



MBEC
MACKENZIE BRADSHAW
ENVIRONMENTAL CONSULTING

Clashindarroch II Wind Farm

DRAFT Species Protection Plans

Prepared for Vattenfall Wind Power Ltd



Project No.: 063.036

Date: 9th October 2024

Revision: Draft v.1.2



MBEC
Thistle Court, 1-2 Thistle Street
Edinburgh, EH2 1DD
+44 131 220 1027
info@mbecmail.co.uk
www.mbecnet.co.uk



Clashindarroch II Wind Farm

DRAFT Species Protection Plans

Prepared for Vattenfall Wind Power Ltd

Preparation & Authorisation

Prepared by	MBEC Environmental Consulting
Project No. / Name	063.036 / Clashindarroch II Wind Farm
Author(s)	[REDACTED]
Review	[REDACTED]
Approved	[REDACTED]
File name.	Clashindarroch II WF - SPPs [DRAFT 09.10.24].docx

Version History & Status

Date	Version	Status	Comments by	Incorporated by
30 Aug. 2024	v. 1.0	Draft for client review	[REDACTED]	[REDACTED]
10 Sep. 2024	v. 1.1	Draft for FLS, NS review	[REDACTED]	[REDACTED]
09 Oct. 2024	v. 1.2	Draft for consultation		

©MBEC 2024

No part of this report may be copied or reproduced by any means without the written permission of MBEC. This report has been prepared and produced for the exclusive use of the client(s) and no third party may make use of the report. The authors have used all reasonable skill, care and diligence in this report's preparation and no additional warranty is provided. There has been no independent verification undertaken of any of the third party information supplied to MBEC and used as background material in this report. MBEC disclaim any responsibility to the client or others regarding any / all matters additional to the specific scope of this work.

TABLE OF CONTENTS

1. INTRODUCTION 1

1.1 BACKGROUND 1

1.2 PURPOSE OF THIS DOCUMENT 1

1.3 RELEVANT LEGISLATION & GUIDANCE 2

1.4 CONSULTATION 4

1.5 SUMMARY OF RELEVANT LEGAL PROTECTIONS 4

1.6 NATIONAL AND LOCAL CONSERVATION STATUS 7

1.7 BREEDING ECOLOGY, PROTECTION ZONES & SENSITIVE PERIODS 8

2. FELLING & CONSTRUCTION 12

2.1 INTRODUCTION 12

2.2 ECOLOGICAL CLERK OF WORKS 12

2.3 PRE-CONSTRUCTION SURVEYS 13

2.4 GENERAL MEASURES 16

2.5 BADGER PROTECTION MEASURES 17

2.6 BAT PROTECTION MEASURES 18

2.7 OTTER PROTECTION MEASURES 19

2.8 PINE MARTEN PROTECTION MEASURES 19

2.9 RED SQUIRREL PROTECTION MEASURES 20

2.10 WILDCAT PROTECTION MEASURES 21

3. WIND FARM OPERATION 24

3.1 INTRODUCTION 24

3.2 DISTURBANCE DUE TO WIND FARM OPERATION AND MAINTENANCE 24

3.3 DISTURBANCE RELATED TO PUBLIC ACCESS 24

3.4 BAT MORTALITY RISK 24

3.5 OPERATIONAL MONITORING FOR WILDCAT 25

3.6 WIND FARM DECOMMISSIONING 25

4. REFERENCES 25

FIGURES:

FIGURE 1a-c The Consented Development & Pre-construction Survey Areas

1. INTRODUCTION

1.1 Background

- 1.1.1 The proposed Clashindarroch II wind farm (the 'consented development', ECU ref: ECU00002002) is located in Aberdeenshire, within Clashindarroch Forest, approximately 6 km to the southwest of Huntly and adjacent to the existing Clashindarroch wind farm (see Figure 1). The Clashindarroch II wind farm was granted consent by the Scottish Ministers, under Section 36 of The Electricity Act 1989, on 26 June 2023. The project developer and operator is Vattenfall Wind Power Ltd. (Vattenfall).
- 1.1.2 The potentially significant adverse effects associated with the construction, operation and decommissioning of the consented development on non-avian protected fauna were fully considered the Environmental Impact Assessment (EIA), see Chapter 9 (Ecology & Biodiversity) of the EIA Report, which was published in January 2020¹. The assessment was informed by data from a wide range of sources including baseline ecological surveys completed between 2015 and 2019.
- 1.1.3 Various measures were proposed, and considered as part of the EIA process, to avoid and, where this was not possible, reduce potential adverse effects on key species during the pre-construction (e.g. tree felling), construction, operational and decommissioning phases of the consented development. These measures were outlined within Chapter 9 of the EIA Report with further detail provided in Technical Appendix 9.4: Outline Species Protection Plans (SPPs). Additional measures proposed to address potential adverse effects on wildcat (*Felis silvestris*) from the operation of the consented development were detailed in Technical Appendix 9.5: Outline Habitat Management Plan.
- 1.1.4 This report provides an update to Technical Appendix 9.4, taking into consideration the results of an updated desk study and pre-construction surveys completed during 2023 and 2024. The results of the updated desk study and pre-construction surveys are provided in a separate document (Pre-construction Protected Mammal Survey Report MBEC, October 2024).
- 1.1.5 The proposed approach to the protection of breeding birds is detailed in a separate document referred to as the Bird Protection Plan (MBEC, October 2024).

1.2 Purpose of this Document

- 1.2.1 This document is provided in fulfilment of Planning Condition 22 for the consented development, which states:

“No development, including tree felling and vegetation clearance, shall commence until a survey method statement has been submitted to and approved in writing by the Planning Authority. The survey method statement shall include a timetable for implementation of the measures detailed therein. Thereafter, surveys shall be undertaken in accordance with the approved survey method statement. The survey results shall inform mitigation measures required for protection of such species on site

¹ Available from: [<https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00002002&T=5>] Accessed: August 2024.

which shall be incorporated into a Species Protection Plan (“SPP”), based on the principles set out in Appendix 9.4 of the EIA Report, and incorporated into a Bird Protection Plan (“BPP”), based on the principles set out in Appendix 8.4 of the EIA Report.

The SPP and the BPP shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the plans shall be implemented as approved, unless otherwise agreed in writing with the Planning Authority in consultation with NatureScot.

Reason: In the interests of nature conservation.”

1.2.2 The SPPs detail the proposed approach and associated mitigation measures to avoid / minimise impacts on certain mammal species during construction, operation and decommissioning of the consented development. The following species occur within the consented development area and may be at risk of impacts during tree felling and construction works:

- Badger (*Meles meles*);
- Bats (all species);
- Otter (*Lutra lutra*);
- Pine marten (*Martes martes*);
- Red squirrel (*Sciurus vulgaris*); and
- Wildcat.

1.2.3 All of the species listed above are legally protected in Scotland, under various statutes, and there is a requirement to ensure that all works required to construct the consented development, including tree felling and clearance, proceed lawfully with respect to this legislation, in accordance with current best practice and compliance with relevant Scottish Government and local government policy. Additionally, with the effective implementation of the protection plans set out in this document, it will be possible to ensure that any appreciable adverse effects of the consented development are avoided for all species. Furthermore, in the case of wildcat, in combination with the proposed management, habitat creation and enhancement measures set out in the HMP, there is the potential for a net benefit for wildcat conservation in the medium to long-term.

1.2.4 There is the potential for the use of the area by protected species to change and for legislation, policy and best practice to develop with time. Consequently, the SPPs set out in this document are intended to be amendable to account for new information and changes in legislation and best practice that may occur over the lifetime of the consented development. Any such changes to the SPPs would require consultation with NatureScot and approval by Aberdeenshire Council.

1.3 Relevant Legislation & Guidance

1.3.1 The relevant aspects of the following conventions, directives and domestic legislation has been considered in preparing this document:

- Convention on the Conservation of European Wildlife and Natural Habitats ('Bern Convention') adopted in Bern, Switzerland in 1979, and came into force in 1982;

- Convention on the Conservation of Migratory Species of Wild Animals ('Bonn Convention' or 'CMS') adopted in Bonn, Germany in 1979 and came into force in 1983;
- EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora);
- The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) ('The Habitats Regulations');
- Wildlife and Countryside Act 1981 (as amended) (the 'WCA');
- Nature Conservation (Scotland) Act 2004;
- Wildlife and Natural Environment (Scotland) Act 2011; and
- The Protection of Badgers Act 1992 (as amended).

1.3.2 This document has been informed by current best practice guidance, including consideration of the following publications:

- Birks, J. (2012) Pine marten. In: Cresswell, W.J., Birks, J.D.S., Dean, M., Pacheco, M., Trehella, W.J., Wells, D. and Wray, S. (2012). UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation. The Mammal Society, Southampton.
- NatureScot (formerly SNH) Standing Advice Notes for protected species;²
- Forest Commission Scotland (2006). FCS Guidance Note 33: Forest operations and red squirrels in Scottish forests - the law and good practice;
- Forest Commission Scotland (2007). FCS Guidance Note 34: Forest operations and European protected species in Scottish forests - implications of legal changes from February 2007;
- Forest Commission Scotland (2009). FCS Guidance Note 35a: Forest operations and bats in Scotland;
- Forest Commission Scotland (2009). FCS Guidance Note 35c: Forest operations and otters in Scotland;
- Forest Commission Scotland (2009). FCS Guidance Note 35d: Forest operations and wildcats in Scotland; and
- Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn.). Bat Conservation Trust, London.

1.3.3 The approach to the protection of wildcat, as outlined in this document, is also partly based on the draft risk-matrix guidance developed by Scottish Wildcat Action (SWA), as noted in the Clashindarroch Forest Draft LMP 2019³, which builds on the existing forestry guidance (FCS Guidance Note 35d).

