

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2022/44/93858/W
Site Address:	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
Description:	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
Recommending Officer:	Louise Bearcroft

DECISION – Discharge of Conditions- Granted

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 13-Jul-2023

Discharge condition 4, 5, 6, 8,10 and 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

Background:

The purpose and remit of the Transpennine Route Upgrade (TRU) is to improve the Transpennine railway between Manchester, Huddersfield, Leeds and York, to address existing performance issues, to increase capacity and to reduce journey times.

The works which fall within the boundary of Kirklees are part of a wider programme of works to upgrade the railway. The main features of the upgrade Scheme within the Kirklees administrative boundary, known as route section 'W3', include the installation of a four-track railway across most of the Scheme route, railway grade separation works at Ravensthorpe, works to the stations at Huddersfield, Deighton, Mirfield and Ravensthorpe and electrification of the full length of the route.

For information purposes, an overview of the proposed upgrade works split into Network Rail's six route sections is included below:

Route Section 1 – Huddersfield

- Track upgrade works within the Gledholt and Huddersfield railway tunnels to the west of Huddersfield Station to facilitate the installation of Overhead Line Electrification (OLE).
- Significant station and track layout improvements at Huddersfield Station to increase the number of platforms from 6 to 7 (including an additional through platform).
- Extending the existing and new platforms at Huddersfield Station to accommodate 8 rolling car stock on the NTPR. The platforms are to be extended to the east (Leeds end) to allow trains emerging from the tunnels to the west to access all of the new platforms and to facilitate the reverse movements in the other direction.
- Improving passenger access via the provision of a new footbridge with lifts and staircases and the extension of the existing passenger subway to serve the new platforms.
- The commencement of four tracking works within the confines of the station as part of the four track layout between Huddersfield and Westtown.
- Works to alter the existing trainshed roof, to construct new sections of roof canopy and relocate the existing tea rooms are proposed to accommodate the revised platform layout and the OLE.
- OLE will be installed across Huddersfield Viaduct to the east of the station. Some sections of the viaduct bridge spans will need to be replaced or strengthened and one span is to be widened to accommodate an emergency escape route from the extended platform 2.
- A main construction compound on the former goods yard to the west of the station and a smaller, more temporary compound on the east side of the station with access via St George's Square.

Route Section 2: Hillhouse to Fartown

- Overbridge/underbridge reconstruction and the provision of railway earthworks between Hillhouse and Fartown to facilitate the installation of the four track layout and electrification of this section.
- At Hillhouse, the construction of new railway sidings for use as a temporary station during the construction works and as a permanent train stabling facility for passenger trains.
- A major construction compound at Hillhouse.

Route Section 3: Deighton and Bradley

- Reconstruction of Deighton Station in its current location and the reconstruction of overbridges/underbridges to facilitate the four-track layout and OLE.
- The station works include the demolition of the existing platforms and reprovision of two new island platforms, the construction of a new footbridge with lifts and staircase, and the provision of a new station forecourt.

Route Section 4: Colne Bridge and Battysford

- A new, 1km long section of railway at Heaton Lodge to facilitate the provision of new fast lines within a 6-10m deep cutting to the south of the slow lines (comprising the existing lines within the existing operational corridor); the fast lines being designed to achieve 100 mile per hour (mph) line speeds through this section.
- Works to reconstruct or alter overbridges/underbridges to facilitate the four track layout and installation of OLE.

Route Section 5: Mirfield and Lower Hopton

- The reconstruction of Mirfield Station in its current location to facilitate the four track layout including the provision of a new footbridge with lifts and staircase, platform reconstruction, and works to rationalise the operational requirements at the station.
- Works to reconstruct or alter overbridges and underbridges and to alter the Mirfield Viaduct to facilitate the four track layout and the installation of OLE.

Route Section 6: Ravensthorpe and Westtown

- The construction of a new section of railway (1.3km in length) to provide four tracks from Mirfield to the new Ravensthorpe East junction by the River Calder where the railway will revert to two tracks.
- The construction of a vertical grade separation between the fast and slow lines at the existing Thornhill LNW junction to take the fast lines over the existing Wakefield lines at Ravensthorpe.
- The construction of a new viaduct (Baker Viaduct) to carry the fast and slow lines over the Calder and Hebble Navigation and the River Calder.
- The relocation of Ravensthorpe Station to a new site to the west of Calder Road.
- The removal, through the construction of a new section of railway, of an existing reverse curve to increase available line speed.

- The decommissioning of approximately 1.5km of existing railway over the River Calder floodplain, including that running over the Grade II listed cast iron bridges over the Calder and Hebble Navigation and the River Calder.
- Electrification of the railway along this section.

The relevant planning consent is the Deemed Planning Permission granted as part of The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, and the associated 21no. Planning Conditions. Nine Listed Building Consent Applications for works to Listed Buildings/Structures within the Scheme boundary have also received approval.

Network Rail are seeking to discharge conditions relevant to the identified 'Stage 1' of the development. Stage 1 includes early works within the Ravensthorpe Area, the demolition of Heaton Lodge Cottages (Route Section 4) and de-vegetation across the Scheme area.

Proposed Works:

The proposed list of works is taken from the supporting document submitted for a corresponding discharge of condition application (ref 2022/93853) which granted approval for the part discharge of Condition 3 – Stages of Development.

The proposed works are as follows:

- Compound set up - new station site (Ravensthorpe West), Ravensthorpe triangle (landfill site), Lees Hall, Forge Lane Quarry, Weaving Lane (adjacent to River Calder);
- Construction access off Calder Road into Ravensthorpe Triangle (via Farnhills Underbridge);
- Installation of bailey bridge and haul road from Forge Lane through quarry site towards Baker Viaduct;
- Temporary stopping up Public Rights of Way, including canal towpath;
- Phase 1 of Earthworks (E13) at new Ravensthorpe Station site including reuse of material;
- Training walls at the River Calder (both east and west bank);
- Mining remediation of the Ravensthorpe area (Thornhill Quarry (including areas along the Wakefield Line, Forge Lane Quarry, and area surrounding Calder Road)); and
- Compound set up – Brooks Yard and Fall Lane Road Rail Access Point (RRAP) site.

In addition, as set out in paragraph 3.2.3 of the supporting document, this stage would include the demolition of Heaton Lodge Cottages and the provision of associated welfare facilities for the Construction Staff.

At the end of Paragraph 3.2.3 it also states vegetation clearance is proposed across the Scheme area:

“The Stage 1 works also include the demolition of the Heaton Lodge Cottages and associated welfare facilities for the construction staff; as well as vegetation clearance across the Scheme area”

Network Rail have identified the Planning Conditions which are relevant to Stage 1 as:

- **Condition 4** – Landscape and Ecological Management Plan
- **Condition 5** – Code of Construction Practice
- **Condition 6** – Construction Traffic Management Plan
- **Condition 8** – Archaeology
- **Condition 10** – Land Contamination
- **Condition 19** – Biodiversity Net Gain Strategy

The Local Planning Authority is satisfied that the conditions identified above are those which are required to be discharged for the proposed works in Network Rail’s Stage 1. Table 1 sets this out below:

Table 1: Conditions Relevant to Stage 1

Planning Condition	Relevance to Stage 1 Works
1. Time limit for commencement of development	Further details not required
2. In accordance with the planning direction drawings	Further details not required
3. Stages of development	Relevant Planning application is ref 2022/93853.
4. Landscaping & ecology	Relevant details required
5. Code of construction practice	Relevant details required
6. Construction traffic management & travel plan	Relevant details required
7. Materials	Not relevant to the proposed stage 1 works identified
8. Archaeology	Relevant details required
9. Means of enclosure	No details required until 6 months after the commencement of the relevant stage
10. Contaminated land	Relevant details required
11. Unexpected contaminated land	No details required unless unexpected contamination is encountered.
12. Westgate road bridge	Not relevant to the proposed stage 1 works identified
13. Noise attenuation	Not relevant to the proposed Stage 1 works identified

14. Ravensthorpe static frequency converter site	Not relevant to the proposed stage 1 works identified
15. Hillhouses yard	Not relevant to the proposed stage 1 works identified
16. Waste drainage	Not relevant to the proposed stage 1 works identified
17. New maintenance access	not relevant to the proposed stage 1 works identified
18. Power supply unit	Not relevant to the proposed stage 1 works identified
19. Biodiversity net gain	Relevant details required
20. MDL1/6 & MDL1/8 (existing bridges at Ravensthorpe)	Not relevant to the proposed stage 1 works identified
21. Approval and implementation under these conditions	No further details required

Assessment

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:

- Condition 4: Landscape and Ecological Management Plan - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001179 Revised January 2023.

Consultation Responses

K.C Ecology - The submitted document details the roles and responsibilities, details of existing trees and vegetation, protected species and some management and monitoring principles. The submitted information should be adopted throughout the development in order to ensure that ecological features including protected and notable species and habitats and safeguarded throughout the scheme.

It is understood that information submitted at Stage 8 will contain detailed proposals of proposed planting and ecological mitigation, as this stage is reliant, in part, on the detailed design and subsequent construction methodology, it is proposed that this information will be submitted post construction start.

The above information allows the partial discharge of condition 4B, with additional details to discharge the entirety of condition 4 to come at a later date, once the detailed design programme has been set

K.C Arboricultural Officer – With regards to condition 4 – Landscape and Ecological Management Plan Section 5 addresses trees to be retained on the site and trees in proximity to construction but offsite. The protection measures of installing fencing in accordance with BS5837 is in line with industry best practice and acceptable. Section 5 also states that each site will be subject to standalone Arboricultural Method Statements which will enable site specific needs to be incorporated into tree protection measures. I am satisfied that the

requirements of condition 4, with respect to tree protection, has been met by the submitted document: 151667-TSA-00-TRU-REP-W-EN-001179.

K.C Landscape – No written response received but discussions held.

West Yorkshire Ecology – No Response Received

Canal and River Trust – This is quite a high-level document, we note that the details will be submitted at a later stage. We will be keen to input into the Canalside landscaping and ecological mitigation as set out in our side agreement with Network Rail. The document provides some positive high level overarching principles. However we would like to see, where possible, provision for protection of wildlife corridors, including waterways as a high level principle. And that any compensatory planting within the corridors should be of native and locally appropriate species.

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 are provided and these seem to reflect the TWAO submission documents regarding tree loss (although there seems to be less tree loss around Ridings and Fieldhouse canal bridges which is welcome).

Subject to the approve comments we consider that the condition can be partly discharged as requested.

The Environment Agency - We have reviewed the 'Landscape and Ecological Management Plan – Stage 1 (Document Ref: 151667-TSA-00-TRU-REP-W-EN-001179) revised in January 2023. This indicates that it is a high-level document, which sets out the general principles to be implemented, and that the final details, including all landscape design detail, will be submitted at Stage 8.

This is therefore setting out the principles of certain aspects of the scheme, but is unable to provide a full picture of all aspects relating to species and habitats and the ecological impacts and landscape mitigation/compensation and enhancement provision needed for the scheme to comply with legislation. We therefore feel that the submitted document goes part way to enable the discharge Condition 4, but not far enough.

Within Chapter 3 of the document, it is stated that further information is to be provided as detailed below. To fully satisfy the discharge of Condition 4 we need to be consulted on and be able to comment on the following:

- An ecological mitigation plan including areas of new plantings and details of any habitats created or enhanced. This is stated as being 'not applicable to this Stage of Works' but it is confirmed that the applicant has committed to providing further information within the Stage 8 submission, once detailed design is complete. This should include information on management and monitoring to ensure suitable compliance to ensure successful implementation.

- 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. Again, it is stated as being 'not applicable to this Stage of Works'.

The applicant has committed to providing detailed landscape and ecological plans within the Stage 8 submission when further information on the proposed landscape/ecological scheme is known. We consider that we are unable to recommend the discharge of this condition without this detail. We need to confirm that the provision of habitat is enough to mitigate losses, especially

regarding tree loss, is on a like for like basis and is using suitable species, preferably native species. We would recommend replanting on a ratio of at least at a 2:1.

- Further details of measures to ensure protection and suitable mitigation to all relevant protected species and those identified as being of importance to biodiversity (including licensing mitigation requirements), including otter and water vole, where appropriate. The document covers these species in Section 6 and provides a set of suitable principles to ensure impacts are mitigated at this stage. While we accept these, it is unclear if a full understanding of impacts are known at this stage. It is not clear on the full extent of the scheme; only a snapshot of the current design. We also, do not have detail on areas of habitat creation/mitigation/compensation or enhancements, which may house protected species and which may require consideration. Further surveys and mitigation provision in respect of protected species may be required at a later stage. Regarding otter, extensive surveys have been undertaken to confirm presence absence, but it does not appear to consider if migration routes could be impacted by loss of cover or possible further works later on. This may or may not be relevant to this scheme, but it would be useful to confirm this in the document. If otter migration routes and cover could be impacted by works, mitigation to maintain these habitat corridors may be required.
- An Invasive Species Management Plan (ISMP). It is stated in Section 7 that this would be implemented, but it has not been provided within the documents submitted.

Assessment of Condition 4

Condition 4 of the deemed planning permission requires that a Landscape and Ecological Management Plan (LEMP) is submitted prior to any works (including preliminary works) commencing within the relevant stages. The application was updated in January 2023 to confirm that all de-vegetation within the Scheme boundary would now take place in Stage 1.

Network Rail propose a staged approach to discharge, whereby the documentation submitted for Stage 1 is sufficient to part discharge the condition by setting out the Landscape and Ecological Management Plan principles, and the final details, including all landscape design and ecological mitigation, is then submitted and assessed later at Stage 8. The acceptability of the principle of this staged approach was discussed with Network Rail and landscape/biodiversity colleagues. It is considered that details of Landscaping and Ecological Mitigation/Biodiversity Net Gain could be considered at Stage 8, subject to satisfactory details being submitted prior to de-vegetation works commencing within the relevant Stage, to allow the part discharge of the LEMP condition. For each Stage requiring vegetation clearance, details would need to be provided of what is being taken out, together with details of the proposed intention for mitigation, for example whether that will be in situ or mitigation elsewhere. This should provide reasonable certainty to allow a partial discharge of the condition relevant to the identified Stage, and for the detailed mitigation works to be considered later at Stage 8. The vegetation removal plans will need to be periodically shared with Kirklees Council officers within an agreed programme via regular timetabled Landscape/Ecology working group meetings.

In the updated LEMP at paragraph 5.2.6 it details how Network Rail will manage data of vegetation removal. Network Rail intend to share a plan of the relevant area which will be de-vegetated, and letter drops with Kirklees officers, councillors and residents. The area will be mapped via a landscape contractor or project ecologist with a central copy of the removal plans kept to be superimposed on the baseline phase 1 survey mapping. From this habitat loss will be calculated and captured on a spreadsheet to inform the detailed landscaping and ecology plans.

