

AGENDA ITEM 5

APPENDIX 2

2020/0064/PPP

HABITATS REGULATIONS APPRAISAL

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2020/0064/PPP Erection of 20 houses and associated infrastructure at Craigmore road, Nethy Bridge
Appraised by	Hayley Wiswell (Conservation Officer) Cairngorms National Park Authority
Date	21/07/2020 Amended 18/08/2020 following SNH comments Amended outstanding errors 19/08/2020
Checked by	Matthew Hawkins
Date	21/07/2020

INFORMATION

European site details

Name of European site(s) potentially affected

River Spey SAC
Abernethy Forest SPA
Anagach Woods SPA
Cairngorms SPA
Craigmore Wood SPA
Kinveachy Forest SPA

Qualifying interest(s)

Abernethy Forest SPA

Capercaillie (*Tetrao urogallus*)
Osprey (*Pandion haliaetus*)
Scottish crossbill (*Loxia scotica*)

Anagach Woods SPA

Capercaillie (*Tetrao urogallus*)

Cairngorms SPA

Capercaillie (*Tetrao urogallus*)
Merlin (*Falco columbarius*)
Osprey (*Pandion haliaetus*)
Golden eagle (*Aquila chrysaetos*)
Dotterel (*Charadrius morinellus*)
Scottish crossbill (*Loxia scotica*)
Peregrine (*Falco peregrinus*)

Craigmore Wood SPA

Capercaillie (*Tetrao urogallus*)

Kinveachy Forest SPA

Scottish crossbill (*Loxia scotica*)
Capercaillie (*Tetrao urogallus*)

River Spey SAC

Freshwater pearl mussel (*Margaritifera margaritifera*)
Otter (*Lutra lutra*)
Sea lamprey (*Petromyzon marinus*)
Atlantic salmon (*Salmo salar*)

Conservation objectives for qualifying interests

River Spey SAC

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:

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

Sea lamprey (*Petromyzon marinus*)

Otter (*Lutra lutra*)

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:

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

Atlantic salmon (*Salmo salar*)

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:

- 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
- Distribution and viability of freshwater pearl mussel host species
- Structure, function and supporting processes of habitats supporting freshwater pearl mussel host species

Freshwater pearl mussel (*Margaritifera margaritifera*)

Abernethy Forest SPA

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:

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

- No significant disturbance of the species
- Population of the species as viable component of the site

Osprey (*Pandion haliaetus*)

Scottish crossbill (*Loxia scotica*)

Capercaillie (*Tetrao urogallus*)

Anagach Woods SPA

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:

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

Capercaillie (*Tetrao urogallus*)

Cairngorms SPA

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:

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

Scottish crossbill (*Loxia scotica*)

Dotterel (*Charadrius morinellus*)

Golden eagle (*Aquila chrysaetos*)

Peregrine (*Falco peregrinus*)

Osprey (*Pandion haliaetus*)

Merlin (*Falco columbarius*)

Capercaillie (*Tetrao urogallus*)

Craigmore Wood SPA

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:

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

Capercaillie (*Tetrao urogallus*)

Kinveachy Forest SPA

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:

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

Capercaillie (*Tetrao urogallus*)

Scottish crossbill (*Loxia scotica*)

APPRAISAL

STAGE 1:

What is the plan or project?

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

Planning Permission in Principle sought for housing at a site allocated within the Local Development Plan 2015-2020.

Erection of 20 houses and associated roads, drainage etc.

The proposal is in a Scots pine woodland and does not fall inside an SAC or SPA.

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)?

This section considers whether there is connectivity between the proposal and any of the qualifying interests:

- i. Which qualifying interest are considered to be affected by the proposal and how.
- ii. Cross references to evidence from other plans/projects with similar effects and/or other relevant information sources.
- iii. Nature, scale, location, longevity, and reversibility of effects.
- iv. A brief description of other plans or projects that have connectivity to the same European site and whether there will be an in-combination or cumulative effect.
- v. Give yes/no conclusion for each interest:

Abernethy Forest SPA

- a. Capercaillie – disturbance to lekking, brood rearing and feeding habitat from recreational activity. This is due to possible increased. to Recreational activity caused by residents of the development visits to this SPA. Effect upon the dispersal of species between SPAs from disturbance to the birds whilst using the woods for this purpose.
Osprey - disturbance to nesting sites
Scottish Crossbill - disturbance to nesting sites and loss of foraging habitat

- b. See HRA for School Wood Development 2013/0119/DET and HRA for Local Development Plan 2015-2020 (<https://cairngorms.co.uk/wp-content/uploads/2019/01/HRAReportProposed-Plan.pdf>)
- c. Effect is permanent
- d. There are not considered to be any cumulative effects with other live proposals or plans
- e. Capercaillie – Yes
Osprey – No because no nest sites are within distance to development that would generate sufficient additional activity to create a disturbance.
Scottish Crossbill – No because this species lives in high canopy of the woodland and there is no evidence that is sensitive to disturbance from ground level activity. Loss of foraging habitat is consider very small compared with that available in the vicinity.

