

# Riverside Energy Park

---

## Environmental Statement Technical Appendices

---

APPENDIX:

# G.1

PLANNING INSPECTORATE REFERENCE NUMBER:

**EN010093**

---

DOCUMENT REFERENCE:

**BREEDING BIRD SURVEY REPORT 2018**

---

November 2018 | Revision 0 | APFP Regulation 5(2)(a)

---

Planning Act 2008 | Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

## Document Control Sheet

**Project Name:** Riverside Energy Park  
**Project Ref:** 42166  
**Report Title:** Breeding Bird Survey 2018  
**Doc Ref:** 42166/breeding birds  
**Date:** November 2018

	Name	Position	Signature	Date
<b>Prepared by:</b>	Ed Austin	Ecologist	Ed Austin	12/09/18
<b>Reviewed by:</b>	Duncan McLaughlin	Associate Ecologist	Duncan McLaughlin	24/09/18
<b>Approved by:</b>	Dermot Scanlon	Director	Dermot Scanlon	01/10/18
<b>For and on behalf of Peter Brett Associates LLP</b>				

Revision	Date	Description	Prepared	Reviewed	Approved

Peter Brett Associates LLP disclaims any responsibility to the Client and others in respect of any matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence within the terms of the Contract with the Client and generally in accordance with the appropriate ACE Agreement and taking account of the manpower, resources, investigations and testing devoted to it by agreement with the Client. This report is confidential to the Client and Peter Brett Associates LLP accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

## Contents

**Executive Summary ..... 1**

**1 Introduction ..... 2**

    1.1 Overview..... 2

    1.2 Ecological Background ..... 2

    1.3 Aims of Study ..... 2

**2 Methods..... 4**

    2.1 Survey Area..... 4

    2.2 Breeding Bird Survey..... 4

    2.3 Survey Limitations ..... 5

    2.4 Personnel ..... 5

**3 Results and Interpretation..... 6**

    3.1 Overview..... 6

    3.2 Survey Results ..... 6

    3.3 Legislation and Conservation Status Guidance ..... 13

**4 Conclusion..... 15**

**5 References ..... 16**

## Tables

Table 1: Survey Dates and Weather Conditions ..... 5

Table 2: Breeding Bird Species Recorded – the REP Site and Immediate Surroundings ..... 7

Table 3: Breeding Bird Species Recorded – Main Construction Compounds and Margins of Norman Road ..... 8

Table 4: Breeding Bird Species Recorded – Electrical Connection route option through Crossness LNR (bridleway and immediate surroundings) ..... 9

Table 5: Breeding Bird Species Recorded – Crossness Nature Reserve (Areas Adjacent to Survey Area Only) ..... 10

## Executive Summary

Peter Brett Associates (PBA) was commissioned to undertake a breeding bird study of the Riverside Energy Park (REP) project in Belvedere, London Borough of Bexley. The overall aim of the study was to provide baseline information on the numbers and distribution of breeding bird species within the site and local area.

The survey involved 5 early morning visits to the REP site and adjacent areas by an experienced ecologist in spring/summer 2018. Bird species and behaviour were recorded to enable details of the species present and numbers of territories/pairs to be estimated.

The survey revealed the bird community associated with the Survey Area was dominated by common species of bird that are widespread in the types of habitats present locally. However, species of conservation concern were recorded such as linnet and skylark (the latter in fields south of the REP site to be used as the Main Temporary Construction Compound) and the specially protected Cetti's warbler using ditches and wetland areas locally and on the margins of the Site.

