From: [redacted]
To: TRANSPORTINFRASTRUCTURE
Subject: Network Rail Stalybridge to Diggle TWA Order
Date: 16 December 2025 13:43:17

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Friends of Saddleworth Submission for Protection for Endangered Species

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Context and Background

Friends of Saddleworth is a group of around 500 local people formed after Network Rail destroyed a beauty spot on Den Lane, wantonly cutting down mature trees — including 200-year-old hawthorn hedges — in what is a known bat foraging area. They did this in preparation for the electrification of the line.

Network Rail's actions have been widely criticised. They have been on the front page of the local newspaper several times, featured in *Private Eye*, and have attracted sustained negative attention from the community for their environmental destruction and failure to deliver on promises made to local people including removing a part of a fence that serves no point whatsoever, [after several years of refusing to put the fence trackside - Network Rail did in fact build a fence trackside – if they had done this initially as requested all the old trees would still be there] failing to replace trees in the area as promised to local councillors and giving some money to a local community group which they have yet to do.

- 38 Degrees petition documenting events: https://you.38degrees.org.uk/petitions/remove-the-fence-on-den-lane-uppermill-saddleworth
- Friends of Saddleworth Facebook page: https://www.facebook.com/saddleworthfriends/ which documents a lot of what has happened including press and Network Rail's behaviour to date.

Failure to protect bats is a **criminal offence**, disturbing their roosting sites and foraging areas is also a criminal offence and the police have already been involved in this matter at least twice.

Concerns About Bats

For many years Network Rail claimed, according to their own ecological surveys, that there were no "red flag" species in the area. This was untrue. Friends of Saddleworth repeatedly corrected them, highlighting that bats live and forage around the Den Lane viaduct, something already well known by local residents. There are also owls, jays, foxes and field mice, shrews etc.

A bat expert visited the site (with the police and local councillor Graham Sheldon present) and confirmed: *"I can guarantee there are bats in that building. It is the right age, it has the right crevices, I don't even need to do a survey."*

Despite this, Network Rail failed to carry out any bat survey for over eight years. Then in 2024, they claimed to have undertaken several surveys which conveniently reported "no bat roosts" in the viaduct. We do not find this credible for the following reasons:

1. A previous survey was carried out while bats were hibernating, making it impossible to get accurate results.
2. Another surveyor admitted he could not carry out a full inspection of the viaduct due to "a high risk of danger due to water" — which is frankly ridiculous given the viaduct goes over a canal and a shallow river. We have not seen any of the subsequent surveys but the two mentioned above do not give us confidence that things may have been done properly.

3. It seems that Network Rail use surveyors that are partisan to themselves and are not objective. We were told in a face to face meeting with Jim Pearson from Network Rail that their surveyors did not find bat roosts in the building and that 'they are hard to find'. We believe that is not correct and for a bat expert, bat roosts are relatively straightforward to find. We suspect that Network Rail have not been thorough in trying to find any bat roosts. For example, how far is a distance acceptable for work to be done

near a bat roost? By definition any roosts would need to be found in that area and beyond to make them safe. We repeat it is a criminal offence to disturb bats and ignorance is no defence in the law.

4. We suggest that Network Rail should have to use independent and objective ecological surveyors and bat experts that actually find the bat roosts that exist in the building and mark their exact location. This will not be possible now until Spring 2026 as they are now hibernating.

5. Uppermill Viaduct is the single biggest building in the area of Saddleworth by a long margin and is up to 70 feet high and over 2000 feet long.

Because of the age of the building and construction it is the perfect place for bats to roost full of crevices and cracks as confirmed by Network Rail's surveyors. Also there are two water courses directly underneath it. There is a large registered bat roost above the church in Uppermill in the square – that roosting area DOES NOT HAVE water courses and the high number of cracks and crevices, that indeed the viaduct has. What we are saying is bats roosting in the viaduct are far more highly likely/expected than in the local church.

6. One other issue we have is Network Rail claim to be able do decide if they need a bat licence or not themselves rather than an external body. We believe this needs investigating in particular due to the vast size of the building and we repeat one where the bat expert we spoke to said was 'guaranteed to host bats'.

