Planning Application LCC/2023/0030
Appeal APP/Q2371/W/25/6002168

Impact on Birds – Review by Paul Ellis

1. Summary

Three principal claims are made by the applicant that are incorrect:

1.1. Environmental Importance of the Land

The applicant concludes that the affected land is of minimal importance to Morecambe Bay Special Protection Area (SPA) cited bird species.

This assertion is incorrect. Data presented by Fylde Bird Club proves that the land is Functionally Linked to the Morecambe Bay SPA owing to its ongoing use by overwintering bird species cited in the SPA documentation, in significant numbers. Natural England (NE) already have the land classified as Functionally Linked Land (FLL) to the SPA.

Section 3.1 below addresses the issue of the environmental importance of the land.

1.2. Environmental Impact of the Proposal

The applicant has presented data and reports concluding that the environmental impact of the quarry, subsequent land fill and holiday home creation, will have negligible environmental impact.

Disturbance, direct displacement and habitat loss will ensure that this area will no longer be used by the key SPA bird species if the project goes ahead.

Section 3.2 below addresses the issue of the environmental impact of the proposal.

1.3. Mitigation for Disturbance

The applicant claims that mitigation for disturbance can be provided.

No practical on site mitigation is possible. The applicant offers to stop work during severe weather but this offers no practical mitigation whatsoever!

Section 3.3 below addresses the issue of mitigation.

2. Introduction

Functionally Linked Land (FLL)

The following are extracts from the Natural England (NE) document (Ref. 9):

Bowland Ecology 2021. Identification of Functionally Linked Land supporting SPA waterbirds in the North West of England. NERC361. Natural England

"FLL is defined as: areas of land occurring within 20 km of a Special Protection Area (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."

"Functionally linked land' (FLL) is a term often used to describe areas of land or sea occurring out with 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".

3. Comments on the Applicant's Regulation 25 Submission

Applicant's revised report on over wintering birds:
Section 8 Updated Overwintering Bird Surveys BFP/BFQ/105 Dec 2024. (Ref. 7)

(note: the applicants revised report has no page numbers or section numbers)

The applicants revised report presents a revised Environmental Valuation and revised Environmental Impact Assessment.

3.1 Environmental Importance of the Site

Section 8 Updated Overwintering Bird Surveys' BFP/BFQ/105 Dec 2024. (Ref. 7)

Section titled: 'ASSESSMENT – Site valuation' (beginning on 46th page in the document)

The applicant's findings are unrepresentative and misleading.
Very few birds were recorded owing to the inadequacy of the applicant's survey method. There were too few visits in too limited a time period.

The applicant's analysis and conclusions are based exclusively on their own very limited survey data, it does not exploit the wealth of records provided by FBC. Consequently, the conclusions are flawed.

The document above reports on 12 visits made in a 5.5 month period. The frequency of visits during this survey was too low to have a reasonable chance of recording sufficient significant bird records. Although suggested by NE, the methodology was unsuitable, as proven by comparison with subsequent and previous records compiled by Fylde Bird Club (FBC).
FBC data is based on decades of observation that has effectively captured sufficient records to support a pattern of significant land usage by SPA species.
The additional fieldwork was unnecessary as a wealth of data already existed that could not be superseded by a few visits over a short time period. Unsurprisingly, the additional fieldwork captured few significant records.

It is important to understand that the key wintering species do not arrive on their wintering fields in the autumn and stay there until they leave in the spring. Each night these birds leave to roost on the edge of Morecambe Bay and every morning they head inland to feed in the fields. The places they visit may vary from day to day and year to year. The relative quality of the feeding opportunities and presence of disturbance are key factors.

Analysis of Bird Records

The table below was compiled by the applicant to provide a measure of land use by SPA species.

Table 5 taken from ref. 7 (ASSESSMENT – Site valuation - 46th page in the document)

Table 5 - *Peak Count of overwintering wildfowl and waders cited in SPA designation within or near ZOI*

Common name	Scientific name	Peak Count	SPA Peak Count	% of SPA population
Lesser black-backed gull	Larus fuscus	2	9450	0.02
Oystercatcher	Haematopus ostralegus	72	55888	0.13
Pinkfooted Goose	Anser brachyrhynchus	459	15648	2.93
Shelduck	Tadorna tadorna	73	5878	1.24
Whooper Swan	Cygnus cygnus	5	113	4.42
Little egret	Egretta garzetta	14	134	10.45
Curlew	Numenius arquata	371	12209	3.04

** ZOI – Zone of Influence defined by applicant (see Appendix 2)*

Table 5 Reworked with Fylde Bird Club's Data

Common name	Scientific name	SPA Peak Count	Applicant's Peak Count	% of SPA population recorded by Applicant	FBC's Peak Count	% of SPA population recorded by FBC
Black-headed Gull	Chroicocephalus ridibundus	26624	3	0.01	5000	18.78
Lapwing	Vanellus vanellus	29344	62	0.21	1000	3.41
Lesser Black-backed Gull	Larus fuscus	9450	2	0.02	120	1.27
Oystercatcher	Haematopus ostralegus	55888	72	0.13	182	0.33
Pink-footed Goose	**Anser brachyrynchus**	**15648**	**459**	**2.93**	**8000**	**51.12**
Shelduck	Tadorna todorna	5878	73	1.24	75	1.28
Whooper Swan	**Cynus cygnus**	**113**	**5**	**4.42**	**100**	**88.50**
Little Egret	Egretta garzetta	134	14	10.45	8	5.97
Curlew	Numenius arquata	12209	371	3.04	352	2.88
Black-tailed Godwit	Limosa limosa	2413	0	0.00	175	7.25

Note the dramatic differences for the key species including:

Pink-footed Goose 51 % vs <3 %
Whooper Swan 89 % vs 4 %
Black-tailed Godwit 7 % vs 0 %
Lapwing 3 % vs <1 %

Although the applicant acknowledges that 5 SPA species occur on, or close to, the site in numbers greater than 1% of the SPA population, this compares to 9 SPA species from FBC records.

