

FULL APPLICATION – DEVELOPMENT OF THREE NEW PUBLIC FOOTPATHS AND ASSOCIATED NEW PUBLIC FOOTPATHS AND ASSOCIATED BIODIVERSITY NET GAIN INTERVENTIONS ACROSS KINDER PLATEAU IN THE PEAK DISTRICT NATIONAL PARK AT KINDER PLATEAU (NP/HPK/1124/1254, WE)

APPLICANT: NATIONAL TRUST

Summary

1. This application seeks full planning permission for the works to three sections of footpaths across the Kinder Plateau; Seal Edge, Crowden Tower to Kinder Gates, and Edale Head to Crowden Tower.
2. The development involves the laying of approximately 2km of gritstone flags, pitched footpaths, and clapper bridges.
3. The development would result in the permanent loss of on-site habitat, including approximately 0.4448ha of blanket bog which is an 'irreplaceable habitat'; however, it would enable the restoration of adjacent habitat with the accompanying biodiversity net-gain evidence stating that it would provide a 12.9% uplift to on-site habitat.
4. Having balanced the ecological, visual/landscape and social impacts of the proposed development, it is considered that the benefits associated with the stabilisation and restoration of the upland habitat, in addition to the stopping continued erosion of the blanket bog environ, would outweigh the impacts of the development on this highly sensitive site.
5. The works proposed through this application form part of the wider Kinder Scout Peatland Restoration Project which covers an area of 526ha across the Kinder Plateau. As part of this project, the landowner would plant up to 8000,000 plugs of Sphagnum moss with the intention of stabilising, re-vegetating and re-wetting the degraded areas of habitat to restore the functionality of the peatland habitat.
6. This application is recommended for approval subject to conditions.

Site and Surroundings

7. The application site is three sections of the Kinder Plateau, an area of upland moorland in the north of the Peak District National Park. The site is comprised of upland blanket bog, acid grassland and upland heath.
8. The site is approximately 4.4km north-west of Edale, the closest settlement to the development site. It is approximately 7.1km north of Chapel en le Frith and 8.2km south-west of Glossop. There are several footpaths linking to the Plateau, including from Edale and the Pennine Way.
9. The site is located in the South Pennine Moor Special Area of Conservation ('SAC'), Peak District Moors (South Pennine Moors Phase 1) Special Protection Area ('SPA'), Dark Peak Site of Special Scientific Interest ('SSSI'), Dark Peak National Classification Area ('NCA') and a National Nature Reserve ('NNR').
10. The site is designated as Natural Zone; areas of the National Park designated for, amongst other criteria, a quality of 'wilderness', relatively natural vegetation which is largely self-sown, 'open country' which has particular importance for recreation associated with adventure and contact with nature, and high wildlife value.

11. The whole Plateau is open-access land, enabling unrestricted access across the site. Continued visitor pressure has caused erosion of the blanket bog habitat resulting in areas of degraded bare peatland across the Kinder Plateau.
12. The site is owned and managed by the National Trust. It is 'inalienable' land and can therefore never be sold or transferred voluntarily from the Trust. The site is protected for the purpose of recreation and conservation and will remain under the ownership of the National Trust.

Proposal

13. This application seeks full planning permission for the works to three sections of footpaths across the Kinder Plateau; Seal Edge, Crowden Tower to Kinder Gates, and Edale Head to Crowden Tower.
14. The development involves the laying of approximately 2km of gritstone flags, pitched footpaths, and clapper bridges.

RECOMMENDATION:

That the application be **APPROVED** subject to prior entry into a planning obligation under S.106 to secure the provision, management and monitoring of Biodiversity Net Gain for a 30 year period and subject to the following conditions:

1. **3-year implementation timeframe.**
2. **Development to be carried out in strict accordance with the submitted details and plans.**
3. **No development shall commence until a Habitat and Management Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall provide details for the creation, enhancement and management of habitats on the site and adjacent to the site post development. Thereafter, the development shall be carried out and the site monitored in complete compliance with the agreed HMMP.**
4. **The development hereby permitted shall be carried out in accordance with the approved biodiversity gain plan (approved under general condition imposed by paragraph 13(1), Schedule 7A of the Town and Country Planning Act (1990)) and the approved biodiversity gain plan shall be implemented in accordance with a timescale which shall be approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.**
5. **Prior to their installation, a sample gritstone flag shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.**
6. **The development shall be constructed in complete accordance with Section 3.1.11 'Construction Management' outlined in the Planning, Design and Access Statement (Mott MacDonald, October 2024).**
7. **The development shall be carried out in strict accordance with the 'Kinder Scout Footpath Restoration Archaeological Management Plan' (March 2025).**

- 8. The ground works and installation of the gritstone flags shall take place outside of bird nesting season (March – September inclusive) unless in accordance with an ecological watching brief which shall be first submitted to and approved in writing by the Local Planning Authority.**

Key Issues

- The principle of development;
- Biodiversity and ecology;
- The impact of the development on the valued characteristics of the landscape;
- Other matters.