Craigmore Wood SPA

- i) Capercaillie – disturbance to lekking, brood rearing and feeding habitat from recreational activity. This is due to possible increased. to Recreational activity caused by residents of the development visits to this SPA. Effect upon the dispersal of species between SPAs from disturbance to the birds whilst using the woods for this purpose.
- ii) See HRA for School Wood Development 2013/0119/DET and HRA for Local Development Plan 2015-2020 (<https://cairngorms.co.uk/wp-content/uploads/2019/01/HRAReportProposed-Plan.pdf>)
- iii) Effect is permanent
- iv) There are not considered to be any cumulative effects with other live proposals or plans
- v) Yes

Anagach Woods SPA

- i. Capercaillie – a Likely Significant Effect found for Abernethy Forest SPA and Craigmore Forest SPA or significant disturbance to the species in non-designated pine woodland This could have an indirect effect on this SPA through reduced movement of birds into this SPA, reducing the viability of the population. Anagach is particularly dependent on immigration of young birds from surrounding areas.
- ii. See HRA for School Wood Development 2013/0119/DET and HRA for Local Development Plan 2015-2020 (<https://cairngorms.co.uk/wp-content/uploads/2019/01/HRAReportProposed-Plan.pdf>)
- iii. Effect is permanent
- iv. There are not considered to be any cumulative effects with other live proposals or plans
- v. Yes (indirect) capercaillie

Cairngorms SPA

- i. Capercaillie – a Likely Significant Effect found for Abernethy Forest SPA and Craigmore Forest SPA or significant disturbance to the species in non-designated pine woodland This could have an indirect effect on this SPA through reduced movement of birds into this SPA, reducing the viability of the population.
Scottish crossbill - development site is not within this SPA and is too far from this SPA to have an effect on these species
osprey - development site is not within this SPA and is too far from this SPA to have an effect on these species
peregrine - development site is not within this SPA and is too far from this SPA to have

an effect on these species

merlin - development site is not within this SPA and is too far from this SPA to have an effect on these species

dotterel- development site is not within this SPA and is too far from this SPA to have an effect on these species

golden eagle - development site is not within this SPA and is too far from this SPA to have an effect on these species -

- ii. See HRA for School Wood Development 2013/0119/DET and HRA for Local Development Plan 2015-2020 (<https://cairngorms.co.uk/wp-content/uploads/2019/01/HRAReportProposed-Plan.pdf>)
- iii. Effect is permanent
- iv. There are not considered to be any cumulative effects with other live proposals or plans
- v. Yes (indirect) Capercaillie

Kinveachy Forest SPA

- i. A Likely Significant Effect found for Abernethy Forest SPA and Craigmore Forest SPA or significant disturbance to the species in non-designated pine woodland This could have an indirect effect on this SPA through reduced movement of birds into this SPA, reducing the viability of the population..
Scottish crossbill – the development site is not within the SPA and is too far away to have an effect on this species
- ii. See HRA for School Wood Development 2013/0119/DET and HRA for Local Development Plan 2015-2020 (<https://cairngorms.co.uk/wp-content/uploads/2019/01/HRAReportProposed-Plan.pdf>)
- iii. Effect is permanent
- iv. There are not considered to be any cumulative effects with other live proposals or plans
- v. Yes (indirect) Capercaillie

River Spey SAC

The development boundary is bordered by two burns, both of which enter the Allt Mhor and from there the River Spey approximately 2km away. Otter are known to use at least one of these burns for foraging (Caochan Fhurian). Any run-off from the site has potential to effect the River Spey SAC downstream.

The proposal has the potential to effect the SAC in the following ways: disturbance to qualifying interests, pollution and siltation during construction, run-off during construction and water abstraction.

The Nethy Bridge WWTW will take all wastewater from the development and this will have to comply with SEPA CAR regulations. Therefore there is No Effect on the River Spey from wastewater pollution.

- i. **Otter** (disturbance, run-off during construction, run-off during operation); **Atlantic salmon** (run-off during construction, run-off during operation); **Freshwater pearl mussel** (run-off during construction, run-off during operation); **Sea lamprey** (run-off during construction, run-off during operation)
- ii. See HRA for School Wood Development 2013/0119/DET and HRA for Local Development Plan 2015-2020
- iii. Disturbance to otter: permanent, pollution and siltation would be construction only and therefore temporary, run-off during operation would be permanent.

- iv. There are not considered to be cumulative effects with other live proposals or plans.
- v. Yes

STAGE 4:

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

Effects taken forward to Appropriate Assessment

The following Likely Significant Effects are taken forward to Appropriate Appraisal below:

River Spey SAC: run-off during construction, run-off during operation (all features), disturbance to otter (otter only)

Abernethy Forest SPA: disturbance to capercaillie

Craigmore Wood SPA: disturbance to capercaillie

Anagach Woods SPA: disturbance to capercaillie

Kinveachy Forest SPA: disturbance capercaillie

Cairngorms SPA: disturbance capercaillie

Because the site is not within the SAC or within any of the SPAs, only the following conservation objectives will be assessed:

- Distribution of the species within site;
- No significant disturbance of the species (on the site);
- Population of the species as viable component of the site;

River Spey SAC

Otter

Otters may be disturbed by construction activity, noise, lighting and other features of the development's design or by post-construction activity.