Network Rail now accept that bats are present in the area (at least as foraging species). This admission confirms in fact that the trees they destroyed underneath the viaduct is in fact in a bat foraging area as were the trees and hedges on Den Lane. They did not have a licence for that work therefore that was a criminal offence. They have done maintenance work on the viaduct also and have not had licences for that work either. We have photographic evidence of the latter. Why do Network Rail think that it is ok to work on a building where bats are expected without a licence? The law makes no exception for anyone and is simple and clear.

Following a meeting with a Network Rail representative, we were also told that the surveys to find the bat roosts were based on the locations where the permanent works on the outside of the viaduct were located. However, in addition to the works on the viaduct, there is also a compound being created on land adjacent to the Uppermill Viaduct. We have been given no indication that any survey has been carried out to identify whether or not there is a bat roost that will be impacted by the construction of this compound. Should this work have not been carried out, the proposals will be in breach of Network Rail's legal obligations.

Legal and Ethical Responsibilities

Network Rail continue to argue that because they have not identified bat roosts directly in their immediate work zone, they do not need a bat licence. We do not accept this:

- If bats are roosting nearby, any works can disturb or endanger them.
- By law, Network Rail must identify **where bats are roosting** before proceeding, not simply declare "no bats here" without thorough, credible surveys. We believe saying they are not in the work zone is not the issue - we have repeatedly asked Network Rail to confirm exactly where the bats are so they can be protected - we feel very strongly they have not done this and that this should be done as per the law. Currently we feel that Network Rail are trying very hard NOT to locate bats that they will then have to clearly and legally protect. If they know where the bats are then why don't they tell us? If they are working in an area, how far away can a bat roost be for it not to be disturbed and where are those? It seems mightily convenient for Network Rail that there doesn't seem to be any where they are working, that in fact seems miraculous.
- Protecting bats is not optional. Bats are a protected species, **at risk of extinction**. To comply with the law and set an example of best practice, Network Rail must take every step to safeguard them. We believe they have not done everything they can possibly do to protect an endangered species.

Our Position

We believe Network Rail have **not** done everything they can to locate bats at the viaduct. Their poor reputation locally is based on their already malicious treatment of the local environment. They are pushing the law as far as possible, avoiding proper surveys because protecting bats is complex, expensive and time consuming. It could well be that they would rather pay a fine, a relatively small amount on a project of this scale? We do not know but that question needs asking.

Network Rail is a national body with **unlimited resources**. They have no excuse for cutting corners. They should be leading by example in environmental protection, not damaging habitats as they have already done in Uppermill and beyond, and dismissing legitimate concerns from the community.

We call on the The Order application submitted to the Secretary of State for Transport and our MP to:

1. Hold Network Rail accountable for their environmental damage at Den Lane for works carried out for the electrification of the line so far.
2. Require them to carry out thorough, credible independent bat surveys of the viaduct and to actually locate the precise bat roosts in the viaduct– share that information with local people concerned in this matter and then show that those actual roosts are being protected.
3. Ensure that Network Rail apply for (and comply with) the necessary bat licences.
4. Place environmental protection and community trust at the heart of their operations in Saddleworth and beyond. Go above and beyond to correct the errors they have already clearly made on works that have been carried out to electrify the line here in Saddleworth.

For the record in all the years we have contacted the Chief Executive Andrew Haines of Network Rail many many times, he has not once responded in person. One letter went unanswered for over nine months. Rather than respond, Andrew Haines had put into contact with us over twenty people [we stopped counting at 20] – was this to try and confuse the communication? Regardless, we have only ever contacted the Chief Executive directly. We have copies of all those e-mails and of course, so does he. And you can ask for copies of them if you so desire and it will become clear how Network Rail have actually behaved so far during this process and why we are wary of their behaviour and sceptical of them looking after the environment here in Uppermill based on their actions to date.

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Any correspondence can be sent c/o Sam Al-Hamdani, on behalf of the Friends of Saddleworth Group, at Oldham Council, the JR Clynes Building, Greaves St, Oldham OL1 1AL.