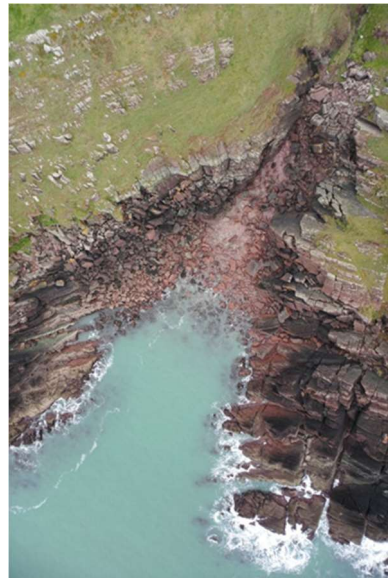




mWave Marine Energy Device and Onshore Infrastructure

ENVIRONMENTAL STATEMENT



June 2019

Appendix 10: Marine Ornithology

Appendix 10.1 Policy and Legislation

A.10.1.1. Wildlife and Countryside Act 1981

- A.10.1.1.1. The legislative provisions for the protection of wild birds in the UK are contained primarily in Section 1- 7 of the Wildlife and Countryside Act (WCA) 1981 (as amended). Under the WCA, a wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state.
- A.10.1.1.2. All birds, their nests and eggs are afforded protection under the Wildlife and Countryside Act 1981, as updated by the Countryside and Rights of Way Act 2000. It is an offence to:
- intentionally kill, injure or take any wild bird;
 - intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; and
 - intentionally take or destroy the eggs of any wild bird.
- A.10.1.1.3. Special penalties exist for offences related to species listed on Schedule 1, for which there are additional offences for disturbing these birds at their nests, or their dependent young.
- A.10.1.1.4. Schedule 1 birds cannot be intentionally or recklessly disturbed when nesting and there are increased penalties for doing so. Licences can be issued to visit the nests of such birds for conservation, scientific or photographic purposes but not to allow disturbance during a development even in circumstances where that development is fully authorised by consents such as a valid planning permission.

A.10.1.2. Bern Convention

- A.10.1.2.1. The Convention aims to ensure conservation of wild flora and fauna species and their habitats. Special attention is given to endangered and vulnerable species, including endangered and vulnerable migratory species specified in appendices.
- A.10.1.2.2. The Parties undertake to take all appropriate measures to ensure the conservation of the habitats of the wild flora and fauna species. Such measures should be included in the Parties planning and development policies and pollution control, with particular attention to the conservation of wild flora and fauna. The Parties undertake to promote education and disseminate general information concerning the need to conserve species of wild flora and fauna and their habitats.
- A.10.1.2.3. The Convention establishes a Standing Committee on which the Parties are represented by their delegates. The Committee's principal task is to monitor the provisions of this Convention in the light of development of the wild flora and the assessment of its needs. For this purpose, the Standing Committee is especially competent to make recommendations to the Parties and amendments to the appendices where these protected species are specified.

A.10.1.3. Birds Directive

- A.10.1.3.1. Europe is home to more than 500 wild bird species. But at least 32 % of the EU's bird species are currently not in a good conservation status. The Birds Directive aims to protect all of the 500 wild bird species naturally occurring in the European Union. The 500 wild bird species naturally occurring in the European Union are protected in various ways:
- **Annex 1:** 194 species and sub-species are particularly threatened. Member States must designate Special Protection Areas (SPAs) for their survival and all migratory bird species.
 - **Annex 2:** 82 bird species can be hunted. However, the hunting periods are limited and hunting is forbidden when birds are at their most vulnerable: during their return migration to nesting areas, reproduction and the raising of their chicks.
 - **Annex 3:** overall, activities that directly threaten birds, such as their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, Member States can allow some of these activities for 26 species listed here.
 - **Annex 4:** the directive provides for the sustainable management of hunting but Member States must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in this annex.
 - **Annex 5:** the directive promotes research to underpin the protection, management and use of all species of birds covered by the Directive, which are listed in this annex.

A.10.1.4. Section 7 of the Environment Act Wales

- A.10.1.4.1. This section replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.
- A.10.1.4.2. The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and encourage others to take such steps.
- A.10.1.4.3. Part 1 of the Act, including Sections 6 and 7, came into force on May 21, 2016.

