



The Network Rail (Leeds to Micklefield Enhancements) Order
CD 7.10 Summary of Environment Proof of Evidence

TRANSPORT AND WORKS ACT 1992

**Transport and Works (Applications and Objections
Procedure) (England and Wales) Rules 2006**

**THE NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER**

**Summary of Environment Proof of Evidence
of
Jim Pearson**

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Author	Jim Pearson
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1. INTRODUCTION

1.1 Personal Details

1.1.1 My name is Jim Pearson, and I am an Environment Manager with over 20 years of experience, currently working in that role in the Transpennine Upgrade (TRU).

2. STRUCTURE AND SCOPE OF THE PROOF OF EVIDENCE

2.1 Evidence for Environmental Management

2.1.1 I will provide evidence on the following topics:

- Environmental management;
- Environmental effects;
- Mitigation;
- Statement of Matters – Items 7 - concerning wildlife and biodiversity; and,
- Responses to objectors.

3. ENVIRONMENTAL MANAGEMENT AND CONTROL

3.1 Environmental Impact Assessment Screening

3.1.1 The whole E2 to E4 route has been screened with LCC who agreed it was non-EIA development.

3.1.2 A further screening request was issued to TIPU in April 2023 that considered the Order Scheme only and again resulted in a positive response it was non-EIA development on 17th May 2023.

3.2 Environmental Report

3.2.1 Network Rail submitted an Environmental Report (ER) (**CD 1.16**) with the Order application. The ER (**CD 1.16**) comprises 3 volumes as follows:

- Volume 1: Main text;
- Volume 2: Figures; and,
- Volume 3: Appendices

The Network Rail (Leeds to Micklefield Enhancements) Order*CD 7.10 Summary of Environment Proof of Evidence***3.3 Code of Construction Practice Part A**

3.3.1 The Order includes the submission of the Code of Construction Practice Part A (CoCP Part A) (**CD 1.17**), that outlines the high-level environmental controls of the Order Scheme.

3.4 Network Rail's Contract Requirements – Environment

3.4.1 In general Network Rail requires design and construction of rail projects to comply with its CR-E to manage environmental risk.

3.5 Permitted Development and works requiring separate planning permission

3.5.1 Permitted Development works are controlled through compliance with CR-E and are also considered in an environmental agreement made with Leeds City Council (LCC).

4. ENVIRONMENTAL DESIGN**4.1 Mitigation Measures (general)**

4.1.1 Mitigation occurs through avoidance, reducing risk, offsetting and then compensation. Embedded mitigation can be reviewed in Section 4.1.1 of my main proof.

4.2 Landscaping

4.2.1 Draft condition 5 (Landscaping and Ecology) embeds mitigation requiring a Landscape and Ecological Management Plan (LEMP) based on draft landscape plans included in the ER (**CD 1.16**) in Volume 2 Figures 8.5.1 to 8.5.6.

4.2.2 Land restoration plans (Figures 8.6.1 to 8.6.5) are also proposed for areas of the Scheme benefitting from Permitted Development.

4.3 Biodiversity Net Gain

4.3.1 The Request for Deemed Planning Permission (**CD 1.12**) includes draft condition 10 (Biodiversity Net Gain), that secures the delivery of offset mitigation for vegetation loss plus 10% enhancement.

4.4 Impacts on Biodiversity (Statement of Matters)**Item 4 Biodiversity**

4.4.1 Section 4.2 and 4.3 of my summary proof explain how landscape and restoration plans will address any vegetation loss, whilst section 4.1.1 of my

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main proof outlines the embedded mitigation that minimises tree and vegetation loss as part of the design of the Order Scheme.

Item 7 Wildlife***Leeds Habitat Network***

- 4.4.2 The embedded mitigation measures identified in section 4.1.1 of my main proof contribute to the overall protection of the Leeds Habitat Network.

Species

- 4.4.3 There are some temporary effects on species identified during the construction stage of the Order Scheme managed via the standard environmental control documents (Condition 6 (CoCP Part B)).