History

There is no relevant planning history for the site.

Consultations

15. PDNPA Archaeology – No Objection. Development to be carried out in accordance with the submitted Kinder Scout Footpath Restoration Archaeological Management Plan.
16. PDNPA Landscape – No objection. *The proposals to formalise 3 popular walking routes on the Kinder Plateau, which is in the natural zone, will have a visual impact, paving the routes will detract from the following features of the natural zone: 'its quality of 'wilderness' and there being 'few obvious signs of human influence'. However, from a landscape perspective the proposals will not detract from the natural beauty of the plateau, and the paths and BNG proposals will help to restore important peatland habitat and enhance biodiversity. The use of gritstone slabs is in keeping with the landscape character. On balance I do not object to the scheme on landscape grounds.*
17. PDNPA Tree Conservation – No objection.
18. PDNPA Ecology –

Overview

A Biodiversity Net Gain Assessment has been submitted on behalf of National trust (Mott Macdonald, August 2024).

The proposed development is to install footpaths to protect peatland from further erosion and degradation caused by pedestrian footfall. The works are to install 2km of flagged and pitched footpaths within Kinder Scout by laying gritstone flags on unvegetated peat and, alongside the laid flagstones, undertaking re-vegetation works to enhance the immediately adjacent peatlands.

The site's baseline habitats have been assessed in terms of their value as biodiversity units using the results of the habitat survey, the condition assessment that took place using the Biodiversity Net Gain 4.0 Technical Supplement, and the results of the desk study. The method for calculating the biodiversity units follows the Statutory Metric (2024).

All assessments have been undertaken in line with the relevant guidelines.

Discussion

The redline boundary of the proposed development is 0.75 hectares, of which 0.67

hectares are blanket bog, an irreplaceable habitat. The remaining areas are upland heathland and rock outcrop and scree habitats. All habitats were assessed as being in 'poor' condition. Baseline habitats generate 2.60 area-based habitat units. No hedgerow or watercourse habitats are present.

The enhancement of retained habitats within the red line boundary (blanket bog (0.2272 ha), upland heathland (0.0725ha) Inland rock outcrop and scree habitats (0.0019 ha) will deliver 12.99% BNG (0.34 habitat units). Enhancements include the translocation of vegetation and heather brash spreading, lime, seed (nurse crop and moorland species) and fertiliser treatments, and will enhance the condition of blanket bog from poor to moderate. (Where there are no losses or deterioration of irreplaceable habitat, their enhancement may contribute towards the calculation of post-development biodiversity units). Post development habitats are expected to generate 2.94 habitat units (an uplift of 0.34 habitat units).

The submitted BNG assessment considers that the proposed development is not considered to cause the loss or degradation of blanket bog (or other habitats within the redline boundary).

It is acknowledged that the condition of Blanket bog is degraded and bare peat. However, it is considered that those areas which will be laid under the flagstones will be technically 'lost' (0.4448ha) because their ability to support blanket bog vegetation will be permanently compromised. As per guidance on irreplaceable habitats, the BNG requirement is disapplied for habitats. Losses can't be calculated by the metric

As required in the Environment Act 2021 a bespoke compensation package for the loss of irreplaceable habitat (blanket bog) is required.

However, it is considered that a deviation from the statutory biodiversity metric trading rules may be permitted by the Authority (as set out in The Statutory Biodiversity Metric User Guide (July 2024) under Rule 4.

Guidance on Rule 4 is provided on pages 16 and 17 of the User Guide and states that Rule 4 may be used in exceptional ecological circumstances occurring when:

- the site has optimal conditions (such as soil condition, hydrology, nutrient status) for restoration of a wildlife-rich or historic natural habitat,
- and the project team has the expertise and resource to deliver the habitat with negligible risk of failure.

And that it can only be used where one of more of the following applies:

1. Highly complex landscape scale habitat changes such as creation of heathland or a heathland grassland mosaic.
2. River re-meandering, or
3. Large-scale restoration of natural processes

Point 1 and 3 can be applied to the site which includes, and is surrounded by, optimal conditions for the restoration of a wildlife-rich or historic natural habitat. The site is owned and managed by the National Trust, one of Europe's biggest conservation charity with a purpose to look after nature, beauty and history and who have previously carried out extensive restoration of similar blanket bog habitat within the Peak District. We are therefore satisfied that they have the necessary expertise and resource to deliver the habitat proposals with negligible risk of failure. In addition, it is noted that this path is being delivered as part of a wider large-scale restoration project on Kinder Scout. The path is part of a wider project of bare peat treatment where in excess of 8.5

hectares of bare peat will be treated. It is considered that the inherent biodiversity gain of the application (the proposal will prevent continued erosion), in combination with the wider peatland restoration works across the Kinder Scout plateau is sufficient to meet the BNG condition in combination with the proposed enhancements (see below).

