

Habitats Regulations Assessment – Active Cairngorms Strategy and Action Plan

Introduction

European Directive 92/43/EEC requires that the plans and policies of competent authorities be subject to an assessment of the impacts upon all Natura Sites. There are three categories of such sites found within the Cairngorms National Park. They are:

- Special Area of Conservation (SAC) – a European designation which protects priority habitats and species other than birds
- Special Protection Area (SPA) – a European designation which protects priority birds
- Ramsar Site – an international designation which protects wetlands

The Active Cairngorms Strategy is one such plan and so must be assessed. The Strategy cannot be approved or adopted unless it can be shown that there will be no adverse effect upon the integrity of any of these sites arising from the measures within the strategy. This process of assessment is known formally as a Habitats Regulations Appraisal (HRA), or informally as a Natura Appraisal. This is not to be confused with an Appropriate Assessment (AA) which may or may not be a component of the full assessment.

There is no statutory methodology for a HRA. However we have chosen to follow guidelines prepared by David Tyldesley for SNH¹ and we have been guided in our approach through assistance from SNH. In broad terms there are three parts to the assessment:

- Screening of policies and measures for likely significant effects upon Natura sites
- Appropriate Assessment of the plans elements where there are likely to be significant effects on site integrity
- Mitigation to avoid either likely significant effects or adverse effects on site integrity through modification or removal of policies within the plan

In detail the guidelines identify thirteen discrete stages to be applied sequentially. This report forms the record of this process.

Footnote 1 - Habitat Regulations Appraisal of Plans – Guidance for Plan Making Bodies in Scotland. SNH/DTA August 2010

Stage 1- The Active Cairngorms Strategy outline and decision to screen

Active Cairngorms aims to make it easier and safer for people to move around the Park whatever their age, ability or background; to be more physically active, to learn about, care for and appreciate the Park. Its aim is for all residents and visitors to use the Park for physical activity once a day. Active Cairngorms is divided into three themes:

- Active Places
- Active Management
- Active Promotion

The document highlights priorities and an action plan for delivery. It contributes to the delivery of the Scottish Government's implementation plan "A More Active Scotland: Building a Legacy from the Commonwealth Games" and the long-term outcomes of the Cairngorms National Park Plan.

It covers the period 2015 to 2020 but its vision will extend beyond the life of the strategy. Whilst the Active Management section deals with positive measures for conservation and management of sensitive sites and habitats it is not solely dealing with the necessary management of a European site for nature conservation (Natura site). As such the plan must be subject to a HRA under the terms of Directive 92/42/EEC.

Stages 2 and 3: identification of Natura Sites and gathering their details

The following sites have been identified with the assistance of SNH. In total there are 42 sites within the Cairngorms National Park and approximately 49% of the Park's area (4,500 km²) is covered by at least one Natura designation. See Appendix I for more detail on each site and its qualifying features.

Special Area of Conservation (SAC)

- Beinn a Ghlo
- Caenlochan
- Cairngorms
- Caenlochan
- Dinnit Oakwood
- Drumochter Hills
- Glen Tanar
- Insh Marshes
- Kinveachy Forest
- Monadhliath
- Morrone Birkwood
- River Dee
- River South Esk
- River Spey
- River Tay

Special Protection Areas (SPA)

- Abernethy Forest
- Anagach Woods
- Caenlochan
- Cairngorms
- Cairngorms Massif
- Craigmore Wood
- Forest of Clunie
- Glen Tanar
- Kinveachy Forest
- River Spey – Insh Marshes

Ramsar sites

- River Spey – Insh Marshes

Stage 4: Discussions on the method and scope of the appraisal

This assessment has been undertaken with advice from Scottish Natural Heritage and internal CNPA specialists.

- SNH HRA Screening response 31/03/15- Highlighted that for the screening of policies and action plan most could be screened out as they are “general policy statements” and/ or effects on Nature sites could not be identified. For many of the projects arising from the policies, a Habitat Regulations Appraisal will be required as part of the project development, and, once locations and the work proposed is known, a HRA will be carried out at that stage.
- Meeting between CNPA and SNH (15/05/15) to gather expert opinion on Capercaillie presence and sensitivity to disturbance and disturbance sensitivity on Insh Marshes SPA. (Meeting note- 150515)

Stage 5: Screening the plan for potential effects

Screening for effects involves three steps:

Step 1: Screening out general policies within the Active Cairngorms Strategy

Step 2: Screening out proposals referred to but not proposed by the Active Cairngorms Strategy

Step 3: Screening in aspects of the Active Cairngorms Strategy that could have a likely significant effect either alone or in combination with other aspects of the Active Cairngorms Plan or with other plans policies or strategies.

Some proposals may have impacts either neutral or slightly adverse but that are not so significant in own their own right as to affect the integrity of a Natura Site. These are known as residual effects. The final part of Stage 5 is to assess whether any combination of residual effects may be significant enough to affect the integrity of a Natura Site. This includes any combination of aspects within the Active Cairngorms Strategy itself and also the combination of other plans, policies or projects covering the area of the National Park. This is also referred to as cumulative effects.

The full text of all aspects of the Active Cairngorms Strategy is contained in the document itself and is not repeated here. This should be referred to for the following sections. The full screening assessment gives a complete listing of reasons for their screened status (Appendix 2. The results of the screening process are summarised below in tables 1-5.

Screening step 1: Main Policies

The following policies are identified within the Active Cairngorms Strategy and have been screened out at this stage. These policies are of a general nature and are assessed as having no impact on integrity on any Natura Site. Appendix 2 gives further details, the screening status is summarised in Table 1 below.

Table 1

Active Cairngorms Policy	Screening result
Active Places	
Improving path provision and quality for	Screened out

people of all abilities	
Increase use of bicycles for leisure and functional trips through delivery of the CNP Cycling Action Plan	Screened out
Active management	
Management of organised outdoor events	Screened out
Increasing understanding and enjoyment of the Parks special qualities	Screened out
Active promotion	
Promoting healthy lifestyles	Screened out
Developing appropriate visitor information about outdoor recreation opportunities	Screened out
Volunteering and community empowerment	Screened out
Path Development	
Support regional walking and cycling strategy action plan	Screened out
Support development of 'Developing Mountain Biking in Scotland' Highland cluster regional development plan	Screened out
Support community path groups through Local People Local Paths programme	Screened out
All CNP long distance routes to be surveyed biennially	Screened out
Design, develop and promote cycle hubs along Highland Main railway line	Screened out
100% of core paths to be brought up to fit for purpose standard by 2020	Screened out
Develop a blueprint map of existing and potential active travel routes in the Cairngorms National Park	Screened out
Deliver Scotland's National Park- The Mountains and the people HLF funded project	Screened out
Conservation	
Support land managers to deliver recreational management plans	Screened out
Monitor and report on impacts on habitats and species caused by recreation	Screened out
Management	
Develop and promote ranger events programme	Screened out
Support FCS to engage with activity providers and commercial access promoters on national forest estate to promote best practice in visitor management	Screened out

Implement targeted visitor monitoring programme through strategic review of existing monitoring at indicator sites	Screened out
Secure a sponsor for the Speyside Way and increase opportunities for revenue generation via website development	Screened out
Guidance	
Support and develop a range of resources for land managers to promote responsible access on their land	Screened out
Implement project to gather community health statistics for Blair Atholl, Kingussie, Aviemore, Grantown, Ballater and Braemar	Screened out
Support and advocate uptake and use of the Heading form the Scottish Hill initiative	Screened out
Promotion	
Develop a sustainable community based physical activity and environmental volunteering programme in the Park	Screened out
Develop targeted promotion activities for those living sedentary lifestyles	Screened out
Continue to develop and promote "tread lightly" as the main means to promote the Scottish Outdoor Access Code in the Park	Screened out
Identify, support and develop cycle friendly employers	Screened out
Support implementation physical activity actions from Local Authority Single Outcome Agreements	Screened out
Monitor implementation of Active Cairngorms and prepare baseline health statistics.	Screened out
Support "Make it yours" campaign	Screened out
Expand "adopt a path" scheme	Screened out
Support development of road cycling "sportives"	Screened out
Deliver "Physical Activity Pathway" for walking and cycling.	Screened out

It has been determined that none of these aspects within the Active Cairngorms Strategy has any identifiable effects upon any specific Natura site. Consequently they have all been screened out for individual effects. No residual effects have been identified for any of these policies.

