



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba

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**BY EMAIL**

Dan Harris  
Planning Officer  
Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
PH26 3HG

27 March 2019

Our ref: CEA154023

Dear Mr Harris

**01173 Environmental Report – Cairngorms National Park proposed Local Development Plan 2020 (LDP)**

Thank you for the opportunity to provide comments on the Environmental Report that accompanies the proposed Cairngorms National Park LDP 2020.

We have three minor recommendations on the environmental assessment and Report:

1. Recently the implications of Brexit have led to a refinement of our thinking in relation to development plans referring to 'Natura' and EU nature conservation Directives. On the assumption that Brexit goes ahead, the proposed Plan and Strategic Environmental Assessment are likely to be adopted post-Brexit. To ensure they remain relevant should the UK leave the European Union, it would be better to refer to the terminology in domestic legislation, in this case The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland). This is because the Regulations provide a definition of 'European sites' that encompass Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) that have been known as 'Natura sites' (as well as Ramsar sites), list the protected species and habitats, etc.

We therefore recommend that the following modifications are made throughout the Environmental Report (as well as the proposed plan and Habitats Regulations Appraisal):

- reference to "Natura", "Natura 2000" and "Natura site(s)" is changed to '**European**' or '**European site(s)**' as appropriate;

and

- reference to the EC Birds and Habitats Directives are replaced with '**The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland)**', shortened to '**the Habitats Regulations**', as appropriate;

and

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- reference to Annex I and II of the Directives is replaced with ‘**Schedules 2 and 4 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland)**’ as appropriate.
2. Some of the protected area status information presented from page 187 onwards is incorrect/out of date. For example, for Abernethy Forest SSSI the status of the fluvial geomorphology interest is ‘favourable maintained’ as assessed in March 2015, with pressures of dumping/storage of materials and extraction (3 other features also require updating); Beinn a’ Ghlo SAC, base rich fens, favourable recovered assessed August 2015, (with a number of other interests also requiring updating); etc. The data should be checked and updated where necessary. Alternatively, it is possible to download a report of site condition data from our databases via the *Scotland’s Environment* website\*. The database is updated as and when new assessments have been validated, so contains the most up to date data. Such a report could then be added to the Environmental Report as an appendix.

\*The protected area site condition monitoring data is on Scotland’s Environment website via <https://www.environment.gov.scot/data/data-analysis/protected-nature-sites/>

To download:

- Click ‘show details table’ button on the left of the screen.
  - Users can filter for ‘National Park’ on the web page (Filters-Location-National Park).
  - Right click anywhere on the table displayed on the lower right hand side, then select Export-Export Table to create a spreadsheet.
  - The spreadsheet has a row for each natural feature on SSSI, SAC, SPA or Ramsar site with the latest assessed condition and assessment visit date. Another column ‘Summary Condition’ includes whether features have been declared as ‘unfavourable but are recovering due to management’. This is where SNH have assessed a feature as unfavourable, but that corrective management is in place which we believe addresses the cause of the unfavourable condition and will eventually lead to a favourable assessment.
  - The ‘About’ page has a glossary and other background information.
3. There are two allocations within Appendix 7, Assessment of Sites, where we disagree with the scoring given, and that require recognition of potential for environmental effects on areas protected for nature conservation:
- i. Blair Atholl, H1. We previously advised that we disagreed with the “□” scoring for objective 6a and recommend that it is changed to ‘-’. This is because of the potential for likely significant effects on the qualifying interests of the River Tay SAC (eg from development activities affecting water quality), which is recognised in the proposed plan. The potential for environmental effects on this area protected for nature conservation should therefore be recognised under objective 6a.
  - ii. Dinnet, ED1. Muir of Dinnet SSSI adjoins the allocation. There is potential for environmental effects through disturbance to species and/or changes in hydrology affecting habitats. This needs to be recognised in the assessment for objective 6a.

Provided the relevant revisions are made to the Environmental Report as described above, we consider that the key environmental issues have been correctly identified, and the assessment of significant effects on the environment has been carried out adequately.

If you have any queries about this letter please do not hesitate to contact Nina Turner, Planning Advisor (north) in the first instance.

Yours sincerely

**Debbie Greene**  
Operations Manager  
South Highland