Yorkshire Wildlife Trust

FACTSHEET

Planning: Birds and the Law

All wild bird species are protected by UK and European legislation and many are considered to be under threat.

It is an offence to take eggs from a wild bird's nest when it is in use, or to remove, damage or destroy nests in use or under construction. Birds listed under Schedule 1 of the Wildlife & Countryside Act 1981 are given additional protection from disturbance while nesting or with dependant young.

Wind Turbines and Birds

The impact of wind farms on birds has been the subject of a number of scientific papers; however, much of the research is too recent and short-term for the impact to be fully understood. In summary, wind farms can affect bird populations as follows:

- Direct loss or deterioration of feeding or nesting habitat
- Disturbance causing birds to leave a suitable habitat (indirect habitat loss)
- Mortality from collisions with turbines or associated infrastructure
- Increased energy use in flight due to avoidance of turbines (particularly significant on migration routes or routes between feeding and roosting sites)

The cumulative effect of numerous wind farms will have a more significant impact than small scale developments. The position and location of wind turbines should be carefully considered, and a precautionary approach should be taken if in doubt. This is crucial to minimise negative effects.

For further information see Natural England's Assessing the effects of onshore wind farms on birds

Kestrel - Bob Coyle

Assessing Impacts on Birds

The requirement to survey, and the methodology and survey effort used will depend upon the size of the development. Should an assessment be required, it is important that pre- and post-construction monitoring are undertaken to a standard consistent with other wind farms. A standardised approach would allow comparison between wind farms, and enable a more reliable estimate of impact. Natural England recommends that the Before-After-Control-Impact [BACI] approach is used as the ideal standard (see Technical Information Note 069).

Multi Turbine and Single Large Turbine Developments

Under Environmental Impact Assessment [EIA] Regulations, an assessment is more likely to be required if a wind farm has more than five turbines or a generating capacity of greater than 5 MW. Pre-construction surveys will generally be required as part of an assessment. Surveys should identify the potential impact on species of conservation concern and on those vulnerable to wind farm effects: eg, by predicting the numbers of birds likely to be (a) displaced and/or disturbed and (b) killed

through collision with turbines. Pre-construction surveys provide baseline data necessary for comparison with post-construction data.

For smaller developments, some form of assessment is likely to be required under the Regulations, although very small developments away from vulnerable bird species may only require a limited desk study to confirm the low likelihood of any negative impact.

Surveys and monitoring will be required at proposed locations:

■ Where there are significant numbers of species that are protected by law, especially those which may be sensitive to wind farm effects. For example, bird species listed under Schedule 1 (Wildlife & Countryside Act 1981) and/or Annex 1 (EU Birds Directive)

■ Within, or near, designated or proposed Special Protection Areas [SPAs], Ramsar Sites and SSSIs, especially when used by species which may be sensitive to wind farm effects

■ Which might affect migration routes and flight paths or wetland sites (often used by large numbers of birds);

■ Where there are landscape features e.g. ridges, valleys, headlands on the coast, which may funnel/concentrate bird flight activity

In addition, Natural England's Technical Information Note 069 provides a list of more vulnerable species for which detailed EIA and monitoring is required. Proposals likely to significantly affect SPA bird populations require an 'appropriate assessment' under the Habitat Regulations.

Micro-turbines

Currently, little is known about the impacts of micro-turbines on birds. However, there have been anecdotal reports of bird fatalities resulting from collisions with micro-turbines. There are growing concerns over birds colliding with the rotating blades, or being displaced from feeding areas and nesting/roosting sites. Species which might be affected include those that take insects in the air, such as swifts and house martins, and those that nest in buildings, such as house sparrows and starlings.

Scientists at the University of Stirling conducted the world's first study into the effects of micro-turbines on birds and bats. The initial results of their studies can be found in the papers Integrating applied ecology and planning policy: the case of micro-turbines and wildlife conservation and Experimental Evidence for the Effect of Small Wind turbine Proximity and Operation on Bird and Bat Activity.

Micro-turbines need planning permission at the moment, but this may change under current government proposals which will designate 'permitted development' under certain conditions. However, owner/occupiers wishing to install micro turbines will still need to consider birds to avoid potential crimes being committed under the Wildlife & Countryside Act 1981.

What you can do if you are concerned

■ If you believe a protected species to be under direct threat, contact your local Wildlife Crime Officer

■ If the threat is as a result of a proposed development, contact the planning officer dealing with the application at your local authority to ensure adequate procedures have been followed

■ You may also wish to contact Natural England who are the statutory authority for protected species

■ Local bird groups may be able to provide more advice.