Screening step 2: Screening out projects referred to but not proposed by the Active Cairngorms Strategy

Some proposals will lead to the development of projects which other bodies will undertake. These have been screened below in Table 3

Table 3

Proposal or action	Source of project	Screening result
Support development of multi-use paths on trunk roads	A9 dualling project	Screened out
Path upgrades to Lairg Ghru, Meall a Bhucaillie, Loch Morlich beach (all abilities) Look for opportunities to improve biodiversity	Glenmore Forest long term Forest Plan	Screened out

Screening step 3: Screen out aspect of Active Cairngorms Strategy that is an Environmental protection/site safeguarding policy

These are policies, the obvious purpose of which is to protect the natural environment. They can be screened out because the implementation of the policies is likely to protect and not adversely affect European Sites and not undermine their conservation objectives. These have been screened below in Table 4.

Table 4

Proposal or action	Screening result
Reduce the impact of recreation on ground nesting birds (e.g. Capercaillie) by implementing site specific actions from Capercaillie Framework	Screened out

Screening step 4: Screen in aspect of Active Cairngorms Strategy that has a likely significant effect on a site alone

The majority of aspects have been screened out however there are a seven that have not been (Table 5). The application of appropriate simple mitigation, may allow further screening out of proposals, the assessment is detailed in Stage 6-mitigation measures.

Table 5

Action	Screening result
Provision of cycling, horse riding and waterborne routes and infrastructure	Screened in
Develop Deeside Way cycle path extension from Ballater to Braemar	Screened in
Support development of community led camping site proposals	Screened in
Develop a "dogs welcome" package for the Park including web resources publications and identified dog walking areas	Screened in
Develop a physical activity marketing plan	Screened in

for core paths, long distance routes and community paths	
Improve the accessibility of the Speyside Way from Cromdale to Aviemore	Screened in
Complete the Speyside Way Extension from Kincaig to Newtonmore	Screened in

In combination effects

Some aspects maybe considered to have some effect upon the qualifying features of any Natura site but that this effect is not likely to be significant. These are called residual effects and while being negative they are very slight. However even if the effect is individually insignificant they may combine with other residual effects to produce one that is significant. For this reason effects should be considered together.

These residual effects may arise from aspects of the same plan or indeed aspects of other plans or projects. Consequently where residual effects are identified they should be considered together from whichever source.

The aspects listed above for the Active Cairngorms have all been screened out for likely significant effects. None of them have had any residual effects identified. Consequently there are no in combination effects.

Stage 6: Simple Mitigation measures

It is possible that some aspects cannot be ruled out from having likely significant effects. In these cases it is appropriate to consider if there are straight forward ways to mitigate these effects. This can be done in a number of ways through: reducing the scale of activity, deletion, modification, relocation or alternation of spatial distribution, changing the timing or phasing.

The assessment of the Active Cairngorms Plan has identified seven specific actions that could not be completely screened out. However six of these can be mitigated through one of the actions listed above. Table 6 lists these actions and the mitigation required to ensure that there are no longer any likely significant effects.

Table 6

Action	Specific activity	Designated site	LSE	Mitigation Measures to be incorporated within the Active Cairngorms Plan
Provision of cycling, horse riding and waterborne routes and	Working with and support partners to sustain and enhance	River Spey SAC, River Dee SAC	Reduction in qualifying species resulting from disturbance	The statement that “ The CNPA will only support projects that include a site

infrastructure	opportunities for waterborne activities including responsible recreation on the rivers Spey and Dee		“”	specific mitigation plan that demonstrates that there will be no adverse effects on the integrity of a the River Dee and River Spey SACs”
Develop Deeside Way cycle path extension from Ballater to Braemar	Extend route from Ballater to Braemar	Ballochbuie SAC SPA	Reduction in Qualifying Species – Capercaillie resulting from disturbance Loss of SAC habitat	The statement that “ Do not take extension through Ballochbuie SPA, avoid qualifying features of Ballachbuie SAC”
Support development of community led camping site proposals	Work with partners to address long standing informal camping issues at key sites such as Braemar and Glenmore	River Dee SAC, Cairngorms SAC, SPA	Reduction in qualifying species resulting from disturbance	The statement that “ The CNPA will only support projects that include a site specific mitigation plan that demonstrates that there will be no adverse effects on the integrity of any Natura site.”
Develop a "dogs welcome" package for the Park including web resources publications and identified dog walking areas	Work with stakeholders including estates and other public sector partners to develop promotional material for dog walkers and identify dog walking areas away from sensitive sites and species	Abernethy Forest SPA, Anagach Woods SPA, Cairngorms SPA, Glen Tanar SPA, Kinveachy Forest SPA, Craigmore Woods SPA	Reduction in qualifying species resulting from disturbance	The statement that “ CNPA will only support projects that include site specific measures that demonstrates that there will be no adverse effects on the integrity of Natura site.”
Develop a physical activity	Develop with key partners a	Abernethy Forest SPA,	Reduction in qualifying species	The statement that “ The CNPA

marketing plan for core paths, long distance routes and community paths	suite of messages that creates a culture of physical activity around paths for example social media, targeting of sectors such as young mothers and direct engagement with excluded groups	Caenlochan SAC SPA, Cairngorms SPA, Craigmore Woods SPA Forest of Clunie SPA, Glen Tanar SPA, Kinveachy Forest SPA, River Spey SAC SPA, Inshes Marshes SPA Ramsar, Anagach Woods SPA, River Dee SAC, River South Esk SAC River Spey SAC, River Tay SAC, Beinn a'Ghlo SAC, Dinnet Oakwood SAC, Caenlochan SAC, Cairngorms SAC	resulting from disturbance	will only support projects that include a site specific mitigation plan that demonstrates that there will be no adverse effects on the integrity of Natura site.”
Improve the accessibility of the Speyside Way from Cromdale to Aviemore for cyclists and horse riders	Develop a programme of removing barriers and old gates	Abernethy Forest SPA Anagach Woods SPA	Reductio in qualifying species-Capercaillie-resulting from disturbance	The statement that “ The CNPA will only support projects that include a site specific mitigation plan that demonstrates that there will be no adverse effects on the integrity of Natura site.”

These mitigation measures ensure that there are clear conditions for the delivery of this strategy which mean that projects will not be supported unless any potential effects are fully assessed and mitigated at the project stage.

There is one proposal that cannot be screened out using simple mitigation measures and requires further analysis within an Appropriate Assessment, see Section 8.

Stage 7: Rescreening

The mitigation measures described in Table 6 above are considered to be effective and deliverable and have been incorporated within the Active Cairngorms Strategy so we conclude there are no

remaining likely significant effects. In addition it is not considered that residual effects would remain because of the level of certainty with these measures. There will be no in combination effect for these six actions.

