

Technical Appendix 6.3: Protected Species Survey Report



Technical Appendix 6.3 Protected Species Survey Report

Ravengill Energy Park

Ravengill Energy Park Limited

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Figure 6.8 Protected Species Survey Area and Results



1.0 Introduction

MacArthur Green (now SLR¹) was commissioned by the Applicant to carry out protected species surveys at the Site, located north of Leadhills village in South Lanarkshire.

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

A watching brief was also kept throughout these surveys, and during all ecological and ornithological surveys for the Proposed Development, and signs recorded for other protected species potentially inhabiting the Site and respective survey areas (such as reptile species).

Surveys for bats and fish were carried out and are reported separately in **Technical Appendix 6.4 (EIAR Volume 4)** and **Technical Appendix 6.5 (EIAR Volume 4)**.

These protected species surveys were undertaken to aid and inform the design and ecological assessment for the Proposed Development's Environmental Impact Assessment Report (EIAR).

2.0 The Site & Survey Area

The Site, covering an area of approximately 2,554.5 hectares (ha), is located 1 km north of Leadhills village, 1.5 km south of Abington village and west of the A74(M) motorway. The Site is predominantly comprised of open moorland, mostly comprising of a mixture of wet and dry heath, acid grassland and blanket bog habitats; areas of woodland are rare and scattered (see detailed habitats information in **Technical Appendix 6.2: National Vegetation Classification & Habitats Survey Report (EIAR Volume 4)**).

The Site terrain is undulating with multiple hills such as Ravengill Dod (499 m AOD), Coom Dod (553 m AOD), Hunt Law (323 m AOD) and Brown Dod (489 m AOD). This landscape is typical of the wider location within the Southern Uplands. There are multiple watercourses within the Site, including tributaries of the River Clyde such as Glengonnar Water through the centre of the Site and Snar Water in the west. The River Clyde lies approximately 1 km to the east of the application boundary at its closest point, and Elvan Water runs along the southern extent of the application boundary.

The Proposed Development and Site are fully described within **Chapter 2: Proposed Development (EIAR Volume 2)** and **Chapter 3: Design Evolution (EIAR Volume 2)** of the EIAR.

The 'survey area' in which protected species surveys were undertaken for the Proposed Development is shown on **Figure 6.8 (EIAR Volume 3a)** and covered the application boundary as well as significantly beyond the application boundary in some areas, particularly to the southeast, reflecting earlier areas of development interest.

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 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 regards to the presence of designated sites and species of interest within the Site and study area.

The desk-based study area includes the Site and a 5 km buffer from the application boundary.

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, the British Deer Society Deer Distribution Survey (2023)⁵ and baseline information published in the course of previous, or other nearby, relevant development applications.

4.2 Field Surveys

Surveys to record the presence or likely absence of otter, water vole, badger, red squirrel and pine marten have been undertaken, with all habitats suitable for protected species surveyed within the survey area (**Figure 6.8 (EIAR Volume 3a)**).

A watching brief for any protected species signs was also undertaken during other ecology and ornithology surveys throughout 2023 - 2025. The signs found can 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 and are in line with NatureScot guidance⁶.

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' guidance⁷. 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;
- **hairs:** tufts of hair can often be found on fences, or in the entrances to setts;

² NBN Atlas Scotland (2026). Available online: <https://nbnatlas.org/> [Accessed January 2026].

³ NatureScot (2026). SiteLink. Available online: <https://sitelink.nature.scot/home> [Accessed January 2026].

⁴ Scottish Squirrels (2026). Saving Scotland's Red Squirrels. Available online: <https://scottishsquirrels.org.uk/> [Accessed January 2026].

⁵ The British Deer Society (2023). Deer Distribution Survey Results. Available online: <https://bds.org.uk/science-research/deer-surveys/deer-distribution-survey/> [Accessed January 2026].

⁶ NatureScot (2024). Planning and Development: Protected Species. Online. Available at: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-protected-species>. [Accessed January 2026].

⁷ Scottish Badgers (2018). Surveying for Badgers: Good Practice Guidelines. Version 1.



- **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 guidance⁷, which are reproduced below in and **Table 4-1** and **Table 4-2**.

Table 4-1 Categories of Sett and Associated Descriptions⁷

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 Descriptions⁷

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 & Dahlström (2001)⁸, Sargent & Morris (2003)⁹ and Chanin (2003)¹⁰, 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 natalholt.

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.

⁸ Bang, P., and Dahlström, P. (2001). Animal Tracks and Signs. Oxford University Press, Oxford.

⁹ Sargent, G., and Morris, P. (2003). How to Find and Identify Mammals. The Mammal Society, London.

