

**To:**

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**From: Katy Attwater, Stop Hinkley Campaign.**

**Report on Skylark and other breeding bird activity at proposed Hinkley C site on 29th March 2012:**

**Latin name**

***Alauda arvensis***

**Family**

[Larks](#) (Alaudidae)

**Overview**

The skylark is a small brown bird, somewhat larger than a sparrow but smaller than a starling. It is streaky brown with a small crest, which can be raised when the bird is excited or alarmed, and a white-sided tail. The wings also have a white rear edge, visible in flight. It is renowned for its display flight, vertically up in the air. **Its recent and dramatic population declines make it a Red List species.**

Skylarks are ground-nesting birds and will breed from April to early August. Spring temperatures trigger the start of the breeding season. Choice of nesting site is influenced by the height and density of the crop. Ideal vegetation height is 20-50 cm.

Skylarks generally make 2-3 nesting attempts in the same area of farmland during a long breeding season. They will stop nesting if the vegetation becomes too tall or dense to allow them easy access.

Skylarks advertise their territories by a spectacular song-flight, during which the bird rises almost vertically with rapid wing-beats, hovering for several minutes and then [parachuting](#) down. Song [flights](#) of up to one hour have been recorded, and the birds can reach 1,000 feet before descending.

The nest is a hollow on the ground, lined by the female with leaves, grasses [and hair](#). She lays 2-6 grey-white, thickly spotted eggs, and incubates them for 11 days. Both parents feed the chicks on insects for their first week, then gradually introduce small quantities of

shoots and seeds for a mixed diet.

Skylarks need to 2-3 broods of young each year in order to maintain populations. Most cereals are now sown during the autumn, which means that the crops are too tall and dense to allow skylarks to raise more than one early brood. Spring-sown cereals allow skylarks to make later nesting attempts, but have disappeared from most regions of Britain. A reduction in the number of nesting attempts is probably one of the main causes of skylark population declines in Britain.

Observations at On livestock farms, skylarks often nest in grass silage fields where frequent mowing causes many nests to be destroyed or predated.

*Above extract taken from RSPB website*

My conclusion from the observations made by me and listed below is that there is substantial Skylark breeding activity currently taking place throughout the proposed Hinkley C site and that any disturbance of the land or vegetation would destroy nests and be in contravention of the Wildlife and Countryside Act 1986 and therefore a criminal offence.

The current work being done to erect security fences is involving the destruction of hedgerows and pasture and may already have contravened the Conditions of the WSC Preliminary Works Planning Permission and the Wildlife and Countryside Act 1986. We would like to see the documentation of the Site Ecologist's monitoring of this work.

Observations made at the proposed Hinkley C site on the afternoon of 29th March 2012 are as follows:

(Photographs of these places are available if required)

**Sighting 1: N 51degrees 12'.442, W 003degrees 09'.405 (within 250 metre zone\*)**

Much skylark activity, hovering and singing, above rape crop and short pasture.

**Sighting 2: N 51degrees 12'.375, W 003degrees 09'.197 (within 250 metre zone\*)**

Three skylarks rose vertically out of centre of rape crop.

**Sighting 3: N 51degrees 12'.370, W 003degrees 09'.131 (outside 250 metre zone\*)**

Pair of Blue Tits courting and singing in hedgerow.

**Sighting 4: N 51degrees 12'.392, W 003degrees 09'.030 (outside 250 metre zone\*)**

Pair of finches plus other unidentified birds doing territorial singing and courting around small pond area.

**Sighting 5: N 51degrees 12'.338, W 003degrees 08'.872 (outside 250 metre zone\*)**

Much Skylark activity above new grass growing in field previously ploughed by EDF.

**Sighting 6&7: N 51degrees 12'.4 - 12'.6, W 003degrees 08'.865 (mostly outside 250 metre zone\*)**

A great variety of birdsong in both woodlands either side of the footpath; both courtship

and territorial.

**Sighting 8: N 51degrees 12'.412, W 003degrees 08'.617 (outside 250 metre zone\*)**  
Much Sklyark activity above short pasture.

**Sighting 9&10: N 51degrees 12'.499, W 003degrees 08'.533 (Northern wood within 250 metre zone\*South wood outside 250 metre zone)**  
Great variety of birdsong and activity throughout these woods. Especially around large Oak tree in Norh wood;  
both courtship and territorial.

**Sighting 11: N 51degrees 12'.485, W 003degrees 08'.535 (outside 250 metre zone\*)**  
Can hear bird on nest at top of Elder tree covered in ivy.

**Sighting 12: N 51degrees 12'.480, W 003degrees 08'.535 (outside 250 metre zone\*)**  
Much birdsong and activity in wood behind fence.

**Sighting 13: N 51degrees 12'.318, W 003degrees 08'.512 (outside 250 metre zone\*)**  
Empty nest hidden in ivy.

**Sighting 14: N 51degrees 12'.294, W 003degrees 08'.957 (outside 250 metre zone\*)**  
Much skylark activity, hovering and singing, above short pasture.

\* refers to 250 metre zone inland from foreshore described in conditions for Preliminary Works Planning Permission below 6.6.3, 6.6.4, 6.6.7.

Please note that points 6.6.3, 6.6.4 and 6.6.7 describe that all precautions described in 6.5 still apply to the 250 metre zone.

Below are extracts (in red) from that Ecological Mitigation and Monitoring Plan that specifically relate to vegetation clearance, including hedges, and breeding birds:

ES6 Vegetation clearance would take place outside of the breeding season for all of the bird species that have been recorded breeding within the site – if this is not possible, clearance would only be undertaken once surveys have shown that any breeding birds have fledged from the areas to be cleared

ES1 Retention and management of the majority of the hedgerow that runs east-west across the centre of the site (largely along Green Lane), a strip of land to the south of the Green Lane and agricultural fields adjacent to the Common Land

ES2 Retention of the north-south hedgerow along the site's western boundary (largely along a bridleway along Benhole Lane) and management of a retained area to the east of Benhole Lane.

