

Borough to defy EU rules designed to protect birds

by **David Lindsay**

MEASURES put in place to protect rare birds on heathland by blocking new homes are set to be defied by Rushmoor Borough Council. Fears that ramblers and dog-walkers from the new homes might damage wildlife in the European Union-designated Thames Basin Heaths Special Protection Area (SPA) have led Natural England to object to all new developments over the last two years. However, cabinet members agreed on Wednesday to follow draft guidelines produced by a planning inspector employed by the South East England Regional Assembly. The council will now give the green light to appropriate smaller developments of less than ten homes, risking legal action from conservationists.

Government agency Natural England described the decision as “unwise” and said it would study the final recommendations of a report to be published in a fortnight before deciding what action to take.

At a meeting on Wednesday, council leader Peter Moyle said: “Until this gets sorted and Natural England’s wings are clipped we are not going to get anywhere.” After the meeting, deputy leader Cllr Roland Dibbs said: “We acknowledge the importance of nature conservation and the protection of endangered species. “However, we also have a responsibility to our residents to be able to determine planning applications on their merits, promote appropriate development and deliver much-needed housing.” For the last two years the onus has been on developers and councils to provide evidence that new homes will not add to the stress and strain on SPAs.

The Thames Basin Heaths SPA was designated to protect nightjars, Dartford warblers and woodlarks. Almost all of the Mail area is within three miles of the protected heathland, and Natural England is against developments within that range.

One way councils have got round the issue is by setting aside alternative areas for leisure and dog walking. Another tactic, used for the re-development of Concept House in Farnborough, is to ban potential buyers from owning dogs or cats. But the council has seized on a draft report by an independent government assessor which suggests that smaller schemes with less than ten houses should be given the go-ahead. At the meeting, Cllr Dibbs said Natural England had never produced any evidence that housing developments harmed the birds. “Since the war, Farnborough must have grown to three times its original size. If the birds are still there, what are we worried about?” he said.

Chief executive Andrew Lloyd said: “As much as I love ground-nesting birds, I can’t believe there’s any other country in Europe that would have a government agency acting in such a thorough and comprehensive way. It’s a body that is unaccountable. It takes a robust view and it is very difficult for anybody to penetrate that.” But he warned that in negotiations over the ten homes limit, the council would have to strike a careful line.

“Natural England isn’t giving up the battle,” he said. “We are holding up quite a red rag to a bull with regard to the attitude we are taking. “We can move forward to make it work for all of us and in a way that minimises the risk of a legal challenge.”

A spokeswoman for Natural England said: “We don’t think Rushmoor Council has provided sufficient information to show that housing development of less than ten homes will not have an impact on vulnerable wildlife. “Of the 11 most effective local planning authorities, Rushmoor Council is the only one to go down this route. “We think it is acting prematurely and should wait until the inspector makes his final recommendations in June to the examination in public.”

She said Natural England would consider the final report issued by the independent assessor before deciding if it would challenge the council. “I can’t give a definite answer until we hear what the inspector’s report is in June,” she said. “We will be taking a very serious look at it. Our QC’s recommendation was that a blank recommendation to allow all housing development under ten is not lawful.”

Dartford warblers are already taking flight

THE number of Dartford warblers has plummeted across the Mail area, according to the Royal Society for the Protection of Birds.

Nationwide, their numbers have soared by 70 per cent since the last count in 1994, with more than 3,000 pairs — the highest for more than 40 years. However, on the Thames Basin Heaths in Berkshire, Hampshire and Surrey, numbers fell by 40 per cent from 2005 to 2006. The RSPB and government body Natural England believe increasing development could be the reason. Phil Grice, senior ornithologist at Natural England, said part of the increase in numbers nationally was down to £25 million of investment in the Tomorrow’s Heathland Heritage.

“The result is the restoration of many of England’s treasure trove of heathlands to a healthy condition, supporting delightful native wild species like the marsh gentian, the Dartford warbler, natterjack toad and silver-studded blue butterfly that depend on it for survival,” he said. “We remain concerned about the very recent decline in numbers on the Thames Basins Heaths which reflects the vulnerability of this beautiful bird.

“That is why we are working hard to maintain the right conditions for Dartford warblers and other key species on the internationally important wildlife site.” Two harsh winters left just 11 pairs of the bird in 1963 and the warbler’s revival, to an estimated 3,208 pairs from 1,890 in 1994, is seen as due both to milder winters and heathland improvements.

The RSPB says the reasons for the revival are unclear. But it said it underlined the need for protection and management of the birds' existing strongholds. Simon Wotton, research biologist at the RSPB, said: "This survey is fantastic news for a very vulnerable bird, particularly because it has moved to higher ground not used by Dartford Warblers for many years. "Warmer winters mean the birds are likely to push even further north. "But they can only do that if there are heathland sites available, which are protected from development.

"If the government is to help wildlife adapt to climate change it should be assigning more land for the creation of habitats to help birds like these. 'The Dartford warbler is a wonderful species but its vulnerability to the cold and wet, which could still be a problem as our climate alters, means all safeguards possible must be put in place."