

**Cairngorm National Park Authority: Main Issues Report
Consultation**

An Camas Mor response

2nd March 2018

IN SUMMARY

- The Main Issues Report is potentially misleading in failing to identify the most significant challenges to accommodating growth within the National Park: managing recreational impact on capercaillie habitat.
- The Cairngorm National Park Authority (CNPA) appears to be approaching its statutory duties under the Habitat Regulations inconsistently, making some decisions without any evidence and in other cases, taking an over-precautionary approach that relies on questionable and exaggerated assumptions. The current approach to resolving the impact of development upon capercaillie is too complex and requires a coherent, universally applied and strategic approach which can enable the delivery of the forthcoming plan. Rather than simply being a 'conservation issue' as identified in the Main Issues Report (MIR), the potential for development to have adverse impact on capercaillie, or 'likely significant effect', is the fundamental issue that stands between the CNPA and a successful spatial strategy.
- Indeed, the reasons for promoting North Aviemore as an alternative to An Camas Mor are not fully explained in the MIR and cannot be justified. Given the CNPA's inconsistent approach to Habitat Regulations Assessment, simply promoting alternative sites does not obviate the CNPA from imposing the same burdensome requirements it has devised for An Camas Mor;
- The CNPA are requested to fully engage with its responsibilities under the Habitat Regulations and devise a strategic mechanism similar to those adopted in other, more pressurised areas of the United Kingdom where the interests of ground nesting birds in SPAs have been successfully balanced with proposed development, particularly through the delivery of on-site green infrastructure;
- The CNPA has produced no evidence to explain why these exemplars could not work in this context to deliver Sustainable Development despite concluding its current erratic and burdensome approach is the only option. This slows down delivery and leads to an inconsistent approach which is actually damaging the conservation objectives related to capercaillie;
- If the Local Development Plan were to progress on the basis of the stated Preferred Options, it would lack transparency and fail to contribute to the statutory requirement of contributing to the sustainable development of the area. We fear that the current MIR has failed to correctly identify or debate the real set of issues facing a sustainable development strategy and we need to be convinced that the CNPA is able to progress to the next stage of plan preparation on the basis of this document.

REASONING

1. There are serious inconsistencies between the assessment of impacts on capercaillie in respect of new residents arising from development at An Camas Mor and those arising from Aviemore.
2. Despite the assertions of the CNPA in previous HRAs, the impacts of approved and future development at Aviemore will have cumulative, significant and adverse impacts (direct and indirect) on capercaillie in terms of their natural protected habitats and other habitat areas across the National Park unless the right of responsible access is deemed to be sufficient for all development within the National Park, including An Camas Mor.
3. The MIR is disingenuous in suggesting of An Camas Mor that 'a development of such scale, over a long period of time, with significant infrastructure costs will be challenging to make happen.' It is not infrastructure costs that are holding back its delivery. An Camas Mor has committed financial support from the Scottish Government, which is not presently available to North Aviemore or any other site the CNPA may wish to promote. There is no evidence that North Aviemore is any more deliverable than An Camas Mor – the MIR certainly advances none needed to sustain its argument.
4. As you know, we have been working extensively with various representatives of Scottish Government, the CNPA and the various statutory bodies in scoping the extent of Phase 1 infrastructure. Our client appointed a design team to commence work on the detailed design of the infrastructure, as well as the review of the masterplan and phase 1 proposals. Their work has encompassed various on-site surveys and technical studies and has included:
 - A week-long charrette to start work on the preparation of a detailed masterplan and landscape plan for the site, and specifically for phase 1. The charrette re-engaged the design team, officers of CNPA joined and THC participated in some of these discussions in August this year and I know your department was also invited to participate; and
 - Discussions with the Scottish Government and its advisors around advancing the design and planning process to a point where Infrastructure Loan Funding can be released for the project.
5. This work needed time to complete and led to the current Section 42 application which has also provided an opportunity to clarify many conditions imposed by the CNPA that did not meet legislative tests. We are shortly to sign the amended S75 legal agreement with the CNPA;
6. Prior to commencing with Phase 1, a further consultation exercise has been undertaken. An Camas Mòr Development LLP supported the community led events over four days held by Gehl, Copenhagen in February 2018. These included a site visit and workshops for the public, events with the local schools, the Cairngorms Business Partnership and another to be held when weather and timetables permit with Kate Forbes MSP and invited colleagues. The developers will take careful note of the advice given when the reports and supporting information is made available.
7. The main issue affecting the delivery of An Camas Mor is therefore not the ability of ACM to deliver, but the requirement to mitigate against impacts on capercaillie by delivering complex and very specific mitigation works over a wide area requiring multi-partner agreement to deliver. These works were derived from an equally complex model developed by the CNPA and SNH specifically for An Camas Mor

in 2016 and finalised in April 2017. Without success, we have tried to persuade the CNPA and SNH from adopting this cumbersome approach and instead try and address these matters more strategically. The CNPA need to develop a strategic approach to managing off-site mitigation works through development funding being distributed via the Capercaillie Framework. The CNPA and SNH have resisted this approach and have persisted in developing an intricate Recreation Activity Model that seems to only apply to residents of An Camas Mor.

