

AGENDA ITEM 5

APPENDIX 2

2021/0390/DET

HABITATS REGULATIONS APPRAISAL

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Planning reference and proposal information	2021/0390/DET Demolition of derelict farmhouse and erection of house, Dalfaber Farm, Dalfaber Drive, Aviemore
Appraised by	Nina Caudrey – Planning Officer
Date	7/12/2021
Checked by	NatureScot
Date	11/02/2022

INFORMATION
European site details
Name of European site(s) potentially affected
<ol style="list-style-type: none"> 1. Kinveachy Forest SPA¹ 2. River Spey SAC
Qualifying interest(s)
<ol style="list-style-type: none"> 1. Breeding – capercaillie and Scottish crossbill 2. Atlantic salmon, fresh water pearl mussel, sea lamprey and otter
Conservation objectives for qualifying interests
<p>1. Kinveachy Forest SPA:</p> <p>To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"> – Population of the species as a viable component of the site – Distribution of the species within site – Distribution and extent of habitats supporting the species – Structure, function and supporting processes of habitats supporting the species – No significant disturbance of the species <p>2. River Spey SAC:</p> <p>Conservation Objective 2. To ensure that the integrity of the River Spey SAC is restored by meeting objectives 2a, 2b, 2c for each qualifying feature (and 2d for freshwater pearl mussel):</p> <p>2b. Restore the distribution of freshwater pearl mussel throughout the site</p> <p>2c. Restore the habitats supporting freshwater pearl mussel within the site and availability of food</p>

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

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

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

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

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

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

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

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

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

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

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

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

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

APPRAISAL

STAGE 1:

What is the plan or project?

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

The proposed development is part of the site allocated as H2 in the 2021 LDP, which has consent for up to 83 dwellings over a larger area than the proposed development site. The proposed development is an amendment to the existing consent which sought to reuse the existing farmhouse, instead demolishing it and rebuilding a new house on the same site. The proposed development will be connected to mains water and sewerage.

Kinveachy SPA is approximately 2km to the west along public roads and paths from the proposed development.

River Spey SAC is approximately 185 m to the east of the closest part of the proposed development. The SAC is across the well used Spey Valley golf course, with no direct watercourse connectivity. The edge of the SAC has vegetation and mature trees creating a riparian riverbank strip between the golf course and river.

STAGE 2:

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

No.

STAGE 3:

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

1. Kinveachy Forest SPA

Capercaillie – there is a risk of LSE from the potential long term disturbance through increased human activity by the addition of the occupants of the proposed development – as explained within **Annex I**. Further consideration is required.

Scottish crossbill – no LSE as none of their habitat will be affected. Scottish crossbill are therefore not considered further in this assessment.

2. River Spey SAC

No LSE due to no direct water course connectivity and no indirect effects likely from the proposed development and associated infrastructure due to the intervening golf course and topography, so no effects on habitats and supporting processes of the qualifying interests. While the proposed development site is within 200m of the SAC, which is the disturbance zone for breeding otter, the intervening golf course that goes up to the boundary of the river and SAC is well used. This will not change as a result of the proposed development. Therefore any otter in the vicinity will already be used to the existing level of human activity, which should not change as

a result of the proposed development, and so there will be no LSE through disturbance to otter as a result of the proposed development. **Therefore the River Spey SAC is not considered further in this appraisal.**

STAGE 4:

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

I. Kinveachy Forest SPA

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

There will be no direct or indirect effects on the habitats, their structure or function or supporting processes, due to the location of the proposed development on a brownfield site within a settlement, remote from the SPA. Therefore these conservation objectives should be met.

No significant disturbance of the species

The assessment in **Annex I** results in a conclusion that there will not be any significant disturbance of the species, therefore this conservation objective will be met.

Distribution of the species within site

As there should not be significant disturbance of the species, the distribution should be unaffected and so this conservation objective will be met.

Population of the species as a viable component of the site

As all the other conservation objectives will be met, this conservation objective will not be affected by the proposed development.

Therefore, the proposed development will not affect any of the conservation objectives for the SPA.

