

Agenda Item 6

Appendix 3

2023/0380/DET

Habitats regulations appraisal

..HABITATS REGULATIONS APPRAISAL

Planning reference and proposal information	2023/0380/DET Extension to caravan site with 16no. static holiday caravans
Appraised by	Karen Aldridge – Planning Ecological Advice Officer
Date	26 March 2024
Checked by	NatureScot
Date	Date of consultation response from NatureScot

INFORMATION
European site details
Name of European site(s) potentially affected
<p>1) River Spey SAC</p> <p>2) Anagach Woods SPA¹</p>
Qualifying interest(s)
<p>1) River Spey SAC</p> <p>Otter</p> <p>Freshwater pearl mussel</p> <p>Sea lamprey</p> <p>Atlantic salmon</p> <p>2) Anagach Woods SPA</p> <p>Capercaillie – breeding</p>
Conservation objectives for qualifying interests
<p>1) 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> <ul style="list-style-type: none"> 2b. Restore the distribution of freshwater pearl mussel throughout the site 2c. Restore the habitats supporting freshwater pearl mussel within the site and availability of food 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 <ul style="list-style-type: none"> 2b. Maintain the distribution of sea lamprey throughout the site 2c. Maintain the habitats supporting sea lamprey within the site and availability of food

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 Anagach SPA. 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.

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

2) Anagach Woods SPA

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

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 a viable component of the site

APPRAISAL

STAGE 1:

What is the plan or project?

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

Proposed extension to the existing caravan park to accommodate and additional 16 static holiday caravans.

The area has already been cleared and hardstanding constructed.

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) (LSE)?

1) River Spey SAC

Atlantic salmon, sea lamprey, freshwater pearl mussel: NO LSE.

The area immediately adjacent to the proposed development (east) appears to be marshy scrubland with drainage connecting to the Kylintra Burn. The Kylintra Burn, feeds directly into the River Spey SAC. As the construction will not involve further, significant ground works, it is considered that the potential for any pollution events which may impact upon the Kylintra Burn is considered unlikely (the proposed site is comprised of hardstanding and drainage is already in place).

Otter: NO LSE. Although otter are known to use the Kylintra Burn, the distance from the proposed development (>100m) and the habitats immediately surrounding the proposed development would limit the likelihood of disturbance to any foraging or commuting otter.

The River Spey SAC will not be considered further.

2) Anagach SPA

Capercaillie – Yes potential LSE: from increased human activity by the addition of the occupants from the proposed development.

STAGE 4:

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

the(ir) conservation objectives

Anagach SPA

Distribution of the species within the site:

The distribution of capercaillie within the site will not be affected as additional use of woods (described in **Annex I-II**) is not likely to result in additional off path activity, therefore this conservation objective will be met.

Distribution and extent of habitats supporting the species; structure, function and supporting processes of habitats supporting the species:

There will be no effect on the structure, function or supporting processes of the habitats supporting capercaillie as a result of the proposed development, therefore this conservation objective will be met.

No significant disturbance of the species

See **Annex I-II** for detailed assessment. In summary, there would be no additional disturbance to capercaillie over and above what is already occurring through use of existing routes in capercaillie woods A, B, D & H. Therefore, this conservation objective can be met.

Population of the species as a viable component of the site:

As the other conservation objectives can be met, the population of capercaillie should not be affected and so this conservation objective will be met.

STAGE 5:

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

The assessment shows that there will be no adverse effect on the site integrity of Anagach SPA.

ANNEX I Capercaillie Assessment.

2023/0380/DET - Extension of caravan park to accommodate 16 additional static caravans.

<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 current proposal is for the addition of 16 extra static caravans, to accommodate approximately 4 people per unit, which is an additional 64 users of the existing caravan park.</p> <p>The current estimated population of Grantown on Spey is 2,437 (based on 2020 estimates²). The additional 64 people (assuming full time occupancy of the caravans) equates to around a 2% increase in the population. However, given the seasonal patterns of tourism, it is considered unlikely that the caravans will be occupied full time throughout the entire year.</p> <p>Anagach SPA is approximately 800 m from the caravan park and it is not considered likely that the occupants of these units would adopt significantly different patterns of recreation than the existing population.</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 – Anagach SPA is approximately 800 m from the development and the woods are easily accessible from the majority of Grantown on Spey.</p>
<p>If Q1 & Q2 = No, conclusion is no significant disturbance to capercaillie and assessment ends here</p>	

² [statistics.gov.scot : Population Estimates Detailed \(Current Geographic Boundaries\)](https://statistics.gov.scot/PopulationEstimatesDetailed)

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)</p> <p><i>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).</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>
Continue to Q4	
<p>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?</p> <p><i>Q4: This is included because any off path recreational use in capercaillie woods will result in significant disturbance and require mitigation.</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 = No for any woods, continue to Q5</p> <p>If Q4 = Yes for any woods, mitigation is needed. Note and continue to Q5.</p>	
<p>Q5: Are each of the woods identified at Q3 already established locations for recreation?</p> <p><i>Q5: This is included because if users of the</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>

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)

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.