8. This Recreation Activity Model considers the routes likely to be taken by An Camas Mor residents, the estimated volumes of visits to each of these and the locations of recreational activities likely to make the greatest impacts on capercaillie, (e.g. dog walking and mountain biking). It relies on data from Scotland's People and Nature Survey (SPANS), which considers 68% of recreational trips to nature to be made from the home, with 25% by car (7% other), and attempts to configure how the visits made by residents may have adverse impact on capercaillie. Crucially, the model implies recreational disturbance is likely in a number of locations which are a considerable distance from An Camas Mor and would have to be driven to. Given many of these are within walking distance of existing settlements or alternative sites outlined in the MIR, including North Aviemore, there is no basis for alternative sites being any more suitable than An Camas Mor.
9. The length of time taken to develop this model and the resultant negotiations around its formulation and implementation have presented the most significant risk to the delivery of An Camas Mor. The cost and delivery of infrastructure is clear to An Camas Mor Development LLP, whilst, the cost and delivery of the CNPA/SNH model is not. The CNPA is deceiving itself in not recognising this issue in the Main Issues Report;
10. By promoting North Aviemore as an alternative site, and justifying this on the basis of deliverability doubts at An Camas Mor, the CNPA effectively announces that the approach it has set out in the HRA and Appropriate Assessment for An Camas Mor will not be applied elsewhere, just as it has failed to do so for all development in and around Aviemore in the recent past. It is inconsistent not to apply the same principles and approach taken in respect of An Camas Mor to all development within the National Park that will result in increased trips to surrounding capercaillie habitat. It is also contrary to the Habitat Regulations. The CNPA has been misdirecting itself over all such development within Aviemore and elsewhere for some time, whilst overcompensating for this inaction in respect of An Camas Mor;
11. A telling example is a recent application for land near Allt Mor in Aviemore (2016/0224/DET) for 38 units. The HRA for this scheme was prepared at the same time as that for An Camas Mor, and after the Recreation Activity Model for An Camas Mor was prepared by the CNPA and SNH. A comparison of the two HRAs is provided in Appendix 1. The divergence of assessment is as startling as it is unsettling. The CNPA's findings are inconsistent and perverse as well as indefensible – unless the CNPA and SNH can evidence why future residents living in a dwelling in An Camas Mor, will recreate differently to someone residing within Aviemore. The CNPA and SNH assert that An Camas Mor residents will travel up to 20 miles in search of recreation, opening up new paths and routes in new areas, including Kinveachy Forest SPA. In contrast according to the CNPA and SNH, new Aviemore residents will recreate only locally and consider Kinveachy Forest SPA too far away and if they do manage to walk 1.2km, will stick to the paths. These assessments are perverse and indefensible, more so given that they were made at the same time;

12. In fact Aviemore residents are at least as close to known capercaillie woodland habitat and the designated SPAs which host capercaillie as An Camas Mor residents. Evidence of this is presented in the table below:

| Areas with Capercaillie | Distance to capercaillie habitat from An Camas Mor and North Aviemore (alternative site) | | | |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------|----------------------------|----------------|----------------------------|
| | An Camas Mor | Within 20-mile round trip? | North Aviemore | Within 20-mile round trip? |
| Abernethy Forest | 6.1km | Yes | 8.9km | Yes |
| Anagach Woods | 21.5km | X | 22km | X |
| Craigmore Wood | 16.4km | X | 16.25km | X |
| Cairngorms | 1.6km | Yes | 5.5km | Yes |
| Kinveachy Forest | 6km | Yes | 2km | Yes |
| Capercaillie Woodland Areas (as existent in the proposed mitigation areas) | An Camas Mor | Within 20-mile round trip? | North Aviemore | Within 20-mile round trip? |
| A | 0.5km | Yes | 3.7km | Yes |
| B | 1.6km | Yes | 5.5km | Yes |
| C | 5.3km | Yes | 9.5km | Yes |
| D | 6.1km | Yes | 8.9km | Yes |
| E | 5.2km | Yes | 1.4km | Yes |
| F | 18.2km | X | 19.6km | X |
| G | 9.6km | Yes | 12.5km | Yes |

