

# **Bhlaraidh Wind Farm Extension Section 36C Variation**

## **Technical Appendix 3.6h: Species Protection Plan**

Scottish Government - Energy Consents Unit - Application  
Details



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## Bhlaraidh Wind Farm Extension

Species Protection Plan

18 November 2022

1298046/B

SSE Renewables

## Document history

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# 1. Introduction

Natural Power Consultants Ltd (Natural Power) has been commissioned by SSE Renewables UK Ltd (SSE) to prepare a Species Protection Plan (SPP) for Bhlaraidh Wind Farm Extension to address Planning Condition 13, which states that the following is required:

*(m) Species specific surveys and Protection Plans carried out at an appropriate time of year for the species concerned, by a suitably qualified person. The surveys shall cover black grouse, Slavonian grebe, golden eagle, greenshank, golden plover, black and red divers, otter, water vole and bats. The survey results and any mitigation measures required for these species on site shall be set out in a species mitigation and management plan, which shall inform construction activities.*

This document will focus on otter, water vole, bats and other protected mammals, with black grouse, Slavonian grebe, golden eagle, greenshank, golden plover and black-throated and red-throated divers being covered separately in the Breeding Bird Protection Plan (Natural Power, 2022)<sup>1</sup>.

This document describes the specific mitigation measures required to comply with relevant legislation, and to satisfy commitments made in respect of protected species in the Environmental Impact Assessment (EIA). The ecological impact of the development and proposed mitigation measures are described within the Bhlaraidh Wind Farm Extension EIA (SSE, 2021)<sup>2</sup>. This SPP provides background on the site and protected species interests, outlines the role of the Environmental Clerk of Works (ECoW) and describes the methodology to be employed for conducting surveys during construction.

For the rest of this report Bhlaraidh Wind Farm Extension will be referred to as “the Development”.

## 1.1. Site description and location

The development is located approximately 4 km west of Invermoriston in the Scottish Highlands and is located adjacent to the operational 32 turbine Bhlaraidh Wind Farm. The extension will consist of 15 wind turbines, with a combined installed capacity of 84 MW, erected in pre-defined locations together with associated electrical and civil infrastructure.

The development is located west of Loch Ness and the Great Glen and is comprised of open moorland featuring several rocky outcrops, small hills, many lochs, lochans, watercourses and areas of bog.

## 1.2. Protected species

Habitat surveys (Phase 1 and NVC) undertaken to inform the EIA<sup>2</sup> identified that the development is comprised mostly of open bog and wet heath habitats. These are generally unsuitable for most protected mammal species (with the exception of water vole) with a distinct lack of cover/dry stable ground present. The rest of the development consists of heathland with small pockets of marshy grassland/grassland. This marshy grassland is mainly focused along the numerous watercourses found within the development. Within the site there is evidence of potential water vole habitat and otter foraging areas. Coniferous plantation is present adjacent to the site boundary to the south and west; no signs of pine marten, badger wildcat or red squirrel were found during baseline surveys for the Development. During surveys for the EIA, species found within the Development were otter, water vole, a number of bat species, brown trout and three-spined stickleback, common lizard, common frog and palmate newt.

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<sup>1</sup> Natural Power (2022). Bhlaraidh Wind Farm Extension Breeding Bird Protection Plan. Document reference: 1295907.

<sup>2</sup> SSE (2021). Bhlaraidh Wind Farm Extension EIAR – Volume I: Written Text, Chapter 5: Ecology.

Natural Power has developed the following SPPs for the protected species that were encountered during the surveys for the EIA and which may be affected by construction activities:

- Otter (Section 3.1);
- Water vole (Section 3.2);
- Reptiles and amphibians (Section 3.3);
- Brown trout (Section 3.4); and

Further details on the SPPs and specific mitigation requirements are provided in the following sections, with pertinent legislation provided in Appendix B.

A suite of protected mammal surveys was undertaken in 2019 and 2020 for the EIA<sup>2</sup>. Based on these it was concluded that pine marten and red squirrel were unlikely to use the site or be disturbed by construction works due to a lack of established forest within the site boundary and further than 250 m from any construction infrastructure. While bats were recorded foraging within the site, there were no roosting sites identified and it is therefore unlikely that bats will be affected by construction activities. Bats are also unlikely to be affected due to no felling works being planned and the majority of the small number of trees within the development being young, planted trees. The mainly wet open moorland habitat found within the development area also provides poor habitat for badgers. Therefore, no specific mitigation measures are provided for these species.

### 1.3. Pre-commencement surveys

A pre-construction ecological survey for legally protected species must be carried out at an appropriate time of year. Surveys are scheduled to be conducted in spring 2023 prior to commencement of construction. This will identify any likely protected species that were not present during previous surveys that have started using the habitats of the Development. Survey methods and timeframes can be found in Section 3.

