

# Preliminary Ecological Appraisal



October 2021

IMTeco Ltd

## Notes:

Site: Industrial Land, Kirkton Drive, Dyce, Aberdeen AB21 0BG.

Client: Logan PM

Date: October 2021

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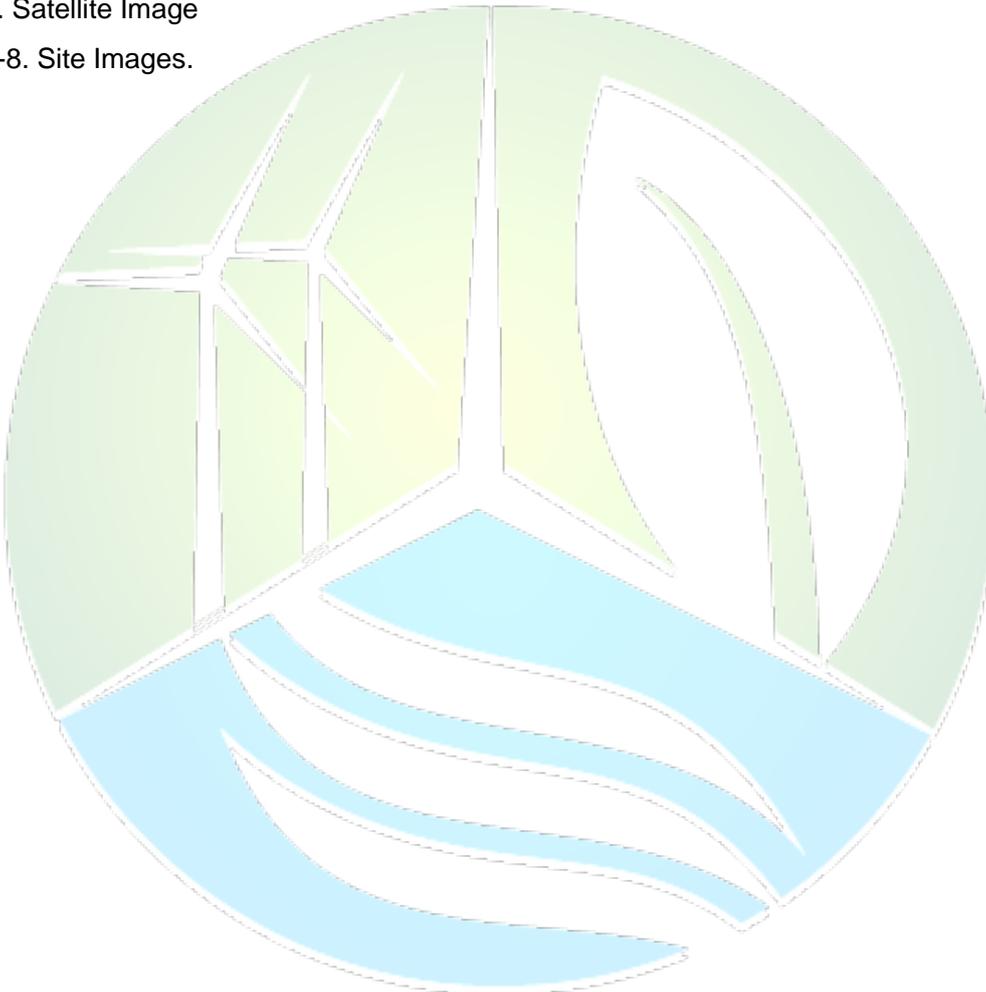
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Figure 3. Satellite Image

