

AQUIND Limited

AQUIND INTERCONNECTOR

Environmental Statement – Volume 3 – Appendix 16.12 Breeding Bird Survey Report

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(a)

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

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at some point during their breeding period

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EXECUTIVE SUMMARY

This report has been prepared on behalf of AQUIND Limited (the 'Applicant') to support an application (the 'Application') for a Development Consent Order ('DCO'). AQUIND Interconnector is a proposed electricity Interconnector between France and the UK. The Application for the DCO is made in respect of the UK elements of AQUIND Interconnector (referred to as the 'Proposed Development').

WSP has been commissioned by AQUIND Ltd. to undertake a Breeding Bird Survey.

A desk study of the Order Limits returned records of four breeding species listed on Schedule 1 of Wildlife and Countryside Act (1981, as amended), Mediterranean gull, common tern, little tern and sandwich tern. However, the coordinates associated with those fall outside of the 500m buffer from the cable route. No breeding gull or tern activity was detected during the surveys.

The surveys comprised three elements:

- Targeted survey of Schedule 1 Species at Eastney Beach Landfall, including the Land West of Fort Cumberland SINC;
- Targeted survey to identify nesting locations for little tern, common tern and sandwich tern adjacent to the Onshore Cable Corridor associated with Chichester and Langstone Harbour's Special Protection Area ('SPA'); and
- Common Bird Census ('CBC') of the Converter Station Area at Lovedean.

A total of 46 species were recorded on or over the entire Survey Area, including 20 that are of conservation interest (species that are legally protected or listed as Species of Principal Importance ('SPI') in accordance with Section 41 of the NERC Act 2006 (also UKBAP species) or Birds of Conservation Concern ('BoCC'). However, only twenty-one species were confirmed to breed in the Survey Area, seven of which are of conservation interest. These include:

- One species listed on the Schedule 1 of the Wildlife and Countryside Act (1981, as amended); black redstart, confirmed to breed on the ruins of the Fraser Range at the Eastney Beach Landfall Survey Area. No breeding territories of Dartford warbler were identified in Land West of Fort Cumberland SINC (this species was identified during wintering bird surveys, Technical Appendix xx);
- Six species listed as SPI: Dunnock, song thrush and house sparrow breed in the Survey Area, whilst other SPI species curlew, herring gull and starling were also observed but not found to be breeding;

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Twenty species are BoCC listed: black redstart, dunnock, house sparrow, linnet, skylark
and song thrush breed in the Survey Area, whilst bullfinch, black-headed gull, common
gull, common sandpiper, curlew, herring gull, kestrel, lesser black-backed gull, mute
swan, oystercatcher, starling, swift, shelduck were also observed but not found to be
breeding.

The following avoidance, mitigation and compensation measures are recommended to be incorporated within the Proposed Development:

- Avoidance of vegetation clearance or building demolition within the main bird breeding season (March to August inclusive);
- If it is not possible to undertake clearance work outside the nesting season, it may be
 possible for some minimal clearance to occur within the breeding season; a suitably
 qualified ecologist would be required to undertake an ecological watching brief at the
 Site.
- Any loss of habitat and nest should be mitigated for through replacement provision within the Proposed Development.

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APPENDIX 16.12 BREEDING BIRD SURVEY REPORT

1.1. INTRODUCTION

1.1.1. PROJECT BACKGROUND

- 1.1.1.1. This report has been prepared on behalf of AQUIND Limited (the 'Applicant') to support an application (the 'Application') for a Development Consent Order ('DCO'). AQUIND Interconnector is a proposed electricity Interconnector between France and the UK. The Application for the DCO is made in respect of the UK elements of AQUIND Interconnector (referred to as the 'Proposed Development').
- 1.1.1.2. The Proposed Development is described in detail in Chapter 3 (Description of the Proposed Development) of the Environmental Statement ('ES') Volume 1 (document reference 6.1.3).
- 1.1.1.3. WSP has been commissioned by the Applicant to undertake a breeding bird survey.

1.1.2. ECOLOGICAL BACKGROUND

- 1.1.2.1. A Phase 1 survey and subsequent Preliminary Ecological Appraisal (PEA) (Appendix 16.2 (PEA/Phase 1 Habitat Survey) of the ES Volume 3 (document reference 6.3.16.2)) of the Proposed Development was commissioned by the Applicant in August 2017 and updated in June 2019. The PEA identified ecological constraints associated with the Proposed Development, including potential effects on breeding birds with further surveys being recommended.
- 1.1.2.2. The proposed location of the Landfall, Transition Joint Bay ('TJB'), Converter Station Area and sections of the Onshore Cable Corridor lie directly adjacent to Natura 2000 Sites and therefore have the potential to support both wintering and breeding bird species.
- 1.1.2.3. Therefore, further detailed surveys for breeding birds have been undertaken to inform the baseline of the project, the Ecological Impact Assessment and the Habitat Regulations Assessment.

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1.1.3. BRIEF AND OBJECTIVES

- 1.1.3.1. WSP was commissioned to complete a survey to inform the assessment of ecological impacts on breeding birds. The aim of the survey will be to establish the current baseline data on diversity, abundance and status of bird populations across the key areas of permanent works and where construction may give rise to disturbance of Schedule 1 species or breeding bird species qualifying as features of the Natura 2000 Sites. This will assess the nature conservation value of birds and inform mitigation designs.
- 1.1.3.2. To achieve this, the following objectives were set:
 - A summary of obtained desk study records of bird species relevant to the Proposed Development;
 - Targeted survey of Schedule 1 Species at Eastney Beach at the Landfall and TJB, including the Land West of Fort Cumberland SINC, for black redstart *Phoenicurus* ochruros and Dartford warbler Sylvia undata;
 - Targeted survey to identify nesting locations for little tern Sternula albifrons, common tern Sterna hirundo and sandwich tern Thalasseus sandvicensis adjacent to the proposed HVDC cable route associated with Chichester and Langstone Harbours Special Protection Area ('SPA'), a Natura 2000 Survey Area;
 - Full breeding bird survey of habitats within and adjacent to the Converter Station Area near Lovedean;
 - A list of bird species encountered and their breeding status (i.e. confirmed, probable or possible breeding, or not considered to be breeding on the Survey Area) and an estimate of the likely number of territories/colonies of bird species breeding on or close to the Survey Area;
 - An evaluation of the value of the Survey Area for breeding birds; and
 - Recommendations as to how proposals should account for breeding birds in relation to legislation, planning and biodiversity policy.

