



The Network Rail (Leeds to Micklefield Enhancements) Order
CD 7.11 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**

Environment Proof of Evidence

of

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 working for Network Rail, currently working in that role in the Transpennine Upgrade (TRU) West and East Alliances that covers TRU works from Manchester through to York. Environmental management is my profession with 20 years' experience. I have a BSc in environmental sciences and am a member of the Institute of Environmental Management and Assessment (IEMA).

1.1.2 I have been providing guidance for and review of environmental documentation produced by AECOM in support of the Transport and Works Act Order (TWAO) application ("the application") and I have written the Code of Construction Practice Part A (CoCP) (CD 1.17) that is included with the application documents. I have provided general guidance to the AECOM environment team as required and provided assurance to Network Rail regarding the Environmental Report that includes:

- Contributing to the review of the Environmental Report (CD 1.16);
- Reviewing the general approach to environmental mitigation in design and construction; and,
- Reviewing various general and topic chapters of the final Environmental Report (CD 1.16) at each review stage.

2. STRUCTURE AND SCOPE OF THE PROOF OF EVIDENCE

2.1 Evidence for Environmental Management

2.1.1 In consideration of information supplied as part of the Order application in the Environmental Report (ER) (NR16) and the Code of Construction Practice Part A (CoCP Part A) (NR17), I will provide evidence on the following matters:

- Environmental management requirements;
- Likely environmental effects of constructing and operating the Order Scheme;
- Measures to be implemented to avoid, reduce or remedy the environmental effects of the Order Scheme; and,
- Responses to specific objectors concerning environmental matters.



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2.1.2 My evidence presents the key aspects of environmental design and construction management incorporated into the Order Scheme and outlines the environmental effects and relevant mitigation by topic.

2.1.3 In terms of the matters set out in the Statement of Matters, I address items 4d and 7 (impacts on wildlife and biodiversity).

2.1.4 I also address the following matters in this proof:

- Environmental Design;
- Environmental management during construction;
- Archaeology;
- Ecology;
- Landscape and Visual;
- Arboriculture;
- Noise and Vibration;
- Traffic and Transport;
- Geo-environment;
- Water;
- Agriculture; and,
- Sustainability.

3. ENVIRONMENTAL MANAGEMENT AND CONTROL

3.1 Environmental Impact Assessment Screening

3.1.1 In 2022 an EIA screening decision was sought from Leeds City Council (**LCC**) for the works for which consent is sought under the Order and request for deemed planning permission, as well as other works forming part of the E2 to E4 project which the Order would facilitate or enable (referred to in the Statement of Case as “the Scheme”. The E2-E4 Project encompasses all TRU works between Leeds City centre (from a point immediately east of Leeds Station) to Church Fenton, just south of the city of York, and includes full electrification of the route and civil works to support it. This then by default



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included the screening of the more contained and discrete packages of works that make up the Order Scheme that sit within the wider E2 to E4 Project. LCC confirmed in April 2022 that the E2 to E4 Project in entirety did not, in its opinion, constitute EIA development.

3.1.2 In accordance with Transport and Works (Applications and Objections) Rules 2006, Network Rail submitted a further screening request for the Order Scheme alone in April 2023 to TIPU with LCC as a consultee on that request. Network Rail received a Screening direction (EIA Screening Decision **CD 1.10**) from the Secretary of State for Transport on 17th May 2023 that the Order Scheme did not constitute Environmental Impact Assessment (EIA) development. On that basis the Order application did not include an Environmental Statement (ES) assessing the environmental effects of the Order Scheme.

3.1.3 In the absence of there being significant effects to address with the production of an ES, Network Rail reviewed the two screening decisions and concluded it was appropriate to include an Environmental Report (ER) in the Order application that would address in general how environmental risk and opportunity would be managed and provide the mechanism for LCC to approve environmental management for the Order Scheme through the conditions proposed in the Request for Deemed Planning Permission (**CD 1.12**).

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 (to support Volume 1 Main text); and,
- Volume 3: Appendices (specialist reports to support the Main text).

3.2.2 The ER identifies the likely environmental effects during the construction and the operational phases of the Order Scheme, describes the environmental mitigation required for the Order Scheme and describes the mechanism for securing the environmental mitigation for the elements for which deemed planning permission is sought.

3.2.3 The relevant mitigation for those elements would be secured by suggested conditions included within the Request for Deemed Planning Permission (**CD 1.12**). Mitigation will also be secured through Network Rail's Contract



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Requirements - Environment (CR-E) (NR/ENV/015). I provide further detail on CR-E in section 3.3 of my proof of evidence.

3.3 Code of Construction Practice Part A

3.3.1 The Order application documents also include the submission of the Code of Construction Practice Part A (CoCP Part A) (**CD 1.17**), that outlines the high level environmental controls in relation to the construction phase of the Order Scheme and then goes on to provide the mechanism for securing the relevant mitigation outlined in the ER (**CD 1.16**) through the future submission of the Code of Construction Practice Part B environmental management documents. These documents are to be submitted to LCC for their approval (see draft condition 6 in **CD 1.12**).

3.3.2 The use of the CoCP Part A to secure recommended mitigation as outlined in an Environmental Statement for a TWAO, or as in this case an ER, is well preceded by previous TWAO schemes, with recent examples on the Network Rail (Hope Valley Capacity) Order and also other TRU schemes the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order and the Network Rail (Church Fenton Level Crossing Reduction) Order.

3.3.3 As described in section 3.3.1, the resulting CoCP Part B environmental control documents that are submitted for approval to the relevant local authority provides the level of assurance that environmental commitments are being implemented for the deemed planning elements of the Order Scheme.

3.3.4 I explain in sections 3.4 and 3.5 how other works included in the Order application that do not require deemed planning permission, are managed in considering environmental risk and opportunity, as would be normal practice for Network Rail construction schemes and is applied in general across the TRU programme of works. This includes the works on E2 to E4 that are not contained in the Order application, but which form part of the wider 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 (Appendix A). CR-E is effectively an instruction manual to design and construction contractors that contractually obliges them to comply with relevant environmental legislation and other environmental considerations stipulated by Network Rail.



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- 3.4.2 CR-E further requires design and construction contractors to demonstrate a sustainable approach to environmental management for projects conducted on Network Rail infrastructure.
- 3.4.3 For all projects commissioned on Network Rail infrastructure, the contractor must produce an Environmental and Social Management Plan (ESMP) that must demonstrate to Network Rail's satisfaction, how compliance with CR-E will be achieved. Network Rail as the employer, then uses the ESMP for audit purposes.
- 3.4.4 As would be normal for construction projects on Network Rail infrastructure, the ESMP is used to manage all environmental requirements whether those defined for a TWAO scheme and captured in an ER and compliance with set conditions or other Permitted Development works described in section 3.5.

3.5 Permitted Development and works requiring separate planning permission

- 3.5.1 The ER does not consider the effects of certain components of the Scheme where the works are either carried out as permitted development or have been secured by planning permission separately from the local planning authority. These components which are not included within the scope of the ER (**CD 1.16**) are described in Table 1.2 of that document and described below in sections 3.5.2 and 3.5.3.

Permitted Development Works

- 3.5.2 The Permitted Development components of the Scheme will be delivered in compliance with the CoCP Part A as outlined in section 3.3 and Network Rail's CR-E (Appendix A to my proof of evidence) as described in section 3.4, in considering environmental management, as would be normal practice for such works.

Separate planning applications

- 3.5.3 Environmental management for components of the Scheme included in the Order application that require separate planning permission from Leeds City Council (LCC) will be the subject of future environmental conditions as will be detailed in the relevant planning permission, again as would be normal practice for such works.
- 3.5.4 Such works would also be subject to environmental controls as required by CR-E and described in section 3.4 above.



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Environmental agreement with Leeds City Council

- 3.5.5 Network Rail has signed an environmental agreement with LCC with the intent that it applies the CoCP measures and other controls to works or development forming part of the Order Scheme, but which are not subject to the deemed planning permission (if granted). This environmental agreement is included in Appendix B to my proof of evidence.
- 3.5.6 Ordinarily, where Network Rail is carrying out work under permitted development rights, it would usually just apply the controls within its CR-E. In this case, as the exercise of permitted development works will be facilitated by provisions included in the Order application, Network Rail and LCC have entered into the environmental agreement to expressly confirm the environmental controls that will be applied to works that are not authorised by the Order.
- 3.5.7 The implementation of the environmental agreement will ensure that works contained in the Order that are not subject to Deemed Planning Permission can proceed in advance of the discharge of Order conditions as long as specified controls in the agreement are complied with.
- 3.5.8 My proof of evidence will refer to the environmental agreement as may be appropriate in section 6 below.

