GB Wind Farm Ltd.

Giant's Burn Wind Farm EIA

Technical Appendix 6.1: Desk Study and Legal/Policy Context

Final report
Prepared by LUC
July 2025

GB Wind Farm Ltd.

Giant's Burn Wind Farm EIA
Technical Appendix 6.1: Desk Study and Legal/Policy Context

Project Number
12852

Version	Status	Prepared	Checked	Approved	Date
1.	First Draft for Client Review	S. Edwards	E. McMurchy	S. Jackson-Matthews	28.05.2025
2.	Second Draft for Client Review	E. McMurchy	A. Dennis	A. Dennis	23.06.2025
3.	Final Version	E. McMurchy	A. Dennis	A. Dennis	01.07.2025

Bristol
Cardiff
Edinburgh
Glasgow
London
Manchester
Sheffield

landuse.co.uk

Land Use Consultants Ltd
Registered in England
Registered number 2549296
Registered office:
250 Waterloo Road
London SE1 8RD

100% recycled paper

Landscape Design
Strategic Planning & Assessment
Development Planning
Urban Design & Masterplanning
Environmental Impact Assessment
Landscape Planning & Assessment
Landscape Management
Ecology
Historic Environment
GIS & Visualisation
Transport & Movement Planning
Arboriculture

Contents

Chapter 1
Introduction 1

Supporting Documents 1
Terminology and Survey Areas 1

Chapter 2
Legislative and Policy Context 2

Legislation 2
Policy 3

Chapter 3
Desk Study 4

Methodology 4
Results 4

Chapter 1
Introduction

1.1 This appendix details the full methods and results of the Desk Study undertaken to inform the Ecological Impact Assessment (EcIA) of the proposed Giant's Burn Wind Farm (the 'Proposed Development'). The EcIA is provided in Chapter 6 of the Environmental Impact Assessment Report (EIA Report).

1.2 To ensure the scope of the Desk Study is fully understood, this appendix also sets out the legal context that creates the mechanisms for designated sites and protected species, which subsequently form the basis of the EcIA.

Supporting Documents

1.3 This appendix supports the EcIA in addition to the following appendices:

- Appendix 6.2: Habitats and Vegetation Survey Report;
- Appendix 6.3: Protected Species Survey Report;
- Appendix 6.4: Bat Survey Report; and
- Appendix 6.5: Biodiversity Enhancement Strategy (BES).

1.4 This appendix is supported by the following figures which can be found in Volume 3a of the EIA report:

- Figure 3.1: Proposed Development;
- Figure 6.1: Ecology Survey Area; and
- Figure 6.2: Desk Study Search Areas.

Terminology and Survey Areas

1.5 The following terminology will be used throughout this appendix:

- Site
  - All land within the Site Boundary, as shown in Figure 3.1.
- Proposed Development
  - The physical process involved in the development of land at Giant's Burn Wind Farm, including the construction, operation and decommissioning of a seven turbine wind farm, Battery Energy Storage System (BESS) and ancillary infrastructure (described in detail in Chapter 3).
- Study Area
  - All land within which the Desk Study was undertaken (within 2 km, 5 km and 10 km of the Site, as shown in Figure 6.2).

Chapter 2
Legislative and Policy Context

Legislation

2.1 The protections afforded to ecological features in Scotland are enshrined in the following key legislation:

- the Conservation of Habitats and Species Regulations 2017 (as amended)[1];
- the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)[2];
- the Wildlife and Countryside Act 1981 (as amended)[3]; and
- the Protection of Badgers Act 1992 (as amended)[4].

2.2 A brief summary of each piece of legislation is provided below, with specific reference to development planning.

The Conservation of Habitats and Species Regulations 2017 (as amended)

2.3 The European Habitats Directive (Directive 92/42/EEC) was transposed into United Kingdom (UK) national legislation via the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations apply to specific reserved and devolved activities on land in Scotland, and in Scottish inshore waters, including for consents under section 36 of the Electricity Act 1989[5].

