

TORFICHEN WIND FARM BREEDING BIRD PROTECTION PLAN

July 2024

AN UPDATE TO TECHNICAL APPENDIX 9.6: TORFICHEN WIND FARM BREEDING BIRD PROTECTION PLAN

INTRODUCTION

1. As set out in the EIA Report Ornithology chapter, a Breeding Bird Protection Plan (BBPP) will be implemented to ensure compliance with the Wildlife and Countryside Act (a) to avoid any disturbance to species specially protected under Schedule 1 of that Act and (b) to avoid any damage to active nests.
2. Several species specially protected from disturbance during breeding under Schedule 1 of the Wildlife and Countryside Act were recorded during the surveys. Though none of these were breeding within the potential impact zone of the Proposed Development site during the 2021 and 2022 baseline surveys (EIAR Chapter 9, Table 9.12), given the habitats present, it is possible that some, such as hen harrier, merlin, barn owl and quail, could breed there in the future, and others such as common crossbill and goshawk in the adjacent forestry.
3. 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).
4. The BBPP would also include black grouse – though their main lek is 1.1 km from the Proposed Development, there is a smaller subsidiary lek on the western edge of the site.
5. The results of the BBPP programme will be reported to the council and be made publicly available to inform understanding of the effects of wind farms on birds.

PRE-CONSTRUCTION AND CONSTRUCTION PHASE SURVEYS

6. Breeding bird surveys will be undertaken by the Ecological 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 Habitat Management Plan (HMP)). It would include specific surveys of species specially protected from disturbance under Schedule 1 of the 1981 Wildlife and Countryside Act (including hen harrier, merlin, goshawk, quail, barn owl and common crossbill), and of species nesting within areas likely to be directly affected by construction works (ground works and vegetation clearance).
7. Specific surveys will be undertaken for black grouse, hen harrier, merlin, goshawk, quail, barn owl and common crossbill, following standard survey methodologies (Gilbert et al. 1998¹, Hardey et al. 2009², SNH 2017³), covering the Proposed Development 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.
8. For ground-nesting species, checks for nesting birds will be made by the ECoW of all the new ground that is to be disturbed if there 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

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

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

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

August as required (dependent on the schedule of vegetation clearance). The area to be affected during each 2-week period will be carefully checked for breeding birds, any active nest locations identified and any necessary mitigation measures advised.

MITIGATION MEASURES

9. 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

10. If there were any evidence found of any other species listed on Schedule 1 nesting within the zone around the Proposed Development site in which they might be disturbed, 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 site. Regarding the extent of the disturbance-free buffer, Forestry Commission Scotland (2006) and SNH guidance (Ruddock and Whitfield 2007)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 zone until the breeding attempt had been completed, apart from vehicle traffic along already constructed access tracks which still be allowed (subject to review from survey results) - disturbance would be unlikely from vehicle movements.

Black Grouse

11. To avoid any disturbance to the black grouse lek within the site, no construction activity will be allowed (including vehicle movement along tracks) within a 750 m buffer around any lek before 9 am during April and May (as a precautionary measure and if surveys find that any birds are actively lekking during the construction period).

Other Breeding Birds

12. 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 Ruddock, M., and D. P. Whitfield. 2007. A Review of Disturbance Distances in Selected Bird Species. Natural Research (Projects) Ltd Report to Scottish Natural Heritage.