

Toolbox Talk: Breeding Birds

Breeding birds and the law

All breeding birds their eggs and dependent young are protected under the Wildlife & Countryside Act 1981. For common bird species, the W & C Act 1981 provides protection against deliberate disturbance to nesting birds where the action directly obstructs the birds from their access to nest or dependent young, and that any work that does not prevent birds accessing nests or young even if near to a nest is not an offence (pers. comm. SNH Species Licensing Team 2014). The protection extends to young birds that are already out of the nest but still dependent on their parents.

Breeding bird season

The main breeding bird season in Central Scotland should be considered to be mid-March – late July for many species but for other species such as Swallows and Woodpigeons may extend as far as beyond 30th September. If in doubt seek the advice of an ecologist. Breeding birds will usually be very agitated and call and may follow you, or may be seen carrying nesting materials or food for young. You may hear chicks calling.

Where do birds nest?

Trees/scrub/hedges

Nests are not always easy to find and birds may not nest in the most obvious locations. Birds may nest in:

- open branches of mature trees, scrubby short trees or in shrubs and bushes;
- tree forks;
- crevices and holes;
- behind loose bark;
- other nests can be concealed in dead leaves, rubbish, or on the ground in mosses or grasses, or be in vegetation beside or in water.

Buildings/man-made structures like bridges, tunnels, and culverts

Nests are not always easy to find and birds may not nest in the most obvious locations. Birds may nest in:

- Crevices and holes in walls and roofs;
- On roofs;
- Under eaves;
- On ledges internally and externally;
- behind loose felt or flashing;
- In loft spaces and at wall heads especially at building corners;
- Other nests can be concealed under bridges or in culvert walls, any other type of wall with crevices, or homes, sheds etc.

Signs that birds may be nesting or looking after young

| Class | Category of Evidence |
|---------------------------|---|
| <i>Possible Breeding</i> | Species observed in breeding season in possible nesting habitat Singing males present or breeding calls heard in breeding season – The number of singing males taken to be indicative of the number of breeding pairs Collection of nest material |
| <i>Probable Breeding</i> | Pairs observed in suitable nesting habitat in breeding season Permanent territory presumed through registration of territorial behaviour (song etc.) on at least two different days, a week apart, at the same place Display and courtship Visiting probable nest site Agitated behaviour or anxiety calls from adults Building nest or excavating nest hole |
| <i>Confirmed Breeding</i> | Nest containing eggs Used nest or eggshells found (occupied or laid within the survey period) Nest with young seen or heard Adults carrying food for young or faecal sacs Distraction display/injury feigning/alarm calling by adults |

Procedures for sites where breeding birds may be present

If you must start any works between March and September it is recommended that the works area has a pre-works breeding bird walkover survey done first by an ecologist. This will highlight if there is potential for any bird nest to be present based on bird activity at the time of survey. It may be necessary to then complete targeted survey work for specific areas to confirm presence / absence of bird nests.

If you do find a nest then works should cease within 25m of the nest and an ecologist should be consulted. They will check to see if the nest is in use (unless you have seen the bird sitting on the nest already) and will let you know if you can continue working nearby. It is important to mark the location so it can be identified later and inform any other contractor present of where the nest is. It may be necessary to set up a no-works area around the nest. The size of the no-works area will be dependent on the bird species and location.

Most breeding birds have a relatively short nesting cycle so delays are generally a matter of a few weeks.

Trees/scrub/hedges

If doing climbed tree inspections for bat roosts you may also find bird nests in holes. If you do find a nest then works should cease within at least 25m of the nest or a suitable distance where you can see you are not upsetting the parent birds. An ecologist should then be consulted. They will check to see if the nest is in use (unless you have seen the bird sitting on the nest already) and will let you know if you can continue working nearby. It is important to mark the tree/or shrub so it can be identified later and inform any other contractor present of where the nest is. It may be necessary to set up a larger or smaller no-works area around the nest – this is dependent on the bird species and location.

Ground with vegetation

Nests on the ground or in vegetation are harder to find and you may only see a bird fly up from under your feet or nearby. If the bird is agitated and hanging around there may be a nest present. Again, consult an ecologist if you see birds showing these types of behaviours.

Bare ground

Species such as Oystercatcher are very obvious black and white birds with an orange beak and easy to see calling “gleech gleech”, and will run away from nests to distract you. Their nests are just a shallow scrape and may be hard to find. Plovers are much smaller and you may hear them rather than see them (thin high pitched peep and whistle call). Lapwing dive and swoop shouting “pee weep”. Again, consult an ecologist if you see birds showing these types of behaviours. Most breeding birds have a relatively short nesting cycle so delays are generally a matter of a few weeks.

Buildings

You may see a bird entering a building or a nest on a building, it may be carrying food in its beak or claws, and it may enter a nest and you may hear its young calling as they beg for food but sometimes there’s little evidence of such activity merely a bird entering and leaving the building. If there is a repeated pattern of entering and leaving this is also a good indication of probable breeding, so an ecologist should be consulted prior to any works in the vicinity of that activity.

Remember:

What to do if you suspect a nest or young are present:

Stop work immediately, contact your site manager and explain where the birds are and what you have seen. Your site manager **should notify an ecologist (07800 565 809)** or if that is not possible to do then they should call NatureScot for advice: 01463 725 364

Depending on the nature of the works or proximity to a bird nest it may be possible to continue works immediately under the guidance of an ecologist. If this is not possible, the ecologist will provide advice on safe working distances to minimise disruption to the birds as well as estimated timeframes that the constraint may remain present, as well as indicators that the breeding activity is over.

Plates: Ground-nesting larger birds

Oystercatcher with small young (nests April – August) – similar size to a Mallard Duck



Ringed Plover (nests late April – August) – similar size to Blackbird but hard to spot!



Lapwing (nests March – June) - similar size to Black-headed Gull



Attendance Record for Toolbox Talk for Breeding birds

The following persons have been briefed either by the Site Manager or by the project ecologist and understand the basic obligations and procedures to follow where breeding birds are involved including but not limited to: any restrictions on work due to nests or dependent young, procedures in the Breeding Bird Species Protection Plan that must be followed on site, where any nest or dependent young are and working constraints associated with their presence. They also acknowledge and accept that they are fully aware of the legal protection of birds and their obligation to ensure the safety of birds on this site through following procedure and making sure that no works to any active nest are done without an ecologist being consulted first and/or present.

[illegible]

