



Agenda item 6

Appendix 2

2022/0241/DET

Habitats regulations appraisal

HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2022/0241/DET Alterations and extension to McDonald Aviemore Hotel.
Appraised by	Karen Aldridge, Planning Ecological Advice Officer
Date	28 July 2023
Checked by	Stephanie Wade
Date	28 July 2023

INFORMATION
European site details
Name of European site(s) potentially affected
<p>1) Kinveachy Forest SPA¹</p> <p>2) River Spey SAC The River Spey SAC is within 200 m of the proposed development site, however there is a lack of direct ecological connectivity between the proposed development site and the SAC. Therefore, the River Spey SAC will not be considered further.</p>
Qualifying interest(s)
<p>1. Kinveachy Forest SPA:</p> <p>Breeding capercaillie</p> <p>Breeding Scottish crossbill</p>
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

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 II** 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 Kinveachy 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).

APPRAISAL
<u>STAGE 1:</u>
What is the plan or project?
Relevant summary details of proposal (including location, timing, methods, etc)
The proposal includes the alterations and extension of The Macdonald Aviemore Hotel. The proposal includes the extension to facilitate an additional 25 rooms and additional parking.
<u>STAGE 2:</u>
Is the plan or project directly connected with or necessary for the management of the European site for nature conservation?
No
<u>STAGE 3:</u>
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: No likely significant effects. Given the reduction of the proposal from 53 to 25 family rooms it is not considered that the additional rooms would lead to a significant increase in visitors. Annex 1. Scottish crossbill: no likely significant effects, as none of their habitat will be affected. Scottish crossbills are therefore not considered further in this assessment.
<u>STAGE 4:</u>
Undertake an Appropriate Assessment of the implications for the site(s) in view of the(ir) conservation objectives
N/A
<u>STAGE 5:</u>
Can it be ascertained that there will not be an adverse effect on site integrity?
Yes it can be ascertained that the proposed development will not have an adverse effect on the integrity of Kinveachy Forest SPA.

Annex 1 Capercaillie Assessment: 2022/0241/DET

<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.</p> <p>The proposed development includes an additional 25 family rooms within the hotel. This is not considered a significant increase in visitors to the area.</p> <p>There is no reason to believe that visitors 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>
<p>Q2. Are capercaillie woods significantly more accessible from this development site than from other parts of the associated settlement?</p> <p><i>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 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.</i></p>	<p>No.</p> <p>From the proposed development site, the closest entry point to a known capercaillie wood (Kinveachy Forest, wood I on the Badenoch and Strathspey capercaillie woodlands map in Annex II, part of the Kinveachy Forest SPA) is approximately 2 km from the proposed development along either public roads/footpaths or the Aviemore Orbital route. As this is some distance from the proposed development, and makes use of existing routes, the proposed development site is not more accessible than from other parts of Aviemore.</p>
<p>If Q1 & Q2 = No, conclusion is no significant disturbance to capercaillie and assessment ends here</p> <p>If Q1 or Q2 = Yes, continue to Q3</p>	

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

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

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?

N/A

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.

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)

N/A

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.

If Q6 = yes for any woods, mitigation is needed. Note and continue to Q7
If Q6 = No for any woods, continue to Q7

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?

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%.

N/A

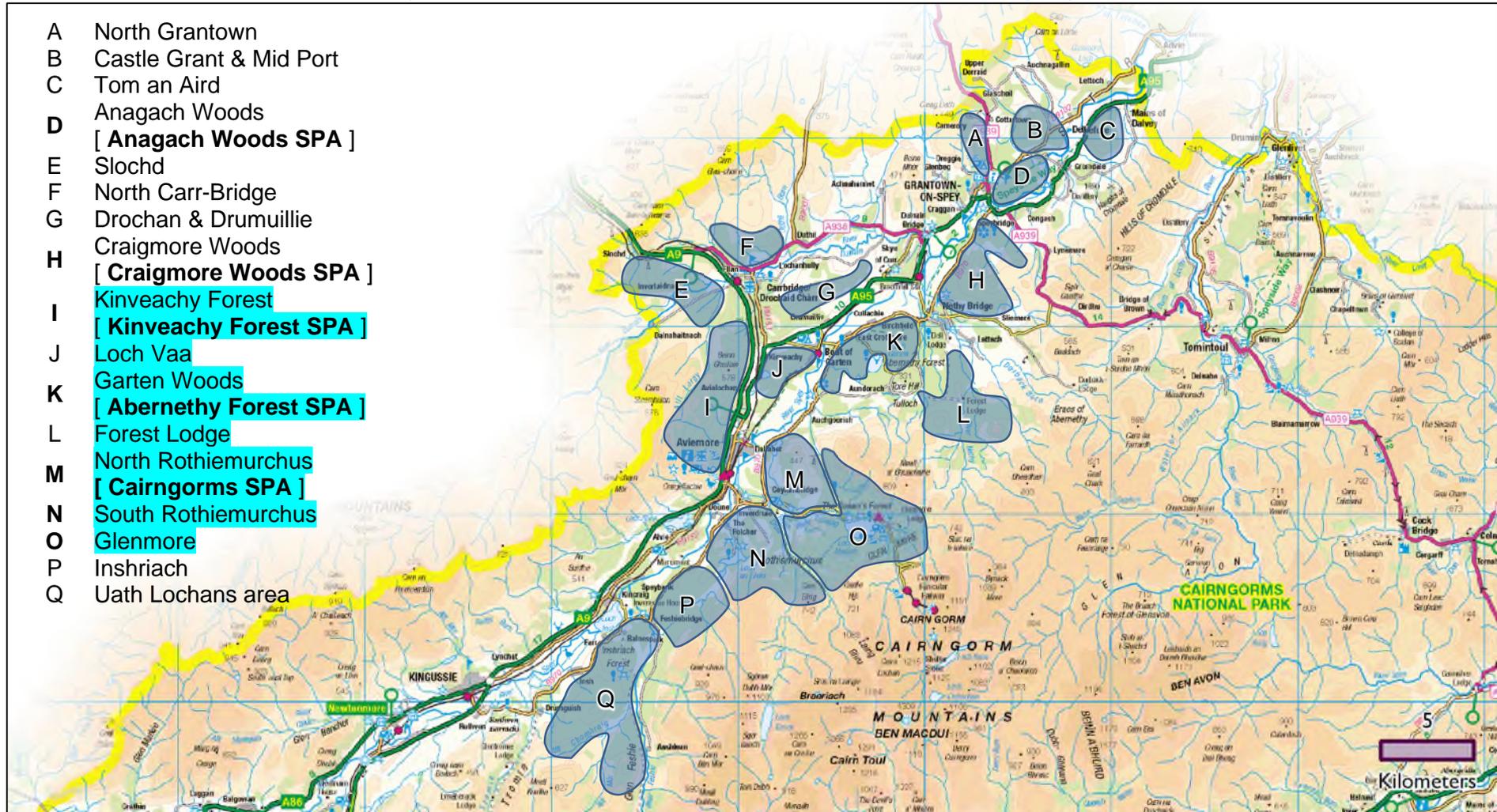
If Q4-7 = No for all woods, conclusion is no significant disturbance to capercaillie and assessment ends here
If Q4, 5, 6 and/or 7 = Yes for any woods, mitigation is needed

Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?

None required.

Reasons mitigation needed:	n/a
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Annex II Badenoch and Strathspey capercaillie woods map (considered woodlands highlighted blue)



Capercaillie woodland in Badenoch and Strathspey.

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