

## PROTECTED SPECIES ADVICE FOR DEVELOPERS

### RED SQUIRREL

#### Legal protection

Red squirrels and their dreys are protected by the Wildlife and Countryside Act 1981 (as amended) and by the Nature Conservation Act 2004. It is an offence to intentionally or recklessly:

- kill, injure or capture a red squirrel;
- disturb a red squirrel in a drey;
- damage, destroy or obstruct access to a red squirrel drey.

This means that if red squirrels could be affected in these ways by your proposal, and you take no action to prevent it, you run the risk of committing an offence.

Where impacts that would result in an offence cannot be avoided, a species licence can be issued in some cases to allow the works to proceed. Licences will only be issued if certain tests are met (see licensing section below). **It is important that any licensing issues are considered as part of your planning application.** This is to avoid a situation where planning permission is secured but the lack of a species licence prevents the development from proceeding.

#### When a development might affect red squirrels

Red squirrels can occur in various types of woodland, including gardens and parkland. There are though large parts of Scotland where red squirrels don't occur and so won't be an issue, including most of the Central Belt, parts of the North West Highlands, and all the islands except Arran. For an up to date map of red squirrel distribution see the [National Biodiversity Network Gateway](#) (NBN). The NBN map indicates the broad pattern of distribution across Scotland but cannot provide detailed information for individual development sites. Local Record Centres may have additional information that can help determine if red squirrels are likely to be present on your development site.

Where red squirrels might be present, you will only need to consider them if your proposal includes either of following:

- a) felling of trees that have a reasonable chance of containing red squirrel dreys. Suitable trees are usually 15 years or older and can be conifer or broadleaf species, or
- b) felling and other works that could disturb red squirrel dreys. This is likely to be where works are within 50m of trees containing a drey during the red squirrel breeding season (February to September inclusive). If works are confined to the non-breeding season then the risk of disturbing red squirrels is much lower, and is only likely to occur where works are within 5m or one tree's distance of a potential drey location (whichever is less).

If your proposal could potentially impact on red squirrels in these ways, then you will need to carry out a red squirrel survey.

#### Carrying out a survey

##### When

Red squirrels are active all year round, so a survey can be carried out at any time of year. However, it is quicker and easier to survey broadleaved or larch woodland in the winter when the squirrels and their dreys are more easily seen.

##### How

The nature of the survey required will depend on what prior knowledge there is regarding the presence of red squirrels within the development site. The flow diagram at the end of the advice note describes a hierarchy of survey methods to minimise the need for unnecessary surveys, and to allow the application of the least time consuming method appropriate to the circumstances. This can range from a simple check for presence or absence of red squirrels to a more detailed systematic search for squirrel dreys and checks for breeding activity.

Surveys of squirrel activity should start as soon after first light as possible, as this is the time when squirrels are most likely to be active. Avoid surveying in heavy rain, strong winds or when it is very cold, as red squirrels are less likely to be active in these weather conditions.

### Distinguishing between red and grey squirrels

In areas with both red and grey squirrels, care should be taken to distinguish between the two species, as colouring varies and they can be difficult to tell apart. Feeding signs of red and grey squirrels are very similar and the species cannot be distinguished from signs alone in areas where both occur. It isn't possible to distinguish between red and grey squirrel dreys from their appearance. So if both species are present, all dreys should be treated as if they are protected, unless it can be demonstrated beyond reasonable doubt that the drey is only used by grey squirrels.

Hair tubes can also be used to distinguish between red and grey squirrel activity where they are difficult to see. These are baited, sticky tubes that collect hair from a squirrel as it reaches in. The hairs can then be identified as red or grey squirrel. Hair tubes are not recommended for use in areas with squirrelpox virus as they may aid the spread of the disease. Squirrelpox virus is currently in south Scotland and encroaching on central Scotland. For up to date information see [www.red-squirrels.org.uk/pox.asp](http://www.red-squirrels.org.uk/pox.asp).

