



## **Protected Species Survey**

Rest and Be Thankful



For

Forestry Commission Scotland

**FINAL**

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## Quality Management

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## Executive Summary

Wild Surveys Ltd was commissioned by Forestry Commission Scotland to undertake a protected species survey and desk study within an area of land immediately adjacent to the A83 near Arrochar, Argyll and Bute. The aim of the survey was to identify the actual or likely presence of protected species within the site prior to the completion of native woodland planting to provide structural support to the steep slopes of Beinn Luibhean.

A desk study was undertaken to review information available within the public domain. Publicly available databases and our own internal records were consulted for historical evidence of protected species in and around the site. In addition, a walkover survey was carried out on 10 May 2018 by experienced ecologists to identify any suitable habitats which may support protected or notable species as well as any field signs of these species.

The site was assessed as containing suitable habitat to support otter, badger, pine marten, water vole, reptiles and nesting birds, however only conclusive evidence of the presence of badger was recorded during the survey in the form of a main sett, latrine and badger hair. As such, it has been recommended that a 20 m exclusion buffer (30 m during the badger breeding season; 30 November to 1 July) surrounding the sett is put in place where no planting will occur, however if this is not possible, a Scottish Natural Heritage derogation licence may be required prior to undertaking the works.

In addition, it is recommended that all planting is completed outside of the breeding bird season to avoid any adverse impact on ground nesting birds. If this is unavoidable, then a suitably qualified ecologist should be employed to complete a nesting bird check prior to site works beginning.

Any reptiles identified during the works should be allowed to leave the area of its own accord or during cold days should be carefully translocated by hand to another area of the site.

# 1 Introduction

## 1.1 Project Objectives

- 1.1.1 Wild Surveys Ltd (WSL) was commissioned by Forestry Commission Scotland (FCS) to undertake a protected species survey and desk study at an area of land to the east and north-east of the A83, near Arrochar (National Grid reference: NN 24055 07289), Argyll and Bute. This report presents the results of the survey carried out to inform the FCS of any ecological constraints prior to undertaking native woodland planting to increase the stability of the steep slopes of the site to protect the A83 truck road. These works are not anticipated to begin until 2019 and it is WSL's understanding that all planting and ground preparation works will be completed by hand only.
- 1.1.2 Based on the habitat types present within and adjacent to the site, the survey aimed to identify the presence or absence of protected species in order to provide a baseline for the site and to make recommendations for avoidance, mitigation and/or for any further survey effort, where required.

## 1.2 Site Location

- 1.2.1 The site is located approximately 5.7 km west of Arrochar, 6.7 km north of Lochgoilhead and 5.8 km south-east of Cairndow, Argyll and Bute. The site is situated on the steep and south-western slopes of Beinn Luibhean, immediately adjacent to the A83 and comprises open and exposed upland grassland currently being utilised for grazing livestock. A number of small water courses bisect the site and run into Glen Croe to the south-west which eventually joins Croe Water which originates within the southern portion of the site owing to a number of tributaries running down the slopes of Ben Arthur, Beinn Ime and Beinn Luibhean. The habitats within the surrounding area are similar to those present within the site boundary however a coniferous plantation is present immediately adjacent to the southern boundary and a felled plantation immediately north. The site location can be found in **Appendix 1**.

## 2 Methodology

### 2.1 Desk Study

- 2.1.1 A data search was undertaken by WSL to review information available within the public domain. Publicly available databases and our own internal records were consulted for historical evidence of protected species in and around the site. This information was gathered to identify the status of these protected species within 2 km of the site.
- 2.1.2 In addition, a search using SNHi sitelink and the relevant Local Authority nature conservation sites was carried out to discover any statutory or non-statutory designated sites within 2 km. These would include:
- Local Nature Reserve (LNR);
  - Local Authority designated site, *e.g.* Site of Importance for Nature Conservation (SINC);
  - Wildlife Nature Reserve (Scottish Wildlife Trust, Royal Society for the Protection of Birds, etc.);
  - Site of Special Scientific Interest (SSSI);
  - Special Area for Conservation (SAC); and,
  - Special Protection Area (SPA).

