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Drawing 1: Breeding Bird Survey Area Map.
1.0 Introduction

In April 2019, SLR Consulting Limited (SLR) was commissioned by Veolia ES Landfill Limited to undertake a Breeding Bird Survey (BBS) of the relevant parts of Ling Hall Landfill Site near Rugby, Warwickshire (approximate centroid OS grid reference SP 44900 73379). The land that was subject to survey comprised of the remaining landfill cells (see Drawing 1).

Three breeding bird survey visits were undertaken at the site in April, June and July 2019 following an adapted form of the standard Common Bird Census methodology (Marchant, 1983).

The aim of the survey work was to determine the species assemblage and breeding status of birds using the relevant parts of the site, and to evaluate the nature conservation interest of the site in relation to breeding birds.

The assessment of potential impacts resulting from the development proposals and the development of mitigation measures will be covered in more detail within a separate Ecological Impact Assessment report (EcIA).
2.0  Relevant Legislation and Information Regarding Conservation Status\(^1\)

2.1  Legislative Background

Section 1, Part I of the Wildlife and Countryside Act 1981 (as amended) (WCA 1981) makes it an offence (with certain limited exceptions and in the absence of a licence) to intentionally:

- kill, injure or take any wild bird;
- damage, take or destroy its nest while that nest is in use or being built; or
- take or destroy its eggs.

A person shall also be guilty of an offence if they possess or control any live or dead wild bird or any part of, or anything derived, from such a bird, or an egg of a wild bird or any part of such an egg.

Further, the Act affords additional protection to specific species of birds Listed in Schedule 1 of the Act. It is an offence intentionally or recklessly to:

- disturb a bird Listed on Schedule 1 while it is nest building, or at a nest containing eggs or young; or
- disturb the dependent young of such a bird.

2.2  Information Regarding Conservation Status

2.2.1  Birds of Conservation Concern (BoCC) (Eaton et al. 2015)

The UK's birds are split into three categories of conservation concern - red, amber and green. Red is the highest conservation priority, with species needing urgent action. Amber is the next most critical group, followed by green. The criteria are shown below.

**Red List criteria**

- Globally threatened;
- Historical population decline in UK during 1800–1995;
- Severe (at least 50%) decline in UK breeding population over last 25 years, or longer-term period (the entire period used for assessments since the first BoCC review, starting in 1969); and
- Severe (at least 50%) contraction of UK breeding range over last 25 years, or the longer-term period.

**Amber List criteria**

- Species with unfavourable conservation status in Europe (SPEC = Species of European Conservation Concern);

\(^1\) Please note that this legal information is a summary and intended for general guidance only. The original legal documents should be consulted for definitive information. Web addresses providing access to the full text of these documents are given in the References section.
• Historical population decline during 1800–1995, but recovering; population size has more than doubled over last 25 years;
• Moderate (25-49%) decline in UK breeding population over last 25 years, or the longer-term period;
• Moderate (25-49%) contraction of UK breeding range over last 25 years, or the longer-term period;
• Moderate (25-49%) decline in UK non-breeding population over last 25 years, or the longer-term period;
• Rare breeder; 1–300 breeding pairs in UK;
• Rare non-breeders; less than 900 individuals;
• Localised; at least 50% of UK breeding or non-breeding population in 10 or fewer sites, but not applied to rare breeders or non-breeders; and
• Internationally important; at least 20% of European breeding or non-breeding population in UK (NW European and East Atlantic Flyway populations used for nonbreeding wildfowl and waders respectively).

Green List criteria

• Species that occur regularly in the UK but do not qualify under any or the above criteria.

2.2.2 The Natural Environment and Rural Communities (NERC) Act 2006

The NERC Act came into force on 1st Oct 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a List of habitats and species which are of principal importance for the purpose of conserving biodiversity in England. The List has been drawn up in consultation with Natural England, as required by the Act.

The S41 List is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.
Species of Principal Importance
There are 943 species of principal importance included on the S41 List, including a number of bird species. These are the species found in England which were identified as requiring action under the UK BAP and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework. In addition, the hen harrier (Circus cyaneus) has also been included on the List because without continued conservation action it is unlikely that the hen harrier population will increase from its current very low levels in England. In accordance with Section 41(4) the Secretary of State will, in consultation with Natural England, keep this List under review and will publish a revised List if necessary.

2.2.3 Warwickshire, Coventry and Solihull Local Biodiversity Action Plan (LBAP)
The above LBAP contains specific species action plans in respect of the following which are potentially of relevance to this site:-

- Song thrush;
- Wading birds;
- Snipe;
- Farmland birds;
- Barn owl; and
- Lapwing
3.0 Survey Methodology

3.1 Field Methodology

The breeding bird survey was undertaken following an adapted form of the British Trust for Ornithology (BTO) Common Bird Census (CBC) methodology (Marchant, 1983). The site was surveyed for breeding / territorial activity during three visits undertaken on 26th April, 27th June and 16th July 2019, i.e. during the peak bird breeding period.

