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Date: 06-Apr-2023
Our Ref: 2022/93858

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge condition 4, 5, 6, 8,10, 19 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022 railway line and associated land between, Huddersfield and Westtown (Dewsbury), within the Order Limits of The Network Rail (Huddersfield to Westtown (Dewsbury), Improvements Order 2022
Application Number: 2022/93858**

I write with reference to your application to discharge the conditions for the above development as submitted on 28-Nov-2022.

Condition 4: Landscape and Ecological Management Plan (LEMP)

Condition 4 Wording:

No development within the relevant stage (including preliminary works) is to commence until a Landscape and Ecological Management Plan (LEMP) for that stage has been submitted to and approved in writing by the local planning authority.

a) The proposed LEMP for each Stage will include the following details:

- i) A plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with BS5837(2012).
- ii) A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced.
- iii) Implementation timetable and a programme for initial aftercare, longterm management and maintenance responsibilities for a period of five years post-completion.
- iv) Details of organisation(s) responsible for maintenance and monitoring.

b) The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Statement (Volume 2i: Scheme-wide Assessment, Chapter 9: Biodiversity, Section 9.6), and must also include the following ecological measures:

- i.) The aims and objectives of the management to be undertaken.
- ii) A programme of monitoring with thresholds for action as required.
- iii) Full details of measures to ensure protection and suitable mitigation to all relevant protected species and those species identified as being of importance to biodiversity (including licensing mitigation requirements) including bats; Luronium Natans (Floating Water Plantain); badgers; reptiles, otter and water vole, where appropriate.

c) The LEMP must include both hard and soft landscaping works, covering the locations where landscaping will be undertaken, and must also include the following details:

- i) Full detailed landscape plans indicating full planting specification, including layout, species, number, density and size of trees, shrubs, plants, hedgerows and/or seed mixes and sowing rates, including extensive use of native species;
- ii) Any structures, such as street furniture, any non-railway means of enclosure and lighting;
- iii) Any details of regrading, cut and fill, earth screen bunds, existing and proposed levels;
- iv) Any areas of grass turfing or seeding and depth of topsoil to be provided;
- v) A timescale for the implementation of hard landscaping works;
- vi) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fail or become diseased within the first five years from completion; and
- vii) Details of protective measures for retained trees. The measures within the LEMP must be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance and biodiversity of the area in accordance with the Kirklees Local Plan policies LP30, 31, 32 and 33. This is to secure the correct implementation of the measures identified in the Environmental Statement.

Documents Submitted:

- Landscape and Ecological Management Plan - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001179 Revised January 2023, prepared by Network Rail

Assessment

The details in 'Condition 4: Landscape and Ecological Management Plan - Stage 1' (reference 151667-TSA-00-TRU-REP-W-EN-001179) as revised January 2023 are acceptable for the purposes of part discharging the relevant parts of Condition 4 in respect of the proposed works in Stage 1. This is conditional upon Network Rail providing full details of vegetation removal and intentions for mitigation through the Landscape/Biodiversity sub-group, and the full details of Landscaping and Ecological Mitigation/ and Biodiversity Net Gain to be provided at Stage 8. The details in the

submitted document should be adopted throughout the development in order to ensure that ecological features including protected and notable species and habitats are safeguarded throughout the scheme.

Recommendation:

Grant partial discharge of Condition 4 for the purposes of the works identified in Stage 1.

Sub-sections Approved:

Part a i) A plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with BS5837(2012).

Part b iii) Full details of measures to ensure protection and suitable mitigation to all relevant protected species and those species identified as being of importance to biodiversity (including licensing mitigation requirements) including bats; Luronium Natans (Floating Water Plantain); badgers; reptiles, otter and water vole, where appropriate.

Part c vii) Details of protective measures for retained trees.

Sub sections not approved:

a) ii) A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced.

iii) Implementation timetable and a programme for initial aftercare, longterm management and maintenance responsibilities for a period of five years post-completion.

iv) Details of organisation(s) responsible for maintenance and monitoring.

b) i.) The aims and objectives of the management to be undertaken.

ii) A programme of monitoring with thresholds for action as required.

c) i) Full detailed landscape plans indicating full planting specification, including layout, species, number, density and size of trees, shrubs, plants, hedgerows and/or seed mixes and sowing rates, including extensive use of native species;

ii) Any structures, such as street furniture, any non-railway means of enclosure and lighting;

iii) Any details of regrading, cut and fill, earth screen bunds, existing and proposed levels;

iv) Any areas of grass turfing or seeding and depth of topsoil to be provided;

v) A timescale for the implementation of hard landscaping works;

vi) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fail or become diseased within the first five years from completion.

