

**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:	<b>2023/44/91305/W</b>
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 conditions 5 (Code of Construction Practice), 6 (Construction Traffic Management Plan), 10 (Contaminated Land) of deemed planning permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 3 of the Development
Recommending Officer:	Louise Bearcroft

**DECISION – Discharge of Conditions-Split Decision**

**I hereby authorise the Split Decision 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: 26-Jul-2023**

**Discharge of Condition 5 (Code of Construction Practice), 6 (Construction Traffic Management Plan), 10 (Contaminated Land) of deemed planning permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 3 of the Development**

Network Rail are seeking to discharge the planning conditions of the deemed Planning Permission relevant to their proposed 'Stage 3' works. The stage 3 works include mining remediation works proposed within several areas along the Transpennine Route Upgrade, with the exception of the mining remediation works within the Ravensthorpe Area which fall under Network Rail's Stage 1 (ref 2022/93858).

The upgrade route is underlain by shallow mine workings in a number of areas, and there are mine entries (shafts and adits) in the vicinity of the rail corridor. Network Rail confirm that they have undertaken a series of mining risk assessments in relation to the proposed works and are proposing mitigation for interventions where the ground hazard and the consequences are high, typically for new assets, sensitive structures or where treating future problems could be difficult. In these areas probing and grouting under the proposed structure is proposed. Where the hazard is less likely to manifest or where there is existing infrastructure, other mitigations are proposed including geosynthetics under the track or embankments, and over dig and replace. Where shafts and adits are considered to influence a new asset or existing track area, these are proposed to be capped/treated to ensure they are made safe.

**Proposed Works:**

**a) Location of works**

The location of the proposed works are as follows:

*Huddersfield South Tunnel (ref W3.1)*- Grouting of 2 mine shafts and 2 wells. All from tunnel level and below

*Huddersfield Station (ref W3.1-3)* - Grid probing and grouting of voids for new structures; canopies, footbridge and subway extension, probe hole at proposed locations of Overhead Line Equipment (OLE) foundations, grouting of voids if encountered, Geosynthetic reinforcement for mining for track

*Hillhouse Mainline (ref W3.2-1 and W3.2-2)* Probe hole at proposed locations of OLE foundations, grouting of voids if encountered, geosynthetic reinforcement for mining for track

*Hillhouse Mainline (ref W3.2-3)* – probe hole at proposed locations of OLE foundations, grouting of voids if encountered, geosynthetic reinforcement for mining for track

*West of Deighton Station (Area of Peels Pit underbridge)(W3.3)* - capping and if necessary grouting of 2 mine shafts

*Area of Bradley's No.2 (BBW/1) Overbridge (MVL3/105) (Ref W3. 3-1)*– grid probing and grouting of voids for track, OLE and adit

*Heaton Lodge Curve (MVL3 and MVN4) (w3 4-1)* – Probe hole at proposed locations of OLE foundations, grouting of voids if encountered

*Mirfield Station (W3. 5-1)*- geosynthetic reinforcement for mining for track

*West of Sands Lane (W3. 52)*– Probe hole at proposed locations of OLE foundations. Grouting of voids if encountered. Geosynthetic reinforcement for mining for track

## b) Proposed Remediation Works

The proposed methods to be employed are:

1. Probe and grout – typically comprising of rotary open holes on a 6m grid, closing to 3m, and finer if required. The area of the grid will be enclosed on the down dip side by perimeter holes at 3m closing to 1.5m spacing to confine grouting in the area of the grid, and prevent grout escaping beyond the area of works. Where voids are encountered round the perimeter, these will be filled with pea gravel and a viscous grout, to form an underground cutoff. In the area of the main grid of open holes, these will be filled with grout, with grout takes monitored, and paused at certain grout takes. Works will generally target new foundations and new structures, where considered necessary. Water will be needed during the drilling and grouting process. The wastewater will be treated on site (Siltbuster) and this water will be fed back into Network Rail’s water tank for reuse within the process. Any waste material will be removed from site by a licenced carrier.
2. Track – where shallow workings are anticipated underneath the track alignment, a high strength geosynthetic reinforcement will be employed below the track bed.
3. Where required at locations of OLE foundations, a targeted probe hole will be drilled and any voids will be grouted (process above)
4. Adits – where assessed as requiring treatment, these will be sealed/excavated out depending on depth and relationship to the main works. Where necessary probing and grouting may be used on shallow adits
5. Shafts – where assessed as requiring treatment, shafts will either be capped (reinforced concrete slab, typically 2x shaft diameter) or infilled with grout/bulk fill and grout.

## c) Use of Compounds

Works during Stage 3 will utilise the site compounds listed below:

- Compound 4 – Fitzwilliam Street
- Hillhouse Compound
- Compound 15 – Deighton Station and Greenway
- Compound 22 – Heaton Lodge
- Compound 27 – Mirfield Station
- Compound 30 – Sands Lane

Network Rail have identified the Planning Conditions which are relevant to Stage 3 as:

**Condition 5** – Code of Construction Practice

**Condition 6** – Construction Traffic Management Plan

**Condition 10** – Land Contamination

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 3**

Planning Condition	Relevance to Stage 1 Works
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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 application is ref 2022/93853.
4. Landscaping & ecology	The de-vegetation works fall under Network Rail's stage 1 (2022/93858).
5. Code of construction practice	Relevant details required
6. Construction traffic management & travel plan	Relevant details required
7. Materials	Not relevant to the proposed mining remediation works
8. Archaeology	Not relevant to the proposed mining remediation works
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 mining remediation works
13. Noise attenuation	Not relevant to the proposed mining remediation works
14. Ravensthorpe static frequency converter site	Not relevant to the proposed mining remediation works
15. Hillhouses yard	Not relevant to the proposed mining remediation works
16. Waste drainage	Not relevant to the proposed mining remediation works
17. New maintenance access	Not relevant to the proposed mining remediation works
18. Power supply unit	Not relevant to the proposed mining remediation works
19. Biodiversity net gain	Not relevant to the proposed mining remediation works
20. MDL1/6 & MDL1/8 (existing bridges at Ravensthorpe)	Not relevant to the proposed mining remediation works
21. Approval and implementation under these conditions	No further details required

## **Assessment**

## **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**

- Condition 5b(ii); Pollution Prevention and Incident Control Plan – Stage 3. REF 151667-TSA-00-TRU-REP-W-EN-001234
- Condition 5b (iii): Waste Management Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001232
- Condition 5b (v); Nuisance Management Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001233
- Condition 5b(vi): Noise and Vibration Management Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-000096

- Condition 5b(x); Environmental Design Plan (Land Contamination and Hydrogeology) – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001235

### **Consultation Responses**

**K.C Environmental Services** - To assist in the discharge of condition 5b(v) the applicant has submitted the following information – Condition 5b(v): Nuisance Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 by Network Rail, dated April 2023. We have reviewed the submitted documents in relation to the following areas which are within the remit of Environmental Health contained within conditions 5b(v) and 5b(vi):

- 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 dust and lighting are to be controlled so as not to impact the amenity of neighbouring properties during this phase of the development.

#### *Fugitive Dust Control*

Section 4&5 of the Nuisance Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 by Network Rail, dated April 2023 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 and is responsible for investigating and resolving complaints.
- Vehicles and equipment are to be well maintained with all necessary extractors, filters and scrubbers to be fitted and used.
- Screens and site fencing to be used to mitigate fugitive dust.
- Stockpile heights 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.
- Drop heights will be minimised, with the use of water sprays at source if required.
- Fine produce 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.
- A risk assessment has been undertaken to determine the areas where a wheel wash will be required (Compound 15 Deighton Station Approach). Hardstanding areas will be used, reducing the production of dust. Where tracking of mud onto road networks is identified, a wet road sweeper will be employed.

#### *External Artificial Lighting During Construction*

Section 7 of the Nuisance Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 by Network Rail, dated April 2023

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.

*Condition 5b(vi), a noise and vibration management plan including a construction methodology assessment.*

To assist with the discharge of condition 5b(vi) the applicant has submitted the following document

- Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order Condition 5b(vi): Noise and Vibration Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-000096 Network Rail April 2023
- Nuisance Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 by Network Rail, dated April 2023, Appendix B Contractor’s Environmental Procedure Np27:4: Control of Site Nuisance, Environment guidance EG05.

The document titled BAM Nuttall management system, Environment guidance EG05: Managing site nuisance lists noise controls to be implemented which included but are not limited to:-

- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept.
- 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
- Prior liaison with the Local Authority will take place in advance of any out of hours works that has potential to affect amenity
- 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 to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place.

*Condition 5b(vi) Noise and Vibration Management Plan*

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order Condition 5b(vi): Noise and Vibration Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-000096 Network Rail April 2023 provides a framework by which construction noise and vibration will be managed and an assessment methodology for the Section 61 (Control of Pollution Act 1974) application process. Management controls include but are not limited to:

- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records to be kept

- Good communication with local residents, letter drops, Network Rail 24-hour help line, community events where appropriate.
- Staff training in noise reduction and best practicable means
- If necessary pre commencement schedule of condition surveys for premises within 10m of vibration generating activities
- Recognition of the adoption of the BPM controls listed in BS5228-1 and BS5228-2.

