

Graeme Thorpe
Planning
Ribbles Valley Borough Council

Email: ecology@lancashire.gov.uk

Your ref: CONECO/3/2012/0402

Our ref: 03/12/0402/ASM/ASP/RS

Date: 25th September 2012

Dear Graeme Thorpe,

Ecological comments

Planning Application No: **3/2012/0402**

Proposals: **Erection of a 50kW wind turbine (34.2m to tip height) to supply electricity to the farming operations**

Location: **Mason House Farm**

District: **Ribbles Valley Borough Council**

Thank you for your consultation in respect of the above planning application.

The main ecological issues arising from the proposal include possible impacts on bats (European Protected Species) and ground nesting bird populations, including Species of Principal importance (NERC Act, 2006). There may also be impacts on habitats of ecological importance. From the information submitted, I am unable to adequately assess these potential impacts.

RECOMMENDATIONS

The following matters will need to be addressed before the application is determined:

- The proposed turbine tips appear to fall within 50 metres of a hedgerow feature that may be used by bats. Unless the turbine can be relocated to retain a buffer of at least 50m from blade tip to features with potential to be used by bats further information will need to be provided before the application if determined (see below).
- If assessment reveals that a breach of The Conservation of Habitats and Species Regulations 2010 is likely, then Ribbles Valley Borough Council will need to have regards for these regulations in reaching a planning decision.
- There does not appear to have been an assessment of possible impacts on ground nesting birds. The site and surrounding area may support breeding birds such as Lapwing and Curlew (Species of Principal Importance), and Snipe (a species listed as amber on the RSPB/BTO Birds of Conservation Concern) and may be made unsuitable for such species by the installation of a turbine. Further information to

address this matter therefore needs to be provided before the application is determined (see below).

- The location of the turbine and cable route should be informed by a habitat assessment undertaken at an appropriate time of year, to ensure that impacts on semi-natural habitats of ecological interest are avoided. If such impacts are unavoidable, then appropriate mitigation/compensation proposals should be provided.

If the above matters can be adequately addressed and Ribble Valley Borough Council is minded to approve the above application, **planning conditions are recommended to address the following matters:**

- Vegetation clearance works, site preparation, vehicle movements associated with the development, development work or other works that may affect nesting birds (including ground nesting birds) will not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
- The need for additional conditions may become apparent following a submission of an ecological assessment to address the issues raised above.

The applicant should be made aware of the following matters:

- Licences from Natural England may be required if protected species will be affected.

JUSTIFICATION FOR RECOMMENDATIONS

1. LEGISLATION AND PLANNING POLICY

In determining this application, the requirements of the following legislation, planning policies and guidance should be addressed:

- The Conservation of Habitats and Species Regulations 2010 (as amended).
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- The National Planning Policy Framework, 2012 (NPPF)
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- North West of England Plan Regional Spatial Strategy to 2021, Policies EM1 and DP7.
- Environmental Protection / Nature Conservation policies of the Local Plan.

Further information is required in order to demonstrate that the proposed development would comply with the above legislation, policies and guidance.

2. ECOLOGICAL ASSESSMENT AND MITIGATION/COMPENSATION

Although the submitted statement states that "no specialist ecology species or ornithological species have been found to deter the proposal progressing", there does not appear to be any submitted information to support this statement and it is therefore not clear how this conclusion has been drawn.

In order to meet the requirements of the above legislation, policies and guidance, the applicant would need to demonstrate that the development would be located and designed in a way that would minimise impacts on biodiversity and that mitigation/compensation measures were sufficient to fully off-set all unavoidable ecological impacts and deliver net gains in biodiversity. If significant harm to biodiversity cannot be prevented, adequately mitigated or compensated for, then planning permission should be refused (NPPF).

Bats (European Protected Species)

Although the submitted plan shows the proposed turbine base is located 50m from the hedgerow to the west, based on the grid reference provided in the Application Form the turbine base appears to be closer than this at approximately 46m. In addition the proposed turbine blades appear to be 9.6m which would likely result in the blade tips sweeping closer than this to the hedgerow. Bats may use this hedgerow for foraging / commuting. Natural England advises that in order to avoid impacts on bats a buffer of at least 50m should be maintained between features likely to be used by bats and the blade tip of turbines. If the blade tips of the proposed turbine would not fall within 50m of features which have the potential to be used by bats (such as trees, buildings, waterbodies, linear features such as hedgerows, tree lines, ditches and stone walls connecting suitable bat habitat, and other suitable foraging habitat etc) then no bat survey will be required. Otherwise, an assessment of likely impacts on bats, potentially including bat activity surveys, will need to be undertaken before the application is determined. When assessing likely impacts on bats, Natural England Guidance notes TIN 059 and 051 should be taken into account.

Breeding Birds

Lancashire County Council has records of breeding Lapwing and Curlew (Species of Principle Importance) in the area of the proposed turbine. In addition the site and surrounding land may be suitable for breeding Snipe (a species listed as amber on the RSPB/BTO Birds of Conservation Concern). Installation of a turbine may displace breeding populations of these species from the site and surrounding land (as turbines have the potential to displace breeding birds for several hundred metres). Curlew and Snipe are thought to be particularly sensitive to wind generation developments (Pearce-Higgins *et al*, 2009 & 2012). DEFRA Circular 01/2005 states that Species of Principal Importance are capable of being a material consideration in planning decisions. The applicant has not provided any information to demonstrate that the proposed wind turbine would not have any impacts on these species. I therefore recommend that either:

- An assessment of the suitability of the site and surrounding land (as turbines have the potential to displace breeding birds for several hundred metres) for breeding populations of these species is carried out, drawing upon relevant records (e.g from the Lancashire Environmental Records Network and local bird groups) as appropriate and, if deemed suitable surveys should be carried out to confirm the presence or absence of Species of Principal Importance. Surveys should follow a recognised methodology and should be undertaken at an appropriate time of year. If impacts on such species cannot be avoided, then the applicant should be required to provide

appropriate mitigation/compensation proposals, such as enhancement of an alternate field for waders. OR

- Assume impacts on these species are likely and therefore appropriate mitigation/compensation measures should be submitted.

In addition, if Ribble Valley Borough Council is minded to approve the application it needs to be ensured that construction works do not impact on nesting birds. A planning condition is recommended above to address this matter.

Habitat

An assessment of the ecological value of the habitat on the site does not appear to have been carried out. Lancashire County Council records show that the habitat on which the turbine (and potentially the cable route) is to be located may be of ecological importance. DEFRA Circular 01/2005 indicates that Habitats of Principal Importance are a material consideration in planning decisions. The location of the turbine and cable route should therefore be informed by a habitat assessment at an appropriate time of year, so that impacts on habitats of ecological importance can be avoided. If such impacts are unavoidable, then the ecological assessment should inform mitigation / compensation proposals.

The above comments are based on a review of documents submitted with the planning application as well as a review of ecological records, maps and aerial photographs accessible to Lancashire County Council.

The above comments represent the professional opinion of an ecologist and do not constitute professional legal advice. You may wish to seek professional legal interpretation of the relevant wildlife legislation cited above.

I hope these comments are helpful.

Yours sincerely,

Rebecca Stevens
Ecologist
Lancashire County Council