Condition 5 (Code of Construction Practice)

Condition 5 Wording:

a) No stage of the development (including preliminary works) is to commence until a Code of Construction Practice (CoCP) Part B for that stage, including the relevant plans and

programmes referred to in (b) below (which incorporates the means to mitigate the construction impacts identified by the Environmental Statement), has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt this does not include approval for Part A of the CoCP (a general overview and framework of environmental principles and management practice to be applied to the scheme along with all construction-led mitigation identified in the Environmental Statement) which has been submitted as part of the Order.

b) Part B of the CoCP (as defined in the Environmental Statement: Volume 3, Appendix 2-1 Code of Construction Practice (Part A), Section 1.2.5) must include the following plans and programmes, for each stage as defined in condition 3:-

- i) An external communications programme;
- ii) A pollution prevention and incident control plan;
- iii) A waste management plan;
- iv) A materials management plan including a separate soils mitigation plan;
- v) A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;
- vi) A noise and vibration management plan including a construction methodology assessment;
- vii) Details of the precise measures put in place to protect the Hillhouses listed coal chutes during the construction phase.
- viii) Details of the measures to be put in place to mitigate the impacts on the Huddersfield Town Centre Conservation Area during the construction phase at Huddersfield Station and Huddersfield Viaduct;
- ix) A demolition methodology statement for relevant buildings; and
- x) An Environmental Design Plan (EDP) (Land Contamination and Hydrogeology) setting out the environmental requirements during the detailed design stage.

The development must be implemented in accordance with the approved CoCP and the relevant plans or programmes unless otherwise agreed in writing with the local planning authority shall be implemented in full throughout the period of the works.

Reason: To mitigate expected construction impacts arising from the development and to protect local and residential amenity and to ensure the development is carried out in accordance with Kirklees Local Plan policies LP51 and 52.

Documents Submitted:

- External Communications Programme, document reference 151667-TSA-00-TRU-CNT-W-LP-000569 Version 2.0 dated November 2022
- Condition 5b(ii): Pollution Prevention and Incidence Control Plan - Stage 1 document reference 151667-TSA-00-TRU-REP-W-EN-001204 dated November 2022
- Condition 5b (iii): Waste Management Plan - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-000083 dated November 2022
- Condition 5b(iv): Materials Management Plan - stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001223 dated November 2022

- Condition 5b(v): Nuisance Management Plan - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001206, dated November 2022
- Condition 5b(vi): Noise and Vibration Management Plan - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001164 dated November 2022
- Condition 5b(ix): Demolition Method Statement - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001279 version 3, revised March 2023
- Condition 5b(x): Environmental Design Plan (Land Contamination and Hydrogeology) - Stage 1, document reference 151667-TSA-00-TRU-REP-WEN-001210, dated November 2022

Assessment

At the time of writing the Environment Agency have concerns regarding the Materials management Plan and the Environmental Design Plan of the Code of Construction Practice. Officers understand a meeting is scheduled between the Environment Agency and Network Rail, and officers await further instruction on the outcome of this meeting.

At this time, pending the outcome of the scheduled meeting between Network Rail and the Environment Agency, officers are not able to recommend the partial discharge of the Code of Construction Practice for the purposes of the works identified in Stage 1.

Condition 6 (Construction Traffic Management and Travel Plan)

Condition 6 Wording:

- a) No stage of the development (except preliminary works) is to commence until a Construction Traffic Management Plan ("CTMP") for that stage has been submitted to and approved in writing by the local planning authority for that stage. The CTMP must include:-
- i) The package of interventions and mitigation outlined in Volume 2i, Chapter 23, Page 5, section 23.2.14 of the Environmental Statement including an implementation timetable for each stage;
 - ii) Specific details on arrangements for temporary car parking provision for train users as appropriate at each station including temporary parking at Huddersfield and Mirfield stations and mobility impaired set down/pick up points at Ravensthorpe and Deighton stations;
 - iii) A travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites and including the provision of non-motorised facilities to encourage walking and cycling; and
 - iv) Details on temporary diversions of both highways and rights of way required as part of the Scheme.
- b) The construction of each stage of the development must be carried out in accordance with the approved CTMP unless otherwise agreed in writing with the local planning authority.