## 2. Mitigation

### 2.1. Ecological Clerk of Works (ECoW)

An ECoW will be employed throughout the duration of enabling and construction works as specified in Bhlaraidh Wind Farm Extension Planning Condition 12. The ECoW will monitor compliance with environmental mitigation, advise on environmental protection measures and provide training so that work is carried out in accordance with environmental protection requirements. The ECoW will assist in the implementation of the SPP for Bhlaraidh Wind Farm Extension and will:

- Conduct protected species checks in advance of works in the areas where construction is scheduled to proceed within two weeks;
- Communicate the results of these checks immediately following the survey to the Balance of Plant (BoP) contractor and include results in the weekly ECoW log;
- Establish and monitor appropriate exclusion zones as necessary for any protected species;
- Contact NatureScot to discuss specific mitigation measures as required. In such instances the ECoW will initially provide a written mitigation proposal (an e-mail will be sufficient) for consideration. All other suitable courses of action will be considered before any application is made to NatureScot for a licence;
- Provide Toolbox talks to all appropriate staff to make them aware of potential protected species and any related legal obligations;
- Conduct training of nominated personnel with respect to the procedures to be adopted on site to minimise the potential for impact on protected species as a result of construction work;

- Communicate any breaches of the SPP to SSE construction project management team and the BoP contractor immediately; and
- If works are causing environmental risk or there is potential for it to occur the ECoW may request works to cease until appropriate measures are taken to mitigate these and the ECoW is satisfied. Such requests will be communicated immediately to the SSE construction project management team.

Figure 2.1 below shows the general mitigation hierarchy to be followed by the ECoW.

Source: Natural Power 2019

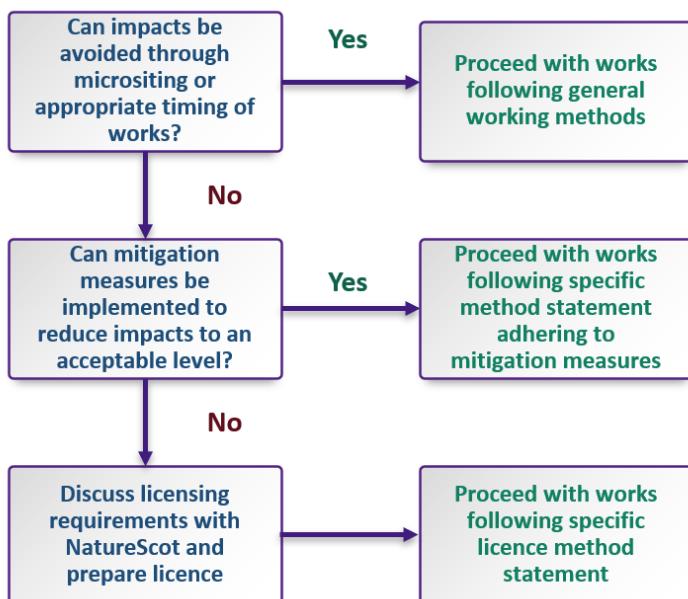


Figure 2.1: Mitigation Hierarchy

## 2.2. General Mitigation

To minimise the potential for negative impacts of construction on the species and habitats present at the Development, the following general measures will be followed:

- All works will be overseen by an Ecological Clerk of Works (ECoW).
- All works will comply with the requirements of the Construction Environmental Management Plan (CEMP; SSE 2021)<sup>3</sup>, including details of ecological constraints and standard pollution prevention guidelines to ensure no water or air borne pollutants will reach ecological features, such as the Allt Saigh, Allt Bhlaraidh or River Moriston or their tributaries.
- Appropriate pollution response spill kits and silt mitigation measures installed at watercourse crossing locations. As a minimum, these will follow SEPA Guidelines for Water Pollution Prevention from Civil Engineering Contracts (SEPA, 2006a) and Special Requirements (SEPA, 2006b).
- The risk of pollution from surface run-off to watercourses and aquatic habitats will be avoided by ensuring that run-off control measures, such as interceptor drains and silt traps to assist in maintaining water quality, are in place. Additionally, interceptor drains will be used to control the flow of any run-off from construction or operational activities.

<sup>3</sup> SSE (2021). Bhlaraidh Wind Farm Extension CEMP.eiar-volume4-appendix-2-1-outline-cemp

- Provision of a slope at one end of, or mammal ramps at, excavations that remain uncovered overnight, where there would be the potential for mammals to become trapped. This will prevent otter, water vole and other species from becoming trapped.
- Any temporarily exposed open pipe system shall be capped in such a way as to prevent animals gaining access, which is a particular risk when contractors are off site;
- All pipes will be capped, and fuel/oils and chemicals stored securely.
- Watercourse crossings will be designed to allow continued mammal movement along the watercourses and minimise riparian habitat loss.
- All appropriate staff and contractors will be briefed through a Toolbox talk by the ECoW on the potential presence of any protected species, the potential for offences to occur, and the working methods to follow;
- Excavation and reinstatement works will take place using the minimum number of vehicles and personnel possible;
- Access to important feeding and watering sites shall be maintained, e.g. construction materials or fencing shall not obstruct existing mammal trails as far as reasonably practicable;
- Equipment and materials, including chemical storage, will be stored securely to prevent animals from gaining access;
- Where security lighting is employed, this will be directed away from any areas of scrub, woodland or watercourses;
- Best practice mitigation measures, including pollution prevention and control, will be implemented to ensure protection of habitats;
- In keeping with best working practices during construction, speed limits along the access road will be restricted to 15 mph to reduce the risk of accidental collisions of works traffic with animals;
- No fires will be permitted as part of the works; and
- Reduction of litter and anthropogenic foods which may attract brown rats (which compete with water voles for food and habitat) will be carried out at the start and end of works, along with removal of all construction related materials periodically through the contract period.