The criteria for designating land as Functionally Linked to an SPA is that it supports more than 0.5 % of the GB population. The applicant has not calculated the percentage of the GB population of any species using the site. However, the table below shows the percentage of the GB population using the site based on FBC count data and current British Trust for Ornithology (BTO) GB population figures.

Common name	Scientific name	FBC's Peak Count	GB Population Max	% of GB Population
Black-headed Gull	Chroicocephalus ridibundus	5000	219292	**2.28**
Lapwing	Vanellus vanellus	1000	255460	0.39
Lesser Black-backed Gull	Larus fuscus	120	17939	**0.67**
Oystercatcher	Haematopus ostralegus	182	215836	0.08
Pink-footed Goose	**Anser brachyrynchus**	**8000**	466400	**1.72**
Shelduck	Tadorna todorna	75	44445	0.17
Whooper Swan	**Cynus cygnus**	**100**	8667	**1.15**
Little Egret	Egretta garzetta	8	8109	0.10
Curlew	Numenius arquata	352	57164	**0.62**
Black-tailed Godwit	Limosa limosa	175	49439	0.35

GB Population Maxima taken from reference 11.

The above findings show that the development site, and lands immediately adjacent to it, support over 0.5 % of the GB population of six qualifying species cited by the Morecambe Bay SPA.

It is clear that when all the available data is considered, the land in question is Functionally Linked to the Morecambe Bay SPA, owing to the fact that it supports over 0.5 % of the GB population for six species.

The above analysis confirms that the land in question is Functionally Linked to the Morecambe Bay SPA and therefore a Habitats Regulations Assessment (HRA) is required.
To our knowledge a Habitats Regulations Assessment has not been conducted.

3.2 Environmental Impact of the Proposal

Section 8 Updated Overwintering Bird Surveys' BFP/BFQ/105 Dec 2024. (Ref. 7)

Section 'ASSESSMENT – Impact assessment' – beginning on 48th page in the document

The above document states that use of the site is focused on the lakes but the majority of the site is lakes. Birds using the lakes are of no significant conservation concern in this case, it is the disturbance to the SPA birds that use the adjacent fields in large numbers that is of serious concern.

The Applicant states (on 49th page):

'There may however be displacement of overwintering birds from fields to the East during work due to the increase in anthropogenic activity. Whilst birds using fields will become accustomed to such impact, short term, high impact noise impact may result in flight activity. ***In particular impacts on Whooper Swan and Pink footed geese may be significant given that more than 1% of the overwintering population of the SPA were recorded within the ZOI.'***

> There may however be displacement of overwintering birds from fields to the East during work due to the increase in anthropogenic activity. Whilst birds using fields will become accustomed to such impact, short term, high impact noise impact may result in flight activity.
>
> In particular impacts on Whooper Swan and Pink footed geese may be significant given that more than 1% of the overwintering population of the SPA were recorded within the ZOI.

Note, that while the applicant now accepts significant impact on two species, the percentages of the SPA populations likely to be affected are not presented.
FBC data shows that 51 % of the SPA population of Pink-footed Geese and 89 % of the population of Whooper Swans can be present in the ZOI (Zone of Influence). In addition, Curlew, Lapwing, Black-tailed Godwit and Shelduck occur in the ZOI in numbers greater than 1% of their SPA populations. Therefore, the impact will be far greater than implied by the applicant.

Noise and Visual Disturbance (beginning on 49th page)

The applicant claims in section 'ASSESSMENT – Impact assessment' that noise and visual disturbance will not be significant. However, it is considered that these factors will be extremely significant to the extent that the qualifying SPA species will not continue to use the lands in the vicinity of the quarry site.

The applicant attempts to claim the effect of noise disturbance on these birds will be:
'unlikely to result in a disturbance response' (55th page).

> Whilst noise is unlikely to result in a disturbance response, visual stimuli cannot be discounted. Habituation of birds to site activity is however likely, given the frequent passage of road and agricultural vehicles in the local area.

This claim is based on the applicant's predicted noise levels and a study conducted on responses of Mallard and Redshank to noise. The study referenced is not applicable owing to the different species under consideration. Mallard, in particular, is habituated and practically immune to human disturbance.

Visual disturbance is even more serious than noise disturbance and is very hard to mitigate.

The applicant states (on the 55th page):
'Whilst noise is unlikely to result in a disturbance response, visual stimuli cannot be discounted. Habituation of birds to site activity is however likely, given the frequent passage of road and agricultural vehicles in the local area.'

Whilst noise is unlikely to result in a disturbance response, visual stimuli cannot be discounted. Habituation of birds to site activity is however likely, given the frequent passage of road and agricultural vehicles in the local area.

Pink-footed Geese are very wary and easily flushed. They are readily disturbed by farm machinery and vehicles in nearby fields and they will not tolerate the presence of people on foot. They are also extremely sensitive to sudden loud sounds. A major reason for their acute sensitivity to human presence and noise is that they are hunted with shotguns and so have good reason to fear humans.

Experienced local birdwatchers understand how easily Pink-footed Geese are put to flight because we spend many hours watching them every winter and routinely observe incidents of disturbance. The considered opinion is that Pink-footed Geese and the wader species concerned will not tolerate the disturbance likely to be caused by the quarrying and land fill operations.

Following the mining and landfill phases, there is an intention to establish up to 12 holiday lodges on the site during the 'restoration' phase. This proposal will certainly cause ongoing permanent disturbance to the adjacent fields owing to the persistent presence of people and their pets and increased use of adjacent footpaths.

