

**Jane Tucker**

**From:** Gorman, Sarah [Sarah.Gorman@lancashire.gov.uk]  
**Sent:** 19 June 2013 17:19  
**To:** planning  
**Subject:** 03/2013/0357 - land to the north of Huntroyde Home Farm

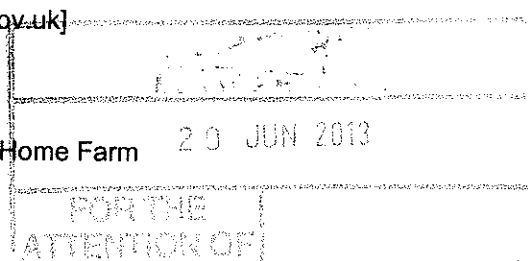
**Attachments:** 03 13 0357 LCC ecology response.pdf

**Planning Application No:** 03/2013/0357

**Proposals:** Proposed erection of a 60.7m single wind turbine and associated sub-station, concrete pad and access track

**Location:** Land to the North of Huntroyde, Home Farm, Huntroyde West, Whins Lane, Simonstone, BB12 7QL

**District:** Ribble Valley



Please find attached the ecology consultation response for the above planning application.

Kind regards

Sarah Gorman

Ecologist  
Lancashire County Council  
County Hall  
Preston

\*\*\*\*\*  
This e-mail contains information intended for the addressee only.

It may be confidential and may be the subject of legal and/or professional privilege.

If you are not the addressee you are not authorised to disseminate, distribute, copy or use this e-mail or any attachment to it.

The content may be personal or contain personal opinions and unless specifically stated or followed up in writing, the content cannot be taken to form a contract or to be an expression of the County Council's position.

Lancashire County Council reserves the right to monitor all incoming and outgoing email.

Lancashire County Council has taken reasonable steps to ensure that outgoing communications do not contain malicious software and it is your responsibility to carry out any checks on this email before accepting the email and opening attachments.

19/06/2013



Graeme Thorpe  
Planning  
Ribble Valley Borough Council  
Council Offices  
Church Walk  
Clitheroe  
BB7 2RA

Email: ecology@lancashire.gov.uk  
Your ref: 03/2013/0357  
Our ref: 03/13/0357/ASM/ASP/SG  
Date: 19<sup>th</sup> June 2013

Dear Mr Graeme Thorpe,

**Ecological comments**

**Planning Application No:** 03/2013/0357

**Proposals:** Proposed erection of a 60.7m single wind turbine and associated sub-station, concrete pad and access track

**Location:** Land to the North of Huntroyde Home Farm, Huntroyde West, Whins Lane, Simonstone, BB12 7QL

**District:** Ribble Valley

Thank you for your consultation in respect of the above planning application.  
The main ecological issues arising from the proposal include potential impacts on:

- Bats (European Protected Species)
- Ground nesting birds (e.g. Curlew, Species of Principal Importance)

**RECOMMENDATIONS**

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

- There does not appear to have been a sufficient assessment of potential impacts on bats. It is my opinion, that further survey is required prior to the determination of the application (see below).
- If the 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 regard for these regulations in reaching a planning decision.
- There does not appear to have been a sufficient assessment of potential impacts on ground nesting birds (Curlew). Further information to address this matter

therefore needs to be provided before the determination of the application (see below).

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 will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.
- The additional information/survey discussed above may give rise to the need for further planning conditions.

## **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).
- Environmental Protection / Nature Conservation policies of the Local Plan.

#### **NPPF:**

- Pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature (NPPF Para 6-10).
- Core planning principles listed in the NPPF state that planning decisions should contribute to conserving and enhancing the natural environment (NPPF Para 17).
- The planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological networks (NPPF Para 109).

DEFRA Circular 01/2005 states that if protected species are reasonably likely to be present and affected by the proposed development, then a survey/assessment to establish the presence or absence of protected species and the extent that they may be affected by the proposed development needs to be undertaken before planning permission is granted.

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

## **2. AVOIDANCE OF ECOLOGICAL IMPACTS AND MITIGATION/COMPENSATION**

In order to meet the requirements of the above, 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. The NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (NPPF Para 118).

Although the applicant has provided an ecological scoping report, it is my opinion that the applicant has not adequately demonstrated that there would not be any impacts on protected/priority species or that any impacts would be adequately compensated / mitigated for. Further survey is necessary in order to inform the need for mitigation/compensation.

### **Bats (European Protected Species)**

I have reviewed the following ecological information submitted in support of the application: *Ecological Scoping Assessment – Huntroyde Home Farm* (Brooks Ecological, February 2013) and *Bat Survey and Assessment – Huntroyde Home Farm* (Brooks Ecological, February 2013). Unfortunately the bat survey relates to a site approximately 350m north of the proposed turbine.

It appears from the submitted information, Bat Conservation Trust guidance (2012) and Natural England's guidance (TIN051) that the site/area is high risk for bats, for the following reasons:

- A map submitted with the scoping report indicates that there are a number of potential bat roosts in the wider area, broadly surrounding the turbine and that the habitat surrounding the site provides good and moderate bat foraging and commuting habitat (including woodland, parkland, linear features such as hedgerows, tree lined roads). However full details of the methodology undertaken to identify potential bat roosts has not been provided (e.g. area covered/survey effort undertaken/survey methodology of tree assessment).
- The bat report identified, what appears, to be a high level of bat activity (Common Pipistrelle, Soprano Pipistrelle and Myotis species) approximately 350m north of the proposed turbine.

