

Tangy IV Wind Farm Section 36C Variation

Technical Appendix 3.7b: Species Protection Plan: Birds



Species Protection Plan: Birds

Tangy IV Wind Farm

Report Versions

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Glossary

The following defines some of the terms used throughout this document:

The Development – All aspects of the Tangy IV Wind Farm construction project, including decommissioning of Tangy I and II Wind Farms.

The Employer – The wind farm developer (i.e., SSE Renewables).

The Contractor/Principal Contractor – The Contractor responsible for Civil Infrastructure and the Principal Contractor as defined in the Construction (Design & Management) Regulations 2015.

Aftercare – The definition of aftercare is considered largely synonymous with Restoration, although relates specifically to the requirement for further management effort as informed by post-restoration monitoring. For example, where seeding has been undertaken although subsequent monitoring has determined failure and requirement for additional effort to achieve restoration targets.

Environmental Impact Assessment Report (EIAR) – The document submitted in support of the wind farm planning application which comprehensively describes the site, baseline environmental conditions, potential impacts of the development and prescribed mitigation. The principles outlined in this document form part of the conditions of the Planning Consent.

Decommissioning – Decommissioning is a process including the partial removal of the wind farm components and infrastructure. Decommissioning may extend to the entire wind farm after its natural operational phase or relate to discrete areas of one or more turbines as part of upgrade / replacement works. Decommissioning works will involve similar tasks / impacts as construction works and will be subject to additional detailed proposals to be submitted to the Planning Authority prior to the commencement of the decommissioning works.

Development Run-Off – Run-off from site infrastructure that may contain suspended solids, silt or other organic matter that requires treatment before discharge to the environment.

ECOW – The Environmental/Ecological Clerk of Works is an independent specialist appointed by the Employer. The ECoW monitors compliance of works with regard to environmental and ecological aspects in accordance with relevant planning conditions, applicable regulations, current best practice and prescribed works methods. The ECoW provides advice to the Employer.

Reinstatement – Reinstatement works undertaken during decommissioning aiming to address any development of landscape and habitats as part of the decommissioning works. Reinstatement is undertaken as soon as practical following the decommissioning works in each area, such as the redressing of road and tracks where applicable, turbine bases (and other areas that may be disturbed as a result of the decommissioning process). Re-seeding (conventional or hydroseeding) may be part of reinstatement measures where redressing proves unsuccessful.

Restoration – Restoration works are generally defined as long-term measures aimed to restore the ecological status (comparable to pre-commencement / baseline) of the development, through species and / or habitat management.

1. Introduction

SSE Renewables plan to repower the existing Tangy Wind Farm, Kintyre, Scotland. The 'Works' to facilitate Tangy Wind Farm IV will include construction of 16 new wind turbines, the decommissioning of 22 existing turbines, reinstatement, aftercare and restoration works.

Tangy Wind Farm IV will be located on land 9 km north-west of Campbeltown, Kintyre, Scotland, hereafter referred to as the "Site", and is shown on a site layout plan produced for the Environmental Impact Assessment (EIA); **Figure 1**. The Site comprises areas of commercial forestry in the north and agricultural grazing in the south, in addition to the existing wind farm. Several small watercourses are present within the Site, many of which have hydrological connectivity to Tangy Loch, located approximately 230 m south-east of the Site at its closest point.

There are no nationally or internationally designated sites within the Site. However, Tangy Loch and Lussa Loch are part of the Kintyre Goose Roosts Special Protection Area (SPA) and Ramsar Site, both of which are located within 1 km of the Site. Tangy Loch Site of Special Scientific Interest (SSSI) extends across adjacent terrestrial habitat to the Loch directly adjacent to the Site. Lussa Loch SSSI and Tangy Loch SSSI are within 1 km east and south-west of the Site respectively. All designated sites support an important wintering population of Greenland white-fronted geese *Anser albifrons flavirostris*, which are a primary reason for the designation of the Kintyre Goose Roosts SPA and Ramsar Site.

This SPP outlines the procedures that must be followed to ensure mitigation outlined in EIA is enacted as described, particularly where there is a potential for breeding and wintering birds to be affected. It explains the responsibilities of Contractors, the legislative protection for birds, and the measures required to minimise impacts on birds and thereby the risk of criminal offences being committed.

2. Baseline Conditions

Update baseline surveys were carried out in August 2023 to assess the use of all habitats within the site by breeding and non-breeding birds, with a particular focus on the key receptors for this assessment. The following is a summary of the key findings from the update baseline bird surveys completed in 2023.

- A possible short-eared owl *Asio flammeus* pellet was found on the felled plantation area to the north of the Site boundary;
- Goshawk (*Accipiter gentilis*) were recorded calling on Site within the plantation woodland towards the northwest of the Site boundary;
- No confirmed Schedule 1 bird territories were recorded during the 2023 surveys.

The moorland breeding songbird assemblage is considered relatively species-poor, although this is likely to be due to the relatively high altitude of the Site. The vast majority of the species recorded are widespread and common within the habitats present in the survey areas, although some species are of conservation concern at a national level (e.g. meadow pipit *Anthus pratensis*).