Suggested mitigation/conditions/footnotes

Enhancing the condition of 0.2272 ha of blanket bog is considered to be an ‘on-site significant enhancement’ following government guidance. The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years. Retained habitats within the redline boundary are not classified as an ‘on-site significant enhancement’.

A Biodiversity Gain Plan will be submitted to provide evidence for all BNG decisions and show how significant gain will be achieved. A Habitat Management and Monitoring Plan (HMMP) which sets out the detailed habitat creation and enhancement specifications and long-term management prescriptions that will be required to ensure the scheme will achieve its conservation objectives, should be submitted with the Biodiversity Gain Plan.

19. Derwent & Hope Parish Council – No response to date

20. PDNPA Rights of Way – No response to date

21. Edale Parish Council – No objection but requested clarification on:

1. What is the National Trust doing to minimise disruption to wildlife, including ground nesting birds, both during the works and once the footpaths are in place?
2. How is the biodiversity net gain calculated considering that conservation work is happening on the Kinder Plateau regardless of this application?

The Parish Council also request that low-flying helicopters are not used to deliver materials to the work site during lambing season.

22. Hayfield Parish Council – No response to date

23. Highway Authority – No response to date

24. Natural England – No Objection subject to appropriate mitigation being secured:

Natural England considers that without appropriate mitigation the application would:

- *Have an adverse effect on the integrity of South Pennine Moor Special Area of Conservation (SAC) Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) <https://designatedsites.naturalengland.org.uk/>.*
- *Damage or destroy the interest features for which Dark Peak Site of Special Scientific Interest has been notified.*

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Flag stones to be laid only on areas identified within the planning application documents. Furthermore, we recommend that monitoring of flagstones should be undertaken to ensure regeneration of surrounding habitat. Works to be undertaken as described within application documents

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purposes of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

25. Ramblers Association – No response to date

26. High Peak Borough Council – No response to date

Representations

27. 13 representations were received during the determination of the application.

28. 11 representations objected to the proposed development. They raised the following matters:

- The proposed development would encourage more people onto the Plateau, causing further disturbance to species like golden plover, curlew and hares;
- Agree that measures are needed to tackle erosion on the Plateau, but question the suitability of stone flags;
- Stone flags would be a hazard in winter;
- Some people do not wish to walk on stone flags and would trample adjacent habitat, harming blanket bog and habitat;
- Preference for the Plateau to remain as a wild place with limited human interference;
- Parts of the Plateau should be left and be navigated by experienced walkers;
- Agree that some sections should be flagged, particularly on the southern end but the northern end (between Crowden Tower and Kinder Gates) do not require flagging, particularly as the blanket bog is in reasonable condition;
- Harmful impact on nearby communities through inconsiderate behaviour, like parking and littering;
- Parts of the Plateau are quiet and important for people to experience nature without crowds.

29. One representation made a general comment on the proposed development. They raised concern that the proposal would encourage more people to visit the site and may experience the same visitor pressure as Mam Tor, including inconsiderate behaviour like poor carparking, litter, graffiti and anti-social behaviour. Believe there are other ways to limit erosion without putting paths onto the Plateau and north-side of the moor. These are areas where you can walk using navigation and compass, and people visit these locations to experience quiet enjoyment of the countryside.

30. The British Mountaineering Council supported the proposal. They stated the following:

- Applaud the broad consultation that National Trust has conducted in relation to these proposals and note that this has included the Kinder and High Peak Advisory Committee (upon which the BMC is represented).
- Kinder Scout Plateau is one of the most valued locations for hill walking in the National Park, important for sense of wildness and relative absence of human

interference, but acknowledge the impact of increasing numbers of people drawn to the area causing growing erosion, extensive destruction of the foliage cover (that otherwise protects peat) and the ever-spreading path lines that are visible on the Plateau;

- Acknowledge that the measures are controversial, but similar proposals across upland habitats in the National Park have proved successful in dramatically reducing path spread and harm to the surrounding vegetation.
- In the interests of recreational walkers in addition to the landscape itself.
- Believe it to be the best option.

Main Policies

Relevant Core Strategy Policies: GSP1, GSP2, GSP3, GSP4, L1, L2, L3, CC1

Development Management Policies Plan: DM1, DMC1, DMC2, DMC3, DMC11, DMC12

National Planning Policy Framework

31. In the National Park the development plan comprises the Authority's Core Strategy 2011 and those in the Development Management Plan adopted in May 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.
32. Paragraph 105 of the Framework says: "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails".
33. With regard to Habitats and Diversity, paragraph 193 of the NPPF is relevant to this application: "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".

