

BURNLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING POSITION STATEMENT

Appeal by Prospect Homes Ltd against the failure of Burnley Borough Council to determine a planning application for “Full planning application for the erection of 200 dwellings and associated works.”

Site: Hollin Cross Farm

Woodplumpton Road

Habergham Eaves

Burnley

Lancashire

BB11 3RS

Burnley Borough Council Ref:

FUL/2022/0149

Appeal Ref:

APP/Z2315/W/23/3325783

4th October 2023

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1 Introduction:

1.1 This document is intended to provide an update of Burnley Borough Council's current position with respect to the appeal, following the submission of the Statement of Case on 1st September 2023.

1.2 This statement is prepared on behalf of Burnley Borough Council by

Laura Golledge BSc (Hons) MRTPI– Planning Team Manager at Burnley Borough Council a Town Planner with 22 years' experience and Chartered Member of the Royal Town Planning Institute

Erika Eden-Porter MTCP MRTPI– Principal Planner at Burnley Borough Council a Town Planner with 23 years' experience and Chartered Member of the Royal Town Planning Institute.

2 Background and Reasons For Deferral:

2.1 The appeal is against the failure of Burnley Borough Council to determine the application. It was deferred for 3 reasons which formed the Council's putative reasons for refusal. The Council have worked with the appellants on these matters and are now satisfied that they have been addressed through negotiation.

3. Current position on the 3 issues

3A Groundwater -

{defer until} the full report of an over winter survey on flooding has been received and considered by the relevant experts on flooding.

3A.1 The Council consider that further investigation of ground water levels on the site are required to inform the detailed drainage design and that it was necessary to seek further information on this prior to determination as groundwater had not been adequately considered as part of the submitted SUDS design.

3A.2 Since the Council submitted their statement of ase (CD Ref 15.01), in which it was noted at paragraph 6.14 that this was a matter that was capable of being agreed upon. The Council have sought further advice from an expert flood risk consultant who has provided a position statement to be read in conjunction with the Council's statement and a supplementary report from an expert hydrologist.

3A.3 If the SUDS design is not properly informed by knowledge of the presence of groundwater it could cause water to displace and cause flooding elsewhere or cause damage to existing underground structures. If amendments to the SUDs design were needed it could have implications for the layout of the site so it is highly beneficial to have this information in the early stages of the development.

3A.4 However following discussions, it is considered that a pre-commencement condition could address this issue. The appellants have agreed in principle to this, but we will continue to negotiate with them to agree the wording. This will be communicated to the inspector in a topic based SoCG.

3A.5 The Council consider that it was necessary to seek further information and advice on this matter given the contents of 2 reports from drainage experts which referred to the omission of consideration of groundwater. It is only because this further discussion has been able to take place that we have reached the position that it is considered that the matter could be dealt with by a condition and as such consider that we have acted reasonably in seeking a solution to the matter prior to the inquiry.

3A.6 The Council consider that this reason for refusal has fallen away subject to agreement of the final wording of the condition. The flood risk consultant will be available for day 1 of the inquiry.

3B Peat -

{defer until} a further report on the ecological and climate change effect of the removal of peat, is received.

Background:

3B.2 Peat is nationally recognised as a finite and precious resource. The soils are a significant store of carbon, which is released when they are excavated and allowed to dry out. Peat therefore represents both a threat and an opportunity with respect to greenhouse gas emissions. Peat soils also provide a range of other valuable benefits including biodiversity rich ecosystems.

3B.3 The England Peat Action Plan (DEFRA May 2021) (CD Ref 11.15) sets out the government's long-term vision for the management, protection and restoration of peatlands. It recognises the important role that peat plays in meeting climate change obligations and Local Nature Recovery. It states that "all uses of peatland should keep the peat wet and in the ground" and that the value of peatlands should be "taken into account when development is considered, including through biodiversity net gain.... it is vital that planning policies reflect the importance of managing peatlands and avoid detrimental

climate, water and biodiversity impacts from development.... Any unavoidable losses or damage to non-irreplaceable habitat would need to be compensated for, ideally on site or locally through BNG”.