Information Submitted

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) - Section 5 details protection and mitigation for retained trees and Appendix A includes Scheme wide plans of the trees to be retained/removed shown hatched.

ii) A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced - Network Rail intend to submit this at Stage 8 when further information on the proposed landscape/ecological scheme is known.

iii) Implementation timetable and a programme for initial aftercare, longterm management and maintenance responsibilities for a period of five years post-completion - Network Rail intend to provide details at Stage 8 when further information on the proposed landscape/ecological scheme is known.

iv) Details of organisation(s) responsible for maintenance and monitoring - Network Rail intend to provide details at Stage 8.

Part B Ecological Measures

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

Network Rail have detailed high level aims in Section 7. These include:

- To implement avoidance and mitigation measures for Important Ecological Features
- To enhance the Ecological Value of the Site
- Provide a Framework for Ongoing Monitoring and Management of the Site
- To monitor the efficacy of the LEMP
- Define Roles and Responsibilities for implementing the LEMP
- To contribute to Biodiversity Net Gain where practicable to do so

They intend to provide information on the aims and objectives for management of ecological important areas at Stage 8.

ii) A programme of monitoring with thresholds for action as required - Network Rail note that details for monitoring and remedial action based on landscape type e.g. woodland planting, grassland etc will be provided at Stage 8.

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 – Details are included in Section 6 in relation to bats, floating water plantain, badgers, reptiles, otter, water vole, and other areas of potential significance/value to biodiversity.

Part C Hard and Soft Landscaping

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; - Network Rail intend to submit these details at Stage 8.

ii) Any structures, such as street furniture, any non-railway means of enclosure and lighting; - Network Rail intend to submit details at Stage 8.

iii) Any details of regrading, cut and fill, earth screen bunds, existing and proposed levels; - Network Rail state intend to submit details at Stage 8.

iv) Any areas of grass turfing or seeding and depth of topsoil to be provided;- Network Rail intend to submit details at Stage 8.

v) A timescale for the implementation of hard landscaping works; - Network Rail intend to submit details at Stage 8.

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; - Network Rail intend to submit details at Stage 8

vii) Details of protective measures for retained trees. The measures within the LEMP must be implemented in accordance with the approved details - Network Rail intent to submit this at Stage 8.

Assessment

The Council's ecologist has confirmed the submitted document details the roles and responsibilities, details of existing trees and vegetation, protected species and some management and monitoring principles. They note the submitted information 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. It is understood that information submitted at Stage 8 will contain detailed proposals of proposed planting and ecological mitigation, as this stage is reliant, in part, on the detailed design and subsequent construction methodology, it is proposed that this information will be submitted post construction start. The Council's ecologist is satisfied that the information allows the partial discharge of condition 4B, with additional details to discharge the entirety of condition 4 to come at a later date, once the detailed design programme has been set.

The aboricultural Officer notes that section 5 addresses trees to be retained on the site and trees in proximity to construction but offsite. The officer notes that the protection measures of installing fencing in accordance with BS5837 is in line with industry best practice and acceptable. Section 5 also states that

each site will be subject to standalone Arboricultural Method Statements which will enable site specific needs to be incorporated into tree protection measures. The Arboricultural officer is satisfied that the requirements of condition 4, with respect to tree protection, has been met.

The acceptability of the proposed staged approach is dependent on Network Rail providing the details of what is being taken out, together with details of the proposed intention for mitigation. For the proposed Stage 1 de-vegetation works Network Rail will periodically provide details of the vegetation removal to a Landscape/Biodiversity sub group meeting between Network Rail and Council officers, and this group of meetings has been scheduled. The intentions for future landscape and ecological mitigation will also be discussed in this forum, to develop final proposals which would be then submitted at Stage 8.

The Canal and River Trust intend to input into the Canalside landscaping and ecological mitigation as set out in their side agreement with Network Rail. This includes provision for protection of wildlife corridors, including waterways as a high level principle, and that compensatory planting within the corridors should be of native and locally appropriate species. They note the details of trees to be retained/lost reflect the TWAO submission, and less tree loss around Ridings and Fieldhouse canal bridges is welcomed. They consider the condition can be partly discharged.

The Environment Agency note the document does not provide a full picture of species and habitats, ecological impacts and landscape mitigation/compensation and enhancement provision to comply with legislation. They consider it goes part way to enable the discharge of the condition 4, however they wish to be consulted on the following matters:

- An ecological mitigation plan including areas of new plantings and details of habitats created or enhanced, to include details of management and monitoring.
- Full detailed landscape plans indicating full planting specification and confirmation the provision of habitat is enough to mitigate losses, especially regarding tree loss.
- Measures for protection and mitigation for protected species and those identified as being of importance to biodiversity (including licensing mitigation requirements). They note Section 6 details suitable principles to ensure impacts are mitigated however they are unclear if a full understanding of impacts are known. There are no details on areas of habitat creation/mitigation/compensation or enhancements, which may house protected species. Further surveys and mitigation provision may be required. Regarding otter, extensive surveys have been undertaken to confirm presence absence, but it does not appear to consider if migration routes could be impacted. If otter migration routes and cover could be impacted, mitigation to maintain habitat corridors may be required.
- An Invasive Species Management Plan (ISMP) referred to in section 7 has not been provided.

In response to the comments of The Environment Agency, the ecological mitigation plans, and full landscaped plans are proposed to be submitted at Stage 8, at which time a new discharge of condition application will be submitted and further consultation will take place. The Environment Agency are satisfied with the principles of mitigation for protected species but raise the matter that the full impacts may not be known, and that further survey work may be required. They also note the Invasive Species Management Plan referred to is not provided. These matters/concerns raised by the Environment Agency have been discussed with the Council's ecologist. In response it is noted that the developer has a legal duty to ensure all protected species are considered, and if protected species are encountered works would have to cease immediately. Officers are satisfied that measures for protected species are sufficient to part discharge the condition. The omission of an invasive Species Management Plan at this stage is noted, however the council's ecologist raises no objections to this preventing the part discharge of this condition to allow the preliminary works in Stage 1 to commence on site.

Recommendation for Condition 4

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

The details in the '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.

Approved Documents:

- Condition 4: Landscape and Ecological Management Plan - Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001179 Revised January 2023.

Condition 5 (Code of Construction Practice)

Condition 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

Consultation Responses

K.C Environmental Services – We have reviewed the submitted documents in relation to the following areas which are within the remit of Environmental Health contained within condition 5b(v):

- Noise and vibration from construction activities and vehicle movements
- Dust from construction activities
- Stray light and glare from artificial lighting used on site

The submitted documents demonstrate how construction site noise, dust and lighting are to be controlled so as not to impact the amenity of neighbouring properties during the development.

Communication - The document titled External Communications Programme Stage 1 document reference 151667-TSA-00-TRU-CNT-W-LP-000569 dated November 2022 and the document included in the Nuisance Management Plan titled BAM Nuttall management system Procedure NP27.4: Control of site nuisance, gives details regarding the methods of communication. The methods listed include but are not limited to the following:

- The importance of good communication with local residents is highlighted with details of information letters to residents in close proximity to planned works and public meetings to be held.
- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept.
- Information will be updated on relevant websites to improve communication and the Network Rail 24 hour helpline will have all current information to enable customer enquiries and complaints.
- All complaints are to be logged and a monthly update will be sent to the Local Authority.
- Prior liaison with the Local Authority will take place in advance of any out of hours work that has the potential to affect amenity.
- All staff are to receive appropriate induction training in the controls necessary.

Fugitive Dust Control - Section 4&5 of the document titled Nuisance Management Plan Stage 1 document reference 151667-TSA-00-TRU-REP-W-EN-001206 dated November 2022 explains the measures to monitor and control fugitive dust during the works. The controls include but are not limited to the following:

- The Site Environment Manager will carry out regular site inspections to monitor compliance with dust control procedures.
- Offsite prefabrication will be utilised as much as possible.
- Drop heights to be kept to a minimum and water suppression to be used.
- Vehicles and equipment are to be well maintained with all necessary extractors, filters and scrubbers to be fitted and used.
- Screens and site fencing are to be used to mitigate fugitive dust.
- Stockpile heights are to be kept to a minimum with double handling avoided and sited away from sensitive receptors. They will be covered or damped down to control dust release.
- Fine product deliveries will be by tank and stored in silos, designated screened areas will be used for mixing fine products.
- Skips and bins to be enclosed and vehicles removing loose materials from site will be covered.
- Maximum on site speed limits set.

- Engines to be switched off when not in use and low emission vehicles and plant to be used.

- Wheel wash and wet road sweeping facility available if required.

Construction related Noise and Vibration - The document titled BAM Nuttall management system, Environment guidance EG05: Managing site nuisance lists noise controls to be implemented which include but are not limited to:

- Staff training in noise reduction and best practicable means
- Pre-planning to ensure the quietest methods are employed
- Use silenced plant where possible
- Consider haulage routes for site deliveries and if possible, divert traffic away from residential areas. Pay particular attention to reversing sirens, deliveries and radios
- Where possible, plan noisy works for less sensitive times
- When works must be carried out during nights or weekends, ensure the local authority and local community are made aware
- If possible, site noise generating plant away from sensitive receptors
- Plant and equipment to be switched off when not required
- Screens to be used as appropriate

Section 4.2 of the document titled BAM Nuttall management system, Environment guidance EG05 lists vibration controls. Mitigation includes using non or low vibration methods where possible. The sensitivity of surrounding buildings will be assessed and monitoring implemented as required. The vibration source will be kept as far away as possible from sensitive receptors. Operating times to be kept to a minimum. Pre and post surveys of sensitive structures are to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place.

External Artificial Lighting During Construction - Section 7 of the document titled Nuisance Management Plan Stage 1 document reference 151667-TSA-00-TRU-REP-W-EN-001206 dated November 2022 explains that lighting will be designed, installed and directed to minimise stray light beyond the site boundary. Site fencing to compound areas will include solid boundary fencing which will assist in the control of light spill. The applicant is aware that additional baffles or shields may be necessary in certain locations.

Materials Management Plan - We have reviewed the CoCP Part B Materials Management Plan Stage 1 document reference 151667-TSA-00-TRU-REP-W-EN-001223, dated November 2022 in relation to the areas which are within the remit of Environmental Health contained within condition 5b(iv).

Condition 5b (Sub-section iv) requires the submission of a materials management plan. The document details that excavation of agricultural grade soils will be carried out at the Ravensthorpe West and Lees Hall Farm compounds. Briefly, for those areas, soil stripping will be required, but where possible soils will be left in-situ. Samples will be taken from soils subject to stripping and stockpiling, and will be assessed for quality and characteristics including pH, organic matter content and potential contaminants. Information in relation to soil handling and stockpiling procedures are also provided. This is considered satisfactory.

An Environmental Design Plan (EDP - We have reviewed the CoCP Part B Environmental Design Plan (Contaminated Land and Hydrogeology) Stage 1 document reference 151667-TSA-00-TRU-REP-WEN-001210 dated

November 2022 in relation to the areas which are within the remit of Environmental Health contained within condition 5b(x). Condition 5b (Sub-section x) requires the submission of an Environmental Design Plan. The document adequately details the mitigation measures applicable to limit environmental impacts at each of the stages within Stage 1 of the works. We accept the information provided.

K.C Waste Collection Authority – The main items relevant to the Waste Collection Authority are Conditions 5 and 6. Overall concerns are in relation to impact on waste collection vehicle access to the waste transfer station on Weaving Lane and operation of the Household Waste Recycling Centre co-located on Weaving lane that will require access for both the public and contractors,

With reference to Kirklees Metropolitan Council Local Plan Strategy and Policies 2019 Section 16.4 states: - In the National Planning Policy for Waste, central government sets out its commitment to the aims for sustainable waste management which are summarised in the 'waste hierarchy': The Authority welcomes the proposal in the Materials Management Plan 4.1.1 to reuse excavation waste through the CL:AIRE protocol. Any waste generated that cannot be reused directly on the site should be recovered or treated at local facilities in preference to landfill hence fulfilling the requirements of The Waste (England and Wales) Regulations 2011 Regulation 12 Duty in relation to the waste hierarchy and the proximity principle. Any producer of controlled waste must ensure compliance with Section 34 Duty of Care etc. as respects waste to prevent escape of waste, litter, odour or vermin problems.

The Authority welcomes the evidence of procedures in the Materials Management Plan (MMP) Form - October 2014 Section 22e on page 28 to ensure that wastes leaving sites are destined for permitted facilities accompanied by appropriate documentation. The Authority welcomes proposals in Sections 5.2 (Site Operations) and 8.4 (Communication with site neighbours) of the CoCP Part B Nuisance Management Plan to identify, monitor and implement management techniques to control dust and escape of detritus onto the highway. Appendix B BAM document EG05 Section 5.3 outlines additional controls in relation to any dusts generated on site.

Environment Agency – The Materials Management Plan (MMP) that has been submitted is a draft version awaiting finalisation. The accompanying Earthworks Specification and Remediation Strategy have not yet been finalised and included with the MMP. The document provided demonstrates that a MMP is under production, but we would like to see a final version before we recommend the discharge of Condition 5. The Environmental Design Plan (EDP) states that a piling risk assessment will be produced, as piling is required for the construction of the bailey bridge. However, no piling risk assessment has been provided. We would like to see this submitted prior to recommending the discharge of Condition 5. The EDP also references a Mining Risk Assessment that does not appear to have been submitted in support of this application. It is not clear whether or not the impacts of the proposed mining remediation scheme on groundwater have been considered. A groundwater risk assessment for these activities should be produced before we're able to recommend the discharge of Condition 5.

Canal and River Trust – These documents appear to be the same generic documents that were submitted with the TWAO. As set out above the Trust

have a side agreement with Network Rail to carry out works with regard to the Trust's Third Party Works Code of Practice. This will ensure that our 200 year old waterway infrastructure is safeguarded and protected during the works. Our engineers have already been engaged in relation to some of the consent works which interface with our waterways. Given our assets will be safeguarded via our side agreement, we consider that the condition can be partly discharged as requested.

The Coal Authority – Our records indicate that within the area of the Order there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings, surface mining and reported surface hazards. These features pose a potential risk to surface stability and public safety.

It is noted that we previously commented on a Scoping Opinion for this project in July 2019. In our response we noted that we anticipated that the ES chapter on Geology, Protecting the public and the environment in mining areas 2 Soils and Land Contamination would cover coal mining legacy. It is unclear if this was the case.

I have reviewed the Inspectors Report, dated 9 March 2022, and the conditions imposed on the Order granted. It is noted that none of the conditions imposed relate to coal mining features and the risks these may pose to the development. Notwithstanding this omission we would still expect risks posed any coal mining features to be properly considered and any remedial works necessary to ensure the safety and stability of the works proposed carried out in a timely manner. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy.

Natural England – It is for the Local Authority to determine whether or not the proposal is consistent with national and local environmental policies

DEFRA – No comments Received

British Waterways – No comments received

K.C Communications Team - No comments received

K.C Minerals and Waste (Health and safety Executive) – Discussion with Minerals and Waste Team

Northern Gas Networks – Initial objection removed

British Transport Police – No comments to make

Lead Local Flood Authority – No comments to make

Assessment

Condition 5 requires that before development commences with any stage a Code of Construction Practice which incorporates the means to mitigate the construction impacts identified by the Environmental Statement is provided. Part A of the Code of Construction Practice, which is a general overview and framework of environmental principles and management practice was approved by The Transport and Works Act Order.