Core Strategy Policies

34. GSP1 & GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies set out the broad strategy for achieving the National Park's objectives, and jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage
35. GSP3 - Development Management Principles. This states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.
36. GSP4 – *Planning conditions and legal agreements* - states that the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.
37. L1- *Landscape character and valued characteristics* - states that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
38. L2 – Sites of biodiversity or geodiversity important - states that development must conserve and enhance any sites or features of geodiversity importance, and any sites, features or species of biodiversity importance and where appropriate their settings. For international and national sites, the relevant legislation and protection will apply in addition to the requirements of policy. As set out in Core Strategy policy L2, the granting of planning permission is restricted for development likely to significantly affect a European (International) site, requiring that an appropriate assessment is first carried out of the implications of the development for the site's conservation objectives. Primary legislation restricts the cases in which exceptional circumstances may justify development, particularly development having a significant effect on the ecological objectives or integrity of a Special Protection Area (classified under the Birds Directive) or Special Area of Conservation (designated pursuant to the Habitats Directive).
39. L3 - Cultural heritage assets of archaeological, architectural, artistic or historic significance - provides core policy principles for cultural heritage assets and requires that all development conserves and where appropriate enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings. Development will not be permitted where there is harm to the significance of a heritage asset other than in exceptional circumstances.
40. CC1 – Climate change and mitigation - requires that all development must build in resilience to and mitigate the causes of climate change.

Development Management Policies Plan Policies

41. DM1 – *The presumption of sustainable development in the context of National park purposes* states:

When considering development proposals the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (2012). It will work proactively with applicants to find solutions that are consistent with National Park purposes:

- i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- ii) to promote opportunities for the understanding and enjoyment of the valued characteristics of the National Park

Planning applications that accord with the policies in the Development Plan will be approved without unnecessary delay, unless material considerations indicate otherwise.

42. DMC1 *Conservation and enhancement of nationally significant landscapes* states:

- A. In countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account:
 - i) the respective overall strategy for the following Landscape Strategy and Action Plan character areas; and
 - ii) any cumulative impact of existing or proposed development including outside the National Park boundary; and
 - iii) the effect of the proposal on the landscape and, if necessary, the scope to modify it to ensure a positive contribution to landscape character.
- B. Where a development has potential to have significant adverse impact on the purposes for which the area has been designated (e.g. by reason of its nature, scale and setting) the Authority will consider the proposal in accordance with major development tests set out in national policy.
- C. Where a building or structure is no longer needed or being used for the purposes for which it was approved and its continued presence or use is considered by the Authority, on the evidence available to it, to be harmful to the valued character of the landscape, its removal will be required by use of planning condition or obligation where appropriate and in accordance with the tests in national policy and legislation.

43. DMC2 Protecting and managing the Natural Zone says:
- A. The exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and the development is essential:
 - i) for the management of the Natural Zone; or
 - ii) for the conservation and/or enhancement of the National Park's valued characteristics.
 - B. Development that would serve only to make land management or access easier will not be regarded as essential.
 - C. Where development is permitted it must be in accordance with policy DMC3 and where necessary and appropriate:
 - i) permitted development rights will be excluded; and
 - ii) permission will initially be restricted to a period of (usually) 2 years to enable the impact of the development to be assessed, and further permission will not be granted if the impact of the development has proved to be unacceptable in practice; and
 - iii) permission will initially be restricted to a personal consent solely for the benefit of the appropriate person.
44. DMC3 - Siting, design, layout and landscaping requires development to be of a high standard that respects, protects, and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place. It also provides further detailed criteria to assess design and landscaping, as well as requiring development to conserve the amenity of other properties.
45. DMC11 - Safeguarding, recording and enhancing nature conservation interests states:
- A. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of development. In considering whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance all reasonable measures must be taken to avoid net loss by demonstrating that in the below order of priority the following matters have been taken into consideration:
 - I) enhancement proportionate to the development;
 - II) adverse effects have been avoided;
 - III) the 'do nothing' option and alternative sites that cause less harm;
 - IV) appropriate mitigation; and
 - V) in rare cases, as a last resort, compensation measures to offset loss.
 - B. Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance which could be affected by the development must be provided, in line with the Biodiversity Action Plan and any action plan for geodiversity sites, including provision for the beneficial future management of the interests. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of a development proposal on a site, feature or species including:
 - I) an assessment of the nature conservation importance of the site; and
 - II) adequate information about the special interests of the site; and
 - III) an assessment of the direct and indirect effects of the development; and
 - IV) details of any mitigating and/or compensatory measures and details setting out the degree to which net gain in biodiversity has been sought; and
 - V) details of provisions made for the beneficial future management of the nature conservation interests of the site. Where the likely success of these measures is uncertain, development will not be permitted.
 - C. For all sites, features and species development proposals must also consider:
 - I) cumulative impacts of other developments or proposals; and
 - II) the setting of the development in relation to other features of importance, taking into account historical, cultural and landscape context.