Given the potential impact on the designated areas, i.e. Morecambe Bay SPA and associated Functionally Linked Land, a HRA is essential and should be conducted and presented.

3.3 Environmental Mitigation

The applicant's Regulation 25 Submission does not offer revised mitigation proposals.

Therefore, it is assumed that the mitigation offered in reference 4 still stands.

The mitigation proposed has previously been challenged and criticised in submissions from the RSPB (Ref. 10) and Fylde Bird Club (Ref. 3); both found the proposals offered no meaningful mitigation.

3.3.1 Mitigation during Mining and Landfill Operations

Reference 4, Section 9.1 deals with proposed mitigation measures. Paragraph 9.14 states:

'Whilst birds using fields will become accustomed to such impact, short term, high impact noise may result in a disturbance response. This can be mitigated with the appropriate timing of work, in particular at times when wildfowl are most sensitive due to periods of extreme cold and stress.'

> 9.1.4 The wider landscape will remain in the same land use throughout work and still available for use. There may however be displacement of overwintering birds from fields to the East, outside the site boundary, during work due to the increase in anthropogenic activity. Whilst birds using fields will become accustomed to such impact, short term, high impact noise may result in a disturbance response. This can be mitigated with the appropriate timing of work, in particular at times when wildfowl are most sensitive due to periods of extreme cold and stress.

This statement is illogical. Birds are susceptible to disturbance regardless of the weather conditions. If works had been causing on-going disturbance before a spell of cold weather, it is highly unlikely that birds would spontaneously arrive the moment work stopped. There is no mitigation offered for when the weather is not severe. Additionally, the contention that birds will become accustomed to 'such impact' ('anthropogenic activity'), is false. Pink-footed Geese will not become accustomed, they will leave when first disturbed and will not return while it continues.

3.3.2 Mitigation Post Landfill to the Introduction of Holiday Chalets

In Reference 4, Section 9.1, subsections 9.1.11 to 9.1.14, the applicant acknowledges the potential for recreational disturbance caused by the creation of holiday chalets. However, the only mitigation proposed is the provision of 'Lodge Owner Packs' to advise residents of the environmental sensitivity of the area.

The applicant will not be the owner or operator of the chalet complex and therefore cannot provide any assurances regarding the on going provision of 'Owner Packs' and future land management. In any case, the proposal that 'owner packs' will make any significant difference to the levels of increased disturbance is strongly refuted. Greatly increased disturbance to the site and adjacent lands would be inevitable and serious.

9.1.13 Lodge owner packs should comprise, but are not limited to;

- Introduction letter to the pack, setting out the issue and providing a contents page of included documents.
- Description of the Natura 2000 sites and their features, this should include a map explaining the boundaries of European designated sites.
- An explanation of the sensitivities of features to recreational disturbance and key sensitive times for the features of the European designated sites.
- List any access restrictions in the local area (i.e. under the Countryside and Rights of Way Act 2000, Marine and Coastal Access Act 2009 or Byelaws).
- Suggestions of alternative recreational sites (i.e. parks, walking or cycling routes).
- Code of conduct (i.e. not disturbing flocks of feeding / roosting birds, suggested distances to keep from birds).
- Suggested areas for responsible bird watching and opportunities for people to get involved in the local natural environment (i.e. volunteering opportunities).

4. References

1) Planning Application LCC/2023/0030
2) Appeal Reference APP/Q2371/W/25/6002168
3) Previous FBC Objection: BP-FLL-QRY-FBC-0001
4) Applicant's Initial Environmental Impact report:
   ES Appx4b_ECOLOGICAL IMPACT ASSESSMENT.docx
5) FBC's Response to 4: BP-FLL-QRY-FBC-0001
   Review of the Applicant's Document: ES Appx4b_ECOLOGICAL IMPACT ASSESSMENT.docx
6) Applicant's 'Planning Application Regulation 25 Submission Regulation 25 submission of supplementary information' LRS/WAL/110- Dec 2024
7) Applicants revised report on over wintering birds (Part 8 of ref. 6):
   Section 8 Updated Overwintering Bird Surveys' BFP/BFQ/105 Dec 2024.
8) FBC's Response to 7: BP-FLL-QRY-FBC-0002
9) Bowland Ecology 2021. Identification of Functionally Linked Land supporting SPA waterbirds in the North West of England. NERC361. Natural England
10) RSPB's Letter of Objection to LCC/2023/0030
11) Calbrade, N.A., Birtles, G.A., Woodward, I.D., Feather, A., Hiza, B., Caulfield, E., Balmer, D.E., Peck, K., Wotton, S.R., Shaw, J.M., and Frost, T.M. 2025.
    Waterbirds in the UK 2023/24: The Wetland Bird Survey and Goose & Swan Monitoring Programme. BTO/RSPB/JNCC/NatureScot. Thetford.

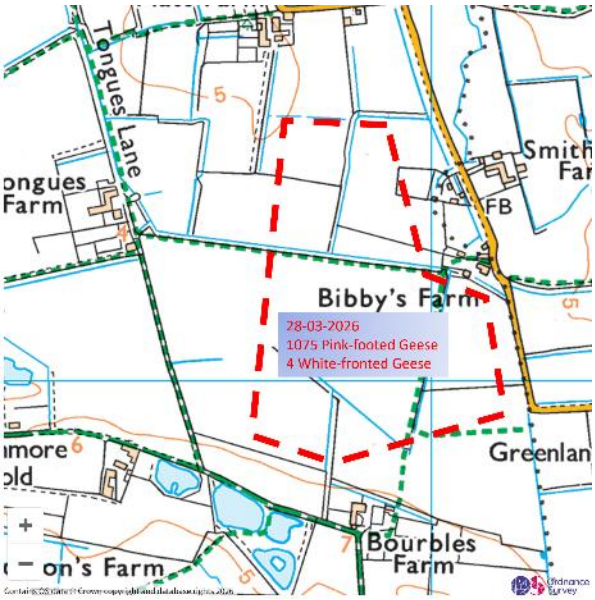
Appendix 1: Supporting Information: Recent FBC Data

Recent records collected by Fylde Bird Club prove the continuing importance of this land to SPA species.