### 3. Species Protection Plans (SPPs)

Some species are protected by law, and it is therefore particularly important that all legislative requirements are met and mitigation measures agreed by all contractors. SPPs have been developed for the sensitive/protected species that may be encountered. The SPPs have been collated using information from the EIA<sup>2</sup>, good practice and statutory authority guidance.

The following sections describe the methodology to be used to identify the presence of protected species that could be affected by the works<sup>4,5</sup> and the working methods required to comply with relevant legislation and best practice. There are no SPPs for pine marten, red squirrel, badger, wildcat or bat species due to the lack of suitable habitat for these species within the Development. If an individual of any of these species is located the ECoW will be contacted to provide further advice and determine the most appropriate course of action

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<sup>4</sup> Sargent, G., Morris, P. and Troughton, G. (2003). How to Find and Identify Mammals, 3rd Edition. The Mammal Society, Southampton.

<sup>5</sup> Bang, P. & Dahlstrøm, P. (2001). Animal Tracks and Signs. Oxford University Press, Oxford.

### 3.1. Otter

Surveys in 2019 and 2020 as described within the EIA<sup>2</sup> found that the site offers relatively few features suitable for use as an otter holt, with the banks of watercourses lacking any substantial tree cover. However, several watercourses, lochs and lochans occur in the field study area, including the Allt Saigh, Loch nam Brathain and Loch Liath which were assessed as having suitable habitat for otter foraging. A single otter spraint was recorded at the dam on the Allt Saigh.

A pre-works survey for otter will be undertaken within 250 m of any infrastructure and/or planned activities prior to commencement of construction.

#### 3.1.1. Mitigation

Mitigation will follow the methods outlined below, and in the flow diagram in Figure 3.1.

Source: Natural Power 2020

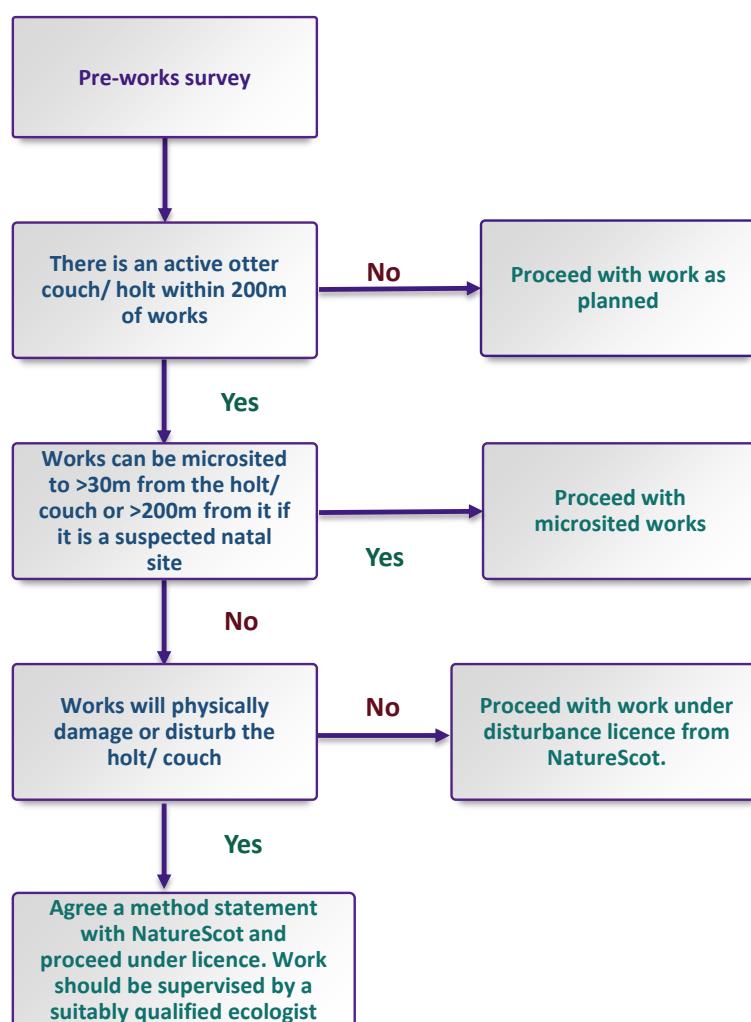


Figure 3.1 Otter mitigation diagram

### 3.1.2. Survey methods

Updated surveys for otter will be undertaken by the ECoW, using established methodology<sup>6</sup>, throughout the construction process when construction activities are planned within 200 m of suitable otter habitat. If found, resting places will be monitored for any signs of breeding.

All watercourses and the edge of any water bodies will be checked for evidence of otter. Suitable structures encountered during other mammal surveys and walkovers will be investigated.

### 3.1.3. General working methods

If any shelters are discovered that may be affected by the Development, then works will have to comply with the relevant legislation (laid out in Appendix B). Work within 30 m of an active non-breeding shelter is regarded as likely to cause otter disturbance; however, works generating high noise/vibration levels (such as pile driving or blasting) can cause disturbance to non-breeding sites up to 100 m. Any work within 200 m of a breeding otter shelter shall be regarded as capable of causing disturbance.