46. DMC12 - Sites, features or species of wildlife, geological or geomorphological importance states:
- A) For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.
 - B) For sites, features or species of national importance, exceptional circumstances are those where development is essential:
 - I) for the management of those sites, features or species; or
 - II) for the conservation and enhancement of the National Park's valued characteristics; or
 - III) where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.
 - C) For all other sites, features and species, development will only be permitted where:
 - I) significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and
 - II) the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.

Assessment

Principle of development

47. The proposed development would take place across the Kinder Plateau and result in the installation of approximately 2000m of gritstone flags and pitched footpaths, and clapper bridges across three separate areas of the Plateau; Seal Edge; Crowden Tower to Kinder Gates; and Edale Head to Crowden Tower.
48. Kinder Plateau features several designations - European designated sites South Pennine Moors Special Area of Conservation and the Peak District Moors (South Pennine Moors Phase 1) Special Area of Conservation and Wildlife and Countryside Act 1981 site Dark Peak Special Site of Scientific Interest.
49. As a result of these sensitive designations, the site is in the Natural Zone. These are areas of the National Park which the Authority consider particularly important to conserve and have the following qualities:
- a quality of 'wilderness';
 - relatively natural vegetation which is largely self-sown;
 - few obvious signs of human influence such as field boundaries;
 - 'open country' which has particular importance for certain types of recreation associated with adventure and contact with nature;
 - high wildlife value; comprising habitats falling within the statutory Section 3 Map (or limestone dale) definition;
 - natural beauty, which in the opinion of the National Park Authority, is particularly important to conserve.
50. Core Strategy policy L1 outlines that other than in exceptional circumstances, proposals for development in the Natural Zone will not be permitted.
51. Development Management Policies Plan policy DMC2 expands on this further, stating that the exceptional circumstances in which development is permissible in the Natural Zone are those in which a suitable, more acceptable location cannot be found elsewhere and the development is essential:
- i) for the management of the Natural Zone; or
 - ii) for the conservation and/or enhancement of the National Park's valued

characteristics.

52. It goes on further to state that development that would serve only to make land management or access easier will not be regarded as essential.
53. With regard to this application, the development site features all qualities associated with the Natural Zone; however, it is particularly notable for its prized on-site flora and fauna, including 'irreplaceable habitat' blanket bog.
54. The proposed development would involve the flagging/pitching of 2000m of desire lines/footpaths (NB: not adopted rights of way) and the active re-stabilisation and restoration of land surrounding the paths through a mixture of heather brash, lime, seed and fertiliser and additional turves cut and relocated.
55. The site is open access land, and therefore accessibility can't be limited or restricted to mitigate against the harmful impacts resulting from heavy footfall. Without intervention from the landowner, there would be continued erosion and braiding of the blanket bog and upland habitat.
56. It is noted that the proposed works would involve the installation of flags along sections of the Plateau which are surfaced in vegetative and mineral substrate. While it is arguable that these sections of the paths should not be surfaced as they are not eroding bare peat and blanket-bog, it should be acknowledged that the efficacy of the footpaths comes from their ability to become viable routes across the Plateau. Incomplete paths, with sections of wet or difficult terrain, may result in further deviations from the desire lines which would exacerbate erosion elsewhere and conflict with the very principal of the scheme.
57. While the proposed development would make access easier across the Kinder Plateau, supporting information advises *the path isn't being delivered to improve access, but to reduce the impact of high footfall on a protected landscape*. As noted, it forms part of the wider restoration project on the Plateau which seeks to treat in excess of 8.5mha of bare peat.
58. Accordingly, Officers consider that the proposed development is necessary for the management of the Natural Zone and the conservation and enhancement of the Natural Zone and National Park special qualities, namely its high wildlife value.
59. The proposed development is therefore acceptable in principle. The impact of the proposed works on the other qualities of the Natural Zone, such as 'few signs of human interference' and natural beauty, will be discussed in subsequent sections of this report.

Biodiversity and ecology

60. As noted, the site features several ecological designations; South Pennine Moors Special Area of Conservation, Peak District Moors (South Pennine Moors Phase 1) Special Area of Conservation, Dark Peak Special Site of Scientific Interest, and NRN National Nature Reserve.
61. Core Strategy policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. It goes on further to advise that 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 or their setting that have statutory designation or are of international or national importance for their biodiversity.