1.3.4 Should there be any updates to relevant best practice guidance prior to works commencing on the consented development then the new guidance will be reviewed and

² Available from: [<https://www.nature.scot/professional-advice/planning-and-development/advice-planners-anddevelopers/planning-and-development-protected-species>]. Accessed: August 2024.

³ Available from: [<https://forestryandland.gov.scot/images/corporate/design-plans/morayaberdeenshire/clashindarroch-land-management-plan-draft.pdf>]. Accessed: August 2024.

the SPPs updated accordingly to reflect any important changes (in consultation with NatureScot and FLS).

1.4 Consultation

- 1.4.1 This document has been prepared in consultation with NatureScot and Forestry and Land Scotland (FLS) prior to it being submitted for review and approval to Aberdeenshire Council. It is based on an earlier version, submitted with the 2020 EIA Report, that was also subject to review and approval by NatureScot and FLS.

1.5 Summary of Relevant Legal Protections

- 1.5.1 The information provided here is primarily derived from the NatureScot website¹. The original legislation should be referred to for definitive guidance. Copies of the original, i.e. as enacted, and revised versions of all UK and Scottish Government legislation are available online from <http://www.legislation.gov.uk>.

European Protected Species (EPS)⁴

- 1.5.2 Bats, otter and wildcat are listed on Annex IV of EC Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the 'Habitats Directive') as species of community interest in need of strict protection. The Habitats Directive is transposed into Scottish law by the Conservation (Natural Habitats &c.) Regulations 1994 (as amended), also known as the 'Habitats Regulations'. The relevant Habitats Directive Annex IV species are referred to as European Protected Species and are listed on Schedule 2 of the Habitats Regulations.

- 1.5.3 For the relevant EPS it is an offence under the Habitats Regulations (as amended in Scotland) to deliberately or recklessly:

- capture, injure or kill such 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; and
- disturb an animal while it is migrating or hibernating.

- 1.5.4 It is also an offence of strict liability to 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

⁴ NB there is no change to the protection of European protected species as a result of UK's exit from the EU.

current present. For example, roost sites that bats use only during the summer months are protected at other times of the year.

Schedule 5 Species

1.5.5 Red squirrel and pine marten are legally protected in Scotland through the Wildlife & Countryside Act (1981, as amended by the Nature Conservation Scotland Act 2004). Both species are listed on Schedule 5 of the Wildlife & Countryside Act. For any species listed on Schedule 5 it is an offence to intentionally or recklessly:

- kill, injure or take a red squirrel or pine marten;
- damage, destroy or obstruct access to a drey / nest / den or any other structure or place which a red squirrel or pine marten uses for shelter or protection; and
- disturb a red squirrel or pine marten when it is occupying a structure or place for shelter or protection.

1.5.6 This means that if a red squirrel or pine marten could be affected in these ways by development works, and no action is taken to prevent it, an offence may be committed.

Badger

1.5.7 Badgers are legally protected under the Protection of Badgers Act 1992 (as amended by the Wildlife and Natural Environment (Scotland) Act 2011).

1.5.8 The 1992 Act defines a badger sett as “any structure or place which displays signs indicating current use by a badger”. Offences under the Act include:

- wilfully taking, injuring or killing a badger;
- cruelty to a badger; and
- intentional or reckless interference with a badger sett.

1.5.9 Interfering with a badger sett includes:

- damaging or destroying a sett or any part of it;
- obstructing access to a sett; and
- disturbing a badger while it is in a sett.

EPS Development Licencing

1.5.10 Works that would, or could, result in an offence being committed under the Habitats Regulations can only be lawfully undertaken if there is a derogation licence in place. The issuing of such licences is a responsibility of NatureScot. EPS development licences can only be granted if the requirements of the following Habitats Regulations legal ‘tests’ are met:

- The purpose of the licence must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- A licence cannot be granted unless there is no satisfactory alternative; and

- That the action authorised must not be detrimental to the maintenance of the population at a favourable conservation status in their natural range.
- 1.5.11 As well as providing sufficient evidence to inform a detailed consideration of the above tests, the licence application will also need to be supported by a suitably detailed and current survey report and a species protection plan, which will set out the proposed mitigation required in each case.
- 1.5.12 If a licence is granted it is likely to include a set of conditions, relating to the implementation of the agreed protection plan, which must be strictly adhered to in order for the works under the licence to proceed lawfully. This may include restrictions on the timing of works to avoid more sensitive periods, such as the breeding season.
- 1.5.13 Depending on the circumstances it may not be possible for the third test (i.e. in relation to maintenance of the favourable conservation status of the species) to be met in all cases. Therefore, NatureScot would not be able to issue a derogation licence and the proposed works will have to be delayed or modified. In the context of the consented development this potential outcome is most relevant in relation to wildcat.

Non-EPS Licencing

- 1.5.14 NatureScot is also the authority that issues licenses for development related activities that could affect Schedule 5 species (i.e. in this case red squirrels and pine marten). Licenses can only be issued if the proposed activity will contribute to significant social, economic or environmental benefit; there is no satisfactory alternative; and there is no significant negative impact on the conservation status of the species.
- 1.5.15 Similarly to EPS, an application for a licence will need to be supported by a current survey report and a protection plan detailing the measures that will be followed to avoid a significant adverse effect on the species.
- 1.5.16 In relation to badgers and their setts a licence may be required if planned works could result in disturbance or destruction of a badger sett. Similarly to other protected species NatureScot can issue licences, providing certain conditions are met, to allow works to proceed that would otherwise be unlawful under the Protection of Badgers Act.
- 1.5.17 As with other protected species, suitable supporting information will need to be provided with the application for a licence. Measures to protect badgers during temporary or permanent sett exclusions will have to follow best practice and be implemented by suitably experienced ecologists.
- 1.5.18 In relation to development licencing for badger, red squirrel and pine marten, there may be conditions placed on the licence by NatureScot that restricts the timing of works to avoid the more sensitive periods such as the breeding season (i.e. when pregnant females or their dependant young may be present and particularly vulnerable to impacts from the proposed works).

1.6 National and Local Conservation Status

1.6.1 Table 1, below, provides a summary of the conservation and statutory designations applicable to each species / taxon and a summary of the local status (i.e. in the context of the site of the consented development area) of the key species considered in this document. Further information on the current status of each species within the site are provided in the pre-construction survey report (MBEC, October 2024).

Table 1: Legal & Conservation Designations of Protected Species relevant to the Consented Development

Species / Taxon	Key Conservation and Statutory Designations	Summary of Relevant Legal Protections
Badger	<ul style="list-style-type: none"> IUCN Red List criteria 'Least Concern' ⁱ Conservation Status, Scotland: Not assessed ⁱⁱ Bern Convention Appendix 3 ⁱⁱⁱ Protection of Badgers Act 1992 (as amended) 	Badgers are legally protected from killing and injury and their setts are protected from damage, interference and disturbance.
Bats (all native species)	<ul style="list-style-type: none"> IUCN Red List criteria (relevant species) 'Least Concern', Scotland ⁱ Conservation Status, Scotland: 'Favourable' (all relevant species) ⁱⁱ UK BAP Priority Species ^{iv} Scottish Biodiversity List ^v Bern Convention Appendices 2 & 3 ⁱⁱⁱ Convention on Migratory Species Appendix 2 & EUROBATS Annex I ^{vi} Habitats Directive Annex IV ^{vii} Habitats Regulations Schedule 2 ^{viii} 	All wild native bat species are EPS. Bats and their roosts are fully protected.
Otter	<ul style="list-style-type: none"> IUCN Red List criteria 'Least Concern', Scotland ⁱ Conservation Status, Scotland: 'Favourable' ⁱⁱ UK BAP Priority Species ^{iv} Scottish Biodiversity List ^v Bern Convention Appendix 2 ⁱⁱⁱ Habitats Directive Annex II - non-priority species & Annex IV ^{vii} Habitats Regulations Schedule 2 ^{viii} 	Otter is an EPS. Otters, their breeding sites and resting places are fully protected.
Pine marten	<ul style="list-style-type: none"> IUCN Red List criteria 'Least Concern', Scotland ⁱ Conservation Status, Scotland: 'Favourable' ⁱⁱ Bern Convention Appendix 3 ⁱⁱⁱ Habitats Directive Annex V ^{vii} Habitats Regulations Schedule 4 ^{viii} WCA Schedule 5 ^x UK BAP Priority Species ^{iv} Scottish Biodiversity List ^v 	Pine martens, their dens and other places of shelter are fully protected.