3B.4 Following the publication of the England Peat Action Plan, Natural England advised Burnley Council (Appendix A) that they do not support the principle of developing on peat and that peat should be a key consideration when reviewing planning applications and in delivering the Local Nature Recovery Strategy, ambitions around Net Zero and the Climate Emergency declared by the Council.

3B.5 The overarching objectives of Sustainable Development, as set out in the NPPF (CD Ref 11.11) and reflected in Policy SP1 of Burnley’s Local Plan (CD Ref 11.01), include decision-taking to support the mitigation and adaption to climate change including moving to a low carbon economy. Burnley’s GI Strategy (2013) (CD Ref 11.14) recognises the storage of carbon in soil as beneficial in contributing towards climate change mitigation. Local Plan Policy NE1 requires that all development proposals seek opportunities to maintain and actively enhance biodiversity. Local Plan Policy NE5 requires proposals to not have an unacceptable adverse impact on air quality (ie through significant release of greenhouse gases).

3B.6 In the recent Places for Everyone Examination in Public, it was agreed that Peat would fall within the NPPF protection of “irreplaceable habitat” (Para 180c) and was assessed accordingly.

Information on Peat submitted in support of the planning application:

3B.7 Whilst there is no indication on soil maps that peat would be expected to be found on the site, the Geo Environmental Investigation Report (Ref 21061/GEIR/01 prepared by REFA and dated December 2022) (CD Ref 5.03) identified a localised pocket of peat (soft brown-black clayey) within position a trial pit at depths between 0.2 -1.2 below ground level in the location of the proposed attenuation basin and recommended a further investigation to delineate the peat within this area.

3B.8 The findings of additional borehole testing in the location of the proposed attenuation basin were reported in the Supplementary Site Investigations Letter (Prepared by REEFA and dated 30th November 2022) (CD Ref). The boreholes identified the presence of peat (both plastic black clayey pseudo fibrous peat and a spongy dark grey amorphous peat with occasional pockets of light brown silt) to maximum depths of 1.4m below existing ground level. The peat was noted to be underlain in all locations. The report concluded that that as the attenuation pond is to be constructed to a depth of 1.2m, based on the lower levels and subject to detailed design, to prevent any differential settlement or movement all peat material will need to be fully removed prior to construction of the pond. The excavated peat material will need to be removed from site unless a suitable location within the development can be found.

3B.9 Drawing No 21061/08 (prepared by REEFA and dated 23.02.23) (CD Ref 7.01) shows the approximate extent of the peat.

Full Council Decision:

3B.10 At their meeting of 07 June 2023, Full Council considered the information submitted on peat (as set out above) was insufficient to make a full assessment of the impact of the proposal on climate change and biodiversity. They considered it necessary for an evaluation of the peat deposits to be submitted by the appellant in order to ensure the special qualities are considered and addressed when assessing the impact of the proposal (the removal of the peat) in relation to ecology and climate change.

3B.11 Full Council resolved to “To defer the matter to the DC Committee untila further report on the ecological and climate change effect of the removal of peat... is available.”

Consultation following the Full Council Decision:

3B.12 The Council sought advice from Natural England and the Council’s Ecology Advisors (GMEU) following the Full Council resolution to defer.

3B.13 GMEU (e-mail dated 14.08.23) (Appendix B) advise that given the peat is buried below topsoil and the description of the soil type it is unlikely that the peat is restorable. More explanation as to what the soil samples mean is advisable.

3B.14 Natural England (e-mail dated 24.08.23) (Appendix C) 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 our 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.

Further information received by the Appellant:

3B.15 Following the submission of the Council’s Statement of Case, the appellant provided the following documents on the 27.09.23:

- Letter from Biora addressing the ecological implications; (CD Ref 12.03)
- Letter from Coopers addressing the climate change implications; (CD Ref 12.04) and
- Covering letter from Savills (CD Ref 12.05)

3B.16 The conclusions drawn from the technical assessments are set out in the Covering Letter from Savills and summarised as follows:

- The peat was deposited from a former watercourse diverted over 130 years ago where degradation and gas release would have previously occurred and subsequently the residual (non-degradable) carbon material that remains within the peat has negligible gas generation. Therefore, the proposal to relocate an area of peat, up to 1m thick (circa 2850m³), will not cause significant release of greenhouses gases and associated implications to climate change.

