

## INQUIRY June 2013: Questioning to me re Kendal Strawberry field lapwings - by the Inspector, Dennis Reed for the Triangle Opposition Group (TOG) and the barrister on behalf of the developer

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The notes below were written from memory on 26jun13 some time after the inquiry date, and don't cover all the questions asked, just a selection I can remember.

### Questions by Dennis Reed for TOG

He asked me for a critical assessment of the critical response to my submission to the Inspector by **envirotech** 'Ecological Consultants' - who were consulted by the developers to critically assess my submission.

I firstly said that as I had only received envirotech's critical response letter yesterday evening, giving me no time to do more than a quick skim-read of it - I can only give a preliminary first impression. I then spoke on most of the following:

1. Envirotech say "A small section of Strawberry Fields will be lost". I don't call approximately 18% a "small" loss - especially when you also subtract a further no-nesting buffer-zone next to the 18% totally lost - as lapwings need a good distance of open ground around them so that they can see any nearby predators.
2. Though the lapwing have habituated to existing disturbance that has been there for a long time (the present road noise) or across the other side of the road (recent houses), we cannot presume they will take to new and closer disturbance. Furthermore the proposed development going into the Strawberry field will not be the open habitat that is necessary for lapwings.
3. The small tractor in the photo I took early summer (yes - in the breeding season) - has (a) been operating there for many years so they will be accustomed to it and (b) I have spoken to the people working there and they are obviously keen on the lapwings and say how they are careful to avoid there nests and over-disturbing them.

Envirotech state that "despite ... encouragement of visitors to the site to pick fruit, Lapwing successfully breed on site." Because fruit-picking occurs later in the season than lapwing breeding - at least the nest and chick stages, it leads one to question either envirotech's bird knowledge or it's regard to the bird knowledge of the reader.

Cat predation/disturbance threat: the RSPB report's data will be largely garden birds. We can't extend their general statement to the specific and atypical case of the lapwings - which differ in many respects such as being ground-nesters on open ground.

4. Envirotech present a "straw-man" argument (that's 'scraping the barrel!'): of course by "adjacent field feeding area": where access by flight is required I meant for adults and juveniles not the chicks.

Envirotech then incorrectly state "may be a slight loss in suitable breeding areas for Lapwing" - I have already shown in 1. above that what is likely to be nearer a 30% loss (including an open buffer zone) cannot possibly be considered as "may be a slight loss"!

He then refers to providing extra habitat for garden birds! Are there not plenty of gardens in Kendal - as compared with this unique lapwing site? The stream habitat already exists - and could easily be enhanced now by the development of riparian habitat without having the housing development.

Thus Envirotech's last but one paragraph "a slight negative impact on one red listed species (Lapwing) ..." is false - and the real (larger) negative impact cannot possibly be compensated for by increasing habitat for mainly garden species.

He ends by stating that "The balance of impact on red listed bird species would therefore be positive in respect of development." That is really stretching the pro-development spin too far!

And it's signed by the Director - Andrew Gardner - of a company described partly as "Ecological Consultants" and with a "2013 Green at heart GOLD Award"! That "green heart" clearly doesn't extend here to lapwings, when it comes to earning a living from trying to satisfy developers' interests. I certainly wouldn't want such a label on my correspondence - now it has been tarnished by its use for green-washing.

If these lapwings are lost - we will know who should share the blame.

When developers want to get their way - sadly "money talks" to some.

Also - it is a sorry state of affairs when ecologists working on the side of wildlife are paid little or nothing (the latter in my case here), whereas "ecologists" working for developers are paid hugely more - maybe partly for the stress on conscience for writing what the developers want - or compromises in that direction.

### **Questions by the inspector**

He asked me whether the proposed green corridor along the stream shown on the developer's map would be suitable for the lapwings. I answered no - because lapwings need open land and the corridor is neither broad enough nor open enough to be suitable lapwing habitat.

He asked me whether a smaller housing development area than that proposed here would be OK for lapwings. I replied that - though no housing development here would be better for lapwings - a compromise boundary for the development area - maybe as indicated on my earlier submission to SLDC as part of their land allocation consultation could be a least worst compromise which could possibly be OK for the lapwings.

### **Questions by the barrister for the developer**

The barrister had earlier said that an ecological assessment had now been done. I challenged this.

I said that in my opinion - as an *independent* ecological consultant rather than a *commercial* "so-called" ecological consultant (I stressed the distinction in italics), an *independent* ecological assessment has **not** yet been done -- i.e. one which does not omit or deliberately downplay the value of any wildlife attributes of interest - such as the lapwings here - which have been known and valued here for many years - but ignored by the Councils and those determined on building development.

He asked me whether I had studied the status of the lapwing population on mainland Europe: as to its size and whether it was in decline or otherwise.

I replied that I hadn't had time to review that matter just before the inquiry [though I had provided a link to a relevant report on my revised submission to the Inspector which was available for view on my website].

However I considered that if the population on mainland Europe was in a healthy state it would not detract from my case for conserving what we have here - that is a rapidly declining population. And if it too is low or declining it would only add to the importance of what we have here.

He asked me whether I thought that if the lapwings lost their habitat at the Strawberry field - couldn't they just go to suitable habitat elsewhere in Cumbria to nest.

I answered that we could not rely on this because we are facing a declining population of lapwings regionally, and with birds this is often due to a decline in suitability of the habitat for breeding, or a decline in the area of suitable habitat for breeding, rather than presenting a positive factor of more space of suitable habitat being made available for other lapwings as former lapwing populations declined. The barrister appeared to find this hard to understand - possibly I had not explained it very well - or because maybe (??) he had an a priori presumption based on a human analogy - that population decline would mean increased availability of housing.

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