

Environmental Appraisal Report

Volume 3 Appendix 7.5: Species Protection Plans

Netherton Hub 400 kV OHL Connection to New Deer and Peterhead: Tie-In

July 2026



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Badger Species Protection Plan



TG-NET-ENV-501	Badger Species Protection Plan		Applies to
			Transmission ✓
Revision: 2.00	Classification: Internal	Issue Date: March 2025	Review Date: March 2033

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1 Introduction

The European / Eurasian badger *Meles meles* is a native protected species under the Badger Protection Act and is afforded a high level of protection in Scotland. This Protection Plan provides guidance and procedures for the protection of badgers and their shelters during works on SSEN Transmission projects. The Plan comprises two parts and details the procedures that must be followed where there is potential for badger to be present (Part 1), and where a Project Licence for badger has been issued by NatureScot to cover the project (Part 2):

1.1 Part 1: General Protection Plan

This Part applies to all projects where badger may be present. Part 1 outlines the responsibilities of SSEN Transmission and *Contractors* regarding protection of badger. It also details relevant legislation, survey requirements, general mitigation measures and the requirement for licensing and mitigation.

1.2 Part 2: Project Licence Protection Plan

This is provided to *Contractors* in addition to Part 1 for large projects where a Project Licence has been issued by NatureScot to cover the work and identifies those activities and protection / mitigation measures which are permitted under the Project Licence and those activities which require a Method Statement to be submitted to NatureScot for written approval before works can commence. This Part should be followed in conjunction with Part 1 and the relevant Project Licence to provide approved guidance and methodologies for carrying out work.

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2 References

The documents detailed in Table 2.1 – Miscellaneous Documents, should be used in conjunction with this document.

Table 2.1 – Miscellaneous Documents

Title
The Protection of Badgers Act 1992
Badger NatureScot
NatureScot Guidance Licensing – Badgers – What is a Badger sett?
NatureScot Standing Advice For Planning Consultations Protected Species: Badger
NatureScot Badgers and Licensing
Forestry Practice Guide 9 Forest Operations and Badger Setts
Licence – Badgers – Standard forestry operations
Scottish Badgers Surveying for Badgers Good Practice Guidelines Version 1: 2018
The Mammal Society Surveying Badgers 1989
The Highland Council General planning guidance Badger Policy Guidance Note, March 2007
NatureScot Species Protection Plan
CIEEM Guidelines for Ecological Report Writing
CIEEM Advice Note On the Lifespan of Ecological Reports & Surveys

3 Part 1: General Protection Plan

3.1 Ecology

Badgers are members of the weasel family *Mustelidae* with a very widespread distribution in Scotland. They normally live in small family / social groups (clans) comprising a dominant pair and their offspring. Easily identified by their black and white face and grey body; males (boars) are slightly longer and heavier, with a thicker head to females (sows). Badgers are generally nocturnal, emerging early evening but are known to be occasionally active during day. While they consume large numbers of earthworms, badgers are omnivorous, foraging for a variety of foods including grains and carrion. They do not hibernate but may spend longer underground during winter / poor weather. Average lifespan is five to eight years but may live up to 16 years in the wild.

Badgers typically live in underground structures / burrows called setts, which vary in size and formed through badgers digging using their long powerful claws. Setts are often associated with woodland and sloping ground, but badgers can exploit a range of habitats including agricultural land and upland moorland. Any structure or place displaying signs indicating current use by a badger is a sett which can include rock piles, spaces beneath buildings, abandoned vehicles etc. The distance from the sett which they travel varies widely, depending on food and habitat availability as well as population density and territory size, with those in upland areas often exploiting larger areas. Sett occupancy and purpose is interchangeable with four types recognised: main, annexe, subsidiary and outlier. Badgers are also known to use above ground nests (day beds) and rock crevices. A description of sett types is displayed in Table 3.1 and habitats in Table 3.2.

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Table 3.1 - Sett Type Descriptions

Sett Type	Description
Main	Normally each group / clan has a single main sett, typically consisting of several entrances / holes with large spoil heaps and appears well used. Obvious paths lead to and from the sett and between entrances / holes. Number of entrances may vary. Often used for breeding but some may have disused or dormant entrances / areas.
Annexe	Often close to a main sett (normally <150 m) and connected by well-worn path(s). Usually there are several entrances but may vary and the sett may not be in consistent use, even where the main sett is highly active.
Subsidiary	Difficult to determine. Usually at least 50 m from a main sett and do not have obvious path(s) connecting with another sett. They are not continuously active (often seasonally), and entrance numbers may vary. To confidently identify a subsidiary, surveyors should know the location and correctly identified a nearby main sett and be confident that the main sett is within the same territory. Until territory analysis can be conducted through survey (e.g. bait marking) then the classification of 'subsidiary' may only be tentative at best ¹ .
Outlier	Often have little spoil outside the entrances, no obvious path(s) connecting to another sett, and only used sporadically. Can be inhabited by foxes or even rabbits; however, they can still be recognised as badger setts by the shape of the tunnel (not the actual entrance hole), at least 25 cm in diameter, and rounded or a flattened oval 'rotated D' shape (i.e. broader / wider than high). Fox and rabbit tunnels are smaller and often taller than they are broad.
Other	Sett identification is open to interpretation. Where unsure and difficult to assess the classification of a sett, 'Other' has been used to describe. Smaller setts may still be used for breeding. NatureScot do not include this category on their licensing applications; therefore, this classification should be avoided as far as reasonably possible.

*Adapted from Scottish Badgers sett descriptions

Table 3.2 - Badger Habitat Classifications

Primary	• Short grazed or mown grassland i.e. improved grassland • Golf Course • Broadleaved woodland
Secondary	• Arable • Rough grassland (ungrazed by domestic stock) • Scrub • Mixed woodland
Other	• Coniferous woodland etc.

*Adapted from The Highland Council Best Practice Guidance – Managing Land As A Foraging Resource For Badgers

While mating can take place year-round with delayed implantation, the badger breeding season is acknowledged to run between 1st December and 30th June with one to five cubs born furless and blind in February. Cubs gradually become active above ground and are independent at around five months, and capable of breeding after one-two years.

¹ Classification of badger setts *Meles meles* in the UK: A Review and Guidance for Surveyors, Richard Andrews CEnv MCIEEM. Available at: <https://cieem.net/resource/in-practice-issue-82-countryside-management-dec-2013/>

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Badger activity can be identified through the following field signs:

- Dung heaps or latrines – small pits are dug, and large faeces of variable consistency are deposited. Dung tends to have an inoffensive odour. Can be used as territorial markers, often found along paths, field edges, close to or between sett entrances.
- Paths - often well-worn and lead from setts to and along boundaries such as fences. They may be marked at strategic points with dung heaps where they constitute the edge of a home range. Connect setts to foraging habitats.
- Footprints—about 4.5 – 6.5 cm wide and have five toes with very prominent claws. Front and hind paws differ slightly with the front leaving longer claw marks and hind appearing shorter with inner toes further forward.
- Guard hairs – stiff, long, elliptical, hairs with black and white bands.
- Setts – typically large, ‘rotated D-shaped’ burrows with large spoil heaps of excavated soil often inclusive of discarded bedding.
- Day beds - above ground resting areas characterised by flattened vegetation or bundles of grass, bracken/ferns and may contain straw. Material may also be dragged inside the sett.
- Snuffle holes – indentations in the ground where badgers have been rooting for food such as bulbs and invertebrates.
- Scratch posts – claw marks on tree stems, fenceposts or similar.

3.2 Responsibilities

It is the responsibility of all *Contractors* to comply with all the requirements of this Protection Plan where works will / may affect badger, including when they may be present, and it is both the *Contractor's* and SSEN Transmission's responsibility to monitor compliance with the Protection Plan. The responsibility for applying for any licence, including a Project Licence, may change from project to project, but all applications and mitigation works will adhere to this plan.

3.3 Legislation

Both badgers and their setts are protected under the Protection of Badgers Act 1992 (as amended in Scotland). Unless permitted under this Act, it is an offence to

- wilfully take, injure or kill a badger;
- be cruel to a badger;
- mark or ring a badger; and
- intentionally or recklessly interfere with a badger sett.

Interference with a badger sett includes the following whether intentionally or recklessly²:

² Reckless acts would include not having or disregarding a mitigation plan aimed at protecting badgers, resulting in interference by carrying out an activity which would result in an offence where the presence of badger was foreknown.

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- damage a badger sett or any part of it;
- destroy a badger sett;
- obstruct access to, or any entrance of, a badger sett;
- cause (or allow) a dog to enter a badger sett; and
- disturb a badger when it is occupying a badger sett

It is also an offence to knowingly cause or permit these unlawful actions, where not permitted under the act. Furthermore, it is illegal to sell or possess a badger including any part of the animal, and to dig for or to snare a badger.

The 1992 Act defines a badger sett as “any structure or place which displays signs indicating current use by a badger”.

This legislation means that badgers are fully protected in Scotland. Under Section 10 (1) of The Protection of Badgers Act 1992, licences may be granted to interfere with a badger sett within an area specified in the licence by any means so specified.

Note that legal survey method ‘bait marking’ should not be confused with the illegal activity ‘badger baiting.’

3.4 Surveying for Badger

Badger surveys must be undertaken by suitably competent and experienced ecologists. A desk study should be completed before visiting site and seasonality considered with any limitations recorded.

Surveys must be undertaken in all work areas containing suitable badger habitat, a maximum of 12 months prior to the works commencing, including site investigations, to ensure the availability of up-to-date information on shelter locations. A preconstruction check should also be made of all work areas preferably within a week but no later than three weeks prior to commencing works, to check for any changes to sett location / status.

Surveys must extend for a minimum of 30 m beyond working areas, including access tracks increasing to 100 m in areas of potential high noise and vibration (piling, blasting etc.) for high noise activities. In some cases, particularly where sett destruction / exclusion is anticipated, ecologists may advise further assessment is required.

Preconstruction surveys must also be carried out by suitably qualified and experienced ecologists who will identify whether the setts are Active, Inactive or Defunct.

- Active – the structure displays signs of current use such presence of field signs such as bedding, fresh spoil heaps, signs of recent digging, hair, latrines, or footprints in or around the structure or evidence of badgers entering or exiting the structure through appropriate monitoring.
- Inactive - these can be characterised by tunnels looking disused (e.g. cobwebs and overgrown vegetation / leaves in the entrance) and no presence of signs of current use by badger (e.g. hairs, footprints, snuffle holes etc.). Appropriate monitoring is required to provide absolute certainty that the sett is not in current use by badger.

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- Defunct - these are characterised by a loss of the structural integrity of the tunnel entrance (such as when they have been trampled by cattle) and / or roots growing through the tunnel, (i.e. the hole could not be used for shelter by a badger in its current state), and no other signs of current use by badger being present.

There may also be collapses where a tunnel has fallen in on itself, or air holes where badgers have made a small hole in a tunnel roof from below.

Appropriate monitoring (e.g. the use of suitable camera traps) should be undertaken where required to determine whether any sett is being used for breeding. Camera trap monitoring may also require a licence from NatureScot. Photographic evidence of inactive / defunct setts must also be retained. Setts should be monitored for the Project duration and following completion / into the operational phase where appropriate. Confirmed sett locations and sensitive information should be kept confidential, to be shared only with parties associated with the Project and NatureScot. Any record submissions to Scottish Badgers, other conservation groups or record centres should be agreed prior.

3.5 Review of Badger Survey

Once a badger survey has been conducted, the ecologist / ECoW must review the survey results, apply the mitigation hierarchy outlined below and decide whether a licence is required (either Individual or Project) for the works. A specific badger protection plan may be required in support of a licence application, applying the mitigation hierarchy with reference to this plan. NatureScot state that a species protection plan should:

- build on the results of surveys to look at the potential impacts of the development on protected species;
- describe how those impacts will be mitigated or compensated;
- identify whether a licence is necessary; and
- include a good method statement – i.e. a description of how all work in relation to protected species (including licensed work) will be done.

A species protection plan will also allow the planning authority to state that adherence to the plan is a condition of any consent.

Site teams must be advised of existing / new constraints, together with mitigation and licensing requirements by the ecologist / ECoW.

Relevant site documentation and Project information sources must be updated with new and amended information on badger constraints as it is produced, with changes communicated to appropriate staff / parties immediately.

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3.6 Mitigation Hierarchy

There is a general presumption against works being carried out which could disturb badgers in their setts or to destroy / exclude any sett, particularly during the breeding season. A hierarchical approach to mitigation of Avoidance - Disturbance - Destruction will be applied to any sett that may be affected (See Figure 3.1)

Avoidance

This is the preferred option and to be prioritised for active / inactive setts identified within:

- 30 m of works;
- 100 m of high noise / vibration activities; and

An initial protection zone of either (30 m, or 100 m for high noise / vibration activities) will be clearly demarcated and appropriately signed to restrict work access. Protection zones are to be maintained until works are completed. Site staff shall be briefed of their purpose through a Toolbox Talk and works micro-sited outside the protection zone. If badger disturbance can be avoided in this way, there is no need to obtain a licence from NatureScot for the works.

All works within the vicinity of a badger sett will avoid the badger breeding season (1st December – 30th June) where possible.

Forestry Operations

Forestry works are often required to facilitate construction or prolong resilience of existing SSEN Transmission assets. A 20 m exclusion zone can be implemented where appropriate **outside** the breeding season for forestry activities (30 m during the breeding season). A Standard Forestry Operations (SFO) or more complex licence may be required for activities including vehicle access, or within 20 m of a sett entrance **outside** of the breeding season. This is not applicable to any construction activities.

Disturbance

For any works required within 30 m of **active** setts, and for high noise / vibration activities such as pile driving or blasting within 100 m of setts, a licence from NatureScot will be required (either Individual or Project).

For forestry works, NatureScot can grant a SFO licence to permit felling and harvesting operations within 20 m of badger setts **outside** of the breeding season. Operations must be conducted using standard mitigation measures, including those outlined within this plan, which involve a protection zone extending 20 m from all sett entrances and where no heavy machinery or vehicles are permitted. The individual in charge of carrying out or overseeing the operations must [apply for the licence](#)³ and works are only legally covered once email confirmation from NatureScot is received. Where works are required during the breeding season, vehicles are required to enter, or other SFO conditions cannot be met, a more complex licence is required. The SFO criteria is not applicable to any construction related activities at any time.

³ NatureScot Badgers: licences for land management, available at: <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/badgers/badgers-licences-land-management#:~:text=We%20can%20grant%20standard%20forestry%20operations%20licences%20to,must%20be%20carried%20out%20using%20standard%20mitigation%20measures>.

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NatureScot licences and applications should be supported by a Species Protection Plan outlining how disturbance will be minimised, and setts protected (e.g. through screening of works and modifying protection zones). Reports and maps must clearly show sett location(s), number of entrances and protection / exclusion zones. These should be kept confidential and only shared with relevant Project parties.

If a Project Licence is in place, and a breeding sett will be disturbed during the breeding season (1st December to 30th June), a Method Statement must be submitted to the NatureScot Licensing Team for written approval in accordance with Part 2 of this document, prior to any works commencing. Note that licences are not usually granted during the breeding season.

NatureScot can issue badger ecologist licences to permit works with low conservation impacts to proceed (where certain criteria is met) for the purposes of development, preventing serious damage, forestry and agricultural operations. Use of these licences can be considered where held by the ECoW or a project associated ecologist.

Destruction

Destruction of setts must only be undertaken as a last resort. For destruction of **active setts** a licence will be required from NatureScot (either Individual or Project). Individual Licence applications to NatureScot must be accompanied by a Survey Report and Species Protection Plan inclusive of maps outlining how disturbance will be minimised, and individuals protected.

The plan must include appropriate monitoring to ensure breeding is not taking place and provision for the creation of an [artificial sett](#) where required. Confidential reports and maps must clearly show sett location(s), including number of entrances with photographs and protection / exclusion zones in addition to the location and design of artificial sett(s) accordingly. Any sett subject to works under licence will be monitored during and after those works. If a Project Licence is in place, a Method Statement must be submitted to the NatureScot Licensing Team in accordance with Part 2 of this document for written approval prior to any works commencing.

NatureScot can issue badger ecologist licences to permit works with low conservation impacts to proceed (where certain criteria is met) for the purposes of development, preventing serious damage, forestry and agricultural operations. Use of these licences can be considered where held by the ECoW or a project associated ecologist⁴.