It is important to understand that the data compiled by the Fylde Bird Club has not been systematically collected as part of a survey but represents a large collection of ad hoc records. If systematic surveys had been conducted, the number of significant records would inevitably have been far greater.

Recent Records of Pink-footed Geese

28/03/2026 200 Bourble's Pits On pasture immediately adjacent to site Boundary SD377479
Part of a flock of 1075 geese just north of the site



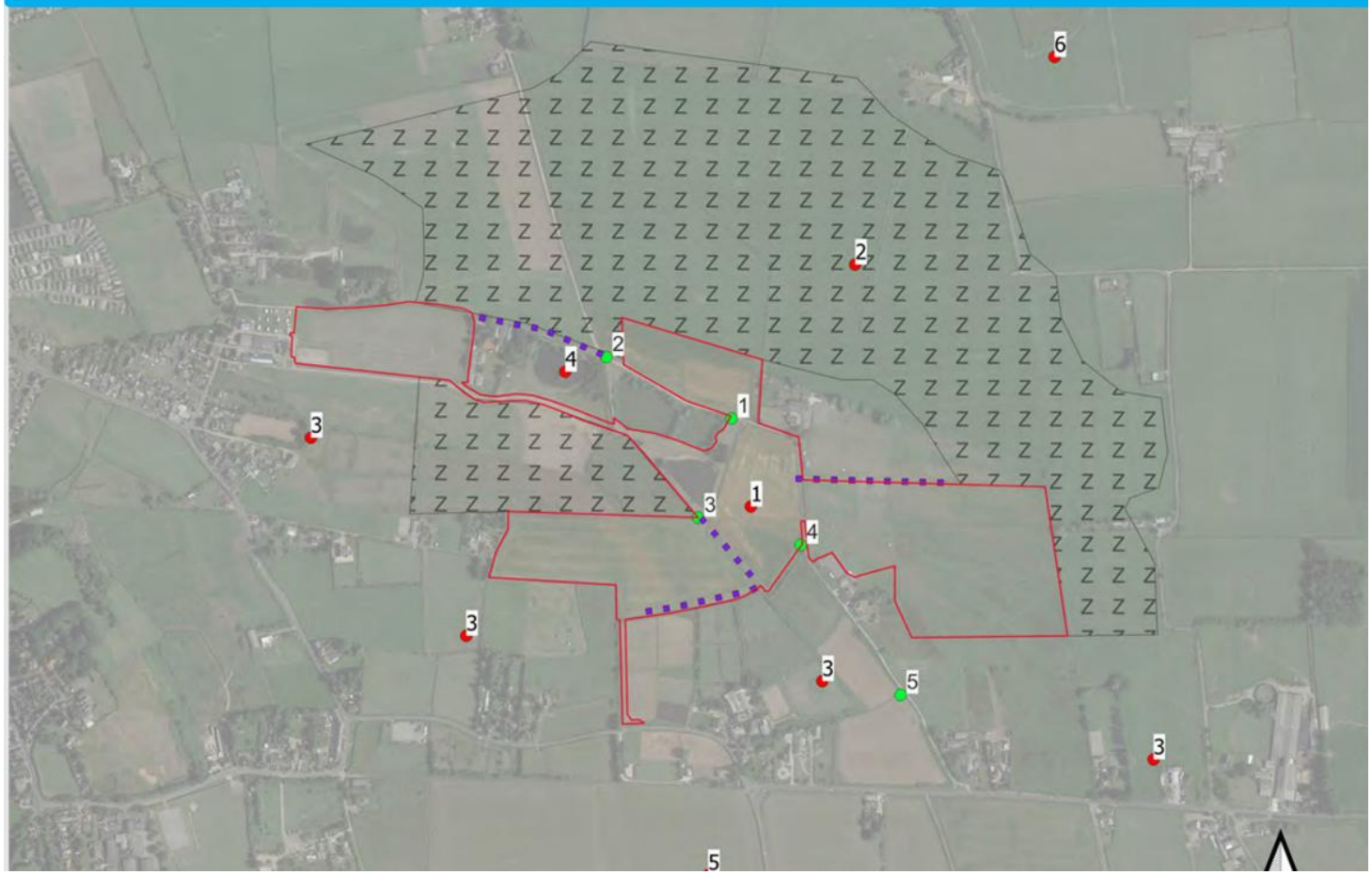
01/03/2026	95	Bourble's Pits	On arable just east of the pits	SD379475
28/02/2026	130	Bourble's Pits	on arable	SD380475
17/02/2026	25	Bourble's Pits	Min. Field to east	SD380476
15/02/2026	1000	Bourble's Pits	on arable	SD380475
10/02/2026	2000	Green Dick's Lane		SD383477 to SD380480
10/02/2026	1140	Green Dick's Lane		SD383481
25/11/2025	710	Green Dick's Lane	on pasture spread from	SD380481 to SD377479
21/03/2025	750	Green Dick's Lane	pasture Green Dick's - Bourbles Pits	SD379478
16/02/2025	500	Green Dick's Lane	On pasture	SD385474
22/12/2024	2500	Green Dick's Lane	pasture Green Dicks - Tongue's Lane	SD376479

