground-nesting-birds/>

states, *“Our woodlands offer a more protective sheltered environment with the most iconic ground-nesting giant being the capercaillie, who is also joined by woodcock and black grouse on our woodland edges. Being in woodland can give shelter to the worst of the elements but can conceal canny predators sneaking amongst the towering pines or within the thick understory.*

*Young fledglings of all birds are vulnerable at the best of times but life on the ground can be perilous and unforgiving for these species. The main dangers are trampling or nests, disturbance of adults leaving eggs or vulnerable young to the cold, or to predators. These events of cause can be caused naturally by a passing red deer or fox but continuous disturbance caused by people straying from main tracks, with or without dogs are an additional and more frequent disturbance event, heightening the risk to vulnerable helpless, flightless chicks.”*

Likewise, the CNPA Capercaillie Framework states,

*“Capercaillie populations in Scotland have declined significantly from an estimated 20,000 birds in 1970 to 1,114 at the most recent national winter survey in 2015/16. [...] The Strathspey capercaillie population is crucial to the long-term survival of the species in the UK. This places a significant responsibility on CNPA and our partners to take a strategic approach to management for this population and work at a landscape scale if we are to save this species.”*

The Framework identifies 'disturbance' as one of the reasons for the capercaillie decline and states, *“With capercaillie populations at such vulnerable numbers, any factors that could impact on the breeding success of individual birds could have significant impacts for the population as a whole.”*

Consequently, the CNPA issued the following appeal to the public on 8<sup>th</sup> April 2021, entitled, “Keeping capercaillie safe this spring: How you can help”,

<https://cairngorms.co.uk/keeping-capercaillie-safe-this-spring-how-you-can-help/>

that refers to a number of ground nesting bird species in the Cairngorms and again particularly emphasises the situation with capercaillie:

*“At least 80% of the small remaining UK capercaillie population now live in the Cairngorms National Park. This makes us extremely lucky – but it also means we must take extra care to protect this striking bird, as it is again threatened with extinction and is especially sensitive to disturbance.”*

[...]

*Like all ground nesting birds, capercaillie need peace and safety while rearing their chicks. If disturbed even slightly, they might abandon their lek, nest or young and these scattered families may not regroup – chicks sadly will not survive without their mothers.*

*Causes of disturbance to capercaillie include visitation by humans – intentionally or not – and accidental encounters with dogs who range off-path.*

*Capercaillie are a protected species – meaning it’s a legal offence to intentionally or recklessly disturb them while they’re lekking, nesting or rearing young.”*

This appeal resulted in media articles, for example in the Scotsman newspaper (16<sup>th</sup> April 2021) with the headline, *“Capercaillie: Cairngorms National Park asks visitors to keep their dogs under control and away from the capercaillie as lockdown travel restrictions ease,”* and also on the BBC *“Park plea to visitors to stay away from capercaillie”*, <https://www.bbc.co.uk/news/uk-scotland-highlands-islands-56731675>

## **2. Location**

The above mentioned areas of Sliemore Wood, Garlyne Moss and Culstank Moss, all of which are within a few minutes walk of the proposed campervan site, are of intrinsic value for capercaillie. Sliemore Wood is owned by the RSPB, and Dr Robert Moss, one of the UK's foremost authorities on capercaillie, put in a joint bid with myself to purchase Culstank Moss in 2008 because of that value, (though that wood was subsequently purchased solely by myself in 2011). However, this area is also of value because it forms a connection between the Special Protection Areas of Craigmore Wood to the north and Abernethy Forest to the south, both of which form part of the extensive and important Cairngorms Connect area, which is *“committed to a bold and ambitious 200-year vision to enhance habitats, species and ecological processes across a vast area within the Cairngorms National Park.”*

Maintaining connectivity and avoiding fragmentation for wildlife populations, particularly those such as capercaillie with small populations in danger of extinction, is considered to be of considerable importance. Damaging that intrinsic value and that connectivity by increasing disturbance by humans and their dogs, as would inevitably occur were the campervan site be established, should, I submit, be avoided.

This proposal should also be considered in the light of the Scottish Government's 'Scottish Biodiversity Strategy Post-2020', which includes the commitment:

***“We will extend the area protected for nature in Scotland to at least 30% of our land area by 2030, and are commissioning advice on whether we could go even further than this”***

Protecting areas of native woodlands that provide habitat important for protected species should clearly be included in the areas “protected for nature” in the above Strategy. Indeed the *only* area specifically mentioned in the above Scottish Government Strategy is the Cairngorms Connect area, and, as outlined above, the present application site lies in the zone of connectivity between parts of that Cairngorms Connect area. This is thus a prime area that should be “protected for nature” within the above Scottish Government Strategy.