13. Here, proximity to capercaillie, whether identified by SPA designation or known capercaillie woodland, is transferrable from An Camas Mor to North Aviemore. This reinforces the notion that, should the same Recreation Activity Model be applied elsewhere in terms of recreational visit numbers, distances to starting points and modes of travel, the deliverability of any alternative site – be it North Aviemore or elsewhere in Aviemore or the National Park – the same issues will be generated.
14. Crucially, to take the SPANS guidance used in the Recreation Activity Model and assume that 68% of routes to nature are to be made from the home, the North Aviemore Allocation site is less than 1 mile from capercaillie woodland in the Kinveachy Forest, whereas An Camas Mor – at its closest point, is 1 mile from capercaillie woodland, present at the north-western extent of the Cairngorms SPA;
15. However, we have serious concerns with the recreational modelling undertaken by the CNPA. A casual review of visitor information for various SPAs around the UK confirm the same patterns of recreation:

- a. The majority of people recreate in designated recreation areas, keeping to paths;
- b. Car access is prevalent, but conversely, the creation of car parks can focus recreational activity;
- c. Most people recreate within 5km, and less than 2km if they are walking;
- d. The propensity to access recreation falls significantly beyond 5km;
- e. Dog walkers tend to travel shorter distances to access sites.

Looking at Thames Basin Heaths data in particular, we can establish that there are around 310,000 houses within 5km of the SPA and an estimated 5 million trips per annum. A crude calculation suggests each adult is making 8 trips to the SPA every year. The CNPA and SNH believe that in contrast, just short of 3,000 adults at An Camas Mor will make between 122 and 325 trips per annum. We have no indication as to how many of these trips are apportioned to SPAs or wooded areas inhabited by capercaillie, but this comparison undermines the utility and reliability of the model as it is clearly prone to exaggeration, particularly when the real views of the CNPA and SNH are analysed in respect of the Allt Mor planning application;

16. The current approach adopted by the CNPA and SNH is further debunked when the amount of openspace proposed at An Camas Mor and across the Rothiemurchus estate is considered – which, by delivering substantial amounts of green infrastructure and a variety of walking route of various distances, could benefit Aviemore and reduce the recreational impact on capercaillie caused by existing residents within Aviemore. As a settlement of a similar population to Aviemore, An Camas Mor has a considerably smaller building footprint, resulting in more greenspace per person, a comparable level of open access and paths provision and provision of attractive areas for activities of particular impact (i.e. dog walking). Specifics of these are outlined in the table below:

| Provision | An Camas Mor |
|-------------------------------------------------------|--------------|
| Core Development Area (Ha) | 67.61 |
| Total Greenspace Provision (Ha) | 58.89 |
| <i>Greenspace per person (Ha/occupant)</i> | <i>0.018</i> |
| <i>SANG Recommendation (8Ha/1000 population) (Ha)</i> | <i>26.28</i> |
| <i>Dog Exercise Areas (Ha)</i> | <i>2.27</i> |
| Routes in countryside park (m) | 1053 |
| Neighbourhood paths within community (m) | 3908 |
| Total Path Network (m) | 25255 |
| Total open access areas (Ha) | 29.6 |

This provision, alongside a new countryside park for recreation between An Camas Mor and the River Spey, gives little reason to suggest recreational disturbance further afield will be added to at the extent suggested in the Recreation Activity Model. As a result, it is striking that the Main Issues Report is seeking to promote an alternative site that, given its size, is incapable of delivering for the region the same or comparable alternatives, making the chances of likely significant effects on capercaillie and other species and habitats more probable unless the Outdoor Access Code is to be rigorously promoted.

17. The MIR ignores any spatial or policy issues needed to support visitor numbers which have been growing over the last decade as the CNPA seeks to deliver one

of the four key statutory objectives of the National Park in terms of promoting the understanding and enjoyment of the Park to the public. This is evidenced in a report by Heather Trench made to the Europarc Federation in July 2017:

“We’ve seen the success of our work to date reflected through our research. Since 2005, we’ve seen an 18% increase in visitor numbers, but a 24% increase in visitor days.”