- The isolated pocket of peat largely lies beneath around 0.3m of topsoil and is inactive (ie. the peat formation is disconnected from the plants and the hydrology responsible for its creation).
- The peat is buried beneath topsoil, contributes very little to the habitats growing within the topsoil, 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 this case, the removal of peat on this site would have very limited impact on the current site ecology other than that associated with the disturbance created in its removal.
- In terms of the likelihood of restoration, due to the very limited size and ecological value of the small, isolated 'inactive' peat deposit on site makes such a complex restoration project disproportionate and unrealistic.

No indication is provided of the post-excavation treatment/relocation of the peat.

Consultation following further information received by the Appellant:

3B.17 The Council sought advice from Natural England and the Council's Ecology Advisors (GMEU) on the additional information received.

3B.18 GMEU (e-mail dated 03.10.23) (Appendix D) consider the explanation that the peat was associated with a historic watercourse, not lowland moss, to appear reasonable given the site is not shown on Natural England's peat constraints layer for lowland and upland bog and the historic map evidence. They see no reason to disagree that restoration of the peat is not really an option on this site as it has lost its hydrological linkage and appears to have not been active at the time the watercourse was redirected based on natural soil over the peat layer. It is agreed that removal of the peat will have no additional adverse effects on the ecological value of the site beyond what has already been identified, given that the peat layer is having no significant effect on the existing vegetation.

3B.19 Natural England (e-mail dated 03.10.23) (Appendix E) agree that degraded peat emits carbon but do not comment on the claim of 'negligible gas generation'. It is agreed that the removal of peat would have very limited impact to the current site ecology. Agree that the peat only covers a small area and for that reason it would not be suitable for a wetland restoration project and therefore we would not consider it to be 'irreplaceable habitat' in line with NPPF 180c. However, even a small area of peat could support biodiversity enhancement and carbon sequestration once re-wet. Advise that alternative SuDS design should be explored which would mean the peat could remain in the ground. Without exploring an alternative SuDS design, the peat is being removed for no reason.

The Council's Position:

3B.20 The evidence indicates that there is approximately 2,850m³ of deep peat deposits beneath the site, in the location of the proposed attenuation basin, which is not an insignificant amount. The peat will be extracted to facilitate construction of the proposed attenuation basin.

3B.21 Given the intricacies and complexities of peat, the assessment of potential impacts of development requires a certain level of technical knowledge.

3B.22 The Council consider the technical reports and details received by the Appellant, as set out in paragraphs 3B15 & 3B16, are proportionate to the Full Council's request for "a report on the ecological and climate change effect of the removal of the peat" and sufficient to understand the potential impact of the proposal on ecology and climate change (ie impact on its carbon storage function) in the determination of the application. The Council has no reason to believe the conclusions of the technical reports are unsatisfactory.

3B.23 The Council maintain their position that the information is relevant to the determination of the application. The details confirm that, whilst an isolated pocket, the peats deposits are locally important such that more detailed investigation and a considered approach is justified in order to weigh the impacts of its proposed loss in the planning balance.

3B.24 The details provided have allowed meaningful consultation with Natural England and the Council's ecology advisors (GMEU) who are satisfied as follows:

- The peat deposits are degraded and inactive
- Removal of peat would have no additional adverse effects on the ecological value of the site beyond what has already been identified
- The peat is not restorable and is therefore not considered "irreplaceable habitat" (NPPF 180c).

3B.25 Natural England promote the preservation of peat in-situ. They consider removal of the peat is unjustified without exploring the feasibility of alternative SuDS designs that allow the peat to remain in the ground.

3B.26 The Council have taken advice from their expert drainage consultants (Aegaea) who confirm that, given the topography of the site a SuDS basin elsewhere would likely not be feasible. The Council are therefore satisfied that there is not a less harmful viable option that would allow the peat to remain in-situ.