The eastern edge of the development is approximately 40m from the burn. 50m is normally considered as a minimum standard buffer to prevent disturbance no non-breeding otter habitat. This is usually for temporary disturbance during construction.

The otter survey as part of the ecological appraisal was carried out in winter time when otter may not be using the burn regularly. This survey covered an area of only 100m (see page 22 of the Ecological Appraisal¹) and 200m is the standard search area set in SNH guidance². As such important features for otter may have been missed. Otter have been known to use the Allt Mhor for breeding (as indicated by a dog attack on an otter cub on this burn in 2011). There is also potentially suitable breeding habitat further upstream of the site, for example, Culstank Moss.

¹ Astell Associates (2020) Nethy Bridge Craigmore Road Site – Preliminary Ecological Appraisal & Extended Phase 1 Habitat Survey

² <https://www.nature.scot/sites/default/files/2019-10/Species%20Planning%20Advice%20-%20Otter.pdf>

Otter activity has been recorded by local naturalists in March, April and May 2020 (camera trap sightings, spraints and feeding remains) on the Caochan Fhuarain and at a pond in Culstank Moss. Otters also apparently spraint either side of the road where the Caochan Fhuarain passes underneath but the culvert is too small for them to pass under the road safely. An increase in traffic on Craigmore road due to the proposal could put otter at increased risk of traffic collision.

There are two ways the proposal could impact on otter – disturbance from people living on the site prevents access to foraging habitat or prevents access to breeding habitat. The latter would have a Likely Significant Effect.

A further otter survey was submitted, carried out in May 2020 and included a full 200m survey area from the site. No resting sites or breeding holts were found. This indicates that otter are not using this immediate area surrounding the proposal for breeding. Local naturalists reported spraints at Culstank Moss pond at the time of the May otter survey. The level of activity recorded by local naturalists so far this year suggests that otter do use this area, but perhaps only one (two at most) individuals to access foraging habitat in the Caochan Fhuarain burn and ponds in Culstank Moss further upstream.

- **No significant disturbance of the species;**

The site is remote from the SAC and there will be no direct disturbance to otter on the River Spey, either during construction or once the development is complete and inhabited.

As such this conservation objective is met.

- **Distribution of the species within site;**

The Caochan Fhuarain and drain adjacent to the site are not within the SAC, but ultimately flow into the Allt Mhor and then into the River Spey.

Pollution (siltation, fuel leaks, un-treated surface water) from the site through run-off during construction and run-off during operation into the two burns adjacent to the site has potential to smother and poison invertebrates and amphibians, thus effecting its ability to act as a food supply for otters, particularly during spring. This could cause otter to avoid using this area. Because the burns adjacent to the site are not within the SAC, this displacement of individuals would be an indirect effect – it would cause otter to be displaced to find alternative feeding locations, potentially effecting territories and resilience of breeding pairs within the SAC.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

- **Population of the species as viable component of the site;**

Because the Caochan Fhuarain is probably only infrequently used for feeding and not breeding, temporary disturbance of otter at this location during construction is not likely to be significant in terms of a knock-on effect on the population of the SAC.

However pollution (siltation, fuel leaks, un-treated surface water) from the site through run-off during construction and run-off during operation into the two burns adjacent to the site has

potential to smother and poison invertebrates and amphibians, thus effecting its ability to act as a food supply for otters, particularly during spring. This could cause otter to avoid using this area. Because the burns adjacent to the site are not within the SAC, this displacement of individuals would be an indirect effect – it would cause otter to be displaced to find alternative feeding locations, potentially effecting territories and resilience of breeding pairs. However this is only a small and localised effect on the local population which forms a part of the much larger River Spey SAC population

As such this conservation objective is met.

Atlantic Salmon

- **No significant disturbance of the species**

Salmon are not likely to be using the Caochan Fhuarain but are likely to be present in the Allt Mhor which this burn runs into.

A pollution event occurring in the Caochan Fhuarain is not likely to directly disturb fish within the Allt Mhor.

As such this conservation objective is met.

- **Distribution of the species within site**

During construction, pollution (fuel leaks) and siltation events could enter the burns adjacent to the site and ultimately the Allt Mhor, leading to poisoning and/or suffocation of fish (juvenile fish are particularly vulnerable) and therefore changing the distribution of fish in the river by displacing some fish or causing local fish deaths. Siltation events could smother salmon redds and juvenile habitat, resulting in local loss of habitat and therefore displacement of fish from key areas.

