

A10.1: Legislation and Conservation Status

1 Legislative and Policy Framework

International Conventions and Directives

The Convention on Biological Diversity (CBD)

- 1.1.1 The CBD provides a legal framework for biodiversity conservation. Contracting Parties are required to create and enforce national strategies and action plans to conserve, protect and enhance biological diversity. The UK Government published the UK Biodiversity Action Plan (UKBAP) in 1994, and to compliment the UKBAP, the Scottish Biodiversity Strategy was launched in 2004.
- 1.1.2 In 2010 the Contracting Parties adopted a revised and updated Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets, for the 2011-2020 period. The Aichi Biodiversity Targets have five strategic goals, relating generally to addressing biodiversity loss, improving biodiversity status, and enhancing implementation of measures. Each strategic goal has a number of targets associated with it adding up to a total of 20 targets. Full details can be found at <http://www.cbd.int/sp/targets/default.shtml>.

The Bern Convention on the Conservation of European Wildlife and Natural Habitats

- 1.1.3 The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) imposes legal obligations on EU member States and non-member States (as appropriate) to ensure conservation and protection of wild plant and animal species listed within the Convention. Special attention is given to endangered and vulnerable species, including endangered and vulnerable migratory species specified in appendices. The convention was adopted in Bern, Switzerland in 1979 and was ratified by the UK in 1982. It was implemented in the UK in 1982 through the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 (as amended).

The Bonn Convention on Conservation of Migratory Species of Wild Animals 1979

- 1.1.4 The Bonn Convention was adopted in 1979 and came into force in 1985. Signatories work together to conserve migratory species and their habitats by providing strict protection for endangered migratory species (listed in Appendix I of the Convention), concluding multilateral agreements for the conservation and management of migratory species which require or would benefit from international cooperation (listed in Appendix II), and by undertaking cooperative research activities. The Convention aims to achieve the effective management of migratory species across national or jurisdictional boundaries. In the UK, the legal requirement for the strict protection of Appendix I species is provided by the Wildlife and Countryside Act 1981 (as amended).

European Council Directive 2009/147/EC on the conservation of wild birds (The Birds Directive)

- 1.1.5 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 is the codified version of Directive 79/409/EEC as amended (the Birds Directive). The Directive is a primary tool for delivering European Union (EU) obligations under the CBD, the Ramsar and Bonn Convention. The Birds and Habitats Directives require Member States to protect all bird species, their sites and their habitats. Article 4 of the Directive makes provision for the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex I of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance.

European Council Directive (92/43/EEC) (Habitats Directive 1992)

- 1.1.6 The EC Directive (92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive, 1992) is the means by which Member States meet obligations made as a signatory of the Bern Convention. The main aim of the Directive is to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species at a favourable conservation status, introducing robust protection

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for those habitats and species of European importance. Each Member State is required to prepare and propose a national list of sites for evaluation in order to form a European network of Sites of Community Importance (SCIs). Once adopted, these are designated by Member States as Special Areas of Conservation (SACs).

- 1.1.7 Article 3 of the Directive requires that designated sites contribute to a coherent European ecological network of protected sites under the title Natura 2000. In addition, the Article requires that SPAs are also included in this network. Member States should also endeavour to improve the ecological coherence of the Natura 2000 network by maintaining, and where appropriate developing, features of the landscape which are of major importance for wild fauna and flora.

European Council Directive (2000/60/EC) Water Framework Directive (WFD)

- 1.1.8 In October 2000 the Directive 2000/60/EC establishing a framework for Community action in the field of water policy (Water Framework Directive or WFD) was adopted and came into force in December 2000. The Directive requires that all inland and coastal watercourses in Europe do not deteriorate from their current condition and reach at least 'good' ecological status by 2015. Under the WFD, the ecological status of watercourses is now the focus of river management and impact assessment. Transposition into national law occurred through the Water Environment and Water Services (Scotland) Act 2003 (WEWS Act).

EC Freshwater Fish Directive (2006/44/EC)

- 1.1.9 The Freshwater Fish Directive seeks to protect freshwater bodies identified by Member States as waters suitable for sustaining fish populations. This Directive will be repealed during 2013 when waters currently designated under the Freshwater Fish Directive will become protected areas under the Water Framework Directive.

