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APPENDIX 11-C BREEDING BIRD SURVEYS 2014







Aberdeen Harbour EIA Nigg Bay Terrestrial Breeding Bird Survey 2014



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Aberdeen Harbour EIA Nigg Bay Terrestrial Breeding Bird Survey 2014

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1 INTRODUCTION

1.1 Remit

On behalf of Aberdeen Harbour Board, Waterman Group PLC commissioned EnviroCentre Ltd to undertake a terrestrial breeding bird survey during the 2014 breeding season for the works associated with the proposed development and expansion of Aberdeen Harbour. These surveys were conducted in the area around Nigg Bay to the south of the current harbour.

The survey aimed to identify those species currently breeding within the area, concentrating largely on those species protected under European or national legislation, and assess the suitability of the site as a potential breeding area for protected species.

This report details the survey methods and the results of the survey documenting those species found to be present. Species of conservation interest are discussed and, where necessary, recommendations for future surveys are given.

1.2 Aims and Objectives

The aim of the surveys and reporting is to determine the nature of the habitats, the presence of breeding birds, and the potential presence of protected birds within and adjacent to the site boundary.

The objectives are therefore to:

- Obtain existing species records and locate designated sites within a 10 kilometre radius of the site boundary;
- Determine the presence and abundance of breeding birds;
- Determine the potential presence and activity of protected birds; and
- Identify potential legal and policy constraints relevant to the species found which may affect the development.

1.3 Nature Conservation Legislation and Policy

European and national legislation and policy relevant to the proposed development in terms of nature conservation are listed below. Cognisance has been taken of these instruments in the preparation of this report.

- The Conservation of Natural Habitats and of Wild Flora and Fauna EC Directive (92/43);
- The Conservation of Wild Birds and their Habitats EC Directive (2009/147/EC);
- The Conservation (Natural Habitats etc.) Regulations 1994 as amended;
- Conservation (Natural Habitats, &c.) Amendments (Scotland) Regulations 2007;
- The Nature Conservation (Scotland) Act 2004;
- Wildlife and Countryside Act (as amended) 1981;
- Wildlife and Natural Environment (Scotland) Act 2011;
- National Planning Policy Guidance (NPPG) 14: Natural Heritage;
- Planning Advice Note (PAN) 60: Planning for Natural Heritage;
- UK Biodiversity Action Plan (UK BAP); and
- Scottish Biodiversity List.

1.3.1 Legislation and Policy Relating to Birds

Several bird species are protected under international and national legislation, and several instruments of national legislation protect all areas of nationally significant, natural heritage. The relevant legislation is described below:

The Wild Birds Directive, or European Directive 2009/147/EC¹ (the codified version of EEC Directive 79/409/EEC as amended) and the Habitats Directive (EEC Directive 92/43/EEC)², state that all wild bird populations within the UK are protected under European legislation. Through these Directives, which highlight key species within specifically detailed annexes, came the establishment of a Europe-wide network of designated conservation areas known as Natura 2000 (comprised of Special Protection Areas (SPA) from the Birds Directive and Special Areas of Conservation (SAC) from the Habitats Directive).

The Wildlife and Countryside Act 1981 (as amended)³ is the primary legislation that protects wild birds within the UK. Through a series of Schedules, this Act makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy their nests or eggs. It is also an offence to intentionally or recklessly disturb the nest building, nests that contain eggs or young, or to disturb or take the dependent young of birds on the Schedule 1 list, which are offered the highest level of protection.

The Nature Conservation (Scotland) Act 2004 imposes a wide-ranging duty to conserve biodiversity and protect the nation's natural heritage. Implementation is linked to a national biodiversity strategy that is endorsed by the Scottish Government.

On a local level or for particular species, Scottish Planning Policy (Scottish Government 2010) states that areas should be safeguarded and the character of the habitat enhanced, species diversity, rarity and extent must be established, and the species requirements must be fully factored into the planning and design of the development.

1.4 Project and Survey Area Description

The approximate centre of the narrow survey area is located at National Grid Reference NJ 96454 04758 to the west of Nigg Bay, Aberdeen.

The majority of the survey area comprises a mosaic of amenity grassland, rough grassland, scrub, pasture and a variety of agricultural land. Several buildings and areas of hardstanding are also located within the survey area.

The northern point of the survey area is located at approximately NJ 96227 02720, to the north west of Walker Park, overlooking Greyhope Bay. Much of the survey area is bound to the east by the North Sea and its rocky foreshore and cliffs or by the main Aberdeen – Dundee railway line. In the north, the survey area is bordered by the Nigg Bay Golf Club. The western boundary is demarcated by the railway line and Doonies Hill, the water treatment works and some community landscaping in the northern half of the survey area. Further south, the western boundary is dominated by water treatment infrastructure, Doonies Farm, and the Altens Industrial Estate off Hareness Place. The southern limit is approximately located at NJ 96227 02720.

A 50 metre buffer was added to the original red line site boundary. All bird records within this buffer zone are included in the results, and the red line boundary and buffer are referred to in this report as *the survey area*.

A site location plan is presented in Appendix A.

¹ EU Birds Directive: http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm (Accessed June 2014)

² EU Habitats Directive: http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm (Accessed June 2014)

³ Schedule 1 WCA 1981 & c.: http://jncc.defra.gov.uk/pdf/waca1981 schedule1.pdf (Accessed June 2014)

2 **METHOD**

To ascertain the ornithological baseline of the site, a desk-based study and field survey were undertaken to respectively collate existing data and to derive additional, up-to-date, site-specific data. All survey work was undertaken and verified by experienced and competent ornithologists. The survey followed standard methods endorsed by Scottish Natural Heritage (SNH) and the Chartered Institute of Ecology and Environmental Management (CIEEM)⁴. This section provides summary details of the methods adopted.

Desk Study 2.1

Prior to the field surveys, a desk study was conducted to inform the field survey and to search for existing ecological information within a 25 kilometre radius of the site. The results are used to identify if the development could potentially impact upon any designated areas or notable or protected species that constitute features of those areas.

A further desk study was undertaken in order to analyse the field survey records in a regional and national context. The following sources were reviewed:

- SNH Sitelink website⁵ (for statutory designated bird sites);
- Royal Society for the Protection of Birds (RSPB)⁶ and British Trust for Ornithology⁷ (BTO) websites;
- Birds Of Scotland⁸; and
- UK Biodiversity Action Plan (UKBAP)⁹ and Scottish Biodiversity List¹⁰.

2.1.1 **Bird Conservation Criteria**

The criteria used to define the current conservation status of UK bird populations are BAPs at national and local levels, and the Red, Amber and Green lists of Birds of Conservation Concern (BoCC)¹¹.

Both the UKBAP and the network of Local BAPs were initialised in response to the 1992 Convention of Biological Diversity¹² signed in Rio de Janeiro (also referred to as the Rio Convention). Implemented through the Biodiversity Steering Group, the BAPs identified both the habitat types and species that were of conservation concern. Plans were then drawn up to aid protection and conservation of these priority habitats and species.

