

[REDACTED]

From: Alex Robbins [REDACTED]
Sent: 13 July 2006 16:30
To: Planning - Enquiries
Cc: Julie.Delcroix@countryside.gov.uk; BowerR@Halcrow.com; Paulineh@hwt.org.uk; Pope, Colin; les.street@rspb.org.uk
Subject: FAO: Mr A Pegram (Wellow Wind Farm Planning Application)



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FAO: Mr A Pegram

Please find attached English Nature's response to the planning application for the wind farm at Wellow (Your ref: P/01400/06 - TCP/27774).

Please don't hesitate to contact me in relation to our comments, however, I am due to go on annual leave from 17 July to 01 August. In my absence my colleague Tony Cosgrove can be contacted to discuss our response.

Kind regards

Alex

Alex Robbins
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English Nature

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Mr A Pegram
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Council Offices
Seaclose
Fairlee Road
NEWPORT
PO30 2QS

Your Ref: P/01400/06-TCP/27774

Our Ref: SU38.8/HI/WELL.WINDFARM

13 July 2006

Dear Mr Pegram

PROSPECT QUARRY SSSI/NEWTOWN HARBOUR SSSI/COMPTON DOWN SSSI/YAR ESTUARY SSSI/BOULDOR AND HAMSTEAD CLIFFS SSSI/CRANMORE SSSI/COMPTON CHINE TO STEEPHILL COVE SSSI/MOTTISTONE DOWN SSSI/FRESHWATER MARSHES SSSI/CALBOURNE DOWN SSSI/NORTH COPSE DOWN SSSI/NORTH PARK COPSE SSSI/HEADON WARREN & WEST HIGH DOWN SSSI/COLWELL BAY SSSI/ROWRIDGE VALLEY SSSI/LOCKS FARM MEADOW SSSI/LACEY'S FARM QUARRY SSSI/THE NEW FOREST SSSI/NORTH SOLENT SSSI/HURST CASTLE TO LYMINGTON RIVER ESTUARY SSSI/HYTHE TO CALSHOT MARSHES SSSI SOLENT AND SOUTHAMPTON WATER SPA/Ramsar/THE NEW FOREST SPA/Ramsar/ISLE OF WIGHT DOWNS SAC/SOLENT MARITIME SAC

Proposed wind turbine generating station comprising 4 turbines 59m hub height & 100m overall height (tip height) and 2 turbines 68.5m hub height & 109.5m overall height (tip height) (total of 6 turbines), with associated infrastructure to include 59m high (approx) meteorological mast, crane pads, switching station, underground cables, temporary construction compound, parking bay and new access off Broad Lane. Land south of Wellow/east of Holmfield Avenue, west of Stoneovers and off, broad Lane, Shalcombe, Yarmouth.

Thank you for your letter of 01 June 2006, requesting English Nature's comments on the above planning application. The application site is close to above designated sites.

English Nature **objects** to the above application for the following reasons:

Assessment under the Conservation (Natural Habitats &c.) Regulations 1994

English Nature is concerned that golden plover are likely to be significantly affected by the proposed development. Golden plover are an interest feature of Newtown Harbour SSSI, and although not specifically listed as a qualifying interest feature of Solent and Southampton Water SPA/Ramsar, are considered to form part of the regular wintering assemblage of the Solent and Southampton Water SPA/Ramsar site.

The protection afforded by the Conservation (Natural Habitats, &c.) Regulations 1994 is centred on the concept of site integrity. An impact which has the potential to contribute to a decline in the population of the species for which the site is designated or classified has the potential to lead to an adverse effect on the integrity of the site.

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There are a number of different mechanisms where the population for which the site has been designated can be impacted and these include influences that may affect the population beyond the physical boundary of the site. The impacts on any mobile features of a European site should be considered not only within the site boundary itself but also off site. In all cases however, a clear link needs to be made between the population being impacted and the population within the designated site.