The following working methods and constraints shall be imposed in order to avoid harm or disturbance to otters:

- All works close to watercourses and waterbodies must follow good practice measures outlined in the Guidance for Pollution Prevention (GPP5)<sup>7</sup>: Works and maintenance in or near water;
- Where possible, watercourse crossings would be suitably designed to allow continued otter movement along watercourses and would minimise riparian habitat loss. This would also reduce the risk of mammals crossing tracks and being involved in vehicle collisions;
- Works within 30 m of a watercourse or waterbody showing regular use by otters will be undertaken within daylight hours if possible. If this is not possible, lighting must be directed away from watercourses;
- To help maintain the value of watercourses present on site, all construction related materials will be removed periodically through the contract period (where appropriate) and on completion of works;
- Be aware that otter may shelter in stacked pipes or beneath pallets. These features shall be inspected daily before the start of works and any temporarily exposed pipe system shall be capped when staff are off site; and
- If otters are unexpectedly found during works, all works within 200 m will cease immediately and the ECoW will be contacted to provide further advice and determine the most appropriate course of action. Sightings shall be recorded in a site diary and include sightings outside of the site boundary.

### 3.1.4. Otter working methods

If any otter holts/couches are identified during surveys, the first and preferred option will be avoidance by adopting the following methods:

- All works will maintain a 30/100/200 m buffer along the watercourse dependent on the type of shelter and works involved as defined above. This zone will be demarcated by marker tape or similar and no machinery or chemical storage will be permitted within this zone;
- Zones must be maintained until works are completed; and
- Depending on the works proposed, ECoW supervision may be required throughout works proposed within the vicinity of active holts.

Should works encroach to within 200 m of an active breeding site, a licence will be required from NatureScot in advance of the works start date. Should works encroach to within 30 m (100 m where noise/vibration works are

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<sup>6</sup> Chanin, P. (2003a). Ecology of the European Otter. Conserving Natura 2000 Rivers Ecology Series No. 10. English Nature, Peterborough.

<sup>7</sup> SEPA (2018). Guidance for pollution prevention. Works and maintenance in or near water. GPP5.

involved) of an active place of shelter then NatureScot will be contacted, and a licence may be required. A licence will also be necessary should the holt require to be destroyed as part of the proposed works (this method shall only be undertaken as a last resort). It is recommended that applications shall be made a minimum of 40 days prior to any works commencing to allow time for processing by NatureScot.

## 3.2. Water Vole

Surveys for water vole were undertaken in 2019 and 2020 for the site to inform the EIA<sup>2</sup>. Water vole burrows were recorded on the majority of the watercourses in the field study area, including the Allt Saigh and watercourses flowing to or from lochs and lochans, such as Loch nam Brathain, Loch Liath and Loch Carn Tarsuinn (Figure 1, Appendix A). A pre-works survey will be undertaken as described in Section 1.3. In the event that water vole populations have changed since the last survey, mitigation methods are provided below.

### 3.2.1. Mitigation

Mitigation will follow the methods outlined below, and in the flow diagram in Figure 3.2.

### 3.2.2. Survey methods

Surveys for water vole will be undertaken by the ECoW throughout the construction process, prior to any works taking place within 30 m of a watercourse or other suitable habitat<sup>8</sup>. If water voles are active in the area, then works that may impact water vole habitat should either be avoided or micro-sited to more than 10 m away from water vole colonies. If this is not possible then mitigation will need to be implemented as described below before works commence.

Surveys should be undertaken during the water vole breeding season between April – September. Surveys will include a systematic fingertip search of accessible stream banks with a risk of supporting water vole, including a 2 m margin on the bank top. The surveyor will work from within the watercourse where possible. However, where the water level and/or depth of silt in a watercourse is too deep to wade through safely, the survey will be conducted from both bank tops aided by using binoculars. Where continuous access to the bank cannot be achieved (due to very dense vegetation), a point survey methodology will be adopted, whereby the surveyor will push through vegetation to inspect the banks at 2 m intervals.

Water vole droppings and latrines are distinctive, and as such are reliable indicators of water vole presence. In contrast, feeding remains can be confused with field signs left by other mammal species associated with bank side habitats (such as rats or bank voles) and former water vole burrows may become colonised by rats or other vole species. Only droppings and latrines or sightings of individuals can therefore reliably be counted upon to determine the presence of water voles at a site.

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<sup>8</sup> 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.