Appendix 10.2 West Wales Biodiversity Information Centre Data

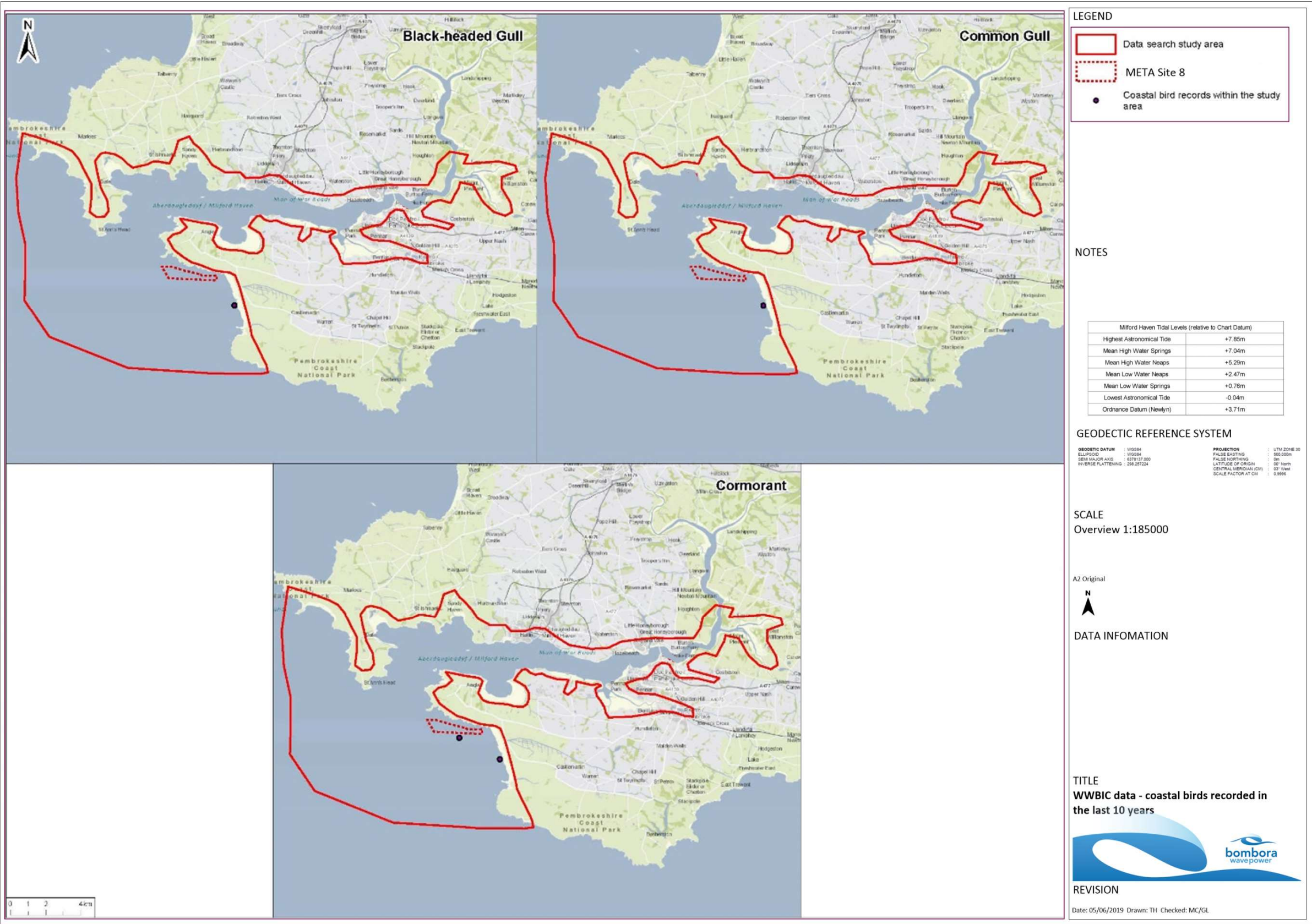


Figure A.10.1.1: Black-headed gull, common gull and cormorant records last 10 years