Below is an assessment for each sub-section of part b) of the Code of Construction Practice:

i) An external communications programme;

Network Rail have submitted 'External Communications Programme ref 151667-TSA-00-TRU-CNT-W-LP-000569', dated November 2022. Within this document it confirms there will be a dedicated TRU communications team and the proposed construction works will be plotted in chronological order. Network Rail intend to notify residents 14 days before works start within a 200m radius of the proposed works, or 500m radius for piling works. They have a complaint's procedure in place and will share a press release programme with the Council.

Environmental Services note the document gives details regarding the methods of communication. The methods listed include but are not limited to the following:

- The importance of good communication with local residents is highlighted with details of information letters to residents in close proximity to planned works and public meetings to be held.
- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept.
- Information will be updated on relevant websites to improve communication and the Network Rail 24 hour helpline will have all current information to enable customer enquiries and complaints.
- All complaints are to be logged and a monthly update will be sent to the Local Authority.
- Prior liaison with the Local Authority will take place in advance of any out of hours work that has the potential to affect amenity.
- All staff are to receive appropriate induction training in the controls necessary.

Environmental Services raise no objections. The Kirklees Communications Section were forwarded the document for comment, however no comments have been subsequently received. It is considered the details are acceptable for the purposes of sub section i) of condition 5 for the proposed works in Stage 1.

ii) A pollution prevention and incident control plan:

Network Rail have submitted 'Condition 5b(ii): Pollution Prevention and Incident Control Plan – Stage 1, ref 151667-TSA-00-TRU-REP-W-EN-001204', dated November 2022. This confirms all Stage 1 works will comply with all relevant legislation, regulations and additionally obtain and comply with all necessary consents to ensure legal construction works. Section 4.3 details the general pollution prevention and incident control measures, and section 4.4 details the proposed Emergency response.

In respect of specific measures for Stage 1 consideration of weather conditions and the proximity to watercourses will be given to the programming of any vegetation clearance, as well as the earthworks at Ravensthorpe West. The Ravensthorpe Triangle and Forge Lane Quarry compounds are located adjacent to the Calder and Hebble Navigation and the River Calder and the pollution prevention measures relating to watercourses will be adhered to. Network Rail note that in line with the Statement of Common Ground agreed with the Environment Agency mitigation measures will be implemented prior to the set up of these compounds in respect of flood risk. Additionally,

implementation of generic measures applicable for use of roads which carry construction traffic to ensure prevention of contaminated runoff from the road entering watercourses will be implemented, including the design of suitable drainage. With respect to the installation of the bailey bridge and possible runoff entering the watercourse, a monitoring programme will be implemented. In-channel training walls will be constructed under best practice and trained contractors will check mining remediation sites.

No concerns from consultees have been received in respect of the pollution prevention and incident control plan. It is the responsibility of the developer to ensure that they have all the relevant and necessary consents and permits to undertake the works. The details are considered to be acceptable for the purposes of sub section ii) of Condition 5 for the proposed works in Stage 1.

iii) A waste management plan;

Network Rail have provided Condition 5b(iii): Waste Management Plan – Stage 1, ref 151667-TSA-TRU-REP-W-EN-000083, dated November 2022. This confirms all materials and generated waste will be managed in accordance with the waste hierarchy; prevention, preparing for re-use, recycling, other recovery and disposal as set out in the Waste (England and Wales) Regulations 2011). In addition the document confirms that all waste from site will be dealt with in accordance with the waste Duty of Care, as set out in Section 34 of the Environmental Protection Act 1990 (as amended) and DEFRA's Waste Duty of Care Code of Practice (November 2018). Section 5.3.2 details waste minimisation measures and Section 5.4 confirms that all waste is to be segregated, stored safely and securely to prevent harm to human health and environment.

No concerns from consultees have been received in respect of the waste management plan. The details are considered to be acceptable for the purposes of sub section iii) of Condition 5 for the proposed works in Stage 1.

iv) A materials management plan including a separate soils mitigation plan;

Network Rail have provided Condition 5b(iv): Materials management Plan - Stage 1, document ref 151667-TSA-00-TRU-REP-W-EN-001223, dated November 2022. This document confirms the management of material will be undertaken in accordance with the Contaminated Land: Applications in Real Environments (CL:AIRE) – Definition of Waste: Development Industry Code of Practice (DoWCoP). In Appendix 1 of the document is a draft Materials Management Plan (MMP) to cover the proposed Stage 1 works. Network Rail have confirmed this is an iterative document which is proposed to be continually updated.

At stage 1 excavation of agricultural grade soils will be carried out at the Ravensthorpe West and Lees Hall Farm compounds. Section 5 details the proposals for the management of soil, including the preparation and stripping of soil, stockpiling of materials, and method of restoration.

Environmental Services have reviewed this document. They note it details that excavation of agricultural grade soils will be carried out at the Ravensthorpe West and Lees Hall Farm compounds. Briefly, for those areas, soil stripping will be required, but where possible soils will be left in-situ. Samples will be taken from soils subject to stripping and stockpiling, and will be assessed for quality and characteristics including pH, organic matter content and potential contaminants. Information in relation to soil handling and stockpiling procedures are also provided. Environmental Services consider this to be satisfactory.

The Waste Collection Authority welcomes the proposal to reuse excavation waste through the CL:AIRE protocol. They advise any waste generated that cannot be reused directly on the site should be recovered or treated at local facilities in preference to landfill fulfilling the requirements of The Waste (England and Wales) Regulations 2011 Regulation 12 Duty in relation to the waste hierarchy and the proximity principle. Any producer of controlled waste must ensure compliance with Section 34 Duty of Care etc. as respects waste to prevent escape of waste, litter, odour or vermin problems. The Authority welcomes the evidence of procedures in the Materials Management Plan (MMP) Form - October 2014 Section 22e on page 28 to ensure that wastes leaving sites are destined for permitted facilities accompanied by appropriate documentation.

The Environment Agency note the Materials Management Plan is a draft version awaiting finalisation and the accompanying Earthworks Specification and Remediation Strategy have not yet been finalised. They note the document demonstrates that a MMP is under production, and as such they request to see a final version before recommending the discharge of Condition 5. In response to this request, Network Rail have confirmed that the Materials Management Plan is a 'live' document produced in accordance with The Definition of Waste: Development Industry Code of Practice (DoWCoP), and not a final version. To discuss this matter, officers understand a meeting has been scheduled between the Environment Agency and Network Rail to discuss this position. Officers await the outcome of this meeting and at this time, the details of the Materials Management Plan cannot be acceptable.

v) A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;

Network Rail have submitted 'Condition 5b(v): Nuisance Management Plan – stage 1 ref 151667-TSA-00-TRU-REP-W-EN-001206, DATED November 2022. This details controls for dust emissions, air pollution, site lighting, and protection of sensitive receptors including heritage assets, biodiversity, users of recreational routes and site neighbours.

Kirklees Environmental Services have assessed the document. In respect of fugitive dust control they note section 4 and 5 explains the measures to monitor and control fugitive dust during the works. The controls include but are not limited to the following:

- The Site Environment Manager will carry out regular site inspections to monitor compliance with dust control procedures.

- Offsite prefabrication will be utilised as much as possible.
- Drop heights to be kept to a minimum and water suppression to be used.
- Vehicles and equipment are to be well maintained with all necessary extractors, filters and scrubbers to be fitted and used.
- Screens and site fencing are to be used to mitigate fugitive dust.
- Stockpile heights are to be kept to a minimum with double handling avoided and sited away from sensitive receptors. They will be covered or damped down to control dust release.
- Fine product deliveries will be by tank and stored in silos, designated screened areas will be used for mixing fine products.
- Skips and bins to be enclosed and vehicles removing loose materials from site will be covered.
- Maximum on site speed limits set.
- Engines to be switched off when not in use and low emission vehicles and plant to be used.
- Wheel wash and wet road sweeping facility available if required.

Environmental Services also note that Section 7 explains that lighting will be designed, installed and directed to minimise stray light beyond the site boundary. Site fencing to compound areas will include solid boundary fencing which will assist in the control of light spill. The applicant is aware that additional baffles or shields may be necessary in certain locations.

Environmental Services note the document titled BAM Nuttall management system, Environment guidance EG05: Managing site nuisance (included in Appendix B of the Nuisance Management Plan) lists noise controls to be implemented which include but are not limited to:

- Staff training in noise reduction and best practicable means
- Pre-planning to ensure the quietest methods are employed
- Use silenced plant where possible
- Consider haulage routes for site deliveries and if possible, divert traffic away from residential areas. Pay particular attention to reversing sirens, deliveries and radios
- Where possible, plan noisy works for less sensitive times
- When works must be carried out during nights or weekends, ensure the local authority and local community are made aware
- If possible, site noise generating plant away from sensitive receptors
- Plant and equipment to be switched off when not required
- Screens to be used as appropriate

They go on to say that Section 4.2 of the document titled BAM Nuttall management system, Environment guidance EG05 lists vibration controls. Mitigation includes using non or low vibration methods where possible. The sensitivity of surrounding buildings will be assessed and monitoring implemented as required. The vibration source will be kept as far away as possible from sensitive receptors. Operating times to be kept to a minimum. Pre and post surveys of sensitive receptors are to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place. Environmental Services raise no objections to the proposals. The Kirklees Waste Collection Authority welcomes proposals in Sections 5.2 (Site Operations) and 8.4 (Communication with site neighbours) to identify, monitor and implement management techniques to control dust and escape of

detritus onto the highway. Appendix B BAM document EG05 Section 5.3 outlines additional controls in relation to any dusts generated on site. The details are considered to be acceptable for the purposes of this part of the Condition for the proposed works in Stage 1.

vi) A noise and vibration management plan including a construction methodology assessment;

Network Rail have provided Condition 5b(vi): Noise and Vibration Management Plan – Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001164. The document confirms that in respect of community liaison, local residents will be notified of any works at least 14 days in advance via a letter drop within a 200m radius, or 500m radius for piling works. The proposed working hours are 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with 30 minutes wither side for setting up and organising/cleaning the site. There is however a requirement for 24 hour working during possessions. In respect of noise and vibration, Network Rail will adhere to British Standards and relevant legislation, and will follow general mitigation measures. Households will be eligible for noise insulation or temporary rehousing where significant adverse effects are predicted. Construction works will be managed through Section 61 applications.

Environmental Services have made specific comments on the document titled BAM Nuttall management system, Environment guidance EG05: Managing site nuisance (included in Appendix B of the Nuisance Management Plan) in respect of noise and vibration controls and raise no objections. The details are considered to be acceptable for the purposes of part vi) of condition 5 for the proposed works in Stage 1.

vii) Details of the precise measures put in place to protect the Hillhouses listed coal chutes during the construction phase.

Network Rail have confirmed that information has been submitted to discharge the relevant planning condition on planning application ref 2021/62/94337/W, which granted permission for a Construction Compound, and for this reason has not been submitted as part of this discharge of condition application. At this time the relevant discharge of condition application has not yet been determined. In the circumstances where the proposed construction compound at Hillhouses is brought forward under the Deemed Planning Permission, details are required to be submitted. This sub section of the condition is not discharged.

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;

Network Rail have confirmed that measures to protect Huddersfield Conservation Area is not considered relevant to the Stage 1 works and will be submitted during the Stage 2 works. This is noted and accepted.

ix) A demolition methodology statement for relevant buildings; and

Network Rail have provided 'Condition 5b(ix); Demolition Method Statement – Stage 1, document ref 151667-TSA-00-TRU-REP-W-EN-001279, version 3 revised March 2023. In the Deemed Planning Permission, 1 and 2 Heaton lodge Cottages fall under the definition of relevant buildings and a methodology for their demolition has been provided. This includes details of the provision of an exclusion zone with fencing and warning signs, welfare set up, a pre-demolition survey, service disconnection, an internal soft strip and demolition of the main structure. Within the document it states all materials and generated waste will be managed in accordance with the waste hierarchy and Duty of Care regulations. Dust Control Measures, Noise and Vibration Control measures and Pollution control measures are proposed, and Public Engagement will also take place. An additional point to note is that bats are present within Heaton Lodge Cottages and so no works can take place until a full license application has been approved by Natural England.

Northern Gas networks initially raised an objection on the grounds that protection of their high pressure gas assets would be diminished. In response Network Rail have discussed these matters with Northern Gas Networks and have submitted a revised Demolition Method Statement. Northern Gas Networks have submitted further email correspondence confirming "Based on the attachments, I am satisfied that the ensuring Railway works and Demolitions will be carried out in a manner which will ensure the protection of NGN's high Pressure Gas assets (bearing in mind the on-going close liaison that is taking place between us and the various works execution parties). A formal withdrawal of their objection has also been received.

The methodology adequate captures the need for a full bat licence, and the other details are considered to be acceptable for the purposes of part ix) of Condition 5 for the proposed works in Stage 1.

x) An Environmental Design Plan (EDP) (Land Contamination and Hydrogeology) setting out the environmental requirements during the detailed design stage.

Network Rail have submitted Condition 5b(x); Environmental Design Plan (Land Contamination and Hydrogeology) – Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001210 dated November 2022. The contents detail methodologies for walkover surveys and soil sampling for temporary works, risk associated with land contamination/gas, groundwater monitoring for Thornhill Quarry and Thornhill Power Station landfills, geohazards and coal mining features, Thornhill Quarry Landfill in respect of asbestos, and a Piling Risk Assessment.

Environmental Services have reviewed the document in relation to the areas which are within their remit. They note the document adequately details the mitigation measures applicable to limit environmental impacts at each of the stages within Stage 1 of the works. Environmental Services accept the information provided.

The Environment Agency note the Environmental Design Plan (EDP) states that a piling risk assessment will be produced, as piling is required for the

construction of the bailey bridge. However, no piling risk assessment has been provided, and they wish to see this submitted prior to recommending the discharge of Condition 5. In response Network Rail have confirmed that following further consideration the foundation design for the bailey bridge has now been revised and will have a pad foundation bearing on imported granular fill to a depth of 2m below the formation level. The Environment Agency have been notified of this revision by Network Rail, and officers await their further comments.

The Environment Agency also note the EDP references a Mining Risk Assessment that has not been submitted, and it is not clear whether or not the impacts of the proposed mining remediation scheme on groundwater have been considered. They advise a groundwater risk assessment for these activities should be produced before they are able to recommend the discharge of Condition 5. In response Network Rail consider the impacts on groundwater can be considered under Condition 10 (Contamination). Network Rail and the Environment Agency have a scheduled meeting to discuss these matters and officers await further instruction.

The Coal Authority have responded to say that none of the conditions imposed relate to coal mining features and the risks these may pose to the development. Notwithstanding this we would expect risks posed to any coal mining features to be properly considered and any remedial works necessary to ensure the safety and stability of the works proposed carried out in a timely manner.

