

Our ref: P21-468 Reg 22 Ecology re-assessment of pipejacking technique

Your ref:

02 September 2021

Kevin Murphy
West Cumbria Mining Ltd
Programme Management Consultant
Haig Office,
Solway Road,
Kells,
Whitehaven CA28 9BG

Dear Mr Murphy,

**Re: Woodhouse Colliery, Planning Application 4/17/9007, Environmental Statement.
Application for Process Change – implications for the ecology chapter**

I have set out below my review of the changes that will arise from the proposed application for process change, in particular the proposal to replace the proposed cut and cover construction technique for the construction of the conveyor with directional drilling (pipe jacking) where the conveyor route crosses Roska Park Wood Local Wildlife Site (LWS) and Bellhouse Gill Wood Local Wildlife Site.

A description of the new proposed method construction at these locations is set out in the Regulation 22 submission and I do not repeat it here. However, the proposed new technique will avoid the need to dig up the existing woodland habitats within these two woodlands as the conveyor route will be tunnelled beneath the woods. As a result, a range of direct and indirect impacts previously identified within the Ecology chapter of the Environmental Statement (ES) will no longer arise and the impact assessment in relation to non-statutory designated sites, woodland habitat and flora, woodland breeding birds and bats should be revised to reflect the new construction technique being proposed. I have set out how the assessment will be changed and cross refer to the relevant paragraphs of the ES chapter for ease of reference.

Non statutory designated sites

Roska Park Local Wildlife Site (LWS) and Bellhouse Gill Wood LWS are assessed as being of county importance for nature conservation (ES para 11.7.46). The ES addresses impacts of the cut and cover technique on the designated sites, their ground flora, breeding bird, bats and soils in paras 11.8.96 to 11.8.98. It considers restoration proposals post construction in paras 11.8.101 and 102 and concludes in para 11.8.103 that the construction of the conveyor would likely result in adverse and permanent effects that would be significant at a Local level.

The proposed use of the pipe jacking technique will avoid the impacts outlined above resulting in no adverse impacts on these Local Wildlife Sites. There would be no change to the assessment of impacts arising from the operational and de-commissioning phases of the project.

Woodland Habitat

Construction and operational impacts on woodland habitat are assessed in ES paras 11.8.118 and 11.8.119 and 11.8.124 respectively. The pipejacking technique will avoid adverse impacts on the woodland habitat described in these paragraphs.

Breeding Birds

Construction impacts on breeding birds of the cut and cover technique are specifically considered in ES para 11.8.156, but it does not distinguish between different parts of the conveyor route. Any impacts that would have been expected to arise from the loss of woodland on breeding birds that contributes to the overall impacts of the proposed development will be removed by the proposed pipejacking technique to construct the conveyor beneath the woodlands. Despite this given the wider extent of construction activity along the conveyor route and at the main mine site I would anticipate the assessment of impact in the absence of mitigation to remain unchanged as temporary, adverse and significant at a Site level (ES paras 11.8.158).

Bats

Impacts of construction on bats using the cut and cover technique are set out in ES para 11.8.170 and 171. With the proposed use of pipejacking these impacts will be removed resulting no adverse impact on bats. There would be no change to the assessment of impacts arising from the operational and de-commissioning phases of the project in relation to bats.

Mitigation, Compensation and Enhancement Measures

The ES considers these measures in relation to Roska Park Wood LWS and Bellhouse Gill Wood LWS in paras 11.9.12 to 11.9.17. As the woodland habitat will no longer be removed the measures described in the ES in these paragraphs are no longer required. In addition, ES paras 11.9.18, 11.9.34 and 11.9.35 propose compensation planting for the loss of the woodland habitat within the two LWS. This planting will no longer be provided by way of compensation as no woodland will be lost. As such, the proposed planting it will be an enhancement that contributes to the overall biodiversity net gain delivered by the proposed development.

ES paragraph 11.9.59 proposes pre-felling checking for the presence of red squirrel in the LWS. However, this will no longer be required as there will be no loss of woodland.

Residual Effects

ES paras 11.10.6 to 11.10.14 assesses the residual effects of the impacts of the proposed cut and cover technique on Roska Park Wood LWS and Bellhouse Gill Wood LWS and concludes in para 11.10.7 that a residual effect that is adverse and significant at a Local level would occur. Given the proposed use of the pipejacking technique loss of woodland will now be avoided and as such, I consider there will be a neutral residual effect on these sites. As such, the assessment against the national and local policy framework set out in ES paras 11.10.8 – 11.10.14 should be changed as none of the policies considered are now engaged as there will be no loss of woodland or adverse impact. I consider the assessment set out in ES para 11.10.14 of no net loss of woodland habitat would change to a net gain of woodland. There would be no change to the assessment of residual effects on breeding birds (ES para 11.10.22) and bats (ES para 11.10.26) as in both cases there will be a habitat gain.

The assessment set out in Table 26 of the ES chapter should be amended in relation to non-statutory sites with the residual effect post mitigation changing from adverse significant at the Local level to neutral.

Hydrology and hydrogeology

Whilst not the subject of the Ecology chapter I note that the proposed pipejacking technique has been assessed in relation to potential impacts on hydrology and hydrogeology by Mr Harding. He has concluded, taking into account possible mitigation measures, that the pipejacking technique is unlikely to adversely affect permanently or temporarily water flows or quality within the gill stream in the two

woodlands and as such I consider that there are not likely to be any adverse effects as a result on the LWS woodland sites.

Yours sincerely



Dr Peter Shepherd MCIEEM

For and on behalf of BSG Ecology