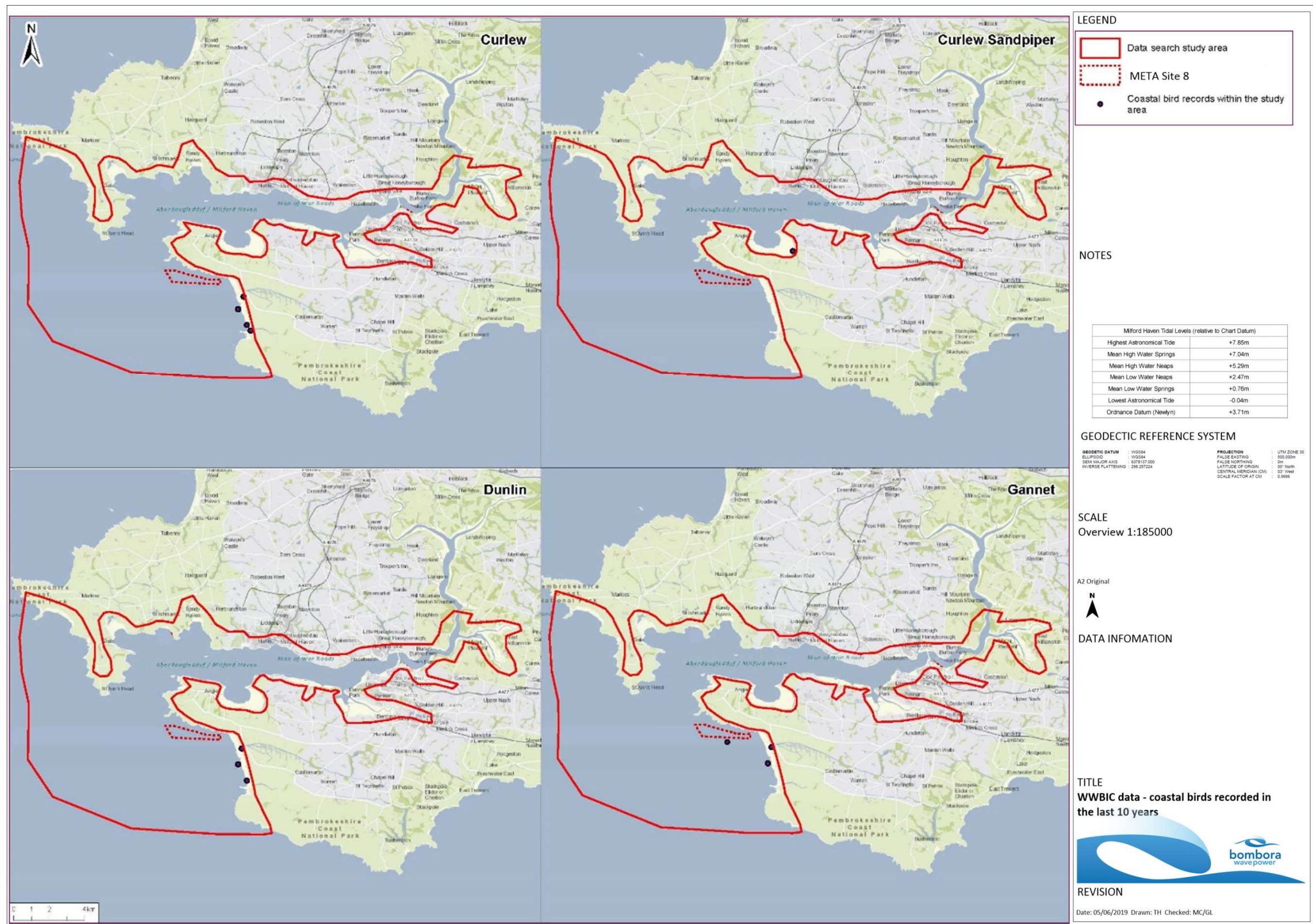


Figure A.10.1.2: Curlew, Curlew sandpiper, Dunlin and Gannet records last 10 years.

