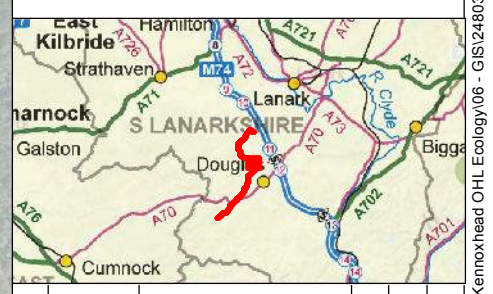


- Legend:**
- Alignment
  - Structure
  - Broadleaved Semi-natural Woodland
  - Broad-leaved Plantation Woodland
  - Mixed Semi-natural Woodland
  - Mixed Plantation Woodland
  - Coniferous Plantation Woodland
  - Dense Scrub
  - Semi-improved Neutral Grassland
  - Improved Grassland
  - Marshy Grassland
  - Wet Dwarf Shrub Heath
  - Wet Heath / Acid Grassland
  - Dry Dwarf Shrub Heath
  - Standing Water
  - Swamp
  - Tall Ruderal Vegetation
  - Continuous Bracken
  - Ephemeral / Short Perennial
  - Bare Ground / Hardstanding
  - + Broad-leaved Hedge / Tree-line
  - River
  - Running Water
  - Ditch
  - Scattered Broad-leaved Trees
  - Scattered Coniferous Trees
  - Target Note



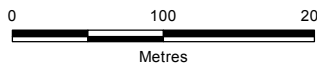
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**Kennoxhead OHL**




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Figure 1  
Phase 1 Map  
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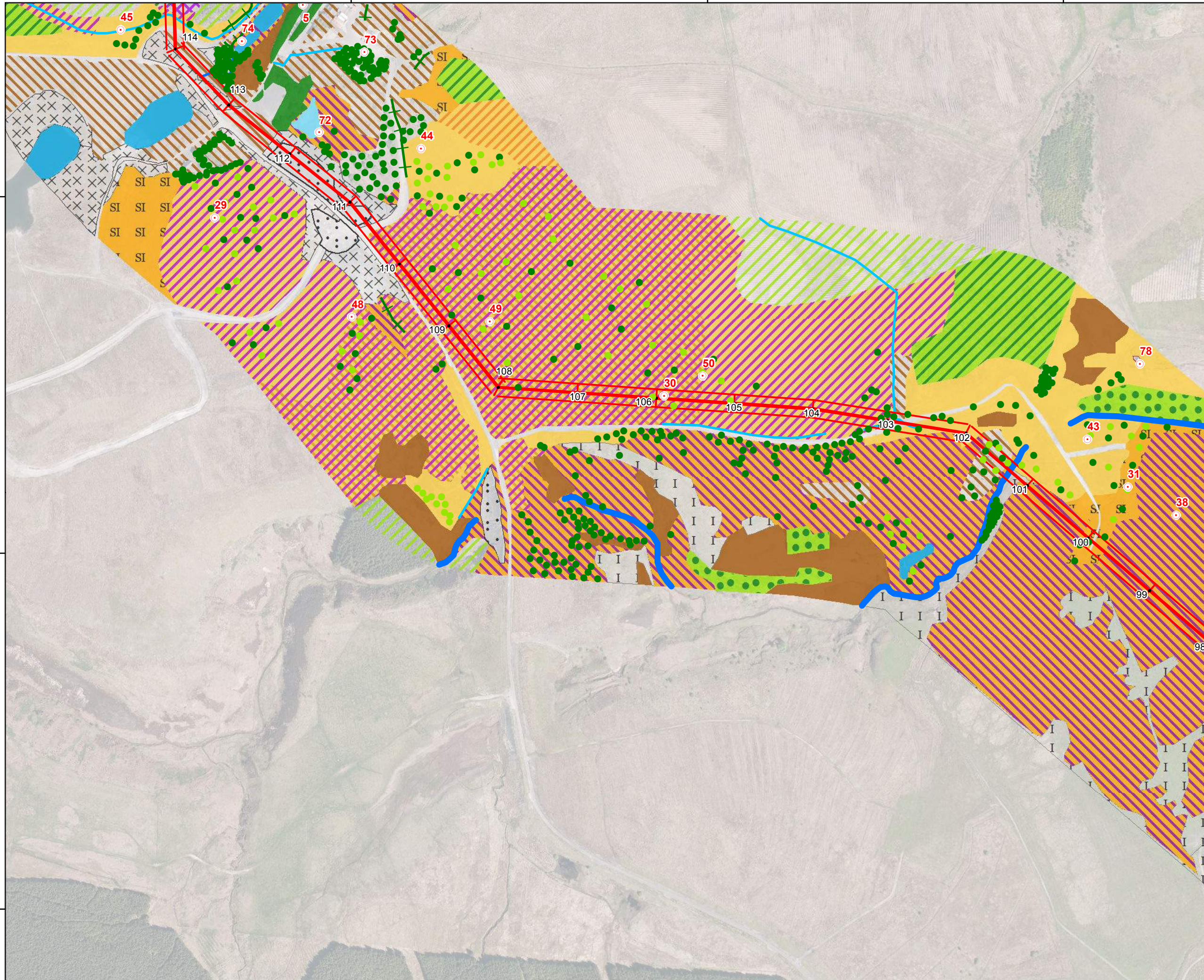
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282000

634000

633500

633000



- Legend:**
- Alignment
  - Structure
  - Broadleaved Semi-natural Woodland
  - Broad-leaved Plantation Woodland
  - Mixed Semi-natural Woodland
  - Mixed Plantation Woodland
  - Coniferous Plantation Woodland
  - Semi-improved Neutral Grassland
  - Improved Grassland
  - Marshy Grassland
  - Wet Dwarf Shrub Heath
  - Wet Heath / Acid Grassland
  - Dry Dwarf Shrub Heath
  - Dry Heath / Acid Grassland
  - Modified Bog
  - Standing Water
  - Swamp
  - Tall Ruderal Vegetation
  - Continuous Bracken
  - Ephemeral / Short Perennial
  - Cave
  - Bare Ground / Hardstanding
  - + Broad-leaved Hedge / Tree-line
  - River
  - Running Water
  - Ditch
  - Scattered Broad-leaved Trees
  - Scattered Coniferous Trees
  - Target Note