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2. METHODS

2.1. DESK STUDY

2.1.1.1. As summarised in the PEA (Appendix 16.2 (PEA/ Phase 1 Habitat Survey)), a desk study was conducted which included a review of Natura 2000 sites (Special Protection Areas, SPAs; Ramsar sites) with potential to support wetland/coastal bird species, and collation of records of bird observations between 2008 and 2017. Records were obtained from Hampshire Biological Information Centre (HBIC) with further records sought from the Royal Society for the Protection of Birds ('RSPB').

2.2. BREEDING BIRD SURVEY

- 2.2.1.1. To inform an evaluation of the Survey Area habitats for bird species, five breeding bird survey visits were completed between April and June 2018. The survey work followed a standard method based on the British Trust for Ornithology's (BTO's) Common Bird Census ('CBC'), as summarised by Bibby *et al.* (2000).
- 2.2.1.2. All visits to the Survey Area were completed in the early morning, commencing half an hour before dawn. Each survey visit was of approximately 5 hours in duration.
- 2.2.1.3. During each visit a pre-determined transect was walked slowly, approaching all suitable habitat within 50 m and scanning and listening for birds. The Survey Area included three different locations:
 - Eastney Beach at the Landfall and TJB (green, Figure 1). In this location it took
 place a targeted survey of Schedule 1 Species: black redstart and Dartford
 warbler, although all observations from other species were also recorded;
 - Western side of the Chichester and Langstone Harbours SPA. The aim was a targeted survey to identify nesting locations for little tern, common tern and sandwich tern adjacent to the Onshore Cable Corridor (Plate 2.1). The surveyors undertook vantage point surveys of 10 minutes in duration with the use of a telescope and binoculars; and
 - Habitats within and adjacent to the Converter Station Area near Lovedean Substation (Plate 1). A comprehensive CBC survey was undertaken.

2.3. DATES OF SURVEY AND PERSONNEL

- 2.3.1.1. Visits were completed by competent ornithologists with 10 years' experience of ecological survey, including breeding bird surveys.
- 2.3.1.2. Dates of survey and weather conditions are given in Table 1 below. All components of the survey area (i.e. Converter Station Area, Eastney Beach at Landfall and targeted surveys for tern species at the SPA) were completed in a single day.

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Table 1 - Dates of survey and weather conditions

Survey Visit	Date	Duration	Weather Conditions
1	24 April 2018	5 hours	Temp: 8, Cc: 2, BF: 0, Vis: excellent, Rain: 0
2	29 April 2018	5 hours	Temp: 3, Cc: 8, BF: 3, Vis: excellent, Rain: drizzle
3	24 May 2019	5 hours	Temp: 12, Cc: 8, BF: 1, Vis: excellent, Rain: 0
4	06 June 2018	5 hours	Temp: 14, Cc: 2, BF: 0, Vis: excellent, Rain: 0
5	18 June 2018	5 hours	Temp: 16, Cc: 8, BF: 1, Vis: excellent, Rain: drizzle

^{*} Weather condition key:

Temp = Temperature in Degrees Celsius

Cc = Cloud cover in Otkas (0 no cloud and 8 full cloud cover)

BF = Wind measured by Beaufort scale

Vis = Visibility by standard visibility index Fog-Very Good

Rain = Current rainfall



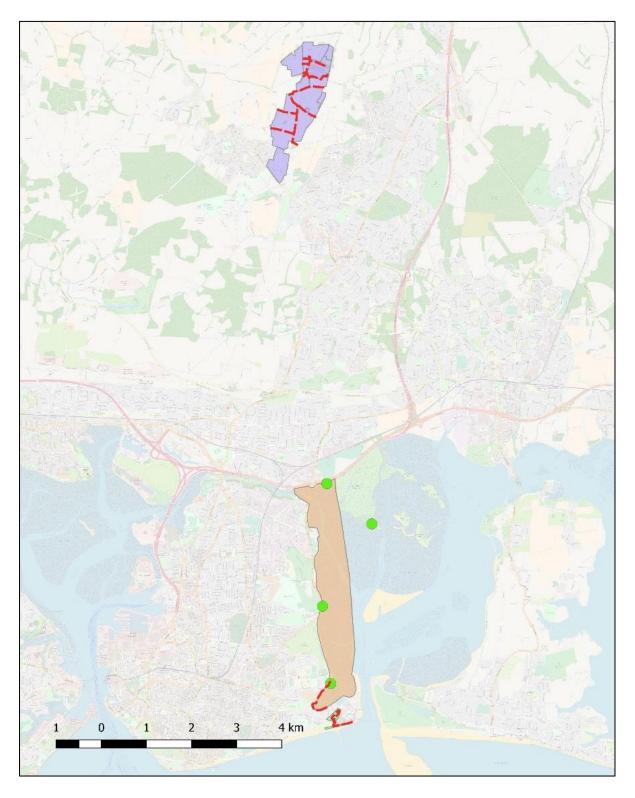


Plate 1 – Survey Area with the three different locations with different colours: Eastney Beach at Landfall and TJB area in green; western side of the Chichester and Langstone Harbours SPA in red; habitats around Lovedean Substation in purple. Transects are drawn as red dashed lines and vantage points as green dots



2.4. DATA ANALYSIS AND EVALUATION

- 2.4.1.1. Diversity and abundance of bird species identified within the Survey Area was determined through highlighting species specifically protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), along with those identified as of conservation concern¹.
- 2.4.1.2. Field observations from all survey visits were combined to produce species specific map records. The expected outcome of this technique was that mapped registrations fall into clusters, approximately coinciding with breeding territories. Territories were identified through standard methods of interpreting territory maps based on rules set out by Marchant (1983) for the BTO's CBC.
- 2.4.1.3. 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).

