

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (HUDDERSFIELD TO WESTTOWN
(DEWSBURY) IMPROVEMENTS) ORDER

BIODIVERSITY
SUMMARY PROOF OF EVIDENCE
NIALL MACHIN

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1. INTRODUCTION

- 1.1.1 My name is Niall Machin, Technical Director (Ecology) at the Johns Associates. I have a B.Sc. (Hons) in Environmental Biology from the University of Wales (Swansea) and have been a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) since 1993.
- 1.1.2 I have 38 years' experience in ecology and environmental sustainability, with 26 years as a professional ecologist. I was formerly Associate Director at Waterman where I oversaw ecological input into The Order Scheme.

2. STRUCTURE OF THE PROOF OF EVIDENCE

2.1.1 My proof address the ecological/biodiversity matters identified in Section 9 of the Statement of Case, namely:

- Protected species issues; and
- Relevant ecological mitigation

3. SCOPE OF EVIDENCE

3.1.1 The Order Scheme has been subject to an Environmental Impact Assessment (EIA), which is reported in the ES (NR16). The ES considers Biodiversity in Volume 2i, Chapter 9 (NR16A) and Volume 3 Appendix 9.1 to 9.10 (NR16B). The evidence in my main proof demonstrates that the assessment of ecological impacts has been rigorous and in accordance with established practice and guidance.

3.2 Terrestrial Ecology

Surveys undertaken:

3.2.1 My main proof refers to the ecological baseline comprising desk study, field survey and review of approved landscape restoration plans for two quarry sites. It also contains a list and results of surveys scheduled to take place following submission of the Order application.

Summary of survey results and impacts

3.2.2 My main proof summaries the key issues for Important Ecological Features (IEFs) per Route Section Area in relation to issues raised in objections to the Order.

Mitigation

3.2.3 A Landscape and Ecological Management Plan (LEMP) will be prepared pursuant to proposed condition 4 of the DPP which will provide the detailed mitigation measures. This will be submitted to and agreed by the Local Authority prior to construction works commencing.

Protected Species Mitigation Licences

3.2.4 NR ecologists have identified which species will require licences for works under the Conservation of Habitats and Species Regulations 2017 and other relevant UK legislation and Natural England (NE) have accepted this approach in principle. Licences will be required for the bat roosts (Colne Viaduct Underbridge (MVL3/109); and Heaton Lodge Cottages) and badger sett impact (Heaton Junction). Draft licence applications have been submitted to NE who have agreed to review and should no issues be identified issue a letter of no impediment .

3.2.5 Details of mitigation measures which are/would be included within the EPSM licences application(s), are set out in the ES and are summarised in my main proof of evidence in paragraphs 4.4.42 and 4.2.44 to 4.2.48.

Statutory designated sites

3.2.6 My main proof summarises works affecting Gledholt Woods LNR and mitigation proposed.

Non-statutory designated sites

3.2.7 My main proof summarises potential water quality and habitat impacts to Sir John Ramsden Canal LWS and mitigation through standard environmental control measures detailed within the CoCP and habitat re-instatement/regeneration, as well as potential indirect impacts to Whitley Wood LWS from pollution to air (dust generation) and mitigated through the CoCP.

Aquatic habitats

3.2.8 My main proof sets out potential water quality impacts (pollution and sedimentation) to aquatic habitats and mitigation through the CoCP. It also describes additional mitigation measures for specific aquatic habitats at Bradley Culvert, River Calder (at Baker Viaduct Underbridge) and Thornhill Quarry.

Terrestrial habitats

3.2.9 My main proof sets out the direct impacts to terrestrial habitats and mitigation mitigated by re-instatement and additional planting requirements undertaken in line with the Outline Environmental Mitigation Plan, together with estimated timescales for habitats to reach a comparable condition.

Protected species

3.2.10 My main proof sets out potential impacts to specially protected species namely floating water plantain, bats, badger, barn owl, breeding birds, reptiles and otter together with proposed mitigation.