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## EXECUTIVE SUMMARY

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1. This report presents the results of a Preliminary Ecological Appraisal (PEA) undertaken at a small plot of industrial land with ruderals situated in Kirkton Drive, Raiths Industrial Estate, Aberdeen AB21 0BG during October 2021 (approximate OS grid reference at 387820 813720).
2. The surveys followed standard methodology as published by the Institute of Ecology and Environmental Management (IEEM), 2018. The surveys aimed to assess the ecological value of the site and record any protected habitats or species.
3. The purpose of the assessments was to document the baseline ecological conditions of the site. The potential of the site for protected species or habitats of conservation interest that would require further survey on the basis they might comprise an ecological constraint to the proposed development was undertaken using standard methodology.
4. There are no statutory designated sites within 2 km of the site boundary.
5. A small number of immature young trees (<5) are to be felled during construction.
6. No buildings are on site.
7. The site survey area within the construction footprint is predominantly old industrial land that has converted into rough grassland with scrub. The site is adjacent to the east to industrial sites and to the west is Aberdeen Airport. The site has no potential to support protected species and species of conservation concern. No water is on site.
8. No signs of any protected species were recorded.
9. The site is considered very poor from an ecology viewpoint.
10. In our professional opinion the proposed development would have no adverse impact on any protected species or habitats provided mitigation as outlined in this report is followed.
11. Mitigation is proposed for tree protection and breeding birds.

# 1 INTRODUCTION

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## 1.1 Purpose of this Report

This report presents the results of a Preliminary Ecological Appraisal (comprising a Background Data Search, Phase 1 Habitat Survey with assessment and surveys for Protected Species) carried out during October 2021 at Raiths Industrial Estate, Aberdeen (*Figures 1-2*), (approximate grid reference of 387820 813720). This is in connection with a proposed development. This report aims to determine if the proposed development may have an effect on ecological receptors and whether further ecological surveys are required to determine its impacts. Protected species surveys were carried out including badger, and bats. The sites potential for breeding/nesting birds were assessed. The results are included in this report.

## 1.2 Ecological Context

The site is situated in an industrial estate adjacent to Aberdeen Airport. There are industrial units and buildings to the north of the site. The area is mixed with agricultural field, runways and industrial units. Within the small site the predominant habitat present is old industrial land with ruderals and small immature trees present. There are no statutory designated sites within 2km of the site boundary.

## 1.3 Legal Context

See Appendix A.

## 2 METHODS

### 2.1 General

The Preliminary Ecological Appraisal (PEA) was undertaken in line with guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM)<sup>1</sup> (2018), which indicates that a PEA normally involves:

- A desk study (gathering information from national websites; local record centres, councils, local wildlife groups, published material, previous reports *etc.*) here called a background data search (BDS)
- A field survey having a scope that includes some form of habitat mapping, assessment of the possible presence of protected or priority species and the likely importance of habitat features, and notes including mapping of any incidental sightings of invasive non-native plant species and protected or priority mammal species.
- A survey of protected species and invasive non-native species.

The appraisal has allowed an evaluation of the ecological importance of the site, or - where insufficient to do so - indicates what further surveys are needed.

Garry Mortimer, Principal Ecologist and full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) carried out the survey (Phase 1 habitat survey and Protected Species surveys) in October 2021.

### 2.2 Background Data Search

A search was made in August 2021 for reference materials relating to the ecology of the site, and list of sources is given in *Table 1*.

**Table 1: Data sources**

Information Obtained	Available From
Designated site locations and citations/Protected areas	SiteLink Nature.scot ( <a href="https://sitelink.nature.scot/map">https://sitelink.nature.scot/map</a> )
Designated site locations and citations	Scottish Natural Heritage/Nature.scot ( <a href="https://www.nature.scot">https://www.nature.scot</a> )
Ancient Woodland Inventory	Scottish Forestry ( <a href="https://forestry.gov.scot">https://forestry.gov.scot</a> )
Designations and legal protection of noteworthy species	Joint Nature Conservation Committee (JNCC: <a href="https://jncc.gov.uk">https://jncc.gov.uk</a> )
Ancient Woodland	Scotland's Environment

<sup>1</sup> Guidelines for Preliminary Ecological Appraisal, 2017, <https://cieem.net/wp-content/uploads/2019/02/Guidelines-for-Preliminary-Ecological-Appraisal-Jan2018-1.pdf>

Inventory, designated site locations	( <a href="https://www.environment.gov.scot">https://www.environment.gov.scot</a> )
Ancient Woodland Inventory, designated site locations	Magic Map ( <a href="https://magic.defra.gov.uk/home.htm">https://magic.defra.gov.uk/home.htm</a> )
James Hutton Institute	North East Scotland Biodiversity Partnership

A search was made for information on statutory designated sites (internationally and nationally important sites for ecology) within 2 km of the site boundary and non-statutory designated sites (important in a local context) within 1 km. A search was also made for records of noteworthy species within 1 km of the site boundary.