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¹ Either as Priority Species (previously known as UK Biodiversity Action Plan Priority Species before the introduction of the Post-2010 Biodiversity Framework), analogous to Species of Principal Importance (SPI) for Nature Conservation identified by the Natural Environment and Rural Communities (NERC) Act 2006, or as Birds of Conservation Concern, those birds statutory and non-statutory nature conservation groups including Natural England, the BTO and Royal Society for the Protection of Birds have agreed require conservation action.



2.5. NOTES AND LIMITATIONS

2.5.1.1. No specific limitations were applicable to this survey. Whilst every effort has been made to detect all species present some bird species are more difficult to detect due to their shy or secretive nature and therefore may have gone undetected by this survey. As this applies to all bird surveys this is not considered to place significant constraints upon interpretation of the results for the Survey Area.



3. RESULTS

3.1. DESK STUDY

- 3.1.1.1. Records of bird species of four species of birds listed on the Schedule 1 of the Wildlife and Countryside Act (1981, as amended) sourced from HBIC from the desk study area (as defined in Appendix 16.2 (PEA/Phase 1 Habitat Survey)). These species were: Mediterranean gull *Larus melanocephalus*, common tern, sandwich tern and little tern. All those species have confirmed breeding records within Chichester and Langstone Harbours SPA although their known locations are outside the 500 m buffer from the cable route. RSPB returned records of 59 species of bird from the desk study area including again Mediterranean gull and three tern species. Table 2 presents population information for these species as obtained from the RSPB.
- 3.1.1.2. Neither HBIC nor RSPB held recent records of Dartford warbler or black redstart. There are two historic records of Dartford warbler involving probable breeding in 2006 and confirmed breeding of a single pair in 1994.

Table 2 – Breeding records from notable species in Chichester and Langstone Harbours SPA. Records correspond to the number of pairs of each species counted at some point during their breeding period

		Mediterranean Gull	Common Term	Sandwich Tern	Little Tern	Total per Year
		Larus melanocephalus	Sterna hirundo	Thalasseus sandvicensis	Sternula albifrons	
2008	Confirmed breeding*	258	368	390	91	1107
	Probable breeding*	172	208	260	22	662
2009	Confirmed breeding	274	0	0	90	364
	Probably breeding	411	303	459	135	1308
2010	Confirmed breeding	800	314	410	125	1649
	Probable breeding	1200	326	615	184	2325

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		Mediterranean Gull	Common Term	Sandwich Tern	Little Tern	Total per Year
		Larus melanocephalus	Sterna hirundo	Thalasseus sandvicensis	Sternula albifrons	
2011	Confirmed breeding	996	378	360	116	1850
	Probable breeding	1494	297	506	169	2466
2012	Confirmed breeding	116	215	92	87	510
	Probable breeding	174	240	136	125	675
2013	Probable breeding	542	109	18	73	742
2014	Probable breeding	330	256	198	110	894
2015	Probably breeding	1158	266	279	123	1826
2016	Probable breeding	2651	276	366	14	3307
2017	Probable breeding	2504	356	219	153	3232

^{*} Confirmed breeding: nest containing eggs or young seen or heard, adults observed carrying faecal sac or food in suitable habitat, feigning injury as a distraction display or entering or leaving a nest Survey Area 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).

Categories based on the classification method used by the UK Rare Breeding Birds Panel.

^{*} Probable breeding: pair observed in suitable habitat, territorial behaviour observed in the same place on at least two separate occasions at least one week apart or birds observed visiting a probable nest Survey Area, showing courtship or display behaviour in suitable breeding habitat or nest building.



3.2. SURVEY

CHICHESTER AND LANGSTONE HARBOURS SPA

3.2.1.1. The targeted surveys for breeding tern species returned no observations of these species within the Survey Area. The survey therefore confirms the desk study records that these species breed in excess of 500 m from the Proposed Development within the SPA.

LANDFALL AND CONVERTER STATION

- 3.2.1.2. Forty-six species were recorded on or over the Survey Area during the breeding bird survey, of these 21 are considered to breed. These include 20 species which are legally protected or species of conservation concern, of which seven are considered to breed.
- 3.2.1.3. The numbers of birds recorded within each category are listed below; it should be noted categories are not exclusive and a species can be listed in more than one conservation category (for example listed as both a and a Hampshire Biodiversity Action Plan ('BAP') species and as either a red or amber list Bird of Conservation Concern ('BoCC').
 - One species listed on the Schedule 1 of the Wildlife and Countryside Act: black redstart was confirmed to hold territory on the ruins at Fraser Range at the Eastney Beach Landfall Survey Area; no territories of Dartford warbler were identified in Land West of Fort Cumberland SINC:
 - Six species listed as SPI in accordance with Section 41 of the NERC Act 2006
 (also UKBAP species). Dunnock Prunella modularis and house sparrow Passer
 domesticus were confirmed breeders on the Survey Area, song thrush Turdus
 philomenos was deemed to be a probable breeder whilst curlew Numenius
 arquata, herring gull Larus argentatus and starling Sturnus vulgaris were not
 observed displaying breeding behaviour in the Survey Area;
 - Twenty species are listed as BoCC. Black redstart, dunnock, house sparrow, linnet Carduelis cannabina, skylark Alauda arvensis and song thrush were confirmed, probable or possible breeders on the Survey Area, whilst bullfinch Pyrrhula pyrrhula, black-headed gull Larus ridibundus, common gull Larus canus, common sandpiper Actitis hypoleucos, curlew, herring gull Larus argentatus, kestrel Falco tinnunculus, lesser black-backed gull Larus fuscus, mute swan Cygnus olor, oystercatcher Haemantopus ostralegus, starling, swift Apus apus, shelduck Tadorna tadorna not observed displaying breeding behaviour on the Survey Area.