6.5.1 The site currently has a variety of habitats that could be used by nesting birds, and will remain vulnerable to opportunistic nesting by ground-nesting species throughout the site

preparation works. Any bird-nests that are discovered will have to be retained and not disturbed until the young have fledged, and therefore there is a significant risk of nesting birds negatively affecting the progress of the works if they nest within certain areas of the site.

6.5.3 The mitigation aims to avoid effects on breeding birds by scheduling vegetation clearance, where possible, outside of the bird breeding season (notwithstanding the requirements in respect of wintering birds, see Section 6.6); where this is not possible, clearance will be supervised by the SE. In addition, these mitigation measures will ensure the protection of breeding birds found incidentally during the works; with a secondary aim to deter breeding birds from using the site during the site preparation works.

6.5.4 All staff should be aware of the following information, which will be communicated by the SCE and cascaded to all on-site EDF Energy and contractor staff via training and toolbox talks:

- breeding birds have previously been found on site and may attempt to nest during the spring/summer months, particularly in vegetation and on the open areas of the site;
- birds will nest in all types of vegetation and on bare ground. Vegetation should not be cleared without the permission of the SCE and the supervision of the SE during the breeding season (March – August); and
- the critical importance of avoiding disturbance to any breeding birds that are found incidentally, by informing the Contractor's Environmental Representative and SE, who will inform the SCE and temporarily stopping all works, in a manner safe to do so, within 10m of the nesting activity, in a manner safe to do so, until an appropriate safe working distance, depending on the type of works and species, is established through consultation between EDF Energy and the relevant contractors.

6.5.5 The following key objectives should be met during the site preparation works:

- ensure that vegetation clearance is appropriately managed and supervised to protect breeding birds;
- ensure the protection of breeding birds found incidentally during the works; and
- ensure breeding birds are deterred from the site as far as possible.

6.5.6 The following measures should be applied to all vegetation clearance:

- the contractor's site manager will schedule vegetation clearance outside of the bird nesting season (broadly, March to August inclusive) as far as possible; and
- if this is not possible then any vegetation requiring clearance between March and August must be checked for the presence of bird nests by the SE prior to clearance.

6.5.7 Following clearance of the site it may be necessary to deter some bird species from nesting at the site. Ground nesting birds are likely to be deterred by the site activities; however, the following additional measures will be used as relevant:

- areas cleared of vegetation within the site preparation works area will have any regrowth periodically suppressed by application of an appropriate herbicide (e.g. glyphosate) or strimming/mowing/flailing, particularly where excavations are unlikely to occur immediately

following clearance. This should occur as appropriate in relation to vegetation growth;

- use of bird scaring tape/reflective materials (as necessary and only employed on site at distances over 250m from the foreshore area).
- other techniques (e.g. recorded distress calls) may be used if these measures are unsuccessful, following consultation with the SCE.

6.5.8 The following measures must be employed to protect any nesting birds found at the site:

- the presence or suspected presence of any nesting birds must be notified to the Contractor's Environmental Representative and SE immediately, who will inform the SCE;
- if a nest that is occupied or under construction is found or suspected all works within 10m must temporarily stop immediately (in a manner safe to do so) until nesting is confirmed by the SE or SCE and a suitable exclusion zone, as advised by the SCE determined (which will depend on the type of works and bird species);
- any active nests that are discovered must not be moved or disturbed and no works will take place within the exclusion zone until the nest is abandoned or the young have fledged. Works may continue as before if no nesting is taking place; and
- any vegetation clearance required between March and August must be checked for the presence of bird nests by the SE prior to clearance.

#### *Monitoring*

- all records of nesting birds must be reported to and recorded by the SCE; and
- all incidences of vegetation clearance between March and August must be recorded by the SE, and a record of the ecological supervision made.

Vegetation clearance however within 250m of the foreshore will be planned for between March 2012 and October 2012 in order to protect the higher priority SPA species using the intertidal area from disturbance during the winter period, and this could result in clearance of potential nesting habitat for terrestrial species in the breeding season:

6.6.3 The most effective mitigation for potential impacts on intertidal/overwintering birds will be to schedule all vegetation clearance for outside the key period for SPA bird species (October – March). Based on the current programme, vegetation clearance is likely to start after March 2012 and finish prior to October 2012. Therefore, the mitigation measures described below are unlikely to be required, although implementation of the mitigation proposed in relation to breeding birds (Section 6.5) will be required.

6.6.4 Therefore, in the event that any vegetation clearance within Phase 1 of the site preparation works (removal of trees and hedgerows in accordance with Drawing HPCSPW025aRev2 as per condition FP7) is required between October and March appropriate mitigation measures will be implemented. These will comprise monitoring of the works area and the surrounding land and/or foreshore to a distance of 250m. This would be completed by an SCE (ornithologist). Planned and ongoing works within 250m of significant aggregations of SPA species (>1% of the SPA population<sup>4</sup>) will not be initiated/will be suspended (in a manner safe to do so) respectively, until the birds have dispersed naturally.

6.6.7 Works between April and September may proceed without specific ornithological supervision, but must adhere to other constraints in respect of breeding birds (see **Section 6.5**).

The planning application and consequent permission and conditions detailed above are separate from the planning permission being sought for the power station itself which has been accepted for consideration by the Infrastructure Planning Commission and is under consideration.