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Environment and Infrastructure
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Aberdeenshire Council Statement on protection and enhancement for nesting birds
September 2022

All wild birds in Great Britain are protected under the [Wildlife and Countryside Act 1981](#).

For any wild bird species, it is an offence to intentionally or recklessly:

- kill, injure or take a bird
- take, damage, destroy or interfere with a nest of any bird while it is in use or being built
- obstruct or prevent any bird from using its nest
- take or destroy an egg of any bird

Further protection is given to some rarer species and to species vulnerable to disturbance and/or persecution. These Schedule 1 species include Peregrine and Barn owl for example. The full list can be found [here](#). Further detail on issues potentially impacting on these species can be sought from the Environment Team (contact details below).

Aberdeenshire Council is aware of its responsibilities in relation to wild birds and will take the steps necessary for legal compliance. In addition, we will aim to provide enhancement for wild birds where appropriate.

It may sometimes be necessary for the Council, or our contractors, to manage certain nesting birds under the terms of the national 'General Licence' administered by Nature Scot. The licence allows for the killing or taking of certain birds for the preservation of public health, public safety and preventing the spread of disease. Furthermore, if it occurs that measures are required for the preservation of public health, public safety and preventing the spread of disease which are out with the terms of the General Licence, we will liaise with NatureScot to find an appropriate solution.

The legal protection afforded to nesting birds is of particular relevance in relation to the management of Aberdeenshire Council's housing stock and non-residential operational buildings as well as for management it undertakes on roads, bridges, historic structures, greenspace and flood defence for example. Those planning and undertaking these types of activities need to be aware of the potential for the presence of nesting birds and need to ensure legal compliance. Where nesting birds are encountered, it may be possible to identify solutions that allow works to proceed. However, where it is not possible to avoid this, works would need to be timed to allow the completion of nesting. Once nesting is complete, the nest is no longer protected. Further advice can be sought from the Natural Environment Team (contact details below).

One tool available to inform the protection of wild birds are the records available from NESBReC. NESBReC records are freely available to all Aberdeenshire Council departments - <http://www.nesbrec.org.uk/>. Aberdeenshire Council will also submit to NESBReC records of nesting birds, where known, which have the potential to be impacted by its activities. Officers must record and also pass information to the Environment Planners on known nesting sites on Aberdeenshire Council's housing stock and non-residential operational buildings.

One particular species of relevance to the work of Aberdeenshire Council is the Swift. Swifts nest almost exclusively in buildings and nests are often used year on year for many years. Nest sites have been shown to be very important in the protection of this declining species. We will protect nest sites when in use (legal compliance) but also aim to protect these sites when they are not in use. Where necessary works mean protection of the nest site when it is not in use is impossible, we will aim to provide alternative nest provision – for example artificial nesting boxes.

Further advice on all the issues raised in this Statement can be sought from the Natural Environment Team – Emma Williams (emma.williams@aberdeenshire.gov.uk) and James Davidson (j.davidson@aberdeenshire.gov.uk).