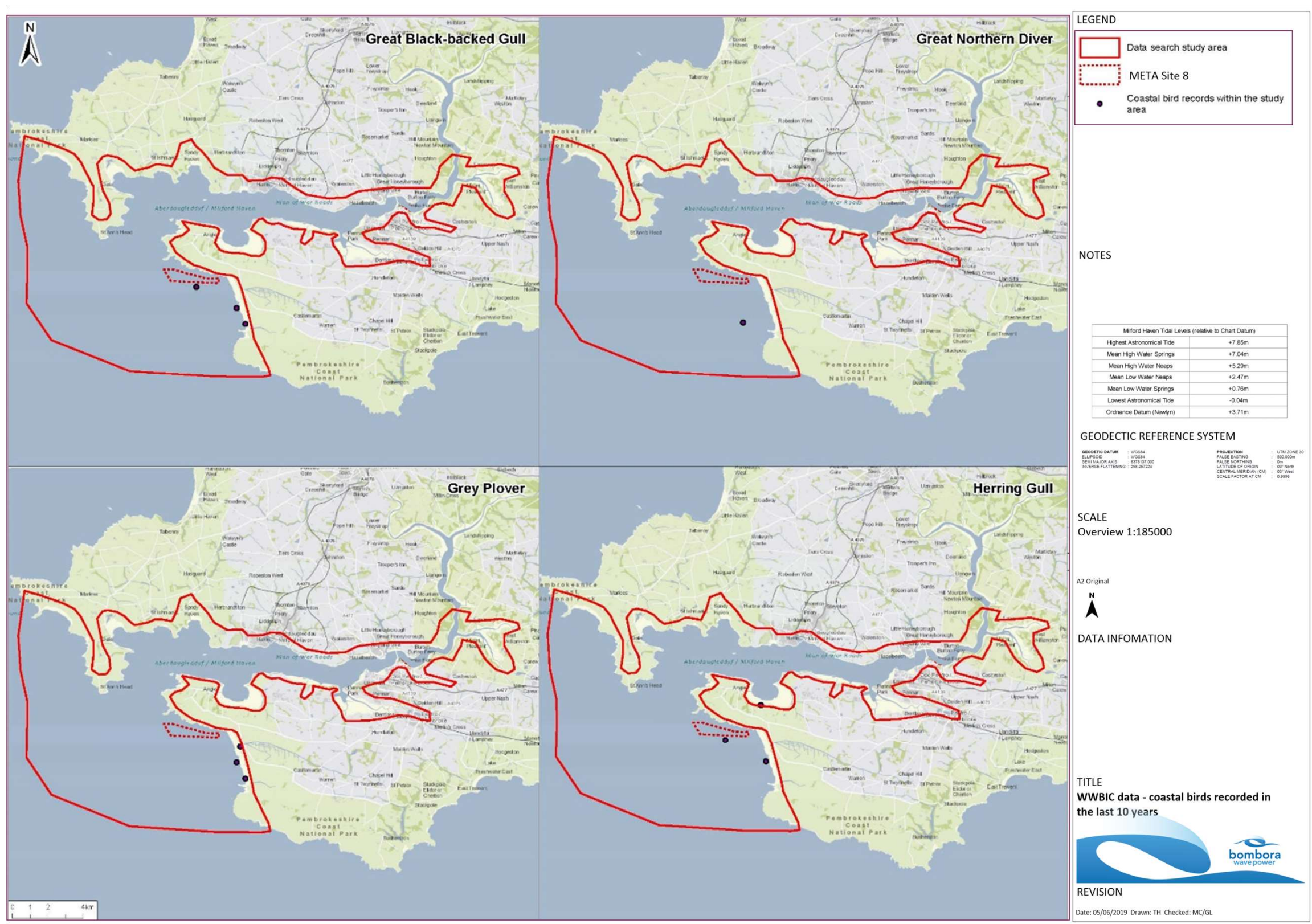


Figure A.10.1.3: Great Black-backed Gull, Great Northern Diver, Grey Plover, Herring Gull records last 10 years.