Stage 8: 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 from one proposal. Consequently the following appropriate assessment is required to ascertain the implications for the conservation objectives for each site. The affected sites identified are:

- Insh Marshes SAC,
- River Spey SAC
- River Spey- Insh Marshes SPA/Ramsar
- Abernethy Forest SPA, Anagach Woods SPA, Cairngorms SPA, Kinveachy Forest SPA Craigmore Woods SPA

Table 7 Appropriate Assessment

Insh Marshes SAC

Conservation objectives

To avoid deterioration of the qualifying habitat (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

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

- Extent of the habitat on site
- Distribution of the habitat within the site
- Structure and function of the habitat
- Process supporting the site
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

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

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

Qualifying habitats

- Alder woodland on floodplains*
- Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels
- Very wet mires often identified by an unstable 'quaking' surface

(* indicates priority habitat)

Qualifying species

- Otter (*Lutra lutra*)

What is the likely significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives

- Alder woodland on floodplains-This habitat may be vulnerable to sediments and accidental pollution incidents arising from construction activities.
- Clear-water lakes or lochs - This habitat may be vulnerable to sediments and accidental pollution incidents arising from construction activities.
- Very wet mires - This habitat may be vulnerable to sediments and accidental pollution incidents arising from construction activities.
- Otter (*Lutra lutra*)
Otter are present on the River Spey and could be affected by the proposal; there is a risk of disturbance to Otters that are passing the area during the construction phase.

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

In this assessment, the implications of the Active Cairngorms Strategy proposal 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 the SAC 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 habitats:

- Extent of the habitat on site
- Distribution of the habitat within the site
- Structure and function of the habitat
- Process supporting the site
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

For Qualifying 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
- No significant disturbance of the species

In-combination effects

As described at Stage 5 (screening); identification of in-combination effects is required to identify where cumulative and synergistic effects are likely to be significant. No minor residual effects were found at screening and consequently there can be no in-combination effects

Assessment against the Conservation Objectives

Alder woodland on floodplains

- The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in watercourse or river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and

for this to affect the qualifying habitat. This work would be subject to the Controlled Activity Regulations and as such require a license. A condition of the license will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans must include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey Insh Marshes SPA/Ramsar. Therefore there will be no affect upon the distribution or viability of typical species or the processes supporting the site.

- The path will not be taken through qualifying habitat. Therefore there will be no affect upon its distribution, extent or structure and function.
- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

There will be no impact on habitats arising from the proposals and consequently no adverse effect on the conservation objectives.

Clear water lakes or lochs

- The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in watercourse or river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect the qualifying habitat. This work would be subject to the Controlled Activity Regulations and as such require a license. A condition of the license will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans must include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey Insh Marshes SAC. Therefore there will be no affect upon the distribution or viability of typical species or the processes supporting the site.
- The path will not be taken through qualifying habitat. Therefore there will be no affect upon its distribution, extent or structure and function.
- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

There will be no impact on habitats arising from the proposals and consequently no adverse effect on the conservation objectives.

Very Wet Mires

- The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in watercourse or river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect the qualifying habitat. This work would be subject to the Controlled Activity Regulations and as such require a licence. A condition of the licence will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans must include site specific details of how the planned works will avoid an adverse effect on the site integrity of the Insh Marshes SAC. Therefore there will be no affect upon the distribution or viability of typical species or the processes supporting the site.
- The path will not be taken through qualifying habitat. Therefore there will be no affect upon its distribution, extent or structure and function.

- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

There will be no impact on habitats arising from the proposals and consequently no adverse effect on the conservation objectives.

OTTER

1. Population of the Otter as a viable component of the sites and the distribution of the Otter

within the Special Area of Conservation

- Otter are known to be present on the Spey and may of its tributaries. The Speyside Way extension will follow the route of existing recreational paths for most of its route. Where it requires a new path to be constructed this will be subject to a planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for otter in accordance with recognise standards. If presence of otter is found, which is likely, a Species Protection Plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no adverse effect upon the species. These conditions may include; rerouting the path way, securing construction works when not in use and limiting the time of day when construction activity can take place. It will also require preconstruction checks to see if survey conditions still prevail. Otter is an EPS and actions that may affect its protected status will require a license from SNH. This too will require effective mitigation that will show no adverse effect upon the population of the species.
- Sections of path that require maintenance or upgrading will not be subject to planning consent. The construction here may damage resting place, disturb individual otters and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be no affect upon these conservation objectives and so additional mitigation is required

2. Distribution and extent of habitats supporting Otter and structure, function and supporting processes of habitat supporting Otter

- Otter are known to be present on the Spey and may of its tributaries. The Speyside Way extension will follow the route of existing recreational paths for most of its route. Where it requires a new path to be constructed this will be subject to a planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for otter in accordance with recognise standards. If the presence of otter is found, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no adverse effect upon the species and its resting or Holt sites. These conditions will include measures to ensure that important habitat and features are avoided or replaced. It will also require preconstruction checks to see if survey conditions still prevail.
- Sections of path that require maintenance or upgrading will not be subject to planning consent. The construction here may damage resting place, disturb individual otters and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be no affect upon these conservation objectives and so additional mitigation is required

3. No significant disturbance of Otter

- Otter are known to be present on the Spey and may of its tributaries. The Speyside Way extension will follow the route of existing recreational paths for most of its route. Where it requires a new path to be constructed this will be subject to a planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for otter in accordance with recognise standards. If the presence of otter is found, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no that there is no significant additional disturbance to otter. These conditions may include measures to ensure that resting and holt sites are avoided with recommended minimum distances and that construction works are prohibited at certain times of the day.
- Sections of existing path that require maintenance or upgrading will not be subject to planning consent. These areas are already in use for recreational activity. The operation of these paths is unlikely to add significantly to the disturbance of otter who will already have adjusted and habituated to such activity. However the construction here may damage resting place, disturb individual otters and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be not affect upon these conservation objectives and so additional mitigation is required

Additional Mitigation

The assessment against the conservation objectives for otter has shown that without mitigation there is a likely significant effect. The effects are derived from sections of track that require works but that are outwith the control of planning. It is therefore recommended that these path sections must be subject to the same level of control and therefore a survey, assessment and species protection plan will be required for these too. The mitigation for the plan is the addition of the following wording to this item.

“The Speyside extension will be subject to a survey and assessment for effects upon otter along its whole length. If the presence of otter is found a species protection plan that provides sufficient evidence that no likely significant upon this species must be approved by the CNPA before any works commence on site.”

Minor residual effects

none

Conclusion on site integrity

Conclusion on site integrity

There will be no adverse effect upon the integrity of the Insh Marshes SAC if the mitigation measures outlined above are incorporated into the plan.

