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Planning Officer  
Development Control Group  
Lancashire County Council  
PR1 0LD



By email to: [devman@lancashire.gov.uk](mailto:devman@lancashire.gov.uk)

**Application: LCC/2023/0030** – the extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end-uses, agricultural land and biodiversity enhancement, using imported inert fill

**Location:** Land off Bourbles Lane, Preesall

**Applicant:** Baxter Group Ltd

Dear Mr Haine,

The RSPB was not contacted in relation to this application, but please find attached our response, thank you.

We wish to **object** to the application cited above on the basis of the following.

- 1. Potential impacts on the functioning of designated sites**
- 2. Lack of Appropriate Survey for SPA Qualifying Species**
- 3. Appropriateness of proposed Mitigation**

## The RSPB

The Royal Society for the Protection of Birds (RSPB) is passionate about nature and dedicated to saving it. Since we started on our mission in 1889, the threats to nature have continued to grow but we've grown to meet them too.

We're now the largest nature conservation charity in the country, consistently delivering successful conservation, forging powerful new partnerships with other organisations and inspiring others to stand up and give nature the home it deserves.

Along with other environmental groups, we fought for many years to ensure habitats that support rare and vulnerable wildlife are protected from the worst impacts of human development.

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## Reasons for Objection

### 1.0 Potential impacts on the functioning of designated sites

#### 1.1 Nature conservation importance of the Lancashire and Amounderness Plain (LAP)

The area of farmland surrounding the Site, is within the northern section of the LAP and is famed for its expanses of open and flat countryside, dominated by large tracts of farmland both cropped and grazed. Areas of agricultural land within the LAP are of both national and international importance for a group of overwintering bird species functionally linked to its suite of SPA's.

The four bird species that meet currently these criteria are:

- Pink-footed Goose, *Anser brachyrhynchus* (hereafter PG)
- Whooper Swan, *Cygnus cygnus* (hereafter WS)
- Whimbrel, *Numenius phaeops* and
- Black-tailed Godwit, *Limosa limosa islandica*.

These are wintering/passage species which may occur both within and outwith land designated for high nature conservation value (i.e. SSSI, SPA, and Ramsar sites). **The focus in terms of the Bourbles Lane site is land outwith the designated sites supporting Pink-footed Goose and Whooper Swan.**

Qualifying Species	SPA feature of	1% GB threshold <sup>1</sup>	Conservation Status
Pink Footed Goose	Martin Mere SPA (also assemblage) Ribble & Alt Estuaries SPA (also assemblage) Morecambe Bay and Duddon Estuary SPA (also assemblage)	5,100	Annex 1 Birds Directive Amber-listed (BoCC5)
Whooper Swan	As above	160	As above

Table 1: GB Threshold for SPA Qualifying Species

<sup>1</sup> Source BTO WeBS online September 2023, adjusted to remove decimal points

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## 1.2 Functionally Linked Land

The Bourbles Lane site is located in an area of extremely high and sensitive nature conservation importance functionally linked to the above SPA suite, the area also shows (from satellite tracking of pink-feet), that the area may be functionally linked to both the Ribble and Alt Estuaries and Martin Mere SPA's<sup>2</sup>.

As such, the Conservation of Habitats and Species Regulations 2017 (as amended) ("**the Habitats Regulations**"), are relevant to this planning application.

### 1.2.1 Description of Functionally Linked Land

*"Functionally linked land' (FLL) is a term often used to describe areas of land or sea occurring outwith a designated site which is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a Special Areas of Conservation (SAC)/ Special Protection Area (SPA)/ Ramsar site has been designated. These habitats are frequently used by SPA species and supports the functionality and integrity of the designated sites for these features.*

*There is a requirement for competent authorities to consider the importance of functionally linked habitats in Habitats Regulation Assessments (HRAs) when assessing new plans or projects to ensure the Conservation Objectives for the site can still be delivered. The impact of the loss of functionally linked land on European sites can be difficult to determine as there is often limited information available".<sup>3</sup>*

FLL is defined as: areas of land occurring within 20 km of an SPA, that are regularly used by significant numbers of qualifying bird species. A significant number of birds has been defined as 0.5% of the GB population, GB population is used in this context rather than the qualifying population for an individual SPA because the populations of individual species vary across the North West.