At this time, pending the outcome of the scheduled meeting between Network Rail and the Environment Agency the details of the Environmental Design Plan are not considered to be acceptable.

Recommendation for Condition 5

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

Consultation Responses

K.C Highways Development Management – Details are provided on those sub-sections of the condition which relate to stage 1 of the development only. Information submitted in respect of the discharge of this condition is:

Construction Traffic Management Plan – Stage 1. Doc Reference: 151667-TSA-00-TRU-REP-W-EN-001202. The details submitted effectively seek to agree the routing of construction traffic to/from construction compounds, construction compound access/egress arrangements, route signage and Travel Plan. Following review of the document submitted Highways DM offer the following comments:

The information submitted is generally acceptable in principle, although is considered to be too high level and lacking in the level of detail required to confidently discharge the planning condition. Further information, as set out below, will be required.

Vehicle Routing: In principle the highway routes to the compounds are acceptable, using A and B roads where possible. One exception being the Fall Lane and Brooks Yard compounds, which appear to show traffic exiting the site travelling the wrong way up the one-way section of Fall Lane. Fall lane is one-way, the direction of travel being in a northeast direction, presumably traffic will exit via Thornhill Road? – clarification required.

The route timings set out in Section 4.3.2 of the CTMP are acceptable in principle. Although consideration needs to be given to routes that are located close to schools or mosques, which may require site specific route timings to avoid movements of construction vehicles at school drop off/pick up times and other traffic sensitive times, AM and PM peak times etc.

It is noted that no abnormal load movements are anticipated for the Stage 1 works. Should any abnormal load movements be required these will need to be discussed and agreed with Ian Melrose of Leeds Council who is the abnormal loads officer acting on behalf of all the West Yorkshire authorities

Access Details: To enable proper assessment of the proposals the following access details are required; A Site Plan for each compound showing the location and design of the access/egress, including sightlines/visibility splays and vehicle swept paths demonstrating that construction vehicles can safely access each compound. Each access design should be accompanied by an independent Stage 1 Road Safety Audit and Designer's Response. Each compound site plan should also include details of; loading/unloading area, materials storage area, delivery vehicle turning area demonstrating that vehicles can enter and exit the compound in a forward direction and staff parking.

It is noted that condition 5, Code of Construction Practice, sub-section B(v), requires wheel wash measures, wheel washing measures should be included on the compound site plan.

Traffic Generation: To enable consideration of vehicle routing and site compound access arrangements details of the type/size and volume of traffic accessing each compound will be required. Slow moving/turning construction traffic at signalised junctions can potentially affect junction capacity and cause localised congestion.

Signage: The signage proposals set out in Section 4 of the CTMP are generally acceptable in principle and appear to be in accordance with the relevant sections of the Traffic Signs Manual (TSM). However, further detail is required regarding the size, mounting and positioning (visibility, height, setback etc.) of the signs. Given that some of the signing is likely to be place for the duration of the scheme, signs set on posts would be preferable to 'A' frames. The location and positioning of signage should form part of the compound access design to be included in the RSA

Travel Plan: Sub-section 6a(iii) specifically requests submission of a travel plan. The information set out in Section 5 of the CTMP makes all the right noises but is lacking in detail and fails to set any targets, monitoring regime and measures to be introduced should targets not be achieved. This element of the condition would be better discharged by submission of a specific Travel Plan document, this could take the form of an overarching framework document for the development as a whole with specific sections of each stage of the scheme.

National Highways - Recommend No Objection on the basis of the following recommendations: It is noted that the construction traffic management plan seeks to restrict HGV movements to and from site between the hours of 8am and 6pm Monday to Friday. This is welcomed, however, it is recommended that this is extended to ensure that, wherever possible, these HGV movements are not undertaken via the SRN during peak hours. In addition, whilst it is noted that abnormal load movements are not expected during Phase 1 works should this position alter, these should be undertaken in accordance with the attached aide memoir. Reason: To ensure the safe and continued operation of the SRN

Canal and River Trust – The details include some of the stopping up of PROW/canal towpaths at sections 6.3 and 6.4. We have an agreed

arrangement through our side agreement with Network Rail in relation to canal/towpath stoppages. The plan on page 22 shows the construction route to the Ravensthorpe triangle. This includes crossing the Calder & Hebble Navigation via the temporary Bailey Bridge. Network Rail have shared these plans with us previously and we are just waiting for specific construction details which confirm that no support is required from piers in the canal and no loading will be imposed on the waterway infrastructure. Insofar as the details relate to our waterways, we consider that the condition can be partly discharged as requested.

Waste Collection Authority - The application states that document Construction Traffic Management Plan Stage 1 document reference 151667-TSA-00-TRU-REP-W-EN-001202, dated November 2022 prepared by Network Rail provides sufficient information to satisfy the relevant requirements of Condition 6 in relation to Stage 1 of the Development. The Authority welcomes that this documentation recognises of the potential impact on waste operational facilities in Appendix A Figures B6- Weaving Lane and B7 – Fall Lane and that it has been noted that controls of nuisance will be implemented, and the applicant/ contractor will communicate with the Authority if issues arise.

Public Rights of Way – Stage 1 CTMP describes the temporary stopping up of various public rights of way for periods up to approx. 4 years. This will be achieved under protocols in the Highways Agreement accompanying the TWAO, by notice to the local authority via the Highways Network Management Working Group. The temporary stopping up of streets is covered by Schedule 3 of the Agreement, pursuant Article 16 of the Order. The permanent stopping up / diversion of existing streets will follow protocol described in Schedule 4 of the agreement pursuant to Article 14 of the Order. Insofar as the details relate to Public Rights of Way affected by Stage 1 we consider that the condition can be partially discharged as requested. The following additional observations are made for the benefit of the applicant:

Signage of alternative / diversion routes must be provided and maintained throughout the closure periods, with wording to be agreed with the Council's PROW Team

Bridleway DEW/3/10 is an existing street that will be permanently diverted under the Order, following protocol described in Schedule 4 of the Agreement. Proposed signed diversion routes described in the CTMP are generally via existing highways / recorded Public Rights of Way. PROW officers should be consulted about the most appropriate routes.

The suggested diversion route for equestrians includes a length of Sands Lane. This part is not currently recorded as a public right of way on the Definitive Map but is the subject of an application for a Definitive Map Modification Order (DMMO). Given the uncertainty as to legal status and length of alternative route, it is requested that the applicant consider the construction of a shorter temporary route to Ravensthorpe Road if this can be accommodated within the scheme.

Footpaths DEW/117/20 and DEW/117/30: Temporary Closure of paths for up to 4 years in connection with compound. The alternative route via canal towpath, Forge Lane and DEW/117/40 is appropriate. The applicant is advised to liaise with Canal and River Trust regarding signing and use of

canal towpath as alternative route as this is not a recorded public right of way.

Footpath DEW/116/20: Temporary diversion for up to 12 months if required. It is noted that alternative route will be provided on site, fenced and signed. The existing route may also be signed as part of National Cycle Network Route 69. Pedal cycle traffic may be expected and should be accommodated in any temporary diversion. It is recommended that this route be included in any discussions with Sustrans regarding proposed temporary closure of part of the Spen Valley Greenway at the Forge Lane quarry site.

Footpath DEW/155/10: Temporary diversion for up to 9 months if required. It is noted that alternative route will be provided on site, fenced and signed. No further comments.

Sustrans – No comments received

Assessment

Condition 6 requires that no stage of the development (except preliminary works) is to commence until a Construction Traffic Management Plan for that stage has been submitted and approved.

Stage 1 works require the setting up of construction compounds detailed in the table below

Table 2: List of Construction Compounds in Stage 1

Compound No and Location	Point of Access
32 Ravensthorpe West	Via the current entrance to the bridleway from Ravensthorpe Road
33 Lees Hall	Via Lees Hall Road
34 Ravensthorpe Triangle	Via existing routes into the business park via Farnhills
35 Forge Lane	Via the existing quarry access off Forge Lane
36 Weaving Lane	Via the existing HWRC access
37 Fall Lane	Via Fall Lane
37 Brooks Yard	Via Fall Lane

Highways Development Management have raised concern that the submitted information is too high level and lacking in detail to confidently discharge the planning condition. As a matter of principle Highways Development Management and the Highways Working Group have confirmed that a Construction Traffic Management Plan is required for each compound and should be site specific.

Below is an assessment for each sub-section of the Construction Traffic Management and Travel Plan

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;

In table 3-1 of Network Rail's Construction Traffic Management Plan, it states no road closures or road diversions are required in Stage 1.

Vehicle Routing

Highways Development Management note that in principle the highway routes to the compounds are acceptable, using A and B roads where possible. A

query was raised regarding the Fall Lane and Brooks Yard compounds which appeared to show traffic exiting the site traveling the wrong way up the one-way section of Fall Lane. In response Network Rail have confirmed the applicant is aware that Fall Lane is a one way road and that traffic will therefore route down Fall Lane from Bradford Road but on exiting the Fall Lane RRAP and Brooks Yard Compounds, the site traffic will continue down Fall Lane to join Thornhill Road.

The route timings are set out in Section 4.3.2. Highways Development Management noted that consideration needs to be given to routes that are located close to schools or mosques which may require site specific route timings to avoid movements of construction vehicles at school drop off/pick up times and other traffic sensitive times, AM and PM peak times etc, this matter needs to be addressed.

Access Details

In respect of access details, HDM have requested for each compound a site plan showing the location and design of the access/egress, including sightlines/visibility splays and vehicle swept paths demonstrating that construction vehicles can safely access each compound. They advised each access design should be accompanied by an independent Stage 1 Road Safety Audit and Designer's Response. They also advised that each compound site plan should include details of; loading/unloading area, materials storage area, delivery vehicle turning area demonstrating that vehicles can enter and exit the compound in a forward direction and staff parking. In addition wheel washing measures should be included on the compound site plan.

Network Rail have responded to these comments in relation to each Stage 1 Compound. An officer summary of the response is detailed in the table below:

Table 3: Officer Summary of Network Rail Response

Compound	Details Network Rail intend to provide	Details Network Rail do not consider are required
32 Ravensthorpe West	Layout of the access/egress point including sightlines and visibility splays	Road Safety Audit Internal Layout
33 Lees Hall	Swept path analysis of the access point	Road Safety Audit
34 Ravensthorpe Triangle	Swept path analysis of the access point	Details of the access point and sightlines Road Safety Audit Internal Layout
35 Forge Lane	Swept path analysis of the access point	Details of the access point and sightlines Road Safety Audit Internal Layout

36 Weaving Lane	Swept path analysis of the access point	Details of the access point and sightlines Road Safety Audit
37 Fall Lane	Layout of the access/egress point including sightlines and visibility splays	Road Safety Audit
37 Brooks Yard		Road Safety Audit

A further response from Highways Development Management on these matters is awaited.

Traffic Generation

In respect of traffic generation, Highways Development Management note that to enable consideration of vehicle routing and site compound access arrangements details of the type/size and volume of traffic accessing each compound will be required. Slow moving/turning construction traffic at signalised junctions can potentially affect junction capacity and cause localised congestion.

Network Rail have responded to say Traffic Generation and its potential effects on junctions was considered through the Transport Assessment submitted under the transport and Works Act Order – Appendix 14.1 to the ES (Volume 3). Network Rail have provided details of the types of traffic anticipated at the stage one construction sites (with the exception of Brooks Yard which will be accessed via LGV's)

- Drilling rigs
- Light Goods vehicles – LGVs are any vehicle up to 7.5 tonnes. They will be used to move small plant and materials around Site, as well as minibuses to move Site operatives
- Heavy Goods Vehicles
 - 6-8 wheeler rigid flatbeds
 - 8 wheel concrete mixers
 - 8 wheel Hiab wagons
 - 6-8 wheeler low loaders to bring plant and equipment to site and
 - 6-8 wheeler rigid tippers

Network Rail note the above vehicles all routinely use the local highway network. Delivery of plant and equipment to facilitate construction of the main Scheme will be detailed in the Stage 5 and 6 submissions. A further response from Highways Development Management on these matters is awaited.

Signage

The signage proposals are set out in Section 4 of the CTMP. Highways Development Management consider these to be acceptable in principle appearing to be in accordance with the relevant sections of the Traffic Signs Manual. However, further detail is required regarding the size, mounting and positioning (visibility, height, setback etc) of the signs. Given that some of the signing is likely to be in place for the duration of the scheme, signs set on posts would be preferable to 'A' frames. The location and positioning of

signage should form part of the compound access design to be included in the RSA.

Network Rail agree that where signage is proposed long term more permanent signage would be preferable, and intend to submit details to the Highway Network Management Group. A further response from Highways Development Management on these matters is awaited.

The Waste Collection Authority note there is sufficient information to satisfy the relevant requirements of Condition 6 in relation to Stage 1 of the Development. The Authority welcomes that this documentation recognises of the potential impact on waste operational facilities in Appendix A Figures B6-Weaving Lane and B7 – Fall Lane and that it has been noted that controls of nuisance will be implemented, and the applicant/ contractor will communicate with the Authority if issues arise.

National Highways have no objections. They note that the construction traffic management plan seeks to restrict HGV movements to and from site between the hours of 8am and 6pm Monday to Friday. This is welcomed, however, it is recommended that this is extended to ensure that, wherever possible, these HGV movements are not undertaken via the SRN during peak hours. They also note that abnormal load movements are not expected during Phase 1 works, if this position alter, these should be undertaken in accordance with their Aide memoir for notification requirements for the movement of Abnormal Indivisible Loads or vehicles by road when not complying with The Road Vehicles (Construction and Use) Regulations 1986.

Summary of sub section I)

Highways Development Management have raised a number of concerns, an initial response has been submitted by Network Rail, and a further response from Highways Development Management on these matters is awaited. At this time, the details are not considered to be acceptable.

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;

In table 3-1 of Network Rail's Construction Traffic Management Plan, it states no works in Stage 1 impact on the stations and so no details are included. Officers accept that the works proposed in Stage 1 do not affect the station parking.

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

The details are set out in Section 5 of the Construction Traffic Management Plan. Highways Development Management note the information in Section 5 makes all the right noises but is lacking in detail and fails to set any targets, monitoring regime and measures to be introduced should targets not be

achieved. The note this element of the condition would be better discharged by submission of a specific Travel Plan document, this could take the form of an overarching framework document for the development as a whole with specific sections of each stage of the scheme.

In response Network Rail have confirmed that for Stage 1 it is anticipated that staff numbers will be 20 staff involved in mining remediation, and 50-100 construction and office staff based between the two main compounds of Ravensthorpe West and Lees Hall. It is anticipated that site usage will occur during Stages 5 and 5 and details of targets and measures to implement and monitor the requirements of the travel Plan will be set out in the submissions for these stages. A further response from Highways Development Management on these matters is awaited, and at this time, the details are not considered to be acceptable.

iv) Details on temporary diversions of both highways and rights of way required as part of the Scheme.

