

APPENDIX E: ECOLOGY SURVEY REPORT

INTRODUCTION

WSP UK Ltd ('WSP') was commissioned by Scottish and Southern Electricity Networks Transmission (hereafter referred to as 'SEN Transmission') to undertake the following assessments on land adjacent to the consented Lairg II Wind Farm and the proposed Lairg II Wind Farm Connection Project where the installation of a new communications fibre cable is proposed (hereafter the 'Site'):

- A desk study;
- protected species surveys;
- UKHab Habitat Classification and Habitat Condition Assessment (HCA); and
- incidental Invasive Non-Native Species (INNS) survey.

The surveys were undertaken to evaluate the effects of the proposed installation of the communications fibre cable (hereafter the 'Proposed Works') to European Protected Species (EPS) and to habitats of nature conservation value (see relevant legislation and policy pertaining to these ecological features in Appendix A: Legislation).

METHODOLOGY

A desk study was completed to review existing ecological baseline information available in the public domain with regards to designated and priority areas of biological interest and species and habitats of conservation importance in addition to record searches from conservation organisations.

Freely downloadable datasets and records from conservation organisations were searched to identify:

- statutory designated sites of European or international conservation importance within 10 km of the Proposed Works (incl. Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar) (Appendix B: Figure 3.4);
- statutory designated sites of national and/or local importance within 2 km of the Proposed Works (incl. Site of Special Scientific Interest (SSSI), National Nature Reserves [NNR] and Local Nature Reserves [LNR]) (Appendix B: Figure 3.5);
- woodlands listed on the Ancient Woodland Inventory (AWI) and/or the Native Woodland Survey of Scotland (NWSS) database, Scottish Wildlife Trust (SWT) Reserves, Important Bird Areas (IBA) and Scottish Wildcat Priority Areas within 2 km of the Proposed Works;
- records from the National Biodiversity Network (NBN) Atlas¹ of protected or otherwise notable species were identified within 2 km of the Proposed Works (where suitable for commercial purposes). The search area was extended to 10 km for records of bats; and
- record requests were also submitted to Butterfly Conservation Scotland (BCS) and Botanical Society for Britain and Ireland (BSBI).

Where measurements are presented in the findings, these provide the approximate distance of the designated area / species record from the closest point of the Proposed Works.

Field surveys for protected species, UKHab and HCA, and INNS were undertaken on the 16–19 May 2023 by two WSP surveyors, both capable to accomplish in the relevant surveys under CIEEMs competency framework². The survey was undertaken up to 250 m from the Proposed Works (hereafter the 'Survey Area'). The results are shown in Figures 3.6 in Appendix B.

¹ <https://nbnatlas.org/>

² <https://cieem.net/wp-content/uploads/2019/02/Competency-Framework-web-FINAL.pdf>

UKHab

Habitats were described and mapped following the Professional Version 2.1 of UKHab using the following documents:

UKHab Classification User Manual³ (hereafter 'UKHab User Manual');

UKHab Classification Field Key⁴; and

The UKHab Classification Habitat Descriptions Version 1.1⁵.

The UKHab Classification Working Group describes UKHab as "...a unified and comprehensive approach to classifying habitats, designed to provide a robust technique for classifying and mapping British habitats". The dominant plant species are recorded, and habitats are classified according to their vegetation types.

Target Notes (TN) on habitat descriptions were taken for each habitat type. The scientific names for vascular (flowering) plant species follow those in the New Flora of the British Isles⁶. Nomenclature for bryophytes follows Mosses and Liverworts of Britain and Ireland⁷.

Invasive non-native plant species and any incidental evidence of species of conservation interest were recorded in TN, where applicable.

Following field data collection, habitats were assessed for their potential to be Annex I habitats⁸, Scottish Biodiversity List (SBL) habitats⁹ or Biodiversity Action Plan (BAP) species^{Error! Bookmark not defined.}.

Habitat Condition Assessment

Concurrently with the UKHab surveys in May 2023, a HCA was undertaken of Primary Habitats, with the Primary Habitat hierarchy described up to Level 4-5¹⁰ following Natural England Biodiversity Metric V3.111. At this stage it is considered that a Biodiversity Net Gain (BNG) Assessment will not be required. This is because it is anticipated that existing habitat types and condition will be reinstated within two years of removal due to the non-intrusive and short-term nature of the Proposed Works. However, condition data was collected during the survey, to understand the comparative importance of habitats and to ensure the correct data was gathered should a requirement for BNG be identified at a later stage.

Otter

An otter survey was undertaken within 200 m along the banks of the present watercourses crossing the location of the Proposed Works, mainly focusing on the Torroboil Burn in the north of the Site, connecting the Loch Dailidh n' Airbh 1.5 km to the east of the Site to the River Shin 2.5 km to the west of the Site. The survey followed best practice guidelines¹²¹³. The surveys involved a thorough visual inspection of the banks and immediate vicinity for otters or their field signs. Otter field signs included:

Resting sites - including temporary and permanent sites;

³ UK Habitat Classification Working Group (2022). UK Habitat Classification User Manual. UK Habitat Classification Working Group Version 1.1. (UKHab Ltd), Stockport, Cheshire. Available at: <https://economy.co.uk/ukhabworkinggroup-ukhab/> [Accessed: October 2023]

⁴ UK Habitat Classification Working Group (2022). UK Habitat Classification Field Key. Version 2.1 UK Habitat Classification Working Group (UKHab Ltd), Stockport, Cheshire. Available at: <https://economy.co.uk/ukhabworkinggroup-ukhab/> [Accessed: October 2023]

⁵ UK Habitat Classification Working Group (2022). The UK Habitat Classification Habitat. Descriptions Version 1.1 UK Habitat Classification Working Group (UKHab Ltd), Stockport, Cheshire. Available at: <https://economy.co.uk/ukhabworkinggroup-ukhab/> [Accessed: October 2023]

⁶ Stace C. A. (2019). New Flora of the British Isles. Fourth Edition. C&M Floristics, Suffolk.

⁷ Atherton, I., Bosanquet, S., Lawley, M. eds. (2010). Mosses and Liverworts of the British Isles: a field guide. British Bryological Society.

⁸ Annex I of The Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora)

⁹ Scottish Government (2012). Scottish Biodiversity List. Available at: <https://www.nature.scot/doc/scottish-biodiversity-list> [Accessed: October 2023]

¹⁰ UK Habitat Classification Working Group (2022). UK Habitat Classification User Manual. UK Habitat Classification Working Group Version 1.1. (UKHab Ltd), Stockport, Cheshire. Available at: <https://economy.co.uk/ukhabworkinggroup-ukhab/> [Accessed: October 2023]

¹¹ Natural England 2022 Biodiversity metric 3.1: Auditing and accounting for biodiversity – User Guide. Natural England. Available online at: <https://publications.naturalengland.org.uk/publication/5850908674228224>

¹² Chanin P (2003). Monitoring the Otter *Lutra lutra*. Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature, Peterborough

¹³ NatureScot (2020 a). Standing advice for planning consultants: Otters. Available: <https://www.nature.scot/doc/standing-advice-planning-consultations-otters> (Accessed October 2023).

