

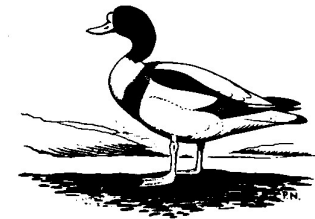


HIGH VOLTS WIND FARM, NEAR ELWICK

RED GAP MOOR WIND FARM, HARTLEPOOL: A FORMAL RESPONSE TO A PLANNING APPLICATION BY B.T.

Prepared by

TEESMOUTH BIRD CLUB



**Teesmouth Bird Club
Registered Charity No 508850**

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1.0 INTRODUCTION

Teesmouth Bird Club

1.1 The Teesmouth Bird Club (TBC) was formed in 1960 and is one of the longest standing nature conservation bodies in North East England. We produce the annual '*Cleveland Bird Report*', which is composed of vetted records of birds seen in the Cleveland sub-region during each year. Our membership now stands at over 450. We published '*The Breeding Birds of Cleveland*' in November 2008, the first breeding birds atlas ever produced for Cleveland. This is an invaluable aid to biodiversity planning and will act as a benchmark against which all future population changes can be measured. It also provides data to inform EIAs carried out in the Cleveland area and for assessing the environmental impacts of developments on specific sites. In the first six months since publication, the book has sold nearly 830 copies and will soon sell out of its 1,000 print run.

TBS's Appraisal Process

1.2 The TBC was approached for ornithological data by consultants Entec UK Limited in 2005 and we subsequently issued a report in March 2005 containing relevant information. The report, entitled '*Red Gap Moor, Hartlepool – Ornithological Data*', included details of:

- Schedule 1 species under the '*Wildlife and Countryside Act*' 1981.
- 'Red' and 'Amber List' species.
- Current UK and Local Biodiversity Action Plan (BAP) species.
- Breeding birds data from the TBC's Breeding Bird Survey (1999-2006).
- Wintering flocks of Greylag Geese (*Anser anser*), some of which are of Icelandic origin.
- Movements of birds between Wynyard Park lake and Crookfoot Reservoir through the Red Gap Moor area.

1.3 In July 2008, we provided updated ornithological information to consultants, URS Corporation Limited, including the importance of the site for breeding Corn Bunting (*Miliaria calandra*), wildfowl counts for Wynyard and Crookfoot Reservoir, and the possibility of rare breeding raptors in the adjacent Wynyard Estate, notably Common Buzzard (*Buteo buteo*), Goshawk (*Accipiter gentilis*) and Honey Buzzard (*Pernis apivrous*). None of the last three species has yet been proved to breed but have been seen in the area in recent years.

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- 1.4 In October 2008, we were approached by ERM, ecological sub-consultants to the URS Corporation Limited, to comment on a Scoping Report for a proposed wind farm at Red Gap Moor. Our formal response, copied to Hartlepool Borough Council, was issued on 7th November 2008, in which we raised key issues and concerns and identified areas where we considered that further research or fieldwork was necessary. These included:
- Concerns over the siting of the turbines, cabling and permanent works to minimise environmental effects.
 - Permanent damage to habitat.
 - Cumulative impact with other existing and proposed wind farms.
 - Collision risks to birds, particularly geese, raptors and birds commuting between the two adjacent water bodies (further fieldwork was recommended).
 - Effects on the last remaining nucleus of breeding Corn Buntings in Cleveland (further survey work was recommended).
 - The need for comprehensive mitigation and enhancement.
- 1.5 It is against this background that our appraisal of the Planning Application (Ref No H/2009/0231) has been carried out. The TBC's Conservation Sub-Committee has been consulted and the response set out in this document represents the corporate view of the TBC.

2.0 PURPOSE OF THIS REPORT

- 2.1 The purpose of this report is to present TBC's comments on the Planning Application and to raise any concerns we may have.

3.0 THE RED GAP MOOR SURVEY AREA

- 3.1 The development site embraces mainly agricultural land, woodland, copses, hedgerows and watercourses, which are important wintering and breeding areas for birds.

3.2 Key habitats within, and adjacent to, the survey area are:

- the open fields and agricultural land to the south of Crookfoot Reservoir;
- Crookfoot Reservoir and woodland (see aerial below);
- Close Beck, which forms the western boundary, and
- the extensive, mixed woodlands of the Wynyard Estate.

3.3 Key habitats close to the development site are:

- Wynyard Park Lake;
- Hurworth Burn Reservoir, and
- Crookfoot Reservoir.

