

Conservation of wild birds (SMR 2)

This is an old version of the page

Date published: 3 July, 2018

Date superseded: 7 February, 2019

For recent changes to this guidance, please see the [bottom of the page](#).

The aim of these rules is to protect wild birds, their eggs and nests. This SMR 2 relates to all farmers and all land with additional rules if you have land classified as a Special Protection Area (SPA).

You must not:

Carry out any activities which are likely to result in the disturbance of birds or the deterioration of habitats affecting birds, e.g.

- cutting/trimming hedges in the bird breeding and rearing season (1 March and 31 August) without an exemption (see GAEC 7)
- cutting or lopping branches off trees in the bird breeding and rearing season (1 March and 31 August) without an exemption. (see GAEC 7)
- ploughing/reseeding rough grazing or other semi-natural areas unless approved as part of an environmental impact assessment (EIA*) (see GAEC 6)
- draining wetlands areas unless approved as part of an environmental impact assessment (EIA*)
- removing/burning scrub and gorse in the bird breeding and rearing season (1 March and 31 August)
- carrying out muirburn* outside the burning season (standard muirburn season runs from 1 October to 15 April inclusive)

Special Protection Area (SPA)

SPAs are sites which are designated under the Birds Directive due to their international importance for threatened habitats and species.

Many SPAs are also designated as Sites of Special Scientific Interest (SSSI). Special Protection Areas are an additional level of protection which recognises their international importance.

There are 153 of them in Scotland.

If you have a Special Protection Area on your land

You must:

1. get Scottish Natural Heritage's (SNH) consent in writing before carrying out, causing or permitting any specified operation listed in an SSSI's legal documents - referred to as Operations Requiring Consent (ORC) - or listed within a special nature conservation order
2. comply with all management notices served by Scottish Natural Heritage or the terms of any restoration order served by a court relevant to the purpose of the Special Protection Area

You must not:

1. intentionally or recklessly destroy or damage the special interest features of the area or disturb any fauna that are a special interest feature (this requirement can apply to actions that take place other than on the Special Protection Areas itself but which have the same consequence)

You will not break the rules above, if:

- you have a planning permission to carry out the work
- you have consent from a public body or statutory authority that has complied with its duty to consult Scottish Natural Heritage before giving its consent
- it is an emergency operation (provided that Scottish Natural Heritage is told as soon as possible after the emergency)

*Explanation of terms

'EIA' relates to The Environmental Impact Assessment (Agriculture)(Scotland) Regulations 2006. Full details of the EIA regulations can be found on the Scottish Government website.

[EIA regulations](#)

Muirburn, if you're making muirburn you should follow the Muirburn Code. A copy can be downloaded from the Scottish Government website.

[The Muirburn Code](#)

Further information

You can find out more information about Special Protection Areas, including whether your land is in a SPA, by contacting your [local Scottish Natural Heritage office](#) or by visiting the [Special Protection Areas](#) pages of the Scottish Natural Heritage website.

Previous versions

[Previous versions of this page](#)

Download guidance

Click 'Download this page' to create a printable version of this guidance you can save or print out.