¹⁰ 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.* (2006)¹¹ and Bright & Smithson (1997)¹². 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.* (2009)¹³. Survey methods 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 Reptiles

Targeted reptile surveys using artificial refugia were not undertaken, however, records of reptile sightings, or signs such as shed skins, and features of particular importance (i.e. potential hibernacula) were recorded during surveys, using relevant guidance^{14,15}.

4.2.6 Water Vole

All watercourses within the survey area were surveyed for water vole field signs following the methodology prescribed in Dean *et al.* (2016)¹⁶. 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;

¹¹ O'Mahony D., O'Reilly, C. & Turner, P. (2006). National Pine Marten Survey of Ireland 2005. COFORD, Dublin.

¹² 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.

¹³ Gurnell, J., Lurz, P., McDonald, R. & Pepper, H. (2009). Practical Techniques for Surveying and Monitoring Squirrels. Forestry Commission Practice Note.

¹⁴ Edgar, P., Foster, J. and Baker, J. (2010). Reptile Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth.

¹⁵ Cathrine, C. (2018). ARG UK Advice Note 10: Reptile Survey and Mitigation Guidance for Peatland Habitats. Amphibian and Reptile Groups of the United Kingdom.

¹⁶ 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



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

Dean *et al.*¹⁶ 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.

4.2.7 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 (*Vipera berus*), common or viviparous lizard (*Zootoca vivipara*), and slow worm (*Anguis fragilis*)), 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 between 30 June 2025 and 03 July 2025 inclusive.

The weather conditions during the 2025 surveys were generally dry and sunny with watercourses flowing at normal levels.

All areas within the survey area and application boundary (as per **Figure 6.8 (EIAR Volume 3a)**) were accessible during protected species surveys.

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 in line with the Outline Species Protection Plan (see **Technical Appendix 6. 6 (EIAR Volume 4)**).



6.0 Results

6.1 Desk Study Results

6.1.1 Designated Sites

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

There are no Local Nature Conservation Sites (LNCS) within 5 km of the Site.

6.1.2 Online Resources/Data Searches

6.1.2.1 NBN Atlas Scotland

A search of the NBN Atlas Scotland¹ covering a 5 km buffer of the Site in the past 15 years (i.e., from 2010 onwards) returned records of the following protected or notable species (excluding bats, discussed in **Technical Appendix 6.3: Bat Survey Report (EIAR Volume 4)**):

- adder;
- common lizard;
- badger;
- mountain hare (*Lepus timidus*); and
- red squirrel.

Records of the invasive non-native species (INNS) grey squirrel and North American signal crayfish (*Pacifastacus leniusculus*) were also returned.

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

6.1.2.2 Saving Scotland's Red Squirrels

Numerous sightings of red squirrels have been recorded by Saving Scotland's Red Squirrels⁴ within 5 km of the Site between 2021 and 2026, with the most sightings occurring in 2021 (six individuals).

6.1.2.3 Deer Distribution Survey

The Deer Distribution Survey⁵ results indicated the presence of the following deer species in the wider local area of the Site:

- Roe deer (*Capreolus capreolus*);
- Red deer (*Cervus elaphus*);
- Sika deer (*Cervus nippon*); and
- Fallow deer (*Dama dama*).

6.1.2.4 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.

Scoping documents submitted for Glensalloch Wind Farm¹⁷ were reviewed but no baseline survey results were included.

6.2 Field Survey Results

The survey results are summarised in **Table 6-1** below, with full detailed results provided within **Annex C**. Survey results are displayed on **Figure 6.8 (EIAR Volume 3a)**.

Table 6-1 Protected Species Survey Results Summary

Species	Survey Results Summary	General Habitat Suitability
Badger	No evidence of badger was recorded during the surveys.	The Site is largely very open, with areas of peaty soils that are generally not preferred for sett building.
Otter	Three fresh otter spraints were identified during the surveys, one on Shortcleugh Water and two on Elvan Water with one on the bank and one located on a rock in the water.	The numerous watercourses offer good commuting, foraging, and territorial marking opportunities for otter. Open landscapes with interconnected watercourses commonly support otter movement. The lack of shelter means that there are limited opportunities for holts and couches, although there is potential for the steep riverbanks to offer some suitability.
Pine marten	No evidence of pine marten was recorded during surveys.	The Site is very open with few trees, and as such offers hunting and foraging opportunities, but with limited cover/shelter or potential denning habitat. There are areas of forestry around the periphery of the Site, predominantly to the east and west, which may provide potential denning habitat.
Red squirrel	No evidence of red squirrel was recorded during surveys.	The Site does not incorporate any large areas of forestry and as such there is very little suitable habitat for red squirrel. There are small stands of commercial forestry located around the Site, and as such, individuals may utilise the Site area to move between these scattered areas of forestry.
Reptiles	Two potential hibernacula recorded, both associated with dry-stone walls (one partially collapsed). One confirmed sighting of common lizard.	The open habitat and vegetation present across the Site provides good habitat for reptiles to forage. Numerous features suitable for use as hibernacula were also recorded, with a number of derelict drystone structures and rock piles noted as part of the surveys.
Water vole	Multiple signs of water vole, including fresh latrines, feeding signs and burrows, alongside signs of tunnels and runs, were identified along	Suitable habitat for water voles is present along slower-flowing stretches of watercourses, where vegetation is established for feeding.