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- 3.2.1.4. **Error! Reference source not found.** summarises the results of the species recorded in the Survey Area during the breeding bird survey but not considered to be breeding within. In addition to the recorded breeding status, this table includes an indicative number of territories present on, or immediately adjacent to, the Survey Area.
- 3.2.1.5. Centroids of the territories and their status are mapped in Appendix A.



Table 3 – Species recorded on the Survey Area, their status (breeding or present), number of breeding territories identified and designations

Common Name	Latin Name	Status	Number of Territories	Total Observations	WCA Sch. 1	NERC Section 41	BoCC Listing	Hampshire BAP
Blackbird	Turdus merula	Breeding	4	81				
Blackcap	Sylvia atricapilla	Present	0	13				
Bullfinch	Pyrrhula pyrrhula	Present	0	1			Amber	
Black-headed gull	Larus ridibundus	Present	0	70			Amber	
Blue tit	Cyanistes caeruleus	Breeding	1	28				
Black redstart	Phoenicurus ochruros	Breeding	1	4	X		Red	
Buzzard	Buteo buteo	Present	0	3				
Carrion crow	Corvus corone	Present	0	18				
Cormorant	Phalacrocorax carbo	Present	0	1				

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Common Name	Latin Name	Status	Number of Territories	Total Observations	WCA Sch. 1	NERC Section 41	BoCC Listing	Hampshire BAP
Chiffchaff	Phylloscopus collybita	Present	0	12				
Collared dove	Streptopelia decaocto	Present	0	11				
Chaffinch	Fringilla coelebs	Present	0	42				
Common gull	Larus canus	Present	0	33			Amber	
Common sandpiper	Actitis hypoleucos	Present	0	1			Amber	
Curlew	Numenius arquata	Present	0	3		X	Red	
Dunnock	Prunella modularis	Breeding	1	4		X	Amber	
Little egret	Egretta garzetta	Present	0	1				
Green woodpecker	Picus viridis	Present	0	3				
Goldfinch	Carduelis carduelis	Present	0	42				
Greenfinch	Carduelis chloris	Present	0	45				

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Common Name	Latin Name	Status	Number of Territories	Total Observations	WCA Sch. 1	NERC Section 41	BoCC Listing	Hampshire BAP
Great spotted woodpecker	Dendrocopos major	Present	0	4				
Great tit	Parus major	Present	0	17				
Herring gull	Larus argentatus	Present	0	11		X	Red	
House sparrow	Passer domesticus	Breeding	9	38		X	Red	
Jay	Garrulus glandarius	Present	0	1				
Kestrel	Falco tinnunculus	Present	0	1			Amber	
Lesser black- backed gull	Larus fuscus	Present	0	26			Amber	
Linnet	Carduelis cannabina	Present	0	96			Red	Х
Long-tailed tit	Aegithalos caudatus	Present	0	1				
Magpie	Pica pica	Present	0	21				

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Common Name	Latin Name	Status	Number of Territories	Total Observations	WCA Sch. 1	NERC Section 41	BoCC Listing	Hampshire BAP
Mute swan	Cygnus olor	Breeding	1	1			Amber	
Oystercatcher	Haematopus ostralegus	Present	0	2			Amber	
Pheasant	Phasianus colchicus	Present	0	8				
Robin	Erithacus rubecula	Present	0	38				
Rook	Corvus frugilegus	Present	0	2				
Skylark	Alauda arvensis	Present	0	20			Red	Χ
Starling	Sturnus vulgaris	Present	0	6		X	Red	
Sparrowhawk	Accipiter nisus	Present	0	1				
Swift	Apus apus	Present	0	1			Amber	
Swallow	Hirundo rustica	Present	0	4			Amber	
Song thrush	Turdus philomelos	Present	0	13		Χ	Red	
Shelduck	Tadorna	Present	0	1			Amber	

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Common Name	Latin Name	Status	Number of Territories	Total Observations	WCA Sch. 1	NERC Section 41	BoCC Listing	Hampshire BAP
Sedge warbler	Acrocephalus schoenobaenus	Present	0	2				
Wheatear	Oenanthe oenanthe	Present	0	3				
Whitethroat	Sylvia communis	Present	0	25				
Wood pigeon	Columba palumbus	Present	0	79				
Wren	Troglodytes trogolodytes	Present	0	82				
Total			17	926				

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4. LEGAL AND PLANNING POLICY CONTEXT

4.1. LEGISLATION

- 4.1.1. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (HABITAT REGULATIONS)
- 4.1.1.1. The Habitat Regulations Part 1 Regulation 10 (2) & (3) state that local authorities "must take such steps in the exercise of their functions as they consider appropriate to contribute to...the preservation, maintenance and reestablishment of a sufficient diversity and area of habitat for wild birds in the UK including by means of the upkeep, management and creation of such habitat...'.

 The legislation continues to state that economic and recreation requirements must be taken into consideration in considering which measures are appropriate.