### 2.2 Protected Species

- 2.2.1 Given the habitat types on site, such as open grassland bisected by water courses with dense plantation immediately adjacent, particular attention was given to the potential presence of the following species: badger (*Meles meles*), pine marten (*Martes martes*), otter (*Lutra lutra*), water vole (*Arvicola amphibius*), breeding birds and reptiles (Squamata) species. Due to the lack of suitable habitat within the site boundary or because the nature of the works (low impact) are unlikely to adversely affect suitable habitats, the following species have been scoped out of this report: wildcat (*Felis silvestris*), bats (Chiroptera), great crested newt (*Triturus cristatus*) and red squirrel (*Sciurus vulgaris*). Evidence of each species was searched for within the site boundary plus a 30 m area (hereafter referred to as the 'survey area') surrounding the site (where access was possible) on 10 May 2018, the methodologies are detailed below for each of the species being considered within this report.

#### Otter

- 2.2.2 All watercourses within the proposed site boundary and wider survey area were surveyed to assess the area's potential to support otter and to search for any field signs which would indicate use. Field signs include:
- Holts – below ground resting places;
  - Couches – above ground resting places;
  - Prints; and,
  - Spraints – faeces used as territorial markers.

- 2.2.3 Otters can be surveyed for at any time of year; however, it is good practice to leave at least two dry days before surveying a watercourse, as heavy rain can wash away evidence. Further information on the legal protection afforded to otter can be found in **Appendix 2**.

#### Pine Marten

- 2.2.4 All areas of potentially suitable habitat (e.g. rocky areas, woodland, stone walls) within the site survey area were surveyed for pine marten. Information on the legal protection afforded to pine marten can be found in **Appendix 3**. The following field signs were searched for:

- Droppings (faeces);
- Prints;
- Paths;
- Resting sites; and,
- Feeding remains.

#### Water Vole

- 2.2.5 All suitable habitats within the survey area were surveyed for water vole and the following field signs were searched for:

- Droppings – faeces recognisable by their size, shape and content, and (if not too dried out) also distinguishable from rat droppings by their smell;
- Latrines – faeces are often deposited at discrete locations known as latrines;
- Feeding stations – food items are often brought to feeding stations along pathways and haul out platforms, recognisable by 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 vegetation cover, may be distinguishable from rat by size; and,
- Runways in vegetation – low tunnels pushed through vegetation near the water's edge, less obvious than rat runs.

- 2.2.6 Although water voles do not hibernate they are not very active above ground during the winter; therefore, surveys are best carried out between March and October. An assessment of bank suitability can, however, be made outwith the active season. Information on the legal protection afforded to water vole can be found in **Appendix 3**

#### Reptiles

- 2.2.7 The habitat within the survey area was evaluated for suitability to support reptiles. Information on the legal protection afforded to reptiles can be found in **Appendix 3**.

#### Badger

- 2.2.8 The survey included searching for field signs of badgers within the survey area, including:
- Presence of holes with evidence of badgers such as footprints, discarded hairs; etc.;
  - Presence of dung pits or latrines;

- Presence of well-used runs with subsidiary evidence of badger activity; and
  - Presence of other indications of badger activity such as signs of foraging, snuffle marks and footprints.
- 2.2.9 In addition, any mammal holes which were either dug by badger or could be used by badger (known as setts) were also noted. Sett classification is described as:
- Main – several holes with large spoil heaps and obvious paths emanating from and between sett entrances;
  - Annex – normally less than 150 m from main sett, comprising several holes, may not be in use all the time, even if main sett is very active;
  - Subsidiary – usually at least 50 m from main sett with no obvious paths connecting to other setts;
  - Outlier – little spoil outside holes, no obvious paths connecting to other sets and only used sporadically, may be used by foxes and rabbits; and
  - Day nests – bundles of grass or other vegetation above ground where badgers may sleep during the day, or in some occasions breed.
- 2.2.10 Badger surveys can be carried out at any time of the year. However, the optimum period is between November and March when vegetation has died back and signs can be more easily seen. Information on the legal protection afforded to badger can be found in **Appendix 4**.

### Nesting Birds

- 2.2.11 The habitats within the survey area were evaluated for their suitability to support notable bird species and, in particular, nesting birds. Information on the legal protection afforded to birds can be found in **Appendix 5**.