Species included in the search parameters were:

- European Protected Species (listed on Schedule 2 and 4 of the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended));
- Nationally Protected Species under Schedules 1, 5 and 8 of The Wildlife & Countryside Act 1981 as amended by The Wildlife and Natural Environment (Scotland) Act 2011 and The Protection of Badgers Act 1992;
- Species listed as critically endangered, endangered or vulnerable on the *IUCN Red List*
- Nationally rare or nationally scarce species;
- Notable invertebrates; and
- Species that have action plans under the Scottish Biodiversity List (SBL) or are priority species under the Local Biodiversity Action Plan.

## 2.3 Phase 1 Habitat Survey

The habitat survey centred on the Phase 1 habitat survey approach (Joint Nature Conservation Committee 2010). This involves the following elements.

- Habitat mapping using a set of standard colour codes to indicate habitat types on a phase 1 habitat map.
- Description of features of possible ecological or nature conservation interest in notes relating to numbered locations on the phase 1 habitat map, called 'target notes'.

Phase 1 habitat survey methods are described in Joint Nature Conservation Committee (JNCC 2010) and target notes are included.

Plant nomenclature in this report follows Stace (2010) for native and naturalised species of vascular plant. Plant names in the text are given with the common name first, followed by the scientific name in brackets.

Given the small size of the site and the homogeneous habitat of old industrial land habitat mapping was not required.

## 2.4 Non-Native Invasive Plant Species

Phase 1 habitat survey does not involve exhaustive surveying for any individual plant species. But if invasive plant species were seen during the normal course of the survey e.g. Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*), Indian balsam (*Impatiens glandulifera*), they were noted and reported here.

## 2.5 Trees to be Retained

On the boundary fence as you enter small some small immature trees are present adjacent to the fence, these are to be retained.

### 2.5.1 Mitigation

A simple tree protection plan is required to prevent root or physical damage to these trees. Heras fencing as recommended in BS5837:2012 is to be erected. This tree protection fencing shall be constructed from a vertical and horizontal framework, well braced to resist impacts. The vertical tubes will be placed with a maximum interval of 3m and driven securely into the ground. Onto this framework, welded mesh panels (such as HERAS fencing) will be securely fixed. The protection fencing shall be marked with all- weather notices bearing the words "Tree Protection Area Keep Out".

## 2.6 Survey Constraints

Habitat surveys and botanical surveys done in early spring, late autumn or winter are generally considered non-optimal. They can usually describe habitat types adequately, but many plant species (including invasive species) may be unidentifiable or altogether died-away.

## 2.7 Habitat Assessment for Protected Vertebrates

### 2.7.1 General

The site was assessed for its suitability for the protected animals that are likely to occur in the area. Considering the location and habitats at the site, assessment was carried out for:

- Badger
- Assessment of possible breeding birds
- Bats

It was considered that no suitable habitat on site was present for otter, water vole, great crested newt, red squirrel, amphibians or reptiles.

### 2.7.2 Badgers

An initial assessment was carried out to identify areas that might be used by badgers (*Meles meles*) for commuting, foraging and sett-building. Signs of badger activity include;

- Setts: badger setts typically have characteristic shapes and dimensions
- Paw prints and badger hair caught on hedges and fences
- Foraging signs: foraging badgers leave distinctive marks when foraging
- Characteristic worn pathways
- Latrines: badgers defecate in pits, often clustering several pits into a latrine.

### 2.7.3 Birds

The site was assessed in terms of its suitability to support nesting birds. Birds nest in a wide variety of places and habitats including scrub, woodland, hedges and trees, open ground and man-made structures. Consideration of the site for use by wintering birds was also undertaken.