During each survey visit, the site was walked, covering all parts of the site. All visual and auditory contact with birds was recorded on a field map using BTO species and activity codes.

Field signs characteristic of confirmed breeding include:

- Nest building or excavation;
- Adult(s) carrying food;
- The presence of nestlings or newly fledged young; and
- Adult(s) removing faecal matter.

Field signs characteristic of holding a territory include:

- Song and territorial display; and
- Courtship.

A territory-mapping approach was used to estimate the number and positions of territories of species during the breeding season. According to the field signs observed, species observed within the site were classified as follows:

- Confirmed territory – single birds or pairs exhibiting behaviour characteristic of confirmed breeding (including attending nests with eggs/young and adults carrying food/removing faecal sacs); single birds or pairs exhibiting territorial behaviour in the same area on multiple visits;
- Probable territory – presence of single birds or pairs in suitable breeding habitat on one occasion, exhibiting territorial behaviour;
- Possible territory – birds observed in suitable breeding habitat but not exhibiting breeding behaviour with no other field signs of breeding;
- Unlikely to be breeding – birds recorded foraging, roosting, commuting or flying, but which (a) are unlikely to breed within the site due to sub-optimal habitat, and (b) did not show signs of attachment to the site; and
- Non-breeding – birds recorded on the site, but which are extremely unlikely to breed within the site due to the absence of suitable habitat.

The surveys were undertaken by Andy Law CEcol, a Principal Ecologist at SLR.

A summary of the survey times and weather conditions during each of the three survey sessions is provided in Table 1.
Table 1 - Summary of Timings and Weather Conditions of CBC breeding bird surveys

<table>
<thead>
<tr>
<th>Survey Visit Date</th>
<th>Weather Conditions</th>
<th>Survey Effort and Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>26th April 2019</td>
<td>5/8 cloud to start and light breeze, sunny spells, 14 degrees.</td>
<td>Start: 09:00 End: 11:00</td>
</tr>
<tr>
<td>27th June 2019</td>
<td>Sunny. 3/8 cloud to start and light breeze, sunny spells, 12 degrees start and 14 degrees finish.</td>
<td>Start: 07:00 End: 09:00</td>
</tr>
<tr>
<td>16th July 2019</td>
<td>0/8 cloud, 24 degrees start, very warm and sunny, 22 degrees at finish.</td>
<td>Start: 13:00 End: 15:00</td>
</tr>
</tbody>
</table>

3.2 Limitations

All areas within the site boundary were accessible during each of the three survey visits.

Lack of evidence of a species does not necessarily preclude it from being present at a later date. Due to the nature of the subjects of ecological surveys it is feasible that species that use the site may not have been recorded by virtue of their seasonality, cryptic behaviour, habit or random chance.

3.3 Nomenclature

The scientific nomenclature follows the British List 9th Edition\(^2\), as updated by recommendations of the British Ornithologists’ Union Records Committee (BOURC) Taxonomic Sub-Committee\(^3\).

English names broadly follow Birds of the Western Palearctic (BWP)\(^4\) and generally concur with those in common usage.


4.0 Results

4.1 Previous Surveys

In 2014, Golder Associates undertook a breeding bird survey to inform a proposed solar farm development. One Schedule 1 species, 7 red-listed and 20-amber listed species were recorded as shown in Table 2.

<table>
<thead>
<tr>
<th>Schedule 1</th>
<th>Red-listed</th>
<th>Amber listed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little-ringed plover (present – breeding not confirmed).</td>
<td>Yellowhammer</td>
<td>Reed bunting</td>
</tr>
<tr>
<td></td>
<td>Linnet</td>
<td>Meadow pipit</td>
</tr>
<tr>
<td></td>
<td>Yellow wagtail</td>
<td>Dunnock</td>
</tr>
<tr>
<td></td>
<td>Song thrush</td>
<td>Wheat-ear</td>
</tr>
<tr>
<td></td>
<td>Starling</td>
<td>Mistle thrush</td>
</tr>
<tr>
<td></td>
<td>Skylark</td>
<td>Whitethroat</td>
</tr>
<tr>
<td></td>
<td>Herring gull</td>
<td>Willow warbler</td>
</tr>
<tr>
<td></td>
<td></td>
<td>House martin</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Swallow</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Green woodpecker</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Common swift</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lesser black-backed gull</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Black-headed gull</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Common snipe</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Oystercatcher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kestrel</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tufted duck</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mallard</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shelduck</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wigeon</td>
</tr>
</tbody>
</table>

4.2 Desk Study

Only one record of swallow was returned by WBRC for the 2km search radius.
4.3 Breeding Bird Survey

A List of bird species recorded on the site, the likely number of territories involved, and their breeding status is provided in Table 3.