4. ENVIRONMENTAL DESIGN

4.1 Mitigation Measures (general)

- 4.1.1 In accordance with the risk mitigation hierarchy, mitigation measures proposed through the ER (**NR16**) prioritise avoiding risks, reducing risks, offsetting the impact and then compensation. Where possible, environmental effects have been avoided through embedded mitigation developed as part of the design of the Order Scheme. Examples of embedded mitigation include:
- works to partially dismantle, restore and reinstate Crawshaw Woods Overbridge, thereby retaining the key historic element and enhancing heritage significance;
 - provision of a new ramped bridleway bridge at Barrowby Lane, with integrated steps to provide pedestrians with a shorter access route across the railway line;
 - reuse of materials to be reclaimed from the bridge to be demolished (Brady Farm Bridge) in the reconstruction of other bridges (The Replacement



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Austhorpe Lane Bridge, Crawshaw Woods Bridge and the Replacement Ridge Road) to minimise waste and maintain the aesthetic of the retained historic elements;

- avoiding works within Flood Zones 2 and 3 at Kirkgate to Marsh Lane Land;
- employing geogrid or similar materials for temporary construction compounds, to help avoid risk of impact to unknown archaeology and allow for permeability of the ground to be retained;
- colour and design of bridge structures will be sympathetic to the local context to minimise visual impact.
- Various design refinements to minimise the de-vegetation across the Order Scheme including:
 - Kirkgate to Marsh Lane Land: Boundary allows for design refinements to avoid tree loss along the embankments and minimise the area of land required outside the railway boundary during installation of the new railway assets, with works being undertaken from the railway line.
 - The replacement Austhorpe Lane Bridge and Austhorpe Lane Gas Main Diversion: Design of Austhorpe Lane Southeast Compound to exclude a central area of land to reduce the loss of wet grassland and ephemeral water areas, and the extension of the compound into the grassland area to the east of the woodland block to reduce priority woodland loss as far as practicable and to retain trees with bat roost suitability.
 - Raising of Crawshaw Woods Bridge: Design of northern access track to avoid a mature hawthorn and design of southern access track to avoid damage to a pond and an existing hedgerow.
 - The New Barrowby Lane Bridge: Extension of Barrowby Lane compound further west to enable two mature trees to be retained that have bat roost suitability, one of which is a veteran tree.
 - Access routes and compounds amended to reduce tree and scrub loss along the embankments and along the edge of Ridge Road.
 - The Peckfield Level Crossing Closure and the Micklefield Track Sectioning Cabinet (TSC): Micro-siting of passing places along Lower Peckfield Lane to avoid tree loss.



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4.2 Landscaping

- 4.2.1 As defined mitigation for unavoidable vegetation loss, Network Rail proposes draft condition 5 Landscaping and Ecology, that is included in the Request for Deemed Planning Permission (**CD 1.12**). The condition requires Network Rail to submit and gain approval from LCC for a Landscape and Ecological Management Plan (LEMP) that will be based on draft landscape plans included in the ER (**CD 1.16**) in Volume 2 Figures: Figures 8.5.1 to 8.5.6 Outline Landscape and Ecological Mitigation Proposals.
- 4.2.2 The LEMP will be monitored and maintained for a period of 5 years as is standard for TWAO schemes. However, it should be noted in accordance with biodiversity net gain (BNG) requirements as identified in section 4.3.4, where habitats required for BNG are contained within the LEMP areas, those habitats shall be monitored and maintained for the period of time required to reach maturity as defined by Defra metric 3.0 Technical Guidance.
- 4.2.3 For specified temporary compound areas and associated accesses within the Scheme that are not subject to deemed planning permission but are associated with the delivery of the works requiring deemed planning permission, Network Rail will submit to LCC and gain approval for Land Restoration Plans that will be secured through the agreement formed with LCC, the environmental agreement. The land restoration plans will be based on those draft plans included in the ER for reference in Volume 2 Figures: Figures 8.6.1 to 8.6.5 Outline Draft Land Restoration Proposals.
- 4.2.4 For other land areas temporarily occupied through the powers in the Order that will also be utilised for the future wider TRU works and that will be carried out in these locations will comply with CR-E and the land shall be returned to the landowner in its pre-works condition as far as practicable to the satisfaction of the relevant landowner. In compliance with the environmental agreement (**Appendix B**), Network Rail will supply pre-site condition surveys to LCC for their reference for all temporarily occupied land, whether owned by LCC or not.

4.3 Biodiversity Net Gain

- 4.3.1 Network Rail complies with the TRU commitment for Biodiversity Net Gain (BNG) across its schemes from Manchester Victoria to York. BNG is defined as replacing the value of all habitats lost through de-vegetation and then adding 10% enhancement in addition to that replaced.



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- 4.3.2 The Request for Deemed Planning Permission (**CD 1.12**) includes draft condition 10 Biodiversity Net Gain, that secures the delivery of this commitment for the DPP elements of the Order Scheme within the LCC administrative boundary.
- 4.3.3 Network Rail will comply with BNG Defra metric 3.0 to retain consistency across the TRU programme of works. By default, the intention is to implement habitat replacement and enhancement immediately local to the location of the Order works but in all events Network Rail will complete all BNG works within the LCC administrative boundary.
- 4.3.4 In complying with Defra metric 3.0, Network Rail will be producing a Habitat Management Plan (HMP) that will detail the habitats to be maintained and monitored. The Technical Guidance that accompanies Defra metric 3.0 details the length of time each habitat will reach maturity and the HMP for biodiversity net gain, that is the maintenance period, will match these stated timeframes for the specific habitats created.
- 4.3.5 As noted in section 4.3.1, Network Rail is committed to BNG across the whole of TRU and can confirm that in addition to draft condition 10 securing BNG for the DPP elements of the Order Scheme, NR is committed to delivering BNG wherever there is de-vegetation on the Order Scheme, whether under DPP or Permitted Development. This commitment has been re-stated in the environmental agreement (**Appendix B**) that has been agreed with LCC.

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 Code of Construction Practice (CoCP) Part A which is included in the Order application (**CD 1.17**). As described in Section 1.3.2 of the CoCP Part A, the CoCP acts as an EMS framework on which all the construction-related incorporated mitigation identified in the Environmental Report (ER) (**CD 1.16**) is tied into the delivery of the Order Scheme and thus secured.
- 5.1.2 The CoCP Part A commits to general good environmental practice in delivering the Scheme and has been developed in considering Network Rail's "Contract Requirements – Environment" and other Alliance partner good practice. The CoCP Part A document also considers equivalent documents that have been developed and implemented successfully on previous TWAO schemes.



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5.2 Code of Construction Practice Part B

5.2.1 In addition to outlining standard environmental practice, the CoCP Part A outlines the requirement to submit detailed environmental management plans for conditional discharge to LCC in advance of constructing the Order Scheme, Part B of the document. As outlined in Condition 6 of the Request for Deemed Planning Permission (**CD 1.12**), Part B of the CoCP will include the following plans and programmes that must be submitted to and approved by LCC:

- 6c(i) an External Communications Programme;
- 6c(ii) a Pollution Prevention and Incident Control Plan,
- 6c(iii) a Waste Management and Materials Plan,
- 6c(iv) a Nuisance Management Plan concerning dust, wheel wash measures, air pollution and temporary lighting;
- 6c(v) a Noise and Vibration Management Plan including a construction methodology assessment; and,
- 6c(vi) a demolition methodology statement for relevant buildings

5.2.2 All plans and programmes must be produced in accordance with the provisions outlined in Part A of the CoCP and the mitigation described in the ER that is summarised in Chapter 16 of that document (ER Volume 1: Chapter 16 Summary of Mitigation). All plans and programmes will form part of the Alliance Construction "Environment and Social Management Plan" (ESMP) that is described in section 5.4.1 of my proof of evidence.