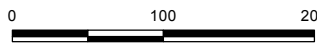
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Figure 1  
Phase 1 Map  
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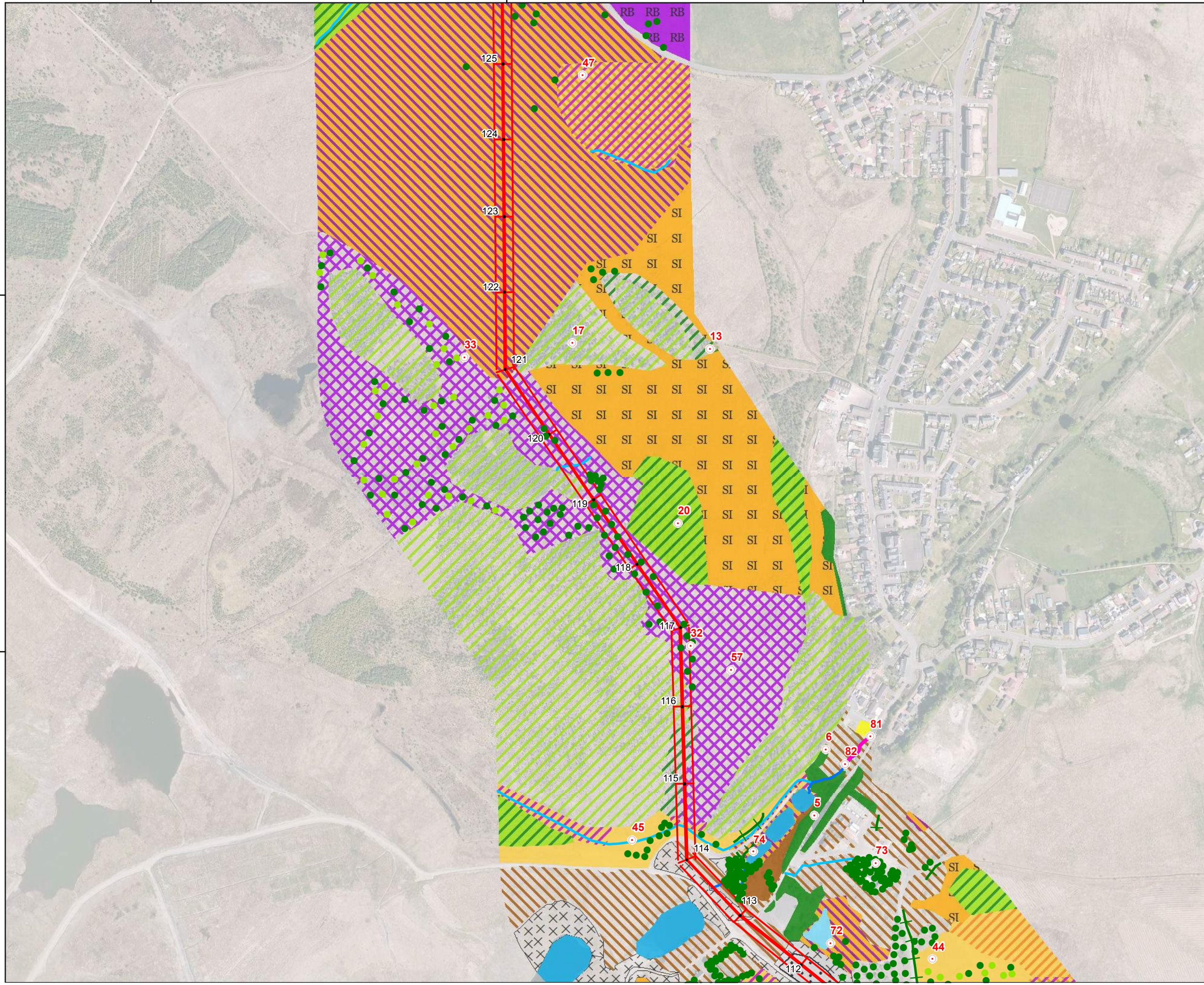
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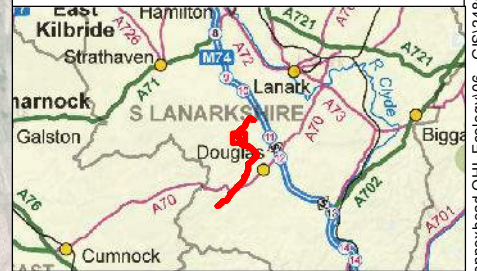
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635000

634500



- Legend:**
- Alignment
  - Structure
  - Broadleaved Semi-natural Woodland
  - ▨ Broad-leaved Plantation Woodland
  - ▧ Mixed Plantation Woodland
  - ▩ Coniferous Plantation Woodland
  - ▨ Semi-improved Neutral Grassland
  - ▧ Marshy Grassland
  - ▩ Wet Dwarf Shrub Heath
  - ▨ Wet Heath / Acid Grassland
  - ▧ Dry Dwarf Shrub Heath
  - ▩ Dry Heath / Acid Grassland
  - Raised Bog
  - ▨ Modified Bog
  - Standing Water
  - Swamp
  - ▨ Tall Ruderal Vegetation
  - ▩ Continuous Bracken
  - ▨ Ephemeral / Short Perennial
  - Amenity Grassland
  - Bare Ground / Hardstanding
  - + Broad-leaved Hedge / Tree-line
  - Running Water
  - Ditch
  - Japanese Knotweed
  - Scattered Broad-leaved Trees
  - Scattered Coniferous Trees
  - Target Note



