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## Forestry Commission England

### Yorkshire Forest District

Outgang Road  
Pickering  
North Yorkshire  
YO18 7EL

Mrs. Hillary Sanders,  
North Yorkshire Moors National Park Authority,  
The Old Vicarage,  
Bondgate,  
Helmsley,  
North Yorkshire,  
YO62 5BP.



Date: 20<sup>th</sup> January 2017

Dear Mrs. Sanders,

### Forestry Commission response to the Bird Assessment produced for the planning application NYM/2016/0817/FL

The previous planning application for the airfield at this site was refused on ecological grounds because the inspector considered the application was not accompanied by a wildlife survey it was not possible to be sure of the extent of likely harm to protected species. In order to try to address this, a 'Bird Assessment' was conducted by Quants Environmental on behalf of the applicant. Please see below the Forestry Commissions response to this assessment.

#### Populations/ Suitable habitat/ Assessment limitations.

Dalby, Langdale and Wykeham forests (all within the impact zone of the proposed airfield/ flight zones) support fairly stable populations of goshawk, (Schedule 1 protected species) and nightjar ( Bocc4 Amber list species). The Forestry Commission Ecologist spoke to Toby Fisher from Quants Environmental on the 14<sup>th</sup> November 2016 and confirmed this with him. She stated that further details on the goshawk nest locations could not be given due to their protected status without discussing with the independent ornithologists who undertake their own goshawk research and provide us with nest location information in order to undertake our Forestry operations/recreation activities without causing disturbance to the species (This conversation is not mentioned in the report)

As acknowledged by the consultant the field survey completed as part of the Bird Assessment was conducted outside of the breeding season therefore could not give a clear picture of the activity of the species around the proposed airfield site.

Another limitation of the field survey is that the surveyor restricted his search to walking along paths, tracks and roads. Many of the nest sites of Goshawks are 'in wood' and not visible from a path or track – some are very well disguised and are very difficult to see even if you are stood within close proximity to the nest tree. The independent research undertaken on Goshawk is invaluable to us when planning forest operations (including harvesting, ground preparation, planting and civil engineering works) and recreational activities (including motorsport, large scale recreation events and the creation of new trails). Through this and other nest reports from The Forest Bird Study Group and Forestry Commission staff members we have a good record of nest sites throughout the forests, several however are not discovered until a pre- assessment site walk through before forest operations take place. When this occurs works are adapted in order that the operations are conducted within the legal protection guidelines so disturbance to the Schedule 1 species does not occur.

As shown by Appendix 4 in the consultant's report a large percentage of the area assessed contains habitat potentially capable of supporting breeding goshawks and several areas of potentially suitable breeding/feeding habitat for nightjar. There is no mention however of the changing forest landscape in the consultant's report. The fact that due to the nature of the forest cycle, habitats which may be unsuitable for a species at present may become suitable in the future through forest operations and vice versa and therefore the populations of these species are not static within the forests.

The report concentrates on nightjar and goshawk but the forests also support a large turtle dove population (BoCC4 Red list species) and there has been successful nesting of honey buzzard (Schedule 1 protected species). These species are not considered/mentioned in the assessment and therefore it is not a complete assessment of the species present and the potential impacts of the airstrip.

### Potential Impacts

The assessment produced by Quants Environmental does not provide any data/statistics regarding specific impacts to goshawk or nightjar, turtle dove or honey buzzard. It does however provide much evidence **proving** the potential disturbance to many other species of birds by aircraft which can be translated to these species.

The most notable include;

**Disturbance effects of aircraft on birds - Birds Network Information Note, English Nature (A Drewett),**  
*'the response of birds to disturbing events depends on a wide range of factors.....For this reason it is difficult to accurately predict the response of birds to different sources of disturbance. However there is evidence that, under certain circumstances, disturbance can have serious consequences for bird populations.'*

*'Any attempt to reduce the effects of aircraft disturbance, for example by setting tolerance distances or disturbance free zone, is complicated by the large variation in vulnerability to disturbance. This variability occurs across species and within species, across habitat types and between sites'*

*'As with all forms of disturbance, it is often difficult to identify the effects on birds, especially at the lower levels of potentially disturbing activities. Detecting effects is further complicated by the great variation in response of birds to aircraft; depending on a whole range of factors.....Simple generalisations regarding the effects of aircraft cannot be made. This is especially so when consideration is given to the host of other variables that influence bird populations, including food availability, habitat changes, competition, predation and weather.'*

### **The use of helicopters and aircraft in relation to disturbance risks to Schedule 1 and 1a raptors and wider Schedule 1 species – Scottish Natural Heritage Guidance 2015**

*'Raptors may react to aerial disturbance in a number of ways. They have been recorded watching nearby aircraft, 'flattening' or 'clamping down' on nests (usually in incubating or brooding birds) and standing up on nests with eggs or chicks. Birds may also be flushed from the nest, and may delay the returning to the nest or a change-over between the pair during incubation or brooding being disrupted. This can result in the nest being unattended for an extended period, and the eggs or young chicks being vulnerable to the effects of weather (chilling or overheating), starvation or predation. Breeding birds may also be panicked off a nest and, in the process, dislodge eggs or young leading to a breeding failure.*

*Behaviour of young in nests is not well studied but there is evidence to suggest that they can 'flatten' on the nest or exhibit startled/panic behaviours. This latter reaction can lead to premature fledging in older chicks which risks injury and potential abandonment by the parents, although the latter is probably rare.'*

The conclusions/mitigation suggestions made by the consultant in the assessment do not remove the risk of disturbance to the protected/important bird species -the forest around the application area is used by goshawk, nightjar, honey buzzard and turtle dove for both breeding and feeding. As stated by the consultants there is a lack of specific studies of the impact of aircraft on these species and the documents quoted in the assessment provide substantial evidence of the disturbance that aircraft can cause to other bird species.

Therefore in my opinion it is not possible to overrule the reason for rejecting the application at the previous appeal. We still cannot be sure of the extent of any likely harm to protected species.

The application has the potential to contravene our aims and objectives as set out in our Corporate Plan 2016-2017 – 'to protect and enhance the biodiversity of the Public Forest Estate' and our duty of care under the Wildlife and Countryside Act (1981) to protect bird species with extra protection given to Schedule 1 species (goshawk and honey buzzard). We have a statutory duty under the EU Birds Directive 2009 to



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protect wild birds, with special protection given to Annex 1 species (includes goshawk, nightjar and honey buzzard) It is also our responsibility to protect nightjar and turtle dove (which are noted on the S41 list as species of principle importance) under Section 40 of the NERC Act (2006) *'There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.*

In addition to the above the development of the airfield goes against the National Parks overarching aim to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and the important Sandford principle.

The Forestry Commission therefore object to the application for the airfield development on the grounds that it will enable an activity which could potentially illegally disturb Schedule 1 birds and cause disturbance to other important bird species.

Yours sincerely,

Mrs. Elizabeth Walton MRICS  
Area Land Agent