Baseline surveys reported in Chapter 9 of the Tangy IV Wind Farm EIA Report¹ detail the following species recorded breeding within or adjacent to the Site (up to a maximum of 750 m from Site); curlew *Numenius arquata*, oystercatcher *Haematopus ostralegus* and common snipe *Gallinago gallinago*. No evidence of breeding by any Schedule 1 listed species was recorded.

Greenland white-fronted goose was the only Important Ornithological Feature (IOF) identified at risk of potential significant effects that was taken forward into the Environmental Impact Assessment (with the remaining species scoped out of the assessment). Due to the proximity of the Tangy Loch SSSI, and Lussa Loch SSSI and SPA and the potential for connectivity, potential impacts on Greenland white-fronted goose was also assessed under the Habitats Regulations.

3. Legislative Context

This SPP should be interpreted in cognisance of wildlife legislation relating to the protection of wild and breeding birds. All wild birds are highly protected by law under the Wildlife and Countryside Act (WCA) 1981 (as amended). Recent and significant changes have been made to the protection of wild birds in Scotland by The Nature Conservation (Scotland) Act 2004.

It is an offence to intentionally or recklessly²:

- Kill or injure any wild bird;
- Capture or keep (alive or dead) any wild bird;
- Destroy or take the egg of any wild bird;
- Sell or advertise for sale any wild bird or its eggs; and
- Destroy, damage, interfere with, take or obstruct the use of the nest of any wild bird while it is in use or being built.

3.1. Schedule 1 Birds

Additional protection is given to rare breeding birds listed under Schedule 1 of the WCA 1981 (as amended). It is an offence to intentionally or recklessly:

- Disturb any Schedule 1 species while they are nest building, or at a nest containing eggs or young; and
- Disturb the dependent young of such birds.

3.2. Schedule 1A and A1 Birds

Further protection is given to birds listed on Schedule 1A and A1 of the Act, making it an offence at any time of year to:

- Harass a white-tailed eagle *Haliaeetus albicilla*, golden eagle, hen harrier and red kite (1A); and
- Damage a nest of a white-tailed eagle or golden eagle (A1).

¹ https://www.sserenewables.com/media/gg3pwgiy/vol2_eia-report.pdf

² Reckless acts would include disregard of mitigation aimed at protecting birds, resulting in killing, injury, and/or disturbance of birds or their nests.

3.3. High Conservation Value Birds

Although not prohibited by law, disturbance of other high conservation value breeding species and their nests should be avoided if reasonably practical. These species include those listed on Annex 1 of the EU Birds Directive, and/or Birds of Conservation Concern Red List (BoCC red list) and/or classified by IUCN as globally threatened or near threatened. Disturbance that results in breeding failure could be an offence under the legislation for any species regardless of conservation importance.

4. Works with Potential to Impact Breeding and Wintering Birds

Works on site will include geotechnical investigations (GI), clear felling of forestry areas (including timber removal), construction phases and existing wind farm decommissioning phases. It is anticipated that Works will require the creation of temporary construction compounds, borrow pits and welfare facilities. The hours of work will be between the hours of 7am and 7pm.

Disturbance to breeding birds could occur during any required vegetation clearance, including the clear felling of forestry areas. Vegetation clearance will result in a permanent loss of nest-building habitat for breeding birds and in absence of mitigation may also result in direct mortality.

5. Mitigation

This SPP is designed to provide the Contractor and Ecological Clerk of Works (ECoW) with an approved mitigation methodology for protecting breeding birds and wintering Greenland white-goose.

5.1. Pre-Construction

Breeding Birds

A pre-construction survey for breeding birds will be completed a maximum of 48 hours prior to the start of any works. The survey will encompass the Site and extent to a minimum of 750 m from the Site boundary. The following tasks will be undertaken:

- Pre-construction surveys will be carried out by a suitably experienced ecologist/ornithologist.
- Relevant local recorders/field workers e.g. local BTO groups, will be contacted for recent records of sensitive species that may be affected or known locations of any nests.
- The appointed ecologist will review whether construction activities are likely to affect breeding birds and, if so, what mitigation options are available. A hierarchical approach to mitigation will be applied to any occupied bird habitat that may be affected by construction works, as detailed below. Priority will be given to assessing and mitigating impacts to Schedule 1 bird species.
- Construction teams will be advised on the locations of existing/new constraints, together with mitigation options by the ECoW.
- Relevant site documentation, e.g. Construction Environmental Management Plan (CEMP), will be updated with new and amended information as it is produced, with changes communicated to appropriate staff as required.

5.2. During Construction

Breeding Birds

Protection Zones

A hierarchical approach to mitigation of Programme/Avoid/Risk Assess will be applied to any birds that may be affected during construction works.

Where practicable, works will be programmed outside of the breeding bird season (March – August inclusive).

Protection zones will be set out by the ECoW when there is a risk of works disturbing/destroying breeding birds nests. NatureScot provide appropriate buffer zones for a variety of species including Schedule 1 and those species whose roost sites are also protected i.e. red kite and hen harrier (Goodship and Furness, 2022). No works will be carried out within these zones whilst birds are:

- Building or using their nest;
- Still dependent on the nest site; or
- Present at roost sites.