5.2.3 In addition to the CoCP Part B requirements of Condition 6, the DPP provides for standalone environmental conditions related to the construction period as follows:

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

5.2.4 The secured mitigation in completeness is detailed in the ER in Volume 1: Chapter 16: Summary of Mitigation.



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5.3 Commitments Register

- 5.3.1 The Alliance internally manages all incorporated mitigation from the ER, conditions and other environmental commitments through the production of an Scheme Commitments Register. The Commitments Register will list all relevant incorporated mitigation identified in the ER, CoCP, DPP conditions and the environmental agreement. The Commitments Register includes line items for each environmental delivery plan and programme and links to the mitigation required to discharge them.
- 5.3.2 The Commitments Register is an internal management tool that allows all environmental mitigation and other commitments to be logged, responsibility for completing assigned, which delivery plan or programme the mitigation item is situated in, timeframe for completion and eventual closing of that item.
- 5.3.3 The Commitments Register is a live document that will be updated in consideration of agreements yet to be made and additional conditions that may yet be identified, currently under discussion with LCC. Mandatory compliance with the Commitments Register shall form part of the Alliance Environment and Social Management Plan (ESMP) so that the Alliance is contractually obliged to comply with it.
- 5.3.4 Project delivery meetings will be used to discuss the progress of all commitments as identified in the Commitments Register and recommend any corrective actions as may be required.
- 5.3.5 Section 5.4 in general describes how the Alliance will internally manage the list of commitments, whether identified in the ER or elsewhere. This does not affect the power or ability that LCC has to control or enforce the measures agreed under the Order.

5.4 Alliance Environment and Social Management Plan

- 5.4.1 The ESMP is the internal Alliance document that outlines how environmental risk and opportunity will be managed during the construction phase of the TWAO works. The ESMP will also state how the requirements of the Environmental Report, CoCP, environmental conditions of the Order and any other environmental commitments will be implemented and complied with.

6. MITIGATION AND RESIDUAL EFFECTS

6.1 Archaeology

Mitigation



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Construction

- 6.1.1 Avoidance measures have been incorporated into construction design to remove impacts in specific areas as far as is practicable, for example the loopholed gatehouse at Austhorpe Lane or graves and gravestones at Kirkgate to Marsh Lane Land.
- 6.1.2 Within areas of temporary land use, a method of ground stabilisation by laying terram and geogrid protection will be implemented to minimise the risk to below-ground impacts to unknown potential archaeological assets.
- 6.1.3 As outlined in section 5.2.3, condition 9 Archaeology secures the requirement for Network Rail to submit and acquire approval from LCC for the construction methodology in protecting unknown potential archaeological assets. In consultation with LCC, the defined construction methodology may then require a specific WSI to be completed for areas of the Order Schemewhere unknown sub-surface assets may be present, to be agreed through consultation with West Yorkshire Archaeology Advisory Service.
- 6.1.4 Works carried out on land under temporary possession during the construction period that are permitted development, will comply as applicable with management and mitigation requirements as set out in CR-E Section 8.9 (Respecting cultural heritage and rail history), and also commitments as set out in the environmental agreement (**Appendix B**) that has been agreed with LCC.

Operation

- 6.1.5 There are no operational effects on any potentially existing but unknown archaeology and no mitigation is proposed.

Heritage

- 6.1.6 In considering above ground heritage assets such as structures with listed building status, I refer to the proof of evidence of Amy Jones who deals with Heritage & the Listed Building Consent Applications (**CD 7.32**).

6.2 Ecology

Mitigation

Construction



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6.2.1 The phase 1 habitat assessment and identification of risk from the Scheme during the construction phase results in standard mitigation measures as follows:

- Lighting Measures: to avoid unnecessary lighting as far as is possible included in Section 3.4 of the CoCP Part A (**CD 1.17**) and as part of the CoCP Part B Nuisance Management Plan, secured through planning condition);
- Noise Reduction: measures to reduce noise as far as is practicable (included in Section 8 of the CoCP Part A (**CD 1.17**) and as part of the CoCP Part B Noise and Vibration Management Plan, secured through planning condition);
- Surface Water Drainage and Pollution Prevention: pollution control and incident response measures (included in Section 7 of the CoCP Part A (**CD 1.17**) and as part of the CoCP Part B Pollution Prevention and Incident Control Plan secured through planning condition);
- Biosecurity Measures: specific and targeted measures to contain non-native invasive species and prevent spread as part of an Invasive Species Management Plan, supported by relevant Network Rail guidance notes and within the Landscape and Ecological Management Plan (LEMP), secured through planning condition 5 as detailed in Section 4.4 of the CoCP Part A (**CD 1.17**).

6.2.2 There are identified impacts on specific species during the construction period that will be mitigated as follows:

Bats

6.2.3 There is a confirmed bat roost at Ridge Road Bridge that contains a low conservation value single common pipistrelle summer transitory roost. The bridge will be demolished and reconstructed, and this will require a bat mitigation licence under the "Bat Earned Recognition" Scheme to be applied for and obtained from Natural England in advance of the works. The applicable draft licence application was submitted to Natural England and the "letter of no impediment" (LONI) was acquired on February 1st 2024, included as **Appendix C** to my proof.

6.2.4 This licence application identifies a detailed mitigation strategy with anticipated mitigation detailed in the ER in Volume 2 Appendices: Appendix



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7: Section 4.2. NR commits to sharing the proposed mitigation with LCC through compliance with the environmental agreement.

- 6.2.5 The Bat Earned Recognition scheme is a partnership project between Natural England, the Bat Conservation Trust and the Chartered Institute for Ecology and Environmental Management. The scheme is an alternative approach to a traditional standard bat licence (European Protected Species Mitigation Licence) and is designed to provide suitably experienced ecologists with professional accreditation for bat mitigation licences.
- 6.2.6 The application process to be accredited under the scheme is comprehensive and considers evidence of the surveyor's experience and competence in bat surveys and impact assessment, and the design and implementation of mitigation and compensation. There are three levels of accreditation based on the competency requirements and the levels reflect the conservation value of certain bat species and the types of roost to be affected. This ensures that only ecologists with the relevant level of competence can be accredited to work on projects that involve higher risks to bats and those bat species and roost types with higher conservation value. Once accredited the ecologist can apply to register a site using a more simplified and streamlined application process, compared with the traditional European Protected Species Mitigation Licence route, which is then assessed by Natural England. The roost type and bat species determine the level of detail required for the site registration application, compensation expectations and post-development monitoring, management and maintenance requirements.
- 6.2.7 The roost identified at Ridge Road (HUL4/14) is a common pipistrelle day roost which is considered to be a 'low conservation significance roost' for the purpose of the ER licence and would therefore be covered under Accreditation Level 1.
- 6.2.8 Trees that were identified as having suitable characteristics for roosting bats but contained no evidence of bats during phase 1 survey will be re-surveyed in advance of the potential requirement to remove the tree or otherwise deal with bats that may be affected in adjacent trees.

Great Crested Newts

- 6.2.9 The Austhorpe Lane Southeast Compound encroaches to within 50m of known great crested newt ponds within the Thorpe Park development.



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- 6.2.10 Works in these locations will progress using the Network Rail Great Crested Newt Organisational Licence which is granted by Natural England and delivered through NatureSpace and the Newt Conservation Partnership.
- 6.2.11 Natural England is the licensing authority and has granted a great crested newt 'Organisational Licence' to Network Rail which covers the Eastern Region of the Network Rail estate, that includes the area covered by the Order Scheme. This enables Network Rail to issue authorisations for specific rail-related works without further application to Natural England. The TRU East Alliance received confirmation that the proposed upgrade works are licensable under the Organisational Licence and have applied to be authorised under the scheme, this will ensure compliance with their legal duty to protect great crested newts. NatureSpace manage the licence process on behalf of Natural England.
- 6.2.12 The Network Rail Organisational Licence is an alternative approach to a traditional standard licence (European Protected Species Mitigation Licence) which is based upon a national landscape-scale approach to the conservation of the species rather than individual populations, or metapopulation-approach typical of a standard licence.
- 6.2.13 On application to use the licence, NatureSpace undertake a detailed metric assessment of the potential impacts to great crested newt habitats (ponds and terrestrial habitat) within the Order Scheme area based upon Species Distribution Models which are presented as risk zone maps. The great crested newt risk zones (Red, Amber and Green) seek to categorise the suitability of habitats present within the Order Scheme area to support great crested newts based upon factors such as pond density and distribution, habitat type, topography and data records. The results of TRU great crested newt surveys completed between 2020 and 2022 were also used to help refine the metric assessment for the Order Scheme area.
- 6.2.14 A compensation payment is calculated proportionally based on the predicted impact to great crested newt from the proposed works, this is paid to NatureSpace by Network Rail. The payment is used to fund the delivery of great crested newt mitigation through creation of high-quality ponds and terrestrial habitats in pre-selected offsite areas which are safeguarded from development and managed appropriately. As part of the licence conditions, best practice mitigation and reasonable avoidance measures will be implemented in the higher risk areas (i.e. Red and Amber zones); these will include timing certain works to avoid hibernation period, ecological watching



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briefs during vegetation removal/ground disturbing works and provision of tool box talks.

