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Guidance

Wild birds: advice for making planning decisions

How to assess a planning application when there are wild birds on or near a proposed development site.

From:

[Natural England \(/government/organisations/natural-england\)](#)

Published

14 January 2022

Applies to England

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This is Natural England's 'standing advice' for wild birds. It is a material planning consideration for local planning authorities (LPA). You should take this advice into account when making planning decisions. It forms part of a [collection of standing advice for protected species \(https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species\)](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species).

Following this advice:

- avoids the need for you to consult on the impacts of planning applications on wild birds in most cases

- can help you make decisions on development proposals

You may need a qualified ecologist to advise you on the planning application and supporting evidence. You can find one using either the:

- [Chartered Institute of Ecology and Environment Management \(CIEEM\) directory](https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx) (<https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>)
- [Environmental Data Services directory](https://www.endsdirectory.com/) (<https://www.endsdirectory.com/>)

How wild birds are protected

All wild birds are protected under the Wildlife and Countryside Act 1981. It is an offence to:

- kill, injure or take wild birds
- take, damage or destroy the nests of species that reuse them, such as osprey
- take, damage or destroy a nest that's in use or being built
- take or destroy the egg of any wild bird
- possess or control any wild bird (alive or dead)
- possess or control an egg or any part of an egg of a wild bird

Additional protection applies to birds listed in [schedule 1](http://www.legislation.gov.uk/ukpga/1981/69/schedule/1) (<http://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) of the Wildlife and Countryside Act 1981. It is an offence to intentionally or recklessly disturb a schedule 1 bird:

- on or near a nest containing eggs or young
- when it's building a nest
- or its dependent young

Some wild birds are [listed as rare and most threatened species](http://publications.naturalengland.org.uk/publication/4958719460769792) (<http://publications.naturalengland.org.uk/publication/4958719460769792>) under Section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of Section 41 species as part of your planning decision. Find out more about your [biodiversity duty](#).

The developer must comply with the legal protection of wild birds. Natural England cannot issue a wild bird licence to allow development.

You should consider if the developer has taken appropriate measures to justify any negative effects on wild birds.

When to ask for a survey

You should ask for a survey if distribution and historical records suggest wild birds may be present - you can [search the National Biodiversity Network Atlas](https://nbnatlas.org/) (<https://nbnatlas.org/>) by species and location.

Absence of a record does not mean there are no wild birds. It could mean there is no survey data available for that location.

You should also ask for a survey if a development proposal affects:

- natural habitats, such as wetland, woodland, scrub, meadow or moorland
- mature gardens
- trees that are more than 100 years old
- trees that have holes, cracks and cavities
- trees that are more than 1 metre around at chest height
- buildings that could support nesting birds, such as agricultural buildings
- cliff or rock faces

Such proposals could include:

- agricultural buildings, such as barns being changed, converted or demolished
- installation of outside lighting for churches and listed buildings
- floodlighting green space within 50 metres of woodland, water, hedgerows or lines of trees connected to woodland or water
- work to trees or buildings that barn owls use
- demolishing or changing natural features like rock faces
- removing ground nest habitats with activities like soil stripping
- disturbances to birds caused by recreation, new housing developments or wind farms

You should also ask for a survey if the proposal site is likely to affect:

- breeding birds
- wintering birds
- barn owls and other birds listed in [Schedule 1 of the Wildlife and Countryside Act](http://www.legislation.gov.uk/ukpga/1981/69/schedule/1) (<http://www.legislation.gov.uk/ukpga/1981/69/schedule/1>)
- birds listed in [Section 41 of the Natural Environment and Rural Communities Act 2006](https://lists.nbnatlas.org/speciesListItem/list/dr590) (<https://lists.nbnatlas.org/speciesListItem/list/dr590>)
- [red and amber list birds of conservation concern](https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/uk-conservation-status-explained/) (<https://www.rspb.org.uk/birds-and-wildlife/wildlife-guides/uk-conservation-status-explained/>)