Untreated run-off from roads and roofs during operation entering the burns adjacent to the site and ultimately the Allt Mhor could suffocate fish (juvenile fish are particularly vulnerable) and therefore changing the distribution of fish in the river by displacing some fish or causing local fish deaths. Siltation events could change breeding habitat, resulting in local loss of habitat and therefore displacement of fish.

Water abstraction will reduce the quality of available habitat, potentially resulting in displacement of fish into more suitable habitat.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

- **Population of the species, including range of genetic types, as a viable component of the site**

During construction, pollution (fuel leaks) and siltation events could enter the burns adjacent to the site and ultimately the Allt Mhor, leading to poisoning and/or suffocation of fish (juvenile fish are particularly vulnerable) and therefore changing the distribution of fish in the river by displacing some fish or causing local fish deaths. Siltation events could smother salmon redds and juvenile

habitat, resulting in local loss of habitat and therefore displacement of fish from key areas. This would have a knock-on effect on the local population.

Untreated run-off from roads and roofs during operation entering the burns adjacent to the site and ultimately the Allt Mhor could suffocate fish (juvenile fish are particularly vulnerable) and therefore changing the distribution of fish in the river by displacing some fish or causing local fish deaths. Siltation events could change breeding habitat, resulting in local loss of habitat and therefore displacement of fish from key areas. This would have a knock-on effect on the local population.

Water abstraction will reduce the quality of available habitat, potentially resulting in displacement of fish into more suitable habitat. This would have a knock-on effect on the local population, with less habitat available to support the population.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

Sea Lamprey

- **No significant disturbance of the species**

Sea lamprey are only known to be present on the main stem of the River Spey. A pollution event on the Caochan Fhuarain adjacent to the site is not likely to directly disturb sea lamprey on the River Spey.

As such this conservation objective is met.

- **Distribution of the species within site**

During construction, pollution (fuel leaks) and siltation events could enter the burns adjacent to the site and ultimately the Allt Mhor, leading to poisoning and/or suffocation of lamprey (juvenile lamprey are particularly vulnerable) and therefore changing the distribution of lamprey in the river by displacing individuals or causing local deaths. Siltation events could smother breeding and juvenile habitat, resulting in local loss of habitat and therefore displacement of lamprey from key areas.

Untreated run-off from roads and roofs during operation entering the burns adjacent to the site and ultimately the Allt Mhor could suffocate lamprey therefore changing the distribution of lamprey in the river by displacing individuals or causing local deaths. Siltation events could change breeding habitat, resulting in loss of resources and therefore displacement of fish from parts of their range.

Water abstraction will reduce the quality of available habitat, potentially resulting in displacement of lamprey into more suitable habitat.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

- **Population of the species, including range of genetic types, as a viable component of the site**

During construction, pollution (fuel leaks) and siltation events could enter the burns adjacent to the site and ultimately the Allt Mhor, leading to poisoning and/or suffocation of lamprey and therefore changing the distribution of the species in the river. Siltation events could smother breeding/juvenile habitat, resulting in local loss of breeding resource and therefore displacement of fish from key areas. This would have a knock-on effect on the local population.

Untreated run-off from roads and roofs during operation entering the burns adjacent to the site and ultimately the Allt Mhor could suffocate lamprey and therefore changing the distribution of individuals in the river by displacing some or causing local deaths. Siltation events could change breeding habitat, resulting in local loss of habitat and therefore cause displacement of the species. This would have a knock-on effect on the local population.

Water abstraction will reduce the quality of available habitat, potentially resulting in displacement of fish into more suitable habitat. This would have a knock-on effect on the local population, with less habitat available to support the population.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

Fresh water pearl mussel

- **No significant disturbance of the species**

It is not likely that there will be direct disturbance of mussels on the River Spey due to the distance of the proposal area from known populations of on the Spey.

As such this conservation objective is met.

- **Distribution of the species within site**

There are not considered to be pearl mussels on the Allt Mhor, the closest part of the River Spey SAC to the site (which is connected to the site by the two drains on the east and west boundaries of the site). The nearest mussels are on the main stem of the River Spey, downstream of Nethy Bridge, at Grantown-on-Spey.

A significant pollution event (through silt and fuel run-off during construction or untreated roads/roof run-off during operation) has the potential to poison pearl mussels downstream or to smother mussel beds, affecting the distribution of the species through loss of individuals and suitable habitat.

Water abstraction will reduce the quality of available habitat, potentially resulting in displacement of mussels from habitat which was previously considered suitable.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

- **Population of the species, including range of genetic types, as a viable component of the site**

During construction, pollution (fuel leaks) and siltation events could enter the burns adjacent to the site and ultimately the Allt Mhor, leading to poisoning and/or suffocation of mussel beds and

therefore changing the distribution of the species in the river. Siltation events could smother breeding/juvenile habitat, resulting in local loss of breeding resource and therefore loss of mussels from existing areas. This would have a knock-on effect on the local population.