- 6.2.15 The works to raise Crawshaw Woods Bridge and the New Barrowby Lane Bridge encroach within 40m and 120m of ponds where great crested newt presence has potential but is unconfirmed. NR will apply a precautionary approach in these locations and prepare mitigation and protective measures on the assumption newts may be present and submit this mitigation to Natural England in compliance with the NR organisational licence.
- 6.2.16 Likely mitigation for the protection of great crested newts in compliance with the NR Great Crested Newt Organisational Licence is detailed in the ER in Volume 2 Appendices: Appendix 7: Section 4.2.21.
- 6.2.17 Other good practice measures will be adopted for the Order Scheme as follows:
- Habitat Demarcation for Trees and Hedgerows: measures to protect retained trees and hedgerows as outlined in the Tree Protection Plan and LEMP;
 - Order Scheme Clearance and Preparation: measures for pre-construction works including watching brief, suitable timing of works, and further pre-construction surveys;
 - Breeding Bird Mitigation: measures for vegetation clearance, including avoidance during bird-nesting season, or nest checks and watching briefs by trained personnel, as outlined in Section 4.2 of the CoCP Part A (**CD 1.17**); and,
 - Ecology tool box talks: delivery of relevant information to site workers.
- 6.2.18 Works carried out on land under temporary possession during the construction period that are permitted development, will comply as applicable with management and mitigation requirements as set out in CR-E Section 6.1 (Biodiversity), and also commitments as set out in the environmental agreement (**Appendix B**) as has been agreed with LCC.

Operation

- 6.2.19 As outlined in section 4.1.1, layout design or embedded mitigation, avoids impact on the ecological resource where possible to do so. The detailed description of these avoidance measures can be reviewed in the ER in Volume 3 Appendices: Appendix 7: Section 4.1.



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6.2.20 As described in section 4.3, temporary and permanent habitat loss will be mitigated by way of commitment to BNG, secured through draft planning condition 10 (Biodiversity Net Gain). The Biodiversity Metric 3.0 will be utilised to measure habitat loss and gain and then develop biodiversity enhancement, habitat creation, and management commitments in consideration of the requirement to offset the loss and provide a 10% enhancement.

6.3 Landscape and Visual Amenity

Mitigation

Construction

6.3.1 Various measures to protect landscape features during the construction of the Order Scheme are detailed in the ER in Volume 3: Appendix 8: Section 6.1.7 and this includes:

- Positioning, size and maintenance of site hoarding and perimeter fencing;
- Protecting existing valued trees and woodland adjacent to the Order Scheme in accordance with BS5837:2012 (specific protection details identified in Table 6.1 of Volume 3 Appendix 8);
- Soil protection measures are implemented for temporarily occupied land; and,
- Reduce unnecessary light spill as a requirement of CoCP Part B: (iv) Nuisance Management Plan.

6.3.2 The protection measures identified above in section 6.3.1 are secured through compliance with condition 4 (Land and Ecology – Preliminary Works), and condition 5 (Landscape and Ecology).

Operation

6.3.3 Substantial optioneering has been undertaken to identify suitable designs for all the relevant work components of the Order Scheme to limit visual and landscape impacts and effects. This includes design of temporary and permanent works to limit loss of trees and woodland. The full detail can be reviewed in the ER (**CD 1.16**) in Volume 3 Appendices: Appendix 8: Section 6.

6.3.4 In considering the landscape effects of the Order Scheme in operation, the mitigation is secured via draft condition 5 Landscape and Ecology as



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described in section 4.2.1, with the requirement to produce a LEMP to be submitted to and approved by LCC, that shall be based on draft proposals submitted in the ER (Volume 2: Figures 8.5.1 to 8.5.6): Outline Landscape and Ecological Mitigation Proposals. The LEMP will detail hard and soft landscaping works, compensate for the loss of mature vegetation, provide habitat connectivity and be designed to integrate the Order Scheme elements into the receiving landscape.

- 6.3.5 Works carried out on land under temporary possession during the construction period that are permitted development, will comply as applicable with management and mitigation requirements as set out in CR-E Section 8.3 (Connecting Communities with the Environment), and also commitments as set out in the environmental agreement (**Appendix B**) as has been agreed with LCC, principally in consideration of proposals submitted in the ER (Volume 2: Figures 8.6.1 to 8.6.5); Outline Draft Land Restoration Proposals.

6.4 Arboriculture

Mitigation

Construction

- 6.4.1 The ER reports on Arboriculture in section 9 with reference made to Draft Tree Protection plans in the ER in Volume 2 Figures: Figure 9.2.
- 6.4.2 The requirement to protect trees and woodland adjacent to the Order Scheme is secured through the implementation of condition 4 Landscape and Ecology – Preliminary Works, and condition 5 Landscape and Ecology, that must be submitted to and approved by LCC.
- 6.4.3 Tree protection plans that shall be submitted to LCC in compliance with Condition 4: Land and Ecology - Preliminary Works, shall be based on draft plans submitted in the ER (Volume 2: Figures 9.2.1 to 9.2.9: Draft Tree Protection Plan).
- 6.4.4 Works carried out on land under temporary possession during the construction period that are permitted development, will comply as applicable with management and mitigation requirements as set out in CR-E Section 8.3 (Connecting Communities with the Environment), and also commitments as set out in the environmental agreement (**Appendix B**) as has been agreed with LCC.

Operation



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- 6.4.5 The embedded mitigation to eliminate the need to remove valued trees and woodland through Order Scheme design is described in section 4.1.1.
- 6.4.6 New surfacing within root protection areas along the proposed footpath or bridleway through Micklefield Recreation Ground as a result of the Peckfield Level Crossing Closure will be achieved using a topsoil only removal construction methodology to help maintain soil structure and prevent compaction. The subsoil containing the root systems will be left undisturbed and then protected through installing a specialised geogrid layer over it. This will avoid long-term impact to the root protection area of the veteran tree and other trees.

6.5 Noise and Vibration

Mitigation

Construction

- 6.5.1 Controls to minimise noise and vibration effects are secured through Condition 6 Code of Construction Practice Part B: (v) Noise and Vibration Management Plan (NVMP), that must be submitted to and approved by LCC.
- 6.5.2 Standard methods to reduce noise and vibration to the lowest practicable levels will be in compliance with BS5228 “Best Practicable Means” (BPM) and will include measures such as:
- Accurate and reliable advanced notice of specific works to residents that will also be detailed in the CoCP Part B: (i) External Communications Programme, that must be submitted to and approved by LCC;
 - Modern plant is used and construction techniques consider BPM;
 - Site hoardings are of solid design where benefit from noise reduction is established; and,
 - Comprehensive site briefings ensure there is appropriate site behaviour in minimising any unnecessary noise.
- 6.5.3 The NVMP will state a requirement for Network Rail to prepare and submit a Section 61 application under the Control of Pollution Act 1974 to LCC for their agreement. The Section 61 assessment systematically predicts the noise that will occur during the works and then when any site specific mitigation is recommended beyond the standard mitigation identified above in section 6.5.2. The NVMP will be used to inform an exercise to distinguish which works



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components are appropriate for consent under the provisions of Section 61 and which might appropriately be managed through BPM in the absence of a Section 61 consent.

- 6.5.4 Works carried out on land under temporary possession during the construction period that are permitted development, will comply as applicable with management and mitigation requirements as set out in CR-E Section 6.6 (Noise and Vibration), and also commitments as set out in the environmental agreement (**Appendix B**) as has been agreed with LCC.

Operation

- 6.5.5 The design of the Micklefield TSC will be in compliance with Network Rail standard NR/SP/ELP/21030 and will include a prefabricated housing structure that will attenuate noise levels.
- 6.5.6 Further noise mitigation as may be required will be considered in the detailed design stage, for instance the possible requirement for additional solid housing and positioning the ventilation facing away from sensitive receptors.

6.6 Traffic and Transport

Mitigation

Construction

- 6.6.1 Construction traffic routing is described in detail in the ER in Volume 3 Appendices: Appendix 11.1: Section 3.4. The Request for Deemed Planning Permission: Condition 7 Traffic Management and Travel Plan that must be submitted to and approved by LCC, acts as the mechanism to secure the mitigation and controls in considering traffic management during the construction stage. The CTMP shall include at minimum:
- Temporary and permanent road closures;
 - Construction traffic routes, both local and from trunk roads;
 - Any specified traffic restrictions;
 - Any temporary traffic control measures;
 - Monitoring construction HGV compliance with traffic routing;
 - Site specific controls to manage nuisance;
 - Prohibition of parking along public roads.



