

27 September 2023  
27.09.2023 - Peat Removal Implications - Covering Letter



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Dear Mr Gatrell,

### **Appeal APP/Z2315/W/23/3325783: Peat Removal Implications**

Further to receipt of Burnley Council's Statement of Case in respect of Appeal APP/Z2315/W/23/3325783, the Appellant, Prospect Homes, have instructed additional assessments on the implications of peat removal from the site.

#### Summary of the Assessment

The peat has been assessed by Mr B. Hill, Chartered Scientist, and Mr P. Sykes Chartered Geologist, both of Coopers Chartered Consulting Engineers; and by Dr D. Hackett, an ecologist at Biora with a PhD in plant/soil relations (edaphology).

In summary, the peat has been assessed using borehole logs, concluding that:

- *"The proposal to relocate an area of peat, up to 1m thick (circa 2850m<sup>3</sup>), will not cause significant release of greenhouses gases and associated implications to climate change. This is due to the peat being deposited from a former water course which was diverted more than 130 years ago, where degradation and gas release would have previously occurred and the residual plant material within the peat having negligible gas generation, irrespective of the location of intended end use within the intended residential setting."*
- *"The peat largely lies beneath a topsoil on this site and is no longer 'active' – i.e. the peat formation is disconnected from the plants and the hydrology responsible for its creation. It currently forms an isolated pocket around 30cm below topsoil in the north of this site."*
- *"Peat deposits at the Hollin Cross Farm site lie beneath topsoils and contribute very little to the habitats growing within the topsoils, other than as a subsoil rooting-zone and as a store of water accessible to the deeper-rooting plants. However, as this layer is likely to be acidic (having been formed in anaerobic conditions) and is also likely to be still saturated anaerobic, accessibility to root systems will be very limited in this instance"*

In addition, in respect of comments from the Rule Six Party relating to the Council's Climate Change Strategy, Savills have reviewed the Document dated 2022, and confirm it to make no reference to peat. The adopted Local Plan makes only a single reference to peat, in the specific context of Wind Energy Development at Policy CC3(1)(d); and is not therefore of relevance to the determination of the appeal.

#### Reason for Deferral

The reason for deferral of application FUL/2022/0149 on the 7<sup>th</sup> June 2023 was (Savills emphasis):

*"To defer the matter to the DC Committee until the full report of an over winter survey on flooding has been received and considered by the relevant experts on flooding, **together with a further report on the ecological and climate change effect of the removal of peat**, and a further ecological survey relevant to the nesting of birds through the whole breeding season of protected species and clarification on whether 'lowland fens' habitat is present are available."*

#### Burnley Council and Natural England Comments

The Council's Statement of Case provided further clarity that:



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*“Natural England typically advises that sufficient information should be provided to determine the impacts of development on peat. Suitable detailed information must be provided to enable an understanding of the integrity of the peat and suitability for restoration to further inform their advice.*

*Where deep peaty soils are shown to be present we consider that they are restorable and would expect information to be provided to show that deep peat is not present or the peat is not restorable in order to support any development.”*

*“it is considered necessary that the developer should provide more explanation on what the soil samples found in the boreholes mean, considering the recent position that Natural England has taken. Due to the inability to confirm it is acceptable without that information, at present it comprises a putative reason for refusal and is contrary to the Local Plan. However, this may be able to be overcome through the production of further information ... The Council requires satisfactory clarification that the removal of this peat will not have an unacceptable impact on climate change as well as clarification of the ecological impact of the removal of this peat.”*

#### Comments from the Rule Six Party

The Rule Six Party refer to:

*“4) Why Environmental requirements from the developer as instructed by the Full Council Decision on 7th June 2023 are not being addressed.*

*a) The proposed removal of Peat from the area of the proposed Retention Pond/Basin - against The Council Climate Control Strategy and Governments Climate Control Strategy”.*

In respect of housebuilding, the Burnley Climate Change Strategy 2022 – 2026 refers to emissions from the use and occupation of buildings, however makes no reference to peat removal, or the construction process, or impacts arising from change of use of land. The information provided on gas release being negligible addresses the concerns in respect of the Government Climate Control Strategy.

#### Conclusion

As outlined above, the reason for deferral and further comment from Burnley Borough Council (incorporating comments from Natural England), are both clear that sufficient information should be provided to determine the impacts of the development on ecology and climate change arising from the removal of the peat. Additionally, Natural England seek (on a non-site-specific basis), information on the suitability for restoration.

Burnley Borough Council confirmed that demonstration of the above, as per paragraph 6.2.6 of the Council’s Statement of Case would *“ensure compliance with policies NE1 and NE5 of the Local Plan”*.

The enclosed letters, provided by suitably qualified persons, provide a clear assessment of the peat in respect of all matters requested by the Council, and confirm that there would be negligible climate change impact and that the peat contributes little of ecological value currently, and restoration would not be a realistic or proportionate approach.

As such we consider that the two letters address the outstanding request for information, confirming that removal of the peat will not have a negative impact on either ecology or climate change. We therefore invite Burnley Council to confirm that the issue raised in section 6.2 of the Council’s Statement of Case has been satisfactorily addressed.

Yours sincerely,

Duncan Wenham MRTPI  
Associate

cc. Laura Golledge  
Erika Eden-Porter