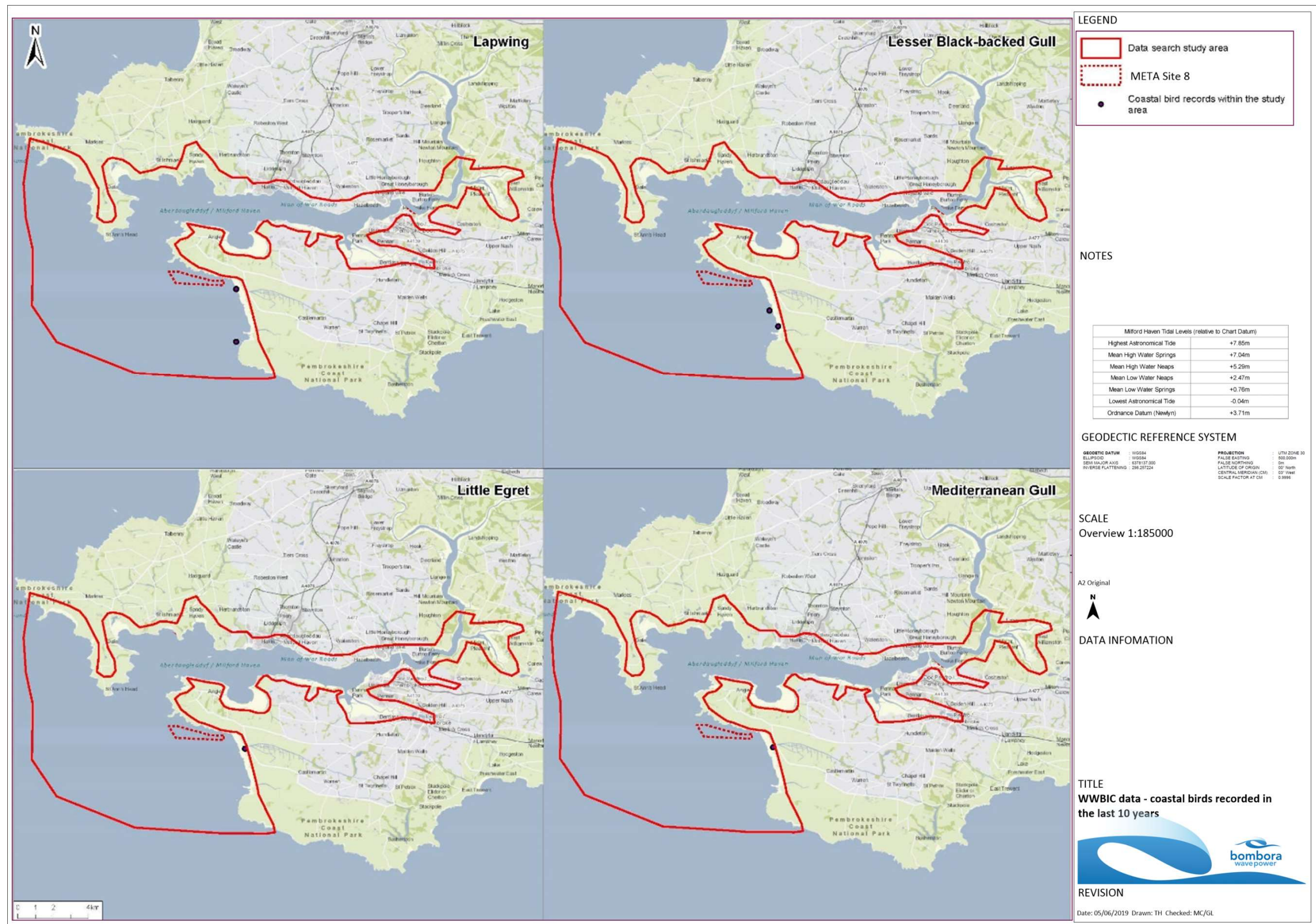


Figure A.10.1.4: Lapwing, Lesser Black-backed Gull, Little Egret and Mediterranean Gull records within the last 10 years.