### Checking dreys

It will be necessary to check if dreys are currently being used by red squirrels if the works will result in damage or destruction of dreys at any time of year, or where disturbance to dreys during the breeding season cannot be avoided, and a licence for such works has been granted by SNH. Dreys used for breeding should be in regular use. Observations over at least three mornings (dawn) in suitable weather conditions are recommended for establishing use, either using direct observations, video or suitably sited trail cameras. Intrusive methods such as endoscopic inspection should only be used where others methods are not possible. **Endoscopic inspection of dreys, and positioning remote cameras close to dreys, can cause disturbance and will require a survey licence from SNH** (contact [licensing@snh.gov.uk](mailto:licensing@snh.gov.uk)).

For further details regarding survey methods see [Practical techniques for surveying and monitoring squirrels](#) (Forestry Commission 2009).

### Your survey report should include:

- details of any information gathered from the NBN, Local Record Centres or other sources;
- names and experience of surveyors;
- details of survey methods, including survey area, date, time and weather conditions;
- descriptions of the habitat surveyed and any limitations to the survey, such as access;
- map showing the location of any transects and any records of red or grey squirrels, their dreys and feeding signs;
- an assessment of the importance of the development site for red squirrels and its relationship with red squirrel habitat in the surrounding area.

### Preparing a protection plan

If your survey finds red squirrels, or their dreys, that could be affected by your proposal you will need to prepare a species protection plan.

### Your protection plan should include:

- details of how the proposed development is likely to affect red squirrels, including quantifying the area of habitat currently used by red squirrels that will be affected by the development;
- mitigation measures to be employed to avoid any offence and minimise impacts on red squirrels;
- summary of any residual impacts once mitigation measures have been taken into account.

### Typical mitigation measures are:

- avoiding felling any trees containing red squirrel dreys. **Works will otherwise require a licence from SNH to proceed** (see licensing section below);
- scheduling works between October–January inclusive (which is outwith the breeding season), to avoid disturbance of breeding dreys.
- If works need to take place during the breeding season, 50m protection zones should be established around any breeding dreys. If monitoring confirms the drey is not used for breeding, smaller protection zones will be required (5m or to the nearest neighbouring tree,

whichever is less). **Works will otherwise require a licence from SNH to proceed** (see licensing section below). Red squirrels can move dreys during the breeding season, so a non-breeding drey could change status. Dreys (if not destroyed) should therefore be re-surveyed every 3 weeks to confirm status during the breeding season;

- minimising the loss of woodland and ensuring suitable habitat availability and connectivity both within the woodland and with surrounding woodland. This is to maintain a habitat of sufficient size to sustain the red squirrel population, and prevent the creation of barriers to the movement of red squirrels and the isolation of habitat blocks;
- allowing woodland regeneration or creating new woodland to replace any felled areas. Conifers benefit red squirrels most (eg. Douglas fir, pines, spruces, larches and yew). Avoid planting large seeded trees which would benefit non-native grey squirrels that outcompete red squirrels (eg. beech, chestnuts, hazel, oak & sycamore);
- Pre-works surveys to check for any new dreys that may have arisen between the time of the original survey and start of works.

Annotated maps and photographs are a useful way of showing the location of the mitigation measures proposed, and how they relate to survey information and construction work.

### **Licensing development works affecting red squirrels**

If your development cannot avoid an offence with respect to red squirrels, a licence will be required from SNH to allow work to proceed. Such a licence can only be issued for development purposes if:

- a) the development will give rise to significant social, economic or environmental benefit, and;
- b) there is no other satisfactory solution.

In assessing a licence application, we will also consider the likely conservation impact on the local red squirrel population. There is a presumption against licensing disturbance or damage/destruction of a breeding drey. If there is no alternative to carrying out works in the breeding season, monitoring would be required to confirm that the drey is not in use, or is not being used for breeding.

For further information on protected species licensing see the following SNH guidance notes:

[Protected Species Licensing: Legislation, Appropriate Authorities and Licensing Purposes](#);  
[Protected Species Licensing: Licences for 'social, economic or environmental purposes'](#).

## Hierarchy of red squirrel survey methods

