

## Lincolnshire Lakes, Scunthorpe

### Wintering Bird Survey

### Report for Keepmoat

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# Executive Summary

Temple was commissioned by Keepmoat to prepare a wintering bird report for land within the Lincolnshire Lakes, Scunthorpe, Lincolnshire, to inform proposals for residential development. The aim of the report was to provide an evaluation of the assemblage and populations of wintering birds on the adjacent land (referred to as the Survey Site) to the proposed development (Development Site) and establish the suitability of the data to inform a Habitat Regulations Assessment (HRA) and subsequent planning application for the Development Site. The wintering birds data had been collected by a third party between October 2022 and March 2023, with a partial repeat survey between October 2023 and March 2024. Nocturnal and Diurnal surveys were undertaken.

Both the Survey Site and Development Site comprise low-lying agricultural land; the Survey Site also contains hedgerow and ditch field boundaries. The lakes and woodland adjacent to the Survey Site was not surveyed.

The main findings were as follows:

- Two Internationally Important Wildlife Sites (IIWS) listed for wintering birds, are within 15 km of the Development Site: The Humber Estuary SPA and The Humber Estuary Ramsar site.
- A total of 53 species were recorded during the survey; seven are qualifying species of the IIWS (or form part of the wintering assemblages); six are Birds of Conservation Concern (BoCC) Red Listed, 14 are BoCC Amber Listed; and eight are Species of Principal Importance.
- Overall, the wintering bird assemblage recorded generally represented species typical of lowland agricultural land. As the Survey Site does not support >1% of the county population of any single species, it does not qualify as being of county importance
- The importance of the Survey Site for wintering birds has been assessed at a geographical scale of importance for nature conservation in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines (2018)..Using the nature conservation evaluation for notable bird species

assemblages, the wintering bird assemblage recorded on the Survey Site during surveys was considered to be of **Site level** importance.

- Species cited in the IWS designations were present in low numbers throughout the survey period for the land to be possibly considered as Functionally Linked Land to the IWS.

The data collected for the Survey Site are of sufficient detail to inform a HRA Stage 1 Screening for the Development Site. The Development Site is comparable to the Survey Site, comprising similar habitat in the same broad location; whilst the Survey Site is closer to the IWS than the Development Site and is larger in size and therefore it is unlikely that the Development Site supports a greater number or range of species than the Survey Site.

# 1 Introduction

## BACKGROUND

1.1 Temple was commissioned by Keepmoat in July 2024 to prepare a wintering bird report for land at the Lincolnshire Lakes, Scunthorpe to assess the validity of the baseline data collected by FPCR to inform an HRA associated with their proposed development. The report is based on surveys carried out by FPCR (for a different proposal) in the 2022/23 and 2023/24 winter. The survey covered land within the blue line boundary provided by the client, as shown in Appendix 1, Figure 1, henceforth referred to as the Survey Site; the red-line boundary shows the area which the client wishes to develop and is referred to as the Development Site.

## SCOPE OF THE REPORT

1.2 This report details the findings of the wintering bird surveys undertaken by FPCR between October 2022 and March 2023, and October 2023 and March 2024. The aim of this report is to provide an assessment of the baseline with regards to the wintering bird assemblage within the Survey Site including:

- qualifying species of local statutory and non-statutory nature conservation designations;
- Species of Principal Importance (SPI).
- County and Local Additional Species of Interest (CAPASI).
- Birds of Conservation Concern (BoCC), red and amber listed.
- Wildlife and Countryside Act 1981 (as amended), Schedule 1 species.

1.3 The overall aim is to provide an assessment of the existing ecological baseline information collected by FPCR to determine if these data are sufficient to inform a planning application for the Development Site, including at least a Stage 1 Habitats Regulations Assessment (Screening).

1.4 This report has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM,

2017) and as detailed in British Standard 42020:2013 Biodiversity – Code of Practice for Biodiversity and Development (BSI, 2013).

### **SITE CONTEXT AND STATUS**

- 1.5 The proposed development site (henceforth referred to as the Development Site) is approximately 25ha in size and is centred on Ordnance Survey National Grid SE 861 086; approximately 1km west of Scunthorpe. The wintering bird surveys were conducted on land covering 230ha, centred on Ordnance Survey National Grid SE 864 095 (the Survey Site), approximately 500m to the north of the Development Site.

### **DEVELOPMENT PROPOSALS**

- 1.6 The development proposals are for residential development, which will form part of the Lincolnshire Lakes master plan.

### **RELEVANT LEGISLATION AND PLANNING POLICY**

- 1.7 The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 2:
- The Conservation of Habitats and Species Regulations 2017 (as amended);
  - Wildlife and Countryside Act 1981 (as amended); and
  - Natural Environment and Rural Communities Act 2006.
- 1.8 National Planning Policy Framework (NPPF) (Department of Levelling Up, Housing and Communities ) requires local authorities to avoid and minimise impacts on biodiversity and should provide net gains in biodiversity when taking planning decisions. Section 15 relates to conserving and enhancing the natural environment.
- 1.9 Other planning policies at the local level which are of relevance to this development include North Lincolnshire Local Development Framework (2016), and the North Lincolnshire Biodiversity Action Plan (2011). Further information is provided in Appendix 2.

## 2 Methodology

### FIELD SURVEY

- 2.1 The surveys were undertaken by ecologists from FPCR between October 2022 and March 2023 on the whole of the Survey Site (Appendix 1, Figure 1); repeat surveys were undertaken on the eastern section of the Survey Site between October 2023 and March 2024. The surveys were not undertaken to inform the proposed development.
- 2.2 Six diurnal survey visits and six nocturnal site visits were carried out each winter, with at least two weeks between successive nocturnal or diurnal visits, during which a transect route was walked slowly and methodically. All birds seen within the Survey Site were recorded using the standard British Trust for Ornithology (BTO) species codes. Stopping points were also incorporated to record species that could flock in significantly large numbers such as winter thrushes, starlings, waterfowl and waders, and to minimise the risk of double counting. The Survey Site did not encompass the Development Site.