Prints - characteristic footprints often observed in soft ground and muddy areas;

Sprints - otter faeces that may be used to mark territories, often observed on in-stream boulders. They can be present within or outside the entrances of holts and couches. Sprints have a characteristic smell and often contain fish remains. Features with two or more sprints of mixed age are considered to be sprint sites, with signs of regular use;

Anal jelly - like sprint often observed on prominent in-stream boulders;

Feeding signs - remains of prey items may be found at preferred feeding stations. Remains of fish, crabs, or skinned amphibians can indicate the presence of otter;

Paths - terrestrial routes that otters can take when moving between resting sites and watercourses, or at high flow conditions when they will travel along bank sides in preference to swimming; and

Slides and play areas - typically worn areas on steep slopes where otters slide on their front, often found between holts/couches and watercourses. Play areas are used by juvenile otters and are often evident by trampled vegetation and the presence of slides. These are often in sheltered areas adjacent to natal holt.

Terminology used for resting sites is as follows:

Resting site - collective term for holts and couches;

Potential resting site - a site considered to provide suitable resting habitat together with inconclusive signs of use or potential use;

Holt - an underground, resting site, often underneath heather root matrices or within tree roots;

Couch - an above-ground resting site that can be used for sleeping or grooming;

Breeding site - a term used to identify an area of land in which otters breed, within which a natal holt (see below) is located;

Natal holt - a discrete holt that is used by the female to birth the cubs and where they can remain for up to three months; and

Nursery area - an area within a breeding site with high levels of activity associated with cubs. Holts within these areas are considered unlikely to be the primary natal holts where cubs are born.

Water Vole

A water vole survey was undertaken following industry-standard methodology¹⁴, ¹⁵ and ¹⁶ along 100 m of all watercourses crossing the Proposed Works areas. The survey involved walking the applicable lengths of the watercourse to conduct a thorough visual inspection of the banks and immediate vicinity for water voles or their field signs. Water vole field signs included the following:

Faeces - recognisable by their size, shape and content. If not too dried-out, these are also distinguishable from rat droppings by their colour;

Latrines - faeces deposited at discrete location such as dead driftwood, raised banks, or at the entrance of burrows or along runways;

Feeding stations - food items are often brought to feeding stations along pathways and hauled onto platforms. Recognisable as neat piles of vegetation, chewed at a 45-degree angle and up to 10 cm long;

Burrows - appear as a series of holes along the water's edge, distinguishable from rat burrows by size and position;

Lawns - may appear grazed areas around land holes;

Nests - where the water table is high above ground, woven nests may be found;

Footprints - tracks may occur at the water's edge and lead into bankside vegetation. May be distinguishable from rat footprints by size; and,

Runways in vegetation: low tunnels pushed through vegetation near the water's edge; these are less obvious than brown rat runs.

¹⁴ Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance Series). Eds Fiona Matthews and Paul Chanin. The Mammal Society, London.

¹⁵ NatureScot (2020 b). Standing advice for planning consultants: Water vole <https://www.nature.scot/doc/standing-advice-planning-consultations-water-voles> (Accessed November 2022).

¹⁶ Strachan, R., Moorhouse, T. & Gelling, M. (2011) Water Vole Conservation Handbook (3rd Edition), Wildlife Conservation Research Unit, University of Oxford.

Additionally, any field signs or evidence relating to other relevant wildlife that may preclude the presence of water vole (for example American mink *Neovison vison* or brown rat *Rattus norvegicus*) was recorded.

Fish and Freshwater Pearl Mussel

Watercourses encountered were assessed for their overall suitability to support fish¹⁷ and Fresh Water Pearl Mussel (FWPM)¹⁸ within 250 m of the Proposed Works Details of the channel, substrate composition and bank characteristics were recorded where suitable habitat was encountered.

Badger

A badger survey was conducted up to 100 m from the Proposed Works with reference to industry-standard methodology¹⁹ and standing advice for planning consultants from NatureScot²⁰.

Where present, evidence indicative of badgers was recorded, including:

- Setts;
- Dung pits and latrines;
- Prints;
- Mammal paths;
- Hairs; and
- Other evidence including snuffle holes, feeding remains and scratching posts.

Where setts were recorded, their status and level of activity were noted. Sett status is broadly categorised as follows:

Main - generally, the largest sett within a badger social group home range, with a relatively large number of sett entrances with well-worn pathways between them, and conspicuous spoil mounds. This type of sett tends to be occupied throughout the year and be used for breeding.

Annex - normally found within 150 m of the main sett and comprising multiple entrances, this type of sett is connected to the main sett by one or more obvious well-worn pathways. It may not be occupied throughout the year and can be used for breeding if there is more than one breeding sow within the social group.

Subsidiary - similar to an annex sett, but typically located further from the main sett (at least 50 m away). This type of sett will not be occupied throughout the year and lacks the well-worn paths connecting it to another sett that are associated with main and annex setts.

Outlier - normally consisting of one or two entrances, often with little spoil outside and with no obvious path connecting it to another sett. This type of sett will tend to be found furthest from the main sett and will only be used sporadically throughout the year.

In addition to sett entrances there may be:

Collapses - where a tunnel has collapsed in on itself.

Air holes - where badgers have made a small hole in a tunnel roof from below which is visible from above.

Sett use or level of activity was broadly categorised as follows:

Well-used sett/hole - shows evidence of current use, such as fresh spoil or bedding, well-worn pathways between entrances and the presence of badger hair.

Partially used sett/hole - no evidence present indicating current occupation (as distinct from current use), though hairs may be present, as these can persist for some time. The sett may be occupied intermittently and cannot be categorically described as dis-used. It could easily be re-occupied; for example, it may contain some leaves or sticks in tunnel entrances, but entrances are not blocked, and it would take little effort for a badger

¹⁷ Hendry, K., & Cragg-Hine, D. (1997). Restoration of Riverine Salmon Habitats: A Guidance Manual. R&D Technical Report W44. Environment Agency, Bristol.

¹⁸ NatureScot (2020 c). Standing advice for planning consultants: Freshwater Pearl Mussels. Available: <https://www.nature.scot/doc/standing-advice-planning-consultations-freshwater-pearl-mussels> (Accessed November 2022).

¹⁹ Scottish Badgers (2018). Surveying for Badgers: Good Practice Guidelines, Version 1. Scottish Badgers, Forfar, Angus.