¹⁷ Savills (2025). Glensalloch Wind Farm Scoping Report.



Species	Survey Results Summary	General Habitat Suitability
	Glencaple Burn, Elvan Water, Snar Water and Glenkip Burn.	
General	Several mammal holes were recorded for which a species could not be confidently attributed. Most of these were of a size suitable for use by water vole but lacked definitive field signs.	N/A



Annex A Legal Protection

A full list of protected species and the associated legislation can be found on the NatureScot website¹⁸.

The following provides a summary of protected species' legal protection for the species surveyed for and considered above; however, the specific legislation should be consulted for the for the definitive list of offences.

Otter

Otter receive protection in Scotland under the Conservation (Natural Habitats, &c.) Regulations (1994) (as amended) (the 'Habitats Regulations'), being classified as European protected species of animals¹⁹.

For European protected species, NatureScot guidance²⁰ 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; 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)²¹.

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.”

¹⁸ NatureScot (2022). Table of all of Scotland's Protected Species. Online. Available at: <https://www.nature.scot/doc/table-all-scotlands-protected-species> [Accessed February 2025].

¹⁹ Schedule 2.

²⁰ NatureScot. (2023). European protected species. Online. Available at: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/european-protected> [Accessed July 2025].

²¹ 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 Directive²². 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 '1981 Act')²³.

Under Sections 9(1) and 9(2) of the 1981 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)²⁴.

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 5²⁵ 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 1981 Act²⁶.

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 5²⁷ 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

²² European Union Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora.

²³ Schedule 5.

²⁴ See exceptions under Section 9(3).

²⁵ Animals which are protected under Section 9 of the 1981 Act.

²⁶ as amended by the Nature Conservation (Scotland) Act 2004.

²⁷ Animals which are protected under Section 9 of the 1981 Act.



- 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:

- a) That the unlawful act was the incidental result of a lawful operation or other activity;
- b) That the person who carried out the lawful operation or other activity:
 - a. took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or
 - b. 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
- c) 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')²⁸.

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 otherwise²⁹.

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 sett³⁰. 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.

²⁸ as amended by the Nature Conservation (Scotland) Act 2004 (as amended).

²⁹ Section 1(2) of the Badgers Act.

³⁰ 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).



It is also an offence if a person knowingly causes or permits any of the above actions to be carried out³¹.

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 1981 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:

- a) That the unlawful act was the incidental result of a lawful operation or other activity;
- b) That the person who carried out the lawful operation or other activity:
 - i. took reasonable precautions for the purpose of avoiding carrying out the unlawful act; or;
 - ii. 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
- c) 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.

³¹ Section 3(2).

Annex B Data Providers and Licenses

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, and Biological Records Centre (S. Inglis)	CC-BY ³²
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
Adder	Protected species (Wildlife and Countryside Act 1981)	Amphibian and Reptile Conservation, and Biological Records Centre (T. Bowman)	CC-BY
Badger	Protected species (Protection of Badgers Act 1992)	The Mammal Society, and Biological Records Centre (D. Grout and D. Crawley)	CC-BY
Mountain Hare	Protected species (Wildlife and Countryside Act 1981)	The Mammal Society, and Biological Records Centre (I. Macdonald)	CC-BY
North American signal crayfish	Invasive species	Scotland's Environment Web and Biological Records Centre (E. Pitman and S. Rankin)	OGL ³³

³² Creative Commons with Attribution 4.0 (CC-BY) <https://creativecommons.org/licenses/by/4.0/> [Accessed January 2026].

³³ Open Government Licence (OGL) <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> [Accessed January 2026].



Annex C Survey Results

Table C-2 below details the relevant data collected for protected species during surveys for the Proposed Development, sorted by species, then survey date (see also **Figure 6.8 (EIAR Volume 3a)**).

