

Technical Appendix 7.2: Protected Species Survey Report



Technical Appendix 7.2 Protected Species Survey Report

Glenouther Wind Farm EIA Report

Wind Power North Four Limited

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1.0 Introduction

This technical appendix relates to the Proposed Development as defined in **Chapter 4: Development Description** of the Environmental Impact Assessment (EIA) Report. The baseline conditions (drawn from desk-based sources only) and the effects of the Likely Grid Connection Route (as defined in **Chapter 4**) on Ecology is assessed in **Chapter 7: Ecology** of the EIA Report.

MacArthur Green (now SLR¹) was commissioned by Wind Power North Four Limited (the Applicant) to carry out protected species surveys for the Proposed Development.

These surveys primarily focussed on badger (*Meles meles*), otter (*Lutra lutra*), water vole (*Arvicola amphibius*), pine marten (*Martes martes*) and red squirrel (*Sciurus vulgaris*).

A watching brief was also kept throughout these surveys, and during all ecological surveys for the Proposed Development, and signs recorded for other protected species potentially inhabiting the Site and respective survey areas such as adder (*Vipera berus*), common lizard (*Zootoca vivipara*) and slow worm (*Anguis fragilis*).

Surveys for bat species and fish were carried out and are reported separately in **Technical Appendix 7.3: Bat Survey Report** and **Technical Appendix 7.4: Ayrshire Rivers Trust Fish Survey Report** respectively.

These protected species surveys were undertaken to aid and inform the design and Ecological Impact Assessment (EclA) presented in **Chapter 7** of the EIA Report.

2.0 The Site & Survey Area

The Site is located on land at Glenouther Moor, situated south of Corsehouse reservoir with the M77 motorway to the east. The closest settlement is Stewarton which is situated approximately 4.5 km to the south-west and lies wholly within the East Ayrshire Council (EAC) administrative area. The Site occupies an area of approximately 205 hectares (ha) and is within an area of privately owned commercial coniferous forest plantation, with some small areas of open moorland and bog (see **Technical Appendix 7.1: National Vegetation Classification & Habitats Survey Report**).

The northern part of the Site drains towards the Annick Water and Corsehouse Reservoir. The southern part of the Site drains towards the Swinzie Burn, a tributary of the Annick Water.

The Proposed Development and Site are fully described **Chapter 3: Site Selection and Design Strategy** and **Chapter 4: Development Description** of the EIA Report.

The 'survey area' in which protected species surveys were undertaken for the Proposed Development is shown on **Figure 7.5**.

3.0 Legal Protection

Details of the legal protection of the protected species surveyed for are given in **Annex A** of this Technical Appendix.

¹ Following acquisition, MacArthur Green Ltd became part of SLR Consulting Limited on 1 September 2025.



4.0 Methods

4.1 Desk Study

A desk-based study was undertaken to inform the field surveys and assessment with regard to the presence of designated sites and species of interest within the Site and study area.

This desk-based study consisted of the consultation of various online resources such as the National Biodiversity Network (NBN) Atlas², NatureScot Sitelink³, Saving Scotland's Red Squirrels (SSRS)⁴, Red Squirrel Stronghold Areas⁵, the British Deer Society Deer Distribution Survey (2023)⁶ and baseline information published in the course of previous, or other nearby, relevant development applications (including Moorshield Wind Farm⁷, Nether Carswell II Single Wind Turbine⁸ and Whitelee Wind Farm⁹).

4.2 Field Surveys

Surveys to record the presence or likely absence of badger, otter, water vole, pine marten and red squirrel have been undertaken, with all habitats suitable for protected species surveyed within the survey area (**Figure 7.5**).

A watching brief for any protected species signs was also undertaken during other ecology surveys throughout 2024.

The signs found indicate type and intensity of activity and consequently help in the assessment of the importance of a particular area for the protected species. The survey methods used are described below.

4.2.1 Badger

Land with the potential to support badger within the survey area was searched for field signs with particular attention given to areas around woodland and sloped areas underlain by mineral soils. Field signs of badger are described in Scottish Badgers' guidance¹⁰. Field evidence searched for included:

- **setts**: single and/or groups of holes;
- **prints**: badgers have characteristic footprints that can be found in soft ground and muddy areas;
- **latrines and dung pits**: these are small excavated pits in which droppings are deposited. Latrines are a collection of dung pits used as territorial markers;

² NBN Atlas Scotland (2026). Available at: <https://nbnatlas.org/> (Accessed: 24 March 2026).