²⁰ NatureScot (2020 d). Standing advice for planning consultants: Badgers. Available: <https://www.nature.scot/doc/standing-advice-planning-consultations-badgers> (Accessed November 2022).

to reoccupy it. Badger field signs may not have decayed to the extent they can be categorically considered to no longer indicate current use.

Disused sett/hole - a badger sett that appears to have been abandoned by a badger social group is described as 'disused'; these differ from partially used setts which can be temporarily disused (not in current occupation, but in current use). Disused setts are often completely blocked with vegetation or have collapsed, and badger field signs are no longer present, or have decayed to the extent they do not indicate current use.

Other Priority and Protected Species

During the protected species survey, any incidental records of protected or priority species were recorded as well as any habitat to support such species. Other species include:

- Red squirrel;
- Pine martin;
- Bats;
- Birds;
- Amphibians/Reptiles; and
- Brown hare/Mountain hare.

Notes and Limitations

Every effort has been made to provide a comprehensive description of the Survey Area; however, the following specific limitations apply to this assessment:

The results of the UKHab and protected species surveys represent a current evaluation. In the absence of changes in land use, hydrology, or otherwise, and depending on the sensitivity and condition of habitats identified, habitat survey data is typically valid for 18 months unless otherwise specified²¹.

Faunal species are transient and can move between favoured habitats regularly throughout and between years. This survey provides recommendations on the snapshot of field signs and habitat suitability observed in the Survey Area on the date of the survey (May 2023).

Any INNS²² observations recorded during the survey in May 2023 do not constitute a dedicated survey for all INNS, however based on the findings of the survey it is considered that sufficient detail on the presence of INNS has been recorded to provide relevant recommendations.

Only non-degraded blanket bogs in good or moderate condition are considered irreplaceable habitat. Poor condition and 'f1a6 Degraded blanket bog' is not considered irreplaceable²³.

No River Condition Assessment was performed to determine the condition of the watercourses in proximity to the Proposed Works.

Only one water vole survey was performed as opposed to the two consecutive surveys recommended by the guidance. The performed survey provided sufficient data to be confident about the distribution/likely presence of water vole.

RESULTS

Designated Sites

Designated Sites for Nature Conservation identified up to 10 km from the Proposed Works are summarised below in Table 1 and shown in Appendix B: Figure 3.4 and Figure 3.5.

²¹ CIEEM (2019). Advice note on the lifespan of ecological reports and surveys. Available: <https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/> [Accessed: July 2023].

²² As identified in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended by the Wildlife and Natural Environment (Scotland) Act 2012.)

²³ SSN (2022) Biodiversity Net Gain Toolkit User Guide. Document reference number: TH-NET-ENV-526

Table 1 Designated sites up to 10 km from the Proposed Works.

Site Name and Designation	Qualifying features	Distance & Direction from Site (at its closest point)
Strath Carnaig and Strath Fleet Moors SPA	Breeding hen harrier.	
Strath Carnaig and Strath Fleet Moors SSSI	Breeding hen harrier.	
Strath Fleet and Strath Carnaig Moor IBA	Breeding hen harrier.	
Loch Shin and nearby lochs IBA	Resident: greylag goose and merlin. Breeding: Scottish crossbill and Arctic loon.	
River Oykel SAC	Qualifying Interests: FWPM and Atlantic salmon.	
Lairg and Strath Brora Lochs SPA	Black-throated diver.	
Caithness and Sutherland Peatlands SPA	Regularly supporting populations of European importance of: red-throated diver, black-throated diver, hen harrier, golden eagle, merlin, golden plover, wood sandpiper, short-eared owl and dunlin. Regularly supporting populations of migratory species importance of: common scoter, greenshank and wigeon.	
Caithness and Sutherland Peatlands Ramsar	<p>This site is internationally important due to the presence of the following Habitats Directive Annex I features: oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea (H3130), natural dystrophic lakes and ponds (H3160), northern Atlantic wet heaths with Erica tetralix (H4010), blanket bogs (H7130), transition mires and quaking bogs (H7140), and depressions on peat substrates of the Rhynchosporion (H7150).</p> <p>Nationally important species occurring on the site for otter, plant species and invertebrates: (Oreodytes alpinus and Aeshna caerulea).</p> <p>Birds species occurring at levels of national importance and/or regularly supported during the breeding season.</p>	

Site Name and Designation	Qualifying features	Distance & Direction from Site (at its closest point)
Caithness and Sutherland Peatlands SAC	Qualifying Interests: blanket bogs, depressions on peat substrates of the Rhynchosporion, otter, natural dystrophic lakes and ponds, northern Atlantic wet heaths with <i>Erica tetralix</i> , oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoëto</i> <i>Nanojuncetea</i> , <i>Saxifraga hirculus</i> , and transition mires and quaking bogs.	

Ten areas of ancient woodland are present within 2 km of the Proposed Works. The closest area of ancient woodland is located 1.2 km north-west of the Proposed Works. Three areas of woodland recorded in the NWSS were identified within 1 km of the Proposed Works, all of which are native pinewoods. The closest woodland is located 460 m north of the Proposed Works.

UKHAB

The UKHab habitats recorded in the Survey Area are detailed below in Table 2. Those habitats which were identified as irreplaceable under certain conditions have been marked in red and are shown in Appendix B: Figure 3.7.

Where the habitats have been identified as potentially an Annex I habitat under the EU Habitats Directive or as a Scottish Biodiversity List (SBL) habitat under the Nature Conservation (Scotland) Act 2004, the corresponding habitat description for these designations has been provided in Table 2. Where a conservation designation is not applicable 'N/A' has been inserted.