Other Recent records of key SPA Species

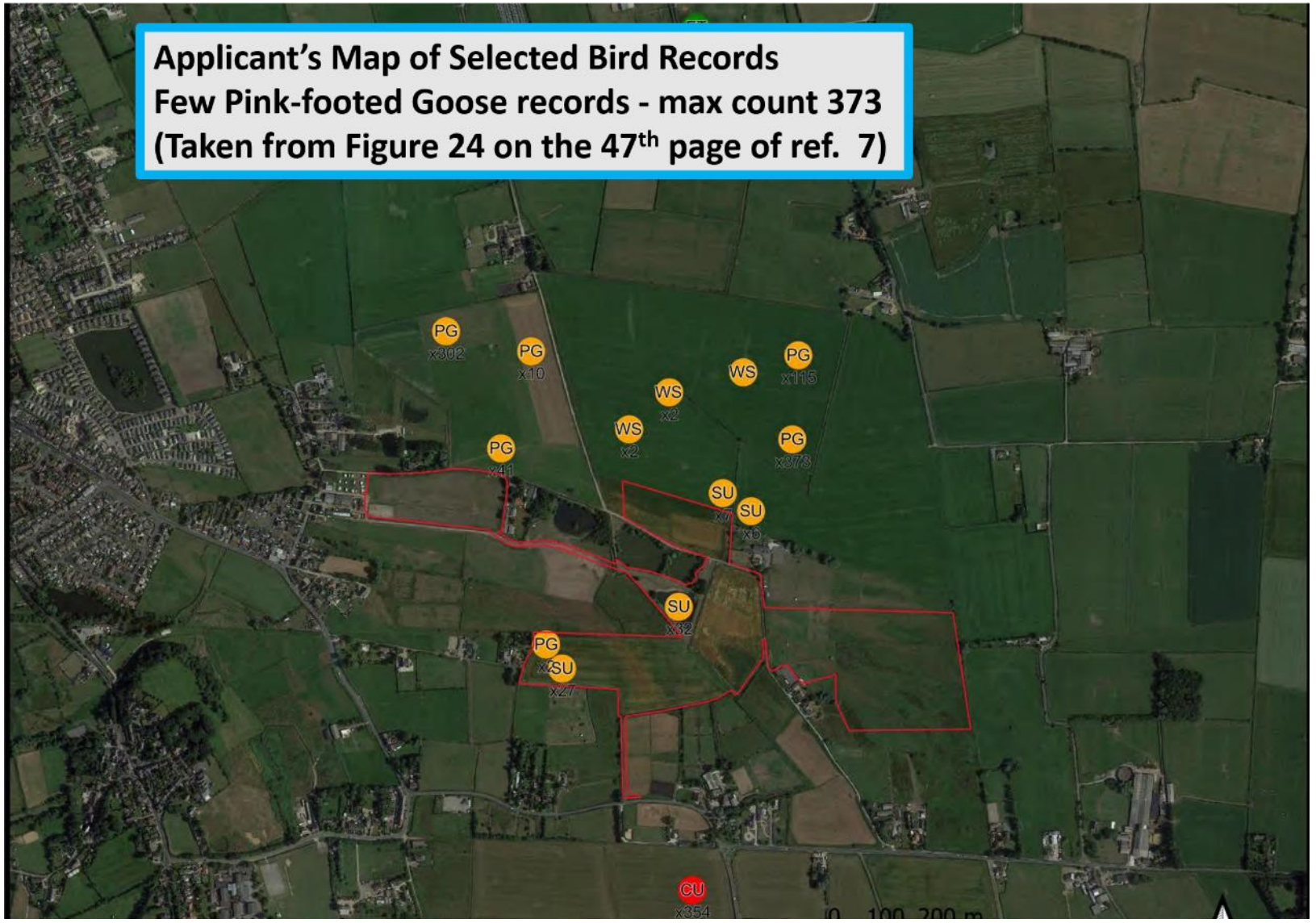
06/02/2026	1000 Lapwings west of Green Dick's Lane	SD379478
16/12/2025	50 Whooper Swans west of Green Dick's Lane	
25/11/2025	125 Curlew on field adjacent to north side of site	SD377479
22/12/2024	30 Shelduck within site boundary at north side	SD377478
26/11/2025	175 Black-tailed Godwits within 200 m of the site	SD379477
29/03/2026	352 Curlew on fields adjacent to north-east side of site	SD380480

Appendix 2: Site Map

Applicant's Map of the Site Boundary (RED)
and 'Zone of Influence' (ZOI) arbitrarily defined by the Aplicant. Shown as 'Z'
(Taken from Figure 5 on the 18th page of ref. 7)