Species / Taxon	Key Conservation and Statutory Designations	Summary of Relevant Legal Protections
Red squirrel	<ul style="list-style-type: none"> • IUCN Red List criteria ‘Near Threatened’, Scotland ⁱ • UK BAP Priority Species ^{iv} • Scottish Biodiversity List ^v • Bern Convention Appendix 3 ⁱⁱⁱ • WCA Schedule 5 ^{ix} 	Red squirrels, their dreys and other places of shelter are fully protected.
Wildcat	<ul style="list-style-type: none"> • IUCN Red List criteria ‘Critically Endangered’, Scotland ⁱ • Conservation Status, Scotland: ‘Unfavourable - Bad’ ⁱⁱ • UK BAP Priority Species ^{iv} • Scottish Biodiversity List ^v • Bern Convention Appendix 2 ⁱⁱⁱ • Habitats Directive Annex IV ^{vii} • Habitats Regulations Schedule 2 ^{viii} 	Wildcats are EPS. Wildcats, their breeding sites and resting places are fully protected.

i. International Union for Conservation of Nature (2021). *IUCN Red List Categories and Criteria: Version 3.1*. IUCN, Gland and Cambridge: IUCN Species Survival Commission.

ii. UK Conservation Status is derived from the 4th UK Habitats Directive Report (INCC 2019). This report considered the conservation status of all terrestrial and marine species listed under Annexes II, IV and V of the EC Habitats Directive present within the UK.

iii. The Bern Convention on the Conservation of European Wildlife and Natural Habitats (or Bern Convention), is a binding international legal instrument in Europe. The Convention came into force on 1 June 1982.

iv. The UK List of Priority Species and Habitats was published in 2007 after adoption by the Governments of all four UK administrations as part of the UK contribution to the Convention on Biological Diversity (1992). The ‘UK Post2010 Biodiversity Framework’ succeeded the UK BAP in 2012 and set out the strategy for England, Wales, Scotland and Northern Ireland, and the UK as a whole, to meet internationally agreed biodiversity targets. However the 2007 UK BAP priority species and habitats remain relevant in the nature conservation / biodiversity policies.

v. The Scottish Biodiversity List is a list of flora, fauna and habitats considered by the Scottish Ministers to be of principal importance for biodiversity conservation. The publication of the Scottish Biodiversity List satisfies the requirements of Section 2(4) of The Nature Conservation (Scotland) Act 2004.

vi. The Convention on the Conservation of Migratory Species of Wild Animals, also known as the Convention on Migratory Species (CMS) or the Bonn Convention, is an international agreement that aims to conserve migratory species within their migratory ranges. The Agreement was signed in 1979 in Bonn, Germany. The Agreement on the Conservation of Populations of European Bats (EUROBATS) was established under the CMS and came into force in 1994. vii. EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora).

viii. The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (‘The Habitats Regulations’).

ix. The Wildlife & Countryside Act 1981 (as amended).

1.7 Breeding Ecology, Protection Zones & Sensitive Periods

1.7.1 Table 2 (overleaf) provides a summary of the relevant aspects of the breeding ecology of the species considered in this document along with the distances and periods when the species and their resting places (in this context ‘resting places’ is used as a collective term for all places of shelter including breeding sites) are considered to be particularly vulnerable to impacts from felling or construction works. This information is provided for general guidance only. Specific mitigation requirements will need to be considered by a suitably experienced ecologist on a case-by-case basis.

Table 2: Summary of Ecology, Impact Vulnerability, Zones and Periods of High Sensitivity

Species / Taxon	Key Aspects of Species Ecology	Impact Vulnerability	Protection Zones / Periods of Increased Sensitivity
Badger	<p>Badgers form territorial social groups and typically excavate setts in suitable, well-drained sandy soils within woodland, scrub or near to hedges. Locations near to good foraging habitat (e.g. lowland farmland and suburban parkland areas) are preferred. Setts can also be found in open ground, boulder piles and rock cavities. Sett densities are comparatively low in upland areas with heather moorland.</p> <p>The main breeding season is December to June inclusive. Mating is most likely to occur in February (implantation of the embryo is then delayed), pregnancy from December to February, birth of a litter of 3 on average in February with the cubs emerging for the first time in April and weaned by May-June.</p>	<ul style="list-style-type: none"> • Tree felling / construction works • Noise • Vibration • Lighting • Road traffic 	<ul style="list-style-type: none"> • Protection zones around setts: a minimum of 50m from sett entrances (100 m for piling or blasting). • Where the required protection zone is not achievable, a licence from NatureScot will be required before works can proceed. • The main breeding season is December to June inclusive. Licences to exclude or disturb badger setts do not normally allow works during this period.
Bats	<p>Bats have a relatively low reproductive rate (breeding females typically have one pup per year, rarely twins) and are relatively long-lived for their size. Bats mate in the autumn or winter. Gestation is then delayed and lasts between 40 to 70 days, depending on the species, with births occurring from late June to early August.</p> <p>Bats use roosts for shelter, mating and breeding. They will move between different roost sites depending on their ecological and physiological requirements at different times of the year. Bats can roost in a wide variety of natural and artificial structures including features associated with trees (e.g. bark slabs, cavities formed by damage or decay or woodpeckers) and a wide range of suitable voids or crevices associated with buildings. They may also use underground sites such as caves and mines, typically during the winter.</p> <p>During the pregnancy-birth-rearing period female bats typically form nursery colonies which can number several hundred bats or more, depending on the species. Roosts used during this period are often occupied for many years and potentially many decades in relation to some buildings. The loss of such maternity roosts can be catastrophic for the local population.</p>	<ul style="list-style-type: none"> • Tree felling • Lighting 	<ul style="list-style-type: none"> • Roost protection zone requirements will vary depending on the specific circumstances. • Where the required protection zone is not achievable, a licence from NatureScot will be required before works can proceed. • The main active period is April to October. • Breeding females and their young are particularly vulnerable during May to July. Licences to exclude or disturb maternity roost sites do not normally allow works during this period. • Hibernation occurs between November and March.

Species / Taxon	Key Aspects of Species Ecology	Impact Vulnerability	Protection Zones / Periods of Increased Sensitivity
Otter	<p>Otters are mostly solitary and nocturnally active (particularly inland populations) and are typically associated with freshwater and coastal habitats but they can be present some distance away from water (e.g. when moving between watersheds or when foraging for amphibians in the spring). Adult females are highly territorial and defend large home ranges that are overlapped by one or more males. Adult females can breed at any time of the year. They typically have a single litter of 2-3 cubs, pregnancy lasts for c. 60 days and the cubs are independent at c. 10 months.</p> <p>Otter holts are underground shelters (e.g. natural hole, old mammal burrow) that can also be used for breeding. They are difficult to locate as otters may not leave any obvious external evidence of their presence (this is particularly the case with breeding holts). Otters may also use above-ground shelters, with some degree of cover, often referred to as 'couches'. Their dependence on water, and fish / amphibian prey, means that otters are particularly vulnerable to aquatic pollution.</p>	<ul style="list-style-type: none"> • Tree felling / construction works • Noise • Vibration • Lighting • Road traffic • Aquatic pollution 	<ul style="list-style-type: none"> • For breeding sites the protection zone should be at least 200 m. May be reduced to 100m depending on the nature of the works, topography and natural screening. • For non-breeding sites the protection zone should be at least 50 m. • Where the required protection zone is not achievable, a licence from NatureScot will be required before works can proceed. Licences to destroy or disturb breeding sites do not normally cover the period of active use. • Breeding can occur at any time of year.
Pine marten	<p>Pine martens are associated with woodland, including conifer plantations. However, in Scotland they also use open areas, away from woodland, particularly in the north and west of the country. Pine marten dens are usually hollow trees, among rocks or in disused bird nests or squirrel dreys. In some parts of Scotland, pine martens can use suitable enclosed spaces in the roofs of buildings as dens. Typically pine martens will have a large number of dens within their territory.</p> <p>Pine martens are mostly active between dusk and dawn but can also be active during the day in summer. Mating can occur between June-August and births usually occur in late March-April with a mean litter size of 3. Natal dens are occupied for 50-60 days and then the litter is often moved by the mother to another site. The young emerge from the den for the first time at 7-8 weeks of age.</p>	<ul style="list-style-type: none"> • Tree felling / construction works • Noise • Vibration • Lighting • Road traffic 	<ul style="list-style-type: none"> • For non-breeding dens the protection zone should be at least 50 m. • For breeding dens the protection zone should be at least 100 m. • Where the required protection zone is not achievable, a licence from NatureScot will be required before works can proceed. Licences to exclude or disturb breeding sites do not normally allow works when the site is in use. • The main breeding season is March-June inclusive.

Species / Taxon	Key Aspects of Species Ecology	Impact Vulnerability	Protection Zones / Periods of Increased Sensitivity
Red squirrel	<p>Within their current range in Scotland the red squirrel is present in both conifer and broadleaved woodland, as well as in mixed forests and parks and gardens. Woodlands with mixtures of tree species provide a more reliable year-to-year food supply. Sitka spruce (<i>Picea sitchensis</i>), the dominant tree species in Clashindarroch, typically supports a lower density of red squirrels than forests with a wider range of conifer species.</p> <p>Red squirrels create dreys (nests) that they use for shelter and breeding. Typically they build dreys in trees that are at least 15 years old. A single red squirrel may have several dreys that they use within its home range at any one time. They can build a new drey in a few days.</p> <p>Breeding mostly occurs between February and September with two peaks in spring and summer depending on food availability. Gestation lasts for 36-42 days, average litter size is 3. Lactation occurs for 50-70 days. The young begin to venture outside their drey at 8-10 weeks old. Red squirrels do not hibernate during winter.</p>	<ul style="list-style-type: none"> • Tree felling • Noise • Lighting • Road traffic 	<ul style="list-style-type: none"> • For dreys during the non-breeding season (October to January inclusive) the protection zone should be at least one tree distance or 5 m. • During the breeding season the protection zone should be increased (e.g. 100 m). • Where the required protection zone is not achievable, a licence from NatureScot will be required before works can proceed. Licences to destroy or disturb dreys do not normally allow works during the breeding season. • The main breeding season is February to September inclusive.
Wildcat	<p>Scottish wildcats are associated with native woodland, the margins of woodland and rough grassland and upland habitats. Wildcats are mostly active during the night and crepuscular periods, occasionally during the day in areas that are not disturbed by people. They are active year round and do not hibernate.</p> <p>Wildcats use a wide variety of natural features as den sites, also using dense cover as 'above ground' shelter, such as gorse and juniper thickets as well as areas of windthrow in conifer plantations. Dens can be located in boulder piles, brush piles, under tree roots and in old fox earths and badger setts, also artificial structures such as disused and undisturbed farm buildings. They require a range of dens within their large territories. Females will have specific sites that they use to give birth and raise young, free from disturbance and near to a reliable food supply.</p> <p>Adult wildcats are solitary for most of the year. Mating occurs during January to March. Kittens are normally born between April and May. However, births can be later in the season and second litters may occur if conditions are favourable or if the first litter fails. Kittens do not venture outside of the natal den for about 5 weeks. The mother may move them around to different den sites, often in close proximity, every few weeks during and after this initial period. The average litter size is 3 to 5 and the female raises the kittens on her own. Young wildcats stay with their mother for up to 6 months.</p>	<ul style="list-style-type: none"> • Tree felling / construction works • Noise • Vibration • Lighting • Road traffic 	<ul style="list-style-type: none"> • All wildcat resting places should have a minimum 200 m wide protection zone. • Where the required protection zone is not achievable, a licence from NatureScot will be required before works can proceed. Due to the conservation status of the species licences to destroy or disturb wildcat dens may not be issued depending on the specific circumstances. • The main breeding season is March to August inclusive (i.e. includes the main gestation, birth and kitten-rearing period). Kittens are usually born in April/May, but births can also occur later than this, the young are weaned at two months. • The greatest risk of harm is disturbance during the lactation period (i.e. when the kittens are confined to the den and totally dependent on their mother), and shortly after weaning.