**This Executive Summary contains an overview of the key findings and conclusions. However, no reliance should be placed on any part of the executive summary until the whole of the report has been read.**

# 1 Introduction

## 1.1 Overview

- 1.1.1 Peter Brett Associates (PBA) was commissioned by Cory Riverside Energy (Cory) ('the Applicant') to undertake a breeding bird study within and adjacent to the Riverside Energy Park (REP) site situated adjacent to the southern bank of the River Thames in Belvedere, London Borough of Bexley. The overall aim of the study was to provide baseline information on the numbers and distribution of breeding bird species within the Survey Area, which included: the REP site, the Main Temporary Construction Compound adjacent to Norman Way, and the Electrical Connection Route option through Crossness Local Nature Reserve (LNR).
- 1.1.2 This information will help to provide baseline information required to inform an Environmental Impact Assessment for REP as well as to provide a basis for appropriate mitigation of potential impacts associated with the proposed development.
- 1.1.3 A full description of REP can be found in **Chapter 3** of the Environmental Statement (**Document Reference 6.1**), and in **Schedule 1** to the draft Development Consent Order (**Document Reference 3.1**).
- 1.1.4 A full description of habitats within the Survey Area can be found in **Chapter 11** of the Environmental Statement.

## 1.2 Ecological Background

- 1.2.1 REP does not fall within close proximity (10 km or less) of any areas holding an international designation on account of their ornithological interest; i.e. there are no Special Protection Areas (SPAs) or Ramsar sites within 10 km of the REP site. However, Crossness Local Nature Reserve (LNR); a 25.52 ha area of grazing marsh, is located immediately adjacent to the REP site to the west/south-west and south. This area is known to support a range of breeding bird species including reed warblers (*Acrocephalus scirpaceus*), sedge warblers (*Acrocephalus schoenobaenus*), reed buntings (*Emberiza schoeniclus*), Cetti's warbler (*Cettia cetti*), lapwing (*Vanellus vanellus*), little ringed plover (*Charadrius dubius*) and linnets (*Carduelis cannabina*) among others.
- 1.2.2 A wintering bird survey was previously completed by PBA adjacent to the REP site along the River Thames. During this survey, incidental records of the specially protected Cetti's warbler (see Section 4 of this report) were made within habitats on the margins of the REP site and adjacent areas. Peregrine falcons (*Falco peregrinus*); another specially protected species, were also observed flying over the REP site on occasion, with the tall structure of the existing Riverside Resource Recovery Facility (RRRF) building providing potential hunting perches and possibly nesting opportunities for this species. In addition, some habitats on the REP site (open mosaic areas with buildings nearby) were found to have potential to support the specially protected black redstart (*Phoenicurus ochruros*), with records of this species known to occur from the local area along the Thames and within Crossness LNR (e.g. London Bird Club records).

## 1.3 Aims of Study

- 1.3.1 To provide current baseline data regarding the bird community likely to be affected by the development of REP, PBA was commissioned to complete a breeding bird survey to provide:
  - A list of bird species encountered and their breeding status (i.e. confirmed, probable or possible breeding, or not considered to be breeding) and an estimate of the likely number of territories/colonies of bird species breeding on or close to the Survey Area; and

- An evaluation of the value of the Survey Area for breeding birds.

## 2 Methods

### 2.1 Survey Area

2.1.1 A Survey Area was defined for the breeding bird survey including:

- all land within the REP Site;
- the four parcels of land south of the REP site to the west of Norman Road; and,
- the Electrical Connection route option through Crossness LNR along the bridleway south to the A2016/Eastern Way.

### 2.2 Breeding Bird Survey

2.2.1 A breeding bird survey was completed within the Survey Area between mid-April 2018 and mid/late-June 2018. The survey was based on the Common Bird Census (CBC) method (Bibby *et al*, 2000). Due to the potential for the REP site to support black redstarts, five visits were made in line with published guidance (Gilbert *et al*, 1998). Survey visits were spaced approximately two weeks apart within the survey period with all completed during appropriate weather conditions (i.e. periods of very heavy rain, dense fog or strong winds were avoided). Note that the method and timing of survey visits also encompassed the recommended period and minimum survey effort for Cetti's warbler (Gilbert *et al*, 1998).