3B.27 The post-extraction treatment of the peat, details of its removal and disposal are unknown.

3B.28 The Council consider that Peat should be disposed of in a way that limits the carbon loss to the atmosphere. Peat needs to go somewhere where it can remain wet (and hence

retain its function to lock up carbon and prevent it being released into the atmosphere) or be reused for local benefit (for example by boosting organic matter in degraded soils). When dry, peat changes its properties and oxidizes, so transfer to the receiving site would need to be immediate. Accordingly, the Council consider that any carbon loss should be mitigated as far as possible through adherence to a materials management plan for the extraction and relocation of the Peat deposits which should form an addendum to the approved Construction Management Plan.

Conclusion on Peat:

3B.29 In conclusion, the Council maintain their position that the information requested is relevant to the determination of the application. Moreover, it is satisfied that the additional information received is sufficient to enable the impact of the loss of peat on ecology and climate change to be assessed and weighed in the planning balance. The Council finds no reason to disagree with the conclusions of the additional submitted technical reports on Peat and when balanced against the provision of new habitat resulting from the creation of the attenuation basin, the BNG and provision of 200 energy efficient homes, consider the loss of the Peat to be justified, acceptable and in accordance with the Local Plan. Any carbon emissions associated with the removal and disposal of Peat should be mitigated as far as possible through adherence to a materials management plan.

3B.30 The Council consider that this putative reason for refusal has fallen away subject to the submission and agreement of a materials management plan for the extraction and relocation of the Peat deposits to form an addendum to the approved Construction Management Plan.

3C Nesting Birds -

{defer until} 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 is received.

3C.1 As set out within the statement of case (CD Ref 15.01) it was considered justified to defer the decision in order to investigate this matter further and seek clarification on the relevance of submitted ecology reports given their age. However, having taken further advice from expert consultees and through the imposition planning conditions this issue is adequately addressed and would no longer form a reason for refusal. It has also been clarified that the habitat is "lowland fens" as discussed at para 7.2.5-7.2.7 of the SoC and so the council consider that this matter has been adequately addressed. This matter will be discussed further in the topic base SoCG which all parties continue to work on.

4. Conclusion

4.1 The Council consider that whilst it was entirely justified to defer the application for further consideration. That following further information being submitted and additional expert advice being sought they will be able to reach common ground on the 3 reasons for deferral, that these matters no longer form reasons for refusal and have therefore fallen away. We will continue to work with the appellant and provide further updates to the inspectorate through topic based SoCGs and agreed conditions.

5 Appendices

APPENDIX A: Natural England Letter to Burnley Council

Date: 30 June 2022

Kate Ingram
Strategic Head Economy and Growth
Burnley Council

BY EMAIL ONLY

kingram@burnley.gov.uk

cc planning@burnley.gov.uk
localplan@burnley.gov.uk



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms Ingram

Natural England Peat Concerns

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.

Following the publication of the England Peat Action Plan, Natural England wish to highlight our concerns in relation to development on peat and the implications in respect of both carbon emissions and the loss of wider environmental benefits.

From the England Peat Action Plan:

We want our peatland to meet the needs of wildlife, people, and the planet. All uses of peatland should keep the peat wet and in the ground. We will work to ensure all our peatlands, not just deep or protected peat, are responsibly managed, or, in good hydrological condition or under restoration management.

England's peatlands are our largest terrestrial carbon store and are vital for capturing and storing carbon. They provide a range of other valuable benefits including biodiversity rich ecosystems, improved water quality and natural flood management, the protection of historic environment features, and connecting people with nature.

Following the publication of the England Peat Action Plan and the Greater Manchester (GM) Peat Pilot, Natural England has a better understanding of the impact of carbon loss from damaged and unmanaged peat as well as the opportunity costs of not restoring peat as functioning ecosystem.