STAGE 5:

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

I. Kinveachy Forest SPA

Yes, as all conservation objectives are met it is possible to conclude that there will not be an adverse effect on site integrity.

Annex I

2021/0390/DET, Demolition of derelict farmhouse and erection of house, Dalfaber Farm, Dalfaber Drive, Aviemore

<p>Q1. Is the proposed development likely to change levels of human activity or patterns of recreation around the proposed development/associated settlement?</p> <p><i>Q1: This and Q2 are included as screening questions to filter out any developments that aren't likely to have changed levels or patterns of recreation.</i></p>	<p>No, there would not be a discernable change in the level of human activity (or patterns of recreation) from the proposed development. The farmhouse was previously included as a dwelling in the existing consent for the wider development, so the demolition and replacement would not affect the number of units compared to the overall existing consent.</p> <p>There are a number of existing promoted and well used paths and routes in Aviemore and the surrounding area, as seen in the figure below (taken from the Aviemore Paths leaflet https://www.visitaviemore.com/wp-content/uploads/2013/09/CNPA.Paper_.1911.Aviemore-Paths.pdf). There are also informal un-promoted but well used routes that connect with formal paths and roads. Residents of the proposed development (approximate location marked by the black star in the below figure) are likely to use the promoted paths, due to information being available about them.</p> <p>There is no reason to believe that people staying at the proposed development would undertake a different pattern of recreation to existing users of paths and routes in Aviemore and the surrounding area.</p>
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Aviemore Paths

This leaflet has been developed in partnership with Aviemore and Vicinity Community Council and the Aviemore Business Association.

Aviemore Orbital

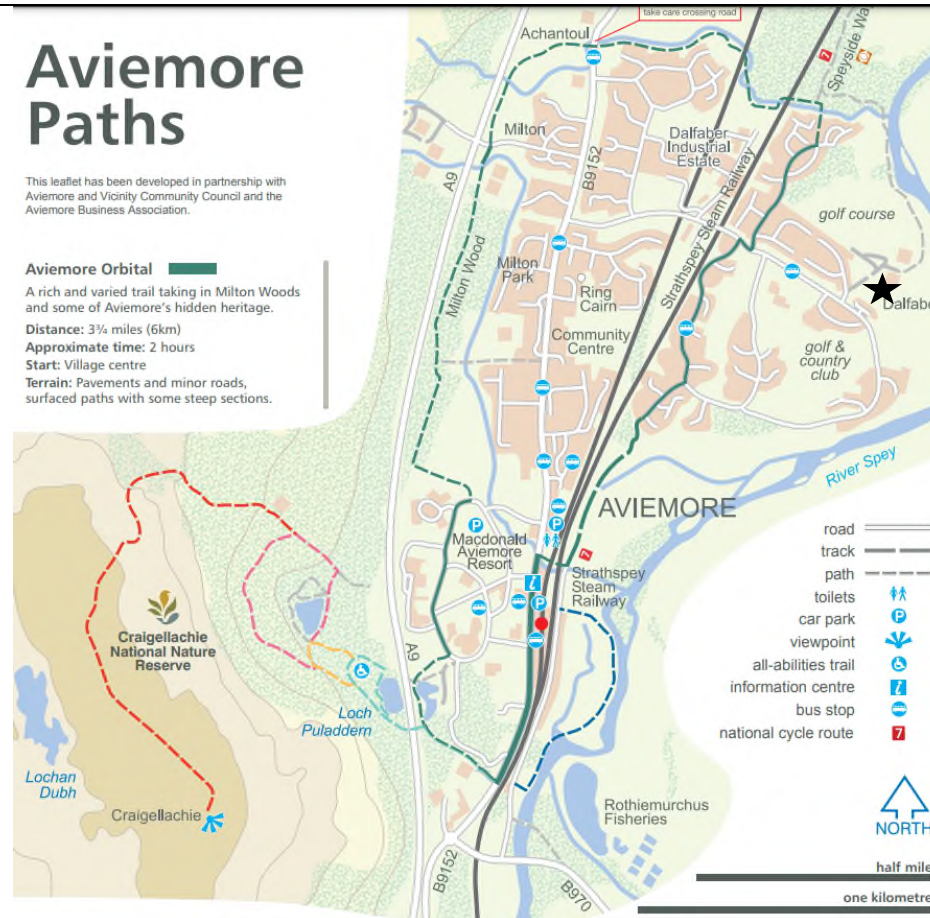
A rich and varied trail taking in Milton Woods and some of Aviemore's hidden heritage.

