

FROM FRIENDS OF SADDLEWORTH

FORMAL SUBMISSION TO PUBLIC ENQUIRY REQUESTING NETWORK RAIL WORK UNDER NATURAL ENGLAND SUPERVISION AND TO RESTORE DEN LANE TO ITS FORMER STATE AND INCREASE NET BIODIVERSITY GAIN BEFORE DEN LANE WAS DESTROYED AS THE FENCE ERECTED WAS PART OF THE ELECTRIFICATION OF THE LINE

Statement to the Public Inquiry

On behalf of Friends of Saddleworth

1. Network Rail have a terrible reputation when it comes to looking after nature. Only recently they have been in the news for blocking up swallows nests to stop them returning to one of their buildings. Here in Uppermill and across the entire country in May 2018 they chopped down tens of thousands of trees in the middle of nesting season. On Den Lane in Uppermill they destroyed 200 year old hawthorns, refusing to put a fence that proved to be pointless, trackside. They ended up in the national press and Private Eye over this behaviour. Also Network Rail failed completely to deliver any of their promises made to the community following the destruction of Den Lane. There are also two occasions on which Network Rail may have committed criminal offences by carrying out works on Uppermill Viaduct, a structure they knew contained bats (see photographic evidence submitted and below **), together with the destruction of an area that Network Rail admitted in a recent meeting was a bat foraging area (see latest submission and *** below), we ask that any approval of further works be subject to the following requirements.
2. First, Network Rail should be required to restore Den Lane to at least its pre-works ecological condition and deliver a measurable Biodiversity Net Gain above the baseline that existed before the Den Lane works commenced as part of the Transpennine Route Upgrade.
3. Network Rail want to work here in Saddleworth independently outside objective scrutiny. They don't want to operate under a Natural England bat licence because they will make sure they do not behave like they have previously. Not having a Natural England bat licence allows them to do what they want. But Network Rail have already proved they are no guardians of fragile eco systems. Bats are a protected species because they are at risk of becoming extinct and we are currently in the middle of an eco crisis with 50% of wildlife disappeared in the last few decades. So given the evidence submitted regarding works carried out on a structure known to support bats, together with concerns relating to the destruction of a known bat foraging area, all future works on the viaduct and surrounding area should be undertaken under an appropriate Natural England bat licence. Given previous actions, Network Rail should not be permitted to undertake works on a structure known to contain bats without independent ecological supervision because they have proved to be untrustworthy.
4. We are also extremely concerned that Network Rail claims to have monitored bats over a period of ten days, yet has not undertaken a thorough survey of the entire viaduct structure. Surely it does not take ten days to survey a viaduct? It is difficult to understand how robust conclusions can be drawn regarding bat presence and roost locations without a full survey of the whole building which Network Rail seem to be trying extremely hard NOT to survey. According to Network Rail, miraculously no bats seem to be where Network Rail need to work which seems extremely convenient and unconvincing. We therefore request that the entire viaduct is independently surveyed so that the presence and location of all bats and any roosting sites are properly identified before any further works are permitted. That way all bats in the building can be protected properly. To be clear bats are at risk of extinction and are a protected species and Network Rail should work to a standard that shows best industry practice and as thorough as possible so all bats in the local area are looked after carefully and are not pushed to the brink.