European Council Regulation (EC) No 1100/2007 Establishing measures for the recovery of the stock of European eel

- 1.1.10 In response to the decline of European eels the EU proposed an Eel Management Plan; each Member State is required to create separate management plans for each river basin district.

National Legislation

The Wildlife and Countryside Act 1981 (WCA) (as amended)

- 1.1.11 The Wildlife and Countryside Act (WCA) 1981 (as amended) is the principal mechanism for wildlife protection in the UK. Its aim is to implement the requirements of the Bern Convention and the Birds Directive. The statutory designation of Sites of Special Scientific Interest (SSSI) is the main site protection measure in the UK established under the WCA.

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

- 1.1.12 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) transpose the EC Habitats Directive into national law. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European sites.
- 1.1.13 Under the Regulations it is an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 of the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on the conservation status of the species concerned.

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Nature Conservation (Scotland) Act (NCSA) 2004

- 1.1.14 This Act requires Scottish Ministers to publish a list of habitats and species considered to be of principal importance for biodiversity. The Scottish Biodiversity List is intended to be a tool for public bodies and an important source of information and guidance for all.

Wildlife and Natural Environment (Scotland) Act (WANE) 2011

- 1.1.15 The Wildlife and Natural Environment (Scotland) Act 2011 amended a number of other pieces of legislation including the Wildlife and Countryside Act 1981 and the Deer (Scotland) Act 1996. The Act introduces new wildlife related offences, including 'vicarious liability'. It abolishes the designation of 'areas of special protection' under the Wildlife and Countryside Act 1981, adds further regulation of snaring practice, further regulates invasive and non-native species, ensures that badger licensing is consistent with that of other protected species, amends current arrangements for deer management and deer stalking, strengthens protection of badgers, changes how moor burn can be practised and makes operational changes to the management of SSSIs.
- 1.1.16 The act also changed the approach to dealing with invasive non-native species and aims 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.
- 1.1.17 A Code of Practice, issued under new section 14C of the Wildlife and Countryside 1981 Act, helps people who manage land containing non-native plants and animals or are involved in the keeping of non-native plants and animals to understand their legal responsibilities. It also provides a licensing means to derogate offences against species protected by the WCA 1981 in certain circumstances.

Environmental Protection Act 1990

- 1.1.18 This Act aims to provide protection and conservation of the natural environment. A number of provisions are set out within this Act that includes provision for the improved control of pollution arising from certain industrial and other processes.

Surface Waters (Fishlife) (Classification) (Scotland) Amendment Regulations 2007

- 1.1.19 These Regulations prescribe a system for classifying and monitoring the quality of inland waters in Scotland which need protection or improvement to support fish-life.

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

- 1.1.20 This Act affords protection through a number of orders to which planning authorities must adhere. Under this any person who knowingly takes, injures or destroys; or obstructs the passage of, any smolt, parr, salmon fry or alevin shall be guilty of an offence. Additionally, any person knowingly injuring or disturbing salmon spawn; or disturbs any spawning bed or any bank or shallow in which the spawn of salmon may be, shall be guilty of an offence.

Water Environment and Water Services (Scotland) Act 2003 (WEWS)

- 1.1.21 The WEWS (Scotland) Act 2003 implements the WFD in Scotland but it is now augmented by the Controlled Activities Regulations (CAR) as stated below.

Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR)

- 1.1.22 This act is the implementation in Scotland of the WFD. The Regulations apply to inland waters and wetlands linking to lochs or rivers (although they may be extended to cover all wetlands).

Biodiversity Action Plans (BAPs)

- 1.1.23 The UKBAP 1994 was the UK's response to the Global Convention on Biological Diversity (CBD) 1992. The UK Biodiversity Steering Group published individual action plans for priority habitats and some of the UK's most threatened and endangered species. These Habitat and Species Action

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Plans (HAPs and SAPs, respectively) were developed to guide conservation action and promote biodiversity.