## 2.8 Aims & Objectives

The aims of the surveys were:

- To assess whether any birds of concern, nesting birds, or any protected species or habitats were present on site
- If any protected species are present to assess local population status and usage of the site
- To recommend further survey work if required.

## 3 RESULTS

### 3.1 Background Data Search

#### 3.1.1 Biodiversity Action Plans

Aberdeen Council forms part of the North East Scotland Local Biodiversity Partnership in conjunction with the James Hutton Institute which highlights various areas and strategies for biodiversity plans.

#### 3.1.2 Designated Sites

##### **Statutory Sites**

There are no statutory designated sites within 2km of the site boundary.

Ecological feature	Sites
Internationally designated sites (SPA, Ramsar)	None
Nationally designated sites (SSSI, NNR)	None
Locally designated sites (LNR, WS) within 1km	None

##### **Non-statutory Sites**

There are no non-statutory designated sites within 1 km of the site boundary.

##### **Other Notable Sites**

There are no other notable sites within significant distance that were found.

### 3.2 Phase 1 Habitat Survey

#### 3.2.1 Overview

The site comprises the following habitat types: old industrial site with rubble and ruderals present. Small numbers of immature deciduous trees (willow *sps*, elder, silver birch etc.) are present. No running or standing water is present. No Phase 1 habitat map is required.

### 3.3 Invasive Species

No signs of invasive species were found on site at the time of the survey.

### 3.4 Results for Protected Species Surveys

#### 3.4.1 Protected Mammals

No suitable habitat is present within and outside the site boundary for badger and bats.

#### 3.4.2 Badger

No signs of badger.

#### 3.4.3 Mitigation

None needed

#### 3.4.4 Birds

The bird-breeding season is generally accepted as April-August inclusive. Given the habitat on site of old industrial land with ruderals, limited groundcover and scattered trees and its locality breeding species present would include common passerines that are recorded locally as common residents or summer visitors whose populations are not threatened and are in favourable conservation status in Scotland. None would be specially protected. No wintering birds of conservation concern would be present.

#### 3.4.5 Mitigation

If groundcover clearance occurs between April-August inclusive then a pre-construction breeding bird survey will be required.

#### 3.4.6 Bats

No trees on site had bat roost potential.

#### 3.4.7 Survey Limitations

All mammal or European Protected Species surveys provide only a snapshot of animal activity and are intended to inform a planning application only. Mammal activity is likely to vary over time and in differing conditions and, as such, a negative

result does not prove a lack of all mammal activity but does provide a strong indication of activity levels.