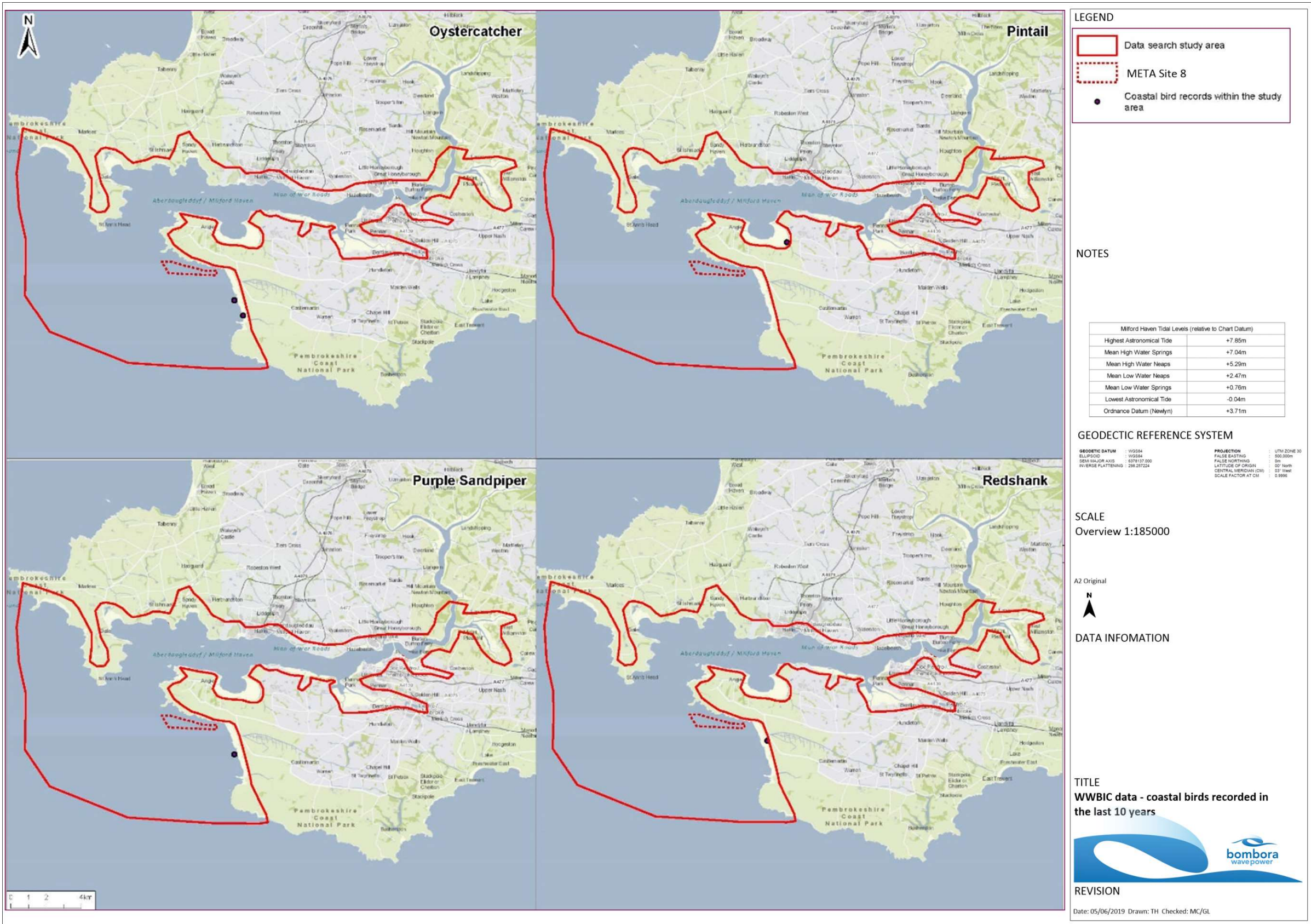


Figure A.10.1.1: Oystercatcher, Pintail, Purple Sandpiper and Redshank records within the last 10 years.