Using some of this data, it is possible to identify rising visitor numbers to the Cairngorms National Park:

- a. Visitor numbers in 2005 – circa 1.45 Million (<http://www.europarc.org/news/2017/07/cairngorms-national-park-tourism/>)
 - b. Visitor numbers in 2009 – 1.5 Million (<http://www.nationalparks.gov.uk/students/whatisanationalpark/factsandfigures/>)
 - c. Visitor numbers in 2017 – 1.7 Million (<http://cairngorms.co.uk/discover-explore/facts-figures/>)
18. Despite the impact of increasing visitors on capercaillie and their habitat, the Main Issues Report is silent on this issue, offering no insight as to whether the Local Development Plan should restrain visitor pressure by holding back investment in visitor experience, or whether strategic mitigation is needed to support rising recreation. If mitigation is needed, then it is assumed that all proposals for visitor infrastructure will be approached in similar fashion to the April 2017 Model used to determine the impact of recreation by residents of An Camas Mor. In which case, this needs clearly identified now as proposed test for all visitor-related development. We do not see this approach as workable, but at least it will be consistent unless the CNPA and SNH can identify why increasing visitors would not come in to conflict with capercaillie in contrast to residents of An Camas Mor;
 19. Perhaps the CNPA will acknowledge, just as it did in Aviemore, that increased recreation will tend to be very localised and stick to existing paths. In which case, the CNPA/SNH Model is at odds with its previously stated views.
 20. The CNPA must therefore assess the impact of all committed, and as yet unbuilt, development within 10 miles of capercaillie habitat. It must then assess the implications for all proposed allocations and development strategies within the Main Issues Report.
 21. The CNPA is on course to produce a Local Development Plan that an independent Reporter will be unable to find compliant with the requirements of European natura legislation. Indeed, the majority of planning decisions that have been made and will continue to be made by the CNPA in support of additional housing and visitor facilities are legally questionable. The CNPA has two choices:
 - a. Be consistent in its application of the Appropriate Assessment devised for An Camas Mor in the full knowledge that the majority of development across the National Park will generate such impossibly high recreational visits to capercaillie habitat that any mitigation is likely to be difficult to achieve for smaller developments and even where mitigation can be identified, there could be the risk it cannot be secured due to the need for multi-party agreement. OR

- b. The CNPA set aside its complex model and instead engage seriously with ACM Development LLP and other partners to discuss an alternative, proportionate and sensible model that promotes the delivery of alternative recreational opportunities and/or utilises development finance to fund a strategic approach to mitigation where it can be most effective. This has been established in many other areas of the UK where development pressure has potential to cause significant effects on natura sites. Such a strategic approach can help unlock all housing and visitor related development and avoid the application of the April 2017 Model devised by the CNPA and SNH and applied to An Camas Mor;
22. There are many examples of a strategic approach to proactively manage impact on European protected sites. These are outlined in full in Appendix 2, but the following points are noteworthy for the National Park:
- The Thames Basin Heaths SPA SPD recognises the sensitivities associated with the breeding grounds of the birds for which it is designated. As such, a reliance on suitable alternative natural greenspace (SANG) provision and access management provided in appropriate measure by new development, rather than a programme of habitat management, is sufficient in retracting visitor numbers from these habitats and providing pleasant, varied green spaces in strategic locations in turn.
 - In the Dorset Heathlands SPD, Heathlands Infrastructure Projects (HIPs) are organised strategically to ensure habitat retention where most appropriate alongside provision of alternative spaces to detract visits.
 - In the Solent SPAs, Local Authorities have agreed mitigation should be sought across SPA boundaries, and perceived impact can be reduced depending on development type. For example, student accommodation is considered less influential given the absence of pets in these schemes, given the greater impact of off-lead dogs identified in the research. Further, alternative mitigation measures which are not identified in the guidance may also be acceptable, provided they are evidenced in the HRA, and seen as sufficient by the relevant council.
 - In each case, these frameworks can confidently assume that strategic provision across local authority boundaries, delivered via management boards, will see adverse impacts avoided and impact reduced.
23. It should be noted that the application for dwellings in Aviemore referred to in Appendix 1 (2016/0224/DET) as approved by CNPA with endorsement from SNH, would have been refused planning permission by Surrey Heath Borough Council as well as drawn an objection from Natural England, under the terms of the guidance used within the Thames Basin Heath SPA. In short, the CNPA and SNH are failing to manage the impact on capercaillie and are distracted by flawed and inconsistent approaches to this issue. Their insistence that the Cairngorms and the needs of capercaillie are fundamentally different are in actual fact hampering conservation objectives when compared to best practice elsewhere in the UK;
24. The reluctance of CNPA and SNH to accept comparisons between the Cairngorms SPAs and other parts of the UK are not supported by the evidence given the scale of urbanisation seen in the south of England which presents more significant challenges to ground nesting birds. This is shown in the following comparison between the Thames Basin Heath and the Cairngorms:

| SPA | Thames Basin Heaths | Various SPAs within the Cairngorms National Park |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Schedule 1 Protected Species | Ground nesting Nightjar, Dartford Warbler and Woodlark | Ground nesting Capercaillie |
| Access Rights | There are 1,795 km of public rights of way at a density of 1.5 km per km ² . See Appendix 4 for an aerial of the northern extent demonstrating the density of paths | Right of Responsible access under the Scottish Outdoor Access Code, particularly in areas of conservation |
| Housing within 5km | At least 310,000+ | 18,000 in the entire National Park (not certain how many fall within 5km) |
| No. of visits p.a. | 5,000,000 specifically estimated to the SPA | 1,700,000 to the entire National Park |
| Management | Multi-Authority and Multi-Partner Joint Strategic Management Board | Multi-Partner Capercaillie Framework |

We see no convincing evidence as to why innovative and now well-established policy mechanisms, adopted here and elsewhere, could not form part of a strategy in the National Park.

25. To consider evidence from elsewhere, in areas near SPAs and without adopted frameworks, planning applications have successfully integrated SANG provision early in the pre-application process, as at An Camas Mor, which have been seen as suitable in limiting recreational disturbance. In these cases, upgrades to existing or provision of new infrastructure has been seen to reduce visitor trips to the SPAs, even where mitigation regimes may not have been adopted (See Appendix 3). We therefore urge the CNPA to rethink its current approach to managing recreational impacts and devise a strategic mechanism that works for all development within the National Park. Such a mechanism would simplify the delivery of An Camas Mor by removing the exaggerated predicted impacts, facilitating its delivery and removing the doubts inaccurately expressed within the Main Issues Report;
26. We regretfully conclude that due to the CNPA's failure to address its incoherent approach to managing recreational pressure from housing and visitor growth, the current Main Issues Report fails in its statutory duty to contribute towards

sustainable development. Moreover, the CNPA has failed to act with sufficient transparency in this critical stage of consultation. We urge the CNPA to engage more constructively with An Camas Mor Development LLP and other partners within the Capercaillie Framework to find a more transparent mechanism to facilitate the delivery of the next Local Development Plan prior to re-running the Main Issues Consultation exercise to fulfil transparency requirements.

Consultation Questions:

Main Issue 1 Over-arching development strategy

Q: Do you agree that the overall development strategy of the current Local Development Plan remains appropriate, and that we should use this as the basis for the next Local Development Plan?

The CNPA has failed to set out a development strategy by not elevating and addressing how it can properly deliver sustainable development in light of its responsibilities under the Habitat Regulations. The Main Issues Report stage will need to be re-run given the lack of transparency and evidence in the current exercise.

Main Issue 4: Housing

Q. Do you agree that we should include long-term development land in the Local Development Plan which could be released for development in the event that An Camas Mor Does not progress as envisaged?

Based on the analysis in our paper, we object to this speculative and misleading proposition. We therefore also object to the strategy for Aviemore.

Main Issue 7: Impacts on Natura Designation

Q. Do you agree that the new Local Development Plan should include a more co-ordinated approach towards delivering wider packages of capercaillie mitigation and conservation measures?

Based on the analysis within our paper, the CNPA should spell out what its coordinated approach is. All we have at the moment is an inconsistent approach which ranges from exaggeration to neglect in terms of the CNPA's responsibilities under the Habitat Regulations. We have provided examples of where other local authorities, in more pressurised areas of the UK have devised a co-ordinated approach. That is the benchmark the CNPA should be aspiring to.

Q: Have we identified the right issues [Aviemore]?

Q: Do you agree with the proposed settlement objectives?

Q: Do you agree with the preferred site options?

As set out in our main response, the CNPA is confused as to the issues facing the delivery of An Camas Mor (or indeed any other site within Aviemore) and should be doing more to address the underlying issue rather than pursuing alternative sites that do not solve or obviate the CNPA's responsibilities under the Habitat Regulations.

Appendix 1:

Comparison between the CNPA's approach to Habitat Regulation Assessments within Aviemore and at An Camas Mor

Application 2016/0224/DET – 38 Units at Alt Mor within Aviemore

Estimated population of Aviemore: 2,836 (2011 census).

However, we should include the visiting population. A report dated from 2011 by HIE looking at Highland accommodation (file:///Users/turcpattison/Documents/From%20PC/Temp/0841-

R1_(Inverness_and_Moray_Accommodation_Audit)+Final.pdf) identified 2,000 bedspaces across Badenoch and Strathspey. It is conservatively assumed that one quarter of these are available within the regional centre at Aviemore, meaning the population could be 3,300 at least.