European Sites

2.4 The term 'European site' is used to refer to what were previously known as 'Natura' sites, when the UK was part of European Union. These sites were originally designated as part of the 'Natura 2000' network, a Europe-wide system of sites designated for their ecological value. Sites are either designated as Special Areas of Conservation (SACs), the qualifying features for which are normally internationally important habitats or species assemblages, or Special Protection Areas (SPAs), which qualify for their assemblages of birds.

2.5 Ramsar sites, which support internationally important wetland habitats, are listed under the Convention on Wetlands of International Importance as 'Waterfowl Habitat'[6], and form part of the Natura 2000 network in Europe. All Ramsar sites in Scotland are also European sites and are protected under the relevant statutory regimes by virtue of National Planning Framework 4 (NPF4).

2.6 SACs and SPAs receive considerable protection through the Regulations and these protections are normally reflected in national and local planning policy. Where developments have the potential to affect SACs or SPAs, an assessment process (Habitat Regulations Appraisal (HRA) must first be undertaken.

2.7 In order that potential effects on the European sites can be fully understood, it is important that they are considered fully in EcIA desk studies.

2.8 There is no change to the protection of SACs or SPAs as a result of the UK exit from the European Union, and the requirements of the Directives continue to be relevant to the management of European sites.

The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

2.9 In Scotland, the European Habitats Directive was transposed into national legislation via the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) ('The Habitats Regulations'). The Habitats Regulations provide the highest level of legal protection available to ecological features and make provisions for the following protected species.

European Protected Species (EPS)

2.10 The Habitats Regulations afford wide-ranging protections to a list of species considered to be of international conservation importance, under Schedule 2. A species is normally considered important where it plays an important role in wider ecosystems and has historically suffered significant population decline. With regard to EPS, it is an offence to:

- 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.
- Damage or destroy a breeding site or resting place, obstruct access to a breeding site or resting place, or otherwise deny an animal use of a breeding site or resting place.
- Disturb an animal in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species.
- Disturb an animal in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.
- Disturb an animal while it is migrating or hibernating.
- Take or destroy an animal's eggs (in Scotland, this is relevant only to the great crested newt and natterjack toad).
- Disturb any cetacean (dolphin, porpoise or whale).

2.11 There is no change to the protection of EPS as a result of the United Kingdom's exit from the European Union.

The Wildlife and Countryside Act 1981 (as amended)

2.12 The Wildlife and Countryside Act 1981 (as amended) (WCA) is domestic legislation that gives rise to designated sites, regulates the management of invasive species and provides protections for species of national conservation importance. Important features of the legislation in relation to protected sites and species are set out below.

Sites of Special Scientific Interest (SSSI)

2.13 The SSSI network in the UK extends to a system of sites designated for their national conservation value. Sites are designated for their biodiversity, habitats or species assemblages. There is a general presumption against development in SSSIs; however, where development is proposed, SSSI consent is required (except for activities covered by planning permission). SSSI consent will often necessitate extensive mitigation or compensation. For this reason, it is important that EcIA desk studies identify SSSIs that may be affected by Proposed Development.

Protected Species

2.14 Under the WCA Schedules 5 and 6, species considered to be of national conservation importance receive legal protections, often very similar to the protections available to EPS. For this reason, it is important that EcIA desk studies identify existing records of WCA protected species.