- 1.1.24 UKBAP Priority Habitats are distinct from Annex I Habitats listed in the EU Habitat Directive 1992 and included those habitats identified by the UK Steering Group as being particularly important or that were considered vulnerable to habitat loss and damage, and for which conservation action should be targeted.
- 1.1.25 Following the creation of the UKBAP, devolution in 1998 led the four countries of the UK (England, Northern Ireland, Scotland and Wales) to develop their own country strategies. However, in 2007 a shared vision for UK biodiversity conservation was adopted by the devolved administrations and the UK government. The UK Post-2010 Biodiversity Framework (JNCC and Defra (on behalf of the Four Countries' Biodiversity Group), 2012) succeeds the UKBAP and the shared vision. It forms the UK Government's response to the new strategic plan of the CBD, published in 2010 at a meeting in Nagoya, Japan.
- 1.1.26 The Framework is the result of a change in strategic thinking and much of the work previously carried out under the UKBAP is now focussed at a country level. The UKBAP lists of priority species and habitats remain important and valuable reference sources and they have been used to draw up statutory lists of priorities.

Local BAPs

- 1.1.27 Local BAPs (LBAPs) integrate the conservation measures provided in the UKBAP to enhance biodiversity at the local and regional level. LBAPs are implemented through planning policy, identifying habitats and species of particular value or endangerment at the local or regional level. The Perth and Kinross authority area is covered by the regional Tayside LBAP.

Locally Important Sites

- 1.1.28 District Wildlife Sites (DWS), Local Wildlife Sites (LWS), Sites of Importance for Nature Conservation (SINC) and Sites of Interest to Natural Science (SINS) are sites of local conservation interest designated by local planning authorities. Such sites are afforded a measure of protection in local development plans (Chapter 20: Policies and Plans).

Non-Statutory Guidance

International Union for Conservation of Nature

- 1.1.29 The International Union for Conservation of Nature (IUCN) was founded in 1948 following an international conference in France. The IUCN aims to deliver conservation and sustainability at both the global and local level through science, delivery of conservation projects and influencing international environmental conventions, policies and law.
- 1.1.30 The IUCN has produced the IUCN Red List of Threatened Species® (IUCN, 2013) as a comprehensive and objective global approach for evaluating the conservation status of plant and animal species. The goal of the Red List is to provide information and analyses on the status, trends and threats to species in order to inform and catalyse action for biodiversity conservation. Species are classified into the following categories according to their extinction risk: Extinct; Extinct in the Wild; Critically Endangered; Endangered; Vulnerable; Near Threatened; Least Concern; and Data Deficient.

Scottish Biodiversity Strategy

- 1.1.31 The Scottish Biodiversity Strategy (Scottish Executive, 2004) places a duty of care on public bodies to further the conservation of biodiversity in Scotland, the execution of which is implemented through the LBAPs. The current strategy is in the process of being revised in light of new International and European agreements, the European Union's Biodiversity Strategy for 2020 and the 'Aichi Biodiversity Targets'. This new strategy, "2020 Challenge for Scotland's Biodiversity", was available for public consultation until September 2012 and was published in June 2013 (Scottish Government, 2013, formerly the Scottish Executive).

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Scottish Biodiversity List

- 1.1.32 The Scottish Biodiversity List (SBL) is a list of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland and was developed to meet the requirements of the NCSA 2004. The list provides a guide to empower decision-makers to further the conservation of biodiversity in Scotland. It was published in 2005 and has since been updated to take account of changes to the UKBAP priorities list. Scottish Natural Heritage (SNH) is currently preparing a version of the SBL to take into account the Categories for Action which relate to the different types of activities that public bodies carry out to deliver their biodiversity duty.

Scottish Planning Policy

- 1.1.33 The Scottish Planning Policy is the statement of the Scottish Government's policy on nationally important land use planning matters. This document supersedes a number of documents including National Policy Planning Guideline (NPPG) 14 Natural Heritage. It outlines planning guidance in relation to Landscape and Natural Heritage providing planning authorities with advice on how to address the maintenance and enhancement of biodiversity.

Planning Advice Note (PAN) 60: Planning for Natural Heritage

- 1.1.34 Planning Advice Note (PAN) 60 provides guidance on good practice in relation to conservation and natural heritage in Scotland. It covers the protection of biodiversity, designated sites and the wider natural heritage, with the provision that all development effects can be material considerations in the planning process.