Application 2017/0086/DET – 1,500 Units at An Camas Mor

Proposed Population: 2,895 (no hotels are currently proposed)

We are therefore dealing with two settlements at least of equal size, albeit Aviemore is a major overnight visitor destination, and both are within close proximity of SPAs and woodland habitat known to be populated by capercaillie.

The HRA for both schemes would have been prepared at the same time albeit the Recreational Activity Model for An Camas Mor was substantially developed prior to the CNPA determining the Allt Mor scheme and clearly available to them.

The Model supporting the HRA estimates that residents of An Camas Mor will make 292,000 – 778,000 outdoor recreation trips per annum. Surprisingly, no estimate has been provided for Allt Mor within its HRA, but using the same methodology, we can assume this would be in the region of 9,000 – 24,000 trips per annum.

The following text is extracted from both HRAs with the Aviemore development in text in red and the An Camas Mor text in blue.

"The proposal will not disturb capercaillie during construction or create disturbance directly from the site once the houses are occupied. The distance of 2km (1.2 miles) from the site and woods used by capercaillie is too far to cause direct disturbance".

Only 11% of residents in An Cams Mor are expected to make trips of 2 miles or less. 89% of residents in An Camas Mor are expected to recreate between 2-20 miles.

(Table 4: Identification of woodlands with potential for significant recreational disturbance to capercaillie arising from An Camas Mor, and specification of the mitigation required to avoid such disturbance).

The development is predicted to increase the levels of recreation in the local area:

a) Increase the recreational use of the Aviemore Orbital path. This is most likely to be used by residents of the development for day to day short to medium routes and dog walking. Capercaillie do not use this area, therefore there is no effect on capercaillie.

b) Increase in the use of Kinveachy SPA for dog walking and mountain biking. Capercaillie breeding is focused in the older established woodland area of Kinveachy and use the newer area of plantation in the winter months for foraging. These two areas are separated by a deer fence which has stiles for access but acts to reduce disturbance during the breeding season.

c) Increase in the use of paths in Craigellachie NNR which is adjacent to Kinveachy, Capercaillie do not use this area, therefore there are no effects on capercaillie.

It is anticipated that most residents from the development will use the Aviemore Orbital footpath primarily, as this is directly adjacent to the development and provide a range of short and medium walks.

(NB: no green infrastructure was provided by the application)

An Camas Mor will deliver the following green infrastructure:

*Country Park with bridge linked to Aviemore (X Ha)
1461m of shared routes integral to the green network
3222m of off-road routes
29.6Ha of openaccess space
5 Dog Exercise Areas
3 Play Areas*

Whilst this is acknowledged within the HRA, the supporting model goes on to say:

*“It is important that the development site provides a high quality range of recreational opportunities so that the day-to-day recreation needs can be met on or near to it in areas where their presence won’t disturb capercaillie. However, given known spatial patterns of recreational behaviour and the proximity of nationally valued recreational sites it is inevitable residents will venture beyond the settlement and surrounding area on a significant proportion of recreational visits.”
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“Even so, an increase in use of Kinveachy is predicted. Recreation is likely to occur along promoted tracks which are already popular and avoided by capercaillie (Moss et al, 2014). Lek sites are concentrated on the other side of the deer fence which will further reduce use of tracks in sensitive areas.”

“Significant recreational disturbance was predicted within a small part of Kinveachy Forest SPA, Inverlaidnan woods, accessed from the recreational setting off points as listed in Appendix 5, CNPA & SNH (2017). Based on the evidence detailed in

Appendix 4, significant disturbance within these woods is likely to have a direct effect upon the species within the SPA.”

“The proposal is not predicted to change existing spatial and temporal recreational patterns in Kinveachy. It is therefore concluded that an increase in recreation from the proposal will not have an adverse effect on capercaillie.”

“Conclusion: This conservation objective [of Kinveachy SPA] will not be met, mitigation is therefore required.”

Appendix 2: **Established Strategic Approaches to Natura Mitigation**

In mitigating European designated natura sites, it is recommended that a three-pronged approach be used to avoid causing likely significant effect, namely (i) provision of Suitable Alternative Natural Greenspace (SANG), (ii) access management; and (iii) habitat management.