---

[1] Scottish Government (2017). *The Conservation of Habitats and Species Regulations 2017 (as amended)*. Available at: https://www.legislation.gov.uk/uksi/2017/1012/contents [Accessed April 2025].
[2] Scottish Government (1994). *The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended*). Available at: https://www.legislation.gov.uk/uksi/1994/2716/contents [Accessed April 2025].
[3] Scottish Government (1981). *The Wildlife and Countryside Act 1981 (as amended)*. Available at: https://www.legislation.gov.uk/ukpga/1981/69 [Accessed April 2025].
[4] Scottish Government (1992). *The Protection of Badgers Act 1992 (as amended)*. Available at: https://www.legislation.gov.uk/ukpga/1992/51 [Accessed April 2025].
[5] Scottish Government (1989). *Electricity Act 1989*. Available at: https://www.legislation.gov.uk/ukpga/1989/29/contents [Accessed April 2025].
[6] JNCC (2025). *Ramsar Convention*. Available at: https://jncc.gov.uk/our-work/ramsar-convention/ [Accessed April 2025].

The Protection of Badgers Act 1992

2.15 Although badgers are not rare in Scotland, they continue to receive protection due to the high levels of persecution they suffer. Badgers and their setts receive protection against killing, disturbance and destruction and, therefore, knowledge of existing records is of importance to EcIA desk studies.

Policy

National Planning Framework 4

2.16 On 13 February 2023, the Scottish Ministers adopted National Planning Framework 4 (NPF4)[7]. This forms part of the statutory development plan, along with the Argyll and Bute Local Development Plan 2 (see below) and its supplementary guidance. NPF4 supersedes National Planning Framework 3 and Scottish Planning Policy (SPP) (2014).

2.17 The document sets out the following key policies:

- Policy 1 is relevant to all developments: *"When considering all development proposals significant weight will be given to the global climate and nature crises"*. This policy marks a considerable shift to previous nationally planning policy. It clearly denotes that when considering proposed developments, tackling climate change should be at the forefront for decision makers.
- Policy 3 Biodiversity seeks to *"protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks"*. Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
  - i) the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii) wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii) an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv) significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
  - v) local community benefits of the biodiversity and/or nature networks have been considered.
- Policy 4 Natural Places seeks to *"protect, restore and enhance natural assets making best use of nature-based solutions*". Policy 4 adopts a precautionary principle when evaluating potential significant effects a proposed development may have on national or local designated sites. It states that a development will not be supported if it will have a significant effect on the integrity of a designated area or the qualities for which it has been identified for; this is unless any significant effects are clearly outweighed by social, environmental or economic benefits. Furthermore, it states that where adverse effects on species protected by legislation may occur, development proposals will only be supported where the relevant statutory tests are met.
- Policy 5 Soils is designed *"to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development*". The policy states that where development proposals on peatland, carbon-rich soils or priority peatland habitats is proposed, a detailed site-specific assessment is required to identify likely effects and net effects. Policy 5 is intended to protect carbon-rich soils, restore peatlands and avoid and minimise disturbance to soils as a result of developments. It is also envisaged that essential infrastructure relevant to achieving Policy 1, e.g. wind farms, will be acceptable in principle on peatlands, provided that the remaining elements of the policy are complied with.
- Policy 6 Forestry, woodland and trees seeks to "*protect and expand forests, woodland and trees".* Policy 6 supports proposals to enhance, expand or improve woodland and tree cover. Conversely, it will not support developments that would result in loss of ancient woodland, ancient or veteran trees or have an adverse impact on their ecological condition. It will also not support developments that will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity. Fragmentation or severing woodland habitat in the absence of mitigation will also not be supported. Where woodland removal is required, it will only be justified where it demonstrates significant and clearly defined public benefits and compensatory planting is likely to be required to offset the loss.

Argyll and Bute Local Development Plan 2

2.18 Argyll and Bute Local Development Plan 2 (LDP2) sets out a strategic framework for development and conservation of the area.