Distance: 3½ miles (6km)

Approximate time: 2 hours

Start: Village centre

Terrain: Pavements and minor roads, surfaced paths with some steep sections.



Q2. Are capercaillie woods significantly more accessible from this development site than from other parts of the associated settlement?

Q2: This is included to ensure the effect of otherwise small-scale development sites particularly close to capercaillie woods are adequately considered. Evidence from settlements in Strathspey where houses are adjacent to woodlands indicates that networks of informal paths and trails have developed within the

No. The closest entry point to a known capercaillie wood (**Kinveachy Forest, wood I** on the Badenoch and Strathspey capercaillie woodlands map in **Annex III**, part of the **Kinveachy Forest SPA** for capercaillie and Scottish crossbill) is approximately 2km from the proposed development along either public roads/footpaths or the Aviemore Orbital route and then public roads/footpaths through Milton of Burnside (some of which are relatively steep). As this is a reasonable distance from the proposed development, and makes use of existing routes, the proposed development site is not considered to be more accessible than from other parts of Aviemore.

woods linking back gardens with formal path networks and other popular local destinations (eg primary schools). Such paths are likely to be used by visitors.

If Q1 & Q2 = No, conclusion is no significant disturbance to capercaillie and assessment ends here

If Q1 or Q2 = Yes, continue to Q3

Q3. Which capercaillie woods are likely to be used regularly for recreation by users of the development site at detectable levels? (list all)

Q3: This is included to identify which capercaillie woods are likely to be used for recreation by users of non-housing development sites at levels that would be detectable. The answer will be assessed using professional judgement based on knowledge of existing patterns of recreation around settlements and in the local area, the relative appeal of the capercaillie woods concerned compared to other recreational opportunities in the area, the volume of recreational visits likely to be generated by the development site, and informed by national survey data (eg on the distances people travel for recreational visits).

N/a as conclusion for questions 1 and 2 is that there is no significant disturbance and so no need for further assessment.

Continue to Q4

Q4. Are residents / users of this development site predicted to undertake any off path recreational activities in any of the woods identified at Q3 at detectable levels?

Q4: This is included because any off path recreational use in capercaillie woods will result in significant disturbance and require mitigation.

N/a as conclusion for questions 1 and 2 is that there is no significant disturbance and so no need for further assessment.

If Q4 = No for any woods, continue to Q5

If Q4 = Yes for any woods, mitigation is needed. Note and continue to Q5.

Q5: Are each of the woods identified at Q3 already established locations for recreation?
Q5: This is included because if users of the development site are likely to access previously infrequently-visited capercaillie woods, or parts of these woods, for recreation, significant disturbance is likely and mitigation is needed. This will be answered on the basis of professional knowledge.

N/a as conclusion for questions 1 and 2 is that there is no significant disturbance and so no need for further assessment.

If Q5 = No for any woods, mitigation is needed. Note and continue to Q6.
If Q5 = Yes for any woods, continue to Q6

Q6: For each of the woods identified at Q3, are users of the development site predicted to have different temporal patterns of recreational use to any existing visitors, or to undertake a different profile of activities (eg. more dog walking, or early morning use)
Q6: This is included because some types of recreation are particularly disturbing to capercaillie; and increased levels of these types of recreation will cause significant disturbance and require mitigation. This will be answered on the basis of professional knowledge on existing patterns of recreational use and whether each location is sufficiently close and/or convenient in relation to the development site and patterns of travel from there, to be used by users of the development for different recreational activities or at different times of day. For example, capercaillie woods with safe routes for dogs that are located close to development sites are likely to be used for early morning &/or after work dog walking.

N/a as conclusion for questions 1 and 2 is that there is no significant disturbance and so no need for further assessment.

