

# HEN HARRIER *Circus cyaneus*

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Hen Harriers, their nests and eggs are protected by UK and European legislation. In Cumbria the greatest planning-related threat to Hen Harriers arises from developments which threaten specific breeding and winter roost locations.

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Hen Harrier © Pearson Douglas

## Legal and Conservation Status

- Annex I Birds Directive (protection through Special Protection Areas)
- UK Protected Species
- Species of Principal Importance in England

### ***The Hen Harrier is protected under:***

- Section 1 of the Wildlife and Countryside Act 1981 (as amended).

All birds, their nests and eggs are protected by law under Part 1 of the Wildlife and Countryside Act 1981 (as amended). Hen Harriers are listed on Schedule 1 which gives them special protection.

### ***It is an offence to:***

- Intentionally kill, injure, or take (handle) any wild Hen Harrier.
- Intentionally take, damage or destroy any wild Hen Harrier's nest whilst in use or being built.
- Intentionally take or destroy a wild Hen Harrier egg.
- Have in one's possession or control a wild Hen Harrier (dead or alive), or egg.
- Intentionally or recklessly disturb any wild Hen Harrier whilst building a nest or whilst in, on, or near a nest containing eggs or young.
- Intentionally or recklessly disturb any dependent young of wild Hen Harriers.

(This summarizes the main points of the law.)

## Habitat

Favoured wintering Hen Harrier habitat is characterised by generally lightly-managed vegetation including long grass, rush beds and heath which in addition to providing roost sites are likely to hold high populations of small birds and mammals, and hence are also productive foraging areas.

Roosts sites are often colonial. They may change between years but roosts are often present as 'roost complexes' within a defined area which may be used for decades if conditions remain correct. Within seasons more than one roost may be used simultaneously within a discrete area.

Hen Harriers breed in upland heather moorland areas, predominantly (but not exclusively) within designated Special Protection Areas.

### ***Cumbria Key Habitats that are particularly important for Hen Harriers include:***

Fen, Marsh and Swamp

Bogs

Heathland

## Ecology

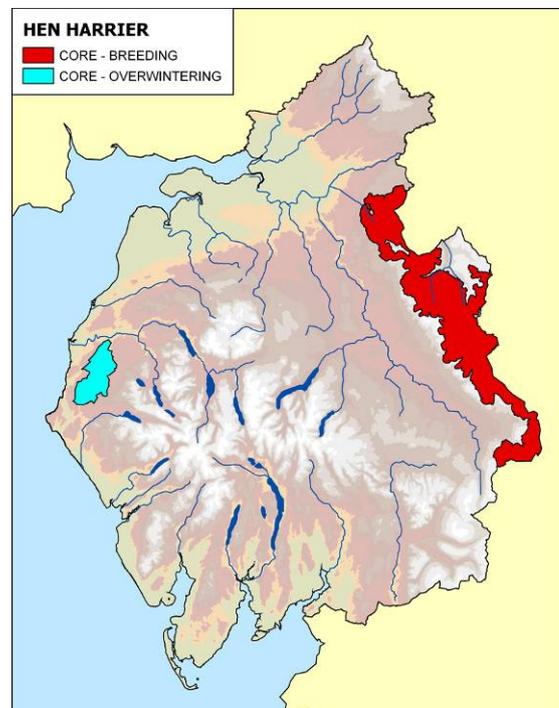
The Hen Harrier is a ground nesting bird of prey associated with open country. Hen Harriers require large expanses of suitable open habitat for hunting. Prey consists primarily of small birds and mammals. Larger prey such as red grouse and rabbit also form part of the diet. Hen Harriers are shy and easily disturbed.

## Distribution

Hen Harriers occur all year round in Cumbria and are of the highest conservation importance, with only a few breeding pairs each year in the County and some internationally important winter roost sites.

Hen Harriers over-winter in a number of locations in Cumbria and regularly use a discrete area of West Cumbria in internationally important numbers. In some years this 'West Cumbria foothills' roost complex is the third biggest roost site in England. Breeding sites are predominantly in the North Pennines and form part of a very restricted northern England range.

Mapping of additional areas on the Solway Plain in preparation.



## Conservation Issues

In Cumbria, there is a major conservation issue in relation to the loss or fragmentation of winter roosting areas and associated feeding grounds. This habitat loss and damage can come from a variety of development and management activities including wind farm development, conversion to bioenergy, agricultural change, inappropriate agri-environment schemes, e.g. rush cutting and disturbance through increased public access.

In addition illegal persecution and loss of suitable nesting habitat remains a major issue given the low numbers of harriers; significantly below the carrying capacity of the northern England uplands. Management of public rights of way and open access issues can impact upon breeding birds both on and off protected sites.

## Planning Considerations

- Part IV of ODPM Circular 06/2005: Biodiversity and Geological Conservation sets out the wide range of legislative provisions for conservation of species protected by national and international law. It emphasizes the need for ecological surveys to establish the presence of protected species and for protection measures to be in place through conditions and/or planning obligations before planning permission is granted. It also advises that local authorities should consult Natural England before the planning decision is made.
- The main winter roost complex area and associated foraging areas are vulnerable to impacts from developments. Any development proposals that fall within, or adjacent to, this area will require assessment of potential impacts upon the wintering population and its habitat requirements.
- The wintering Hen Harrier population of the 'West Cumbria foothills' should be considered to be equivalent to Special Protection Area quality. There is evidence that some of the Hen Harriers which winter in the 'West Cumbria foothills' area breed on SPAs in the North of England and the Isle of Man. West Cumbria Hen Harriers are therefore functionally linked to these SPAs.
- Since over-wintering can occur on other extensive areas of rush and heath, hen harriers may sometime be an issue for developments outside the current mapped area; developers should be encouraged to seek advice from Natural England or the Cumbria Bird Club.
- Developments within the uplands of Cumbria may impact upon Hen Harriers during the breeding season. This may occur on or off protected sites, and may include extensions to quarries, re-opening of mines, new buildings and tracks.

## Enhancement Opportunities

- Developments within the areas identified have potential for enhancement and creation of habitat through planning agreements and obligations, and restoration schemes.

## Further Information

[Hen Harrier information](#), RSPB

[Wind Turbines and Sensitive Bird Populations: A Spatial Planning Guide for on-shore wind farm developments in Cumbria](#), RSPB 2007

## Contacts

- **RSPB**, Tim Youngs, Hill Top Farmhouse, Colby, Appleby-in-Westmorland, Cumbria, CA16 6BD [Tim.Youngs@rspb.org.uk](mailto:Tim.Youngs@rspb.org.uk).
- **Cumbria Bird Club**, Dave Piercy, Derwentwater Youth Hostel, Borrowdale, Keswick, CA12 5UR, Tel: 017687 77246, [daveandkathypiercy@toscali.co.uk](mailto:daveandkathypiercy@toscali.co.uk)
- **Cumbria Wildlife Trust**, Neil Harnott, Plumgarths, Crook Road, Kendal, Cumbria, LA8 8LX Tel: 01539 816300
- **Natural England**, Juniper House, Murley Moss, Oxenholme Rd, Kendal, Cumbria, LA9 7RL, Tel: 0300 060 2122, [cumbriaplanning@naturalengland.org.uk](mailto:cumbriaplanning@naturalengland.org.uk)

## Current Action in Cumbria

- Selected winter roosts are currently surveyed by members of the Cumbria Bird Club and the RSPB in order to more fully understand the numbers involved and their functional linking to breeding sites.