Reason: To protect public amenity and highway safety and in accordance with Policy LP21 of the Kirklees Local Plan

Documents Submitted

- Construction Traffic Management Plan Stage 1 document reference 151667-TSA-00-TRU-REP-W-EN-001202, dated November 2022

- NR01/Stage 1/2023/ Response re Condition 6: Construction Traffic Management Plan

Assessment

At the time of writing Highways Development Management have confirmed that the information initially submitted is too high level and lacking in the level of detail to confidentially part discharge the planning condition. Further information has been requested in relation to the following matters:

- Vehicle Routing
- Access Details
- Traffic Generation
- Signage
- Travel Plan

Network Rail have provided 'NR01/Stage 1/2023 Response re Condition 6: Construction Traffic Management Plan'. This sets out Network Rail's response to the Local Planning Authority's request for further information and Highways Development Management have been reconsulted. At the time a further response from Highways Development Management on these matters is awaited. At this time, pending the further consultation response officers are not able to recommend the partial discharge of the Construction Traffic Management and Travel Plan for the purposes of the works identified in Stage 1.

Condition 8 (Archaeology)

Condition 8 Wording:

- a) No stage of the development (including preliminary works) in the areas listed below is to commence until a construction methodology has been submitted to and approved in writing by the local planning authority, in order to assist in identifying any likely impacts on areas of heritage interest. It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service (WYAAS)) whether a written scheme of investigation is required to be submitted in relation to the following sites:
- i) The area of the former Union Dyeware Mills (HER PRN: 6671);
 - ii) The area of the former goods yard at Huddersfield Station (HER PRN: 6525);
 - iii) The area of the former Hillhouse Sidings (including the site of the White Stone Engine Shed) (HER PRN: 18375);
 - iv) The area including the pillbox at Woodend Road (HER PRN: 6588); and
 - v) The cropmark site to the south-west of Ravensthorpe Road (HER PRN:642).
- b) No development (including preliminary works) is to commence within the areas of archaeological interest identified in Table 23-1 to Chapter 23 of Volume 2i of the Environmental Statement and/or in any areas that have been determined to require a written scheme of investigation in accordance with (a) above until a written scheme of investigation for such areas has been submitted to and approved in writing by the local planning authority.
- c) The approved scheme must identify areas where field work and/or a watching brief are required and the measures to be taken in order to protect, record or preserve any significant archaeological remains that may be found.

d) Any archaeological field works or watching brief required by the approved scheme must be undertaken by a suitably qualified person or body approved by the local planning authority.

Reason: To ensure that the significance of the historic environment is properly assessed and preserved and to ensure that the development is carried out in accordance with paragraphs 189 and 199 of the National Planning Policy Framework (2021), and policy LP35 of the Kirklees Local Plan.

Submitted Documents

Archaeology Stage 1 document reference 151667- TSA-00-TRU-REP-W-EN-001281, dated November 2022 prepared by Network Rail

Assessment

The details in the 'Condition 8: Archaeology Stage 1 document reference 151667- TSA-00-TRU-REP-W-EN-001281, dated November 2022 in respect of the construction methodology, and the intention to appoint an Archaeological Contractor to produce the agreed written schemes of investigation are acceptable for the purposes of part discharging the relevant part of Condition 8 in respect of the proposed works in Stage 1. This is conditional upon further information to be submitted to satisfy parts b), c) and d) of the condition, prior to any works starting at the relevant site as detailed in the document.

Recommendation:

Grant partial discharge of Condition 8 for the purposes of the works identified in Stage 1

Sub sections Approved:

a) Construction methodology:

- i) The area of the former Union Dyeware Mills (HER PRN: 6671);
- ii) The area of the former goods yard at Huddersfield Station (HER PRN: 6525);
- iv) The area including the pillbox at Woodend Road (HER PRN: 6588); and
- v) The cropmark site to the south-west of Ravensthorpe Road (HER PRN:642).

Sub Sections Not Approved

a iii) The area of the former Hillhouse Sidings (including the site of the White Stone Engine Shed) (HER PRN: 18375);

b) *Submission of written scheme of investigations* – a brief outline of the aims is stated however the written schemes of investigation are not yet submitted.

c) *The approved scheme must identify areas where field work and/or a watching brief are required and the measures to be taken in order to protect, record or preserve any significant archaeological remains that may be found* – the intention is stated however details are required to be submitted.

d) *Any archaeological field works or watching brief required by the approved scheme must be undertaken by a suitably qualified person or body approved by the local planning authority* – the intention is stated however the fieldworks have to be undertaken by a suitably qualified person or body approved by the local planning authority to discharge this part of the condition.

