

Appendix 12H

Scoping of the Assessment – Summary

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This appendix provides the rationale for the scope of the assessment and comprises two tables. **Table 12H.1** describes and justifies the level of importance assigned to the ornithological features identified during the data gathering exercise carried out to inform this assessment. **Table 12H.2** determines and justifies whether those ornithological features require further assessment as they have either sufficient legal protection for a breach in legislation to occur or are of sufficient importance that a significant effect may occur as a result of the Proposed Development.

Within **Table 12H.1**, consideration is given to both the importance of ornithological features based on legislation and policy (refer to EIA Report, **Chapter 12, Section 12.3**) and importance with regard to the Proposed Development (refer to EIA Report, **Chapter 12, Section 12.7**). The justification provided for the decision to scope in or out each ornithological feature is based on information on its status both with regard to the Proposed Development, and the local, county, regional, national or international context, where available.

Table 12H.1 – Importance of Ornithological Features

Ornithological Feature	Importance – Legislation & Policy	Importance – Development Site Survey Area	Justification	Scoped Out of Assessment (Y/N)
Muirkirk and North Lowther Uplands Special Protection Area (SPA): golden plover	International	Negligible	The Muirkirk and North Lowther Uplands SPA citation is for 175 breeding pairs, c. 0.5 % of the Scottish breeding population (Wilson <i>et al.</i> , 2015). Based on the foraging range of this species during the breeding season (core range of 3 km, with maximum range of 11 km (NatureScot, 2016a)), it is unlikely that any of the golden plover recorded in the breeding season relate to birds from the SPA. Based on the data provided by the distribution and abundance surveys and flight activity surveys during both the non-breeding and breeding seasons (Appendices 12B-F), activity on the Development Site was limited to a single flight of six birds in the 2017/18 non-breeding season. All other records relate to incidental records of birds using moorland habitats outside of the Development Site (peak count of 50 individuals). Therefore, the Development Site Survey Area is considered to be of negligible importance for the SPA population.	Y

Ornithological Feature	Importance – Legislation & Policy	Importance – Development Site Survey Area	Justification	Scoped Out of Assessment (Y/N)
Muirkirk and North Lowther Uplands SPA: hen harrier	International	Negligible	<p>The Muirkirk and North Lowther Uplands SPA citation is for 30 breeding pairs, c. 6 % of the Scottish breeding population (Wilson <i>et al.</i>, 2015) and ten overwintering individuals. There is little information on numbers of hen harriers in the UK outside the breeding season, although Forrester estimated that Scotland held between 1,050-1,540 individuals (Forrester <i>et al.</i>, 2007). Based on the foraging range of this species (female core range of 1 km, with majority of foraging within 2-3 km, and maximum range of <10 km; male core range of 2 km with maximum range of 10 km [NatureScot, 2016a]), it is unlikely that any of the hen harrier recorded in the breeding season relate to birds from the SPA.</p> <p>Based on the data provided by the distribution and abundance surveys and flight activity surveys during both the non-breeding and breeding seasons (Appendices 12B-F), activity on the Development Site was limited to four flights between 2016 and 2018. All other records (two individuals) relate to incidental records of birds using moorland habitats outside of the Development Site. Therefore, the Development Site Survey Area is considered to be of negligible importance for the SPA population.</p>	Y
Muirkirk and North Lowther Uplands SPA: merlin	International	Negligible	<p>The Muirkirk and North Lowther Uplands SPA citation is for six breeding pairs, c. 1.4 % of the Scottish breeding population (Wilson <i>et al.</i>, 2015).</p> <p>Based on the foraging range of this species during the breeding season (core range of <5 km (NatureScot, 2016a)), it is unlikely that any of the merlin recorded in the breeding season relate to birds from the SPA.</p> <p>Based on the data provided by the distribution and abundance surveys and flight activity surveys during both the non-breeding and breeding seasons (Appendices 12B-F), activity on the Development Site was limited to a single flight of one male in the 2016 breeding season. Therefore, the Development Site Survey Area is considered to be of negligible importance for the SPA population.</p>	Y
Muirkirk and North Lowther Uplands SPA: peregrine	International	Negligible	<p>The Muirkirk and North Lowther Uplands SPA citation is for nine breeding pairs, c. 1.9 % of the Scottish breeding population (Wilson <i>et al.</i>, 2015).</p> <p>Based on the foraging range of this species during the breeding season (core range of 2 km, with maximum range of 18 km (NatureScot, 2016a)), it is unlikely that any of the peregrine recorded in the breeding season relate to birds from the SPA.</p> <p>Based on the data provided by the distribution and abundance surveys and flight activity surveys during both the non-breeding and breeding seasons (Appendices 12B-F), activity on the</p>	Y