- More than one observation of noctules was made during the surveys for the nearby area. Natural England's guidance note (TIN051) states that noctules are a high risk species (species / population likely to be at risk from wind turbines). The scoping report acknowledges that this species is at more risk due to their high flight which is much less associated with habitat features obvious of the ground and that noctules are associated with roosts in trees and will commute between woodland blocks /copses – behaviour which can bring them into conflict with wind turbines in some locations (para 3.16).

The scoping report indicates that no further assessment is required as the turbine is located at a distance of greater than 50m (56m in this case) from the woodland. Although Natural England's guidance note TIN059 states that a bat survey should normally be recommended for applications within 50m of potential bat habitat, the guidance does not state that surveys are not required at distances of greater than 50m. Natural England, Scottish Natural Heritage and Countryside Council for Wales (2012) paper states that '*a buffer zone of 50m is a minimum distance and, in some cases, the SNCOs may advise a greater stand-off distance. An example might be a proposed wind turbine site where a high risk, scarce species has been regularly recorded*'. The need for surveys should be informed by the likely risk of the site and not purely if the site is greater than 50m from linear features. The bat report has identified the presence of high risk species in the area.

The ecology report (para 3.2) acknowledges that *it is always important that even single turbines, are sited away from transit routes, roost entrances or primary foraging areas for bats*. Assessing whether or not the 56m stand-off is acceptable will require the applicant to submit survey data in accordance with the BCT guidelines, unless the applicant can adequately justify why such survey is not required.

Natural England *et al* (June 2012) states that '*poorly sited turbines that kill bats or impact on behaviour are most likely to affect conservation status if they affect many bats of a common species or a small number of bats of a scarce species*'.

Natural England endorses the BCT guidance (2012) through their standing advice. The BCT guidelines also set out the minimum standards for bat surveys at proposed turbine developments. This indicates that some level of bat survey would be appropriate, even in low risk sites. Although a bat report has been submitted, it is not for the current location of the turbine. In any case, the surveys that were undertaken do not appear to be in accordance with the BCT guidance (2012) e.g. amount of survey undertaken.

From aerial photographs it appears that there is a boundary feature within 20m of the proposed turbine. It is not clear whether this is a fence line or a boundary wall.

BCT guidelines (2012) advises that the data search for known bat records and roost locations should extend to 10km from the site boundary for high risk species (e.g. noctule) and to 5km for all other bat species. Although a data search has been undertaken for the site, it does not appear that the data search include records from the local bat group.

It would be appropriate to ascertain whether the land is within an agri-environment scheme. For example, if the land is within such a scheme and if the future management would provide habitat enhancement over the years, this may attract bats in future years/provide higher quality foraging habitat for bats and lead to a greater risk of mortality. As recommended in the BCT guidance (2012) surveys should be designed to allow the assessment of any future impacts on bats as a result of a change in habitat management. This does not appear to have been considered in the report.

On the basis that high bat activity and high risk species (noctule) have been recorded in the area, it is my opinion that bat surveys are required to ascertain whether the 56m distance of the turbine would be appropriate in this particular location and to inform the need for additional/amended mitigation proposals. In the absence of surveys it is not clear that the turbine would not result in offences (e.g. killing and injuring of bats / significant impacts on bat populations locally).

The applicant should be required to submit further information to address these concerns and demonstrate that the proposals would not result in a breach of the Conservation of Habitats and Species Regulations 2010 (as amended). This is needed prior to the determination of the application, in order that Ribble Valley Borough Council can discharge its duty as competent authority for the purposes of the Regulations in the making of this planning decision.

#### **Breeding Birds (protected species) including Species of Principal Importance (Section 41 NERC Act 2006)**

Curlew are thought to be particularly sensitive to wind generation developments and the installation of the turbine may displace breeding populations of this species from the surrounding land for up to several hundred metres.

Although the scoping report has identified the site as sub-optimal habitat for curlew and lapwing (Species of Principal Importance), it acknowledges that the wider area may support low numbers of breeding curlew and/or lapwing which may face displacement. DEFRA Circular 01/2005 indicates that UK Biodiversity Action Plan Priority Species and Habitats (Species and Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions.

The applicant should therefore be required to either demonstrate that the proposed turbine would not result in any adverse impacts on such species through further assessment/ surveys or submit mitigation/compensation proposals to avoid/offset any impacts, such as enhancing suitable alternative field(s).

It would also be appropriate for the applicant to clarify whether or not any of the land on site, or within the nearby vicinity of the proposed turbine is currently within an agri-environment scheme (specifically targeted at management for birds). If the site and/or adjacent land is managed for priority birds under agreement, it is possible that Natural England would require amendments to the agreement.

It needs to be ensured that detrimental impacts on breeding birds are avoided. A planning condition is recommended above for the avoidance of impacts on nesting birds.

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,

Sarah Gorman  
Ecologist  
Lancashire County Council