## 4 EVALUATION

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### 4.1 Designated Sites

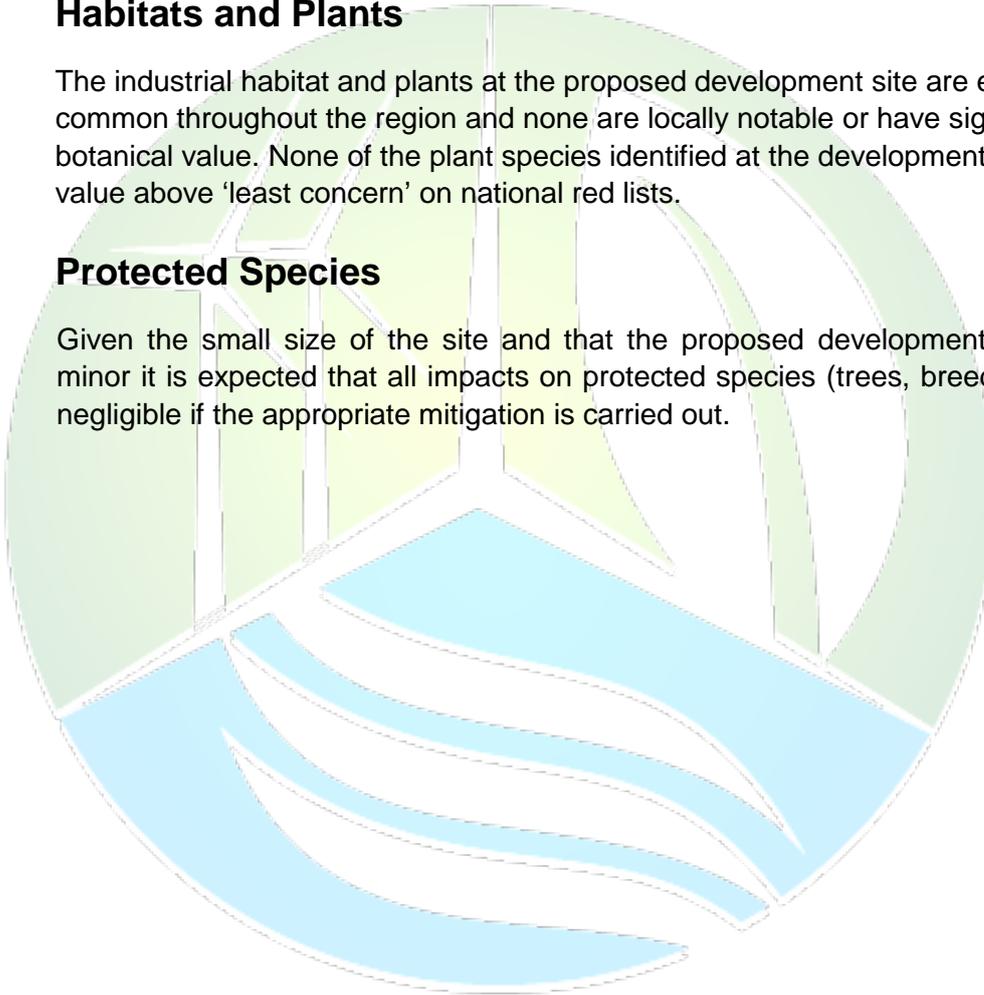
The development site has no statutory designated sites within the zones of impact as specified by NatureScot. The development would have no impact on designated species for any protected sites (SPA, SSSI etc.)

### 4.2 Habitats and Plants

The industrial habitat and plants at the proposed development site are extremely common throughout the region and none are locally notable or have significant botanical value. None of the plant species identified at the development site have value above 'least concern' on national red lists.

### 4.3 Protected Species

Given the small size of the site and that the proposed development is relatively minor it is expected that all impacts on protected species (trees, breeding birds) is negligible if the appropriate mitigation is carried out.