Ornithological Feature	Importance – Legislation & Policy	Importance – Development Site Survey Area	Justification	Scoped Out of Assessment (Y/N)
			Development Site was limited to three incidental records of individual birds. Therefore, the Development Site Survey Area is considered to be of negligible importance for the SPA population.	
Black grouse	Regional	Local	<p>Black grouse is included on the Scottish Biodiversity List ('SBL') and is a Red Listed Bird of Conservation Concern (BoCC) (Stanbury <i>et al.</i>, 2021).</p> <p>The Scottish breeding population (measured by the number of displaying (lekking) males) is 3,344; of which the Western Southern Uplands and Inner Solway Natural Heritage Zone supports 121 lekking males (Wilson <i>et al.</i>, 2015).</p> <p>Based on the data provided by the distribution and abundance surveys and flight activity surveys during both the non-breeding and breeding seasons (Appendices 12B-F), activity on the Development Site was limited to three non-lekking males recorded during species-specific surveys in the 2016 breeding season and a single incidental record of three males within 1.5 km of the Development Site in the 2016/17 non-breeding season. Therefore, the Development Site Survey Area is considered to be of local importance for black grouse (0.08% of the NHZ breeding population measured by lekking males).</p>	Y
Curlew	Local	Negligible	<p>Curlew is included on the SBL and is a Red Listed Bird of Conservation Concern (BoCC) (Stanbury <i>et al.</i>, 2021).</p> <p>The Scottish breeding population is 30,194 breeding pairs; of which the Western Southern Uplands and Inner Solway Natural Heritage Zone supports 4,284 breeding pairs (Wilson <i>et al.</i>, 2015).</p> <p>There was a single curlew territory recorded within 500 m of the Access Track in the 2017 and 2018 breeding seasons. Given the number of territories recorded, the Development Site Survey Area is considered to be of local importance for this species during the breeding season (0.023% of the NHZ breeding population).</p>	Y
Golden plover	International	Negligible	<p>Golden plover is an Annex I species, is included on the SBL and is a Green Listed BoCC (Stanbury <i>et al.</i>, 2021).</p> <p>The breeding population of golden plover within Scotland is estimated at 37,480 breeding pairs; with the Western Southern Uplands and Inner Solway Natural Heritage Zone supporting 778 breeding pairs (Wilson <i>et al.</i>, 2015). There are an estimated 25,000 – 35,000 individuals wintering in Scotland (Forrester <i>et al.</i>, 2007).</p>	Y

Ornithological Feature	Importance – Legislation & Policy	Importance – Development Site Survey Area	Justification	Scoped Out of Assessment (Y/N)
			<p>The only record from flight activity surveys was a single flight of six golden plover recorded during the 2017/18 non-breeding season. There were no golden plover territories recorded within the MBS area in 2017 or 2018. There was a total of 24 incidental records (peak count of 50 birds) between 2016 and 2018, all of which were recorded outside of the Development Site, with all records more than 500m from the Proposed Development, the majority of which were recorded during the non-breeding season surveys.</p> <p>Given the low level of activity recorded, all of which was recorded outwith the Development Site (>500m from the Proposed Development), the Development Site Survey Area is considered to be negligible importance for this species.</p>	
Goshawk	National	National	<p>Goshawk is a Schedule 1 listed species and is a Green Listed BoCC (Stanbury <i>et al.</i>, 2021). The Scottish population of goshawk was estimated to be 279 breeding pairs in 2020 (Eaton <i>et al.</i>, 2022), with the Western Southern Uplands and Inner Solway Natural Heritage Zone supporting 31 pairs (Wilson <i>et al.</i>, 2015).</p> <p>Based on the data provided by the distribution and abundance surveys and flight activity surveys during both the non-breeding and breeding seasons (Appendices 12B-F), activity on the Development Site Survey Area comprised 11 flights, two breeding territories (representing c. 6.5% of the regional NHZ population) and four incidental records. Therefore, the Development Site Survey Area is considered to be of national importance (1.5% of the national population) for this species.</p>	N
Hen harrier	International	Negligible	<p>Hen harrier is Annex 1 listed, is a Schedule 1 and 1A listed species, is on the SBL and BoCC Red List (Stanbury <i>et al.</i>, 2021).</p> <p>The breeding population of hen harrier within Scotland is estimated at 501 breeding pairs; with the Western Southern Uplands and Inner Solway Natural Heritage Zone supporting 18 pairs (Wilson <i>et al.</i>, 2015), although this is considered to be an underestimate. There is little information on numbers of hen harriers in the UK outside the breeding season, although Forrester estimated that Scotland held between 1,050-1540 individuals (Forrester <i>et al.</i> 2007).</p> <p>Based on the data provided by the distribution and abundance surveys and flight activity surveys during both the non-breeding and breeding seasons (Appendices 12B-F), activity on the Development Site Survey Area comprised four flights and three incidental records. Therefore, the Development Site Survey Area is considered to be of negligible importance for this species.</p>	Y