2 Terrestrial Habitat

- 2.1.1 Semi-natural habitats may be protected under the Conservation (Habitats, &c.) Regulations 1994 (as amended), WCA 1981 (as amended), NCSA 2004 and Habitats Directive 1992.
- 2.1.2 The WCA 1981 (as amended) and NCSA 2004 makes it an offence (subject to exceptions) to intentionally pick, uproot or destroy any wild plant listed in Schedule 8 of the WCA; or any seed or spore attached to any such wild plant.
- 2.1.3 The WCA 1981 (as amended) also contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife.

BAPs

- 2.1.4 The Scottish Biodiversity List (SBL) includes 232 species of flowering plant, 12 species of fern, seven species of stonewort, 210 species of moss and liverwort and 240 species of alga. This includes species of aquatic as well as terrestrial habitats.
- 2.1.5 The Tayside Biodiversity Partnership (TBP) has identified 19 plants as priority species (e.g. they have a national Species Action Plan (SAP) or Species Statement). No plants have been identified for a LSAP.
- 2.1.6 Terrestrial habitats covered by a Local Habitat Action Plan (LHAP) are; birch woods, lowland mixed broadleaved woodland, planted coniferous woodlands, upland ash woods, wet woodlands and traditional orchards.

3 Terrestrial Invertebrates

- 3.1.1 Terrestrial invertebrates are protected in the UK under the Conservation (Habitats, &c.) Regulations 1994 (as amended) and WCA 1981 (as amended).

BAPs

- 3.1.2 There are 286 species of terrestrial invertebrates (not including molluscs) listed on the SBL. There are no Local Species Action Plans (LSAP) or LHAP for invertebrate species in Tayside.

4 Bats

- 4.1.1 The Agreement on the Conservation of Populations of European Bats (EUROBATS) came into force in 1994 under the auspices of the Convention on Conservation of Migratory Species of Wild Animals 1979 (Bonn Convention). The agreement recognises that endangered migratory-species can only be properly protected if activities are carried out over the entire migratory range of the species, and it aims to protect all 45 species of bats identified in Europe through legislation, education, conservation measures and international co-operation.
- 4.1.2 All British bat species and their roosts are also protected under the Bern Convention (with the exception of common pipistrelle) 1979 (Appendix II); Bonn Convention 1979; Habitats Directive 1992 (Annex IV); Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and NCSA 2004.
- 4.1.3 Derogations under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in respect to destruction and disturbance of bat roosts can only be undertaken under licence through consultation with SNH.
- 4.1.4 The WCA 1981 (as amended) and NCSA 2004 taken together makes it an offence to intentionally/recklessly kill or injure any bat species.

BAPs

- 4.1.5 Nine species of bats are listed on the SBL and TBP has a SAP (consultative draft) for the following bats: common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared bat (*Plecotus auritus*), Daubenton's bat (*Myotis daubentonii*) and Natterer's bat (*Myotis nattereri*).

5 Badger

- 5.1.1 The Protection of Badgers Act 1992 (PBA) legally protects badgers from intentional cruelty (such as badger-baiting) and from the results of lawful human activities (such as housing, road or other developments). Badgers are also protected under the NCSA 2004 and WCA 1981 (as amended), both of which are summarised in Section 1 of this ES appendix.
- 5.1.2 Derogations under the PBA 1992 in respect to the destruction and disturbance of badger setts can only be undertaken under licence through consultation with SNH (the licensing authority).

BAPs

- 5.1.3 Badgers are not listed on the SBL and are not included in the Tayside LBAP.

6 Breeding Birds

- 6.1.1 Resident and migratory bird populations within the UK are protected under the Conservation (Habitats, &c.) Regulations 1994 (as amended), WCA 1981 (as amended) and NCSA 2004. They are also protected under the Birds Directive 2009 (originally 1979) and Habitats Directive 1992.
- 6.1.2 The WCA 1981 (as amended) and NCSA 2004 taken together ensure that all wild birds, their nests and eggs are protected, which, with respect to the proposed scheme, makes it an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy the nest of any wild bird while it is in use or being built; take or destroy the egg of any wild bird; and disturb any wild bird listed on Schedule 1 while it is nest building or is at (or near) a nest with eggs or young; or disturb the dependent young of such a bird. The Acts additionally provide protection for SSSIs, in particular those that are designated for the presence of wild bird populations.