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## 6 FIGURES

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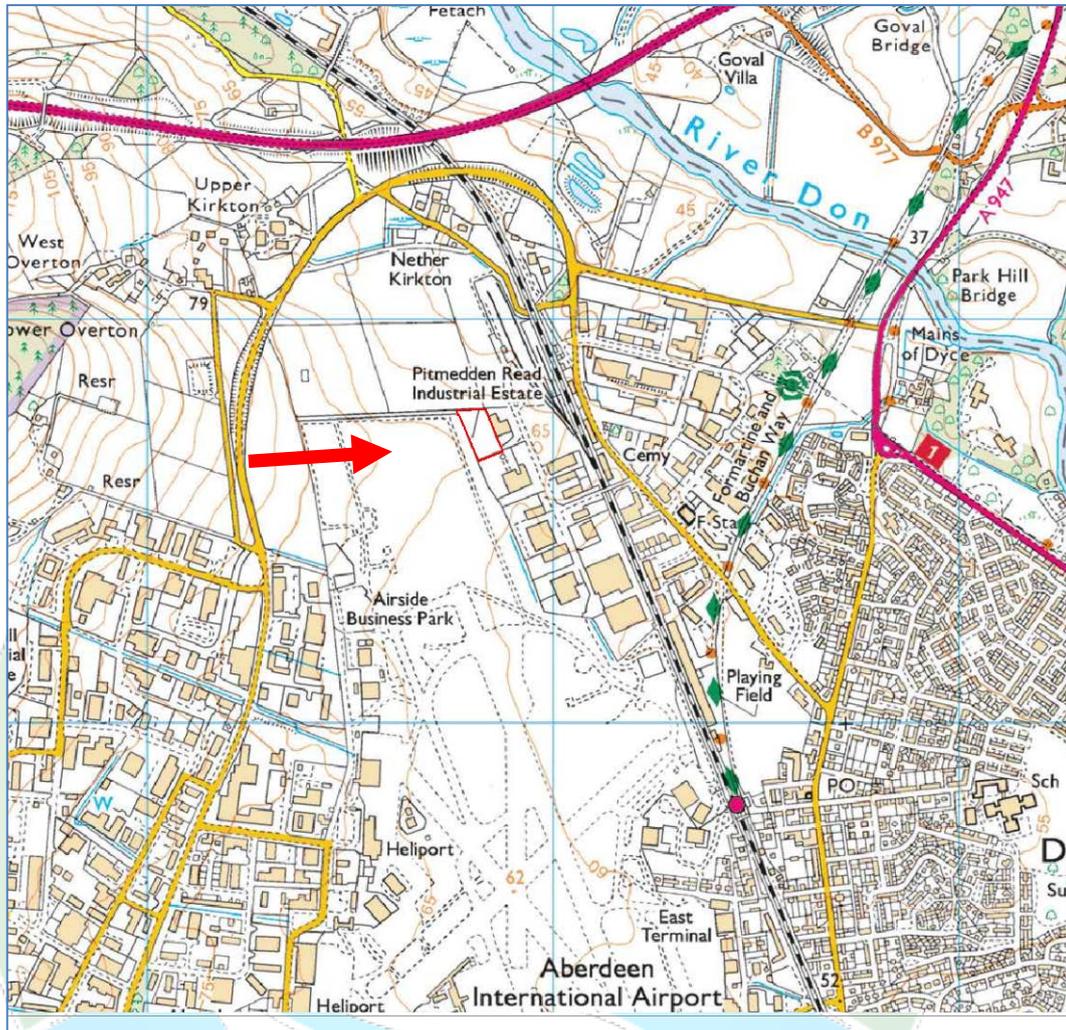