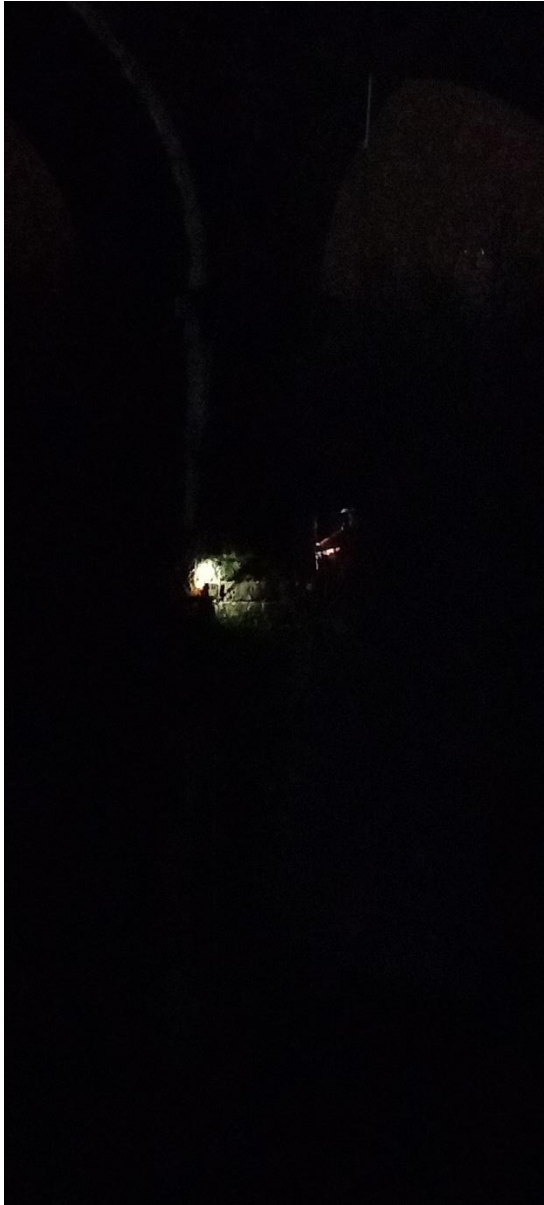
5. In addition, all ecological surveys, monitoring and mitigation measures should be independently overseen by a suitably qualified external independent ecological body, rather than Network Rail's own contractors. Network Rail using their own contractors and deciding what is done and what isn't done plays into their own agenda that they decide whereas monitoring independently means the focus will be on the actual wildlife that is present. There can then be full compliance with wildlife protection legislation and licence conditions rather than just Network Rail ticking their own box.

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EVIDENCE OF NETWORK RAIL WORKING ON UPPERMILL VIADUCT WITHOUT A BAT LICENCE



020941 PHOTO NUMBER



020840 PHOTO NUMBER

The photos attach show workmen working in the viaduct

Network Rail confirmed in a meeting in January that they had no licence for that work

Pls see below for specific details

Also attached as a pdf for ease

From: BIGGER PICTURE STUDIOS
Sent: 15 April 2025 16:41
To: nick.jackson@reachplc.com
Subject: FW: Network rail working without bat licence

Not the best images but taken 23 January 2025 0209 in the morning they worked on several nights and have said as much in the note in email and also explain that they did not have a licence

They are not allowed by law to do any work in a building where bats are suspected without doing a bat inspection and getting a licence

John

From: john matthews <johnlawrencematthews@hotmail.com>
Sent: 15 April 2025 16:39
To: BIGGER PICTURE STUDIOS <john@big-pic.co.uk>
Subject: Network rail working without bat licence

*** excerpt from minutes of meeting with Network Rail at Lime Kiln Café Jan 21 2026

JP – was driving the point about net gain and SA challenged on this. JM - The net gain is coming after the destruction of vegetation and a bat foraging area, whereas, it should have come before.

JM – there is no good will in the village because of what Network Rail has done before in this area. You say you've surveyed the bats for 10 days but you haven't surveyed the whole of the viaduct – this doesn't make any sense. We can't understand how you've not surveyed the entire viaduct in 10 days. We are interested in knowing the exact details of when the bat surveys were carried out.

JP kept referring to the 'zone of influence'.

JM said we are interested in knowing exactly where the bats are. You talked about additional costs for a full survey. You said you have 200 hours of footage but you have not done the entire viaduct, it doesn't make any sense. It doesn't stack up what you are saying. You said you have discovered 5 different species of bats, yet initially you said there were no red flagged species in the area. You've done a complete U-turn on red flagged species. If we knew there were bats near the 'zone of influence', we would be more convinced but you say there are no bats near the 'zone of influence'. It doesn't make sense. It's not credible.

NR said that underneath the viaduct is a bat roosting area. JM - Trees have already been removed, so a bat roosting area has already been destroyed.

JM asked NR to stop using 'broken record' in the meeting. JM left the meeting because this was happening when they had been asked to stop.

JM - If you show us where the bats are, we may be more convinced. Your biodiversity/net gain has to be before your work destroyed Den Lane. Your reassurance to go above and beyond because we don't have confidence in what you will do.