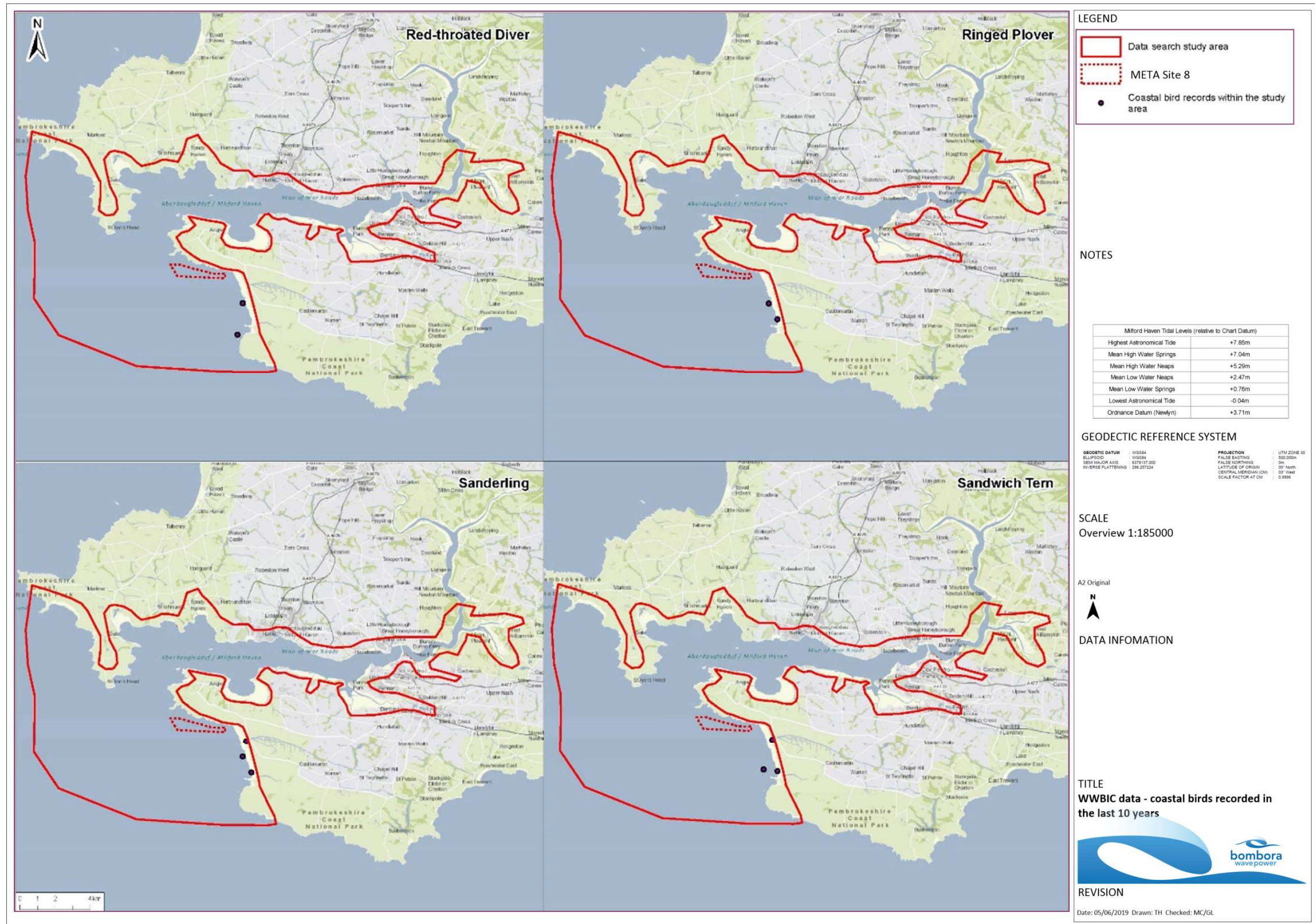


Figure A.10.1.6: Red-throated Diver, Ringed Plover, Sanderling, Sandwich Tern records within the last 10 years

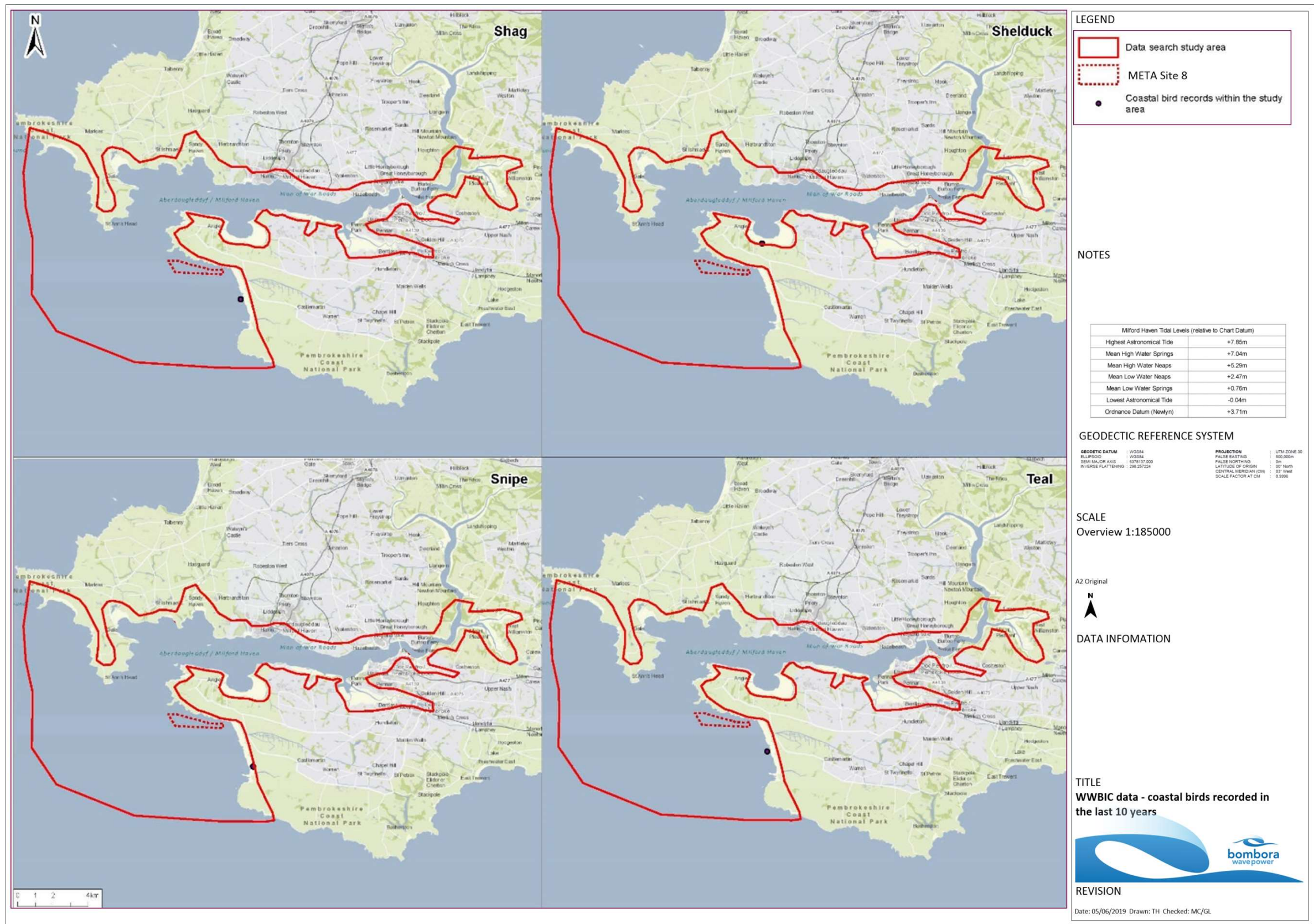


Figure A.10.1.7: Shag, Shelduck, Snipe and Teal records within the last 10 years.