### 1.2.2 Natural England evidence on Functionally Linked Land in North West England, NERC361

In 2021, Natural England (NE) published its comprehensive review of current evidence. The stated purpose of the Review and report was:

*"The aim of this project is to collate evidence from existing bird records to create maps showing important supporting habitats and improve understanding of which bird species are using these sites. [The report ensures that] the current geographical spread of supporting habitats across the north west are maintained and enhanced to ensure the integrity of the SPA sites are protected in the long term"*

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<sup>2</sup> Data held by Náttúrustofa Austurlands (Iceland)

<sup>3</sup> Bowland Ecology 2021. Identification of Functionally Linked Land supporting SPA waterbirds in the North West of England. NERC361. Natural England

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### 1.2.3 The location of the Bourbles Lane Development in relation to land functionally linked to the Ramsar/SPA/SSSI

The NE commissioned report NERC361 published in October 2021 includes mapping to show FLL based on the currently available data the combined data is mapped within Appendix 9 (of NERC361). The land upon which the Bourbles Lane site is located can be seen on Page 18 (of 42), this land is shown to have Moderate Potential as.

This mapping from NERC361 (page 10) is reproduced below. (the Blue circle is our addition)

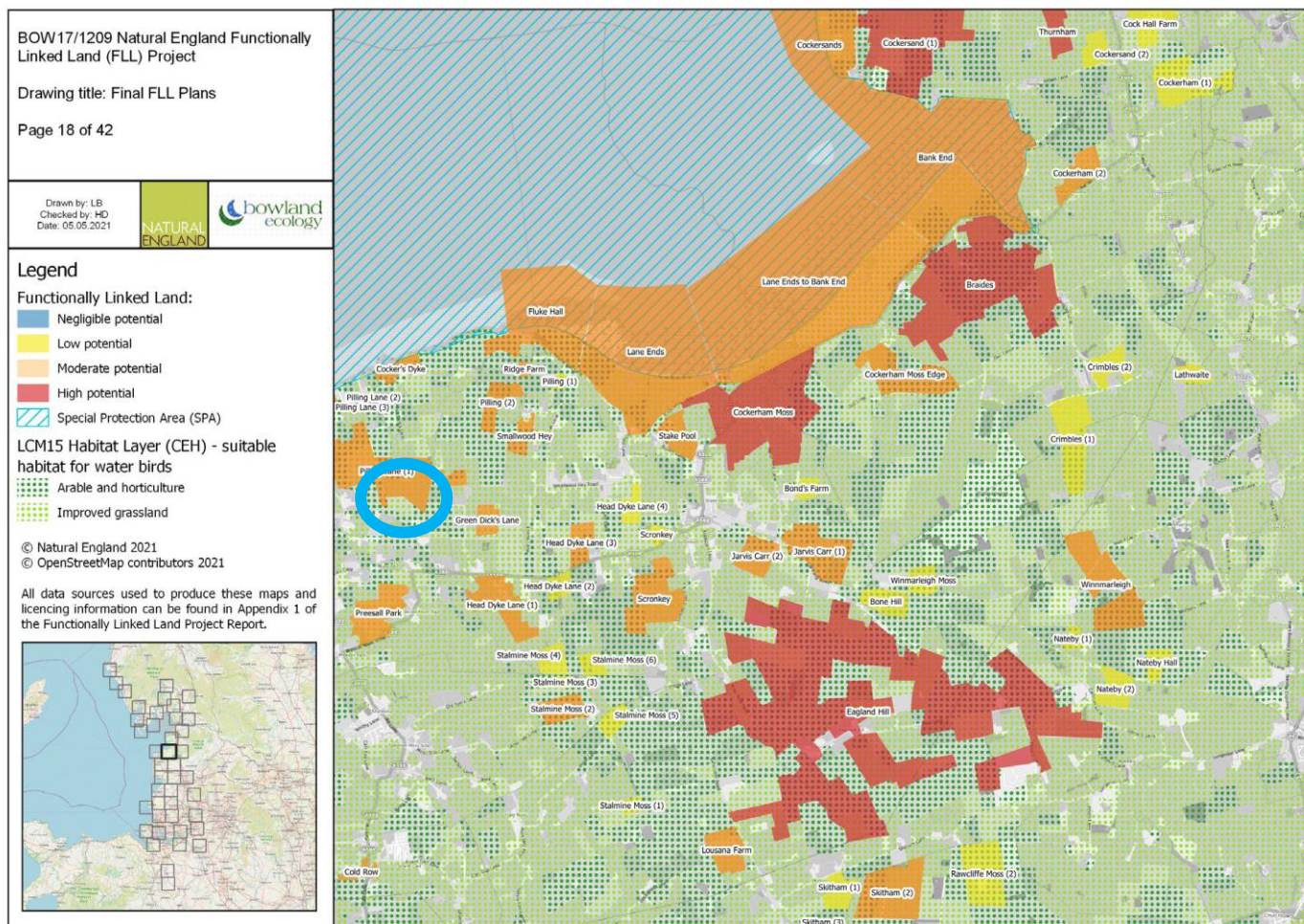


Figure 1: Natural England FLL Project Map

The Bourbles Lane Site is located immediately adjacent to the Pilling Lane (1) land identified by NE indicated by our additional blue circle.

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This NE mapping of the likely locations of FLL has been produced through combining the currently available field observations from a variety of sources, including those referenced in the Applicant's submission.

## 2.0 Lack of Appropriate Survey for SPA Qualifying Species

### 2.1 NE guidance on surveys for over-wintering migratory species

Country level guidance for planners and developers was published by Natural England in 2010 (TIN069) in respect of Assessing the effects of onshore wind farms on birds, within the guidance note Natural England details the ecological survey type by species that they consider will provide sufficient data to support a planning case. It should be noted that this guidance closely follows that produced by Scottish Natural Heritage in 2005 (updated in 2017<sup>4</sup>) and which was adopted as an industry standard for wintering bird survey and is advocated by Chartered Institute of Ecology and Environmental Management (CIEEM).

Natural England Technical Information Note TIN069 states that.

*"Survey work should span all times of the year when the target species are present. We recommend survey for **a minimum of two years** to allow for variation in bird use between years"*<sup>5</sup>

Although this guidance was developed for wind farms it is considered to be best practice and is therefore just as applicable to any development within an area utilised by overwintering geese and swans, by Natural England, the RSPB, Wildfowl and Wetlands Trust, The Wildlife Trusts, LPA's and the CIEEM and it goes on to state.