³ NatureScot (2026). SiteLink. Available at: <https://sitelink.nature.scot/home> (Accessed: 24 March 2026).

⁴ Scottish Squirrels (2026). Saving Scotland's Red Squirrels. Available at: <https://scottishsquirrels.org.uk/> (Accessed: 24 March 2026).

⁵ Scottish Forestry (2025). Map of Red Squirrel Stronghold Areas. Available at: <https://forestry.gov.scot/publications/21-map-of-red-squirrel-stronghold-areas> (Accessed: 24 March 2026).

⁶ The British Deer Society (2023). Deer Distribution Survey Results. Available at: <https://bds.org.uk/science-research/deer-surveys/deer-distribution-survey/> (Accessed: 24 March 2026).

⁷ Atmos (2019). Moorshield Wind Farm Extended Phase 1 Habitat Survey, NVC and Mammal Survey Report.

⁸ Atmos (2020). Nether Carswell III Single Wind Turbine Preliminary Ecological Appraisal.

⁹ East Renfrewshire Council (2021). *Whitelee wildlife*. Available at: <https://www.eastrenfrewshire.gov.uk/Whitelee-wildlife> (Accessed: 24 March 2026).

¹⁰ Scottish Badgers (2018). Surveying for Badgers: Good Practice Guidelines. Available at: https://www.scottishbadgers.org.uk/wp-content/uploads/2020/12/Surveying-for-Badgers-Good-Practice-Guidelines_V1-2020-2455979.pdf (Accessed: 24 March 2026).



- **hairs:** tufts of hair can often be found on fences, or in the entrances to setts;
- **feeding signs:** small scrapes, also known as snuffle holes, where badgers have searched for insects and plant tubers. Feeding signs can also include dug up wasp or bee nests and ripped up dung of other species including cattle;
- **scratching posts:** marks on trees (including fallen trees) where badgers have scratched leaving claw marks or ripped at areas of rotten bark to search for food; and
- **paths:** these are routes that badgers take when moving between setts and foraging areas.

Where setts were recorded their sett type and sett entrance classification were noted, in line with the definitions outlined in Scottish Badgers guidance¹⁰, which are reproduced below in and **Table 4-1** and **Table 4-2**.

Table 4-1 Categories of Sett and Associated Descriptions¹⁰

Category	Description
Main	Main setts usually have several holes with large spoil heaps, and the sett generally looks well used. There are obvious paths to and from the sett and between sett entrances. In the British National Badger Survey the average number of holes for a main sett was twelve, although main setts may be much smaller, even a single hole in exceptional circumstances. Although normally the breeding sett and in continuous use, it is possible to find a main sett that has some disused or dormant entrances.
Annexe	These are often close to a main sett, normally less than 150 m away, and are connected to the main sett by one or more well-worn paths. Usually there are several holes but the sett may not be in use all the time, even if the main sett is very active. The average number of holes per annexe sett in the British survey was eight.
Subsidiary	These are usually at least 50 m from a main sett, and do not have an obvious path connecting with another sett. They are not continuously active. The average number of holes per subsidiary sett in the British survey was four.
Outlier	These often have little spoil outside the holes, have no obvious path connecting them with another sett, and are only used sporadically. When not in use by badgers, they are often taken over 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), which is at least 25 cm in diameter, and rounded or a flattened oval shape (i.e. broader than high). Fox and rabbit tunnels are smaller and often taller than they are broad. The average number of holes per outlying sett in the British survey was two.
Other	In some cases, it can be difficult to assess the status of a sett, and it is open to interpretation. It is therefore recommended that if there is uncertainty as to the type of sett present, setts should be referred to as 'Other'.

Table 4-2 Sett Entrance Classifications and Associated Descriptions¹⁰

Classification	Description
Well Used	Are clear of debris and vegetation, sides worn smooth but not necessarily excavated recently.
Partially Used	Are not in regular use and have debris e.g. twigs and leaves in the entrance. They could be used after only a minimal amount of clearance.
Disused	Not in use for some time, are partially blocked and could not be used without considerable effort. Rabbits and foxes may take over part of a sett and keep disused entrances open.
Collapses	Where a tunnel has collapsed.



