

Colin Sharpe
Planning
Ribble Valley Borough Council

Email: ecology@lancashire.gov.uk

Your ref: CONECO/3/2012/0863

Our ref: 03/12/0863/ASM/ASP/RS

Date: 6th November 2012

Dear Colin Sharpe,

Ecological comments

Planning Application No: **3/2012/0863**

Proposals: **Proposed erection of a CF 50kW wind turbine 39.65m high from blade to tip.**

Location: **Handlesteads**

District: **Ribble Valley**

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

The main ecological issues arising from the proposed turbine include potential impacts on birds, bats (European Protected Species) and the Bowland Fells Special Protection Area. Ecological issues arising from the cable route cannot be assessed as details of the cable route do not appear to have been submitted.

RECOMMENDATIONS

The planning statement submitted with the application states that "there is no evidence on site of ground dwelling mammals such as badgers, foxes or other creatures. Nor are there any nesting birds or bats within close proximity to the turbine". However, no evidence has been submitted to justify these statements. If ecological assessments / surveys have been carried out then the applicant should be required to submit the reports, which should include full details of the survey methods, results (including the raw data and survey maps), conclusions and recommendations, in order to allow me to fully assess the likely potential ecological impacts before the application is determined, otherwise the **following matters will need to be addressed before the application is determined:**

- An assessment of likely impacts on birds which are known to be affected by wind generation developments (including breeding wading birds (such as Curlew, Lapwing and Snipe), raptors and owls), should be undertaken and submitted, including bird surveys where necessary. If impacts are likely, adequate mitigation /compensation measures will need to be submitted.

- The blade tips of the proposed turbine appear to fall within 50 metres of features that may be used by bats (such as the hedgerow line to the south east). 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, and the applicant can provide information to demonstrate that this would be the case (using the calculations detailed in the Natural England Guidance note TIN051), 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 Ribble Valley Borough Council will need to have regards for these regulations in reaching a planning decision.
- Details of the cable route should be submitted in order to assess the need for ecological assessment/further information.
- Before the application is determined, I recommend that Natural England is consulted regarding likely impacts on the Bowland Fells Special Protection Area and the RSPB is consulted regarding likely impacts on birds.

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 the further information required 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. BATS (European Protected Species)

DEFRA Circular 01/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (para 99).

The blade tips of the proposed turbines appear to fall within 50m of features which may be used by bats (hedgerow to the south). In order to avoid impacts on bats, and the need for surveys/assessments, the turbine(s) should be relocated to maintain a buffer of at least 50m from blade tips to 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) and the applicant should provide information to demonstrate that this would be the case (using the calculations detailed in the Natural England Guidance note TIN051).

If the turbine(s) cannot be re-located / it cannot be demonstrated that the turbine blade tips would not fall within 50m of features which may be used by bats, then bat survey(s) to establish likely impacts will need to be undertaken and submitted prior to determination of the application. Bat surveys should follow appropriate guidance (*Bat Surveys: Good Practice Guidelines* published by the Bat Conservation Trust, 2012) and be undertaken by a competent appropriately qualified person.

When assessing likely impacts on bats, Natural England Guidance notes TIN 059 and 051 should be taken into account.

3. BIRDS

The proposed turbine is within an Important Bird Area, which supports nationally important populations of breeding Lapwing and Curlew and which is a breeding stronghold for Hen Harrier. In addition the proposed turbine is situated approximately 1.5km from the Bowland Fells Special Protection Area and may therefore affect the interest features of the site.

Lancashire County Council has records of breeding Lapwing and Curlew (Species of Principle Importance) and Snipe (a species listed as amber on the RSPB/BTO Birds of Conservation Concern) in the vicinity of the proposed turbine, and records accessible to Lancashire County Council indicate that the site and surrounding land may be suitable for these species. Installation of the turbine may displace breeding populations of these species from the site and surrounding land (as turbines have the potential to displace these breeding bird species for up to 800 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 Principle Importance are capable of being a material consideration in the making of planning decisions.

The applicant has not provided any information to demonstrate that the proposed wind turbines would not result in impacts on these wading bird species. It would therefore be appropriate for either:

- an assessment of the suitability of the site and surrounding land for breeding populations of these species to be carried out, drawing upon relevant records (e.g from the Lancashire Environmental Records Network, local bird groups, management for birds under Higher Level Stewardship Schemes) as appropriate and, if the site and surrounding land is deemed suitable bird surveys should be carried out to confirm the presence or absence of these species. 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(s) for waders OR
- Assume impacts on these species are likely and therefore appropriate mitigation/compensation measures should be submitted.

If adjacent land is managed under agreement for priority birds that have the potential to be impacted, it is possible that Natural England would require amendments to the agreement.

Other bird species, including raptors and owls, also have the potential to be impacted by turbine(s). The assessment of likely impacts on birds discussed above should therefore be extended to include other sensitive bird species. If impacts cannot be avoided then appropriate mitigation/compensation proposals should be submitted.

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

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