In table 3-1 of Network Rail's Construction Traffic Management Plan, it states no highway diversions are required to facilitate the works in Stage 1. Information relating to works to the ProW network is set out in section 6. It states during the Stage 1 works there will be a requirement to temporarily stop up or divert a number of PROW to facilitate the works.

- DEW/3/10
- DEW/117/20 (Footpath)
- DEW/117/30 (Footpath)
- DEW/116/20 (Footpath)
- DEW/155/10 (Foot[ath)
- Spen Valley Greenway

Sustrans have been consulted but no comments have been received. The Kirklees Public Rights of Way team note Stage 1 CTMP describes the temporary stopping up of various public rights of way for periods up to approximately 4 years. This will be achieved under protocols in the Highways Agreement accompanying the TWAO, by notice to the local authority via the Highways Network Management Working Group. The temporary stopping up of streets is covered by Schedule 3 of the Agreement, pursuant Article 16 of the Order. The permanent stopping up / diversion of existing streets will follow protocol described in Schedule 4 of the agreement pursuant to Article 14 of the Order. Insofar as the details relate to Public Rights of Way affected by Stage 1 the Public Rights of Way team consider the details are acceptable.

Recommendation for Condition 6

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.

Documents Submitted

- Condition 8: Archaeology Stage 1 document reference 151667- TSA-00-TRU-REP-W-EN-001281, dated November 2022

Consultation Responses

West Yorkshire Archaeology – The document outlines the proposed archaeological works need to satisfy condition 8 of the above order. This is a brief rather than a written scheme of investigation but it covers the discussions which have taken place with the West Yorkshire Archaeology Advisory Service. Pending submission of fuller written scheme of investigation documents and the implantation of these works and all necessary analysis and reporting of results arising the WYAAS have no objection to the discharge.

Canal and River Trust – None of the sites referenced within the document seem to relate to the canal corridor and based on aerial photograph are all well away from the canal corridor. We have no comments to make on these details.

Assessment

Network Rail's supporting document seeks to address the potential for impacts on buried archaeological remains during the construction of the railway upgrade Scheme. The details provided within the report include:

- *Section 4* - Summary of a construction methodology (with reference to part a of condition 8)
- *Section 5* – Details of the agreement with WYASS of the scope of archaeological works, and a brief outline of the process of the production of written schemes of investigation (with reference to part b of condition 8) and brief commentary that the methodology will take measures to protect, record or preserve any significant archaeological remains that may be found (with reference to part c of condition 8)
- *Section 6* – Qualifications of Archaeological Contractor (with reference to part d of condition 8)

Section 4 provides a Construction Methodology, including a site overview and details of the proposed works (which include temporary compound construction and permanent works) for each of the following areas of interest:

- The area of the former Union Dyeware Mills (HER 6671) to the north of Longroyd Lane, to be used as a temporary construction compound.
- The area of the former goods yard at Huddersfield station to be used as a construction compound and for permanent works for alterations to the station.
- The area including the pillbox at Woodend Road, Mirfield to be used as a temporary compound.
- The cropmark site to the south-west of Ravensthorpe Road (HER 642) proposed as a temporary compound and works areas (vehicle parking, materials storage, welfare facilities and access for construction).
- Listed Buildings of Thornhill Lees Hall and associated area of medieval settlement (HER 2636). The undeveloped pasture field will be used as a construction compound.
- The Heaton Lodge Curve new land take – Iron Age beehive quern at Bog hall 9 (HER 2105) – includes areas of permanent construction works and temporary compound activities.

No details are submitted with respect to point iii) The area of the former Hillhouse Sidings (including the site of the White Stone Engine Shed) (HER PRN: 18375). Network Rail note this information was submitted to discharge Condition 21 of the Planning Permission for the Hillhouse Compound (reference 2021/62/94337/W). At the time of writing the relevant condition has not been discharged. In the circumstances where Network Rail implement the Deemed Planning Consent granted through the Order in relation to the Strategic Construction Compound, details will need to be provided. For the purposes of this application, no details are provided and sub section a) iii cannot be discharged.

Section 5 details the consultation process to date with WYAAS. Network Rail intend to appoint an Archaeological Contractor to produce written schemes of investigation for each area of interest. These documents will detail the aims and objectives, methodologies, monitoring, reporting, industry standards and legislation that will guide the programme of archaeological investigation. The methodology will identify areas where fieldwork is required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. Network Rail then intend to make a further submission to satisfy parts b), c) and d) of the condition, prior to any works starting at the relevant sites.

West Yorkshire Archaeology Advisory Service were consulted. They note the document which outlines the proposed archaeological works is a brief rather than a written scheme of investigation, but it covers the discussions which have taken place with them. Pending submission of fuller written scheme of investigation documents and the implementation of these works and all necessary analysis and reporting of results arising WYAAS have no objection to the discharge.

Recommendation for Condition 8

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.*

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.

Documents Approved

Condition 8: Archaeology Stage 1 document reference 151667- TSA-00-TRU-REP-W-EN-001281, dated November 2022

Condition 10 (Contaminated Land)

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)

Consultation Responses

K.C Environmental Services - Condition 10a – Phase II Investigation

To satisfy the relevant requirements of Condition 10 parts (a) in relation to Stage 1 of the development the applicant has provided the following documents authored by Network Rail:

- Condition 10 - Phase 2 Land Contamination Risk Assessment Stage 1 (compounds), dated November 2022 (ref: 151667-TSA-00-TRU-REP-W-EN-001214) and Condition 10 - Phase 2 Land Contamination Risk Assessment (Stage 1 compounds) Appendix B - Factual Reports (ref: 151667-TSA-00-TRUREP-W-EN-001219)
- Condition 10 - Phase 2 Land Contamination Risk Assessment Stage 1 (Ravensthorpe Triangle), dated November 2022 (ref:151667-TSA-00-TRU-REP-WEN-001282) and Condition 10 - Phase 2 Land Contamination Risk Assessment (Stage 1 Ravensthorpe triangle) Appendix B - Factual Reports (ref: 151667-TSA00-TRU-REP-W-EN-00128)

The documents include geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the documents.

There are eight stage 1 compounds, however, only six compounds require excavations during construction, therefore the first Phase 2 Land Contamination Risk Assessment (ref: 151667- TSA-00-TRU-REP-W-EN-00121) and appendix B reports (ref: 151667-TSA-00-TRUREP-WEN-001219) are restricted to the following compounds, Ravensthorpe West, Forge Lane Quarry, Weaving Lane HWRC, Fall Lane, Thornhill Road Underbridge and Lees Hall.

The report provides additional information in relation to the ground conditions at the six compounds and details the findings from a series of limited investigations. The report considers that despite the results, given the limited ground disturbance required for the erection of the compounds and the low sensitivity end-use, there is generally a low risk to end-users. Nevertheless,

the report does identify that for all compound areas, more soil samples require analysis to inform material re-use/disposal options, earthworks specifications or to ensure the site is returned to its original condition.

The Phase 2 Land Contamination Risk Assessment – Stage 1 Ravensthorpe Triangle (ref:151667-TSA-00-TRU-REP-WEN-001282) and Appendix B reports (ref: 151667-TSA00- TRU-REP-W-EN-00128) cover works at Ravensthorpe Triangle. Notably, the site comprises Thornhill Quarry landfill site. The report states that the landfill site is a non-hazardous landfill owned and operated by Demex. The land has been restored and it is understood that, although the site is still active, an application has been made by the site operator to move it into closure.

The report details the site investigation undertaken by Structural Soils in 2020. The aim was to collect contamination and ground gas data. The field investigation included, but was not limited to, ground gas monitoring, ground water monitoring and sampling, surface water sampling and the retrieval of soils for chemical analysis.

The investigation confirmed made ground across the landfill area. Ground gas monitoring revealed elevated methane (peak 30.6% v/v) and carbon dioxide (peak 9.9% v/v). Depleted oxygen was noted, and the peak flow rate was 0.7 l/h. No exceedances of the human health assessment criteria were recorded within the soil samples analysed from the 2020 ground investigation.

Asbestos was recorded in 14 samples. The report adds that given the several exceedances identified in the groundwater and leachate analysis, that potential contaminants are likely leaching from made ground and the waste mass, and concentrations in groundwater and surface water indicate that these are low levels. Therefore, it is considered that these have an insignificant impact on the River Calder and are unlikely to impact the Stage 1 works. Nevertheless, the report recommends further groundwater monitoring and water sampling. Ground gas monitoring is also still ongoing, and the report recommends that the conceptual model will be revised following the completion of the monitoring. A mine gas risk assessment undertaken as recommended in CL:AIRE guidance is also recommended as additional work.

Comments

We agree with Condition 10 - Phase 2 Land Contamination Risk Assessment Stage 1 (compounds), dated November 2022 (ref: 151667-TSA-00-TRU-REP-W-EN-001214) and Condition 10 - Phase 2 Land Contamination Risk Assessment (Stage 1 compounds) Appendix B - Factual Reports (ref: 151667-TSA-00-TRUREP-W-EN-001219)

We agree with Condition 10 - Phase 2 Land Contamination Risk Assessment Stage 1 (Ravensthorpe Triangle), dated November 2022 (ref:151667-TSA-00-TRU-REP-WEN001282) and Condition 10 - Phase 2 Land Contamination Risk Assessment (Stage 1 Ravensthorpe triangle) Appendix B - Factual Reports (ref: 151667-TSA00-TRU-REP-W-EN00128).

Overall, we consider the documents received sufficient to satisfy the requirements of Condition 10a for stage 1 works on the 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.

Condition 10b - Remediation Statement

No standalone remediation document has been submitted for Stage 1 works. We also note that additional sampling and/or monitoring has been proposed in the documents commented on as part of Condition 10a. Therefore, it is unclear how we can recommend the discharge of Condition 10b at this time. Canal and River Trust – The Phase 2 Land Contaminated Risk Assessment Stage 1 (compounds) document references the canal as a controlled water (pg43) and addresses potential for leaching from the Forge Lane compound but excludes it as receptor as the canal is sealed with puddle clay. This seems to discount potential impact on the canal from the compound. We consider that discounting the canal as a receptor based on it possibly being clay lined is incorrect. Even if it is it should not be assumed it is impenetrable to contamination. There is also still potential for contamination from other means from the compound via surface run-off, wind blown etc. It is unclear if this will be captured at further stages of the condition discharge, but it ought to be noted and considered at this stage.

The Phase 2 Land Contamination Risk Assessment Stage 1 (Ravensthorpe Triangle) document confirms that as established at the TWAO stage the site contains a lot of pollution including arsenic. The document appears to mainly contain the data sets. Although being titled “Risk Assessment” it does not actually include any kind of risk assessment. Given the known contamination in the Ravensthorpe Triangle, it is unclear what the intention is to deal with this or whether this poses a risk to anyone? Based on this submission document this is unclear.

We would ask the Council to satisfy itself that the submitted details satisfy the parts of the conditions sought to be discharged. We consider that the above matters should be addressed.

Environment Agency – Limited environmental testing has been undertaken during the site investigation. The applicant concludes within their Phase 2 assessment that they have not taken enough environmental samples within all of the proposed compound locations. Generally the risk posed to groundwater from the majority of the Stage 1 activities is limited, but further site investigation may be required, and you should satisfy yourself that the investigation is adequate from a human health perspective. The report states 'Monitoring is still underway on the site and once completed, a revised controlled waters risk assessment will be undertaken'. The finalised documents should be submitted and reviewed by us prior to this condition being discharged. A piling risk assessment is required to support the proposed piling of the bailey bridge, and this has not been provided. We consider this is essential for the discharge of this condition. No mining remediation plans and an associated groundwater risk assessment have been provided, and again, we consider this a critical omission.

Assessment

Condition 10 refers to contaminated land. Part a of the condition requires a Phase II Site Investigation Report, and part b of the condition requires a Remediation Statement where remediation measures are shown to be necessary in the Environmental Statement or the Phase II Reports undertaken. Part c) requires that remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement.

Environmental Services have assessed the proposal and consider the documents received are sufficient to satisfy the requirements of Condition 10a for stage 1 works. They note however that no standalone remediation document has been submitted for Stage 1 works, and furthermore additional sampling and/or monitoring has been proposed in the documents commented on as part of Condition 10a. They cannot therefore recommend the discharge of Condition 10b at this time.

Comments have also been received from the Canal and River Trust and the Environment Agency who have raised concerns.

The Canal and River trust note the Phase 2 Land Contaminated Risk Assessment Stage 1 (compounds) document references the canal as a controlled water and addresses potential for leaching from the Forge Lane compound but excludes it as receptor as the canal is sealed with puddle clay. They consider this discounts potential impacts and discounting the canal as a receptor is incorrect, as it should not be assumed it is impenetrable to contamination. There is also potential for contamination from other means from the compound via surface run-off, wind blown etc and it is unclear if this will be captured at further stages of the condition discharge. The Canal and River Trust also note that the Phase 2 Land Contamination Risk Assessment Stage 1 (Ravensthorpe Triangle) document confirms the site contains a pollution including arsenic. They note the document appears to mainly contain data sets and does not include any kind of risk assessment. Given the known contamination, they are unclear what the intention is to deal with this or whether this poses a risk.

The Environment Agency note the applicant concludes within their Phase 2 assessment that they have not taken enough environmental samples within all of the proposed compound locations. They note that generally the risk posed to groundwater from the majority of the Stage 1 activities is limited, but further site investigation may be required. The report states 'Monitoring is still underway on the site and once completed, a revised controlled waters risk assessment will be undertaken'. The Environment Agency have requested that the finalised documents should be submitted and reviewed by them prior to this condition being discharged. The Environment Agency also note that the piling risk assessment to support the proposed piling of the bailey bridge has not been provided. Furthermore, no mining remediation plans and associated groundwater risk assessment have been provided.

In response to these concerns, Network Rail have responded to say the matters of contamination (mining risk and risk to controlled waters) will be discussed with the Environment Agency in a scheduled meeting. They also intend to issue a technical note to the Canal and Rivers Trust on this matter. It is noted the bailey bridge will now have a foundation design, as detailed in the assessment for Condition 5.

Recommendation for Condition 10

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

Consultation Responses

K.C Ecology - The submitted document discharges the first stage of the condition and outlines a strategy to achieve an overall 10% net gain in biodiversity. Further information is to be submitted at Stage 8 and will contain detailed BNG calculations as this is reliant on the detailed design of subsequent phases. Through correspondence with the applicant team, it is anticipated that this information will be provided, post construction.

The final Biodiversity Net Gain Calculation outlining a net gain of 10% will be submitted to and approved by the Local Planning Authority (LPA) to discharge Condition 19 in its entirety. It is anticipated that this final calculation will not be available until completion of the planting scheme for the site (Stage 8), which is anticipated to be around Spring 2025, subject to design and construction programmes.

The information provided in section 4 of the submitted document should be adhered to throughout the development to ensure that the LPA is kept up to date on all works pertinent to Biodiversity Net Gain and ensuring that a 10% net gain is achieved. This is also a requirement of the second section of condition 19.