BAPs

- 6.1.3 The SBL includes 105 bird species. The Tayside LBAP contains 68 bird species associated with existing HAPs or draft/consultative HAPs. In addition, four species – barn owl, sand martin, swift and tern – have proposed SAPs.

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7 Reptiles

7.1.1 Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*) and adder (*Vipera berus*) are common and widespread in Britain and receive limited protection under the NCSA 2004 and WCA 1981 (as amended), which taken together make it an offence to intentionally/recklessly kill or injure these reptile species.

BAPs

7.1.2 Common lizard, slow-worm and adder are all listed on the SBL. No reptiles are listed in the Tayside LBAP.

8 Pine Marten

8.1.1 Pine marten (*Martes martes*) is protected in the UK under the WCA 1981 (as amended) and Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Taken together, these protect pine marten from intentional or reckless killing or injury and disturbance, and from possession or sale.

BAPs

8.1.2 Pine marten is listed on the SBL. Pine marten do not have a LSAP but are covered under the Planted Coniferous Woodland LHAP.

9 Red Squirrel

9.1.1 In the UK red squirrel (*Sciurus vulgaris*) is protected under the WCA 1981 (as amended), NCSA 2004 and WANE Act (2011). This legislation makes it an offence to intentionally or recklessly kill or injure red squirrel, disturb or destroy a place of shelter, and take or sell the species.

BAPs

9.1.2 Red squirrel is listed on the SBL and has a LSAP in Tayside.

10 Wildcat

10.1.1 Wildcat (*Felis silvestris*) is protected under the Conservation (Habitats, &c.) Regulations 1994 (as amended), WCA 1981 (as amended), and NCSA 2004. Wildcats are also protected under the Habitats Directive and included on the IUCN least endangered list.

BAPs

10.1.2 Wildcat is listed on the SBL and named in the Upland Birchwood, Planted Coniferous Woodland and Upland Ashwood LHAPs.

11 Otter

11.1.1 Otter (*Lutra lutra*) is classed as a European Protected Species and is protected under the Conservation (Habitats, &c.) Regulations 1994 (as amended), WCA 1981 (as amended), and NCSA 2004. Otters are also protected under the Habitats Directive.

11.1.2 This legislation prevents the deliberate or reckless killing or injury of an otter, disturbance or obstruction of an otter or its place of shelter or resting or breeding place. Certain activities can be carried out under licence from SNH.

BAPs

11.1.3 Otter is listed on the SBL and Tayside LBAP. There is a SAP for otter both at a UK and local level.

12 Water Vole

- 12.1.1 Water vole (*Arvicola amphibius*) is protected under the WCA 1981 (as amended), and NCSA 2004. This protects water vole from: intentional killing or injury; being taken, possessed, controlled or sold; and disturbance while occupying or destruction of a structure or place used for shelter or protection.

BAPs

- 12.1.2 Water vole is listed on the SBL. The species does not have a LSAP but is listed as a locally important species in the Tayside Ponds and Pools LHAP.

13 Amphibians

- 13.1.1 Great crested newts (*Triturus cristatus*) are classed as a European Protected Species and are fully protected in the UK under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Habitats Directive. This legislation makes it an offence to kill, injure, capture or disturb great crested newts; damage or destroy their habitat; or possess, sell or trade great crested newts. This legislation refers to all great crested newt life stages, including eggs.

- 13.1.2 Common frog (*Rana temporaria*), common toad (*Bufo bufo*) palmate newt (*Lissotriton helveticus*) and smooth newt (*Lissotriton vulgaris*) are protected under the WCA 1981 (as amended) from being sold or traded.

BAPs

- 13.1.3 Great crested newt is listed on the SBL and has a Tayside LSAP (consultative draft).

14 Aquatic Habitat/River Habitat

- 14.1.1 The WFD (European Directive 2000/60/EC) requires Member States to take action to ensure that all watercourses in Europe reach at least 'good' ecological status by 2015. Any modifications to a river channel and/or riparian corridor may require prior approval by SEPA under requirements of CAR. Further information is presented in Chapter 9 (Road Drainage and the Water Environment).