Appendix 3: Applicants mapped records of SPA species

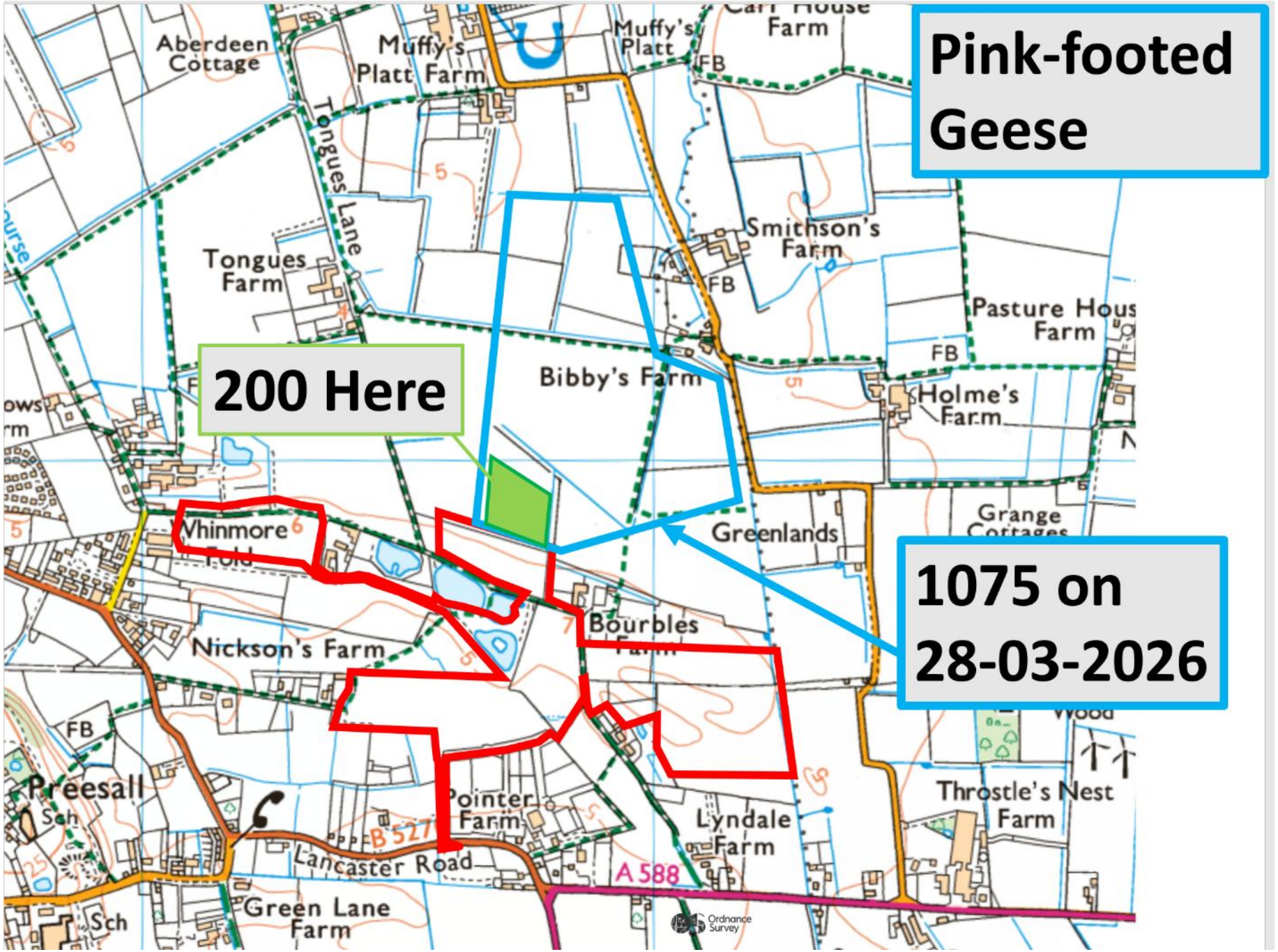


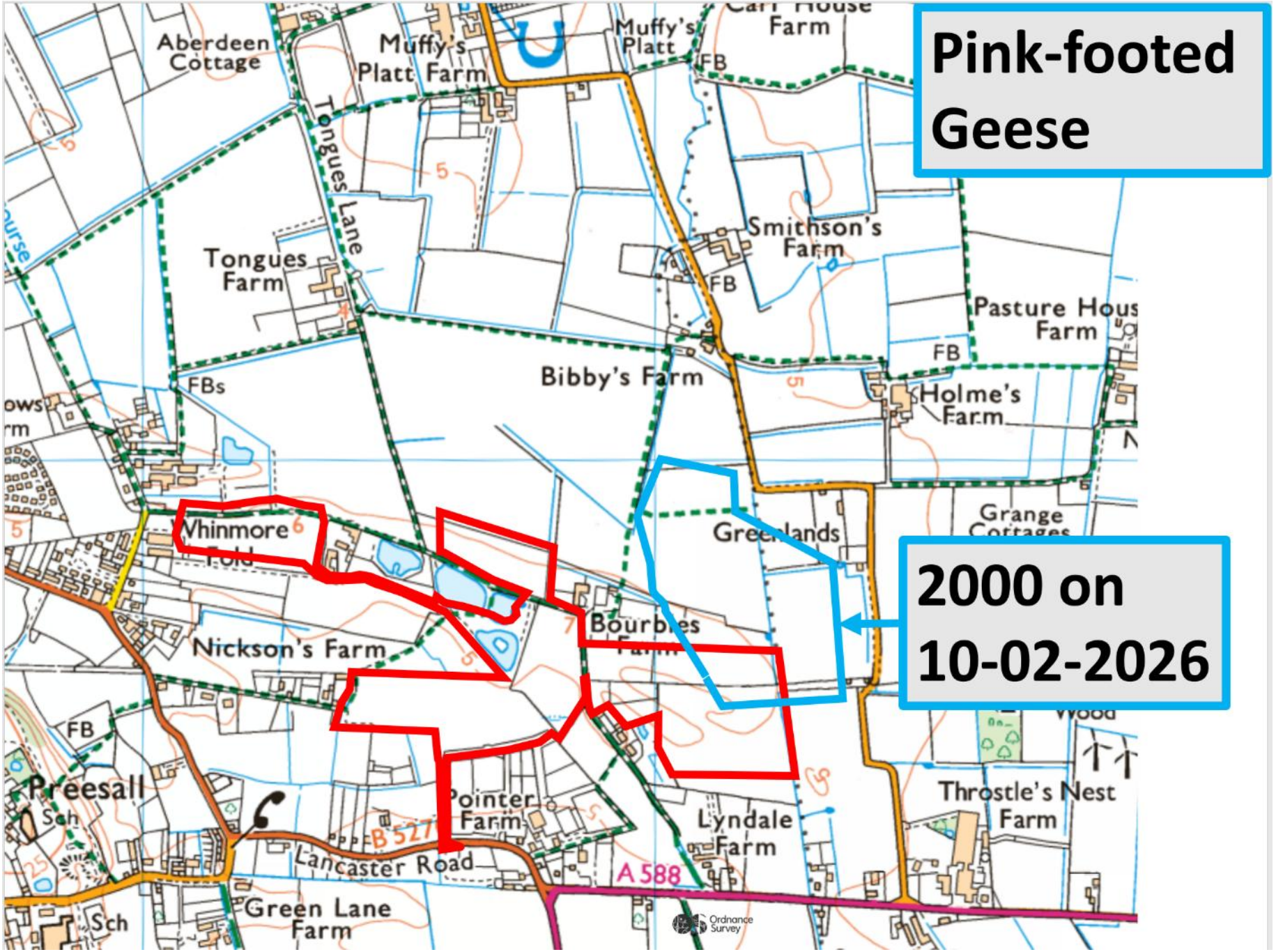
Appendix 4

Mapped Selected records of Pink-footed Geese provided by local naturalists

The following slides confirm:

- That large numbers of Pink-footed Geese do use fields within and adjacent to the site
- Pink-footed Geese are continuing to use this area up to the time of writing in late March 2026.


Pink-footed Geese
200 Here
1075 on 28-03-2026
Aberdeen Cottage
Muffy's Platt Farm
Muffy's Platt
Carr House Farm
Tongues Lane
Tongues Farm
Smithson's Farm
Pasture Hous Farm
Bibby's Farm
Holme's Farm
Greenlands
Grange Cottages
Whinmore