4.1.2. WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

- 4.1.2.1. 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; therefore, recommendations to avoid contravention of this legislation are included within Section 5.
- 4.1.2.2. Additional protection is extended to species listed under Schedule 1 of the Act, meaning it is also an offence to disturb these species at or near the nest, or whilst they have dependent young.
- 4.1.2.3. Of the species recorded on the Survey Area, one is listed on Schedule 1. Black redstart was a confirmed breeding species on the Survey Area; therefore, recommendations in relation to this/these species are included in Section 5.

4.1.3. NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

4.1.3.1. 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 listed on the UK Biodiversity Action Plan (BAP) which occur in England (however there are

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exceptions). Six SPI (also UKBAP species) were recorded on the Survey Area, these were curlew, dunnock, herring gull, house sparrow, starling, song thrush; of these, dunnock, house sparrow and song thrush are considered to breed on the Survey Area, therefore, recommendations are included within Section 5 to encourage the conservation of these species as breeding species, wherever possible, following completion of the Proposed Development.

4.2. PLANNING POLICY

4.2.1. NATIONAL PLANNING POLICY FRAMEWORK

4.2.1.1. At a national context planning policy is driven by the National Planning Policy Framework ('NPPF') (2019). The NPPF sets out, amongst other points, how at an overview level the

"planning system should contribute to and enhance the national and local environment by:

- ...recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where
 possible, contributing to the Government's commitment to halt the overall decline
 in biodiversity, including by establishing coherent ecological networks that are
 more resilient to current and future pressures..."
- 4.2.1.2. The NPPF states that this should be achieved through local planning development frameworks and gives recommendations for criteria based policies which recognise the hierarchy of designated Survey Areas which range from internationally important habitat, to Survey Areas of importance at a local level and ensure that protection is

"commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks."

- 4.2.1.3. A list of principles which local planning authorities should follow when determining planning applications is included in the NPPF which includes the following:
 - "if significant harm resulting from a development cannot be avoided...adequately mitigated, or, as last resort, compensated for, then planning permission should be refused:
 - ...opportunities to incorporate biodiversity in and around developments should be encouraged;

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 planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland...unless the need for, and benefits of, the development in that location clearly outweigh the loss..."



4.3. OTHER CONSIDERATIONS

4.3.1. BIRDS OF CONSERVATION CONCERN RED AND AMBER LISTS

- 4.3.1.1. The UK's leading bird conservation organisations reviewed the most up to date information on the status of birds in the UK and elsewhere in their range to produce the third review of 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.
- 4.3.1.2. 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.
- 4.3.1.3. Red or amber listing does not confer additional protection under legislation or planning policy, however it provides a basis for informing evaluation of the importance of site to breeding birds of conservation value.
- 4.3.1.4. Breeding red list species on the Survey Area were black redstart, house sparrow, linnet and skylark, with amber list breeding species dunnock and mute swan. Non-breeding red list species were curlew, herring gull and starling with non-breeding amber list species bullfinch, back headed gull, common gull, common sandpiper, kestrel, lesser black-backed gull, oystercatcher, swift and shelduck.
- 4.3.1.5. Recommendations are included as applicable within Section 5 to enable continued use of the Survey Area by red and amber list species wherever possible following completion of the Proposed Development; with these species also used to target recommendations for potential enhancement measures where they may be of greatest value.



5. DISCUSSION AND RECOMMENDATIONS

5.1. DISCUSSION

- 5.1.1.1. The Survey Area contains a range of habitats which support a variety of bird communities and species, including some of conservation concern.
- 5.1.1.2. A territory of black redstart was identified in the ruins of Fraser Range in Eastney Beach, at the West of Fort Cumberland. This species is included in Schedule 1 of the Wildlife and Countryside Act (1981, as amended) in addition to being on the BoCC Red list. It is nationally scarce in the UK, resident only in urban areas of the midlands and southern England where it favours derelict areas which mimic its rocky natural habitat.
- 5.1.1.3. Under the Wildlife and Countryside Act all wild birds are protected from killing and injury, and their nests and eggs protected from taking, damage and destruction whilst in use. Additional protection is extended to species listed under Schedule 1 of the Act, meaning it is also an offence to disturb these species at or near the nest, or whilst they have dependent young; recommendations to avoid contravention of this legislation are included within Section 5.2.
- 5.1.1.4. The survey did not identify any Dartford warbler territory at the Land West of Fort Cumberland SINC, but territories of species of conservation concern were identified, as house sparrow and linnet.
- 5.1.1.5. The agricultural fields at the Converter Station Area generally supported a limited community of breeding birds although species which are experiencing population declines and are subsequently classified as birds of conservation concern were present. Several territories of skylark, BoCC Red listed spices were identified in addition to linnet. These two species are SPI in addition to also included in the Hampshire BAP.
- 5.1.1.6. The mosaic of woodland, grassland and hedgerows at the Converter Station Area hosts other common species such blackcap, wren, greenfinch, tits, blackbird and some species of conservation concern as song thrush and dunnock (Red and Amber list respectively). Retention or replacement of habitat will be important for maintaining breeding habitat for these species, should it be affected by the Proposed Development.

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- 5.1.1.7. The desk study returned records of four species of birds listed on the Schedule 1 of the Wildlife and Countryside Act (1981, as amended): Mediterranean gull, common tern, sandwich tern and little tern. All these species have confirmed breeding records within Chichester and Langstone Harbours SPA but their locations are outside the 500 m buffer from the Proposed Development. Furthermore, no observations from those species were made inside of the Survey Area from vantage points.
- 5.1.1.8. Mudflats along the estuary are mainly used by birds at low tide for foraging and are important for wintering and passage species, Appendix 16.14 (Winter Working Restriction for Features of Chichester & Langstone Harbours SPA) of the ES Volume 3 (document reference 6.3.16.14). Within areas adjacent to the Proposed Development, the tidal extents restrict the available habitat for breeding birds however.