The ECoW will advise when it is safe for works to be carried out.

During the breeding season (or whilst birds are roosting at other times of year) where programme critical works must be carried out within the protection zones, the ECoW will carry out a Protected Species Risk Assessment to assess whether disturbance can be avoided during the works. Considerations will include the species involved, local topography, natural screening, type of works and existing levels of human activity, e.g., farming, walkers, and habitation.

Monitoring will be undertaken by the ECoW or Specialist Adviser, where appropriate, to ensure no disturbance is caused.

The ECoW will attend site on a regular basis throughout the construction period to monitor all environmental mitigation relevant to breeding birds is delivered. Specific mitigation techniques may be adopted if deemed necessary by the ECoW.

Dissuasion Techniques

Dissuasion techniques may be used to make areas less attractive to nesting birds or birds returning back to a previous nesting location (dissuasion will not be carried out where there is potential to harass Schedule 1A species, or interfere with/damage a Schedule A1 nest). Dissuasion may include felling of trees/clearance of scrub prior to the breeding season commencing or placement of bird scarers/frightening devices.

Should any bird nesting attempts be found within the footprint of construction, an appropriate protection zone will be marked around the nest. A suitably qualified ecologist will then ensure that works do not affect any nest, bird, eggs or young at this location, through micro-siting or re-programming of works as per the general mitigation outlined in this SPP.

Habitat Management

Scrub clearance/felling/strimming may be used to discourage birds nesting prior to the start of the breeding season in suitable areas. This method has a dual purpose in also in dissuading

reptiles/small mammals. For strimming a sward is cut to a height of 2-5 cm depending upon vegetation type and ground conditions and this can be achieved by hand trimmers or mechanical means depending upon the ground conditions. The advantage of this method is that the vegetation can be cleared in advance of the works and in slow growing areas, i.e. heath, there is a potential for the site to remain free of constraints for a longer period of time. The ECoW will advise on the potential for other ground nesting species to occupy these areas; in such instances, scaring may be appropriate in conjunction with the management of sward height.

Clearance of habitat will be undertaken outside of the breeding season where possible; scarers will be placed no later than 10 days before construction commences. Weekly walkover checks by a suitably licenced and experienced ecologist shall then be undertaken to ensure that the mitigation measures are being effective.

Active Dissuasion/Disturbance

At sites where there will be a high level of human activity, noise and possible vibration from construction activities, this should dissuade some nesting activities. Areas identified to be at risk of nesting birds will be identified and disturbance levels at these locations will be increased. Sites will be visited regularly to dissuade birds from nesting.

Several types of bird scarer/frightening device can be used and are detailed below. The use of each should be determined by the ECoW.

- Hawkeyes are probably the most effective of the bird scarers. A small number of these have been effective in deterring birds from nesting within construction areas. These will be deployed prior to the start of the breeding season and moved around the Site to stop the birds becoming accustomed to them.
- Ticker tape can be used in more sheltered areas and can work well; however they can be difficult to attach to poles/canes and work best on fencing or trees.
- Scarecrows can be constructed using disused PPE and are a cheap way to supplement the Hawkeyes.

Once deployed, scarers will be kept on site for a period sufficient to minimize the risk of birds settling on site during the works.

As construction commences, suitable nesting sites within the construction footprint will normally be reduced. The frequency of ongoing checks will then be decided by the ECoW.

Wintering Greenland White-Fronted Goose

Although no adverse impacts are predicted for the Greenland white-fronted goose (SPA population), mitigation is proposed to ensure all reasonable measures to avoid disturbance to roosting geese at Lussa Loch and Tangy Loch will be taken. The following mitigation is stipulated as a condition of planning consent (planning Condition No. 23):

- During construction and decommissioning all works within 1 kilometre of Tangy Loch are restricted to between the hours starting from one hour after dawn to one hour before dusk during the goose roosting season (30 September – 30 April).

The Ecological Clerk of Works (ECoW) will oversee the implementation of all of the above mitigation measures.

Should an active bird's nest be discovered (or suspected) at any time during works, the work must stop immediately, and the appointed ecologist informed. Contact information for the appointed ecologist will be readily available to all personnel and is listed in Table 5-1 below.

Table 5-1 – Contact information for appointed ecologist

Name	Contact number	Email address
Helen Simmons	07393 008681	Helen.simmons@wsp.com
Tracy Kerr	07908 010334	Tracy.Kerr@wsp.com

5.3. Alignment with Project ECoW

It is assumed that the appointed ecologist role will be undertaken by the project ECoW where appropriate, to ensure resource efficiency, and allow a holistic approach to management of environmental/ecological issues on the Site.

5.4. Post-Construction

No post-construction mitigation is anticipated as part of this SPP.

6. REFERENCES

- Goodship, N.M. and Furness, R.W. (2022) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.

7. Figures

Figure 1: Site Layout Plan (produced for the EIA; Figure 5.1)