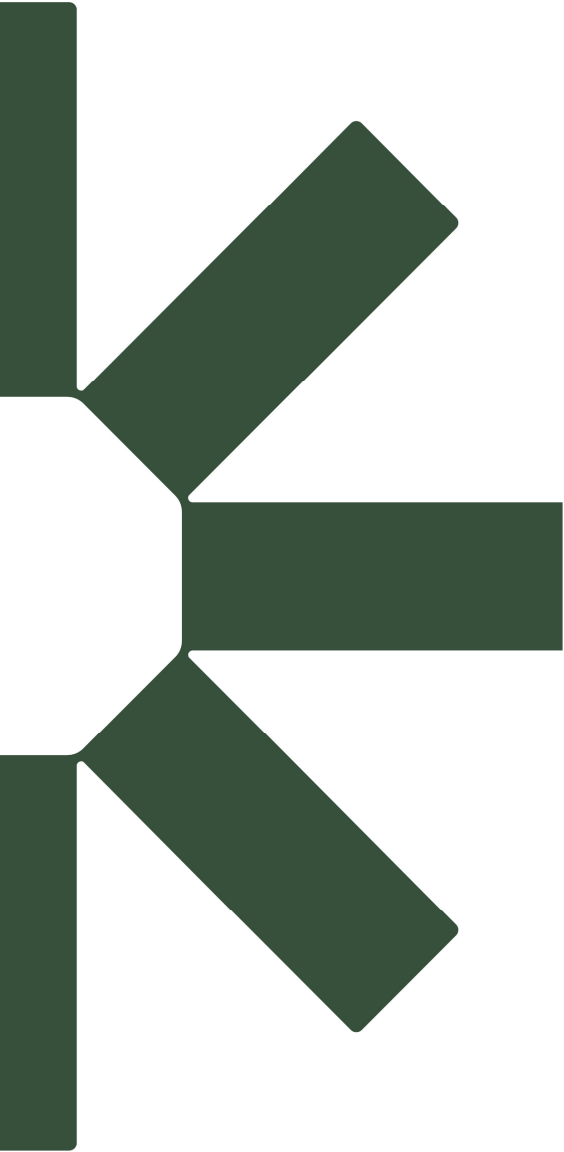
Table C-2 Protected Species Survey Results

Species	Sign	Easting	Northing	Survey date	Notes
General	Mammal Hole	292398	621227	30/06/2025	4.5 cm diameter hole going under a fence. Could just be a passing point or a burrow. Of a size that could be used by water vole, but no evidence of water vole.
General	Mammal Hole	290553	616354	30/06/2025	Approximately 4 cm diameter. Within 10 m of small watercourse. Of a size that could be used by water vole, but no droppings in vicinity.
General	Mammal Hole	290833	616171	01/07/2025	Fist size diameter. Of a size/location that could be used by water vole but no droppings in vicinity.
General	Mammal Hole	290798	616165	01/07/2025	~50 mm diameter. Of a size/location that could be used by water vole but no droppings in vicinity.
Otter	Spraint	290472	615978	01/07/2025	Fishy odour and containing bones.
Otter	Spraint	293197	617416	02/07/2025	On rock in watercourse. Spraint contained bones/scales although partially washed away.
Otter	Spraint	293197	617416	02/07/2025	On bank of watercourse. Contained mix of bones, fur and scales.
Reptile	Potential Hibernaculum	293563	619413	30/06/2025	Dry stone wall along the boundary of the site.
Reptile	Potential Hibernaculum	292471	621798	30/06/2025	Dry stone wall (partially collapsed).
Reptile	Sighting	292655	615926	02/07/2025	Common lizard sighting.
Water Vole	Latrine	292526	620706	30/06/2025	Appeared quite old but droppings feel fresh and still green. Some trampled. Tunnel extends behind it.



Species	Sign	Easting	Northing	Survey date	Notes
Water Vole	Latrine	292526	620706	30/06/2025	Trampled droppings. Tunnels/run throughs also around area.
Water Vole	Latrine	292977	616861	02/07/2025	Droppings approximately 8 mm long, fresh with older underneath. Tunnel behind latrine.
Water Vole	Burrow	292945	616782	02/07/2025	50 mm wide at entrance. Droppings nearby.
Water Vole	Latrine	292898	616463	30/06/2025	Around 8 mm long, fresh looking.
Water Vole	Feeding Station/Clippings	292904	616398	30/06/2025	Looks freshly cut, distinctive 45-degree angle. Water vole droppings along watercourse.
Water Vole	Feeding Station/Clippings	292803	616223	30/06/2025	Distinct angle. Water vole droppings along watercourse.
Water Vole	Droppings	286944	615370	03/07/2025	Droppings around 8 mm long.
Water Vole	Latrine	286930	615416	03/07/2025	Droppings around 9 mm long.
Water Vole	Feeding Station/Clippings	286971	615600	03/07/2025	45-degree cut. Fresh water vole droppings in vicinity.
Water Vole	Burrow	286944	615615	03/07/2025	Fresh droppings around 8 mm long. Burrow entrance 50-60 mm.
Water Vole	Feeding Station/Clippings	287475	616508	03/07/2025	Droppings ~10 mm long.
Water Vole	Latrine	287375	616704	03/07/2025	Droppings ~9 mm long.
Water Vole	Burrow	286922	617326	03/07/2025	Entrance 5-6 cm. Long rush clippings cut at 45 degrees at entrance. Water vole droppings recorded further along watercourse.





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