



Agenda item 10

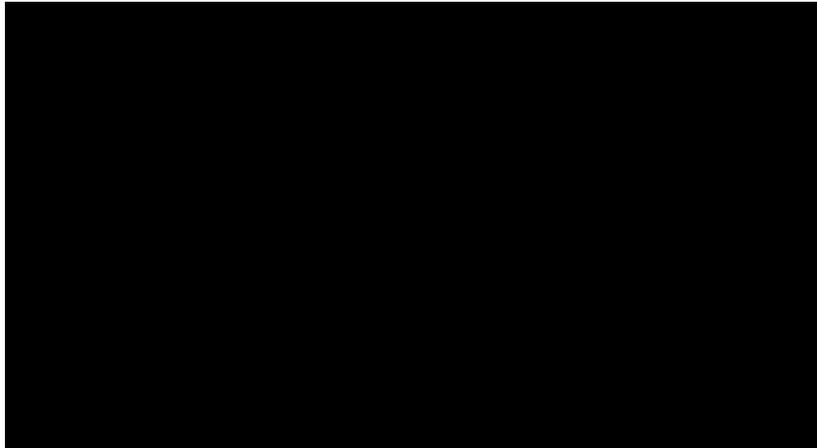
Appendix 3

2023/0210/DET

Representations - objection

From: [REDACTED]
Sent: 19 June 2023 23:55
To: Edward Swales; Planning
Subject: 2023/0210/DET Comment

Categories: Comments



Ed Swales

CNPA

19th June 2023

Dear Ed Swales

2023/0210/DET | Retention of ten wigwam accommodation units | Speyside Trust Badaguish Outdoor Centre Glenmore Aviemore PH22 1AD

BSCG objects to the above planning application. We request the opportunity to address the committee when this application is determined.

It is of particular concern to BSCG that Planning Condition 3 (for 2020/0081 and earlier applications) that has significant bearing on capercaillie conservation, has never been adhered to by the Trust. This Condition requires that the development is operated in accordance with the approved Visitor Management Plan Version 5 dated November 2015. There has been a demonstrable and consistent lack of compliance with this requirement, including the following:

1. The signage advising people to stay on designated routes is wholly ineffective. The purpose of the signage was to reduce recreational disturbance to capercaillie outwith the Badaguish site by encouraging people to stay on designated routes. However, it was erected in such a way that the notices refer to paths within the 35 wigwam and mountain bike course area, where there is no expectation of use by capercaillie. It is the paths that are outwith the Badaguish site, in the surrounding Glenmore Forest, that the signage was intended to refer to.

2. The consents for 2015/0375/DET and more recent applications including 2020/0081, have been provided on the basis that Badaguish has a No Dogs Policy for the existing wigwams, campsite and new wigwams as stated in the Visitor Management Plan Version 5 dated November 2015.

This is no longer the case and now dogs are “welcome” in all of the 22 wigwams except numbers 1-4. The Badaguish Pets Policy and on-site signage states that Dogs should be exercised off the site – i.e. in the surrounding forest where there is potential for disturbance to capercaillie. Capercaillie habitat borders the Badaguish site and the Cairngorms Special Protection Area is less than some 300m distance.

All capercaillie using Glenmore can be considered to be part of the Cairngorms Special Protection Area population and therefore disturbance is of concern irrespective of whether it is within or beyond the SPA boundary.

3. From all the anecdotal information we have, the condition to provide briefing information to all visitors using the site accommodation, referring to nature interest and avoiding disturbance to capercaillie, has never been fulfilled.

The claim made in the on-site notice that the bike park is private property is untrue. In written correspondence with FLS on 28 April 2020 the FLS Area Land Agent (North) clarifies that this area of land is the subject of a lease between Scottish Ministers and Speyside Trust. We consider this is material as it can be viewed as reflecting the approach to development and conditions at this site.

The basis of the consent, to which the present application is seeking an extension, is deeply flawed in terms of delivering for capercaillie conservation. The survival of this species in the UK is now in a critical position. To continue with the present situation on the basis that there is no change proposed in the present application would not be in accord with NPF4 policies.

- *Policy 1 Tackling the climate and nature crises: The intent of this policy includes encouraging development that addresses the nature crisis, with the outcome of nature positive places.*
- *Policy 3 Biodiversity: The intent of this policy is “To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks” with the outcome that “Biodiversity is enhanced and better connected”. The policy continues (3a) with “Development proposals will contribute to the enhancement of biodiversity”.*
- *Policy 4 Natural Places: The policy intent includes to protect natural assets, with the outcome that “natural assets are managed in a sustainable way that maintains and grows their essential benefits.”*

The Capercaillie is one of Scotland’s most endangered species and is undoubtedly an asset economically and in terms of natural heritage. To consent this application would extend a situation where there has been comprehensive failure to implement the measures intended to promote capercaillie conservation, as set out in the VMP. This would run counter to the intentions and outcomes of the NPF4 policies as detailed above; and, especially given the status of capercaillie as a Scottish Biodiversity List species, would be inconsistent with the Biodiversity Duty of the Nature Conservation (Scotland) Act 2004.

We note that SNH's view, from the outset in 2015, was based on the detail of the applicant's Visitor Management Plan being adhered to. Without the identified mitigation, SNH judged there would be likely significant effects on the SPA.

Yours sincerely

Gus Jones

Convener