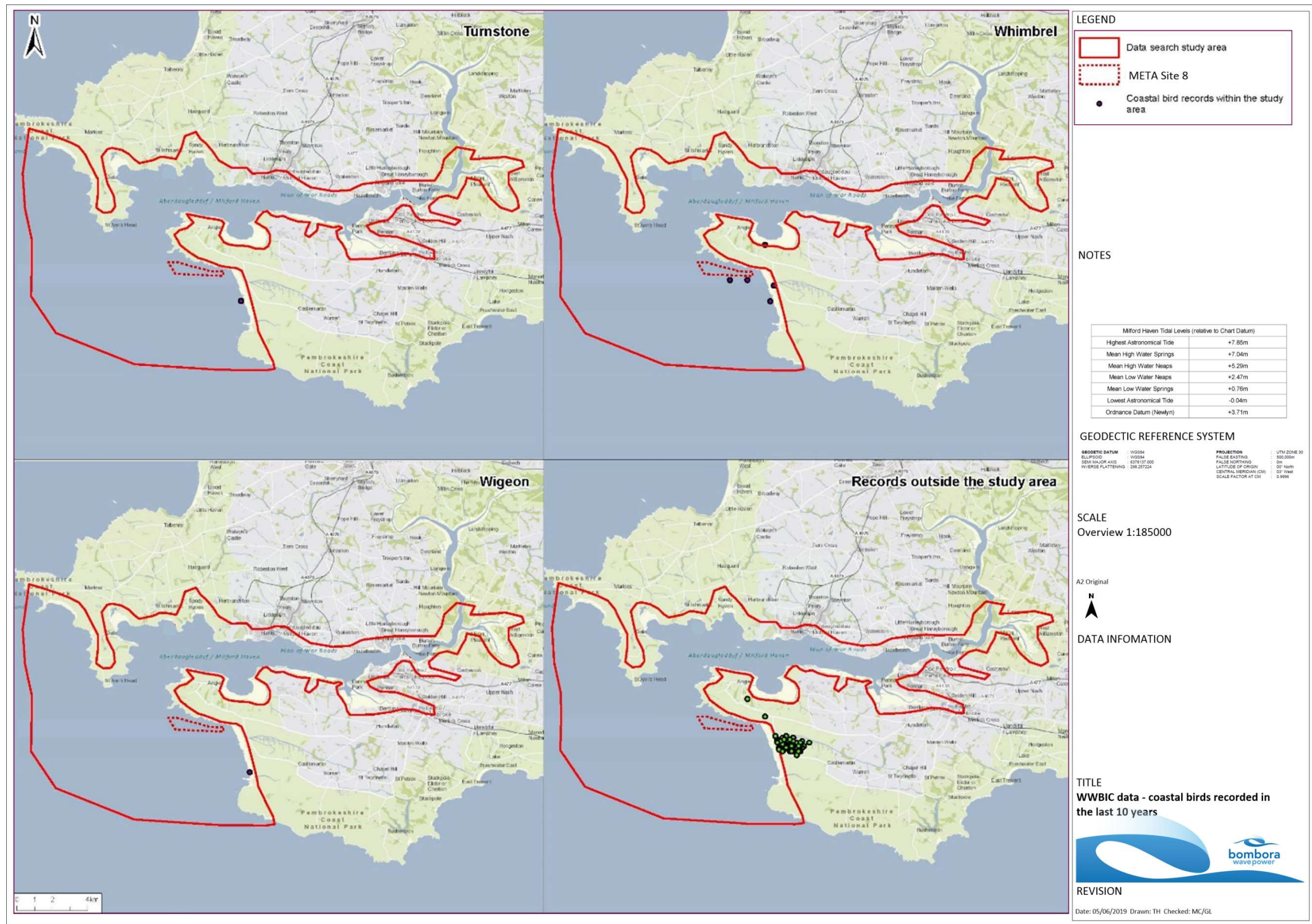


Figure A.10.1.8: Turnstone, Whimbrel and Wigeon records within the marine ornithology data search last 10 years.