⁴ Badger ecologist licence - an ecologists guide, available at: <https://www.nature.scot/doc/guidance-badger-ecologist-licence-ecologists-guide>

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3.7 Mitigation Measures

3.7.1 General Mitigation

- The following mitigation is to be incorporated but not necessarily limited to:
- Any temporarily exposed pipe system to be capped when staff are off site to prevent badgers from gaining access.
- All exposed trenches and holes to be provided with a cover and / or mammal exit ramps e.g. wooden planks or earth ramps when *Contractors* are off site. These are to be checked daily before commencing activities.
- Any artificial lighting to be directed away from known shelters/suitable habitat as far as reasonably practical.
- Tree felling to be directed away from setts and entrances. Remnants such as branching must not block / obstruct entrances or paths. Retain vegetation cover around sett(s) where possible.
- Habitat connectivity to be maintained with obstruction and fragmentation avoided.
- Any considerably noisy static machinery to be stored outside of sensitive areas/exclusion zones and switched off overnight where practical.
- Avoid activity between dusk and dawn when badgers are most active as far as reasonably practical.
- Ensure sound pollution prevention measures are implemented.
- Emergency procedures must be implemented inclusive of the following:
 - Where a badger / badger setts are unexpectedly encountered by site personnel, all work within 30 m (100 m for high noise / vibration activities, or 20 m of forestry activities outside the breeding season) must cease until the ECoW / suitably qualified and experienced ecologist has been consulted, inspected the site where required, and determined the appropriate course of action.
 - Any trapped badgers should be released immediately where safe to do so.
 - Suspected sick or injured badgers to be reported to the ECoW / ecologist and the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) contacted as appropriate. The SSPCA will only attend site if the animal has been contained (within a box or cover placed over) and / or someone is monitoring consistently-frequently. In the case of badger, monitoring is considered appropriate and preferably by the ECoW / ecologist. SSPCA require what 3 words of location, contact number and postcode. Incidents can be reported to the SSPCA⁵ on **03000 999 999**.
 - Site personnel safety must never be compromised in attempt to rescue wildlife. Any animal can be unpredictable, particularly when they are in pain or feel

⁵ The SSPCA is the animal welfare charity operating in Scotland and should not be confused with the RSPCA operating only in England and Wales.

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threatened by humans. Always maintain a safe distance, wear gloves, and wash hands after.

- Where injury or death to a badger is a result of site activities and / or **licensing conditions have been breached**, activities in the area must cease and the site made safe immediately. The ECoW is to be contacted and attend site. The incident must be reported to SSEN on **0800 107 2307** within 30 minutes and reported to the NatureScot Licensing Team as soon as possible. SSEN Transmission should ensure details are recorded on [EcoOnline](#).
- Where injury or death to a badger is **not** a result of site activities and **no licensing conditions have been breached**, activities in the area must cease and the site made safe immediately. The ECoW is to be contacted and should attend site. The incident should be recorded within weekly-monthly reports and on EcoOnline as an observation by the *contractor* or SSEN Transmission (e.g. badger road accidents from **non-site traffic** but within vicinity of the site).
- Any pollution incidents to follow the relevant site emergency procedure, including reporting to SSEN on **0800 107 2307** within 30 minutes. SSEN Transmission should ensure details are recorded on EcoOnline.
- An exceptional circumstance procedure will be implemented should mitigation options not prove satisfactory in a particular case. Works will be halted whilst mitigation is determined (under consultation with NatureScot Licensing Team where required).

3.7.2 Monitoring and Reporting

- The Environmental Representative will attend site on a regular basis throughout the construction period to ensure all environmental mitigation relevant to badger is delivered.
- Any *Contractor* badger SPPs should refer to this SPP with updates on any licensable works provided to the relevant Project SSEN Transmission Consents & Environment Manager. *Contractors* should share a copy of their badger SPP for SSEN Transmission review where deviations or specific mitigation not covered by this SPP are required.
- Reports and SPPs inclusive of maps will be submitted to NatureScot as required by the relevant licence. These will be kept confidential accordingly.
- Licence returns must be submitted within one month of the expiry date. These can be submitted earlier where works are complete. This is the responsibility of the licence holder and / or named ecologist. Licences are not renewed automatically, and any extensions must be requested.
- Emergency reporting procedures are detailed within 3.7.1 General Mitigation.

3.7.3 Exclusion / Destruction of Inactive Setts at Any Time of Year

Where a structure possibly in use by badger requires exclusion or destruction, survey(s) are necessary to determine whether active and licensing requirements. For guidance see the NatureScot [Badgers - Licence forms and guidance documents](#).

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Should the structure be deemed **inactive**, the following methodology will be incorporated into a Site-Specific Method Statement and issued prior to work commencing. A licence from NatureScot is not required.

Monitoring

- a) Any potentially inactive sett must be monitored for a minimum of 14 days where weather conditions are favourable (up to 28 days if unfavourable) to check for current use by badger.
- b) A combination of the following methods will be used, as appropriate:
 - Appropriately positioned camera trap(s) to monitor badger activity at the sett(s). Cameras that produce a flash and/or a 'Low Glow' red light in the dark should be avoided. Remote monitoring to reduce human presence and potential disturbance is encouraged where appropriate, otherwise periodic (weekly) checks should be made.
 - Small pencil-sized sticks placed in the floor of the tunnel just inside the entrance(s), pointing upright.
 - Sand placed at the sett entrance(s) to capture footprints and/or other evidence.
 - Checks for other badger sign (e.g. hair, snuffle holes, latrines, and fresh scuff marks).

Exclusion

- c) Following adequate monitoring, and where the named Agent is confident that there is no sign of use by badger, the sett will be excluded for seven days using a gate⁶ set in the one-way position.
- d) Exclusions must be overseen by a named Agent on the Project Licence.

Monitoring Exclusion

- e) The sett will be visited regularly through the exclusion process to check activity and to check on the integrity of the exclusion materials and make good any damage. If it is apparent that badger(s), or other animals, have breached the exclusion any necessary repairs will be made and exclusion period will restart.

Exclusion / Destruction of the Sett

- f) Following exclusion, temporary blocking by wiring the gate shut, or destruction of the sett will be undertaken, where required, under the supervision of the Agent.
- g) Where the sett is not required to be destroyed the exclusion gate / sheeting may remain whilst works proceed around the sett and removed once works have finished.

⁶ The specification of gates, fencing and materials would be in accordance with [DMRB](#), and as described in NatureScot's "[Scotland's Wildlife: Badgers and Development \(2001\)](#)" and [The NHBS Guide to Badger Gates](#) or equivalent.

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- h) Where the inactive sett is required to be destroyed, this will be carried out using appropriate plant and / or hand tools.
- i) For setts on distinct slopes, the excavation will start at least 1 m away from the entrance spoil heap on the down-slope side (up to 4-5 m in front of the entrance itself). For setts on flat ground the excavation will start in front of the entrance hole and hand digging will be utilised to assess the direction and number of tunnels in all directions. Once this has been established, appropriate plant can be used to further progress the excavation. A trench will be dug under direction of the Agent. In the unlikely event that badgers are found during this process, all excavation will cease, the badger(s) will be allowed to freely move away from the area and the site made safe if required. The Agent / ECoW will decide on when the excavation can resume. The NatureScot Licensing Team will be consulted accordingly.
- j) The excavation will continue slowly, working forwards into the tunnels and chambers until the Agent is satisfied the entire sett has been excavated. Once fully excavated the soil will then be backfilled and compressed to deter animals from excavating further holes.
- k) Construction works will be programmed to commence as soon as possible following sett exclusion / destruction to reduce the probability of animals returning to the area.

3.8 Licensing Requirements

Licence applications must be submitted to the NatureScot Licensing Team (licensing@nature.scot) sufficiently in advance of the Project / works start date to ensure the licence is in place prior to any works commencing. Timescale for processing applications may vary and is often shown on the automatic reply upon submission or on NatureScot licensing news⁷; however, it may be worth contacting Licensing on **01463 725 364** ahead of submission and / or enquiring where indication is not provided.

3.9 Project Licence

An NatureScot Project Licence is likely to be the most appropriate form of licence for any large scale and / or long running Project, which may result in a large number of minor unavoidable badger offences (e.g. multiple instances of disturbance to a number of badger setts over several years). A Project Licence can be used to standardise protected species mitigation / compensation, creating consistency across the project area and throughout the Project's lifespan. Project Licences do not negate the need for thorough pre-development surveys within 12 months of the planned project start date, and pre-construction surveys within three weeks of works commencing. Any Project Licence application will need to be accompanied by the Mitigation Plan and procedures for badger included in Parts 1 and 2 of this SPP.

⁷ NatureScot Licensing News available at: <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/licensing-news>

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3.10 Individual Licence

For small scale Projects expected to be completed over relatively short timescales, which will result in a low number of unavoidable badger offences, an Individual Licence is likely to be more appropriate. Licence applications should be accompanied by a Method Statement and should be sent sufficiently in advance of the Project start date to ensure the licence is in place prior to work commencing.

Further guidance and details of how to apply for a badger Licence can be found on the NatureScot website⁸.

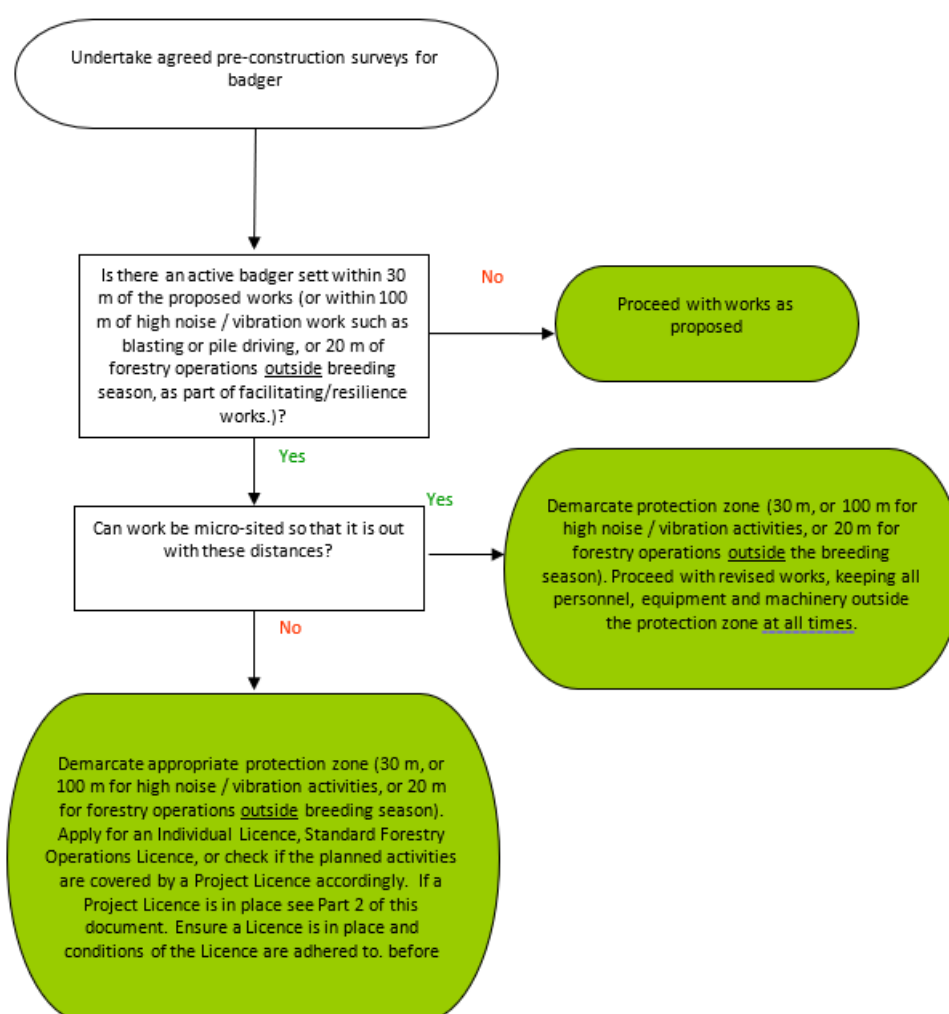


Figure 3.1 - Badger Mitigation Decision Tree

⁸ NatureScot Licensing Professional Advice: <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing>

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4 Part 2: Project Licence Protection Plan

The following sections of this plan are to be read in conjunction with the Project Licence (**insert Licence number**) and its conditions.

As stated in the Project Licence, methodologies for certain mitigation activities permitted under the Licence are included in this Part of the SPP. More disruptive activities, listed in Section 1 below, will also require a specific Method Statement to be submitted to the NatureScot Licensing Team for written approval (see Appendix A). It is the *Contractor's* responsibility to submit these Method Statements to both SSEN Transmission and the NatureScot Licensing Team for written approval. No works shall proceed without this written approval.

Sufficient time must be allowed for in the programme to carry out any consultation work and obtain necessary approvals.

The Project Licence will specify reporting requirements detailing all disturbance and destruction works carried out.

4.1 Works Allowed Under the Project Licence

Under the Project Licence there is a general presumption against works being carried out which could disturb badgers in their setts, or to destroy / exclude any sett unless it can clearly be demonstrated that either it is inactive (i.e. through monitoring) or that there is no alternative solution against Project timescales and requirements.

4.2 Activities Requiring a NatureScot Approved Method Statement

The following activities require a formal Method Statement to be submitted and approved by NatureScot prior to any works commencing:

- a) Destruction of any active setts within the breeding season (1st December – 30th June).
- b) Destruction of a breeding sett, or a sett which cannot be discounted as a breeding sett, at any time of year.
- c) Disturbance (i.e. works within 30 m, or 100 m for high noise / vibration works) to a breeding sett, or a sett which cannot be discounted as a breeding sett, during the breeding season, or for non-standard forestry operations.
- d) Where it is proposed to exclude (even temporarily) such a proportion of setts in a given clan's territory resulting in a significant impact on the clan.
- e) Any exceptional circumstances not covered in this SPP.

The Method Statement template in Appendix A has been developed in conjunction with NatureScot and should be used by the *Contractor / Named Agent* for all submissions.

Proposed mitigation works should be agreed with NatureScot.

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4.3 Activities not Requiring Additional NatureScot Approval

The following works may be carried out under this SPP and / or specific Method Statements without the prior approval of NatureScot when a Project Licence is in place, using the prescribed methodologies:

4.3.1 Exclusion / Destruction of a non-breeding active sett from July – November inclusive

The following methodology will be incorporated into a Site-Specific Method Statement and issued prior to work commencing:

Pre-works Assessment

- a) In advance of any ground-breaking or use of construction machinery within 30 m of a sett entrance (or 100 m for blasting operations or 20 m for forestry works outside breeding season as part of facilitating or resilience works) an Agent on the Project badger licence will consider in detail the scope of the proposed works, type of sett and topographical location to determine if exclusions can be avoided without placing badgers at risk.

Exclusion

- b) As agreed with NatureScot, badger gates and appropriate materials⁴ will be used for the exclusion of setts, unless in rare circumstances, in which case the NatureScot Licensing Team will be consulted beforehand. Exclusions must be overseen by a named agent on the Project Licence.
- c) The gate would be set to the two-way position for at least seven days and then set to one-way for 14 days.

Monitoring Exclusion

- d) To monitor use of the sett a combination of the following methods may be used.
 - Appropriately positioned camera trap(s) to monitor badger activity at the sett.
 - Small pencil-sized sticks placed in the floor of the tunnel just inside the entrance, pointing upright.
 - Threads pinned to the gate and gate frame to confirm whether the gate has been opened.
 - Sand placed at the sett entrance (inside and outside the gate).
- e) The sett will be visited regularly through the exclusion process to check activity and to check on the integrity of the exclusion materials and make good any damage. Where apparent that badger(s) have breached the exclusion, any necessary repairs will be made, and exclusion period will be restarted.

Destruction of the Sett

- f) Destruction will proceed as per the method outlined for destruction of inactive setts.

4.3.2 Disturbance to a non-breeding active sett from July – November inclusive

The following methodology will be incorporated into a Site-Specific Method Statement and issued prior to work commencing:

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Tree Felling and Scrub Clearance

All tree and scrub clearance will be undertaken in accordance with the conditions of a [Standard Forestry Operations Licence](#), which is considered part of facilitating or resilience works.

Track Construction

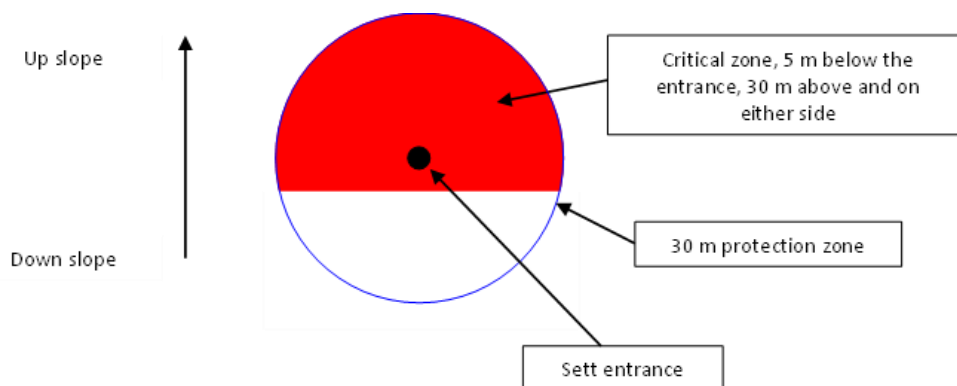


Figure 4.1 - Track Construction

- a) Track construction can be carried out within the 30 m protection zone under the Project Licence providing it does not impact on the “Critical Zone”, as shown in the diagram above, and lie within 5 m of the sett entrance. An Agent / ECoW on the Project badger licence will carry out a risk assessment and mark out the maximum protection zone to ensure the integrity of the sett is protected. If works are proposed in the critical zone between 20 and 30 m from an entrance, careful hand-digging of a cross trench at the edge of proposed access track route or tower compound will be performed to confirm the tunnels do not extend under the works.
- b) The Agent / ECoW will be present immediately **before** construction starts to re-check for any ecological constraints including newly dug badger setts. Details of any ecological constraints, and associated mitigation, not related to badger will be communicated separately to this plan to all site workers.