2. FELLING & CONSTRUCTION

2.1 Introduction

2.1.1 The following section sets out how the potential effects on protected species arising from the tree felling, construction and decommissioning of the consented development will be avoided / minimised so that the works can proceed lawfully and following best practice. Measures to address the potential long-term effects from the operation of the wind farm are covered within Section 3 of this document with respect to bats and in the HMP document (MBEC, October 2024) with respect to wildcat.

2.1.2 The potential impacts on protected species from the consented development, which have been fully considered and assessed within the EIA Report (see Chapter 9), are summarised as follows:

- Felling – tree felling and clearance operations in advance of construction could result in the loss or disturbance to resting places, habitat fragmentation, the temporary disturbance to protected species and their displacement from supporting habitats.
- Construction – borrow pit operations, earthworks, presence of construction workers, lighting and machinery etc. could be a source of disturbance resulting in temporary obstruction or displacement from supporting habitats / resting places.
- Decommissioning – similarly to the construction phase, there is the potential for disturbance to arise from the dismantling of wind turbines, removal / covering of old bases and access tracks resulting in temporary displacement from supporting habitats / resting places.

2.1.3 The proposed tree felling is entirely within a conifer plantation that is managed, primarily, on a commercial rotation. The tree felling for the consented development brings forward the date when the trees would have been felled under the FLS felling plan. It is therefore important that the SPPs are consistent with FLS practice with respect to the safeguarding of sensitive and legally protected species during forest felling operations. The approach proposed avoid / minimise the risk of impacts on protected species during tree felling have been adapted from FCS (Forestry Commission Scotland, now known as Scottish Forestry) Guidance notes listed in Section 1.2.

2.1.4 The decommissioning of the consented development is anticipated to occur 30 years after the wind farm becomes operational. There is the potential for what is currently considered to be best practice to change over this period. It is also possible that the range of species that need to be considered will be different. It is therefore proposed that the methods of the pre-decommissioning surveys for protected species and the proposed SPPs (or equivalent as required at that time) would be reviewed, in consultation with the relevant authorities, not more than 12 months before decommissioning works are due to commence.

2.2 Ecological Clerk of Works

2.2.1 A suitably experienced and qualified Ecological Clerk of Works (ECoW) will be appointed by Vattenfall for the duration of the pre-works, construction and site restoration phases. The appointment of the individual(s) covering the ECoW role will be agreed in advance in consultation with NatureScot. The ECoW will have authority to immediately halt any works that have the potential to affect protected species or that would contravene the ecological / environmental commitments.

- 2.2.2 The ECoW will have responsibility for checking that the SPP measures, as set out in this document, are properly implemented and adhered to. Also that the potential presence of protected species is regularly monitored during the works and that appropriate action is taken should any breeding sites/resting places be at risk of disturbance (e.g. sites not previously identified during the pre-works surveys).
- 2.2.3 The ECoW will be responsible for obtaining the necessary protected species development licences for the works and collating and providing the information necessary to NatureScot to process the application(s).
- 2.2.4 The ECoW will provide monthly reports on the progress of the works in relation to the implementation of the environmental protection measures (including measures under the SPP) and a final report at the end of the construction and site restoration works. Copies of these reports can be provided to Aberdeenshire Council and NatureScot if requested or required.

2.3 Pre-construction Surveys

- 2.3.1 A pre-construction protected species surveys of the consented development area (including appropriate buffer zones) were completed between December 2023 and September 2024. The survey methods were agreed in advance in consultation with NatureScot and approved by Aberdeenshire Council (MBEC, December 2023). The results of these surveys, and an updated desk study to collate information for the survey area from other data holders, is provided in a separate report (MBEC, October 2024) that will be provided to NatureScot.
- 2.3.2 Locations and indicative protection zones for active, or recently active (i.e. within the past c. 5 years), and potential protected species resting places are provided in the pre-construction survey report and the accompanying confidential annex, which will be made available to the ECoW when they are appointed. The following is a brief summary of findings from the 2023-24 pre-construction surveys and desk study with respect to each of the key species considered in this document.

Badger

- 2.3.3 Limited evidence of badger presence within the proposed wind turbine area. Habitat quality is generally sub-optimal in this area. There are no setts at risk of damage from works within the proposed wind turbine area but disturbance from felling operations is possible. Badgers and their setts could also be at risk from any groundworks on or near the existing main access route (see Confidential Annex for further details).

Bat Species

- 2.3.4 Relatively low levels of bat activity recorded at the proposed wind turbine locations (or analogous habitat types post-felling), bat activity dominated by common and soprano pipistrelle. Foraging habitat quality is comparatively poor away from forest edges and riparian corridors. Roosting habitat quality is poor within the wind turbine locations. One non-breeding common pipistrelle roost site (used by <5 bats) is within c. 200m of the nearest proposed wind turbine. No known roost sites would be directly impacted by the consented development.

Otter

- 2.3.5 Limited evidence of the presence of otter on some of the larger watercourses within the consented development area. No known breeding sites or resting places at risk of destruction or disturbance. However, the baseline could change as there is suitable habitat and potentially suitable resting place features within or near to the consented development area.

Pine Marten

- 2.3.6 Evidence of the presence of pine marten is extensive across much of the consented development area although habitat quality is variable. Based on mean territory sizes for lowland coniferous woodland habitats the consented development area (i.e. 500m buffer around the proposed wind turbines) could support 3-4 pine martens. No confirmed dens or other places of shelter have been recorded within 250 m of the consented development but there are abundant potentially suitable features (particularly potential ground dens features such as brash piles, old tree stumps and root plates, windthrow, old log stacks) within the survey area.

Red Squirrel

- 2.3.7 Evidence of the presence of red squirrel is found across much of the consented development area although habitat quality varies markedly in relation to conifer plantation age class and species composition. A high proportion of the areas that require to be felled are currently of poor-moderate quality for red squirrel.

Wildcat

- 2.3.8 The consented development area overlaps partially with the territories of several hybrid wildcats. Areas of windthrow, old brash piles and log stacks located in the less disturbed parts of the site may provide suitable resting places. No wildcat breeding site or resting place has been confirmed within the consented development site or within c. 250 m of the proposed wind turbines since surveys commenced in 2015.
- 2.3.9 Habitat quality for breeding female wildcats is poor within the site and this is reflected in the results of various multi-year camera trap and satellite tag monitoring studies completed within Clashindarroch Forest between 2015 and 2024. There was no evidence of the presence of wildcat (or hybrid wildcat) within the consented development area during the most recent monitoring period (winter/spring 2023-24).

Works Programme

- 2.3.10 The enabling and felling works for the consented development are currently due to commence in mid-July 2025 (subject to pre-works monitoring confirming that there are no ecological constraints relevant to the proposed works area) and be completed by October 2025. For most species, the 2023-24 pre-construction surveys are considered to remain valid for 12 months. Should work on the consented development not commence before August 2025 then further, update surveys will be completed in advance of works commencing. For wildcat it is proposed that monitoring will continue through winter 2024-25. This is in addition to a rolling programme of monitoring for protected species activity undertaken by the ECoW prior to and during the felling and construction phases (see Section 2.2 above).

2.3.11 The methods for the pre-works surveys should follow those set out in the pre-construction survey report (MBEC, October 2024). In summary, the surveys would follow the approach set out below.

Walkover Surveys

2.3.12 A staged approach will be taken with an initial desk-based review (ensuring that available information on all relevant protected species is collated for the area from all relevant sources) followed by walkover and site assessment followed by more intensive surveys, as required.

2.3.13 The initial survey and assessment will include a walkover by a suitably experienced ecologist to assess habitat quality, search for field signs and identify and describe potential resting places (i.e. all types of potential shelter used by the relevant species). This initial walkover survey and assessment will be completed within appropriate buffer zones from the outer limits of the proposed works as follows:

- Minimum of 50 m – bats, pine marten, red squirrel;
- Minimum 250 m (felling, normal construction) – badger, otter, wildcat; and
- Minimum of 500 m (piling and blasting) – badger, otter, wildcat.

2.3.14 Areas of impenetrable thicket plantation, gorse scrub or very steep ground, which cannot be fully accessed by the surveyor, will be surveyed as thoroughly as possible from the perimeter. A risk-based assessment would be made on the likelihood, based on the available evidence and quality of the habitats present, that the area could provide opportunities for protected species to use as a resting place. Camera traps will be used to establish wildcat use of denning habitat such as windthrow and dense scrub.

2.3.15 Should any evidence of any protected species be found and/or features that are suitable as resting places then this will trigger the need for more detailed surveys to be carried out.