2.2.2 During each survey visit the Survey Area 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 British Trust for Ornithology (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; and
- 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).

2.2.3 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.

2.2.4 The dates and weather conditions during each survey visit are summarised in Table 1 below.

Table 1: Survey Dates and Weather Conditions

Visit No.	Date and Time	Temp. (°C)	Cloud Cover	Wind Speed <sup>1</sup>	Precipitation
1	17/04/18; start 06:00 (sunrise 06:00)	9°C	2/8	BF2	Dry
2	01/05/18; start 05:30 (sunrise 05:32)	4°C	2/8	BF2	Dry
3	15/05/18; start 05:08 (sunrise 05:08)	10°C	1/8	BF2	Dry
4	31/05/18; start 04:49 (sunrise 04:49)	16°C	8/8	BF1	Dry
5	15/06/18; start 04:42 (sunrise 04:42)	15°C	3/8	BF2	Dry

## 2.3 Survey Limitations

- 2.3.1 All survey visits were completed during appropriate weather conditions and during the appropriate time of year. There were therefore no limitations to the methods described above.
- 2.3.2 Early morning access to secure (fenced) parts of the REP Site was not always permissible due to security procedures. However, non-secure parts of the REP site could be accessed with the secure areas being fully visible from just outside the security fence given the open nature of the REP site and vantage points from higher ground, particularly along the Thames Path to the north. This meant all areas could be approached to within an adequate distance such that any birds present could be seen, identified and observed. There were therefore no significant limitations as a result of access.

## 2.4 Personnel

- 2.4.1 The breeding bird survey visits were completed by Ed Austin MCIEEM. Ed has over 14 years' experience of ecological survey, with over 16 years' experience of working in environmental consultancy. He has particular experience in undertaking both breeding and non-breeding bird surveys and assessment using standard methods such as the CBC, Breeding Bird Survey (BBS), Wetland Bird Survey (WeBS) and tailored or bespoke methods for specific species or project requirements. Ed holds a Bird Identification Qualification (IDQ) issued by the London Natural History Museum.

---

<sup>1</sup> Using the Beaufort scale (BF)

## 3 Results and Interpretation

### 3.1 Overview

- 3.1.1 This section sets out the factual results of the breeding bird survey together with a brief discussion on the overall assemblage.

### 3.2 Survey Results

#### Overview

- 3.2.1 A total of 35 species of bird with confirmed, probable or possible status as breeders within the Survey Area or immediate surroundings were recorded in 2018. These species, together with information on the estimated numbers of pairs/territories in each category are summarised in Tables 2 to 5 on the following pages. Results of the surveys are shown on **Figure 11.5**.
- 3.2.2 The data has been split into records for the REP site and immediate surroundings, the Main Temporary Construction Compounds along Norman Road and immediate surroundings, and the Electrical Connection Route option through Crossness LNR and parts of Crossness LNR adjacent to the Survey Area. Note, in the latter case (Crossness LNR), the data is not intended to represent the breeding bird assemblage for the nature reserve as a whole as this fell outside of the Survey Area and scope of this survey. However, records are included of potential territories of birds that are either likely to overlap the Survey Area, or where individuals were seen leaving/returning to the nature reserve on at least one occasion and also visiting the Survey Area (e.g. foraging or displaying lapwing (*Vanellus vanellus*)).