Tower Compound Establishment

- c) A tower compound can intrude within the 30 m protection zone under the Project Licence, where there is no alternative, providing it does not impact on the “Critical Zone” and the sett entrance is a minimum of 5 m out with the compound boundary. The An Agent / ECoW on the Project Licence will carry out a risk assessment and mark out the maximum protection zone to ensure the integrity of the sett is protected.
- d) Badger proof fencing / gates will be used for the compound to reduce the risk of badgers entering the works area. One-way badger gates will be installed at the nearest corner of the compounds to allow animals to escape.
- e) The Agent / ECoW will be present immediately before construction starts to re-check for any ecological constraints including newly dug badger setts. Details of any ecological constraints, and associated mitigation, not related to badger will be communicated separately to this plan to all site workers.

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5 Revision History

No	Overview of Amendments	Previous Document	Revision	Authorisation
01	Transfer to new template and Nomenclature	TG-PS-LT-707 (Rev 1.00)	1.00	Richard Baldwin
02	Hyperlink to "Current use" guidance 'What is a badger sett?' has been added under newly created paragraph 3.8.3. 4.3.1 'Exclusion / Destruction of Inactive Setts at any time of year' (Rev 1.00) has been moved under 3.8.3 to represent Licensing Team changes in accordance with legislation.	TG-NET-ENV-501 (Rev 1.00)	1.01	Richard Baldwin
03	2024 review and update of the badger SPP.	TG-NET-ENV-501 (Rev 1.01)	2.00	Richard Baldwin
04				

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Appendix A Project Licence Method Statement Template

<PROJECT TITLE>

METHOD STATEMENT FOR WORKS UNDER *(insert licence details)*

<insert species record reference>

<insert date>

Introduction

This document, prepared on behalf of SSEN Transmission provides a Method Statement for *<insert details of works>* to be completed under *<insert licence details>*. These works are required in order to facilitate the delivery of the *<insert Project details>* (the Project).

Condition *<insert No.>* of the above Licence states that a Badger Protection Method Statement be submitted to NatureScot Licensing Team for written approval, under specific circumstances, prior to commencement of works which could affect **badgers**. Therefore, no works which would *<insert licensed activity>* badger shall take place without written confirmation of NatureScot approval of this method statement.

This Method Statement makes reference to the following documents:

- *<insert licence details>*, NatureScot
- Species Protection Plan (SPP): *<insert SPP No. and title>* Rev. X *<insert date>*

Further information is provided in Table 1: Summary of Data.

Licensable Works

Introduction

<Insert details>

Baseline Description

<Insert description, including photographs / location plan>

Table 1: Summary of Data

Reference	Easting	Northing	Date recorded	Description	Date works exclusion zone demarcated & distance

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Survey Summary

<Insert details>

Description of the Proposed Licensable Works

<Insert details>

Works Duration

<Insert details>

Consideration of Alternatives

<Insert details>

Impact Assessment

<Insert details>

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Method Statement Site Briefing (to be delivered to relevant staff prior to works)

Site: *<insert description>*

Reference number: *<insert species record reference>*

Client: SSEN Transmission

Task: *<insert description of works>*

Prepared by: *<insert individual or Company name>*

Licensed Agent: *<insert name>*

Method statement for *<insert works description>*

Before works commence:

All relevant personnel will be made aware of the presence and location of the constraint and mitigation.

<insert details of methodology>

During works:

<insert details of methodology>

<Insert Contractor's name>

I, the undersigned, confirm receipt of this method statement and fully understand and agree to work to the conditions therein.

Signature of Contractor's Representative:..... Date ../ /

Print name in full:

Bat Species Protection Plan



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	Name	Title
Author	Dan Thomas	Consents and Environment Manager
Checked by	Alistair Watson	Biodiversity Enhancement Implementation Manager
Approved by	Richard Baldwin	Head of Environment

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1 Introduction

All bat species occurring in Britain are European Protected Species (EPS), protected under Annex II and IV of EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) and are afforded a high level of protection in Scotland. Licences from NatureScot can be acquired for disturbance of a roost, or destruction / exclusion of a bat roost, assuming specific list of conditions are met. Licensed bat workers may be required to implement these licences. Some licensed bat workers may also hold a BLIMP licence (Bat Low Impact licensing) which will, providing the situation meets clear criteria, enable them to deal directly with mainland Scotland roosts which are not used for breeding or hibernation for two of the more common species without the need to submit individual licence applications to NatureScot for each development site (as BLIMP licence is held by bat worker and required to be reflected in an update licence return schedule submitted to NatureScot).

Bats in need of rescue or assistance can be aided without the need for Species Licensing as the bat's welfare is prioritised, exempting these activities from the legislation. This is covered in further detail in Section 3.5.

This Protection Plan provides guidance and agreed procedures for the protection of bats and their shelters (roosts) during construction works on SSEN Transmission projects. The Plan contains two parts and details the procedures that must be followed where there is potential for bats to be present (Part 1), and where a Project Licence for bats has been issued by NatureScot to cover the project (Part 2):

1.1 Part 1: General Protection Plan

This section applies to all projects where bats may be present and is issued to Contractors. Part 1 outlines the responsibilities of SSEN Transmission and Contractors regarding protection of bats. It also details relevant legislation, survey requirements, general mitigation measures, guidance on compensation / enhancement and the requirement for licensing and mitigation.

1.2 Part 2: Project Licence Protection Plan

This section is provided to Contractors, in addition to Part 1, for large projects where a Project Licence has been issued by NatureScot to cover the work and identifies those activities and protection / mitigation measures which are permitted under the Project Licence and those activities which require a Method Statement to be submitted to NatureScot for written approval before works can commence. Part 2 should be followed in conjunction with Part 1 and the relevant Project Licence to provide approved guidance and methodologies for carrying out work.

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2 References

The documents detailed in Table 2.1 – Miscellaneous Documents, should be used in conjunction with this document.

Table 2.1 – Miscellaneous Documents

Title
EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive)
The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland)
The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019
https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing
https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing
https://www.nature.scot/guidance-bat-low-impact-licensing-blimp-ecologists-guide
https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-4th-edition
https://www.bats.org.uk/advice/help-ive-found-a-bat/bats-in-need-of-rescue/assess-the-situation

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3 Part 1: General Protection Plan

3.1 Ecology

Bats are a diverse group of mostly nocturnal flying mammals of which there are generally recognised to be 10 different species in Scotland. There are four more common or widespread species; common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), Daubenton's bat (*Myotis daubentonii*), and brown long-eared bat (*Plecotus auritus*). The two pipistrelle species mentioned above are most likely to be encountered.

The other less common species are Natterer's bat (*Myotis nattereri*), Nathusius' pipistrelle (*Pipistrellus nathusii*), Leisler's bat (*Nyctalus leisleri*), Noctule bat (*Nyctalus noctula*) and whiskered bat (*Myotis mystacinus*). The Brandt's bat (*Myotis brandtii*) is considered rarest and suspected to have a small range in southern Scotland, if at all.

Identification can be made by using bat detectors and recording devices to differentiate the characteristic echolocation signals (used to navigate and catch prey) as well as flight patterns, morphology and DNA analysis of droppings. The use of night vision aids (NVAs) including night vision/ infrared / thermal imaging cameras, can be used to record roosting or emerging bats, including the use of further infrared illumination.

Bats exploit a wide variety of natural and semi-natural habitats such as woodlands, pasture, water and hedges in pursuit of insect prey such as moths and midges. They use a variety of strategies to catch their prey. For example, brown long-eared bats glean insects from foliage, whereas Daubenton's bats gaffe insects from near the surface of water.

Bats rest during the day in roosts within sheltered voids or cavities. Although all bat species in Scotland rely heavily on man-made structures, roosts can be found in; buildings and ruins, trees (woodpecker holes, cracks, flaky bark and callused flush cuts), bridges, caves and tunnels. Signs of an active roost may include urine staining, scratch marks, sound (rustling or high pitch squeaking/ chattering, especially near twilight), strong odour and droppings, however not all roosts have such features. Many roosts can be particularly difficult to identify, and usually require dusk and/ or dawn activity surveys at appropriate time of year to confirm.

Roosts are often communal structures which are in use at different times and many different types of roosts exist varying from temporary day roosts to more permanent maternity and hibernation roosts. The most sensitive periods for maternity roosts are from early May to September and hibernation roosts can in use from October until March. Bats are particularly vulnerable to disturbance during hibernation which could result in mortality due to cold temperatures and lack of food resource, or during maternity period when disturbance could result in the newly born bats being abandoned. Bats have a slow reproductive rate, usually with one pup per female each year which makes their colonies susceptible to disturbance and direct impacts, such as habitat loss. Males can sometimes be found singular, in small 'bachelor' groups, or within maternity roosts.

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3.2 Responsibilities

It is the Contractor's responsibility to comply with all the requirements of this Protection Plan where bats are or may be present, and it is both the Contractor's and SSEN Transmission's responsibility to monitor compliance with the Protection Plan. The Contractor is required to appoint a suitably qualified and competent Ecologist, where licensable activities need to be overseen, and in some cases, undertaken by a licensed bat worker (e.g. roost exclusion). Not all bat surveys require the ecologist to be licensed, but they should be suitably trained and competent in the bat survey type being used. Independent ECoWs may be appointed on a project to undertake compliance monitoring. The responsibility for applying for any Licence, including a Project Licence, usually sits with the Contractor, but may vary from project to project, but all applications and mitigation works must adhere to this plan.

3.3 Legislation

All bat species (Chiroptera) in Britain are European Protected Species (EPS), protected under Annex II and IV of EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). The Habitats Directive is transposed in Scottish law by The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland). The protection has remained operable in Scotland following amendments of the Regulations by the Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019.

As EPS, it is an offence to deliberately or recklessly¹ kill, injure or take (capture) bats, deliberately or recklessly disturb or harass bats, and damage, destroy or obstruct access to a breeding site or resting place of any bat. It is important to note that bat roosts are protected even at times of year when not in use.

To summarise, 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.

¹ Reckless acts would include not having or disregarding a mitigation plan aimed at protecting Bats resulting in killing, injury, and/or disturbance of any Bat or Bat Roost, or carrying out an activity which would result in an offence where the presence of Bats was foreknown.

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It is 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.

3.4 Bat Care (Rescue)

Occasionally bats find themselves in situations or locations where they become trapped in buildings. If bats are mobile and flying around, opening the door and windows may be sufficient for the bat to make an escape unharmed. However, if they have been trapped for a period or are otherwise in need of care (exhaustion / injury etc.), they should be taken into care. Often bats in need of care are found grounded and unable to sustain flight. Sometimes bats can appear to be dead, therefore should be carefully assessed, and advice sought from a trained and competent person (e.g. the Environmental Advisor or ecologist).

Whilst handling bats is usually an offence without a licence, injured or grounded bats can be legally handled or dispatched where severe injury is clearly evident (e.g. broken wing) for the purposes of care. Although bats are protected by law, handling a bat in trouble in order to assist it is permitted. Ideally this would be undertaken by a suitably trained and rabies vaccinated individual, or ecologist. There is a small risk of rabies transmission from bat bites and scratches in the UK, but you can protect yourself by limited handling (required to contain the bat to take into rehabilitation) and wearing long sleeves and gloves. An FFP2 face mask should also be worn to prevent any potential infection of the bat from human born viruses such as COVID (SARS-CoV-2). Please refer to referenced Bat Conservation Trust (BCT) guidance on containment of a grounded bat and procure beneath.

<https://www.bats.org.uk/advice/help-ive-found-a-bat/bats-in-need-of-rescue/assess-the-situation>

The finding of the bat must be reported to site management and an SSEN Transmission environmental representative. Further investigations maybe required to establish the entry point of the bat and check for any nearby roosts. Should a dead bat or bats be found, this should also be reported. Always wear gloves when handling a bat, alive or dead, and seek medical advise immediately if bitten, licked, or scratched, even if you have been vaccinated for rabies.

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3.5 Surveying for Bats

Surveys should be undertaken in line with the BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines (current edition).

Bat surveys (or consideration of their requirement) are often undertaken during the development stage of a project, such as during EIA or Environmental Appraisal. The assessment and findings of these reports must be reviewed by the Contractor engaged for delivery to ensure adequate time for further bat surveys where required. Should proposals change, then the Contractor must reassess the potential to impact on bats and their roost, including requirement for further surveys as appropriate. Consideration for bats should also be considered for any changes, or additional development not included in the main application, such as enabling works, public road improvements or the formation of construction compounds. Other factors such as lighting, or noise from generators, including temporary elements, must also be considered, and follow best practice guidance.

1. Bat surveys must be undertaken in all works areas containing suitable habitat, at a suitable time of year a maximum of 12 months² prior to the works commencing, (this includes site investigations), to ensure the availability of up-to-date information on shelter locations.
2. Surveys must extend for a minimum of 30 m beyond working areas.
3. Pre-construction surveys will be undertaken for all potential roosting features likely to be affected (i.e. built structures and trees). If evidence of roosting bats is encountered, further surveys may be required to confirm species, roost type and usage, which are required to support any licence application.

3.6 Review of Bat Survey

Once survey(s) have been completed, the ecologist must review the survey results, apply the mitigation hierarchy outlined below and decide whether a Licence is required (either Individual or Project) for the works. A specific bat protection plan may be required in support of a licence application, applying the mitigation hierarchy with reference to this plan.

NatureScot state that a species protection plan should:

- build on the results of surveys to look at the potential impacts of the development on protected species;
- describe how those impacts will be mitigated or compensated;
- identify whether or not a licence is necessary; and
- include a good method statement – i.e. a description of how all work in relation to protected species (including licensed work) will be done.

² Note: Information from any previous surveys (e.g. surveys carried out to provide data for EIA or other Assessments) can be a useful guide to bats activity in an area, particularly if roosts were recorded. However, surveys will always require to be updated if carried out more than 12 months prior to works commencing.

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A species protection plan will also allow the planning authority to state that adherence to the plan is a condition of any consent.

Construction teams must be advised of existing / new constraints, together with mitigation and licensing requirements by the ecologist.

Relevant site documentation and project information sources must be updated with new and amended information on bat constraints as it is produced, with changes communicated to appropriate staff immediately.

3.7 Mitigation Hierarchy

There is a general presumption against works being carried out which could disturb bats or to destroy / exclude or obstruct access to any bat roost. A hierarchical approach to mitigation of Avoidance - Disturbance - Destruction will be applied to any roost that may be affected:

Avoidance

This is the preferred option for roosts identified within 30 m of works, an initial protection zone of 30 m will be demarcated and appropriately signed to restrict work access.

Protection zones must be maintained until works are completed. Site staff must be briefed of their purpose through a Toolbox Talk and works micro-sited out with the protection zone. If bat disturbance can be avoided in this way, there is no need to obtain a Licence from NatureScot.

Disturbance

Works required within 30 m of an active roost may constitute disturbance and therefore may require a Licence from NatureScot, to be assessed case-by-case. In these circumstances the ecologist must be tasked to determine the likelihood of disturbance to bats and need for a licence (in consultation with the NatureScot licensing team if required). Individual Licence applications to NatureScot are to be accompanied by a Protection Plan outlining how disturbance will be minimised and roosts protected; for example, through timing works for when bats are least likely to be present, screening of works and modifying protection zones. In some circumstances works may be allowed under a Bat Low Impact Licence (BLIMP).

Some disturbance licensing requirements may include compensation, such as installation of bat box(es) away from the proposed works. Installation of boxes should be within 100 m of the roost or as close as reasonably practicable, where they are less likely to become a future constraint, whether this is during operation of the asset or another development. Placement must therefore be agreed with SSEN Transmission and landowner(s) in addition to NatureScot as appropriate.

If a Project Licence is in place, part 2 of this document should be used to ascertain whether a formal Method Statement is required to be submitted for approval to NatureScot prior to works commencing which could disturb bats.

Roost Destruction

Destruction of roosts should only be undertaken as a last resort. For destruction of roosts a Licence will be required from NatureScot. Destruction of maternity roosts and hibernation roosts will only be licensed outside of the seasons when they are in use.

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Individual Licence applications to NatureScot should be accompanied by a Protection Plan which outlines how disturbance of bats will be minimised, roosts compensated for, and individual bats protected. Roost destruction may not always be permitted; this will depend on roost type and rarity of species (see species matrix in part 2 of this document). In some circumstances works may be allowed under a Bat Low Impact Licence (BLIMP).

If a Project Licence is in place the following activities require a formal Method Statement to be submitted and approved by NatureScot in accordance with Part 2 of this document, prior to any works commencing:

- Destruction of a breeding / hibernation roost of a brown long-eared or Daubenton's bat.
- Destruction of any roost of an uncommon species (Natterer's, Leisler's, Whiskered, Noctule, Nathusius' pipistrelle, and Brandt's bat) at any time of year.

For all other scenarios (such a destruction of a non-breeding roost of a more common species outside of the active season) works should be carried out in accordance with part 2 of this document. Any roost subject to works under Licence will be monitored during and after those works.