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Figure 1  
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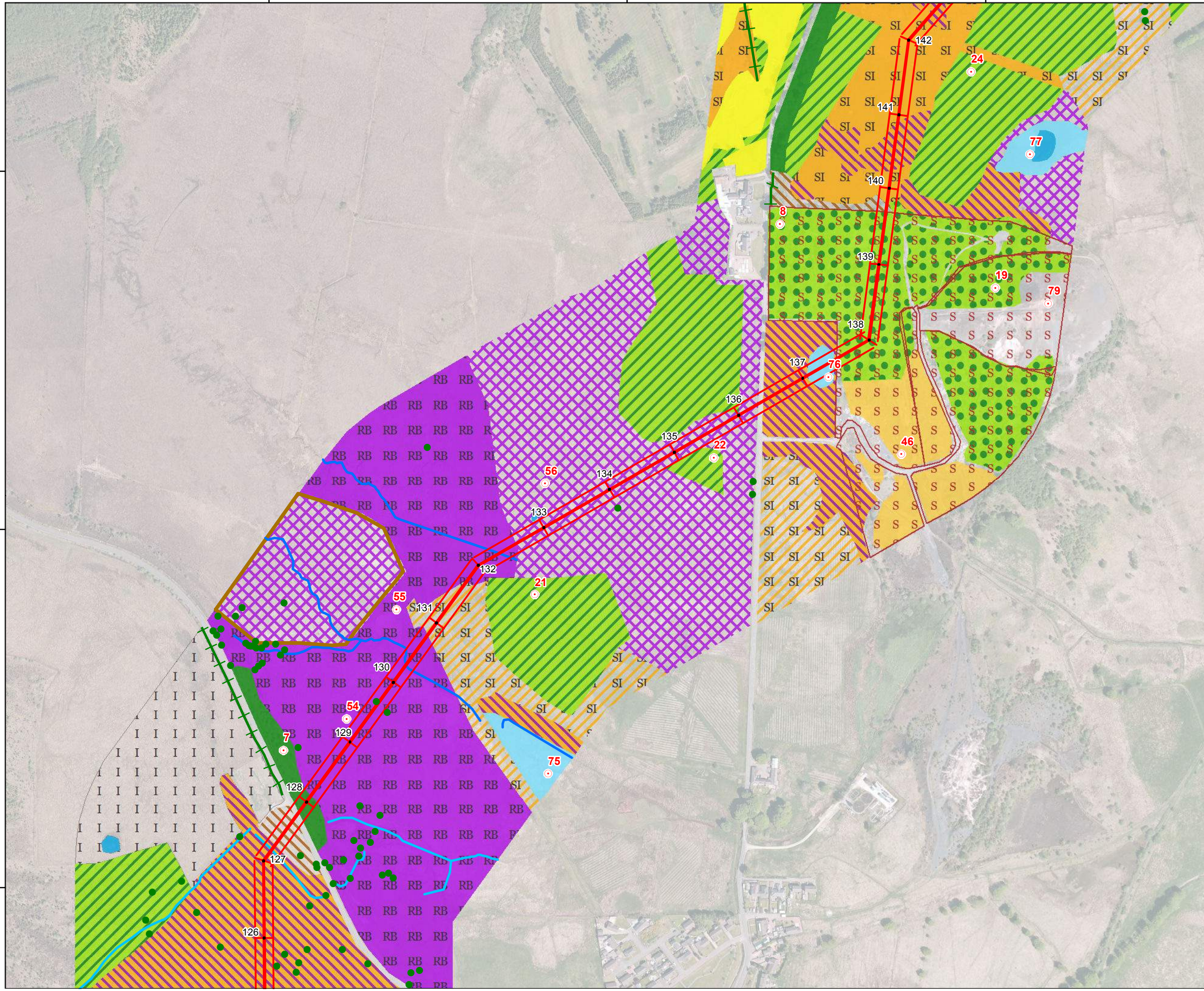
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281500

636500

636000

635500



- Legend:**
- Alignment
  - Structure
  - Broadleaved Semi-natural Woodland
  - Mixed Semi-natural Woodland
  - Mixed Plantation Woodland
  - Semi-improved Acid Grassland
  - Semi-improved Neutral Grassland
  - Improved Grassland
  - Marshy Grassland
  - Dry Dwarf Shrub Heath
  - Raised Bog
  - Modified Bog
  - Standing Water
  - Swamp
  - Tall Ruderal Vegetation
  - Amenity Grassland
  - Spoil
  - Burnt Vegetation
  - Broad-leaved Hedge / Tree-line
  - Running Water
  - Ditch
  - Scattered Broad-leaved Trees
  - Target Note



