

NORTH LINCOLNSHIRE COUNCIL

Planning Committee

Review of peat working consents under the Habitats Regulations

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 This report presents the recommendation that the Council should complete the review of two consents that adversely affect Crowle Moors. This may entail modifying or revoking the consents.

2. BACKGROUND INFORMATION

- 2.1 The Council has a duty to review any planning consents that could adversely effect the internationally important peat bog at Crowle Moors. Three such consents have been identified, one of which has been dealt with through a Public Inquiry. The procedure followed is described in section 6.1 below.
- 2.2 The two remaining consents (refs 97/0869 and 97/0870) both relate to peat extraction from the Moors. Such extraction harms the peat bog habitat directly through the removal of peat and indirectly by altering water levels on adjacent parts of the bog. Therefore, the Council needs to explore options for modifying or revoking the consents. Paragraph 39 of Planning Circular 06/2005 lists seven alternatives that the Council should consider. These should be considered if option two below is accepted.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option one- Do nothing.
- 3.2 Option two- Authorise the Service Director Highways and Planning to begin the process of modifying or revoking consents 97/0869 and 97/0870.

4. ANALYSIS OF OPTIONS

- 4.1 Option one- Do nothing
- 4.1.1 This option is not recommended. The Council has a legal duty to complete the review of consents and carry out the necessary modifications or revocations.
- 4.2 Option two- Authorise the Service Director Highways and Planning to begin the process of modifying or revoking consents 97/0869 and 97/0870.
- 4.2.1 This option would bring an end to the environmental harm caused by peat working on Crowle Moors. In doing this, the Council would fulfil its statutory duty.

4.2.2 This is the recommended option.

5. **RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 Financial

5.1.1 Completing the review will entail certain costs relating to mineral surveys, consultants' fees and legal costs. These will be funded through the existing Environment Team Habitats Regulations budget. Given however that most of the review work has been done already the consultancy fees will not be significant.

5.1.1 Modifying or revoking a consent may result in compensation being paid to a landowner, depending on the circumstances.

5.1.2 Planning Circular 06/2005 paragraph 40 gives the following advice about compensation, "The Government stated... that in cases where such compensation is payable, it would consider reimbursing the planning authority where costs were high and where the action taken was no more than necessary to remove the risk to the site. That remains the position. However, the Government would need to be satisfied in such cases that discussion and negotiation had explored all the possibilities... before agreeing to such reimbursement in order to minimise the cost to the public purse...."

5.2 Staffing

None of the options will affect staffing levels

5.3 Property

If the review of a consent appears likely to become long and protracted, the Council may instead offer to buy the land in question and voluntarily relinquish the peat working consent to remove harm to the site. It would then need to manage to site to restore the lowland raised bog habitat.

5.4 IT

No issues

6. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 Statutory

6.1.1 Regulations 50-51 of The Conservation (Natural Habitats, &c.) Regulations 1994 require the Council to review existing consents that are likely to have a significant effect on a European Site. Crowle Moors form part of Thorne and Hatfield Moors Special Protection Area (SPA) and Thorne Moor Special Conservation Area (SAC). These are both classed as European Sites.

6.1.2 Entec consultants have carried out appropriate assessments of the two consents in accordance with the Regulations. These concluded that both consents would adversely effect the integrity of the European Sites. The

consents need to be modified or revoked (Regulation 51) in order to remove the adverse effect.

6.2 Environmental and Other

6.2.1 Option 2 is the best environmental option. It would bring an end to peat working that harms the International Nature Conservation Site at Crowle Moors. It would bring about the beginning of site restoration.

6.2.2 The recommendation is consistent with The Highways and Planning Service Plan, the Council's Duty to Conserve Biodiversity (Section 40 of the Natural Environment and Rural Communities Act 2006) and the shared ambition for Communities that are Confident and Caring.

7. **OUTCOMES OF CONSULTATION**

7.1 Affected landowners and environmental organisations were invited to stakeholder consultation meetings in 2002. At the meetings, the review process was explained and questions were answered in detail. Since then both landowners and environmental organisations have been updated on progress whenever necessary.

8. **RECOMMENDATIONS**

8.1 That the Service Director Highways and Planning be authorised to begin the process of modifying or revoking consents 97/0869 and 97/0870 in accordance with Paragraph 39 of Circular 06/2005.

SERVICE DIRECTOR HIGHWAYS AND PLANNING

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Background Papers used in the preparation of this report:

The Conservation (Natural Habitats, &c.) Regulations 1994

Circular 06/05: Biodiversity and Geographical Conservation - Statutory Obligations and Their Impact Within the Planning System