### Invasive Non-native Species

- 2.2.12 Particularly common, invasive non-native species, such as giant hogweed (*Heracleum mantegazzianum*), Japanese knotweed (*Fallopia japonica*), and Himalayan balsam (*Impatiens glandulifera*) will have been noted, where found.

## 2.3 Limitations to Survey

### Physical Limitations

- 2.3.1 Areas of Croe Water could not be accessed due to the presence of vertical banks and fast flowing water. This is not anticipated to cause a major limitation to the report as these areas were typically outwith the site boundary, and as works will be undertaken by hand, are unlikely to be affected by the planting activities.
- 2.3.2 A 30 m survey area was searched surrounding the site boundary when present within the acquisition area, areas outwith this were not surveyed due to access concerns. This is not assessed as having an impact on the validity of the survey data as the proposed site works are not likely to have an affect on any species outwith the site boundary.

### Seasonal Limitations

- 2.3.3 There are seasonal limitations to all species and habitats surveys. A table of optimal survey periods can be found in **Appendix 6**.



## 3 Results

### 3.1 Desk study

- 3.1.1 A single site of international importance was identified during the desk study within the 2 km search radius which is Glen Etive and Glen Fyne SPA. This designation is located approximately 1.5 km east of the site boundary and qualifies as a SPA for supporting approximately 19 active territories of golden eagle (*Aquila chrysaetos*).
- 3.1.2 In addition, Beinn an Lochain SSSI is located approximately 280 m west of the site boundary and is nationally important for its extensive boulder fields and its upland habitat assemblage. The results of the designated site search can be found in **Appendix 7**.
- 3.1.3 There is no current Argyll and Bute LBAP and as such, the Argyll and Bute Local Biodiversity Action Plan 2010 – 2015 has been consulted and with relevance to the site, two work programmes have been identified within the document, these are; the Freshwater and Wetland Work Programme and the Upland Work Programme. These work programmes incorporate five species of relevance to the site, which are:
- Golden eagle;
  - Red squirrel;
  - Water vole;
  - Otter; and,
  - Wildcat
- 3.1.4 Four protected species<sup>1</sup> were identified within the 2 km search radius of the site during the desk study which include: otter, pine marten, red squirrel and slow worm (*Anguis fragilis*).
- 3.1.5 The full desk study results can be found in **Appendix 7**.

### 3.2 Protected Species Survey

#### Otter

- 3.2.1 The site presents suitable habitat for sheltering otter, particularly in association with the lower regions of Croe Water where rocky banks and exposed tree roots provide good hover and holt locations. Notwithstanding, no direct evidence was recorded to suggest otter regularly utilise the water course for sheltering, foraging or commuting purposes.

#### Pine Marten

- 3.2.2 Suitable habitat to support commuting, foraging and sheltering opportunities for pine marten were identified within the site and immediately adjacent within the coniferous plantation woodland to the south of the site. A number of mustelid (member of the Mustelidae family) scats were identified throughout the site, usually in association with linear features such as woodland edges, water courses and mammal tracks, however these could not be confirmed as pine marten at the time of the survey. No scat piles were recorded within the site which are indicative of pine marten den sites although it should be noted that

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<sup>1</sup> Only data which are licenced for commercial use have been used within this report and therefore species outlined within the results may not be a true representation of species records present within the search radius.

the boulder fields located adjacent to the A83 present excellent den opportunities and may be utilised periodically by these animals.

### Water Vole

- 3.2.3 As the site is used for grazing livestock, much of the site was assessed as having low value to support water vole and suitable habitat was typically restricted to areas associated with tributary burns, however small isolated areas of habitat dominated by soft rush (*Juncus effusus*) and tussock forming grasses were identified throughout site, particularly in association with the valley towards the south of the site. Notwithstanding, no direct evidence of water vole was recorded during the survey, although field vole (*Microtus agrestis*) signs were recorded regularly (**Appendix 1**: Photograph 3).

### Reptiles

- 3.2.4 No reptiles were recorded during the survey visit, however due to the rural nature of the site and suitable habitats, it is highly likely that reptiles will be present within the site boundary, particularly common lizard (*Zootoca vivipara*) and slow worm.