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- 6.6.2 A Highways Working Group that includes Network Rail and relevant project members meeting with LCC (Highways Authority) on a periodic basis to discuss and agree traffic provisions as stipulated in a future Order will be set up. The CTMP will reflect agreements made in the Highways Working Group forum.
- 6.6.3 The CTMP will include a Travel Plan to encourage sustainable transport for construction staff, both in getting to site and when moving round site locally.
- 6.6.4 The CTMP will also address the detail of level crossing closures, Public Right of Way (PRoW) and non-PRoW diversions as required for the Order Scheme.
- 6.6.5 Works on land under temporary possession during the construction period that are permitted development, will comply as applicable with management and mitigation requirements as set out in CR-E Section 6.7 (Dust, Odour and Lighting), and also commitments as set out in the Highways Agreement that has been agreed with LCC.

Operation

- 6.6.6 There is no requirement for specified mitigation for the Order Scheme in operation.

6.7 **Geo-environment**

Mitigation

Construction

- 6.7.1 The ER in general addresses geo-environmental issues and recommends precautionary mitigation for what is considered low risk across the Order Scheme for components addressed in the ER in Volume 1 Main text: Table 12.2. Main elements of mitigation during construction include:
- Acquisition of coal authority permit as may be applicable that will determine gas and groundwater sampling requirements during works;
 - Dust generation suppression and protection of controlled waters will be controlled via Condition 6 CoCP Part B 6c(iv) Nuisance Management Plan and 6c(ii) Pollution Prevention and Incident Control Plan that must be submitted to and approved by LCC;
 - Re-use of excavated material in accordance with the CL:AIRE Definition of Waste Development Industry Code of Practice;



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- 6.7.2 The management of potentially land with contamination will be in accordance with standard Network Rail requirements as required for Permitted Development works. This requires compliance with CR-E and particularly section 6.2 of CR-E that requires an initial hazard review of each site that may or may not then result in a Preliminary Risk Assessment (PRA).
- 6.7.3 The PRA, if required, for example for piling activity at the Kirkgate to Marsh Lane Land, includes a conceptual site model that facilitates an evaluation of the risks associated with the pollution linkages.
- 6.7.4 If the PRA identifies potential risks, a Generic Quantitative Risk Assessment (GQRA) will be conducted on the relevant site, based on supplementary ground investigation. This assessment will identify options to remediate or otherwise prevent or minimise any potential effects.
- 6.7.5 This process will be confirmed in the environmental agreement (**Appendix B**) that has been agreed with LCC and will include liaison with the relevant officer in the local authority at each stage described.
- 6.7.6 The environmental agreement (**Appendix B**) will also detail the process to be undertaken should unexpected contamination be encountered on any site during construction works.
- 6.7.7 This process is captured in draft condition 11 “Land with Contamination”, that is contained in the appendix to the proof of evidence of Tony Rivero (Appendix: Current status of planning conditions to be attached to the deemed planning consent).

Operation

- 6.7.8 As identified above in section 6.7.4, should the process lead to an identification of specific ground conditions that has the potential to affect proposed infrastructure, for example in relation to the Micklefield TSC site, this may then require designs to be adjusted, for example using concrete and service pipes appropriate for any chemically aggressive ground conditions.

6.8 Water Environment

Mitigation

Construction

- 6.8.1 The CoCP Part A (**CD 1.17**) identifies the mandatory protection measures that must be employed across the Order Scheme . This includes management of



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surface flooding during the construction phase during periods of heavy rainfall.

- 6.8.2 The relevant protection measures will be included in the Pollution Prevention and Incident Control Plan (PPICP) that is required by condition (CoCP Part B: 6c(ii) PPICP, that must be submitted to and approved by LCC.
- 6.8.3 Works carried out on land under temporary possession during the construction period that are permitted development, will comply as applicable with management and mitigation requirements as set out in CR-E Section 6.8 (Pollution of Land / Water), and also commitments as set out in the environmental agreement (**Appendix B**) as has been agreed with LCC.

Operation

- 6.8.4 An outline drainage strategy will be prepared for the Micklefield TSC with discharge runoff from the Order Scheme area proposed to the existing track drainage and existing highway drainage if infiltration is not viable. The outline drainage strategy will be submitted to LCC for approval.
- 6.8.5 There is no additional risk to flooding created by the Order Scheme design and therefore no applicable mitigation is proposed.

6.9 Agriculture

Mitigation

Construction

- 6.9.1 The mandatory measures to mitigate the impact on soil resources and ensure that land used temporarily will be returned to the landowner in the same condition as existing is set out in the CoCP Part A (**CD 1.17**) in section 10.4. This requires that materials management during construction will include good practice measures for storage, handling and reinstatement of soils to avoid compaction and biodegradation of soils, and maintain their quality.
- 6.9.2 Further to the requirements set out in the CoCP Part A, the Request for Deemed Planning Permission (**CD 1.12**) includes Condition CoCP Part B 6(iii) Waste Management Plan and Materials Plan, that must be submitted to and approved by LCC where all relevant information will be detailed.
- 6.9.3 In considering the requirement to restore farmland to its previous state, this will also be detailed in the LEMPs that are required through condition 5 Landscape and Ecology and will provide the detail of what has been submitted



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in outline in the ER in Volume 2 Figures: Figures 8.5.1 to 8.5.6 Outline Landscape and Ecological Mitigation Proposals.

- 6.9.4 For areas of farmland occupied temporarily that are not subject to DPP, these will be restored to pre-works activity condition in accordance with ER Volume 2 Figures: Figures 8.6.1 to 8.6.5 Outline Draft land Restoration Proposals. The detail of these outline restoration proposals will be submitted to LCC for approval as will be required through the letter of environmental commitment.

Operation

- 6.9.5 There is no requirement for mitigation in considering Agriculture for the Order Scheme in operation.

6.10 Sustainability and Climate Change

Mitigation

Construction

- 6.10.1 The details contained in the TWAO application by default identify that the Order Scheme will be delivered sustainably in the construction stage. Reference can be made to the ER (**CD 1.16**) in Volume 3 Appendices: Appendix 15 Sustainability and Climate Change: Table 2.1. Table 2.1 identifies the criteria relevant to and assessed for the Order Scheme based on Leeds City Council's Checklist for Developers as set out in the Building for Tomorrow Today Supplementary Planning Document.
- 6.10.2 The commitment to various environmental plans and required controls for the construction stage, including a commitment to use the Building Research Establishment Environmental Assessment Methodology (BREEAM) Infrastructure methodology as a framework for assessing sustainability of the whole Order Scheme including all rail components from Leeds to Micklefield and apply the CoCP Part A and Part B, provide the mechanism to appropriately manage and reduce impacts or effects where feasible. Examples of this sustainable approach are taken from ER (**CD 1.16**) Volume 3 Appendices: Appendix 15 Sustainability and Climate Change: Table 3.1 and examples are listed here:
- Restoring land to pre-works condition;
 - Drainage study for relevant components, e.g. Micklefield TSC;
 - Site setup including solar / hybrid generators;



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- Resource efficiency and materials management;
- Heritage protection and enhancement;
- Biodiversity Net Gain – replacing habitat loss and adding 10%;
- Embedded design to avoid mature tree loss where practicable.

Operation

- 6.10.3 The Order Scheme works are required in support of the wider electrification for the TRU route from Manchester Victoria through to York. Electrification of main routes such as TRU form part of Network Rail's strategy to be carbon neutral by 2050 by removing direct consumption of fossil fuels from diesel units.

7. IMPACTS ON BIODIVERSITY (STATEMENT OF MATTERS)

The impact of the closure of Peckfield and Garforth Level Crossings and particularly the proposed diverted bridleway and impacts on biodiversity and wildlife (Item 4 Statement of Matters)

- 7.1.1 I refer to the proof of evidence of Michael Westwood (**CD 7.26**) who identifies the optioneering that has been conducted that identifies the required works to close Peckfield Level Crossing and the proof of Suzanne Bedford (**CD 7.29**) on the proposed diversion of Garforth Moor Level Crossing.
- 7.1.2 The potential effects on ecology from the closure of Peckfield Level Crossing are identified in the ER in Volume 3 Appendices: Appendix 7 Ecology: Table 3.25: Summary of the potential effects on ecological features (Page 63 of 116) (**CD 1.16.02**).