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Figure 1  
Phase 1 Map  
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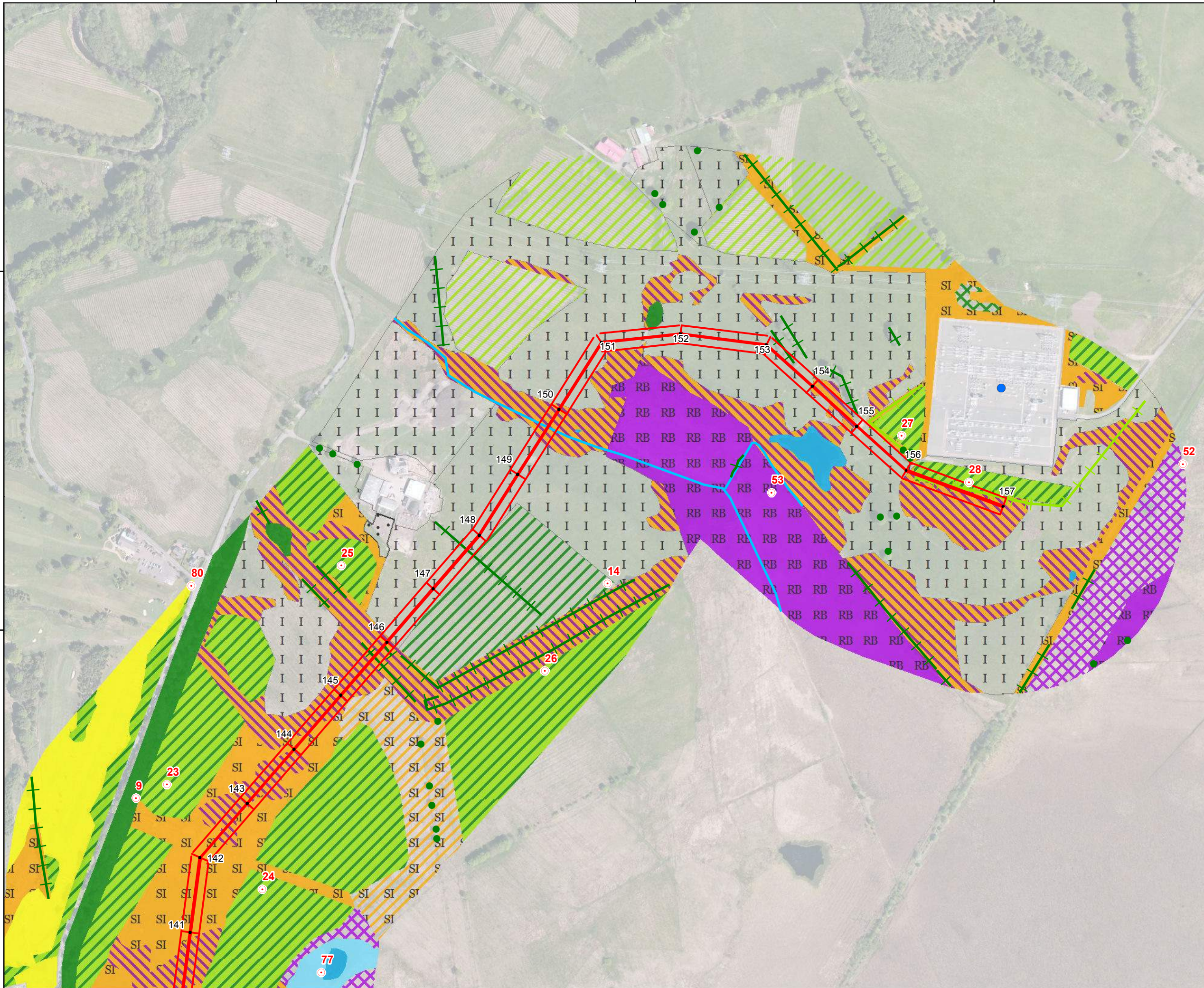
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282500

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636500



- Legend:**
- Alignment
  - Structure
  - Coalburn Collector Substation
  - Broadleaved Semi-natural Woodland
  - Broad-leaved Plantation Woodland
  - Mixed Plantation Woodland
  - Coniferous Plantation Woodland
  - Dense Scrub
  - Semi-improved Acid Grassland
  - Semi-improved Neutral Grassland
  - Improved Grassland
  - Marshy Grassland
  - Raised Bog
  - Modified Bog
  - Standing Water
  - Swamp
  - Tall Ruderal Vegetation
  - Amenity Grassland
  - Bare Ground / Hardstanding
  - + Broad-leaved Hedge / Tree-line
  - + Coniferous Hedge / Tree-line
  - Ditch
  - Scattered Broad-leaved Trees
  - Target Note

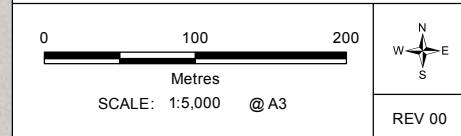


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Figure 1  
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Map 11 of 11



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# APPENDIX A –NOTEWORTHY SPECIES RECORDS

Table 6 displays noteworthy species records that are located within 2 km of the site boundary. These species records were obtained from Glasgow Museums Biological Records Centre. The Latin and common names for species are given as well as their level of designation. A glossary defining abbreviations used in the table is given in Table 7, Appendix B. If a species is not included in the table below it does not necessarily mean the species is absent from the search area, but rather that data-holding organizations do not have records of it in these locations.

**Table 6: Noteworthy species records within 2 km of the site boundary**

Latin Name	Common Name	Designation
<b>Amphibians</b>		
<i>Bufo bufo</i>	Common Toad	WCA5, SBL
<i>Rana temporaria</i>	Common Frog	WCA5
<b>Birds</b>		
<i>Accipiter gentilis</i>	Goshawk	WCA1
<i>Actitis hypoleucos</i>	Common Sandpiper	Amber
<i>Alauda arvensis</i>	Skylark	SBL, Red
<i>Alcedo atthis</i>	Kingfisher	WCA1, SBL, Amber
<i>Anas crecca</i>	Teal	Amber
<i>Anas penelope</i>	Wigeon	Amber
<i>Anser anser</i>	Greylag Goose	WCA1, Amber
<i>Anser brachyrhynchus</i>	Pink-footed Goose	Amber
<i>Anthus pratensis</i>	Meadow Pipit	Amber
<i>Anthus trivialis</i>	Tree Pipit	SBL, Red
<i>Asio flammeus</i>	Short-eared Owl	SBL, Amber
<i>Branta leucopsis</i>	Barnacle Goose	SBL, Amber
<i>Bucephala clangula</i>	Goldeneye	WCA1, Amber
<i>Calidris alpina</i>	Dunlin	SBL, Amber
<i>Calidris ferruginea</i>	Curlew Sandpiper	Amber
<i>Charadrius dubius</i>	Little Ringed Plover	WCA1
<i>Charadrius hiaticula</i>	Ringed Plover	Red
<i>Circus aeruginosus</i>	Marsh Harrier	WCA1, SBL, Amber
<i>Circus cyaneus</i>	Hen Harrier	WCA1, SBL, Red
<i>Cygnus cygnus</i>	Whooper Swan	WCA1, SBL, Amber
<i>Egretta garzetta</i>	Little Egret	Amber

