



Battlemead Common, Maidenhead, Berkshire

Update Breeding Bird Survey

For Royal Borough of Windsor and Maidenhead

July 2021





Project Number	0286.07
Client Reference	Royal Borough of Windsor and Maidenhead
Project/Site Name	Battlemead Common, Maidenhead
Report Title	Update Breeding Bird Survey

Version Number	Date	Author	Reviewer
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1. Non-technical Summary

- 1.1.1. The Royal Borough of Windsor and Maidenhead (RBWM) have proceeded with a planned change of use of Battlemead Common (hereafter referred to as “the site”) from agricultural use to public open space providing an amenity resource and access around and through the site linking to the Thames Path to the east. As part of these proposals, RBWM are maintaining and enhancing the ecological value of the site as well as exploring further options for access. This in part has been informed by a series of baseline ecological surveys completed in 2018/19 including a 2019 breeding bird survey. The site is located off Lower Cookham Road and lies to the north of Maidenhead in Berkshire.
- 1.1.2. Austin Foot Ecology was commissioned by RBWM in 2021 to undertake an updated breeding bird survey in order to gather information on the current breeding bird assemblage using the site and to compare the overall assemblage with that recorded in 2019. This information could also be used to inform potential impacts and recommendations associated with ongoing management and options for access including the seasonal (summer only) opening of the existing causeway across White Brook toward the south-eastern part of the site and the installation of a new boardwalk through the south-eastern woodland.
- 1.1.3. The 2021 survey recorded a total of 46 species of bird as confirmed, probably or possibly breeding on site or in the immediate vicinity. This was slightly above the total of 44 recorded in 2019, although the species list differed slightly. The overall assemblage was still dominated by common and widespread species (e.g. thrushes, tits, robins and wrens, etc.). However, the assemblage included thirteen species of varying conservation concern, including one specially protected (Schedule 1) species; the kingfisher. Barn owl was recorded as a potential breeding species in 2019 but was not recorded in 2021. Overall, the wetland and woodland areas plus associated corridors of trees, hedgerows and scrub (particularly through the central part of the site) were found to still be of most value to breeding bird species (as in 2019). A notable change since the 2019 survey was the presence of skylark as a potential breeding species in 2021, with low numbers recorded both in the western and eastern open fields (either side of the White Brook flowing through the central part of the site).
- 1.1.4. Potential impacts on breeding birds associated with ongoing management or access options such as opening up the causeway or a new boardwalk could include:
- Increased disturbance (people and dogs) or predation risk (dogs).
 - Loss or change in quality/amount of suitable nesting habitat in the south-eastern plantation woodland if the option to create a boardwalk through this area is pursued.
 - Loss or change in quality/amount of suitable nesting habitat through changes in management.
 - Risk of killing/injury of birds (most likely young birds) or damage/destruction of active nests and eggs through habitat clearance/management.
- 1.1.5. Recommendations to limit or avoid the above and during future management include (but need not be limited to):

- The provision of visitor information to draw attention to the fact that ground nesting species may be present.
- The creation of clear pathways via seasonal mowing to guide visitors to certain areas of the grasslands whilst leaving other areas less accessible.
- Paths and access should ideally be prevented from within at least 50m of all barn owl box locations.
- Careful planning of the route of any boardwalks to ensure areas adjacent to the White Brook and on the edge of the wetland further north remain largely undisturbed.
- Fencing and screening new access areas (e.g. boardwalk or causeway) to prevent ad hoc access outside these areas by people and dogs and limit potential disturbance.
- Undertaking any required cutting or clearance of suitable nesting habitat (e.g. trees, shrubs or other dense vegetation) within the period September to February inclusive
- Managing grassland areas to benefit skylarks by creating a diverse structure with shorter and taller areas of grass as well as increasing botanical diversity.

1.1.6. Further details of the above are contained within the main body of this report.

2. Introduction

2.1. Site and Project Description

2.1.1. Battlemead Common (hereafter referred to as “the site”) is located to the east of Lower Cookham Road in the north of Maidenhead in Berkshire. The central grid reference is SU 9044 8388. The site is bordered to the east by the River Thames, to the west by Lower Cookham Road with pasture beyond, to the north by White Place Farm and to the south by commercial and residential development. The site covers an area of approximately 45ha comprising semi-improved grassland, woodland, wetland habitat and tall ruderal vegetation. The White Brook also passes through the centre of the site. The site boundary is shown in Figure 1.

2.1.2. The Royal Borough of Windsor and Maidenhead (RBWM) are still in the process of determining the extent to which Battlemead Common will be opened to the public and therefore up to date survey information was required on which to base this decision. The Royal Borough of Windsor and Maidenhead (RBWM) are pursuing options to create a circular walk around the site. The first of these options involves opening the causeway and allowing access across this area between April and September inclusive (in order to avoid impacts to overwintering birds. Dog-proof fencing would be installed either side of the causeway and across the field to prevent dogs from gain access to the wetland areas and impacting nesting birds. The 2nd option involves the installation of a pathway/boardwalk (including the reinstatement of a bridge across the White Brook) through the plantation woodland in the south of the site. The boardwalk is to be fenced (with dog-proof fencing) either side with fencing also proposed around the perimeter of the Site.

2.2. Ecological Context

2.2.1. A breeding bird survey was undertaken between late April 2019 and mid-June 2019 (Austin Foot Ecology, 2019). This survey identified 44 species of bird as confirmed, probably or possibly breeding on site or the immediate vicinity. The assemblage was dominated by common and widespread species (e.g. thrushes, tits, robins and wrens, etc.). However, twelve species of varying conservation concern were also recorded, including two specially protected (Schedule 1) species; the barn owl and kingfisher (albeit nesting on site was not confirmed for either). Overall, the wetland and woodland areas plus associated corridors of trees, hedgerows and scrub (particularly through the central part of the site) were found to be of most value to breeding bird species in 2019.

2.3. Legislation and Policy Background

2.3.1. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition, bird species listed on Schedule 1 of the WCA (e.g. barn owl) receive additional protection from disturbance at or near an occupied nest site.

2.3.2. The NERC Act 2006 reinforces the duty upon all public authorities, including planning authorities, to have regard for the conservation of biodiversity when discharging their duties.

The species listed in accordance with Section 41 as priorities for conservation includes variety of bird species such as the dunnock (*Prunella modularis*) and song thrush (*Turdus philomelos*) among others.

2.3.3. The National Planning Policy Framework (NPPF) promotes minimising impacts on and providing net gains for biodiversity. The NPPF also provides guidance for local planning authorities (LPAs) by indicating that, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused. Development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

2.3.4. The Royal Borough of Windsor and Maidenhead Local Plan establishes that (at a local level) planning applications will be expected to (among other things) demonstrate how they:

- Maintain, protect and enhance biodiversity including protected species
- Avoid impacts on habitats and species of principal importance, such as those listed under Section 41 of the NERC Act 2006
- Apply the mitigation hierarchy to avoid, mitigate or as a last resort compensate for any adverse biodiversity impacts.
- Identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance.
- Avoid the loss of biodiversity

2.4. Aims of Study

2.4.1. Given the time that has elapsed since the initial breeding bird was undertaken (two years), Austin Foot Ecology was commissioned to undertake an update breeding bird survey within the site in spring/summer 2021. The main aims of this report are to:

- Describe the methods used during the breeding bird survey;
- Detail and evaluate the results of the survey;
- Set out the legislative protection afforded to birds associated with the site;
- Present a preliminary assessment of any potential ecological opportunities or constraints (relating to breeding birds) associated with use of the site for public access including the plantation woodland to the south;
- Determine whether the initial recommendations provided previously remain valid and whether additional measures could be incorporated to mitigate/enhance the site for breeding birds in light of survey results.

