

The Network Rail (Leeds to Micklefield Enhancements) Order

CD 8.04 – Rebuttal Proof of Evidence – Jim Pearson

**TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER**

**REBUTTAL PROOF OF EVIDENCE OF ENVIRONMENT
OF
JIM PEARSON**

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1 Introduction

- 1.1 This rebuttal evidence has been prepared on behalf of Network Rail to the Proof of Evidence prepared on behalf of OBJ 07 – Leeds City Council (LCC), which concerns the evidence of Robert Buckenham (**CD 7.34**) and Mr Peter Freeman's objection to Open Space certificate.
- 1.2 It is not intended that this rebuttal proof should address further points that I or other witnesses for Network Rail have previously covered in evidence.
- 1.3 The point responded to is shown in bold text. This is followed by my response.

2 CD 7.34 – Proof of Robert Buckenham

- 2.1 Please refer to page 3 of Robert Buckenham's Proof of Evidence:

"The recreation ground has a number of mature trees present within a tree root protection zone which introduces a risk of deadwood falling onto the public using the alternative highway and of damage to tree roots and other ecological impacts".

NETWORK RAIL's RESPONSE

Root protection

- 2.2 I deal with the subject of root protection in section 6.4.6 of my main proof of evidence. In general, all root protection zones will be protected in accordance with guidance set out in BS5837.
- 2.3 My proof of evidence states that there would be topsoil removal for the bridleway to the east of Peckfield level crossing. I provide further detail on how this topsoil removal would be managed in consideration of any root systems of mature trees that may be near to the surface of the soil.
- 2.4 The topsoil would not be stripped to subsoil level. There will be a 50mm 'vegetative scrape' by hand to remove grass, and then sand used to fill any hollows to create a level base, this work avoiding any obvious surface roots. This methodology ensures that the levelling work required to lay the bridleway does not damage any root systems underneath the location of the footpath.
- 2.5 To protect the root system from the bridleway in use, a geotextile is laid within 3D cellular confinement system installed on top. There is a particular specification required for the 3D cellular confinement system with cells filled

The Network Rail (Leeds to Micklefield Enhancements) Order

CD 8.04 – Rebuttal Proof of Evidence – Jim Pearson

with washed angular stone of a specific size (e.g. 20/40mm) which forms an interlocking matrix with voids.

- 2.6 A footpath of a design to be agreed with LCC can be laid on top of the 3D cellular confinement system. This design provides mitigation for protection of any root structures below the bridleway in compliance with BS5837, with the detailed design approved by LCC by condition with the submission of the relevant LEMP.

Deadwood

- 2.7 I deal with the potential for falling deadwood in section 8.3.3 of my main proof of evidence.
- 2.8 Micklefield Parish Council, as sole trustee of Micklefield Recreational Ground Charity, is responsible for the maintenance of the trees. It is not anticipated that constructing a footpath on the edge of the recreational area increases the risk from deadwood above that today to users of the recreational area.
- 2.9 Please refer to page 3 of Robert Buckenham's Proof of Evidence:

"Whether there are any protected species inhabiting the scrub land adjacent to the recreation ground and in the recreation ground itself".

NETWORK RAIL'S RESPONSE

Ecology surveys at Peckfield

- 2.10 I deal generally with the protection of the ecological resource in section 6.2 and section 7 of my proof of evidence.
- 2.11 The full detail of the ecological work conducted on the proposed Scheme is detailed in the Environmental Report (**NR16**), in Volume 3: Appendix 7B: with section 8.1.9 describing the extended phase 1 ecological survey conducted between May and June 2022 that was compliant with the Joint Nature Conservation Committee Guidance (JNCC 2010).
- 2.12 The Environmental Report (**NR16**), in Volume 2: Figure 7.2.6 shows the habitat type and identifies the potential for protected species to be present in the area where the bridleway will be constructed east of the Peckfield level crossing. The habitat adjacent to the proposed bridleway is described as "scrub, dense continuous" with a line of "Broadleaved parkland / scattered trees". The recreation ground is described as "Cultivated / disturbed land – amenity

The Network Rail (Leeds to Micklefield Enhancements) Order

CD 8.04 – Rebuttal Proof of Evidence – Jim Pearson

grassland". There was no potential for protected or notable species identified in these areas as indicated in the Ecological Features description in Figure 7.2.6.

- 2.13 There was potential for common species of bird to nest in the habitats which would be mitigated through avoiding vegetation clearance in the breeding season in the first instance and completing nesting bird checks where it is not possible to avoid clearance in that period. Ecological watching briefs and precautionary working methods during vegetation removal will be employed to ensure legal compliance as will be defined in the relevant LEMP that must be submitted to LCC for approval by condition.

3 Mr P Freeman Objection

- 3.1 Mr Freeman states the following:

"From my own observations, and the observations of other local people familiar with this small piece of woodland, it is also home to at least one species of bat, although I have been unable to ascertain which species".