*"Feeding **distribution surveys of geese and swans should be carried out on a fortnightly basis where species are likely to be wintering**, or on a weekly basis for sites where birds are likely to be present in the migration period only. The survey area should extend to 500m from the proposed development site. Feeding distribution surveys can be undertaken by road transects where the road network is suitable or by observations from vantage points. In either case it is necessary to ensure that all potential feeding habitat can be surveyed.*

*Depending on topography this may require walking into fields to check blind areas. In addition, searching the survey area for signs of wildfowl presence (counts of droppings) can help determine if feeding birds are using the....site by night or on days previous to survey visits".*

This is the level of survey in support of the development that RSPB would normally expect as a minimum from any Applicant in support of their case.

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<sup>4</sup> NatureScot Guidance Note, Recommended bird survey methods to inform impact assessment of onshore wind farms, SNH, 2017

<sup>5</sup> TIN069, Assessing the effects of onshore wind farms on birds, Natural England 2010

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The highlighted text above is our own, we have highlight this to demonstrate how the survey effort undertaken by the Applicant does not meet the guidance and therefore should not be taken into consideration, the minimum time between the Applicant’s surveys was 3-weeks and the maximum time between surveys was 5-weeks, we also note that the survey work was only carried out over a single season, and we consider that this is insufficient to inform an HRA.

## 2.2 Habitats Regulations Assessment

Based on the figures for both PG and WS given in the previous comment, we would suggest that this development requires a Habitats Regulations Assessment, clearly the decision on this is not ours to make, but we would expect our colleagues at Natural England to come to the same conclusion given the potential impacts on NW designated site’s, most likely the neighbouring Morecambe Bay and Duddon Estuaries Ramsar/SPA site.

## 2.3 Wintering bird data relevant to the Application Site

Data has been shared by our colleagues at Fylde Bird Club (FBC) and shared with the Applicant, and referenced in the submission:

*3.1.2 The Fylde Bird Club records were searched for birds associated with the adjacent estuary (Special Protection Area) within 1km of the site.<sup>6</sup>*

We are in receipt of 2 data sets, that which was shared with the Applicant’s consultants in May 2022, covering the period 1980 to 2021 (although only the most recent 5-years of data should be used) and a second updated data set which includes data covering the period between the end of that shared with the Applicant and May 2023.

We understand that the Applicant had not sought to update their FBC data between the publication of the 2 ecological reports submitted with the application.