62. Development Management Policies DMC11 and DMC12 expand on this further. DMC11 outlines that in determining whether a proposal conserves and enhances sites, features or species of wildlife importance all reasonable measures must be taken to avoid net-loss by demonstrating that in the below order of priority, the following matters have been taken into consideration:
- i) enhancement proportionate to the development;
 - ii) adverse effects have been avoided;
 - iii) the 'do nothing' option and alternative sites that cause less harm;
 - iv) appropriate mitigation; and
 - v) in rare cases, as a last resort, compensation measures to offset loss.
63. Working through these points in turn, (i) the proposed development would enable the restoration of bare peatland and enhancement of condition of irreplaceable habitat across Kinder Plateau are considered proportionate with the scale of the proposed development and will result in an overall net gain of 12.99% in biodiversity (to be discussed in detail later in report).
64. (ii) The application advises that adverse impacts on biodiversity and geodiversity have been avoided. The proposed development will ensure no further erosion of bare peatland within the Site and will provide a form of protection which will conserve the bare peatland from further erosion or harm within the Site caused as a result of footpath from users of the PDNP. However, it should be noted that the proposed development would result in the loss of 0.4448ha of blanket-bog habitat through the installation of the flags and pitched paths.
65. (iii) The proposed development is considered 'site-specific' and focuses on some of the worst affected and eroded areas of bare peatland across Kinder Plateau. Furthermore, if the Trust adopted a 'Do Nothing' approach, areas of bare peatland would, in all likelihood, continue to be eroded as a result of footfall, leading to further loss of peat and potential gully formations across wider areas of Kinder Plateau.
66. (iv) As noted, the proposal has been mitigated through a 'site-specific' approach and only focusses on the worst impacted areas. The application has been supported by information on the design, access and construction of the proposal which seeks to minimise impacts on adjacent habitats. It advises that all works would be carried out by hand with minimal excavation, with members of the small team arriving on site by foot and helicopters delivering materials minimising the need for a site compound.
67. (v) As the development would result in the loss of 0.4448ha of blanket bog (an irreplaceable habitat), compensation is required to mitigate against the losses. As part of the proposed works, the development would seek to restore and enhance 0.2272ha of blanket bog habitat through the translocation of vegetation and heather brash spreading, lime, seed (cure crop and moorland species) and fertiliser treatments. The submitted information advises that this would enhance the condition of blanket bog from poor to moderate.
68. It is evident that the area of blanket bog lost is significantly greater than the area of blanket bog to be restored; however, it should be noted that the current habitat is severely degraded with exposed peat and does not positively contribute to the locality.
69. In absence of an alternative 'do nothing' solution, it is considered that the benefits associated with the active restoration of adjacent habitat (including blanket bog, upland heathland, inland rock outcrop and scree habitats) are sufficient to outweigh the harm resulting from the loss of irreplaceable habitats. In addition to this, there would be significant enhancements on the wider areas of land along the three footpaths which have not been captured within the figures as they are outside of the application area.

70. Accordingly, the proposed development is considered to be compliant with the policy DMC11.
71. Policy DMC12 states that for internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met. For sites, features or species of national importance, exceptional circumstances are those where development is essential:
- i) for the management of those sites, features or species; or
 - ii) for the conservation and enhancement of the National Park's valued characteristics; or
 - iii) where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.
72. With regard to the internationally designated sites (South Pennine Moors Special Area of Conservation and the Peak District Moors (South Pennine Moors Phase 1) Special Area of Conservation), the proposed development is necessary for the conservation of the sites as they would assist in reducing the ongoing erosion of the habitat and direct the footfall onto three single routes thereby reducing habitat trampling. Natural England have been consulted on this application and confirmed they are in agreement that the proposed works are necessary for the conservation of the SPA and SAC.
73. In respect of the Dark Peak SSSI, the rationale is the same. The proposed development is for the management of the Dark Peak habitat, in addition to the ongoing conservation and enhancement of the National Park's valued characteristics.
74. Accordingly, the proposed development is in compliance with policy DMC12.
75. The application has provided sufficient information to demonstrate that the impact of the proposed works on onsite species, such as ground-nesting birds or reptiles, could be mitigated against through sensitive working methods and conditions.

Biodiversity Net-Gain

76. Under 7A of the Town and Country Planning Act 1990 (As inserted by Schedule 14 of the Environment Act 2021), this application is required to demonstrate a 10% net-gain to onsite habitat.
77. The submitted information outlines that the redline boundary of the proposed development is 0.75 hectares, of which 0.67 hectares are blanket bog, an irreplaceable habitat. The remaining areas are upland heathland and rock outcrop and scree habitats. All habitats were assessed as being in 'poor' condition. Baseline habitats generate 2.60 area-based habitat units.
78. The enhancement of retained habitats within the red line boundary (blanket bog (0.2272 ha), upland heathland (0.0725ha) Inland rock outcrop and scree habitats (0.0019 ha) will deliver 12.99% BNG (0.34 habitat units). Enhancements include the translocation of vegetation and heather brash spreading, lime, seed (nurse crop and moorland species) and fertiliser treatments, and will enhance the condition of blanket bog from poor to moderate. Post development habitats are expected to generate 2.94 habitat units (an uplift of 0.34 habitat units).
79. However, as noted, the proposed development would result in the loss of irreplaceable habitat. As outlined within guidance, losses of irreplaceable habitat cannot be

calculated within the metric; however, retained and improved irreplaceable within the redline can be included within the metric.