The conservation status of the species recorded along the line were evaluated by their inclusion on the UKBAP and by using the RSPB / BTO Conservation Status Criteria from the lists of BoCC, which is a simple 'traffic light' method to gauge conservation importance for those species which are not afforded protection under international or national legislation. The criteria used to evaluate this conservation concern are listed below:

⁴ CIEEM – Guidance on Survey Methodology, Winchester (2006)

⁵ Scottish Natural Heritage SiteLink website. Available at http://www.snh.org.uk/snhi/ (Accessed July 2014)

⁶ RSPB (2012). http://www.rspb.org.uk/wildlife/birdguide/name. (Accessed July 2014)

⁷ BTO (2012). http://www.bto.org/about-birds/birdfacts/find-a-species. (Accessed July 2014)

⁸ Forrester, R.W., Andrews I.J., McInerny C.J., Murray R.D., McGowan R.Y., Zonfrillo B., Betts M.W., Jardine D.W. & Grundy D.S. (eds). 2012. The Birds of Scotland, Digital Version. The Scottish Ornithologists Club, Aberlady,

⁹UK Biodiversity Action Plan. Available at: http://jncc.defra.gov.uk/page-5155 (Accessed July 2014)

¹⁰ Scottish Biodiversity List. Available at: http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/16118/Biodiversitylist/SBL

⁽Accessed July 2014) 11 Eaton M.A., Brown A.F., Noble D.G., Musgrove A.J., Hearn R., Aebischer N.J., Gibbons D.W., Evans A. & Gregory R.D. 2009. Birds of Conservation Concern 3: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man. British Birds, 102, 296-341. Or online at http://www.rspb.org.uk/Images/BoCC tcm9-217852.pdf (Accessed July 2014)

Rio Convention: http://www.cbd.int/ (Accessed July 2014)

Red-listed criteria

- Globally threatened;
- Historical population decline in UK during 1800 1995;
- Rapid (≥ 50%) decline in UK breeding population over last 25 years; and
- Rapid (≥ 50%) contraction of UK breeding range over last 25 years.

Amber-listed criteria

- Moderate (25-49%) decline in UK breeding population over last 25 years;
- Moderate (25-49%) contraction of UK breeding range over last 25 years;
- Moderate (25-49%) decline in UK non-breeding population over last 25 years;
- Species with unfavourable conservation status in Europe (SPEC Species of European Conservation Concern);
- Five year mean of 1-300 breeding pairs in UK;
- ≥50% of UK breeding population in 10 or fewer sites, but not rare breeders;
- ≥50% of UK non-breeding population in 10 or fewer sites;
- ≥20% of European breeding population in UK; and
- ≥20% of NW European (wildfowl), East Atlantic Flyway (waders) or European (others) non-breeding population in UK.

Green-listed criteria

No identified threat to the population's status.

In addition to the UKBAP and the BoCC criteria, and in lieu of a current Local BAP for the Aberdeen area, the Scottish Biodiversity List was also used in the evaluation process. The Scottish Biodiversity List is a list of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. It is based on the UKBAP and refers to the international importance of conserving certain species.

2.2 Breeding Bird Survey

The Breeding Bird Survey follows the Common Bird Census (CBC)¹³. This survey is undertaken as the standard survey in lowland areas, and areas of mixed habitat away from upland moors. It identifies breeding birds within the terrestrial habitat, including coastal habitats (e.g. cliffs), and attempts to characterise the use of the survey area by each bird recorded.

The survey data is used to produce a map of the breeding bird territories within the survey area, in order to establish some key pieces of information about the bird assemblage, such as number and distribution of notable breeding species.

The survey involved walking within 50 metres of every point within the survey area and recording all birds seen and heard, whether considered to be breeding or not. Bird data were included in all terrestrial habitats, including the cliffs, foreshore and any buildings. Birds loafing or foraging on the sea within the red line boundary were recorded if their numbers were considered to be important or they were within 50 metres of the shore.

Fieldwork involved eight visits to the survey area between late-April and mid-July, with each visit approximately ten days apart to create an even record of activity across the breeding period ensuring that late-arriving migrants were recorded. The visits were made within two hours of sunrise (to coincide with the peak of bird

¹³ http://www.bto.org/survey/complete/cbc.htm (Accessed June 2014)

activity). Maps at a scale of 1:2,500 were used to record the observations, and all birds were recorded (using a two letter BTO code) along with their behaviour (different symbols are used to represent behaviours such as flight, singing, calling).

2.2.1 Survey Conditions

Surveys were undertaken on eight dates during the 2014 breeding season. Local knowledge, forecast weather conditions and visibility were considered when timetabling the survey dates, and as a result, all surveys were carried out in excellent weather conditions for surveying birds. A summary of the dates, conditions and surveyors is found below in Table 1.

Table 1: Survey Conditions for the Nigg Bay Terrestrial Breeding Bird Surveys, 2014

DATE	SURVEY	WIND DIRECTION*	WIND SPEED (/12)**	PRECIPITATION (/3)***	VISIBILITY	CLOUD COVER (/8)#	CLOUD BASE (m)##	SURVEYOR****
30/04/14	05.30 – 10.30	ENE	3-4	1 (light drizzly showers)	EXCELLENT	8	>600	MAS
09/05/14	04.50 - 08.50	S	2	0	EXCELLENT	8	200	МС
20/05/14	05.30 – 10.30	SSE	2-3	0	EXCELLENT	8	>800	MAS
27/05/14	04.30 - 10.00	S	1	0	EXCELLENT	8-6	>800- 2000	MAS
06/06/14	04.30 – 09.30	SSE	1	0	EXCELLENT	1-6-1	2000	MAS
19/06/14	03.15 – 06.30	N	3	0	EXCELLENT	5	>500	МС
30/06/14	04.00 – 09.30	SE	1	0	EXCELLENT	2-6	>800	MAS
09/07/14	04.15 – 09.45	NNW	4-5	0	EXCELLENT	8-3	>500	MAS

LEGEND: *Wind Direction based on a 16 point compass direction; *Wind Speed is based on the Beaufort Scale; ***Precipitation Scale is o=none, 1=light showers, 2=persistent rain/heavy showers, 3=heavy rain; *Cloud Cover is based on oktas; ***Cloud Base is metres above sea level; ****Surveyor, MAS=Mark Sullivan, MC=Mike Coleman.

2.2.2 Survey Constraints

Whilst the surveys were undertaken in optimal weather conditions, full coverage of the 50 metre buffer zone was not always possible due to the logistic complications and time constraints of accessing some of the neighbouring private land. Bird sounds were still recorded on all adjacent private land, as were flight views, and it is not considered that the data obtained was adversely affected as a result.

3 RESULTS

3.1 Desk Study Results

The results of the desk study providing background information into nearby sites designated for their ornithological features is provided below in Table 2. In addition, bird records were received from NeSBREC, which can be found in Appendix C.

Table 2: Desk Study Results

Source			Information Provided	
	Site Name	Designation ¹⁴	Distance and Orientation	Ornithological Features
	Loch of Skene	SPA, Ramsar	c. 17.5km WNW	Non-breeding aggregation of Greylag Goose (<i>Anser anser</i>)
	Loch of Skene	SSSI	c. 17.5km WNW	Non-breeding aggregations of Pink-footed Goose (Anser brachyrhynchus), Greylag Goose, Goldeneye (Bucephala clangula) and Common Gull (Larus canus)
SNH Sitelink	Ythan Estuary, Sands of Forvie & Meikle Loch	SPA	c.20km NNE	Breeding aggregations of Common Tern (Sterna hirundo), Little Tern (Sterna albifrons) and Sandwich Tern (Thalasseus sandvicensis). Non-breeding waterfowl assemblage and non-breeding aggregations of (Northern) Lapwing (Vanellus vanellus), Eider, Pink-footed Goose and Redshank (Tringa totanus).
	Sands of Forvie & Ythan Estuary	SSSI	c. 20km NNE	Breeding bird assemblage and breeding aggregations of Eider, Common Tern, Little Tern, Sandwich Tern and Arctic Tern (Sterna paradisaea). Non-breeding aggregations of Pink-footed Goose and Eider.
	Fowlsheugh	SPA	c. 25km SSW	Breeding seabird assemblage and breeding aggregations of Fulmar (Fulmarus glacialis), Guillemot (Uria aalge), Kittiwake (Rissa tridactyla), Razorbill (Alca torda) and Herring Gull (Larus argentatus).

 $^{^{\}rm 14}$ Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), and Ramsar sites.