What is clear from these data we have is that the statement by the Applicant anomalous in the figures for Peak Count for both PG and WS included within the Applicant’s submission do not accord with those present in the FBC data.

These data supplied by FBC are reproduced within Table 2 below (based on the Applicant’s own assessment/submission), the Peak Count figure is taken from the most recently available 5-year of data and the GB max figure is taken from BTO WeBS online (September 2023).

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<sup>6</sup> Section 3.1.2, Ecological Impacts Assessment (EcIA) Bourbles Lane Pilling, Envirotech, July 2023

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Species	Peak count	SPA Peak Count	% of SPA population	GB max	% of GB
Pink-footed Goose	7,000 <sup>7</sup>	15,648	44	450,779	0.6
Whooper Swan	78 <sup>8</sup>	113	69	8,667	0.8

Table 2: Site Valuation (FBC data)

The Applicant has used the (NatureScot<sup>9</sup>, as adopted by NE) 500m minimum survey ZOI around the site with which to record PG and WS site usage, please note that RSPB consider this insufficient, PG in particular are highly susceptible to anthropogenic disturbance, whilst we would strongly advocate for a minimum 600m ZOI to be applied, for illustrative purposes however, we have mapped the Application Site and a 500m ZOI on to the map below.

Our mapping includes some of the historic data received from FBC, we have only mapped locations where these data were accompanied with a Grid Reference, a small proportion of that available, and only the records between 2019 and 2023.

Note, the Applicant was in receipt of sufficient historic data to have applied it to the 500m cited in the NatureScot guidelines in the same way, as such we are at a loss to explain why these data have not been included with the Applicant's submission.

In addition, as can be seen from our Table 2 above the actual Peak Count for both PG and WS is significantly higher than that within the Applicant's submission, clearly showing that the Application has the potential to affect a significant portion of the SPA birds.

<sup>7</sup> Recorded by FBC, 17/02/2019 and shared with/available to the Applicant by FBC

<sup>8</sup> Recorded by FBC, 05/01/2023 and NOT shared with/available to the Applicant by FBC, as no update requested.

<sup>9</sup> NatureScot Guidance Note, Recommended bird survey methods to inform impact assessment of onshore wind farms, SNH, 2017

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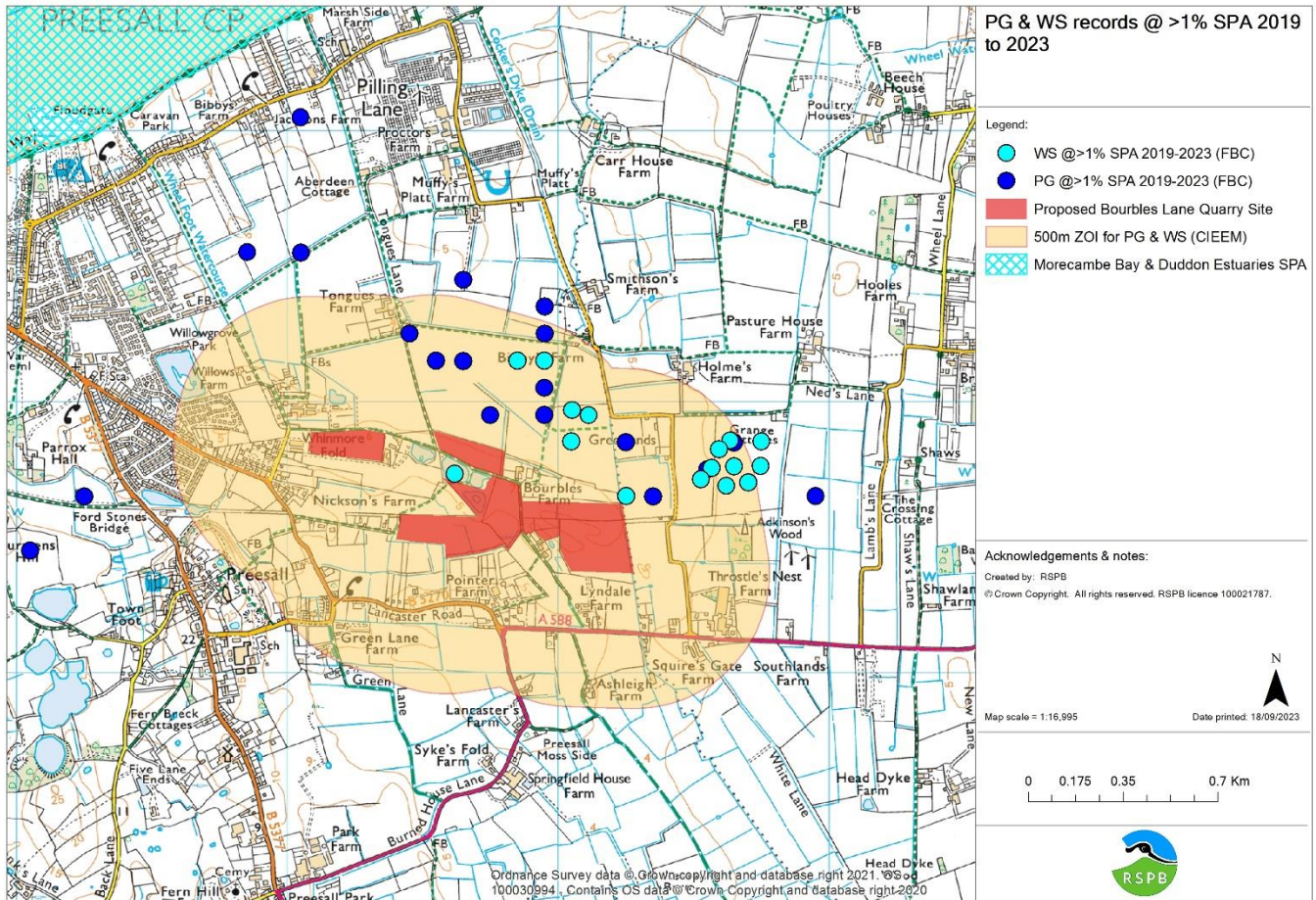


