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Jon Bradbury  
Planning Department  
Derbyshire Dales District Council

By email

16 March 2009

Dear Mr Bradbury,

**Re. Application no. 09/00060/FUL: proposed development of a wind farm comprising a total of five wind turbines with associated crane hardstandings, formation of new vehicular entrance junction off Wirestone Lane, new access tracks and underground cabling, temporary construction compound and substation building on land associated with Rushley Lodge Farm, Middle Moor, Matlock Moor, off Wirestone Lane, Ashover Chesterfield.**

Thank you for consulting the RSPB about the above application. Our comments apply to the proposal as a whole, including that part of the site within NE Derbyshire District Council. We have sent a near duplicate version of this letter to that local authority.

The RSPB has decided to raise no objection to this proposal in principle. The primary consideration for us when deciding whether an objection is warranted, is whether bird populations of national or international importance are threatened. This is not the case at Matlock Moor. However, please note that we do have some comments about the possible impact of this proposal on locally important wildlife assets and we suggest an approach by which the local planning authority should consider this.

The site and its surroundings hold one of the most interesting and diverse breeding assemblages of birds of conservation concern found in a small radius within Derbyshire. This assemblage is of County importance. The most important species include nightjars (2 territories, Derbyshire's only regular breeding site), goshawks (one regular breeding pair with a good record of productivity), crossbills (an irregular species in the UK as a whole but considered to breed in most years around Matlock Moor by the Derbyshire Ornithological Society – DOS), and lapwings (up to 6 breeding pairs make this a notable site in Derbyshire). Many other species of interest breed occasionally, use the site on migration or winter in locally significant numbers. In addition, there is the range of

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semi-natural habitats present in the area (including two County Wildlife Sites, or CWS) and other animals such as several bat species.

It is difficult to rule out the risk of an adverse impact on the locally important wildlife of Matlock Moor, especially the nightjars. Any assessment of the risks must allow for the nocturnal behaviour of nightjars: information about flight heights, foraging ranges, the susceptibility of individuals to disturbance displacement, and collision mortality from wind farms is very difficult to gather. This population is small and isolated, and nightjars are relatively long-lived, so even a very small daily risk of collision mortality could well add up to a significant threat to the viability of the local population over the lifetime of the development. The loss of nightjars from this site would affect Derbyshire's contribution to meeting the UK Biodiversity Action Plan target to maintain and increase the range of nightjars, which the local planning authorities must have regard to. Numerous isolated small populations of nightjars have disappeared from the Midlands in the last 15-20 years, and any further threat to remaining outlying populations should be avoided *if reasonable alternatives exist*.

In light of this, we think that before approving this application, the local planning authority should consider whether the application site and its surrounding habitats meet criteria for designating a CWS on ornithological or other grounds. The Derbyshire Wildlife Trust and DOS might be able to help advise on this and provide additional information. If the site does meet the criteria, it should be treated as if it was a CWS and the application should be determined in accordance with relevant local and regional planning policies, and guidance in Planning Policy Statement 9 (Biodiversity and Geological Conservation).

In particular, the applicant should be required to demonstrate that there are no alternative sites for a wind farm of equivalent size in Derbyshire, which would avoid all potential for adverse impacts on wildlife assets of County importance.

If the local planning authority feels the applicant has demonstrated there are no reasonable alternatives and you are minded to approve this application, then it might be possible to mitigate some of the uncertainty over the long-term impacts on nightjars by conditions (see below) and the use of a Section 106 obligation. However, the effectiveness of these is not certain and the use of conditions instead of identifying and assessing alternative sites is not the preferred approach. The obligation should seek to secure off-site mitigation, if necessary by a financial contribution to a project already under way, e.g. Moors for the Future. Further discussions with Derbyshire Wildlife Trust and DOS may help identify a suitable target project or area. Ideally the aim should be to help create alternative habitat for breeding nightjars away from the influence of this wind farm but otherwise as close by as possible – we suggest a minimum separation of 3km based on what we know of nightjar foraging ranges from research elsewhere.

The conditions we would ask for if you were minded to approve this application would need to cover:

- The timing of certain operations connected with construction and decommissioning to avoid the bird nesting season (including an extended late-summer period for nightjars and their dependant young);

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- The need for a S.106 obligation as discussed above, and;
- A requirement for post-construction monitoring and reporting on nightjar breeding activity in the area to help improve all parties' understanding of the possible effects of wind farm development on this species.

We would be happy to discuss appropriate wording of conditions in the event the local planning authorities are minded to approve this application.

The fact that we have not objected in principle to this application must not be taken to imply that we 'support' this development. Local ornithological groups and the Derbyshire Wildlife Trust may raise their own objections on local ornithological grounds and of course, the local planning authorities will need to have regard to these views independently of the RSPB's position on national or international impacts.

We hope our comments are of assistance and will be taken into consideration before this application is determined. If you would like to discuss any issues arising, please do not hesitate to contact me.

Please notify me of the decision on this application.

Yours sincerely,



Colin Wilkinson MRTPI  
Senior Conservation Planner

CC. Charlotte Stainton, NE Derbyshire District Council  
Toby Gethin, RSPB Casework Team  
Bryan Barnacle and Peter Miller, Derbyshire Ornithological Society  
Kieron Huston, Derbyshire Wildlife Trust