Therefore using a precautionary approach, based on information provided within the Environmental Statement, English Nature considers that golden plover are likely to be significantly effected by the proposed development.

In addition, English Nature considers that the Environmental Statement has not adequately assessed the potential impact of the proposed development on the migrating passerines and raptors, such as honey buzzards, which are interest features of The New Forest SPA.

English Nature therefore feels that the proposed development is likely to have a significant effect on the interest features of the above SPA/Ramsar sites either alone or in combination with other plans or projects, and will require an **appropriate assessment** in accordance with Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994.

English Nature would be happy to assist in the scoping of the appropriate assessment.

Advice under S28I of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)

PPS 9 states that “where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted”.

The information within the appropriate assessment will help us to assess whether the above SSSI is likely to be adversely affected by the proposed development, therefore English Nature **objects** pending the outcome of the appropriate assessment.

I draw your attention to the duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of your functions, to further the conservation and enhancement of the SSSI.

I also draw your attention to the provisions of S28I of the 1981 Act, in particular to the requirement that, should permission be given contrary to English Nature’s advice or to the conditions which English Nature recommends should be attached to the permission, then you must ensure that:

- notification is given to English Nature of the date and terms of the permission and how, if at all, you have taken account of English Nature’s advice.

- the permission does not permit operations to begin before 21 days after details of the permission and a statement of how you have taken account of English Nature’s advice, has been given to English Nature.’

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Protected Species

PPS 9 key principles state that 'planning decisions should aim to maintain and enhance, restore or add to the biodiversity conservation interests, and in taking these decisions, local planning authorities should ensure the appropriate weight is attached to protected species.'

In addition Paragraph 98 of the Government Circular states that ' the presence of protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'

Local planning authorities cannot consider protected species issues properly without adequate information. Surveys and mitigation strategies should **not** be made a requirement of a planning condition or be undertaken after permission has been granted.

English Nature has the following comments to make on this planning application with regard to protected species:

Bats:

English Nature is **not satisfied** with level of survey used to reach the conclusions of the Environmental Statement. We would advise the Isle of Wight Council that bat activity surveys around the site should be undertaken to validate the conclusions of the Environmental Statement.

Birds:

English Nature is **not satisfied** with the justification for the conclusions of the Environmental Statement Section 6.123 in relation to migratory passerines. We consider that justification could be achieved through more detailed analysis of migration routes and potential for important species to pass through the application site.

Dormice & Red Squirrels:

The Environmental Statement concludes that dormice and red squirrels are present in Copse 3 on the development site, and that red squirrels are present in Copse 1. The ES also states that there is currently linkage between Copse 1, 2 and 3. English Nature considers that there is currently inadequate discussion within the ES about the impacts of the permanent access track, which will fragment the linkage between the copses, and any disturbance which may occur during construction.

Badgers:

The Environmental Statement concludes that a badger sett is present on the development site. English Nature **does not wish to object** to the development proposals in relation to badgers, subject to the works proceeding in accordance with an English Nature licence where required.

Newts:

English Nature concurs with the conclusions of the Environmental Statement in relation to newts. English Nature **does not wish to object** to the development proposals in relation to newts.

SINCs:

As Hummet Copse Site of Importance for Nature Conservation (SINC) is within the application site, we would recommend that you have due regard for the views of the Isle of Wight Council ecologist prior to determining this application to ensure that the proposals accord with the SINC-related policies.

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In addition we would strongly recommend that you have due regard for the views of the RSPB and Hampshire and Isle of Wight Wildlife Trust in relation to this application.

Natural England

As of 1 October 2006 English Nature, the Rural Development Service (RDS) and part of the Countryside Agency will be merged to establish an integrated Agency – Natural England. Natural England will have a broad environmental remit set in the sustainable development context. In preparation for the move, English Nature is taking the lead on biodiversity and nature conservation planning issues, whilst the Countryside Agency has focused its planning activity on landscape, access and recreation (LAR).

Please contact me if you wish to discuss my comments further.

Yours sincerely



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