### Badger

- 3.2.5 The site contains suitable commuting and foraging habitats with excellent opportunities for sett creation present amongst the steep hill slopes, water course banks and within the rock formations scattered across the slopes of Beinn Luibhean and Ben Arthur. As such, one currently active sett, likely to be a main sett, was recorded where large spoil heaps with bedding, several fresh latrines and badger hair were identified within the area. Two clusters of sett entrances were recorded within close proximity to each other however these are likely to be part of the same sett.

### Breeding Birds

- 3.2.6 No direct evidence of nesting birds was recorded during the survey although several areas throughout the site were assessed as being suitable for nesting purposes, such as; less intensely grazed grassland habitats, rock formations, the steep banks of Water Croe and adjacent woodland habitats. During the survey visit, both meadow pipit (*Anthus pratensis*) and skylark (*Alauda arvensis*) were regularly encountered and therefore it is likely that both species are currently nesting on site. Meadow pipit is an Amber Listed species (Eaton, 2015) whereas skylark is a Red Listed species and priority UK BAP species.

### Invasive Non-native Species

- 3.2.7 No invasive, non-native plant species were recorded within the site or surrounding survey area.

## 4 Discussion and Recommendations

### 4.1 Discussion

- 4.1.1 All proposed works, including site preparation works, will be undertaken by hand due to the unstable nature of the boulder fields and therefore the proposed tree planting is assessed as creating minimal noise and vibration disturbance (low impact). Given this, it is highly unlikely that the proposed works would have an adverse affect on the integrity of designated sites identified during the desk study.
- 4.1.2 No otter or pine marten shelters were recorded during the survey although several areas were recorded within the site boundary which contain suitability to support such species. As the works are anticipated to have a low impact on site ecology, it is assessed as unlikely that the planting will create disturbance to these species should they be present at the time of the planting activities. The majority of suitable otter resting sites are within the steep cliff areas of Croe Water which are currently already partially wooded and therefore will not be included within the proposed developments. In addition, it is likely that pine marten traverse the site and utilise areas such as the boulder fields for sheltering opportunities, however, these areas are unlikely to be suitable for planting and therefore will not be affected.
- 4.1.3 Although small isolated areas of habitat were identified with suitability to support water vole, no water vole activity was recorded during the survey and areas of suitability were mainly identified in association with water course banks which would likely be unaffected by any planting activities.
- 4.1.4 It has been confirmed that badger are utilising the site due to the presence of a main sett and it is also reasonable to expect that there will be reptile species and breeding birds (particularly ground nesting birds) present within the site due to the rural nature of the site and presence of suitable habitats. Therefore, mitigation and recommendations with regards to these species have been considered below.

### 4.2 Recommendations

#### Further Surveys

- 4.2.1 No further dedicated species surveys are deemed necessary due to the fact that all works will be carried out by hand and therefore will have a minimal impact on local wildlife.
- 4.2.2 The data presented within this report is valid for 12 months and as such, should no works be undertaken before May 2019, additional survey effort may be required to provide current baseline information.

#### Licensing Requirements

- 4.2.3 No derogation licences are anticipated following the completion of the survey and providing all advice outlined below can be adhered to.

#### Avoidance / Retention

- 4.2.4 All planting activities should be undertaken outwith the breeding bird season (March – September) to avoid an impact on ground nesting birds. If this is not possible, it is recommended that a suitably qualified ecologist is employed to undertake a nesting bird check (this would incorporate an extensive hand search) of planting areas no more than 48