Thames Basin Heaths SPA SPD

- Conceived first as the Thames Basin Heaths SPA Delivery Framework (2009), the Thames Basin Heaths SPA SPD is well-established and represents a coherent approach to natura mitigation, having been adopted by 11 Local Authorities in Hampshire, Berkshire, and Surrey. While the regional planning governance has been largely dissolved, conformity with the framework remains a requirement for new development to ensure a consistent approach to protecting the SPA.
- The Thames Basin Heaths are designated for the heathland habitats which they provide, hosting protected bird species to live and breed in, and so the framework outlines Suitable Alternative Natural Greenspace (SANG) provision and access management as the most important, rather than habitat management.
- Generally, there is an assumption against development within 400m for the SPA's boundary, with it deemed not possible to conclude no adverse impact on the SPA for development within this distance.
- Beyond this, a 'zone of influence' from 400m-5km is applied to all development proposals which increase the net housing numbers, which can be extended to 7km for larger developments should these be deemed to cause likely significant effect as a result of increasing recreational trips to the SPA or its surroundings.
- The framework states that SANG should be provided on a 8 Ha per 1000 population basis, with an assumption of 2.4 people per dwelling, unless otherwise evidenced. This can either be obtained through developer contributions to off-site SANGs or by direct provision on-site.
- As a guide, a SANG should be at least 2Ha in size, and its catchment will increase as the size of the SANG increases.
- As well as SANGs, contributions to the Strategic Access Management and Mitigation (SAMM) project allows an effective response to changing conditions in the SPA, including visitor useage of SANGs and the SPA and the monitoring of species numbers.
- increased coordination helps existing wardens to promote standard messages to users of the SPA and SANGs, providing confidence that increased recreational pressure is manageable and balanced against development.

Dorset Heathlands Planning Framework SPD

- Prepared jointly by 4 borough council's and their common district council, the Dorset Heathlands Planning Framework SPD intends to ensure a uniform approach to heathland protection.
- Similar to the Thames Basin Heaths, the guidance applies to areas within the 400m-5km buffer zone.
- The Strategy consists of Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM).
- SANGs are the most significant of the HIPs, which are in place to attract visitors away from the Dorset Heaths.
- Critically, for sites of 50 or more dwellings, SANGs should form part of the overall infrastructure provision on-site.
- As for SAMMs, the pressures from development can have influence over heathland's in neighbouring local authority areas, so this strategy ensures access management is joined up, with each authority then responsible for making arrangements for day to day management in their area.
- The funding gained from SAMMs contributions is managed and distributed by a Strategic Management Board, with tariffs, new sites and staffing requirements reviewed regularly.

Solent Special Protection Areas SPD

- Local authorities along the Solent have agreed that mitigation should be sought from all relevant developments within 5.6km of a Solent SPA.
- In this case, too, the guidance is sophisticated in that purpose-built student accommodation (PBSA) has its chance of likely significant effect reduced because of the residents inability to have pets, and the research showed that 47% of flight activity in the SPAs was as a result of dogs off a lead.
- Also notable, the guidance outlined in this case does not carry as much weight as that of the two previous, whereby applicants are entitled to propose their own mitigation plans which the city council will consider. Although, it does impose a cost to implement a mitigation framework strategically.

Appendix 3: **Recent large-scale applications with and without mitigation regimes**

i) 15/01856/OUT | Part-redevelopment of the Townhill Park Estate with 675 new dwellings and associated parking, a retail store (up to 500sq.m), diversion/stopping up of a public right of way, highway enhancements and replacement public open space. The detailed phase 1 element comprises 275 dwellings in buildings of up to 7 storeys | *Land At Meggeson Avenue Townhill Park Southampton SO18 2HD*

- This application in Southampton by Southampton City Council outlined increased visitor numbers resulting in recreational disturbance to the New Forest (SAC/SPA) and the River Itchen SAC. As an outcome, it was concluded that, alongside financial contributions towards the Solent Recreation Mitigation Project (Covered by the SPD in Appendix 2), the upgrading of existent green infrastructure, including improved connections and dog-walking facilities within areas already used for these purposes, would suffice as appropriate mitigation to avoid likely significant effect on the neighbouring natura sites.

ii) 16/00020/OUT | Hybrid planning application seeking (a) outline planning permission for up to 400 additional dwellings, a community facility of up to 1,077 sqm, sports provision and open space (all matters re-served except for means of access) and (b) full planning permission for an all-through school (Learning Village) providing nursery, primary, secondary, post 16 and SEN facilities, approximately 13 ha of Suitable Alternative Natural Greenspace (SANG) land, two vehicular accesses from Temple Way, a spine road through the development and a school drop-off/SANG car park. | *Blue Mountain Golf Club and Conference Centre Wood Lane Bin-field Bracknell Berkshire RG42 4EX*

