

## **COMMENTS FROM THE FRIENDS OF ST MARY'S LANDS (FOSML) FOR PROTECTING NESTING BIRDS**

The Friends were asked for their proposals for protecting the nesting birds on St Marys Lands. These proposals are set out below, followed by the evidence and rationale for the proposals. At the end of the document are questions to which we would appreciate receiving answers please.

### **Proposals from FOSML**

- erect a larger sign (at each end of the nesting area) asking for co-operation but without the erroneous statements
- encourage the birds to nest at the edges of the course in a little used area. See marked up image below.
- that the extra resources and another dog warden, recommended by the WDC Task and Finish Group in 2012, be provided to tackle the "*specific problems on St. Mary's Lands*". The Council clearly has other powers to do this without fencing.
- that consideration is given to a representative from dog walking groups being included on the Working Party.

The temporary fencing is unnecessary as there is no evidence of rampaging dogs. Freedom of Information data has confirmed that there were no incidents on the Racecourse recorded by WDC from 2011 to 2020.

The "temporary" aspect is most of the summer time when a large number of people want to walk and use St Marys Lands/Warwick Common.

The proposal would result in a single path through a bird sanctuary field. That would result in major damage to the path from a large number of people using a small area. That is not a good idea.

Our members maintain that there are clear paths which **are** being observed and the nesting site area **is** avoided by dog walkers.

### **Evidence and Rational for the above proposals**

#### **Biodiversity Action Plan**

The District Council do not have their own Biodiversity Action Plan. However, they are a member of the Local Biodiversity Action Plan

Partnership chaired by Warwickshire Wildlife Trust. That Partnership has produced a Local Biodiversity Action Plan which we have researched. There is nothing within this which relates to protecting nesting birds and skylarks and meadow pipits are not included in their generic species action plan.

## **RSPB**

All wild birds are protected under the Countryside and Wildlife Act 1981 and it is unlawful to **wilfully** kill, injure them or move their nests. Skylarks and meadow pipits are only in Schedule 4 of protected birds (below Schedule 3 re shooting birds such as ducks and Schedule 3 selling birds into captivity). The RSPB advise that they are not of conservation concern and it is not against the law to disturb them. Neither is it a legal requirement to protect them.

Therefore, the sign that WDC intend to erect on Lammas Field stating, "it is a criminal offence to disturb nesting birds" is **erroneous**.

Dog walkers are animal lovers and there is no evidence that anyone would wilfully harm the birds. In fact we all want to see them flourish. They are an important part of the Common.

## **Ecology Report**

Background was from a **desktop** study

Skylarks and meadow pipits are not in decline – there are still 8 breeding pairs of skylarks and 3 breeding pairs of meadow pipits – just as there were in 2016 (see below). The natural predators that exist on SML, such as foxes and birds of prey, do not appear to have had any effect on numbers so why should dogs have an impact.

### **The Ecology Report states,**

*"Records from West Midlands Bird Club suggest that 8+ pairs of skylark were present in 2016 and 2-4 pairs of meadow pipit with 15-25 overwintering in the rough grassland at the southern end of Lammas Field. The bird survey in 2019/20 identified 8 singing skylark males mainly associated with Lammas Field. This shows a small but gradual decline. **The exact cause of this is unknown but may be caused by a number of factors.**"*

There is no evidence base presented in the Report that dogs disturb birds except for "A study in 2009 by the University of Hull for the Humber Nature Partnership, revealed that dog walking caused significant disruption to water birds, with off-lead dogs causing more disruption than any other activity on the Humber coast except for low flying jet aircraft, which cannot be directly compared with this study. " Skylarks and meadow pipits are not water birds."

The Ecology Report suggests, "It is important to establish effective communication between dog owners and the management team to ensure everyone feels engaged and welcome. This would encourage understanding and co-operation to support aims of the site and desired behaviours."

Does the annual firework display frighten the birds away?

The RSPB say that skylarks nest from April until September, sometimes having another brood - not just until 15<sup>th</sup> August. Why then is the grass mown in August? Why does the fencing have to be erected in February?

When amateur enthusiast Roland Hopkins observed dogs disturbing birds, did he make records of the incidents, date and time of day, type of dog, take photographs or approach the owners? Did he actually **see** dogs predating eggs, chicks or adult birds?

Does the Dog Warden keep a check on the area on a regular basis?

A bigger sign is needed – the current one is too small. A sign would be less intrusive than fencing. The sign is only on one side of the area. There is nothing on the other side to warn walkers about the nesting area.

A public consultation should include the Kennel Club (because they have launched a campaign against dogs being restricted in open spaces), Dog Walking Groups and Ramblers Association

The fencing plan is reminiscent of the proposal last year that limited walkers, joggers and dog walkers to areas of Warwick Common and prompted a 6,000 plus signature petition in objection.

The proposal would result in a single path through a bird sanctuary field. That would result in major damage to the path from a large number of people using a small area. That is not a good idea. Members report a significant increase in walkers on the Common recently, reflecting its popularity and obvious welfare benefits to the public.

## QUESTIONS FROM FOSML

Our representative requested to know the size of the area proposed for fencing off the bird nesting area. Would you please advise on this.

Our representative reported that Chris Elliott stated at the WP meeting on the 12<sup>th</sup> January that the proposals for fencing the nesting site would go ahead. Would you please confirm whether that is still the case?

We look forward to hearing your response to our proposals.

### **The Management Committee Friends of St. Mary's Lands**

Suggested new home for birds below