Table 2: UKHab Habitats

UKHab Code	Description	Area	Priority Habitats
f1a Blanket bog	This blanket bog was recorded within the Survey Area and could not be taken beyond level 4 of the UKHab categories due to the abundance of ericoid species and therefore did not meet the criteria for f1a5 Blanket bog. The habitat was often dominated by heather with abundant species including deergrass, Sphagnum sp., purple moor-grass, Polytrichum commune and wavy-hair grass. Cross-leaved heath, marsh milkwort, tormentil and star sedge were frequent whilst hare's-tail cottongrass, common cottongrass, sundew, scattered Sitka spruce, bog myrtle, marsh thistle, and common sedge were occasional. Additionally, soft rush, common reed, bog bean, primrose, carnation sedge, violets, and wood sorrel were recorded as occasional in wetter areas such as along watercourse and drainage ditches. Furthermore, bog asphodel and red rattle was recorded as rare throughout the Survey Area.	152.63 ha	SBL Habitat: Blanket bog Highland Nature BAP: Peatland and wetland
f1a5 Blanket bog (H7130)	Blanket bog was recorded throughout the Survey Area and was often dominated by Sphagnum and purple moor-grass whilst abundant species included cross-leaved heath, heath milkwort, common cotton grass, sharp-flowered rush, deergrass and sweet vernal grass. Frequent to occasional species included marsh violet, marsh thistle, deer fern, marsh lousewort, common milkwort, cinquefoil, soft rush, Polytrichum commune, hare's-tail cotton grass, tormentil, heather, common sedge, deer fern, heath rush, marsh violet, wavy-hair grass, marsh thistle and cinquefoil species.	21.31 ha	Annex I habitat: 7130 Blanket bogs SBL Habitat: Blanket bog Highland Nature BAP: Peatland and wetland
f1a6 Degraded blanket bog	Degraded blanket bog was recorded covering two large areas in the southern and in the north of the Survey Area and along those habitats which were reinstated after the construction of tracks in connection to a separate project. It was classed as degraded due past management interventions such as the presence of drainage channels from the surrounding works, causing the habitat to be dryer and have less Sphagnum cover than the non-degraded blanket bog. The habitat was dominated by heather and purple moor-grass whilst abundant species included cross-leaved heath, deergrass and Sphagnum species. Occasional species include hare's-tail cottongrass, bog asphodel, devils bit-scabious, reindeer lichen, tormentil, and bog bilberry.	25.74 ha	SBL Habitat: Blanket bog Highland Nature BAP: Peatland and wetland
f2b Purple Moor Grass and Rush Pasture	This habitat is scattered throughout the middle of the Survey Area dominated by sharp flowered rush and purple moor grass. Furthermore, marsh violet	8.96 ha	SBL Habitat: Purple moor-grass & rush pastures

UKHab Code	Description	Area	Priority Habitats
	is abundant, and devil's bit scabious, bog asphodel, and perennial rye grass are present occasionally.		Highland Nature BAP: Peatland and wetland Annex I Molinia meadows
f2c Upland flushes, fens and swamps	Flushes were recorded in two areas in the north and in the middle of the Survey Area. Flushes were often dominated by bog pondweed and abundant to occasional species included sweet vernal grass, Sphagnum species, common milkwort, Polytrichum commune, heather, common cottongrass, soft rush, purple moor-grass, tormentil, marsh violet, deer fern, tormentil. Cross-leaved heath, common sedge, marsh thistle, common butterwort and hare's-tail cotton grass.	2.37 ha	SBL Habitat: Upland flushes, fens and swamps Highland Nature BAP: Peatland and wetland
g1b6 Other upland acid grassland	One small area of acid grassland is centrally present in the Survey Area. The habitat is dominated by wavy hair grass, there is abundant feather moss, and frequent common haircap moss. Furthermore, heath rush, mat grass, tormentil, heath bedstraw, soft rush, sweet vernal grass, and tufted hairgrass are present occasionally.	0.89 ha	N/A
h1b Upland Heathland	Upland heathland is scattered throughout the Survey Area. Dominant species present include heather. Frequent species present include feather moss, purple moor grass, cross leafed heath. Occasional species include perennial rye grass, vetch, milkwort, bog asphodel, Sphagnum capillifolium, sweet vernal grass, common cotton grass, devil's bit scabious, and mat grass. Rare species recorded include bog myrtle.	45.41 ha	SBL Habitat: Upland heathland Highland Nature BAP: Heathland
h1b5 Dry heaths; upland (H4030)	Dry heath was recorded throughout the northern and central extent of the Survey Area, primarily on hillsides where the habitat was naturally drier than the surrounding wetland habitat. Some areas were also subject to burning. The habitat was dominated by heather and abundant species included feather-moss, purple moor grass, bog asphodel, heath milkwort and reindeer lichen. Rare species included tormentil, deergrass, wavy-hair grass and bog asphodel. Hare's tail and Sphagnum was also recorded in wet hollows.	12.22 ha	Annex I Habitat: 4030 European dry heaths SBL Habitat: Upland heathland Highland Nature BAP: Upland and moorland
h1b6 Wet heathland with cross-leaved heath; upland (H4010)	Wet heath was recorded throughout the northern and central extent of the Survey Area and was often dominated by heather, purple moor-grass and deergrass. Abundant to frequent species include cross-leaved heath, common cotton grass, Sphagnum species, heath rush, sweet vernal grass, devils' bit scabious, compact rush, bog asphodel, primrose, common hair cap, marsh thistle and mat-grass.	13.22 ha	Annex I habitat: 4010 Northern Atlantic wet heaths with Erica tetralix

UKHab Code	Description	Area	Priority Habitats
u1c Artificial unvegetated, unsealed surface / u1e Built linear features	These habitats were present in the form of existing gravel road access tracks running along the length of the Survey Area.	4.84 ha	N/A

One linear Primary Habitat was recorded in the Survey Area; r2 – Rivers and lakes, which are a SBL Habitats: Rivers are mentioned in the Highland Nature BAP under Freshwater; rivers, burns, and lochs. There are various small unnamed watercourses running across the Survey Area. Furthermore, two named watercourses enter the Site from the east and bisects the Survey Area, travelling north-west towards the River Shin, these are the Torroboll Burn originating at Loch Dailidh n’ Airbh c. 1.18 km east of the Survey Area and a smaller burn called Allt Ramascaig Mor.

Invasive Non-Native Plant Species (INNS)

No INNS were recorded within the Survey Area.

Otter

Otters are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and included within the SBL as a species which Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. Otter are not included as priority species in the Highland Nature BAP. Desk study records provided no further information on this species.

The protected species survey identified evidence of otter along the Torroboll Burn in the form of spraints and one paw print. Dried fragmented otter spraint was recorded along Allt Ramascaig Mor. Field signs are indicated by ID numbers in Appendix B: Figure 3.6. A suitable feature for a non-breeding resting site and several spraints were identified under the bridge c.20 m to the east of the Proposed Works. Additionally, habitat with suitability to be used as a resting site was recorded under an overhanging bank of the Torroboll Burn, located c. 7 m to the east of the Proposed Works. However, no evidence to confirm use by otter was recorded. Overall, the general habitat surrounding the Torroboll Burn within the Survey Area was optimal habitat for otter, including suitable banksides and overhanging heathland vegetation suitable for resting sites. A summary of the evidence recorded in the Survey Area is given below in Table 2 and shown in Appendix B: Figure 3.6.

Table 2: Evidence of otter recorded during survey

ID Number	Grid Reference	Field sign	Description
1		spraint	Otter spraint on boulder within watercourse.
2		spraint	Spraint on rock at side of culvert going under road. Large boulders provide shelter, opportunities for rest sites.
3		spraint	Suitable feature for a non-breeding resting site and spraint under road bridge within culvert.
4		Old spraint	Spraint on boulder within watercourse.
5		Paw print	Prints under road bridge within culvert.
6		Old spraint	Old and dried out otter spraint on top of bolder.