Similarly to disturbance, some destruction licensing requirements may include compensation, such as installation of bat box(es) away from the proposed works. Installation of boxes should be within 100 m of the roost or as close as reasonably practicable, where they are less likely to become a future constraint, whether this is during operation of the asset or another development. Placement must therefore be agreed with SSEN Transmission and landowner(s) in addition to NatureScot as appropriate.

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3.8 Mitigation Measures

3.8.1 General Mitigation

The following mitigation is to be incorporated, but not necessarily limited to:

1. Where possible, timing of works which have the potential to impact bats and / or their roosts should be avoided during the most sensitive times of year. Maternity roosts and hibernation roosts are particularly sensitive to disturbance. Weather conditions should also be considered (e.g. warmer winters may lead to bats hibernating later). Advice from the ecologist should be sought.
2. Where works are in areas where bat roosts may be encountered, toolbox talks should be used to brief workers on bats and their protected status, including findings of surveys undertaken, and exclusion buffers, and emergency measures to be undertaken on bat encounter or identification of a suspected roost.
3. Any artificial lighting to be directed away from known shelters/suitable habitat as far as reasonably practical.
4. Tree felling to be directed away from known roosts. Remnants such as branching must not block / obstruct roosts. Retain surrounding vegetation as far as possible.
5. Habitat connectivity to be maintained with obstruction and fragmentation avoided.
6. Any considerably noisy static machinery to be stored outside of sensitive areas / exclusion zones and switched off overnight where practical.
7. Avoid activity between dusk and dawn when bats are most active as far as reasonably practical.

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8. Emergency procedures must be implemented inclusive of the following:

- Should bats or field signs be identified unexpectedly and measures not already in place, all work within 30 m must cease until the ecologist and SSEN Transmission environmental representative has been consulted, the site inspected where required, and determined the appropriate course of action.
 - Any suspected sick or injured bats to be reported to the ecologist and taken into care as appropriate, following the procedure outlined by the Bat Conservation Trust³. Further guidance is provided in Section 3.5. Ensure the bat is contained within a secure box with breathable holes, a towel / similar, and **shallow** dish of water (milk lid appropriate). Where there is not a bat carer associated with the project, contact the National Bat Helpline on **0345 1300 228**.
 - The Scottish Society for the Prevention of Cruelty to Animals (SSPCA) can be contacted where bat carers are not available. The SSPCA will only attend site if the animal has been contained (within a box or cover placed over) and / or someone is monitoring consistently-frequently. The SSPCA require 'What 3 Words' of location, contact number and postcode. Incidents can be reported to the SSPCA⁴ on **03000 999 999**.
 - Site personnel safety must never be compromised in attempt to rescue wildlife. Any animal can be unpredictable, particularly when they are in pain or feel threatened by humans. There is a small risk that bats can carry rabies, a fatal virus. Avoid direct handling if you can, always wear gloves and long sleeves, and wash hands after. An FFP2 mask should be worn to protect bats from potential virus transmission.
 - Where injury or death to a bat is a result of site activities and / **or licensing conditions have been breached**, activities in the area must cease and the site made safe immediately. SSEN Transmission Environmental representative must be notified and a suitably qualified ecologist contacted and arrangement made for to attend site. The incident must be reported to SSEN on **0800 107 2307** within 30 minutes and reported to the NatureScot licensing team as soon as possible. Details must also be recorded on [EcoOnline](#).
9. Where injury or death to a bat is not a result of site activities and no licensing conditions have been breached, activities in the area must cease and the site made safe immediately. The SSEN Transmission Environmental representative is to be contacted and should attend site. The incident should be recorded on [EcoOnline](#) and within weekly-monthly reports (e.g. dead bat found in building and suspected to be a 'one off' incident).
10. An exceptional circumstance procedure will be implemented should mitigation options not prove satisfactory in a particular case. Works will be halted whilst mitigation is determined (under consultation with NatureScot if required).

³ [Help! I've found a bat - Advice - Bat Conservation Trust](#)

⁴ The SSPCA is the animal welfare charity operating in Scotland and should not be confused with the RSPCA operating only in England and Wales.

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3.8.2 Monitoring and Reporting

1. The Ecologist will attend site on a regular basis throughout the construction period to ensure all environmental mitigation relevant to bats is delivered.
2. Reports to follow guidance within the BCT Bat Surveys for Professional Ecologists: Good Practice Guidelines (current edition).
3. Reports will be submitted to NatureScot as required by the relevant Licence. These should also be shared with SSEN Transmission.
4. Any commitments to monitor effectiveness of compensation measures must be followed, and findings reported back to SSEN Transmission.

3.9 Compensation

Some activities that impact on bat roosts may require compensation to offset remaining impacts, for example after destruction / exclusion of a roost. Compensation measures may be included within licence applications made to NatureScot. These compensation measures are usually in the form of installation of a suitable bat roost box(es) with following points adhered to/ considered:

- They should be installed as close to the affected roost as possible (usually within 100 m).
- Of suitable type for the roost being compensated. Woodcrete boxes such as Schwegler are preferred as known to be successful.
- Consideration of the fixing of the proposed bat roost box type to location should be considered, with flat backed boxes being easier to hang on walls, and cylindrical types easily affixed to trees.
- Bat boxes should be placed at a suitable height to encourage uptake by bats, and to limit the potential of predation (3-5 m).
- Preferred orientation is south facing; however, offset from south may allow bats to move to warmer / cooler temperatures as required.
- Consideration as to the location of the proposed installation of bat roost compensation measures must be made to ensure they are installed in a suitable location for likely uptake by bats, but also an area which would not be disturbed or constrain future works, and
- Location(s) of proposed boxes or other mitigation must be agreed with the Land Assembly/ SSEN Transmission Operations (ensure land agreements are in place for placement on any area not under SSEN Transmission's control).

Larger more bespoke mitigation measures may be required for destruction / exclusion or more significant roosts; however, consideration of such can become complex, especially if heating elements are deemed required. Formation of bat roosting features within trees to be retained may also be considered, including cutting of new features or retention of roost feature, secured to a retained tree in suitable location.

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Monitoring success of the compensation measures may be included within licence applications, but would form part of the conditions of the licence and therefore must be met where commitment is made. Once a bat box becomes occupied it is considered a roost and offered the same legal protection as any other roost.

3.10 Enhancement

Enhancement refers to providing net benefits for biodiversity, over and above the requirements for avoidance, mitigation or compensation, for example, placement of bat roost box associated with licensable roost disturbance. While SSEN Transmission seeks and welcomes opportunities for enhancement on projects / assets, measures installed for enhancement must follow the same principles as Compensation, set out above.

3.11 Licensing Requirements

Licence applications must be sent into NatureScot species licensing team sufficiently in advance of the project start date (approximately 30 days) to ensure the licence is in place prior to any work commencing.

3.12 Bat Low Impact Licence

In certain circumstances works on mainland Scotland affecting soprano pipistrelle or common pipistrelle bat roosts, which are not used for breeding or as hibernacula, can be undertaken utilising a BLIMP licence. BLIMPs may only be used by Licenced BLIMP holder and works must be undertaken following the most up to date NatureScot guidance; [Guidance - Bat Low Impact Licensing \(BLIMP\) - An ecologist's guide | NatureScot](#).

For the avoidance of doubt the BLIMP licence will not cover activities affecting other bat species or other types of roost. However, this will not preclude working under the BLIMP licence at a site where other species or roost types are present providing that the works will not affect them.

3.13 Project Licence

A NatureScot Project Licence is likely to be the most appropriate form of Licence for any large scale and / or long running Project, which may result in a large number of minor unavoidable bat offences.

For example, multiple instances of disturbance to a number of bat roosts over several years. A Project Licence can be used to standardise protected species mitigation / compensation, creating consistency across the project area and throughout the Project's lifespan. Project Licences do not negate the need for thorough pre-development surveys within 12 months of the planned project start date, and pre-construction surveys within 3 weeks of works commencing. Any Project Licence application will need to be accompanied by the Mitigation Plan and procedures for bats included in Parts 1 and 2 of this SPP.

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3.14 Individual Licence

For small scale Projects expected to be completed over relatively short timescales, which will result in a low number of unavoidable bats offences, an Individual NatureScot Licence is most likely to be appropriate. Licence applications should be accompanied by a Method Statement and should be sent sufficiently in advance of the Project start date to ensure the licence is in place prior to work commencing.

Further guidance and details of how to apply for a bat Licence can be found on the NatureScot website (<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing>).

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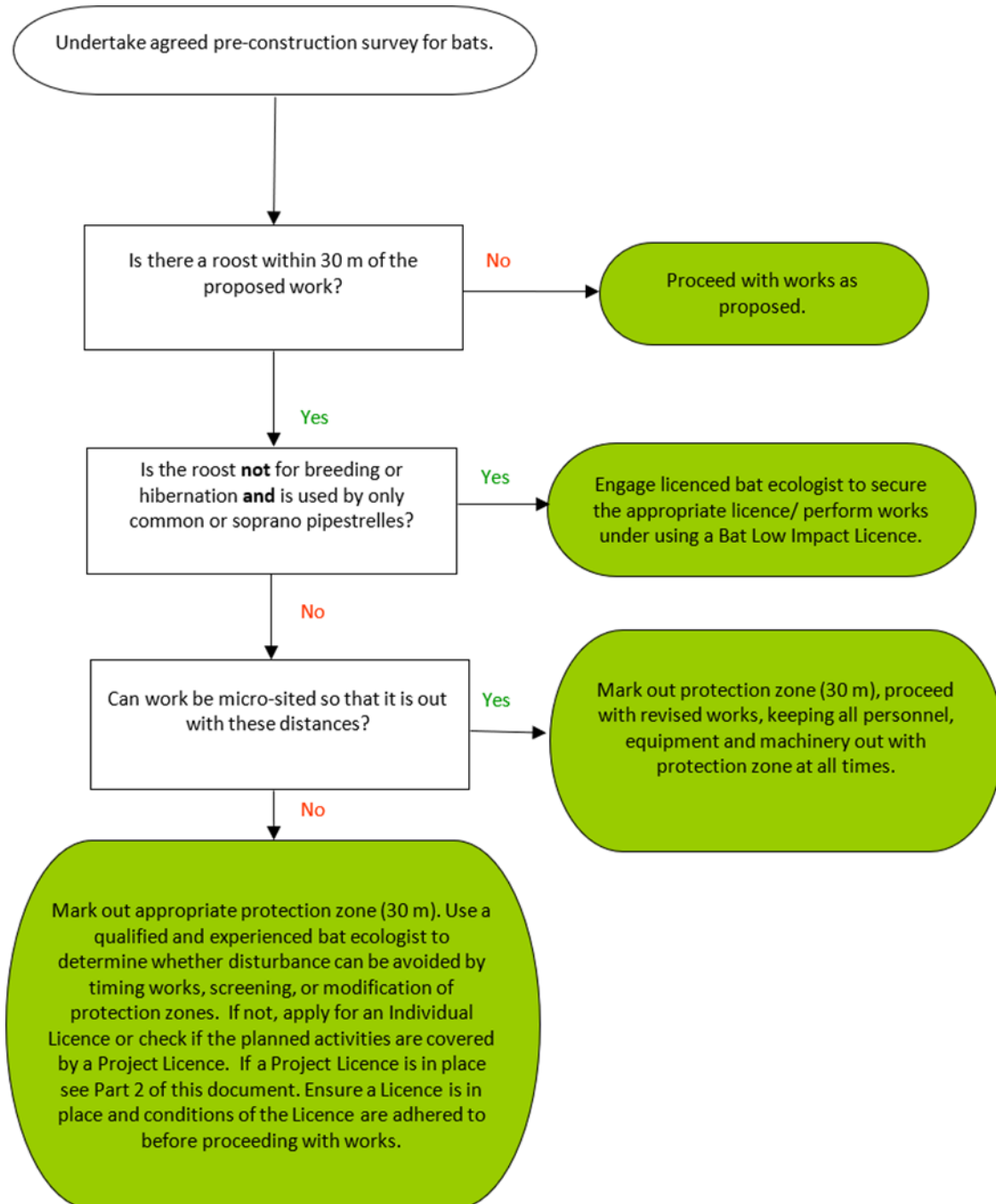


Figure 3.1 - Bat Mitigation Decision Tree

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4 Part 2: Project Licence Protection Plan

The following sections of this plan are to be read in conjunction with the Project Licence (**insert Licence number**) and its conditions.

As stated in the Project Licence, methodologies for certain mitigation activities permitted under the Licence are included in this Part of the SPP. More disruptive activities, listed in Section 1 below, will also require a specific Method Statement to be submitted to NatureScot licensing team for written approval (see Appendix A). It is the Contractor's responsibility to submit these Method Statements to both SHE Transmission and NatureScot for written approval. No works shall proceed without this written approval.

Sufficient time should be allowed for in the programme to carry out any consultation work and obtain necessary approvals.

The Project Licence will specify reporting requirements detailing all disturbance and destruction works carried out.

4.1 Works Allowed under the Project Licence

Under the Project Licence there is a general presumption against works being carried out which could disturb bats, or to destroy / exclude or obstruct access to any bat roost unless it can clearly be demonstrated that either it is inactive (i.e. through monitoring) or that there is no alternative solution against Project timescales and requirements.

4.2 Activities requiring a NatureScot Approved Method Statement

The following activities require a formal Method Statement to be submitted and approved by NatureScot prior to any works commencing:

- Disturbance of breeding or hibernation roosts of Common Pipistrelle, Soprano pipistrelle, Brown long-eared, and Daubenton's bat during the seasons when they are likely to be in use;
- Disturbance of breeding or hibernation roosts of all non-common bat species (i.e. Natterer's, Leisler's, Whiskered, Noctule, Nathusius', and any other species not normally found in Scotland) at any time;
- Disturbance of non-breeding and non-hibernation roosts for all non-common bat species (i.e. Natterer's, Leisler's, Whiskered, Noctule, Nathusius', and any other species not normally found in Scotland);
- Destruction of a Brown Long-eared or Daubenton's breeding or hibernation roost;
- Destruction of any roosts for all non-common bat species (i.e. Natterer's, Leisler's, Whiskered, Noctule, Nathusius', and any other species not normally found in Scotland)); and
- Any exceptional circumstances not covered in this SPP or Points a to e above.

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The Method Statement template in Appendix A has been developed in conjunction with NatureScot and should be used by the *Contractor / Named Agent* for all submissions.

Proposed mitigation works should be agreed with NatureScot.

Species Matrix

This matrix summarises which activities at which time of year can be carried out under this SPP or require an approved method statement. For explanation see text of this SPP.

Table 4.1 - Species Matrix

Species	Breeding / Hibernation Roosts		Non-breeding / non-hibernation Roosts	
	Disturbance	Destruction	Disturbance	Destruction
Common Pipistrelle	SPP (outwith seasons)	SPP (outwith seasons)	BLIMP	BLIMP
Soprano Pipistrelle	SPP (outwith seasons)	SPP (outwith seasons)	BLIMP	BLIMP
Brown Long Eared	SPP (outwith seasons)	Approved MS	SPP	SPP
Daubenton's	SPP (outwith seasons)	Approved MS	SPP	SPP
Natterer's	Approved MS	Approved MS	Approved MS	Approved MS
Nathusius' Pipistrelle	Approved MS	Unlikely to be allowed	Approved MS	Approved MS
Leisler's	Approved MS	Approved MS	Approved MS	Approved MS
Whiskered	Approved MS	Unlikely to be allowed	Approved MS	Approved MS
Noctule	Approved MS	Approved MS	Approved MS	Approved MS
Other species not normally found in Scotland	Approved MS	Approved MS	Approved MS	Approved MS

4.3 Activities not requiring additional NatureScot approval

The following works may be carried out under this SPP and / or specific Method Statements without the prior approval of NatureScot, using the prescribed methodologies:

- Disturbance to non-breeding (note according to European guidance mating roosts are considered to be breeding roosts) and non-hibernation roosts, and disturbance to maternity / hibernation roosts (outwith the seasons they are in use), for the more common species (i.e. brown long-eared, and Daubenton's bats). Destruction of any common or soprano pipistrelle breeding and hibernation roosts at an appropriate time of year for the type of roost (i.e. when bats are not likely to be present and avoiding sensitive seasons).
- Destruction of non-breeding and non-hibernation roosts for brown long-eared and Daubenton's bats, at an appropriate time of year for the type of roost when bats are not present, or avoiding sensitive seasons.

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- 4.3.1 Disturbance to non-breeding and non-hibernation roosts at any time of year, and disturbance to maternity and hibernation roosts outwith the seasons they are in use.
- This methodology applies to the following:
 - Disturbance to non-breeding and non-hibernation roosts of common pipistrelle, soprano pipistrelle, brown long-eared and Daubenton's bats.
 - If works are to be completed within the protection zone when bats are present the following measures will be adopted in order to minimise potential disturbance to the roost:
 - Works will be completed in a manner to reduce and ensure minimal disturbance;
 - No use of directional lighting; and
 - No site compounds and/or vehicle parking areas will be permitted within 30 m of the roost.
 - Prior to the commencement of Project works, a protection zone will be established to retain the maximum possible distance between Project works and the roost in order to prevent damage. In most cases this protection zone will be no less than 1 m from the drip line of the tree or 5 m for buildings or cave entrances, and will be set up by the Ecologist / ECoW who is an Agent on the Project bat Licence, or a suitably qualified bat worker under their supervision. No construction works will be completed within this zone.
 - All site construction staff will be made aware of the presence of the roost and the requirement to remain outwith the protection zone at all times through a Toolbox Talk and the site EMP.
 - A watching brief would be undertaken by the ECoW as required to ensure that the protection zone has not been breached and that the roost/ roost feature has not been inadvertently damaged.
 - No specific ecological mitigation is considered to be required for the disturbance to non-breeding and non-hibernation sites.