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

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

/ 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%.

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

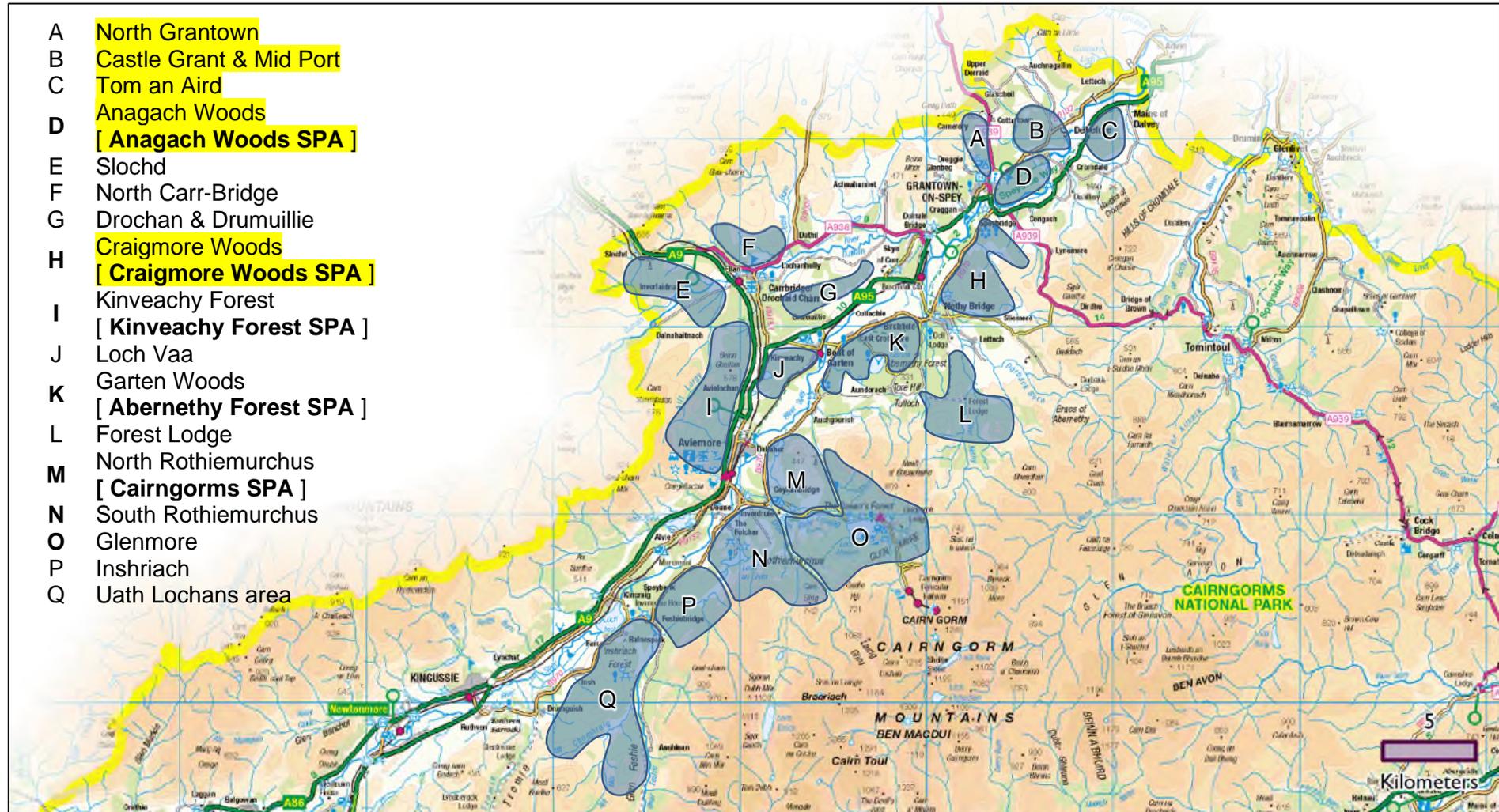
Conclusion: Is mitigation needed as a consequence of this development site in relation to each wood listed at Q3?

As conclusion for questions 1 and 2 is that there is no significant disturbance, there is no need for mitigation.

Reasons mitigation needed:

N/a as no mitigation required.

Annex II: Badenoch and Strathspey capercaillie woods map -
(Capercaillie woods which have been considered as part of this assessment are highlighted in yellow)



Capercaillie woodland in Badenoch and Strathspey.

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