5.2. AVOIDANCE, MITIGATION AND COMPENSATION

5.2.1.1. This Section sets out measures which are recommended to avoid, mitigate and compensate for effects upon the breeding bird assemblage as a consequence of the Proposed Development. These measures aim to enable compliance with the legislation described within Section 4 above and to encourage completion of the Proposed Development in line with planning policy and other guidance wherever possible. Opportunities for enhancement in association with the Proposed Development have also been identified and targeted towards species listed as of conservation concern (Section 5.3).

5.2.2. SCHEDULE 1 SPECIES

Black Redstart

- 5.2.2.1. If possible, the existing structure that support the nest in Fraser Range should be retained and incorporated within the Proposed Development. For this approach to be effective it would also be necessary to maintain an undisturbed area of suitable foraging habitat around the retained nest Survey Area.
- 5.2.2.2. Where it is not possible to retain the nest and foraging habitat in situ building demolition and clearance should be completed in the winter. This will avoid the nesting season (typically April to July for black redstart) and minimise the risk of contravention of the Wildlife and Countryside Act 1981 (as amended) through damage or destruction of a nest, or disturbance whilst at the nest. If it is not possible to undertake clearance work outside the nesting season, it may be possible for some minimal clearance to occur within the breeding season; in this instance a suitably qualified ecologist would be required to undertake an ecological watching brief at the Site. This would entail a thorough check for the presence of breeding birds prior to the commencement of clearance. If breeding black redstarts are still present, then a 'zone of no disturbance' would need to be implemented until the young birds had

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fledged and become independent of the parent birds. This approach would be required to ensure compliance with legislation protecting this species.

5.2.2.3. Loss of habitat and nest should be mitigated for through replacement provision within the Proposed Development. The main factor in maintaining black redstart as a breeding species is provision of suitable low nutrient substrate within the development to support a variety of plants at low density and enable an invertebrate community to develop for black redstart to feed upon. In addition, plans for new buildings should aim to incorporate a variety of holes and ledges at various heights from 3 m to 5 0m above ground level, preferably within structures, to provide nest habitat. Open song posts 20 m or greater above ground level are also an important consideration.

5.2.3. COMPLIANCE WITH THE WILDLIFE AND COUNTRYSIDE ACT

5.2.3.1. it is recommended clearance of vegetation or demolition of buildings is avoided during the main bird nesting season (March to August inclusive) to avoid damage or destruction of nests. If partial clearance of small areas is unavoidable in this period a suitably experience ornithologist should be employed to inspect the area within 24 hrs prior to clearance; should any nests be identified it will be necessary to delay works or establish a suitably sized buffer zone in which no works occur to be put in place around the nest until the young have fledged.

5.3. ENHANCEMENT

- 5.3.1.1. The Proposed Development offers an opportunity to enhance the Survey Area for some species which have been recorded over, but are not considered to breed on the Survey Area at the time of writing which are of national conservation concern. It is recommended the following measures are considered:
- 5.3.1.2. The Proposed Development also offers the opportunity to provide nesting provision for species which have not been recorded on the Survey Area but for which suitable foraging habitat is currently present or is likely to become present in association with the Proposed Development, or they have been observed but territories have not been identified; for example, in the form of gardens and amenity grassland. Therefore, it is recommended the following measures are also considered.

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- New landscaping associated with the Proposed Development should comprise native species of local origin and include berry bearing shrubs. This is to provide food resources for thrushes and finches and cover for species such as dunnock (SPI, BoCC amber list) and compensate for the loss of woodland and scrub habitat where this is unavoidable to enable the Proposed Development. In addition, grassland areas should be included within landscaping, including within the Proposed Development itself, providing continued foraging provision for species such as song thrush (SPI, BoCC red list, UKBAP). Wherever possible new habitats should be designed as connective corridors, linking to other habitat areas, rather than in isolated parcels.
- Enhancing the Survey Area for song thrush through inclusion of a pond or wet swales, in association with new grassland provision within new landscaping.
- Include starling (SPI, BoCC red list, UKBAP) cavitiesest boxes and house sparrow (SPI, BoCC red list, UKBAP) terraces within the converter station design.
- Within the Proposed Development itself it is recommended large mature trees containing cavities are retained wherever possible; and retained within landscaped areas or on the development perimeter to enable continued access to these cavities from semi-natural habitats. This would aim to enable continued use of the Survey Area by stock dove (BoCC amber list).
- To minimise effects upon skylark (SPI, BoCC red list, UKBAP) and grey partridge (SPI, BoCC red list, UKBAP), which are reliant on the arable fields on the Survey Area, the mowing regime for any large open grassland areas within the Survey Area should be designed to maximise the suitability of this grassland for skylark; avoiding cutting early in the summer. Similarly, interpretative boards should be provided to encourage responsible dog walking to minimise the disturbance of nesting birds. conclusions



REFERENCES

Berks, Bucks and Oxon Naturalists' Trust (1998) Berkshire Heathland Biodiversity Action Plan 1999–2005 (Incorporating species action plans).

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

Eaton M.A., Brown A.F., Noble D.G., Musgrove A.J., Hearn R., Aebischer N.J., Gibbons D.W., Evans A. and Gregory R.D. (2009) Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man. British Birds 102, 296–341.

