

Date: 20 December 2023
Our ref: 15928
Your ref: TR010062.



A66dualling@planninginspectorate.gov.uk

BY EMAIL ONLY

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Dear Sir / Madam,

APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING CONSENT FOR THE A66 TRANS-PENNINE DUALLING PROJECT

CONSULTATION SEEKING FURTHER COMMENTS FROM NATURAL ENGLAND

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.

Natural England (NE) is also the statutory nature conservation advisory body for England. Its role includes the provision of advice, assistance and representations to competent authorities discharging their functions in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations').

In response to the SoS letter dated the 7th of December Natural England provide the following comments:

North Pennine Moors SAC

We have been asked to advise the Secretary of State as to whether or not the area of blanket bog likely to be adversely affected by this proposal can be regarded as a priority Annex I habitat type with specific reference to regulation 64(2) of the Habitats Regulations ('considerations of overriding public interest'). This is based on information provided by the applicant that indicates that the area of bog affected may be degraded and not actively forming new peat, and therefore may not represent the active form of blanket bog which is considered to be a priority habitat type.

In its published [description of the blanket bog Annex I habitat type](#) present in the UK, JNCC define 'active' bog as '*supporting a significant area of vegetation that is normally peat-forming. Typical species include the important peat-forming species, such as bog-mosses and cotton-grasses, or purple moor-grass in certain circumstances, together with heather 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*'.

In addition, as identified within JNCC [North Pennine Moors SAC description](#) and Natural England's published advice as to the [SAC Conservation Objectives](#), Blanket Bog, including active Blanket Bog is a priority feature of this SAC and a key reason for its designation. The North Pennine Moors SAC holds the major area of blanket bog in England, and as stated on the JNCC website, '*a significant proportion remains active with accumulating peat, although these areas are often bounded by sizeable zones of currently non-active bog, albeit on deep peat*'. This underlines the importance of

both active and non-active forms of the blanket bog habitat type. When assessing whether a plan or project is likely to have an adverse effect on site integrity all characteristic species and habitats (which includes both active and non-active Blanket Bog) needs to be taken into consideration. The importance of the wider supporting species and habitats is reflected in the mosaics of habitats that are included in the air quality assessments.

Natural England have assessed the applicant's walkover survey and can find no mention of where the blanket bog within the affected boundary is referred to as 'degraded' or 'not actively forming new peat'. While NE agrees that there are sections of the peat that are damaged and that have been modified to varying degrees in places, the applicant's Target notes which accompany the walkover survey do identify several areas of active bog. Specifically, the target notes identifies several species that have the characteristics of vegetation that is normally peat forming, for example, the moss assemblage with Sphagnum and the presence of cotton-grasses (*Eriophorum* spp.) and heather, all of which are listed as key species for notification of the SAC are present.

NE considers that the affected section of blanket bog habitat is a mosaic of both active and non-active forms of blanket bog, some of which is actively forming through peat forming species and some areas that may be degraded. The active sections of the bog can be identified as priority habitat due to the peat forming species present there. The sections of blanket bog that are active have the ability to be returned to favourable condition, the ability to restore and enhance these sections of the bog indicates that they meet the requirements to be described as priority habitat.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please do not hesitate to contact us.

For any queries relating to specific advice in this letter only, please contact Niamh Keddy at [REDACTED] [@naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Niamh Keddy
Sustainable Development Senior Advisor