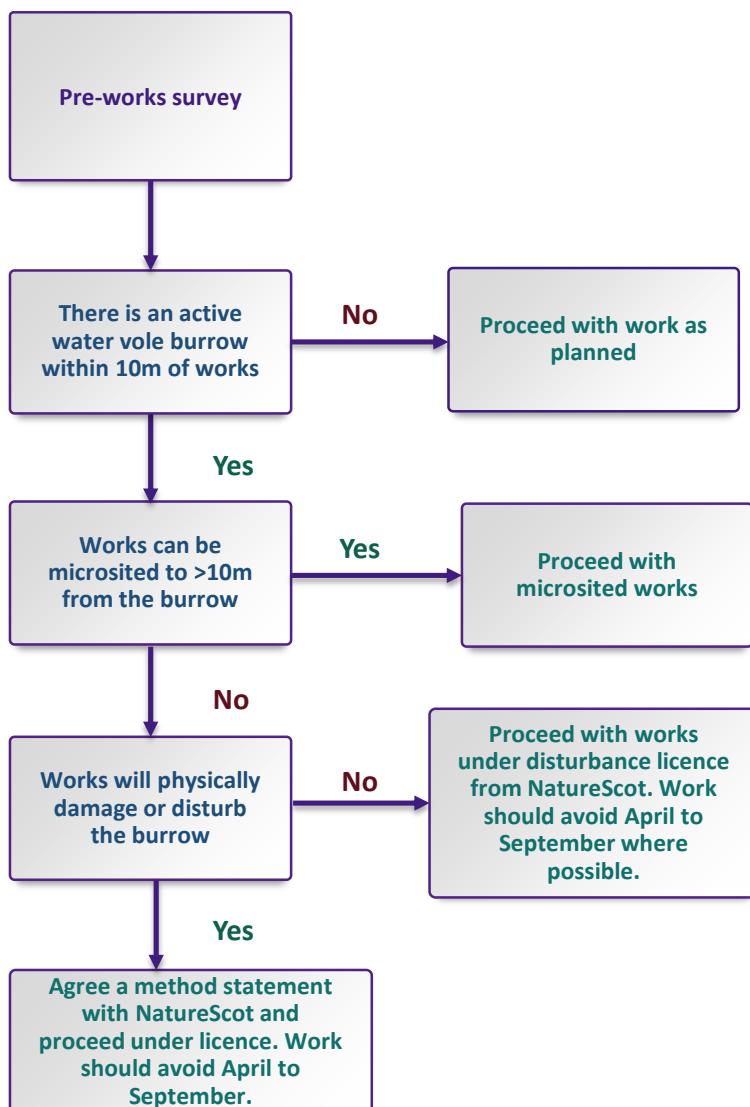


Figure 3.2 Water vole mitigation diagram

### 3.2.3. General working methods

All shelters (i.e. burrows) are legally protected, as laid out in Appendix B. The following working methods and constraints will be imposed in order to avoid harm or disturbance to water voles:

- All works close to watercourses and waterbodies must follow good practice measures outlined in Pollution Prevention Guidelines (PPG5)<sup>7</sup>: Works and maintenance in or near water.
- Where possible, watercourse crossings would be suitably designed to allow continued water vole movement along watercourses and would minimise riparian habitat loss. This would also reduce the risk of mammals crossing tracks and being involved in vehicle collisions.
- Any bank restoration will use topsoil rather than clay or sub soils, which prevent burrowing;
- Where reseeding or enhancement planting is required alongside watercourses, species planting lists should include a range of species which are suitable food sources for water vole including, where appropriate, woody species such as willow; and

- Should any water voles or signs of their presence be unexpectedly found during construction work, all works within 10 m will cease and the ECoW will be contacted. Works will not resume until exclusion zones have been demarcated and the ECoW has indicated that works can recommence without harm to water voles.

### 3.2.4. Water vole working methods

All structures used as places of shelter for water voles are protected, and it is essential that any shelters that may be affected by a development are identified both to protect the animals themselves and to comply with the relevant legislation.

Should water voles be identified following survey, the first and preferred option would be avoidance of their preferred habitat by adopting the following methods:

- Works should maintain a 10 m exclusion zone along the watercourse containing water vole burrows. This zone will be demarcated by marker tape or similar and no machinery, chemical storage or fires will be permitted within this zone; and
- Zones must be maintained until works are completed.

If the maintenance of the 10 m buffer is not possible, then a license from NatureScot should be sought.

## 3.3. Reptiles and amphibians

As was stated in the Bhlaraidh Wind Farm Extension EIA<sup>2</sup> the surveys stated that common lizards were recorded throughout the field study area, although no hibernacula were identified. Common frog tadpoles were recorded in the outflow of an unnamed lochan, a small burn draining into Loch a Chrathaich and near the outflow of Loch nam Brathain and a single palmate newt was recorded in a small burn draining into Loch a Chrathaich. The habitat on site was not suitable for great crested newt and they are not known to occur in this area.

### 3.3.1. Mitigation

Mitigation will follow the methods outlined below, and the flow diagram in Figure 3.3.

### 3.3.2. Survey methods

Although a walkover survey may be able to identify potential hibernacula, it is not proposed to undertake specific presence/absence surveys for reptiles and amphibians, but rather to assume presence of these species and therefore ensure appropriate working methods are in place when working in suitable habitat for them.

The ECoW will carry out surveys prior to construction, following recommended guidance<sup>9</sup>, to identify risk areas and inform mitigation techniques where appropriate. Habitats in which reptiles are likely to be found include:

- Areas of coarse grassland;
- Dry stone walls and boulders;
- Woodland edges;
- Areas of bracken, particularly areas of scattered bracken and grassland;
- Marshy grassland;
- Heather moorland; and
- Rubble piles/rocky outcrops and quarries.

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<sup>9</sup> Joint Nature Conservation Committee (JNCC) (2004). Common Standards Monitoring Guidance for Reptiles and Amphibians, Version February 2004. JNCC, Peterborough.