2.19 This document sets out the following key policies:

- Policy 73: Development Impact on Habitats, Species, and Biodiversity aims to protect and enhance biodiversity and natural heritage. Developments must demonstrate compliance with national and local nature conservation and biodiversity policy. Where there is evidence to suggest a habitat or species of importance may be impacted by a development, ecological surveys may be required to assess impacts, which in turn may identify mitigation measures to be implemented as part of a development proposal to minimise impacts on biodiversity. The Argyll and Bute Local Biodiversity Action Plan (LBAP)[8] forms part of the guidance linked to this policy.
- Policies 74 Development Impact on Sites of International Importance aims to protect internationally significant sites of conservation importance. Any development proposals that are likely to have a significantly adverse effect, including cumulative, upon an existing or proposed SPA, SAC, or European site, require appropriate assessment.
- Policy 75 Development Impact on SSSIs and National Nature Reserves (NNR) aims to protect nationally significant areas. A development that would affect a SSSI or NNR will only be permitted where it can demonstrate that neither the natural feature(s) nor the qualities of special interest or objectives nor the integrity of the designated area will be compromised, or any adverse effects are outweighed by social, environmental or economic interest of national importance and the need for the development cannot be met in another, less environmentally sensitive location.
- Policy 76 Development Local Nature Conservation Sites (LNCS) aims to protect locally important sites. Where a development may have a significant adverse effect on the integrity of a LNCS, such effects must be outweighed by social, environmental or economic benefits. Mitigation measures are required to minimise adverse effects on the interests of the site.
- Policy 77 Forestry, Woodland, and Trees aims to protect and enhance woodland resources by discouraging woodland removal. Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. The policy also prioritises the conservation of ancient woodlands, veteran trees and other valuable woodland features. Any developments which require the removal of woodland resources will require compensatory planting in accordance with the approach set out in Policy 78.
- Policy 78 Woodland Removal sets out the procedure developers must follow if woodland resources are to be removed to facilitate a development. Compensatory planting should aim to be on-site or off-site within Argyll & Bute as the preferred options.
- Policy 79 Protection of Soil and Peat Resources aims to protect soil and peat resources and states that development will only be supported where appropriate measures have been undertaken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development. Where significant adverse effects are identified, developments will only be supported if adverse effects are outweighed by public benefits. In addition, a soil or peatland management plan is required to demonstrates how adverse effects have been minimised.

[7] Scottish Government (2023). *National Planning Framework 4.* Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/02/national-planning-framework-4/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4.pdf [Accessed May 2025].

[8] Argyll and Bute Council (n.d.). *Biodiversity*. Available at: https://www.argyll-bute.gov.uk/environment/countryside/biodiversity [Accessed May 2025].

Chapter 3
Desk Study

Methodology

3.1 The purpose of the Desk Study is to identify features of ecological importance within defined buffers around the Proposed Development. Data collected via the Desk Study is subsequently used to inform the scope of the EcIA and to supplement and guide field surveys and assessments.

Guidance and Resources

3.2 In addition to national and local planning policy, the Desk Study has been carried out with reference to the following relevant guidance:

- NatureScot: Advising on Peatland, Carbon-Rich Soils and Priority Peatland Habitats in Development Management[9];
- SEPA Guidance Note: Groundwater Dependent Terrestrial Ecosystems (GWDTE)[10]; and
- Argyll and Bute Biodiversity Strategy and Action Plan[11].

3.3 Furthermore, the following resources have been used to aid in the identification of potentially sensitive ecological features:

- Ancient Woodland Inventory (AWI)[12];
- Carbon and Peatland 2016 Map[13]; and
- Publicly available records of EPS and WCA Protected Species on National Biodiversity Network (NBN) Atlas[14].

3.4 The above guidance and resources have been incorporated into the Desk Study to ensure all ecological constraints have been considered as far as reasonably practicable.

Targeted Study Areas

3.5 Table 3.1 summarises the features targeted in the Desk Study, and the resources used to identify them. In order that the study was appropriately focused, buffers were applied, and these are also shown within the table.

