

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (STALYBRIDGE TO DIGGLE
(SADDLEWORTH) ENHANCEMENTS) ORDER

ECOLOGY
PROOF OF EVIDENCE
Of
Will Horlock

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1. INTRODUCTION

1.1 Personal Details

1.1.1 My name is Will Horlock and I am a Principal Ecologist working for AtkinsRéalis. I am currently working in that role in the TransPennine Upgrade (TRU) West and East Alliances that covers TRU works from Stalybridge to Diggle. I have worked for AtkinsRéalis since June 2024 and have over ten years ecological consultancy experience. I have an MSc. in Conservation and Ecosystem Management and full membership of the Chartered Institute of Ecology and Environmental Management (CIEEM). I hold protected species survey licences in England and Scotland, including white-clawed crayfish, great crested newt (Level 1) and bats (Level 2).

1.1.2 I have been providing input into Network Rail's application for the Network Rail Stalybridge to Diggle (Saddleworth) Enhancements) Order application ("the Order application") (**NR02**) specifically the Environmental Report ("ER") (**NR14**) and Appendix 6B – Habitats Regulations Assessment and Appendix 6C – Proposed Tunnel Bat Survey Methodology. Additionally, I organised and conducted many of the ecological surveys required to inform the ER.

2. STRUCTURE AND SCOPE OF THE PROOF OF EVIDENCE

2.1.1 I provide evidence on the following matters:

- Measures to be implemented to avoid, reduce or remedy the environmental effects of the Order application; and,
- Responses to specific objectors concerning environmental matters; and
- This proof of evidence should be read with the information supplied as part of the Order application in the ER (**NR14**) and the Code of Construction Practice Part A (CoCP Part A) (**NR17**).

3. ECOLOGICAL MITIGATION AND CONTROL

3.1 Mitigation Hierarchy

3.1.1 The CIEEM Mitigation Hierarchy is a structured approach to managing biodiversity impacts during developments that have potential to impact wildlife. This consists of four key steps:

1. Avoid: Prevent negative impacts on biodiversity wherever possible.
2. Minimise: Reduce the extent or severity of impacts that cannot be avoided.

3. Compensate: Offset any remaining impacts through restoration or compensation measures.
 4. Enhance: Improve the biodiversity value of the affected area.
- 3.1.1 Within an Ecological Impact Assessment (EcIA), the Mitigation Hierarchy is embedded as the core framework that guides how ecological effects are identified, assessed, and addressed throughout the project lifecycle. The hierarchy has applied baseline surveys and impact prediction through to mitigation design, significance evaluation and the consideration of residual effects.
- 3.1.2 A Habitats Regulations Assessment (HRA) is included in Appendix 6B to Volume 3 of the Environment Report (**NR14**). The HRA screened for likely significant effects (LSEs) and identified that all effect pathways for the Order application could be screened out. As the presence of impact pathways was discounted, it was not necessary to undertake an in-combination assessment. Therefore, it can be concluded that the Order application will not have any LSEs on any European Sites and there is no need to proceed to Stage 2 Appropriate Assessment. Regarding the Mitigation Hierarchy, this evidences avoidance is feasible without the requirement for further mitigation.

3.2 General Mitigation in the Scheme

- 3.2.1 This section describes the mitigation measures that will be included in the Order application to avoid or reduce any adverse effects on the identified ecological features.
- 3.2.2 The relevant works will be undertaken in accordance with legal requirements and good practice. The standard measures are summarised below and further detail on this is provided below.
- Implementation of good practice mitigation measures to reduce the risk of water pollution, noise, vibration, dust and light-spill which is required as part of the Code of Construction Practice (CoCP) Part B and through Network Rail's Environment and Social Minimum Requirements for Projects in Appendix 1A in Volume 3 of the ER (**NR14**);
 - Implementation of root protection areas of retained woodland, trees and hedgerows, in accordance with British Standards¹, through an Arboricultural Method Statement – see Chapter 8 in Volume 1 of the Environmental Report (**NR14**) for further details;

¹ British Standard BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' (British Standards Institution, 2012)

- Implementation of biosecurity mitigation measures to prevent the spread of Invasive Non-Native Plant Species (INNPS). As described in Section 4.5 of the CoCP Part A (**NR17**) these will be outlined in a Landscape and Ecological Management Plan (LEMP) for the relevant works components of the Scheme that require planning permission. The relevant Network Rail guidance notes will be complied with in removing any invasive or injurious species as applicable, whether as part of the LEMP or in connection to works undertaken using Permitted Development Rights for associated temporary land use work areas;
- Timing works to avoid the most sensitive periods for ecological features wherever possible, e.g. removing vegetation outside the core nesting bird season and avoiding disturbance of potential refugia during winter (reptiles, amphibians and small mammals); and
- Updating baseline data and the impact appraisal if conditions change or if ecological features not previously identified and assessed are discovered once works commence.

3.2.3 The principles of the Mitigation Hierarchy (see Annex B) have been implemented whereby the relevant works components of the Scheme have been designed to use areas of hardstanding, existing access roads and low value habitats (i.e. avoid an impact) where these are available.

3.2.4 Mitigation measures will be:

- Incorporated into the design (embedded mitigation);
- Implemented through consenting or licensing required to ensure compliance with legislation;
- Integrated into the construction management programmes or method statements (i.e. the CoCP);
- Secured through a planning condition for a LEMP included with the Order application for the relevant works components of the Scheme that require planning permission; or
- Managed via CoCP Part A and Network Rail commitments (as set out within NR/L2/ENV/015), included with the Order application for associated temporary land use areas.

3.3 Embedded Mitigation

3.3.1 Where reasonably practicable, environmental effects have been avoided through the development and adoption of a range of mitigation measures. Each mitigation measure for ecology is summarised below, with a full assessment provided in Volume 3, of the ER (**NR14**), which contains details of all proposed mitigation measures for the Scheme.

Layout Design (EM1)

3.3.2 Where practical, the layouts of the relevant works components of the Order application have been designed to make use of habitats of low ecological value, rather than habitats of high value. Significant adverse effects on the integrity and connectivity of the habitats within the Order application have been avoided due to maximising the retention of habitat along the railway embankments and compound locations.

3.3.3 Specific examples of avoidance of higher value habitats include:

- Plevins Compound: Retention of overhanging trees where feasible, specifically on the western edge where the trees maintain a 10 m plus buffer to Huddersfield Canal Site of Special Scientific Interest (SSSI);
- Printworks Office Compound: Boundary trees in the north-west and east of the Order application to be retained;
- Egmont Street: Trees to be retained at the boundary of the parking area, including the area adjacent Huddersfield Canal;
- Heron Lane Compound: In-channel works were proposed to widen an access route which would have directly impacted the River Tame and could have impacted flora and fauna in and adjacent to the Order application. This portion of the Order application was removed and access works are limited to minor de-vegetation;
- Royal George Underbridge Compound: Trees at border of compound can be retained; and
- Sam Road Compound: De-vegetation will be minimised to avoid tree removal adjacent to Huddersfield Canal and residential buildings.

3.3.4 A badger sett is located close to part of the Order application (the precise location is confidential, in accordance with best practice). The following measures will be implemented to reduce the likelihood of direct or indirect impacts to badgers:

- Where feasible, a 20 m exclusion zone will be demarked around any active badger sett entrances;
- Works will comprise of temporary minor de-vegetation only and restricted to hand tools;
- No groundworks or machinery will be used;
- Works will be constrained to daytime only; and
- An Ecological Clerk of Works will provide support during de-vegetation, comprising pre-works checks and ensuring no mammal paths or sett entrances are obscured.

Lighting Measures (EM2)

- 3.3.5 A Nuisance Management Plan as part of CoCP Part B, secured through planning condition, will be prepared for the relevant works components of the Order application that require planning permission that will include best-practice measures for any additional lighting that is required to safely facilitate construction and future operational use of the relevant works component, as described in section 3.4 of the CoCP Part A (**NR17**).
- 3.3.6 Any requirements for temporary construction and compound lighting will be designed to be directional and avoid illumination of adjacent natural habitats. This will be to minimise indirect disturbance effects to nocturnal wildlife such as bats and certain bird species that could use habitats for foraging and commuting. Residual light spill is considered unlikely to have an adverse effect on the use of habitats in the Order application by bats, as these are already subject to a level of light disturbance from the existing lighting and these habitats are most likely to be used by bat species that are more tolerant of light disturbance, such as pipistrelles.