3.2 Breeding Bird Survey

A total of 60 species was recorded during the breeding bird surveys, of which six are included within either Annex 1 of the Birds Directive or within Schedule 1 Part 1 of the Wildlife and Countryside Act 1981, and thus are afforded maximum protection under either European or national legislation:

- Red-throated Diver (Gavia stellata) is included within both Annex 1 and Schedule 1;
- Short-eared Owl (Asio flammeus), Common Tern and Sandwich Tern are included within Annex 1; and
- Purple Sandpiper (Calidris maritima) and Common Scoter (Melanitta nigra) are included within Schedule 1.

Thirteen of the species recorded are included as Priority Species on the UKBAP, and therefore also appear on the Scottish Biodiversity List:

- (Common) Starling (Sturnus vulgaris);
- House Sparrow (Passer domesticus);
- Yellowhammer (Emberiza citrinella);
- Grasshopper Warbler (Locustella naevia);
- Linnet (Carduelis cannabina);
- (Eurasian) Skylark (Alauda arvensis);
- Dunnock (Prunella modularis);
- Reed Bunting (Emberiza schoeniclus);
- Herring Gull;
- Song Thrush (Turdus philomelos);
- (Eurasian) Curlew (Numenius arquata);
- (Northern) Lapwing; and
- Common Scoter.

A further eight species are included on the Scottish Biodiversity List:

- Sandwich Tern;
- Common Tern;
- Short-eared Owl;
- Red-throated Diver;
- Purple Sandpiper;
- Kestrel (Falco tinnunculus);
- Black-headed Gull (Larus ridibundus); and
- (Common) Swift (Apus apus).

Ten of the species recorded have been placed on the Red List of the BoCC:

- (Common) Starling, House Sparrow, Yellowhammer and Grasshopper Warbler are all included on the Red List as they have all suffered severe medium and longer-term declines in their UK breeding numbers. (Common) Starling and House Sparrow are also SPEC species of European Conservation Concern;
- Linnet and (Eurasian) Skylark have suffered a longer-term severe decline and a moderate decline in their UK breeding numbers over the past 25 years. They are also SPEC;
- Song Thrush has suffered severe longer-term declines in its UK breeding numbers;
- Herring Gull has suffered severe longer-term declines in its UK breeding numbers and moderate
 medium-term declines. In addition, it has suffered a severe medium-term decline in its UK nonbreeding numbers, which amount to more than 20% of the European population;

- (Northern) Lapwing has suffered severe medium-term declines in its UK breeding numbers with a moderate decline over the longer-term. Similar to Herring Gull, 20% of the European population of the species overwinters in the UK. It is also a SPEC; and
- Common Scoter has suffered severe declines in its low (<300 pairs) UK breeding numbers over both the medium and longer-term, as well as suffering a moderate decline in its UK breeding range. 50% of its non-breeding numbers are also found at fewer than ten sites.

Thirty-two of the species recorded have been placed on the Amber List of the BoCC:

- (Eurasian) Curlew and Redshank have both suffered moderate declines in their medium and longerterm UK breeding numbers. The UK also hosts 20% of the European non-breeding population for both species, and 20% of the European Curlew breeding population. As a result both are SPEC;
- Kittiwake, Fulmar and (Common) Swift have all suffered moderate medium-term declines in their UK breeding numbers, with Kittiwake and Fulmar having 50% of their breeding population present at fewer than ten sites across the country;
- Meadow Pipit (*Anthus pratensis*) and Willow Warbler (*Phylloscopus trochilus*) have both suffered moderate medium and longer-term declines in their UK breeding numbers;
- Dunnock, Reed Bunting and (Common) Whitethroat (*Sylvia communis*) have all suffered moderate longer-term declines in their UK breeding numbers;
- Purple Sandpiper has fewer than 300 breeding pairs in the UK, and has also suffered a moderate medium-term decline in its UK non-breeding population;
- Ringed Plover (*Charadrius hiaticula*) has suffered a moderate medium-term decline in its UK breeding numbers and has at least 20% of the European population overwintering within the UK;
- Shag (*Phalacrocorax aristotelis*) has suffered moderate medium and longer-term declines in its UK breeding numbers. The UK hosts 20% of the European breeding population of Shag, with 50% of this number being found at ten or fewer sites;
- Eider, Great Black-backed Gull (*Larus maritima*), and Black-headed Gull have all suffered moderate medium-term declines in their non-breeding UK numbers, which for Black-headed Gull amounts to 20% of the entire European population;
- Oystercatcher (*Haematopus ostralegus*) has at least 50% of its UK non-breeding population found at fewer than ten sites. The UK breeding and non-breeding population is at least 20% of the total European population;
- Common Tern, Razorbill, Guillemot, Gannet (*Morus bassanus*) and Lesser Black-backed Gull (*Larus fuscus graellsii*) also have 50% of their UK breeding populations at ten or fewer sites, with UK breeding numbers of Lesser Black-backed Gull, Gannet and Guillemot amounting to more than 20% of the total European population;
- Sandwich Tern has suffered a moderate medium-term decline in its UK breeding range, with 50% of the UK breeding birds being found at ten or fewer sites. It is also a SPEC;
- Mallard (*Anas platyrhynchos*) has suffered a moderate medium and longer-term decline in its UK non-breeding numbers;
- Turnstone (*Arenaria interpres*) and Common Gull have at least 20% of their European population overwintering in the UK. Common Gull is also a SPEC; and
- Red-throated Diver, Short-eared Owl, Kestrel, Sand Martin (*Riparia riparia*), (Barn) Swallow (*Hirundo rustica*) and (Northern) Wheatear (*Oenanthe oenanthe*) all appear on the Amber List as they SPEC.

The remaining 18 species recorded are considered to have no conservation concern and are not covered in the above legislation; therefore appear only on the Green List of BoCC: Blackbird (*Turdus merula*), Blue Tit (*Cyanistes caeruleus*), Buzzard (*Buteo buteo*), Carrion Crow (*Corvus corone*), Chaffinch (*Fringilla coelebs*), Feral Pigeon (*Columba livia 'feral'*), Goldfinch (*Carduelis carduelis*), Greenfinch (*Carduelis chloris*), Grey Heron (*Ardea cinerea*), Jackdaw (*Corvus monedula*), Magpie (*Pica pica*), Pied Wagtail (*Motacilla alba yarrellii*), Robin (*Erithacus rubecula*), Rock Pipit (*Anthus petrosus*), Sedge Warbler (*Acrocephalus schoenobaenus*), Stonechat (*Saxicola rubicola*), Woodpigeon (*Columba palumbus*) and Wren (*Troglodytes troglodytes*).

A summary of the legal protection and conservation status of the species recorded and the dates of the species' records can be found in Table 3 below. The species are listed in order of importance based on the level of their legal protection and their UK and Scottish conservation status.

Table 3: A summary of the legal protection and conservation status of species recorded, and the dates of the species' records.