Figure 2: PG and WS records 2019 to 2023

### 3.0 Appropriateness of proposed Mitigation

#### 3.1 Mitigation for Overwintering Waterfowl

We note that the Applicant is keen to stress that overwintering birds will become accustomed to the anthropogenic impacts brought about by the quarry, and yet the Applicant suggests mitigation specifically applicable to PG and WS within the EcIA, as follows –

*"9.1.5 To avoid disturbance to peak overwintering bird interest features, for which the period October to March is the most important. Site activity on the field to the East (Phase 2), Figure 13, during the period that any voluntary restraint or statutory suspension of waterfowl shooting from 9th November to 20th February comes into force within Morecambe Bay and Duddon Estuary Special Protection Area (SPA) will cease.*

*9.1.6 This scheme is designed to help with the conservation of waterfowl; ducks, geese, and waders, by reducing disturbance to them during periods of prolonged cold weather. Whilst it operates to prevent disturbance from shooting, the trigger for the suspension*

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*of shooting can be used for the suspension of site activities which may also have negative impacts on waterfowl when they are most sensitive".<sup>10</sup>*

In addition, we note that the Applicants comments in relation to stopping work during the winter months to prevent impacts to geese conflict with a paragraph (4.1.4) within the Planning Statement which states –

*"There are no proposals to extract the mineral deposits from the ground during the wetter winter months"*

We therefore interpret the mitigation proposed within the Applicant's EcIA as essential a 'do nothing approach,' firstly, as the Applicant is not the owner and therefore does not have control of the surrounding land and secondly, as the Applicant will not shoot during the cold weather ban and thirdly, does not need to stop working during cold weather as there are no proposals to excavate material during this period as evidenced above.

Our mapping of FBC data, (figure 2 above) clearly indicates that unless all activity is to cease over the winter period it is not only Phase 2 (North of Bourbles Lane, highlighted by us in the quote) but Phases 1 and 3 of the proposal which will potentially impact PG and WS.

Phase 5 (Completion of infilling, processing plant removal and final restoration) is also likely to impact site usage by PG and WS, the impacts attributable to these phases' dependent upon timing, and the Applicant suggests impacts will last for 7-year period, based on timings in the Planning Statement.

