

# PROTECTED SPECIES, DEVELOPMENT AND PLANNING: GUIDANCE FOR APPLICANTS. I. BIRDS



For further information please contact:

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[www.ccw.gov.uk](http://www.ccw.gov.uk)

RSPB, Sutherland House, Castlebridge, Cowbridge Road East, Cardiff CF11 9AB  
[www.rspb.org.uk](http://www.rspb.org.uk)  
Tel.: 02929353000

The Barn Owl Trust, Waterleat, Ashburton, Devon TQ13 7HU  
Tel.: 01364 653026  
[www.barnowltrust.org.uk](http://www.barnowltrust.org.uk)

The Planning Division, 40 Spilman St, Carmarthen, SA31 1LQ  
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BIODIVERSITY  
THE VARIETY OF LIFE

All birds are legally protected while they are breeding – the amount of legal protection depends on the species. This guidance provides information on the protection given to nesting birds, how you can avoid disturbing them as a result of your application and suggestions on how you can integrate nesting sites into your work, which can help some of our most threatened birds.

## LEGISLATION

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- kill, injure or take a wild bird,
- take, damage or destroy the nest of any wild bird while that nest is in use or being built,
- take or destroy the egg of any wild bird.

## WHEN DO BIRDS BREED

This depends on the kind of bird and where they are. Most birds start to nest at the beginning of March, although barn owls can nest as early as February and swallows don't usually start until April.

Some kinds of birds may have more than one brood of young each year. The last fledglings will leave the nest towards the end of August.

## WHAT TO DO IF YOU HAVE NESTING BIRDS

### In buildings

Don't start your building works during the bird-breeding season (February/March to August).

If you have to start work when the birds are breeding, watch your birds carefully and you should spot when the young leave the nest. Some birds may have second or even third broods so take care to check the nest is not occupied.

Once the building works are under way this should discourage birds from starting to nest again in the spring.

### In hedges or trees

Nesting birds in hedges and trees are much less easy to spot. To avoid harming them and possibly breaking the law, only do works like felling, pruning, trimming or hedge-laying outside the main bird breeding season, i.e. not in the months March to August.

If you need to do emergency works for safety reasons, it is important to check for breeding birds first.

Birds that are particularly likely to breed in/on buildings are:

## HOUSE MARTINS, SWIFTS AND SWALLOWS

House martins, swifts and swallows are familiar summer visitors that use buildings for nesting. Martins usually nest up under the eaves; swallows prefer access to the inside of the barn/outbuilding, to nest up on a ledge or beam. Swifts will use cavities in the roof space as well. Unfortunately recent surveys have shown steep declines in all three species and the loss of suitable nest sites is one of the causes of their decline. Integrating access to roof space or nesting facilities, such as artificial nests/boxes, wooden ledges or platforms can easily be incorporated into the development; guidance is available from the contacts given.

## BARN OWLS

Barn owls and some other birds have additional legal protection – they are 'specially' protected under Schedule 1 of the Wildlife and Countryside Act 1981. As well as the standard protection listed above it is also an offence intentionally or recklessly to disturb them while they are in, on, or near a nest containing eggs or young, or to disturb their dependent young. Disturbance could include making extra noise or someone working near the nest entrance, as well as someone purposefully approaching the nest. As a major cause in the decline of barn owls is the loss of nesting sites, providing artificial nesting sites on or near barns and outbuildings can really help. Also consider leaving/creating an area of rough grassland to provide hunting ground for the owls. Guidelines are available in 'Barn Owls on Site – A Guide for Developers and Planners' published by the Barn Owl Trust.