Invasive Non-Native Plant Species

- 4.4.4 Invasive Non-Native Plant Species (INNPS) are managed via Condition 5 (Landscape and Ecology).

Mitigation Hierarchy

- 4.4.5 Section 4.1.1 of my main proof of evidence outlines the mitigation hierarchy that minimises the effects on wildlife and biodiversity with residual mitigation implemented through the LEMPs and BNG.

Species Protection

- 4.4.6 A bat mitigation licence will be required to remove a lone pipistrelle bat transitory roost (sections 6.2.3 to 6.2.5 of my main proof).
- 4.4.7 Network Rail will utilise its existing Great Crested Newt Organisational Licence at Austhorpe Lane compound (sections 6.2.6 to 6.2.10 of my main proof).

Manston Lane tree removal

- 4.4.8 There is no tree felling required or proposed at Manston Lane.
- 4.4.9 Tree removal at nearby Austhorpe Lane to facilitate the gas mains diversion is minimised as far as practicable by extending the compound to the east.
- 4.4.10 Protection at Austhorpe Lane can be reviewed in detail in Sections 7.4.22 to 7.4.26 of my main proof.

The Network Rail (Leeds to Micklefield Enhancements) Order*CD 7.10 Summary of Environment Proof of Evidence***5. ENVIRONMENTAL MANAGEMENT DURING CONSTRUCTION****5.1 Code of Construction Practice Part A**

5.1.1 The Environmental Management System (EMS) will be administered through the implementation of the CoCP Part A which is included in the Order application (**CD 1.17**).

5.2 Code of Construction Practice Part B

5.2.1 The CoCP Part A also outlines the requirement to submit detailed environmental management plans (condition 6 (CoCP Part B)) for discharge to LCC.

5.2.2 Other relevant conditions include:

- Condition 7: Construction Traffic Management and Travel Plan;
- Condition 9: Archaeology

5.2.3 The secured mitigation in completeness is detailed in the ER in Volume 1: Chapter 16: Summary of Mitigation (**CD 1.16**).

6. MITIGATION AND RESIDUAL EFFECTS

6.1.1 Section 6 of my main proof defines the environmental mitigation, all documents by condition to be submitted to and approved by LCC with the main points listed in Table 1 below.

Table 1: Environmental mitigation

Matter	Mitigation secured	Main elements of mitigation
Archaeology (Section 6.1 Main proof)	Condition 9 "Archaeology"	Avoidance of excavation through ground stabilisation. Written Scheme of Investigation (WSI) on excavated sites.
Ecology (Section 6.2)	Condition 5: "Landscape and ecology" Condition 10: "Biodiversity Net Gain"	CoCP Part B general environmental protection measures. Bat Licence at Ridge Road Bridge.

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		Use of Network Rail GCN organisational licence at Austhorpe Lane
Landscape and Visual Amenity (Section 6.3)	Condition 5: "Landscape and ecology"	Avoidance measures to minimise landscape effects. LEMPs and restoration proposals to be submitted to and approved by LCC.
Arboriculture (Section 6.4)	Condition 4: "Landscape and Ecology – Preliminary Works"	Protect trees and vegetation adjacent to the application scheme. Embedded mitigation to reduce effects – e.g. no-dig construction methodology for footpath at Peckfield level crossing to protect veteran tree.
Noise and Vibration (Section 6.5)	Condition 6(v): "CoCP Part B NVMP"	Standard controls to minimise noise in accordance with Best Practicable Means (BPM). Agree Section 61 construction noise assessment and protection with LCC.
Traffic and Transport (Section 6.6)	Condition 7: "Traffic Management and Travel Plan"	Standard measures required for temporary road closure management, traffic routing and nuisance management.
Geo-environment (Section 6.7)	Condition 11: "Land with contamination"	Preliminary Risk Assessments (PRA) on sites as a precaution. Material re-use in accordance with CL:AIRE.
Water environment (Section 6.8)	Condition 6(ii): "CoCP Part B PPICP"	Standard pollution protection measures apply.
Agriculture	Condition 6(iii): "CoCP Part B"	Good practice measures for excavation, storage, handling