River Spey SAC

Qualifying species and conservation status

- Atlantic salmon, 2005, Unfavourable recovering
- Freshwater pearl mussel, 2014, Unfavourable declining
- Otter, 2007, Favourable maintained
- Sea lamprey, 2011, 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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and

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

- ⤴ Population of the species, including range of genetic types for Salmon, as a viable component of the site
- ⤴ Distribution of the species within the site
- ⤴ Distribution and extent of habitats supporting the species
- ⤴ Structure, function and supporting process of habitats supporting the species
- ⤴ No significant disturbance of the species
- ⤴ Distribution and viability of freshwater pearl mussel host species
- ⤴ Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

What is the likely significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives

- Freshwater Pearl Mussel (*Margaritifera margaritifera*)
FWPM are present in the upstream sections of the Spey as far as Kingussie. FWPM are sensitive to increases in sediment which can smother them. Accidental pollution arising from incidents during construction may affect the distribution of the species and its supporting habitat and should be considered further.
- Atlantic Salmon (*Salmo salmar*)
Atlantic Salmon are present in this section of the River Spey and could be directly and indirectly affected by this proposal.
Accidental pollution arising from incidents during construction may affect the distribution of the species and its supporting habitat and should be considered further.
Atlantic Salmon can also be affected by levels of soluble nutrients, particularly at egg stage which can affect habitat quality and the levels of algae and macrophytes in the water. Atlantic Salmon are considered less sensitive to changes in nutrient levels in the water than freshwater pearl mussel.
- Otter (*Lutra lutra*)
Otter are present on the River Spey and could be affected by the proposal, there is a risk of disturbance to Otters that are passing the area during the construction phase.
- Sea Lamprey (*Petromyzon marinus*)
Sea Lamprey are known to be present in the Spey downstream of Grantown on Spey although suitable juvenile habitat is present up to Kingussie (APEM, 2004). These species will not be directly or indirectly affected as they are too far downstream from any potential construction activities and will not be considered further.

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

In this assessment, the implications of the Active Cairngorms Strategy proposal 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 the SAC 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:

- Population of the species, including range of genetic types for Salmon, as a viable component

- of the site
- Distribution of the species within the site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting process of habitats supporting the species
- No significant disturbance of the species
- Distribution and viability of freshwater pearl mussel host species
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

In-combination effects

As described at Stage 5 (screening); identification of in-combination effects is required to identify where cumulative and synergistic effects are likely to be significant. No minor residual effects were found at screening and consequently there can be no in-combination effects

Assessment against the Conservation Objectives

For the purposes of the assessment the conservation objectives are linked according to effects on population, habitats and disturbance. In the case of Freshwater Pearl Mussel the effects on host species are regarded as the same for Atlantic salmon which is the host and is itself a qualifying feature. This is assess in a section later.

FRESHWATER PEARL MUSSEL (FWPM)

1. Population of the FWPM as a viable component of the site and the distribution of the FWPM within the Special Area of Conservation

- FWPM are present within the mainstream of the River Spey as far as Kingussie. The Speyside way will not have any new crossing of water courses but will utilise existing ones. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect beds of FWPM further downstream. This work would be subject to the Controlled Activity Regulations and as such require a licence. A condition of the licence will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans must include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey SAC.
- The operation of the Speyside Way does not facilitate access to the river or any other tributary

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect the FWPM population and so there will be no effect upon these conservation objectives.

2. Distribution and extent of habitats supporting FWPM; and structure, function and supporting processes of habitat supporting FWPM

- FWPM are present within the mainstream of the River Spey as far as Kingussie. The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in watercourse or river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect the habitat in which the FWPM resides. This work would be subject to the Controlled Activity Regulations and as such require a licence. A condition of the licence will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface

Water Management Statement. These plans must include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey SAC.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect the FWPM habitat and so there will be no effect upon these conservation objectives.

3. No significant disturbance of FWPM

- FWPM are present within the mainstream of the River Spey as far as Kingussie. The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in watercourse or river banks of the Spey. Therefore physical disturbance FWPM from any construction or from vibration cannot occur.
- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

It is concluded that there will be no significant disturbance of FWPM arising from this proposal and so it will not adversely affect this conservation objective.

ATLANTIC SALMON

1. Population of the Atlantic Salmon as a viable component of the sites and the distribution of the Atlantic Salmon within the Special Area of Conservation

- Atlantic Salmon are known to be present in the River Spey and its tributaries, with the upper reaches containing important spawning areas. The eggs are very sensitive to increases in siltation which may arise from construction activities. The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in any watercourse or the river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect spawning areas. This work would be subject to the Controlled Activity Regulations and as such require a licence. A condition of the licence will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans will include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey SAC. For example it will require that any works must take place outwith the spawning and incubation season (October-April). There are no direct or indirect impacts on Atlantic salmon populations as a result of path construction activities.
- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect the Salmon population and so there will be no effect upon these conservation objectives.

2. Distribution and extent of habitats supporting Atlantic Salmon and structure, function and supporting processes of habitat supporting Atlantic Salmon

- Atlantic Salmon are known to be present in the River Spey and its tributaries, with the upper reaches containing important habitat which may become unsuitable from siltation arising from construction activities. The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in any

watercourse or the river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect spawning areas. This work would be subject to the Controlled Activity Regulations and as such require a licence. A condition of the licence will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans will include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey SAC. For example it will require that any works must take place outwith the spawning and incubation season (October-April). There are no direct or indirect impacts on habitat supporting Atlantic Salmon as a result of path construction activities.

- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect Salmon habitat and so there will be no effect upon these conservation objectives.

3. No significant disturbance of Atlantic Salmon

- The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in watercourse or river banks of the Spey. Therefore physical disturbance to Atlantic salmon from any construction or from vibration cannot occur.
- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not significantly disturb Salmon and so there will be no adverse effect upon this conservation objective.

OTTER

1. Population of the Otter as a viable component of the sites and the distribution of the Otter within the Special Area of Conservation

- Otter are known to be present on the Spey and many of its tributaries. The Speyside Way extension will follow the route of existing recreational paths for most of its route. Where it requires a new path to be constructed this will be subject to a planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for otter in accordance with recognised standards. If presence of otter is found, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no adverse effect upon the species. These conditions may include; rerouting the path way, securing construction works when not in use and limiting the time of day when construction activity can take place. It will also require preconstruction checks to see if survey conditions still prevail. Otter is an EPS and actions that may affect its protected status will require a license from SNH. This too will require effective mitigation that will show no adverse effect upon the population of the species.
- Sections of path that require maintenance or upgrading will not be subject to planning consent. The construction here may damage resting place, disturb individual otters and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be no affect upon these conservation objectives and so additional mitigation is required

2. Distribution and extent of habitats supporting Otter and structure, function and supporting processes of habitat supporting Otter

- Otter are known to be present on the Spey and may of its tributaries. The Speyside Way extension will follow the route of existing recreational paths for most of its route. Where it requires a new path to be constructed this will be subject to a planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for otter in accordance with recognise standards. If the presence of otter is found, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no adverse effect upon the species and its resting or Holt sites. These conditions will include measures to ensure that important habitat and features are avoided or replaced. It will also require preconstruction checks to see if survey conditions still prevail.
- Sections of path that require maintenance or upgrading will not be subject to planning consent. The construction here may damage resting place, disturb individual otters and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be no affect upon these conservation objectives and so additional mitigation is required

3. No significant disturbance of Otter

- Otter are known to be present on the Spey and may of its tributaries. The Speyside Way extension will follow the route of existing recreational paths for most of its route. Where it requires a new path to be constructed this will be subject to a planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for otter in accordance with recognise standards. If the presence of otter is found, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no that there is no significant additional disturbance to otter. These conditions may include measures to ensure that resting and holt sites are avoided with recommended minimum distances and that construction works are prohibited at certain times of the day.
- Sections of existing path that require maintenance or upgrading will not be subject to planning consent. These areas are already in use for recreational activity. The operation of these paths is unlikely to add significantly to the disturbance of otter who will already have adjusted and habituated to such activity. However the construction here may damage resting place, disturb individual otters and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be not affect upon these conservation objectives and so additional mitigation is required

SEA LAMPREY

1. Population of the Sea Lamprey as a viable component of the sites and distribution of the Sea Lamprey within the Special Area of Conservation

- Sea Lamprey are not thought to present above Grantown on Spey and it is too distant from any construction or operational activity for there to be any direct or indirect impacts on

these species arising path construction activities.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect the Sea Lamprey population and so there will be no effect upon these conservation objectives.

