

INQ/8
2 November 2021

NETWORK RAIL INFRASTRUCTURE LIMITED

**NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY)
IMPROVEMENTS) ORDER**

NETWORK RAIL INQUIRY DOCUMENT

Network Rail letter to the Transport Infrastructure Planning Unit dated 28 October 2021 – Confirming status of need for protective species licence in respect of Great Crested Newts (To be read in conjunction with updated Network Rail Core Document NR10.1 submitted as INQ/11).

1. Purpose of Document

- 1.1 Attached at the Appendix to this document is a letter dated 28 October 2021 sent on behalf of Network Rail to the Transport Infrastructure Planning Unit confirming that there is no longer a requirement for Network Rail to request a licence under section 55 of the Conservation of Habitats and Species Regulations 2017 in connection with the works to be authorised by Order and related deemed planning permission affecting protected species, namely Great Crested Newts (GCN). The letter confirms that the removal of the requirement for a protected species licence for GCN has now been reflected by way of tracked amendments to document **NR10.1** which provides an update to the document previously submitted by Network Rail with the Order application entitled "*Document NR10 - List of Consents, Permissions or Licences Under Other Enactments - Rule 10(2)(f)*".
- 1.2 This letter also confirms that document **NR10.1** also incorporates amendments to update the legislation reference previously stated in relation to the remaining requirement for a protected species licence for bats.
- 1.3 This document is to be read in conjunction with the Network Rail Inquiry document **INQ/11** entitled "*Amended List of consents, permissions or licences under other enactments – Amendments shown as Tracked Changes*".

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Appendix

Caroline O'Neill
Planning Casework Manager
Transport Infrastructure Planning Unit
Department for Transport
Zone 1/14-18
Great Minister House
33 Horseferry Road
London SW1P 4DR

Date: 28 October 2021

Your ref: TWA 2/2/166

Our ref: [REDACTED]

Direct: [REDACTED]

Email: [REDACTED]

Dear Caroline

**Proposed Network Rail (Huddersfield to Westtown (Dewsbury)
Improvements) Order
Update to Order Application Document – NR 10 - List of Consents,
Permissions or Licences Under Other Enactments - Rule 10(2)(f)**

I am writing on behalf of Network Rail Infrastructure Limited ("Network Rail"), in relation to Network Rail's application for the Order.

Since the submission of Network Rail's application for the Order, I can confirm that there is no longer a requirement for Network Rail to request a licence under section 55 of the Conservation of Habitats and Species Regulations 2017 in connection with the works to be authorised by Order and related deemed planning permission affecting protected species, namely Great Crested Newts (GCN).

The Environmental Statement submitted by Network Rail in support of the Order application concluded that such a protected species licence request would be required in relation to GCN at the Ladywood Lakes site. However, since the submission of the Order application Network Rail have further reviewed this conclusion. Based on professional judgement given the site conditions at the Ladywood Lakes site (i.e. heavily used fishing lakes) and the results of the eDNA testing undertaken by Network Rail, additional surveys were undertaken in 2021 including a repeat eDNA test and full presence/absence surveys. The data from these 2021 surveys showed that the original results were an anomaly and there is no GCN population within the Ladywood Lakes site and so therefore there is no requirement for a protected species licence to be requested.

The removal of the requirement for a protected species licence for GCN has now been reflected by way of tracked amendments in the enclosed document NR10.1 which provides an update to the document previously submitted by Network Rail with the Order application entitled "*Document NR10 - List of Consents, Permissions or Licences Under Other Enactments - Rule 10(2)(f)*". This change in the requirement for a protected species licence for GCN has also been communicated by Network Rail to Natural England.

I can also confirm that the enclosed document NR10.1 also incorporates amendments to update the legislation reference previously stated in relation to the

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Date: 28 October 2021

Your ref: TWA 2/2/166

Our ref: [REDACTED]

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remaining requirement for a protected species licence for bats. These updated amendments are also shown by way of tracked amendments.

For your information I can confirm that Network Rail will submit a copy of this letter and the attached amended document NR10.1 to the Inquiry into the Order application.

Yours faithfully

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