

TR040011: Portishead Branch Line – MetroWest Phase 1 Updates - ExA Issue Specific Hearings, 11 and 12th January 2021

A Submission on behalf of Ham Green St Katherine's Park and Chapel Pill Lane Residents concerning the Bio-diversity Impacts on the Ham Green fishing lakes of the Pill Tunnel Construction and Maintenance Compound

1. Introduction: A number of concerns have been raised by Ham Green residents regarding the adequacy and possible under-reporting of the bio-diversity assessment and the proposed mitigations needed to demonstrate compliance with the existence of the Imperative Reasons of Overriding Public Interest (IROPI) and the provision of compensation regarding both the construction and future intended use of the Pill Tunnel Rail Compound. There are a number of specific concerns it is hoped will be addressed by the applicant at Hearings 2 and 3 which are set out below. These fall into two main categories: Habitats Regulation Assessment and Construction Practices.

2. Hearing 3: Habitats Regulation Assessment

2.1 Extracts from, and responses to, the Travelwest Extended Phase 1 Habitat Survey

Reptiles

4.5.58 States that 'No reptiles or evidence of reptile present were recorded during the phase 1 surveys march-April 2014 & June 2016'

However, during their survey at the Ham Green Compound 26/05/2016 listed in figure 7, target note **HG4** states that an adult Grass Snake was found under a wooden panel; this does not appear to have been covered in the report?

Secondly, have further more recent studies been carried out at Ham Green Lake? Dozens of Slow Worms and Grass Snakes are seen every year, often basking in residents' compost bins and tall grasses adjacent to the lake.

Great Crested Newts

4.5.15 The Ham Green Construction compound possesses suitable habitat for amphibians and the presence of common toads is likely. The ditch and associated ponding on the opposite side of the bridge may provide suitable habitat for Great Crested Newts as it contains suitable vegetation and known populations are located within 500m of the site.

***HG13** Connecting ditch with areas of ponding may have potential for Great Crested Newts 25/05/16*

It is understood that Toads and Great Crested Newts are present, not just likely, the presence of which in the pond are routinely monitored by a St Katherine's School caretaker who has a newt licence to survey them.

Otters

4.5.61 Otters are known to be present within the vicinity of Ham Green Construction compound and a spraint was located next to the railway bridge, during the Ham Green Survey of May 2016.

HG9 Otter Spraint found under railway bridge (26/05/2016)

***Target note 85** (2/4/2014) Large fishing lake with water lily and potential for otter.*

1.1.9 Records provided by BRERC 2014. Records of otter are present close to the Ham Lakes section near the river Avon.

The lake owner has recently erected fences in the lower lake as a preventive measure against otter attack to the fish. Large (5lbs or more) half-eaten fish (Bream etc) have been found abandoned very close to the lake that on further investigation have provided clear evidence of otter attack.

Dormice

4.5.35 There are records of dormice (BRERC 2014) at Portbury common and Ham Green Lake along the Portishead branch line.

Noted: disturbance of sensitive dormice habitats is very likely for which mitigations will be very difficult.

Bats

4.5.23 *The mature trees at Ham Green construction compound, have a number of features that make highly suitable bat roosts. Cracks are also present within the railway bridge however these are classed as having low potential for bats. See Pic **HG10***

Target note 84-Pill tunnel entrance, potential for bats. Ivy covering wall running up towards the tunnel. 02/04/14

Target note 85 *Large fishing lake with water lily and potential for otter. Adjacent to the lake is a section of woodland with mature oak trees and potential for bat roosting sites. A number of mature trees surrounding the lake also have splits with potential for bat roosts 02/04/14.*

Target note 86 Ivy covered maple with Bat potential taken in 02/04/14.

Target notes **HG6, HG7, HG12** (p156-p158) 2 mature Oaks with Bat Potential, 1 Mature Oak with High Bat Potential.

It is understood that this is the oak tree (TPO No.857 dated 2nd July 2004) that the affordable for social rent housing development of 12-16 dwellings proposed in the draft Abbots Leigh, Ham Green, Pill and Easton in Gordano Neighbourhood Plan will, if built, effectively enclose. Can confirmation of this be provided and of the measures that will be taken to prevent shared access so that the development cannot proceed to threaten this sensitive site (see also the Applicant's response to Representations at the Open Floor Hearing Held on 19 October 2020).

Other Species

Target note 87 Potential fox den with 3 holes. Two on Northern bank and one of the southern bank. No signs of rabbits, holes too small for badgers.

Red Fox attacks on domestic poultry adjacent to the lake have occurred on a number of recent occasions and the species is regularly observed passing through domestic gardens, especially at night. Whilst not an endangered species, but nonetheless still subject to a series of wildlife protection laws including humane methods of nuisance and population control, should practical mitigation steps be proposed to limit the risk of causing harm?

4.5.66 Hedgehog listed on S41 NERC Act 2006 are found at various locations.

Hedgehogs have been found on land adjacent to the lake which a local rescue centre has said is an ideal location for the species to thrive; special mitigations measures to protect this valuable wildlife species which is in sharp population decline and the lakeside habitat on which it relies will be needed.

2.2 General Observations about the Survey

Have further surveys been commissioned with reference to Appendix 9.7 - Dormice, Appendix 9.8 - Otter, Appendix 9.5 - Reptiles and Appendix 9.4 - Newts. Where can additional surveys be sourced for reassurance that the Habits Assessment is comprehensive and complete, e. g. Avon

Wildlife Trust (AWT) has set out the state of nature in Avon in their Avon Biodiversity Action Plan (BAP) which mentions a number of species of local conservation concern include Dormice, Otters and Horseshoe Bats. A notable number of other species also appear to be missing from the assessment including Roe Deer, Stoat, Kingfisher, Woodpecker, Heron, Swift etc, or the identification of the many different species of fish inhabiting the lake. In addition, whilst quite a lot is written about the land along the railway including 4.3.13 Target Note 88 confirming the location of the geological SSSI and the plan for accommodating Slow Worms and Newts, there is no particular reference to the lake and its wildlife dependencies, or its wildlife habitat designation as a Site of Nature Conservation Interest (SNCI).

3. Hearing 2: Construction Practices and Related Matters

3.1 Grasscrete is being used for the junction at Chapel Pill Lane so why can this not be used for the track/access road? Why does the access need to be a permanent road surface, especially as the previous access track since dismantled was able to accommodate heavy goods vehicle (HGV) movements with a temporary surface for the repair and upgrade works to the Pill Tunnel when re-establishing the rail freight line? Moreover, this would result in a more sustainable solution to protecting the openness of the Green Belt, its visual amenity, and protecting the bio-diversity of lake?

3.2 Secondly, how often will the track be used for essential maintenance and drainage at the Pill Tunnel, for track inspections etc, and what vehicles will be required? Presumably, if there are frequent HGV movements, it would be inappropriate on highways and pedestrian safety grounds and would conflict with Network Rail's own safety regulations to share the access with the proposed social housing development referenced in the Neighbourhood Plan and which, for that reason, should be refused (see also the Applicant's response to Representations at the Open Floor Hearing Held on 19 October 2020)?

4. Hearing 2: Environmental Matters - Design, Landscape, Transport, Public Rights of Way.

4.1. Noting that there is no light pollution in this area whatsoever at the moment, what mitigations are proposed regarding the use of lighting at the Pill Tunnel compound and rail track, both during construction and afterwards? Will there be a requirement for high lumens lighting to be on during the night during construction, only during shift changes, or restricted to motion sensitive lighting only when access is needed? See also working hours below.

4.2. How will the safety of cyclists, walkers, joggers and young families using the very narrow Chapel Pill Lane recreationally, that is part of the Pill section of the Avon Cycleway, be ensured during this phase?

4.3. What will be the working hours during the construction phase and where will the Welfare Unit be located, presumably not adjacent to the site entrance at the top of Chapel Pill Lane? Secondly, how many construction workers are expected to be accommodated on site and how many cars/other vehicle movements can be expected on an average day? Thirdly, what is the timescale for the programme to start and finish at Chapel Pill Lane and what is the timescale for the reinstatement works on completion of the construction phase? Will the works result in possible contamination of the lake SNCI and what mitigation measures will be taken to prevent environmental damage to the lake and its wildlife species including its fish?

5. Hearing 3: Environmental Matters – Planning Policy

5.1 Finally, the National Planning Policy Framework states in section 11 that the planning system should minimise impacts on biodiversity, providing net gains in biodiversity, where possible. It also states that local planning authorities and planning policies should plan for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

5.2 This is a very high planning policy bar to set, including the need to demonstrate the existence of Imperative Reasons of Overriding Public Interest (IROPI), regarding both the construction and future intended use of the Pill Tunnel Rail Compound. What reassurance can the applicant provide that, together with the mitigations that might be proposed, the construction of the compound will meet the very high standards of this test?

5.3 To address this question, returning to an issue that was first raised at the Open Floor Hearing of 19th October 2019 and noting too that the generator which was originally proposed to be installed at the Pill Tunnel compound is to be relocated close to Pill Station, is now the time right to consider restricting the compound to essential rail safety emergency access use with maintenance materials stored elsewhere to be brought to the tunnel by road, or preferably rail, as and when needed?

5.4 Whilst accepting that the compound is needed on rail passenger safety grounds if the Phase 1 project is to proceed, this restriction as to the compound's future intended use would make a visible and meaningful contribution to the future protection of the lake and its SNCI habitat designation, its environmental surroundings and high level of visual amenity in Green Belt, and to the protection of the many rare and valuable wildlife species to which it is home.

Stuart Tarr

On behalf of Ham Green St Katherine's Park and Chapel Pill Lane Residents

4th January 2021