



# SCOTTISH EXECUTIVE

## Environment Group

### Wildlife and Habitats Division

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Your ref:  
Our ref:

17<sup>th</sup> March 2005

Job No.	390551E2
21 MAR 2005	
Fabrication	
Rev	56
	BAL
Approved by	BAL
Date	23/3/05
Copy to:	
Filing Location:	

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Dear Dr Cuthbert

### ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 1999 GLASGOW AIRPORT RAIL LINK (SCOPING REQUEST)

I refer to your recent consultation of «date» under the 1999 Regulations with the Scottish Ministers about the proposed development named above. I am sorry for the delay in replying.

This response relates to the Scottish Ministers responsibilities for countryside and natural heritage, namely species and protected area issues. In relation to the above case, on the basis of the information available and without prejudice to any further consideration the Scottish Ministers may be required to give, we have the following comments to offer:

#### GENERAL COMMENTS

We would like to offer the following general comments and advice for developers regarding the Wildlife Legislative obligations, and possible subsequent licensing arrangements, involved in **any** development project, in relation to species.

Developers should show that relevant wildlife legislation and guidance has been clearly identified and considered at the earliest stage in order to allow developers time to take due account of the obligations involved. Namely, Council Directive 97/62/EC on the conservation of natural habitats and of wild flora and fauna and Council Directive 79/409/EEC on the conservation of wild birds (commonly know as the Habitats and Birds Directives), the Protection of Badgers Act 1992, the 1994 Conservation Regulations, Scottish Executive Interim Guidance on European Protected Species, Development Sites and the Planning System and the 1981 Wildlife & Countryside Act.

It needs to be categorically established which species are present on the site, and where, before the application is considered for planning consent. Consideration of Schedule 1 Birds and European Protected Species **must** be included as part of detailed survey work and be considered as part of the planning application process, **not** as an issue which can be considered at a later stage. Any consent



given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously. We require that all survey work be detailed enough to determine the level of threat to these species.

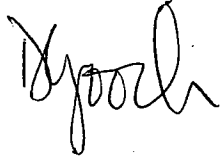
Consultants and developers must also remember that it is an offence to disturb both European Protected Species such as bats, otters and Schedule 1 birds, particularly during the breeding season. Even if the works themselves would not make any permanent changes, the construction phases of the operation itself may require to be licensed. It should also be noted that this might also apply to the undertaking of detailed survey research work at the site. If the survey work itself is considered to be the cause of the disturbance, a licence from Scottish Natural Heritage (SNH) must be sought. If any protected species are found on the site we recommend we are formally approached at the earliest possible opportunity to clarify whether a licence is needed. We would recommend close liaison between the developer, local authority and SNH over the details of work to be done on site.

With regard to obligations for areas which are designated for the protection of natural heritage interests, we assume that Scottish Natural Heritage are being consulted in their role as our statutory nature conservation advisor and are content that they supply you with advice at the scoping stage.

In addition for your information I attach some general comments on recommended principles for ecological assessments for transport schemes.

If you have any queries regarding this letter please do not hesitate to contact me.

Yours sincerely



**DEBORAH GOOCH**



## **Ecological assessments for transport development schemes**

The Scottish Executive recommend that ecological assessments for transport development schemes in Scotland should be carried out following the process and procedures outlined below:

1. A desk-based study of the proposed site, including assessment of statutory international and national, and local non-statutory designations, as a first step to identifying possible ecological / natural heritage interest.
2. A desk-based survey of pre-existing data on habitats, flora, hydrology, birds and other wildlife.
3. A baseline survey of habitats on the site, to a minimum of Phase 1 standards, paying particular attention to habitats described as sensitive by SNH's strategic locational guidance, and providing mapped information on habitats.
4. A study of the hydrology of the site, to determine the likely effects of the scheme and all other associated works and access works on the hydrology of mire habitats and flowing waters. This should be mapped.
5. A field survey to provide detailed contemporary mapping of rare / specially protected plants.
6. A field survey to determine the presence and distribution of rare / specially protected animals, based on observations of the animals and of signs of their presence and abundance.
7. Surveys of the use of the site by birds at all seasons, following methods appropriate to the species present. These are detailed by SNH and in Gilbert et al 2001. We emphasise that the survey methods and timing need to be tailored according to the species and groups concerned, and should include assessments of nocturnal and crepuscular activity where appropriate.
8. Particular attention should be paid to surveying for specially protected species, under Schedules 1 & 5 of the Wildlife and Countryside Act, Schedule 2 of the Conservation Regulations, Annex 1 of the Birds Directive, or migrant species under the terms of the Birds Directive.
9. With regard to obligations for areas which are designated for the protection of natural heritage interests, we assume that Scottish Natural Heritage are being consulted in their role as our statutory nature conservation advisor and are content that they supply you with advice at the scoping stage.