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4.3.2 Destruction of roosts at an appropriate time of year.

- a. This methodology applies to the following:
 - Destruction of roosts of common and soprano pipistrelle bats; and
 - Destruction of non-breeding and non-hibernation roosts of common pipistrelle, soprano pipistrelle, brown long-eared and Daubenton's bats.
- b. Destruction of these roosts will only be completed at an appropriate time of year (dependent on roost status, avoiding sensitive seasons and if presence/ absence of bats can be confirmed).
- c. Prior to the commencement of Project works within 30 m of non-breeding and non-hibernation roosts, a protection zone will be set up by the ECoW. No works will be completed within this area until the roost has been destroyed in a controlled manner.
- d. All site construction staff will be made aware of the presence of the roost and the requirement to remain out with the protection zone at all times through a Toolbox Talk and the site EMP.
- e. Prior to licensed destruction of the roost, appropriate mitigation / compensation shall be provided on a like-for-like replacement basis (e.g. provision of roost features that would match the roost to be destroyed). Replacement roost features would be sited as close as possible to the roost to be destroyed but out with any potential disturbance distances. Compensatory roost provision would be agreed with NatureScot.

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- f. The destruction of the roost will be completed in a controlled manner under the supervision of the ECoW (who is an Agent on the Project Licence, or a suitably qualified bat worker under their supervision), in order to ensure that no bats are injured and/or killed. The following measures will be adopted during the controlled destruction of the roost:
- Prior to any works being completed that will result in the destruction of non-breeding and non-hibernation roosts, a survey will be completed to determine whether bats are present or absent, the status of the roost and the species involved (through visual or lab analysis of droppings).
 - Where a roost is to be destroyed during the active period, and the presence of bats is confirmed or cannot be discounted, bats will be excluded from the roost using an appropriate exclusion device. (e.g. a cotton sleeve) which will be fitted to the observed entrance/exit point by the ECoW.
 - A dawn survey will be undertaken on the day of the exclusion to confirm the absence of bats returning to the roost. These surveys will be undertaken when the dawn temperature is > 8o C. Should bats be seen entering the roost the exclusion will be postponed for 3 days and the process repeated.
 - The exclusion device will remain in place for 7 days, unless this corresponds to a period of cold or adverse weather (where the temperature at dusk is < 8o C or heavy rain), then the excluder must stay in place for a further 7 days.
 - In the event of bats being identified within the roost during destruction, the ECoW is responsible for determining the best course of action with respect to the welfare of the animals.

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5 Revision History

No	Overview of Amendment and Text affected	Previous Document	Revision	Authorisation
01	Transfer to new template and Nomenclature	TG-PS-LT-708 (Rev 1.00)	1.00	Richard Baldwin
02	Sentence 3.8.2 (1) has been replaced by the equivalent sentence of precursor TG-PS-LT-708. Paragraph 3.10 has been replaced by the equivalent paragraph of precursor TG-PS-LT-708. Paragraph 3.11 has been replaced by the equivalent paragraph of precursor TG-PS-LT-708 (with exception of update to SNH hyperlink).	TG-NET-ENV-502 (Rev 1.00)	1.01	Richard Baldwin
03	SPP updated to incorporate introduction of Bat Low Impact Licence.	TG-NET-ENV-502 (Rev 1.01)	1.02	Richard Baldwin
04	Updated in line with DMS requirement. Clarification on bat care added. SNH references updated to NatureScot. Survey requirements updated to align with current BCT guidance.	TG-NET-ENV-502 (Rev 1.02)	2.00	Richard Baldwin

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Appendix A Project Licence Method Statement Template

<PROJECT TITLE>

METHOD STATEMENT FOR WORKS UNDER (insert licence details)

<insert species record reference>

<insert date>

Introduction

This document, prepared on behalf of SHE Transmission provides a Method Statement for <insert details of works> to be completed under <insert licence details>. These works are required in order to facilitate the delivery of the <insert Project details> (the Project).

Condition <insert No.> of the above Licence states that a <insert species> Protection Method Statement be submitted to NatureScot licensing team for written approval, under specific circumstances, prior to commencement of works which could affect <insert species>.

Therefore, no works which would <insert licensed activity> <insert species> shall take place without written confirmation of NatureScot approval of this method statement.

This Method Statement makes reference to the following documents:

- <insert licence details>, NatureScot
- Species Protection Plan (SPP): <insert SPP No. and title> Rev. X <insert date>

Further information is provided in Table A.1 - Summary of Data.

Licensable Works

Introduction

<Insert details>

Baseline Description

<Insert description, including photographs / location plan>

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Table A.1 - Summary of Data

Reference	Easting	Northing	Date recorded	Description	Date works exclusion zone demarcated & distance

Survey Summary

<Insert details>

Description of the Proposed Licensable Works

<Insert details>

Works Duration

<Insert details>

Consideration of Alternatives

<Insert details>

Impact Assessment

<Insert details>

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Method Statement Site Briefing (to be delivered to relevant staff prior to works)

Site: <insert description>

Reference number: <insert species record reference>

Client: SHE Transmission

Task: <insert description of works>

Prepared by: <insert individual or Company name>

Licensed Agent: <insert name>

Method statement for <insert works description>

Before works commence:

All relevant personnel will be made aware of the presence and location of the constraint and mitigation.

<insert details of methodology>

During works:

<insert details of methodology>

<Insert Contractor's name>

I, the undersigned, confirm receipt of this method statement and fully understand and agree to work to the conditions therein.

Signature of Contractor's Representative:..... Date / /

Print name in full:

Otter Species Protection Plan



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	Name	Title
Author	Francis Williams	Environmental Net Gain Manager
Checked by	Alistair Watson	Consents & Environment Manager
Approved by	Richard Baldwin	Head of Consents & Environment

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1 Introduction

Otter is a European Protected Species and is afforded a high level of protection in Scotland. This Protection Plan provides guidance and agreed procedures for the protection of otters and their shelters during construction works on Scottish Hydro Electric (SHE) Transmission projects. The Plan contains two parts and details the procedures that must be followed where there is potential for otter to be present (Part 1), and where a Project Licence for otter has been issued by NatureScot to cover the project (Part 2).

Part 1: General Protection Plan

This Part applies to all projects where otter may be present. Part 1 outlines the responsibilities of SHE Transmission and the Contractor regarding protection of otter. It also details relevant legislation, survey requirements, general mitigation measures and the requirement for licensing and mitigation.

Part 2: Project Licence Protection Plan

This is provided to Contractors in addition to Part 1 for large projects where a Project Licence has been issued by NatureScot to cover the work and identifies those activities and protection / mitigation measures which are permitted under the Project Licence and those activities which require a Method Statement to be submitted to NatureScot for written approval before works can commence. This Part should be followed in conjunction with Part 1 and the relevant Project Licence to provide approved guidance and methodologies for carrying out work.

2 References

The documents detailed in Table 2.1 - Miscellaneous Documents, should be used in conjunction with this document.

Table 2.1 - Miscellaneous Documents

Title
The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland)
EC Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive)
The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007
The Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019
NatureScot Licensing

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3 Part 1: General Protection Plan

3.1 Background

Otters (*Lutra lutra*) are members of the weasel family with a widespread distribution in Scotland. They are largely solitary, semi-aquatic and obtain most of their food from rivers or the sea. Otters living on rivers may travel distances of 16 km or more at night. They use two kinds of shelter – underground holts and above ground couches. Otters may dig their own holts but they often enlarge existing structures such as rabbit holes so identification can be difficult. Couches may be nest-like structures or simply a depression in a stick pile or under a windblown tree. Each individual will use multiple shelters and holts can be located up to 500 m from watercourses. Otters may have cubs at any time of year.

Breeding sites are generally found in areas with the following characteristics:

- Relatively undisturbed by humans / ungrazed by stock
- Close (<50 m) to water but rarely flooded or just above the floodplain level
- Containing patches of dense cover (e.g., scrub thickets, deciduous woodland, young conifer plantation, heather, log piles, tree roots, rock piles, stands of tussocky tall fen vegetation, or reed beds)

Signs of Otter:

- Spraints (droppings) which have a high mucus content and are often formless, generally black or greenish-black in colour and may contain obvious fish bones or scales
- Otter prints and tracks – otter paths are 12-15 cm wide and normally connect with water and holts they are marked with spraints. Otter prints are about 6 cm wide and have five toes
- Feeding remains – hard parts of crustaceans, unpalatable bits of amphibians and bony parts of fish
- Otter shelters - holts or couches

3.2 Responsibilities

It is the *Contractor's* responsibility to comply with all the requirements of this Protection Plan where otter may be present, and it is both the *Contractor's* and SHE Transmission's responsibility to monitor compliance with the Protection Plan. The responsibility for applying for any Licence, including a Project Licence, may vary from project to project, but all applications and mitigation works will adhere to this plan.

3.3 Legislation

Otter is a **European Protected Species (EPS)** protected under Annex II and IV of EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats

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Directive). The Habitats Directive is transposed in Scottish law by The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland). The protection has remained operable in Scotland following amendments of the Regulations by the Conservation (Natural Habitats, &c.) (EU Exit) (Scotland) (Amendment) Regulations 2019.

Otter is listed on Schedule 2 of the Conservation (Natural Habitats &c.) Regulations 1994. The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 enhanced this protection. Current Legislation means that otters and their shelters are fully protected in Scotland. In summary it is illegal to:

- Deliberately or recklessly kill, injure or take (capture) an otter
- Deliberately or recklessly disturb or harass an otter
- Damage, destroy or obstruct access to a breeding site or resting place of an otter

3.4 Surveying for Otter

- Surveys for otter must be undertaken in all works areas containing suitable otter habitat, a maximum of 12 months¹ prior to the works commencing, (this includes site investigations), to ensure the availability of up-to-date information on shelter locations
- Surveys must extend for a minimum of 200 m beyond working areas, including access tracks
- Surveys must be carried out by suitably qualified and experienced ecologists and will identify whether any active holts or places of shelter are likely to be affected by the works. Normally work within 30 m of a non-breeding shelter is regarded as likely to cause otter disturbance and will therefore require to be covered by a licence from NatureScot. However, works generating high noise / vibration levels (such as pile driving or blasting) can cause disturbance to non-breeding sites up to 100 m. Any work within 200 m of a breeding otter holt / shelter should also be regarded as capable of causing disturbance
- Appropriate monitoring (e.g., the use of suitable camera traps) should be undertaken where required to determine if any holt / place of shelter is being used for breeding. Camera trap monitoring may also require a Licence from NatureScot
- Active shelters will be classified as:
- Holt: Underground or other fully enclosed structure (can range from enlarged rabbit holes and cavities amongst tree roots to rock piles and man-made structures)
- Place of Shelter: Can be either a Couch / Lie-up - an above ground semi-enclosed resting place (e.g., under overhanging river banks / tree root plates); or Hover – a

1.1

¹ Note: Information from any previous surveys (e.g., surveys carried out to provide data for Environmental Impact Assessment (EIA) or other Assessments) can be a useful guide to otter activity in an area, particularly if holts were recorded. However, surveys will always require to be updated if carried out more than 12 months prior to works commencing.

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nest-like structures (0.3 -1 m in diameter) constructed from nearby vegetation or a depression in a stick pile or under a windblown tree

3.5 Review of Otter Survey

Once an otter survey has been carried out, the ecologist /Ecological Clerk of Works (EcoW) should review the survey results, apply the mitigation hierarchy outlined below and decide if a Licence is required (either Individual or Project) for the works.

Construction teams should be advised of existing / new constraints, together with mitigation and licensing requirements by the ecologist / ECoW.

Relevant site documentation and project information sources should be updated with new and amended information on otter constraints as it is produced, with changes communicated to appropriate staff immediately.

3.6 Mitigation Hierarchy

There is a general presumption against works being carried out which could disturb otters in their place of shelter or to destroy / exclude any holt. A hierarchical approach to mitigation of Avoidance - Disturbance - Destruction will be applied to any holt / place of shelter that may be affected (See Figure 3.1):

Avoidance

This is the preferred option for active holts / places of shelter identified within 30 m of works (100 m for high noise / vibration activities) or 200 m for confirmed breeding sites or. Protection zones of either 30 m, 100 m or 200 m should be marked and signed on the ground with appropriate material to restrict work access.

Protection zones must be maintained until works are completed. Site staff should be briefed of their purpose through a Toolbox Talk and works micro-sited outwith the protection zone. If otter disturbance can be avoided in this way, there is no need to obtain a Licence from NatureScot for the works.

Disturbance

For any works required within 30 m of active holts / places of shelter (or 200 m for confirmed breeding sites), and for high noise / vibration activities such as pile driving or blasting within 100 m of holts / places of shelter, a Licence from NatureScot will be required (either Individual or Project).

Individual Licence applications to NatureScot should be accompanied by a Protection Plan which outlines how disturbance will be minimised and holts protected, for example through screening of works and modifying protection zones.

If a Project Licence is in place, and a breeding holt will be disturbed, a Method Statement must be submitted to NatureScot for written approval in accordance with Part 2 of this document, prior to any works commencing.

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Destruction

Destruction of holts / other places of shelter should only be undertaken as a last resort. For destruction of active holts / places of shelter a Licence will be required from NatureScot (either Individual or Project) Individual Licence applications to NatureScot should be accompanied by a Protection Plan which outlines how disturbance will be minimised and individuals protected.

The plan should include monitoring to ensure breeding is not taking place and provision for the creation of an artificial holt if required. Any holt / place of shelter subject to works under Licence will be monitored during and after those works. If a Project Licence is in place, a Method Statement must be submitted to NatureScot in accordance with Part 2 of this document for written approval prior to any works commencing.

3.7 Mitigation Measures

3.7.1 General Mitigation

1. All works close to waterbodies and watercourses showing signs of regular use by otters should not take place at night or within 2 hours of sunset / sunrise, if possible.
2. Where works close to waterbodies and watercourses are required at night, lighting should be directed away from riparian areas.
3. All works close to water courses and waterbodies must follow best practice measures to ensure their protection against pollution, silting and erosion.
4. Any temporarily exposed pipe system should be capped when staff are off site to prevent otters from gaining access.
5. All exposed trenches and holes should be provided with mammal exit ramps e.g., wooden planks or earth ramps when Contractors are off site.
6. An emergency procedure should be implemented by site workers if otter / otter shelters are unexpectedly encountered. All work within 30 m (100 m for high noise/vibration activities) or 200 m for breeding sites should cease until a suitably qualified and experienced ecologist has inspected the site and determined the appropriate course of action.
7. An exceptional circumstance procedure will be implemented should mitigation options not prove satisfactory in a particular case. Works will be halted whilst mitigation is determined (under consultation with NatureScot if required).

3.7.2 Monitoring and Reporting

1. The Environmental Representative will attend site on a regular basis throughout the construction period to ensure all environmental mitigation relevant to otter is delivered.
2. Reports will be submitted to NatureScot as required by the relevant Licence.

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3.8 Licensing Requirements

Licence applications must be sent into NatureScot Licensing Team sufficiently in advance of the project start date (approximately 40 days) to ensure the licence is in place prior to any work commencing.

3.9 Project Licence

A NatureScot Project Licence is likely to be the most appropriate form of Licence for any large scale and / or long running Project, which may result in a large number of minor unavoidable otter offences. For example, multiple instances of disturbance to a number of otter places of shelter over several years.

A Project Licence can be used to standardise protected species mitigation / compensation, creating consistency across the project area and throughout the Project's lifespan. Project Licences do not negate the need for thorough pre-development surveys within 12 months of the planned project start date, and pre-construction surveys within 3 weeks of works commencing. Any Project Licence application will need to be accompanied by the Mitigation Plan and procedures for otter included in Parts 1 and 2 of this SPP

3.10 Individual Licence

For small scale Projects expected to be completed over relatively short timescales, which will result in a low number of unavoidable otter offences an Individual NatureScot Licence is most likely to be appropriate. Licence applications should be accompanied by a Method Statement and should be sent sufficiently in advance of the Project start date to ensure the licence is in place prior to work commencing.