## 4.0 Potential Restoration Impacts

### 4.1 Proposed Restoration

The Applicant states that the development timescale is expected to be 7 years, but it should be noted that the restoration timetable according to the Applicant's Biodiversity Net Gain (BNG) report is between 2 and more than 30 years.<sup>11</sup>

The Applicant States –

*"Restoration Proposals: The proposals include a range of diverse UK and Lancashire BAP habitats (such as native woodland, wet grassland and other wetland habitats) together with pasture/ arable farmland). The larger extraction areas will be returned to grassland, arable and equestrian end uses, with plant site area restored to mainly leisure lodge activities. The restoration scheme will use imported inert backfill materials together with soils stored in landscaping bunds to raise the levels of the land back to final levels. As part of the quarry*

<sup>10</sup> Sections 9.1.5 & 9.1.6, Ecological Impacts Assessment (EcIA), Bourbles Lane Pilling, Envirotech, July 2023

<sup>11</sup> Appendix B – Metrics Tables – Post Development, Biodiversity Net Gain, Bourbles Lane Pilling, Envirotech, July 2023

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*development and restoration proposals, the existing duck rearing business will be removed from the site which is considered to provide both environmental and amenity benefits for all residents of Bourbles Lane”<sup>12</sup>.*

Restoration to equestrian use is disappointing, we have concerns about the biodiversity value of land restored to equestrian uses, typically during operation equestrian use provides small, heavily grazed paddocks for 1-2 horses, with heavy compaction of soils and a reduction in biodiversity as horses preferentially graze the ‘sweeter’ flowering plants.

Further we note that the restoration proposed for Phases’ 1, 2, 3 and land adjacent to (west of) the plant location in Phase A are according to the Applicant’s Conceptual Restoration plan is either arable or pasture farmland. This is apparently at odds with the Illustrative Landscape Plan and the Applicant’s BNG report.

To take these Phases one at a time based on the Applicant’s BNG report.

Phase one (2.64ha) is assessed (Figure 2, Habitats) as improved grassland, the restoration is to improved grassland or arable, with the additional of large ponds and some wetland scrub, the latter being the only ‘new’ habitats in this area. According to the Applicant’s BNG report is reversion to horse paddock, the same use that currently exists, therefore considering our comments on biodiversity and equestrian use, we see no tangible benefit to biodiversity from this restoration.

Phase 2 is currently assessed as arable, the restoration proposed is to improved grassland or arable, with amenity grassland which we interpret as lawn, a pond and some wetland scrub areas, although the latter 3 are additional, only the pond and scrub planting have real benefit in delivering for biodiversity, depending on management. We note that the BNG report includes restoration to arable in this Phase.

Phase 3 is currently assessed as semi-improved neutral grassland and marsh/marshy grassland, the restoration to improved grassland or arable does nothing to mitigate the loss of this area of marshy grassland, so again we question the real biodiversity gain here.

The section of Phase A to the west of the Plant site is described as arable currently, so the restoration for this area to improved grassland or arable, again delivers little in the way of real biodiversity gain, we note however that the after use of this area described in the BNG Report is arable, so actually, no change or enhancement from the field that currently exists.

We note from our own measurement, that the additional habitat features depicted on the Applicant’s Illustrative Landscape Plan do not appear to be to scale, potentially over-emphasising the appearance of these habitats in the landscape.

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<sup>12</sup> Planning Application Key Point Summary, Planning Statement, Greenfield Enviro, 2023

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## 4.2 Long-term management / aftercare plan

Key to the deliverability of the restoration plan will be the detail relating to the long-term management of the restored areas, we see this as integral to this application. As stated previously the restoration of Phase 1 is largely to horse paddock, so this should be discounted as delivering a biodiversity gain.

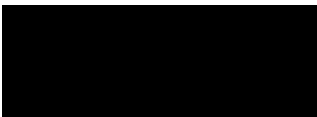
We note the Applicant's willingness to discuss the restoration strategy, long-term aftercare and management (Section 6.4.8, Planning Statement) we understand from the Applicant's submission that the owners of the land, the person who would subsequently have control, is not the Applicant, and therefore clearly any long-term plans or commitments would have to be agreed with both parties, we would like these elements to be discussed and agreed before permission to commence working is approved, although decision on this would be down to the Planning Authority.

## 4.4 Leisure Lodge Development

We note the Applicant cites the introduction and use of a Lodge Owner Pack to limit recreational disturbance to sensitive features of the designated sites, we suggest that the Applicant and the land owner who will operate the Lodge site once developed (if approval is given) work closely with the local NE team and others to ensure that the pack is applicable to wider work on recreational disturbance around Morecambe Bay.

The results from implementation of this type of document are mixed, in some places they have been adopted by site users and not in others, this appears to be directly related to the provision of on-site/offsite visitor engagement staff or volunteers, to talk to people and to lightly police their actions.

Yours sincerely



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