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29/1/07

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For the attention of David X Bryce

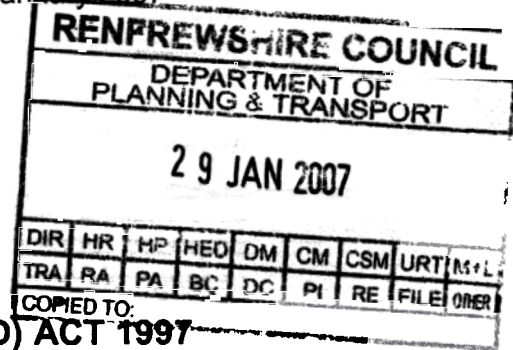
Dear Sir

*Please quote our reference number on all correspondence*

Your Ref: 06/1284/PP

Our Ref: CNS/DC/R

25 January 2007



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**ERECTION OF SECURITY FENCE INCLUDING GATE ACCESS AT  
STATION ROAD, BISHOPTON**

Thank you for consulting Scottish Natural Heritage (SNH) over the above application

**1. BACKGROUND**

This proposal involves the erection of a security fence as a prelude to the wider decontamination and redevelopment works at the Royal Ordnance site at Bishopton, on which SNH has previously been consulted.

**2. SNH POSITION**

While we are pleased with the scope of the Ecological Considerations section of the Planning Application Statement, there remain a number of issues relating to impacts on protected species over which we would seek some further clarification. **SNH therefore reserves its position pending the submission of further information from the applicant.** If it can be demonstrated that there will be no significant adverse impacts on European or nationally protected species, SNH has no objection in principle to the erection of a security fence in the location specified. However, if our concerns relating to mitigation for these species cannot be addressed, SNH's position should be regarded as an objection.



### **3. SNH APPRAISAL OF THE PROPOSALS IN RELATION TO THE NATURAL HERITAGE INTERESTS AFFECTED**

#### **3.1 European Protected Species**

As described in the applicant's submission, otters are listed for special protection on Annex IV of the EC Habitats Directive (92/43/EEC). Where it is proposed to carry out works which will disturb European Protected Species or their places of shelter a licence must first be acquired from the Scottish Executive.

However, SNH is satisfied that no direct impacts on otters will result from the erection of this security fence. We also agree that the spacing of the vertical bars making up the security palisade beneath the road bridge, where the proposed fence crosses the Dargavel Burn, will be sufficient to allow for the passage of otters which utilise this water course.

However, we note from the applicant's drawings that a galvanised steel debris collection grill is to be placed in front of the security palisade. SNH would therefore seek reassurance from the applicant that this grill will also be designed to a specification that allows for the passage of otters.

#### **3.2 National interests**

##### **(i) Badgers**

Badgers are protected in Britain by the Protection of Badgers Act 1992, as amended by the Nature Conservation (Scotland) Act 2004, the provisions of which are accurately described in the applicant's statement. Where it is proposed to carry out development works which will disturb a badger or involve the damage or destruction of a sett within an occupied badger territory a licence must first be obtained from SNH.

SNH agrees that the erection of this fence will not require licensing for disturbance to badgers as long as adequate tunnels are put in place to allow for the continued passage of this species under the fence.

While we note that the applicant intends to insert such tunnels, there is no indication in the material submitted of the number of tunnels to be constructed or of their proposed locations. We accept that it is reasonable to rationalise the number of tunnels provided - rather than inserting one at every current badger path - however, we would expect to reach agreement with the applicant and the Planning Authority on the final number and locations of badger tunnels prior to works commencing on the security fence.

Furthermore, the applicant's submission does not appear to confirm the proposed dimensions for these tunnels. SNH would therefore also seek reassurance that the eventual dimensions of all proposed badger tunnels are appropriate, and that best practice and design are being followed, prior to any planning permission being granted for this project.

(ii) Breeding birds

The applicant's submission states that as nesting birds are protected under the Wildlife & Countryside Act 1981, work will be undertaken - wherever possible - outwith the bird breeding season.

SNH should therefore point out that protection for breeding birds was in fact increased by the Nature Conservation (Scotland) Act 2004, now making it an offence to:

- take, damage, destroy or otherwise interfere with the nest of any wild bird while that nest is in use or being built.  
obstruct or prevent any wild bird from using its nest.

Prior to undertaking any works which will result in the removal of, or disturbance to, vegetation the applicant would therefore require to establish whether any birds nests are present. If birds are found to be breeding in vegetation to be removed or otherwise disturbed, steps must be taken to avoid such disturbance. The easiest way to address this issue is obviously to undertake such works outwith the bird breeding season (March to July inclusive).

We do, however, welcome the applicant's commitment to mitigating any loss of nesting opportunities through the provision of bird boxes.

## 5. CONCLUSION

While SNH raises no objections to the principle of the proposed security fence, we are concerned that adequate measures be taken to prevent or minimise disturbance to the protected animal species that use this area. The applicants have identified all of the relevant issues in their Application Statement and have gone to some lengths to address them. However, a number of outstanding queries remain, which we would hope to see addressed by the applicant prior to the granting of any planning permission for this development. In particular, SNH would seek confirmation that:

- the design of the debris collection grill will be such as to allow for the passage of otters along the Dargavel Burn;

the number and location of badger tunnels will be appropriate to provide continued passage for this species under the proposed security fence;

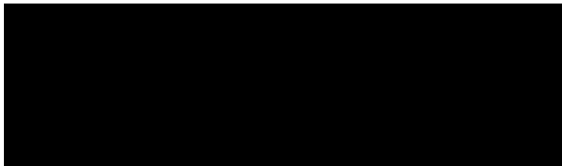
that the design and dimensions of all badger tunnels will follow best practice guidelines;

all vegetation clearance works will be undertaken either outwith the bird breeding season of March to July inclusive, or in such a fashion as to prevent disturbance to nesting birds;

If these issues cannot be satisfactorily addressed, SNH's position should be regarded as an objection. However, I am confident that all of them can be easily resolved.

I hope that the above is sufficient to your requirements, however, please do not hesitate to contact me if there is anything further that you wish to discuss.

Yours faithfully

A large black rectangular redaction box covering the signature area.

DAVE LANG  
Area Officer  
Strathclyde & Ayrshire