

# Ecology Unit Planning Newsletter



Issue 4, 2009

Welcome to Warwickshire County Council Ecology Unit's fourth planning newsletter.

The aim of this newsletter is to keep all interested parties informed of the work we are doing and also of any updates relating to ecological considerations in planning applications.



Photo © Brett Lewis, Natural England (2008) *Water voles and development: licensing policy*

In this edition:

- Prosecution & Appeals.
- Natural England's interim guidance on wind turbines and bats.
- DEFRA funding for Local Biodiversity Recording.
- SDC electronic weekly lists.
- Bat surveys update.

## Wildlife Prosecution and Appeals

**Cheshire East Borough Council (CEBC)** granted permission to demolish a house that contained a small pipistrelle bat roost with a condition for the need to apply for a Natural England licence and appropriate mitigation. A licence was acquired by Millennium Estates Ltd in July 2008 and the building was demolished. However, Millennium went into administration, leaving an open plot.

A local resident challenged the permission, arguing that CEBC had failed to account for the bats in line with the Conservation (Natural Habitats, &c.) Regulations 1994. The High Court ruled that CEBC should not be allowed to release its duty through a condition and that the planning report did not mention the Directive or Regulations. It did refer to the need to have a condition covering the disturbance mitigation. The permission was revoked.

We have looked at our advice and do not condition licences or mitigation without sufficient information. However, we do not always advise on wording added to permissions, so we will look into this.

**Mr Ayob Bhailok** from Preston was found guilty on two charges of destruction of bat roosts. He was given a 6 month conditional discharge and ordered to pay £2000 costs.

**Hills Construction and North East Demolition** were found guilty of destruction of a bat roost and were fined £2000 and £1500 respectively.

**Kenneth Strelley** (Gateway Country Club, Wales) admitted one charge under the Wildlife and Countryside Act for water vole habitat damage. He was granted planning permission for a nine hole golf course on the condition that water vole habitat be protected. In May 2008 visitors found the watercourse and reed beds blocked following earth works. He was fined £1500 and ordered to pay £1000 costs. Mr. Strelley suggested the delay had cost him between £80,000 and £100,000.

## Bats and Single Large Wind Turbines

Natural England has produced the Joint Agencies interim guidance on bats and single large wind turbines, October 2009. This is due to the increasing amount of evidence linking bat casualties to single large wind turbines. Initial studies show that casualties peak during migration although recent studies suggest that bats could be damaged if the turbine is located close to certain habitats that are used by bats.

Therefore Natural England recommends a bat survey for applications for wind turbines within 50m of the following features;

- Buildings or other potential bat roost structures.
- Woodland, hedgerow and rivers/lakes.
- Within or adjacent to a site designated for bats (e.g. SSSI).

These surveys aim to pick up high risk situations. This information can then be used to decide if the site is appropriate for development or to inform possible mitigation. More than one survey may be required where the presence of suitable habitat or other information indicates a high probability of use by bats.

### Bat species likely to be at risk from wind turbines.

Low risk	Medium risk	High risk
Myotis species	Common pipistrelle	Noctule
Long-eared bats	Serotine	Leisler's
Horseshoe bats	Soprano pipistrelle	Nathusius' pipistrelle
	Barbastelle	

Source: Natural England Technical Information Note. "Bats and Single Large Wind Turbines: Joint Agencies' interim guide (October 2009)".



**Defra Fund for Local Biodiversity Recording - West Midlands Regional Implementation Projects 2009/10**

Natural England (NE) is currently managing a Defra Fund to increase the quantity and quality of biological information available to key public sector users and ensure that this information is used in local decision making.

Under the Planning Policy Statement 9: Biodiversity and Geological Conservation, *“Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas.”*

A review of local record centre services in the West Midlands highlighted inconsistencies in the way biodiversity information is acquired and used by local authorities (LAs).

Natural England commissioned the West Midlands Local Records Centres (WMLRCs) to undertake a web-based consultation to review ecological data provision to West Midlands LAs’ Strategic Planning, Development Control and Ecology departments. The aim of the project was to identify and promote good practice by LAs in the delivery of their biodiversity duties.

Warwickshire County Council Ecology Unit is the co-ordinating body for this study. So, thank you to all those who responded in Warwickshire and Coventry. A total of 53 responses were received, with satisfactory coverage over the region and local authority functions.

As the project is still ongoing, further detailed analysis of the data will be undertaken in due course and more information on the outcomes will be provided in the next newsletter.

**SDC Electronic Weekly Lists**

We are exploring new, more efficient ways of processing weekly list responses from SDC.

SDC send us an electronic spreadsheet with site, eastings and northings which are plotted straight into our MapInfo GIS. From this screen we add our comments, collate them in the same table and send them back.

We are 2 months into the experiment, but it is working for us with exciting prospects that could save significant amounts of time.

This may be part of the Defra innovation project report... so watch this space.

**IF OTHER LAs WOULD LIKE TO JOIN IN THIS PROCESS, PLEASE CONTACT US**

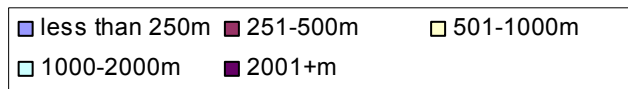
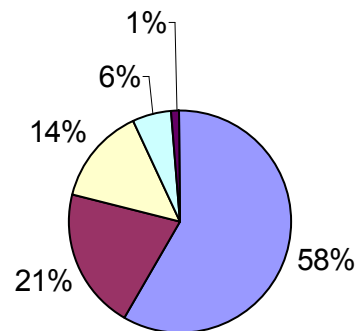
**Bat Surveys Update**

Since the last update we have continued to receive bat survey data and we now have 376 positive bat survey (records) for buildings across Warwickshire and Coventry.

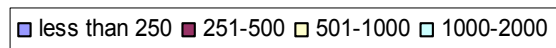
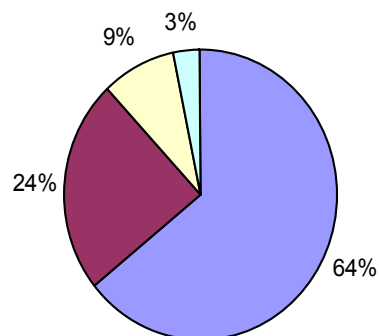
- 60% of Dwellings surveyed were positive.
- 96% of Traditional Barns surveyed were positive.

More uncommon species that have been recorded include Barbastelle and Lesser Horseshoe bats. We have also analysed the relationship between bat presence and proximity to water and woodlands. The results are shown in the following pie charts.

**Positive bat records and their proximity to woodland**



**Positive bat records and their proximity to water.**



This indicates a trend between bat presence and their proximity to both water and woodland. However, further survey work and analysis is required to test this relationship.