Noise Reduction (EM3)

- 3.3.7 A Noise and Vibration Management Plan as part of CoCP Part B will be prepared for the relevant works components of the Order application that require planning permission that will include mitigation measures for reducing impacts from noise during construction, as described in in the CoCP. These will help to minimise disturbance from noise to wildlife such as bats and birds that may be present. The Order application currently experiences noise disturbance from existing railway operations and the largely urban areas present, so a notable increase in noise levels is not expected. Residual noise is considered unlikely to have an adverse effect on the use of habitats around the Order application by bats and birds, as these are already subject to a level of disturbance from the existing railway operations and will be habituated to that.

Surface Water Drainage and Pollution Prevention (EM4)

- 3.3.8 A Nuisance Management Plan as part of CoCP Part B, secured through planning condition, will be prepared for the relevant works components of the Order application that require planning permission that will include best-practice measures for mitigation measures for preventing pollution incidents during construction of the Order application, including to control the generation of dust during construction activities. Pollution control measures will be implemented to avoid and minimise adverse effects of pollution and runoff on the adjacent water environment.

3.3.9 The Pollution Prevention and Incident Control Plan (PPICP) will describe measures that will be in place to deal with pollution incidents efficiently when and if they occur. The PPICP will require that in order to avoid potential pollution effects, all refuelling and servicing of vehicles will be conducted within a designated area with an impermeable base. To prevent spillages, refuelling will be carried out by pumping through a trigger delivery nozzle.

3.3.10 Fuel, oil and other potential contaminants will be stored within bunded tanks having capacity of 110% of the volume stored and only the minimum quantity required will be stored within the Order application. The designated area will be maintained in a secure and clean manner. An adequate quantity of oil absorbent material will be available and spillages cleared up immediately. All construction equipment will be maintained in good working order and checked regularly for spillages/ leaks. Measures for associated temporary land use will be implemented through the CoCP Part B

Biosecurity Measures (EM5)

3.3.11 As described in Section 4.5 of the CoCP Part A (NR17) the LEMP will include a section that identifies the presence of any invasive or injurious species and how they will be dealt with for the relevant works components of the Order application that require planning permission. The presence of INNPS (Himalayan balsam, Japanese knotweed, rhododendron, buddleia (not on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) but considered invasive), montbretia and variegated yellow archangel) will need to be addressed prior to construction to ensure they are not spread beyond their current extent. Each INNPS will require targeted and specific management as they are present in areas where construction will occur so there is a risk that INNPS plant material could be transmitted off-site via staff, plant and materials, which is illegal under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

3.3.12 Relevant Network Rail guidance notes will be complied with in removing any invasive or injurious species as applicable. Mitigation measures for INNPS will be outlined and contractors will be responsible for implementing biosecurity measures and adherence to the INNPS Management Plan. The INNPS Management Plan will be produced including measures to be implemented during the proposed works which will cover such things as the demarcation of affected areas, the management of impacted soils through the use of track matting over affected areas, wearing of protective clothing, and removal and storage of arisings (e.g. stockpiling in an agreed location) prior to and during development. The cleaning/ disinfection of clothes and equipment prior to travel

to another site will prevent plant materials from being transferred and propagating in other areas.

3.4 Additional Mitigation

SBI – Armit Road Lodge, Grasscroft pasture, Cliffs at Mossley and Huddersfield Canal (AM1)

3.4.1 The layout of the relevant works components of the Order application has been designed to follow the Mitigation Hierarchy and avoid Sites of Biological Importance (SBIs) where feasible. Where this is not possible, the Order application aims to minimise impacts:

- Armit Road Lodge SBI: The Order application design was refined to make use of an existing footpath through the SBI. The use of hand tools is specified to minimise the requirement for de-vegetation, notably scrub removal for the diversion of an existing footpath and minimise disturbance which will be temporary in nature;
- Grasscroft Pastures SBI: Design of the new footpath to retain a buffer to the adjacent trees where feasible. De-vegetation is limited to a 4 m wide footpath;
- Cliffs at Mossley SBI: Proposed drainage micro-sited to reduce de-vegetation footprint; and
- Huddersfield Canal SBI: Pollution control measures will be implemented to avoid and minimise adverse effects of pollution and runoff on the adjacent water environment, as described in the CoCP Part B.

3.4.2 Where areas of temporary de-vegetation have taken place within an SBI, habitat will be reinstated and enhanced where practical. Other enhancement measures will be targeted within the wider SBI in conjunction with habitat creation.

Priority Habitat – Deciduous Woodland and Lowland Heathland (AM2)

3.4.3 The layouts of the relevant works components of the Order application have been designed to follow the Mitigation Hierarchy and avoid priority habitats where feasible. 0.056 ha of lowland heathland and 0.043 ha of deciduous woodland will be lost to facilitate the Order application. Network Rail's commitment to deliver 10% BNG will result in a habitat enhancement following the temporary loss.

Bat Mitigation – Confirmed Bat Roosts (AM3)

Stalybridge and Scout Tunnel

3.4.4 The following roosts are considered likely present at both Stalybridge and Scout Tunnels:

- Brown long-eared day/ transitional roost;
- Common pipistrelle day/ transitional roost; and
- Common pipistrelle hibernation roost.

3.4.5 Works to the tunnels include track bed lowering and overhead line equipment installation. The installation design allows for micro-siting of drilling, in which case is highly likely that all direct impacts to potential roost features can be avoided through the selection of less impactful locations. Resultantly, where feasible, the most impactful works will be timed to avoid the most sensitive period for bats and a Natural England disturbance notification would be sought. The disturbance notification will explain how the lawful activities may unavoidably cause disturbance and that the mitigation proposed is sufficient to manage risk. This approach avoids the requirement for unnecessary European Protected Species Licencing (EPSL) whilst lawfully assuring, through Natural England, that appropriate steps are taken. In 2025 and 2026, pre-commencement works, which are outside of the Order application, have been undertaken within Stalybridge Tunnel. As of 28 April 2026, Natural England has approved three disturbance notifications. Therefore, a letter of no impediment is not deemed necessary as it has already been evidenced that a non-licensable route, through disturbance notifications, is sufficient.

Mitigation Strategy for Bat Roosts

3.4.6 A detailed mitigation strategy will be developed as part of the tunnels licence application as outlined in Section 4.3.9, which will include (but not be restricted to) the following key principles:

- Pre-construction bat survey (between May and September for day/ transitional roosting and November – March for hibernation roosting within year prior to construction) to be undertaken in accordance with current survey guidelines and Appendix 6C – Proposed Tunnel Bat Survey Methodology to reaffirm species and classify the bat roosting status as well as exact location of roost site;
- All roosts are currently assessed as a low conservation value roost of a common and widespread species;
- During licensable works, a licensed bat ecologist would be present during the initial stages of the works in the vicinity of the roost location so that any PRF can be inspected using a torch and/ or endoscope prior to works commencing to confirm bats are absent;
- A Bat Toolbox Talk would be delivered to staff; and

- Any newly installed lighting will not directly illuminate replacement roosting features.

3.4.7 No other bat roosts have been confirmed in the Order application Areas. The above approach and principles will be followed for any subsequent bat roosts identified during pre-construction surveys of structures and trees, adapting as necessary to the individual conditions of roost type and species of bat.

Habitat Demarcation for Trees and Hedgerows (AM4)

3.4.8 Protection of retained trees and hedgerows will be implemented to prevent accidental damage, through suitable tree protection in accordance with British Standard 5837:201225. This may include fencing or other appropriate demarcation measures. The measures will be in accordance with those outlined in the Arboriculture Chapter (Chapter 8 in Volume 1 of the Environmental Report (**NR14**) and Figure 8.1.1 - Tree Protection Plan in Volume 2 of the Environmental Report (**NR14**)) and contained in the LEMP for relevant works components of the Order application that require planning permission. The aims and objectives of the LEMP will be secured through the planning condition process.