The GM Peat Pilot showed the carbon storage within lowland peat within GM to be between 1,500 – 2,000 tonnes per hectare CO₂-e for 50cm depth of peat. Based on nationally accepted GHG emission estimates, when comparing the estimated CO₂-e loss from development on degraded lowland peatland against the 7-year offset potential of restoring to near-natural bog, a development would need to restore 19 times the area of the development footprint for each metre of peat depth affected, in order to achieve the stated aim of Net Zero by 2028.

We have been working with partners to develop restoration methods which effectively restore even the most damaged and dry peat. We can restore the peat so it is able to hold water and sequester carbon if it remains in-situ and undeveloped.

Natural England do not support the principle of developing on peat and we advise you to consider its importance to the delivery of the Local Nature Recovery Strategy, ambitions around Net Zero and the Climate Emergency declared by Burnley Council.

We think peat should be a key consideration when reviewing planning applications and considering thematic policies/site allocations in your Local Plan. Please consider cascading this information to relevant colleagues in Development Management and Planning Policy departments.

For any queries relating to the specific advice in this letter please send your correspondence to consultations@naturalengland.org.uk marked for my attention.

Yours sincerely

Nick Armstrong
Planning & Development Lead Adviser
Cheshire to Lancashire Area Team

APPENDIX B: GMEU E-Mail on Peat following The Full Council Decision

From: David Dutton <david.dutton@tameside.gov.uk>
Sent: Monday, August 14, 2023 4:02 PM
To: Laura Golledge <LGolledge@burnley.gov.uk>
Cc: Derek Richardson <derek.richardson@tameside.gov.uk>
Subject: RE: Hollins Cross Farm FUL/2022/0149

[CAUTION: This email originated from outside of the organisation.]

Hi Laura

Thank you for consulting the GMEU

Breeding Bird Survey

Both myself and Emma Marston, who was dealing with this application prior to myself accepted the findings of the original bird survey carried out in 2020 and that mitigation on and potentially off-site (for one pair of skylark) could be achieved. Whilst technically an update is now due, this is no fault of the developer as it was a valid survey at the time of the application and did not highlight any significant issues of concern that would have required an update prior to development.

Unless there is material evidence that bird diversity and or abundance has significantly increased since 2020, I would not regard it as reasonable to refuse the application on the need for an updated breeding bird survey.

Peat and Carbon

I was not aware that there is any peat on the application site with no indication on soil maps that peat would expect to be found

I note however that supplementary trial pits for the SUDs pond located some peat in two trial pits described as 'plastic black clayey pseudo fibrous peat' and in a third trial pit 'grey amorphous peat with occasional silt pocket' identified, 20 – 30cm down below the topsoil of up to a meter in depth. I am not a soil expert however and therefore unable to advise on what the carbon levels in this type of soil are and whether any carbon in these soils would be released as a result of the development.

From an ecological perspective Natural England has recently stood at the Places for Everyone public enquiry arguing that restorable peat should not be developed as active peat is a rare habitat (as well as storing carbon). Given the peat is buried below top soil and having researched the engineering terminology high quality peat is described as fibrous, I would be surprised if the peat on this site was restorable.

There is however an argument that the developer should provide a bit more explanation on what the soil samples actually mean, in light of recent position that Natural England has taken, which would then potentially remove this as an issue prior to an enquiry.

David Dutton

Ecologist

Planning

Planning and Transportation

Place

APPENDIX C: Natural England Email on Peat following The Full Council Decision

From: Haysted, Zoe <Zoe.Haysted@naturalengland.org.uk>
Sent: 24 August 2023 13:17
To: Laura Gollidge
Cc: Paul Gatrell; Claire Graham
Subject: Burnley Borough Council planning application FUL/2022/0149 - Hollins Cross Farm

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION: This email originated from outside of the organisation.]

Good afternoon Laura,

Unfortunately, our peat specialists are currently on annual leave and we are unable to make a detailed comment at this stage. However, Natural England would be happy to provide further comment in due course.

In the meantime, please see our following general advice:

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 our 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.

Natural England do not support the principle of developing on peat. Peat is an irreplaceable asset that once gone is lost for ever and can never be restored to sequester carbon which is difficult to justify in a [climate emergency](#) (declared July 2019).

Natural England is aware of ambitions to address this within the Burnley Climate Change Strategy 2022 – 2026 and key issues within Burnley are: the need to reduce polluting emissions, protect and enhance biodiversity, resilient ecological networks, reducing flood risk and increasing the resilience of communities to the impacts of climate change. The [Local Plan](#) (adopted 2018) aims to deliver sustainable growth through the following example planning objective: *1 - To minimise the adverse impacts of climate change and support growth to meet the need for jobs, homes and services in the context of moving towards a low carbon economy and stemming population decline. Growth will be managed so that it takes place in the most appropriate locations, promotes the re-use of previously-developed land and buildings, energy efficiency and sustainable design; and encourages the use of decentralised and renewable or low carbon energy sources.*

Following the publication of the [England Peat Action Plan](#), Natural England have a better understanding of the impact of carbon loss from damaged and unmanaged peat as well as opportunity costs of not restoring peat as functioning ecosystem. England's peatlands are our largest terrestrial carbon store and are vital for capturing and storing carbon. They provide a range of other valuable benefits including biodiversity rich ecosystems, improved water quality and natural flood management, the protection of historic environment features and connect people with nature. We believe peatlands should be protected from inappropriate development for their carbon store and habitat value. Natural England has data on the carbon storage and sequestration of different habitats ([NERRO94](#)).

Natural England has been working with partners to develop restoration methods which effectively restore even the most damaged and dry peat. We can restore the peat so it is able to hold water and sequester carbon if it remains in-situ and undeveloped, and wish to see more peatlands restored through re-wetting.

You may find the Inspector's note from the Places for Everyone hearing useful: <https://www.hwa.uk.com/site/wp-content/uploads/2023/02/IN37-Further-Action-Points-July-2023-Final-Publication.pdf>

You may also find the DEFRA Greater Manchester Peat Pilot project helpful: <https://gmgreencity.com/projects-and-campaigns/the-greater-manchester-peat-pilot/>

We do not have a specific contact at the Moors for the Future Partnership, but are aware of a more general email address, moors@peakdistrict.gov.uk.

Kind regards,

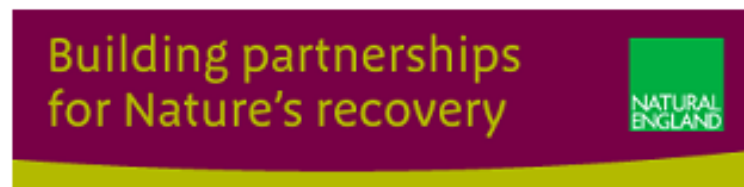
Zoe

Zoë Haysted

Sustainable Development Lead Adviser
Wetlands, Water and Natural Course (Cheshire to Lancashire)
Natural England, Electra Way , Crewe Business Park,
Crewe, Cheshire, CW1 6GJ
Mobile: 07920 415411 **Office:** 02087 203632

All new consultations should be sent to consultations@naturalengland.org.uk

Natural England: Building partnerships for Nature's recovery



APPENDIX D: GMEU Response to further information received by the Appellant

From: David Dutton <david.dutton@tameside.gov.uk>
Sent: 03 October 2023 16:35
To: Erika Eden-Porter
Subject: RE: Hollins Cross Farm FUL/2022/0149

[CAUTION: **This email originated from outside of the organisation.**]

Hi Erika

I have now had time to read the supplementary information provided by the applicant.

As previously noted, I am not a soil biologist or geologist, but the explanation provided that the peat was associated with a historic watercourse, not lowland moss appears reasonable given that Hollins Cross is not shown on Natural England's peat constraints layer for lowland and upland bog and the map evidence that a watercourse was present at this location on the first edition OS map, but not the second.

I also see no reason to disagree with conclusions of Biora that restoration of active peat is not really an option on this site as it has lost its hydrological linkage and appears to have not been active at the time the watercourse was redirected based on natural soil over the peat layer.

I also agree that removal of the peat will have no additional adverse effects on the ecological value of the site beyond what has already been identified, given that the peat layer is having no significant effect on the existing vegetation.