Further guidance and details of how to apply for an otter Licence can be found on the NatureScot website <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/otters-and-licensing>

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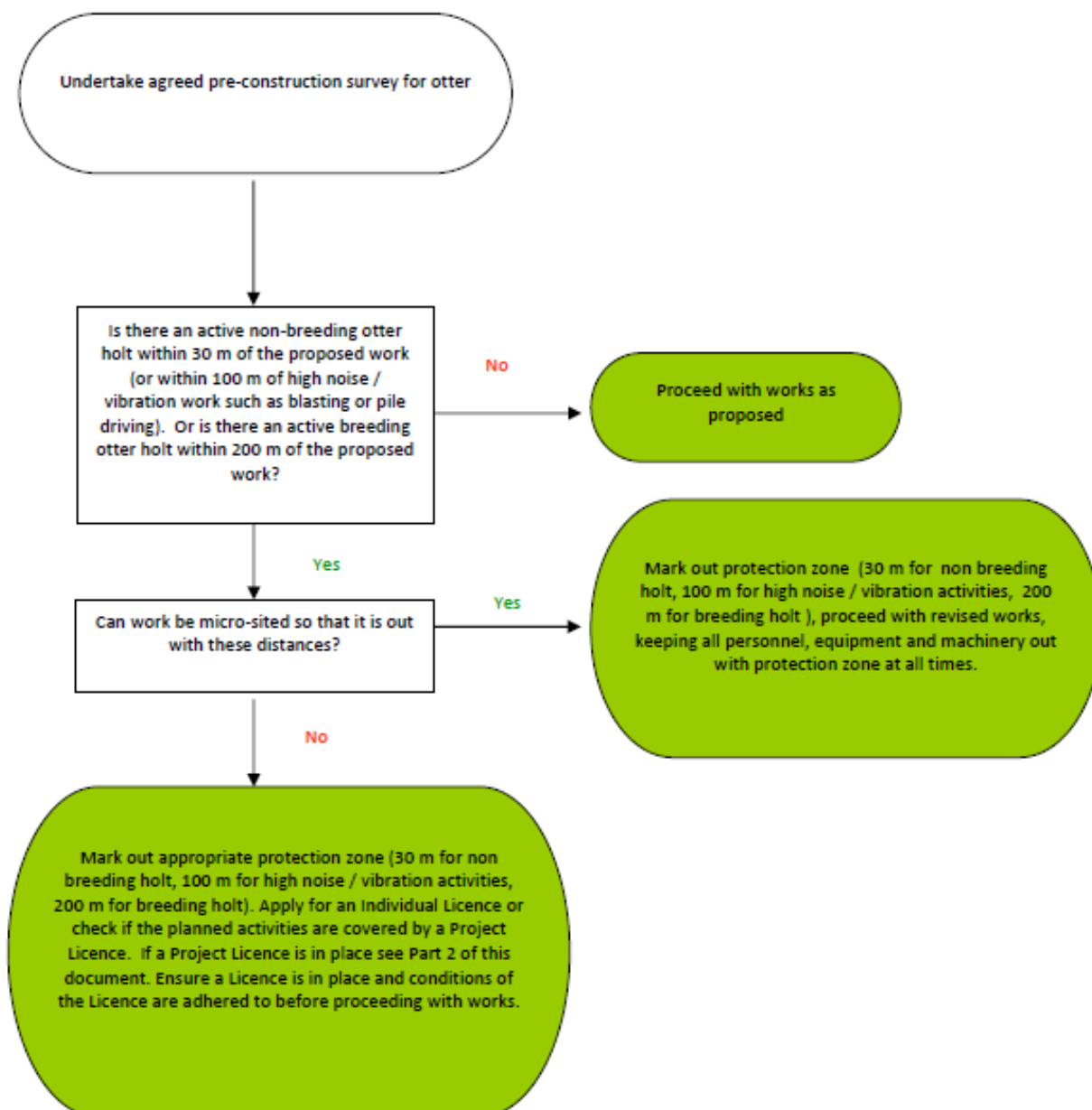


Figure 3.1 - Otter Migration Decision Tree

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4 Part 2: Project Licence Protection Plan

The following sections of this plan are to be read in conjunction with the Project Licence (**insert Licence number**) and its conditions.

As stated in the Project Licence, methodologies for certain mitigation activities permitted under the Licence are included in this Part of the SPP. More disruptive activities, listed in Section 1 below, will also require a specific Method Statement to be submitted to NatureScot Licensing Team for written approval (see Appendix A). It is the *Contractor's* responsibility to submit these Method Statements to both SHE Transmission and NatureScot for written approval. No works shall proceed without this written approval.

Sufficient time should be allowed for in the programme to carry out any consultation work and obtain necessary approvals.

The Project Licence will specify reporting requirements detailing all disturbance and destruction works carried out.

4.1 Works allowed under the Project Licence

Under the Project Licence there is a general presumption against works being carried out which could disturb otters in their place of shelter, or to destroy / exclude any holt unless it can clearly be demonstrated that either it is inactive (i.e., through monitoring) or that there is no alternative solution against Project timescales and requirements.

4.2 Activities requiring a NatureScot approved Method Statement

The following activities require a formal Method Statement to be submitted and approved by NatureScot prior to any works commencing:

- Destruction of a holt at any time of year
- Disturbance to a breeding holt at any time of year
- Any exceptional circumstances not covered in this SPP

The Method Statement template in Appendix A has been developed in conjunction with NatureScot and should be used by the Contractor / Named Agent for all submissions.

Proposed mitigation works should be agreed with NatureScot.

4.3 Activities not requiring additional NatureScot approval

The following works may be carried out under this SPP and / or specific Method Statements without the prior approval of NatureScot, using the prescribed methodologies:

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4.3.1 Disturbance / Destruction of places of shelter at any time of year

The following methodology will be incorporated into a Site Specific Method Statement and issued prior to work commencing:

Disturbance to a non-breeding holt / place of shelter at any time of year

- Appropriate monitoring will be undertaken to ensure the place of shelter is not being used for breeding.
- The Agent or their representative will check, prior to works each morning, that suitable access / egress between the holt / place of shelter and a watercourse is maintained. A check will also be made of the works area to check no otter is present within construction plant / materials.
- Works can commence once the Agent or their representative is satisfied that no otter is present within the works area.
- The Agent or their representative will set up a suitable protection zone as far from the holt/place of shelter as is reasonably practicable to prevent damage and minimise disturbance.
- The Agent or their representative will monitor the works to ensure compliance with the licence conditions.
- The emergency procedure detailed will be implemented if an otter is found during works.

Destruction of a place of shelter at any time of year

- Appropriate monitoring will be undertaken to ensure the place of shelter is not being used for breeding.
- The Agent or their representative will check to ensure that the place of shelter is not being used immediately prior to its destruction.
- If it can be determined that the place of shelter has not been used recently, no exclusion will be required prior to destruction.
- The Agent or their representative will monitor the destruction works to ensure compliance with the licence.
- The emergency procedure will be implemented if an otter is found during the works.
- A report will be sent to NatureScot detailing the destruction works undertaken (in line with the reporting process outlined above).

5 Revision History

No	Overview of Amendments	Previous Document	Revision	Authorisation
01	Transfer to New Template and Nomenclature	TG-PS-LT-709 (Rev.1.00)	1.00	Richard Baldwin

TG-NET-ENV-503	Otter Species Protection Plan		Applies to
			Transmission ✓
Revision: 1.02	Classification: Internal	Issue Date: December 2022	Review Date: December 2030

No	Overview of Amendments	Previous Document	Revision	Authorisation
02	Updated links and replaced references to badger with otter, Other minor formatting issues corrected	TG-NET-ENV-503 (Rev 1.00)	1.01	Richard Baldwin
03	Transfer to New Template. Updates relating to NatureScot and simplification of legislation.	TG-NET-ENV-503 (Rev 1.01)	1.02	Richard Baldwin
04				

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Appendix A Project Licence Method Statement Template

<PROJECT TITLE>

METHOD STATEMENT FOR WORKS UNDER (insert licence details)

<insert species record reference>

<insert date>

Introduction

This document, prepared on behalf of SHE Transmission provides a Method Statement for <insert details of works> to be completed under <insert licence details>. These works are required in order to facilitate the delivery of the <insert Project details> (the Project).

Condition <insert No.> of the above Licence states that a <insert species> Protection Method Statement be submitted to NatureScot Licensing Team for written approval, under specific circumstances, prior to commencement of works which could affect <insert species>. Therefore, no works which would <insert licensed activity> <insert species> shall take place without written confirmation of NatureScot approval of this method statement.

This Method Statement makes reference to the following documents:

<insert licence details>, NatureScot

Species Protection Plan (SPP): <insert SPP No. and title> Rev. X <insert date>

Further information is provided in Table 1: Summary of Data.

Licensable Works

Introduction

<Insert details>

Baseline Description

<Insert description, including photographs / location plan>

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Table 1: Summary of Data

Appendix A, Table 1

Reference	Easting	Northing	Date recorded	Description	Date works exclusion zone demarcated & distance

Survey Summary

<Insert details>

Description of the Proposed Licensable Works

<Insert details>

Works Duration

<Insert details>

Consideration of Alternatives

<Insert details>

Impact Assessment

<Insert details>

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Method Statement Site Briefing (to be delivered to relevant staff prior to works)

Site: <insert description>

Reference number: <insert species record reference>

Client: SHE Transmission

Task: <insert description of works>

Prepared by: <insert individual or Company name>

Licensed Agent: <insert name>

Method statement for <insert works description>

Before works commence:

All relevant personnel will be made aware of the presence and location of the constraint and mitigation.

<insert details of methodology>

During works:

<insert details of methodology>

<Insert Contractor's name>

I, the undersigned, confirm receipt of this method statement and fully understand and agree to work to the conditions therein.

Signature of Contractor's Representative:..... Date / /

Print name in full:

Water Vole Species Protection Plan



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	Name	Title
Author	Francis Williams	Environmental Net Gain Manager
Checked by	Alistair Watson	Consents and Environment Manager
Approved by	Richard Baldwin	Head Of Environment

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1 Introduction

This Protection Plan provides guidance and agreed procedures for the protection of water voles and their shelters during construction works on Scottish Hydro Electric Transmission (SHE Transmission) projects. The Plan contains two parts and details the procedures that must be followed where there is potential for water vole to be present (Part 1), and where a Project Licence for water vole has been issued by NatureScot to cover the project (Part 2):

Part 1 : General Protection Plan

This Part applies to all projects where water vole may be present. Part 1 outlines the responsibilities of SHE Transmission and the *Contractor* regarding protection of water vole. It also details relevant legislation, survey requirements, general mitigation measures and the requirement for licensing and mitigation.

Part 2: Project Licence Protection Plan

This is provided to *Contractors* in addition to Part 1 for large projects where a Project Licence has been issued by NatureScot to cover the work and identifies those activities and mitigation measures which are permitted under the Project Licence and those activities which require a Method Statement to be submitted to NatureScot for written approval before works can commence. This Part should be followed in conjunction with Part 1 and the relevant Project Licence to provide approved guidance and the relevant Project Licence to provide approved guidance and methodologies for carrying out work.

2 References

The documents detailed in Table 2.1 – Miscellaneous Documents, below should be used in conjunction with this document

Table 2.1 – Miscellaneous Documents

Title
Wildlife and Countryside Act 1981 (as amended in Scotland)
NatureScot Licensing

3 Part 1: General Protection Plan

3.1 Background

Water voles (*Arvicola amphibius*) are rat sized members of the rodent family which are found in habitats closely associated with waterways such as rivers and canals as well as upland areas of bog. In Scotland, they are absent from most of the islands and are under serious predation pressure from American mink (*Neovison vison*), which together with habitat loss have resulted in massive losses.

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They usually have black fur in Scotland as opposed to the brown form found in England and Wales and have a short hairy tail, small eyes, a stout body with a chubby face. As suggested by the name they swim frequently and are often first noticed as they noisily ‘plop’ into water. Water voles predominately eat sedges and rushes although they have been known to predate on fish and invertebrates. Tormentil (*Potentilla erecta*) is a favoured plant in upland areas.

Water voles do not hibernate, but are less active during the period October to Mid-March. Females actively defend exclusive territories particularly during the May – August breeding season, during which they have up to 5 litters. Males have not been shown to defend territories and have larger home ranges. In upland areas colonies are small and discrete with high levels of colony extinction and colonisation within a widely dispersed metapopulation.

Water vole colonies are generally found in habitats with the following characteristics:

- Watercourses with banks covered in tall grass or sedge vegetation and scrub tends to be avoided
- Wet areas in uplands (up to 1000 m asl) often some distance away from ‘typical’ riparian habitats

Wet areas in uplands (up to 1000 m asl) often some distance away from ‘typical’ riparian habitats.

Signs of Water Vole:

1. Latrines – home ranges are marked by latrines near nests, burrows and where they enter or leave water. Faeces are characteristically ‘tic-tac’ shaped about 12mm long and 4mm wide.
2. Prints and tracks – water vole footprints are star shaped with four toes on the forefeet and five on the hindfeet. 4 – 9 cm broad paths through vegetation near water can also be an indication of water vole activity.
3. Feeding remains / feeding stations – although these can be confused with other species, neat piles of grasses, sedges or reeds about 10 cm long cut cleanly at a 45° angle can be evidence of water voles.
4. Water vole burrows – normally entrances have a diameter of between 4 and 8 cm and can be either above or below the water level along banks of watercourses. They are generally found within 2 – 5 m of the water’s edge. but may be in places relatively far away from running water particularly in upland areas.

3.2 Responsibilities

It is the *Contractor’s* responsibility to comply with all the requirements of this Protection Plan where water vole may be present, and it is both the *Contractor’s* and SHE Transmission’s responsibility to monitor compliance with the Protection Plan. The responsibility for applying for any Licence, including a Project Licence, may vary from project to project, but all applications and mitigation works will adhere to this plan.

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3.3 Legislation

Water vole is afforded partial protection under Schedule 5 of the Wildlife and Countryside Act 1981, (as amended in Scotland), This legislation makes it an offence to recklessly¹:

- Damage or destroy or obstruct access to, any structure or place which any water vole uses for shelter or protection
- Disturb a water vole while it is occupying a structure or place which it uses for shelter or protection

This legislation means that water vole habitat is fully protected in Scotland.

NatureScot can grant licences to enable certain activities that would otherwise be an offence, to be carried out in relation to water voles and their burrows, subject to the following:

- a) that undertaking the conduct authorised by the Licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and that there is no other satisfactory solution.

In granting a licence NatureScot has to take into account the consequences for water vole at a local population level, to assist this assessment NatureScot will need to see maps of the area of operations and also surrounding areas of suitable water vole habitat.

3.4 Surveying for Water Vole

1. Initial survey for water vole must be undertaken in all works areas containing suitable water vole habitat, a maximum of 12 months² prior to the works commencing (this includes site investigations) to allow for pre planning. In areas where water vole are identified additional pre-works survey must be carried out a maximum of 2 months prior to works commencing to ensure the availability of up-to-date information.
2. Survey must be carried out during the active season - between 1 April and 31 October (lowlands) and 1 May and 30 September (uplands) and ideally during the months of June, July or August.
3. Surveys must extend for a minimum of 10 m beyond working areas, including access tracks.
4. Surveys must be carried out by suitably qualified and experienced ecologists and will identify whether any water voles or places of shelter are likely to be affected by the works.

1.1

¹ Reckless acts would include not having or disregarding a mitigation plan aimed at protecting water vole resulting in damage, destruction or disturbance of any water vole place of shelter, or carrying out an activity which would result in an offence where the presence of water vole was foreknown.

² Note: Information from any previous surveys (e.g., surveys carried out to provide data for EIA or other Assessments) can be a useful guide to water vole activity in an area, particularly if burrows were recorded. However, surveys will always require to be updated if carried out more than 12 months prior to works commencing.

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5. Appropriate monitoring (e.g., the use of suitable camera traps) should be undertaken where required to determine if any place of shelter is being occupied.

3.5 Review of Water Vole Survey

Once a water vole survey has been carried out, the ecologist / ECoW should review the survey results, apply the mitigation hierarchy outlined below and decide if a Licence is required (either Individual or Project) for the works.

Construction teams should be advised of existing / new constraints, together with mitigation and licensing requirements by the ecologist / ECoW.

Relevant site documentation and project information sources should be updated with new and amended information on water vole constraints as it is produced, with changes communicated to appropriate staff immediately.

3.6 Mitigation Hierarchy

There is a general presumption against works being carried out which could disturb water voles in their burrows or to destroy an occupied burrow. A hierarchical approach to mitigation of Avoidance - Disturbance - Destruction will be applied to any burrow that may be affected by works (See Figure 3.1).

Avoidance

This is the preferred option for occupied burrows identified within 10 metres of works. A protection zone of 10 metres should be marked and signed on the ground around each burrow or group of burrows with appropriate material to restrict work access.

All works personnel, machinery, vehicles and storage of materials must be restricted from entering.

Protection zones must be maintained until works are completed. Site staff should be briefed of their purpose through a Toolbox Talk and works micro-sited outwith the protection zone. If water vole disturbance can be avoided in this way, there is no need to obtain a Licence from NatureScot for the works.

Disturbance

For works within 10 metres of occupied burrows which cannot be avoided, a Licence for disturbance from NatureScot will be required (either Individual or Project).

Individual Licence applications to NatureScot should be accompanied by a Species Protection Plan which outlines how disturbance will be minimised and burrows protected, for example through screening of works and modifying protection zones.

If a Project Licence is in place, the methodology detailed in Part 2 of this document must be followed.

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Displacement of water vole and destruction of burrows

In some instances, displacement of water vole for example by close strimming around burrows, followed by destruction of burrows may be necessary to allow works to go ahead. This work will always require a licence for disturbance and burrow destruction from NatureScot (either individual or project). These actions must only be undertaken as a last resort and when there is no alternative. This methodology is only likely to be effective if proposed displacement distances are less than 50 metres, and only acceptable where an experienced ecologist has confirmed that there is suitable alternative habitat for water vole burrows within 50 meters of the original burrow location. Displacement work and destruction of burrows will not be licensed during the inactive or breeding periods. Suitable times for displacement work to be carried out is as follows: late February to early April (lowlands) and late March and April (uplands). Individual Licence applications to NatureScot must be accompanied by a Species Protection Plan which outlines timings of works, how impacts to water vole will be minimised, individuals protected, and loss of burrows compensated for.

If a Project Licence is in place, a Method Statement must be submitted to NatureScot in accordance with Part 2 of this document for written approval prior to any works commencing.

Any water vole place of shelter subject to works under a Licence must be monitored during and after those works.

Live trapping and translocation of water vole, and destruction of burrows

This is a last resort action, and a justification will be required as to why there is no alternative to translocation. This work will need significant pre-planning, and the identification of a receptor site for displaced animals. If this situation is likely to arise NatureScot Licensing Team should be contacted at the earliest opportunity to discuss timings, methodologies and licensing. This work will require an individual licence from NatureScot.

3.7 Mitigation Measures

3.7.1 General Mitigation

1. The ECoW will attend site on a regular basis throughout the construction period to ensure all environmental mitigation relevant to water vole is delivered.
2. All works in proximity to waterbodies / watercourses must follow measures outlined in the project environmental information and Contractors Environmental Management Plan (EMP) to ensure their protection against pollution, silting and erosion.
3. An emergency procedure will be implemented by site workers if signs of water vole (e.g., latrines or animals) are encountered. All work within 10 metres will cease, and the ECoW will inspect the site and define mitigation (if required) in line with this SPP.
4. An exceptional circumstance procedure will be implemented should mitigation options not prove satisfactory in a particular case. In such a scenario, works will be halted whilst mitigation is determined on a case specific basis under consultation with NatureScot.

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3.7.2 Monitoring and Reporting

1. The Environmental Representative will attend site on a regular basis throughout the construction period to ensure all environmental mitigation relevant to water vole is delivered.
2. Reports will be submitted to NatureScot as required by the relevant Licence.

3.8 Project Licence

A NatureScot Project Licence is likely to be the most appropriate form of Licence for any large scale and / or long running Project, which may result in a large number of minor unavoidable water vole offences. For example, multiple instances of disturbance to a number of water vole shelters over several years. A Project Licence can be used to standardise protected species mitigation / compensation, creating consistency across the project area and throughout the Project's lifespan. Project Licences do not negate the need for thorough pre-construction survey within 12 months of the planned project start date, and additional pre-construction survey within 2 months of works commencing, in areas where water voles have been found to be present. Any Project Licence application will need to be accompanied by a Mitigation / Compensation Plan and procedures for water vole included in Parts 1 and 2 of this SPP.

3.9 Individual Licence

For small scale Projects expected to be completed over relatively short timescales, which will result in a low number of unavoidable water vole offences an Individual NatureScot Licence is most likely to be appropriate. Licence applications should be accompanied by a Method Statement / Mitigation Plan and should be sent sufficiently in advance of the Project start date to ensure the licence is in place prior to work commencing. Further guidance and details of how to apply for a water vole licence can be found on the NatureScot website www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/water-voles-and-licensing

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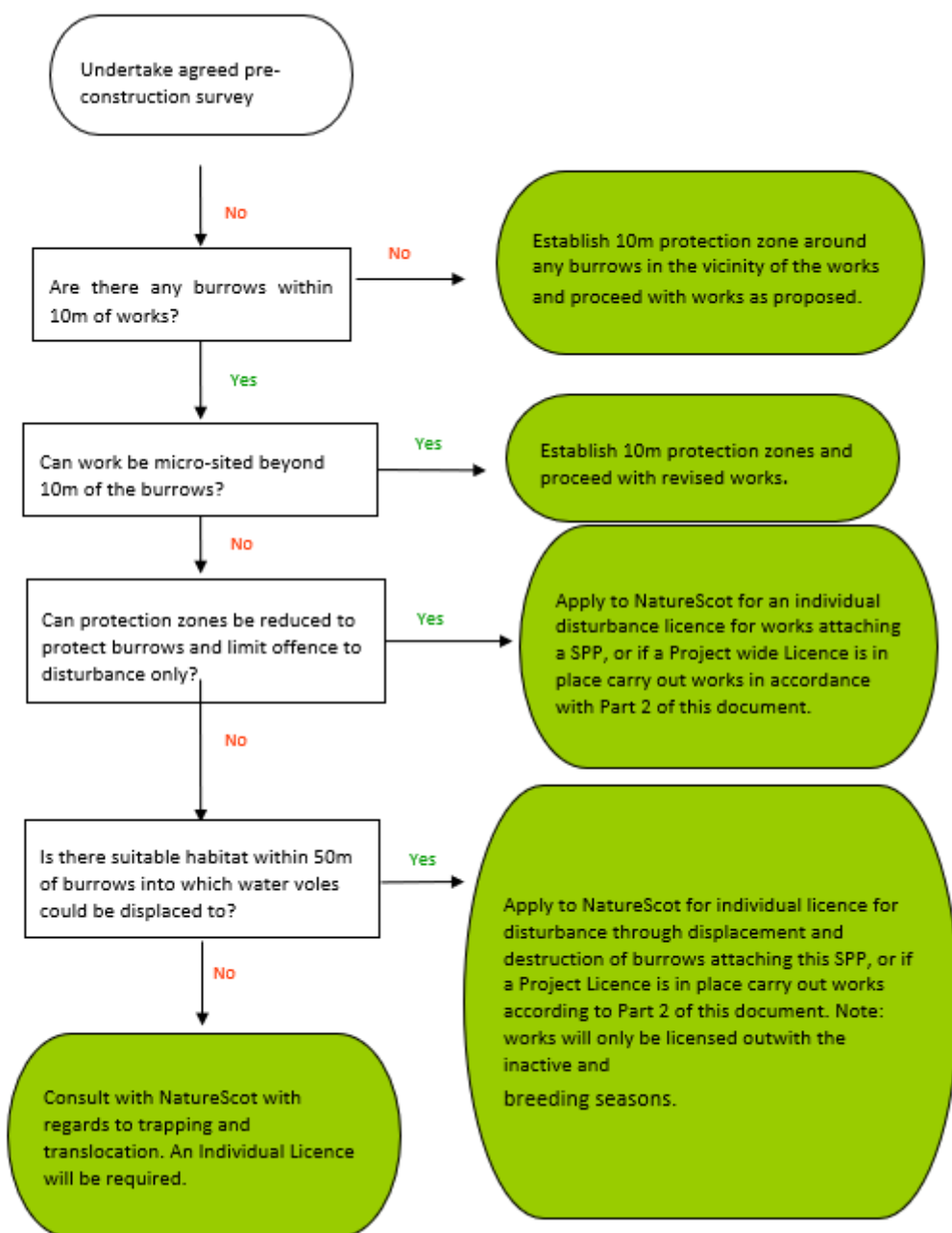


Figure 3.1 - Water Vole Decision Tree

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4 Part 2: Project Licence Protection Plan

The following sections of this plan are to be read in conjunction with the Project Licence (**insert Licence number**) and its conditions.

As stated in the Project Licence, methodologies for certain mitigation activities permitted under the Licence are included in this Part of the SPP. More disruptive activities, listed in Section 1 below, will also require a specific Method Statement to be submitted to NatureScot Licensing Team for written approval (see Appendix A). It is the *Contractor's* responsibility to submit these Method Statements to both SHE Transmission and NatureScot for written approval. No works shall proceed without this written approval.

Sufficient time should be allowed for in the programme to carry out any consultation work and obtain necessary approvals.

The Project Licence will specify reporting requirements detailing all disturbance and destruction works carried out.

In advance of, and during construction at any location where there is the potential for a water vole to be present, it is **essential** that this plan is followed:

4.1 Works Allowed under the Project Licence

The following works may be carried out under this SPP without further approval from NatureScot, using the prescribed methodologies:

Disturbance to water voles in their places of shelter

- a. In situations where it is not possible to maintain a 10 metres protection zone around a water vole burrow / place of shelter to avoid disturbance (*e.g.*, upgrade of an existing track or watercourse crossing; or construction of temporary track or watercourse crossing), but it is possible to establish a smaller protection zone (no less than 5 metres in radius) which will prevent damage or destruction of the burrows. The ECoW must mark out the reduced protection zone on the ground using appropriate marking materials and signage and ensure that it remains in place for the duration of the adjacent works.
- b. The ECoW must undertake a Toolbox Talk with all contractors before the start of works to raise awareness of the presence of water vole, locations of, and restrictions posed by protection zones and any required mitigation.
- c. During the construction works the ECoW must ensure that no plant and/or work personnel enter the protection zone.
- d. All construction works within a 10 metres radius of water vole places of shelter must usually be completed within 1 day. Working methods must be adopted to reduce any unnecessary disturbance including the following:
 - No parking of any plant or other vehicles
 - No site compounds or welfare facilities

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- No use of static plant and/or generators
 - Artificial lighting, if required, is to be directed away from water vole habitat and riparian habitats in general
 - No potential activities that may result in pollution, *e.g.*, re-fuelling, will be allowed within the protection zone. Silt control measures will be agreed prior to works with the ECoW to ensure no adverse impact on water vole habitat.
- e. Use of any constructed tracks will not be subject to any subsequent restrictions on use.

4.2 Activities requiring a NatureScot Approved Method Statement

The following works require a Method Statement to be approved in writing by NatureScot Licensing Team before works can commence:

1. Displacement of water vole and destruction of burrows. Please note these activities will only be licensed to take place at the following times: late February to early April (lowlands) or late March and April (uplands) to avoid inactive and breeding periods.
2. Translocation, live trapping and destruction of burrows. Please note these activities will only be licensed to take place during March and April to avoid inactive and breeding periods.

The Method Statement template in Appendix A has been developed in conjunction with NatureScot and should be used by the Contractor / Named Agent for all submissions.

Proposed mitigation works should be agreed with NatureScot.

5 Revision History

No	Overview of Amendment	Previous Document	Revision	Authorisation
01	Transfer to new template and Nomenclature	TG-PS-LT-719 (Rev 1.00)	1.00	Richard Baldwin
02	Weblinks updated, typos corrected, and decision tree corrected	TG-PS-LT-719 (Rev 1.00)	1.01	Richard Baldwin
03	Transfer to New Template. Updates relating to NatureScot and simplification of legislation.	TG-NET-ENV-506 (Rev 1.01)	1.02	Richard Baldwin
04				

TG-NET-ENV-506	Water Vole Species Protection Plan		Applies to
			Transmission ✓
Revision: 1.02	Classification: Internal	Issue Date: December 2022	Review Date: December 2030

Appendix A Project Licence Method Statement Template

<PROJECT TITLE>

METHOD STATEMENT FOR WORKS UNDER *(insert licence details)*

<insert species record reference>

<insert date>

Introduction

This document, prepared on behalf of SHE Transmission provides a Method Statement for *<insert details of works>* to be completed under *<insert licence details>*. These works are required in order to facilitate the delivery of the *<insert Project details>* (the Project).

Condition *<insert No.>* of the above Licence states that a *<insert species>* Protection Method Statement be submitted to (NatureScot) Licensing Team for written approval, under specific circumstances, prior to commencement of works which could affect *<insert species>*. Therefore, no works which would *<insert licensed activity>* *<insert species>* shall take place without written confirmation of NatureScot approval of this method statement.

This Method Statement makes reference to the following documents:

<insert licence details>, NatureScot

Species Protection Plan (SPP): *<insert SPP No. and title>* Rev. X *<insert date>*

Further information is provided in Table 1: Summary of Data.

Licensable Works

Introduction

<Insert details>

Baseline Description

<Insert description, including photographs / location plan>

TG-NET-ENV-506	Water Vole Species Protection Plan		Applies to
			Transmission ✓
Revision: 1.02	Classification: Internal	Issue Date: December 2022	Review Date: December 2030

Table 1: Summary of Data

Reference	Easting	Northing	Date recorded	Description	Date works exclusion zone demarcated & distance

Survey Summary

<Insert details>

Description of the Proposed Licensable Works

<Insert details>

Works Duration

<Insert details>

Consideration of Alternatives

<Insert details>

Impact Assessment

<Insert details>

TG-NET-ENV-506	Water Vole Species Protection Plan		Applies to
			Transmission ✓
Revision: 1.02	Classification: Internal	Issue Date: December 2022	Review Date: December 2030

Method Statement Site Briefing (to be delivered to relevant staff prior to works)

Site: *<insert description>*

Reference number: *<insert species record reference>*

Client: SHE Transmission

Task: *<insert description of works>*

Prepared by: *<insert individual or Company name>*

Licensed Agent: *<insert name>*

Method statement for *<insert works description>*

Before works commence:

All relevant personnel will be made aware of the presence and location of the constraint and mitigation.

<insert details of methodology>

During works:

<insert details of methodology>

<Insert Contractor's name>

I, the undersigned, confirm receipt of this method statement and fully understand and agree to work to the conditions therein.

Signature of Contractor's Representative:..... Date ../ /

Print name in full:

Pine Marten Species Protection Plan



TG-NET-ENV-508	Pine Marten Species Protection Plan		Applies to
			Transmission ✓
Revision: 1.01	Classification: Internal	Issue Date: October 2022	Review Date: October 2030

	Name	Title
Author	Francis Williams	Environmental Net Gain Manager
Checked by	Alistair Watson	Consents & Environment Manager
Approved by	Richard Baldwin	Head Of Environment

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TG-NET-ENV-508	Pine Marten Species Protection Plan		Applies to
			Transmission ✓
Revision: 1.01	Classification: Internal	Issue Date: October 2022	Review Date: October 2030

1 Introduction

Pine marten (*Martes martes*) is listed in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is afforded a high level of protection in Scotland. This Species Protection Plan provides guidance and agreed procedures, for the protection of pine marten and their shelters, during construction works on Scottish Hydro Electric (SHE) Transmission projects. The Plan contains two parts and details the procedures that must be followed where there is potential for pine marten to be present (Part 1), and where a Project Licence for pine marten has been issued by NatureScot Licensing Team to cover the project (Part 2).

1.1 Part 1: General Protection Plan

This Part applies to all projects where pine marten may be present. Part 1 outlines the responsibilities of SHE Transmission and the Contractor regarding protection of pine marten. It also details relevant legislation, survey requirements, general mitigation measures and the requirement for licensing and mitigation.

1.2 Part 2: Project Licence Protection Plan

This Part is provided to Contractors in addition to Part 1, for large projects where a Project Licence has been issued by NatureScot to cover the work, and identifies those activities and protection / mitigation measures which are permitted under the Project Licence and those activities which require an additional Method Statement to be submitted to NatureScot Licensing Team for written approval before works can commence. This Part should be followed in conjunction with Part 1 and the relevant Project Licence, to provide approved guidance and methodologies for carrying out work.

2 References

The documents detailed in Table 2.1 below, should be used in conjunction with this document.

Table 2.1 - Miscellaneous Documents

Title
Wildlife and Countryside Act 1981 (as amended in Scotland)
NatureScot Licensing

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			Transmission ✓
Revision: 1.01	Classification: Internal	Issue Date: October 2022	Review Date: October 2030

3 Part 1: General Protection Plan

3.1 Background

Pine martens are a member of the mustelid family with a population distributed throughout northern Scotland extending down to the northern boundary of the central belt and including a number of the islands including Mull and Skye. There is also a population in Dumfries and Galloway. Following the dramatic reduction in numbers of pine martens in the 19th century they are currently undergoing resurgence due in part to the legal protection they are afforded under the Wildlife and Countryside Act 1981.

Pine martens are solitary territorial animals. Although the edges of territories may overlap slightly, separate individuals are rarely found in close proximity to each other. They generally inhabit woodland or scrubby areas as they require a large amount of cover, and spend much of their time in the canopy. Pine martens are omnivorous, consuming a diet consisting of a wide variety of animals (predominantly small mammals) as well as berries and nuts allowing them to be active all year round. Both male and female pine martens have large territories of up to 8 km² for females and 20 km² for males. Due to the size of their territories pine martens have a number of dens (resting places) throughout their territory. They also make breeding nests, which can either be within rocks, in hollowed out trees or in bird nests / squirrel dreys. Increasing pine martens use human habitation such as attics, sheds and other farm buildings for both places of shelter and breeding dens.

Pine marten have two stages to their breeding behaviour with mating taking place in July – August but with the implantation of the fertilised egg delayed until February - March. The young are then born 1 month later and remain with the mother for approximately 12 weeks. Pine martens are mainly active at night and dawn/dusk times, although can also be seen during the day.

Signs of Pine marten:

- Pine marten prints and tracks – five toed slightly cat like footprints only of significant use in areas with snow cover. Tracks on the edge of territories are often marked with scat which can vary considerably in size and shape depending on contents
- Pine marten shelters or dens can be either on the ground in rocky crevices or in elevated tree cavities, abandoned bird nests or owl boxes
- Pine marten scat – is 4 – 12 cm long and 0.8 – 1.8 cm in diameter with often a narrow and twisted appearance. The scats may have a musky smell likened to Parma Violets, although this can vary, and DNA analysis can be required to confirm identification

Due to their nocturnal activity, it can be difficult to confirm the presence of pine martens at suspected dens, therefore camera traps may be required to positively identify a pine marten and confirm its presence in the area.