Classification	Description
Air Holes	Where badgers have made a small hole in a tunnel roof from below.

4.2.2 Otter

All accessible watercourses within the survey area were surveyed for otter field signs. Otter field signs and survey methods are described in Bang & Dahlstrøm¹¹, Sargent & Morris¹² and¹³, and include:

- **holts:** underground features where otters live. They can be tunnels within bank sides, underneath root-plates or boulder piles, and even man-made structures such as disused drains. Holts are used by otters to rest up during the day and are the usual location of natal or breeding sites. Otters may use holts permanently or temporarily;
- **couches:** these are above ground resting-up sites. They may be partially sheltered, or fully exposed. Couches may be regularly used, especially in reed beds and on in-stream islands. They have been known to be used as natal and breeding sites. Couches can be very difficult to identify and may consist of an area of flattened grass or earth. Where rocks or rock armour are used as couches, these can be almost impossible to identify without observing the otter in situ;
- **prints:** otters have characteristic footprints that can be found in soft ground and muddy areas;
- **sprints:** otter faeces may be used to mark territories, often on in-stream boulders. They can be present within or outside the entrances of holts and couches. Sprints have a characteristic smell and often contain fish remains;
- **feeding signs:** the remains of prey items may be found at preferred feeding stations. Remains of fish, crabs or skinned amphibians can indicate the presence of otter;
- **paths:** these are terrestrial routes that otters take when moving between resting-up sites and watercourses, or at high flow conditions when they will travel along bank sides in preference to swimming; and
- **slides and play areas:** slides are typically worn areas on steep slopes where otters slide on their bellies, often found between holts or couches and watercourses. Play areas are used by juvenile otters in play and are often evident by trampled vegetation and the presence of slides. These are often positioned in sheltered areas adjacent to the natal holt.

Any of the above signs (apart from paths) are diagnostic of the presence of otter. However, it is often not possible to identify couches with confidence unless other field signs are also present. Sprints are the most reliably identifiable evidence of the presence of this species.

¹¹ Bang, P., and Dahlstrøm, P. (2001). Animal Tracks and Signs. Oxford University Press, Oxford.

¹² Sargent, G., and Morris, P. (2003). How to Find and Identify Mammals. The Mammal Society, London.

¹³ Chanin, P. (2003). Monitoring the Otter (*Lutra lutra*). Conserving Natura 2000 Rivers Monitoring Series No.10 English Nature, Peterborough.



4.2.3 Pine Marten

Signs of pine marten were searched for within the survey area following guidance from O'Mahony *et al.*¹⁴ and Bright & Smithson¹⁵. Survey methods included:

- **scats:** searches for pine marten scats were made along linear features such as fence lines, stone walls or forestry tracks/rides. Also searches for scats on prominent features such as tree stumps, dead logs or stones, and around rock piles and dense scrub where the species could establish a den; and
- **dens:** identification of features which could be used as a den. Dens can include the utilisation of upturned trees, tree cavities, rocks or manmade structures such as log piles or large bird boxes.

4.2.4 Red Squirrel

Areas of woodland that have the potential to support red squirrel were surveyed for squirrels, following guidance from Gurnell *et al.*¹⁶. Signs included:

- **sightings:** visual sightings of red squirrels;
- **dreys:** dreys are usually built close to the main stem of a tree, over 3 m from ground level and over 50 x 30 cm in size; and
- **feeding signs:** predated cone (cone cores) searches in areas of woodland.

4.2.5 Water Vole

All watercourses within the survey area were surveyed for water vole field signs following the methodology prescribed in Dean *et al.*¹⁷. This involved assessing the relative habitat suitability of the habitat for water vole and searching for the following field signs:

- **faeces:** recognisable by their size, shape, and content. If not too dried-out these are also distinguishable from rat droppings by their smell;
- **latrines:** faeces, often deposited at discrete locations;
- **feeding stations:** food items are often brought to feeding stations along pathways and hauled onto platforms. Recognisable as neat piles of chewed vegetation up to 10 cm long;
- **burrows:** appear as a series of holes along the water's edge distinguishable from rat burrows by size and position;
- **lawns:** may appear as grazed areas around land holes;
- **nests:** where the water table is high above ground woven nests may be found;
- **footprints:** tracks may occur at the water's edge and lead into bank side vegetation. May be distinguishable from rat footprints by size; and

¹⁴ O'Mahony D., O'Reilly, C. & Turner, P. (2006). National Pine Marten Survey of Ireland 2005. COFORD, Dublin.