Latin Name	Common Name	Designation
<i>Emberiza schoeniclus</i>	Reed Bunting	SBL, Amber
<i>Falco columbarius</i>	Merlin	WCA1, SBL, Red
<i>Falco tinnunculus</i>	Kestrel	SBL, Amber
<i>Fringilla montifringilla</i>	Brambling	WCA1, SBL
<i>Hirundo rustica</i>	Swallow	Amber
<i>Lagopus lagopus subsp. scotica</i>	Red Grouse (scotica)	SBL, Amber
<i>Limosa limosa</i>	Black-tailed Godwit	WCA1, SBL, Red
<i>Linaria cannabina</i>	Linnet	SBL, Red
<i>Loxia curvirostra</i>	Common Crossbill	WCA1
<i>Muscicapa striata</i>	Spotted Flycatcher	SBL, Red
<i>Numenius arquata</i>	Curlew	SBL, Red
<i>Pandion haliaetus</i>	Osprey	WCA1, SBL, Amber
<i>Phoenicurus phoenicurus</i>	Redstart	Amber
<i>Picus viridis</i>	Green Woodpecker	Amber
<i>Porzana porzana</i>	Spotted Crake	WCA1, SBL, Amber
<i>Pyrrhula pyrrhula</i>	Bullfinch	SBL, Amber
<i>Riparia riparia</i>	Sand Martin	Amber
<i>Tachybaptus ruficollis</i>	Little Grebe	Amber
<i>Tringa glareola</i>	Wood Sandpiper	WCA1, SBL, Amber
<i>Tringa nebularia</i>	Greenshank	WCA1, Amber
<i>Tringa ochropus</i>	Green Sandpiper	WCA1, SBL, Amber
<i>Turdus philomelos</i>	Song Thrush	SBL, Red
<i>Turdus pilaris</i>	Fieldfare	WCA1, Red
<i>Vanellus vanellus</i>	Lapwing	SBL, Red
<b>Fish</b>		
<i>Salmo salar</i>	Atlantic Salmon	SBL, OSPAR
<b>Invertebrates</b>		
<i>Chrysolina marginata</i>	Beetle (Coleoptera)	Notable:A
<i>Rhagium inquisitor</i>	Beetle (Coleoptera)	Notable:B
<i>Coenonympha pamphilus</i>	Small Heath	SBL
<i>Acronicta rumicis</i>	Knot Grass	SBL
<i>Allophytes oxyacanthae</i>	Green-brindled Crescent	SBL
<i>Apamea anceps</i>	Large Nutmeg	SBL
<i>Apamea remissa</i>	Dusky Brocade	SBL
<i>Atethmia centrigo</i>	Centre-barred Sallow	SBL

Latin Name	Common Name	Designation
<i>Celaena haworthii</i>	Haworth's Minor	SBL
<i>Ceramica pisi</i>	Broom Moth	SBL
<i>Chiasmia clathrata</i>	Latticed Heath	SBL
<i>Crambus pratella</i>	Scarce Grass-veneer	Notable:B
<i>Diarsia rubi</i>	Small Square-spot	SBL
<i>Ecliptopera silaceata</i>	Small Phoenix	SBL
<i>Entephria caesiata</i>	Grey Mountain Carpet	SBL
<i>Eugnorisma glareosa</i>	Autumnal Rustic	SBL
<i>Graphiphora augur</i>	Double Dart	SBL
<i>Hepialus humuli</i>	Ghost Moth	SBL
<i>Hydraecia micacea</i>	Rosy Rustic	SBL
<i>Scotopteryx chenopodiata</i>	Shaded Broad-bar	SBL
<i>Molophilus propinquus</i>	True Fly (Diptera)	Notable
<i>Coenonympha pamphilus</i>	Small Heath	SBL
<b>Mammals</b>		
<i>Capreolus capreolus</i>	Roe Deer	DA
<i>Chiroptera sp.</i>	Bats	HR-1994(Sch 2)
<i>Sciurus vulgaris</i>	Red Squirrel	WCA5, SBL
<b>Reptiles</b>		
<i>Zootoca vivipara</i>	Common Lizard	WCA5



## APPENDIX B – ABBREVIATIONS

Table 7 displays abbreviations of protected species legislation.

**Table 7: Glossary of abbreviations used in this report:**

Code	Full Title	Explanation
Amber	Amber list	Amber listed species have a population status in the UK of medium conservation concern.
BA	The Protection of Badgers Act 1992	Legislation making it an offence to kill, injure or take a Badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority.
BAP	Biodiversity Action Plan	A plan that identifies threats to significantly important species and habitats, and sets out targets and actions to enhance or maintain biodiversity.
DA	The Deer Act 1991	All wild deer with the exception of Muntjac ( <i>Muntiacus reevesi</i> ) and Chinese Water deer ( <i>Hydropotes inermis</i> ) are protected by a closed season.
GB RDB	Red Data Book Species	Species identified in one of the UK Red Data 2001.
GB RDB(CR)	Critically Endangered	An IUCN Red List designation for species at an extremely high risk of extinction.
GB RDB(EN)	Endangered	An IUCN Red List designation for species at a very high risk of extinction.
GB RDB(VU)	Vulnerable	An IUCN Red List designation for species at high risk of extinction.
HAP	Habitat Action Plan	A plan that identifies threats to a priority habitat and sets out targets and actions to enhance or maintain that habitat.
HR-1994(Sch 2)	European Protected Species (Schedule 2)	Animals protected on <i>Schedule 2</i> of the <i>Conservation (Natural Habitats &amp;c.) Regulations 1994</i> as amended in Scotland)
HR-1994(Sch 4)	European Protected Species (Schedule 4)	Plants protected on <i>Schedule 4</i> of the <i>Conservation (Natural Habitats &amp;c.) Regulations 1994</i> as amended in Scotland)
IUCN	International Union for Conservation of Nature and Natural Resources (also known as The World Conservation Union)	A worldwide partnership and conservation network to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.