80. Typically, the loss of irreplaceable habitat would ordinarily require the provision of a 'bespoke compensation' strategy to compensate for the loss of the habitat. However, it is the view of the National Park Authority that a deviation from the statutory trading rules may be permitted (as set out in The Statutory Biodiversity Metric User Guide (July 2024)) under Rule 4.
81. Rule 4 may be applied in exceptional circumstances when:
- the site has optimal conditions (such as soil condition, hydrology, nutrient status) for restoration of a wildlife-rich or historic natural habitat,
 - and the project team has the expertise and resource to deliver the habitat with negligible risk of failure.
82. It can only be used where one of the more of the following applies:
1. Highly complex landscape scale habitat changes such as creation of heathland or a heathland grassland mosaic
 2. River re-meandering, or
 3. Large-scale restoration of natural processes
83. Point 1 and 3 can be applied to the site which includes, and is surrounded by, optimal conditions for the restoration of a wildlife-rich or historic natural habitat. The site is owned and managed by the National Trust, one of Europe's biggest conservation charity with a purpose to look after nature, beauty and history and who have previously carried out extensive restoration of similar blanket bog habitat within the Peak District. The Authority are therefore satisfied that they have the necessary expertise and resource to deliver the habitat proposals with negligible risk of failure.
84. Accordingly, the Authority consider that the benefits associated with this application would satisfy Rule 4 and therefore this application is one of the exceptional circumstances where deviation from the trading rule can be permitted and a bespoke package of compensation measures are not necessary when considering the wider benefits of the development to blanket-bog habitat across the plateau.
85. The net-gains to onsite habitat are considered to be significant. Therefore, in addition to the statutory BNG condition, a planning condition requiring the submission of a Habitat Management and Monitoring Plan is suggested which will outline how the enhancements will be managed for 30-years. The implementation and the Authority's reasonable fees for monitoring for the 30 year period will need to be secured by planning obligation under S.106.
86. Subject to the above, the proposed development is considered acceptable with regard to ecology, biodiversity and onsite habitat and species.

Impact on the valued characteristics of the landscape

87. The development site is located in the Dark Peak Landscape Character Area and spans across two Landscape Character Types; Open Moors and Moorland Slopes and Cloughs. These areas are characterised by:
- An unsettled and seemingly-wild landscape with vast panoramas over surrounding hills and lower ground. The lack of obvious human-made features contributes to the sense of remoteness and tranquillity.
 - An undulating high gritstone plateau with localised rock outcrops and boulders, in the form of rocky edges and tors and incised cloughs.
 - Thick deposits of peat with unenclosed heather and grass moorland and

- extensive areas of blanket bog and rough grazing land.
 - Significant clusters of prehistoric lithic scatters on the northern moors.
 - Steep slopes and cloughs rising to the moorland plateau above with prominent gritstone outcrops, boulders and scree slopes. Numerous springs and flushes arising on slopes and clough sides.
 - Rough acid grassland, bracken and heather moorland with relict areas of oak-birch woodland and scrub in cloughs.
 - Exposed views over lower ground, sometimes limited by clough sides.
 - Relict farming landscapes.
88. Policy L1 outlines that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
89. The proposed installation of flagstones and footpath pitching across three separate paths across the Plateau would inevitably have a landscape impact. As noted, one of the key characteristics of the Dark Peak is a 'seemingly wild landscape' with a 'lack of obviously human-made features' contributing to the sense of remoteness and tranquillity.
90. The development is separated into three separate paths.
91. The Seal Edge path is approximately 2.65km in length and follows a c. 600m contour line. This part of the development would be a mixture of flagged footpaths and no intervention. The supporting 'Footpath Interventions' Plan shows that the majority of this section would feature no interventions as it already features a mineral substrate.
92. The presence of the flagged gritstone interventions would introduce clear human presence in an otherwise wild and undeveloped landscape; however, when viewed cumulatively across this section of the path (and indeed the Plateau as a whole) the interventions would be minimal and comprised of a material which is geologically appropriate for its siting.
93. The section of path from Crowden to Kinder Gates would be more intensive in nature. The whole of this 1.35km section would be flagged or pitched on a mixture mineral, vegetated and bare-peat substrate.
94. It is acknowledged that the provision of a 1.35km unbroken path across the Plateau would have a landscape impact; however, it should also be noted that these desire lines are visible interventions to the landscape too, whether they be sited atop existing mineral substrate, trampled vegetative or bare beat.
95. The final section of the proposed development is between Edale Head to Crowden Tower. The physical interventions to this section are relatively minor, with the flagged sections of the path being separated by sections where no works are required.
96. The Kinder Plateau could be seen as being a particularly sensitive location owing to its history as the site of the 1932 mass trespass, the formative event in public access to nature and, arguably, the subsequent creation of British National Parks.
97. The installation of flags and pitched paths would introduce evident features of human presence which would be at odds with its Dark Peak landscape character type and its Natural Zone designation. This impact would be detrimental and detract from the valued characteristics of the area.
98. However, it is necessary to consider the current condition of the desire lines.