¹⁵ Bright, P.W., and Smithson, T.J. (1997). Ecology of den use by pine martens reintroduced to a commercial coniferous forest. Pages 58-64 in: Species Recovery Programme for the Pine Marten in England: 1995-96. English Nature Research Report No. 240. English Nature, Peterborough.

¹⁶ Gurnell, J., Lurz, P. McDonald, R. & Pepper, H. (2009). Practical Techniques for Surveying and Monitoring Squirrels. Forestry Commission Practice Note.

¹⁷ Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance Series). Eds. Fiona Mathews and Paul Chanin. The Mammal Society, London



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

Dean *et al.*¹⁷ states that water vole droppings are the only field sign that can be used to determine water vole presence reliably on their own. Experience is required to distinguish feeding signs, burrows and footprints of water voles from those of other species. A collection of these field signs found in close proximity can indicate water vole presence.

4.2.6 Reptiles

Targeted reptile surveys were not undertaken, however, incidental records of reptile sightings, or signs such as shed skins, and features of particular importance (i.e. potential hibernacula) were recorded, using relevant guidance^{18,19}.

4.2.7 Other Species

A watching brief was maintained for all other protected, notable, and/or invasive species during surveys and presence or field signs recorded as appropriate (e.g., mountain and brown hares (*Lepus* spp.) reptile species (adder, common or viviparous lizard, and slow worm), grey squirrel (*Sciurus carolinensis*) and American mink (*Neovison vison*)).

4.2.8 Species Scoped Out

Surveys for beaver (*Castor fiber*), wildcat (*Felis silvestris*) and great crested newt (GCN) (*Triturus cristatus*) were scoped out of field surveys due to the absence of suitable habitat, or the survey area being located outwith the known range or distribution of these species. As such these species are not considered further.

5.0 Survey Details & Limitations/Constraints

Surveys for protected species were undertaken on 7th May 2024.

As noted above, a watching brief for protected species signs was maintained throughout all other ecology surveys undertaken for the Proposed Development throughout 2024.

The weather conditions during the 2024 surveys were generally dry and cloudy with watercourses flowing at normal levels.

All areas within the Site were accessible during the protected species surveys.

Generally, protected species data is considered up-to-date for up to 24 months following survey unless it is evident that there has been no substantive change in number, distribution or activity of protected species. Due to the relatively limited signs recorded (section 6.2), and following NatureScot guidance, it is considered that the surveys conducted to date are sufficient to assess the likely presence or absence of species within the Site. However, due to the mobile nature of protected species, it is possible that new features may be created in the period between surveys and the commencement of construction. It is therefore recommended that pre-construction surveys are undertaken in advance of construction activities progressing across the Site (see NatureScot standing guidance²⁰).

¹⁸ Edgar, P., Foster, J. and Baker, J. (2010). Reptile Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth.

¹⁹ Cathrine, C. (2018). ARG UK Advice Note 10: Reptile Survey and Mitigation Guidance for Peatland Habitats. Amphibian and Reptile Groups of the United Kingdom.

²⁰ NatureScot (2026). Planning and Development: Protected Species. Available at: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species> (Accessed: 24 March 2026).



6.0 Results

6.1 Desk Study Results

6.1.1 Statutory Designated Sites and Local Nature Conservation Sites (LNCS)

There are no statutory designated sites within the Site or within 5 km of the Site with qualifying interests for protected species.

There are a number of Local Nature Conservation Sites (LNCS) within 5 km of the Site (**Chapter 7: Ecology**). One of these, Robertland & Swinzie Burn LNCS, is noted to have mammal interest as part of its qualifying interests. Further details are provided in **Chapter 7**.

6.1.2 Online Resources/Data Searches

6.1.2.1 NBN Atlas Scotland

A search of the NBN Atlas Scotland² covering a 5 km buffer off the Site in the past 15 years (i.e., from 2011 onwards) returned records of the following protected, invasive or notable species (excluding bats, discussed in **Technical Appendix 7.3**):

- common lizard;
- grey squirrel; and
- red squirrel.