Code	Full Title	Explanation
LBAP	Local Biodiversity Action Plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in Species Action Plans and Habitat Action Plans to enhance or maintain biodiversity at the county or regional level.
LHAP	Local Habitat Action Plan	A plan that identifies threats to a locally important priority habitat and sets out targets and actions to enhance or maintain that habitat.
LSAP	Local Species Action Plan	A plan that identifies threats to locally important species, and sets out targets and actions to prevent losing that species from the local area.
Notable	Scarce and threatened invertebrates	Invertebrate species which are estimated to occur within the range of 16 to 100 10km squares but subdivision into Notable A and Notable B categories is not possible as there is insufficient information available).
Notable:A	Scarce and threatened invertebrates	Taxa which do not fall within Red Data Book categories but which are none-the-less uncommon in Great Britain and thought to occur in 30 or fewer 10km squares of the National Grid or, for less well-recorded groups, within seven or fewer vice-counties.
Notable: B	Scarce and threatened invertebrates	Taxa which do not fall within Red Data Book categories but which are none-the-less uncommon in Great Britain and thought to occur in between 31 and 100 10km squares of the National Grid or, for less-well recorded groups between eight and twenty vice-counties.
NN	Nationally Notable	Designation for invertebrate taxa that are thought to be notably important in the UK.
NR	Nationally Rare	Species in 15 or fewer hectads in Great Britain.
NS	National Scarce	Species in 16-100 hectads in Great Britain.
OSPAR	OSPAR	Species listed on <i>The Convention for the Protection of the Marine Environment of the North-East Atlantic</i>
Red	Red List	Red listed species have a population status in the UK with high conservation concern.
SAP	Species Action Plan	A plan that identifies threats to significantly important species, and sets out targets and actions to prevent losing that species to extinction.

Code	Full Title	Explanation
SBL	Scottish Biodiversity List	A list of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland.
WCA	The <i>Wildlife &amp; Countryside Act 1981</i> as amended by <i>The Wildlife and Natural Environment (Scotland) Act 2011</i>	Containing 4 Parts and 17 Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way. All wild plants in Britain are protected from intentional uprooting by an unauthorized person, but land owners, land occupiers, persons authorized by either of these or persons authorized in writing by the Local Authority for the area are exempt. Protection for some species may be limited to certain Sections of the Act (e.g. S13(2)).
WCA1	Schedule 1 of The <i>Wildlife &amp; Countryside Act 1981</i> as amended by <i>The Wildlife and Natural Environment (Scotland) Act 2011</i>	<p>This Schedule lists birds protected by special penalties at all times, but virtually all wild birds have some protection in law.</p> <p>Acts which are prohibited for all wild birds (except derogated 'pest' species) include intentional killing, injuring or taking; taking, damaging or destroying nests in use or being built; taking or destroying eggs; possessing or having control of (with certain exceptions but including live for dead birds, parts or derivative); setting or permitting certain traps, weapons, decoys or poisons. Selling, offering or exposing for sale, possessing or transporting for sale any live wild bird, egg or part of an egg or advertising any of these for sale, or dead wild bird including parts or derivatives are also prohibited. Many birds must be formally registered and ringed if kept in captivity.</p> <p>Schedule I WCA birds are additionally protected from intentional or reckless disturbance while building a nest, or when such a bird is in, on or near a nest containing eggs or young, or intentional or reckless disturbance of dependent young.</p>
WCA5	Schedule 5 of The <i>Wildlife &amp; Countryside Act 1981</i> as amended by <i>The Wildlife and</i>	Schedule 5 animals are protected from intentional killing, injuring or taking; possessing (including parts or derivatives); intentional or reckless damage, destruction or obstruction of any structure or place used for shelter or protection; selling, offering or exposing for sale,

Code	Full Title	Explanation
	<i>Natural Environment (Scotland) Act 2011</i>	possessing or transporting for the purpose of sale (alive or dead, including parts or derivatives). Protection of some species is limited to certain Sections of the Act (e.g. S9(1), S9(4a), S9(4b), S9(5)).
WCA8	Schedule 8 of The <i>Wildlife &amp; Countryside Act 1981</i> as amended by <i>The Wildlife and Natural Environment (Scotland) Act 2011</i>	Plants and fungi protected from intentional picking, uprooting, destroying, trading (including parts or derivatives), etc.

## APPENDIX C – TARGET NOTES

Table 8 displays the target notes (TNs) and grid references referred to in the text. Target note locations are shown on Figure 1.

**Table 8: Target Notes for habitats associated with the OHL route**

Target Note	Grid Reference	Description
TN1	NS 79526 27764	Riparian broadleaved semi-natural woodland at Carmacoup
TN2	NS 80292 27963	Patches of broadleaved semi-natural woodland at Glespin village
TN3	NS 81700 29737	Naturalised broadleaved woodland at the western edge of Woodrow Wood
TN4	NS 82853 32143	Naturalised broadleaved woodland at the western edge of Long Plantation
TN5	NS 80932 34270	Broadleaved woodland near Coalburn village
TN6	NS 80948 34368	Broadleaved woodland near Coalburn village
TN7	NS 80520 35692	Strip of broadleaved woodland along the road and edge of bog habitat
TN8	NS 81213 36426	Broadleaved woodland at the mining spoil heap/tip where there is more mature & naturalised tree regeneration
TN9	NS 81304 36766	Strip of broadleaved woodland along the Coalburn Road
TN10	NS 79635 27688	Broadleaved plantation woodland with scrub at Carmacoup
TN11	NS 81880 30204	Broadleaved plantation woodland among conifer plantation
TN12	NS 83226 32460	Broadleaved plantation woodland along the western edge of Long Plantation
TN13	NS 80785 34925	Broadleaved plantation woodland located near Coalburn village
TN14	NS 81961 37065	A larger broadleaved plantation woodland within farmland south west of Coalburn substation
TN15	NS 77788 25944	Coniferous plantation woodland is a common woodland type located at Kennoxhead
TN16	NS 79203 27372	Coniferous plantation woodland south of Carmacoup
TN17	NS 80592 34933	A group of coniferous plantation woodlands west of Coalburn
TN18	NS 77695 25788	Area of felled conifer plantation
TN19	NS 81514 36337	One of the largest areas of mixed semi-natural woodland located at the mining heap to the east of Coalburn Road