### Survey Details

- 2.3 The times, dates and weather conditions of all survey visits are detailed in Table 2.1

**Table 2.1:** Wintering bird survey (WBS) dates and times

Survey	Date	Type	Cloud Cover (%)	Wind*	Rain**	Visibility	Tide Time
<b>2022 / 2023 Wintering Bird Survey</b>							
1	10/10/2022	Nocturnal	10	1	0	N/A	HT 20:45
2	27/10/2022	Diurnal	100	1	1	Very good	HT 08:53
3	09/11/2022	Nocturnal	20	1	0	N/A	HT 19:46
4	23/11/2022	Diurnal	60	1-2	0	Very good	LT 14:33
5	07/12/2022	Nocturnal	30	2	0	N/A	HT 18:12
6	16/12/2022	Diurnal	60	1	0	Very good	HT 12:43

Survey	Date	Type	Cloud Cover (%)	Wind*	Rain**	Visibility	Tide Time
7	09/01/2023	Nocturnal	80	3	0	N/A	HT 20:52
8	19/01/2023	Diurnal	0	1	0	Excellent	LT 12:26
9	06/02/2023	Nocturnal	30	1	0	N/A	HT 19:57
10	26/02/2023	Diurnal	80	2	0	Very good	HT 10:10
11	14/03/2023	Nocturnal	40	1	0	N/A	HT 21:25
12	30/03/2023	Nocturnal	90	2	0	Very good	HT 14:41
<b>2023 / 2024 Wintering Bird Survey</b>							
1	30/10/2023	Diurnal	100	1	0	Good	
2	30/10/2023	Nocturnal	100	1	1	N/A	
3	10/11/2023	Diurnal	25	1	0	Excellent	
4	20/11/2023	Nocturnal	100	3	0	N/A	
5	06/12/2023	Diurnal	5	1	0	Excellent	
6	14/12/2023	Nocturnal	90	1	0	N/A	
7	04/01/2024	Nocturnal	80	1	0	N/A	
8	18/01/2024	Diurnal	20	1	0	Very good	
9	14/02/2024	Diurnal	80	2	0	Very good	
10	26/02/2024	Nocturnal	100	1	1	N/A	
11	07/03/2024	Diurnal	70	2	0	Very good	
12	27/03/2024	Nocturnal	50	2	0	N/A	

\*Beaufort scale

\*\*Key to Rain – 0= None; 1= Drizzle.

2.4 The assessment and report were compiled by Paul Hill, MSc, MCIEEM, a Principal Ecologist with over 30 years of ornithological survey experience, including surveys, reporting and managing large scale ornithological projects.

## NATURE CONSERVATION EVALUATION RELATING TO BIRDS

### Assessment criteria

- 2.5 In line with CIEEM (2018), the overall evaluation of the wintering bird assemblage recorded within the site were assessed against criteria for international, national, county, local, site and negligible nature conservation importance (see Table 2.2).
- 2.6 Criteria for the Birds of Conservation Concern (BoCC) (Stanbury *et al.*, 2021), which identifies the Red-list and Amber-list species is provided in Appendix 2.

**Table 2.2:** Nature Conservation Evaluation of habitat for birds

Nature conservation importance	Definition
International	<p>Site meets SPA qualifying population criteria:</p> <ul style="list-style-type: none"> <li>• Site used regularly<sup>1</sup> by 1% of the national population of an Annex 1 species of the EC Birds Directive<sup>2</sup>;</li> <li>• Site used regularly by 1% of the biogeographical (international) population of a regularly occurring migratory species (other than those listed in Annex I of the EC Birds Directive) in any season;</li> <li>• Site used regularly by over 20,000 waterfowl or 20,000 sea birds in any season</li> </ul> <p>The regular occurrence of a globally rare species (International Union for Conservation of Nature)</p>
National	<p>Site used regularly by 1% of the national population (taken from Baker <i>et al.</i>, 2006 &amp; Musgrove <i>et al.</i>, 2011) of a species (not listed in Annex 1 of the Birds Directive)</p> <p>The site meets SSSI or National Nature Reserve (NNR) designation criteria for birds (Drewitt <i>et al.</i>, 2023).</p>
County	<p>Site used regularly by 1% of the county population of a species, or</p> <p>Site meets County Wildlife Site or SINC criteria for birds in London.</p>
Local	<p>Site used regularly by a species whose status is scarce within the county<sup>3</sup></p> <p>Site supports a population of a species, or a species assemblage of birds, notable for their protected or conservation concern status</p>

<sup>1</sup> Regularly is taken to mean that the site is used during a life stage of a bird population, such as breeding or migration, where (i) the mean of the maxima of that population over five years for the seasons in which the site is used meets the qualifying criteria or (ii) the requisite number of birds is known to have occurred in two thirds of the seasons for which adequate data area available (the total number of seasons being not less than three).

<sup>2</sup> The Birds Directive (2009/147/EC) provides a framework for the conservation and management of, and human interactions with, wild birds in Europe

<sup>3</sup> Scarce as defined by the relevant county ornithological society/county bird recorder

Nature conservation importance	Definition
	(Schedule 1 of Wildlife and Countryside Act (WCA) 1981 (as amended), Annex 1 of EC Birds Directive, SPI as listed in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, Local BAP, Red List BoCC 5 (Stanbury A., <i>et al.</i> , 2021).
Site	Site used regularly by an assemblage of birds, or large numbers of an individual species whose status is common within the county. <sup>4</sup>
Negligible	Site supports no notable species or assemblages of birds.