Water Vole

Water voles receive partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is included within the SBL. Water voles are also listed as a priority species in the Highland Nature BAP. Desk study records provided no further information on this species.

Evidence of water vole was recorded along four watercourses, two unnamed small burns, the Torroboll Burn and Allt Ramascaig Mor in the form of burrows surrounded by water vole droppings, vegetation nibbled at 45 degrees, foraging paths and one dead water vole. Overall, the habitat within the Survey Area was optimal for water vole. The banks were suitable for burrowing, the flow was slow-moderate throughout and there was suitable vegetation for foraging. Due to the abundance of water vole activity recorded along the watercourses, the extent of water vole activity zones are marked by grid references and summarised in Table 3 and shown in Appendix B: Figure 3.6. The closest sign of water vole presence (ID Number 10) is located within the footprint of the Proposed Works.

Table 3: Evidence of water vole recorded during survey

ID Number	Grid Reference	Field sign	Description
7		Dead water vole, Burrows, Droppings, Nibbled vegetation, Foraging paths	A variety of water vole field signs including one dead water vole, burrows, droppings, vegetation nibbled at 45 degree angle, and foraging paths were recorded along one section of the Torroboll Burn to the east of the Proposed Works.
8		Burrows, Droppings, Nibbled vegetation, Foraging paths	A variety of water vole field signs including burrows, droppings vegetation nibbled at 45 degree angle and foraging paths were recorded along three sections of the Allt Ramascaig Mor to the west and east of the Proposed Works.
9		Burrows, Droppings, Nibbled vegetation, Foraging paths	A variety of water vole field signs including burrows, droppings vegetation nibbled at 45 degree angle and foraging paths were recorded along one section of an unnamed watercourse to the west of the Proposed Works.
10		Burrows, Droppings, Nibbled vegetation, Foraging paths	A variety of water vole field signs including burrows, droppings vegetation nibbled at 45 degree angle and foraging paths within multiple smaller sections along an unnamed watercourse to the west and east of the Proposed Works.

Fish and freshwater pearl mussel

Several species of fish are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and further species as well as FWPM receive full and partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Thirteen species of fish and FWPM are included within the SBL and four species of fish are also listed as a priority species in the Highland Nature BAP. FWPM are not listed as a priority species in the Highland Nature BAP.

The desk study found that salmon, trout, eel and three-spined stickleback are present in the wider area and within the Torroboll Burn. No records of FWPM were recorded. The protected species survey deemed two watercourse, the Torroboll Burn and Allt Ramascaig Mor to be suitable to support fish with a single fish (species unknown) being recorded. The mentioned watercourses also had suitability to support FWPM and given the distance and connectivity to the River Oykel SAC (3 km) which is designated for FWPM as well as the desk study records showing use of the watercourse by salmonids, the presence of the species cannot be ruled out.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992 as amended by the Wildlife and Natural Environment (Scotland) Act 2011. No evidence of badger was identified during the desk study or protected species survey. As the Survey Area predominantly comprised blanket bog and wet heath habitats, it could be used by badger for foraging and commuting, but overall the habitat has low suitability for sett creation and no natural or manmade barriers preventing access to the Proposed Works from the wider area.

Red Squirrel and Pine Marten

Red squirrels and their dreys (resting places) receive full protection under Schedules 5 and 6 of the Wildlife and Countryside Act 1981 (as amended). Pine marten receives full protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Both pine marten and red squirrel are included within the SBL. Additionally, both species are listed as priority species in the Highland Nature BAP.

The desk study found that red squirrel and pine marten are present in the wider area. The protected species survey found no evidence of either species within the Survey Area. No trees or woodland to support these species was recorded within the Survey Area, and as such, the Site was considered to have negligible suitability to support dreys or dens for these species. However, the Site could still be used for foraging and commuting by pine marten.

Bats

All bat species found in Scotland are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Nine bat species (Brandt's bat, Daubenton's bat, whiskered bat, Natterer's bat, noctule bat, Nathusius' pipistrelle, common pipistrelle, soprano pipistrelle and brown long-eared bat) are included within the SBL. Additionally, six bat species (Daubenton's bat, Natterer's bat, Nathusius' pipistrelle, common pipistrelle, soprano pipistrelle and brown long-eared bat) are listed as priority species in the Highland Nature BAP.

The desk study found records of the following bat species: brown long-eared bat, Daubenton's bat, common pipistrelle and soprano pipistrelle. The protected species survey found no features suitable for roosting bats within 30 m of the Proposed Works due to an absence of trees, structures, or other suitable natural features. Linear features, including Torroboll Burn, within the Survey Area could provide suitable foraging and commuting habitat for bats.

Birds

The habitats within the Site support ground nesting birds with skylark and curlew recorded as incidental sightings during the protected species survey. Both species are red listed within BoCC²⁴ and are listed within SBL²⁵.

No further bird surveys have been undertaken for the Proposed Works, due to the extensive data available from surveys to inform other developments that have overlapping study areas with the Proposed Works. A Habitats Regulation Assessment (HRA) Screening was undertaken for a separate proposal related to the Proposed Works²⁶. The site and study area assessed within the HRA fully overlap with the Proposed Works and included similar proposed works activities that would result in the same potential for Likely Significant Effects (LSE) on qualifying

²⁴ BTO (2021). Birds of Conservation Concern 5. Available at: <https://www.bto.org/sites/default/files/publications/bocc-5-a5-4pp-single-pages.pdf>

²⁵ NatureScot (2020). Scottish Biodiversity List. Available at: <https://www.nature.scot/doc/scottish-biodiversity-list>

²⁶ WSP (2022). Lairg II Wind Farm Grid Connection: Habitats Regulations Appraisal Screening.

species of the three SPAs identified in the desk study. Relevant potential effects identified include loss/degradation of functionally linked habitat and disturbance and displacement of qualifying features. The HRA screening concluded that the adjacent Lairg II Wind Farm Connection Project would not result in an adverse effect on the integrity of any of the relevant European sites, alone or in-combination with other identified projects, which can be applied to the Proposed Works, as they share the same geographic location.

Available data informing the ongoing appraisal ornithological studies for the adjacent Lairg to Loch Buidhe OHL has been reviewed. Results are shown in Appendix B: Figure 3.8 alongside a 500 m and 2 km buffer to highlight the distance from the Proposed Works. Appendix B: Figure 3.8 is confidential and cannot be released publicly. A review of data from this development and surveys to inform Lairg II Wind Farm has been undertaken and identified the following species of elevated conservation importance of relevance to this appraisal:

Red-throated diver – One territorial pair (no confirmation of breeding) on a small loch approximately 1 km from the Site in 2021 but not present in 2022. SBL, Schedule 1.