3.4 The key ornithological significance of Red Gap Moor is:

- **Corn Bunting:** The area is the last main stronghold of the breeding population in Cleveland. This is a rapidly declining species and may soon be extinct as a breeding bird in Cleveland. The RSPB has identified the area as a target location for further conservation action.
- **Honey Buzzard:** It is possible, but not proven, that this nationally rare breeding species has bred at nearby Wynyard. Summer sightings of individual birds have been reported in recent years and 2 juveniles were seen here in September 2007.
- **Common Buzzard:** It is probable, but not proven, that this species has bred in the Wynyard Estate in recent years, with up to 3 birds present in April 2006 and display noted on a number of occasions.
- **Wintering geese:** Although there has been a recent decline in the number of geese wintering in the fields around Crookfoot and Red Gap Moor, the area still occasionally holds significant numbers of Greylag Geese, some of which are probably of Icelandic origin. The goose flocks are sometimes joined by rarer species, such as Bean, Barnacle and White-fronted Geese.
- **Goosander:** Wynyard Park Lake is one of the main traditional wintering sites of this scarce sawbill in Cleveland, with a peak of 54 in March 2005. Birds occasionally commute between Wynyard and Crookfoot Reservoir, passing through Red Gap Moor.

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- **Shelduck:** This scarce Cleveland breeder occasionally breeds at Crookfoot, one of the few sites away from the Tees Estuary. Two pairs bred in 2006.
 - **Grey Heron:** There is a significant breeding population of 17-18 nests (2006) at Wynyard Estate and birds occasionally fly out to feed at Crookfoot Reservoir and Close Beck.
 - **Goshawk:** Possibly breeds at Crookfoot and Wynyard, but not proven.

4.0 TBC'S RESPONSE TO THE PLANNING APPLICATION

General Comments

- 4.1 Our response is based on the scheme as illustrated in the current Planning Application documents (ref H/2009/0231), which includes 5 turbines (with an overall height of 125m and 18m square foundations), an 80-metre high meteorological mast, cable trenches, access tracks and switch room, all of which will be permanent features for at least the next 25 years. The total capital cost of the development is £16.5m. The development site extends 1.7 km from east to west and 1.6 km north to south. A further 12 wind farms are in existence or proposed within a 20km radius of Red Gap Moor.
- 4.2 The Planning Statement states that:

"The proposed development will give rise to numerous benefits that should be considered against any environmental or amenity costs."

We treat such statements with a certain degree of caution because, in our experience, we have never experienced an Environmental Statement that doesn't support the development being proposed, irrespective of any adverse environmental effects, and this will continue as long as EIAs are conducted by consultants on behalf of, and financed by, the developer.

Detailed Comments

- 4.3 Our comments tabulated below identify the paragraph references of the ES for cross-referencing purposes. Our key comments, concerns and recommendations are highlighted in bold type.

REFERENCE	ENVIRONMENTAL STATEMENT	TBC COMMENT
3.6.1	Statement of Community Involvement.	There is no mention here of the key local nature conservation bodies which, although not statutory consultees, are often the source of valuable information and comment.
3.5.7-3.5.9	Environmental Management: This will be on site by the Main Contractor.	We recommend the appointment of a temporary Environmental Manager during the construction phase. He/she should have an appropriate ecological background. There is more to environmental management than merely producing "construction method statements", which are directed more towards project programme, site safety and cost control. There should be a designated, independent individual with direct responsibility for environmental matters, who should attend and feed into Project Team meetings.
4.2.3-4.2.26	Site Selection and Design Evolution.	There is no mention of the locations of other sites considered and, therefore, we feel that the ES falls short in this respect, as does the subsequent analysis for final site selection.
6.2.8	Ecology and Nature Conservation: Policy WL4 of the Hartlepool Local Plan states that: <i>"Development will not be permitted which would have a significant adverse effect, directly or indirectly, on species protected by law and their habitats, except where the developer has taken effective steps to secure the protection of such species and their habitats."</i>	This certainly applies to effects on breeding Corn Bunting and potential breeding raptors, such as Common Buzzard, Goshawk and Honey Buzzard.
6.3.2	Vegetation and Habitat Surveys: These were carried out on 8th July 2008 by walkover surveys.	A July visit on one date is rather late for certain species and may not have provided a complete picture.
6.3.12	Breeding Birds: these were surveyed by 4 visits between June and July 2008.	Again, we are concerned about the timing and short duration of these surveys. Breeding bird surveys should ideally start in March and April to capture such early breeding species as Mistle Thrush, Long-tailed Tit and Common Crossbill. Many birds cease singing after breeding in July and young birds have dispersed, so the true numbers of breeding birds will be difficult to determine.
6.3.13	Overflying raptors: vantage point surveys were conducted in July and August 2008 by 4 x 3-hour surveys from NZ 439285.	These surveys are too late to detect the presence of secretive breeding species such as Goshawk and Honey Buzzard. The optimum time for the former is mid-March to mid-April, when the birds are displaying; similarly the latter are best detected in late May to mid-June after they have returned from Africa to their breeding sites and are re-establishing their territories. TBC's experience is that many hours of observation are often needed to detect Goshawks and Honey Buzzards. After egg-laying, both species become very secretive and Honey Buzzards spend a lot of time within forest looking for their favourite prey. Four three-hour surveys would provide little meaningful evidence. The best time of day is mid to late morning on a clear, sunny day with a good stiff breeze, when thermals are prevalent. If TBC has any further data to