Order application Clearance and Preparation (AM5)

3.4.9 During vegetation clearance and preparation works, a watching brief will be undertaken by an appropriately trained ecologist during vegetation removal and disturbance of natural and artificial refugia materials that could provide shelter habitat for breeding birds, common reptile species, hedgehog, common toad and brown hare to reduce the risk of killing and injury. Any strimming will be undertaken using a phased approach to reduce habitat to a low level so it can be checked by appropriately trained personnel for sheltering animals prior to full removal. Natural and man-made refugia items will be relocated where possible so there is no net loss of shelter habitat available. Requirements for watching brief activities will be outlined in the LEMP.

3.4.10 Removal of vegetation and refugia materials suitable for shelter by amphibians, reptiles and hedgehog will avoid periods of frost or temperatures below 5oC because this could disturb hibernating animals. Any common amphibian species, reptiles or hedgehog discovered will be moved to an area of suitable habitat outside the Order application Area.

3.4.11 Pre-construction surveys will be completed prior to construction as follows to reaffirm conditions remain the same and that there are no changes required to the mitigation proposed:

- Badger surveys within Order application Area, to reaffirm the presence of main setts and to reaffirm the absence of setts;
- As applicable, presence/likely absence surveys to be completed on the existing structures to reaffirm the status of roosting bats closer to works commencing and inform any requirements for licensing and mitigation:
 - Stalybridge Tunnel (MVL3/3);
 - Heyrod Hall Bridge (MVL3/07);
 - Manchester Road Footbridge (MVL3/10);
 - Scout Tunnel (MVL3/11);
 - Stamford Road Footbridge (MVL3/13);
 - Mossley Station Footbridge (MVL3/14);
 - New Earth Footbridge (MVL3/16);
 - Midge Hall Overbridge (MVL3/19);
 - Wrights Mill Overbridge (MVL3/20);
 - Charlotte Street Overbridge (MVL3/24);
 - Royal George Underbridge (MVL3/25);
 - Footway Underbridge (MVL3/26);
 - Oldham Road Overbridge (MVL3/28);
 - Den Quarry Underbridge (MVL3/30); and
 - Uppermill Viaduct (MVL3/31).

3.4.12 The pre-construction bat surveys will be undertaken in the year prior to construction to allow for timescales for a licence or disturbance notification, were a bat roost site to be identified. Where a roost site is identified, mitigation measures as set out in SM1 will then be followed.

Breeding Bird Mitigation (AM6)

3.4.13 Mitigation is required to meet legal requirements for breeding birds during construction clearance within Order application Areas. All birds are protected while nest building and when nesting under the Wildlife and Countryside Act 1981 (as amended), and it is an offence to destroy or damage an occupied bird nest. The following mitigation will be implemented:

- Where possible vegetation removal will be undertaken outside the core nesting season (i.e. avoiding 01 March to the 31 August). Checks for nesting bird species will also be undertaken during Order application Area clearance and preparation works undertaken in the bird breeding season. Network Rail guidance recommends that checks for nesting birds must be made at all times

of the year when clearing vegetation due to the fact that certain species can nest all year round. A breeding bird and nest check form will be completed prior to removal of vegetation (Network Rail, 2019 and 2020a);

- If this is not possible then the works will be subject to supervision by appropriately trained personnel prior to removal who will check for bird nests and advise on any mitigation requirements to ensure legal compliance; and
- A stand-off area (the size of which will vary depending on the bird species concerned and level of legal protection) will be maintained around any active bird nests found, to protect against potential impacts during works until young have fledged. If this cannot be achieved, then relevant works will need to be delayed until nesting activity is completed (as confirmed by the ecologist).

Ecology Toolbox Talks (AM7)

3.4.14 As part of the Order application induction for staff, relevant information on the ecological features identified will be provided. This will encourage staff to be considerate to wildlife that may be using habitats adjacent to the Order application areas and to report any discoveries or incidents involving wildlife. In particular, staff will be informed of the potential to encounter wildlife during construction activities and will be requested to have due care and consideration when driving within the Order application and completing construction activities. Environmental information will be displayed at welfare compounds that will remind staff about the key environmental issues.

3.5 Mitigation Summary

3.5.1 3.5.1 A summary of the potential effects and the incorporated mitigation measures are provided in Table 4-1 in section 4.4 of the Environmental Report, Appendix 6a – Ecology Technical Appendix (**NR14**), in addition to the confirmation of any notable residual effects. The Environment Report (**NR14**) concludes no likely significant effects over construction, operation and decommissioning.

3.5.2 The relevant works components of the Order application have been sensitively designed and positioned with reference to the existing baseline conditions and potential pathways for impact (e.g. avoiding habitats of higher ecological value where possible). As a consequence of the implementation of measures outlined in Sections 4.1 and 4.2, no notable adverse residual construction or operational effects are anticipated as a result of the relevant works.

4. BIODIVERSITY COMPENSATION AND ENHANCEMENT

4.1 Habitat Reinstatement, Habitat Compensation and SBI Enhancement

Habitat Reinstatement

- 4.1.1 Where practicable, the relevant works components of the Order application have been sought to be undertaken on habitats of lower ecological value which are widely available in the wider landscape, rather than those of higher value. The area of permanent land acquisition required overall is relatively small and the temporary land use areas will be reinstated to their pre-works condition as far as possible. Accordingly, any reduction in biodiversity caused by the Order application will be minimal.

Habitat Compensation

- 4.1.2 To compensate for the habitat losses (both permanent and temporary), a Biodiversity Net Gain (BNG) assessment using Biodiversity Metric 3.0 has been undertaken. Although the Statutory Metric has been released, the TRU programme overall commenced the BNG assessment in Metric 3.0 (July 2021), therefore it is appropriate to retain this in order to accurately compare data and units across all TRU projects where assessments were completed using this version and to maintain a consistent approach for the compensation.
- 4.1.3 The deemed planning permission being sought for the works to be authorised by the TWAO is not subject to the mandatory BNG condition. The wider works being undertaken via Permitted Development are exempt by virtue of Permitted Development not requiring BNG. Despite this, Network Rail is committed to deliver 10% BNG for the overall TRU works, through compensation both within and outside the Order application footprint. The commitment to achieving 10% gain in biodiversity units is outlined in the TRU Net Positive Biodiversity Strategy² and the BNG assessment for the Order application has been carried out to meet the objectives as stated in that Strategy.
- 4.1.4 The habitat management and monitoring proposed to deliver habitat creation will be secured through a planning condition as described in the Order application document 'Request for deemed planning permission and statement of proposed conditions' (NR11).
- 4.1.5 Where planning permission is not required for associated temporary land use and works are being completed under permitted development rights, upon

² Network Rail (2020 Biodiversity Action Plan, available at <https://www.networkrail.co.uk/wp-content/uploads/2020/12/Network-Rail-Biodiversity-Action-Plan.pdf>, accessed 01/08/2025)

completion of the use of all land used temporarily, it will be restored to its pre-works activity condition as far as possible in accordance with the Outline Draft Mitigation Land Restoration Proposals (Figures 7.3.1 to 7.3.20 of Volume 2 of the ER (**NR14**)). Liaison with the relevant local authority and landowners will take place prior to the restoration proposals being implemented.

4.1.6 In line with national and local planning policy, a summary of the key ecological enhancement measures proposed are as follows:

- Provide new native species planting typical of the surrounding local species and structure and implement an appropriate management regime;
- Reinforce connectivity between existing habitat features of value, for example gapping up existing hedgerows and new planting to connect hedgerows and woodland blocks;
- Increase biodiversity value of the grassland habitats by planting flower-rich native grassland mixes that will be managed appropriately;
- Provide bat roosting, foraging and commuting habitat through the planting of native scrub and woodland habitats;
- Provide bird nesting, shelter and foraging habitat through the planting of native scrub and woodland habitats;
- Provision of wildlife boxes to provide shelter, nesting and roosting opportunities; and
- Control the spread of INNPS through removal of known stands of Himalayan balsam and Japanese knotweed and treatment to prevent reoccurrence.