2.3.16 As some species, such as wildcat, tend not to leave obvious evidence of their presence at resting places a precautionary approach will be followed. It will be assumed that any suitable features are resting places until sufficient monitoring has been completed to make an informed judgement

Detailed Surveys / Monitoring

2.3.17 Depending on the findings from the initial walkover, this could trigger the need for more detailed surveys to determine the use and status of any potential or confirmed resting places. The most appropriate and effective methods will vary according to the focal species. All surveyors will be experienced in the survey methods and ecology of the species and will hold valid NatureScot survey licences where applicable.

2.3.18 For example, this may include monitoring of any potential otter holts or couches with automated wildlife trail cameras, or observing a potential wildcat or pine marten den using a thermal imaging scope from a suitable hide located away from the feature. The monitoring period would typically be a minimum of two weeks, but this is dependent on the time of year and circumstances. For example, the destruction of a potentially suitable holt site would warrant a longer monitoring period to provide sufficient confidence that it is not in active use.

- 2.3.19 For wildcats, surveys cannot rely on indirect field signs alone (e.g. claw marks, paw prints, prey remains) to determine their presence as these signs cannot distinguish wildcat from feral / hybrid cats. Camera trapping surveys and direct observation is the only reliable way to confirm presence of a potential wildcat and DNA testing is further required to provide a definitive confirmation of the genetic status of an individual (i.e. wildcat or hybrid/feral).
- 2.3.20 Images of potential wildcats will be assessed using an updated method and set of criteria recommended by NatureScot (August 2023)⁵. This method includes a standardised system of pelage scoring used to provisionally categorise individual cats as wildcats hybrids or feral/domestic cats (based on Kitchener *et al.* 2005) in the absence of genetic information. NatureScot and FLS will also be consulted in case the individual can be identified as having previously been recorded or live-trapped and its genetic status determined.
- 2.3.21 As it is not possible to definitely confirm the status of an individual wild-living cat (i.e. whether it is a wildcat or hybrid / feral) without genetic testing, and it may not be possible to obtain a suitable sample, a precautionary approach will be followed. All wild-living cats recorded or observed that meet the minimum threshold based on pelage scoring, and where it has not been possible to obtain a reliable pelage score (e.g. from unclear / incomplete imaging), will be treated as a putative wildcat unless it can be reliably confirmed otherwise.
- 2.3.22 Particularly in relation to wildcat, consideration will also be given to novel methods to improve survey effectiveness. For example, the use of specially trained and carefully controlled dogs to help locate wildcat dens. Also, the use of thermal imaging equipment to survey for cats active near to potential den / resting places (e.g. there has been some recent success in Scotland in locating wildcat den sites in forest plantations using drones equipped with thermal imaging cameras).

2.4 General Measures

Pre-felling / Pre-construction Induction

- 2.4.1 Prior to any personnel working within the felling or construction area they will be fully briefed by the ECoW on the potential for protected species to be present in the area, their status and legal protection, relevant details of the SPPs and what actions they need to take should any protected species or their signs be encountered during their work.

Felling Works - Timing and Extents

- 2.4.2 The extent of advanced tree felling required for the construction of the wind farm will be kept to the minimum necessary.
- 2.4.3 Existing tree and scrub cover along all riparian zones within the proposed felling areas will be retained where possible. This is to minimise potential effects on wildcat movement corridors through the wind farm area. This will be discussed and agreed with the ECoW prior to any felling commencing.
- 2.4.4 Tree felling and site clearance for the consented development will largely be programmed outside of the main wildcat breeding season, which is March to August inclusive (i.e. includes the main gestation, birth and kitten-rearing period). By timing felling outside of

⁵ Available from: <https://www.nature.scot/doc/definition-wildcat-updated-guidance>. Accessed: August 2024.

this more sensitive period it will help to minimise potential disturbance effects from the construction of the consented development on the wildcat population generally and would also avoid the risk of direct effects on any active breeding sites. Felling may occur during this period only where the ECoW has confirmed through sufficient monitoring that there is no risk to wildcat (and other protected species).

- 2.4.5 Irrespective of the time of year that it is carried out, felling can present a risk to wildcat dens and other resting places. Therefore, pre-felling surveys and monitoring would be undertaken on a rolling-programme by the ECoW and appropriate protection measures would be implemented, depending on the findings of those surveys, following the approach outlined in Section 2.10 below.

2.5 Badger Protection Measures

- 2.5.1 Based on current evidence it should be possible to avoid directly impacting on any active badger setts within / near to the consented development area. However, a precautionary approach will be followed given the potential for the current level of risk to change with time.
- 2.5.2 Measures to minimise impacts on badgers will follow the standard mitigation hierarchy of avoidance, mitigation and compensation:

Impact Avoidance

- The ECoW will undertake a rolling programme of pre-felling / pre-works surveys and monitoring to provide current information on the use of the area prior to works commencing.
- Where possible micro-site the development and construction methods to avoid damage or disturbance to setts and to avoid disturbance of badgers;
- Establish appropriate protection zones around any setts near to works, a minimum of 50m from sett entrances (100m for piling, rock pecking or blasting);
- Felling / construction works will be restricted to daylight hours only (avoiding dusk / dawn periods);
- If a badger or badger sett is encountered, or suspected, during felling or construction works, the works will be immediately halted in that area until the ECoW can make an assessment and advise on the appropriate course of action (e.g. delay or relocate operations);
- Vehicle speed restrictions of 15 mph on site will be strictly imposed;
- Use of security lighting will be kept to the minimum necessary and will be directed away from any setts or important badger commuting routes in the vicinity;
- Generators will be turned off at night; and
- Any exposed pipes or deep excavations that badgers could be trapped in will be covered overnight and/or exit ramps will be provided in the excavations.

Mitigation / Compensation

- 2.5.3 If it is not possible to avoid works within the protections zones outlined above then it will be necessary to request a development licence from NatureScot. Licences are not normally granted for works during the badger breeding season (December to June inclusive).

- 2.5.4 Any licence application will be supported by a suitably detailed survey report, assessment and protection plan provided by an ecologist or the ECoW. The assessment will consider the potential impacts on the social group affected along with a best practice approach during the works. The required mitigation, detailed in the protection plan, will vary depending on the type and scale of the proposed works and the associated impacts.
- 2.5.5 A licence to cover the disturbance or destruction of a sett will only be issued if there are alternative suitable setts for badgers to use within the same territory. If there are no alternative setts available, an artificial sett will need be provided. However, this is considered the least preferred option if alternative approaches are available to avoid sett loss.

2.6 Bat Protection Measures

- 2.6.1 Based on current evidence it should be possible to avoid directly impacting any bat roost sites within the consented development area. However, a precautionary approach will be followed given the potential for the current level of risk to change with time.
- 2.6.2 Monitoring to assess potential operational effects on bats is set out in Section 3 of this document.

Impact Avoidance

- The ECoW will undertake a rolling programme of pre-felling surveys and monitoring to provide current information on the use of the area prior to works commencing.
- Where possible micro-site the development and construction methods to avoid damage or disturbance to roost sites and to avoid disturbance to bats;
- Establish appropriate protection zones around any roost sites near to works (i.e. a minimum of 50 m);
- If a bat roost is encountered, or suspected, during felling operations, the works will be immediately halted in that area until the ECoW can make an assessment and advise on the appropriate course of action (e.g. delay or relocate operations); and
- Use of security lighting will be kept to the minimum necessary and will be directed away from any roost site or important bat commuting routes in the vicinity.

Mitigation / Compensation

- 2.6.3 If it is not possible to avoid works within the protection zones outlined above then it will be necessary to request a development licence from NatureScot. Licences are not issued to cover works affecting a maternity roost site during the breeding season.
- 2.6.4 Any licence application will be supported by a suitably detailed survey report, assessment and protection plan provided by an ecologist or the ECoW. The assessment will consider the potential impacts on the roost site affected along with a best practice approach during the works. The required mitigation, detailed in the protection plan, will vary depending on the type and scale of the proposed works and the associated impacts.
- 2.6.5 Compensatory measures are unlikely to be necessary unless a roost has to be destroyed or bats temporarily or permanently excluded from the roost site. Should this be required it will have to be fully justified (i.e. there are no suitable alternatives) and a plan will have to be agreed with NatureScot to ensure that appropriate alternative roosting opportunities (e.g. bat boxes) are provided as compensation for roost loss before the works commence.

2.7 Otter Protection Measures

2.7.1 Based on current evidence it should be possible to avoid directly impacting any otter resting sites within the consented development area. However, a precautionary approach will be followed, particularly in relation to all works within or near to watercourses.

Impact Avoidance

- The ECoW will undertake a rolling programme of pre-felling / pre-works surveys and monitoring to provide current information on the use of the area prior to works commencing.
- Where possible micro-site the development and construction methods to avoid damage or disturbance to otter holts or couches;
- Establish appropriate protection zones around any resting places near to works, a minimum of 50 m from non-breeding sites and 200 m for breeding holts;
- Felling / construction works will be restricted to daylight hours only (avoiding dusk / dawn periods);
- If an otter or otter holt/couch is encountered, or suspected, during felling or construction works, the works will be immediately halted in that area until the ECoW can make an assessment and advise on the appropriate course of action (e.g. delay or relocate operations);
- Vehicle speed restrictions of 15 mph on site will be strictly imposed;
- Use of security lighting will be kept to the minimum necessary and will be directed away from any resting places or important otter habitats in the vicinity;
- Generators will be turned off at night; and
- Any exposed pipes or deep excavations that otters could be trapped in will be covered overnight and exit ramps will be provided in the excavations.

Mitigation / Compensation

2.7.2 If it is not possible to avoid works within the protections zones outlined above then it will be necessary to request a development licence from NatureScot. Licences are not normally granted for works affecting a breeding site while it is in use.

2.7.3 Any licence application will be supported by a suitably detailed survey report, assessment and protection plan provided by an ecologist or the ECoW. The assessment will consider the potential impacts on the otter site affected along with a best practice approach during the works. The required mitigation, detailed in the protection plan, will vary depending on the type and scale of the proposed works and the associated impacts.