species records.		gal ection		Conse	rvation	Status									
Species	Annex 1	Schedule 1	UKBAP	Scottish Biodiversity List	Red	Amber	Green	Date Seen							
Red-throated Diver	Х	Х		Х		х			09- May						
Sandwich Tern	Х			Х		Х		30- Apr	09- May						
Common Tern	Х			Х		Х			09- May						
Short-eared Owl	Х			Х		х			09- May						
Common Scoter		Х	Х	Х	Х								19- Jun		
Purple Sandpiper		Х		х		х			09- May						
Linnet			Х	х	Х			30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
(Northern) Lapwing			Х	Х	Х								19- Jun	30- Jun	09- Jul
(Eurasian) Skylark			Х	х	Х			30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
(Common) Starling			Х	х	Х			30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
House Sparrow			Х	х	Х			30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Grasshopper Warbler			Х	х	Х				09- May				19- Jun		
Song Thrush			Х	х	Х					20- May	27- May		19- Jun	30- Jun	09- Jul
Yellowhammer			Х	х	Х							06- Jun			09- Jul
Herring Gull			Х	х	Х				09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
(Eurasian) Curlew			Х	Х		Х						06- Jun	19- Jun		

		gal ection		Conse	rvation	Status									
Species	Annex 1	Schedule 1	UKBAP	Scottish Biodiversity List	Red	Amber	Green	Date Seen							
Dunnock			X	х		Х		30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Reed Bunting			Х	х		Х			09- May		27- May	06- Jun	19- Jun	30- Jun	09- Jul
Kestrel				х		Х				20- May	27- May	06- Jun		30- Jun	09- Jul
Black-headed Gull				х		Х							19- Jun		
(Common) Swift				х		х							19- Jun		
Oystercatcher						Х		30- Apr	09- May		27- May	06- Jun	19- Jun	30- Jun	09- Jul
Willow Warbler						х		30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
(Common) Whitethroat						Х			09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Meadow Pipit						Х		30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Common Gull						Х			09- May				19- Jun		
Great Black-backed Gull						Х			09- May						
(Barn) Swallow						Х			09- May	20- May		06- Jun	19- Jun	30- Jun	09- Jul
Eider						Х			09- May				19- Jun	30- Jun	09- Jul
Guillemot						Х			09- May						
Lesser Black-backed Gull						Х			09- May		27- May	06- Jun	19- Jun	30- Jun	
Razorbill						Х			09- May						
Turnstone						Х			09- May				19- Jun		
Gannet						Х			09- May						

		gal ection		Conse	rvation	Status	1								
Species	Annex 1	Schedule 1	UKBAP	Scottish Biodiversity List	Red	Amber	Green	Date Seen							
Shag						Х			09- May						
Kittiwake						х			09- May	20- May	27- May			30- Jun	
Fulmar						Х			09- May	20- May	27- May	06- Jun			
Ringed Plover						Х					27- May	06- Jun	19- Jun	30- Jun	09- Jul
Sand Martin						Х					27- May		19- Jun		
Wheatear						Х				20- May					09- Jul
Redshank						Х							19- Jun		
Mallard						Х					27- May				
Stonechat							х							30- Jun	
Grey Heron							Х						19- Jun		09- Jul
Carrion Crow							Х	30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Greenfinch							х	30- Apr	09- May			06- Jun	19- Jun		09- Jul
Sedge Warbler							Х		09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Goldfinch							Х		09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Robin							Х		09- May		27- May				
Wren							Х	30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul
Blackbird							Х	30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	
Jackdaw							Х		09- May	20- May	27- May	06- Jun		30- Jun	

		gal ection		Conse	rvation	Status									
Species	Annex 1	Schedule 1	UKBAP	Scottish Biodiversity List	Red	Amber	Green	Date Seen							
Feral Pigeon							Х		09- May				19- Jun	30- Jun	
Magpie							X		09- May	20- May		06- Jun	19- Jun	30- Jun	09- Jul
Woodpigeon							Х						09- Jul		
Chaffinch							Х		09- May		27- May	06- Jun			09- Jul
Blue Tit							Х				27- May			30- Jun	
Buzzard							Χ					06- Jun			
Pied Wagtail							Х	30- 09- 20- 06- 19- 30- 09- Apr May May Jun Jun Jul							
Rock Pipit							Х	30- Apr	09- May	20- May	27- May	06- Jun	19- Jun	30- Jun	09- Jul

4 SUMMARY AND CONCLUSIONS

Although 42 of the recorded species are afforded extra legal protection through their inclusion within Annex 1 or Schedule 1 or are species of conservation concern through their inclusion on the UKBAP or BoCC Red or Amber lists, none of the sightings constitutes unusual or unexpected records locally, with many of the species being common and widespread overwintering birds, passage birds or breeding birds along the Aberdeenshire coast. Much of the nationwide fall in breeding numbers for many of the Red and Amber listed species is not mirrored in Scotland, where very few species have suffered declines in their historical breeding numbers¹⁵. As a result, there is no local or regional concern over the status of their breeding numbers within the survey area, or therefore over their conservation status.

The four species that appear on Annex 1 were only recorded early in the survey period:

- Red-throated Diver was recorded loafing within Nigg Bay. It is a relatively widespread breeding bird on small lochans in the far north of Scotland and in the uplands of the Highlands and a common winter visitor to the east coast of Scotland, when numbers increase due to the arrival of birds from Scandinavia. This record is likely to constitute a late or non-breeding passage bird;
- Sandwich and Common Terns both breed along the Aberdeenshire coast, and in late-summer are
 known to roost on the shore of Nigg Bay in large numbers. The records from early in the survey season
 suggest that a proportion of the east coast breeding population roost in Nigg Bay prior to their arrival
 on their breeding grounds. No further records of either species during the survey period suggests that
 no breeding occurred within the survey area; and
- Short-eared Owl was recorded just once along the railway line adjacent to Doonies Hill. Whilst it is
 conceivable that a pair of Short-eared Owls could breed in a quiet area of grassland on Doonies Hill,
 the lack of any further sightings suggests it is more likely that this single record constitutes a delayed
 overwintering bird or a bird on passage to its breeding ground in the uplands.

The two species that appear on Schedule 1 were only recorded on one occasion:

- Purple Sandpiper is a common winter migrant to the East coast. It was recorded early in the survey
 period, which suggests that the record constitutes a late-winter observation of a species which breeds
 in the mountains of Scandinavia; and
- Four Common Scoter were recorded in June amongst the raft of moulting Eider which frequent the Nigg Bay area. Whilst they breed in small numbers in The Highlands and Sutherland, they are far more numerous as a winter visitor from Scandinavia, and it is likely that this small flock are non-breeding birds from the Scandinavian population. It should be noted that in recent years, large concentrations of post-breeding scoters congregate in Aberdeen Bay, often starting from June.

Thirty-two species are considered to be breeding within the survey area. Of these 32, eleven are Priority Species within the UKBAP, nine are BoCC Amber-listed and twelve are BoCC Green-listed, and have no conservation concern. The breeding status within the survey area for a further two species remains unknown.

Those species considered to be breeding within the survey area with the highest level of conservation concern are the eleven UKBAP Priority Species:

• Linnet, (Eurasian) Skylark, (Common) Starling, Dunnock, House Sparrow, Grasshopper Warbler, Reed Bunting, Herring Gull, Song Thrush, (Northern) Lapwing and Yellowhammer.

Forrester, R.W., Andrews I.J., McInerny C.J., Murray R.D., McGowan R.Y., Zonfrillo B., Betts M.W., Jardine D.W. & Grundy D.S. (eds). 2012. *The Birds of Scotland. Digital Version pp*52-53. The Scottish Ornithologists Club, Aberlady.

The nine Amber-listed species considered to be breeding within the survey area are:

• Meadow Pipit, Willow Warbler, Oystercatcher, (Common) Whitethroat, Common Gull, (Barn) Swallow, Lesser Black-backed Gull, Kittiwake, and Fulmar.

It is unclear whether Kestrel and Stonechat bred within the survey area despite both species being recorded showing evidence of breeding having occurred. Kestrel was recorded several times in the vicinity of the Coastguard Station, once carrying food — however, no nest was discovered and it is possible that breeding occurred outwith the survey area. A family party of Stonechat was recorded during the final survey visit, including a juvenile. However, it was the only record of the species through the entire breeding season, and it is also possible that breeding occurred outwith the survey area. Both species are documented as breeding unknown.

Although not recorded during the survey, it is known that post-breeding terns (Sandwich and Common) occasionally roost in Nigg Bay.

A summary of the estimated breeding activity recorded during the survey can be found in Table 4, below. The species are listed in order of their conservation status. The estimated number of pairs present includes those species that are suspected of nesting immediately adjacent to the survey area, and in the case of abundant breeding birds (e.g. Meadow Pipit) the number of breeding territories located is likely to be under recorded.

A map showing the locations of suspected breeding territories of the species with the highest conservation concern (UKBAP, BoCC Amber List and Red List species) can be found in Appendix B.