### 3. Mitigation

Mitigation (in the form of issuing leaflets or not allowing guests accompanied by pets, including dogs etc.) may reduce the impact of disturbance somewhat, but it cannot eliminate it, since access legislation guarantees pedestrian access, and the simple presence of humans causes that disturbance. Humans and their dogs, having been confined to their campervan during their journey, will inevitably wish to stretch their legs in the areas surrounding their campervan site. It is surely the job of the CNPA then to ensure that they can do so safely in locations where such recreation does not cause damage to that environment. That can only be done by ensuring that such campervan sites are situated in areas that are not sensitive. This is not such a place.

Sir David Attenborough discussing his latest documentary, 'The Year Earth Changed', (see <https://www.bbc.co.uk/news/av/science-environment-56752541> ) makes this point forcefully as the main message he would like viewers to take away from the programme:

*“Human beings, even with the best will in the world, cannot but restrict the natural world. That's what we are doing. We're pushing it aside, even the most considerate of us. That's almost inevitable to some degree, but let us realise that we are intruders, that we are late comers, and that the natural world by-and-large would do much better if we weren't there at all.”*

It is surely the job of the Cairngorms National Park Authority to avoid allowing the creation of a development that restricts the natural world in the way Sir David explains. That strongly implies not allowing the formation of a permanent development that will create human and canine disturbance, such as that in this application.

### 4. Conclusion

Consequently, I have no alternative but to **object** to this application since the proposed development:

- i) does not conserve and enhance the natural heritage of the area, and is thus contrary to the First Aim of the Cairngorms National Park, and
- ii) would have a significant adverse effect on a species, capercaillie, protected under Schedule 1 of the Wildlife and Countryside Act 1981, and is thus contrary to Policy 4 of the CNPA Local Development Plan, 2021.



Yours sincerely,



**Roy Turnbull  
Torniscar  
Nethy Bridge  
Inverness-shire PH25 3ED  
Scotland  
Tel 01479 821668  
Email: royturniscar@onetel.com**

Stephanie Wade,  
Case Officer, and  
Rebecca Watts  
Conservation Officer  
CNPA

11<sup>th</sup> October 2021

Dear Stephanie Wade and Rebecca Watts,

**2021/0090/DET | Formation of campervan site | Land 315M SW Of The Half House Nethy  
Bridge**

I have noticed that the “Extended Phase 1 Habitat Survey” for the above application is now published on the CNPA wensite, dated 30<sup>th</sup> September, following the “Ecology Response”, dated 29<sup>th</sup> July.

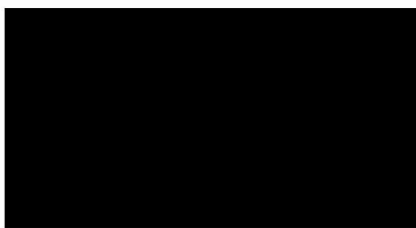
The Ecology Response mentioned a number of species for which further survey work would be required to establish if they occurred and were likely to be impacted by patrons of the proposed campervan site. However, the above Habitat Survey has a very restricted areal reach and does not cover large areas where such species would be expected to be found.

I am particularly concerned about the absence of any survey of my own woodland of Culstank Moss, an ancient woodland managed for nature conservation which lies approximately 400 metres to the west of the proposed site, and adjacent to the road along which any visitor to the site approaching from the west would pass.

The eastern part of Culstank Moss, including areas closest to the proposed site, adjacent to the road and to the fields to the east of Culstank Moss in which the campervan site is proposed have evidence of the presence of badgers, red squirrels, otter (at the wetland), pine marten, bats, brown hare, possible wildcat, numerous wood ant nests, including some of the largest nests in Strathspey, copious quantities of dead wood (particularly, but not restricted to, adjacent to the road), and 12 colonies of twinflower that were established by Andy Scoby, Rare Plants Officer about ten years ago that are presently thriving. Culstank Moss also has occasional records of capercaillie and one of sea eagle. Culstank Moss is currently very rarely visited by walkers.

I am unable at present to provide further information as I am about to leave Nethy Bridge for a few days and am writing in haste, but I would be grateful for your confirmation that a Phase 1 Habitats Survey that would cover the eastern parts of Culstank Moss will be required and that the inevitable deleterious impacts on the species and habitats of increased visitor pressure will be taken fully into account in assessing this proposal.

