

Date: 15 July 2015
Our ref: 157430
Your ref: NY/2011/0465/73



North Yorkshire County Council
Planning Services

FAO Ian Irwin

BY EMAIL ONLY

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Dear Ian

Planning consultation: 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

Location: Blubberhouses Quarry, Kex Gill, North Yorkshire

Thank you for your reconsultation on the above dated 17 June 2015 which was received by Natural England on 17 June 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**THE CONSERVATION OF HABITATS AND SPECIES (AS AMENDED) REGULATIONS 2010
ARTICLE 16 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2010
SECTION 28 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) which are European sites. The sites are also listed at a national level as West Nidderdale, Barden and Blubberhouses Moors Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The

<https://publications.naturalengland.org.uk/category/6490068894089216> for each European site

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>

explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

No objection

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.

In advising your authority on the requirements relating to Habitats Regulations Assessment, having considered the submitted information (specifically the '*Blubberhouses Quarry: Initial Management Plan*' Report), and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England's advice is that adverse effects on the integrity of any European Site will be avoided, providing that all mitigation measures are appropriately secured in any permission given. Further details is provided below;

- In our response of 28th October 2013 we advised that we were generally satisfied that there would be no adverse effect on the integrity of any European Site subject to the submission of a satisfactory site restoration plan and peat management plan. In this regard, we note the submission of the '*Blubberhouse Quarry: Initial Management Plan*' and specifically the Restoration Masterplan (Drawing B-007) and Peat Management Plan (Appendix 1) to address these issues. Natural England is satisfied with the scope of this additional information and consider there would be no adverse effect on the integrity of any European Site subject to delivery being appropriately secured in any permission given.

West Nidderdale, Barden and Blubberhouses Moors SSSI - No objection

This application is in close proximity to West Nidderdale, Barden and Blubberhouses Moors Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For comments in relation to other aspects of Natural England's remit, please refer to my response of 10th February 2012 and 28th October 2013,

For any queries relating to the specific advice in this letter only please contact Colin Godfrey on 03000601164. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Colin Godfrey
Yorkshire & North Lincolnshire Team