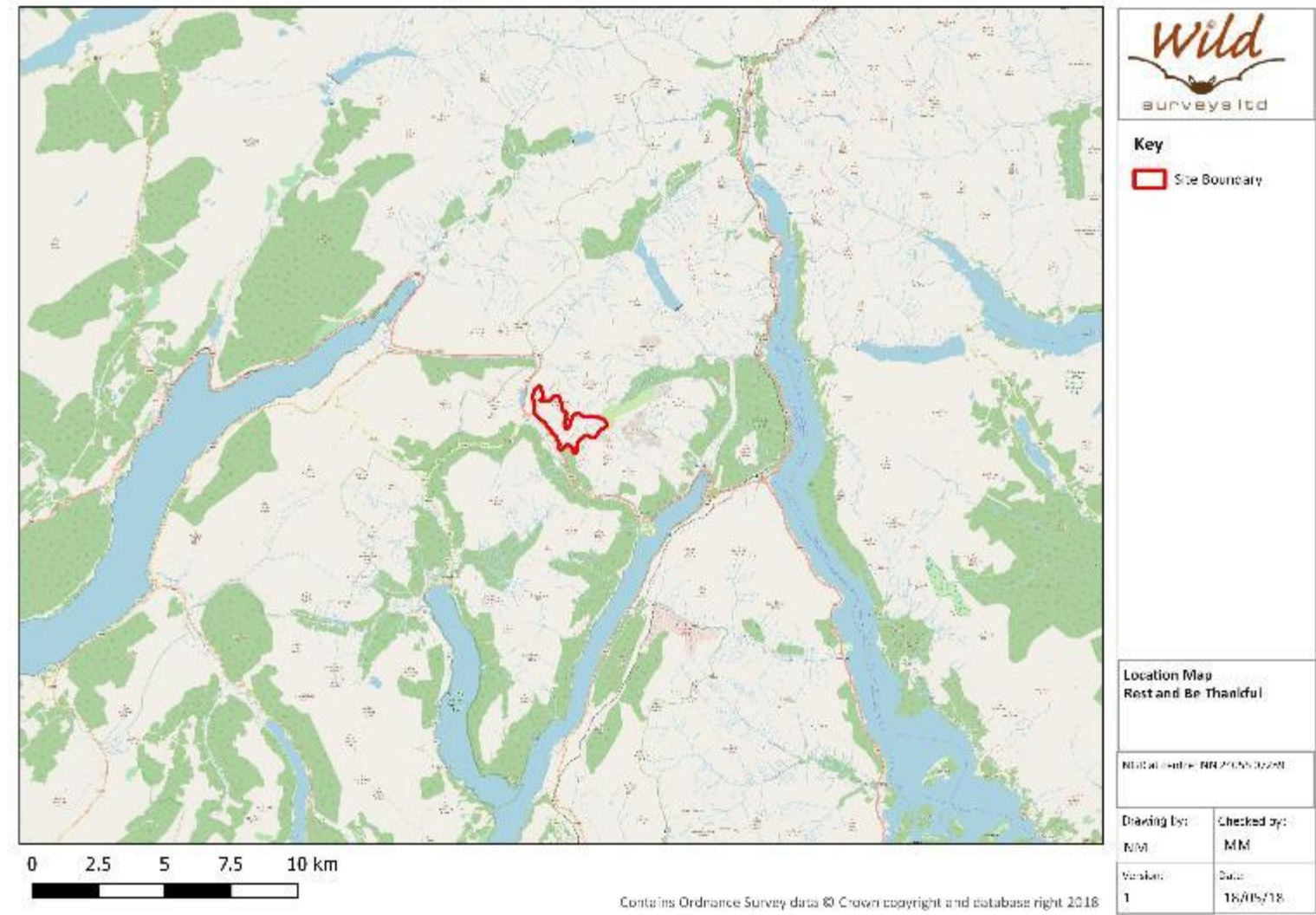
hours prior to works beginning to locate and provide a working buffer around any active nests. These buffers will remain in place until all young have fledged the nest or the ecologist has assessed the nest as no longer in use.

- 4.2.5 As it is likely that reptile species will be present on site, it is recommended that planting areas are checked prior to any ground preparation or tree planting by site operatives, should a reptile be present they should be allowed to escape the area of their own accord. If reptiles are identified in planting areas during cold days, they may be less reactive/mobile and therefore should be carefully translocated by hand (gloved) to another area which will not be disturbed by planting activities. Furthermore, any excavations should be covered or filled at the end of the of each working day to ensure no herpetofauna (reptiles and amphibians) become trapped.
- 4.2.6 It is recommended that a 20 m exclusion buffer (30 m during the badger breeding season; 30 November to 1 July) is placed around the badger sett location to avoid accidental damage or disturbance to the sett and all works occurring in the vicinity of the exclusion area should be undertaken between dawn and dusk to avoid disturbance to foraging activities. If this is not possible, a derogation licence from Scottish Natural Heritage (SNH) may be required prior to the beginning of works.
- 4.2.7 In addition, as the site is regularly utilised by small mammals it is recommended that a small gap is left beneath any deer fencing to allow safe and unrestricted passage through the site (including all water courses) particularly with regards to commuting badger and otter.
- 4.2.8 Should otter or pine marten be identified during site works, all site operatives should move at least 30 m away from the animal as not to disturb it further and the project ecologist should be contacted for further advice prior to beginning works in that area.