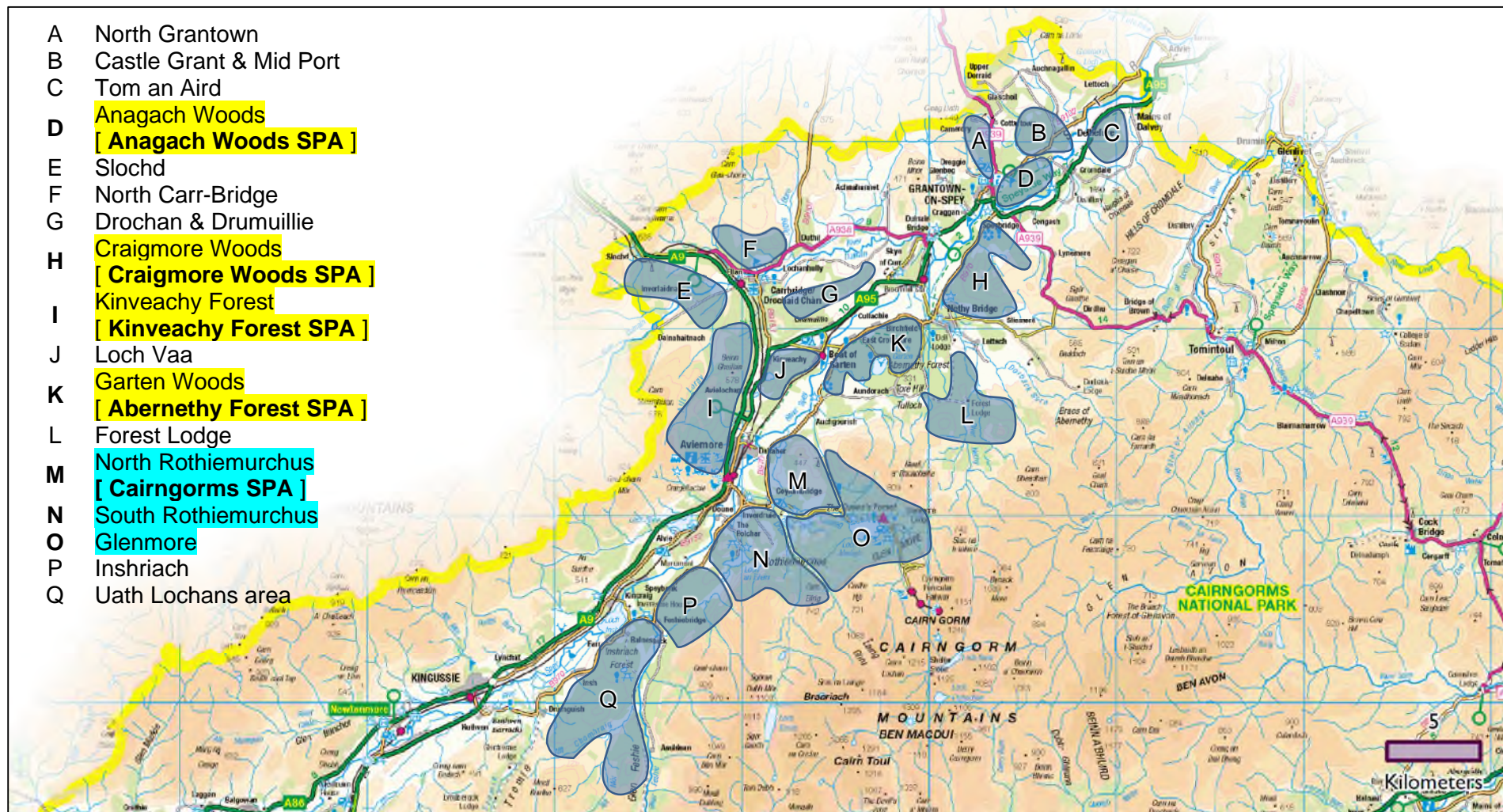
<p>If Q6 = yes for any woods, mitigation is needed. Note and continue to Q7</p> <p>If Q6 = No for any woods, continue to Q7</p>	
<p>Q7: For each of the woods identified at Q3, could the predicted level of use by residents / users of the development site significantly increase overall levels of recreational use?</p> <p><i>Q7: This is included because a significant increase in recreational use could result in significant disturbance to capercaillie, even in situations where the capercaillie wood is already popular for recreation, and no changes to current recreational patterns / activities or off path activities are predicted. The answer was assessed on the basis of professional judgement of current levels of use and whether the increase is likely to be more than approximately 10%.</i></p>	<p>N/a as conclusion for questions 1 and 2 is that there is no significant disturbance and so no need for further assessment.</p>
<p>If Q4-7 = No for all woods, conclusion is no significant disturbance to capercaillie and assessment ends here</p> <p>If Q4, 5, 6 and/or 7 = Yes for any woods, mitigation is needed</p>	
<p>Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?</p>	<p>None required.</p>
<p>Reasons mitigation needed:</p>	<p>n/a</p>

