

Standing Advice for WILD BIRDS

This standing advice is for planning officers to inform decision making AND applicants seeking planning permission where development may impact wild birds.

This guidance should be read in conjunction with other DAERA Standing Advice for developments which can affect natural heritage interests, the NI Biodiversity Checklist and associated guidance for planners, and the new Consultation Checklist.

Main reason for delays in Consultation process

The main reason why there are delays in the consultation process is because of incomplete surveys and incomplete or illegible documentation.

To speed up the process, all documents should be submitted as one package – i.e. all potential impacts on the natural environment from a development proposal should be considered at an early stage and any relevant and necessary ecological information, including all surveys, front loaded with your application. NED has published a Biodiversity Checklist to help you to identify whether you need expert ecological input for your proposed development.

Introduction

All species of wild birds are protected by Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended), which includes protection of birds' nests, nest building, eggs and chicks.

Birds are particularly vulnerable to impacts while breeding therefore, where disturbance or loss of nesting habitat takes place, the impact on birds needs to be considered. Wild birds are found in a wide variety of habitats. Some bird species have very limited distributions as they are restricted by the habitats they use and often return to the same locations to breed every year. Other species, although they may be more widespread, have undergone such significant declines that they are now Northern Ireland priority species. **See the NIEA [priority species list for priority bird species](#)**. Many bird species in Northern Ireland are amber and red listed birds of conservation concern (BoCC) in Ireland and the UK due to their declining/low population status. For more information on BoCC lists, see **Appendix 1**.

Other birds are migratory visitors during the winter months and use the coast and habitat of Northern Ireland as stopover sites on their migration route or as winter roosts and breed elsewhere in the world. These areas are often [designated protected sites](#) such as Special Protection Areas (SPA), Ramsar sites and Areas of Special Scientific Interest (ASSI) due to their conservation importance for birds.

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This Standing Advice provides information to:

- help with assessing planning applications which have the potential to impact on wild birds
- inform when NIEA should be consulted
- ensure that adequate consideration is given to wild birds during the planning process.

[Flowchart for the decision-making process](#)

Legislation

Under the [Wildlife \(Northern Ireland\) Order 1985 \(as amended\)](#), all wild birds are protected, particularly during the bird breeding season while nesting. It is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Additionally, any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

Most bird species return to the same general nesting location each year and build a new nest. However, some species return to the same nest sites year after year, re-using old nests. Some of these species which have been deemed as particularly vulnerable to decline are given additional protection and are listed on Schedule A1 of the Wildlife Order (**see Appendix 1**). For these species it is an offence to damage or destroy their nests at any time of the year, even when they are not in use.

[The Wildlife and Natural Environment Act \(Northern Ireland\) 2011](#) (known as the WANE Act) introduced a biodiversity duty on all public bodies in Northern Ireland. It

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states that it is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

The WANE Act also requires that the Department (DAERA) maintains lists of species requiring special attention when delivering this duty. The Northern Ireland Biodiversity Lists are available at <https://www.daera-ni.gov.uk/articles/what-biodiversity>. Actions for these species have been addressed in a range of government policies and activities. Many bird species are also priority species.

All wild birds are also subject to conservation measures under the Birds Directive (2009/147/EC); its main objective is to maintain populations of all naturally occurring wild birds. Additionally, some bird species which are particularly rare or vulnerable, are listed on Annex I of the Directive. These species are subject to special conservation measures and have additional legal protection as features of designated sites, such as Special Protection Areas (SPAs). The Birds Directive is transposed into UK law by [The Conservation \(Natural Habitats, etc\) Regulations \(Northern Ireland\) 1995 \(as amended\)](#).

Policy

Planning Policy Statement 2, Natural Heritage, Policies NH2 and NH5 and the Strategic Planning Policy Statement apply to protected and priority bird species.

Council Local Development Plans will also have policies which apply to protected and priority birds.

Is a survey required?

Due to the wide range of habitats used by birds in Northern Ireland, it is likely that a development site will contain suitable habitat for nesting birds and therefore require some form of survey, avoidance and/or mitigation to avoid impacts to birds.

The Northern Ireland Biodiversity Checklist (<https://www.daera-ni.gov.uk/publications/ni-biodiversity-checklist-documents>) should be used to establish if bird surveys are required for a complete application.

Surveys for birds should be carried out if:

- CEDaR priority species datasets show a priority bird species utilises the development site.
- The development is for a single, or multiple, wind turbines.
- The NIEA Natural Environment Map Viewer <https://apps.d.aera-ni.gov.uk/nedmapviewer/> indicates the likely presence of priority bird species on

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lands within or adjacent to a proposed development. This map should not be used to infer the complete coverage of wild birds in Northern Ireland. NIEA may not be fully aware of every nesting habitat in Northern Ireland and the spatial data linked to this map has no set update frequency. As a result, updated changes to habitat locations may not be currently recorded on the Viewer.

- The [NI Landscape character assessment 2000 \(LCA\)](#) indicates presence of priority species at a landscape-scale.
- Any development that affects or involves conversions, demolition or modification of buildings or structures, including agricultural barns which could lead to impacts to breeding nests of A1 species, such as barn owl, and other priority species that nest in buildings such as swifts, starling and house sparrow.
- Development that will affect natural habitats such as woodland, scrub, moorland, hedgerows, coastal habitat, rivers, lakes, quarry cliff faces and sand mounds.
- Installation of outside lighting for churches and listed buildings.
- Floodlighting green space within 50 metres of woodland, water, hedgerows or lines of trees connected to woodland or water.
- Development that will affect trees that are more than 100 years old, have holes, cracks and cavities, or are more than 1 metre in circumference at chest height.
- Development that will affect mature gardens.