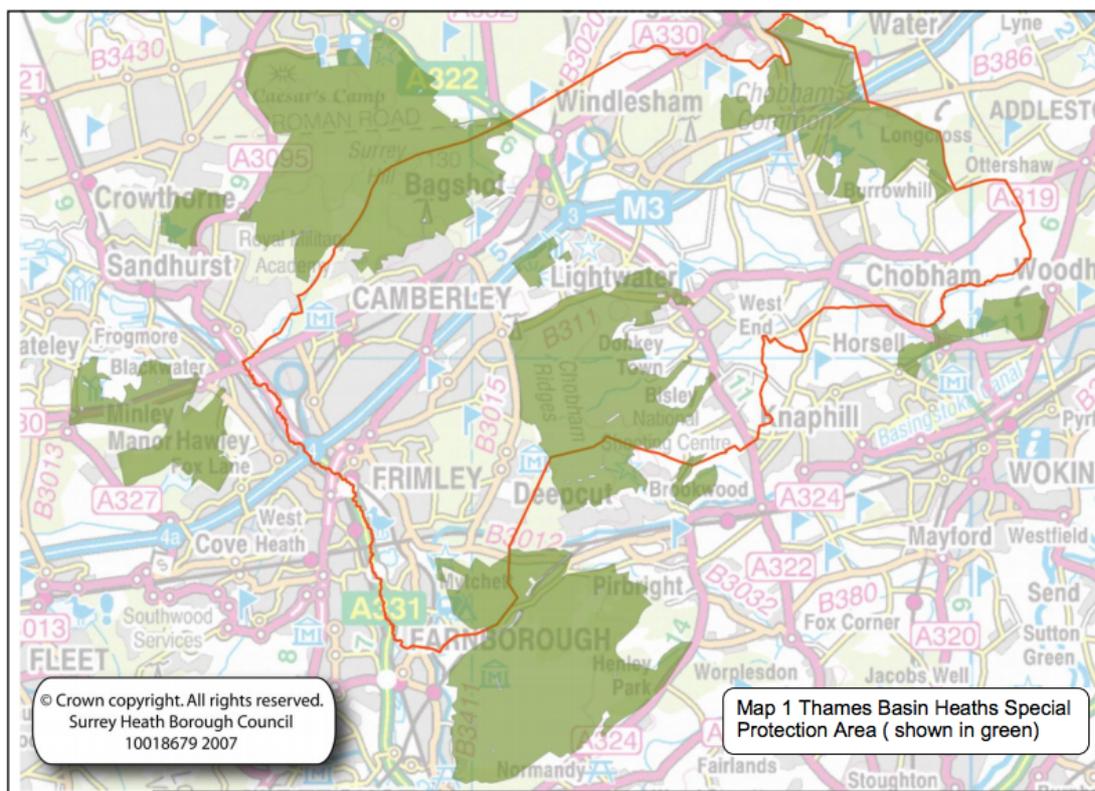
- Within the Thames Basin Heaths area, this application to Bracknell Forest Borough Council saw 12.86Ha of SANG provided on a 53Ha site in a 'green spine' through the development. The SANGs specifications were secured in a section 106 agreement, to then be transferred into council ownership and managed using the SAMM contributions obtained, which were calculated based on the number of new dwellings provided.

iii) DC/17/1435/OUT | Outline planning application for up to 2000 dwellings, an employment area of c0.6ha (use Class B1), primary local centre (comprising use Classes A1, A2, A3, A4, A5, B1, C3, D1 and D2), secondary centre (comprising possible use Classes A1, A3 and A4), a school, green infrastructure (including Suitable Accessible Natural Greenspace (SANGs), outdoor play areas, sports ground and allotments/community orchards), public footpaths and cycleways, vehicle accesses and associated infra-structure | *Land South And East Of Adastral Park, Martlesham Heath, Martlesham, Suffolk.*

- This application to Suffolk Coastal District Council recognised the likely increase in recreational disturbance along the Deben Estuary, with impacts from dog walking causing disturbance to birds because of the new community. A 18Ha core block of SANG is to be provided in the centre of the 113Ha site, as well as 7Ha of linking paths providing a variety of walking distances and options for new residents.

- As part of efforts to entice new habitat areas, a new lake positioned within the SANG core block, widened green routes to and from it, and the retention of existing mature vegetation have all been included on site. This, along with a SAMM contribution calculated per house, was deemed sufficient in reducing disturbance along the estuary and is ambitiously attempting to provide new habitats on-site as well as reducing impacts on the SPA.

Appendix 4:
Map of Thames Basin Heaths SPA



Appendix 5:
Aerial of northern Thames Basin Heaths SPA area