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(Section 6.9)	Waste Management Plan and Materials Plan” Condition 5: Landscape and ecology”	and reinstatement of topsoil and subsoil.
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7. STATEMENT OF MATTERS

7.1 Item 4: Impacts on wildlife of the closure of Peckfield and Garforth Moor Level Crossings

- 7.1.1 The diverted bridleway required in closing Peckfield Level Crossing will be constructed to avoid unnecessary excavation and in consideration of the protection of tree root protection zones.
- 7.1.2 The Lower Peckfield Lane Diversion requires a number of passing places that will be designed to avoid tree removal.
- 7.1.3 All controls must be approved by LCC via condition 5 and the requirement to submit a LEMP.
- 7.1.4 There are no physical works required at Garforth Moor Level Crossing that will need to be addressed in a LEMP.

7.2 Item 7: The wider impacts on wildlife, including Manston Lane

- 7.2.1 There are no international or European-level designated sites located in the study area of the application scheme boundary.
- 7.2.2 There will be no direct loss to any other designated wildlife sites.
- 7.2.3 Some effects on the Leeds Habitat Network have been mitigated through avoidance measures with LEMPs to address residual risk to be approved by LCC.
- 7.2.4 Potential effects in general on wildlife is mitigated through the management of good environmental practice during construction with all CoCP Part B environmental management plans to be approved by LCC by condition.
- 7.2.5 Specific mitigation to address potential ecological effects is defined in the Outline Landscape and Ecological Mitigation Proposals (ER Volume 2: Figures 8.5.1 to 8.5.6) and the Outline Draft Land Restoration Proposals (Figures 8.6.1 to 8.6.5) that must be approved by LCC.

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- 7.2.6 A condition for BNG secures 10% net gain on all eventual habitat loss generated by construction of the application scheme.
- 7.2.7 A bat licence from Natural England is required for works at Ridge Road Bridge Replacement, whilst Network Rail will utilise its existing Great Crested Newt organisational licence in mitigating effects at Austhorpe Lane.
- 7.2.8 Trees will not be removed at Manston Lane. However, there is removal of trees at nearby Austhorpe Lane to facilitate the mains gas diversion. This removal is minimised by extending the area of temporary land use for a compound to the east.

8. OBJECTIONS

- 8.1.1 In my main proof of evidence, I set out a detailed description of the objections that consider environmental matters, with a summary included below in Table 2 on relevant matters:

Table 2: Objections on environmental matters

Reference	Party	Key Topics	Response
Objection 04	Maria Helma Klima	Visual Appearance Wildlife	Visual considerations in viewpoints 9 and 10 in the ER, with specific planting required in the LEMP. Protection of existing vegetation and protection of wildlife through the LEMP.
Objection 7	Leeds City Council	Absence of an Air Quality Assessment	This is not an EIA scheme requiring a specific assessment and controls adequately detailed in an NMP (Condition 6c(iv)).
Objection 16	E Galley	Carbon footprint	Operational benefits in considering carbon consumption result in electrifying a railway.

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Objection 21 (repeated in Obj 22)	J Freeman	Tree loss at Austhorpe Lane Ecological effects	Tree loss minimised by extending the compound. A full ecological assessment has been completed with required mitigation reported in the ER.
Objection 26	J Kilburn and B Elliott	Traffic management Tree protection along Railway Road Land restoration Landscaping consultation	Closures and diversions communicated via the external communications plan (Condition 6b(i)). Trees are retained on the boundary with Railway Road Land will be restored to pre-works condition to the reasonable satisfaction of the landowner. NR will consult LCC over the LEMP but may liaise with local communities in relation to implementing BNG.

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9. WITNESS DECLARATION

9.1 I hereby declare as follows:

- a) This summary proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- b) I believe the facts that I have stated in this proof of evidence are true and that the opinion expressed are correct.
- c) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.

Signature & Date

A solid black rectangular box redacting the signature of Jim Pearson.

Jim Pearson

Date: 6th February 2024