2.7.4 A licence to cover the disturbance or destruction of an otter resting place will only be issued if there are suitable alternative sites for otter to use within the same territory. If there are no alternative sites available, an artificial holt(s) will need be provided.

2.8 Pine Marten Protection Measures

2.8.1 The pre-construction surveys provided evidence of the presence of pine marten across the consented development area although no confirmed den sites have been recorded. A precautionary approach will be followed given the potential for this species to be affected by the felling works in particular.

Impact Avoidance

- The ECoW will undertake a rolling programme of pre-felling / pre-works surveys and monitoring to provide current information on the use of the area prior to works commencing.
- Where possible micro-site the development and construction methods to avoid damage or disturbance to pine marten dens and other places of shelter;
- Establish appropriate protection zones around any dens or other places of shelter near to works;
- The protection zone should be at least 100 m where dens are used for breeding, and 30 m where breeding is not suspected;
- If a pine marten den is encountered or suspected during felling or construction works, the works will be immediately halted in that area until the ECoW can make an assessment and advise on the appropriate course of action (e.g. delay or relocate operations); and
- Vehicle speed restrictions of 15 mph on site will be strictly imposed.

Mitigation / Compensation

- 2.8.2 If it is not possible to avoid works within the protections zones outlined above then it will be necessary to request a development licence from NatureScot. Licences are not normally granted for works affecting pine marten dens during the breeding season.
- 2.8.3 Any licence application will be supported by a suitably detailed survey report, assessment and protection plan provided by an ecologist or the ECoW. The assessment will consider the potential impacts on the pine marten site affected along with a best practice approach during the works. The required mitigation, detailed in the protection plan, will vary depending on the type and scale of the proposed works and the associated impacts (e.g. provision of breeding boxes for pine marten in suitable locations away from works and proposed felling operations, such as in long-term retention coupes).

2.9 Red Squirrel Protection Measures

- 2.9.1 Based on current evidence the risk to red squirrel from the majority of the proposed felling is low due to the relatively poor quality of the Sitka spruce dominated stands. There are some locations where there is an elevated risk, particularly associated with the pole stage Norway spruce (*P. abies*) coupes.

Impact Avoidance

- The ECoW will undertake a rolling programme of pre-felling surveys and monitoring to provide current information on the use of the area prior to works commencing.
- Time felling operations in coupes with potential to support red squirrel, where possible, to avoid the more sensitive times of year (i.e. February to September).
- Where possible micro-site the development and construction methods to avoid damage or disturbance to red squirrel dreys;
- If a red squirrel or red squirrel drey is encountered, or suspected, during felling operations, the works will be immediately halted in that area until the ECoW can

make an assessment and advise on the appropriate course of action (e.g. delay or relocate operations);

- Establish appropriate protection zones around any dreys near to works, clearly marking drey trees;
- For dreys during the non-breeding season (October to January inclusive) the protection zone should be at least one trees distance or 5 m. During the breeding season the protection zone for confirmed or suspected active breeding dreys should be increased (e.g. 100 m);
- Leave the drey tree unfelled and consider leaving a group of trees around the drey tree and some connectivity to alternative habitat;
- If active red squirrel dreys are encountered during felling operations, stop works in that area and contact the ECoW immediately, delay or relocate operations; and
- Vehicle speed restrictions of 15 mph on site will be strictly imposed.

Mitigation / Compensation

2.9.2 If it is not possible to avoid works within the protections zones outlined above then it will be necessary to request a development licence from NatureScot. Licences are not normally granted for works affecting red squirrel dreys during the breeding season.

2.9.3 Any licence application will be supported by a suitably detailed survey report, assessment and protection plan provided by an ecologist or the ECoW. The assessment will consider the potential impacts on the red squirrel population affected along with a best practice approach during the works. The required mitigation, detailed in the protection plan, will vary depending on the type and scale of the proposed works and the associated impacts.

2.10 Wildcat Protection Measures

Felling / Works Timing

2.10.1 Where possible, tree felling and site clearance will be programmed outside of the main wildcat breeding season, which is defined as March to August inclusive (including the main gestation, birth and kitten-rearing period). This is consistent with the risk-based approach outlined in the Clashindarroch Forest draft LMP, which identifies clear-felling in areas where wildcat are known to be present as a 'high risk' activity during the breeding season (March to June inclusive) and moderate risk at other times of year.

Log Stacks, Brash Piles

2.10.2 New log stacks, brash piles and root plates will be removed from the felling areas (i.e. minimum of 250 m from the wind farm) during or immediately following felling. This is to ensure that any potentially suitable wildcat den features created by the felling process near to construction areas are not left for any period undisturbed and then potentially used by a wildcat. This will also reduce the risk, although considered unlikely, that such features could be occupied by a female with young, which would be at risk of killing or injury should these materials be left in place and removed at a later time.

2.10.3 Logs, brash and root plates may be used to create wildcat den features, in suitable locations away from the wind farm (>500 m), to be agreed by the ECoW in discussion with FLS.

2.10.4 Any log stacks and brash piles that are not removed from the felling areas during or immediately following felling, and any existing log stacks and brash / root plate piles within 250 m of the works, will be assumed to be potentially suitable den sites and will be subject to monitoring for use by wildcat (e.g. wildlife camera traps) for a minimum of two weeks before they are removed or disturbed by subsequent construction works.

Risk of Killing / Injury / Disturbance to Wildcat

2.10.5 The following measures will be implemented during felling, site clearance and construction to minimise the risk of killing or injuring wildcats during vehicle movements and felling/clearance works:

- The ECoW will undertake a rolling programme of pre-felling / pre-works surveys and monitoring to provide current information on the use of the area prior to works commencing.
- Where any wildcat den or resting place is suspected, establish a protection zone of at least 200 m and undertake detailed survey and monitoring to establish the status of the site.
- If a cat or previously unrecorded potential den or resting place is encountered, or suspected, during felling or construction works, the works will be immediately halted in that area until the ECoW can make an assessment and advise on the appropriate course of action (e.g. delay or relocate operations, undertake further intensive survey);
- Felling works will be programmed to preferentially avoid, where possible, the more sensitive times of year (i.e. March to August inclusive);
- Felling will be restricted to daylight hours only (avoiding dusk / dawn periods);
- Vehicle speed restrictions of 15 mph on site will be strictly imposed;
- Log stacks, brash piles and root plates will be removed from the felling areas (i.e. minimum of 250 m from the wind farm) during or immediately following felling;
- Use of artificial lighting will be kept to the minimum necessary for human safety;
- Generators will be turned off at night; and
- Any exposed pipes or deep excavations that wildcats could be trapped in will be covered overnight and exit ramps will be provided in the excavations.

2.10.6 FLS have committed to balancing felling for the proposed wind farm against other felling planned for the same period elsewhere within Clashindarroch Forest. No other felling operations will occur elsewhere within the forest at the same time as felling within the wind farm area. This will help to avoid potential cumulative disturbance effects on the same individual wildcat territories.

2.10.7 Artificial lighting may be required during the felling works, such as vehicle and plant headlights and warning lights. Restricting works to daylight hours will help to minimise any potential impacts on wildcat from artificial lighting.

Breeding Sites / Resting Places - Disturbance

2.10.8 No felling will be carried out within 200 m of any potential wildcat resting place (i.e. including all features that could provide suitable enclosed denning or above ground

shelter) until sufficient monitoring has been carried out to determine that the site is not a resting place.

2.10.9 If the monitoring evidence confirms, or indicates, that the feature is in use as a resting place then altering the felling / construction plan will be considered so that any impact on the site can be avoided. Where that is not possible NatureScot will be consulted on the appropriate course of action and whether an EPS derogation licence could be granted and under what circumstances. This assessment will have to be made on a case-by-case basis. If the evidence from monitoring is sufficiently convincing to conclude that the site is not in current use⁶, depending on the circumstances and if disturbance cannot be avoided, an EPS derogation licence may be sought. This will require a detailed assessment of the potential impacts on the resting place and the wider wildcat population along with details of the proposed mitigation in the form of a site-specific protection plan. NatureScot have advised that the issuing of such licences, due to the unfavourable conservation status of the species, should not be assumed or relied upon. For example, a licence to permit the disturbance of resting place used by a breeding female wildcat is very unlikely to be issued, irrespective of the mitigation provided. Depending on the specific circumstances and mitigation proposed, a licence to temporarily disturb a male wildcat resting place may be issued, where it is clear that operations would not damage the resting place.

2.10.10 Evidence from data currently available indicates that the consented development site is occasionally used by hybrid wildcats and is unlikely to be used by a female wildcat / hybrid wildcat while giving birth and raising her young. However, if the resting place is confirmed or suspected to be used by a breeding female then a protection zone will be established immediately, at least 200 m around the site, and no felling or other work will be carried out in that zone until NatureScot has been consulted on the monitoring evidence and the appropriate course of action.

Breeding Sites / Resting Places - Destruction

2.10.11 If the felling / construction plans cannot be altered to avoid destruction of a wildcat resting place then NatureScot will be consulted on whether, under the specific circumstances, an EPS derogation licence could be granted. This will require an assessment of the impact on the wildcat population and details of the proposed mitigation in the form of a site-specific protection plan. For example, mitigation could include the creation of at least three features suitable as wildcat resting places in suitable locations in the surrounding area (i.e. adjacent to suitable habitat, >500 m from the wind farm). However, due to the unfavourable conservation status of the species NatureScot have advised that they may not be in a position to permit the destruction of any wildcat resting place irrespective of the proposed mitigation.