Nickson's Farm
Bourbles
Preesall
Sch
B 527
Pointer Farm
Lyndale Farm
Throstle's Nest Farm
Lancaster Road
A 588
Green Lane Farm
Sch
FB
Ordnance Survey


Pink-footed Geese
2000 on 10-02-2026
Aberdeen Cottage
Muffy's Platt Farm
Muffy's Platt
FB
Carr House Farm
Tongues Lane
Tongues Farm
Smithson's Farm
FB
Pasture Hous Farm
FB
Bibby's Farm
FBs
Holme's Farm
Grange Cottages
Greenlands
Whinmore Fold
Nickson's Farm
Bourbies Farm
FB
Preesall
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Pointer Farm
B 527
Lancaster Road
A 588
Lyndale Farm
Throstle's Nest Farm
Green Lane Farm
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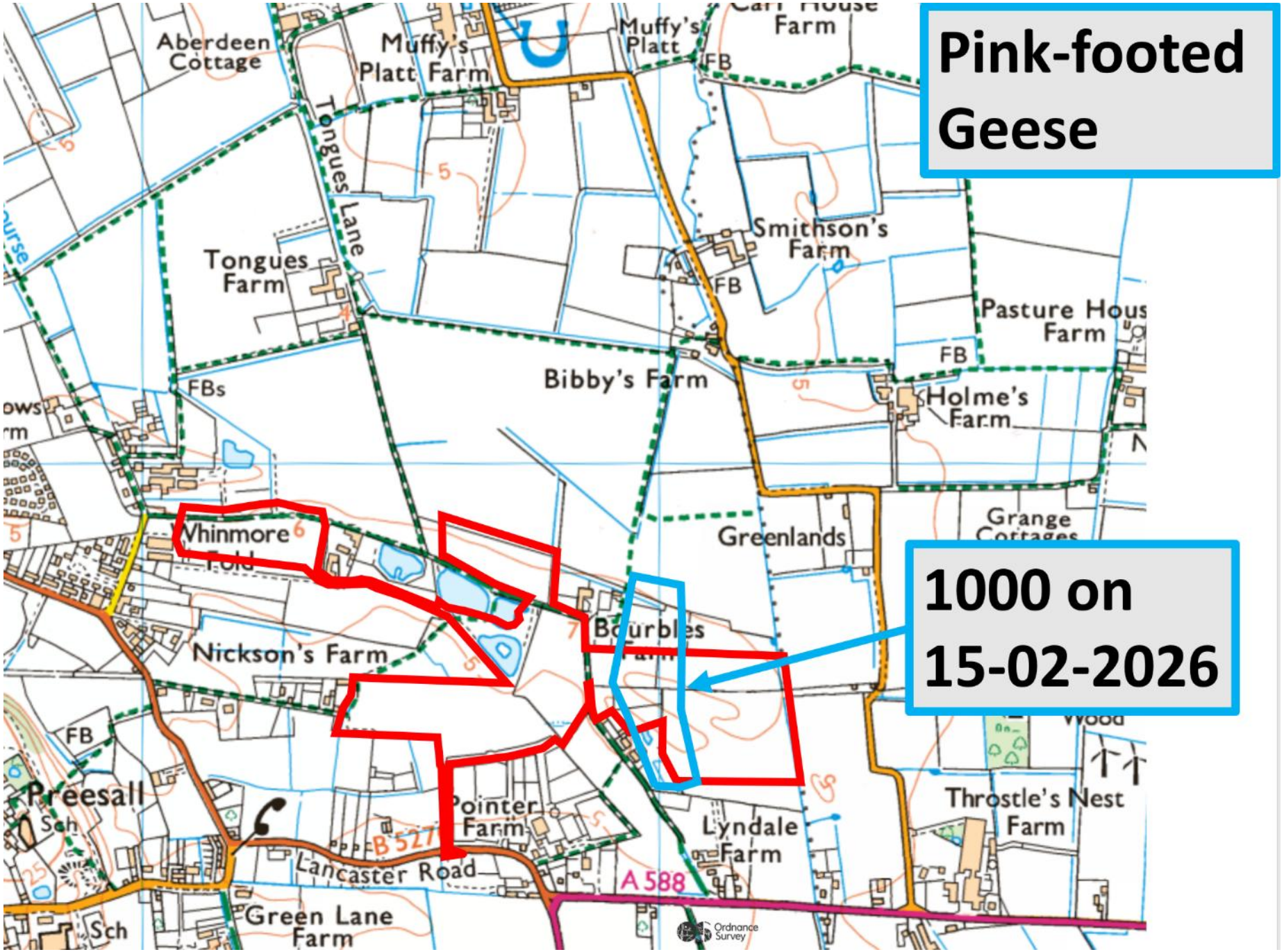
Ordnance Survey