2. Distribution and extent of habitats supporting Sea Lamprey and structure, function and supporting processes of habitat supporting Sea Lamprey

- Sea Lamprey are known to be present in the River Spey as far as Grantown on Spey however there is suitable habitat for the species further upstream. The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in any watercourse or the river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect spawning areas. This work would be subject to the Controlled Activity Regulations and as such require a licence. A condition of the licence will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans will include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey SAC.
- The operation of the Speyside Way does not facilitate access to the river or any other tributary.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect Sea Lamprey habitat and so there will be no effect upon these conservation objectives.

3. No significant disturbance of Sea Lamprey

- Sea Lamprey are not thought to present above Grantown on Spey and it is too distant from any construction or operational activity for there to be disturbance effects on this species arising path construction or operational activities.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not significantly disturb Sea Lamprey and so there will be no adverse effect upon this conservation objective.

Additional mitigation

The assessment against the conservation objectives for otter has shown that without mitigation there is a likely significant effect. The effects are derived from sections of track that require works but that are outwith the control of planning. It is therefore recommended that these path sections must be subject to the same level of control and therefore a survey, assessment and species protection plan will be required for these too. The mitigation for the plan is the addition of the following wording to this item.

“The Speyside extension will be subject to a survey and assessment for effects upon otter along its whole length. If the presence of otter is found a species protection plan that provides sufficient evidence that no likely significant effect upon this species must be approved by the CNPA before any works commence on site.”

minor residual effects

None

Conclusion on site integrity

There will be no adverse effect upon the integrity of the River Spey SAC if the mitigation measures outlined above are incorporated into the plan.

River Spey - Insh Marshes SPA, Ramsar

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

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

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

Qualifying Species and habitats

- Hen harrier (*Circus cyaneus*)
- Osprey (*Pandion haliaetus*)
- Spotted Crake (*Porzana porzana*)
- Whooper swan (*Cygnus Cygnus*)
- Wigeon (*Anus Penelope*)
- Wood sandpiper (*Tringa galeola*)
- Breeding bird assemblage
- Floodplain fen (Ramsar)
- Mesotrophic loch (Ramsar)
- Trophic range river/stream (Ramsar)

Site Condition

- Hen harrier (*Circus cyaneus*), 2010, Favourable maintained
- Osprey (*Pandion haliaetus*), 2009, Favourable maintained
- Spotted Crake (*Porzana porzana*), 2005, Favourable maintained
- Whooper swan (*Cygnus Cygnus*), 2010, Favourable maintained
- Wigeon (*Anus Penelope*), 2010, Unfavourable no change
- Wood Sandpiper (*Tringa galeola*), 2005, Unfavourable declining
- Breeding bird assemblage, 2005, Favourable maintained
- Floodplain fen, 2005, Favourable maintained
- Mesotrophic loch, 2005, Favourable maintained
- Trophic range river/stream, 2005, Favourable maintained

What is the likely significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives

- **Hen Harrier, Osprey, Spotted Crake, Wigeon, Wood Sandpiper and breeding bird assemblage.** For most sections the Speyside way will utilise existing paths and the increase in level of use is small and not thought to add to disturbance significantly. However some area may require new routes, either because there is no suitable path already or because works to the existing one may cause disturbance to other qualifying interests and so the path needs to be rerouted as mitigation for these. In these situations it is possible that the construction of the new path and its use may cause disturbance to these species. These new sections will be subject to planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for these species in accordance with recognise standards. If they are found to be present, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions

that will be needed to ensure no adverse effect upon the species. These conditions may include; rerouting the proposed path way, limiting the time of day or year when construction activity can take place. It will also require preconstruction checks to see if survey conditions still prevail.

- Sections of path that require maintenance or upgrading will not be subject to planning consent. The construction here may disturb these species and as such may affect the distribution of the species.
- **Whooper Swan**- this species use the central areas of the site and so not so vulnerable to disturbance from increased footpath usage on the perimeter of the marsh. Consequently there is no likely significant effect and no further assessment is required.
- Floodplain fen- This habitat may be vulnerable to sediments and accidental pollution incidents arising from construction activities.
- Mesotrophic loch- This habitat may be vulnerable to sediments and accidental pollution incidents arising from construction activities.
- Trophic range river/stream- This habitat may be vulnerable to sediments and accidental pollution incidents arising from construction activities.

Will the proposal avoid adversely affecting the site's conservation objectives?

In this assessment, the implications of the plan proposal 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 SPA/Ramsar 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:

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

In-combination effects

As described at Stage 5 (screening); identification of in-combination effects is required to identify where cumulative and synergistic effects are likely to be significant. There were no minor residual effects found and consequently no in-combination effects for this Natura site are possible.

Assessment against the Conservation Objectives

Hen Harrier, Osprey, Spotted Crake, Wigeon, Wood Sandpiper and breeding bird assemblage

These species are taken together because the potential LSE are the same and from the same cause.

1. Population of Hen Harrier, Osprey, Spotted Crake, Wigeon, Wood Sandpiper and breeding bird assemblage as a viable component of the sites and distribution of Hen Harrier within the SPA

For most sections the Speyside way will utilise existing paths and the increase in level of use is small and not thought to add to disturbance significantly. However some area may require new routes, either because there is no suitable path already or because works to the existing one may cause disturbance to other qualifying interests and so the path needs to be rerouted as mitigation for these. In these situations it is possible that the construction of the new path and its use may cause disturbance to these species and consequently change their distribution

around the site. These new sections will be subject to planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for these species in accordance with recognised standards. If they are found to be present, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no adverse effect upon the species. These conditions may include; rerouting the proposed path way, limiting the time of day or year when construction activity can take place. It will also require preconstruction checks to see if survey conditions still prevail.

Sections of path that require maintenance or upgrading will not be subject to planning consent. The construction here may disturb these species and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be no likely significant affect upon these conservation objectives and so additional mitigation is required.

2. Distribution and extent of habitats supporting Hen Harrier and structure, function and supporting processes of habitat supporting Hen Harrier

- The Speyside way takes the same route as existing pathways and so there will be no additional land required. Where new path is required it will be outwith the SPA boundary and on road verges unsuitable for qualifying species.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect supporting habitats for qualifying species and so there will be no effect upon these conservation objectives.

3. No significant disturbance of Hen Harrier, Osprey, Spotted Crake, Wigeon, Wood Sandpiper and breeding bird assemblage

Hen Harrier, Osprey, Spotted Crake, Wigeon, Wood Sandpiper and breeding bird assemblage. For most sections the Speyside way will utilise existing paths and the increase in level of use is small and not thought to add to disturbance significantly. However some area may require new routes, either because there is no suitable path already or because works to the existing one may cause disturbance to other qualifying interests and so the path needs to be rerouted as mitigation for these. In these situations it is possible that the construction of the new path and its use may cause disturbance to these species and consequently change their distribution around the site. These new sections will be subject to planning consent. This will only be approved if it is in accordance with the CNPA LDP policy. This will require a survey of the area for these species in accordance with recognised standards. If they are found to be present, which is likely, a species protection plan will be required. This SPP will set out mandatory conditions that will be needed to ensure no adverse effect upon the species. These conditions may include; rerouting the proposed path way, limiting the time of day or year when construction activity can take place. It will also require preconstruction checks to see if survey conditions still prevail.