Table 3.1: Desk Study Targets

Ecological Feature	Comment	Desk Study Resource	Buffer from Site Boundary
Statutory Designated Sites	To include: ■ European Sites (SACs); ■ Ramsar Sites; ■ National Nature Reserves (NNRs); ■ SSSIs; and ■ Local Nature Reserves (LNRs).	NatureScot SiteLink Website[15] Multi-Agency Geographic Information for the Countryside ('MAGIC')[16] Scotland Environment Mapping Service[17]	10 km
Non-Statutory Designated Sites	To include: ■ Local Nature Conservation Sites (LNCS); ■ Local Wildlife Sites (LWS); ■ Royal Society for the Protection of Birds (RSPB) and Scottish Wildlife Trust (SWT) Reserves; and ■ Ancient/Long-Established Woodland.	MAGIC[16] Scotland Environment Mapping Service[17] Ancient Woodland Inventory ('AWI')[12] Argyll and Bute Local Development Plan, Nature Conservation Sites[18]	5 km
Existing Records of Deep Peat and Carbon Rich Soils	N/A	The Carbon and Peatland Map[13]	2 km
Existing Records of EPS and WCA Protected Species	To include: ■ All native EPS and WCA protected species records, post-2000.	National Biodiversity Network (NBN) Atlas Scotland, under CC-BY licence[14]	2 km for Protected Species 10 km for Bat Species

Results

Designated Sites

3.6 Statutory and non-statutory designated sites within 10 km and 5 km of the Site are listed in Table 3.2, in line with the Scoping Report[19]. The location of these sites, within the buffers described in Table 3.1, are presented in Figure 6.2.

3.7 Any sites designated solely for their bird assemblages (e.g. SPAs) are discussed in Chapter 7 of the EIA Report.

[9] NatureScot (2023). *Advising on Peatland, Carbon-Rich Soils and Priority Peatland Habitats in Development Management*. Available at: https://www.nature.scot/doc/advising-peatland-carbon-rich-soils-and-priority-peatland-habitats-development-management [Accessed April 2025].
[10] SEPA (2024). *Guidance on Assessing the Impacts of Developments on Groundwater Dependent Terrestrial Ecosystems*. Available at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.sepa.org.uk%2Fmedia%2Fa1yh0blq%2Fguidance-on-assessing-the-impacts-of-developments-on-groundwater-dependent-terrestrial-ecosystems.docx&wdOrigin=BROWSELINK [Accessed April 2025].
[11] Argyll and Bute Council (n.d.). *Argyll and Bute Biodiversity Strategy and Action Plan*. Available at: https://www.argyll-bute.gov.uk/moderngov/documents/s42137/Conserving%20Biodiversity%20ABC%20-%2007052009%20Pre-Agenda%20Briefing%20of%20the%20Executive%2021052009%20Executiv.pdf [Accessed May 2025].
[12] NatureScot (2000). *Ancient Woodland Inventory*. Available at: https://opendata.nature.scot/datasets/ancient-woodland-inventory/explore [Accessed April 2025].
[13] NatureScot (2016). *Carbon and Peatland 2016 Map*. Available at: https://soils.environment.gov.scot/maps/thematic-maps/carbon-and-peatland-2016-map/ [Accessed April 2025].
[14] NBN Atlas (2024). *Publicly Available Records of EPS and WCA Protected Species*. Available at: https://nbnatlas.org/ [Accessed April 2025].
[15] NatureScot (n.d.). *NatureScot SiteLink*. Available at: https://sitelink.nature.scot/home [Accessed April 2025].
[16] Department for Environment, Food and Rural Affairs *et al* (n.d.). *Multi-Agency Geographic Information for the Countryside*. Available at: http://magic.defra.gov.uk [Accessed April 2025].
[17] Scottish Environment Protection Agency (n.d.). *Scotland's Environment Map*. Available at: https://map.environment.gov.scot/sewebmap/ [Accessed April 2025].
[18] Argyll and Bute Council (2018). *Local Development Plan - Local Nature Conservation Sites* - Argyll and Bute. Available at: https://www.data.gov.uk/dataset/1130d4e6-2a99-4227-a552-da088ae7624e/local-development-plan-local-nature-conservation-sites-argyll-and-bute [Accessed April 2025].
[19] Statkraft (2023). *Giant's Burn Wind Farm: Environmental Impact Assessment Scoping Report*.