David Dutton

Ecologist

Planning

Planning and Transportation

Place

APPENDIX E: Natural England Response to further information received by the Appellant

From: Baguley, Janet <Janet.Baguley@naturalengland.org.uk>
Sent: 03 October 2023 09:42
To: Erika Eden-Porter
Cc: Haysted, Zoe; Laura Gollidge
Subject: RE: Burnley Borough Council planning application FUL/2022/0149 - Hollins Cross Farm

Follow Up Flag: Follow up
Flag Status: Flagged

[CAUTION: This email originated from outside of the organisation.]

Hi Erika,

I have provided some additional comments in blue below. Hope this helps.

Kind regards

Janet Baguley
Senior Adviser Sustainable Development
Cheshire, Greater Manchester, Merseyside & Lancashire Area
Natural England
2nd floor, Amdale House, Manchester Amdale
Manchester, M4 3AQ
Landline: 02080261845
Mobile: 07900608264
My working days are Monday – Thursday
www.gov.uk/natural-england



From: Erika Eden-Porter <EEden-Porter@burnley.gov.uk>
Sent: 02 October 2023 10:19
To: Baguley, Janet <Janet.Baguley@naturalengland.org.uk>
Cc: Haysted, Zoe <Zoe.Haysted@naturalengland.org.uk>; Laura Gollidge <LGollidge@burnley.gov.uk>
Subject: RE: Burnley Borough Council planning application FUL/2022/0149 - Hollins Cross Farm

Hi Janet

Thank you for your response, which confirms that the removal of the deep peat on this site is not supported.

I would like to clarify the following points in relation to your advice that the peat should “remain wet and in the ground” given the findings of the appellant’s expert advisors does not appear to justify such action, as follows...

- I note that you advise that any carbon currently stored in the peat would be lost if removed. The appellant’s soil experts find the peat was deposited from a former watercourse diverted over 130 years ago where degradation and gas release would have previously occurred and subsequently the residual (non-degradable) carbon material that remains within the peat has negligible gas generation. Therefore, the carbon release caused by excavation and drying out would be negligible.

We agree that degraded peat emits carbon, we wouldn’t be able to comment on the claim of ‘negligible gas generation’.

- The appellants experts also find the peat, buried beneath topsoils, 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 this case, the removal of peat on this site would have very limited impact on the current site ecology other than that associated with the disturbance created in its removal.

We agree that the removal of peat on this site would have very limited impact to the current site ecology.

- In terms of the likelihood of restoration, due to the very limited size and ecological value of the small, isolated ‘inactive’ peat deposit on site makes such a complex restoration project disproportionate and unrealistic.

We agree that the peat on the site only covers a small area and for that reason it would not be suitable for a wetland restoration project and therefore we would not consider it to be ‘irreplaceable habitat’ in line with paragraph 180c of the NPPF. However, even a small area of peat could support biodiversity enhancement and carbon sequestration once re-wet. Natural England advise that there should be an attempt to explore an alternative SuDS design which would mean the peat could remain in the ground. This advice does not render the development undeliverable as it could still deliver the SuDS requirement but without exploring an alternative SuDS design, the peat is being removed for no reason. [Update to the SuDS Manual - GOV.UK \(www.gov.uk\)](#)

It would be really helpful if you could confirm the reasons why, in this particular circumstance, the peat deposits found on the site should remain wet and in the ground or point me in the direction of the national policy advice/guidance that supports this position for inactive peat deposits that are not sensibly restorable.

In line with the England Peat Action Plan, Natural England consider that all peat be kept in the ground. There is no national policy that provides explicit protection to peat at this time but we are hopeful that this will change in the near future.

[England Peat Action Plan - GOV.UK \(www.gov.uk\)](#)

I note that Zoe Haystead’s advised the Council (see below) that sufficient information would be required to demonstrate that the peat is not suitable for restorable in order to support development.

I assume that the information provided by the appellant fails in this respect as restoration is found to be “disproportionate and unrealistic” rather than “not suitable”.

The borehole data provided confirms that this limited area of peat is not suitable for a wetland restoration project.