A total of 25 bird species were recorded during the surveys, including three species that are red list and four species which are amber list. Of the total number, ten species are confirmed to have bred within the site and a further six are probable breeders. The remaining nine species are either possible breeders or non-breeding.

<table>
<thead>
<tr>
<th>Species</th>
<th>Conservation Status</th>
<th>Breeding Status (where assessment possible)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Song thrush</td>
<td>Red List; S41</td>
<td>Possible</td>
<td>1 pair – singing male – 27th June 2019.</td>
</tr>
<tr>
<td>Linnet</td>
<td>Red List; S41</td>
<td>Possible</td>
<td>Group of five birds – 16th July 2019.</td>
</tr>
<tr>
<td>Dunnock</td>
<td>Amber List; S41</td>
<td>Probable</td>
<td>1 pair present.</td>
</tr>
<tr>
<td>Swift</td>
<td>Amber List</td>
<td>Non-breeding</td>
<td>Occasional feeding passes.</td>
</tr>
<tr>
<td>Willow warbler</td>
<td>Amber List</td>
<td>Breeding</td>
<td>3 pairs in willow scrub.</td>
</tr>
<tr>
<td>Mallard</td>
<td>Amber List</td>
<td>Non-breeding</td>
<td>Three present at TN 6 on 16th July.</td>
</tr>
<tr>
<td>Wren</td>
<td>Green</td>
<td>Probable</td>
<td>Not estimated</td>
</tr>
<tr>
<td>Robin</td>
<td>Green</td>
<td>Probable</td>
<td>Not estimated</td>
</tr>
<tr>
<td>Great tit</td>
<td>Green</td>
<td>Probable</td>
<td>Not estimated</td>
</tr>
<tr>
<td>Little grebe</td>
<td>Green</td>
<td>Non-breeding</td>
<td>Male only present on 27.6.19.</td>
</tr>
</tbody>
</table>

Table 3 - Species Recorded on the Site and their Likely breeding status
<table>
<thead>
<tr>
<th>Species</th>
<th>Conservation Status</th>
<th>Breeding Status (where assessment possible)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackbird</td>
<td>Green</td>
<td>Breeding</td>
<td>2 pairs estimated. Hen bird carrying young on 26.4.19.</td>
</tr>
<tr>
<td>Canada Goose</td>
<td>n/a</td>
<td>Breeding</td>
<td>3 pairs estimated both lagoons.</td>
</tr>
<tr>
<td>Tufted Duck</td>
<td>Green</td>
<td>Breeding</td>
<td>3 pairs present both lagoons.</td>
</tr>
<tr>
<td>Mute Swan</td>
<td>Green</td>
<td>Breeding</td>
<td>1 pair present. TN 6 lagoon.</td>
</tr>
<tr>
<td>Sand Martin</td>
<td>Green</td>
<td>Breeding</td>
<td>Colony present on stockpile – c.10-15 pairs.</td>
</tr>
<tr>
<td>Green woodpecker</td>
<td>Green</td>
<td>Off-site mature trees</td>
<td>1 pair and young on July visit.</td>
</tr>
<tr>
<td>Great spotted woodpecker.</td>
<td>Green</td>
<td>Off-site mature trees</td>
<td>Heard on 26th April.</td>
</tr>
<tr>
<td>Sedge warbler</td>
<td>Green</td>
<td>Breeding</td>
<td>1 pair in reeds TN 19.</td>
</tr>
<tr>
<td>Common Whitethroat</td>
<td>Green</td>
<td>Breeding</td>
<td>2 pairs in scrub.</td>
</tr>
<tr>
<td>Jackdaw</td>
<td>Green</td>
<td>Off-site</td>
<td>Group of five birds (post breeding group) in July.</td>
</tr>
<tr>
<td>Blue tit</td>
<td>Green</td>
<td>Probable</td>
<td>Not estimated</td>
</tr>
<tr>
<td>Goldfinch</td>
<td>Green</td>
<td>Probable</td>
<td>Not estimated</td>
</tr>
</tbody>
</table>
5.0 Summary

The assemblage of bird species recorded on the part of the site subject to survey represent a reasonably typical assemblage for lowland birds of open water, scrub/grassland and reedbed. The number of red and amber listed species is quite low as were the corresponding number of territories held. It is considered that there is interchange of waterfowl between the lagoons and the lakes to the west.

The site contains a sand martin colony (see Figure 1 and Drawing 1) which feed extensively over the two lagoons.

![Figure 1 – Sand martin colony on a stockpile face.](image)

The value of the lagoons for nesting is limited due to the lack of well-developed emergent and marginal vegetation.
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