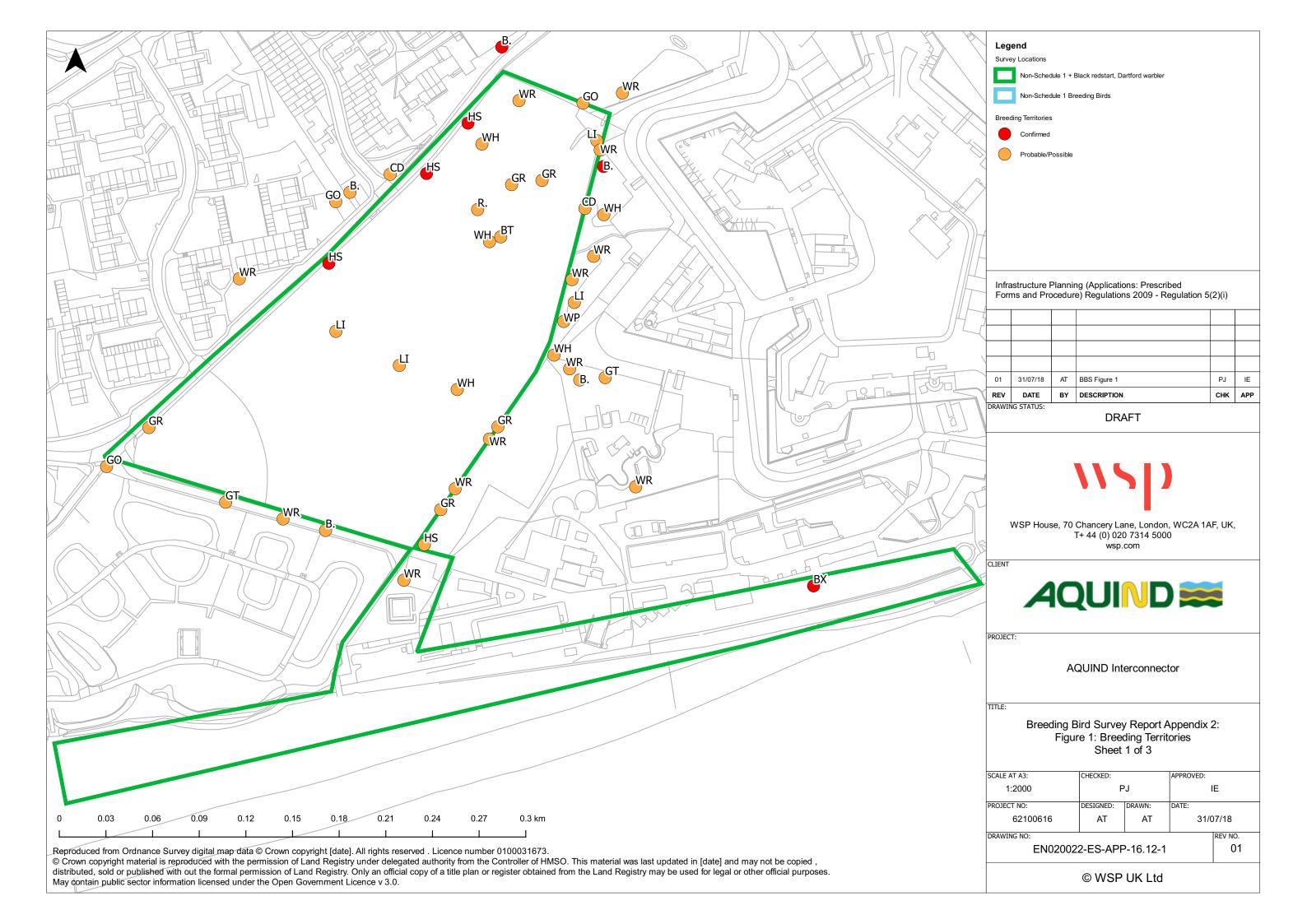
Marchant, J.H. (1983) BTO Common Birds Census instructions. BTO, Tring

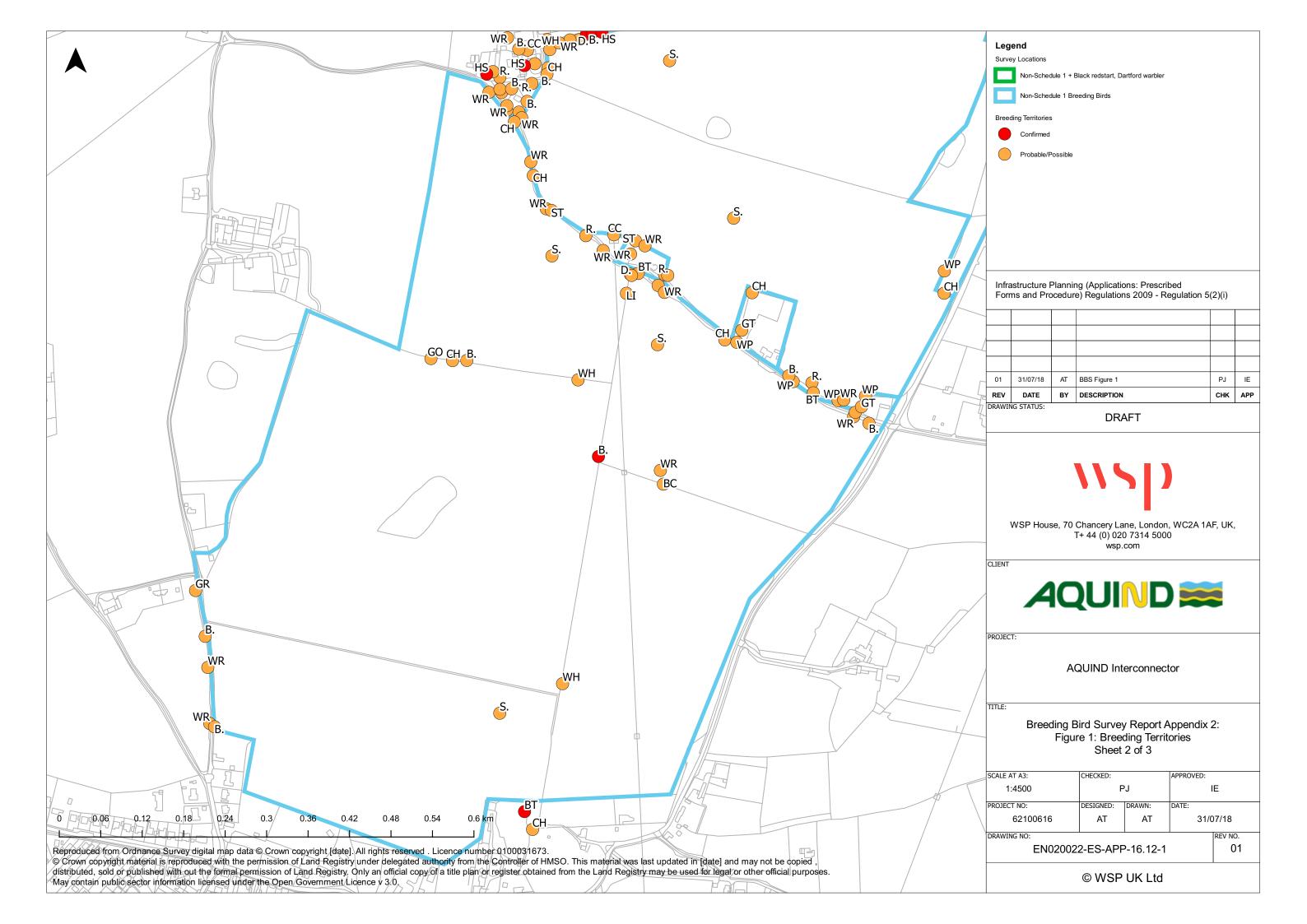
The London Wildlife Trust (undated) Black Redstart: Advice for its conservation in London. Available:

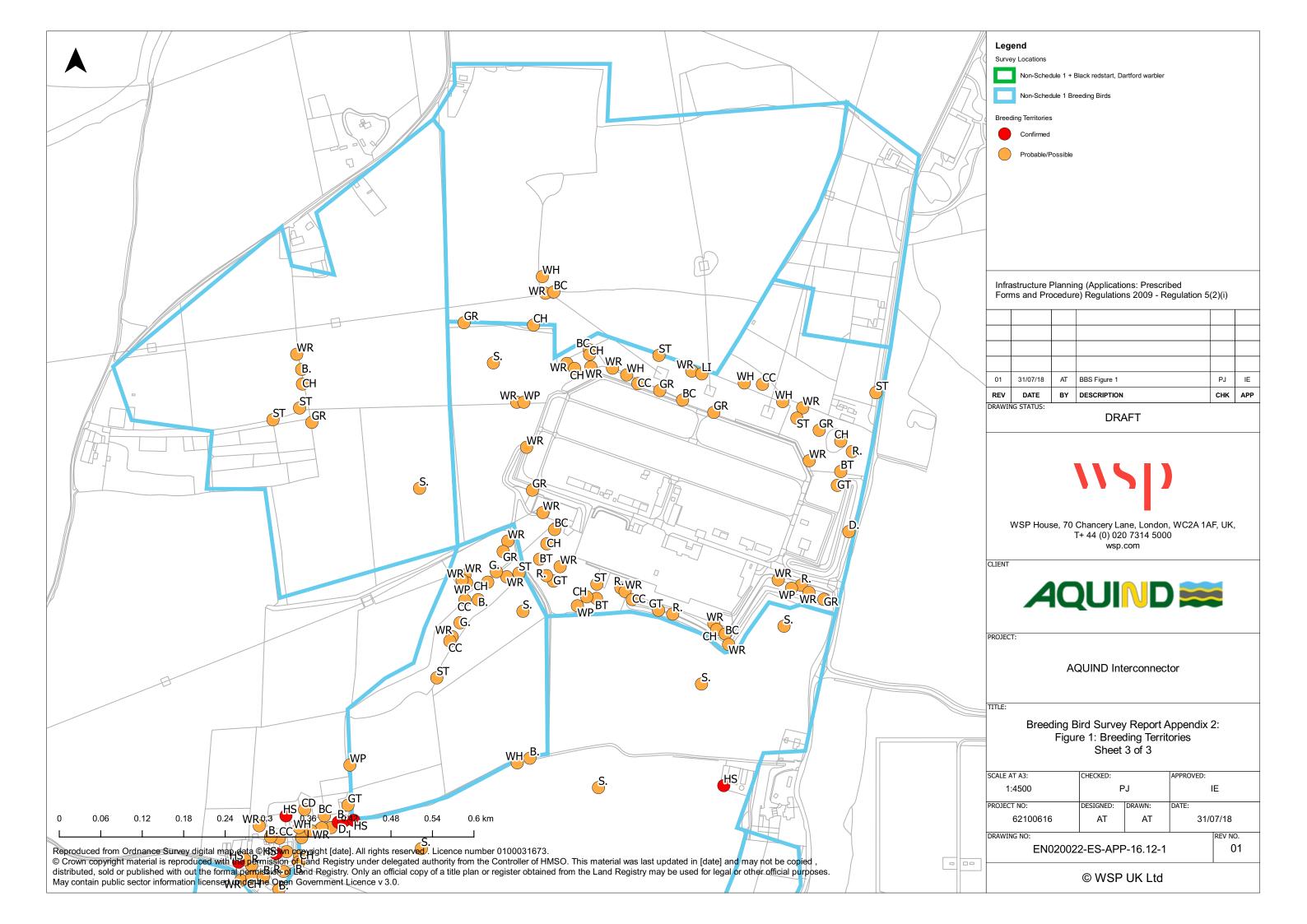
http://www.lbp.org.uk/downloads/Publications/Management/black_redstart_advice_note.pdf



Appendix 1 – Breeding Territories









Appendix 2 – Species of Conservation Concern