Annex II – information on planning applications with consent but not yet built/occupied

The number of people per application site has, unless otherwise stated, been calculated using the 2.07 person occupancy figure used for the LDP assessment as explained in the answer to question 1 of this document:

- **GRAMPIAN ROAD, 2 people:** 21/01746/FUL, Change of use from office space to 2 bedroom flat, 85 Grampian Road, Aviemore, PH22 1RH
- **PINE BANK CHALETS – no change,** replacement of one large cabin with two smaller cabins: 21/01221/FUL, Demolition of holiday units, erection of 2 new units, Pine Bank Chalets, Dalfaber Road, Aviemore, PH22 1PX
- **GRAMPIAN ROAD NEAR ACHANTOUL 3 people based on number of guest beds per the approved floor plan:** 20/03708/FUL Conversion of garage annex to form guest bedroom accommodation, Carn Mhor Guest House, The Sheiling, Aviemore, PH22 1QD
- **INVERDRUIE 13 people:** 2016/0158/DET Erection of 6 dwellings, upgrade current access point and a new access track formed; private drainage (shared treatment plant and soakaway), land 175m south east of Heatherbank, Rothiemurchus, Aviemore
- **SOUTH END OUTSIDE AVIEMORE 2 people:** 20/04360/FUL Demolition of garage and replacement with double garage with granny flat, Kinmundy, Grampian Road, Aviemore, PH22 1RH
- **SOUTH END OF AVIEMORE LA TAVERNA 8 people based on 4 double beds in each unit as per the approved floor plan:** 19/00846/FUL Construction of 4 units for holiday letting, High Range Motel, 19 Grampian Road, Aviemore, PH22 1PT
- **NEXT TO HAPPY HAGGIS 56 people:** 2019/0363/DET, Erection of three blocks of flats (27 units) with associated parking and access, development site on former filling station Grampian Road Aviemore Highland
- **NEAR HOSPITAL 34 people:** 2019/0298/DET, Spey House Phase 2 - Development of 14 no dwellings including 6 terraced houses, 4 bungalows and 4 cottage flats, land 20m south east of Spey House, Cairngorm Technology Park, Dalfaber Drive, Aviemore
- **ALLT MOR, NEAR ENTRANCE TO HIGH BURNSIDE 79 people:** 2016/0224/DET Proposed 30 flats and 8 terraced units, land 30m west of 31 Allt Mor, Aviemore
- **H1 AND H2 IN LDP 193 people:** Applications associated with 2018/0184/MSC satisfy the conditions of planning permission PPA-270-2126 and PPA-270-2127 for residential units, land south and north west of Dalfaber Farm, Dalfaber Drive, Aviemore (including 2021/0307/DET, erection of 9 houses, garages, re-alignment of road and landscaping, land 75m south east of Paw Prints, Corroul Road, Aviemore)
- **PART OF AHR M1 in LDP:** 33 units of the 140 already built, so for the remaining units it will be **221 people:** 05/306/CP Erection of 140 dwellings, construction of roads and services and landscaping, Horse Field (land north of Scandinavian Village), Aviemore

Annex III – Badenoch and Strathspey capercaillie woods map



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