Pink-footed Geese
1000 on 15-02-2026
Aberdeen Cottage
Muffy's Platt Farm
Muffy's Platt
FB
Tongues Lane
Tongues Farm
Smithson's Farm
Pasture Hous Farm
Holme's Farm
Bibby's Farm
FBs
Greenlands
Grange Cottages
Whinmore Fold
Nickson's Farm
Bourbles Farm
Throstle's Nest Farm
Lyndale Farm
Pointer Farm
Preesall
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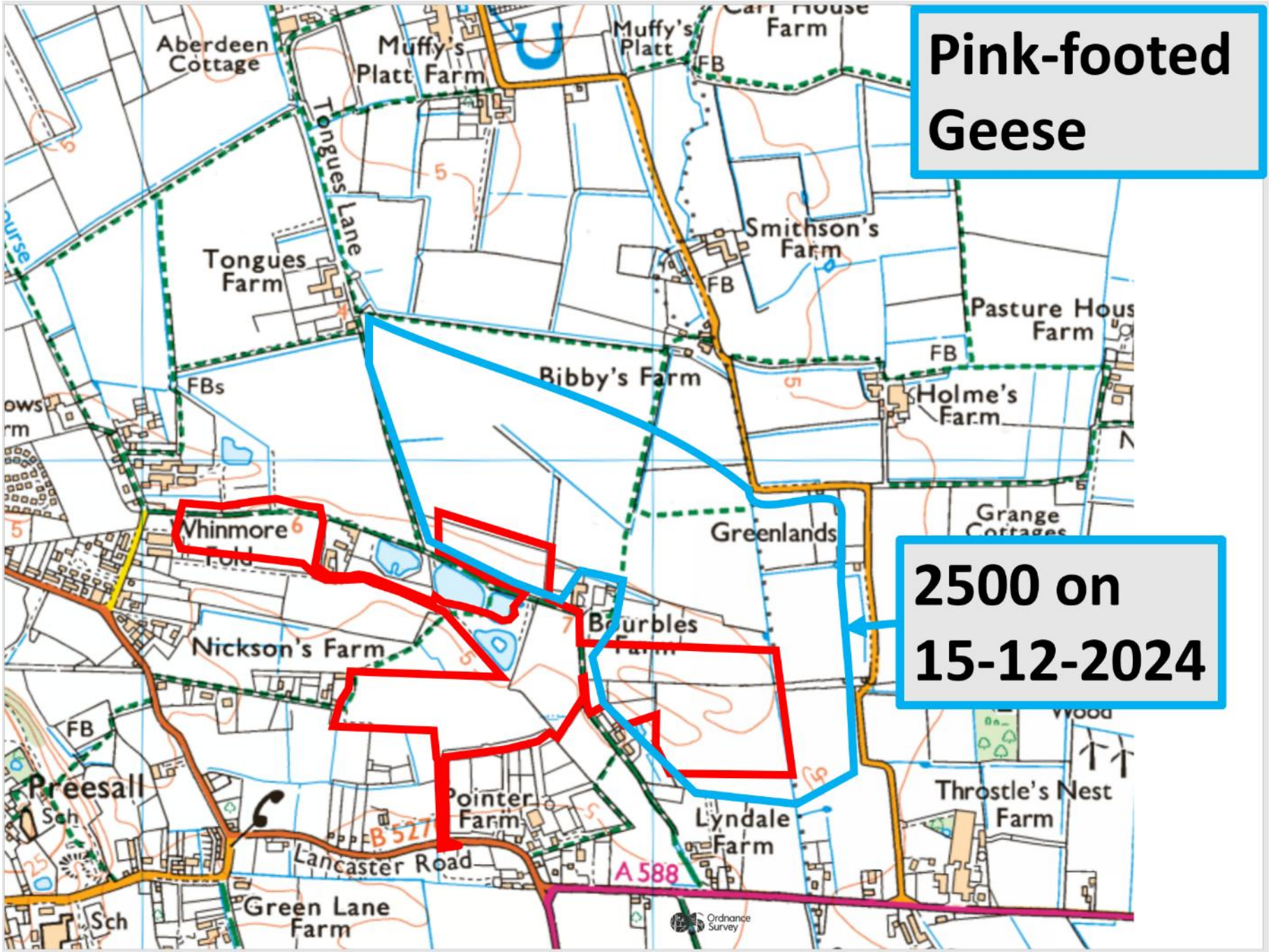
B 5270
Lancaster Road
A 588
Green Lane Farm
Ordnance Survey


Pink-footed Geese
2500 on 15-12-2024
Aberdeen Cottage
Muffy's Platt Farm
Muffy's Platt
Cart House Farm
Tongues Lane
Tongues Farm
Smithson's Farm
Pasture Hous Farm
Bibby's Farm
FBs
Holme's Farm
Greenlands
Grange Cottages
Whinmore Fold
Nickson's Farm
Preesall
Sch
Pointer Farm
B 527
Lancaster Road
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Lyndale Farm
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Green Lane Farm
Ordnance Survey
FB