Untreated run-off from roads and roofs during operation entering the burns adjacent to the site and ultimately the Allt Mhor could suffocate mussels and therefore changing the distribution of individuals in the river by displacing some or causing local deaths. Siltation events could smother mussel beds and suitable habitat, resulting in local loss of habitat and therefore mussels from existing areas. This would have a knock-on effect on the local population.

Water abstraction will reduce the quality of available habitat, potentially resulting in loss of mussels from some areas as suitable habitat becomes less abundant. This would have a knock-on effect on the local population, with less habitat available to support the population.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

- **Distribution and viability of freshwater pearl mussel host species**

This relates to the host species Atlantic Salmon. The assessment on Atlantic salmon above indicates that the conservation objectives for Atlantic salmon cannot be met, therefore there would be an indirect effect on pearl mussel as this species depends on salmon for its lifecycle.

As such this conservation objective cannot be met and further measures are required to avoid an adverse effect on site integrity.

Abernethy Forest SPA

- **No significant disturbance of the species**

No effect of disturbance from construction due to distance between the site and the nearest lek site. Construction would be carried out outwith the breeding bird season which would eliminate this effect.

Using the methodology within the 2020 LDP HRA to assess the likely impact upon SPA species it can be seen that the additional 20 houses represents an increase in 41 people or 5.4% of the Nethybridge population in 2020 (occupancy level assumed at 2.06 per dwelling). This combined with the increased assessed in the LDP HRA (3%) from allocated sites means the anticipated increase in population by 2024 will be 8.4%. This is still within the 10% figure generally considered a threshold to significant increases in recreational disturbance.

Visits are predicted to follow existing path networks and follow existing recreation patterns.

School Wood is well used by local residents for shorter walks including for dog walking and the wood is part of a promoted path network. This is considered to provide some benefit to capercaillie as it provides recreation opportunities closer to the village that are not used for breeding (see objection letter provided by previous RSPB Abernethy Community Ranger). The "Capercaillie Habitat Audit & Presence Survey" submitted in June 2020 suggests School wood is not likely to be significant for breeding and foraging capercaillie due to the wood being largely sub-optimal habitat with high existing levels of disturbance. Residents of the proposal are likely to use the adjoining School Wood for recreation to do its close proximity. It is possible that due to

increased use, there could be some displacement of people into other areas, however, as discussed above, these numbers will be small and are likely to follow existing patterns of recreation (i.e. largely sticking to paths).

This conservation objective is considered to be maintained.

- **Distribution of the species within site**

Within the SPA leks and brood rearing areas are close to the path network and are at risk from disturbance. This could in turn effect the distribution of birds within the site.

The above conservation objective “no significant disturbance of the species” is met. Therefore there is no knock-on effect on the distribution of the species within the site.

As such this conservation objective is considered to be maintained.

- **Population of the species as viable component of the site**

The development site itself is not considered to contain habitat used by capercaillie. The habitat within the development is considered sub-optimal for capercaillie (see “Capercaillie Habitat Audit & Presence Survey” submitted in June 2020) and contains a high concentration of footpaths which make this habitat too disturbed to be important for capercaillie.

School Wood and the adjoining woodland of Balnagowan wood and Culstank Moss are not within the SPA. The “Capercaillie Habitat Audit & Presence Survey” submitted in June 2020 suggests School Wood is not likely to be significant for breeding and foraging capercaillie due to the wood being largely sub-optimal habitat. The habitats within the site and surrounding School Wood are well used for recreation including dog walking and are therefore not considered suitable for breeding capercaillie due to disturbance. There is a promoted path that forms a loop around the wood with various informal paths radiating from it, so that there are no large areas of continuous undisturbed woodland. As such the proposal will cause no loss of habitat which is of significance for breeding or foraging capercaillie and will therefore have no effect on the potential of this wood to support the populations of the neighbouring SPAs via these routes.

Effects on Capercaillie dispersal

Capercaillie are believed to use some use of School Wood as a dispersal corridor between Craigmore Wood SPA and Abernethy Forest SPA, which makes this woodland supporting habitat for Abernethy Forest SPA. Previous survey work on this site reported that capercaillie chicks ringed in Craigmore wood had been recovered in Abernethy Forest³, providing evidence for exchange of birds between these SPAs. BSCG have recorded sightings of capercaillie plus feathers and droppings in Culstank Moss (opposite School Wood) as recently as 2019 (see their objection letter). This suggests birds are passing through the corridor of woodland between Craigmore Wood SPA and Abernethy Forest SPA. Capercaillie are faithful to their natal sites and have low dispersal rates. The Ecological Appraisal⁴ submitted as part of the planning application suggests

³ Astell Associates (2020) Nethy Bridge Craigmore Road Site – Preliminary Ecological Appraisal & Extended Phase 1 Habitat Survey

⁴ Astell Associates (2020) Nethy Bridge Craigmore Road Site – Preliminary Ecological Appraisal & Extended Phase 1 Habitat Survey

School Wood could be an important stepping stone helping to maintain genetic diversity between breeding habitats and determines that the proposal could negatively affect capercaillie dispersal. The proposal would reduce the potential woodland corridor on the southern edge of School wood to a width of 250m. A reduced area of habitat, increased human presence, introducing physical obstacles such as fences and housing could weaken the ability of this woodland to act as a stepping stone between breeding habitat.