Black-throated diver – No records within the Survey Area with the nearest flight activity approximately 1.5 km from the Site and the nearest breeding site approximately 4.5 km away in 2021 and 2022. SBL, BoCC amber list, Schedule 1.

Hen harrier – The nearest breeding site was approximately 3 km away in 2021 and 2.7 km away in 2022. Historically, this species has nested at several locations in the wider area surrounding the Site, the closest nest site to the Site was approximately 2.4 km away in 2013. No flight activity within the Survey Area in 2021. SBL, BoCC red list, Schedule 1.

Red kite – Occasional flights across the Survey Area in 2016-2018 with no evidence of breeding. In 2021 and 2022 the nearest breeding site was approximately 2.4 km away with no flight activity across the Survey Area. SBL, Schedule 1.

White-tailed eagle – Occasional flights to the south of the Survey Area. No evidence of breeding. SBL, BoCC amber list, Schedule 1.

Golden eagle – Two flights across the Survey Area, in 2016-2018. No flight activity within the Survey Area in 2021. No evidence of breeding. SBL, Schedule 1.

Peregrine – Occasional flights across the Survey Area. No evidence of breeding. SBL, Schedule 1.

Merlin – Occasional flights across the Survey Area. The nearest breeding site in 2021 and 2022 was approximately 400 m to the east. SBL, BoCC red list, Schedule 1.

Amphibians and Reptiles

Reptiles are fully protected under the Wildlife and Countryside Act 1981 (as amended). Amphibians are given limited protection under the Wildlife and Countryside Act 1981 (as amended), with the exception of great crested newts and natterjack toads which are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Four reptiles and three amphibians are included within the SBL. No reptile or amphibian species are listed as priority species in the Highland Nature BAP.

The desk study recorded common lizard within 1 km of the Site. The protected species survey found that the heathland and degraded bog as well as stone tracks and rock outcrops form suitable habitat for basking reptiles. Additionally, the wetland habitats present within the Survey Area could support amphibians and an incidental record of common frog and common lizard was recorded during the surveys. No ponds are present within the Survey Area to support breeding newts and great crested newts are not known in the area.

Other Species

The protected species survey identified suitable habitat for brown hare and mountain hare throughout the Survey Area. Furthermore, the present bog and heathland provide suitable habitat for invertebrates. However, the Site is unlikely to support hedgehog due to its upland nature.

CONCLUSIONS AND RECOMMENDATIONS

Impacts from the Proposed Works on the following designated sites and EPS have been scoped out of the Environmental Appraisal due to their distance from the Site, the nature of qualifying/notified features and/or a lack of functional connectivity:

Loch Shin and nearby lochs IBA. The Site is located 2 km from the Proposed Works and is designated for greylag goose, merlin, Scottish crossbill and black-throated diver. Given the distance from the Site and the small scale of the Proposed Works, the IBA and its qualifying interests would unlikely be directly or indirectly affected by the Proposed Works.

Lairg and Strath Brora Lochs SPA. The SPA is located 4.3 km from the Proposed Works and designated for black-throated diver. Given the distance from the Proposed Works, the designated site would unlikely be directly or indirectly affected by the Proposed Works. The footprint of the Proposed Works does not occupy suitable functionally linked habitat (lochs) for the sole qualifying species black-throated diver, and the nearest waterbody is 1 km south-west, outwith the Zone of Influence (ZoI)²⁷ from the Proposed Works for potential disturbance impacts²⁸. Further to this, the Proposed Works footprint is outwith the predicted distance of 1 km or less for alternative nest sites for black-throated diver from the designated site based on guidance (SNH, 2016)²⁹.

Caithness and Sutherland Peatlands SAC/SPA/Ramsar. The designated sites are located 5.6 km from the Site. Given the distance and the small scale of the Proposed Works, the designated sites and their qualifying species would unlikely be directly or indirectly affected by the Proposed Works. The Proposed Works footprint is outwith the predicted distance for alternative nest sites for all qualifying species based on guidance (SNH, 2016)²⁹.

Red Squirrel: No habitat suitable to support the species is present within the Survey Area.

Bats: No potential roosting features were identified within the Survey Area. Works will be during the daytime and as such foraging and commuting bats are unlikely be affected by the Proposed Works.

Birds: Although there is a merlin nest recorded 400m to the east of the Proposed Works, due to the low impact nature of the Proposed Works, constituting underground method of installation (mole plough) with an anticipated recovery time of habitats within the same season no collision risk or damage to breeding habitat to birds is predicted. Nonetheless, appropriate mitigation including timing of construction to avoid breeding bird season (March to August, inclusive) where possible, adherence to SSEN Bird SPP, and supervision of works by an Environmental Clerk of Works (EnvCoW), will mean that there is unlikely to be a significant effect on birds.

Embedded mitigation design

Design and generic embedded mitigation of relevance to protected and priority species comprising the following:

The Contractor's CEMP;

SSEN Transmission's Species Protection Plan (SPP) for otter, badger, water vole, birds and pine marten. These SPPs detail a mitigation hierarchy to avoid or minimise impacts on protected or priority species. Impact avoidance and mitigation measures detailed typically include:

Pre-construction surveys and monitoring undertaken by an EnvCoW;

Sensitive working methods and avoidance of sensitive areas (such as resting sites) or supervision of works in close proximity to such sites; and

Application for the relevant Protected Species Development Licence from NatureScot if impacts on certain protected species cannot be avoided, such as impacts to the active water vole burrows within the Proposed Works will then proceed under the conditions of the licence issued.

Pre-construction environmental inductions will be given to all construction staff, including information on sensitive habitats, species and legislation.

²⁷ The zone of influence relates to the range in which black throated diver could experience potential disturbance effects.

²⁸ Goodship, N.M. and Furness, R.W. (MacArthur Green) (2022). Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283. <https://www.nature.scot/doc/naturescot-research-report-1283-disturbance-distances-review-updated-literature-review-disturbance#Black-throated-diver,+Gavia+arctica> Accessed 06/04/2023.

²⁹ SNH (2016). Assessing Connectivity with Special Protection Areas (SPAs).

Designated Sites

Although there is potential for direct damage to habitat used by the designated features i.e., hen harrier of the Strath Carnaig and Strath Fleet Moors SPA, the footprint of the Proposed Works is very localised in comparison to the extensive foraging habitat available for the designated feature. Furthermore, the Proposed Works and nearby watercourses are located downstream from the Strath Carnaig and Strath Fleet Moors SSSI, Strath Fleet and Strath Carnaig Moor IBA, and River Oykel SAC and therefore the water pollution events resulting in habitat degradation are unlikely. Embedded mitigation measures i.e., CEMP, GEMPs and enforcement by an EnvCoW, will effectively mitigate the potential for pollution caused during construction.