Figure 1. Site location plan

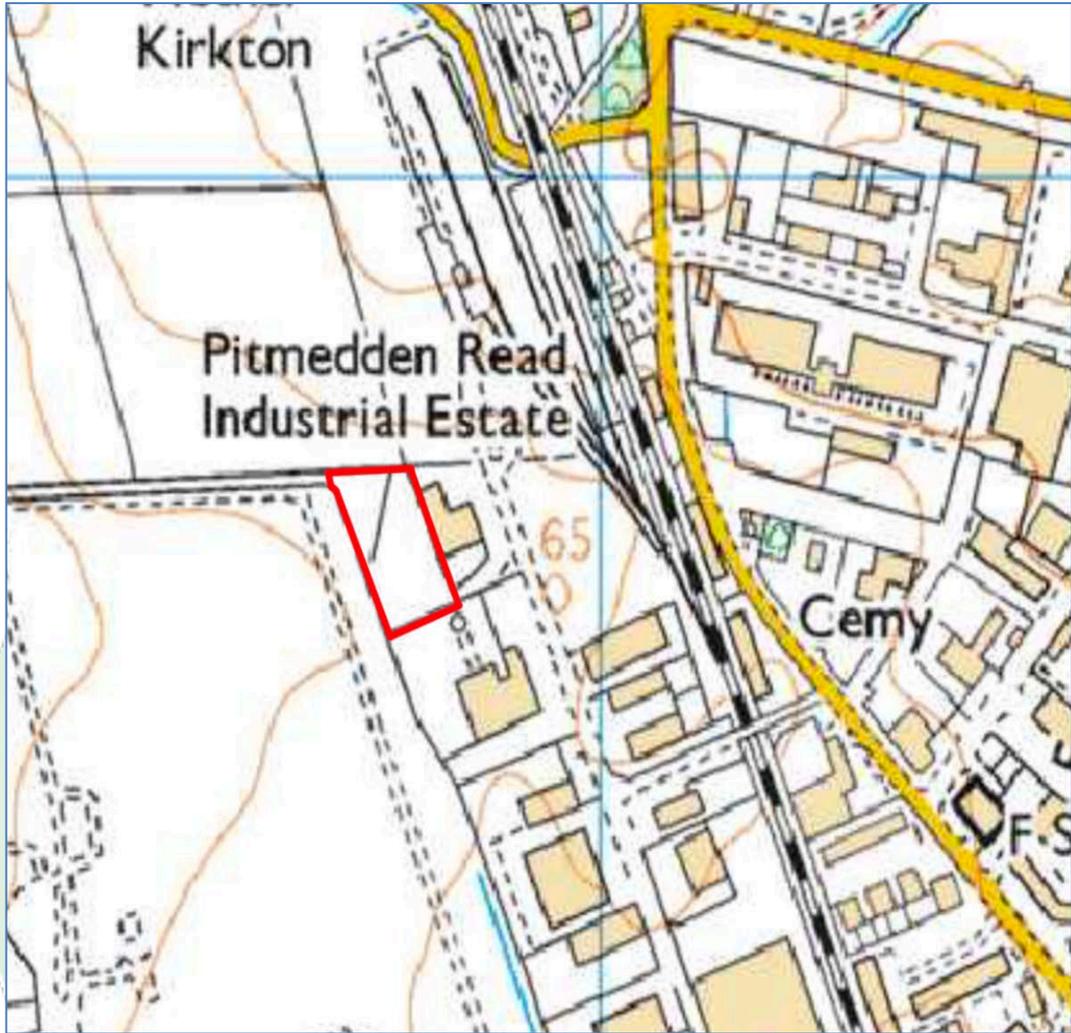


Figure 2. Site location plan Kirkton Drive.



**Figure 3. Satellite image of the site (Google Maps).**



**Figure 4. Dominant habitat of ruderals.**



**Figure 5. Immature trees to be retained.**



**Figure 6. Site adjacent to airfield.**



**Figure 7. Birch tree to be felled with no bat roost potential.**



**Figure 8. Site with no water or buildings present.**

# APPENDIX A – PROTECTED SPECIES LEGISLATION

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## A1. 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.

## A2. 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 a 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 a EPS
- Possess, control, transport, sell, exchange a 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.

At present, *Schedule 2* EPS comprise of bats (*Rhinolophidae* and *Vespertilionidae*), large blue butterfly (*Maculinea arion*), wildcat (*Felis silvestris grampia*), dolphins (*Cetacea*), dormouse (*Muscardinus avellanarius*), sand lizard (*Lacerta agilis*), great crested newt (*Triturus cristatus*),

otter (*Lutra lutra*), smooth snake (*Coronella austriaca*), sturgeon (*Acipenser sturio*), natterjack toad (*Bufo calamita*) and marine turtles (five species).

At present, *Schedule 4* EPS comprise of *Apium repens* (creeping marshwort), *Cypripedium calceolus* (lady's-slipper), *Gentianella anglica* (early gentian), *Liparis loeselii* (fen orchid), *Luronium natans* (floating-leaved water plantain), *Najas flexilis* (slender naiad), *Rumex rupestris* (shore dock), *Saxifraga hirculus* (marsh saxifrage) and *Trichomanes speciosum* (Killarney fern).

### A3. 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
- Disturb 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
- Disturb dependent young of such a Schedule 1 bird.

It is not possible to licence works affecting 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 any structure or place.

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

- Intentionally pick, uproot or destroy any wild plant included in *Schedule 8*; or
- Not being an authorised person, intentionally uproot 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.