Table 2: Breeding Bird Species Recorded – the REP Site and Immediate Surroundings

Common Name	Species Name	Conservation Status					Breeding Status (Estimated No. Pairs/Territories)			
		Sch 1 <sup>2</sup>	S41 <sup>3</sup>	Red <sup>4</sup>	Amber <sup>5</sup>	London BAP <sup>6</sup>	Confirmed	Probable	Possible	Grand Total
Blackbird	<i>Turdus merula</i>							1	2	3
Carrion crow	<i>Corvus corone</i>								1	1
Cetti's warbler	<i>Cettia cetti</i>	✓				✓		4		4
Dunnock	<i>Prunella modularis</i>		✓		✓	✓		1	5	6
Feral pigeon	<i>Columba livia domestica</i>							1	1	2
Goldfinch	<i>Carduelis carduelis</i>							1	1	2
Linnet	<i>Carduelis cannabina</i>		✓	✓		✓		2	2	4
Magpie	<i>Pica pica</i>								1	1
Moorhen	<i>Gallinula chloropus</i>								1	1
Pheasant	<i>Phasianus colchicus</i>								1	1
Pied wagtail	<i>Motacilla alba</i>							1		1
Robin	<i>Erithacus rubecula</i>								4	4
Reed warbler	<i>Acrocephalus scirpaceus</i>						2	1	1	4
Sedge warbler	<i>Acrocephalus schoenobaenus</i>								1	1
Water rail	<i>Rallus aquaticus</i>					✓	1			1
Whitethroat	<i>Sylvia communis</i>							3	1	4
Woodpigeon	<i>Columba palumbus</i>								2	2
Wren	<i>Troglodytes troglodytes</i>						1	1		2

<sup>2</sup> 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.

<sup>3</sup> 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 section 4.3)

<sup>4</sup> Bird of high conservation concern or 'red list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4.3)

<sup>5</sup> Bird of medium conservation concern or 'amber list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4.3)

<sup>6</sup> Species included on the London Biodiversity Action Plan as priority for conservation (see section 4.3)

Table 3: Breeding Bird Species Recorded – Main Construction Compounds and Margins of Norman Road

Common Name	Species Name	Conservation Status					Breeding Status (Estimated No. Pairs/Territories)			
		Sch 1	S41 <sup>7</sup>	Red <sup>8</sup>	Amber <sup>9</sup>	London BAP <sup>10</sup>	Confirmed	Probable	Possible	Grand Total
Blackbird	<i>Turdus merula</i>							1		1
Cetti's warbler	<i>Cettia cetti</i>	✓				✓		3		3
Dunnock	<i>Prunella modularis</i>		✓		✓	✓		2	2	4
Goldfinch	<i>Carduelis carduelis</i>							4		4
Great tit	<i>Parus major</i>								1	1
Linnet	<i>Carduelis cannabina</i>		✓	✓		✓			1	1
Mallard	<i>Anas platyrhynchos</i>				✓			1	1	2
Magpie	<i>Pica pica</i>								1	1
Moorhen	<i>Gallinula chloropus</i>								1	1
Pheasant	<i>Phasianus colchicus</i>								2	2
Robin	<i>Erithacus rubecula</i>							1	2	3
Reed warbler	<i>Acrocephalus scirpaceus</i>							3	1	4
Skylark	<i>Alauda arvensis</i>		✓	✓		✓		3		3
Whitethroat	<i>Sylvia communis</i>							1	3	4
Woodpigeon	<i>Columba palumbus</i>								1	1
Wren	<i>Troglodytes troglodytes</i>							2	2	4

<sup>7</sup> 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 section 4)

<sup>8</sup> Bird of high conservation concern or 'red list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4)

<sup>9</sup> Bird of medium conservation concern or 'amber list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4)

<sup>10</sup> Species included on the London Biodiversity Action Plan as priority for conservation (see section 4)

Table 4: Breeding Bird Species Recorded – Electrical Connection route option through Crossness LNR (bridleway and immediate surroundings)