Details regarding licences and data providers for these records are included in **Annex B**.

6.1.2.2 Saving Scotland's Red Squirrels (SSRS)

A single sighting of a red squirrel had been recorded by SSRS within 5 km of the Site in 2021, located approximately 2 km to the east of the Site. Grey squirrels have been recorded between 2020 and 2022, predominantly to the south-west of the site, with some recorded to the west.

The Site does not fall within any red squirrel stronghold area or within a priority area for grey squirrel control (i.e. PARC).

6.1.2.3 Deer Distribution Survey

The Deer Distribution Survey⁶ results suggested the presence of roe deer (*Capreolus capreolus*) and fallow deer (*Dama dama*) in the wider area of the Site.

6.1.3 Information from Nearby Developments

Documentation published in relation to existing, consented or submitted developments within 5 km of the Site was examined to further understand the wider distribution of protected species in the area. These documents reported:

- Moorshield Wind Farm⁷: evidence of otter (three dry, intact spraints);
- Nether Carswell II Single Wind Turbine⁸: no sightings or evidence of protected species; and
- Whitelee Wind Farm⁹: evidence of otter, pine marten, brown hare, adder and reptiles.



6.2 Field Survey Results

The survey results are summarised in **Table 6-1** below, with full detailed results provided within section 6.2. Survey results are displayed on **Figure 7.5**.

Table 6-1 Protected Species Survey Results Summary

Species	Survey Results Summary	General Habitat Suitability
Badger	One badger footprint was identified along a potential badger path within the Site.	The Site contains areas of peaty soils that are not preferred for sett building. The Site may offer some foraging opportunities.
Otter	Ten otter spraints were found within the survey area along Swinzie Burn, including two particularly well-sprainted rocks which may act as markers for the edge of a territory. A holt was recorded within the survey area (full details provided in Confidential Annex D).	There are small watercourses within the Site which offer foraging and commuting opportunities for otter. The presence of frogspawn and sightings of common frogs during the protected species surveys confirms the presence of a food supply.
Pine marten	No signs of pine marten were identified during protected species surveys.	The Site is largely commercial conifer plantation, which could provide suitable shelter, hunting and denning habitat for pine marten.
Red squirrel	No signs of red squirrel were identified during protected species surveys.	The Site is largely commercial conifer plantation, which may provide some suitable habitat for red squirrel.
Reptiles	Six sightings of common lizard were recorded during the protected species surveys within the survey area. One sighting was recorded within the Site.	The habitat within the forestry rides across the Site is suitable for reptiles, offering foraging opportunities.
Water vole	No signs of water vole were identified during protected species surveys.	The watercourses on Site offer some limited potential for water vole in some of the slower-flowing stretches of Swinzie Burn, and in the unnamed watercourses on Site where there is sufficient break in the forestry to allow for suitable foraging vegetation to establish.
General	Three interconnected mammal holes were recorded by a watercourse within the survey area. No definitive field signs were recorded to attribute the feature to any protected species.	n/a



7.0 References

7.1.1 Literature

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7.1.3 Legislation

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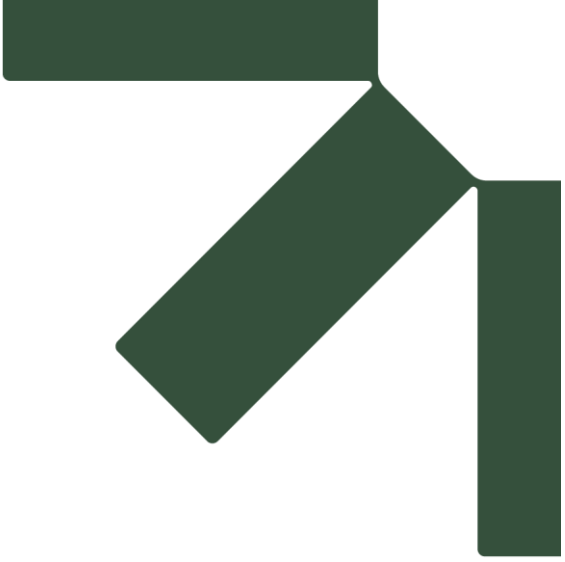
Note that prior to 2007 the Scottish Government was the "Scottish Executive". In 2007 they changed their name to "Scottish Government".