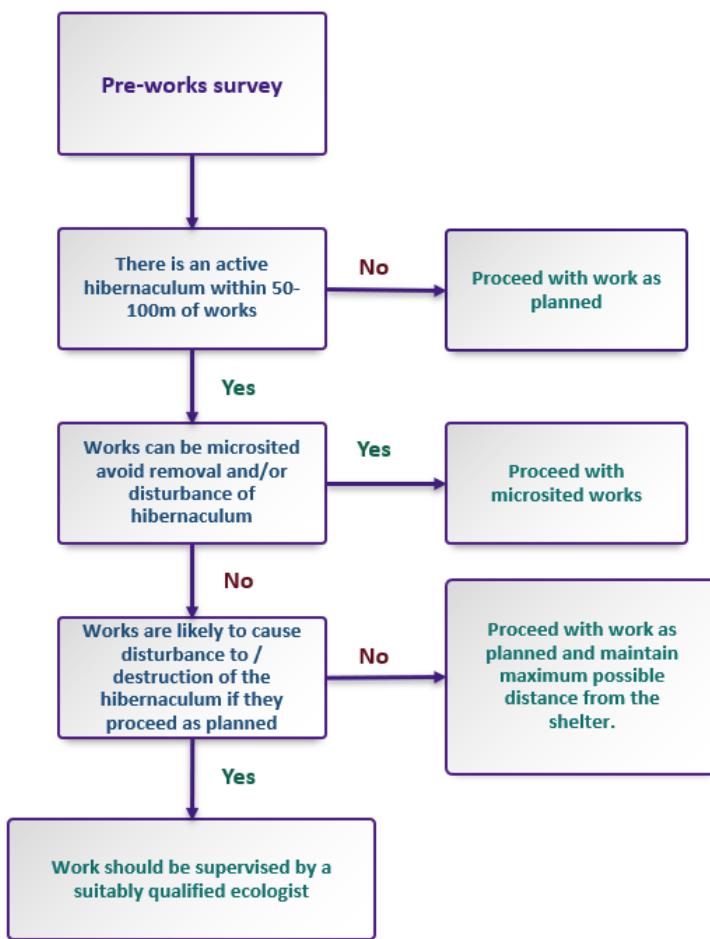


Figure 3.3 Reptile mitigation flow diagram

Prior to construction in these areas, the ECoW will be responsible for assessing habitats of value to reptiles as either low, medium, or high to determine the likelihood of reptiles being present. These categories are defined as:

- Low – vegetation short (less than ~15 cm), non-tussocky and bare ground. No suitable basking areas;
- Medium – vegetation greater than ~15 cm, tussocky vegetation and conifer blocks. Some suitable basking areas; and
- High – confirmed or high potential for hibernacula/refugia. South facing slopes with multiple basking areas and adjacent long vegetation for cover

### 3.3.3. General methods

Reptiles and amphibians are legally protected from harm as laid out in Appendix B.

Where possible, areas of habitat with high value for reptiles will be avoided through micro-siting. Where this is not possible the following measures will be implemented:

- During the active period (March - October), a survey of suitable habitat where amphibians or reptiles may be found should be undertaken by a suitably qualified ecologist. Any amphibians or reptiles discovered during construction will be moved by the ECoW to suitable areas outwith the construction area.
- During the hibernation period (November - February), areas of high hibernation potential will be identified by the ECoW and, depending on the level of works proposed, the ECoW will put an appropriate exclusion zone in place;

- Where vegetation clearance is required as part of construction, high value vegetation will be cleared progressively using hand tools to provide animals with an opportunity to move out of the area. Areas of tall grassland will be strimmed, and scrub cut down to ground level and removed. Following vegetation clearance, the area will be left for three days to allow any animals to move out of the area before any excavation commences. The ECoW will check the high-risk areas immediately before vegetation clearance commences;
- If any reptiles or amphibians are found at any time during the works, works will stop in that area immediately and the ECoW will be contacted. If animals are likely to be harmed without immediate action, they will be carefully placed in a cool, humid and shaded receptacle and released into suitable habitat outwith the construction area in a location that will not be disturbed in the future; and
- The use of insecticides/herbicides in areas where reptile or amphibians may be present shall be avoided.

## 3.4. Brown trout

The fish habitat survey identified the largest expanse of good quality habitat in the Allt Saigh, with good quality habitat also present in the outflow from Lochan an Ruighe Dhuibh. Variable habitat quality is present in the outflow from Loch Liath, with poor habitat quality present in the other watercourses surveyed. Within the surveys undertaken to inform the EIA<sup>2</sup> brown trout population density was found to be generally good across the field study area. A single three-spined stickleback was recorded. Brown trout and three-spined stickleback are likely to be the only native fish species present in the field study area, with common minnow likely introduced by anglers.

