Appendix 7N: Chapter 7 Ecology: Planning Compliance Review

Policy	Compliance Statement
National Planning Policy Framework (NPPF) As extracted from Section 15: Conserving and enhancing the natural environment. (project/ planning application related only).	
Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.	a) The overall aim of the Visual Impact Provision Project is to enhance the valued landscape of the Peak District National Park. Statutory designated sites of biodiversity value are avoided by the Proposed Project. b) The Proposed Project will provide wider benefits of increasing the value of the overall natural ecosystem services being provided to future residents and public and TPT users and local public ecosystem services users (e.g. walkers, cyclists and horse riders) c) Not relevant to the Proposed Project d) The Proposed Project design and embedded mitigation has sought to minimise the impacts on ecological features as much as possible, accounting for engineering and other environmental considerations which influence the viability of the Proposed Project. Mitigation to ensure no significant loss will be adopted, some ecological receptors would gain from the proposals and further opportunities to seek net gains of biodiversity have been sought and are currently under discussion and will be progressed where possible. e) The Proposed Project will result in Negligible effects of pollution risk upon water, air or soil resources. Noise disturbance will be minimised as much as possible during the temporary construction period to reduce effects upon valued species receptors. Construction best practise measures will be secured through a CEMP and LEMP to avoid, reduce and mitigate potential effects upon the River Don. f) Whilst Wogden Foot (a former railway siding) has been confirmed to contain contaminated land which will be partially removed to facilitate the SEC and SEC access construction, the ecological LWS designation has precedence which means that further development of it is not considered appropriate.

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When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.	a) The evolving design of the Proposed Project will avoid the most ecological important statutory designated sites. A number of feasibility studies conducted by National Grid at an early stage of the Project concluded that there was overriding engineering constraints to the design, such that it was not feasible to entirely avoid effects upon a non-statutory designated site; Wogden Foot LWS. Subsequently the design has sought to reduce the effects as much as possible; by reducing the footprint of the SEC and route of the access road to the minimal as possible, avoidance of sensitive habitat and species receptors during routing and construction methodology of the TPT diversion, cable corridor and temporary access routes. The residual effects are Negligible/Minor following the adoption of additional mitigation measures as detailed in the EAR, which results in no residual significant harm to biodiversity. To address residual effects of the loss and disturbance to LWS habitats opportunities to undertake ecological enhancement within the locality to the Proposed Project have been investigated. Opportunities within the wider Barnsley area will also be considered which would provide net gain for biodiversity. b) The Proposed Project will not result in any direct or indirect adverse effects upon SSSI. c) Whilst several County or lower valued habitats have been identified upon which predicted effects may occur, no habitat has been identified which is irreplaceable. d) Whilst the primary objective of the Proposed Project is to enhance the landscape, there does remain benefit to the removal of the existing OHL's and pylons upon local ecology; particularly mobile species such as birds and birds which commute/forage across the TPT valley corridor within the section to be removed. Whilst is recognised that there will be loss of a small proportion of the Wogden Foot LWS and temporary disturbance of habitats and connectivity, the

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	Proposed Project does offer opportunities to undertake and support the future management to enhance the ecological value of the remainder of the unaffected majority of the LWS which would otherwise may not be possible. Habitat improvement and restoration measures will be undertaken at the former SEC and pylon locations as part of the Proposed Project. Tree planting and potential enhancement opportunities such as diversification of coniferous woodland and are being discussed with adjacent landowners which seek net gain which again may not be possible in the absence of the Proposed Project.
The following should be given the same protection as habitats sites: a) potential Special Protection Areas and possible Special Areas of Conservation; b) listed or proposed Ramsar sites; and c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.	The ecological impact assessment has undertaken a desk study to identify the presence of candidate statutory sites within a 5km radius of the Proposed Project. None has been identified.
The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.	No direct or indirect effects are predicted upon statutory designated habitat sites by the Proposed Project. The Habitat Regulations Assessment (Appendix 7J) has confirmed that the only identified impact pathway to a Natura 2000 site e.g. visual and noise disturbance to SPA species, does not pose an adverse effect on the integrity of the Peak District Moors (South Pennine Moors Phase 1) SPA either alone or in combination with other plans or projects. Natural England has confirmed that they concur with this assessment.
Barnsley Local Plan	
<u>Policy BIO1 Biodiversity and Geodiversity</u> Development will be expected to conserve and enhance the biodiversity and geological features of the Borough by:	
Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to	The Proposed Project has sought to avoid and reduce the potential effects upon statutorily designated sites, habitats and species of importance by the incorporation of