UK Government (1981) Wildlife and Countryside Act 1981. Available at: <https://www.legislation.gov.uk/ukpga/1981/69>. (Accessed: 24 March 2026).

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Annex A Legal Protection

Annex A Legal Protection

A full list of protected species and the associated legislation can be found on the NatureScot website²¹. The following provides a summary of protected species' legal protection; however, the relevant legislation should be consulted for the definitive list of offences and true terminology.

Bats, Beaver, GCN, Otter and Wildcat

Bat species, beaver, GCN, otter and wildcat receive protection in Scotland under the Conservation (Natural Habitats, &c.) Regulations (1994) (as amended) (the Habitats Regulations), being classified as European protected species of animals²².

For European protected species, NatureScot guidance²³ sets out that it is an offence to deliberately or recklessly:

- capture, injure or kill an animal;
- harass an animal or group of animals;
- disturb an animal while it is occupying a structure or place used for shelter or protection;
- disturb an animal while it is rearing or otherwise caring for its young;
- obstruct access to a breeding site or resting place, or otherwise deny an animal use of a breeding site or resting place;
- disturb an animal in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species;
- disturb an animal in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;
- disturb an animal while it is migrating or hibernating;
- take or destroy an animal's eggs (GCN); or
- damage or destroy a breeding site or resting place of such an animal (these sites and places are protected even when the animal is not present)²⁴.

Regulation 44(2)(e) of the Habitats Regulations allows a licence to be granted for activities ordinarily prohibited, where that purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.”

²¹ NatureScot (2022). Table of all of Scotland's Protected Species. Available at: <https://www.nature.scot/doc/table-all-scotlands-protected-species> (Accessed: 12 February 2026).

²² Schedule 2.

²³ NatureScot (2023). European protected species. Available at: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/european-protected> (Accessed: 12 February 2026).

²⁴ Note that this is a summary of offences. Refer to Regulations 39 and 40 of the Habitats Regulations for legislative context.



Otter is also listed on Appendix I of the Convention of International Trade in Endangered Species (CITES), Appendix II of the Bern Convention, and Annexes II and IV of the Habitats Directive²⁵. It is also listed as globally threatened on the IUCN/WCMC Red Data List.

Mountain Hare, Pine Marten and Red Squirrel

Mountain hare, pine marten and red squirrel are protected in Scotland under the Wildlife and Countryside Act 1981 (the Wildlife and Countryside Act)²⁶.

Under Sections 9(1) and 9(2) of the Wildlife and Countryside Act, it is an offence to intentionally or recklessly kill, injure or take such an animal, or be in possession or control of such an animal (whether live or dead)²⁷.

Under Section 9(4)(a) and (b), it is an offence to intentionally or recklessly:

- damage or destroy, or obstruct access to, any structure or place which any wild animal included in Schedule 528 uses for shelter or protection; or
- disturb any such animal while it is occupying a structure or place which it uses for that purpose.

Further, Section 9(5) sets out that it is an offence to:

- sell, offer or expose for sale, or possess or transport for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal; or
- publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

Water Vole

Water vole is protected in Scotland under Sections 9(4) and 10 of the Act Wildlife and Countryside Act²⁹.

Under Section 9(4)(a) and (b) of the 1981 Act, it is an offence to intentionally or recklessly:

- damage or destroy, or obstruct access to, any structure or place which any wild animal included in Schedule 530 uses for shelter or protection; or
- disturb any such animal while it is occupying a structure or place which it uses for that purpose.

Section 10(3)(c) provides for exceptions under Section 9, such that a person shall not be guilty of an offence where that person shows:

- that each of the conditions specified in subsection (3A) was satisfied in relation to the carrying out of the unlawful act; or
- that the unlawful act was carried out in relation to an animal bred and, at the time the act was carried out, lawfully held in captivity.

²⁵ European Union Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

²⁶ Schedule 5.

²⁷ See exceptions under Section 9(3).

²⁸ Animals which are protected under Section 9 of the Wildlife and Countryside Act.

²⁹ as amended by the Nature Conservation (Scotland) Act 2004.