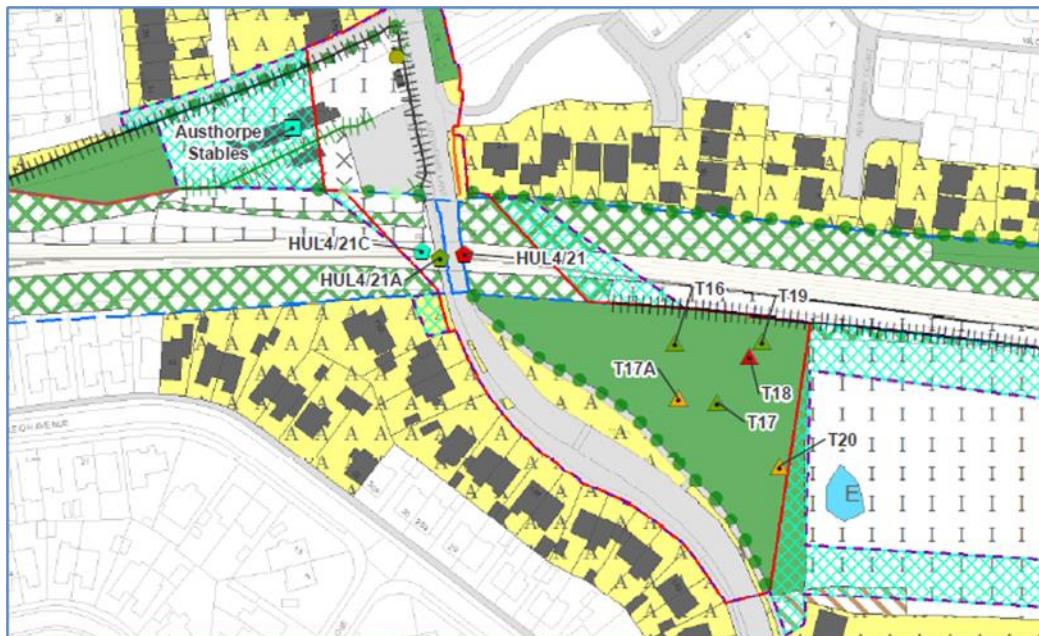
Bat survey and proposed mitigation in the woodland at Austhorpe Lane

- 3.1.1 The Environment Report identifies previous evidence of bat activity in Volume 3: Appendix 7: Ecology: Methodology and data Sources – section 3.1.6. Several records of common pipistrelle and soprano pipistrelle activity, brown longeared bat (*Plecotus auritus*) and noctule were returned within the study area. The closest record was of foraging common pipistrelle 100 m east of the Scheme Area. This validates what Mr Freeman has been observing on site.
- 3.1.2 The assessment for bats was conducted in compliance with guidance provided by the Bat Conservation Trust (Collins, 2016). In December 2022, a preliminary ground level roost assessment was undertaken on several trees present at the Replacement Austhorpe Lane Bridge and Austhorpe Lane Gas Main Diversion (ER Volume 3: Appendix 7 Ecology (Section 3.1.6)).
- 3.1.3 This resulted in tree climbing surveys for trees considered of "moderate" status or above conducted in this area on February 28th and March 1st 2023. In addition, bat surveys (dusk emergence and dawn re-entry) were completed between May and September 2022. In addition, further surveys were conducted on trees T18 and T20 that were originally unsafe to climb, as shown below in Figure 1 below, during May 2023 and June 2023.

The Network Rail (Leeds to Micklefield Enhancements) Order

CD 8.04 – Rebuttal Proof of Evidence – Jim Pearson

Figure 1: Tree bat surveys (reproduced from ER Volume 2 Figures: Figure 7.2.2)



- 3.1.4 The full and comprehensive suite of surveys resulted in a classification of each tree in terms of potential for bats to roost but did not identify evidence of actual bat roosting in this area of woodland.
- 3.1.5 This summary is taken from the detailed description of the methodology and results of the bat surveys as provided in the ER in Volume 3 Appendix 7.B and 7.C respectively.

Mitigation for potential bat roosting in the woodland at Austhorpe Lane

- 3.1.6 As a precaution, but in the absence of any evidence of roosting bat activity in the woodland, all trees of moderate status or above (T17A, T18 and T20 from Figure 1), will be re-surveyed in advance of any works to prune back or remove trees as may be necessary to conduct the Order works. All trees that will require treatment, will be pruned back and / or removed in accordance with Bat Conservation Trust Guidance (Collins 2016), irrespective of classification for roosting potential as a precaution.

Mr Freeman states the following:

“When we live in a time when awareness of the importance of preserving our natural habitat is increasing, I feel destroying this wood would be objectionable”.

The Network Rail (Leeds to Micklefield Enhancements) Order

CD 8.04 – Rebuttal Proof of Evidence – Jim Pearson

Preservation of the Woodland at Austhorpe Lane

- 3.1.7 I refer to the rebuttal of Paul Harrison who describes why the southern section of the gas main diversion must be located in a section of the woodland at Austhorpe Lane.
- 3.1.8 Section 4.1.1 of my main proof of evidence outlines that the required removal of trees in this small woodland area has been minimised as far as is practicable by extending the temporary compound to the east. This facilitates temporary works to be located outside the area of woodland, thus reducing the tree loss to that required to facilitate the permanent works only.
- 3.1.9 The extension of the compound to the east was entirely aimed at minimising tree loss in the woodland at Austhorpe Lane after extensive consultation with Leeds City Council (LCC).

Biodiversity Net Gain

- 3.1.10 It should be noted that whilst tree loss is minimised as far as practicable in general, as at Austhorpe Lane, the Request for Deemed Planning Permission (CD 1.12) includes condition 10 (Biodiversity Net Gain), which requires a BNG Plan to be submitted to and approved by LCC. The condition requires Network Rail to demonstrate an offset of all habitat loss plus an addition of 10% habitat through the Defra metric 3.0.

4 Witness Declaration

4.1 Statement of declaration

- 4.1.1 This Rebuttal Proof of Evidence includes the facts which I regard as being relevant to the opinions which I have expressed, and the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- 4.1.2 I believe the facts which I have stated in this PoE are true and that the opinions expressed are correct, and,
- 4.1.3 I understand my duty to the Inquiry to help it with the matters within my expertise and I believe I have complied with that duty.