## NOMENCLATURE

2.7 Common names only are used throughout the text of this report, with scientific names for all species included in Appendix 4. Naming convention follows the Natural History Museum’s species dictionary<sup>5</sup>.

## SURVEY CONSTRAINTS

2.8 Every effort has been made to provide robust and comprehensive data on the wintering bird assemblages on site. However, the following limitations apply:

- The report is compiled from third-party data supplied in electronic pdf format, which have not been checked for accuracy against the field data.
- The third-party data are for an area of land located immediately adjacent to the Development Site, and should therefore only be considered as indicative of the bird assemblages likely to be present within the Development Site.
- No desktop study has been undertaken, so the report is purely based on the survey data collected.
- Individual birds and different bird species differ in their behaviour and detectability, and it is unlikely that registrations were detected for all birds during each survey visit. Nevertheless, it is considered that the majority of the site’s wintering bird assemblage was recorded over the course of the surveys and the

<sup>4</sup> Common as defined by the relevant county ornithological society/county bird recorder

<sup>5</sup> <https://www.nhm.ac.uk/our-science/data/uk-species/species/index.html>

data collected is therefore considered sufficiently robust for evaluating the wintering bird assemblage present at the site.

- We are unaware of any specific survey limitation encountered during the surveys carried out by FPCR.
- Data obtained from FPCR have been reviewed and any perceived limitations to the appropriateness are noted in the report; however, Temple has not sought to corroborate this evidence, and we accept no liability for any inaccuracy of the data provided, nor in our evaluation where this is based on information that is inaccurate. Information obtained from any other third party has not been independently verified by Temple, unless otherwise stated in the report.

# 3 Results

## SURVEY SITE OVERVIEW

3.1 The Survey Site predominantly comprised low-lying agricultural land with fields varying in size from 4ha to 16ha. Most of the fields are used for arable crop production with hedgerow and ditch boundaries, suitable for several farmland bird species. These habitats are similar to those within the Development Site. The Survey Site did not cover any of the adjacent woodland blocks or lakes.

## DESK STUDY

3.2 Internationally Important Wildlife Sites (IIWS) within 15km of the Development Site, for which the qualifying species include wintering birds, are presented in Table 3.1 (see Appendix 1, Figure 2 for the locations of these sites and Appendix 3 for their citations).

**Table 3.1:** International Designated sites within 15km of the Survey Site

Site Name	Distance and Orientation from Site	Ornithological Qualifying features/Description
Humber Estuary Ramsar site	2.5km north-west	<p>Criterion 5: Assemblages of international importance: waterfowl, non-breeding season.</p> <p>Criterion 6: Species / Populations occurring at levels of international importance: golden plover; knot; dunlin; black-tailed godwit; redshank; bar-tailed godwit and shelduck.</p>
Humber Estuary SPA	12km north	<p>Article 4.1 of the EC Birds Directive by regularly supporting, in winter, an internationally important wintering population of: bittern; hen harrier; bar-tailed godwit; golden plover and avocet.</p> <p>Article 4.2 by supporting, in winter, nationally important wintering populations of: dunlin; knot; black-tailed godwit; shelduck and redshank.</p> <p>Article 4.2 by supporting an internationally important assemblage of wintering birds.</p>

3.3 There are no statutory nature conservation designated site within a 2km radius of the Development Site, although it falls partially within the Impact Risk Zone (IRZ) of

one Site of Special Scientific interest (SSSI) (refer to Table 3.2 for details and Appendix 1, Figure 2 for the location of this site):

**Table 3.2: Statutory Designated Sites**

Site Name	Distance from site and orientation	Reason for designation
Humber Estuary SSSI	2.5km north	The estuary regularly supports 22 species of wintering waterfowl in nationally important numbers. These are bittern, dark-bellied brent goose, shelduck, wigeon, teal, pochard, scaup, goldeneye, oystercatcher, avocet, ringed plover, golden plover, grey plover, lapwing, knot, sanderling, dunlin, black-tailed godwit, bar-tailed godwit, curlew, redshank and turnstone. In addition, nine species of passage waders regularly occur in nationally important numbers on the Humber Estuary. These are: ringed plover, grey plover, sanderling, dunlin, ruff, black-tailed godwit, whimbrel, redshank and greenshank.

### FIELD SURVEY

3.4 A total of 53 species were recorded during the surveys, including 21 notable species (see Table 3.3 below). Seven are qualifying species of the IIWS (or form part of the listed wintering assemblages); six are Birds of Conservation Concern (BoCC) Red-Listed, 14 are BoCC Amber-Listed, and eight are SPI. Peak counts of notable species for the site are detailed below in Table 3.3. BoCC species that are listed because of their breeding criteria only are excluded from the above figures. IIWS species are listed in bold.

3.5 The results from each of the surveys is contained in Appendix 5 and maps in Appendix 6.

**Table 3.3: Statutory Designated Sites**

Species	Conservation Status	Peak Count
<b>Pink-footed Goose</b>	<b>Amber BoCC; IIWS</b>	<b>100</b>
Whooper Swan	Amber BoCC	1
<b>Wigeon</b>	<b>Amber BoCC; IIWS</b>	<b>7</b>

<b>Species</b>	<b>Conservation Status</b>	<b>Peak Count</b>
Mallard	Amber BoCC,	29
<b>Teal</b>	<b>Amber BoCC, IWS</b>	<b>14</b>
Oystercatcher	Amber BoCC	3
<b>Avocet</b>	<b>Amber Bocc, IWS</b>	<b>5</b>
<b>Lapwing</b>	<b>Red BoCC, S41, IWS</b>	<b>80</b>
<b>Golden Plover</b>	<b>IWS</b>	<b>76</b>
Snipe	Amber BoCC	44
<b>Redshank</b>	<b>Amber BoCC, IWS</b>	<b>3</b>
Black-headed Gull	Amber BoCC	123
Common Gull	Amber BoCC	9
Herring Gull	Red BoCC	40
Skylark	Red BoCC	43
Starling	Red BoCC	889
Song Thrush	Amber BoCC	1
Dunnock	Amber BoCC	3
Linnet	Red BoCC	275
Reed Bunting	Amber BoCC	61
Yellowhammer	Red BoCC	5