Table 3.2: Designated Sites

Site Name	Designation	Approx. Distance and Orientation from the Site	Qualifying Feature(s)
Statutory Sites within 10 km			
Holy Loch	LNR LNCS	1.3 km north-east	Habitats: Saltmarsh, Wild Flower Meadow, Woodland, Reedbed and Bog Birds: Bird Assemblage (see Chapter 7)
Loch Lomond and The Trossachs National Park	National Park	2.7 km north-east	Habitats: Blanket Bog and Depressions on Peat Substrate, Ancient Broadleaved Woodland, Upland Oak Woodland, Subalpine Wet Heath, Tall Herb Ledge and Alpine Flush Freshwater and Estuarine Fish: Fish Assemblages Freshwater Habitats: Oligotrophic Loch Fens: Flood-Plain Fen Birds: Bird Assemblage (see Chapter 7) Vascular Plants: Vascular Plant Assemblage Non-Vascular Plants: Bryophyte Assemblage Invertebrates: Beetle Assemblage
Loch Eck	SSSI	5.3 km north	Freshwater and Estuarine Fish: Common whitefish (*Coregonus lavaretus*) and Arctic charr (*Salvelinus alpinus*) Freshwater and Estuarine Fish: Fish Assemblage Freshwater Habitats: Oligotrophic Loch Fens: Flood-Plain Fen Non-Vascular Plants: Bryophyte Assemblage
Wemyss Bay Woodland	LNR	7.7 km south-east	Habitats: Mature Woodland (Mixed Ancient Semi-Natural and Estate Plantation Origin)
Shielhill Glen	SSSI	8.3 km south-east	Woodlands: Lowland Mixed Broadleaved Woodland Fens: Fen Meadow
Coves Community Park	LNR	8.4 km east	Habitats: Open Water, Herb-Rich Grassland, Heathland and Woodland
Craighoyle Woodland	SSSI	9.3 km north-east	Non-Vascular Plants: Bryophyte Assemblage Non-Vascular Plants: Lichen Assemblage
North End of Bute	SSSI	9.9 km south-west	Woodlands: Upland Oak Woodland
			Upland Habitat: Upland Assemblage Birds: Breeding Bird Assemblage (see Chapter 7)
Non-Statutory Sites within 5 km			
Dunloskin Wood	AWI	Within the Site, at the eastern boundary. Adjacent to the existing access track.	Ancient (of Semi-Natural Origin)
Dalinlogart Wood	AWI	Within the Site, at the Balagowan site entrance.	Ancient (of Semi-Natural Origin)
Unnamed Woodlands (x3)	AWI	Within the Site, adjacent to Dalinlogart Wood.	Ancient (of Semi-Natural Origin)
Unnamed Woodland	AWI	Within the Site, at the north-western boundary.	Ancient (of Semi-Natural Origin)
Unnamed Woodlands (x2)	AWI	Within the Site, adjacent to Dalinlogart Wood.	Other (on Roy Maps)
Loch Striven	LNCS	4.4 km west	Fen Meadow, Flood-Plain Fen, Saltmarsh and Upland Oak Woodland
Burneven Hill	LNCS	4.9 km south-east	Biodiversity[20]
Numerous Named and Unnamed Woodlands	AWI	Ranging from 0.2 – 4.9 km, widespread within Search Area	Ancient (of Semi-Natural Origin)
Numerous Named and Unnamed Woodlands	AWI	Ranging from 0.4 – 4.9 km, widespread within Search Area	Long Established (of Plantation Origin)
Numerous Named and Unnamed Woodlands	AWI	Ranging from 0.3 – 3.6 km, widespread within Search Area	Other (on Roy Maps)

