

Received via email [Dated 11 January 2021]

Dear Dale,

I would like to thank you for consulting Yorkshire Wildlife Trust on the above consultation for the Peak District National Park mitigation project.

As I am sure you are aware, the Trust objected to the planning application for the project throughout the process of achieving planning consent. It is our opinion that the works will have irreversible impacts upon our Nature Reserve and Local Wildlife Site (LWS), Wogden Foot. Whilst the ecologists employed endeavoured to minimise these impacts and deliver net gains for biodiversity, we still do not agree that it is possible within the current scope of the project. This assessment is based on our experience as professional ecologists who have years of experience in designing mitigation and compensation for protected sites and species, our expertise in the application of the biodiversity metric, knowledge of the site and local area in which we have worked for a number of years, and from our team which include those considered national experts on willow tits *Poecile montanus*.

With regards to the site itself, the grassland composition is unique in the local area and provides a diverse range of species which are at risk of being lost permanently in this location, as we have no evidence of their presence elsewhere. We currently do not have confidence that the mitigation and compensation proposed will result in gains for the local area. Whilst we appreciate the implementation of a biodiversity metric, which has indeed demonstrated a 10% net gain in line with current policy; national guidance has not been followed which is to provide 'like for like' replacement of habitats lost. This guidance has not been followed, as it is not possible to deliver within the constraints of the project, nor does this application consider the importance of the site as a local designation which highlights its local importance and how bespoke mitigation should be delivered. As such the mitigation hierarchy fails to be applied, there will be a significant loss of biodiversity as a result of the proposals and as such planning policy has not been followed.

LWS (formerly known as Sites of Importance for Nature Conservation) are of great significance as core wildlife-rich habitats of substantive nature conservation value and taken together with Sites of Special Scientific Interest (SSSI), they represent a major national asset, essential to nature's recovery. LWS play a critical conservation role by providing wildlife refuges, acting as stepping stones, corridors and buffer zones to link and protect nationally and internationally designated sites – improving ecological coherence and connectivity and contributing to a climate resilient landscape.

For a long time, it has been recognised that, whilst they are important, SSSI are not sufficient to truly protect biodiversity in England. So, together with SSSI, LWS support locally and nationally threatened species and habitats and they are the essential building blocks of ecological networks and the core from which we can achieve nature's recovery. Unlike SSSI,

which for some habitats are a representative sample of the sites that meet national standards, LWS systems are more comprehensive and select all sites that meet the criteria. As a result, many LWS are of SSSI quality and together with the statutorily protected sites, contain most of the country's remaining high quality natural habitat and threatened species.

Regardless of statutory status, it is absolutely paramount, that the countries core sites for biodiversity are protected from loss and damage, if we are to avoid a net loss in biodiversity. The presence of a Local Wildlife Site, should always serve as a red flag that the proposal is highly likely to be damaging and alternative sites should be sought. The protection of LWS is therefore fundamental if we are to achieve the 25 Year Environment Plan goals. Unfortunately, this principle has not been followed within the project design despite National Grid being a major influential company who can aid delivery of these goals. Consideration of how the proposals fail to deliver towards objectives both locally and nationally following declared climate and ecological emergencies should not be downplayed.

In addition, the planning application only considered the loss of the LWS itself, at Wogden Foot, as works which will be undertaken along the adjacent Trans Pennine Trail (TPT) are considered permitted development. The TPT in this area was under consideration for designation in its own right as a LWS, due to the connective features it provides for a number of species. The proposed works risk severing this corridor which would result in a major loss of biodiversity for Barnsley, and reducing the potential for recolonisation, including impacts to protected species such as bats and badgers. The loss/reduction of this corridor is not insignificant and we feel has been majorly overlooked by the ecologists employed, likely as it is a difficult impact to quantify and is not possible to mitigate under the said constraints of the project.

One of the most notable impacts of the loss of habitat at Wogden Foot and along the TPT, is the loss of habitat for willow tits. The willow tit is the UK's most threatened resident bird which is now extinct in many of its former territories in south and south-east England. The Trust works with RSPB on the 'Back From the Brink' project which is restoring habitat for this species across the Dearne Valley. We are therefore regarded as national experts on this species. The main issue with the VIP project, is the loss of willow tit habitat on site. The current mitigation aims to provide additional habitat upon completion; however, this fails to identify the nature of the bird which is extremely sedentary and thus at great risk due to habitat loss and fragmentation. Even loss of habitat for a short period (even just a month with longer proposed in this project) has the potential to ensure breeding will not be successful and greatly threatens the ability of adults identified to be present to survive. As there are no other records of the species nearby, the works are highly likely to cause local extinction of this species with no potential for recolonisation. The importance of this species prevailing in the country is down to protecting individuals and restoring their habitat, preventing even temporary reductions and loss. The loss of this on site and lack of serious consideration of our concerns for this species are worrying for its future success.

Given the above, it is clear there will be a significant impact upon biodiversity at this location and mitigation/compensation proposals have not sufficiently discharged these concerns. Whilst we appreciate that planning has been consented, it must be remembered that those on the committee were provided limited information/interpretation by the case officer, which due to the complexity of issues could not be demonstrated or understood adequately in the time permitted. This however, can be rectified through Ofgem considering their role in protecting biodiversity as an organisation and throughout their own work. We feel that given the scope of this project is to improve the natural environment, the impacts it will have upon a number of sensitive receptors should have prevented it from being pursued in the first instance.

Whilst the Trust was considered a 'stakeholder' in the composition of the strategies, we do not feel our concerns have been adequately addressed and our expertise overlooked.

The above concerns are supported by legislation and policy including ODPM Circular 06/2005, The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations

2019, NERC Act (2006), National Planning Policy Framework, Planning Practice Guidance and local policy from Barnsley Local Plan (2019) which aims to enhance biodiversity and strategic green corridors (one of which the site lies within), as well as protecting and improving habitats and species with '*special regard to those species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 ... and in the Barnsley Biodiversity Action Plan*' of which the habitats and species on site (e.g. willow tit) are included. The proposals do not follow national good practice guidance to apply the mitigation hierarchy (CIEEM, 2018) which is also a requirement of local and national policy.

As such, we believe that the project has major flaws with regards to its initial feasibility assessments and downplaying of the significance of ecological receptors on site. We feel it is imperative, given Ofgem's aim to deliver in line with government guidance, that it is not pursued any further.

I would be happy to provide more detail on any of the above points should you wish clarification, however please find attached consultation responses to the local planning authority for consideration in the determination of planning which outlines these concerns further.

Regards,

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