3. Method

3.1. Field Survey

- 3.1.1. A breeding bird survey was completed within the site between mid-April 2021 and mid-June 2021. As before, the survey was based on the Common Bird Census (CBC) method (Bibby *et al*, 2000), but reduced from ten to five early morning visits¹. In addition, to gather information on crepuscular and nocturnal species, two evening (pre-dusk to post-dusk) visits were also completed. Survey visits were spaced throughout the survey period with all visits completed during appropriate weather conditions (i.e. periods of very heavy rain, dense fog or strong winds were avoided). Each early morning visit was completed by a single surveyor, with evening visits completed by two surveyors for reasons of health and safety (working during periods of low-light level). Each survey visit took approximately 2 hours to complete, with the dusk surveys starting one hour before sunset and finishing one hour after sunset.
- 3.1.2. The survey dates and weather conditions are provided in Table 1 below.

Table 1: Survey Dates and Weather Conditions

Date and Survey Timing	Weather Conditions
09/04/21 06:25-08:30	Weather conditions were dry and partially cloudy (3/8 cloud cover) with calm air (Beaufort Scale F1) and cool temperatures ranging between 5°C-7°C.
23/04/21 05:50-08:00	Weather conditions were dry with clear skies (1/8 cloud cover) and calm air (Beaufort Scale F1). Air temperature ranged between 3°C and 5°C.
10/05/21 05:10-07:02	Weather conditions were dry and overcast (7/8 cloud cover) with calm air (Beaufort Scale F1). Air temperatures were around 10°C.
18/05/21 (dusk survey) 19:52-21:52	Weather conditions were dry and largely overcast (6/8 cloud cover) with a moderate breeze (Beaufort Scale F4). Air temperatures were around 15°C.
27/05/21 05:00 – 07:00	Conditions were dry with clear skies (1/8 cloud cover) and calm air (Beaufort Scale F1). Air temperatures ranged between 8°C and 11°C.

¹ It should be noted that the Common Bird Census ran from 1962 to 2000 and was the first of the British Trust for Ornithology's (BTO) schemes for monitoring population trends among widespread breeding birds. It has now been superseded for this purpose by Breeding Bird Survey (BBS). The weaknesses of the CBC as a monitoring method of UK bird populations were largely related to the time-consuming nature of both fieldwork (requiring ten visits) and subsequent analysis. However, a reduced version (i.e. reduced number of visits) of the CBC (still using the territory mapping approach) is widely used to gather baseline data for sites by ecological consultants, as it provides detailed information on bird species, distribution and likely breeding status.

Date and Survey Timing	Weather Conditions
08/06/21 (dusk survey) 20:17-22:20	Weather conditions were dry with minimal cloud (2/8 cloud cover) with a light breeze (Beaufort Scale F1). Air temperatures were around 21°C.
15/06/21 04:45-07:10	Weather conditions were dry with overcast skies (7/8-8/8 cloud cover) and a light breeze (Beaufort Scale F2). Air temperatures were cool ranging between 15°C and 17°C.

3.1.3. During each visit the entire site was walked slowly, approaching all suitable habitat within 50m and scanning and listening for birds. In accordance with good practice guidance (Bibby *et al*, 2000) the starting point and direction of the route walked were varied on each survey visit; this serves to minimise bias, as birds may be active at different times of day in different areas. The locations of birds seen and heard were mapped using standard BTO two letter codes and activity symbols. Where breeding activity was observed this was recorded in accordance with the following categories (based on standard BTO criteria):

- Non-breeder – Birds observed flying over, considered to still be on migration or a summering non-breeder.
- Possible breeding – Birds observed singing or present in suitable habitat in breeding season.
- Probable breeding – A pair observed in suitable habitat, territorial behaviour observed in the same place on at least two separate occasions, or by many individuals simultaneously on one day, or birds observed visiting a probable nest site, showing courtship or display behaviour in suitable breeding habitat or nest building.
- Confirmed breeding – Nest containing eggs or young seen or heard, adults observed carrying faecal sac or food, feigning injury as a distraction display or entering or leaving a nest site in circumstances indicating an occupied nest, a used nest or eggshells found or recently fledged or downy young recorded (showing evidence of dependency on adults).

3.1.4. Field observations from all survey visits were combined to enable identification of clear clusters of records and to provide an indication of likely territory numbers. During the nocturnal surveys thermal imaging cameras were used to help locate and identify birds in low-light levels.

3.2. Survey Limitations

3.2.1. All survey visits were completed during an appropriate time of year and suitable weather conditions. Access was available within the entire site boundary with areas not passable on foot (e.g. flooded areas) being possible to view from various vantage points. This meant the entire site could be visually and audibly surveyed. There were therefore no significant limitations to the survey methods set-out in Section 3.1 of this report.

3.3. Personnel

- 3.3.1. Ed Austin MCIEEM has been in continuous employment as a professional ecologist since 2004 and began his career in environmental consultancy in 2002. He has a particular focus on bird survey and assessment, having completed numerous projects across the UK. His experience includes a variety of breeding and wintering bird surveys based on standard methods such as the Common Bird Census (CBC), Breeding Bird Survey (BBS) and Wetland Bird Survey (WeBS) as well as species-specific methods. Ed has also designed bespoke bird survey methods for specific project and assessment aims. He holds a Bird Identification Qualification (IDQ) issued by the Natural History Museum of London.
- 3.3.2. Stephen Foot MCIEEM has worked as a professional ecologist since 2005 and has holds Natural England licences to survey for great crested newts, hazel dormice, bats, barn owls, smooth snakes and sand lizards. Stephen has completed a range of breeding bird surveys comprising both diurnal and nocturnal surveys across the UK within a variety of habitat types.

3.4. Method and Report Qualification

- 3.4.1. All survey work and reporting was undertaken by experienced and qualified ecologists (see above), in accordance with the Code of Professional Conduct of the Chartered Institute of Ecology and Environmental Management (CIEEM).
- 3.4.2. All ecological surveys have an expected validity period owing to the tendency of the natural environment to change over time. This validity period varies from receptor to receptor and is also dependent on the degree of change in a site's management and overall landscape ecology.
- 3.4.3. This report does not purport to provide detailed, specialist legal advice. Where legislation is referenced, the reader should consult the original legal text, and/or the advice of a qualified environmental lawyer.

4. Results and Interpretation

4.1.1. This section sets out the results of the field surveys. The implications of the results are then explored with reference to current legislation and planning policy.

4.2. Overview

4.2.1. A total of 46 species of birds were recorded as confirmed or potentially breeding within the site or the immediate vicinity (such that territories may include at least part of the site) in 2021.

4.2.2. Birds recorded as confirmed, probable or possible breeding species within the site or nearby area (such that their territories likely overlap the site boundary) are listed in Table 2 together with an indication of the estimated number of pairs/territories in each breeding status category. For ease of reference, the estimated totals recorded in 2019 (for each individual species) are also shown. Bird species seen using or flying over the site for which no evidence of breeding on site (or in the immediate vicinity) in 2021 are listed in Table 3. In both cases, the conservation status of all species is also shown.

Table 2: Breeding Bird Species Recorded – Site and Immediate Surroundings²

Common Name	Species Name	Sch1 ³	S41 ⁴	Red ⁵	Amber ⁶	Status in Berkshire ⁷	Confirmed	Probable	Possible	Grand Total	Total in 2019	Change	Notes
Blackbird	<i>Turdus merula</i>					Abundant resident and common winter visitor		3	10	13	11	+2	Widespread in hedgerows and woodland
Blackcap	<i>Sylvia atricapilla</i>					Common summer migrant, and increasing winter visitor		6	5	11	9	+2	Occasional in hedgerows and woodland
Barn owl	<i>Tyto alba</i>	✓				Uncommon and localised resident				0	1	-1	Not recorded in 2021 (NB – 2019 record was just off-site)
Blue tit	<i>Cyanistes caeruleus</i>					Abundant resident	6	16	7	29	19	+10	Widespread in hedgerows and woodland. May have benefitted from additional nest boxes as nest sites in at least some were recorded.
Buzzard	<i>Buteo buteo</i>					Widespread resident following recent range expansion				0	1	-1	Not recorded as breeding on site in 2021 but birds regularly seen confirming still present locally.
Carion crow	<i>Corvus corone</i>					Abundant resident		1		1	4	-3	Probable nesting but commonly seen on site

² Species recorded in 2019 but not in 2021 are shaded in grey, with species recorded as potentially breeding in 2021 are shaded in red

³ Species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) granting legal protection from disturbance at or near an active nest site (see Appendix 1).

⁴ Species of Principal Importance to the conservation of biodiversity in England as listed in response to Section 41 (S41) of the Natural Environment and Rural Communities Act 2006 (see Appendix 1)

⁵ Bird of high conservation concern or 'red list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Appendix 1)

⁶ Bird of medium conservation concern or 'amber list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Appendix 1)

⁷ Based on Berkshire occurrence (1989-2011) from <http://berksoc.org.uk/county-atlas/distribution-maps/distribution-maps-overview/>

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Common Name	Species Name	Sch1 ³	S41 ⁴	Red ⁵	Amber ⁶	Status in Berkshire ⁷	Confirmed	Probable	Possible	Grand Total	Total in 2019	Change	Notes
Chiffchaff	<i>Phylloscopus collybita</i>					Common summer visitor and increasing winter visitor		1	2	3	1	+2	Present in central woodlands
Collared dove	<i>Streptopelia decaocto</i>					Widespread and common resident		1	2	3	1	+2	Scattered records of calling birds in western and southern parts of site
Canada goose	<i>Branta canadensis</i>					Widespread introduced resident	5			5	4	+1	Confirmed breeding in central wetland area as well as on River Thames (with birds visiting site)
Chaffinch	<i>Fringilla coelebs</i>					Abundant resident and winter visitor			3	3	3	No change	Scattered records in hedgerows and marginal habitat
Coot	<i>Fulica atra</i>					Common resident and winter visitor	1	1		2	2	No change	Confirmed and probable nesting pairs in central watercourse
Coal tit	<i>Periparus ater</i>					Common resident				0	1	-1	Not recorded in 2021
Dunnock	<i>Prunella modularis</i>		✓		✓	Widespread resident			2	2	6	-4	Scattered in southern hedgerow and central woodland
Egyptian goose	<i>Alopochen aegyptiaca</i>					Increasing introduced resident	1			1	2	-1	Confirmed and probable nesting pairs in central watercourse
Garden warbler	<i>Sylvia borin</i>					Common summer visitor and passage migrant			1	1	0	+1	Single record in south-western corner of site
Green woodpecker	<i>Picus viridis</i>					Common resident	1		3	4	2	+2	Group with young birds in southern hedgerow plus other records to west and in central woodland
Gadwall	<i>Mareca strepera</i>				✓	Increasingly widespread winter visitor and scarce breeder				0	1	-1	Not recorded in 2021

Common Name	Species Name	Sch1 ³	S41 ⁴	Red ⁵	Amber ⁶	Status in Berkshire ⁷	Confirmed	Probable	Possible	Grand Total	Total in 2019	Change	Notes
Goldcrest	<i>Regulus regulus</i>					Common resident and winter visitor				0	1		Not recorded in 2021
Greylag goose	<i>Anser anser</i>				✓	Increasing introduced resident	1			1	2	-1	Confirmed (family group) in central wetland, with foraging birds also using grassland areas
Grey wagtail	<i>Motacilla cinerea</i>			✓		Uncommon resident and winter visitor			1	1	0	+1	Single record on White Brook toward south of site
Goldfinch	<i>Carduelis carduelis</i>					Common and widespread resident			3	3	7	-4	Occasional in hedgerows and woodland edge
Great spotted woodpecker	<i>Dendrocopus major</i>					Common resident		3	3	6	3	+3	Present in central and southern woodlands as well as hedgerows with trees in north and west
Great tit	<i>Parus major</i>					Abundant resident	1	14	5	20	21	-1	Widespread in hedgerows and woodland
Greenfinch	<i>Carduelis chloris</i>					Common, widespread resident and winter visitor			1	1	0	+1	Recorded on woodland edge in north of site
Jay	<i>Garrulus glandarius</i>					Common resident and winter visitor			2	2	2	No change	Using woodland and tree cover in south and west of site
Jackdaw	<i>Coloeus monedula</i>					Widespread and abundant resident		3	1	4	3	+1	Using southern woodland and trees on northern hedgerow
Kingfisher	<i>Alcedo atthis</i>	✓			✓	Uncommon resident	1			1	1	No change	Pair of birds seen around White Brook in south-east of site with juvenile seen, but nest site not found. Foraging birds also seen using wider area of brook and flying along Thames
Linnet	<i>Linaria cannabina</i>		✓	✓		Common Resident and migrant				0	1	-1	Not recorded in 2021

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Common Name	Species Name	Sch1 ³	S41 ⁴	Red ⁵	Amber ⁶	Status in Berkshire ⁷	Confirmed	Probable	Possible	Grand Total	Total in 2019	Change	Notes
Little owl	<i>Athene noctua</i>					Widespread but declining resident			1	1	1	No change	Single bird heard calling just off-site to west on one visit
Long-tailed tit	<i>Aegithalos caudatus</i>					Widespread and common resident		4		4	6	-2	Occasional in hedgerows and woodland
Mallard	<i>Anas platyrhynchos</i>				✓	Abundant resident and winter visitor	3	4	1	8	9	-1	Multiple pairs frequent around wetland area and along watercourse with young seen (at least three families)
Magpie	<i>Pica pica</i>					Abundant resident		2	1	3	5	-2	Occasional in hedgerows and woodland
Mistle thrush	<i>Turdus viscivorus</i>			✓		Widespread resident			3	3	0	+3	Scattered in northern and southern woodlands plus western hedgerow
Moorhen	<i>Gallinula chloropus</i>					Common and widespread resident and winter visitor		2	2	4	5	-1	Scattered in wetland and along White Brook
Mandarin	<i>Aix galericulata</i>					Localised and increasing introduced resident			2	2	5	-3	Pairs and individual birds seen in wetland and along White Brook
Mute swan	<i>Cygnus olor</i>				✓	Widespread resident	1			1	1	No change	Nesting pair on White Brook close to causeway
Nuthatch	<i>Sitta europaea</i>					Widespread resident		2	2	4	5	-1	Occasional in woodlands
Pheasant	<i>Phasianus colchicus</i>					Widespread, locally abundant resident		1	5	6	5	+1	Scattered around field and woodland/hedgerow margins
Reed bunting	<i>Emberiza schoeniclus</i>		✓		✓	Common resident and passage migrant		1		1	0	+1	Singing male recorded around White Brook close to causeway

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Common Name	Species Name	Sch1 ³	S41 ⁴	Red ⁵	Amber ⁶	Status in Berkshire ⁷	Confirmed	Probable	Possible	Grand Total	Total in 2019	Change	Notes
Reed warbler	<i>Acrocephalus scirpaceus</i>					Localised summer visitor and passage migrant			1	1	1	No change	Single record of bird singing beside causeway on one visit. Not recorded again so breeding in 2021 possible but very unlikely.
Robin	<i>Erithacus rubecula</i>					Abundant resident		9	2	11	13	-2	Widespread in hedgerows and woodland
Ring-necked parakeet	<i>Psittacula krameri</i>					Increasingly common but localised resident		2	4	6	6	No change	Frequently observed with potential breeding in trees/woodland in south, west and central parts of site
Skylark	<i>Alauda arvensis</i>		✓	✓		Common resident, passage migrant and winter visitor		4		4	0	+4	Singing birds in western and eastern fields as well as just beyond boundary to north (with birds possibly using on-site fields as part of territory)
Stock dove	<i>Columba oenas</i>				✓	Common resident and winter visitor		1	2	3	10	-7	Scattered in hedgerows and woodland
Starling	<i>Sturnus vulgaris</i>		✓	✓		Common resident and winter visitor				0	1	-1	Not recorded as breeding on site in 2021
Song thrush	<i>Turdus philomelos</i>		✓	✓		Common resident and winter visitor		4	4	8	8	No change	Widespread in hedgerows and woodland
Sparrowhawk	<i>Accipiter nisus</i>					Widespread resident and winter visitor			1	1	0	-1	Bird seen in southern woodland
Treecreeper	<i>Certhia familiaris</i>					Common resident		1	1	2	2	No change	Observed in northern and southern woodland
Tawny owl	<i>Strix aluco</i>				✓	Widespread resident		1		1	2	-1	Adult birds seen in southern woodland
Water rail	<i>Rallus aquaticus</i>					Uncommon winter visitor, rare in summer			1	1	0	+1	Bird calling in pond in northern woodland

Common Name	Species Name	Sch1 ³	S41 ⁴	Red ⁵	Amber ⁶	Status in Berkshire ⁷	Confirmed	Probable	Possible	Grand Total	Total in 2019	Change	Notes
Woodpigeon	<i>Columba palumbus</i>					Abundant resident and winter visitor		3	5	8	9	-1	Abundant across site with probable or possible nesting in multiple locations in hedgerows/trees and woodland
Wren	<i>Troglodytes troglodytes</i>					Abundant resident and winter visitor		22	6	28	27	+1	Widespread and numerous in hedgerows and woodland
Yellowhammer	<i>Emberiza citrinella</i>		✓	✓		Common resident			1	1	0	+1	Single bird seen on north-eastern hedgerow

Table 3: Bird Species Observed for which No Evidence of Nesting or Potential Nesting on Site was Recorded

Common Name	Species Name	Sch1 ⁸	S41 ⁹	Red ¹⁰	Amber ¹¹	Status in Berkshire ¹²	Notes
Buzzard	<i>Buteo buteo</i>					Widespread resident following recent range expansion	Not recorded as breeding on site in 2021 but birds regularly seen confirming still present locally.
Common tern	<i>Sterna hirundo</i>				✓	Common passage migrant and regular summer visitor	Flying over east of site only
Cormorant	<i>Phalacrocorax carbo</i>					Common winter visitor, which first bred in 1996	Flying over on occasion
Green sandpiper	<i>Uncommon passage migrant and winter visitor</i>	✓			✓	Uncommon passage migrant and winter visitor	Single record on central wetland (passage bird)
Grey heron	<i>Ardea cinerea</i>					Locally common resident and winter visitor in small numbers	Flying over and occasional foraging on White Brook/wetland areas

⁸ Species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) granting legal protection from disturbance at or near an active nest site (see Appendix 1).

⁹ Species of Principal Importance to the conservation of biodiversity in England as listed in response to Section 41 (S41) of the Natural Environment and Rural Communities Act 2006 (see Appendix 1)

¹⁰ Bird of high conservation concern or 'red list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Appendix 1)

¹¹ Bird of medium conservation concern or 'amber list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Appendix 1)

¹² Based on Berkshire occurrence (1989-2011) from <http://berksoc.org.uk/county-atlas/distribution-maps/distribution-maps-overview/>

Common Name	Species Name	Sch1 ⁸	S41 ⁹	Red ¹⁰	Amber ¹¹	Status in Berkshire ¹²	Notes
Little egret	<i>Egretta garzetta</i>					Uncommon visitor and rare breeding species	Occasional foraging in wetland area
Red kite	<i>Milvus milvus</i>	✓				Widespread resident following a recent re-introduction	Regularly seen flying over – likely nesting nearby, but no evidence on or near site in 2021. Activity seemed to be focussed in north/north-east of site and horse paddocks beyond plus over woodland in Cliveden estate to east (as in 2019)
Snipe	<i>Gallinago gallinago</i>				✓	Widespread winter visitor in suitable habitat, formerly bred	Recorded during early part of season (peak count 15 birds) indicating passage birds/late winter visitors
Swift	<i>Apus apus</i>				✓	Common summer visitor	Occasionally seen flying over site
Teal	<i>Anas crecca</i>				✓	Widespread winter visitor and rare summer visitor	Male and female birds seen in wetland area in early part of season (peak count of 26 birds) but not noted later suggesting these were late wintering/passage birds

- 4.2.3. As in 2019, the overall assemblage of birds recorded in 2021 was dominated by common and widespread species (e.g. thrushes, tits, robins and wrens, etc.). However, the assemblage included thirteen species of varying conservation concern, including one specially protected (Schedule 1) species; the kingfisher. The assemblage was also still found to be dominated by species with generalist habitat requirements (i.e. species using a mixture of woodland, tree, scrub and other widespread habitats). However, the overall assemblage was diversified by the presence of species more strongly associated with the woodland areas on site (e.g. woodpeckers, nuthatch, treecreeper and tawny owls) as well as species using the wetland areas in the central/southern parts of the site, such as ducks, geese and swans.
- 4.2.4. Many species were recorded in very similar numbers in 2021 compared to the 2019 survey results. However, there were some species that were absent (not recorded) in 2021 (that had been recorded in 2019) and others that were only recorded as breeding species in 2021. These are discussed in the following paragraphs. Of the 38 species recorded in both 2019 and 2021, 22 had higher estimated numbers of pairs/territories or no change in 2021 compared to the 2019 results with the estimated number of pairs/territories of the remaining 16 species being lower in 2021 than in 2019. Natural fluctuation in numbers of pairs would be expected, with the weather conditions in spring 2021 (dry April followed by a cold and wet May) having resulted in widespread documented failure of early clutches in many species (especially those reliant on invertebrate prey such as tits) within the UK. Differences in detectability and localised choice of nesting sites would also be factors influencing numbers recorded. However, overall there were no clear patterns in the results of the survey to indicate that any specific species had been significantly positively or negatively affected by any changes in use of the site with the exception of skylark which is discussed below.
- 4.2.5. Species recorded in 2021 (as confirmed or potential breeding species) included garden warbler, grey wagtail, greenfinch, reed bunting, skylark, sparrowhawk, water rail and yellowhammer. The most notable of these was the records of up to four pairs of skylarks (based on observed singing males). This included two potential pairs in the eastern field with one in the western field and another close-by just off-site to the north (although this bird may also use the site given proximity). Skylarks were recorded locally in 2019 but only seen flying over the site, so current conditions appear to be attractive to this species (although breeding success, or not, could not be confirmed). Single potential pairs of grey wagtail, reed bunting and yellowhammer (all species of conservation concern) also added to the list, although in the case of grey wagtail and yellowhammer in particular these may just have been visiting the site given single records. A calling water rail in the pond within woodland in the north of the site was also an addition of note given the status as a rare summer resident in Berkshire. It is possible that this species is present along the White Brook but may have been undetected due to its cryptic behaviour. However, the calling bird does suggest breeding within the site.
- 4.2.6. No barn owls were recorded using the site in 2021 for breeding or foraging/hunting despite a likely nest site having been recorded in 2019 (just off-site to the north-east). It is possible this species still occurs locally and may use the site on occasion as part of a wider hunting range, although no evidence of this was recorded in 2021. Tawny owls were still present within the site with birds regularly encountered in the plantation woodland in the south-east area. Nesting was not confirmed in 2021 although the presence of regular territorial owls suggests this is still

likely to be a breeding species within the site. In 2019, young tawny owls were recorded around the mobile phone mast in the small woodland toward the north of the site. No tawny owl activity was recorded here in 2021 despite nest boxes for this species having been installed here. Similarly, little owls were regularly recorded along the north-western boundary in 2019 but no evidence of this species was recorded here in 2021, with only a single record of a calling little owl just off-site to the west in 2021. The reasons why little owls are no longer present along the northern boundary are unclear but may be due to changes in management off-site (although this was not obvious) or changes to availability of nesting sites locally.

- 4.2.7. Kingfishers were confirmed as breeding on site in 2021 with a juvenile bird seen on visit 4. Adult kingfishers were regularly seen with activity focussed on the edge of the wet woodland and along the White Brook toward the south of the site. Individuals were also seen flying to and from the River Thames to the east as well as along the Thames. The exact location of the nest site was not established but may have been in the roots of a fallen tree on the edge of the wet woodland area.
- 4.2.8. Overall, the wetland and woodland areas plus associated corridors of trees, hedgerows and scrub (particularly through the central part of the site) were still found to be of particular value to breeding birds in 2021. However, a change from 2019 was the presence of low numbers of skylarks using the open grassland areas in 2021 with probable breeding (or at least attempted breeding) based on repeated observation and presence of singing males.

5. Outline Impacts and Recommendations

5.1. Overview

5.1.1. This section explores potential adverse impacts on breeding bird species that may arise through the ongoing change in use of the site as public open space including proposed changes such as on-site car-parking in the west of the site and the possible installation of a new boardwalk through the wet woodland area in the south-east. This is followed by recommendations to avoid, reduce or mitigate/compensate any potential adverse impacts. Recommendations for ongoing management or enhancement are also discussed.

5.2. Potential Adverse Impacts and Recommendations

5.2.1. The continuing use of the site as public open space may lead to a variety of adverse impacts on breeding birds such as:

- Increased disturbance or predation risk of nesting birds via increased number of visitors (particularly those with dogs).
- Loss or change in quality/amount of suitable nesting habitat in willow woodland if option to create a boardwalk through this area is pursued.
- Loss or change in quality/amount of suitable nesting habitat through changes in management.
- Risk of killing/injury of birds (most likely young birds) or damage/destruction of active nests and eggs through habitat clearance/management works (e.g. to facilitate access or ongoing maintenance of features such as trees or hedgerows).

5.2.2. The above potential impacts, plus recommendations for how they can be overcome or limited are explored below.

Disturbance and predation risk

5.2.3. It is clear that since parts of the site were opened to the public in 2019, the numbers of public recreational visitors to the site has increased with many users (based on incidental observation during the surveys) being dog walkers. The 2021 survey results do not show any clear evidence of negative impacts on breeding bird species associated with this use. In fact, the presence of species such as skylark suggests conditions for this species have improved. However, this may be largely due to a cessation of grazing and management of the fields as open grassland. In order to limit any ongoing risk of significant disturbance or predation of nesting birds (particularly ground nesting species such as skylark), mitigation or management measures are recommended. This could include the following:

- The provision of visitor information to draw attention to the fact that ground nesting species may be present. This could include a seasonal 'dogs on lead' instruction within areas used by species such as skylark.

- The creation of clear pathways via seasonal mowing to guide visitors to certain areas of the grasslands whilst leaving other areas less accessible. In practice the existing focus of visitor activity is around the margins of the grassland (western field) with access to the eastern field being restricted (by fencing) to the northern edge and Thames path. This already helps to guide visitors away from areas used by skylarks.
- 5.2.4. Despite barn owls not being recorded as likely breeding in 2021, it is still possible that this species could utilise the nest boxes present across the site in future years. Therefore, the legislation protecting this species from disturbance will need to be taken into account. Paths and access should ideally be prevented from within at least 50m of all barn owl box locations. This should be possible as field margins are already fenced, although mown paths may need to be cut with this in mind.
- 5.2.5. At present, the area with a focus of kingfisher activity (wet woodland edge and White Brook in the south-east of the site) is largely inaccessible to public visitors. This may change if the option to install a boardwalk through this woodland is taken. The route of any boardwalks should therefore be carefully planned to ensure areas adjacent to the White Brook and on the edge of the wetland further north remain largely undisturbed. Any potential nesting sites that could be used by kingfishers (e.g. fallen tree roots) should be avoided. In addition, visitors and their dogs should be restricted to the boardwalk itself by fencing either side to avoid the creation of ad hoc access paths through the woodland where drier ground conditions exist. Although unlikely to be required as mitigation (assuming potential nesting features are avoided) a longer-term option could be to create new potential nest sites such as earth banks, possibly with bespoke nesting tubes installed.
- 5.2.6. It is understood that RBWM are also exploring the option of opening the existing causeway area across the White Brook (just north of the wet woodland) for use by public visitors in summer only. Whilst the causeway itself is not regularly used by breeding birds, the wetland areas and sections of the White Brook either side are used so this could lead to some localised disturbance without mitigation. In order to reduce this risk, and to prevent issues with dogs accessing the brook and wetland areas, the route across the causeway should be fenced either side. In addition, some screening vegetation (e.g. new native hedgerow planting) would help to reduce potential disturbance caused by the presence of dogs. Encouraging the growth of reeds and other wetland vegetation in the areas either side of the causeway would also provide screening as well as additional nesting habitat. The causeway should also only be available for use between April and September inclusive to avoid disturbance of overwintering birds.

Habitat Loss or Change

- 5.2.7. The ongoing use of the site by members of the public and associated management is not expected to result in significant changes to the habitats on site, although some small-scale changes may occur (e.g. creation of a small carpark on the western edge or cutting of vegetation for access maintenance). These are unlikely to result in significant adverse impacts as features such as car-parking will only affect small areas of limited value to birds, with footpaths anticipated to continue being mown grassland and following similar routes.

- 5.2.8. If the option to install a new boardwalk in the wet woodland in the south-east of the site is pursued, this could result in some localised changes to the woodland such as felling of some trees. This would need to be carefully planned to avoid changing the character of the woodland and potentially reducing its suitability as nesting habitat for species such as tawny owls which favour denser woodland. However, at present the woodland consists of rows of dense planted willows with an understorey dominated by common nettle. Selective felling of the woodland to create a boardwalk could therefore provide an opportunity to open up areas of the woodland to promote a more diverse ground flora (with targeted management to reduce nettle cover) and create increased woodland edge or 'glade' conditions. Areas of dense woodland should be preserved, but the opening up of some parts could benefit bird species by diversifying the woodland and creating new foraging and nesting opportunities. If appropriate, some denser willow (e.g. in drier areas) could be replaced with other native tree and shrub species such as oak, cherry, alder, elder, hawthorn and blackthorn.

Killing/Injury of Birds or Damage/Destruction of Active Nests and Eggs

- 5.2.9. In order to reduce the risk of killing/injury of birds or damage/destruction of active nests and eggs during ongoing maintenance, any required cutting or clearance of suitable nesting habitat (e.g. trees, shrubs or other dense vegetation) should be undertaken outside the breeding season; i.e. it should be completed within the period September to February inclusive. Where suitable nesting habitat (e.g. trees and shrubs or other dense vegetation) needs to be removed outside this period for any reason, the areas affected should first be checked by an ecologist for evidence of active nests, with any identified being left intact (within a suitable buffer of vegetation) until the young have fledged or the nest is naturally no longer in use.

5.3. Potential Positive Impacts and/or Opportunities for Enhancement

- 5.3.1. Ongoing management of the site as public open space presents some opportunities for positive impacts on breeding bird species through habitat enhancement. Options are discussed below.
- 5.3.2. The presence of low numbers of skylark in 2021 suggests that the site is beginning to provide suitable conditions for this species. However, opportunities for skylark and other ground nesting species could be improved via appropriate management. At present the grassland areas become tall through the summer. Management by mowing should aim to create swards of around 20cm to 50cm in height during the breeding season with a greater diversity of herb species and preferably areas of short or even bare ground. Cutting should still be avoided in the period April to July to avoid the risk of destroying nests or eggs or killing/injuring young. However, scarifying some areas (on rotation) over winter with mowing in early spring and late summer onwards could help to create a more diverse grassland structure. This could also be achieved by mowing strips or blocks within the grassland in spring to create areas of shorter grass. It is preferable to encourage natural regeneration of grassland habitats from the seedbank through management as a meadow. However, the addition of species such as yellow rattle via seeding may be beneficial as this can help to reduce the dominance of grasses. Arisings from mowing should also be removed as this will help to reduce nutrient levels over time, favouring a more diverse mixture of grasses and herbs. As discussed above under disturbance, the provision of public information/signs highlighting the presence of species such as skylarks

and the reasons for management are recommended. This would particularly be the case if strips or blocks are cut which may otherwise be seen as accessible areas.

5.3.3. Other options for enhancement that could benefit bird species may include (but need not be limited to):

- The provision of additional nest boxes on trees around the site. This could include new little owl boxes and boxes for generalist species such as tits. Boxes for species not currently known to breed on site would be particularly beneficial; these could include boxes for species such as kestrel (*Falco tinnunculus*), willow tit (*Poecile montanus*), marsh tit (*Poecile palustris*) and starling (*Sturnus vulgaris*). A range of box designs are commercially available or could be built/installed as part of community engagement projects.
- The wetland area could be managed (at least in part) to create a more stable pool or scrape in the southern/central part of the site. This could involve limited earthwork to create a slightly deeper ponded area with graded banks creating shallow margins and areas of open mud following winter inundation. Encouraging the natural colonisation of marginal vegetation around the edges (e.g. reed and other native species) would provide additional nesting cover for wildfowl and species such as reed warbler and sedge warbler (*Acrocephalus schoenobaenus*) as well as providing screening along the causeway if this area is opened.
- The management of the pond in the north-west of the site (within woodland) to maintain a mixture of open water and marginal vegetation habitats would benefit a range of wetland bird species as well as preventing loss of the pond to scrub succession over time.
- Planting of new sections of native hedgerow such as where fencing has been installed or along either side of the causeway would provide additional nesting areas for a range of species as well as screening.

6. Conclusion

- 6.1.1. The breeding bird survey undertaken at the Battlemead Common site in 2021 revealed the presence of a variety of breeding bird species with a similar assemblage to that recorded in 2019. The assemblage was still dominated by common and widespread species, but species associated with woodland and wetland habitats, as well as some species of conservation concern, were also present. The overall range of species in 2021 differed slightly from 2019 with species such as barn owl and gadwall not recorded in 2021 but others such as reed bunting, skylark and water rail being added. The presence of skylark as a probable breeding species (albeit with breeding success not known) was one of the more notable observations as this species could benefit from targeted management.

7. References

Bibby C.J, Burgess N.D, Hill D.A, Mustoe S.H. (2000) *Bird Census Techniques. Second Edition*. Elsevier Ltd.

Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) *Birds of Conservation Concern 4: the population status of bird in the United Kingdom, Channel Islands and Isle of Man*. British Birds 108, 708–746

7.1. Websites

<http://berksoc.org.uk/county-atlas/distribution-maps/distribution-maps-overview/>

8. Figures

Table 4: Species Code Key

Common Name	Species Name	Species Code
Blackbird	<i>Turdus merula</i>	B
Blackcap	<i>Sylvia atricapilla</i>	BC
Blue tit	<i>Cyanistes caeruleus</i>	BT
Carrion crow	<i>Corvus corone</i>	C
Chiffchaff	<i>Phylloscopus collybita</i>	CC
Collared dove	<i>Streptopelia decaocto</i>	CD
Canada goose	<i>Branta canadensis</i>	CG
Chaffinch	<i>Fringilla coelebs</i>	CH
Coot	<i>Fulica atra</i>	CO
Dunnock	<i>Prunella modularis</i>	D
Egyptian goose	<i>Alopochen aegyptiaca</i>	EG
Garden warbler	<i>Sylvia borin</i>	GW
Green woodpecker	<i>Picus viridis</i>	G
Greylag goose	<i>Anser anser</i>	GJ
Grey wagtail	<i>Motacilla cinerea</i>	GL
Goldfinch	<i>Carduelis carduelis</i>	GO
Great spotted woodpecker	<i>Dendrocopos major</i>	GS
Great tit	<i>Parus major</i>	GT
Greenfinch	<i>Carduelis chloris</i>	GR
Jay	<i>Garrulus glandarius</i>	J
Jackdaw	<i>Coloeus monedula</i>	JD
Kingfisher	<i>Alcedo atthis</i>	KF
Little owl	<i>Athene noctua</i>	LO
Long-tailed tit	<i>Aegithalos caudatus</i>	LT
Mallard	<i>Anas platyrhynchos</i>	MA
Magpie	<i>Pica pica</i>	MG
Moorhen	<i>Gallinula chloropus</i>	MH
Mandarin	<i>Aix galericulata</i>	MN
Mute swan	<i>Cygnus olor</i>	MS
Nuthatch	<i>Sitta europaea</i>	NH
Pheasant	<i>Phasianus colchicus</i>	PH
Reed bunting	<i>Emberiza schoeniclus</i>	RB
Robin	<i>Erithacus rubecula</i>	R
Ring-necked parakeet	<i>Psittacula krameri</i>	RI
Skylark	<i>Alauda arvensis</i>	S
Stock dove	<i>Columba oenas</i>	SD
Song thrush	<i>Turdus philomelos</i>	ST
Sparrowhawk	<i>Accipiter nisus</i>	SH
Treecreeper	<i>Certhia familiaris</i>	TC
Tawny owl	<i>Strix aluco</i>	TO
Woodpigeon	<i>Columba palumbus</i>	WP
Wren	<i>Troglodytes troglodytes</i>	WR
Yellowhammer	<i>Emberiza citrinella</i>	Y

Figure 1a: Breeding bird survey results - south-east of site

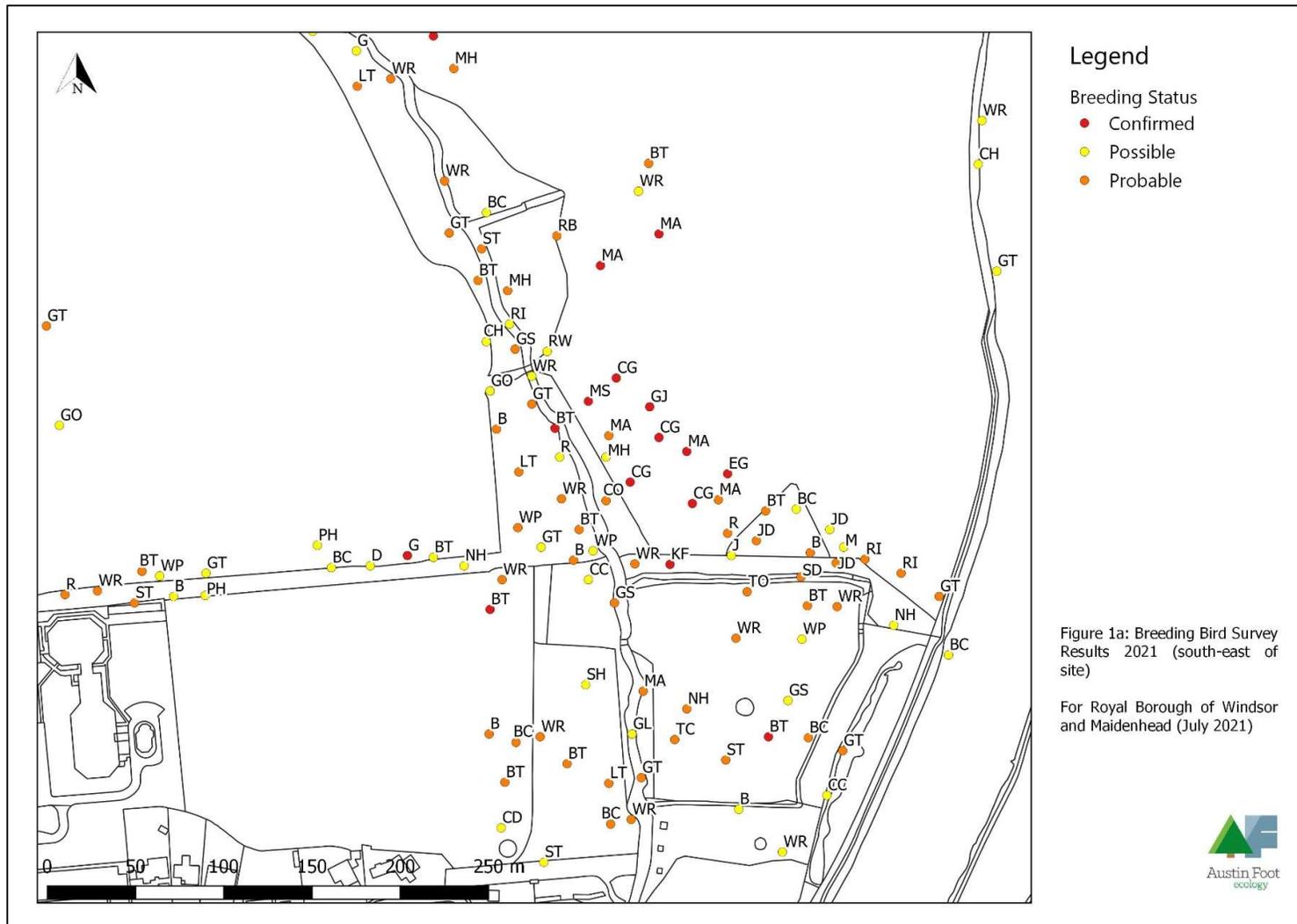


Figure 1b: Breeding bird survey results - north-east of site

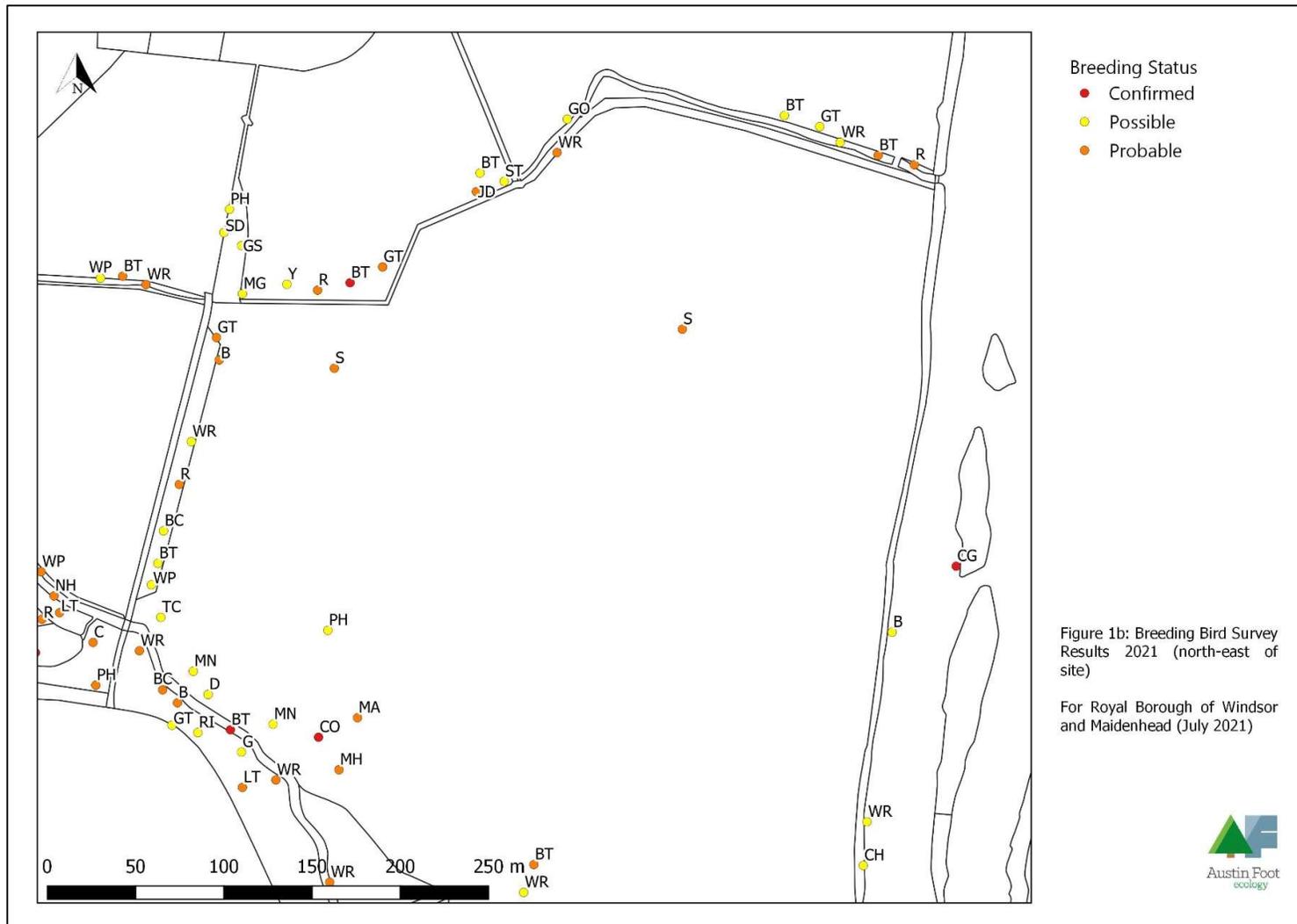
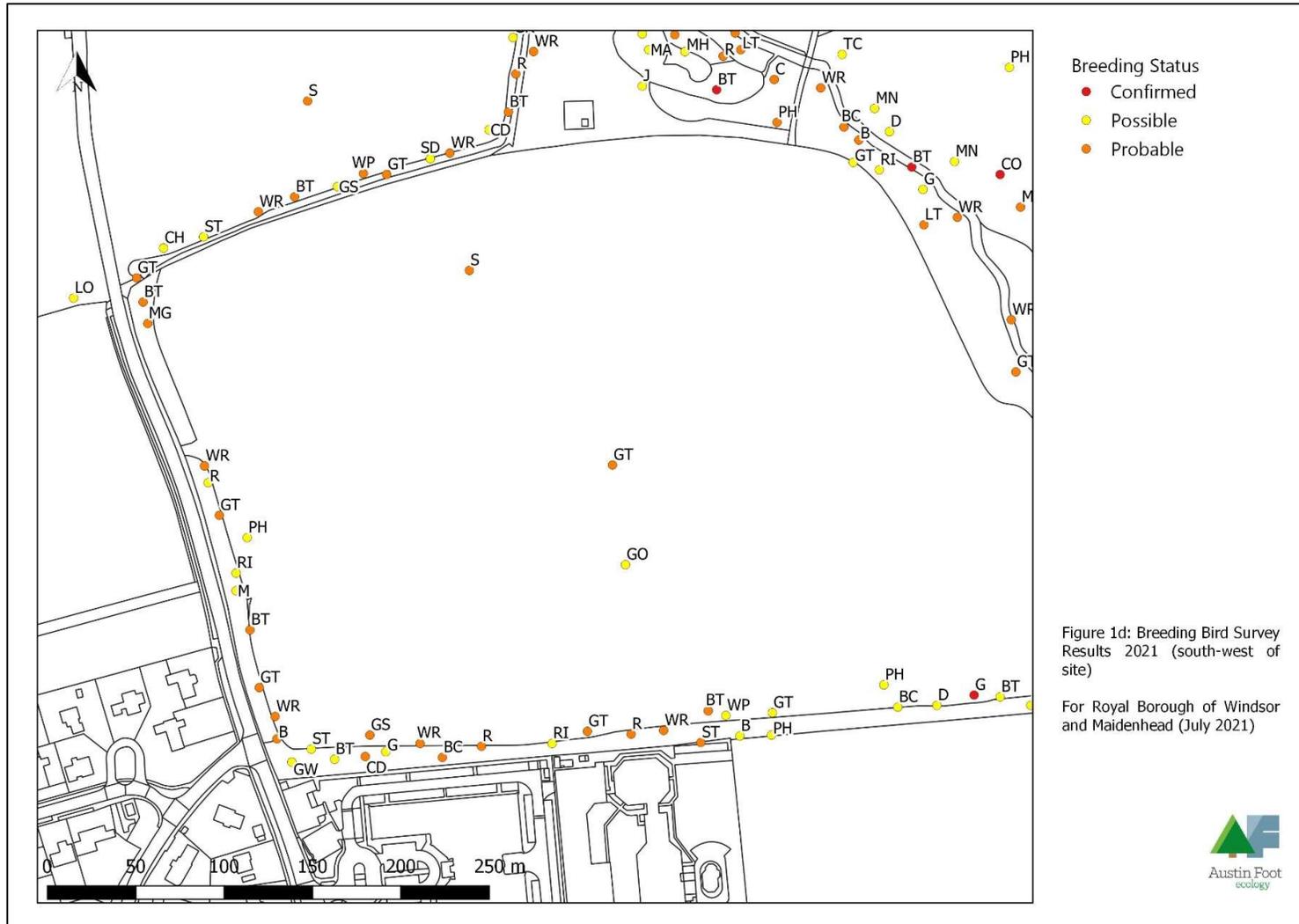


Figure 1d: Breeding bird survey results - south-west of site



9. Appendix 1 – Relevant Legislation and Planning Policy

9.1.1. This section briefly summarises the relevant national and local planning policies and legislation pertaining to habitats and species mentioned within this report. Please note that the following text does not constitute legal advice.

9.2. National Planning Policy Framework

9.2.1. The National Planning Policy Framework (NPPF) was published in February 2019. This document states that:

9.2.2. *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)... an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

Conserving and Enhancement of the Natural Environment

9.2.3. Section 15 relates to: Conserving and Enhancement the Natural Environment. This states:

9.2.4. *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

9.2.5. *a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*

9.2.6. *b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

9.2.7. *c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

9.2.8. *d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

9.2.9. *e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

9.2.10. *f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Habitats and Biodiversity

9.2.11. *To protect and enhance biodiversity and geodiversity, plans should:*

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

9.2.12. *When determining planning applications, local planning authorities should apply the following principles:*

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.3. The Royal Borough of Windsor and Maidenhead Local Plan

9.3.1. A new Borough Local Plan was submitted for review on 30th June 2017. The following policies are of relevance to biodiversity and nature conservation.

POLICY NR 3 - Nature Conservation

9.3.2. 1. *Designated sites of international and national importance, will be maintained, protected and enhanced. Protected species will be safeguarded from harm or loss.*

9.3.3. 2. *Development proposals:*

- a. Will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as hedgerows, trees, river corridors and other water bodies and the presence of protected species
- b. Will avoid impacts on habitats and species of principal importance, such as those listed under Section 41 of the NERC Act 2006
- c. Either individually or in combination with other developments, which are likely to have a detrimental impact on sites of local importance, or compromise the implementation of the national, regional, county and local biodiversity actions plans, will not be permitted unless it can be demonstrated that the benefits clearly outweigh the need to safeguard the nature conservation value of the site
- d. Will be required to apply the mitigation hierarchy to avoid, mitigate or as a last resort compensate for any adverse biodiversity impacts, where unavoidable adverse impacts on habitats and biodiversity arise. Compensatory measures involving biodiversity offsetting will be considered as a means to prevent biodiversity loss where avoidance and mitigation cannot be achieved

9.3.4. *3. Development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Development proposals shall also avoid the loss of biodiversity and the fragmentation of existing habitats, and enhance green corridors and networks*

9.4. National Legislation

Nesting Birds

9.4.1. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs.

Schedule 1 Bird Species

9.4.2. Bird species listed on Schedule 1 of the WCA (e.g. barn owl and black redstart) receive additional protection from disturbance at or near an occupied nest site. Schedule 1 of the Act makes it an offence to intentionally or recklessly disturb this species while it is building a nest or is in, on or near a nest containing eggs or young. It also makes it an offence to intentionally or recklessly disturb dependent young of this species.

Natural Environment and Rural Communities Act 2006

9.4.3. The NERC Act 2006 reinforces the duty upon all public authorities, including planning authorities, to have regard for the conservation of biodiversity when discharging their duties. The Act refines the definition of biodiversity conservation, stating that it includes restoring or enhancing a population or habitat. Section 41 of the NERC Act requires the Secretary of State to list habitats and species of principal importance (HPis and SPis) for the conservation of biodiversity in England. The habitats and species listed in accordance with Section 41 largely replicate those previously listed on the UK Biodiversity Action Plan (BAP) which occur in England

(however there are exceptions). A variety of bird species are listed as SPIs, including the dunnock and song thrush (among others).

- 9.4.4. Section 40 of the NERC Act states that “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. This is sometimes referred to as the ‘biodiversity duty’.

9.5. Other Definitions of Conservation Status

Red and Amber Lists

- 9.5.1. The UK’s leading bird conservation organisations reviewed the latest information on the status of birds in the UK and elsewhere in their range to update the status of birds which occur regularly in the UK. This is presented as the Birds of Conservation Concern 4 (Eaton et al, 2015), comprising a ‘red list’ of species of high conservation concern, an ‘amber’ list of species of moderate conservation concern, with other species that do not qualify under red or amber list criteria on the green list. To qualify on the red list species may be listed as globally threatened by IUCN, have suffered a historical decline without substantial recent recovery, or a decline of more than 50% in breeding or non-breeding populations, or a 50% contraction in breeding range over 25 years (or the longer term). Amber list species can be those listed as Species of European Conservation Concern, those which have suffered a historical decline but shown significant recent recovery, have shown a decline of between 25 and 50% in breeding or non-breeding populations, or a contraction in breeding range of between 25 and 50% over 25 years (or the longer term) or be rare or localised breeders in the UK, or be species for which 20% of the breeding or non-breeding population is found in the UK.
- 9.5.2. Red or amber listing does not confer additional protection under legislation or planning policy; however, it provides a basis for targeting conservation effort and is a widely used resource for interpreting bird populations.