Yours sincerely,





FAO. Stephanie Wade  
 Planning and Development  
 Cairngorms National Park Authority

By email: [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

23 April 2021

Dear Stephanie,

**2021/0090/DET** | Formation of campervan site | Land 315M SW Of The Half House Nethy Bridge

RSPB Scotland welcomes the opportunity to comment on the above application and appreciates the extension of time given to submit our response. RSPB Scotland is not opposed to the development of facilities for campervans in sustainable locations and recognises that there is likely to be demand for such sites in the Cairngorms National Park. However, development must be in the right place and must not result in unacceptable impacts on habitats and species. We have carefully considered the above application, and **object** to the proposal on the following grounds:

- Insufficient information has been provided to allow the assessment of potential adverse effects on capercaillie as a qualifying feature of Craigmore Wood Special Protection Area (SPA)

We believe that this application site may be an inappropriate location for a campervan site due to the potential to increase disturbance to nearby SPA capercaillie. We will review our position in the light of any further information submitted. Further detail on our objection and additional comment on the proposal is provided in the attached Annex.

We would be happy to provide further information, comments or advice on this case as required

Yours sincerely



Alison Phillip  
 Conservation Officer – South Highland

**North Scotland Office**  
 Etive House  
 Beechwood Park  
 Inverness  
 IV2 3BW  
 Tel 01463 715000  
 Fax 01408 715315  
[rspb.org.uk](http://rspb.org.uk)



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  
 Chairman, Committee for Scotland: Professor Colin Galbraith Director, RSPB Scotland: Anne McCall Regional Director: George Campbell

The RSPB is a registered charity in England and Wales 207076, in Scotland SCO37654

## **Annex 1 – RSPB Scotland Objection 2021/0090/DET**

### Craigmore Wood Special Protection Area

Capercaillie is the qualifying feature of Craigmore Wood SPA and one of the SPA's conservation objectives is "No significant disturbance of the species". Insufficient information has been provided to enable adequate assessment of the potential impacts on Craigmore Wood SPA (which forms part of RSPB Scotland's Abernethy Reserve). 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 is also identified as priority species in the Cairngorms Nature Action Plan, UK Biodiversity Action Plan and Scottish Biodiversity List species.

Capercaillie are particularly susceptible to recreational disturbance. Locating a campervan site within 1km of Craigmore wood would have the potential to increase disturbance of this Annex 1 priority species. There are tracks within Craigmore Wood that are currently used for recreational purposes, however, in comparison to other woodland sites in the Cairngorms it is a relatively quiet. Waymarking of routes and leaflets for local walks have attempted to direct recreation to the least sensitive parts of the forest in the east, furthest away from the capercaillie leks.

Tracks leading into more sensitive areas of Craigmore Wood, close to current capercaillie leks, are located approximately 500m from the entrance of the proposed development. RSPB Scotland is concerned that siting the proposed campervan development so close to these access tracks could lead to increased disturbance in these areas as visitors to the campervan site may seek out nearby local walks to explore/walk dogs etc. There appears to be limited other walking route options in this area so visitors may access more sensitive areas of the wood.

Due to potential for increased disturbance of capercaillie, there would be likely significant effects on Craigmore Wood SPA. Consequently, CNPA is required by the Conservation (Natural Habitats, &c.) Regulations 1994 to undertake an Appropriate Assessment of the effects of the proposal on the SPAs and its species in light of the site's conservation objectives. The applicant must provide sufficient information to inform this Appropriate Assessment. If the potential impacts of the proposal cannot be sufficiently mitigated and there could be adverse impacts on the integrity of the site, then it is unlikely that the CNPA would be able to grant consent in accordance with the Habitat Regulations requirements.

**Sufficient information must be provided to allow the assessment of potential adverse effects on capercaillie as a qualifying feature of Craigmore Wood Special Protection Area (SPA).**

### **Additional Comments**

#### Local Development Plan Allocation

We note that there is no allocation within the newly adopted LDP for a development of this type at this location. Although this application must be considered on its own merits, we are concerned that this site may be an inappropriate location for a campervan site due to the potential to increase disturbance to nearby SPA capercaillie. There may be alternative locations for a development of this type that are less likely to increase impacts on capercaillie, or other habitats and species of highest conservation concern.

#### Sliemore Wood – RSPB Abernethy Reserve

The proposed development is directly adjacent to Sliemore Wood, which forms part of RSPB Scotland's Abernethy Reserve and is on the ancient woodland inventory as a plantation of long-established origin. Whilst this woodland

does not currently hold capercaillie, it may be used as dispersal route between Craigmore Wood and Abernethy Wood. RSPB Scotland's aim in the long-term would be to make this woodland more suitable for capercaillie (and other species) and encourage them to use the woodland as breeding habitat. Any potential for increase in recreational use of this area should be carefully considered and planned to avoid reducing the potential for capercaillie to expand into this wood in the future and to avoid disturbance to species and habitats