## Wild Mammals (Protection) Act 1996

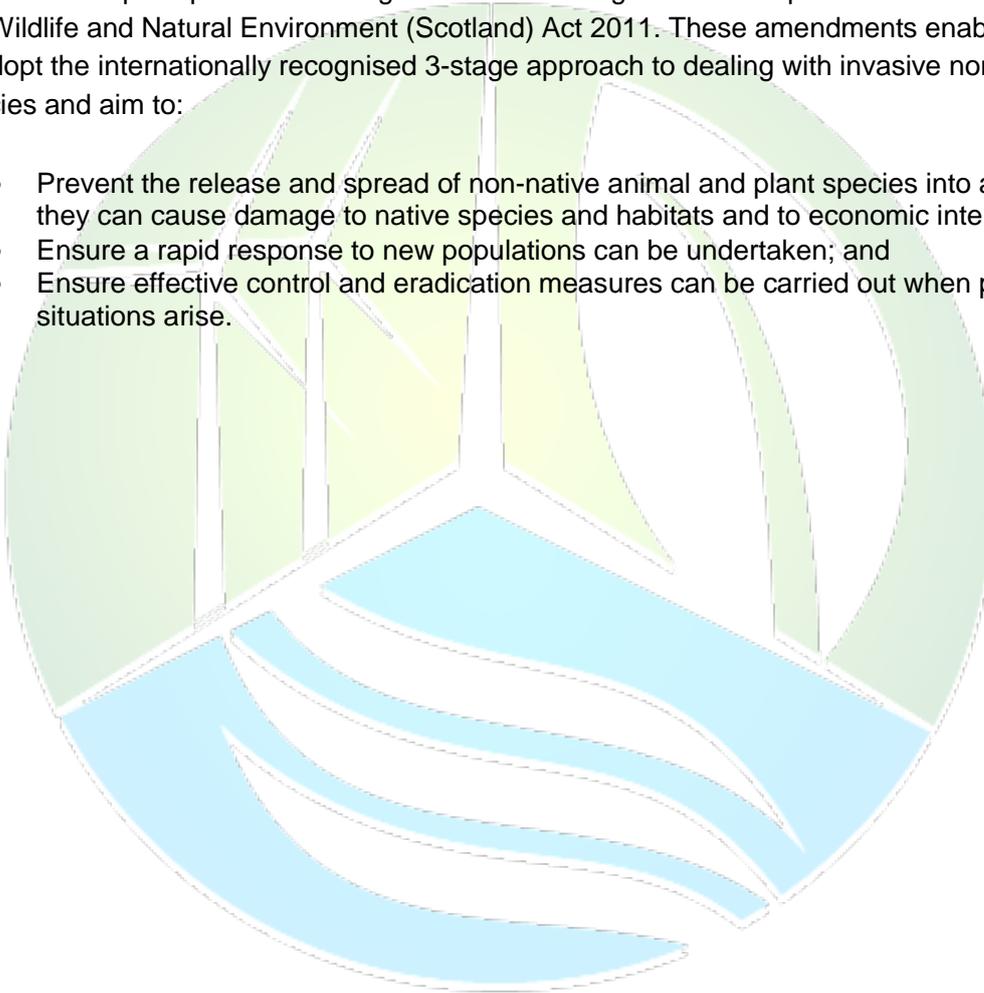
All wild mammals are protected under the Wild Mammals (Protection) Act 1996. *Section 1* of the Act states that it is an offence to *mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.*

## A4. 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.



## APPENDIX C – ABBREVIATIONS

Table 5 displays abbreviations of protected species legislation.

**Table 5: 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	A worldwide partnership and conservation network to influence, encourage and assist societies

Code	Full Title	Explanation
	Nature and Natural Resources (also known as The World Conservation Union)	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.
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

Code	Full Title	Explanation
		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.
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 <i>The Wildlife &amp; Countryside Act 1981</i> as amended by <i>The Wildlife and Natural Environment (Scotland) Act 2011</i>	This Schedule lists birds protected by special penalties at all times, but virtually all wild birds have some protection in law. 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.



Code	Full Title	Explanation
		<p>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	<p>Schedule 5 of <i>The Wildlife &amp; Countryside Act 1981</i> as amended by <i>The Wildlife and Natural Environment (Scotland) Act 2011</i></p>	<p>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, 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)).</p>
WCA8	<p>Schedule 8 of <i>The Wildlife &amp; Countryside Act 1981</i> as amended by <i>The Wildlife and Natural Environment (Scotland) Act 2011</i></p>	<p>Plants and fungi protected from intentional picking, uprooting, destroying, trading (including parts or derivatives), etc.</p>