³⁰ Animals which are protected under Section 9 of the Wildlife and Countryside Act.



Subsection (3A) states those conditions referred to in Section 10(3)(c) are:

- That the unlawful act was the incidental result of a lawful operation or other activity;
- That the person who carried out the lawful operation or other activity:
 - took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or
 - did not foresee, and could not reasonably have foreseen, that the unlawful act would be an incidental result of the carrying out of the lawful operation or other activity; and
- That the person who carried out the unlawful act took, immediately upon the consequence of that act becoming apparent to the person, such steps as were reasonably practicable in the circumstances to minimise the damage or disturbance to the wild animal, or the damage or obstruction to the structure or place, in relation to which the unlawful act was carried out.

Badger

Badgers are protected in Scotland under the Protection of Badgers Act 1992 (the Badgers Act)³¹.

Under Section 1(1) of the Badgers Act, *“a person is guilty of an offence if, except as permitted by or under this Act, he wilfully kills, injures or takes, or attempts to kill, injure or take, a badger.”*

Where it can reasonably be concluded that a person had been attempting to kill, injure or take a badger, then it will be presumed that that person had been attempting to do so, unless it can be proven otherwise³².

Under Section 1(3), unless authorised under the Badgers Act, a person is guilty of an offence where *“he has in his possession or under his control any dead badger or any part of, or anything derived from, a dead badger.”*

Under Section 3(1), unless authorised under the Badgers Act, it is an offence to interfere with a badger sett³³. The following actions are described as interference:

- damaging a badger sett or any part of it;
- destroying a badger sett;
- obstructing access to, or any entrance of, a badger sett;
- causing a dog to enter a badger sett; or
- disturbing a badger when it is occupying a badger sett, intending to do any of those things or being reckless as to whether his actions would have any of those consequences.

It is also an offence if a person knowingly causes or permits any of the above actions to be carried out³⁴.

³¹ as amended by the Nature Conservation (Scotland) Act 2004 (as amended).

³² Section 1(2) of the Badgers Act.

³³ Note that a badger sett is defined under the Badgers Act as any structure or place which displays signs of current use by a badger (refer to Section 14).

³⁴ Section 3(2).



Reptiles

The three native species of reptile to Scotland, **adder**, **slow worm** and **viviparous lizard**, are protected under Section 9(1) (insofar as the action relates to killing or injuring the animal), and Section 9(5) of the Wildlife and Countryside Act.

Under Section 9(5), it is an offence to:

- sell, offer or expose for sale, or possess or transport for the purpose of sale, any live or dead wild animal included in Schedule 5, or any part of, or anything derived from, such an animal.
- publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

Section 10(3)(c) provides for exceptions under Section 9, such that a person shall not be guilty of an offence where that person shows:

- that each of the conditions specified in subsection (3A) was satisfied in relation to the carrying out of the unlawful act; or
- that the unlawful act was carried out in relation to an animal bred and, at the time the act was carried out, lawfully held in captivity.

Subsection (3A) states those conditions referred to in Section 10(3)(c) are:

- that the unlawful act was the incidental result of a lawful operation or other activity;
- that the person who carried out the lawful operation or other activity:
 - took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or;
 - did not foresee, and could not reasonably have foreseen, that the unlawful act would be an incidental result of the carrying out of the lawful operation or other activity; and
- that the person who carried out the unlawful act took, immediately upon the consequence of that act becoming apparent to the person, such steps as were reasonably practicable in the circumstances to minimise the damage or disturbance to the wild animal, or the damage or obstruction to the structure or place, in relation to which the unlawful act was carried out.



Annex B

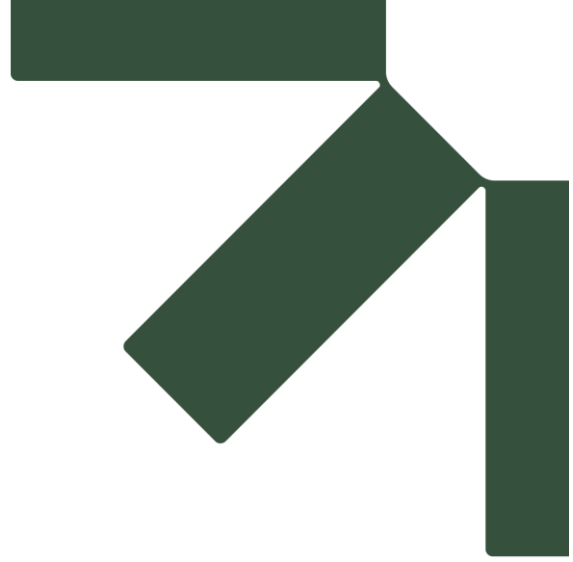
Data Providers and Licences

Table B-1 Data Providers and Licence Details for NBN Atlas Scotland² Records Used