Ornithological Feature	Importance – Legislation & Policy	Importance – Development Site Survey Area	Justification	Scoped Out of Assessment (Y/N)
Merlin	International	Negligible	<p>Merlin is Annex 1 listed, is a Schedule 1 listed species, is on the SBL and BoCC Red List (Stanbury <i>et al.</i>, 2021).</p> <p>The breeding population of merlin within Scotland is estimated at 433 breeding pairs; with the Western Southern Uplands and Inner Solway Natural Heritage Zone supporting 12 pairs (Wilson <i>et al.</i>, 2015).</p> <p>Merlin were not found to breed in the raptor survey area during the breeding season surveys and a single bird in flight was recorded (in the 2016 breeding season) and therefore it is considered that the Development Site Survey Area is of negligible importance for this species.</p>	Y
Osprey	International	Negligible	<p>Osprey is Annex 1 listed, is a Schedule 1 listed species, is on the SBL and BoCC Amber List (Stanbury <i>et al.</i>, 2021).</p> <p>The breeding population of osprey within Scotland is estimated at 197 breeding pairs; with the Western Southern Uplands and Inner Solway Natural Heritage Zone supporting six pairs (Wilson <i>et al.</i>, 2015).</p> <p>Osprey were not found to breed in the raptor survey area during the breeding season surveys and only two incidental records of single birds in flight were noted between 2016 and 2018 and therefore it is considered that the Development Site Survey Area is of negligible importance for this species.</p>	Y
Peregrine	International	Negligible	<p>Peregrine is Annex 1 listed, is a Schedule 1 listed species, is on the SBL and BoCC Green List (Stanbury <i>et al.</i>, 2021).</p> <p>The breeding population of peregrine within Scotland is estimated at 485 breeding pairs; with the Western Southern Uplands and Inner Solway Natural Heritage Zone supporting 34 pairs (Wilson <i>et al.</i>, 2015).</p> <p>Peregrine were not found to breed in the raptor survey area during the breeding season surveys and only three incidental records of single birds in flight were noted between 2016 and 2018 and therefore it is considered that the Development Site Survey Area is of negligible importance for this species.</p>	Y
Snipe	Local	Negligible	<p>Snipe is an Amber Listed BoCC (Stanbury <i>et al.</i>, 2021).</p> <p>The Scottish breeding population is 34,594 breeding pairs; of which the Western Southern Uplands and Inner Solway Natural Heritage Zone supports 1,252 breeding pairs (Wilson <i>et al.</i>, 2015).</p>	Y

Ornithological Feature	Importance – Legislation & Policy	Importance – Development Site Survey Area	Justification	Scoped Out of Assessment (Y/N)
			There was a single snipe territory recorded within 500 m of the Access Track in the 2017 breeding season. Given the number of territories recorded, the survey area is considered to be of negligible importance for this species during the breeding season.	

For those ecological features that remain scoped in following the process as described in **Table 12H.1**, the following are provided in **Table 12H.2**: description of the potential environmental change and associated effect (refer to **paragraphs 12.7.6 – 12.7.9**); a description of the zone of influence for each ecological feature (refer to **paragraph 12.7.6 – 12.7.9** and **Table 12.8**); justification of the decision to scope in or out each ecological feature based on the likely scale of the potential effect, general working measures (i.e. those covered within the Code of Construction Practice) that negate the effect and relevant information on the features status within the local, county, regional, national or international context where that is available.

Table 12H.2 – Scoping of Ecological Features of Local or Above Importance and those Receiving Legal Protection

Ecological Feature	Environmental Change and potential effect	Zone of Influence	Scoped Out (Y/N)	Justification
Goshawk	Construction activity including use of plant and the presence of workforce resulting in an increase in aural and visual stimuli due to noise and vibration, and movement of construction vehicles resulting in temporary disturbance or displacement of breeding goshawk.	Within 300-500 m of Proposed Development footprint (based on disturbance distances as described by Goodship and Furness, 2022).	N	Exact locations of breeding birds are unknown as access was unavailable to these areas.
	Potential disturbance and displacement to birds due to the operation of turbines and associated human activities for maintenance purposes.	Within 300-500 m of Proposed Development footprint (based on disturbance distances as described by Goodship and Furness, 2022).	N	Although effects during the operational phase would be less than that experienced during the construction phase, goshawk may still be disturbed during this phase.
	Potential collision with operational turbines.	Within 500 m of the Proposed Development boundary (based on guidance in NatureScot 2017 V.2).	N	Flight activity indicates that there is potential for significant effects to occur on the regional population.