Habitats

The majority of habitats on Site are either SBL or Annex I habitats. Particularly sensitive to the Proposed Works is non-degraded blanket bog. It is recommended that the GEMP – Working in Sensitive Habitats (SSEN, 2020)³⁰ and the Construction Environmental Management Plan (CEMP), once written, must be adhered to with site-specific advice on how this is applied and auditing by an Ecological Clerk of Works (ECOW).

Although there are a range of protected habitats such as irreplaceable blanket bog habitat present within the Survey Area, the low impact method of installation (mole plough) of the Proposed Works should enable a recovery of the impacted habitats within the same season, if undertaken early in the season. As there will only be surface level disturbance associated with the Proposed Works, no adverse residual effect unto the habitats is expected.

Otter

Otters utilise freshwater, marine and terrestrial habitats and any disturbance/displacement would be temporary, licenced accordingly (where resting sites are found to be present during pre-construction surveys) and be unlikely to significantly affect the local population.

It is recommended that the CEMP constrains construction activities to daytime periods only, avoiding periods when otters are thought to be most active. Works within a potential disturbance zone of any identified resting sites will be licensed and supervised by the EnvCoW following all mitigation measures outlined in the SSEN Transmission Otter SPP. Exclusion zones of at least 200 m for a confirmed breeding holt or 30 m from a non-breeding holt must be adhered to. The responsibility of obtaining licences will be that of the contractor.

Pollution prevention measures, outlined in the GEMP and CEMP will also minimise the potential for the release of sediment into watercourses. With the adoption of the mitigation proposed, otter are not predicted to be adversely impacted by the Proposed Works.

Water Vole

Multiple areas of water vole activity including active burrows within the Proposed Works area were identified in the Survey Area. Therefore, it is likely that they may use surrounding habitats and as such this risk has been considered. Without mitigation, there is potential for disturbance or direct negative impacts on this species. Construction activities may injure, kill or disturb / displace individuals (if present), which would constitute an offence under legislation afforded to this species. As such a water vole licence will likely be required. Any disturbance/displacement would be unlikely to significantly affect the local population. Construction activities will be supervised by the EnvCoW and follow all mitigation measures outlined in the SSEN water vole SPP. Pollution prevention measures, outlined in the GEMP and CEMP will also minimise the potential for the release of sediment into watercourses. The responsibility of obtaining licences will be that of the contractor. With the adoption of the mitigation proposed, water vole are not predicted to be adversely impacted by the Proposed Works.

Fish and FWPM

Multiple areas of fish activity were identified in the Survey Area within the Torroboll Burn and Allt Ramascaig Mor and there is suitable habitat present within the mentioned watercourses for FWPM. Therefore, it is likely that

³⁰ TG-NET-ENV-513- General Environmental Management Plan (GEMP) - Working in Sensitive Habitats, Scottish and southern Electricity Networks

they may use the water courses and as such this risk has been considered. Without mitigation, there is potential for disturbance or direct negative impacts on this species. Construction activities may injure, kill or disturb / displace individuals (if present), which would constitute an offence under legislation afforded to these species. Any disturbance/displacement would be unlikely to significantly affect the local population. Construction activities will be supervised by the EnvCoW and follow all Pollution prevention measures, outlined in the GEMP and CEMP will also minimise the potential for the release of sediment into watercourses. With the adoption of the mitigation proposed, fish and FWPM are not predicted to be adversely impacted by the Proposed Works.

Badger

No evidence of badgers has been recorded nearby the Proposed Works, however, given that there is foraging and commuting habitat present, a precautionary assessment has been included. Construction activities may injure, kill or disturb /displace individuals (if present), which would constitute an offence under legislation afforded to this species. Any disturbance/displacement would be temporary, licenced accordingly (should setts be found to be present during pre-construction surveys) and be unlikely to significantly affect the local population. It is recommended that the CEMP constrains construction activities to daytime periods only , avoiding periods when badgers are most active. Works will follow all mitigation measures outlined in the SSEN badger SPP, as well as those detailed in the CEMP, enforced by the EnvCoW. With the adoption of the mitigation proposed, badger are not predicted to be adversely impacted by the Proposed Works.

Pine Marten

No evidence of pine marten has been recorded nearby the Proposed Works, however, given the suitable habitat present, a precautionary assessment has been included. Construction activities may injure, kill or disturb /displace individuals (if present), which would constitute an offence under legislation afforded to this species. Any disturbance/displacement would be temporary and be unlikely to significantly affect the local population. Construction activities will be supervised by the EnvCoW and follow all mitigation measures outlined in the SSEN pine marten SPP. With the adoption of the mitigation proposed, Pine Marten are not predicted to be adversely impacted by the Proposed Works.

Amphibians and Reptiles

Amphibians and reptiles could use habitats on Site, as well as those in the surrounding landscape. Both species are considered unlikely to be affected by construction activities due to the low impact nature of the Proposed Works and the embedded mitigation measures such as site walkovers ahead of site work, presence of the EnvCoW and implementation of a CEMP. As such neither species group is predicted to be adversely affected.

A precautionary method of working should be adopted within the area of construction works during the reptile active season (March to mid-October inclusive). The measures should include the following:

- Area to be subject to a pre-construction survey by an EnvCoW in order to identify particular sensitivities of the area;

- Area to be walked by EnvCoW immediately prior to Proposed Works in order to disperse reptiles outwith the Site with reptiles translocated (when less than 10 reptiles are present), to suitable habitat outwith the works area on an ad-hoc basis; and

- Where more than 10 reptiles are found, works will cease in that area until a revised strategy has been devised by the EnvCoW.

With the adoption of the mitigation proposed, amphibians and reptiles are not predicted to be adversely impacted by the Proposed Works.

Brown hare and Mountain hare

Brown hare and mountain hare could use habitats on Site, as well as those in the surrounding landscape. Both species are considered unlikely to be impacted by construction activities due to the low impact nature of the Proposed Works and the embedded mitigation measures such as site walkovers ahead of site work, presence of

the EnvCoW and implementation of a CEMP. With the adoption of the mitigation proposed, brown hare and mountain hare are not predicted to be adversely impacted by the Proposed Works.

APPENDIX A: LEGISLATION

Annex I habitats

Certain habitats also have protection under the EU Habitats Directive (Council Directive 92/43/EEC), transposed in Scotland as the Conservation (Natural Habitats, &c.) Regulations 1994. The Act provides for the identification of sites which are important for habitats (listed as Annex I habitats of the Habitats Directive), known as Special Areas of Conservation (SACs).

SBL habitats

Habitats have protection under the Nature Conservation (Scotland) Act 2004. Under section 1 of the Act it is:

“the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions”

The Act requires Scottish Ministers to produce a Scottish Biodiversity Strategy, including providing a published list of habitats considered to be of principal importance for the purpose of the conservation of biodiversity (referred to as the Scottish Biodiversity List). This list is to be used to assist public bodies to meet section 1 of the Act.