Sections of path that require maintenance or upgrading will not be subject to planning consent. The construction here may disturb these species and as such may affect the distribution of the species.

Conclusion

It has not been shown that there would be no likely significant affect upon these conservation objectives and so additional mitigation is required.

FLOODPLAIN FEN, MESOTROPHIC LOCH AND TROPIC RANGE RIVER/STREAM

I. Distribution and extent of habitats supporting qualifying species and structure, function and supporting processes of habitat supporting qualifying species within the SPA

- The Speyside way will not have any new crossing of water courses but will utilise existing ones. There will be no construction activity in watercourse or river banks of the Spey. However some construction work is likely adjacent to tributaries of the Spey. It is therefore possible for construction activity to result in the pollution or siltation of these tributaries and for this to affect the qualifying habitat. This work would be subject to the Controlled Activity Regulations and as such require a licence. A condition of the licence will be to produce and adhere to a construction method statement to demonstrate action to prevent pollution and sedimentation through a Pollution Prevention Plan and a Construction Surface Water Management Statement. These plans must include site specific details of how the planned works will avoid an adverse effect on the site integrity of the River Spey Insh Marshes SPA/Ramsar.

Conclusion

There will be no impact on habitats arising from the proposals and consequently no adverse effect on these conservation objectives.

Additional mitigation

The assessment against the conservation objectives for **Hen Harrier, Osprey, Spotted Crake, Wigeon, Wood Sandpiper and breeding bird assemblage** has shown that without mitigation there is a likely significant effect. The effects are derived from new sections of track that require works but that are outwith the control of planning. It is therefore recommended that these path sections must be subject to the same level of control and therefore a survey, or use of suitable existing survey information, assessment and species protection plan will be required for these too. The mitigation for the plan is the addition of the following wording to this item.

“The Speyside extension will be subject to a survey and assessment for effects upon Hen Harrier, Osprey, Spotted Crake, Wigeon, wood sandpiper and breeding bird assemblage along its whole length. If their presence is found a species protection plan that provides sufficient evidence that no likely significant effect upon this species must be approved by the CNPA before any works commence on site.”

minor residual effects

- None

Conclusion on site integrity

There will be no adverse effect upon the integrity of the River Spey - Insh Marshes SPA/Ramsar if the mitigation measures outlined above are incorporated into the plan.

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

The Inshriach Woods are not under any formal designation but they are now known to support a Capercaillie population. There are within Badenoch and Strathspey designated sites for which Capercaillie is a qualifying feature. These are: Abernethy Forest SPA; Anagach Woods SPA, Cairngorms SPA, Craigmore Wood SPA and Kinveachy Forest SPA. The Strathspey capercaillie population is crucial to the long-term survival of the species in the UK and the population needs to be considered as a meta-population ie. a group of spatially separated populations of the same species which are interacting and dependent on one another (Cairngorms Capercaillie Framework, 2015). In this assessment significant effects are considered here because they may have indirect significant effects upon the capercaillie within the rest of the meta population area including these SPAs.

Conservation Objectives

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

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

Qualifying Species

- Capercaillie (*Tetrao urogallus*)

Other Species

The SPAs also include a number of other species however none are affected by any new path works or changes to recreation levels within Inshriach forest which is outwith any of these sites. None of these species have a meta-population dynamic such as the capercaillie and so it is concluded that there are no direct or indirect effects upon the following QIs within these SPAs. No further assessment is undertaken.

- Osprey (*Pandion haliaetus*)
- Scottish crossbill (*Loxia scotica*)
- Dotterel (*Charadrius moninellus*)
- Golden eagle (*Aquila chrysaetos*)
- Merlin (*Falco columbarius*)
- Peregrine (*Falco peregrinus*)

Site Condition for capercaillie

- Abernethy Forest SPA-2009, favourable maintained
- Anagach Woods SPA-2010, favourable maintained
- Cairngorms SPA-2011, favourable maintained
- Craigmore Wood SPA – 2009, Unfavourable no change
- Kinveachy Forest SPA-2008, favourable maintained

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

Capercaillie

- Inshriach Forest has recently come into favourable condition to support populations of breeding Capercaillie as a result of sensitive woodland management and the age structure of the trees. Human disturbance and disturbance by dogs can reduce the availability of otherwise suitable habitat, displace the birds from leks, disturbance of hens leading to predation or chilling of eggs and chicks, and direct killing of adults and chicks. Capercaillie have been shown to avoid habitat close to tracks, which may reduce the overall carrying capacity of that area of woodland.

Assessment against the Conservation Objectives

Capercaillie

1. Population of capercaillie as a viable component of the sites and the distribution of Capercaillie within the Special Protection Area

Any construction or repair work within this area may disturb birds during critical times of the year. However these works are temporary in nature and short lived and as such any disturbance

is unlikely to cause long term changes to dispersal patterns of capercaillie that would affect these SPAs.

Improved access on the Speyside Way is likely to increase usage and possibly increase disturbance within Inshriach Forest. This would be most significant if there were sections of new path or sections that are currently little used. If this were to happen then there would be permanent changes in the occupation of habitat and possibly a reduction in the productivity of birds in the area. There may be a consequent reduction in the outward dispersal of birds to the other SPAs and availability of suitable habitat to receive inward dispersal. Either of these situations may affect the viable population or distribution of capercaillie within these SPAs which depends upon changes in birds between the SPAs to maintain genetic diversity and ensure adequate numbers are maintained.

Conclusion

It has not been shown that there would be no likely significant affect upon these conservation objectives and so additional mitigation is required.

2. Distribution and extent of habitats supporting Capercaillie and structure, function and supporting processes of habitat supporting Capercaillie

The Speyside way does not pass through these SPAs and uses existing tracks through areas of Inshriach where capercaillie resides. Consequently there will be no change or loss to supporting habitats.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not adversely affect supporting habitats for capercaillie and so there will be no effect upon these conservation objectives.

1.No significant disturbance of Capercaillie

The Speyside Way does not pass through these SPAs and so there is no likelihood of disturbance being caused by either its construction or operation.

Conclusion

It is concluded that the construction works or operational phase resulting from this proposal will not increase disturbance to capercaillie within these SPAs and so there will be no effect upon these conservation objectives.

Additional mitigation

The assessment against the conservation objectives for **Capercaillie** has shown that without mitigation there is a likely significant effect. The effects are derived from increased use of paths through Inshriach Forest that causes greater disturbance to the birds there. There could be subsequent changes in dispersal rates between this area and the SPAs that may adversely affect the viability and distribution of their populations.

It is therefore required that the path sections through Inshriach must be subject to a survey, or use of suitable existing survey information, assessment and a species protection plan for capercaillie and that nothing commences on site or any promotion starts until it has been demonstrated that there will be no adverse effect upon the species. This plan will be subject to an HRA.

Therefore the mitigation for the plan is the addition of the following wording to this item.

“The Speyside extension will be subject to a survey and assessment for effects upon capercaillie along its whole length. A species protection plan that provides sufficient evidence that no likely

significant effect upon capercaillie must be approved by the CNPA before any works commence on site.”

minor residual effects

- none

Conclusion on site integrity

There will not be an adverse likely significant effect on Capercaillie populations within Abernethy Forest SPA; Anagach Woods SPA, Cairngorms SPA, Craigmore Wood SPA and Kinveachy Forest SPA resulting from the proposals if the mitigation is incorporated into the Plan.