There are potentially alternative routes for dispersal but these are more broken in terms of canopy cover. Croftmaquien and Garlyne offer an alternative route but these are intersected by tracks and are partially occupied by either residential or holiday homes. Sliemore wood provides another stepping stone from Craigmore Wood but this would require birds to cross open farmland to reach Abernethy Forest SPA. The corridor from Craigmore Wood by Aultmore, to Abernethy Trust, to School Wood, Culstank Moss and then Dell wood/River Nethy is almost continuously wooded (though birds still have to cross roads and tracks).

In order to determine the impact of the proposal on the role of School Wood as a dispersal corridor (and therefore an important stepping stone maintaining the populations of Abernethy Forest and Craigmore Wood SPAs), an assessment of the current status of the wood for dispersal is required. This would require a detailed and lengthy scientific study which involves tagging birds and radio tracking them. This is not achievable due to the inherent danger to individual birds from this technique. Consequently the actual movement of capercaillie in the area cannot be safely determined with this methodology and therefore this assessment has to be based on current evidence supported by expert advice from SNH and CNAP access team.

School Wood is intersected by a number of footpaths, included a promoted path network. There are a range of informal paths that cut through the centre of the woodland and out to the east and north-east. Footpaths are considered to have a disturbance zone of at least 150m (the area that capercaillie will avoid). This means that there is very little if any habitat currently within School Wood that falls outside of a disturbance zone. Based on the distribution and extent of path networks and the recent habitat assessment⁵, if birds are currently using the wood for dispersal, they are using it despite the sub-optimal habitat and recreation disturbance. As discussed above, the proposal for 20 houses at the Craigmore road site is not likely to significantly change existing patterns of recreation (there will be an increase in numbers of visits but patterns of recreation in terms of footpath use are likely to stay the same). Also as discussed above, there will be no loss of capercaillie habitat directly through the footprint of the proposal. Although introducing a developed footprint will reduce the width of the woodland corridor on the southern edge of the wood (both directly by creating a barrier and indirectly by creating a disturbance zone) an existing disturbance zone already extends into the SE corner of the wood due to the existing promoted path which lies beyond the site and the Caochan Fhuarain.

As such the proposal is not likely to have a significant adverse effect on the movement of birds between Craigmore Wood SPA and Abernethy Forest SPA and will therefore not significantly adversely affect the population of Abernethy Forest SPA.

As such this conservation objective is maintained.

Craigmore Wood SPA

- **No significant disturbance of the species**

⁵ Astell Associates (2020) School Wood & Culstank Wood - Capercaillie Habitat Audit & Presence Survey

No effect of disturbance from construction due to distance between the site and the nearest lek site. Construction would be carried out outwith the breeding bird season which would eliminate this effect.

Using the methodology within the 2020 LDP HRA to assess the likely impact upon SPA species it can be seen that the additional 20 houses represents an increase in 41 people or 5.4% of the Nethybridge population in 2020 (occupancy level assumed at 2.06 per dwelling). This combined with the increased assessed in the LDP HRA (3%) from allocated sites means the anticipated increase in population by 2024 will be 8.4%. This is still within the 10% figure generally considered a threshold to significant increases in recreational disturbance.

Visits are predicted to follow existing path networks and follow existing recreation patterns.

School Wood is well used by local residents for shorter walks including for dog walking and the wood is part of a promoted path network. This is considered to provide some benefit to capercaillie as it provides recreation opportunities closer to the village that are not used for breeding (see objection letter provided by previous RSPB Abernethy Community Ranger). The “Capercaillie Habitat Audit & Presence Survey” submitted in June 2020 suggests School wood is not likely to be significant for breeding and foraging capercaillie due to the wood being largely sub-optimal habitat with high existing levels of disturbance. Residents of the proposal are likely to use the adjoining School Wood for recreation to do its close proximity. It is possible that due to increased use, there could be some displacement of people into other areas, however, as discussed above, these numbers will be small and are likely to follow existing patterns of recreation (i.e. largely sticking to paths).

This conservation objective is considered to be maintained.

- **Distribution of the species within site**

Within the SPA leks and brood rearing areas are close to the path network and are at risk from disturbance. This could in turn effect the distribution of birds within the site.

The above conservation objective “no significant disturbance of the species” is met. Therefore there is no knock-on effect on the distribution of the species within the site.

As such this conservation objective is considered to be maintained.

- **Population of the species as viable component of the site**

The development site itself is not considered to contain habitat used by capercaillie. The habitat within the development is considered sub-optimal for capercaillie (see “Capercaillie Habitat Audit & Presence Survey” submitted in June 2020) and contains a high concentration of footpaths which make this habitat too disturbed to be important for capercaillie.