15 Freshwater Invertebrates

- 15.1.1 A number of aquatic macro-invertebrates (freshwater invertebrates) are afforded legislative protection in the UK under the Conservation (Habitats, &c.) Regulations 1994 (as amended), WCA 1981 (as amended) and NCSA 2004.

BAPs

- 15.1.2 There are 83 invertebrate species listed on the SBL. Two species of freshwater invertebrate, the water beetle (*Hydroporus rufifrons*) and the stonefly (*Brachyptera putata*), are listed as priority species within the Ponds and Pools LHAP. There are no Tayside LSAPs for freshwater invertebrates.

16 Freshwater Pearl Mussel

- 16.1.1 Freshwater pearl mussels (*Margaritifera margaritifera*) are fully protected in the UK under Section 5 of the WCA 1981 (as amended).

- 16.1.2 This makes it illegal to intentionally or recklessly kill, injure or take freshwater pearl mussel; damage, destroy or prevent access to any structure or place that is used for shelter or protection; disturb freshwater pearl mussel in a place or structure used for shelter or protection; and possess or sell, or advertise for sale, freshwater pearl mussel. Certain activities can be carried out under licence from SNH.

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BAPs

- 16.1.3 Freshwater pearl mussel is listed on the SBL and has a UKSAP but not a Tayside LSAP.

17 Macrophytes

- 17.1.1 A number of freshwater macrophyte species are afforded national protection in the UK under the Conservation (Habitats, &c.) Regulations 1994 (as amended), WCA 1981 (as amended) and NCSA 2004.

BAPs

- 17.1.2 As stated above, there are 233 species of flowering plant, 12 species of fern, seven species of stonewort, 210 species of moss and liverwort and 240 species of alga listed on the SBL. This includes species of aquatic as well as terrestrial habitats. There are eight freshwater macrophyte priority species listed as key species in the Ponds and Pools LHAP. There are no Tayside LSAPs for freshwater macrophytes.

18 Ponds

- 18.1.1 Ponds may be afforded protection under the Conservation (Habitats, &c.) Regulations 1994 (as amended) and WCA 1981 (as amended).

BAPs

- 18.1.2 Approximately 700 species of plants, both terrestrial and aquatic, are listed in the SBL along with 83 freshwater invertebrate species. The Tayside Biodiversity Partnership has an LHAP for Ponds and Pools.

19 Fish

- 19.1.1 Fish species are afforded protection under one or more of the Conservation (Habitats, &c.) Regulations 1994 (as amended), European Eel (Council Regulation (EC) No 1100/2007); Salmon and Freshwater Fisheries Act (Consolidation) (Scotland) 2003, and Surface Waters (Fishlife) (Classification) (Scotland) Amendment Regulations 2007.

- 19.1.2 The WFD, through the aim of preventing the ecological status of watercourses from deteriorating from existing conditions (Section 3: River Habitat) is likely to benefit fish species.

- 19.1.3 Under Conservation Regulations 1994 (as amended), Annex II species within European sites designated through the implementing regulations are afforded legal protection. In this catchment, protection is afforded to those Annex II fish species (Atlantic salmon (*Salmo salar*), sea lamprey (*Petromyzon marinus*), river lamprey (*Lampetra fluviatilis*) and brook lamprey (*L. planeri*)) present in the River Tay SAC.

- 19.1.4 All freshwater fish species are protected under the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act (2003). Atlantic salmon, bullhead (*Cottus gobio*), sea lamprey, river lamprey and brook lamprey are all listed in Annex II of the EC Habitats Directive which requires the designation of SAC. Atlantic salmon and river lamprey are also listed on Annex V of the EC Habitats Directive which lists species whose taking in the wild and exploitation may be subject to management measures.

BAPs

- 19.1.5 Thirteen fish species are listed on the SBL; including three lamprey species, Atlantic salmon, sea trout (*Salmo trutta*) and European eel (*Anguilla anguilla*). Of these species only Atlantic salmon has a Tayside LSAP (consultative draft).

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