



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Item 5 Appendix 4b 26 January 2024

Agenda item 5

Appendix 4b

2023/0004/DET

Representations - general

Planning & Development
Cairngorms National Park Authority



By email: planning@cairngorms.co.uk

02 February 2023

Dear Sir/Madam,

2023/0004/DET Change of use of land for siting of 27 lodges, access road, landscaping. Aviemore.

A Habitat Regulations Appraisal (HRA) must be carried out by CNPA under the requirements of the Habitat Regulations for all potentially affected European sites. It is our opinion that insufficient information has been provided with this application to assess the impacts on foraging osprey, including those with connectivity to the two European Sites.

Both Abernethy Forest Special Protection Area (SPA), Cairngorms SPA and the River Spey - Insh Marshes SPA are under 10km from the application site. Breeding osprey are a qualifying species of both European sites.

Two ponds are present within the Application Site Boundary, one of which we understand to be stocked regularly with fish by a local photography business and which is utilised by foraging osprey. Ospreys have a core foraging range of 10km, with some regular foraging up to 20km, and a maximum distance recorded of 28km¹. There is therefore potential connectivity between the ponds and Abernethy Forest Special Protection Area (SPA), and the River Spey – Insh Marshes SPA.

It is our understanding that birds from these designated sites have been recorded foraging at these ponds (with ringed bird being photographed using the pond). Due to the nature and location of the proposal, there is the potential for disturbance from construction and operation of the proposed development.

Therefore, likely significant effects on osprey, as a qualifying species of Abernethy Forest Special Protection Area (SPA) and the River Spey - Insh Marshes SPA cannot be ruled out at this stage and Cairngorms National Park Authority must carry out an Appropriate Assessment of the impacts of the proposal on the integrity of these sites, in view of the site's conservation interests.

¹ SNH (2016) Scottish Natural Heritage assessing connectivity with Special Protection Areas (SPAs) [Assessing connectivity with special protection areas.pdf \(nature.scot\)](#)

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The RSPB is part of BirdLife International, a Partnership of conservation organisations working to give nature a home around the world.

No information has been included within the planning application documents to inform an Appropriate Assessment under the Habitat Regulations. We also note that the Interim Response from the CNPA Planning Ecological Advice Officer does not seem to make reference to the two above mentioned SPA, although it does recognise the need for further consideration of impacts on other European Sites.

To inform the assessment on both SPA birds and the wider osprey population in the area, the Applicant should request information on osprey using the pond from the highland bird recorder and the photography business. All potential impacts, including those from construction and operational disturbance impacts must be assessed. Information provided by the Applicant should include details of any changes in design to avoid impacts and appropriate mitigation.

We also note that National Planning Framework 4 (NPF4) has been approved by Parliament and is expected to be adopted on 13 February 2023. Policy 3 Biodiversity of NPF4 states that, 'Development proposals will contribute to the enhancement of biodiversity' and that

'Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention'.

The Applicant therefore needs to set out how this policy would be complied with and what demonstrable enhancement would be secured, if the proposal was considered acceptable in all other respects.

Yours Sincerely



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