SBI Enhancement

4.1.7 The GMEU (Greater Manchester Ecology Unit) have stated during consultation that de-vegetation within SBIs should be compensated for within the same SBI as far as practical. This approach follows the Greater Manchester Sites of Biological Importance Selection Guidelines³ in order to encourage the:

- Maintenance of the local integrity of the SBI;
- Preservation of local biodiversity by ensuring habitat functions are not displaced to ecologically dissimilar areas; and
- Supporting landscape connectivity and avoid fragmentation of habitats.

³ Greater Manchester Ecology Unit (2016) version 2, "Greater Manchester Sites of Biological Importance Selection Guidelines", available at <https://www.tameside.gov.uk/ecologyunit/sbi/guidelines.pdf>, accessed 19/07/2025

4.2 Habitat Enhancement Summary

- 4.2.1 An appraisal of potential effects on the ecological features identified in the Order application has been undertaken using desk study data and field survey results.
- 4.2.2 The Order application has been sensitively designed and positioned with reference to the existing baseline conditions and potential pathways for impact (e.g. avoiding habitats of higher ecological value where possible). With the implementation of the embedded and additional mitigation measures outlined in section 4 - the 'Mitigation and Consideration of Control Measures' section, no significant adverse residual construction, operational, or decommission effects are anticipated as a result of the Order application.
- 4.2.3 Proposals suitable to achieve benefits for biodiversity as a direct consequence of the relevant works components will be described and demonstrated either within the LEMP that will be submitted to the relevant local authority for approval under a planning condition or through Network Rail's biodiversity commitments. Biodiversity enhancement measures are proposed that are reasonable and proportionate to the impacts, and that will enhance the existing ecology of the local area.
- 4.2.4 A summary of the mitigation measures to be implemented is provided in Table 41 in section 4.4 of the Environmental Report, Appendix 6a – Ecology Technical Appendix. Habitat enhancement measures will be detailed in the LEMP for relevant works components of the Order application that require planning permission. Where deemed planning permission is not required and upon completion of the use of any land temporarily used, it will be restored to its pre-works activity condition in consultation with the landowner. Liaison with each local authority and landowners will take place prior to the restoration proposals being implemented and the restoration proposals will be secured through a letter of environmental commitment.

5 STATEMENT OF MATTERS

5.1 Item 6: Environmental Effects of the Scheme: Item a) designated and non-designated green spaces

- 5.1.1 I refer to the proof of evidence of Mike Gradwell (NR/PoE/MA/15.2) who considers the subject of designated and non-designated green spaces.

5.2 Item 6: Environmental Effects of the Scheme: Item b) trees, habitats and protected species

5.1.1 Chapter 6 and Chapter 8 in Volume 1 of the Environmental Report (NR14) presents an appraisal of the impacts of the Order application on trees, habitats and protected species.

Impacts on Trees and Habitats

5.1.2 The Order application design has followed the Mitigation Hierarchy, evidenced by through 'de-vegetation consultations' with ecologists, project leaders, project engineers and the landscaping team to ensure that minimal de-vegetation will be carried out. Where tree and habitat removal is unavoidable, this shall be mitigated through implementation of a detailed LEMP that is intended to mitigate landscape and also ecological effects. The commitment to a BNG ensures that the Order application will achieve a net gain for biodiversity.

Impacts on Protected Species

5.1.3 The Order application design has followed the Mitigation Hierarchy, evidenced through an ecological baseline as provided in the Environmental Report (**NR14**), with emphasis on avoidance of protected species through micro-siting works locations, reviewing the seasonality of works and general, embedded and additional mitigation. My proof of evidence refers to avoidance of bat potential roost features and badger setts through Order application design.

5.3 Item 6 Environmental Effects of the Scheme: Item c) flood risk, drainage, noise, vibration, air quality and landscape character

5.3.1 I refer to the proof of evidence of Jim Pearson (NR/PoE/MA/4.2) who considers the effects on Environment Management.

5.4 Item 6 Environmental Effects of the Scheme: Item d) heritage assets, including historic routes and structures

5.4.1 I refer to the proof of evidence of Sandra Honeywell (NR/PoE/MA/14.2) who considers the effects on Environment Management.

6 OBJECTIONS

6.1 Introduction

6.1.1 This section addresses objections to the Order application which are relevant to the topic of Ecology as covered by this Proof of Evidence.

6.1.2 Network Rail is currently actively engaging with all those who have raised objections and representations to the Order application in an attempt to address issues raised.

6.2 Objections 49 50, 71, 75, 111, 115, 123, 153, 166, 169, 180, 182, 189, 195, 207, 222, 228, 229, 237, 243, and 246 – Brookfields/new Mossley Station

6.2.1 These objections concern the following matters:

49, 50, 75, 153, 166, 207, 222, 228 237, 243 Tree Preservation Order and impacts to wildlife

71 Loss of green space, Tree Preservation Order, impacts to wildlife and increased flooding risks

75 Tree Preservation Order and impacts to wildlife

111 Impacts to wildlife and green spaces

115 Tree Preservation Order, and increased flooding risks

169 National Forestry Inventory area (Deciduous Woodland), impacts to wildlife

180 Brookfields Woodland Protection Order (2025)

182 Tree Preservation Order, impacts to wildlife, biosecurity risks.

189 Planning creep, Tree Preservation Order, increased noise and light pollution, increased flooding risks, biosecurity risks

195 Tree retention (privacy) and impacts to wildlife

207 Tree Preservation Order, impacts to wildlife, increased flooding risk.

229 Loss of green space, impacts to wildlife

246 Tree Preservation Order, loss of green space, increased flooding risk

6.2.2 I now address each topic in turn.

Tree preservation, loss of green space/woodland, and associated flooding risks

- 6.2.3 Objections 49, 50, 71, 75, 115 123, 153, 166, 169, 180, 182, 189, 195, 207, 222, 229, and 246 raise a concern that Brookfields is subject to an existing Tree Preservation Order (TPO) which restricts works that may damage, disturb, or destroy protected trees and woodland habitats.
- 6.2.4 Objection 75 is particularly concerned that mature irreplaceable trees are to be removed to facilitate sewage line realignment and argues that the scope of the de-vegetation is excessive.
- 6.2.5 Objections 79 and 229 state that the area is an important local resource used as a green space by dog walkers and other locals.
- 6.2.6 Objections 189 and 207 also raise concerns that the loss of root systems will escalate flooding risks in the local area arguing that the mature trees *‘provide both carbon capture and flood soak, both necessary as our weather patterns shift due to climate change’*.
- 6.2.7 In response:
- The construction activities proposed in Brookfields are explained in Keith Gardner’s evidence (NR/PoE/KG/3.2 for Construction Main Proof).
 - Network Rail have undertaken a detailed review of its proposed use of the Brookfields Site as a secondary temporary construction area in connection with works proposed for the construction of Mossley Station. The area of land required at Brookfields to facilitate the Order application has been reduced. Network Rail does continue to require the use Brookfields Site for reasons including the installation of new drainage apparatus and the removal / treatment of Japanese knotweed.
 - The arboricultural deliverables for the Order application have been produced in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.
 - The tree survey data has been plotted onto Tree Protection Plans (TPPs) shown on Figures 8.1.1 to 8.1.20 of Volume 2 of **(NR14)** to show individual trees, groups, woodlands and hedgerows recorded within the site extents. The trees have been illustrated in line with their BS classifications as either A (high quality), B (moderate quality), C (low quality), or U (unclassified – poor) categories in accordance with the BS5837:2012.
 - Tameside Metropolitan Borough Council and Oldham Metropolitan Borough Council have provided mapping and associated TPO references of those trees within and adjacent to the Site extents as illustrated on the TPPs. This data has

been used to confirm those TPOs and trees in conservation areas potentially impacted upon by the Order application. The impacts on TPOs and trees on Conservation Areas have been quantified and the data included within Table 4-2 within Appendix 8A of the ER (**NR14**).

- These impacts will need to be confirmed on site with the Principal Contractor and the details confirmed within a Final Arboricultural Method Statement secured as part of the Landscape and Ecological Management Plan (LEMP) produced at detailed design. The Final Arboricultural Method Statement will include any updated TPOs and conservation areas that have established since the first iteration of the ER (**NR14**).
- Any tree loss will follow the Mitigation Hierarchy: avoidance, minimisation, restoration and compensation. This approach ensures that biodiversity is protected and enhanced and any unavoidable vegetation loss will be limited where possible. The Scheme has conducted 'de-vegetation consultations' with ecologists, project leaders, project engineers and the landscaping team to ensure that minimal de-vegetation will be carried out. Where tree removal is unavoidable, this shall be mitigated through implementation of a detailed LEMP that is intended to mitigate landscape and also ecological effects. The commitment to a BNG ensures that the Order application will achieve a net gain for biodiversity.
- At present, no high-quality groups/woodland shall be lost. Network Rail will make all practicable effort to avoid and minimise tree and vegetation removal in relation to the delivery of the Order application and the relevant works elements that require planning permission.
- Additional mitigation regarding the Order application works will be secured via adherence to the control measures outlined with the CoCP Part A (NR17) and the relevant management plans proposed as part of the CoCP Part B.
- The primary mitigation is the provision of tree protective barriers to be provided by the appointed contractor to ensure the protection of retained tree stock. The locations of the protective barriers would need to be confirmed as part of the Final Arboricultural Method Statement (AMS) production secured as part of the LEMP. The Code of Construction Practice (CoCP) Part A (NR17) requires trees and vegetation that can be retained to be protected as per BS5837. That requires confirmation of trees and / or root structure which are not affected by any elements of the relevant works, whether permanent or temporary. That will also require identification and specific protection measures that may be required for trees or root structures that are adjacent to any relevant works and can be retained.
- All tree works are to be undertaken in line with current recommendations in accordance with BS3998:2010 Tree Work – Recommendations and comply with the current Arboriculture and Forestry Advisory Group (AFAG) or

applicable Forestry Industry Safety Accord (FISA) advice published by the Health and Safety Executive (HSE) or FISA.

- Where root loss is required, this will be achieved using a clean sharp tool via a hand dug trench under the supervision of an arboriculturist. Where service diversions are required, these will generally be designed to avoid tree positions and where this is not feasible will be installed under arboricultural supervision using trenchless or hand excavation techniques to allow important roots to be retained.
- Root protection zones will be mapped out prior to the works beginning and suitable ground protection will be used to protect retained trees during the works. Arboricultural impacts and mitigation including references to root protection, TPO trees, and Conservation Area trees are detailed in the arboricultural report⁴.
- During the detailed design of the station, the formal drainage plan will be designed to mimic greenfield runoff and in terms of discharge this will require consent from the lead local flood authority. In noting the requirement for an LEMP as explained above, the site will be replanted and this will require additional absorption that will increase in time as replanting matures.
- Network Rail is under the following obligations for the area in compliance with the deemed planning (**NR11**). Condition 4(a)(i) pre-commencement requires NR submit a plan and an Arboricultural Statement to the relevant local authority for approval that shows trees and vegetation that is to be retained and protected in addition to the vegetation that requires removal to facilitate the use of the compound. In addition, condition 4(a)(ii) requires Network Rail to describe how the ecological assets in the area will be protected in advance of any de-vegetation. At the conclusion of the works, under condition 5 Landscaping and Ecology, Network Rail must produce an LEMP as a design showing how the area will be replanted. The high-level indicative landscape plan is included in the Order application in the Environment Report (**NR14**) in Volume 2 Figures (Folder 2 of 3): Figure 7.3.8.

6.2.8 My proof therefore acknowledges that habitats and wildlife will be safeguarded through the Mitigation Hierarchy. Any impacts proposed will be unavoidable and be mitigated for accordingly.

Impacts to wildlife

6.2.9 Objections 49, 50, 71, 75, 111, 123, 153, 166, 169, 182, 195, 207, 228, 229, 237, 243, and 246 are concerned with the impacts that vegetation removal will

⁴ Section 4 of the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order Appendix 8A – Arboriculture Technical Appendix.

have on the wildlife that is found on the site, namely wild deer, badgers and bats. Objection 49 in particular argues that the proposal does not include:

- An ecological impact assessment;
- A badger survey or sett mapping;
- A bat activity survey; and
- A habitat displacement or mitigation strategy.

6.2.10 In response:

- Badger surveys have been conducted across the Order application including the Brookfields area⁵. The results from these surveys have not been publicly reported due to the persecution faced by badgers but we can state that no evidence of badger setts, foraging or breeding was found within the Brookfields area;
- Bat Ground Level Tree Assessments were carried out during the UK Habitat Classification Surveys (following 'Bat Surveys for Professional Ecologists: Good Practice Guidelines') and found no features suitable for roosting bats in any of the trees; the nearest feature noted was in a building on the other side of the rail and will not be impacted by the Order application;
- A daytime bat walkover was conducted across the Order application (following 'Bat Surveys for Professional Ecologists: Good Practice Guidelines') to understand the layout of the works and elements that were not readily available by the desk study, such as topography. Bat activity surveys were not deemed necessary as the proposals are not likely to significantly impact on habitats suitable for bat flight-paths, foraging and social behaviour. Desk study data and echolocation recordings from dusk emergence surveys over the Order application have contributed to a robust understanding of how bats use the Order application area; and
- The site is suitable for nesting birds and as a foraging or commuting habitat for wildlife such as those mentioned within the objection (deer, badgers, field mice & bats). Precautionary Method of Working (PMW) will be in place to protect breeding and foraging wildlife, as specified in the Environment Report (**NR14**).

6.2.11 My proof therefore acknowledges that surveys for protected, priority and invasive species have been conducted in accordance with good practice guidelines. Justification for any surveys not deemed necessary to assess the impacts of the Order application are also provided.

⁵ Following the methodology detailed in 'Surveying for Badgers: Good Practice Guidelines' [Surveying Badgers \(The Mammal Society\)](#) | CIEEM

Ecological Impact Assessment

6.2.12 Objection 50 is concerned with the omission of an Ecological Impact Assessment.

6.2.13 In response:

- An Environmental Impact Assessment (EIA) screening decision was issued by the Secretary of State on 22 March 2024 (**NR13**), which confirmed that an EIA is not required for the Order application;
- Though an EIA is not required for the Order application the ER (**NR14**) has been produced and submitted with the Order application. The ER appraises the environmental effects of the Order application, recommends environmental mitigation as required and secured it via The Request for Deemed Planning (**NR11**) and the Code of Construction Practice Part A (**NR17**). In addition, the ER has been prepared to address the request in paragraph 6 of the Secretary of State's screening decision (**NR13**) to provide with the Order application an appropriate level of detail on proposed Order application's impacts including Ecology, nature conservation and biodiversity; and
- Accordingly, the findings on the environmental appraisals of the ecological impacts in relation to the Order application are reported in the ER in Volume 1 Main Report, which summarises or appraises ecology in section 6 Ecology with the full assessment located in Volume 3 Appendices: Appendix 6A Ecology and 6C Bat survey methodology. The report was based upon CIEEM EclA best practice guidelines. The report provides a structured approach to assessing the potential effects of development-related actions on ecological features and concluded no significant residual effects.

6.2.14 My proof therefore evidences that an EIA was not deemed necessary by the Secretary of State and a report based upon EclA was produced.

Habitat displacement and mitigation strategy

6.2.15 Objection 50 is concerned with the omission of a habitat displacement or mitigation strategy.

6.2.16 In response:

- The ER (**NR14**) outlines the proposed habitat loss as part of the Order application. Loss will be mitigated for in accordance with embedded and additional mitigation measures. Notably, adherence to the Mitigation Hierarchy and adherence to scheme-wide biodiversity net gain;

- The area will require a pre-commencement ecology survey in advance of the works to check conditions have not changed and any impacts to these caused by the works will be covered by a PMW during construction which will provide details on non-licensable methods of habitat and species mitigation;
- During construction drainage will be controlled in compliance with the Code of Construction Practice (CoCP) Part B. This requires that a PPICP is submitted to and approved by the relevant local authority that must include controls to manage surface water runoff and flooding in addition to preventing any pollution;
- The Order application has conducted de-vegetation consultations with ecologists, project leaders and the landscaping team to ensure that minimal de-vegetation will be carried out. Where vegetation loss is unavoidable, this shall be mitigated through implementation of a detailed Landscape and Ecological Management Plan (LEMP) that is intended to mitigate landscape and also ecological effects. The LEMP is a design showing how the area will be replanted, again the relevant local authority must approve this plan. Figures 7.3.1 to 7.3.20 are included in the Order application in the Environment Report (**NR14**) and show an outline of landscape and ecological mitigation and restoration proposals. There will be sufficient retained habitat, and habitat within the surrounding area, which protected and priority species can use during the Order application and whilst the compensatory habitat is being created; and
- Network Rail have committed to achieving BNG across the Order application. The BNG assessment quantifies habitat baseline and includes details on how to achieve 10% net gain. Network Rail must acquire approval from the relevant local authority for the BNG requirement.

6.2.17 My proof therefore acknowledges that vegetation will be retained where feasible, as per the Mitigation Hierarchy. Details of retention will be provided within the LEMP. The removal of high value habitat is limited, with the majority of de-vegetation encompassing low quality widespread habitat. There will be sufficient retained habitat to maintain potential wildlife commuting corridors whilst compensated habitat is being created.

Biosecurity Risks

6.2.18 Objections 182 and 189 refer to the risk of biosecurity failure, specifically referencing the Japanese knotweed bordering the railway line and stating that *'knowingly causing or allowing the spread of a noxious weed is illegal'*.

6.2.19 189 questions the projects reliance on future mitigation, arguing that *'Where risks are this severe, particularly involving children, protected woodland and*

controlled invasive species, it is not acceptable to defer detail or rely on post-approval mitigation’.

6.2.20 In response:

- Two UK Habitat Classification walkover surveys have been conducted on the ‘Brookfields’ area in Mossley, the first was 15/05/2024, and the second 04/10/2024. The standard UKHab survey method was “extended” to record the presence or potential for protected, protected priority and any INNPS within the habitats present. During the UK Habitat Classification and habitat condition assessment surveys, the area was assessed for INNPS with Himalayan balsam, Japanese knotweed, rhododendron, cotoneaster, montbretia, variegated yellow archangel, Japanese rose, buddleia and cherry laurel identified within the Order application. The area of land required at Brookfields to facilitate the Order application has been reduced. Network Rail does continue to require the use Brookfields Site for reasons including the installation of new drainage apparatus and the removal / treatment of Japanese knotweed.
- As described in Section 4.5 of the CoCP Part A (**NR17**) the LEMP will include a section that identifies the presence of any invasive or injurious species and how they will be dealt with for the relevant works components of the Order application that require planning permission.
- Each INNPS will require targeted and specific management as they are present in areas where construction will occur so there is a risk that INNPS plant material could be transmitted off-site via staff, plant and materials, which is illegal under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).
- In accordance with the ER main report in Section 6.3.1, the project will produce an INNPS Management Plan to deal with the INNPS in accordance with legal requirements. Draft condition 4(a)(i) Pre Commencement requires Network Rail to submit a plan for vegetation removal to the relevant local authority for their approval. INNPS management will be detailed in the submission to the local authority for their approval. Network Rail is used to dealing with INNPS on its infrastructure and applies this understanding to 3rd party land as and where required. It should be noted that clearing INNPS legally will provide a benefit to Brookfields ecology and green space in general.
- The INNPS is considered feasible and we consider the final detail can be deferred post planning.

6.2.21 My proof firstly acknowledges the presence of INNPS within the area. The LEMP will provide further detail on locations and the INNPS Management Plan will detail targeted management.

6.3 Objection 101 – Bats (Uppermill Viaduct)

6.3.1 This objection refers to the risk of impacts to bats which the objector reports are living within the area.

6.3.2 *In response:*

- Network Rail is undertaking appropriate environmental assessments to understand the potential impact of the Order application. For bats, surveys were designed and completed in accordance with the Bat Conservation Trust Good Practice Guidelines (2023). A Preliminary Roost Assessment (PRA) and Ground Level Tree Assessments (GLTAs) were conducted on structures and trees respectively within the Order application's Zone of Influence (Zol) to identify any Potential Roost Features (PRFs). These surveys inform the requirement for further survey, including dusk emergence survey which identified presence/likely absence of roosting bats within the PRF.
- The term Zol is used in formal EIA projects (although the principle can be applied to any project) and is defined by CIEEM as 'the areas/resources that may be affected by the biophysical changes caused by activities associated with a project. The Order application Zol depends on species, the habitats present and the proposed works impacts. For Uppermill Viaduct, the Zol was approximately 20 metres from any direct impacts, such as drilling locations for overhead line scaffolds. Any disturbance from noise, vibration and artificial lighting beyond 20 metres is deemed to have dissipated sufficiently so as to not cause significant disturbance above baseline conditions.
- Dusk emergence surveys were undertaken to identify presence/likely absence of bat roosts within the Order application Zol. This informs whether the works requires mitigation such as none required, works to proceed under a Precautionary Method of Working (PMW), Natural England Disturbance Notification or under an EPSL. In the case of Uppermill viaduct, no roosts were identified within the Order application Zol. Bat commuting and foraging behaviour was identified.
- It is important to note that presence alone does not automatically trigger the need for EPSL. A meeting has been held on site with the objector to discuss these matters and further information provided in writing addressing concerns relating to the protection of bats in the Uppermill area.

6.3.3 My proof details the survey effort and rationale of bat presence/likely absence surveys. Bat surveys were undertaken in accordance with the Bat Conservation Trust Good Practice Guidelines (2023). Bat foraging and commuting activity was observed and no roosts were identified. Pre-commencement surveys will be conducted to re-assess the baseline conditions prior to construction. Currently, mitigation is considered sufficient following a PMW.

6.4 Objections rep3, rep4, 103, 144, 146, and 238 – Armit Road Compound

6.4.1 These objections refer to Armit Road Lodge SBI and include a request for specifics on how works in this location will be undertaken.

6.4.2 These objections specifically refer to the creation of Armit Road Compound, particularly where the Site intersects with Armit Road Lodge SBI. Objection 146 states that *‘The TWAO needs to include a firm commitment that any trees or vegetation to be affected will be recorded before work starts, and that there will be a public confirmation and record of their replacement for residents to see’*. Objection 144 states *‘It is particularly important the application states how the SBI will be protected and that any damage is recorded and rectified, and in particular states how the site as a whole will be returned to its previous natural state’*.

6.4.3 Objection 144 further states that the application should state *‘how the SBI will be protected and that any damage is recorded and rectified’*, and in particular state *‘how the site as a whole will be returned to its previous natural state’* due to the location within a green belt and SBI.

6.4.4 Objection 238 is concerned that *‘The ground will be polluted as well as stripped’*.

6.4.5 *In response:*

6.4.6 In response to the requirement that any vegetation removal and replacement be recorded and made available to the public:

- In advance of any construction works Network Rail will need to comply with the Deemed Planning Permission (**NR11**), condition 4(a)(i) that requires an Arboricultural method statement which details the vegetation and trees that are to be retained and protected in addition to identifying what will need removal. This information will be submitted to the relevant local authority for approval formally via the planning portal and on that basis be available for the general public to view;
- Likewise, draft condition 5 Landscaping and Ecology requires Network Rail to prepare and submit Landscape and Ecological Management Plans (LEMPs) and Final Arboricultural Method Statement (AMS) as outlined across the Order application and shown indicatively in the Environmental Report in the Volume 2 Figures (Volume 2 of 3), Figures 7.3.1 to 7.3.20 (**NR14**). Any other areas of vegetation removal will be replaced like for like as will be required. The plans when submitted through the planning portal will then also be in the public domain; and
- Network Rail is committed to deliver 10% BNG for the overall TRU works, through compensation both within and outside the Order application.

6.4.7 In response to concerns how the SBI will be protected and reinstated:

- GMEU have been consulted on the likely impacts to Armit Road Lodge SBI. Officers at the GMEU explained that de-vegetation should follow the Mitigation Hierarchy, which is reflected in the Environmental Report. This has been evidenced through de-vegetation consultations with ecologists, project leaders, project engineers and the landscaping team to ensure that minimal de-vegetation will be carried out to satisfy the Order application. Should permissions allow, habitat reinstatement and enhancement will be targeted at Armit Road Lodge SBI;
- Where tree removal is unavoidable, this shall be mitigated through implementation of a detailed Landscape and Ecological Management Plan (LEMP) that is intended to mitigate landscape and also ecological effects;
- Through BNG, Network Rail will quantify habitat baseline and loss as a result of the Order application. The Order application as a whole will replace that value and add 10% gain. It would be likely that the area of Armit Road Lodge SBI would be targeted to recover habitat value in combination with the LEMP requirement. Network Rail must acquire approval from the relevant local authority for the BNG requirement; and
- The LEMP at Armit Road compound will consider the presence of the SBI. In terms of protection of the SBI, condition 4(a)(i) will detail how retained areas must be protected in accordance with BS5837. It should also be noted that the principal protection during the works comes from the implementation of a PPICP, condition 6(c)(ii) that will be submitted to and approved by the relevant local authority.

6.4.8 My proof refers to the Mitigation Hierarchy, which is evidenced through de-vegetation consultations, including land at Armit Road Lodge SBI. The GMEU have expressed preference of offsetting any vegetation loss with creation/enhancement within the SBI itself.

6.5 Objection 130 –Greenfield Compound, Former Saddleworth Station Compound.

6.5.1 This objection is concerned that the loss of green spaces will result in reduced tourism which will in turn impact local businesses. It highlights Greenfield Compound (GC) and Former Saddleworth Station Compound (FSSC) as two ‘gateway’ areas which give a first impression when entering the village.

Greenfield Compound

6.5.2 ‘I object to any removal of vegetation from this area. The compound should not extend beyond the highway area of the A670, Oldham Road. Damage to this

woodland would have a severe and long-term impact on the landscape at this gateway to the Saddleworth villages and would be likely to have a negative effect on the visitor economy and the local housing market.'

Former Saddleworth Station Compound

6.5.3 'The line of trees on the roadside edge of this green space is of particular value and should remain untouched.'

6.5.4 *In response*

- The Order application has conducted 'de-vegetation consultations' with ecologists, project leaders, project engineers and the landscaping team to ensure that minimal de-vegetation will be carried out. Where tree removal is unavoidable, this shall be mitigated through implementation of a detailed LEMP that is intended to mitigate landscape and also ecological effects.
- Root protection zones will be mapped out prior to the works beginning and suitable ground protection will be used to protect retained trees during the works. Arboricultural impacts and mitigation including references to root protection, TPO trees, and Conservation Area trees are detailed in the arboricultural report⁶.
- Network Rail is under the following obligations for the area in compliance with the deemed planning (**NR11**). Condition 4(a)(i) pre-commencement requires Network Rail submit a plan and an Arboricultural Statement to the relevant local authority for approval that shows trees and vegetation that is to be retained and protected in addition to the vegetation that requires removal to facilitate the use of the compound. In addition, condition 4(a)(ii) requires Network Rail to describe how the ecological assets in the area will be protected in advance of any de-vegetation. At the conclusion of the works, under condition 5 Landscaping and Ecology, Network Rail must produce a Landscape and Ecological Management Plan (LEMP) as a design showing how the area will be replanted, again the relevant local authority must approve this plan. The high-level indicative landscape plan is included in the Order application in the Environment Report (**NR14**) in Volume 2 Figures (Folder 2 of 3): Figure 7.3.8.
- I refer to the proof of evidence of Mark Ashton (NR/PoE/MA/1.2) who considers the subject of social aspects of the Order application.

6.5.5 My proof refers to the Mitigation Hierarchy, which is evidenced through de-vegetation consultations. If de-vegetation is required beyond the highway area of the A670, Oldham Road, it has been deemed as crucial to facilitate the Order application, with no feasible, alternative less impactful alternatives. A LEMP will

⁶ Section 4 of the Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order Appendix 8A – Arboriculture Technical Appendix.

protect the retention of vegetation where feasible and BNG will contribute to a net gain over the Order application.

6.6 Objection rep4 – Diggle Access and multiple compounds.

6.6.1 This objection comes from Saddleworth Parish Council who share a number of concerns based on the environmental impact of the Order application.

Diggle Access

6.6.2 The objection is concerned that this diversion will negatively impact the Peak District National Park and references the forthcoming Oldham Local Plan, policy OL1 which states that *'Development that is viewed as conflicting with the purposes of the national park will not be permitted'*.

6.6.3 The objection requests that *'the TWA Order must be revised to demonstrate how the proposals are compliant with the Neighbourhood Plan and Local Plan'* in particular how the works are designed to avoid or minimise impacts to the National Park.

6.6.4 *In response*

6.6.5 Peak District

- The Order application does not enter into the Peak District National Park or any designated sites, including the South Pennine Moors SAC. A HRA (Appendix 6B to Vol 3 of the Environmental Report (**NR14**) covering the Order application evidences that there will be no likely significant effects on statutory sites for nature conservation.
- This objection concerns several proposed compounds proposed by the Order application and states *'The proposals include the removal of mature trees in a number of locations, and works on areas of significant ecological importance.'*

6.6.6 My proof refers to geographical location of the Peak District National Park and the Order application's position outside of this.

Compounds

6.6.7 This part of the objection concerns several proposed compounds proposed by the Order application and states *'The proposals include the removal of mature trees in a number of locations and works on areas of significant ecological importance.'*

6.6.8 'Saddleworth Parish Council consider that the TWA Order application cannot be granted without a full proposal of how the impacts of the works can be offset by tree planting and works to mitigate the environmental and community impacts of the creation of the compounds. It should also be clear before the Order application is granted what works are required to reinstate the compounds to their original state afterwards.'

6.6.9 Summaries of the specific objections to each applicable compound are listed below:

- Armit Road Compound

6.6.10 This site is in the green belt and is an SBI. The council wishes *'that the compound is designated as a welfare compound, and that a restriction on heavy machinery is at this location is set as a requirement for the TWA Order to be granted. An ecological assessment of the site should also be provided, which includes clear details of the use of the compound, how the SBI will be protected, and how any works adjacent which could impact the SBI will be mitigated, before the TWA Order is granted.'*

6.6.11 In response:

6.6.12 Please refer to the above '**Objections rep3, rep4, 144, 146, and 238 – Armit Road Compound**' for the protections and mitigations planned for the works at Armit Road Compound.

- Former Saddleworth Station Compound

The objection also raises concerns over the identification of bat roosts at the location and asks that the Order application *'consider that more work is required to identify the location of the bat roosts to ensure that both the works on the viaduct, and the creation of the compound do not have an adverse impact on local bat populations'*.

6.6.13 In response:

6.6.14 Network Rail is undertaking appropriate environmental assessments to understand the potential impact of the Order application. Refer to the response to Objection 101.

- Greenfield Compound

6.6.15 The objection states that if this clearance includes the adjoining banking, then this would mean removing a large stand of mature trees which are in the green

belt. They contend that *'the TWA Order should only be granted on the basis that the mature trees are not to be removed, or that any that are, must be replaced at the appropriate ratio, in line with local planning guidance.'*

- Land off Ladcastle Road

6.6.16 The objection states that this land falls within the green belt and that the works would be unnecessary if the Order application is adjusted to maintain Public Right of Way (PRoW) 209 instead of PRoW 244.

- Oaklands Road Compound

6.6.17 The objection states that *'Oaklands Road is currently designated as an OPOL site (Other Protected Open Land – a local designation).'* There is also a bank of mature trees at the location which the Order application plans to remove. Saddleworth Parish Council requires the Order application to *'mitigate the impact of the expansion of the compound on to the area of ecological importance, and put forward proposals to replace any trees removed on a proportionate basis as outlined in Oldham Local Plan policy N4'*.

6.6.18 In response

- The Order application has conducted 'de-vegetation consultations' with ecologists, project leaders, project engineers and the landscaping team to ensure that minimal de-vegetation will be carried out. Where tree removal is unavoidable, this shall be mitigated through implementation of a detailed LEMP that is intended to mitigate landscape and also ecological effects.
- Network Rail is under the following obligations for the area in compliance with the deemed planning (**NR11**). Condition 4(a)(i) pre-commencement requires Network Rail submit a plan and an Arboricultural Statement to the relevant local authority for approval that shows trees and vegetation that is to be retained and protected in addition to the vegetation that requires removal to facilitate the use of the compound. In addition, condition 4(a)(ii) requires Network Rail to describe how the ecological assets in the area will be protected in advance of any de-vegetation. At the conclusion of the works, under condition 5 Landscaping and Ecology, Network Rail must produce a Landscape and Ecological Management Plan (LEMP) as a design showing how the area will be replanted, again the relevant local authority must approve this plan. The high-level indicative landscape plan is included in the Order application in the Environment Report (**NR14**) in Volume 2 Figures (Folder 2 of 3): Figure 7.3.8.

- Network Rail is committed to deliver 10% BNG for the overall TRU works, through compensation both within and outside the Order application. The habitat will be maintained and managed accordingly.

6.6.19 My proof refers adherence to the Mitigation Hierarchy, the retention of habitat through a LEMP and 10% biodiversity net gain through habitat creation and enhancement. Refer to Objections above.

6.7 Objection rep7 – Spring Bank Lane Ecology Enhancement Zone (EEZ)

6.7.1 This objection is submitted by Roger-Hannah Solicitors on behalf of P Casey (Developments) Ltd.

6.7.2 The objection is concerned with the works planned within *‘Plot 4-004, which forms part of an approved Ecology Enhancement Zone secured under planning permission 21/00987/FUL relating to land at the former Hartshead Power Station and Millbrook Sidings’* also known as the ‘Spring Bank Lane Ecology Enhancement Zone (EEZ)’. The planned works in this area *‘require vegetation removal and site disturbance that conflicts directly with the ecological commitments secured by the planning permission.’*

6.7.3 In addition, the objection raises the presence of a badger sett in close proximity to the plot of land.

6.7.4 The objection states that the Order application *‘should not be confirmed unless Network Rail can demonstrate that its proposals will fully respect the approved Ecology Enhancement Zone and secure appropriate ecological protection and reinstatement.’*

6.7.5 In response

- The Spring Bank Lane Ecology Enhancement Zone (EEZ) was effectively created as part of the redesign and final approval of the Hartshead Power Station redevelopment; validated on 25 November 2025 according to Tameside Planning Portal. Therefore, the EEZ was not reference in the Environmental Report (**NR14**) which was submitted prior to this date.
- Network Rail is committed to deliver 10% BNG for the overall TRU works, through compensation both within and outside the Order application. The commitment to achieving 10% gain in biodiversity units is outlined in the TRU Net Positive Biodiversity Strategy⁷.

⁷ Network Rail (2020 Biodiversity Action Plan, available at <https://www.networkrail.co.uk/wp-content/uploads/2020/12/Network-Rail-Biodiversity-Action-Plan.pdf>, accessed 01/08/2025

- A LEMP will be produced to cover the relevant works components that require planning permission that will set out the biodiversity enhancement proposals and the habitat management and monitoring proposed to deliver these.
- Tameside Council and P Casey (Developments) Ltd will be consulted prior to any de-vegetation works within the EEZ. With the willing of stakeholders, Network Rail will aim to target Biodiversity Net Gain in this region.
- I also refer to the proof of evidence of Mike Gradwell (NR/PoE/MA/15.2) who considers the subject of consultation on other planning applications.

6.7.6 My proof acknowledges the EEZ having been secured through a separate planning application, after the submission of the Environment Report (**NR14**). Proof NR/PoE/MA/15.2 refers to appropriate mitigation and control.

6.8 Objection 103 – Armit Road Compound, Ladcastle Road Compound, Former Butterhouse Tunnel Site Compound, Oaklands Road Compound, Diggle compounds, Saddleworth Rugby Club car park.

6.8.1 This objection is concerned with the number and location of several compounds proposed by the Order application, it states that;

- Armit Road Compound is located within the green belt and an SBI;
- Ladcastle Road compound is located within the green belt;
- Former railway to Butterhouse Lane tunnel. The tunnel has now been removed from the scope of the works;
- Three proposed compounds in the Ward Lane area of Diggle, all in the Green Belt; and
- Saddleworth Rugby Club car park, *‘if this includes part of the adjoining banking it would mean removing a large stand of mature trees which are in the Green Belt.’*

6.8.2 The objection states that ‘no mention is made of what will happen to these compound areas when the works are finished.’ The objection then asks ‘If they are going to reinstate these areas, the question is how will they replace the mature trees they have removed and are the costings already taken into account?’

6.8.3 *In response*

6.8.4 For a detailed response regarding Armit Road Compound and SBI mitigation, please refer to ‘**Objections rep3, rep4, 103, 144, 146, and 238 – Armit Road Compound**’.

6.8.5 Regarding concerns over de-vegetation within the green belt and reinstatement:

- No tree removal is proposed in Armit Road Lodge SBI or in the pony field immediately adjacent. No de-vegetation is proposed other than clearance of an existing path to facilitate foot access through the SBI. The Order application has conducted 'de-vegetation consultations' with ecologists, project leaders, project engineers and the landscaping team to ensure that minimal de-vegetation will be carried out and areas of high ecological value are avoided where possible. Further to assessing the baseline and identifying potential impacts, this decision making has followed the Mitigation Hierarchy alongside other assessment such as Landscape and Visual Appraisal; and
- Network Rail is committed to deliver 10% BNG for the overall TRU works, through compensation both within and outside the Order application. The commitment to achieving 10% gain in biodiversity units is outlined in the TRU Net Positive Biodiversity Strategy⁸.
- To conclude, the Mitigation Hierarchy has underpinned the design of the Order application, evidenced by consultation on design requirements and associated de-vegetation. Such communication influenced the avoidance and reduction of impacts to higher value habitats. Network Rail pledge to achieve 10% BNG across the entire Order application and will aim to restore impacted areas to their original state and compensation through offsetting any remaining impacts. A LEMP will be produced to cover the relevant works components that require planning permission that will set out the biodiversity enhancement proposals and the habitat management and monitoring proposed to deliver these.
- Similarly to habitats, design aims to minimise impacts to protected and priority species. Through direct avoidance of sensitive species such as micro-siting away from bat potential roost features and badger setts, significantly reduces any potential impacts and resultantly, the requirement for mitigation licencing.
- Where reasonably practicable, environmental effects have been avoided through the development and adoption of embedded mitigation. This mitigation addresses potential impacts such as light spill or pollution and is outlined in the Code of Construction Practice (CoCP) Part B.

6.8.6 My proof refers adherence to the Mitigation Hierarchy, the retention of habitat through a LEMP and 10% biodiversity net gain through habitat creation and enhancement. Refer to Objections above.

⁸ Network Rail (2020 Biodiversity Action Plan, available at <https://www.networkrail.co.uk/wp-content/uploads/2020/12/Network-Rail-Biodiversity-Action-Plan.pdf>, accessed 01/08/2025

7 WITNESS DECLARATION

7.1 Statement of declaration

6.8.7 This Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed, and the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.

6.8.8 I believe the facts which I have stated in this Proof of Evidence are true and that the opinions expressed are correct, and I understand my duty to the Inquiry to help it with matters within my expertise and I believe I have complied with that duty.