### **CONSERVATION STATUS OF NOTABLE SPECIES RECORDED WITHIN THE SITE**

- 3.6 The following section provides more details on the conservation status of notable bird species recorded within the Development Site during winter 2022-2023 and 2023-2024. Winter visitors whose conservation status relates only to the UK breeding population have not been considered further.
- 3.7 Background information on the status of species is quoted from the BTO Website (BTO, 2023) except where alternative references are cited. Details of BoCC status are taken from Stanbury *et al.* (2021). The Lincolnshire status for each species is taken from the Lincolnshire Bird Report for 2020 (Lincolnshire Bird Club, 2022).

## IIWS LISTED SPECIES

### Pink-footed Goose

- 3.8 Over 500,000 pink-footed geese winter in the UK. In England it is found mainly in a broad band from Lancashire across to Lincolnshire and Norfolk, though the winter relative abundance map suggests that the highest densities are found close to the coast.
- 3.9 In Lincolnshire over 15,000 pink-footed geese winter in the Humber Estuary and 20,000 winter in the Wash. A flock of 100 flew over the Survey Site during the diurnal survey in January 2023. The only other record during the surveys was of four birds flying over the site during the October 2022 diurnal survey. As these birds were flying over the site and not feeding or roosting on the site the population associated with the Survey Site is therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

### Wigeon

- 3.10 In autumn, Britain and Ireland receive vast numbers of wigeon from the breeding grounds located further north and this wintering population has increased significantly since 1983/84. The Wetland Bird Survey reveals a few widespread locations holding over 30,000 birds in winter.
- 3.11 Over 20,000 birds winter on the Humber Estuary and The Wash. The only record of wigeon was of seven birds was recorded during the diurnal survey in 2022. The population associated with the Survey Site is therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

### Teal

3.12 In winter teal are widespread throughout Britain & Ireland, with approximately half a million birds found in a variety of coastal and freshwater sites from small pools to large estuaries. In Lincolnshire it is estimated that over 10,000 birds winter in the Humber Estuary and The Wash. The peak count of 14 birds was recorded during December 2022 diurnal survey. *The only other records were of six birds during the nocturnal surveys in February and three during the nocturnal survey in March 2023; two birds were recorded during the diurnal survey in February 2023.* The population associated with the Survey Site is therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

### Avocet

3.13 In winter the population is augmented by birds from Europe. Large flocks can be found in suitable coastal habitat, predominantly in the south-east and south-west of England. An estimated 8,700 birds winter in the UK. Just under 3,000 avocet winter in the Lincolnshire on the Humber Estuary and The Wash. The only count was of five birds in December 2022 during the diurnal survey. The population associated with the Survey Site is therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

### Lapwing

3.14 In Britain, wintering concentrations of lapwing are highest in the Somerset Levels, Fens, north-west England, the Uists, Caithness and Orkney. The former core area in central England is less dominant, with fenland and the east coast now more prominent than in the 1981–84 Winter Atlas. National surveys in England and Wales showed a 49% population decline between 1987 and 1998 (Wilson *et al.*, 2001

3.15 Lapwing is a very common winter visitor in Lincolnshire, with approximately 25-30,000 recorded at the top ten wintering sites. The maximum count was 80 during the November diurnal survey. Lapwing was recorded in every month in varying numbers from single to flocks of 20 or more birds. As the species is Red-listed, but common in Lincolnshire, the population associated with the Survey Site is therefore considered **up to site importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

#### Golden Plover

3.16 In winter, golden plovers can form large flocks anywhere in lowland Britain and Ireland, often mixing with lapwings on farmland. Wetland Bird Survey records show the Humber Estuary, East Anglia and the Somerset Levels as areas where Golden Plovers are most plentiful.

3.17 Approximately 20,000 birds winter on the Humber Estuary, with a similar number on The Wash. The peak count of 76 birds was recorded flying over the site during the October 2022 diurnal survey; 66 flew over the Survey Site during the November 2022 diurnal survey and eight were present during November 2022 nocturnal survey.. The population associated with the Survey Site is therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

#### Redshank

3.18 Redshank is a common winter visitor to UK Estuaries, with an estimated 100,000 present, but there has been a 20% decline in the wintering populations between 1995/96 and 2020/21.

3.19 The Humber Estuary and The Wash support around 10% of the UK wintering population of the species. A only count of three birds was recorded during the December 2022 diurnal survey. The population associated with the Survey Site is

therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

## **RED LISTED BIRD SPECIES OF CONSERVATION CONCERN / SPECIES OF PRINCIPAL IMPORTANCE**

### Herring Gull

3.20 Herring gull is widely distributed throughout lowland areas of Britain, with the highest concentrations near the coast. In Ireland, the distribution is more coastal. Herring gull is a common passage migrant and winter visitor in Lincolnshire with an estimated 8,500 wintering. The maximum count was 40 during the November diurnal survey. The population associated with the Survey Site is therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

### Skylark

3.21 Skylark declined rapidly from the mid-1970s until the mid-1980s, when the rate of decline slowed. BBS data show further decline, with fluctuations in Scotland and Wales. There has been a 15% decrease (1995–2020) in the UK population.

3.22 Skylark is a very common resident in Lincolnshire with three figure counts recorded at several sites. The maximum count of 43 was recorded in November 2022. The population associated with the Survey Site is therefore considered to be of **site importance** due to presence of a wintering population of the SPI that is common within the county. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **Site importance**.