Stage 9: Amend the plan to give no adverse effects on site integrity

The Active Cairngorms Strategy has been modified to include the specific mitigation measures identified above in Table 6 and 7. Those identified in the appropriate assessment (table 7) are summarized below:

- Insh Marshes SAC, - A requirement for an Otter survey, assessment and Species Protection Plan
- River Spey SAC - A requirement for an Otter survey, assessment and Species Protection Plan
- River Spey- Insh Marshes SPA/Ramsar - A requirement for a Hen Harrier, Osprey, Spotted Crake, Wigeon, wood sandpiper and breeding bird assemblage - survey, assessment and Species Protection Plan
- Abernethy Forest SPA, Anagach Woods SPA, Cairngorms SPA, Kinveachy Forest SPA Craigmore Woods SPA – A requirement for a Capercaillie survey, assessment and Species Protection Plan

Stage 10: Prepare HRA record

This report represents stage 10 which is the recording of the assessment process.

Stages 11-13: Consultation, modification and final recording

SNH was consulted on the draft report in June 2015. Their comment have been considered and the draft modified accordingly to produce this final report.

Conclusion

This HRA identified a number of likely significant effects within several Natura sites. Therefore an appropriate assessment was undertaken. Mitigation measures were identified and incorporated into the Active Cairngorms Strategy. No residual effects have been identified.

It is the conclusion of the CNPA, the competent authority, that there will be no adverse effect upon the integrity of any European site through the provisions of the Active Cairngorms Strategy.

Aspect of Plan, policy, project or Strategy	What?	Screened in? - give reason	Simple mitigation required? Would there be any residual effects (RE)?	General Policy Statement	Project not proposed by this plan	Aspect protective of the natural environment	Aspect not lead to change	Aspect has no conceivable effect	Aspect can have no significant effect	Aspect too general of know when, how or which site could
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Active Places

Improving path provision and quality for people of all abilities	A consistent approach should be taken to path creation, repair and maintenance of paths and trail heads in the National Park to ensure routes are "fit for purpose". The priorities will be: A) core paths, B) Official long distance routes and the National Cycle Network and C) Mountain paths identified in the "Scotland's National Parks - The People and the Mountains Project	No - individual path projects could have an impact on Natura sites (by impacting on habitats or disturbance of species) or Natura species in the wider countryside (impacts on both habitats and species). Individual proposals will be screened for HRA at the development stage as required.		X						
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Opportunities should be available for a full range of experiences for people of all abilities focusing on a geographic spread of barrier free, well surfaced, multi-use, shallow gradient routes

No- individual path projects could have an impact on Natura sites (by impact on habitats or disturbance of species) or Natura species in the wider countryside (impacts on both habitats and species). Individual proposals would be screened for HRA at the development stage as required.

x

Increase use of bicycles for leisure and functional trips

No- The current draft Cycling Action Plan has been screened for potential impacts and a full HRA will be carried out once the draft has been developed further

x

Provision of cycling, horse riding and waterborne routes and infrastructure

Path and facility upgrades should take into account horse-riding, cycling and water-borne access.

No- detailed proposals when developed will need to be considered on a case by case basis

x

We will work with and support partners to sustain and enhance opportunities for waterborne activities including responsible recreation on the rivers Spey and Dee

Yes- relates to use of the River Spey and Dee that are both SAC and link to neighbouring SPA's

Yes- The CNPA will only support projects that include a site specific mitigation plan that demonstrates that there will be no adverse effects on the integrity of a the River Dee and River Spey SACs

Active Management

Increasing understanding and enjoyment of the Parks special qualities

Continue to support and encourage enjoyment of the Park and the special qualities through responsible participation in non-motorised recreation

No - This policy supports similar policies in the Capercaillie Framework. Individual detailed proposals will be subject to HRA when they are developed

Active management measures should be applied and monitored at popular recreational sites in the National Park to maximise visitor enjoyment, safeguard health and safety, maintain or enhance the quality of the environment and minimise adverse effects of recreational use

No- General policy statement that supports policies in the Capercaillie Framework

X

Develop management at sensitive natural and cultural heritage sites to reduce negative impacts of recreation while maintaining a high quality visitor experience

Yes - Policy promotes best practice and ensures any development protects the Parks special qualities

X

The Scottish Outdoor Access Code should be promoted by a range of partners including Ranger Services, outdoor providers, clubs, national governing bodies and land managers using simple, consistent and easily understood messages

No because the policy aims to promote responsible access that will help protect Natura sites and species

x

There should be a particular emphasis on the protection of the outstanding natural heritage of the National Park

No because the policy aims to protect Natura sites and species

x

Management of organised outdoor events

Organised outdoor events should follow CNP Guidance and take place in locations and at times of year that provide additional economic benefit, do not disturb sensitive wildlife or significantly affect other recreation takers

No- Individual event proposals will be screened if they have a direct or indirect affect on Natura sites and species

X

The sense of wildness and space in the central core of the high mountains of the National Park is one of the outstanding special qualities of the area:
A) The Scottish tradition of self-reliant access will be maintained with no new path signs and way marking, no new bridges, and no new bothies or "man made" shelters and,
B) There is a presumption against large scale events in the area

No because the policy aims to protect Natura sites and species

X

Investment in active travel facilities

Positive management of motorised traffic at popular locations for recreational use is required. Car park charging schemes at key sites for outdoor access and recreation are appropriate where: a designed facility is provided, income generated is demonstrable reinvested in visitor infrastructure, charging does not create additional parking problems outwith the site and discounted schemes are available for regulars and concessionary users

No- positive management at popular sites will promote responsible access. Individual proposals will be screened when there is sufficient detail

Active Promotion

Promoting healthy lifestyles	Encouraging less active people to take more regular physical activity in the outdoors will improve the physical and mental health of the population. All infrastructure improvements, signage and access promotion should make it easier for less active and sedentary people to access the countryside	No- because the policy has no real and identifiable implications for specific Natura sites, and individual projects will be subject to Habitat Regulations Appraisal as they are put forward	X
Developing appropriate visitor information about outdoor recreation opportunities	Information about outdoor access opportunities should be provided in print and digitally and be understandable by a range of users - these should follow the guidance in CNP Path Leaflets and new national path grading	No- because the policy has no real and identifiable implications for specific Natura sites, and individual projects will be subject to Habitat Regulations Appraisal as they are put forward.	X
	Publications should be available in electronic format across a range of devices	No- General policy statement with no implications for Natura sites	X

Volunteering and community empowerment	Environmental volunteering will be encouraged and promoted throughout the Park	No- General policy statement with no implications for Natura sites	X
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Action Plan

Path Development

Improve the accessibility of the Speyside Way from Cromdale to Aviemore for cyclists and horse riders	Develop a programme of removing barriers and old gates.	Yes- Sections pass through Abernethy SPA and Anagach Woods SPA- increasing level of use could potentially lead to displacement onto surrounding designated and sensitive sites	Yes- The CNPA will only support projects that include a site specific mitigation plan that demonstrates that there will be no adverse effects on the integrity of Natura site No- Appropriate Assessment required
Complete the Speyside Way Extension from Kinraig to Newtonmore	Develop new section of path between Kinraig and Ardgeal, sign sections through Inshraich Forest to Drumguish, develop route option and promote between Drumguish and Netwonmore	Yes- Sections will pass through or close to designated sites and sites with designated species- namely Insh Marshes and Capercaillie sites in Inshraich Forest	
Develop Deeside Way cycle path extension from Ballater to Braemar	Extend route from Ballater to Braemar	Yes- Section could potentially pass through Ballochbuie and impact on Capercaillie	Yes- Do not take extension through Ballochbuie SPA, avoid qualifying features of Ballachbuie SAC
Design, develop and promote cycle hubs along Highland Main railway line	Develop package of promotion, cycle schemes and cycle parking within the community	No-will be within the community with no implications for Natura sites	X