As such, I am satisfied that partial requirements of conditions 19 have been met by document 151667- TSA-00-TRU-REP-W-EN-001211.

Canal and River Trust – The document makes several references to canals in table 3.3 and attributes 5.52 habitat units based on a 0.6km stretch. However

the total for rivers, streams and canals is 31.74 units. It is understood that such BNG waterway units could be spent on the canal as they all fall within the same category. If this is the case then there could be scope for some of these credits accumulated for waterways to be spent on providing enhancement to the canal corridor that would be impacted by the development.

Assessment

Condition 19 requires details of a strategy to achieve an overall 10% net gain in biodiversity, including monitoring, maintenance, management and reporting arrangements. These measures are then required to be implemented from the first revenue-generating train service coming into operation. Network Rail note the document submitted proposes to discharge the first stage of the condition and outlines a strategy to achieve an overall 10% net gain in biodiversity. Network Rail intent to submit further information at Stage 8 with detailed BNG calculations.

Section 3.2 of the report details the current status of baseline habit values. It notes the tables provided are for information as further work is ongoing to ascertain the exact baseline conditions and further survey works may be undertaken. It notes that habitat loss will be factored into the calculation once further details are available. Network Rail have detailed their approach to achieving Biodiversity Net Gain including workshops with relevant stakeholders, identifying and selecting projects to implement, and a commitment to confirming site specific future monitoring and maintenance.

The Council's Ecologist notes the document discharges the first stage of the condition and outlines a strategy to achieve an overall 10% net gain in biodiversity. Further information is to be submitted at Stage 8 and will contain detailed BNG calculations as this is reliant on the detailed design of subsequent phases. Through correspondence with the applicant team, it is anticipated that this information will be provided, post construction. The final Biodiversity Net Gain Calculation outlining a net gain of 10% will be submitted to the Local Planning Authority to discharge Condition 19 in its entirety. It is anticipated that this final calculation will not be available until completion of the planting scheme for the site (Stage 8), which is anticipated to be around Spring 2025, subject to design and construction programmes. As such, the Council's ecologist is satisfied that partial requirements of conditions 19 have been met.

The Council's ecologist also advises that the information provided in section 4 of the submitted document should be adhered to throughout the development to ensure that the LPA is kept up to date on all works pertinent to Biodiversity Net Gain and to ensure that a 10% net gain is achieved. This is also a requirement of the second section of condition 19.

The Canal and River Trust note the document makes references to canals in table 3.3 and attributes 5.52 habitat units based on a 0.6km stretch. However, the total for rivers, streams and canals is 31.74 units. They note it is understood that such BNG waterway units could be spent on the canal as they all fall within the same category, and there could be scope for some credits accumulated for waterways to be spent on providing enhancement to the canal corridor that would be impacted by the development. This matter is

noted, and has been brought to Network Rail's attention, to allow them to engage with The Canal and River Trust during their work on the BNG calculations.

Recommendation for Condition 19

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.

Approved Documents

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

Officer Recommendation: Spilt Decision
Condition's part discharged: 4, 8, and 19
Condition's not discharged 5, 6 and 10

Report Dated: 5th April 2023

Decision Notice Text

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; Lurionium 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.

UPDATE REPORT MAY 2023

This report should be read in conjunction with the previous officer report dated 5 April 2023. It refers to Condition 5 (Code of Construction Practice) and Condition 10 (Contamination) only.

Following the issue of a spilt decision of the application (decision notice issued on 6 April 2023) a meeting has been held between the Environment Agency and Network Rail to discuss the concerns raised by the Environment Agency. Furthermore, Network Rail have liaised with the Canal and River Trust in respect of concerns they had previously raised.

Network Rail have submitted the following additional documents in relation to Conditions 5 and 10:

- Copy of letter submitted to the Environment Agency dated 24 March 2023. Ref 151667-TSA-00-TRU-REP-W-EN-001322
- Copy of letter submitted to The Canal and River Trust dated 11 April 2023. Ref 151667-TSA-00-TRU-REP-W-EN-001327.

- Condition 10: Contaminated Land Remediation Statement – Stage 1 Works – Compounds. Document Ref: 151667-TSA-00-tru-rep-w-en-001306.
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Ravensthorpe Triangle. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001310.

Condition 5 (Code of Construction Practice)

Condition 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
- Copy of letter submitted to the Environment Agency dated 24 March 2023. Ref 151667-TSA-00-TRU-REP-W-EN-001322

Updated Consultation Responses

Environment Agency – We understand that the Materials Management Plan that has been submitted is in fact the final version. In addition, we have received the letter from Network Rail, referenced 151667-TSA-00-TRU-REP-W-EN-0013222 and dated 24 March 2023, which confirms that piling is no longer required for the bailey bridge within these Stage 1 works. Network Rail also provided additional information in our meeting with them in regards to the Mining Risk Assessments undertaken. In light of this, we no longer object to the discharge of Condition 5 for Stage 1 works.

Assessment

Condition 5 requires that before development commences with any stage a Code of Construction Practice which incorporates the means to mitigate the construction impacts identified by the Environmental Statement is provided. Part A of the Code of Construction Practice, which is a general overview and framework of environmental principles and management practice was approved by The Transport and Works Act Order.

Below is an assessment for each sub-section of part b) of the Code of Construction Practice:

i) An external communications programme;

Network Rail have submitted 'External Communications Programme ref 151667-TSA-00-TRU-CNT-W-LP-000569', dated November 2022. Within this document it confirms there will be a dedicated TRU communications team and the proposed construction works will be plotted in chronological order. Network Rail intend to notify residents 14 days before works start within a 200m radius of the proposed works, or 500m radius for piling works. They have a complaint's procedure in place and will share a press release programme with the Council.

Environmental Services note the document gives details regarding the methods of communication. The methods listed include but are not limited to the following:

- The importance of good communication with local residents is highlighted with details of information letters to residents in close proximity to planned works and public meetings to be held.
- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept.
- Information will be updated on relevant websites to improve communication and the Network Rail 24 hour helpline will have all current information to enable customer enquiries and complaints.
- All complaints are to be logged and a monthly update will be sent to the Local Authority.
- Prior liaison with the Local Authority will take place in advance of any out of hours work that has the potential to affect amenity.
- All staff are to receive appropriate induction training in the controls necessary.

Environmental Services raise no objections. The Kirklees Communications Section were forwarded the document for comment, however no comments have been subsequently received. It is considered the details are acceptable for the purposes of sub section i) of condition 5 for the proposed works in Stage 1.

ii) A pollution prevention and incident control plan;

Network Rail have submitted 'Condition 5b(ii): Pollution Prevention and Incident Control Plan – Stage 1, ref 151667-TSA-00-TRU-REP-W-EN-001204', dated November 2022. This confirms all Stage 1 works will comply with all relevant legislation, regulations and additionally obtain and comply with all necessary consents to ensure legal construction works. Section 4.3 details the general pollution prevention and incident control measures, and section 4.4 details the proposed Emergency response.

In respect of specific measures for Stage 1 consideration of weather conditions and the proximity to watercourses will be given to the programming of any vegetation clearance, as well as the earthworks at Ravensthorpe West. The Ravensthorpe Triangle and Forge Lane Quarry compounds are located adjacent to the Calder and Hebble Navigation and the River Calder and the pollution prevention measures relating to watercourses will be adhered to. Network Rail note that in line with the Statement of Common Ground agreed

with the Environment Agency mitigation measures will be implemented prior to the set up of these compounds in respect of flood risk. Additionally, implementation of generic measures applicable for use of roads which carry construction traffic to ensure prevention of contaminated runoff from the road entering watercourses will be implemented, including the design of suitable drainage. With respect to the installation of the bailey bridge and possible runoff entering the watercourse, a monitoring programme will be implemented. In-channel training walls will be constructed under best practice and trained contractors will check mining remediation sites.

No concerns from consultees have been received in respect of the pollution prevention and incident control plan. It is the responsibility of the developer to ensure that they have all the relevant and necessary consents and permits to undertake the works. The details are considered to be acceptable for the purposes of sub section ii) of Condition 5 for the proposed works in Stage 1.

iii) A waste management plan;

Network Rail have provided Condition 5b(iii): Waste Management Plan – Stage 1, ref 151667-TSA-TRU-REP-W-EN-000083, dated November 2022. This confirms all materials and generated waste will be managed in accordance with the waste hierarchy; prevention, preparing for re-use, recycling, other recovery and disposal as set out in the Waste (England and Wales) Regulations 2011). In addition the document confirms that all waste from site will be dealt with in accordance with the waste Duty of Care, as set out in Section 34 of the Environmental Protection Act 1990 (as amended) and DEFRA's Waste Duty of Care Code of Practice (November 2018). Section 5.3.2 details waste minimisation measures and Section 5.4 confirms that all waste is to be segregated, stored safely and securely to prevent harm to human health and environment.

No concerns from consultees have been received in respect of the waste management plan. The details are considered to be acceptable for the purposes of sub section iii) of Condition 5 for the proposed works in Stage 1.

iv) A materials management plan including a separate soils mitigation plan;

Network Rail have provided Condition 5b(iv): Materials management Plan - Stage 1, document ref 151667-TSA-00-TRU-REP-W-EN-001223, dated November 2022. This document confirms the management of material will be undertaken in accordance with the Contaminated Land: Applications in Real Environments (CL:AIRE) – Definition of Waste: Development Industry Code of Practice (DoWCoP). In Appendix 1 of the document is a draft Materials Management Plan (MMP) to cover the proposed Stage 1 works. Network Rail have confirmed this is an iterative document which is proposed to be continually updated.

At stage 1 excavation of agricultural grade soils will be carried out at the Ravensthorpe West and Lees Hall Farm compounds. Section 5 details the

proposals for the management of soil, including the preparation and stripping of soil, stockpiling of materials, and method of restoration.

Environmental Services have reviewed this document. They note it details that excavation of agricultural grade soils will be carried out at the Ravensthorpe West and Lees Hall Farm compounds. Briefly, for those areas, soil stripping will be required, but where possible soils will be left in-situ. Samples will be taken from soils subject to stripping and stockpiling, and will be assessed for quality and characteristics including pH, organic matter content and potential contaminants. Information in relation to soil handling and stockpiling procedures are also provided. Environmental Services consider this to be satisfactory.

The Waste Collection Authority welcomes the proposal to reuse excavation waste through the CL:AIRE protocol. They advise any waste generated that cannot be reused directly on the site should be recovered or treated at local facilities in preference to landfill fulfilling the requirements of The Waste (England and Wales) Regulations 2011 Regulation 12 Duty in relation to the waste hierarchy and the proximity principle. Any producer of controlled waste must ensure compliance with Section 34 Duty of Care etc. as respects waste to prevent escape of waste, litter, odour or vermin problems. The Authority welcomes the evidence of procedures in the Materials Management Plan (MMP) Form - October 2014 Section 22e on page 28 to ensure that wastes leaving sites are destined for permitted facilities accompanied by appropriate documentation.

The Environment Agency initially raised concerns that the Materials Management Plan was a draft version awaiting finalisation, and that the accompanying Earthworks Specification and Remediation Strategy had not yet been finalised. They noted the document demonstrates that a MMP is under production and requested to see a final version before recommending the discharge of Condition 5. In response to this, Network Rail have confirmed that the Materials Management Plan is a 'live' document managed through compliance with The Definition of Waste: Development Industry code of Practice (DoWCoP). The formal submission will be reviewed by a "Qualified Person" who will provide a Declaration to the EA prior to the use or dispatch of materials within the Scheme. A meeting was held between the Environment Agency and Network Rail to discuss this position, and subsequently the Environment Agency have submitted to the LPA an updated consultation response. They acknowledge that the Materials Management Plan that has been submitted is the final version and have confirmed that they are now satisfied with the details of this document.

In light of this updated position from the Environment Agency the details are considered to be acceptable for the purposes of sub section iv) of Condition 5 for the proposed works in Stage 1.

v) A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;

Network Rail have submitted 'Condition 5b(v): Nuisance Management Plan – stage 1 ref 151667-TSA-00-TRU-REP-W-EN-001206, DATED November 2022. This details controls for dust emissions, air pollution, site lighting, and protection of sensitive receptors including heritage assets, biodiversity, users of recreational routes and site neighbours.

Kirklees Environmental Services have assessed the document. In respect of fugitive dust control they note section 4 and 5 explains the measures to monitor and control fugitive dust during the works. The controls include but are not limited to the following:

- The Site Environment Manager will carry out regular site inspections to monitor compliance with dust control procedures.
- Offsite prefabrication will be utilised as much as possible.
- Drop heights to be kept to a minimum and water suppression to be used.
- Vehicles and equipment are to be well maintained with all necessary extractors, filters and scrubbers to be fitted and used.
- Screens and site fencing are to be used to mitigate fugitive dust.
- Stockpile heights are to be kept to a minimum with double handling avoided and sited away from sensitive receptors. They will be covered or damped down to control dust release.
- Fine product deliveries will be by tank and stored in silos, designated screened areas will be used for mixing fine products.
- Skips and bins to be enclosed and vehicles removing loose materials from site will be covered.
- Maximum on site speed limits set.
- Engines to be switched off when not in use and low emission vehicles and plant to be used.

• Wheel wash and wet road sweeping facility available if required.
Environmental Services also note that Section 7 explains that lighting will be designed, installed and directed to minimise stray light beyond the site boundary. Site fencing to compound areas will include solid boundary fencing which will assist in the control of light spill. The applicant is aware that additional baffles or shields may be necessary in certain locations.

Environmental Services note the document titled BAM Nuttall management system, Environment guidance EG05: Managing site nuisance (included in Appendix B of the Nuisance Management Plan) lists noise controls to be implemented which include but are not limited to:

- Staff training in noise reduction and best practicable means
- Pre-planning to ensure the quietest methods are employed
- Use silenced plant where possible
- Consider haulage routes for site deliveries and if possible, divert traffic away from residential areas. Pay particular attention to reversing sirens, deliveries and radios
- Where possible, plan noisy works for less sensitive times
- When works must be carried out during nights or weekends, ensure the local authority and local community are made aware
- If possible, site noise generating plant away from sensitive receptors
- Plant and equipment to be switched off when not required

- Screens to be used as appropriate

They go on to say that Section 4.2 of the document titled BAM Nuttall management system, Environment guidance EG05 lists vibration controls. Mitigation includes using non or low vibration methods where possible. The sensitivity of surrounding buildings will be assessed and monitoring implemented as required. The vibration source will be kept as far away as possible from sensitive receptors. Operating times to be kept to a minimum. Pre and post surveys of sensitive receptors are to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place. Environmental Services raise no objections to the proposals.

The Kirklees Waste Collection Authority welcomes proposals in Sections 5.2 (Site Operations) and 8.4 (Communication with site neighbours) to identify, monitor and implement management techniques to control dust and escape of detritus onto the highway. Appendix B BAM document EG05 Section 5.3 outlines additional controls in relation to any dusts generated on site.