### 3.4.1. Mitigation

Source: Natural Power 2022

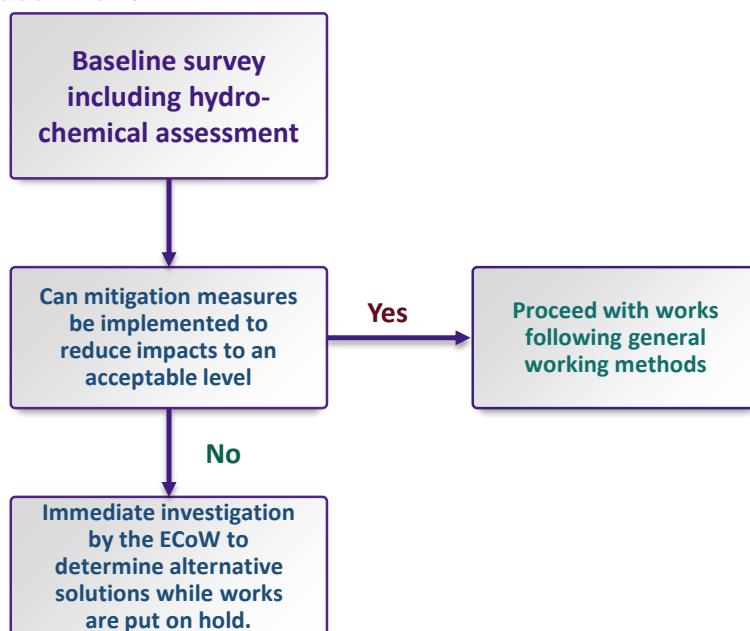


Figure 3.4 Hydrology mitigation flow diagram

### 3.4.2. Survey methods

Works will comply with measures as outlined in the Water Quality and Fish Monitoring Plan (Natural Power, 2022)<sup>10</sup>. Any issues will be investigated by the ECoW.

<sup>10</sup> Natural Power (2022) Bhlaraidh Wind Farm Extension Water Quality Monitoring Plan. Document reference: 1291115.

### 3.4.3. General methods

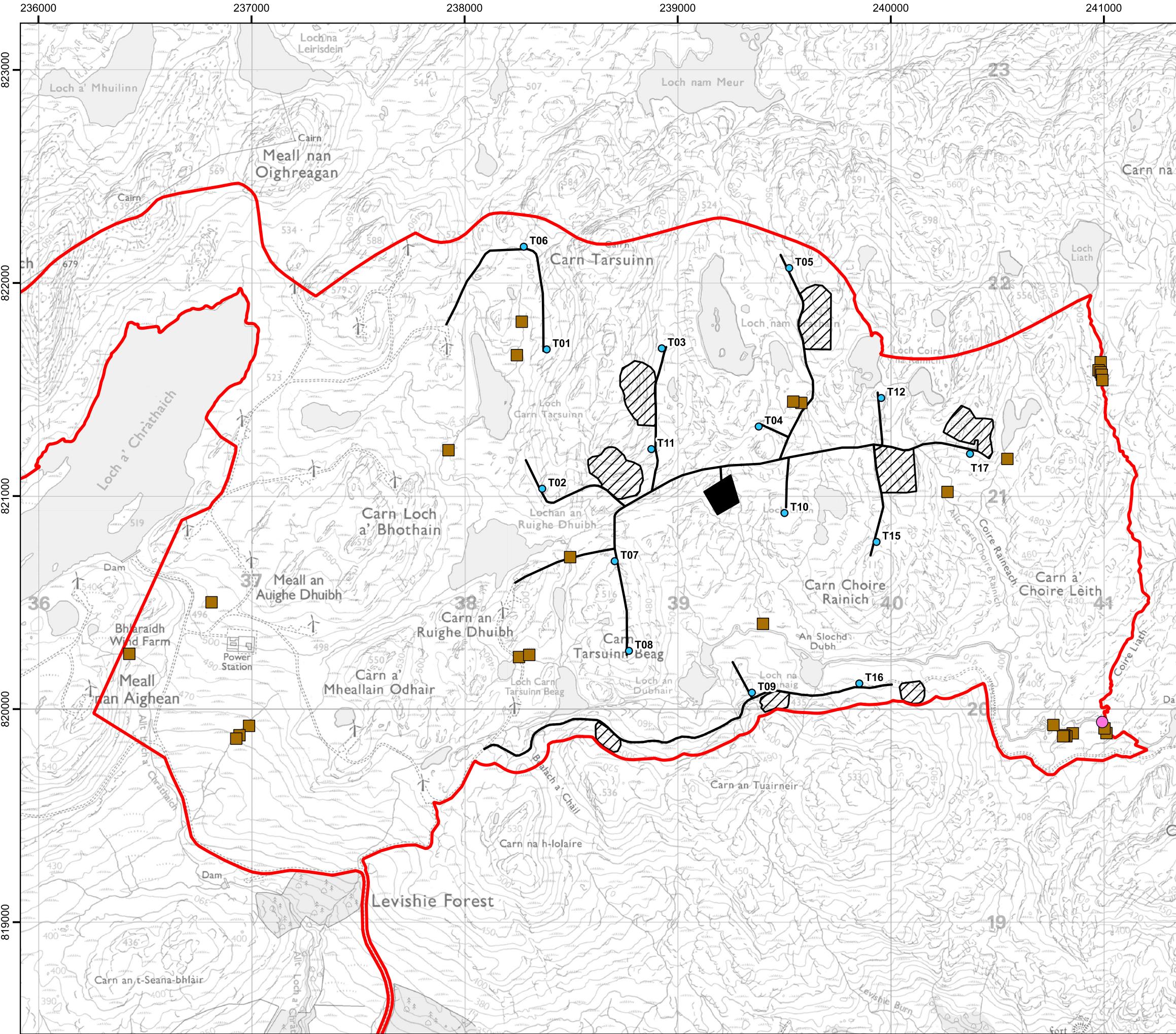
Micrositing of infrastructure and/or the configuration of the construction working areas within the Development will seek to avoid watercourses and ensure good water quality wherever possible. This along with will include, but will not be limited to:

- Maximising the distance of infrastructure and the associated construction working areas from watercourses;
- All works close to watercourses and waterbodies must follow good practice measures outlined in the Guidance for Pollution Prevention (GPP5)<sup>7</sup>: Works and maintenance in or near water;
- Ditches will follow the natural flow of the ground with a generally constant depth to ditch invert. They will have shallow longitudinal gradients, where possible. Regular check-dams will be used where necessary to control the rate of run-off.
- Any refuelling shall be undertaken at least 50 m away from watercourses with fuels stored in tanks fit for use with secondary containment;
- Hydrological connectivity of watercourses should be maintained at all times;
- Ensure all operators know the contingency plan for dealing with accidental spillages with spill kits in all vehicles; and
- A minimal amount of silt leaves the development with extensive use of silt mitigation being utilized.

# Appendices

## A. Figures

Figure 1: Protected mammals signs 2019 - 2020



<p>Project: <b>Bhlaraidh Wind Farm Extension, Highland</b></p> <p>Title: <b>Protected Mammals Signs 2019 and 2020 from EIA Surveys</b></p> <p><b>Key</b></p> <ul style="list-style-type: none"> <li>Site boundary</li> <li>Proposed turbine</li> <li>Proposed wind farm infrastructure</li> <li>Borrow pit search area</li> </ul> <p><b>Protected mammal signs</b></p> <ul style="list-style-type: none"> <li>Water vole burrow</li> <li>Otter spraint</li> </ul>	
<p>© Crown Copyright 2022. All rights reserved. Ordnance Survey Licence 0100031673.</p>	
<p>Scale @ A3: 1:18,000 Coordinate System: British National Grid</p>	
<p>0 0.25 0.5 0.75 1 km</p>	
<p>Date: 07-11-22   Prepared by: LG   Checked by: MH</p>	
<p>Ref: GB204104_M_006_A   Layout: Phase2_15t_A</p>	
<p><b>Drawing by:</b> The Natural Power Consultants Limited The Green House Forrest Estate, Dalry Castle Douglas, DG7 3XS, UK Tel: +44 (0)1644 430008 Fax: +44 (0)845 299 1236 Email: sayhello@naturalpower.com www.naturalpower.com</p>	

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## B. Protected species legislation

Table B.1: Protected species legislation and level of protection

Species	Relevant legislation	Level of protection
Otter	<p>Protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended.</p> <p>Otters are also protected by the Wild Mammals (Protection) Act 1996. Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which ensures domestic implementation of the Habitats Directive continues from 1 January 2021</p>	<p>The WCA (1981) makes it an offence to:</p> <p>Intentionally kill, injure, or take otters;</p> <p>Intentionally or recklessly disturb otters; or</p> <p>Intentionally or damage destroy or obstruct access to otter holts or any place used by the animal for shelter or protection</p>
Pine marten	<p>Protection under the Wildlife and Countryside Act (WCA) (1981) and Nature Conservation Act (2004)</p>	<p>Kill, injure or capture a pine marten.</p> <p>Disturb a pine marten in its den.</p> <p>Damage, destroy or obstruct access to a pine marten den.</p>
Bats (All species)	<p>Protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended.</p> <p>Bats are also protected by the Wild Mammals (Protection) Act 1996. Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which ensures domestic implementation of the Habitats Directive continues from 1 January 2021</p> <p>Bats are also protected by the Wild Mammals (Protection) Act 1996.</p>	<p>The WCA (1981) and Habitat Regulations (2017) make it an offence to:</p> <p>Intentionally kill, injure, or take any species of bat;</p> <p>Intentionally or recklessly disturb bats; or</p> <p>Intentionally or recklessly damage destroy or obstruct access to bat roosts.</p>
Water vole	<p>Partially protected under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended.</p>	<p>The WCA (1981) makes it an offence to:</p> <p>Intentionally damage, destroy or obstruct access to water vole burrows or any place used by the animal for shelter or protection</p> <p>Intentionally or recklessly disturb a water vole while it is occupying such a structure</p>

Species	Relevant legislation	Level of protection
Common reptiles (adder, grass snake, common lizard)	Partially protected by the Wildlife and Countryside Act (1981) as amended.	The WCA (1981) makes it an offence to:  Intentionally kill or injure these animals; or  Sell, offer for sale, advertise for sale, possess or transport for the purposes of selling any live or dead animals or part of these animals.
Common toad, common frog, smooth and palmate newt	Partially protected by the Wildlife and Countryside Act (1981) as amended.	The WCA (1981) makes it an offence to:  Intentionally kill or injure these animals; or  Sell, offer for sale, advertise for sale, possess or transport for the purposes of selling any live or dead animals or part of these animals.



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