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## Appendix 1 – Site Location and Photographs





## Photographs



Photograph 1 – Site overview



Photograph 2 – Mammal foraging signs



Photograph 3 – Field vole latrine



Photograph 4 – Croe Water tributary burn



Photograph 5 – Croe Water



## Appendix 2 – European Protected Species and the Law

Bats, otters, great crested newts, natterjack toad, wildcat, cetaceans, and several other animals are protected under European law, in Annexes II and IV of *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora* (The Habitats Directive 1992). The Habitats Directive is translated into Scots law under the ***Conservation (Natural Habitats, &c.) Regulations 1994*** (as amended in Scotland), often referred to as the Habitats Regulations, with these species being classified as European protected species. Under these regulations it is an offence to:

- **Damage or destroy a breeding site or resting place of such an animal; and to, deliberately or recklessly:**
  - **Capture, injure or kill a wild animal of a European protected species;**
  - **Harass a wild animal or group of wild animals of a European protected species;**
  - **Disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;**
  - **Disturb such an animal while it is rearing or otherwise caring for its young;**
  - **Obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;**
  - **Disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; and,**
  - **Disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.**

There are also several plant, fungi, and lichen species protected under this legislation. EPS animals can potentially return to the same resting site every year; therefore, bat roosts, otter holts, etc. are protected even if there are no animals there all year round. These laws are not designed to prevent work, but to minimize its impact on the long-term survival of EPS. As such, some activities affecting EPS or their places of shelter may need to be done under and in accordance with the terms of a licence issued by the licensing authority, Scottish Natural Heritage. Licences allow certain otherwise illegal actions to be undertaken legitimately. Such activities might include:

- Blocking, filling or installing grilles over old mines or tunnels;
- Building, alteration or maintenance work;
- Getting rid of unwanted bat colonies;
- Tree felling;
- Re-roofing;
- Remedial timber treatment;
- Rewiring or plumbing in roofs;
- Demolition;
- Maintenance or construction of watercourse crossings (e.g. culverts under roads, bridges);
- Vegetation clearance along riparian corridors;
- Any disturbing (e.g. loud or night works) within proximity to watercourses;
- Dewatering or infilling ponds;
- Removal of woodpiles and debris near waterbodies; and,
- Translocation of species.

### **If a licence is required:**

Further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application.

Application forms can be found on the SNH website along with guidance:

<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/forms-and-guidance/>

Please note the need to provide clear justifications as to the purpose of the licence and any alternatives which may have been considered. Supporting information will be required to specifically support an application and depending on the findings of this survey, further survey work may be required, along with a detailed mitigation plan specific to the bat interest on this site and to the works proposed. SNH also

generally require that all other consents, such as planning permission and historic building consent, are in place before a licence will be considered.

A Habitats Regulations licence may be granted by Scottish Natural Heritage if the following three tests are met:

1. That the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2) of the Habitats Regulations. These purposes include, among others:
  - Preserving public health or public safety;
  - Other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; or,
  - Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.
2. That there is no satisfactory alternative; and
3. That the development will not be detrimental to maintenance of the populations of the species at a favourable conservation status.

**If an EPS is found during the period of development:**

The project ecologist (contact details given in Section 5) should be contacted immediately for advice before proceeding with works. Advice from SNH may be required; the project ecologist should be able to determine this.