The details are considered to be acceptable for the purposes of sub section v) of Condition 5 for the proposed works in Stage 1.

vi) A noise and vibration management plan including a construction methodology assessment;

Network Rail have provided Condition 5b(vi): Noise and Vibration Management Plan – Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001164. The document confirms that in respect of community liaison, local residents will be notified of any works at least 14 days in advance via a letter drop within a 200m radius, or 500m radius for piling works. The proposed working hours are 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with 30 minutes wither side for setting up and organising/cleaning the site. There is however a requirement for 24 hour working during possessions. In respect of noise and vibration, Network Rail will adhere to British Standards and relevant legislation, and will follow general mitigation measures. Households will be eligible for noise insulation or temporary rehousing where significant adverse effects are predicted. Construction works will be managed through Section 61 applications.

Environmental Services have made specific comments on the document titled BAM Nuttall management system, Environment guidance EG05: Managing site nuisance (included in Appendix B of the Nuisance Management Plan) in respect of noise and vibration controls and raise no objections. The details are considered to be acceptable for the purposes of part vi) of condition 5 for the proposed works in Stage 1.

vii) Details of the precise measures put in place to protect the Hillhouses listed coal chutes during the construction phase.

Network Rail have confirmed that information has been submitted to discharge the relevant planning condition on planning application ref

2021/62/94337/W, which granted permission for a Construction Compound, and for this reason has not been submitted as part of this discharge of condition application. At this time the relevant discharge of condition application for the standalone planning application has not yet been determined. In the circumstances where the proposed construction compound at Hillhouses is brought forward under the Deemed Planning Permission of the Order, details are required to be submitted. This sub section of the condition is not discharged.

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;

Network Rail have confirmed that measures to protect Huddersfield Conservation Area is not considered relevant to the Stage 1 works and will be submitted during the Stage 2 works. This is noted and accordingly this sub section of the condition is not discharged.

ix) A demolition methodology statement for relevant buildings

Network Rail have provided 'Condition 5b(ix); Demolition Method Statement – Stage 1, document ref 151667-TSA-00-TRU-REP-W-EN-001279, version 3 revised March 2023. In the Deemed Planning Permission, 1 and 2 Heaton lodge Cottages fall under the definition of relevant buildings and a methodology for their demolition has been provided. This includes details of the provision of an exclusion zone with fencing and warning signs, welfare set up, a pre-demolition survey, service disconnection, an internal soft strip and demolition of the main structure. Within the document it states all materials and generated waste will be managed in accordance with the waste hierarchy and Duty of Care regulations. Dust Control Measures, Noise and Vibration Control measures and Pollution control measures are proposed, and Public Engagement will also take place. An additional point to note is that bats are present within Heaton Lodge Cottages and so no works can take place until a full license application has been approved by Natural England.

Northern Gas networks initially raised an objection on the grounds that protection of their high pressure gas assets would be diminished. In response Network Rail have discussed these matters with Northern Gas Networks and have submitted a revised Demolition Method Statement. Northern Gas Networks have submitted further email correspondence confirming "Based on the attachments, I am satisfied that the ensuring Railway works and Demolitions will be carried out in a manner which will ensure the protection of NGN's high Pressure Gas assets (bearing in mind the on-going close liaison that is taking place between us and the various works execution parties). A formal withdrawal of their objection has also been received.

The methodology adequate captures the need for a full bat licence, and the other details are considered to be acceptable for the purposes of part ix) of Condition 5 for the proposed works in Stage 1.

x) An Environmental Design Plan (EDP) (Land Contamination and Hydrogeology) setting out the environmental requirements during the detailed design stage.

Network Rail have submitted Condition 5b(x); Environmental Design Plan (Land Contamination and Hydrogeology) – Stage 1, document reference 151667-TSA-00-TRU-REP-W-EN-001210 dated November 2022. The contents detail methodologies for walkover surveys and soil sampling for temporary works, risk associated with land contamination/gas, groundwater monitoring for Thornhill Quarry and Thornhill Power Station landfills, geohazards and coal mining features, Thornhill Quarry Landfill in respect of asbestos, and a Piling Risk Assessment.

Environmental Services have reviewed the document in relation to the areas which are within their remit. They note the document adequately details the mitigation measures applicable to limit environmental impacts at each of the stages within Stage 1 of the works. Environmental Services accept the information provided.

The Environment Agency initially raised concern that the Environmental Design Plan (EDP) states that a piling risk assessment will be produced, as piling is required for the construction of the bailey bridge. However, they noted no piling risk assessment has been provided, and wished to see this submitted prior to recommending the discharge of Condition 5. In response Network Rail have confirmed that following further consideration the foundation design for the bailey bridge has now been revised and will have a pad foundation bearing on imported granular fill to a depth of 2m below the formation level, and they have submitted a letter to the Environment Agency referenced 151667-TSA-00-TRU-REP-W-EN-0013222 and dated 24 March 2023, and a copy to the LPA. This matter was discussed in the meeting between the Environment Agency and Network Rail and subsequent to this meeting the Environment Agency have confirmed that they no longer raise an objection with respect to this.

The Environment Agency also raised concern that the EDP references a Mining Risk Assessment that has not been submitted, and it is not clear whether or not the impacts of the proposed mining remediation scheme on groundwater have been considered. They advised a groundwater risk assessment for these activities should be produced before they are able to recommend the discharge of Condition 5. In response to this, it is the position of Network Rail that the impacts on groundwater will be appropriately considered under Condition 10 (Contamination), and this matter was also discussed in the meeting held with the Environment Agency. The Environment Agency has subsequently confirmed they no longer have any objections in this regard.

The Coal Authority have responded to say that none of the conditions imposed relate to coal mining features and the risks these may pose to the development. Notwithstanding this we would expect risks posed to any coal mining features to be properly considered and any remedial works necessary

to ensure the safety and stability of the works proposed carried out in a timely manner.

The details are considered to be acceptable for the purposes of part x) of Condition 5 for the proposed works in Stage 1.

Recommendation for Condition 5

Then details submitted are considered to be acceptable for the purposes of the following sub sections of Condition 5 for the identified works in Stage 1:

- 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;
- 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.

Sub-sections not approved:

- 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;

The development must be implemented in accordance with the approved CoCP and the relevant plans or programmes shall be implemented in full throughout the period of the works.

Condition 10 (Contaminated Land)

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)
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Works – Compounds. Document Ref: 151667-TSA-00-tru-rep-w-en-001306.
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Ravensthorpe Triangle. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001310.

Updated Consultation Responses for 10a

Canal and River Trust – Following receipt of further details and confirmation from the applicant in their letter dated 11 April 2023 (attached to this response). The Trust is satisfied that our concerns previously raised in relation to the discharge of this condition have been addressed. We consider that the condition can be discharged.

Environment Agency – Following the explanation of the staged approach to discharge and receipt of the information detailed above in regards to piling and mining risk assessment, we no longer have any objection to the discharge of Condition 10 for the Stage 1 works.

Assessment

Condition 10 refers to contaminated land. Part a of the condition requires a Phase II Site Investigation Report, and part b of the condition requires a Remediation Statement where remediation measures are shown to be necessary in the Environmental Statement or the Phase II Reports undertaken. Part c) requires that remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement.

Environmental Services have assessed the Phase II Site Investigation Reports and consider the documents received are sufficient to satisfy the requirements of Condition 10a for the stage 1 works. They initially raised concern that no standalone remediation document had been submitted for the Stage 1 works and noted additional sampling and/or monitoring has been proposed in the documents commented on as part of Condition 10a. In response to this, two Remediation statements have now been submitted as follows:

- Condition 10: Contaminated Land Remediation Statement – Stage 1 Works – Compounds. Document Ref: 151667-TSA-00-tru-rep-w-en-001306.
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Ravensthorpe Triangle. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001310.

At the time of writing a period of consultation is being undertaken on the Remediation Statements and this assessment therefore only relates to sub-section 10a.

Comments have also been received from the Canal and River Trust and the Environment Agency who initially raised concerns.

The Canal and River trust initially noted that the Phase 2 Land Contaminated Risk Assessment Stage 1 (compounds) document references the canal as a controlled water and addresses potential for leaching from the Forge Lane compound but excludes it as receptor as the canal is sealed with puddle clay. They considered this discounts potential impacts and discounting the canal as a receptor is incorrect, as it should not be assumed it is impenetrable to contamination. There is also potential for contamination from other means from the compound via surface run-off, wind blown etc and it is unclear if this will be captured at further stages of the condition discharge. The Canal and River Trust also noted that the Phase 2 Land Contamination Risk Assessment Stage 1 (Ravensthorpe Triangle) document confirms the site contains a pollution including arsenic. They noted the document appears to mainly contain data sets and does not include any kind of risk assessment. Given the known contamination, they are unclear what the intention is to deal with this or whether this poses a risk.

In response to these concerns Network Rail have provided a technical note to the Canal and River Trust, and a copy to the LPA. In this note it states previous studies, unrelated to the TRU Stage 1 condition submission, excluded the Calder and Hebble Navigation Long Cut as a receptor on the basis that it was lined however, the submitted Phase 2 Land Contamination Risk Assessment does not on the basis that a potential pathway via the River

Calder exists regardless of the engineering of the Canal when Long Cut End Flood Lock is in the open position.

It goes on to say the submitted document deals with the potential risks in relation to compound set up (including access roads for the compounds required to deliver the wider stage 1 works). The potential risks with respect to Controlled Waters (including the Calder and Hebble Navigation Long Cut) via groundwater migration (and surface water flow from the River Calder) are assessed as part of a generic quantitative risk assessment in the reports submitted.

In relation to risks to the Canal from surface water runoff from the compound at Forge Lane Network Rail do not consider there to be a potential pollutant linkage as the works from the compound will not involve any excavation of material from the site. They note the access road and compound will be built up from the existing surface and therefore no new pathways will be introduced as a result of the stage 1 works at Forge Lane. The potential for other elements of pollutants entering the canal are dealt within the submitted PPCIP (document ref 151667-TSA-00-TRU-REP-W-EN-001204) and Nuisance Management Plan (document ref: 151667-TSA-00-TRU-W-EN-001206) for Stage 1 which sets out the following mitigation:

- Checks will be undertaken near the boundary of the sites during different operating conditions and at different times of the day to establish whether there is potential to cause nuisance to neighbours
- Daily visual inspections of surface watercourses in close proximity to works (including the canal) will be undertaken by a suitably trained site operative;
- Site-specific responses will be prepared for potential pollution incidents (e.g. spillages) or extreme weather events (e.g. storms) which may cause an increase in sediment runoff
- Use of appropriate erosion control and silt management measures to minimise the volume of sediment produced
- Prevention of fine sediment entering watercourses through use of small bunds and silt traps (as appropriate) to isolate any relevant areas of activity in close proximity to watercourses. All silt traps will be regularly maintained and de-silted. Straw bale traps will be considered where appropriate.
- Exposed ground and soil stockpiles will be minimised to prevent runoff to water courses and drains and
- Any measures in place to limit adverse dust and air pollution effects will also apply to reducing the likelihood of polluted surface water run off being generated.

In terms of the risks from the Ravensthorpe Triangle site, Network Rail consider this has been assessed through the submitted document. They note that during works under Stage 1 including compound set up and mining remediation the assessments conclude that whilst it is evident that potential contaminants are likely leaching from Made Ground and the waste mass, concentrations in groundwater and surface water indicate that these are low levels, acceptable to the Environment Agency, having an insignificant impact

on the River Calder and the Canal. They go on to say further assessment of the potential for the main civils works to impact on the controlled waters surrounding the site will be assessed through Stage 6 of the works at which point a revised Phase 2 report will be produced and issued for consultation as part of the Deemed Planning Permission discharge process.

The Canal and River Trust have considered this technical note and have responded to say that following receipt of further details and confirmation from the applicant in their letter dated 11 April 2023 the Trust is satisfied that their concerns previously raised in relation to the discharge of this condition have been addressed. They consider that the condition can be discharged.

The Environment Agency raised concern that within the Phase 2 assessment, it was noted that not enough environmental samples had been taken within all of the proposed compound locations. They noted that generally the risk posed to groundwater from the majority of the Stage 1 activities is limited, but further site investigation may be required. The report states 'Monitoring is still underway on the site and once completed, a revised controlled waters risk assessment will be undertaken'. The Environment Agency initially requested that the finalised documents should be submitted and reviewed by them prior to the condition being discharged. The Environment Agency also note that the piling risk assessment to support the proposed piling of the bailey bridge has not been provided. Furthermore, no mining remediation plans and associated groundwater risk assessment have been provided.

These concerns were discussed in the meeting held between Network Rail and the Environment Agency. Network Rail note the submitted documents consider the potential risks to human health and controlled water receptors in relation to Stage 1 works. A further assessment of the potential for the main civils works to impact on these receptors will be assessed through the Stage 5 and Stage 6 works (railway and main civils), at which point revised Phase 2 reports will be produced and issued as part of the Deemed Planning Permission Condition discharge process. The latest GI/SI data will be considered during these stages and is not needed prior to this point as it does not materially affect the assessment taken to date. Following their meeting the Environment Agency have issued an updated consultation response stating that following the explanation of the staged approach to discharge and receipt of the information detailed in regards to piling and mining risk assessment, they no longer have any objection to the discharge of Condition 10 for the Stage 1 works.

Recommendation for Condition 10

The details are acceptable for the purposes of Part a of Condition 10 for the proposed works identified in Stage 1.

In respect of sub-section 10b, at the time of writing a period of consultation is being undertaken on the submitted Remediation documents and this sub section is not discharged for the proposed works identified in Stage 1.

In respect of sub-section 10c, this requires remediation of the site to be carried out and completed in accordance with an approved Remediation Statement and this sub section is not discharged for the proposed works identified in Stage 1.

Report Dated: 25 May 2022

Decision Notice Text

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-W-EN-001210, dated November 2022
- Copy of letter submitted to the Environment Agency dated 24 March 2023. Ref 151667-TSA-00-TRU-REP-W-EN-001322

Assessment

i) An external communications programme

It is considered the details are acceptable for the purposes of sub section i) of condition 5 for the proposed works identified in Stage 1.

ii) A pollution prevention and incident control plan

The details are considered to be acceptable for the purposes of sub section ii) of Condition 5 for the proposed works identified in Stage 1.

iii) A waste management plan

The details are considered to be acceptable for the purposes of sub section iii) of Condition 5 for the proposed works identified in Stage 1.

iv) A materials management plan including a separate soils mitigation plan

The details are considered to be acceptable for the purposes of sub section iv) of Condition 5 for the proposed works identified in Stage 1.

v) A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting

The details are considered to be acceptable for the purposes of sub section v) of Condition 5 for the proposed works identified in Stage 1.

vi) A noise and vibration management plan including a construction methodology assessment

The details are considered to be acceptable for the purposes of part vi) of condition 5 for the proposed works identified in Stage 1.

vii) Details of the precise measures put in place to protect the Hillhouses listed coal chutes during the construction phase

You have confirmed that information has been submitted to discharge the relevant planning condition of planning application ref 2021/62/94337/W, which granted permission for a Construction Compound, and for this reason has not been submitted as part of this discharge of condition application. At this time the relevant discharge of condition application for the standalone planning application has not yet been determined. In the circumstances where the proposed construction compound at Hillhouses is brought forward under the Deemed Planning Permission of the Order, details are required to be submitted. This sub section of the condition is not discharged.