Table 4: A summary of the estimated breeding status of the birds recorded around Nigg Bay

Species	Direct Evidence of Breeding (nest, eggs, adult birds carrying food, fledglings, etc)	Breeding Suspected	Estimated Number of Territories / Pairs Present
Red-throated Diver	N	N	0
Sandwich Tern	N	N	0
Common Tern	N	N	0
Short-eared Owl	N	N	0
Common Scoter	N	N	0
Purple Sandpiper	N	N	0
Linnet	Y	Y	>5
(Northern) Lapwing	N	Y	3
(Eurasian) Skylark	Y	Y	7
(Common) Starling	Y	Y	4
House Sparrow	Y	Y	>2
Grasshopper Warbler	N	Υ	1

Species	Direct Evidence of Breeding (nest, eggs, adult birds carrying food, fledglings, etc)	Breeding Suspected	Estimated Number of Territories / Pairs Present
Song Thrush	Y	Υ	3
Yellowhammer	N	Υ	1
Herring Gull	Y	Υ	>13
(Eurasian) Curlew	N	N	0
Dunnock	N	Υ	>2
Reed Bunting	N	Υ	>2
Kestrel	Y	?	1
Black-headed Gull	N	N	0
(Common) Swift	N	N	0
Oystercatcher	Y	Υ	2
Willow Warbler	N	Υ	>6
(Common) Whitethroat	N	Υ	>6
Meadow Pipit	Y	Υ	>8
Common Gull	Υ	Υ	1
Great Black-backed Gull	N	N	0
(Barn) Swallow	Υ	Υ	>7
Eider	N	N	0
Guillemot	N	N	0
Lesser Black-backed Gull	Y	Υ	1
Razorbill	N	N	0
Turnstone	N	N	0
Gannet	N	N	0
Shag	N	N	0
Kittiwake	Y	Y	>3
Fulmar	Υ	Υ	3

Species	Direct Evidence of Breeding (nest, eggs, adult birds carrying food, fledglings, etc)	Breeding Suspected	Estimated Number of Territories / Pairs Present
Ringed Plover	N	N	0
Sand Martin	N	N	0
Wheatear	N	N	0
Redshank	N	N	0
Mallard	N	N	0
Stonechat	Y	?	1
Grey Heron	N	N	0
Carrion Crow	N	N	0
Greenfinch	N	Y	2
Sedge Warbler	N	Y	>2
Goldfinch	Y	Y	>3
Robin	Y	Y	2
Wren	Y	Y	>2
Blackbird	Y	Y	>4
Jackdaw	Y	Y	>4
Feral Pigeon	N	Y	4
Magpie	N	N	0
Woodpigeon	N	Y	2
Chaffinch	N	Υ	>3
Blue Tit	N	N	0
Buzzard	N	N	0
Pied Wagtail	Υ	Υ	>2
Rock Pipit	Y	Υ	>6

In order to quantify the breeding numbers for the eleven species that have the highest level of conservation concern – those that appear on the UKBAP, and therefore on the SBL – the estimated number of pairs recorded

within the survey area have been placed into a regional context by taking into account the most recently published breeding numbers from Scotland⁸.

In terms of rarity, Grasshopper Warbler breeding numbers are thought to be between 900 and 3,700 pairs in Scotland, so one probable breeding pair within the buffer zone constitutes between 0.1 to 0.03% of the Scottish population, and the 13 pairs of Herring Gull that nested on the rooftop of the Water Treatment Works amounts to 0.02% of the Scottish population.

In development terms, significant impacts are generally ascertained by using UK breeding numbers, whereby a site that supports more than 1% of the EC population would be considered of International importance; a site that supports more than 1% of the UK population would be considered of National importance; a site that supports more than 0.5% of the UK population would be considered of Regional importance; a site that supports more than 0.05% of the UK population would be considered of Local importance; and a site that supports less than 0.05% of the UK population would be considered relevant only for the site.

Therefore, the breeding numbers at Nigg Bay do not represent a significant percentage of the UK population for any species with conservation concern, and any significant impact through re-development is considered highly unlikely.

It should also be noted that neither Grasshopper Warbler nor Herring Gull, which are the species most impacted upon in terms of regional breeding numbers, breed within the red line boundary for the development.

Table 5, below, shows the percentage of the Scottish breeding numbers that are estimated to be breeding within the survey area. Where estimated pairs are considered to be the minimum, the actual number recorded has been used.

Table 4: Breeding numbers in a regional context of UKBAP/SBL species recorded during the surveys

Species	Estimated breeding pairs in the survey area	Scottish breeding numbers (pairs)	Percentage of Scottish breeding population within the survey area
Linnet	>5	70,000-90,000	0.007-0.005%
(Northern) Lapwing	3	71,500-105,600 [*]	0.004-0.003%
(Eurasian) Skylark	7	290,000-557,000	0.002-0.001%
(Common) Starling	4	170,000-300,000**	0.002-0.001%
House Sparrow	>2	600,000-900,000	0.0003-0.0002%
Grasshopper Warbler	1	900-3,700	0.1-0.03%
Song Thrush	3	250,000-260,000	0.001%
Yellowhammer	1	140,000-220,000	0.0007-0.0005%
Herring Gull	>13	72,100***	0.02%
Dunnock	>2	215,000-305,000	0.0009-0.0007%
Reed Bunting	>2	15,000-30,000	0.01-0.007%

LEGEND: *=52-66% of the UK breeding population; **=22% of the UK breeding population; ***=49% of the UK & Ireland breeding population.

5 FURTHER SURVEY REQUIREMNETS

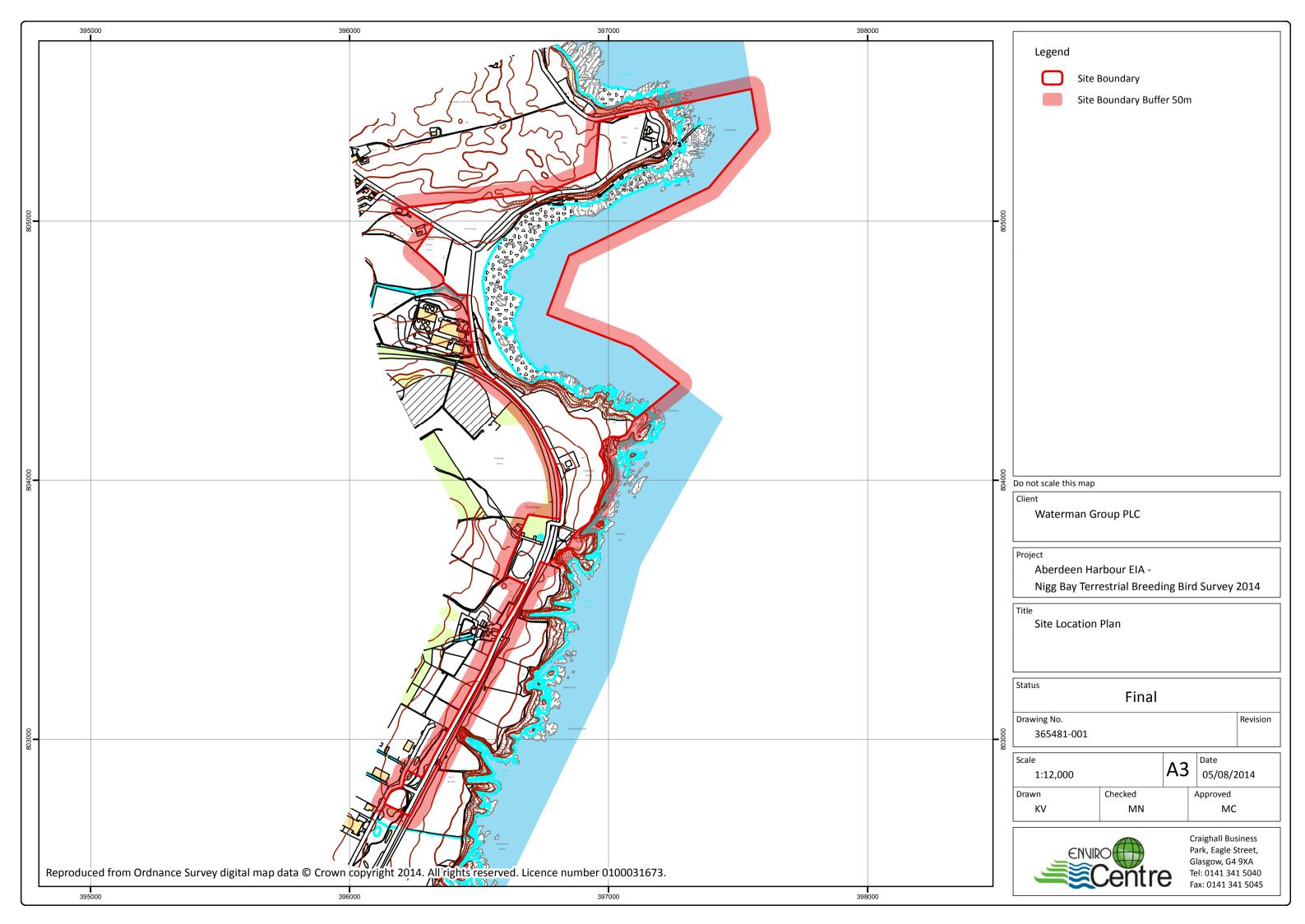
It is considered that no additional breeding bird surveys will be required ahead of pre-construction surveys for any enabling works.