## Appendix 3 – Wildlife and Countryside Act Species and the Law

Red squirrel, pine marten, water vole, freshwater pearl mussel, as well as some species of fish and other invertebrates protected under national legislation, *the Wildlife and Countryside Act (1981)* (as amended in Scotland) Schedule 5. Several plants are also protected under this piece of legislation under Schedule 8. Species such as pine marten and red squirrel are fully protected, making it an offence to intentionally or recklessly:

- **Kill, injure, or take any wild animal included in Schedule 5;**
- **Damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;**
- **Disturb any such animal while it is occupying a structure or place which it uses for shelter or protection; and**
- **Obstruct access to any structure or place which any such animal uses for shelter or protection.**

The water vole, though in sharp decline in the UK, and is listed on Schedule 5 in respect of section 9(4) only, *i.e.* their habitat is protected but the animals themselves are not, except while they are in their shelters. So while it is not an offence to kill, injure or take a water vole in Scotland, the other offences regarding damage to shelter and disturbance still apply. Although water voles are not currently protected from killing or taking in Scotland, England and Wales gave water vole full protection in April 2008, and they are expected to receive full protection in Scotland in the near future.

### **If a licence is required:**

The recent *Wildlife and Natural Environment (Scotland) Act 2012* provided a new licensing purpose to apply to Schedules 5 and 8 species listed in the Wildlife and Countryside Act. The new purpose is designed to mimic the tests required for EPS species. Therefore, there is still a need to provide clear justifications as to the purpose of the licence and any alternatives which may have been considered. Supporting information will be required to specifically support an application and depending on the findings of this survey, further survey work may be required, along with a detailed mitigation plan specific to the Schedule 5 interest on this site and to the works proposed. SNH also generally require that all other consents, such as planning permission and historic building consent, are in place before a licence will be considered.

The relevant purposes for which a licence can be granted include:

- Preserving public health or public safety;
- Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber, or any other form of property or to fisheries; or
- For any other social, economic or environmental purpose; provided that
  - a. Undertaking the conduct authorized by the licence will give rise to or contribute towards the achievement of, a significant social, economic or environmental benefit; and,
  - b. There is no other satisfactory solution.

Application forms can be found on the SNH website along with guidance:

<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/forms-and-guidance/>

### **If a Schedule 5 species is found during the period of development:**

The project ecologist (contact details given in Section 5.1) should be contacted immediately for advice before proceeding with works. Advice from SNH may be required; the project ecologist should be able to determine this.

## Appendix 4 – Badgers and the Law

Badgers are protected by the *Protection of Badgers Act 1992* (as amended in Scotland).

The purpose of the Act is to protect the animals from deliberate cruelty and from the incidental effect of lawful activities which could cause them harm. Under this legislation it is an offence to deliberately or recklessly:

- Kill, injure, take, possess or cruelly ill-treat a badger or attempt to do so;
- Damaging or destroying it;
- Obstruct access to, or any entrance of, a badger sett; and,
- Disturb a badger whilst it is occupying a sett.

### **If a licence is required:**

Application forms can be found on the SNH website along with guidance:

<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/badgers-and-licensing/dev/>.

Please note supporting information will be required to specifically support an application and depending on the findings of this survey, further survey work may be required, along with a detailed mitigation plan specific to the badger interest on this site and to the works proposed. SNH also generally require that planning permission is in place before a licence will be considered.

### **If a badger is found during the period of development:**

The project ecologist (contact details given in Section 5.1) should be contacted immediately for advice before proceeding with works. Advice from SNH may be required; the project ecologist should be able to determine this.

## Appendix 5 – Birds and the Law

All species of wild bird and their nests are also protected under the *Wildlife and Countryside Act 1981* (as amended in Scotland), which makes it illegal to deliberately or recklessly:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built;
- At any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;
- Obstructs or prevents any wild bird from using its nest; and,
- take or destroy an egg of any wild bird

There are also further offences for birds listed on Schedule 1 of the Act which includes deliberately or recklessly:

- **Disturbing any wild Schedule 1 bird while it is building a nest or is in, on or near a nest containing eggs or young; and,**
- **Disturbing dependent young of such a bird.**

**You should note that there is no licensable purpose of development for birds.**

Should there be a risk of one of the above offences it is strongly advised that works are either micro-sited to avoid the nests or timed to avoid the nesting season (1 March to 31 August), depending on the species and type of work.

### **If live nests are found:**

The project ecologist (contact details given in Section 5.1) should be contacted immediately for advice before proceeding with works. Advice from SNH may be required; the project ecologist should be able to determine this.

