

PROTECTED SPECIES ADVICE FOR DEVELOPERS



PINE MARTEN

Legal protection for pine martens

Pine martens and their dens 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 pine marten;
- disturb a pine marten in a den*;
- damage, destroy or obstruct access to a pine marten den*.

* unless the den is in the roof space or other part of a house. In such circumstances it is not an offence to discourage a pine marten from using the den, or to block access to the den - provided a pine marten is not in the den at the time and does not have dependent young. Further details can be found in [Living with Pine Martens](#) (The Vincent Wildlife Trust 2014).

This means that if pine martens could be affected in these ways by your development, 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 pine martens

Pine martens are widely distributed throughout much of mainland Scotland and the islands of Skye and Mull, and the distribution continues to expand. The largest current gaps in distribution are in the Central Belt and southern Scotland. For an up to date map of pine marten distribution see [Living with Pine Martens](#) (The Vincent Wildlife Trust 2014). Local Record Centres may have additional information that can help determine if pine martens are likely to be present on your development site.

Pine martens are mainly found in woodlands, including conifer plantations. They may also venture into more open country to hunt, including rocky hillsides. Their dens are usually hollow trees, among rocks or in disused bird nests or squirrel dreys. In some parts of Scotland, pine martens use enclosed spaces in buildings as dens. If your proposal is in, or adjacent to, forest habitat within the pine marten range, and includes felling or other works that could damage or disturb a den, then you will need to carry out a pine marten survey.

Carrying out a pine marten survey

When

Pine martens are active all year round but are best surveyed between May and September, and ideally in June-August when scats are most abundant.

How

Surveys should be undertaken by an experienced surveyor, and should include a systematic search for signs of pine marten presence and potential den sites within 250m of

a development. Pine martens are elusive and largely nocturnal, which makes them difficult to see, but their scats are often quite distinctive and are the most commonly encountered field sign. Due to possible confusion with other species, it is recommended that at least some of the scats detected are collected for subsequent DNA analysis to confirm their identification. Scats are most commonly found along forest tracks, but frequent vehicle use along these tracks can remove signs. The use of hair tubes and remote infra-red cameras can also be used to confirm the presence of pine martens.

Checking dens

Camera traps can also be used to confirm the occupation of den sites and to determine if they are being used for breeding (March-June inclusive). **Using camera traps close to a potential breeding den can cause disturbance and will require a survey licence from SNH** (contact licensing@snh.gov.uk).

Further detail regarding survey methods can be found in [UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation](#) (The Mammal Society 2012).

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 pine marten signs and any dens in the context of the development.

Preparing a pine marten protection plan

If your survey finds pine martens 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 pine martens, including loss of forest habitat and associated areas of rough grassland which may be important for foraging;
- mitigation measures that will be employed to avoid or minimise impacts on pine martens;
- summary of any residual impacts once mitigation measures have been taken into account.

Typical mitigation measures are:

- avoiding or minimising the felling of trees and ground works within forest habitat, and maintaining habitat corridors;
- marking exclusion zones around any pine marten dens. For dens where pine martens aren't breeding, the boundary of the exclusion zone should be a minimum of 30m from the den. An exclusion zone of at least 100m is necessary where dens are known or suspected of being used for breeding, and works in the breeding season cannot be avoided (March-June inclusive). **Where exclusion zones of the required size aren't possible, works will require a licence from SNH** (see licensing section below);
- erection of breeding boxes to replace any natural dens that have to be destroyed. **The destruction of a den will require a licence from SNH** (see licensing section below);

- creating new woodland habitat where there is significant loss to existing habitat;
- pre-works surveys to check for any new dens that may have arisen between the time of the original survey and start of works.

Further detail regarding mitigation measures can be found in [UK BAP Mammals: Interim Guidance for Survey Methodologies, Impact Assessment and Mitigation](#) (The Mammal Society 2012).

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 pine martens

If your development cannot avoid an offence with respect to pine martens, 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.

There is a presumption against licensing disturbance or destruction of a breeding den. If there is no alternative to carrying out works in the breeding season, monitoring would be required to confirm that the den 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'](#).