At that time, especially if work commences during the breeding season (March to August), a qualified ornithologist or Ecological Clerk of Works (ECoW) should be present to ensure that no breeding is disrupted and the Wildlife and Countryside Act 1981 is adhered to. This may involve introducing certain mitigation measures or implementing temporary construction procedures to avoid areas where nesting is in progress, where disturbance is particularly likely, or where bird activity is considered to be vulnerable.

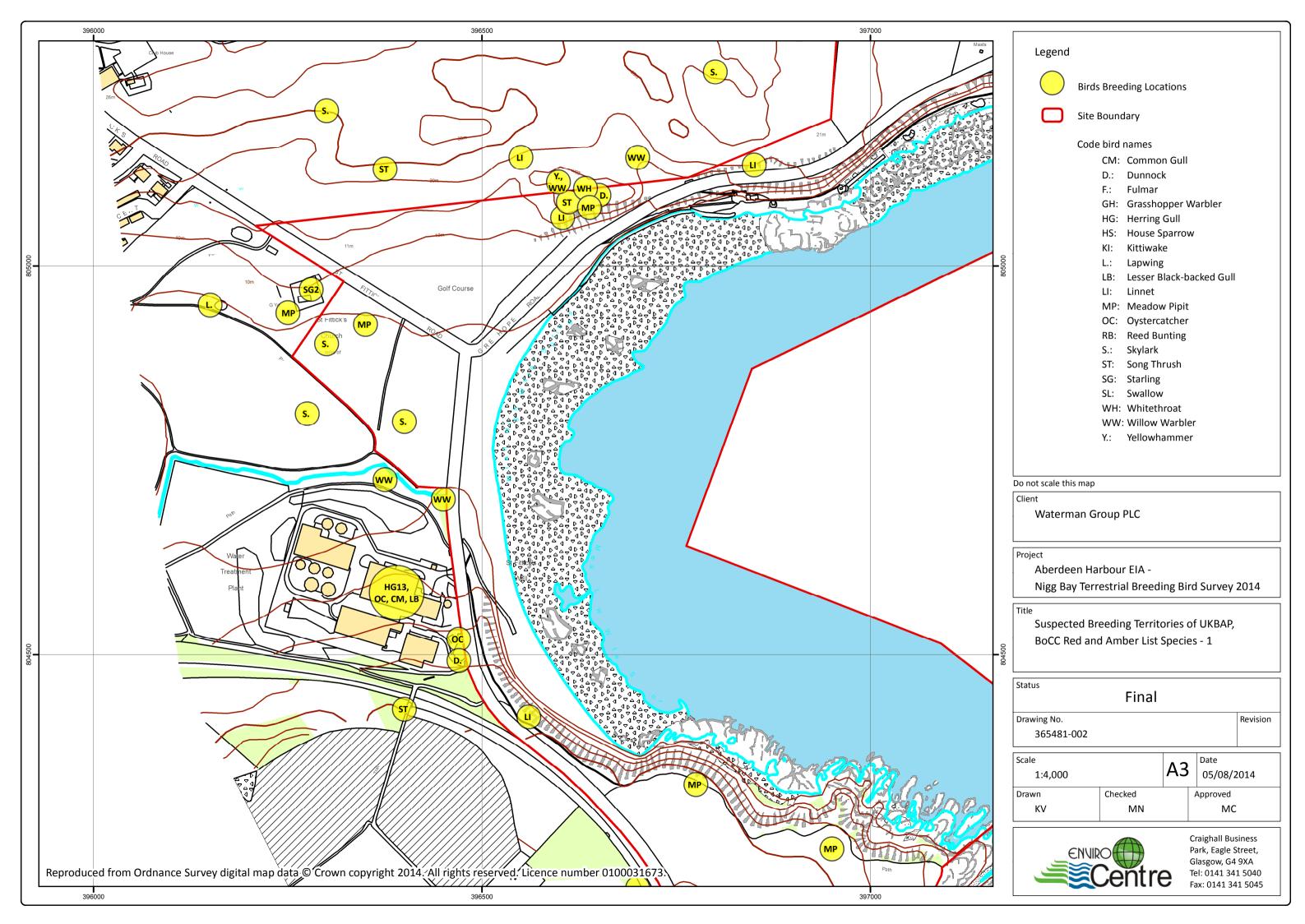
During the construction phase of the development, it is recommended that a suitably qualified ornithologist / ECoW is available to undertake regular monitoring of the site, especially should works be carried out through the breeding period (April to July).