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		provide, we will issue it to both the consultants and Hartlepool Borough Council.
6.3.16	Golden Plover and Lapwing are not specially protected by UK legislation.	This is incorrect. Under the 'Wildlife and Countryside Act' 1981 all wild birds, their eggs and habitats are protected by law (subject to certain exclusions, of which these 2 species are not included).
6.3.17	Twelve three-hour surveys from November 2008 to March 2009 were conducted at fixed vantage point NZ 439285.	The surveys witnessed large flocks of Greylag Geese.
6.5.61 6.5.64	Breeding Birds: <i>"The study area is, therefore, not assessed as being a regular flight line for breeding or foraging water birds"</i> but then goes on to say that Greylag Goose flocks regularly overfly the site and feed in the fields to the north-west of the development site.	We consider that the survey periods are of insufficient duration to arrive at this conclusion but TBC acknowledges that the collision risk to overflying birds in this location are likely to be small, even for Greylag Geese, but the situation should be monitored independently after construction for a five-year period, this being financed by BT.
Table 6.12	Breeding Yellow Wagtail and Corn Bunting are reported as being of only <i>"district importance/value"</i> .	This is incorrect. Red Gap Moor is the last remaining enclave of breeding Corn Buntings in the whole of the Cleveland region and even here they are declining, with the EIS finding only 1 breeding pair. Similarly, the TBC's Breeding Bird Survey (1999-2006) found only 36 pairs of Yellow Wagtail in Cleveland, so any breeding pairs are significant. Both species require protection from any adverse effects of this development and mitigation to improve their habitat.
6.6.3	Habitat loss as a result of construction: 10 ha of arable land, field margin and species-poor hedgerow. Some trees to be felled along the access track.	This being the case, it is vital that the ES makes adequate provision for mitigation, particularly bearing in mind the capital cost of the development and the fact that the landowner(s) will presumably receive significant payment from the energy company. There must be some significant environmental gain.
6.6.14	The ES concludes that there will be no significant collision risk to, or displacement of breeding birds.	TBC agrees that the collision risks are likely to be low but strongly recommends the action described for 6.5.64.
6.6.16	<i>"Buzzard is a common species"</i> .	This is true for much of the UK but not for Cleveland, which is the only 'county' where breeding has not been proven. Birds are present at 3-4 sites across Cleveland but amount to no more than a few pairs. Consequently, Common Buzzards are very scarce in a Cleveland context and must be protected.
6.6.20-6.6.21	Collision Risk: assessed by the ES as being 95% (14 birds) or 99% (3 birds). The consultants' confidence in this assessment is stated as being <i>"moderate"</i> .	We acknowledge that assessing likely collision risks to birds is a difficult area for all concerned and is open to much subjective argument. The fact is that, in the UK, there is as yet insufficient evidence from which to draw sound conclusions and we consider that calculations of collision risk are still relatively unproven and untested. It is a known fact from Spain and America, however, that birds with excellent eyesight, such as White Stork, Griffon Vulture, Golden Eagle, Red Kite and Broad-winged Hawk, are being killed in significant numbers, and these are species that one would assume would take evasive action. To contribute to ongoing research for the wind farm industry, we again strongly reiterate our recommendation for an independent monitoring of collisions at the

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		Red Gap Moor wind farm for at least the next 5 years.
6.6.25	Greylag Geese will be displaced by ca 500m in fields to the north and adjacent to the study area.	TBC does not regard this displacement as being a significant environmental effect, as the geese will soon settle to feed in the nearest adjacent fields offering a winter food supply.
6.6.39-6.6.40	Cumulative impact with other local windfarms.	The assessment of cumulative effects is very thin and the research insufficient for the conclusions drawn.
6.7.6	Avoidance, Reduction, Compensation and Enhancement Measures: the ES states that checks will be made by an ecologist for nests if the works are carried out between March and September.	We strongly recommend that any removal of vegetation should be done outside the breeding season (early April to the end of July) to avoid any mortalities. Vegetation removal should be planned well in advance to avoid this period.
6.7.7	Mitigation:	<p>We welcome the mitigation measures, which include the planting and gapping up of 2km of hedgerows, the management of 500m of existing hedgerow, a winter bird feeding programme and pond and wetland creation on the north and south boundaries. The winter bird feeding programme is particularly imaginative but consideration must be given as to how this is to be sustained in the future, if being undertaken through the farmer's goodwill alone. There is no mention, however, of the creation of set-aside or of winter stubble, so vital to over-winter survival, We do not consider that the mitigation and enhancement goes far enough and we, therefore, strongly recommend the following:</p> <ul style="list-style-type: none"> To help the plight of breeding Corn Buntings and other species, such as Reed Bunting and Yellowhammer, will require more than just the planting of hedgerows and winter feeding and we recommend the following: <p>SET-ASIDE:</p> <ol style="list-style-type: none"> (1) Set-aside areas provide vital, low cost feeding and nesting areas for Corn Buntings, particularly if allowed to regenerate naturally. Such areas can be rotated to spread the benefits over a wider area and are particularly useful where over-winter stubble is not an option. (2) Sowing 20m wide stripe of non-rotational set-aside with a grass mix around field margins; this creates excellent nesting habitat. These can be cut in mid-August, with 25% left for up to 3 years. <p>ARABLE LAND:</p> <ol style="list-style-type: none"> (1) Avoid the use of pesticides and only use in instances where the level of infestation exceeds the economic threshold.

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		<p>(2) Avoid broad spectrum insecticides after mid-March as these will reduce spiders and insects at a critical time of the year for Corn Buntings.</p> <p>(3) Avoid spraying the outer 6m of cereal fields with insecticides or herbicides; this will allow Corn Bunting chicks a better chance of survival.</p> <p>(4) Spray and cultivate stubble as late as possible and leave over-winter strips as a food source.</p> <p>(5) Use 'beetle banks' (2m wide strips of grass through the middle of large arable fields of over 20 ha) for nesting and over-winter habitat for insects and seed.</p> <p>GRASSLAND:</p> <p>(1) Create plots of wild bird cover to provide seed-rich habitats.</p> <p>(2) Fence of 6m margins around improved grassland and leave until September, then cut every 2 or 3 years. The margins should be selected adjacent to hedgerows or post-and-wire fencing.</p> <ul style="list-style-type: none"> • It is vital that hedgerows, both newly planted and existing, are not over-maintained and if they have to be cut, then they are done so to the traditional 'A' shape (see Figure 1). It will be pointless planting 2km of new hedgerow if this is to be manicured to a state where it is useless to wildlife. • The planting of trees in existing and new hedgerows, including ash and oak. These will enhance biodiversity and provide breeding sites for species such as Little Owl and Tree Sparrow. • The new pond and wetland should be attractive to scarce species, such as Yellow Wagtail, particularly if associated with wet grassland. These may also attract other species to colonise the Red Gap area.
6.7.8-6.7.9	Post-construction monitoring.	<p>We endorse the post-construction bird monitoring of breeding birds through 4 mapping surveys during April to July and of wintering birds through 4 vantage point surveys at one location from October to January. The ES proposes that the surveys be carried out in years 2, 3, 5, 10, 20 and 25 from commissioning. It is suggested in the ES that these be undertaken by a "local birder" and TBC would be well placed to assist with these. We have undertaken many similar surveys for private and public sector bodies and have a pool of experienced field</p>

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		ornithologists with wide experience of such work.
6.7.10	Creation of a larger wetland area adjacent to the fen on the northern boundary and the gapping up of the small ash plantation on the north-east boundary.	We endorse these proposals and would suggest that a wider species mix be incorporated into the plantation, including oak, alder, beech and bird cherry.
6.7.11	All project works are to be agreed on site with Hartlepool Borough Council's ecologist to produce a <i>Landscape and Ecology Plan</i> .	We endorse this and again recommend the appointment of an independent Environmental Manager to oversee the works through the construction stage.