

TECHNICAL APPENDIX 7.7: DRAFT BREEDING BIRD PROTECTION PLAN

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INTRODUCTION

As set out in Chapter 7: Ornithology, a Breeding Bird Protection Plan (BBPP) will be implemented to ensure compliance with the Wildlife and Countryside Act 1981 to (a) avoid any disturbance to species specially protected under Schedule 1 of that Act and (b) avoid any damage to active nests.

Several species specially protected from disturbance during breeding under Schedule 1 of the Wildlife and Countryside Act were recorded during the surveys. Two of these (goshawk and crossbill) were breeding within the potential impact zone of the site during the 2021 and 2022 baseline surveys (Chapter 6, Table 6.12). Given the habitats present, it is possible that others, such as red kite and barn owl, could breed there in the future.

These measures will be implemented to ensure that no active Schedule 1 species' nests are disturbed during breeding and that no active nests of any bird species are damaged or destroyed (to ensure compliance with the nature conservation legislation).

The results of the BBPP will be reported to the local planning authority and made publicly available to inform understanding of the effects of wind farms on birds.

PRE-CONSTRUCTION AND CONSTRUCTION PHASE SURVEYS

Breeding bird surveys will be undertaken by the Environmental Clerk of Works (ECoW) immediately prior and during any construction works scheduled for the main bird breeding season (March-August) to ensure compliance with the nature conservation legislation (as well as the requirements of the Biodiversity and Habitat Management Plan). It would include specific surveys of species specially protected from disturbance under Schedule 1 of the Wildlife and Countryside Act 1981 (including red kite, goshawk, barn owl and common crossbill), and of species nesting within areas likely to be directly affected by construction works (ground works and vegetation clearance).

Specific surveys will be undertaken for red kite, goshawk, barn owl and common crossbill, following standard survey methodologies (Gilbert et al. 1998¹, Hardey et al. 2009², SNH 2017³), covering the site plus a 2 km buffer where there is potentially suitable nesting habitat. Repeat check surveys will be undertaken at approximately fortnightly intervals through the breeding season whilst construction is taking place.

For ground-nesting species, checks for nesting birds will be made by the ECoW of all the new ground that will be disturbed if any such construction works take place during the breeding season, and where any vegetation clearance may be required. Surveys will be undertaken immediately prior to any such works to check for the presence of nesting birds in the specific area to be stripped of vegetation over the following two weeks. An initial survey in mid-March is proposed, with follow-up surveys at fortnightly intervals through to the end of August as required (dependent on the schedule of vegetation clearance). The area to be affected during each two-week period will be carefully checked for breeding birds, any active nest locations identified, and any necessary mitigation measures advised.

¹ Gilbert, G., Gibbons, D.W. and Evans, J. 1998. Bird Monitoring Methods: a manual of techniques for key UK species. RSPB /BTO/WWT/JNCC/ITE/The Seabird Group.

² Hardey, J., Crick, H. Q. P., Wernham, C. V., Riley, H.T., Etheridge, B. and Thompson, D. B. A. 2007. Raptors: a field guide to survey and monitoring. The Stationary Office Ltd, Edinburgh.

³ Scottish Natural Heritage. 2017. Survey methods for use in the assessment of the impacts of proposed onshore wind farms on bird communities. Scottish Natural Heritage.

MITIGATION MEASURES

All construction staff and contractors will be informed of the BBPP in a toolbox talk that will form part of the site induction.

Schedule 1 Species

If any evidence of any other species listed on Schedule 1 were found nesting within the potential disturbance zone of the construction works, then further searches will be undertaken to identify any nest site and breeding status. If a nest were confirmed, then a disturbance-free buffer will be established for the duration of the breeding attempt, and a programme of detailed vantage point surveys implemented over the breeding site and the proposed development. Regarding the extent of the disturbance-free buffer, Forestry Commission Scotland (2006) and NatureScot guidance (Goodship and Furness 2022)⁴ will be followed to establish a safe working distance. The initial extent of the disturbance-free buffer would be 500 m from the nest, but this would be reviewed through specific survey work observing the breeding birds' behaviour. No construction works would be permitted within that disturbance-free buffer until the breeding attempt had been completed, apart from vehicle traffic along already constructed access tracks will still be allowed (subject to review from survey results) - disturbance would be unlikely from vehicle movements.

Other Breeding Birds

For all ground-nesting species, if any active nests were found during the nest searches, they would be marked and avoided by construction activities, and monitored until the breeding attempt has been completed.

⁴ Goodship, N.M. and Furness, R.W. 2022. Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.