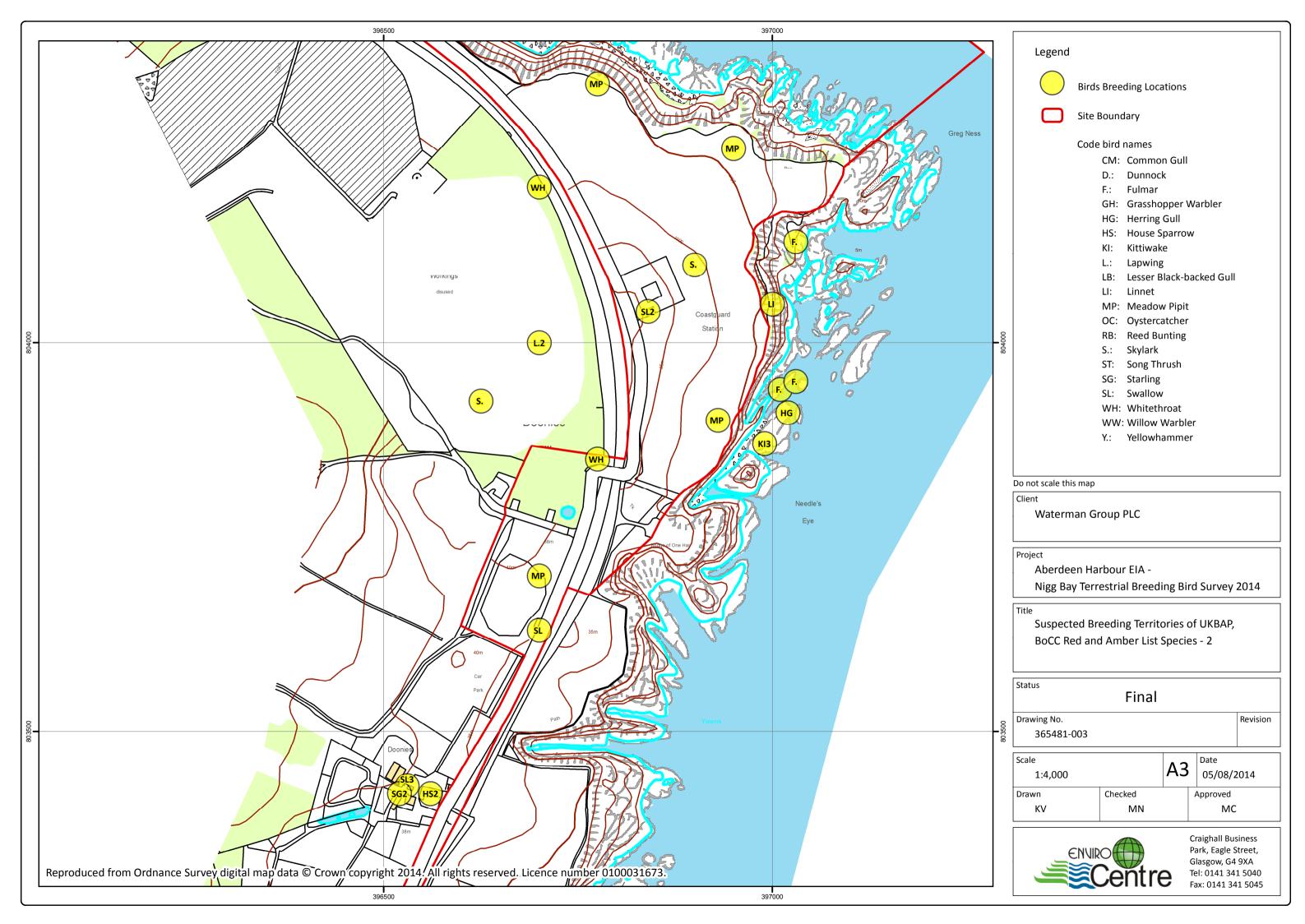
APPENDICES

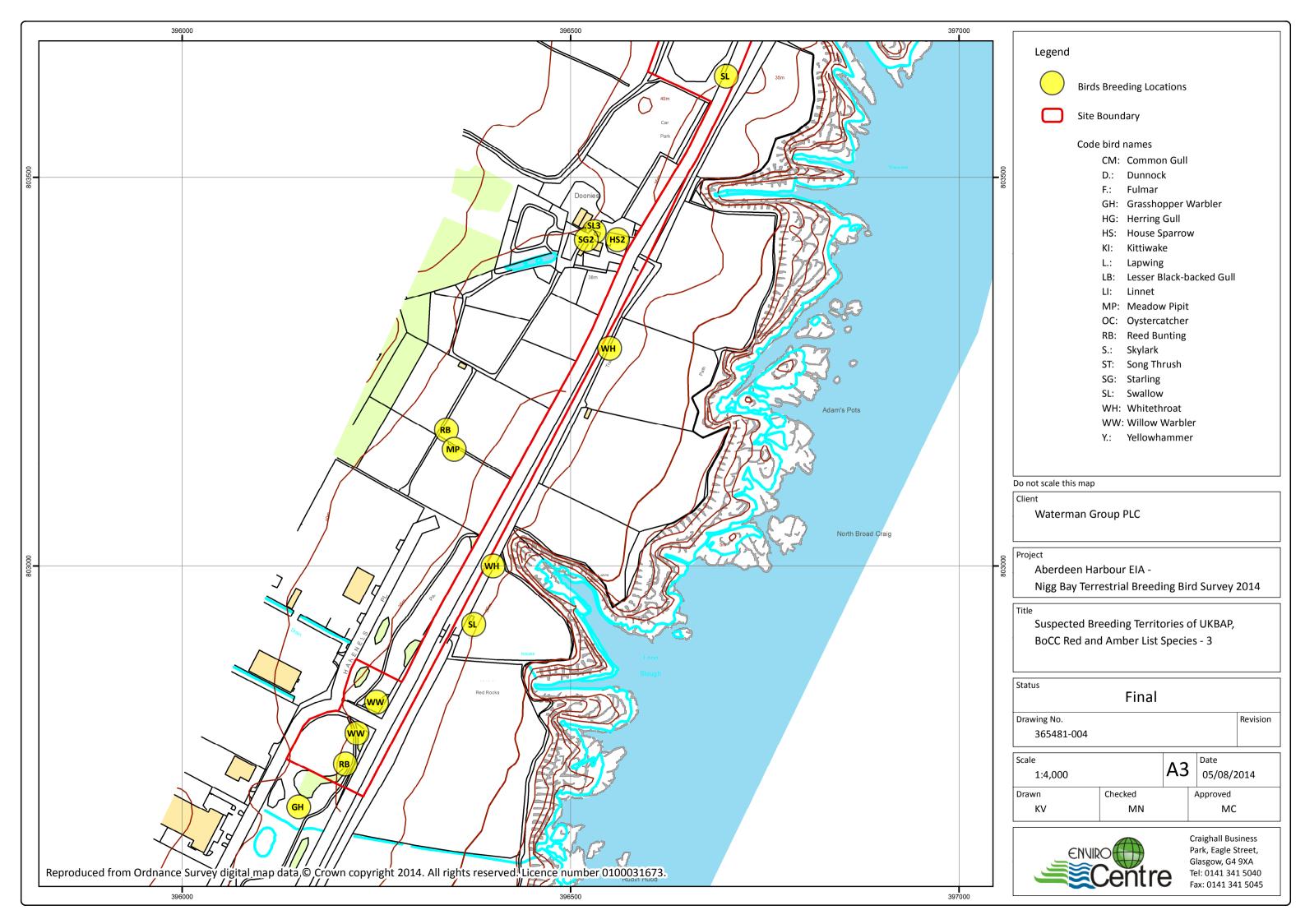
A SITE LOCATION PLAN



B SUSPECTED BREEDING TERRITORIES OF UKBAP, BOCC RED AND AMBER LIST SPECIES







C NESBREC BIRD RECORDS

pecies Loc	cation	Protection/Status
Birds		All breeding birds (with some exceptions for pest species) are protected under current UK legislation through the Wildlife and Countryside Act 1981 (as amended)
		Schedule 1 (S1) Species of the Wildlife and Countryside Act 1981 (as amended) are protected at all times
Reed warbler Acrocephalus scirpaceus	2004 record approximately 600 from the Site	SBL - Scottish Biodiversity List m
Skylark Alauda arvensis	2010 record approximately 600 from the Site	SBL - Scottish Biodiversity List m LBAP – North East Scotland
	nom the ofte	Local Biodiversity Action Plan
Kingfisher Alcedo atthis	2010 record approximately 600	S1 – Schedule 1,
	from the Site	SBL - Scottish Biodiversity List
Swift Apus apus	2011 record approximately 400 from the Site	SBL - Scottish Biodiversity List
Short-eared owl Asio flammeus	2010 record approximately 500 from the Site	SBL - Scottish Biodiversity List m
Common pochard Aythya farina	2010 record within same 10km ² grid reference	n SBL - Scottish Biodiversity List
Greater scaup Aythya marila	2009 record	S1 – Schedule 1,
	approximately 600m from the Site	SBL - Scottish Biodiversity List
Goldeneye	2009 record	S1 – Schedule 1
Bucephala clangula	approximately 2km from the Site	LBAP – North East Scotland
		Local Biodiversity Action Plan
Dunlin Calidris alpine	2009 record approximately 600 from the Site	SBL - Scottish Biodiversity List
Purple sandpiper Calidris maritime	2010 record	S1 – Schedule 1,
	approximately 600m from the Site	m SBL - Scottish Biodiversity List
		Amber - Birds of Conservation Concern (BoCC)
Lesser redpoll Carduelis cabaret	2005 record	SBL - Scottish Biodiversity List
	approximately 500n	Red - Birds of Conservation