Target Note	Grid Reference	Description
TN20	NS 80740 34680	Mixed woodland plantation west of Coalburn village
TN21	NS 80871 35909	Mixed woodland plantation along Coalburn Road
TN22	NS 81121 36100	Mixed woodland plantation along Coalburn Road
TN23	NS 81347 36785	Mixed woodland plantation along Coalburn Road
TN24	NS 81480 36639	Mixed woodland plantation along Coalburn Road
TN25	NS 81590 37090	Mixed woodland plantation among farmland
TN26	NS 81871 36948	Mixed woodland plantation among farmland
TN27	NS 82371 37271	Mixed woodland plantation planted at the edges of Coalburn substation
TN28	NS 82465 37206	Mixed woodland plantation planted at the edges of Coalburn substation
TN29	NS 80808 33971	Examples of commonly found mixed scattered trees forming part of seral vegetation among reclaimed mining areas
TN30	NS 81439 33721	Examples of commonly found mixed scattered trees forming part of seral vegetation among reclaimed mining areas
TN31	NS 82091 33593	Examples of commonly found mixed scattered trees forming part of seral vegetation among reclaimed mining areas
TN32	NS 80758 34508	Examples of commonly found mixed scattered trees at the edges of established plantations
TN33	NS 80440 34913	Examples of commonly found mixed scattered trees at the edges of established plantations
TN34	NS 81239 29504	Scrub habitat comprising of small isolated patches and linear strips along watercourses
TN35	NS 81766 29744	Scrub habitat comprising of small isolated patches along woodland edges
TN36	NS 82735 32280	Scrub habitat as seral community of willow species
TN37	NS 82810 32330	Scrub habitat as seral community of willow species
TN38	NS 82158 33553	Marshy grassland is common within the site and is predominately made up of Sharp-flowered Rush ( <i>Juncus acutiflorus</i> ) and Soft Rush ( <i>Juncus effusus</i> ) rush-pasture. Soft Rush tends to be the dominant species in open grassland fields that have been improved for grazing with poor drainage
TN39	NS 81598 30030	Marshy grassland is common along drainage lines on hillsides

Target Note	Grid Reference	Description
TN40	NS 81287 29687	Areas dominated by Bracken ( <i>Pteridium aquilinum</i> ) in continuous stands located on drier slopes of semi improved grassland
TN41	NS 78323 26339	Dense thickets of Colt's-foot ( <i>Tussilago farfara</i> ) present within the reclaimed mining areas
TN42	NS 82712 32551	Patch of dry heath on a previously mined area, soil is rocky with exposed peat
TN43	NS 82034 33660	Patch of dry heath on a previously mined area, among seral woodland
TN44	NS 81098 34068	Patch of dry heath on a slope at previously mined area
TN45	NS 80676 34235	Area of burnt heath
TN46	NS 81383 36105	Dry heath on free draining mining spoil, among seral vegetation
TN47	NS 80606 35309	Wet heath and also forming a mosaic with grassland associated with re-claimed mining areas
TN48	NS 80973 33839	Wet heath and also forming a mosaic with grassland associated with re-claimed mining areas
TN49	NS 81194 33825	Wet heath and also forming a mosaic with grassland associated with re-claimed mining areas
TN50	NS 81539 33743	Wet heath and also forming a mosaic with grassland associated with re-claimed mining areas
TN51	NS 82530 32170	Wet heath and also forming a mosaic with grassland associated with re-claimed mining areas
TN52	NS 82789 37233	Sections of drained raised bog at the edge of the site boundary, close to the substation, adjacent to Coalburn Moss SSSI
TN53	NS 82190 37192	Area of good condition raised bog, within farmland
TN54	NS 80608 35736	Area of good condition raised bog, north of Shoulderigg Road
TN55	NS 80678 35888	Area of modified bog habitat
TN56	NS 80885 36064	Large area of bog habitat that has been burnt
TN57	NS 80815 34474	Area of modified bog habitat, becoming like grassland in the north section. Whereas it was previous hummocky with Haircap Moss ( <i>Polytrichum</i> spp). and Bogmoss ( <i>Sphagnum</i> spp). carpets
TN58	NS 81052 29366	A large area of modified blanket bog with swathes of bog cotton
TN59	NS 78184 26366	Sections of blanket bog where there has been no previous mining or ground disturbance, however, it is adjacent to a mining area