Condition 10 (Contamination)

Condition 10 Wording:

In relation to contaminated land:

a) Where the Environmental Statement (Volume 2i, Chapter 12: Geology, soils and land contamination) indicates that intrusive investigation is necessary for that stage, no development in the relevant stage is to commence until a Phase II Site Investigation Report for that stage has been submitted to, and approved in writing by, the Local Planning Authority.

b) Where remediation measures are shown to be necessary in the Environmental Statement or the Phase II Reports undertaken pursuant to (a) above confirm remediation measures are necessary for the relevant stage, no development in the relevant stage is to commence until a Remediation Statement, demonstrating how the site will be made suitable for the intended use, has been submitted to and approved in writing by the local planning authority. The Remediation Statement must include a programme for all works and for the provision of and timescale for the submission to the local planning authority of Verification Reports for written approval.

c) Remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement. In the event that remediation is unable to proceed in accordance with the approved Remediation Statement, the local planning authority must be notified in writing immediately and where agreed as necessary, operations on the affected part of the site must cease. An amended or new Remediation Statement must be submitted to, and approved in writing by, the local planning authority prior to any further remediation works which must thereafter be carried out in accordance with the revised approved Statement.

Reason: To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use.

Documents Submitted:

Condition 10 - Phase 2 Land Contamination Risk Assessment Stage 1 (compounds), dated November 2022 (ref: 151667-TSA-00-TRU-REP-W-EN-00121)

Condition 10 - Phase 2 Land Contamination Risk Assessment (Stage 1 compounds) Appendix B - Factual Reports (ref: 151667-TSA-00-TRUREP-W-EN-00121)

Condition 10 - Phase 2 Land Contamination Risk Assessment Stage 1 (Ravensthorpe Triangle), dated November 2022 (ref:151667-TSA-00-TRU-REP-WEN-001282)

Condition 10 - Phase 2 Land Contamination Risk Assessment (Stage 1 Ravensthorpe triangle) Appendix B - Factual Reports (ref: 151667-TSA00-TRU-REP-W-EN-001282)

Recommendation

At the time of writing the Environment Agency and the Canal and River trust have concerns regarding contamination which include mining works and risks to controlled waters, as well as other risks to the canal. Officers understand a meeting is scheduled between the Environment Agency and Network Rail and officers await further instruction on the outcome of this meeting, together with a copy of a technical note to be submitted to the Canal and River Trust, and any subsequent consultation responses.

At this time, pending the outcome of the scheduled meeting between Network Rail and the Environment Agency, officers are not able to recommend the partial discharge of the Contaminated Land condition for the purposes of the works identified in Stage 1.

Condition 19 (10% Biodiversity Net Gain)

Condition 19 Wording:

No development (excluding preliminary works) is to be commence until a strategy to achieve an overall 10% net gain in biodiversity for the development, including monitoring, maintenance, management and reporting arrangements, has been submitted and approved in writing by the local planning authority. From the first revenue-generating train service coming into operation on the Order scheme measures to achieve an overall 10% net gain in biodiversity for the development (assessed in accordance with the 2019 Department for Environment, Food & Rural Affairs biodiversity metric) shall be implemented in accordance with the approved strategy.

Reason: To ensure that the development does not adversely affect the natural wildlife and ecology of the area, including protected species, and secures a net gain in biodiversity in accordance with Kirklees Local Plan policy LP30.

Documents Submitted:

- Condition 19: Biodiversity Net Gain - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001211, dated November 2022 prepared by Network Rail.

Recommendation:

The details in the 'Biodiversity Net Gain - Stage 1 (reference 151667-TSA-00-TRU-REP-W-EN-001211) dated November 2022 in respect of outlining a strategy to achieve an overall 10% net gain in biodiversity including monitoring, maintenance, management and reporting arrangements are acceptable for the purposes of part discharging the relevant part of Condition 19 in respect of the proposed works in Stage 1. This is conditional upon further information to be submitted at Stage 8 which will contain a final Biodiversity Net Gain Calculation outlining a net gain of 10%. The information provided in section 4 of the submitted document should be adhered to throughout the development to ensure that the Local Planning Authority is kept up to date on all works pertinent to Biodiversity Net Gain and to ensure that a 10% net gain is achieved.

NOTE: It is the responsibility of Network Rail to ensure that they have all the relevant consents under all other regulatory bodies to carry out the proposed works.



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Yours faithfully

Mathias Franklin
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