School Wood and the adjoining woodland of Balnagowan wood and Culstank Moss are not within the SPA. The “Capercaillie Habitat Audit & Presence Survey” submitted in June 2020 suggests School Wood is not likely to be significant for breeding and foraging capercaillie due to the wood being largely sub-optimal habitat. The habitats within the site and surrounding School Wood are well used for recreation including dog walking and are therefore not considered suitable for

breeding capercaillie due to disturbance. There is a promoted path that forms a loop around the wood with various informal paths radiating from it, so that there are no large areas of continuous undisturbed woodland. As such the proposal will cause no loss of habitat which is of significance for breeding or foraging capercaillie and will therefore have no effect on the potential of this wood to support the populations of the neighbouring SPAs via these routes.

Effects on Capercaillie dispersal

Capercaillie are believed to use some use of School Wood as a dispersal corridor between Craigmore Wood SPA and Abernethy Forest SPA, which makes this woodland supporting habitat for Craigmore Wood SPA. Previous survey work on this site reported that capercaillie chicks ringed in Craigmore wood had been recovered in Abernethy Forest⁶, providing evidence for exchange of birds between these SPAs. BSCG have recorded sightings of capercaillie plus feathers and droppings in Culstank Moss (opposite School Wood) as recently as 2019 (see their objection letter). This suggests birds are passing through the corridor of woodland between Craigmore Wood SPA and Abernethy Forest SPA. Capercaillie are faithful to their natal sites and have low dispersal rates. The Ecological Appraisal⁷ submitted as part of the planning application suggests School Wood could be an important stepping stone helping to maintain genetic diversity between breeding habitats and determines that the proposal could negatively affect capercaillie dispersal. The proposal would reduce the potential woodland corridor on the southern edge of School wood to a width of 250m. A reduced area of habitat, increased human presence, introducing physical obstacles such as fences and housing could weaken the ability of this woodland to act as a stepping stone between breeding habitat.

There are potentially alternative routes for dispersal but these are more broken in terms of canopy cover. Croftmaquien and Garlyne offer an alternative route but these are intersected by tracks and are partially occupied by either residential or holiday homes. Sliemore wood provides another stepping stone from Craigmore Wood but this would require birds to cross open farmland to reach Abernethy Forest SPA. The corridor from Craigmore Wood by Aultmore, to Abernethy Trust, to School Wood, Culstank Moss and then Dell wood/River Nethy is almost continuously wooded (though birds still have to cross roads and tracks).

In order to determine the impact of the proposal on the role of School Wood as a dispersal corridor (and therefore an important stepping stone maintaining the populations of Abernethy Forest and Craigmore Wood SPAs), an assessment of the current status of the wood for dispersal is required. This would require a detailed and lengthy scientific study which involves tagging birds and radio tracking them. This is not achievable due to the inherent danger to individual birds from this technique. Consequently the actual movement of capercaillie in the area cannot be safely determined with this methodology and therefore this assessment has to be based on current evidence supported by expert advice from SNH and CNAP access team.

School Wood is intersected by a number of footpaths, included a promoted path network. There are a range of informal paths that cut through the centre of the woodland and out to the east and north-east. Footpaths are considered to have a disturbance zone of at least 150m (the area that capercaillie will avoid). This means that there is very little if any habitat currently within School Wood that falls outside of a disturbance zone. Based on the distribution and extent of path

⁶ Astell Associates (2020) Nethy Bridge Craigmore Road Site – Preliminary Ecological Appraisal & Extended Phase 1 Habitat Survey

⁷ Astell Associates (2020) Nethy Bridge Craigmore Road Site – Preliminary Ecological Appraisal & Extended Phase 1 Habitat Survey

networks and the recent habitat assessment⁸, if birds are currently using the wood for dispersal, they are using it despite the sub-optimal habitat and recreation disturbance. As discussed above, the proposal for 20 houses at the Craigmore road site is not likely to significantly change existing patterns of recreation (there will be an increase in numbers of visits but patterns of recreation in terms of footpath use are likely to stay the same). Also as discussed above, there will be no loss of capercaillie habitat directly through the footprint of the proposal. Although introducing a developed footprint will reduce the width of the woodland corridor on the southern edge of the wood (both directly by creating a barrier and indirectly by creating a disturbance zone) an existing disturbance zone already extends into the SE corner of the wood due to the existing promoted path which lies beyond the site and the Caochan Fhuarain.

As such the proposal is not likely to have a significant adverse effect on the movement of birds between Craigmore Wood SPA and Abernethy Forest SPA.

As such this conservation objective is maintained.

Anagach Woods SPA

1. Population of capercaillie as a viable component of the sites and, 2. distribution of capercaillie within the Special Protection Area

The population of capercaillie as a viable component of all five SPAs, and the distribution within the SPAs, could be affected by the proposal if any birds within Craigmore Wood or Abernethy Forest SPAs were to be subject to significant disturbance from recreational use by people from the proposed development. Given the vulnerability of the capercaillie population, deaths or reduced breeding success amongst even low numbers of birds could affect the viability of the metapopulation.