2.10.12 For confirmed or suspected breeding sites the only course of action will be to establish a protection zone (at least 200 m wide, surrounding the site). No felling or other work will be carried out until NatureScot has been consulted on the monitoring evidence and the potential options for mitigation. This assessment will have to be made on a case-by-case basis.

⁶ It is important to note that a proven wildcat resting place is legally protected whether it is in current use or not.

3. WIND FARM OPERATION

3.1 Introduction

- 3.1.1 The proposed HMP (see separate document, MBEC, October 2024) is intended to offset the potential long-term effects of the operation of the consented development on wildcat. The following measures are proposed to reduce, where possible, potential disturbance effects for wildcat and other relevant protected species.

3.2 Disturbance due to Wind Farm Operation and Maintenance

- 3.2.1 All site operation and maintenance work will be restricted to daylight hours.
- 3.2.2 The 15 mph speed limit will also apply to all wind farm vehicles during the operational phase of the consented development.
- 3.2.3 Pre-works surveys will be completed in advance of any significant maintenance and repair work (e.g. replacement of turbine blades), which has the potential to disturb protected species present in the surrounding area. The applicable measures set out for the construction phase (see section 2) will be followed.

3.3 Disturbance related to Public Access

- 3.3.1 The new access tracks (c. 11 km in total) constructed for the wind farm could result in an increase in activity by people (e.g. dog walkers, horse riders, cyclists) within this part of Clashindarroch Forest. The potential for this to occur to the extent that it could result in disturbance to badger, otter, pine marten or wildcat is considered to be low. However, such activity, particularly affecting any wildcats using this part of the forest for shelter during the daytime, could potentially increase beyond a threshold that becomes significant. Evidence of this potential effect would be subject to monitoring during the operational phase of the wind farm (see Section 3.5)
- 3.3.2 If required to reduce an effect identified through monitoring, measures could be taken to encourage use of specific walking and cycling routes within the forest. The routes could be designed to avoid areas that wildcat are known to favour.

3.4 Bat Mortality Risk

- 3.4.1 A operational Bat Protection Plan would be developed prior to the start of wind farm operation, in consultation and agreement with NatureScot, which would include details of the measures that would be implemented to monitor bats and minimise the risk of fatalities occurring during wind farm operation
- 3.4.2 For all of the wind turbines located within the conifer plantation, once the trees are felled during the construction phase, a buffer zone would remain unplanted for the duration of the wind farm, to ensure that the minimum recommended distance (i.e. 50 m) between the wind turbine blade tips and forest edge habitats within the Site would be maintained in the long-term.
- 3.4.3 Post-construction bat activity and bat carcass monitoring would be completed for at least 2 years after the wind farm becomes operational. The bat carcass search programme would include trails to determine values for Site-specific biases that affect estimates of bat mortality from carcass searches, such as scavenger removal rates and search accuracy. This initial monitoring would inform the need for additional monitoring or

mitigation (e.g. an effective wind turbine management protocol to reduce bat mortality during conditions of elevated risk, such as warm evenings in summer with low wind speeds).

- 3.4.4 The results of the initial two years of monitoring would be reported in full to Aberdeenshire Council at the end of the 2nd year and the need for further monitoring or additional mitigation would be agreed in consultation with NatureScot.

3.5 Operational Monitoring for Wildcat

- 3.5.1 A wildcat monitoring programme will be implemented, as a minimum, during the first 5-years of the operation of the consented development. This will be a responsibility of the Wildcat Project Officer (WPO) whose wider role and responsibilities are set out in the HMP document. The main objectives will be to determine the extent to which wildcat behaviour has been influenced by the presence of the wind farm, inform decisions on any changes to wind farm operational mitigation and to assess the development and effectiveness of the habitat enhancement measures proposed under the HMP.
- 3.5.2 This will include systematic camera trapping and could also include support for satellite tracking studies of wildcats / hybrid wildcats to further improve knowledge of the use of Clashindarroch Forest by wildcat. Further information is provided in the HMP document (MBEC, October 2024).

3.6 Wind Farm Decommissioning

- 3.6.1 The wind farm would be decommissioned at the end of its life (typically 30-years). During this process there is the potential for disturbance to wildcat, and other protected species. Pre-works survey and the relevant SPP measures proposed for the construction phase will apply to the decommissioning works. However, these measures will be reviewed, in advance of the decommissioning, in order to take into account the results of monitoring during the operation of the wind farm, advances in best practice approaches to mitigate impacts on protected species that will have emerged since the wind farm was constructed.

4. REFERENCES

Birks, J. (2012) Pine marten. In: Cresswell, W.J., Birks, J.D.S., Dean, M., Pacheco, M., Trehwella, W.J., Wells, D. and Wray, S. (2012). UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation. The Mammal Society, Southampton.

Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn.). Bat Conservation Trust, London.

Forest Commission Scotland (2006). FCS Guidance Note 33: Forest operations and red squirrels in Scottish forests - the law and good practice.

Forest Commission Scotland (2007). FCS Guidance Note 34: Forest operations and European protected species in Scottish forests - implications of legal changes from February 2007.

Forest Commission Scotland (2009). FCS Guidance Note 35a: Forest operations and bats in Scotland.

Forest Commission Scotland (2009). FCS Guidance Note 35c: Forest operations and otters in Scotland.

Forest Commission Scotland (2009). FCS Guidance Note 35d: Forest operations and wildcats in Scotland.

MBEC (2023). Clashindarroch II Wind Farm: Protected Species – Pre-construction Survey Method Statement. Report to Vattenfall Wind Power Ltd. December 2023.

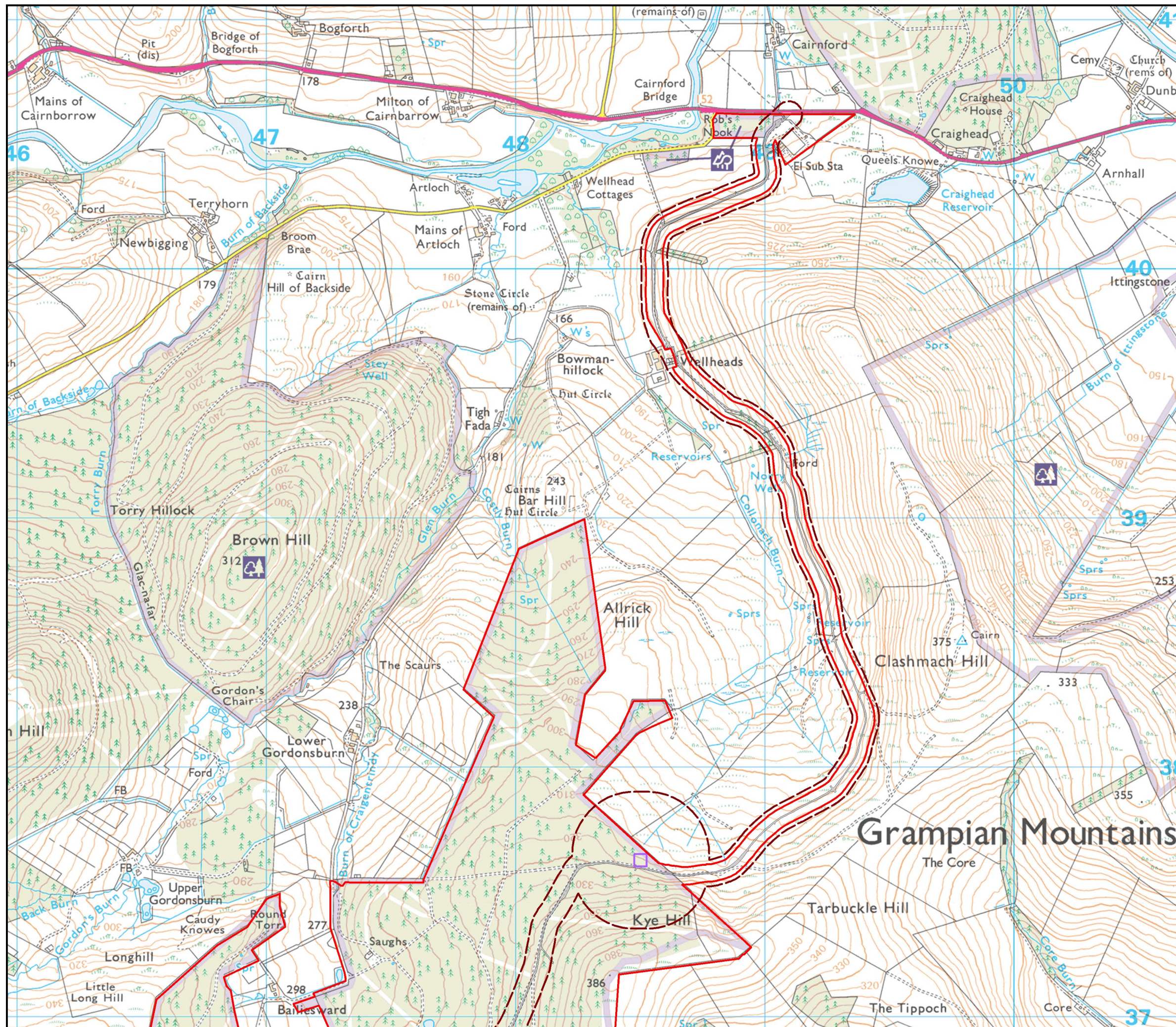
MBEC (2024). Clashindarroch II Wind Farm – Pre-construction Protected Mammal Survey Report. Report to Vattenfall Wind Power Ltd. October 2024.

DRAFT

FIGURES

CLASHINDARROCH II WIND FARM

FIGURE 1a
The Consented Development & Pre-construction Survey Area



- Site Boundary
- Consented Scheme:
 - Turbine Location
 - Footprint (Tracks & Crane Pads)
 - Substation
 - Construction Compound (temporary)
 - Main Construction Compound
 - Borrow Pit Search Area
 - ▲ Met Mast
 - ◆ Water Crossing Point
 - Protected Species Survey Area

Reproduced from Ordnance Survey digital map data © Crown copyright and database rights 2024 Ordnance Survey 100030835 © MBEC 2024.