You must check if the ecologist is qualified and experienced to carry out surveys for wild birds. CIEEM publishes:

- [competencies required for barn owl surveys](https://cieem.net/resource/competencies-for-species-survey-css/) (<https://cieem.net/resource/competencies-for-species-survey-css/>)
- advice on the [valid age of data](https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf) (<https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>)

The ecologist should also follow the Biodiversity code of practice for planning and development (BS 42020:2013) available on the [British Standards Institute \(https://www.bsigroup.com/en-gb/standards/\)](https://www.bsigroup.com/en-gb/standards/) website. These documents may not be accessible to assistive technology.

The ecologist must hold a [licence to survey schedule 1 wild birds \(https://www.gov.uk/government/publications/wild-birds-apply-for-a-licence-to-disturb-them-for-science\)](https://www.gov.uk/government/publications/wild-birds-apply-for-a-licence-to-disturb-them-for-science).

Assess the effect of development on wild birds

The proposal needs to show how likely it is that wild birds will be affected by any development work.

The following could affect wild birds and their habitat if the development proposal causes:

- damage or loss of breeding sites
- disturbance to [schedule 1 \(http://www.legislation.gov.uk/ukpga/1981/69/schedule/1\)](http://www.legislation.gov.uk/ukpga/1981/69/schedule/1) birds and their young
- loss of vegetation or altered habitats

Avoidance, mitigation and compensation measures

The proposal could avoid affecting wild birds illegally by:

- locating the development away from breeding birds
- not working in parts of the site
- doing works at a different time of year
- making sure important habitats, such as wetlands and established woodland are protected and maintained
- removing habitat features when they are not being used by birds, such as before the nesting season

The proposal could suggest displacement of birds, such as preventing them from nesting during the development works. This must not take place during the breeding season and birds must not be using the site. Displacement methods include:

- blocking access to nest sites - do not use netting or spikes
- clearing vegetation or structures used for breeding
- using deterrents that birds can see or hear, such as tapes or flashing lights

The proposal should include measures to replace nesting sites with:

- nest boxes (ideally integrated into brickwork) for birds in conservation need, such as house sparrow, starling and swift

- peregrine and black redstart ledges, where appropriate
- new habitat by planting native trees, shrubs or plants, or non-invasive ornamental species of high value to birds
- biodiverse green roofs in urban spaces for black redstarts, as well as urban edge roofs for displaced ground nesting birds, such as skylark and lapwing
- improving links to join up natural habitats, for example by planting native hedgerows

There should be a suitable amount of replacement habitat to compensate for the displacement. For example, there is:

- no net loss of habitat
- like-for-like replacement near to the original nest to provide a long-term home
- alternative habitat that is better in quality or area than the lost habitat
- maintained habitat connection to allow normal bird movement

The proposal should make sure compensation sites are established for wild birds to use before work starts.

For more information on mitigation plans and compensation measures, read the [planners guide for protected species and development](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures>).

Enhance biodiversity

To meet your [biodiversity duty](https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity) (<https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>), you should suggest ways for the developer to:

- create new or enhanced habitats on the development site
- achieve a [net gain in biodiversity](https://www.gov.uk/guidance/natural-environment#biodiversity) (<https://www.gov.uk/guidance/natural-environment#biodiversity>) through good design, such as green roofs, street trees or sustainable drainage

Site management and monitoring

You should consider the need for site monitoring and management. A site management and monitoring plan should include:

- vegetation management and control
- nest boxes management, so they remain fit for purpose and accessible for birds

This can include additional survey work to check that mitigation measures are working as intended, followed by remedial work if needed.

Published 14 January 2022

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Detailed guidance

[Protected species and development: advice for local planning authorities \(/guidance/protected-species-how-to-review-planning-applications\)](/guidance/protected-species-how-to-review-planning-applications)

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