Policy	Compliance Statement
designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan.	embedded design and mitigation measures. Retained habitat will be protected during construction and where possible habitats will be improved following the removal of the existing infrastructure e.g. at the base of removed pylons and at the former SEC site. Opportunities to improve retained and restored habitats have been sought through consultation with stakeholders.
Maximising biodiversity and geodiversity opportunities in and around new developments.	A number of opportunities for offsite mitigation and compensation have been and continue to be explored by National Grid to further reduce the residual effects.
Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.	The Proposed Project design, particularly the Cable Corridor, has minimised the effects upon the Trans Pennine Trail / river Don corridor as one of the main ecological features to ensure connectivity is maintained for habitats and species dispersal.
Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest.	This is embedded with the EcIA approach followed since the inception of the Proposed Project.
Protecting ancient and veteran trees where identified.	Tree surveys have been conducted. No ancient or veteran trees were identified.
Encouraging provision of biodiversity enhancements.	A number of opportunities to provide biodiversity enhancement on and off site have been and continue to be explored by National Grid.
Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.	The evolving design of the Proposed Project will avoid the most ecological important statutory designated sites. A number of feasibility studies conducted by National Grid at an early stage of the Project concluded that there were overriding engineering constraints to the design such that it was not feasible to entirely avoid effects upon a non-statutory designated site; Wogden Foot LWS. Subsequently the design has sought to reduce the effects as much as possible; by reducing the footprint of the SEC and route of the access road to as minimal as possible, avoidance of sensitive habitat and species receptors during routing and construction of the TPT diversion, cable corridor and temporary access routes. The residual effects are

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	Negligible/Minor following the adoption of additional mitigation measures as detailed in the EAR. No ancient woodland or veteran trees will be impacted by the Proposed Project.
Development which adversely effects a European Site will not be permitted unless there is no alternative option and there are imperative reasons of overriding public interest (IROPI).	The Habitat Regulations Assessment (Appendix 7J) has confirmed that the Proposed Project does not result in an adverse effect on the integrity of the Peak District Moors (South Pennine Moors Phase 1) SPA either alone or in combination with other plans or projects. Natural England has confirmed that they concur with this assessment.
Peak District National Park Local Development Framework, Core Strategy Development Plan Document	
Policy L2: Sites of biodiversity or geodiversity importance	
This Policy states: Development must conserve and enhance any sites, features or species of biodiversity importance and, where appropriate, their setting.	The evolving design of the Proposed Project will avoid the most ecological important statutory designated sites. A number of feasibility studies conducted by National Grid at an early stage of the Project concluded that there were overriding engineering constraints to the design such that it was not feasible to entirely avoid effects upon a non-statutory designated site; Wogden Foot LWS. Subsequently the design has sought to reduce the effects as much as possible; by reducing the footprint of the SEC and route of the access road to as minimum as possible, avoidance of sensitive habitat and species receptors during routing and construction methodology of the TPT diversion, cable corridor and temporary access routes. The residual effects are Negligible/Minor following the adoption of additional mitigation measures as detailed in the EAR, which results in no residual significant harm to biodiversity.
Other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance that have statutory protection or are of international or national importance for their biodiversity.	No direct or indirect effects are predicted upon statutory designated sites by the Proposed Project. The Habitat Regulations Assessment (Appendix 7J) has confirmed that the only identified impact pathway to a Natura 2000 site e.g. visual and noise disturbance to SPA species, does not pose an adverse effect on the integrity of the Peak District Moors (South Pennine Moors Phase 1) SPA either alone or in combination with other plans or projects. Natural England has confirmed that they concur with this assessment.