### Starling

3.23 Starlings can be found across Britain and Ireland except for the highest peaks. Numbers increase dramatically during the winter months when birds arrive from

northern Europe and larger roosts can number over a million birds. The species is on the UK Red List due to a sharp breeding population decline since the 1960s.

3.24 Starling is a common resident and winter visitor to Lincolnshire, with several roosts holding over 10,000 birds. Peak count was of 889 birds which flew over the Survey Site during the October 2022 diurnal survey. The only other record was of 50 birds flying over during the October 2023 diurnal survey. The population associated with the Survey Site is therefore considered to be of **negligible importance**. Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of **negligible importance**.

#### **AMBER-LISTED BIRD SPECIES OF CONSERVATION CONCERN**

3.25 Note that Amber-listed species do not normally contribute as individual species to the site's importance for wintering birds at higher than Local level but may contribute to the overall assemblage.

3.26 The assemblage associated with the Survey Site is therefore considered to be of **site importance**, with the assemblage consisting of SPI and Red-list species above, plus the Amber-list species below:

- mallard – peak count of 19 birds during the November nocturnal survey;
- oystercatcher – peak count of three during the March diurnal survey;
- snipe – peak count of 10 during the November nocturnal survey;
- black-headed gull – peak count of 123 during the November diurnal survey;
- common gull – peak count of nine on the December diurnal survey;
- song thrush – a single on the January diurnal survey;
- dunnoek – peak count of three during the January diurnal survey; and
- reed bunting – peak count of four during the November nocturnal survey

## 4 Discussion and Recommendations

### OVERVIEW

- 4.1 The Survey Site predominantly comprised low-lying agricultural land with fields varying in size from 4ha to 16ha. Most of the fields are used for arable crop production and hedgerow and ditch boundaries, suitable for several farmland bird species. No data was collected from the lakes or woodland adjacent to the site.
- 4.2 The Development Site comprised low-lying agricultural land in a single field, with a hedgerow to part of the eastern boundary.
- 4.3 The wintering bird assemblage recorded during surveys comprised mostly common and widespread species in typical densities. The presence of a low number of notable species suggest that the wintering bird assemblage associated with the Survey Site is considered to be of **Site importance** using the criteria stated in Table 2.2. The species recorded are generally typical of the habitats on site that provides roosting and feeding opportunities for a variety of wintering passerine species.
- 4.4 Given the smaller size and similar habitats with the Development Site, then population associated with the Development Site is therefore considered to be of, at the most, **Site importance**.
- 4.5 Some of the species listed in the criteria for the designation of the IWS were recorded during the survey, however the majority of these were flying over the site and/or in low numbers.

### SUITABILITY OF THE SURVEY DATA FOR THE DEVELOPMENT SITE

- 4.6 The Survey Site and Development Site consist of similar habitats and are immediately adjacent to each other. There are no habitats with the Development Site, which are not present within the Survey Site, however the Survey Site included field boundary ditches which are absent from the Development Site.

4.7 It is conceivable that the Development Site could provide limited habitat for teal, wigeon, lapwing and golden plover, given the available habitat within the wider area and small numbers recorded on the Survey Site, it is therefore considered that the Development Site is unlikely to affect the IWS and the favourable conservation status of any of the species reported as present either directly through land take or indirectly through disturbance.

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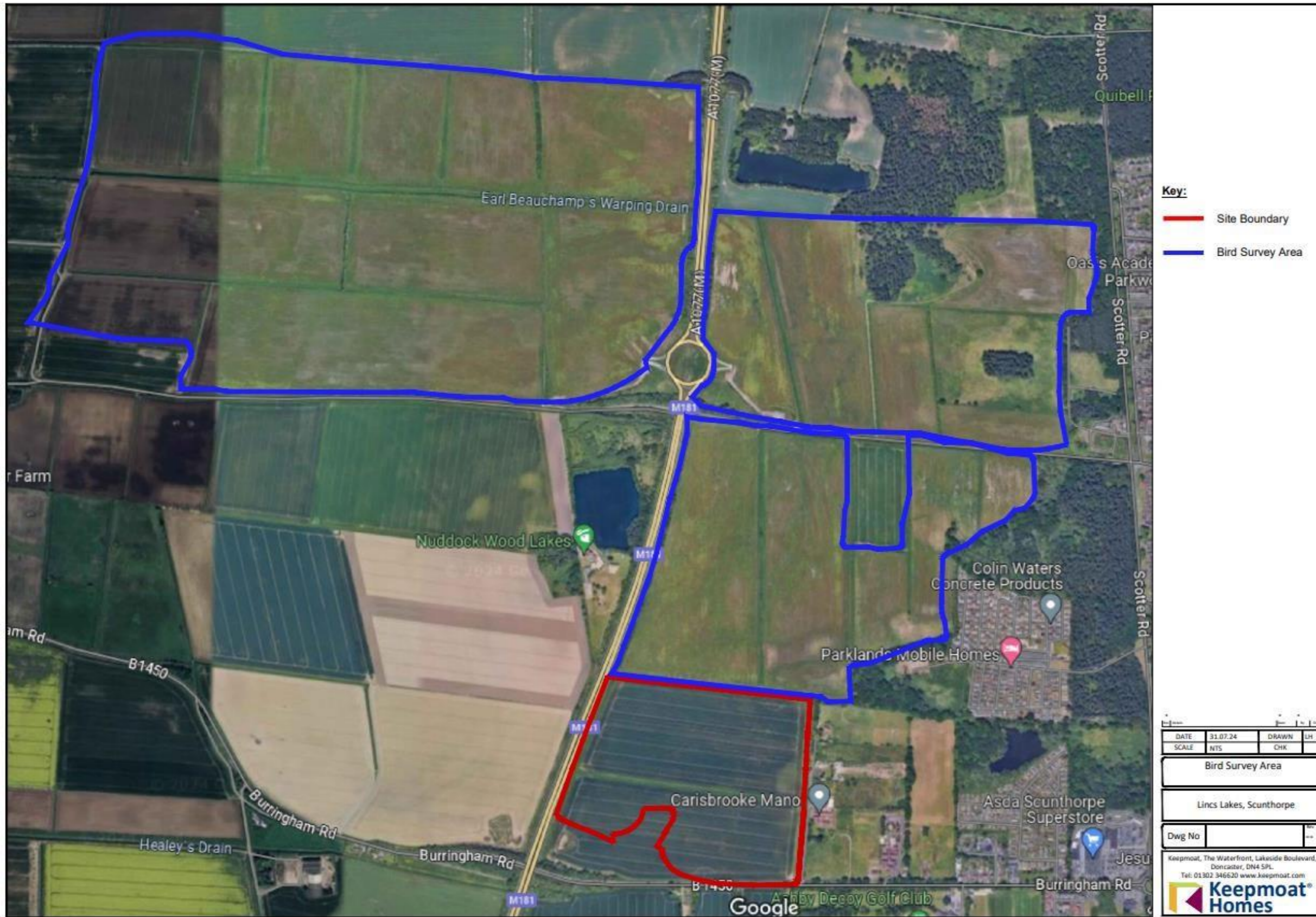
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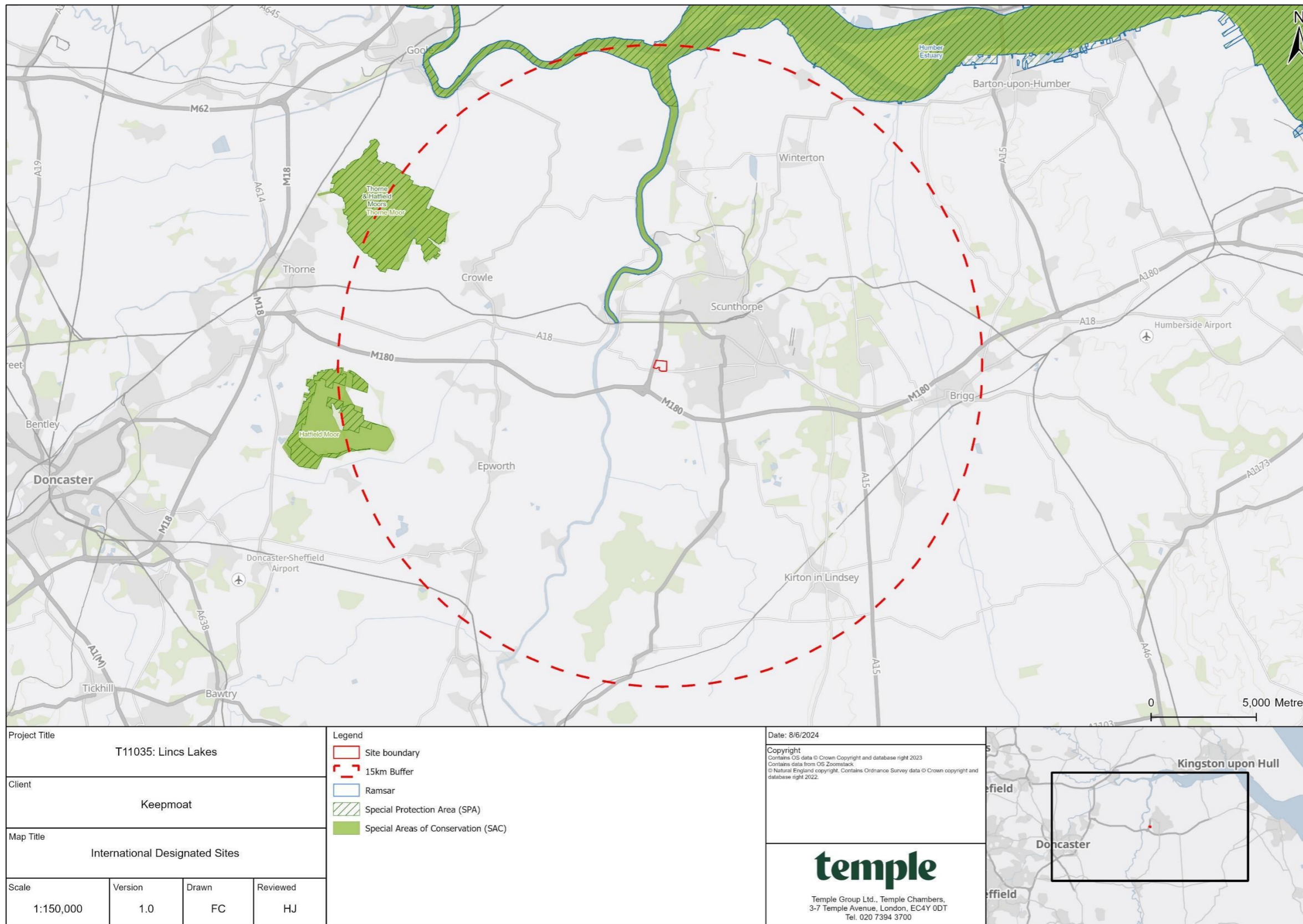
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## Appendix 1: Figures

Figure 1: Site Map



**Figure 2: International Designated sites with 15km**



## Appendix 2: Legislation and Planning Policy

**Important Notice:** This section contains details of legislation applicable in England and Wales only (i.e. not including Scotland, the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to represent the current (at the time of writing) situation with respect to the UK's position outside of the EU and to ensure accuracy throughout, this section should not be relied upon as a definitive statement of the law.

Over the past few years, three important bills have been published which are intended to shape how growing pressures on the environment post-Brexit (post-transition period) are tackled. Both the Agriculture Bill and Fisheries Bill gained Royal Assent in November 2020 and are now the Agriculture Act 2020 and Fisheries Act 2020 respectively; and, more recently, the Environment Bill was passed into law in November 2021, becoming the Environment Act 2021. *N.B. as environment policy is a devolved matter, most of this Act applies to England only.*

## **LEGISLATION AFFORDED TO SITES AND HABITATS**

Habitats and sites can be protected directly through the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) through the notification, classification or designation of various protected sites as detailed below.

In addition, The Environment Act 2021 and the Water Framework Directive indirectly afford protection to non-designated habitats through the duties placed on public and private bodies to promote nature conservation and biodiversity, for example, the creation of Local Nature Recovery Strategies (LNRS) and associated Species Conservation and Protected Site strategies, and to reduce or avoid harmful activities. Many of these duties and targets form the basis for national and local planning policy and wider conservation strategies and are not covered in detail here.

## STATUTORY SITE DESIGNATIONS: NATIONAL

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSI) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves** which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (formerly referred to as part of the Natura 2000 network and recently amended to the National Site Network in line with the UK's departure from the EU) and globally (such as Wetlands of International Importance) - see subsequent sections for details of these designations. Improved provisions for the protection and management of SSSI have been introduced by the Countryside and Rights of Way Act 2000.

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of **Limestone Pavement Orders**, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of **Marine Nature Reserves**, for which byelaws must be made to protect them.

## STATUTORY SITE DESIGNATIONS: INTERNATIONAL

**Special Protection Areas** (SPAs), together with **Special Areas of Conservation** (SACs) form the basis of the **National Site Network** (until recently, these were part of the Natura 2000 network whilst the UK was part of the EU). SPAs are identified and classified by the Government under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds) via the mechanisms set out in the Habitats Regulations (as applicable at the time of classification).

SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of

Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the classification and protection of European Marine Sites or EMS (SPAs and SACs) in UK offshore waters (from 12-200 nm).

SACs are identified and designated under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) via the mechanisms set out in the Habitats Regulations (as applicable at the time of designation). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are protected under The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the designation and protection of European marine sites or EMS (SACs and SPAs) in UK offshore waters (from 12-200 nm).

**Ramsar sites** are listed under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSI) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites in England and Wales which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network and now the National Site Network (e.g. SACs and SPAs).

#### NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006 (NERC)

4.10 The Natural Environment and Rural Communities (NERC) Act came into force on the 1 October 2006. Section 40 of the Act requires all public bodies to have regard to

biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

4.11 Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act, these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

### PLANNING POLICY

4.12 The National Planning Policy Framework (NPPF) replaced Planning Policy Statement 9 in 2012 and emphasises the need for sustainable development. The NPPF specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation (Ministry of Housing, Communities and Local Government, 2021). The protection and recovery of priority species (widely taken to mean (SPI under S41 of the NERC Act) is also listed as a requirement of planning policy. In determining planning application, planning authorities have a duty to conserve and enhance biodiversity by ensuring the following:

- Designated sites are protected from adverse harm;
- There is appropriate mitigation or compensation where significant harm cannot be avoided;
- Opportunities to incorporate biodiversity in and around developments are encouraged; and
- Planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

### REGIONAL AND LOCAL BAPS

4.13 The Lincolnshire Biodiversity Action Plan (BAP)<sup>6</sup> identifies 17 species as needing targeted action to secure their status. The Lincolnshire Greater Lincolnshire Nature Partnership, a partnership including 49 representatives, ensures the monitoring and implementation of the objectives associated with these plans.

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<sup>6</sup> [CHttpHandler.ashx \(southkesteven.gov.uk\)](http://CHttpHandler.ashx(southkesteven.gov.uk))

## Appendix 3: Designated Sites Citations

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# Appendix 4: Conservation Assessment Criteria

## Non-statutory conservation criteria

### Birds of Conservation Concern

The UK's leading bird conservation organisations have worked together on the fifth quantitative review of the status of the birds that occur regularly here published in 2021, updating the last review in 2015. A total of 245 species have been assessed against a set of objective criteria to place each on one of three lists – green, amber and red – indicating an increasing level of conservation concern. There are 70 species on the red list, 103 on the amber list and 72 on the green list. The red list has increased by 3 species since 2015. The amber list has increased by 7 since 2015.

The UK's birds can be split in to three categories of conservation importance - 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.

Birds in the red and amber lists will be subject to at least one of the relevant factors listed 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/or,
- 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);
- 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/or,
- Internationally important; at least 20% of European breeding or non-breeding population in UK (NW European and East Atlantic Flyway populations used for non-breeding wildfowl and waders respectively).

#### Green list

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

## Appendix 5: Survey Results

## **OCTOBER 2022 TO MARCH 2023 WINTERING BIRD DATA**

### **EAST FIELD 1**

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### **WEST FIELD**

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## **OCTOBER 2023 TO MARCH 2024 WINTERING BIRD DATA**

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## Appendix 6: Survey Results Maps

## **OCTOBER 2022 TO MARCH 2023 WINTERING BIRD SURVEY MAPS**

### **EAST FIELD**

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## **OCTOBER 2023 TO MARCH 2024 WINTERING BIRD SURVEY MAPS**

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## Lincolnshire Lakes Wintering bird Survey Results October – December 2022

Table 1: Survey Dates and Weather Conditions

Survey	Date	Diurnal / Nocturnal	Cloud (%)	Rain	Wind	Visibility	Tide Times
1	10.10.22	Nocturnal	10	0	1	Good	HT 20:45
2	27.10.22	Diurnal	100	1	1	Good	HT 08:53
3	09.11.22	Nocturnal	20	0	1	Good	HT 19:46
4	23.11.22	Diurnal	60	0	1	Very Good	LT 14:33
5	06.12.22	Nocturnal	30	0	2		HT 18:12
6	16.12.22	Diurnal	60	0	1	Very Good	HT 12:43

Species: British Common Name	Species: Latin name	Survey 1 10.10.22	Survey 2 27.10.22	Survey 3 09.11.22	Survey 4 23.11.22	Survey 5 06.12.22	Survey 6 16.12.22	Conservation Status & Protection
Mallard	<i>Anas platyrhynchos</i>	1 Flyover	37 flyover			7		Amber List
Teal	<i>Anas crecca</i>						14	Amber List
Grey Partridge	<i>Perdix perdix</i>				14			Red List NERC S.41
Pheasant	<i>Phasianus colchicus</i>	1	2		10		7	Not Listed
Red-legged Partridge	<i>Alectoris rufa</i>						1	Not Listed

Species: British Common Name	Species: Latin name	Survey 1 10.10.22	Survey 2 27.10.22	Survey 3 09.11.22	Survey 4 23.11.22	Survey 5 06.12.22	Survey 6 16.12.22	Conservation Status & Protection
Feral Pigeon	<i>Columba livia f. domestica</i>		650 + 20 flyovers		12 + 100 flyover		600	Not Listed
Woodpigeon	<i>Columba palumbus</i>		8 + 64 flyover		291			Amber List
Collared Dove	<i>Streptopelia decaocto</i>						22	Green List
Lapwing	<i>Vanellus vanellus</i>	3					50	Red List NERC S.41
Golden Plover	<i>Pluvialis apricaria</i>			4				Green List
Snipe	<i>Gallinago gallinago</i>			10		3	12	Amber List
Black-headed Gull	<i>Chroicocephalus ridibundus</i>		38 flyover					Amber List
Herring Gull	<i>Larus argentatus</i>				1 flyover			Red List NERC S.41
Lesser Black-backed Gull	<i>Larus fuscus</i>						1 flyover	Amber List
Cormorant	<i>Phalacrocorax carbo</i>				3			Green List
Buzzard	<i>Buteo buteo</i>		2 flyover		1 flyover			Green List
Barn Owl	<i>Tyto alba</i>	1		1			3	Green List WCA Sch.1
Little Owl	<i>Athene noctua</i>						1	Not Listed

Species: British Common Name	Species: Latin name	Survey 1 10.10.22	Survey 2 27.10.22	Survey 3 09.11.22	Survey 4 23.11.22	Survey 5 06.12.22	Survey 6 16.12.22	Conservation Status & Protection
Tawny Owl	<i>Strix aluco</i>					1		Amber List
Kestrel	<i>Falco tinnunculus</i>		1		2		1	Amber List
Jay	<i>Garrulus glandarius</i>		2					Green List
Magpie	<i>Pica pica</i>		5		1			Green List
Jackdaw	<i>Coloeus monedula</i>		1					Green List
Rook	<i>Corvus frugilegus</i>						3	Amber List
Carrion Crow	<i>Corvus corone</i>		2 + 2 flyover		3		2	Green List
Coal Tit	<i>Periparus ater</i>		2					Green List
Blue Tit	<i>Cyanistes caeruleus</i>		1		4			Green List
Great Tit	<i>Parus major</i>		1					Green List
Woodlark	<i>Lullula arborea</i>							Green List WCA Sch.1 NERC S.41
Skylark	<i>Alauda arvensis</i>	4	17		35	2	35	Red List NERC S.41
Long-tailed Tit	<i>Aegithalos caudatus</i>		1					Green List

Species: British Common Name	Species: Latin name	Survey 1 10.10.22	Survey 2 27.10.22	Survey 3 09.11.22	Survey 4 23.11.22	Survey 5 06.12.22	Survey 6 16.12.22	Conservation Status & Protection
Wren	<i>Troglodytes troglodytes</i>		7		2			Amber List
Nuthatch	<i>Sitta europaea</i>						2	Green List
Starling	<i>Sturnus vulgaris</i>		105 + 2 flyover					Red List NERC S.41
Mistle Thrush	<i>Turdus viscivorus</i>		1 flyover					Red List
Redwing	<i>Turdus iliacus</i>		2		4 + 10 flyover			Amber List WCA Sch.1
Blackbird	<i>Turdus merula</i>		2		4		70	Green List
Fieldfare	<i>Turdus pilaris</i>						11	Red List WCA Sch.1
Robin	<i>Erithacus rubecula</i>		10		1			Green List
Tree Sparrow	<i>Passer montanus</i>						2	Red List NERC S.41
House Sparrow	<i>Passer domesticus</i>						1	Red List NERC S.41
Duncock	<i>Prunella modularis</i>		5		1			Amber List NERC S.41
Meadow Pipit	<i>Anthus pratensis</i>		5		2			Amber List
Chaffinch	<i>Fringilla coelebs</i>		21				5	Green List

Species: British Common Name	Species: Latin name	Survey 1 10.10.22	Survey 2 27.10.22	Survey 3 09.11.22	Survey 4 23.11.22	Survey 5 06.12.22	Survey 6 16.12.22	Conservation Status & Protection
Linnet	<i>Linaria cannabina</i>		75 + 1 flyover		31 flyover		14	Red List NERC S.41
Goldfinch	<i>Carduelis carduelis</i>		8 + 5 flyover		32 + 10 flyover		410	Green List
Siskin	<i>Spinus spinus</i>		1					Green List
Corn Bunting	<i>Emberiza calandra</i>				4			Red List NERC S.41
Yellowhammer	<i>Emberiza citrinella</i>		80		8 + 2 flyover			Red List NERC S.41
Reed Bunting	<i>Emberiza schoeniclus</i>		23		47			Amber List NERC S.41
<b>Total No. Species</b>		5	30	3	23	4	22	

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