Target Note	Grid Reference	Description
TN60	NS 78262 26450	Patches of exposed peat within a reclaimed or partial peat restoration at previous open cast mined areas
TN61	NS 78312 26451	Unevenly restored bog vegetation
TN62	NS 78025 26178	Tree regeneration on modified bog habitats, mainly of Sitka Spruce
TN63	NS 78595 26614	Tree regeneration on modified bog habitats, mainly of Sitka Spruce
TN64	NS 78244 26353	An acid flush and a small area of swamp vegetation with a more acid environment
TN65	NS 81050 29100	Acid flushes are not common on site and tend to be associated with more acid soils and can be located within acid grassland and bog habitat.
TN66	NS 81820 30345	A wide flush due to blocked drainage and pond overflow, with concentrated water flow through this area and then onto the old railway.
TN67	NS 79128 26656	One of four settling ponds with swamp and marginal vegetation
TN68	NS 79141 26699	One of four settling ponds with swamp and marginal vegetation
TN69	NS 79175 26746	One of four settling ponds with swamp and marginal vegetation
TN70	NS 82682 32424	The large pond at Douglas West had marginal vegetation with dominant bottle sedge.
TN71	NS 82740 32608	A stand of Bulrush ( <i>T.latifolia</i> ) and Common Valerian ( <i>Valeriana officinalis</i> ) was located along the Alder burn
TN72	NS 80974 34078	Swamp habitat was located at the old mining area outside of Coalburn and consisted of <i>Juncus</i> spp. and Bulrush
TN73	NS 81021 34201	Linear swamp habitat along a ditch and forming a wider area at the end
TN74	NS 80848 34216	Marginal vegetation was found at the three settling ponds at Coalburn, with the first pond having slightly more vegetation
TN75	NS 80890 35659	A swamp within a depression, and banded mounds at the edges, north of Shoulderigg Road
TN76	NS 81281 36213	An area of swamp vegetation close to the large spoil heap, north of Coalburn
TN77	NS 81576 36523	A large swamp at a pond, located north of the spoil heap
TN78	NS 82110 33759	Wallace's Cave located uphill from the proposed overhead lines.



Target Note	Grid Reference	Description
TN79	NS 81588 36315	A prominent mining spoil heap located north of Coalburn village
TN80	NS 81386 37060	A large area of amenity grassland at the Hollandbush golf club, north of Coalburn
TN81	NS 81020 34384	Japanese Knotweed ( <i>Reynoutria japonica</i> ) and Japanese Rose ( <i>Rosa rugosa</i> ) located along a small watercourse south of Coalburn
TN82	NS 80967 34324	Japanese Knotweed ( <i>Reynoutria japonica</i> ) and Japanese Rose ( <i>Rosa rugosa</i> ) located along a small watercourse south of Coalburn

# APPENDIX D – LEGISLATION

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## General

This section briefly describes the legal protection afforded to the protected species referred to in this report. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation, but summarises the salient points.

## European Protected Species

### Habitats Regulations

European Protected Species (EPS) are those listed on Schedule 2 and 4 of the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended).

Regulation 39 states that it is an offence to:

- deliberately capture, injure or kill an EPS;
- deliberately disturb a EPS, including in particular any disturbance which is likely (a) to impair their ability - (i) to survive, to breed or reproduce, or to rear or nurture their young; or (ii) hibernate or migrate, where relevant; or (b) to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destroy a breeding site or resting place of an EPS; and
- possess, control, transport, sell, exchange an EPS, or offer a EPS for sale or exchange.

Confirmed habitats (*i.e.* breeding sites, sheltering places) receive legal protection even when EPS are not present.

Regulation 43 states that it is an offence to:

- deliberately pick, collect, cut, uproot or destroy a wild plant of a European protected species;
- keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild plant of a European protected species, or any part of, or anything derived from, such a plant.

Works affecting an EPS may require a development licence from the licensing authority, which is Scottish Natural Heritage (SNH). Licences are only issued for a specific purpose and where SNH are satisfied that there is no satisfactory alternative (*i.e.* works are for health and safety or for overriding reasons of public interest) and that the favourable conservation status of bat populations will not be detrimentally affected.

Of relevance to this project, Schedule 2 EPS comprise of bats (*Rhinolophidae* and *Vespertilionidae*), great crested newt (*Triturus cristatus*) and otter (*Lutra lutra*).

## UK Protected Species

### Wildlife and Countryside Act 1981 (as amended)

- UK Protected Species are those listed on Schedule 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) extended by the Nature Conservation (Scotland) Act 2004.

Section 1 states that it is an offence to:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird;
- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a Schedule 1 bird.

It is not possible to licence works affected nesting birds for development purposes; therefore, work should avoid the nesting bird season (*i.e.* March to August inclusive).

Section 5 of the Act states that it is an offence to:

- Intentionally, or recklessly, kill, injure or take a Schedule 5 species;
- possess or control a Schedule 5 species;
- intentionally, or recklessly, or recklessly damage, destroy or obstruct access to any structure or place used by a Schedule 5 species; and
- intentionally, or recklessly, or recklessly disturb a Schedule 5 species whilst it occupies a any structure or place.

Section 13 of the Act states that it is an offence to:

- intentionally picks, uproots or destroys any wild plant included in Schedule 8; or
- not being an authorised person, intentionally uproots any wild plant not included in Schedule 8.

Section 14(2) (as amended by Section 14 of the Wildlife and Natural Environment (Scotland) Act 2011), states that it is an offence to plant or otherwise cause to grow any plant in the wild at a place outside its native range.

### Badger

Badgers are protected in Britain under the Protection of Badgers Act 1992 and Schedule 6 of The Wildlife and Countryside Act 1981 (as amended, extended by the Nature Conservation (Scotland) Act 2004. The legislation affords protection to badgers and badger setts, and makes it a criminal offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so;
- interfere with a sett by damaging or destroying it;
- to obstruct access to, or any entrance of, a badger sett; or
- to disturb a badger when it is occupying a sett.

## Wild Mammals (Protection) Act 1996

All wild mammals are protected under the Wild Mammals (Protection) Act 1996. *Section 1* of the Act states that it is an offence to *mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.*

## Invasive Plant Legislation

### Wildlife and Countryside Act 1981 (as amended)

This act is the principal domestic legislation concerning non-native species. It was amended by the Wildlife and Natural Environment (Scotland) Act 2011. These amendments enable Scotland to adopt the internationally recognised 3-stage approach to dealing with invasive non-native species and aim to:

- prevent the release and spread of non-native animal and plant species into areas where they can cause damage to native species and habitats and to economic interests;
- ensure a rapid response to new populations can be undertaken; and
- ensure effective control and eradication measures can be carried out when problem situations arise.



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Registered office

Spring Lodge, 172, Chester Road, Helsby, Frodsham, England, WA6 0AR, UK

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