Regardless of their surfacing, they represent visible evidence of human presence and recreation across the upland locality. Whilst not development, the eroded sections of blanket-bog/bare peat, the trampled vegetation and mineral footpaths across the moor also detract from its valued characteristics. Furthermore, it is understood that without stabilisation and mitigation, the trampling and erosion/braiding would continue to the detriment of both the landscape character and ecological value of the site.

99. There are numerous examples of flagged footpaths across remote sections of the National Park which this Authority has accepted as a method to mitigate against the impact of erosions, including Mam Tor, White Stones, and most prominently the section of the Pennine Way between Kinder Downfall and Snape Pass Summit. These footpaths demonstrate that while the stone flags are human interventions to the upland landscapes, the use of gritstone is geologically appropriate for the area and the recessive colour of the flags complement the relatively dull and dark landscape.
100. The flags would be 'embedded' into the ground, and it is anticipated that overtime the vegetation would grow to either side of the flags which would further mitigate the prominence of the flags on the landscape (as has occurred on the Pennine Way).
101. Accordingly, Officers consider that the proposed development would have a negative impact on the landscape; however, the scheme has been designed in a way which has mitigated the harm as much as possible, reflecting precedent proposals across the north of the National Park, and in accordance with guidance provided by the Moors for the Future Partnership.

Other matters

102. This application has been supported by an Archaeological Management Plan (AMP) which sets out the procedure to mitigate the impact of the development on below-ground archaeology, and sets out the methodology for the analysis, reporting and archiving of any identified below-ground heritage assets. It sets out particular measures in relation to unexpected discovery of plane crash debris, treasure, human remains, significant archaeological remains and advice for photography of unexpected archaeology. The Authority's Senior Conservation Archaeologist has confirmed that subject to the development being constructed in accordance with the submitted AMP, there would be no harm to onsite cultural heritage.
103. The proposed development would be carried out in accordance with the Construction Management section of the Planning, Design and Access Statement which would effectively mitigate impacts on soil and excavation, noise and vibration, waste, dust and pollution, lighting, water management and drainage, material storage and working hours. Subject to compliance with these measures, there would be no widespread environmental impact from the construction phase of the development.
104. The development would affect desire lines across Open Access Land. The application states that temporary signage would be used to inform walkers of the development and redirect them away from the existing desire lines onto surrounding open access land. It advises that only short sections of each footpath would be closed at any time and therefore the diversions would be minimal and for short periods of time. The proposed development would not require temporary closure or diversions to the adopted Rights of Way across the moorland. It is therefore acceptable with regard to access and recreation.
105. The development would utilise sustainable building materials with the majority of work undertaken by hand. During the construction phase, workers would arrive on site

by foot. Notwithstanding the requirement for materials to be deposited on site by helicopter, it is considered that the proposed development has proportionate sustainability and climate change mitigation measures.

106. There would be no material impact on residential amenity or highway safety.

Conclusion

107. As advised above, Officers acknowledge that the proposed development would have significant environmental benefits associated with the stabilisation and active restoration of blanket bog and bare peat on the surrounding environment. While there would be a loss of irreplaceable habitat, Officers consider that the benefits associated with the scheme, including re-planting and we-wetting of the moorland, would assist in reducing the widespread erosion on Kinder Plateau.
108. The proposed development would provide 12.99% net-gains to onsite habitat; however, due to the loss of irreplaceable habitat, the proposal would not comply with BNG trading rules. Therefore, Officers consider that Rule 4 can be invoked to justify the lack of compliance with the trading rules to enable the restoration and stabilisation of adjacent habitat.
109. The proposed development would have an adverse impact on the valued characteristics of the landscape. The proposal has utilised a site-specific design, seeking to only impose interventions to the moor where they are required. In addition to this, the scheme has been designed in accordance with the Moors for the Future Partnership guidance, and there are numerous examples of similar schemes across the National Park where similar proposals have successfully been implemented. These measures assist in the mitigation of the landscape impact.
110. The first purpose of the National Park is to conserve and enhance the natural beauty, wildlife and cultural heritage. Legislation does not prioritise either natural beauty or wildlife, and therefore neither should take precedent. Accordingly, when taken as a whole, it is considered that the benefits to the wildlife of the Plateau outweighs the identified harm to the landscape.
111. Subject to conditions, the proposed development is acceptable in all other regards.
112. On this basis, the proposed development is in compliance with the relevant policies of the development plan and the application is recommended for approval.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil