

Item 6

REPORT TO CABINET

6th December 2007

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Planning and Development Portfolio

Sedgefield Borough Local Development Framework – Mapping Sensitive Areas for Birds Project

1 Summary

- 1.1 The Borough Council published its Core Strategy Preferred Options Report for consultation on the 9th July 2007. To accord with the EC Habitats Directive (92/42/E) and Habitat Regulations 2007, an Appropriate Assessment Screening Report was undertaken to ensure that the emerging Core Strategy will not have an adverse effect on the integrity of European and International designated nature conservation sites. Such sites include Special Protection Areas, Special Areas of Conservation and Ramsar sites.
- 1.2 The Appropriate Assessment Screening Report concluded that the Core Strategy should adopt certain avoidance measures to minimise any potential for bird collisions with, or disturbance from, wind turbines for four identified bird species: Golden Plover; Peregrine; Merlin; and, Hen Harrier (Appendix 1). The winter months are the best time to undertake this project, due to the bird migration patterns.
- 1.3 The avoidance measures proposed by the Appropriate Assessment Screening Report were:
 - The boundaries of the most valuable bird sites should be clearly defined during the preparation of the Local Development Framework;
 - No wind farms should be located within 600 metres of valuable bird sites; and,
 - Key flight lines are to be mapped to inform the further development of policy relating to the location of wind farms.

2 Recommendation

- 2.1 It is recommended that Cabinet agree to the commissioning of this Mapping Sensitive Areas for Birds Project. The Project would be then required to go through an open tender process before the Project can commence. Due to the specialist nature of the project, we will approach specific consultancies instead of undertaking an open tender process.

3 Mapping Sensitive Areas for Birds Project

- 3.1 The Mapping Sensitive Areas for Birds Project will:
- Ensure that the Borough Council delivers on the recommendations of the Appropriate Assessment Screening Report;
 - Is in conformity with the requirements of Planning Policy Statement 9: Biodiversity and Geological Conservation;
 - Form part of the Council's evidence base when preparing policies and proposals in the Local Development Documents that will form the Local Development Framework; and,
 - Act as a material consideration in determining planning applications.
- 3.2 The appointed consultants will be required to define and map areas, and plot likely bird flight routes, of particular importance for feeding and breeding bird species in order to minimise the impact of future developments that might arise as a result of the Borough's Local Development Framework.

Outcomes

- An understanding of the most important sites within the Borough for the four bird species identified;
 - An appreciation of the boundaries of these most important sites;
 - An understanding of other bird species present and the condition of these most important sites;
 - A map of likely principle flight corridors across the Borough of importance to Golden Plover, Peregrine, Hen Harrier and Merlin.
- 3.3 Important sites are to be confined within the Borough, however it is recognised that bird flight routes may extend to sites beyond the Borough's boundary. The Project will identify likely routes and propose reasons why birds are using these routes. Where it is possible to infer connections to European and Ramsar sites, these will be recorded.
- 3.4 Due to the sensitivity of the data, nesting locations will not be disclosed in the final report.

4 Resource Implications

- 4.1 The Local Development Framework is currently being developed. It will be necessary that external specialists be employed to produce technical specialised documents to supplement those developed by the Sustainable Communities and Forward Planning Teams. The Mapping of Sensitive Areas for Birds will be one such document.
- 4.2 It is estimated that, after taking account of utilising in-house GIS resources, the cost of producing this will cost approximately £6,000. This cost is identified in the Local Development Framework budget 2007/8. Neighbouring Councils have been approached to jointly commission the study and achieve efficiency savings.

5 Consultations

- 5.1 The Appropriate Assessment Screening Report has been subject to a six-week consultation period. As part of their response, Natural England has recommended

that this project be undertaken to fully inform policy decisions. The Attractive Borough Group of the Local Strategic Partnership will be consulted upon the findings of the Mapping of Sensitive Areas for Birds Project.

6 Other Material Considerations

Links to Corporate Objectives / Values

The production of the document will help meet Corporate Aim 25, which is to provide a high quality, efficient and customer focussed Planning Service that supports sustainable improvement of the built and natural environment of the Borough.

6.1 Legal Implications

The Council must have regard to the EC Habitats Directive (92/42/E), the Habitats Regulations 2007, Section 40 of the Natural Environment and Rural Communities Act 2006 and PPS 9 in respect of its Planning function.

6.2 Risk Management

If the project is not undertaken, there is a significant risk that the Core Strategy will be found to be “unsound” at its Examination in Public.

6.3 Health and Safety Implications

No additional implications have been identified.

6.4 Sustainability

There is no requirement to undertake Sustainability Appraisal for this project. However, the findings of the project will feed into subsequent Appraisals of Local Development Documents.

6.5 Equality and Diversity

Once published, the Mapping Sensitive Areas for Birds Project will be made available in alternative languages, Braille or in audio format where requested, and will be placed on the website in pdf format.

6.6 Social Inclusion

No additional implications have been identified.

6.7 Procurement

The Mapping of Sensitive Areas for Birds Project will be subject to open tender.

7 Overview and Scrutiny Implications

7.1 None

8 List of Appendices

Appendix 1 – Protected Species

Appendix 2 – Tender document for the Mapping of Sensitive Areas for Birds Project (separate document)

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Ward(s)

All

Background Papers

DCLG (2006), Planning for the Protection of European Sites: Appropriate Assessment, Wetherby, DCLG Publications

Treweek Environmental Consultants (2006), Appropriate Assessment Screening of the Regional Spatial Strategy for the North East

Sedgefield Borough Council (2007), Local Development Framework: Appropriate Assessment of Sedgefield Borough Council's Local Development Framework Core Strategy: Screening Report

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Appendix 1 – Protected Species



Hen Harrier



Merlin



Golden Plover



Peregrine

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