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		Transmission ✓	
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3.2 Responsibilities

It is the *Contractor's* responsibility to comply with all the requirements of this Species Protection Plan where Pine marten may be present, and it is both the *Contractor's* and SHE Transmission's responsibility to monitor compliance with this Species Protection Plan. The responsibility for applying for any licence, may vary from project to project, but all applications and mitigation works will adhere to this plan.

3.3 Legislation

Pine marten is afforded full protection under Schedule 5 of the Wildlife and Countryside Act 1981, (as amended in Scotland). This makes it an offence to kill, injure or take a pine marten or to intentionally or recklessly¹ damage, destroy or obstruct access to any place used for shelter or for breeding. Disturbance to this species in any place used for shelter or breeding also constitutes an offence.

NatureScot can grant licences to enable certain activities that would otherwise be an offence, to be carried out in relation to pine martens and their places of shelter, subject to the following:

- That undertaking the conduct authorised by the licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and
- That there is no other satisfactory solution.

In granting a licence NatureScot has to take into account the consequences for pine martens at a local population level, to assist this assessment NatureScot will need to see maps of the area of operations and also surrounding areas of suitable pine marten habitat.

3.4 Surveying for Pine Marten

- Surveys for pine marten must be undertaken in all works areas containing suitable pine marten habitat, a maximum of 12 months² prior to works commencing, (this includes site investigations), to ensure availability of up to date information on place of shelter locations
- Surveys must extend for a minimum of 100 m beyond working areas, including access tracks

1.1

¹Reckless acts would include disregard of mitigation aimed at protecting pine martens, resulting in killing, injuring and/or disturbance of any pine marten or pine marten resting place. Reckless acts would include disregard of mitigation aimed at protecting pine martens, resulting in killing, injuring and/or disturbance of any pine marten or pine marten resting place.

² Note: Information from any previous surveys (e.g., surveys carried out to provide data for Environmental Impact Assessment (EIA or other Assessments) can be a useful guide to pine marten activity in an area, particularly if dens were recorded. However, surveys will always require to be updated if carried out more than 12 months prior to works commencing. Pre-felling surveys a maximum of 3 weeks prior to works are recommended.

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- All dens must be marked to permit easy identification.
- Surveys must be carried out by suitably qualified and experienced ecologists and must identify whether any pine martens and/or their places of shelter are likely to be affected by the works.

If works during the breeding season (March to August inclusive) cannot be avoided, and breeding dens may be disturbed by works, it may also be important to establish if these dens are being used for breeding. The non-invasive method as follows must be used in the first instance: Visual observation and camera surveillance from the ground, for a period of a minimum of 14 consecutive days prior to works commencing, used to establish if the breeding den is in regular use. If regular use is established the den must be assumed to be being used for breeding purposes.

3.5 Review of Pine Marten Survey

Once a pine marten survey has been carried out, the ecologist / Ecological Clerk of Works (EcoW) must review the survey results, apply the mitigation hierarchy outlined below and decide if a licence is required from NatureScot (either Individual or Project) for the works.

If required, licences (individual or project), must be obtained by NatureScot prior to any works commencing.

Construction teams should be advised of existing / new constraints, together with mitigation / compensation, and licensing requirements by the ecologist / EcoW.

Relevant site documentation and project information sources should be updated with new and amended information on pine marten constraints as it is produced, with changes communicated to appropriate staff immediately.

3.6 Mitigation Hierarchy

There should be a general presumption against works being carried out which will disturb pine martens in their den, or which will require the destruction of any pine marten den. A hierarchical approach to minimise the works impact on pine marten should be established as follows:

Avoidance

This is the preferred option. Appropriately sized protection zones must be marked and signed on the ground by the ecologist / EcoW, with appropriate material, around all pine marten dens identified during the pre-works surveys. The breeding season (**March to June inclusive**) is the most sensitive time for disturbance, during this time a 100m radius protection zone must be established around all pine marten dens. Out with the breeding season, a protection zone of 30 metres radius must be established. For high noise / vibration activities (pile driving or blasting) a 100m radius protection zone around pine marten dens must be established at any time of year.

All works personnel, machinery, vehicles and storage of materials must be restricted from entering protection zones. Protection zones must be maintained until all works are completed. Site staff must be briefed of their purpose through a Toolbox Talk by the ecologist / EcoW. If pine marten disturbance can be avoided in this way, there is no need to obtain a licence from NatureScot for the works.

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Disturbance

If works within protection zones boundaries cannot be avoided, a Licence for disturbance from NatureScot will be required. For small scale projects the licence may be specific to the site, for larger scale works a Project Licence may be appropriate.

Individual licence applications for disturbance must be accompanied by a Mitigation Plan which outlines how the disturbance will be minimised, and dens protected from damage, for example through screening of works and modifying protection zones.

If a Project Licence is in place, and a den being used in the breeding season will be disturbed, a Method Statement must be submitted to NatureScot for written approval in accordance with Part 2 of this document, prior to any works commencing. The Method Statement must state how works will be carried out in a way which ensures no abandonment of young.

Destruction

Destruction of dens must only be undertaken as a last resort and requires a Licence from NatureScot. Individual Licence applications to NatureScot must be accompanied by a Mitigation / Compensation Plan which outlines how disturbance will be minimised and individual pine martens protected from injury, and may include provision for the creation of an artificial den if appropriate. If destruction of a den during the breeding season is required, the plan should include details of non-invasive monitoring which will take place to ensure breeding is not taking place prior to any den destruction. Any den subject to works under Licence must be monitored during and after those works.

3.7 Mitigation Measures

3.7.1 General Mitigation

- An emergency procedure will be implemented by site workers if pine marten dens are encountered. All work within 30 m (non-breeding season) or 100 m (breeding season) will cease, and the ECoW will inspect the site and define mitigation (if required) in line with this SPP
- Any temporarily exposed pipe system to be capped when contractors are off site to prevent pine marten from gaining access. Similarly, all exposed trenches and holes must be provided with mammal exit ramps when contractors are off site (i.e., at night time)
- An exceptional circumstance procedure will be implemented should mitigation options not prove satisfactory in a particular case. Works will be halted whilst mitigation is determined (under consultation with NatureScot Licensing Team if required)

3.7.2 Monitoring and Reporting

- The Ecologist / ECoW will attend site on a regular basis throughout the construction period to ensure all environmental mitigation relevant to Pine martens is delivered
- Reports will be submitted to NatureScot as required by the relevant Licence

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3.8 Licensing Requirements

Licence applications must be sent into NatureScot Licensing Team sufficiently in advance of the project start date (approximately 30 days) to ensure the licence is in place prior to any work commencing.

3.9 Project Licence

A NatureScot Project Licence is likely to be the most appropriate form of licence for any large scale and / or long running project, in pine marten areas. For example, where multiple instances of disturbance to a number of pine marten resting places is anticipated over several months / years. A Project Licence can be used to standardise protected species mitigation / compensation, creating consistency across the project area and throughout the Project's lifespan. Project Licences do not negate the need for thorough pre-construction survey within 12 months and three weeks of the planned project start date.

Any Project Licence application will need to be accompanied by a Mitigation / Compensation Plan, and procedures for pine marten included in Parts 1 and 2 of this SPP.

3.10 Individual Licence

For small scale projects expected to be completed over relatively short timescales, which will result in a low number of unavoidable pine marten offences an Individual NatureScot Licence is most likely to be appropriate. Licence applications should be accompanied by a Mitigation Plan and should be sent sufficiently in advance of the project start date to ensure the licence is in place prior to work commencing. Further guidance and details of how to apply for a pine marten Licence can be found on the NatureScot website <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/pine-martens-and-licensing>

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Pine marten Mitigation Decision Tree

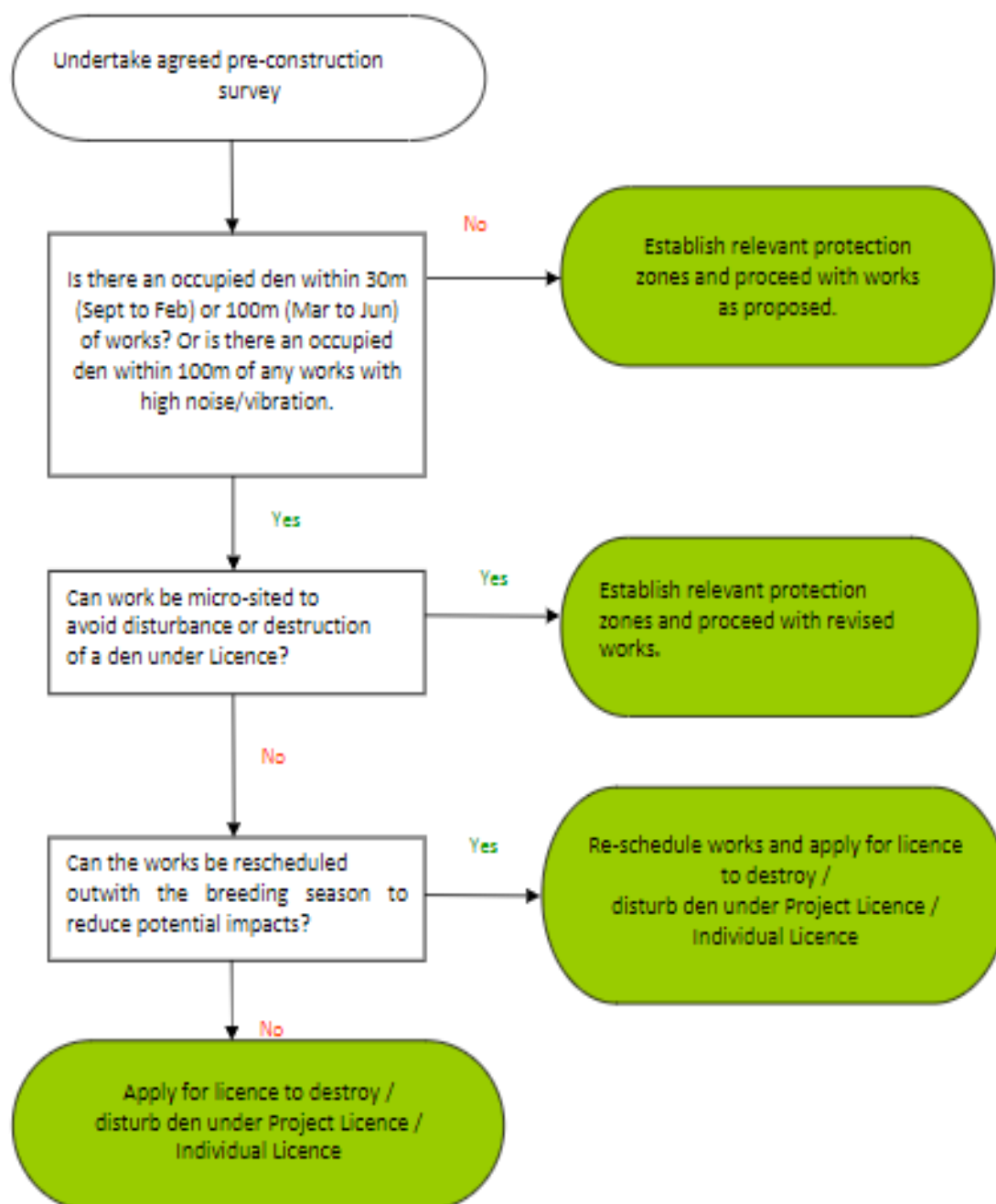


Figure 3.1 - Pine Marten Mitigation Decision Tree

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		Transmission ✓	
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4 Part 2: Project Licence Protection Plan

The following sections of this plan are to be read in conjunction with Part 1 of this document, the Project Licence (**insert Licence number**) and its conditions.

Mitigation activities permitted under Project Licence are included in this Part of the SPP (section A). More disruptive activities, listed in Section B below, will require a specific Method Statement to be submitted to NatureScot Licensing Team for approval, prior to works commencing (see Appendix A). It is the *Contractor's* responsibility to submit these Method Statements to both SHE Transmission and NatureScot for written approval. No works shall proceed without this written approval.

Sufficient time should be allowed for in the programme to carry out any consultation work and obtain necessary approvals.

The Project Licence will specify reporting requirements detailing all disturbance and destruction works carried out.

In advance of, and during construction at any location where there is the potential for pine marten to be present, it is **essential** that this plan is followed:

A. Works allowed under the project licence without further approval from NatureScot Licensing Team

The following works may be carried out under this SPP without further approval from NatureScot, using the prescribed methodologies:

1. Disturbance to a den or place of shelter out with the breeding season. This includes ground and aerial dens, whether occupied, or unoccupied and located within known pine marten territory.

Methodology:

Pine marten dens must not be damaged or destroyed, but protected from potential damage by setting up a modified protection zone (size determined by the site ecologist / EcoW). Protection zones must be clearly marked on the ground and signed, and must exclude all works personnel, machinery, vehicle and storage. The protection zone must be maintained until all works are finished. Works will be undertaken in as short a period as possible to minimise the level of disturbance. A project licence return must be sent to NatureScot Licensing Team detailing all disturbance works under the Project Licence.

a. Before works commence, the ECoW will:

- Attend the site in order to check whether pine marten is present or not. If pine marten is present, then works may need to be delayed until the ECoW is satisfied suitable access / egress away from the place of shelter is safeguarded. If no pine marten is present, works can proceed
- Brief the site personnel, including contractors and subcontractors, regarding the presence of the pine marten dens and the protected status of pine marten, their dens and the conditions of this Species Protection Plan, which allows for felling and construction within 30 m of the den

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- Describe the actual den and state that no machinery must drive over it or if it is in a tree the den tree must not be cut down
- b. The den should be clearly marked with a blue tipped stick adjacent to the hole. For an aerial den the tree will be marked with a thick band of blue tape around the trunk.
- c. For felling operations, the whole area within the 30 m protection zone, excepting the den tree itself, may be felled using a harvester.
- d. Works within 30 m of the den will be undertaken within 1 day wherever possible. Where works take longer, the ECoW will carry out a pre-works check each morning for pine marten presence.

B. Activities requiring a NatureScot Approved Method Statement Prior to Works Commencing

The following activities require a formal Method Statement to be submitted and approved in writing by NatureScot Licensing Team prior to any works commencing:

- a. Temporary or permanent exclusion or destruction of a den.
- b. Any works within 100m of a breeding den during the breeding season.
- c. Any exceptional circumstances not covered in this SPP.

The Method Statement template in Appendix A has been developed in conjunction with NatureScot and should be used by the *Contractor / Named Agent* for all submissions.

5 Revision History

No	Overview of Amendments	Previous Document	Revision	Authorisation
01	Transfer to New Template and Nomenclature	TG-PS-LT-721 (Rev 1.00)	1.00	Richard Baldwin
02	Typos, formatting and reference to other species removed.	TG-NET-ENV-508 (Rev1.00)	1.01	Richard Baldwin
03	Transfer to New Template. Updates relating to NatureScot and simplification of legislation.	TG-NET-ENG-508 (Rev1.01)	2.00	Richard Baldwin
04				

TG-NET-ENV-508	Pine Marten Species Protection Plan		Applies to
			Transmission ✓
Revision: 1.01	Classification: Internal	Issue Date: October 2022	Review Date: October 2030

Appendix A Project Licence Method Statement Template

<PROJECT TITLE>

METHOD STATEMENT FOR WORKS UNDER (insert licence details)

<insert species record reference>

<insert date>

Introduction

This document, prepared on behalf of SHE Transmission provides a Method Statement for <insert details of works> to be completed under <insert licence details>. These works are required in order to facilitate the delivery of the <insert Project details> (the Project).

Condition <insert No.> of the above Licence states that a <insert species> Protection Method Statement be submitted to NatureScot Licensing Team for written approval, under specific circumstances, prior to commencement of works which could affect <insert species>. Therefore, no works which would <insert licensed activity> <insert species> shall take place without written confirmation of NatureScot approval of this method statement.

This Method Statement makes reference to the following documents:

<insert licence details>, NatureScot

Species Protection Plan (SPP): <insert SPP No. and title> Rev. X <insert date>

Further information is provided in Table 1: Summary of Data.

Licensable Works

Introduction

<Insert details>

Baseline Description

<Insert description, including photographs / location plan>

Appendix A, Table 1

Reference	Easting	Northing	Date recorded	Description	Date works exclusion zone demarcated & distance

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Survey Summary

<Insert details>

Description of the Proposed Licensable Works

<Insert details>

Works Duration

<Insert details>

Consideration of Alternatives

<Insert details>

Impact Assessment

<Insert details>

Method Statement Site Briefing (to be delivered to relevant staff prior to works)

Site: <insert description>

Reference number: <insert species record reference>

Client: SHE Transmission

Task: <insert description of works>

Prepared by: <insert individual or Company name>

Licensed Agent: <insert name>

Method statement for <insert works description>

Before works commence:

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All relevant personnel will be made aware of the presence and location of the constraint and mitigation.

<insert details of methodology>

During works:

<insert details of methodology>

<Insert Contractor's name>

I, the undersigned, confirm receipt of this method statement and fully understand and agree to work to the conditions therein.

Signature of Contractor's Representative:..... Date ../ /

Print name in full:
