

**From:** [REDACTED]  
**To:** [A66Duallying](#)  
**Subject:** Response to the letter from the Secretary of State dated 7th December - IP number 20032016  
**Date:** 19 December 2023 16:50:01  
**Attachments:** [REDACTED]

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Dear Sir/Madam

I am writing to raise concerns that the Secretary of State in their letter dated 7<sup>th</sup> December 2023 has determined that the North Pennine Moors SAC blanket bog habitat is “degraded” and therefore can no longer be classified as a Priority Habitat. Neither the Applicant nor the Secretary of State have previously adopted this position, and none of the documents submitted to the Examination have stated that the habitat is degraded to the point of not being Priority Habitat.

This statement from the Secretary of State is not in alignment with the [report](#) that the letter references. This report does not indicate that the blanket bog is degraded to the point of no longer having peat forming species (which is how active bog is identified). A degraded bog does not mean that it no longer contains peat-forming species, and a degraded bog can still be actively peat-forming.

In their guide to H7130 (blanket bog) habitats, the [JNCC states](#) *‘Active’ is defined as supporting a significant area of vegetation that is normally peat-forming. Typical species include the important peat-forming species, such as bog-mosses Sphagnum spp. and cottongrasses Eriophorum spp., or purple moor-grass Molinia caerulea in certain circumstances, together with heather Calluna vulgaris and other ericaceous species. **Thus sites, particularly those at higher altitude, characterised by extensive erosion features, may still be classed as ‘active’ if they otherwise support extensive areas of typical bog vegetation, and especially if the erosion gullies show signs of recolonisation.***

The Applicant’s baseline report in the document TR010062/APP/3.6 [Habitat Regulations Assessment \(HRA\) Stage 2 Statement to Information Appropriate Assessment](#) on page 184/185 states that the condition of the blanket bog has improved over time in Unit 1 with bog species becoming more widespread (hence its classification of unfavourable-recovering status). It does not say anywhere that the blanket bog is degraded to the point of no longer being active and therefore no longer a Priority Habitat.

The same document on page 185 lists species recorded in the Applicant’s Baseline Survey which include a number of typical blanket bog forming plants, especially bog moss and cottongrass. species present when surveyed included *Sphagnum spp.*, *Dicranum scoparium*, *Rhytidiadelphus squarrosus*, *Calluna vulgaris*, *Erica cinerea*, *Vaccinium myrtillus*, *Galium palustre*, *Potentilla erecta* and *Eriophorum vaginatum*. The presence of these peat-forming species shows that the blanket bog is not degraded to the point of no longer being a Priority Habitat.

In [Annex 5](#) of the Applicant’s Habitats Regulations Assessment Position Statement (dated 27 Oct 2023), it is stated at 2.4.21 that, as a precautionary measure, the Applicant assumes that the pertinent habitat, characterized by blanket bog with acid and marshy grassland, is deemed to qualify as the priority habitat blanket bog.

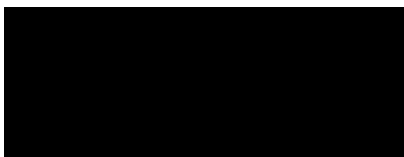
In [Annex 6](#) of the Applicant’s Habitats Regulations Assessment, specifically in the Information submitted without prejudice to support a Derogation case (dated 27 October 2023), the Applicant asserts at 4.2.5 that, as part of a robust and precautionary reasonable worst-case scenario approach, they have assumed the bog habitat relevant to this derogation case is active blanket bog—a priority habitat and designated feature of the SAC. This assumption is made in accordance with the precautionary principle, and it is stated that, despite the likelihood that not all blanket bog within the Zone of Influence (8.28ha) is active, for assessment purposes, and aligning with the precautionary principle, the assumption is made that all blanket bog within the Zone of Influence is active and consequently considered a priority habitat.

In light of the application of the precautionary principle, we would ask that the Secretary of State provides the evidence they used to justify the decision to determine the SAC blanket bog habitat as no longer being actively peat forming and so no longer a Priority Habitat. As shown above, blanket bog can be somewhat degraded and not in perfect condition, but still actively forming peat, making it an active peat bog.

Yours sincerely

Kate Willshaw

**Kate Willshaw**  
**Policy Officer**



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