However it is concluded above that there will be no significant disturbance to capercaillie in Craigmore Wood or Abernethy Forest SPAs arising from this proposal and consequently there will be no effect upon the metapopulation of the area including this SPA.

These conservation objectives are maintained.

• No significant disturbance of the species

The distance from the development site means that increase in recreational use as a result of the proposal in Nethy Bridge is too small to have any effect.

This conservation objective is maintained.

Kinveachy Forest SPA

1. Population of capercaillie as a viable component of the sites and, 2. distribution of capercaillie within the Special Protection Area

The population of capercaillie as a viable component of all five SPAs, and the distribution within the SPAs, could be affected by the proposal if any birds within Craigmore Wood or Abernethy Forest SPAs were to be subject to significant disturbance from recreational use by people from the

⁸ Astell Associates (2020) School Wood & Culstank Wood - Capercaillie Habitat Audit & Presence Survey

proposed development. Given the vulnerability of the capercaillie population, deaths or reduced breeding success amongst even low numbers of birds could affect the viability of the metapopulation.

However it is concluded above that there will be no significant disturbance to capercaillie in Craigmore Wood or Abernethy Forest SPAs arising from this proposal and consequently there will be no effect upon the metapopulation of the area including this SPA.

These conservation objectives are maintained.

- **No significant disturbance of the species**

The distance from the development site means that increase in recreational use as a result of the proposal in Nethy Bridge is too small to have any effect.

This conservation objective is maintained.

Cairngorms SPA

1. Population of capercaillie as a viable component of the sites and, 2. distribution of capercaillie within the Special Protection Area

The population of capercaillie as a viable component of all five SPAs, and the distribution within the SPAs, could be affected by the proposal if any birds within Craigmore Wood or Abernethy Forest SPAs were to be subject to significant disturbance from recreational use by people from the proposed development. Given the vulnerability of the capercaillie population, deaths or reduced breeding success amongst even low numbers of birds could affect the viability of the metapopulation.

However it is concluded above that there will be no significant disturbance to capercaillie in Craigmore Wood or Abernethy Forest SPAs arising from this proposal and consequently there will be no effect upon the metapopulation of the area including this SPA.

These conservation objectives are maintained.

- **No significant disturbance of the species**

The distance from the development site means that increase in recreational use as a result of the proposal in Nethy Bridge is too small to have any effect.

This conservation objective is maintained.

STAGE 5:

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

In the Appropriate Assessment above, the following conservation objectives could not be maintained:

River Spey SAC

Otter: distribution of species within the site, population of the species as a viable component of

the site

Atlantic Salmon: no significant disturbance of the species, distribution of species within the site, population of the species as a viable component of the site

Sea Lamprey: no significant disturbance of the species, distribution of species within the site, population of the species as a viable component of the site

Freshwater pearl mussel: no significant disturbance of the species, distribution of species within the site, distribution and viability of freshwater pearl mussel host species, population of the species as a viable component of the site

As such there will be an adverse effect on the site integrity of

- River Spey SAC

Mitigation measures are required to ensure that all conservation objectives can be maintained.

Provided the mitigation measures are included in any future full planning application for the site and are implemented, then the conservation objectives will be met and therefore there will not be an adverse effect on site integrity of the River Spey SAC.

Mitigation measures are required as part of the HRA for the Local Development Plan 2015-2020, which includes the proposal site as an allocation for housing and these have been included in the mitigation below.

Mitigation measure 1: Pollution and siltation from construction sites

Site operations are managed in a way that the likelihood of a pollution event during construction is removed. This can be achieved through safe handling of potential pollutants and provision of interceptor drains, filters and other measures on site. These measures must be set out in a Construction Method Statement (CMS) and this must follow recognised guidelines and best practice. Where required through statute, Controlled Activity Regulations (CAR) must be complied with.

The CMS must clearly demonstrate that risks to watercourses and ground water are eliminated through application of good site management in accordance with accepted best practice and guidelines. Development may not commence until it has been demonstrated to the CNPA acting as planning authority that the measures in the CMS have been adopted for onsite management. To be in accordance with this Plan and for planning permission to be granted, such developments must not adversely affect the integrity of the site, either alone or in combination with other plans or projects.

This mitigation must be set as a suspensive condition of any planning consent.

Mitigation measure 2: Requirement for SUDS

A Sustainable Urban Drainage Scheme (SUDS) must be implemented that will intercept water and either increase infiltration rates by using porous surfaces or slow run-off rates through storage mechanisms. A full design for the SUDS must be provided as part of any future planning application.

This mitigation must be set as a requirement as part of any full planning application

The above mitigation measures remove the Likely Significant Effect for all qualifying features of the River Spey SAC and will ensure the above conservation objectives are met.