Diverted Bridleway Peckfield Level Crossing

- 7.1.3 Table 3.25 (identifies the potential loss of scattered trees and hence loss, fragmentation and / or degradation of District and Local value habitats. In my proof of evidence at section 4.1.1, I outline the embedded mitigation that facilitates the avoidance of tree removal where practicable to do so. The proposed footpath/ bridleway, without the proposed mitigation, would have the potential to impact on the root protection area of mature trees, including a veteran tree, along the southern boundary of the Micklefield Recreation ground. T44 is recorded on the Tree Survey Schedule in NR16, Volume 3: Appendix 9, as a veteran tree, having 'good' physiological condition, with a healthy crown condition. It would not be possible to route the footpath or



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bridleway around the edge of the root protection area of the veteran tree (T44) as it would encroach into the playing field, football pitch and associated fencing of the Micklefield Recreation Ground. An Arboriculture Impact Assessment is provided in Appendix 9 of NR16. The design of the path surface would be developed during the detailed design phase and would take into account the Arboriculture Impact Assessment that includes recommendations for a construction methodology that avoids any requirement for excavation and helps to maintain soil structure and prevent compaction as described in section 6.4.6 of my proof. The required detail to protect trees where practicable to do so, that includes veteran tree T44, must be included in the relevant LEMP that will be submitted to LCC for approval by condition.

Lower Peckfield Lane diversion

- 7.1.4 The Lower Peckfield Lane diversion provides an example of how micro siting of passing places facilitates the reduction of tree removal. This commitment is demonstrated in the ER in Volume 2: Figure 8.5.6: Outline Landscape and Ecological Mitigation Proposals (**CD 1.16.01**), noting that the LEMP that will detail the final location of the 3 passing places required on Lower Peckfield Lane must be submitted to and approved by LCC by condition.

Other potential ecological effects at Peckfield Level Crossing

- 7.1.5 The ER identifies other potential effects on ecology in consideration of the works required to close Peckfield Level Crossing as in other areas of the Order Scheme. The ecological report in the ER in Volume 3: Appendix 7 identified potential effects on species bats (foraging and commuting), breeding birds, brown hare, common toad and hedgehog. The ecology report concludes that best practice environmental management is sufficient to mitigate the standard ecological risks as identified in the CoCP Part A (**CD 1. 17**) and that will be stipulated in the various environmental management documents required to be submitted to and approved by LCC by condition as CoCP Part B documents.

Garforth Moor Level Crossing

- 7.1.6 There are no physical works proposed at Garforth Moor Level Crossing. The level crossing is already temporarily stopped up and is included in the Order application solely to facilitate the permanent closure of the public right of way (Garforth 7). There will be no impact on biodiversity or wildlife in this location.



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The wider impact of the proposed works on the surrounding wildlife and biodiversity, including the proposed tree felling at Manston Lane (Item 7 Statement of Matters).

- 7.1.7 The effects on ecology and biodiversity are described in the ER in chapter 7 Ecology. The full detail of the impacts are included in the ER in Volume 3 Appendices: Appendix 7 Ecology (**CD 1.16.02**).

International or European-level designated sites

- 7.1.8 There are no international or European-level designated sites located in the study area of the Order Scheme boundary. A total of one Site of Special Scientific Interest, two Local Nature Reserves, and twelve Local Wildlife Sites or Sites of Importance for Nature Conservation comprise the statutory and non-statutory designated sites located in the study area. The relevant works components of the Order Scheme will not result in direct loss to any of these designated sites and there are no observed impact pathways between the relevant works components of the Order Scheme and these sites.

Leeds Habitat Network

- 7.1.9 Five of the relevant works components of the Order Scheme would result in direct impacts to the Leeds Habitat Network, including minor temporary habitat loss at four of the works components and a small permanent loss of habitat associated with the Micklefield TSC. In addition, there is the potential for indirect impacts through increases in dust, pollution incidents, and damage to root protection areas resulting in habitat degradation. None of the works components will result in significant adverse impacts on the integrity and connectivity of the Network. Direct and indirect impacts are also predicted on deciduous woodland (priority habitat) located within the Order Scheme Boundary at the Replacement Austhorpe Lane Bridge and Austhorpe Lane Gas Main Diversion.
- 7.1.10 The embedded mitigation measures identified in section 4.1.1 of my proof contribute to the overall protection of the Leeds Habitat Network and the avoidance of significant effects, with particular reference to the retention of habitat along the railway embankments.

Species

- 7.1.11 Suitable habitats for bat foraging and commuting, breeding birds, and (excluding Kirkgate to Marsh Lane Land) reptile foraging/ basking is located within and adjacent to all relevant works components of the Order Scheme ,



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and therefore there is the risk of fragmentation or disturbance to bats, the destruction of birds' nests, or direct harm/ killing of reptiles. Suitable habitats for badger, bat roosts (including one confirmed roost in the existing Ridge Road Bridge), great crested newt, brown hare, common toad, hedgehog, and bluebell (notable flora) is present within or adjacent to the Order Scheme boundary of at least one relevant works component of the Order Scheme . Therefore, there is the risk of disturbance to badger setts, bat roost destruction or disturbance to roosting bats, and direct harm or killing/ destruction of identified species during construction, that is addressed with the implementation of standard environmental mitigation I describe in sections 6.2.1 of my proof.

Invasive Non-Native Plant Species

- 7.1.12 Invasive Non-Native Plant Species (INNPS) have been observed within the boundary of the replacement Austhorpe Lane Bridge and Austhorpe Lane Gas Main Diversion and The New Barrowby Lane Bridge, and on embankments near the replacement Ridge Road Bridge and the Ridge Road Gas Main Diversion. The risk of construction activities causing the spread or dispersal of INNPS through disturbance or tracking of seeds/ plant material, is mitigated by the implementation of a INNPS Management Plan which is required to be included in the relevant LEMP as outlined in section 7.3.1 of the ER (**CD 1.16**).

Mitigation Hierarchy

- 7.1.13 Section 4.1.1 of my proof of evidence outlines the mitigation hierarchy that minimises the effects on wildlife and biodiversity that are outlined in sections 7.1.8 to 7.1.12 above.
- 7.1.14 Whilst absolute loss is minimised, the relevant mitigation to address the residual risk is clearly stated in the ER. I refer to the ER in Volume 2: Figures and particularly Figures 8.5.1 to 8.5.6 Outline Landscape and Ecological Mitigation Proposals, where the relevant mitigation is given in outline with the detail for these plans to be submitted to and approved by LCC by condition for the deemed planning permission elements of the Order Scheme.
- 7.1.15 I also refer to the ER Volume 2 Figures 8.6.1 to 8.6.5 Outline Draft Land Restoration Proposals, that refer to proposed land restoration in areas of the Scheme that are not subject to deemed planning permission. Network Rail is content to consult over and have these plans approved by LCC as committed to in the environmental agreement formed between Network Rail and LCC.



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Biodiversity Net Gain

- 7.1.16 I further refer to section 4.3 of my proof of evidence where I outline Network Rail's commitment to Biodiversity Net Gain (BNG) that reflects the wider TRU commitment to BNG as a general principle. In the case of this Order Scheme, the requirement to achieve a minimum BNG of 10% within the LCC administrative is secured through the deemed planning condition 10 Biodiversity Net Gain.
- 7.1.17 Whilst my proof of evidence demonstrates that vegetation loss and hence habitat loss is minimised through embedded mitigation, condition 10 BNG safeguards the replacement of that habitat loss by measurement in compliance with Defra metric 3.0, and further safeguards the minimum 10% increase in biodiversity. In this way all habitat loss, both temporary and permanent is offset with a 10% increase in biodiversity required by condition.

Species Protection

- 7.1.18 A bat mitigation licence will be required from Natural England to remove a lone pipistrelle bat transitory roost and I describe this requirement in sections 6.2.3 to 6.2.5 of my proof of evidence. Network Rail has acquired a Letter of no impediment (LONI) from Natural England (**Appendix C**) for the future acquisition of the bat licence.
- 7.1.19 Network Rail will utilise its existing Great Crested Newt Organisational Licence to mitigate the potential effects on great crested newts at Austhorpe Lane compound. This mitigation is required as Network Rail is implementing mitigation to reduce woodland removal at the Austhorpe Land gas main diversion site by extending the compound to the east. I describe this requirement in sections 6.2.9 to 6.2.14 of my proof of evidence.
- 7.1.20 General protection of species is implemented through environmental management standard procedures as outlined in the CoCP Part A (**CD 1.17**) and will be further detailed in the CoCP Part B environmental management documents that must be submitted to and approved by LCC by condition.