Species	Reason for Inclusion	Data Provider (Recorder)	Licence
Common lizard	Protected species (Wildlife and Countryside Act 1981	Amphibian and Reptile Conservation (Stephen Inglis)	CC-BY ³⁵
Grey squirrel	Invasive species	Scottish Wildlife Trust (withheld)	CC-BY
Red squirrel	Protected species (Wildlife and Countryside Act 1981, Nature Conservation (Scotland) Act 2004)	Scottish Wildlife Trust (withheld)	CC-BY

³⁵ Creative Commons with Attribution 4.0 (CC-BY) <https://creativecommons.org/licenses/by/4.0/> (Accessed: 12 February 2026).





Annex C

Survey Results

Annex C Survey Results

Table C-1 below details the relevant data collected for protected species during surveys for the Proposed Development, sorted by species, then survey date (see also **Figure 7.5**). Confidential information relating to otter is contained within **Confidential Annex D** and shown on **Confidential Figure 7.5C**.

Table C-1 Protected Species Survey Results

Species	Sign	PS ID ³⁶	Easting	Northing	Survey date	Notes
Badger	Footprints	PS001	248972	648597	07/05/2024	Old footprint along a potential badger path. Nearby fence shows signs of an animal frequently going under it.
General	Mammal Hole	PS021	247141	648330	26/07/2024	Three mammal holes connected: unidentified dung (insectivorous mammal) found by one. No signs connected to the stream (approximately 1 metre away).
Otter	Spraint	PS007	246855	648215	07/05/2024	Dried up spraints beside river.
Otter	Spraint	PS008	247135	648329	07/05/2024	Pair of spraints. Spraints of various ages implying frequent visits.
Otter	Spraint	PS009	247274	648372	07/05/2024	Pair of spraints of differing ages beside a river in potentially well-used rest site.
Otter	Spraint	PS010	247457	648327	07/05/2024	Otter spraint on prominent rock in watercourse.
Otter	Spraint	PS011	247542	648274	07/05/2024	Otter spraint on rock in watercourse.
Otter	Spraint	PS012	247684	648224	07/05/2024	Otter spraint on rock in watercourse.
Otter	Spraint	PS013	247725	648209	07/05/2024	Probably otter spraint though very old and broken down. Near river.
Otter	Spraint	PS014	247796	648265	07/05/2024	Pile of otter spraints of different ages, with some very fresh. Implies frequent usage.

³⁶ PS ID relates to unique identifiers/locations for data and information collected during the respective field surveys. Following data reviews and quality assurance processes, not all records collected during a field survey may necessarily be relevant to this topic area or Technical Appendix, and therefore some non-relevant records/points may be removed, hence PS ID is not necessarily a continuous sequence and PS006 and PS016 do not feature within **Table C-1**.



Species	Sign	PS ID ³⁶	Easting	Northing	Survey date	Notes
Otter	Spraint	PS018	247464	648328	15/05/2024	Spraints on instream boulder.
Otter	Spraint	PS019	247451	648332	15/05/2024	Spraints on instream boulder.
Reptile	Common Lizard Sighting	PS002	248685	648301	07/05/2024	Spotted beside watercourse.
Reptile	Common Lizard Sighting	PS003	248572	648260	07/05/2024	Spotted in grass.
Reptile	Common Lizard Sighting	PS004	248156	648463	07/05/2024	Spotted in clearing.
Reptile	Common Lizard Sighting	PS005	248362	649646	07/05/2024	Spotted in forestry ride.
Reptile	Common Lizard Sighting	PS015	247272	649015	07/05/2024	Spotted in forestry ride beside old fence posts.
Reptile	Common Lizard Sighting	PS017	247676	649302	15/05/2024	Sighting.





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