

**SUMMARY PROOF OF EVIDENCE OF ANDY COATES
TERRESTRIAL ECOLOGY**



THE CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

TRANSPORT AND WORKS ACT 1992

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006**

28 SEPTEMBER 2010



INTRODUCTION

- 1.1 My name is Andy Coates. I am Technical Director with Environmental Resources Management (ERM) Limited, a leading environmental management and planning consultancy. I hold BSc (Hons) in Zoology from the University of Aberdeen and an MSc in Environmental Technology from Imperial College, London. I am a Member of the Institute of Ecology and Environmental Management (MIEEM).

ROLE IN SCHEME DEVELOPMENT

- 1.2 My role on the Chiltern Railways (Bicester to Oxford Improvements) Order project has been to oversee the assessment of the likely impacts on ecology from the construction and operation of the Order Scheme, and to advise Chiltern Railways on appropriate mitigation measures. I have also overseen the work undertaken to inform the consideration of the project against the requirements of the Habitats Regulations.

SCOPE OF EVIDENCE AND STATEMENT OF MATTERS

- 1.3 In my Proof of Evidence, I address, the following matters from that Statement of Matters relating to the impacts of the Order Scheme on flora and fauna, in whole or in part:
- 1.4 Matter 7 – In relation to the Order Scheme impacts on species protected under the Conservation of Habitats and Species Regulations 2010 (“the 2010 Regulations”); including describing the mitigation measures that have been designed and the necessary licences that need to be applied for by Chiltern Railways under the 2010 Regulations.
- 1.5 Matter 8 (a) – (d) – In relation to the Order Scheme impacts on the Oxford Meadows Special Area of Conservation (a “European site” under the 2010 Regulations). In particular I deal with whether the Order Scheme is likely to have an adverse effect on the integrity of the site and discuss the mitigation measures that have been agreed to minimise the impacts.
- 1.6 Matter 10(e) – I discuss the extent to which any adverse ecological impacts remain after mitigation in a section on residual impacts.
- 1.7 I also discuss the impacts on habitats and species protected by other UK legislation, the mitigation measures to be employed to minimise these, the residual impacts predicted and any licence requirements.

SPECIES PROTECTED UNDER THE 2010 REGULATIONS

- 1.8 The Scheme has the potential to affect bats and great crested newts which are protected under the 2010 Regulations.
- 1.9 Bats have been recorded commuting and foraging through Wolvercot tunnel and the surrounding the railway corridor. Bats also roost in holes and crevices

within the tunnel. There are potential impacts from modifications to the tunnel that are required during construction and an increase in train frequency during operation. A bat mitigation plan is being developed in consultation with NE to ensure that the favourable conservation status of bat species is maintained.

- 1.10 The Scheme will result in the loss of two waterbodies and some loss of terrestrial habitat. A Draft Great Crested Newt Mitigation Plan is being developed in consultation with NE to ensure that the favourable conservation status of this species is maintained. Prior to construction a great crested newt licence will be obtained which will set licence conditions to ensure that the works do not significantly disturb or harm this species.

OTHER PROTECTED SPECIES

- 1.11 A reptile mitigation plan has been developed and agreed with NE that will include the enhancement of existing reptile habitats within the Network Rail corridor, creation of new habitats, and localised relocation of reptiles from affected areas to land adjacent to the Order Scheme boundary. Implementation of the plan will ensure that there are not any significant adverse impacts on reptiles.

- 1.12 Where badger setts require to be relocated, artificial setts will be provided within the appropriate territory and the existing setts closed under licence from NE. A badger mitigation plan is being developed in consultation with NE to ensure that this species gets adequate protection from the Order Scheme during construction and operation. Disturbance licences will be obtained where necessary and all the licence conditions adhered to. Therefore, construction and operational impacts are not predicted to significantly adversely affect the local badger population.

DESIGNATED SITES PROTECTED UNDER THE 2010 REGULATIONS

- 1.13 The Scheme has the potential to result in likely significant effects on the Oxfordshire Meadows Special Area of Conservation (SAC) which is protected under the 2010 Regulations.
- 1.14 My evidence concludes that the additional airborne concentrations of NO_x and the additional nitrogen deposition predicted to result from operation of the Chilterns Railway Scheme will not adversely affect the qualifying interests of the Oxford Meadows SAC alone, or in combination. Direct impacts on Oxford Meadows SAC have been minimised by proposals to raise the height of the footpath rather than construct a new footbridge. The approach to construction of the raised footpath and appropriate mitigation has been developed in consultation with NE and will not affect the integrity of the SAC alone, or in combination.

OTHER PROTECTED SITES

- 1.15 Construction activities within or close to SSSI sites will be undertaken in accordance with a Method Statement agreed with the local planning authority

and NE prior to the start of works. The potential impacts from the Order Scheme, including from NOx, nitrogen deposition and land take are not anticipated to result in an adverse effect on the integrity of Wendlebury Meads and Mansmoor Closes or Hook Meadows and Trap Grounds SSSI.

- 1.16 There will be some habitat loss from the Gavray Meadows CWS to accommodate the Bicester Chord Line. A Landscape and Ecology Enhancement Strategy has been developed to mitigate this impact and to enhance the site in the long term.

EXPECTED RESIDUAL IMPACTS (AFTER MITIGATION)

- 1.17 My evidence concludes that no significant adverse residual adverse impacts are expected to remain after the implementation of mitigation for protected sites and species.

CONCLUSION

- 1.18 I have addressed Matters 7, 8 (a) to (d) and 10 (e) from the Statement of Matters. The Secretary of State can be confident that the mitigation measures being developed with NE are sufficient to protect the integrity of the protected sites and the conservation objectives of the protected species. Discussions continue with NE and others with regard to the withdrawal of their objections; the outcome of which will be confirmed to the Inquiry.