



RSPB  
c/o YWT  
1 St George's Place  
York  
YO24 1GN

By email only: Michael.Convery@northyorks.gov.uk

Your ref: NY/2011/0465/73

22 March, 2016

Dear Michael,

**Reconsultation on Planning Application Accompanied by an Environmental Statement for Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036 at Blubberhouses Quarry, Kex Gill North Yorkshire**

The RSPB wishes to submit further comments on the above application in relation to the current consultation. These comments are additional and should be read together with our previous consultation responses on the application, which still stand. I attach copies of our previous comments for your convenience.

Thank you for giving us additional time to respond (as agreed in your email of 7 March). We didn't find out about the consultation or receive the information until 7 March, as we were missed off the Council's email consultation, and have not received anything by post. However, we have now carefully considered the additional information submitted by the applicant, which consists of a single document entitled '*Blubberhouses Quarry: Planning application re: NY/2011/0465/73 Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036. Points Raised in North Yorkshire County Council email of 14<sup>th</sup> August 2015*' which forms the basis of this consultation. We do not consider that the information contained in this document addresses the concerns outlined in our previous letters. On the contrary the document appears to just be a rebuttal to questions raised by the planning authority rather than a source of additional information. On the basis of this **the RSPB maintains its objection to the above application.**

We are somewhat surprised to see that Natural England have taken a position of no objection to the application. The RSPB strongly disagrees with Natural England's position outlined in their letter of 15 July 2015. In our view, the information supplied by the applicant (including ornithological data) is wholly inadequate to ascertain that there will not be likely significant effects on birds from the adjacent North Pennine Moors Special Protection Area, and lacks a sufficient assessment of potential impacts on the European Site, as required under the Habitat Regulations<sup>1</sup> to fulfil the UK's

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 (as amended).

duties under the European Birds Directive<sup>2</sup>. This is especially surprising as an Appropriate Assessment does not appear to have been undertaken. Indeed the second paragraph of page 2 of Natural England's letter states that:

*'The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.'*

We also have serious concerns regarding insufficient proposed mitigation, the potential for impacts on SSSI species and UK priority species, and the direct loss of priority habitats. We also strongly disagree with the applicant (page 8, paragraph 2) that *'only "Active" Blanket bog (sic) has priority status at a European level whilst degraded blanket bog is a non-priority habitat.'* This statement is unsubstantiated and nonsensical as much of the UK's blanket bog, including that designated as a Special Area of Conservation under the Habitats Directive and a Site of Special Scientific Interest, is in a degraded state and a high conservation priority for restoration.

Furthermore, our peatland restoration specialist has advised that the proposed restoration and management plan (that together with scheduling construction of the road relocation and quarry blasting outside of the bird breeding season, appears to be the sole source of 'ecological mitigation' proposed by the applicant), is insufficient to give confidence that the planned restoration could be successfully achieved. It is our opinion therefore that the application in its current form does not comply with either the requirements of the Habitat Regulations or the NPPF<sup>3</sup>.

We would request further discussion on these issues with the Planning Authority as a matter of urgency.

I look forward to hearing from you soon.

Yours sincerely,



Dr Michelle D. Lindsay  
Conservation Officer – Yorkshire

[michelle.lindsay@rspb.org.uk](mailto:michelle.lindsay@rspb.org.uk)

01904 623151

07736 722183

Encs

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<sup>2</sup> European Directive 2009/147/EC on the conservation of wild birds.

<sup>3</sup> National Planning Policy Framework