## Appendix 6 – Guidance on Optimal Survey Periods

Protected Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Habitats & Vegetation	Recommended time to surveys mosses and lichens only			Recommended time to undertake Phase 1 habitat surveys						Recommended time to surveys mosses and lichens only			
Badgers	Best time for field surveys				Surveys possible, but sub-optimal						Best time for field surveys		
Bats	Inspection of hibernation, tree and building roosts			Activity surveys only; invasive surveys to be avoided	Activity surveys and inspection of building roosts. Emergence counts.					Activity surveys only; invasive surveys to be avoided	Inspection of hibernation, tree and building roosts		
Birds	Winter birds		Breeding birds/migrant species			Breeding birds		Breeding birds/migrant species			Winter birds		
Otters	Year-round surveying, though wet weather can limit visibility.			Surveys for otters can potentially be conducted all year round, preferably when weather condition are stable, though dense vegetation cover can be limiting							Year-round surveying, though wet weather can limit visibility.		
Pine Martens	Surveys can be carried out at any time of year, though better in spring and summer		Survey for breeding dens			Optimal survey period is spring to summer			Surveys can be carried out at any time of year, though better in spring and summer				
Red Squirrels	Survey at any time of year, breeding females			Survey at any time of year weather permitting, optimal in spring and summer. Breeding females can be surveyed December to September								Survey at any time of year	Breeding females
Water Voles	Reduced WV activity	Initial surveys	Best time to survey				Surveys possible, but vegetation cover & weather conditions can be limiting				Initial surveys	Reduced WV activity	
Great Crested Newt	No surveys as newts in hibernation		Pond Surveys for adults: mid-March to mid-June. Surveys must include visits undertaken between mid-April and mid-May. Egg surveys April to mid-June. Larvae surveys from mid-May Terrestrial habitat surveys				Larvae surveys to mid-August Terrestrial habitat surveys		Terrestrial habitat surveys		No Surveys – newts in hibernation		

## Appendix 7 - Desk Study Search Results

<b>Location</b>	Rest & Be Thankful FCS	<b>Grid Squares</b>	NN 20	<b>Date of Search</b>	16/05/18
<b>Wild Surveys Data Bat Species</b>	<b>No of Records within 2 km</b>	<b>Approximate distance in km</b>	<b>Site name/Grid Ref</b>	<b>Date</b>	
None Held					
<b>Wild Surveys Data Protected Species</b>	<b>No of Records within 2 km</b>	<b>Approximate distance in km</b>	<b>Site name/Grid Ref</b>	<b>Date</b>	
None Held					
<b>NBN Bat Species Data</b>	<b>No of Records within 2 km</b>	<b>Approximate distance in km</b>	<b>Site name/Grid Ref</b>	<b>Date</b>	<b>Data License</b>
None Available					
<b>NBN Protected Species Data</b>	<b>No of Records within 2 km</b>	<b>Approximate distance in km</b>	<b>Site name/Grid Ref</b>	<b>Date</b>	<b>Data License</b>
Otter	1	1.8	NN 2309	1991	OGL
Pine marten	1	1.6	NN 2307	2014	CC - BY
Red squirrel	4	0.9	NN 2407	1997	CC - BY
Slow-worm	1	0.1	NN 20	1985	CC - BY
<b>Argyll and Bute Local Biodiversity Action Plan 2010 - 2015</b>					
<b>Bat Species know to occur within the area.</b> <ul style="list-style-type: none"> <li>The bat species known to occur in this area are brown long-eared bat, soprano pipistrelle bat and noctule bat.</li> </ul> <b>Habitat Programmes with relevance to the site</b> <ul style="list-style-type: none"> <li>Freshwater and Wetland Work Programme; and,</li> <li>Upland Work Programme.</li> </ul> <b>Species selected for action</b> <ul style="list-style-type: none"> <li>Golden eagle;</li> <li>Red squirrel;</li> <li>Water vole;</li> <li>Otter; and,</li> <li>Wildcat</li> </ul>					
<b>Designated Site Search- Statutory, Non -statutory and Local Nature Reserves within 2 km</b>					
<b>Site name</b>	<b>Designation</b>	<b>Features</b>	<b>Distance</b>		
Beinn an Lochain	SSSI	Supports an extensive boulder field	280 m W		
Glen Etive and Glen Fyne	SPA	Golden eagle ( <i>Aquila chrysaetos</i> )	1.5 km E		



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