

TRANSPORT AND WORKS ACT 1992

**THE TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES
2004**

**THE PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO
ROBERTSBRIDGE JUNCTION) ORDER**

SUMMARY PROOF OF EVIDENCE ON ECOLOGY MATTERS

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Overview

- 1.1 I am the lead ecologist and I have worked on each aspect of the ecological survey, assessment and mitigation process that has been carried out since 2013. My PoE described the previous surveys and assessments carried out to inform the Environmental Statement (ES) and subsequently the relevant planning conditions and species licensing. The structure and scope of the PoE, along with the recent ES update, is intended to provide the inquiry with sufficient information and explanation to answer the questions raised in paragraphs 3(d), 5 and 6 the Statement of Matters.
- 1.2 My evidence covers three key areas, 1) the framework of post-planning ecological assessment 2) responses to issues raised by objectors to the scheme, and 3) a high level interpretation of biodiversity records that have become available in the intervening period since the original ES was compiled.

Post Planning Control of Ecological Impacts

- 1.3 There is a robust process that has underpinned the practical ecological mitigation work on the project to date, that process is captured within three key complimentary documents required as part of the granted planning permission for the scheme. To facilitate and inform the now completed works to the Junction Road to Austen's Bridge section, a Protected Species Plan (PSP), Construction and Environment Management Plan (CEMP) and a Landscape and Environmental Management Plan (LEMP) were all devised and submitted and approved by the LPA.

- 1.4 These post planning documents were themselves informed and underpinned by dedicated surveys for the species groups described within the ES and carried out once access was obtained for this section.
- 1.5 To inform the later stages of the scheme the same approach will be taken and the same process followed. Once access is allowed, dedicated surveys for all significant ecological receptors and the design of the mitigation, compensation and enhancement measures adjusted to match the results. A second iteration of each of the three described documents will be produced with the PSP now also acting as a master plan for each species. The ecology surveys and assessment will be robust enough to ensure all ecological impacts for the scheme are dealt with effectively, that design is adjusted to reflect the findings of those surveys, and that Natural England will have sufficient information on which to issue any necessary ecology consents. This is not to suggest that the ecological assessment to date was inadequate, but it was per force carried out on a precautionary basis due to lack of access.

Response to Objectors

- 1.6 The ecology PoE has concentrated almost solely on the specific questions raised by the Statement of Case (SoC) of OBJ/1002. This approach has been taken as this SoC has raised specific questions relating to the validity of the ES and impact to adjacent land, these partly mirror the relevant paragraphs in the Statement of Matters. It was not judged necessary to respond to each query or objection raised on ecology grounds as these all fell into a few broad categories: 1) Value of the developable area for wildlife; 2) Value of adjacent land (Moat Farm) for wildlife; 3) Unacceptable impacts.
- 1.7 Of the points raised by the above mentioned SoC, they all came within a few categories ;also, namely: a) the impact to Parsonage and Moat Farms: b) Ecological and Landscape impacts.
- 1.8 a) the impact to Parsonage and Moat Farms. In conclusion, the status of the habitats adjacent to the developable area or even within much of the developable area are not currently known to the scheme due to the lack of access afforded to the surveyors. However, were adjacent habitats to be of a high value to biodiversity then this would not necessarily result in any material changes to the design or approach taken for ecology. The status of adjacent habitats may actually afford some opportunities to ensure that all the compensation and enhancement measures are as targeted and effective as possible.

- 1.9 The local planning authority determined that impacts to the local ecology can be adequately addressed through the signed off post planning documents referenced above. Additionally, the already completed site surveys and mitigation works for the Junction Road to Austen's Bridge section clearly demonstrate the adequacy of the ES, the viability of the approach and the process that has been followed. This is evidenced by the two Mitigation Licences that have been issued by Natural England that were built on the survey data and subsequent assessment made possible once access to this area was achieved. The works completed to date demonstrate the viability of the scheme.
- 1.10 b) Ecological and Landscape impacts. The process followed for the ES has adequately assessed and addressed ecological impacts. That the ES was predicated on the information that was able to be gathered or inferred through professional judgement rather than survey data which it was not possible to collect, does not detract from its conclusions and recommendations. Ecological considerations are correctly addressed through post planning documents and mitigation consents from Natural England. The proposed ecological mitigation for the scheme is not out of the ordinary and is demonstrably achievable through the application of accepted best practice processes.
- 1.11 With full access, a comprehensive suite of dedicated site surveys will be carried out and the results of those surveys used to refine the original proposals for ecological mitigation, compensation and enhancement measures along the route. Together with the post planning documents that will determine impacts and the appropriate mitigation and compensation measures, the collection of a complete baseline of ecology data will, as described in the ES, provide the framework that ensures ecology is correctly addressed.

Data search

- 1.12 Due to the length of the intervening period since the formulation of the ES in 2013, it's now close to eight years since the first field data was collected. It was likely that more records for legally protected species and important habitats would be available. Additionally, that there would be new records submitted to the Local Environmental Records Centre which could potentially alter the assumptions and prescriptions set out in the ES. To determine whether or not this could be the case and to provide a format to make modifications to the assessment if appropriate a new data search was

commissioned from the Sussex Biodiversity Records Centre (SxBRC) and also from the Sussex Ornithological Society.

- 1.13 The new data search and review and comparison with those from 2013 identified new records for invertebrates, amphibians, reptiles, birds, bats, dormouse and otter. There was not however, a significant abundance of new records returned that could have the potential to invalidate the original assessment in the ES. Rather, the additional records either confirmed the original assessment and approach or just added context.
- 1.14 The additional records for invertebrates provided further information on which the final designs for habitat compensation and enhancement measures can be predicated. The handful of new records for reptiles and amphibians are not relevant to the proposals being either too far distant (great crested newts) or only contextual as the presence of viable populations of reptiles is already assumed.
- 1.15 Of some note are the new records for turtle dove, this species is scarce in the UK and there are assumed to be suitable scrub habitats along the route for this and other schedule 1 species. The scheme will ensure that targeted surveys for this species are carried out in the appropriate season as soon as access is permitted. These surveys will then inform any further mitigation and compensation measures should turtle dove be present on or adjacent to the route.
- 1.16 The new records for bats are more frequent than those returned for the other target species although the majority of from two specific locations, one of which is Bodiam Castle. No new species were recorded and as previously stated the dedicated suite of comprehensive surveys will be used to determine the status of bats at the site.
- 1.17 There were new records for dormouse and otter but new records for both species just serve to underpin the current assessments of their presence and distribution. For the former species this relates to their presence in all contiguous habitat confirmed by the surveys in 2017/18. For otter, the recent sightings from within 2km of the area confirms that the original working assumptions in the ES as relates to this species are robust, and the proposed dedicated site surveys will enable mitigation to be refined as appropriate.