Residual impacts – construction

3.2.11 My main proof then describes residual impacts for construction and operation.

5. RESPONSES TO SPECIFIC OBJECTORS

5.1 OBJ 33 – Kirklees Council

5.1.1 A number of technical issues were raised in Kirklees objection to the Order.

5.1.2 This will be dealt with in the Statement of Common Ground currently being agreed between the two parties. My main proof addresses additional comments raised in the main report in the Kirklees Statement of Case (SoC).

Impacts on Biodiversity and Ecology (including Trees)

5.1.3 The Council raises concerns regarding the loss of trees both from within and outside the rail corridor including trees covered by TPOs.

5.1.4 My proof addresses issues in relation to Lady Wood, TPO issues are dealt within the proof of Tony Rivero.

Objection

Mitigation Proposals for SFC site

5.1.5 The Council question the mitigation proposed to compensate for the loss of the restoration scheme on WS19 Forge Lane Ravensthorpe for the construction of the large-scale Power Supply Unit and Static Frequency Converter Feeder station (SFC).

5.1.6 The SFC will be located at Thornhill Quarry and my proof clarifies our approach for ecological mitigation at this site.

Statutory & Non-Statutory Designated Sites

5.1.7 The Council require compensatory measures for the impact to two Local Wildlife Sites Gledholt Wood and Sir John Ramsden Canal.

5.1.8 My proof sets out the expected impact and describes appropriate mitigation and compensation.

Impacts on Designated Local Ecological Networks

5.1.9 The Council require further security concerning impact to the Kirklees Wildlife Habitat Network (KWHN) and potential mitigation.

5.1.10 My proof examines the impact on the KWHN and sets out proposed mitigation in the context of the role and function of the network.

Lack of detail on Proposed Mitigation Planting

- 5.1.11 The Council question the level of detail for mitigation of habitat loss along the scheme and whether the planting will be sufficient for net gain and to compensate for losses to Priority Habitat and Habitats of Principal Importance.
- 5.1.12 My proof describes the approach to mitigating for habitat loss and the role of the LEMP. It provides an illustrative example of ecological planting. Biodiversity Net Gain is dealt with in Mr Jim Pearson's proof.

Lack of information regarding European Protected Species

- 5.1.13 The Council consider that information related to several specific protected species is missing, unclear or inadequate.
- 5.1.14 My proof sets out how details on the submission of draft licences to NE (see paragraphs 4.2.17 - 4.2.18). Further surveys have been undertaken to inform this process. These survey results are summarised in Appendix A of my proof and provided in full in NR107.

5.2 OBJ 35 – Canal and River Trust

Red Doles Bridge

- 5.2.1 The Trust seek protection measures to safeguard the canal corridor and note that proposed woodland planting would take significant time to establish to mitigate the impact.
- 5.2.2 My proof illustrates how ecological planting would be delivered, and makes reference to the LEMP to be produced pursuant to Condition 4 of the DPP.

Order Plan Sheet 11: Work No 9A Reconfiguration of Huddersfield Broad Canal Bridge

- 5.2.3 The Trust are concerned about loss of habitat and harm to the setting of the listed lock.
- 5.2.4 My proof refers to the LEMP in respect of addressing the ecological aspects of this objection.

Fishing Rights

- 5.2.5 The Trust are concerned that fishing rights may be affected and that the loss of the riparian tree habitat along the canal corridor will impact birds, bats and fish.

Response

- 5.2.6 My proof sets out how fish have been addressed in the ES and how treatment of the canal banks and wetland habitat will not impact birds, bats and fish. Fishing rights are outside the scope of my proof.

Ecological Matters

- 5.2.7 The Trust set out various ecological concerns including in relation to bats, badgers (and crossings), otter and water vole and floating water plantain (in relation to loss of shading).

Response

- 5.2.8 My proof addresses all the issues raised on this issue and provides evidence of how various protected species have been considered and will not be impacted. It also addresses the shading issue in relation to floating water plantain.

6. WITNESS DECLARATION

6.1 Statement of declaration

6.1.1 I hereby declare as follows:

- (i) 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.
- (ii) I believe the facts that I have stated in this proof of evidence are true and that the opinion expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.