Otter

Otters are classed as European Protected Species (EPS) under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). It is therefore an offence to deliberately or recklessly:

- Kill, injure, capture or harass an otter;

- Disturb an otter whilst it is occupying a holt (underground den) or other place it uses for shelter or protection, or while it is rearing or otherwise caring for its young, or in any way that impairs its ability to survive or breed, or significantly affects the local distribution or abundance of otters; and

- Obstruct access to an otter breeding site or resting place, or otherwise prevent their use.

And whether or not deliberate or reckless:

- To damage or destroy an otter breeding site or resting place

Water vole

The water vole receives partial protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

In Scotland, this legal protection is currently restricted to the water vole's places of shelter or protection and doesn't extend to the animal itself. Full protection, to also cover the animal, is proposed.

It is an offence to intentionally or recklessly:

- Damage, destroy or obstruct access to any structure or place that water voles use for shelter or protection; and

- Disturb a water vole while it is using any such place of shelter or protection.

Fish

For fully protected Schedule 5 species, it's an offence to:

- Intentionally or recklessly kill, injure or take fish;

- Possess or sell fish; and

- Intentionally or recklessly disturb or harass fish.

Allis shad and twaite shad are protected under Schedule 5 only in terms of regulating how they can be killed or taken.

For Schedule 3 species, it's an offence to use certain methods to catch or take fish in freshwater.

Freshwater pearl mussel

FWPM is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

It is an offence to intentionally or recklessly:

- Kill, injure or take a wild animal;
- Damage, destroy or obstruct access to any structure or place which such an animal uses for shelter or protection; and
- Disturb such an animal when it is occupying a structure or place for shelter or protection.

It is also an offence to:

- Possess or control a living or dead FWPM; and
- Sell, offer for sale, or possess or transport for the purpose of sale any living or dead FWPM (or any such derivatives).

Knowingly causing or permitting any of the above acts to be carried out is also an offence.

Badger

Both badgers and their setts are protected under the Protection of Badgers Act 1992 as amended by the Wildlife and Natural Environment (Scotland) Act 2011.

Offences under the Act include:

- Wilfully taking, injuring or killing a badger;
- Cruelty to a badger;
- Intentional or reckless interference with a badger sett;
- Sale or possession of a badger; and
- Marking or ringing of a badger.

Interfering with a badger sett includes:

- Damaging or destroying a sett or any part of it;
- Obstructing access to a sett;
- Disturbing a badger while it is in a sett; and
- Causing or allowing a dog to enter a badger sett.

The 1992 Act defines a badger sett as “any structure or place which displays signs indicating current use by a badger”. There is no case law to clarify what signs of current use means, however NatureScot considers the presence of “field signs such as bedding, fresh spoil heaps, signs of recent digging, hair, latrines, or footprints in or around the potential sett or evidence of badgers entering or exiting the structure or place in question” as indication of current use³¹.

Red squirrel

Red squirrels and their dreys (resting places) receive full protection under Schedules 5 and 6 of the Wildlife and Countryside Act 1981 (as amended).

It is an offence to intentionally or recklessly:

- Kill, injure or take a red squirrel;
- Damage, destroy or obstruct access to a drey or any other structure or place which a red squirrel uses for shelter or protection; and

³¹ NatureScot (2020). Guidance Licensing - Badgers - What is a Badger sett? Available at: <https://www.nature.scot/doc/guidance-licensing-badgers-what-badger-sett> (Accessed November 2022)

Disturb a red squirrel when it is occupying a structure or place for shelter or protection.

This protection does not apply to areas where red squirrels only feed.

It is also an offence to possess or control, sell or offer for sale, or possess or transport for the purpose of sale any living or dead red squirrel or any derivative of such an animal.

Knowingly causing or permitting any of the above acts to be carried out is also an offence.

Pine marten

Pine marten receives full protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Certain methods of killing or taking pine martens are illegal under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

It is an offence to intentionally or recklessly:

- Kill, injure or take a pine marten;

- Damage, destroy or obstruct access to a nest or den – i.e. any structure or place which such an animal uses for shelter or protection; and

- Disturb such an animal when it is occupying a nest or den for shelter or protection (except when this is inside a dwelling house).

Possession, sale and transport offences are ones of strict liability (they don't require intention or recklessness). It is an offence to:

- Possess or control, sell, offer for sale or possess or transport for the purpose of sale any living or dead pine marten or any derivative of such an animal

It is also an offence to knowingly cause or permit any of the above acts to be carried out.

Bats

All bat species found in Scotland are classed as EPS and receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

For any wild bat species, it is an offence to deliberately or recklessly:

- Capture, injure or kill a bat;

- Harass a bat or group of bats;

- Disturb a bat in a roost (any structure or place it uses for shelter or protection);

- Disturb a bat while it is rearing or otherwise caring for its young;

- Obstruct access to a bat roost or otherwise deny an animal use of a roost;

- Disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species;

- Disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young; and

- Disturb a bat while it is migrating or hibernating.

It's also an offence to:

- Damage or destroy a breeding site or resting place of such an animal (whether or not deliberately or recklessly); and

Keep, transport, sell or exchange, or offer for sale or exchange any wild bat (or any part or derivative of one) obtained after 10 June 1994

Birds

All wild birds, and their nests, are protected by the Wildlife and Countryside Act 1981 (as amended) (WCA). Offences relevant to development works include to intentionally or recklessly:

kill, injure or take a wild bird;

take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built;

obstruct or prevent any wild bird from using its nest;

take or destroy an egg of any wild bird.

Species listed in Schedule 1 of the WCA are afforded additional protection due to their rarity, vulnerability or sensitivity to disturbance. For these species it is an offence to intentionally or recklessly:

disturb any wild bird whilst it is building a nest or is in, on, or near a nest containing eggs or young;

disturb any wild bird whilst lekking (where birds gather to display; applicable in Scotland to capercaillie and ruff);

disturb the dependent young of any wild bird.

For species listed in Schedule 1A of the WCA (golden eagle, white-tailed eagle, hen harrier & red kite) it is also an offence to intentionally or recklessly:

harass any wild bird at any time (any harassment but particularly relevant to roosting birds outwith the breeding season).

The nests of species listed in Schedule A1 of the WCA (golden eagle & white-tailed eagle) are also protected between breeding seasons as they are long-lasting structures that can be re-used by these birds from year to year. For these species it is an offence to intentionally or recklessly:

take, damage, destroy or interfere with a nest at any time that is habitually used by any wild bird.

APPENDIX B: FIGURES

Figure 3.4 Designated Sites 10km

Figure 3.5: Designated Sites 2km

Figure 3.6: Survey Results

Figure 3.7: Irreplaceable habitats

Figure 3.8: Ornithology CONFIDENTIAL