Support development of multi use paths on trunk roads	Support Transport Scotland to deliver cycle path alongside trunk roads	No- will be covered by Transport Scotland HRA		X
Deliver Scotland's National Park- The Mountains and the people HLF funded project	Deliver path works in the uplands to prevent further erosion of fragile habitats and environments	Yes- routes will be on or close to European designated sites and species	No- Appropriate Assessment required as HRA would be carried out on cases by case basis	
Support regional walking and cycling strategy action plan	Support partners such as LA's , NHS Health boards and Transport Partnerships to deliver walking and cycling actions plans	No- general policy position which will have no impact on any Natura site		X
Expand Community Planning and Physical Activity Groups	Support partners such as LA's , NHS Health boards and Highlife Highland to deliver Community Sports Hubs	No- general policy position which will have no impact on any Natura site		X
Support development of "Developing Mountain Biking in Scotland" Highland Cluster Regional Development Plan	Support DMBS in developing mountain biking and tourism product	No- general policy position which will have no impact on any Natura site		X
Support community path groups through Local People Local Paths programme	Support community path groups such a Kingussie Path Group to maintain and enhance their existing promoted path network	No- general policy position		X

Path upgrades to Lairg Ghru, Meall a Bhucaillie, Loch Morlich beach	Forestry Commission Scotland project-screened out as not proposed by CNPA	No- the CNPA is not the lead body for this project		X
All CNP long distance routes to be surveyed biennially	To comply with H&S LDR will be surveyed every two years to ensure infrastructure is fit for purpose	No-general policy position which will have no impact on any Natura site	X	
100% of core paths to be brought up to fit for purpose standard by 2020	All core paths to be barrier free, to be signed and way marked appropriately and path surface suitable for likely range of users	No- Core Paths Plan has already been assessed in the Locla Development Plan HRA		X
Develop a blueprint map of existing and potential active travel routes in the Cairngorms National Park	Support the developemnt of a list of aspirational active travel routes linking communities around the Park	No- because the policy has no real and identifiable implications for specific Natura sites, and individual projects will be subject to Habitat Regulations Appraisal as they are put forward.		X
<u>Active Management Conservation</u>				
Reduce the impact of recreation on ground nesting birds (e.g. Capercaillie) by implementing site specific actions from the Cairngorms Capercaillie Framework	Support estates and other public sector partners to develop visitor management plans that specifically divert the public away from sensitive sites	No- relates in actions in the Capercaillie Framework that has already been scoped and assessed for significant effects on Natura sites and species	X	

Support land managers to deliver recreational management plans	Support estates and other public sector partners to develop visitor management plans that specifically divert the public away from sensitive sites	No- general policy position	X
Monitor and report on impacts on habitats and species caused by recreation	Ensuring existing visitor monitoring takes into account sensitive sites and species to allow the monitoring of trends	No- general policy position that supports policy position in the Capercaillie Framework	X
<u>Management</u>			
Develop and promote ranger events programme	Coordinate and promote Ranger events accords the Park to a wide range of audiences	No- General policy position	X
Support FCS to engage with activity providers and commercial access promoters on national forest estate to promote best practice in visitor management	Support ongoing activity providers liaison group for Glenmore	No- General policy position	X
Implement targeted visitor monitoring programme through strategic review of existing monitoring at indicator sites (lowland paths, LDR, trail heads and upland paths) with additional monitoring to be carried out where gaps are identified	Support a consistent approach to visitor monitoring through provision of people counters and the collation and publication of data	No- General policy position	X

Secure a sponsor for the Speyside Way and increase opportunities for revenue generation via website development	Look for commercial support for the management and maintenance of the Speyside Way	No- General policy position		X
Guidance				
Support and develop a range of resources for land managers to promote responsible access on their land i.e. Land management signs, leaflets and posters	Ensure consistent message on the Code and "tread lightly" are communicated through effective signage, publications and posters - and that these are implemented at the right time and location	No-general policy position		X
Implement project to gather community health statistics for Blair Atholl, Kingussie, Aviemore, Grantown, Ballater and Braemar	Work with health partnerships to gather data on health indicators	No-general policy position	X	
Develop a "dogs welcome" package for the Park including web resources publications and identified dog walking areas	Work with stakeholders including estates and other public sector partners to develop promotional material for dog walkers and identify dog walking areas away from sensitive sites and species	Yes - irresponsible dog ownership is a threat to ground nesting birds	Yes -CNPA will only support projects that include site specific measures that demonstrates that there will be no adverse effects on the integrity of Natura site.	
Support and advocate uptake and use of the Heading form the Scottish Hill initiative	Support through deer management groups the dissemination of information on stalking to reduce disturbed stalks	No-general policy position which has no impact on any Natura sites	X	

Support development of community led camping site proposals	Work with partners to address long standing informal camping issues at key sites such as Braemar and Glenmore	yes- because it relates to areas within or close to designated sites and species	Yes- CNPA will only support projects that include site specific measures that demonstrates that there will be no adverse effects on the integrity of Natura site.	
<u>Active Promotion</u>				
Develop a sustainable community based physical activity and environmental volunteering programme in the Park	Work with key partners such as volunteer organisations and Rangers to develop a programme of environmental volunteering	No-general policy position		X
Develop targeted promotion activities for those living sedentary lifestyles	Work with partners such as GP's and community health nurses and agencies such as Paths for All to promote health walk groups and other health walk initiatives	No-general policy position		X
Continue to develop and promote "tread lightly" as the main means to promote the Scottish Outdoor Access Code in the Park	Focus for "tread lightly" will continue to be dogs and wild camping	No-general policy position		X
Develop a physical activity marketing plan for core paths, long distance routes and community paths	Develop with key partners a suite of messages that creates a culture of physical activity around paths for example social media, targeting of sectors such as young mothers and direct engagement with excluded groups	Yes- will lead to an increase in the use of the core paths network, LDR's and community paths	Yes- CNPA will only support projects that include site specific measures that demonstrates that there will be no adverse effects on the integrity of Natura site.	

Identify, support and develop cycle friendly employers	Work with cycling Scotland to promote active travel to work	No-general policy position	X
Support implementation physical activity actions from Local Authority Single Outcome Agreements	Support LA and Transport Partnerships to promote active travel	No-general policy position	X
Monitor implementation of Active Cairngorms and prepare baseline health statistics. Baseline to be reported at end of year one	Develop a set of key indicators to measure success of Active Cairngorms delivery	No-general policy position	X
Work with housing developers to promote active travel facilities through the production and delivery of new resident promotional packs	Promote best practice and ensure developers follow existing supplement planning guide	No-general policy position	X
Support "Make it yours" campaign	Use "make it yours" on promotional and marketing literature	No-general policy position	X
Expand "adopt a path" scheme	Continue to support COAT adopt a path monitoring scheme and consider expanding to other areas of the Park	No-general policy position	X
Support development of road cycling "sportives"	Work with existing event organisers to develop Cairngorms Sportive brand	No-general policy position	X

Deliver "Physical Activity Pathway" for walking and cycling. Support development of volunteering projects through identified training to increase levels of activity (health walk- lowland hill path-Munros- hill skills and qualifications

Support health professionals and Sport Scotland develop packages of work to link existing physical activity initiatives such as health walks and jog Scotland

No-general policy position

x