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

You have confirmed that measures to protect Huddersfield Conservation Area is not relevant to the Stage 1 works and will be submitted during the Stage 2 works. This is noted and accordingly this sub section of the condition is not discharged.

ix) A demolition methodology statement for relevant buildings

The details are considered to be acceptable for the purposes of part ix) of Condition 5 for the proposed works identified in Stage 1.

x) An Environmental Design Plan (EDP) (Land Contamination and Hydrogeology) setting out the environmental requirements during the detailed design stage.

The details are considered to be acceptable for the purposes of part x) of Condition 5 for the proposed works identified in Stage 1.

The details are acceptable for the purposes of part discharging the relevant parts of Condition 5 in respect of the proposed works identified in Stage 1. The development must be implemented in accordance with the approved CoCP and the relevant plans or programmes shall be implemented in full throughout the period of the works. It is the responsibility of the developer to ensure that they have all the relevant and necessary consents and permits to undertake the works. Ongoing dialog is required regarding any associated complaints and works outside normal construction times.

Condition 10 (Contaminated Land)

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)
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Works – Compounds. Document Ref: 151667-TSA-00-tru-rep-w-en-001306.
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Ravensthorpe Triangle. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001310.

Assessment

Sub-section 10a

The details are acceptable for the purposes of Part a of Condition 10 for the proposed works identified in Stage 1.

Sub-section 10b

At the time of writing a period of consultation is being undertaken on the submitted Remediation documents and this sub section is not discharged for the proposed works identified in Stage 1.

Sub-section 10c

This sub-section requires remediation of the site to be carried out and completed in accordance with an approved Remediation Statement and this sub section is not discharged for the proposed works identified in Stage 1.

The details are acceptable for the purposes of a part discharge of Condition 10 in respect of the proposed works identified in Stage 1 as detailed above.

UPDATE REPORT JULY 2023

This report should be read in conjunction with the previous officer report dated 5 April 2023, and update report dated May 2023. It refers to Condition 10 (Contamination) only.

Following the issue of a spilt decision of the application (decision notices issued on 6 April 2023 and 31 May 2023) the remediation reports for Stage 1 works, submitted later in the application process, have now been assessed.

Condition 10 (Contaminated Land)

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: Contaminated Land Remediation Statement – Stage 1 Works – Compounds. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001306.
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Ravensthorpe Triangle. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001310.

Updated Consultation Responses for 10b

Environmental Services – Only the setup and operation of the Stage 1 compounds are addressed in the first report (ref: 151667-TSA-00-TRU-REP-W-EN-001306). Excavations to facilitate the construction of the compounds are required at Ravensthorpe West, Forge Lane Quarry, Weaving Lane HWRC, B6117 Fall Lane and Lees Hall Farm. The Phase 2 report found no potentially unacceptable risk to human health and/or controlled waters. A risk to construction workers was identified however these were not determined to be unacceptable and remediation was not considered necessary. A watching brief for unexpected contamination is provided and details in relation to the decommissioning of old boreholes are provided.

The second remediation statement (ref: 151667-TSA-00-TRU-REP-W-EN-001310) is based on a previous contamination risk assessment undertaken for the Ravensthorpe Triangle area for Stage 1 works.

The Phase 2 report identified two relevant pollutant linkages which required further work and/or mitigation. These were for construction workers involved in excavations below ground (exposure to contaminants and asbestos and the groundwater within both superficial and bedrock Secondary A Aquifers (leaching and migration of contaminants/creation of preferential pathways). Both relevant pollutant linkages had been assigned a moderate risk.

The report explains that the risk to groundwater related to preferential pathways due to piling for the new bailey bridge. However, the foundation design has now been revised and no longer includes piling. Pad foundations are now proposed and the report states that these are '**not considered to**

introduce any additional contaminant pathways to controlled waters receptors (Secondary A superficial and bedrock aquifers) or create any preferential pathways for gas migration. The risk to construction workers will be mitigated through ***'good working practices.'***

The report concludes, therefore, that no formal remediation is necessary under Stage 1 works for the Ravensthorpe Triangle area. The re-use of site-won materials is to be undertaken in accordance with a Materials Management Plan (MMP) in accordance with the CL:AIRE Definition of Waste: Code of Practice (DoWCoP). Therefore, verification reporting outside of the DoWCoP is not considered necessary. Details in relation to a watching brief for unexpected contamination and the decommissioning of old monitoring wells have also been provided.

Having reviewed the reports, we consider both documents sufficient to satisfy the requirements of Condition 10b for stage 1 works on the 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.

Canal and River Trust – No objections to the discharge of this conditions (parts a and b)

Environment Agency – Phase 1 includes the:

- Installation of bailey bridge and haul road from Forge Lane through quarry site towards Baker Viaduct;
- Phase 1 of Earthworks (E13) at new Ravensthorpe Station site including reuse of material; and
- Mining remediation of the Ravensthorpe area.

The document entitled “151667-TSA-00-TRU-REP-W-EN-001310 Condition 10: Contaminated Land Remediation Statement - Stage 1 Ravensthorpe Triangle and dated 04/05/2023 (their reference 151667-TSA-00-TRU-REP-W-EN-001310)” has been submitted in order to address the aspects of Phase 1 that are specific to Condition 10.

Previously, no piling risk assessment for the bailey bridge, or mining remediation plans for the Ravensthorpe area have been submitted, and discharge couldn't be recommended.

The installation of the bailey bridge was originally proposed to be done using piling, but in the letter referenced “Ravensthorpe Triangle-Bailey Bridge Construction Methodology, and dated 18/05/2023 (their reference 151667-TSA-00-TRU-REP-W-EN001322)” Network Rail state:

"Following further consideration by the TRU West design and construction teams the foundation design for the bailey bridge for the Stage 1 phase of works has been revised. A pad foundation bearing on imported granular fill to a depth of 2m below the formation level will now be constructed. This foundation design is not considered to introduce any additional contaminant

pathways to controlled waters receptors (Secondary A superficial and bedrock aquifers) or create any preferential pathways for gas migration. The removal of made ground to facilitate the construction of bridge foundations will reduce the risk of contaminant mobilisation in the area of the bridge by removing a volume of potential contaminant source material i.e. made ground."

As no piling is now proposed to take place, a piling risk assessment is no longer required to support Phase 1.

Phase 1 of the Earthworks (E13) at the new Ravensthorpe Station site also has the potential to pose a risk to controlled waters.

The document entitled "151667-TSA-00-TRU-REP-W-EN-001306 Condition 10: Contaminated Land Remediation Statement - Stage 1 Works - Compounds and dated 04/05/2023 (their reference 151667-TSA-00-TRU-REP-W-EN-001306)" states in section 5.1.3 that:

"There are no formal remediation requirements based on the risk assessment undertaken for the set up and operation of the Stage 1 compounds"

Finally, mining remediation of the Ravensthorpe area in Stage 1 requires a mining remediation plan before Condition 10 can be discharged.

The document entitled "151667-TSA-00-TRU-REP-W-EN-001310 Condition 10: Contaminated Land Remediation Statement - Stage 1 Ravensthorpe Triangle and dated 04/05/2023 (their reference 151667-TSA-00-TRU-REP-W-EN-001310)" states:

"5.1.4 There are no formal remediation requirements based on the risk assessment undertaken for the Stage 1 works in the Ravensthorpe Triangle area. However, the following sections present recommended actions before and during construction."

and

"5.1.5 Remediation may be required for future stages of the Scheme, depending on the conclusions of further risk assessment including ground and mine gas risk assessment as the Scheme progresses but this will be presented in separate reports in the future."

This being the case, we are satisfied that Condition 10 can be discharged for Stage 1 only.

Assessment

Condition 10 refers to contaminated land. Part a of the condition requires a Phase II Site Investigation Report, and part b of the condition requires a Remediation Statement where remediation measures are shown to be necessary in the Environmental Statement or the Phase II Reports

undertaken. Part c) requires that remediation of the site shall be carried out and completed in accordance with the approved Remediation Statement.

Environmental Services have previously assessed the Phase II Site Investigation Reports submitted relative to the proposed works in Stage 1, and considered them sufficient to satisfy the requirements of Condition 10a for those works.

Network Rail have subsequently submitted the following Remediation documents in relation to sub section b of condition 10 for the Stage 1 works :

- Condition 10: Contaminated Land Remediation Statement – Stage 1 Works – Compounds. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001306.
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Ravensthorpe Triangle. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001310.

Environmental Services have assessed the reports. They note only the setup and operation of the Stage 1 compounds are addressed in the first report (ref: 151667-TSA-00-TRU-REP-W-EN-001306). Excavations to facilitate the construction of the compounds are required at Ravensthorpe West, Forge Lane Quarry, Weaving Lane HWRC, B6117 Fall Lane and Lees Hall Farm. They acknowledge the Phase 2 report found no potentially unacceptable risk to human health and/or controlled waters. A risk to construction workers was identified however these were not determined to be unacceptable and remediation was not considered necessary. A watching brief for unexpected contamination is provided and details in relation to the decommissioning of old boreholes are provided.

Environmental Services note the second remediation statement (ref: 151667-TSA-00-TRU-REP-W-EN-001310) is based on a previous contamination risk assessment undertaken for the Ravensthorpe Triangle area for Stage 1 works. The Phase 2 report identified two relevant pollutant linkages which required further work and/or mitigation. These were for construction workers involved in excavations below ground (exposure to contaminants and asbestos and the groundwater within both superficial and bedrock Secondary A Aquifers (leaching and migration of contaminants/creation of preferential pathways). Both relevant pollutant linkages had been assigned a moderate risk.

Environmental Services note that the report explains that the risk to groundwater related to preferential pathways due to piling for the new bailey bridge. However, the foundation design has now been revised and no longer includes piling. Pad foundations are now proposed and the report states that these are '**not considered to introduce any additional contaminant pathways to controlled waters receptors (Secondary A superficial and bedrock aquifers) or create any preferential pathways for gas migration.**' The risk to construction workers will be mitigated through '**good working practices.**' The report concludes, therefore, that no formal remediation is necessary under Stage 1 works for the Ravensthorpe Triangle area. The re-use of site-won materials is to be undertaken in accordance with a Materials

Management Plan (MMP) in accordance with the CL:AIRE Definition of Waste: Code of Practice (DoWCoP). Therefore, verification reporting outside of the DoWCoP is not considered necessary. Details in relation to a watching brief for unexpected contamination and the decommissioning of old monitoring wells have also been provided.

In conclusion Environmental Services consider both documents sufficient to satisfy the requirements of Condition 10b.

The Environment Agency state that previously, no piling risk assessment for the bailey bridge, or mining remediation plans for the Ravensthorpe area had been submitted, and discharge couldn't be recommended. They note the installation of the bailey bridge was originally proposed to be done using piling, but in the letter referenced "Ravensthorpe Triangle-Bailey Bridge Construction Methodology, and dated 18/05/2023 (reference 151667-TSA-00-TRU-REP-W-EN001322)" Network Rail state: *"Following further consideration by the TRU West design and construction teams the foundation design for the bailey bridge for the Stage 1 phase of works has been revised. A pad foundation bearing on imported granular fill to a depth of 2m below the formation level will now be constructed. This foundation design is not considered to introduce any additional contaminant pathways to controlled waters receptors (Secondary A superficial and bedrock aquifers) or create any preferential pathways for gas migration. The removal of made ground to facilitate the construction of bridge foundations will reduce the risk of contaminant mobilisation in the area of the bridge by removing a volume of potential contaminant source material i.e. made ground."* The Environment Agency note that as no piling is proposed to take place, a piling risk assessment is no longer required to support Phase 1.

The Environmental Agency go on to say that Phase 1 of the Earthworks (E13) at the new Ravensthorpe Station site also has the potential to pose a risk to controlled waters. They note the document entitled "151667-TSA-00-TRU-REP-W-EN-001306 Condition 10: Contaminated Land Remediation Statement - Stage 1 Works - Compounds and dated 04/05/2023 (reference 151667-TSA-00-TRU-REP-W-EN-001306)" states in section 5.1.3 that: "There are no formal remediation requirements based on the risk assessment undertaken for the set up and operation of the Stage 1 compounds"

Finally, the Environmental Agency note that mining remediation of the Ravensthorpe area in Stage 1 requires a mining remediation plan before Condition 10 can be discharged. The document entitled "151667-TSA-00-TRU-REP-W-EN-001310 Condition 10: Contaminated Land Remediation Statement - Stage 1 Ravensthorpe Triangle and dated 04/05/2023 (their reference 151667-TSA-00-TRU-REP-W-EN-001310)" states: *"5.1.4 There are no formal remediation requirements based on the risk assessment undertaken for the Stage 1 works in the Ravensthorpe Triangle area. However, the following sections present recommended actions before and during construction."* And *"5.1.5 Remediation may be required for future stages of the Scheme, depending on the conclusions of further risk assessment including ground and mine gas risk assessment as the Scheme progresses"*

but this will be presented in separate reports in the future." The Environment Agency note that this being the case, they are satisfied that Condition 10 can be discharged for Stage 1.

In respect of the proposed mining remediation work, The Coal Authority were consulted upon initial receipt of the application. In their response they confirmed they had commented on a Scoping Opinion in 2019 and anticipated that the Environmental Statement would cover coal mining legacy. They note it is unclear if this was the case, however they have reviewed the Inspectors Report, dated 9 March 2022, and the conditions imposed and note that none relate to coal mining features and potential risks to development.

Notwithstanding this, they still expect risks posed to be properly considered and any remedial works necessary to be carried out in a timely manner. The remediation report concludes that there are no remediation requirements based on the risk assessment for the Stage 1 works, and therefore based upon the Coal Authority's previous response which neither objected nor requested further details, a further consultation has not been undertaken.

The Canal and River Trust have confirmed they have no objections to the discharge of this condition (parts a and b).

Recommendation for Condition 10

The details are acceptable for the purposes of Part b of Condition 10 for the proposed works identified in Stage 1.

Report Dated: 12 July 2023

Decision Notice Text

Condition 10 (Contaminated Land)

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: Contaminated Land Remediation Statement – Stage 1 Works – Compounds. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001306.
- Condition 10: Contaminated Land Remediation Statement – Stage 1 Ravensthorpe Triangle. Document Ref: 151667-TSA-00-TRU-REP-W-EN-001310.

Assessment

The documents detailed above are sufficient to satisfy the requirements of Condition 10b for the works identified in stage 1, and to enable a further part discharge of Condition 10 in respect of the proposed works identified in Stage 1.

Report Dated:

12 July 2023