Manston Lane tree removal

- 7.1.21 The construction compound that is accessed off Manston Lane will be used to facilitate the renewal of track, store materials and provide welfare facilities. I refer to the ER in Volume 2 Figures: Figure 8.5.3 Outline Landscape and Ecological Mitigation Proposals (Works to Raise Crawshaw Woods Bridge) (**CD 1.16.02**). Figure 8.5.3 identifies that trees will be retained and protected



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adjacent to Manston Lane as identified by a green coloured hash. Figure 8.5.3 also identifies that a veteran tree will be retained and protected within the area designated for the compound. There is no identified tree removal in the Manston Lane area.

- 7.1.22 Manston Lane connects into Austhorpe Road to the west. Tree removal has been identified at Austhorpe Lane where there are works to reconstruct the road bridge and divert the high-pressure gas main. To divert the high-pressure gas main specifically, a small but significant section of tree removal is required in the woodland directly to the southeast of the road crossing. I refer to the proof of evidence of Paul Harrison (**CD 7.05**) who considers the options for this work. .
- 7.1.23 Further to consultation with LCC, Network Rail mitigated the effects on the woodland and reduced the tree loss as far as practicable by extending the required compound and working area to the east. This can be seen in the ER in Volume 2: Figure 8.5.2: Outline Landscape and Ecological Mitigation Proposals (Replacement Austhorpe Lane Bridge, Footbridge and Gas Main Diversion) that shows the area subject to the development of a LEMP and highlights the general principle of retaining as much tree cover as practicable in completing the gas main diversion. I further refer to Volume 2: Figure 8.6.1: Outline Draft Land Restoration Proposals, that shows the extension of the compound to the east that facilitates the reduction in tree removal at the actual work site. The additional land to the east is not included under Deemed Planning and hence is included as a restoration proposal as committed to in the environmental agreement.
- 7.1.24 In protecting the woodland at Austhorpe Lane as far as is practicable by including an extension of the compound to the east, this means that Network Rail must make use of its Great Crested Newt Organisational licence to protect an existing population of great crested newts as outlined in sections 6.2.9 to 6.2.14 of my proof.
- 7.1.25 The final landscaping of the area will be the subject of the relevant LEMP that must be submitted to and approved by LCC by condition.
- 7.1.26 It is worth re-stating that unavoidable tree loss is also accounted for in considering Biodiversity Net Gain with the requirement by condition to replace the value of all habitat loss in accordance with Defra metric 3.0 and provide a minimum 10% increase on that loss.

Summary comment on Item 7 Statement of Matters



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- 7.1.27 The relevant works components of the Order Scheme have been sensitively designed and positioned with reference to the existing baseline conditions and potential pathways for impact (e.g. avoiding habitats of higher ecological value where possible). With the implementation of the embedded and specific mitigation measures outlined in my proof of evidence, no notable residual construction or operational effects are anticipated as a result of the relevant works components of the Order Scheme.
- 7.1.28 It is anticipated that there would be an overall benefit to biodiversity following implementation of the LEMP and BNG commitments; the proposed habitats will be more diverse and species-rich and connectivity between habitat features will be improved.

8. OBJECTIONS

8.1 Introduction

- 8.1.1 This section of the environmental proof of evidence addresses objections to the Order Scheme which are relevant to specific areas of the Environmental Report (**CD 1.16**).
- 8.1.2 Network Rail is currently actively engaging with all those who have raised objections and representations to the Order Scheme in an attempt to address issues raised.
- 8.1.3 Whilst matters of objection are being addressed directly with LCC, Network Rail has agreed a Statement of Common Ground (SoCG) with LCC that both describe matters resolved and those outstanding.
- 8.1.4 The SoCG sets out agreed matters but will also and equally importantly identify items that still need to be resolved or are still in disagreement. This provides the mechanism to focus on areas of disagreement at public inquiry should that be required.

8.2 Objection 04 - Maria Helma Klima

Visual appearance of bridge at Barrowby Lane

- 8.2.1 Ms Klima (Obj04) expresses concerns about the visual appearance of a new pedestrian footbridge over Barrowby Lane that replaces the existing level crossing.
- 8.2.2 A visual appraisal of the bridge has been undertaken from two viewpoints to the north of the bridge (Viewpoint 9 and Viewpoint 10) as indicated on Figures



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8.3.4, 8.4.9 and 8.4.10 in Volume 2: Figures of the Environmental Report (**CD 1.16.01**) and reported in Table 5.1 in Appendix 8, Volume 3: Appendices of the Environmental Report (**CD 1.16.02**).

- 8.2.3 Proposals include mitigation measures to reduce any visual impact, including native woodland and species rich hedgerow planting to the north and south of the railway line, as illustrated in the Outline Landscape and Ecological Mitigation Proposals Figure 8.5.4 in Volume 2: Figures of the Environmental Report (**CD 1.16.01**). The proposed planting will form a connection to existing woodland and filter views, which will help to integrate the bridge into the existing landscape. The detailed landscape and ecological management plan will be submitted to LCC for approval under Condition 5 Landscaping & Ecology (refer to Request for Deemed Planning Permission (**CD 1.12**)).

Effects on wildlife

- 8.2.4 Ms Klima expresses concern over the effects on the local wildlife.
- 8.2.5 Substantial work has been undertaken to identify suitable designs to limit any ecological impacts from the proposals at Barrowby Lane. For example, the footprint of the associated temporary land use (including construction compound) and new access tracks to the bridge have been designed to ensure existing mature and veteran trees are retained and protected where feasible as shown in Figures 8.5.4 and 8.6.3 in Volume 2 of the Environmental Report (**CD 1.16.01**). Where effects have been identified, appropriate mitigation and habitat enhancement measures have been incorporated into the design.
- 8.2.6 Network Rail will make all practicable effort to minimise tree and vegetation removal in relation to the delivery of the Order Scheme . Where tree removal is unavoidable, this shall be mitigated through implementation of the detailed Landscape and Ecological Management Plan, as outlined in section 6.3.4 that is intended to mitigate landscape and also ecological effects.

8.3 Objection 07 - Leeds City Council

8.3.1 Air Quality Assessment

LCC comment

- 8.3.1.1 LCC comment on the lack of an air quality assessment for the Order Scheme.

NR response



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8.3.1.2 The screening request submitted by Network Rail stated that air quality effects during construction were not significant with residual effects managed through CR-E. In considering the Order Scheme, the ER requires a Nuisance Management Plan to be produced and this mitigation is secured through planning condition 6(c)(iv) CoCP Part B: "A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting", that must be submitted to and approved by LCC. It is at this point of approval that the Council can satisfy itself that residual effects will be appropriately managed through the document submitted.

8.3.1.3 In terms of operation of the new railway, the TRU project enables rail engine diesel stock to be replaced by electrified trains which produces a positive environmental effect through the reduction of emissions, though only marginally or negligibly beneficial given rail air emissions from diesel trains is already low in general compared to accumulated road emissions.

8.3.2 Addendum to Statement of Case (19/01/2024)

LCC Comment Peckfield Crossing (section 2.2.2)

8.3.2 LCC question the location of the proposed footpath at Peckfield Crossing that crosses a specified tree protection zone and could be at risk of deadwood falling on users of the new footpath.

NR Response: deadwood falling

8.3.3 It is assumed given the existing land use as a recreation area, this would already require the landowner (Micklefield Parish Council as sole trustee of Micklefield Recreational Ground Charity) to assess tree risk versus land use as the area below the tree might be somewhere where people stand to watch sports matches or find shade in the summer. A likely low use bridleway or path where users are passing through/transient and are not stationary, does not in my opinion increase the target for any deadwood or other defects.

NR Response: Tree protection zone

8.3.4 I refer to the ER main report (section 9.2.24) (**CD 1.16**). The proposed footpath or bridleway would be positioned within the amended Root Protection Area of T44, a veteran tree. Any new surfacing will be achieved using a 'no-dig' construction installed under the supervision of an arboriculturist (such as the use of a proprietary 3D cellular confinement system (such as Cellweb or equivalent)) and this will avoid any requirement for excavation below the topsoil and will help to maintain soil structure and prevent compaction.



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- 8.3.5 Providing mitigation to protect the RPA of veteran tree T44 is seen as preferable to diverting the footpath around the RPA but then necessarily removing an area of the recreation field.

8.4 Objection 16 – E Galley

Carbon footprint of the proposals

- 8.4.1 I note the concerns raised by Mr Galley (**Obj16**) relating to an increase in emissions from the operation of the new railway. The Order is to facilitate the construction of infrastructure that will enable the line to be electrified. Network Rail benefits from Permitted Development rights to implement electrification across the TRU route. This is why there is no specific information on any environmental effects in the Environmental Report from the operation of electrified trains. However, Mr Galley's concerns are noted concerning emissions and noise and the following information is included for reference.

- 8.4.2 The TRU route will be electrified, and this leads to a reduction in carbon emissions that fits in with Network Rail's strategy to electrify its main rail lines as a method to reduce carbon consumption from trains in operation by replacing diesel units with electrified units.

Operational noise increases

- 8.4.3 The Order Scheme facilitates future electrification works that means that new rolling stock, electrified trains will run on the line. There will be an increase in average noise levels from larger and faster trains using the line, but the increase will be a negligible increase. It should be noted that engine noise will decrease with diesel engines replaced by electrified units.

Sustainable approach

- 8.4.4 Mr Galley states that the works are not sustainable. As I outline in section 6.10.3, the principal benefit of the TRU programme of works is in reducing operational carbon consumption and emissions. This is described in more detail in the ER in Volume 3: Appendices: Appendix 15 Sustainability and Climate Change.
- 8.4.5 In addition, Appendix 15 outlines the general sustainable approach taken in Order Scheme development and how the proposed works will be constructed.



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8.5 **Objection 21 – J Freeman (Obj 22 repeats from other community members)**

Austhorpe Lane Bridge and the effects on ecology

- 8.5.1 Mr Freeman (**Obj21**) is concerned about the effects on ecology and the removal of trees in considering the gas main diversion and reconstruction of Austhorpe Lane Bridge.
- 8.5.2 An ecological appraisal has been prepared and is included in Chapter 7 in Volume 1 and Appendix 7 in Volume 3 of the Environmental Report (**CD 1.16**) submitted with the Order application. To inform the ecological appraisal, ecological surveys of habitats and species (including bats) have been undertaken at Austhorpe Lane and the surrounding area, including the woodland. A description of surveys undertaken is included at section 3.1.6 in Appendix 7. Survey results have been used to inform the potential ecological impacts and effects of the proposed works, identify mitigation measures and residual effects (refer to Table 4.1 in Appendix 7).
- 8.5.3 As detailed in section 4.1.1 of Appendix 7, the southern compound required to support the gas main and bridge replacement works at Austhorpe Lane has been extended into the grassland area to the east of the woodland block to reduce the loss of priority woodland as far as practicable and to retain trees with bat roost suitability. Volume 2 of the Environmental Report (**CD 1.16**) includes plans to illustrate the proposed mitigation at Austhorpe Lane, including replanting woodland following construction works – refer to Volume 2, Figure 9.1.3 (Tree Constraints Plan at Austhorpe Lane), Figure 9.2.3 (Draft Tree Protection Plan at Austhorpe Lane), Figure 8.5.2 (Outline Landscape and Ecological Mitigation Proposals at Austhorpe Lane) and Figure 8.6.1 (Land Restoration Proposals near Austhorpe Lane). This detail must be approved by LCC by condition when the LEMPs are submitted at Austhorpe Lane and by agreement for land restoration at land to the east of Austhorpe Lane as outlined in the environmental agreement (Appendix B) that has been agreed with LCC.

8.6 **Objection 26 - J Kilburn and B Elliott**

Construction Traffic Management Plan

- 8.6.1 J Kilburn and B Elliott ask whether they will be consulted regarding the Construction Traffic Management Plan (CTMP).



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- 8.6.2 The general public will not be consulted directly on the contents of the Construction Traffic Management Plan (CTMP). However, highways diversions and closures will be directly managed via a Highways Agreement that has been agreed with LCC. In addition, a Construction Traffic Management Plan (CTMP) must be submitted to and approved by LCC under draft condition 7 Construction Traffic Management and Travel Plan (**CD 1.12**). The CTMP will detail the road closures and diversions agreed with LCC, including temporary signage, and will also identify all the controls regarding minimising the nuisance that might be caused by construction traffic.
- 8.6.3 It should be noted that the CoCP Part A (**CD 1.17**) in sections 2.4.10 to 2.4.16 titled "Community Consultation and Engagement", commits Network Rail to engage proactively with the general public. Section 2.4.13 specifically commits to regular consultation with residents where local traffic arrangements, amongst other matters, will be outlined.
- 8.6.4 In addition, the CoCP Part A at section 2.4.10 identifies that an External Communications Programme must be submitted to and approved by LCC by condition (draft condition 6c(i)). The external communications programme will identify the detail of the required ongoing public engagement required in implementing the Order Scheme.

Mature tree protection bordering Railway Road

- 8.6.5 Protection of mature trees bordering the Order limits on Railway Road is requested by J Kilburn and B Elliott.
- 8.6.6 The draft tree protection plan is detailed in the Environmental Report (**CD 1.16**) that was submitted with the Order application, in Volume 2, Figure 9.1.3 (Tree Constraints Plan at Austhorpe Lane), Figure 9.2.3 (Draft Tree Protection Plan at Austhorpe Lane), Figure 8.5.2 (Outline Landscape and Ecological Mitigation Proposals at Austhorpe Lane) and Figure 8.6.1 (Land Restoration Proposals near Austhorpe Lane).
- 8.6.7 As detailed in Figure 9.2.3 and Figure 8.5.2, it is proposed to retain the boundary vegetation along the area identified by J Kilburn and B Elliott as far as practicable to maintain screening of the works.
- 8.6.8 Further details for tree protection and mitigation related to tree loss will be outlined in the LEMP, which will be submitted to LCC for approval by condition (Deemed Planning Permission – Conditions 4 and 5 Landscaping and Ecology **CD 1.12**) and will be based on information supplied in Figure 8.5.2 of the ER.



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- 8.6.9 For the boundary vegetation on the western-most extent of Railway Road, this is not within the deemed planning boundary, therefore this land will be restored to pre-works condition to the satisfaction of the landowner as set out within Figure 8.6.1 of the Environmental Report.

Land restoration

- 8.6.10 J Kilburn and B Elliott ask what will happen to the land at the end of the Scheme.

- 8.6.11 I refer to my response in section 6.3.4 that outline re-planting proposals and the requirement for a LEMP to be approved by LCC. Other land used for the Scheme will be returned to its pre-works activity condition to the reasonable satisfaction of the affected landowners.

Landscape and Ecological Management Plan

- 8.6.12 J Kilburn and B Elliott ask when the relevant LEMP will be produced.
- 8.6.13 As explained in section 6.3.4, a LEMP must be submitted to and approved by LCC under draft condition 5 (**CD 1.12**). The LEMP must be produced within 3 months of the start of the construction works.
- 8.6.14 Biodiversity Net Gain requirements
- 8.6.15 J Kilburn and B Elliott enquire as to when the Biodiversity Net Gain documentation will be issued and if it is for public consultation.
- 8.6.16 The Biodiversity Net Gain Strategy will be prepared and submitted to LCC for approval by condition (Deemed Planning Permission – Condition 10 Biodiversity Net Gain **CD 1.12**) in advance of the main construction works. The Biodiversity Net Gain Strategy is not a document which is directly consulted on publically.
- 8.6.17 However, it would be quite normal for Network Rail to engage with any relevant local groups to identify any opportunities to realise net gain in implementing the condition as discharged.

Non-native invasive plants

- 8.6.18 J Kilburn and B Elliott enquire about the management of non-native invasive plants.
- 8.6.19 Control of non-native species, that is removal and the prevention of spread such as the Order Scheme activities has the potential to generate, will be

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implemented during construction as detailed under 4.1.8 to 4.1.9 in Appendix 7 Technical Note – Ecology, in Volume 3 of the Environmental Report (**CD 1.16**). An Invasive Non-Native Plant Species management plan will be produced as part of the Landscape and Ecological Management Plan, which will be prepared and submitted to and approved by LCC by condition (Deemed Planning Permission – Condition 5 Landscaping and Ecology).

9. WITNESS DECLARATION**9.1 I hereby declare as follows:**

- a) This 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 used to redact the signature of the witness.

Jim Pearson

Date: 6th February 2024