Common Name	Species Name	Conservation Status					Breeding Status (Estimated No. Pairs/Territories)			
		Sch 1	S41 <sup>11</sup>	Red <sup>12</sup>	Amber <sup>13</sup>	London BAP <sup>14</sup>	Confirmed	Probable	Possible	Grand Total
Blackbird	<i>Turdus merula</i>							1	2	3
Blackcap	<i>Sylvia atricapilla</i>								2	2
Carrion crow	<i>Corvus corone</i>								1	1
Chiffchaff	<i>Phylloscopus collybita</i>								2	2
Coot	<i>Fulica atra</i>						3		2	5
Cetti's warbler	<i>Cettia cetti</i>	✓				✓		2		2
Dunnock	<i>Prunella modularis</i>		✓		✓	✓		1	1	2
Gadwall	<i>Mareca strepera</i>				✓	✓	1	1		2
Goldfinch	<i>Carduelis carduelis</i>								2	2
Greenfinch	<i>Carduelis chloris</i>								1	1
Great tit	<i>Parus major</i>							1		1
Little grebe	<i>Tachybaptus ruficollis</i>								1	1
Long-tailed tit	<i>Aegithalos caudatus</i>							1		1
Mallard	<i>Anas platyrhynchos</i>				✓			2		2
Moorhen	<i>Gallinula chloropus</i>						1	1	1	3
Robin	<i>Erithacus rubecula</i>								1	1
Reed bunting	<i>Emberiza schoeniclus</i>		✓		✓	✓		2		2

<sup>11</sup> 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 section 4)

<sup>12</sup> Bird of high conservation concern or 'red list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4)

<sup>13</sup> Bird of medium conservation concern or 'amber list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4)

<sup>14</sup> Species included on the London Biodiversity Action Plan as priority for conservation (see section 4)

Common Name	Species Name	Conservation Status					Breeding Status (Estimated No. Pairs/Territories)			
		Sch 1	S41 <sup>11</sup>	Red <sup>12</sup>	Amber <sup>13</sup>	London BAP <sup>14</sup>	Confirmed	Probable	Possible	Grand Total
Reed warbler	<i>Acrocephalus scirpaceus</i>							7	4	11
Sedge warbler	<i>Acrocephalus schoenobaenus</i>							1	1	2
Tufted duck	<i>Aythya fuligula</i>							1		1
Whitethroat	<i>Sylvia communis</i>							2	1	3
Woodpigeon	<i>Columba palumbus</i>							1	2	3
Wren	<i>Troglodytes troglodytes</i>							4		4

Table 5: Breeding Bird Species Recorded – Crossness Nature Reserve (Areas Adjacent to Survey Area Only)

Common Name	Species Name	Conservation Status					Breeding Status (Estimated No. Pairs/Territories)			
		Sch 1	S41 <sup>15</sup>	Red <sup>16</sup>	Amber <sup>17</sup>	London BAP <sup>18</sup>	Confirmed	Probable	Possible	Grand Total
Blue tit	<i>Cyanistes caeruleus</i>								1	1
Chiffchaff	<i>Phylloscopus collybita</i>								1	1
Coot	<i>Fulica atra</i>								1	1
Cetti's warbler	<i>Cettia cetti</i>	✓				✓		1		1
Gadwall	<i>Mareca strepera</i>				✓	✓		1		1
Greylag goose	<i>Anser anser</i>				✓		1			1

<sup>15</sup> 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 section 4)

<sup>16</sup> Bird of high conservation concern or 'red list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4)

<sup>17</sup> Bird of medium conservation concern or 'amber list' in Birds of Conservation Concern 4 (Eaton et al, 2015) (see Section 4)

<sup>18</sup> Species included on the London Biodiversity Action Plan as priority for conservation (see section 4)

Breeding Bird Survey  
Riverside Energy Park

---

Common Name	Species Name	Conservation Status					Breeding Status (Estimated No. Pairs/Territories)			
		Sch 1	S41 <sup>15</sup>	Red <sup>16</sup>	Amber <sup>17</sup>	London BAP <sup>18</sup>	Confirmed	Probable	Possible	Grand Total
Lapwing	<i>Vanellus vanellus</i>		✓	✓		✓		2		2
Reed bunting	<i>Emberiza schoeniclus</i>		✓		✓	✓			2	2
Redshank	<i>Tringa tetanus</i>				✓	✓		1		1
Reed warbler	<i>Acrocephalus scirpaceus</i>							2	1	3
Song thrush	<i>Turdus philomelos</i>		✓	✓		✓			1	1
Tufted duck	<i>Aythya fuligula</i>							1		1
Whitethroat	<i>Sylvia communis</i>							1		1

## REP Site and Immediate Surroundings

- 3.2.3 As shown in Table 2, a total of 18 bird species were recorded as confirmed, probable or possible breeders within the REP site or its immediate surroundings. The majority of these were common and widespread species that are often found in urban or suburban environments such as those surrounding the Survey Area. In addition, only low total numbers of potential territories/breeding pairs were recorded for each species; the estimated 6 territories of dunnock being the highest number. However, some species of conservation concern or otherwise notable species were recorded. The most significant of these was the estimated 4 territories of Cetti's warbler (*Cettia cetti*). It should be noted that the focus of activity (singing males) in all cases was located just outside the REP site in association with the various ditches and scrub to the north-west, south-west/south and south-east. However, all the potential territories were in close proximity to the REP site. Cetti's warbler is a specially protected species (see Section 4.3) making its presence of particular consideration when planning future works.
- 3.2.4 The dunnock is included on the list of 'species of principal importance to the conservation of biodiversity in England' prepared in response to Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (see Section 4.3). Species on this list are sometimes referred to as S41 species. However, it should be noted that the dunnock is listed in response to S41 due to the presence of an indigenous sub-species in the UK as opposed to its conservation status, although it is also an amber list species (see Section 4.3) due to a moderate decline.
- 3.2.5 Up to 4 potential pairs of linnets (*Carduelis cannabina*); a S41 and red list (high conservation concern) species were recorded. As a semi-colonial species, this indicates that the areas of scrub within or adjacent to REP site to the north and east are likely to be used by a loose breeding flock of linnets, with the REP site itself observed being used by foraging birds on occasion.
- 3.2.6 Although not of specific national conservation concern, a family of water rails (*Rallus aquaticus*) was observed just beyond the existing RRRF building within a wet ditch during the later survey visit (visit 5) This species has been identified in the London Biodiversity Action Plan (see notes in Section 4.3).

## Main Temporary Construction Compound and Margins of Norman Road

- 3.2.7 Sixteen different species of breeding bird were recorded using the proposed lay-down areas to the west of Norman Road (south of the REP site) and immediate area along Norman Road and its margins. The majority of species identified are common and widespread species. Species of conservation concern again included Cetti's warbler with 3 probable territories focussed in ditches on the margins of the fields west of Norman Road, a single territory of linnets to the east of Norman Road (but likely utilising the fields to the west) and two pairs of mallards (*Anas platyrhynchos*) (an amber-listed species) also using boundary ditches. Within the context of the survey and local area, the most significant records from this area was the presence of an estimated 3 probable territories of skylark (*Alauda arvensis*). These were focused in the two northernmost of the fields proposed to be used as laying-down areas. Birds were seen singing over these fields or perched on the ground on all visits, so it is very likely that nesting took place in 2018. The skylark is a S41 species as well as being red list (high conservation concern) and included on the London BAP.

## Electrical Connection route option through Crossness LNR

- 3.2.8 Twenty-three different bird species were recorded as potentially breeding along or adjacent to the bridleway south-west of the REP site. The assemblage here reflects the proximity of the wetland habitats within the adjacent Crossness LNR, with a mixture of ubiquitous species with broad habitat requirements such as blackbird, dunnock and robin plus more specialist wetland

species such as reed warbler (*Acrocephalus scirpaceus*), sedge warbler (*Acrocephalus schoenobaenus*) and reed bunting (*Emberiza schoeniclus*) using the ditch and reedbeds next to the bridleway plus waterbirds such as coot (*Fulica atra*), gadwall (*Mareca strepera*) and moorhen (*Gallinula chloropus*) (among others) using the wet ditch alongside the bridleway. Of these, the reed warbler was the most numerous with an estimated 11 territories in the reedbeds adjacent to the length of the bridleway.

- 3.2.9 Species of conservation concern included Cetti's warbler (2 territories), dunnock (2 territories), gadwall (2 pairs including one confirmed as having young), mallard (2 pairs) and reed bunting (2 territories).

### Crossness LNR (Areas Adjacent to Survey Area Only)

- 3.2.10 A total of 13 species were recorded in parts of the nature reserve close to the Survey Area boundary with territories likely overlapping the Survey Area, or where individual birds were seen flying over or actively using the Survey Area on at least one survey visit. Species recorded here reflect the mixture of wetland habitats (e.g. coot, Cetti's warbler, gadwall and reed warbler among others) and bordering woodland to the south (e.g. blue tit (*Cyanistes caeruleus*), chiffchaff (*Phylloscopus collybita*) and song thrush (*Turdus philomelos*).
- 3.2.11 An estimated two pairs of lapwings (*Vanellus vanellus*) were recorded using the scrape and surrounding habitat in the area immediately south/south-west of the REP site (and east of the bridleway) based on observed display flights. However, as this field was outside of the Survey Area this is only an estimate. One lapwing was seen foraging within the Survey Area in one of the proposed laying-down areas to the west of the southern end of Norman Road. The lapwing is both a S41 species and red-listed due to a severe recent decline in breeding numbers.

## 3.3 Legislation and Conservation Status Guidance

### Wildlife and Countryside Act 1981

- 3.3.1 Under the Wildlife and Countryside Act 1981 (as amended), all wild birds are protected from killing and injury, and their nests and eggs protected from taking, damage and destruction whilst in use.
- 3.3.2 Additional protection is extended to bird species listed under Schedule 1 of the Act (sometimes referred to as 'specially protected' species), meaning it is also an offence to disturb these species at or near the nest, or whilst they have dependent young. In the case of this survey, the only Schedule 1 species recorded as potentially breeding within or close to the Survey Area was the Cetti's warbler.

### Natural Environment and Rural Communities Act 2006

- 3.3.3 The Natural Environment and Rural Communities 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 (HPs and SPs) 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).
- 3.3.4 The list of species prepared in response to Section 41 of NERC includes a variety of bird species, some of which were recorded breeding within the Survey Area in 2018.

- 3.3.5 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’.

### London BAP

- 3.3.6 London Biodiversity Partnership identified a total of 214 priority species for conservation action in London as part of the London Biodiversity Action Plan (London BAP). Following a national decline in support for BAPs, London Biodiversity Partnership disbanded in 2013. However, due to the ‘Biodiversity Duty’ (see NERC Act above) there is still regional and organisational delivery of the Action Plans with a view to achieving the aims of the London BAP. The list of species on the London BAP therefore still provide a focus for conservation action.

### Red and Amber Lists

- 3.3.7 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.
- 3.3.8 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.

## 4 Conclusion

- 4.1.1 The breeding bird survey of the Survey Area found the bird assemblage to be dominated by common species that are widespread in this part of London. However, the species of conservation concern recorded, including the specially protected Cetti's warbler will need to be taken into account during masterplanning and subsequent construction and operation. Many of the species recorded, including Cetti's warbler, occur locally in similar habitats or are focussed in areas just outside the proposed works areas that it should be possible to retain (at least in the long-term).

## 5 References

- 5.1.1 Bibby C.J, Burgess N.D, Hill D.A, Mustoe S.H. (2000) *Bird Census Techniques*. Second Edition. Elsevier Ltd.
- 5.1.2 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
- 5.1.3 Gilbert G, Gibbons D. W. and Evans J. (1998) *Bird Monitoring Methods*. RSPB Sandy, Bedfordshire