pecies L	ocation Pr	otection/Status
	from the Site	Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Linnet Carduelis cannabina	2010 record	SBL - Scottish Biodiversity Lis
	approximately 500m from the Site	Red - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Siskin Carduelis spinus	2010 record approximately 500m from the Site	SBL - Scottish Biodiversity Lis
Hooded crow Corvus cornix	2008 record approximately 600m from the Site	SBL - Scottish Biodiversity Lis
Corncrake Crex crex	2010 record	S1 – Schedule 1,
	approximately 500m from the Site	SBL - Scottish Biodiversity Lis
	nom the one	Red - Birds of Conservation Concern (BoCC)
Whooper swan Cygnus cygnus	2004 record within	S1 – Schedule 1,
	same 10km ² grid reference	SBL - Scottish Biodiversity Lis
		Amber - Birds of Conservatio Concern (BoCC)
Yellowhammer Emberiza	2011 record approximately 2km from the Site	SBL - Scottish Biodiversity Lis
citronella		Red - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Reed bunting Emberiza	2010 record within	SBL - Scottish Biodiversity Lis
schoeniclus	same 10km ² grid reference	Amber - Birds of Conservatio Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Merlin Falco columbarius	2004 record	S1 - Schedule 1,
	approximately 600m from the Site	SBL - Scottish Biodiversity Lis
		Amber - Birds of Conservatio Concern (BoCC)
Peregrine falcon Falco peregrinus	2010 record	S1 – Schedule 1,
	approximately 400m from the Site	SBL - Scottish Biodiversity Lis

		otection/Status
Hobby Falco subbuteo	2008 record approximately 2km from the Site	S1 – Schedule 1,
		SBL - Scottish Biodiversity Li
Kestrel Falco tinnunculus	2007 record approximately 200m from the Site	SBL - Scottish Biodiversity Li
		Amber - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Brambling Fringilla montifringilla	2010 record	S1 – Schedule 1,
	approximately 600m from the Site	SBL - Scottish Biodiversity Li
Snipe Gallinago gallinago	2010 record within same 4km grid	Amber - Birds of Conservation Concern (BoCC)
	reference	LBAP – North East Scotland Local Biodiversity Action Plan
Black-throated diver Gavia arctica	2010 record	S1 – Schedule 1,
2010	approximately 600m from the Site	SBL - Scottish Biodiversity Li
		Amber - Birds of Conservation Concern (BoCC)
Red-throated diver Gavia stellate	2009 record approximately 600m from the Site	S1 – Schedule 1,
		SBL - Scottish Biodiversity Li
		Amber - Birds of Conservation Concern (BoCC)
White-tailed eagle Haliaeetus	2010 record within same 10km ² grid reference	S1 – Schedule 1,
albicilla		SBL - Scottish Biodiversity Li
		Red - Birds of Conservation Concern (BoCC)
Wryneck Jynx torquilla	2004 record approximately 600m from the Site	S1 – Schedule 1,
		SBL - Scottish Biodiversity Li
		Red - Birds of Conservation
		Concern (BoCC)
Red grouse Lagopus lagopus	2004 record approximately 600m from the Site	SBL - Scottish Biodiversity Li
Red-backed shrike Lanius collurio	2004 record approximately 600m from the Site	S1 – Schedule 1,
		SBL - Scottish Biodiversity Li
Herring gull Larus argentatus	2009 record approximately 600m from the Site	SBL - Scottish Biodiversity Li
		Red - Birds of Conservation

pecies L	ocation.	Protection/Status
		Concern (BoCC)
Black-headed gull Larus ridibundus	2009 record	SBL - Scottish Biodiversity Lis
	approximately 600m from the Site	Amber - Birds of Conservation Concern (BoCC)
Bar-tailed godwit Limosa	2004 record approximately 600m from the Site	SBL - Scottish Biodiversity Lis
lapponica		Amber - Birds of Conservation Concern (BoCC)
Common scoter Melanitta nigra	2010 record approximately 600m from the Site	S1 – Schedule 1,
		00m SBL - Scottish Biodiversity Lis
		Red - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Spotted flycatcher Muscicapa	2010 record	SBL - Scottish Biodiversity Lis
striata	approximately 50 from the Site	Red - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Curlew Numenius arquata	2011 record approximately 300m from the Site	SBL - Scottish Biodiversity Lis
		Amber - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
House sparrow Passer	2008 record	SBL - Scottish Biodiversity Lis
domesticus	approximately 600m from the Site	Red - Birds of Conservation Concern (BoCC)
Ruff Philomachus pugnax	2005 record	S1 – Schedule 1,
	approximately 600m from the Site	SBL - Scottish Biodiversity Lis
		Red - Birds of Conservation Concern (BoCC)
Snow bunting Plectrophenax	2005 record approximately 600m from the Site	S1 – Schedule 1,
nivalis		Om SBL - Scottish Biodiversity Lis
		Amber - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Hedge accentor Prunella modularis	2008 record approximately 60	SBL - Scottish Biodiversity Lis

pecies	Location	Protection/Status
	from the Site	
Manx shearwater Puffinus puffinus	2004 record approximately 600m from the Site	SBL - Scottish Biodiversity Lis
		Amber - Birds of Conservation Concern (BoCC)
Bullfinch Pyrrhula pyrrhula	2012 record approximately 500m from the Site	SBL - Scottish Biodiversity Lis
		Amber - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Woodcock Scolopax rusticola	2010 record	SBL - Scottish Biodiversity Lis
	approximately 400 from the Site	M Amber - Birds of Conservation Concern (BoCC)
Eider Somateria mollissima	2009 record approximately 500	Amber - Birds of Conservation Concern (BoCC)
	from the Site	LBAP – North East Scotland Local Biodiversity Action Plan
Arctic skua Stercorarius	2010 record	SBL - Scottish Biodiversity Lis
parasiticus	approximately 600 from the Site	m Red - Birds of Conservation Concern (BoCC)
Common tern Sterna hirundo	2008 record approximately 600m from the Site	SBL - Scottish Biodiversity Lis
		m Amber - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Arctic tern Sterna paradisaea	2009 record	SBL - Scottish Biodiversity Lis
	approximately 600m from the Site	m Amber - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Sandwich tern Sterna	2010 record	SBL - Scottish Biodiversity Lis
sandvicensis	approximately 600m from the Site	m Amber - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Plan
Starling Sturnus vulgaris	2012 record approximately 100 from the Site	SBL - Scottish Biodiversity Lism
Redshank Tringa totanus	2009 record approximately 500	Amber - Birds of Conservation M Concern (BoCC)

pecies	Location Pro	otection/Status
	from the Site	LBAP – North East Scotland Local Biodiversity Action Pla
Redwing Turdus iliacus	2009 record	S1 - Schedule 1,
	approximately 600m from the Site	SBL - Scottish Biodiversity L
		Red - Birds of Conservation Concern (BoCC)
Song thrush Turdus philomelos	2010 record	SBL - Scottish Biodiversity L
	approximately 600m from the Site	Red - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Pla
Ring ouzel Turdus torquatus	2010 record within	SBL - Scottish Biodiversity L
	same 10km ² grid reference	Red - Birds of Conservation Concern (BoCC)
Barn owl Tyto alba	2004 record approximately 600m from the Site	S1 – Schedule 1,
		SBL - Scottish Biodiversity L
		Amber - Birds of Conservat Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Pla
Northern lapwing Vanellus	2011 record	SBL - Scottish Biodiversity L
vanellus	approximately 300m from the Site	Red - Birds of Conservation Concern (BoCC)
		LBAP – North East Scotland Local Biodiversity Action Pla