Survey Requirements

Wild bird survey specifications are available on the DAERA website at <https://www.daera-ni.gov.uk/articles/site-surveys>.

All surveys must be undertaken by suitably experienced and, where necessary, licensed surveyor(s). There are **a number of types of bird surveys** and the exact methodology is dependent on the type of development, the species likely to be present, the habitat on site and the time of year. Due to the scope of wild bird surveys, it is important to determine which survey method best suits the intended purpose: the list below includes the most common methods:

- Territory mapping of breeding birds based around the Common Bird Census (CBC) methodology.
- Transect-based surveys for larger areas and open habitat based around the Breeding Birds Survey (BBS) methodology;
https://www.bto.org/sites/default/files/u16/downloads/forms_instructions/BBS-Instructions-2015-online.pdf

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- Moorland bird survey (Brown, A. F. and Shepherd, K. B. (1993) A method for censusing upland breeding waders, *Bird Study*, 40: 3, 189 -195). This can be adapted for use in a transect-based survey.
- Vantage point raptor or swan/goose surveys or other targeted species surveys.

When to carry out a survey

The optimal time to survey a particular bird species may vary throughout the year dependent on the species likely to be present, the type of development and the potential impacts to birds from the development.

Sufficient survey effort must be expended relevant to the potential risks to bird populations. Larger developments, such as wind farms, with long term potential impacts, for example collision risks, would require a range of different survey methods throughout each season carried out over several years, whereas other smaller developments with a short-term impact on breeding birds during construction may only require one breeding bird survey within the breeding season.

Impact from Development

Impacts to consider include:

- Damage or removal of breeding sites.
- Disturbance to birds and their young during construction works.
- Removal of vegetation and alteration of foraging / roosting habitats.
- Demolition or change to buildings or natural features like rock faces: these can be important for returning nesters.
- Disturbance to ground nesting habitats.
- Long term post-construction disturbances to birds resulting from development such as recreation and new housing developments that increase human activities such as dog walking and noise.
- Collision risks posed by wind turbines, either single turbines or multiple turbine wind farms.
- Visual and noise disturbance: floodlighting and noise pollution have the potential to negatively impact courtship success for certain bird species.
- Degradation of foraging opportunities, e.g. creation of artificial shelter for species that prey on bird species such as new forestry.

The legal objective is to ensure that proposed developments will not result in disturbance of any wild birds or the loss in breeding/roosting sites or degrade any foraging potential. Appropriate mitigation should therefore be included within proposals to facilitate this.

Mitigation

Where wild birds are present on or near a site, the following mitigation measures must be applied as a minimum:

Avoidance measures:

- Avoidance of works during the bird breeding season which is usually considered to be 1 March to 31 August inclusive¹. No vegetation clearance or demolition of buildings or structures should be carried out during this time.
- Timing of works to avoid disturbance during the breeding season and/or the winter migratory season.
- Implementation of protective buffer zones between the development and known breeding territories, stopover sites and important foraging habitat (species specific).
- Minimise the impact that the development is likely to have on natural landscapes.

Compensatory measures:

- Should a development result in permanent loss of existing nesting sites, developers should provide alternative nesting opportunities as compensation, such as artificial nesting for specific species and compensatory planting. This should ideally be provided in time for the next breeding season.
- Restoration or compensatory habitat creation as part of the landscaping strategy, including a management plan to ensure successful creation and ongoing maintenance of new habitat throughout the lifetime of the development.

Other mitigation measures that may be required for major developments:

- Monitoring programmes carried out post construction and/or throughout the development lifetime may be required to assess the success of mitigation and habitat restoration measures, and to inform contingency mitigation measures should monitoring reveal significant impacts on birds.

¹ *Note: breeding seasons can vary and avoidance should be adapted to the specific species present at the site

Informatives for Decision Notices

For developments that are likely to impact any birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

For developments that involve demolition or renovation of buildings or structures:

No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

For developments that are likely to impact Schedule 1 Bird(s)

The applicant should be aware that [*Insert Schedule 1 species here*] is present [*and known to be breeding*] on the site. This species is listed on Schedule 1 of the Wildlife Order and any offences in respect of this bird shall be liable to a special penalty.

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Appendix 1 - Information on Birds of Conservation Concern

Other Guidance

- Northern Ireland priority species list produced by the Northern Ireland Environment Agency. <https://www.daera-ni.gov.uk/articles/northern-ireland-priority-species>
- BOCC lists and information can be found on the BTO website: [Birds of Conservation Concern | BTO - British Trust for Ornithology](#)
- Other related standing advice for hedgerows, priority habitats and wind turbines is available on the DAERA website: <https://www.daera-ni.gov.uk/publications/standing-advice-development-land-may-affect-natural-heritage-interests>

Schedule A1 species

Common name	Scientific name
Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Osprey	<i>Pandion haliaetus</i>
Owl, Barn	<i>Tyto alba</i>
Peregrine	<i>Falco peregrinus</i>
Kite, Red	<i>Milvus milvus</i>

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