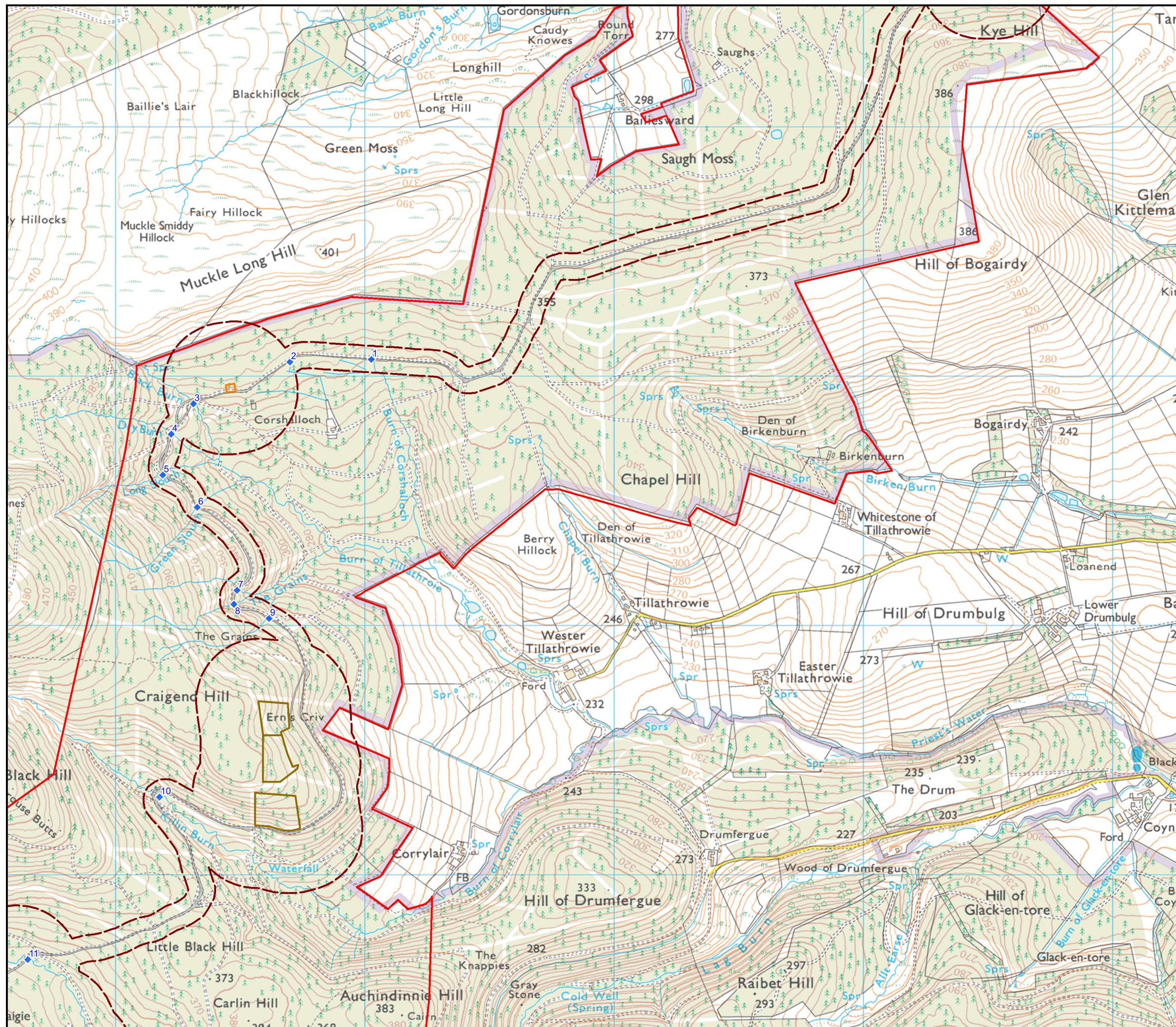
Original A3 plot scale
1:15,000

Client / Project No.	VAT / 063.036
Rev. By	Drg. No. N/A
Chk. By	Date 10/09/2024
Appr. By	Layout LCLON046

Figure 1a

CLASHINDARROCH II WIND FARM

FIGURE 1b The Consented Development & Pre- construction Survey Area



- Site Boundary
- Consented Scheme:
 - Turbine Location
 - Footprint (Tracks & Crane Pads)
 - Substation
 - Construction Compound (temporary)
 - Main Construction Compound
 - Borrow Pit Search Area
 - ▲ Met Mast
 - ◆ Water Crossing Point
- Protected Species Survey Area

Reproduced from Ordnance Survey digital map data © Crown copyright and database rights 2024 Ordnance Survey 100030835 © MBEC 2024.

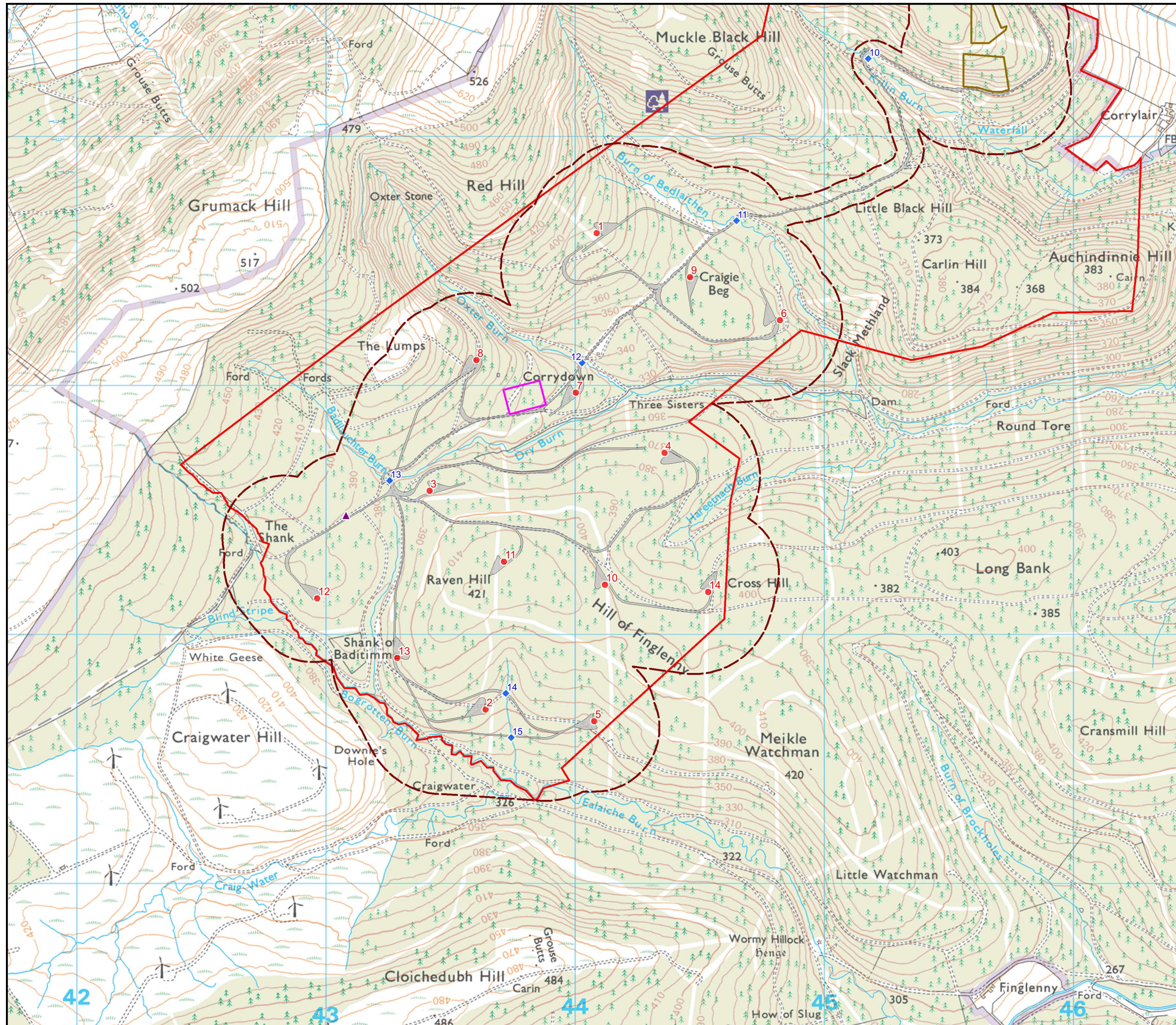
**Original A3 plot scale
1:15,000**

Client / Project No.	VAT / 063.036
Rev. By	Drg. No. N/A
Chk. By	Date 10/09/2024
Appr. By	Layout LCLON046

**Figure
1b**

CLASHINDARROCH II WIND FARM

FIGURE 1c
The Consented
Development & Pre-
construction Survey Area



- Site Boundary
- Consented Scheme:
 - Turbine Location
 - Footprint (Tracks & Crane Pads)
 - Substation
 - Construction Compound (temporary)
 - Main Construction Compound
 - Borrow Pit Search Area
 - ▲ Met Mast
 - ◆ Water Crossing Point
 - Protected Species Survey Area

Reproduced from Ordnance Survey digital map data © Crown copyright and database rights 2024 Ordnance Survey 100030835 © MBEC 2024.

Original A3 plot scale
1:15,000

Client / Project No.	VAT / 063.036
Rev. By	Drg. No. N/A
Chk. By	Date 10/09/2024
Appr. By	Layout LCLON046

**Figure
1c**