

# Birds

## Legislation

All wild birds, their active nests, eggs and dependent young are protected under the Wildlife and Countryside Act 1981 (as amended). Additional protection is given to those bird species which are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), when they are breeding.

As well as their legal protection those birds which are considered to be rare within the UK or whose numbers have shown long-term declines are included as priority species within published lists under the Natural Environment and Rural Communities Act 2006 in England, The Environment (Wales) Act 2016 and the Wildlife and Natural Environment (Scotland) Act 2011. As a consequence, Local Planning Authorities must have due regard to these species when determining a planning application.

## Planning process and survey effort

As part of any planning application submission, the suitability of the habitats within the site to support either breeding or foraging or overwintering birds needs to be assessed, with appropriate avoidance or mitigation measures designed into the proposed development scheme and presented as part of the planning application.

To ensure that the Local Planning Authority can determine a planning application it is important that sufficient survey data is gathered. There are several published guidelines for undertaking a range of species specific surveys for birds and deviation from these guidelines needs to be fully justified and could lead to the refusal of planning permission.

Two common surveys are breeding bird and overwintering surveys which are summarised below. However, surveys can also focus on spring and autumn migration as well as nocturnal bird species such as night jar.

**Breeding bird survey-** A pre-determined transect is walked through the site just after dawn and birds seen or heard are recorded. Behaviours indicative of nesting such as bringing nesting material or food to a nest is also recorded. This survey is repeated at least three times during the period March to July, with a least 1 month between surveys.



---

PLANNING | LANDSCAPE | ENVIRONMENT

**Wintering bird surveys-** Surveys are typically undertaken from vantage points with the species and numbers of birds seen within a given time period recorded. Several visits are undertaken during the winter, considered to be November to mid-March with a least 1 month between surveys.



---

PLANNING | LANDSCAPE | ENVIRONMENT