3.8 There were no SACs, Ramsar sites or NNRs within 10 km of the Site, and no RSPB/SWT reserves within 5 km of the Site.

Deep Peat and Carbon Rich Soil

3.9 NatureScot's Carbon and Peatland Map[13] identified:

- Two high-value areas of 'Class 1' peatland within the north and south-west of the Site, respectively. An additional two areas of 'Class 1' peatland are present to the north-west of the wider Study Area.
- Continuous 'Class 2' peatland within the Site, which continues south-west and north-west within the wider Study Area.
- Small areas of 'Class 3' peatland along the north-western Site Boundary, with additional larger areas within the north-west of the wider Study Area.
- 'Class 4' peatland within the north of the Site and within the wider Study Area.
- 'Class 5' peatland along the south, east and north Site Boundaries and within the wider Study Area.

[20] When a site has no specific designation listed, it is presumed to be designated for its biodiversity.

- 'Class 0' peatland within the east of the Site and wider Study Area.

3.10 These classes are defined as follows:

- **Class 1:** Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas likely to be of high conservation value.
- **Class 2:** Nationally important carbon-rich soils, deep peat and priority peatland habitat. Areas of potentially high conservation value and restoration potential.
- **Class 3:** Dominant vegetation cover is not priority peatland habitat but is associated with wet and acidic type. Occasional peatland habitats can be found. Most soils are carbon-rich soils, with some areas of deep peat.
- **Class 4:** Area unlikely to be associated with peatland habitat or wet and acidic type. Are unlikely to include carbon-rich soils.
- **Class 5:** Soil information takes precedence over vegetation data. No peatland habitat recorded. May also include areas of bare soil. Soils are carbon-rich and deep peat.
- **Class 0:** Mineral soil. Peatland habitats are not typically found on such soils.

3.11 Where areas of potential peat habitat overlapped with the Phase 1 and NVC habitat surveys, consideration was given to the true ecological value of their habitats. Following completion of the peat surveys for the Site, the indicative data provided by the Carbon and Peatland Map was updated (see Chapter 8 of the EIA Report and associated appendices). Detailed habitat survey results are presented in Appendix 6.2.

Protected Species

3.12 A data search of relevant protected species records (post-2000) returned the following protected species results:

NBN Atlas

3.13 NBN Atlas identified 29 records of bat species within the 10 km Study Area. No records were located within the Site. Details are listed below in Table 3.3.

Table 3.3: NBN Atlas Bat Records (Post-2000) within 10 km of the Proposed Development

Species	Scientific Name	Number of Records	Most Recent Record
Soprano Pipistrelle	*Pipistrellus pygmaeus*	10	2023
Daubenton's Bat	*Myotis daubentonii*	1	2023
Brown Long-Eared Bat	*Plecotus auritus*	4	2020
Unidentified Bat Species	Chiroptera	8	2019
Common Pipistrelle	*Pipistrellus pipistrellus*	4	2016
Unidentified Pipistrelle	*Pipistrellus* spp.	2	2004

3.14 NBN Atlas identified 315 records of protected species within the 2 km Study Area. One red squirrel record was located within the Site, at the northern entrance along the existing access tracks (NS 13363 81311). Details are listed below in Table 3.4.

Table 3.4: NBN Atlas Protected Species Records (Post-2000) within 2 km of the Proposed Development

Species	Scientific Name	Number of Records	Most Recent Record
Eurasian Red Squirrel	*Sciurus vulgaris*	314	2024
Eurasian Otter	*Lutra lutra*	1	2021

3.15 There were no publicly available records of any other EPS or WCA protected species (i.e. badger *Meles meles*, pine marten *Martes martes*, water vole *Arvicola amphibius*, beaver *Castor fiber*, wildcat *Felis silvestris* or great crested newt *Triturus cristatus*) within the 2 km Study Area.