Section 5.7 of the Plan outlines the methodology for determining the need for an application for Consent under S61 (Control of Pollution Act 1974). An initial acoustic report will be commissioned by a qualified acoustician, this will determine if the planned works fall into categories Low, Medium or High using the Risk Assessment template contained in Appendix B. The document goes on to list the information and communication methods to the Local Authority for a Statement of intent or a Section 61 application.

*Condition 5b(ii) Pollution Prevention and Incident Control Plan – Stage 3*

We have reviewed the Document reference: 151667-TSA-00-TRU-REP-W-EN-001234 Network Rail, dated April 2023 in relation to the areas which are within the remit of Environmental Health contained within condition 5b(v). The plan sets out the hierarchy of responsibility at the site and staff training, it goes on to inform Best Practice Guidance will be followed listing the following reference guidance documents:

- Environment Agency's (EA) Pollution Prevention Guidance (PPG) 1 including:
  - General Guide to Prevention of Pollution (PPG1). This guidance provides an introduction to the five main activities which should be implemented to help construction activities avoid pollution incidents and comply with the law.
  - Works and maintenance in or near water (PPG5)2. This guidance provides advice on how to make sure construction activities protect the environment and meet legal requirements when you are working near, in or over water.
  - Working at Construction and Demolition Sites (PPG 6). This guidance was developed in partnership with industry to provide guidance to those working at construction and demolition sites to prevent pollution.
  - Control of water pollution from construction sites Construction Industry Research and information Association (CIRIA) 5323.

Site specific measures and confirmation of reporting incidents to the Environment Agency Hotline clarified. We accept the report provided.

Recommendations

Condition 5b (ii, v, vi) – Code of Construction Practice

- We accept the mitigation controls listed in the submitted documents listed: 5b(v): Nuisance Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 by Network Rail, dated April 2023.
- 5b(vi): Noise and Vibration Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-000096 Network Rail April 2023
- Nuisance management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 by Network Rail, dated April 2023,

Appendix B Contractor's Environmental Procedure Np27.4: Control of Site Nuisance, Environment guidance EG05.

- 5b (ii): Pollution Prevention Plan 151667-TSA-00-TRU-REP-W-EN-001234 Network Rail, dated April 2023

However, condition 5b (ii, v, vi) remains in place for the whole of the period of the construction phase, until completion and therefore cannot be fully discharged until all construction work at the site is completed.

**The Coal Authority** – The Inspectors Report, dated 9 march 2022 has been reviewed, including the conditions imposed on the Order granted, none of which relate to coal mining features and the risks these may pose to the development. On this basis we had no comments to make on the discharge of conditions as proposed. Our response remains the same to this current discharge of conditions. However, notwithstanding the omission to impose a relevant condition in respect of coal mining legacy features, we would still expect the risks posed by these features to be properly considered. Any remedial works necessary to ensure the safety and stability of the works proposed should be implemented on site in a timely manner.

**K.C Waste Strategy** – Network Rail have submitted report Condition 5b(v): Nuisance Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001233 dated April 2023 Section 5.0 Dust emission outlines control measures. This states: - 5.1.1 The management of construction dust is a key aspect of the environmental controls on site. 5.1.2 Construction activities associated with the Stage 3 works have the potential to result in dust emissions, such as drilling. This section identifies how dust emissions will be managed and outlines appropriate control techniques. These will be applied during Stage 3 of the Scheme. 5.1.3 The measures set out in the following section will be implemented to ensure that visible dust is not generated or can escape the immediate sites to affect nearby sensitive receptors. The Vine Street Energy from Waste plant operated by SUEZ under contract from Kirklees Council is located adjacent to the railway line with the Network Rail Alder Street compound immediately to the North. The Energy from Waste plant operates 24/7 and the is reliant on a continuous air supply to the combustion grate and cooling fans. Increased dust generation has the potential to impact on the efficiency of the plant, increase maintenance or in an extreme case cessation of operations. On this basis it is vital that the dust control measures proposed are adhered to and monitoring to confirm success of these measures is undertaken. Representatives from Kirklees Council, SUEZ and Network Rail are currently in discussion to establish a monitoring regime under the terms of the legal side agreement, and this will hopefully ensure specific dust control and monitoring measures relating to the Energy from Waste plant are agreed and enacted.

Network Rail have submitted report Condition 5b(ii): Pollution Prevention and Incident Control Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001234 Network Rail April 2023 The content of the report is noted including the reference to Procedure ENV04 Waste Management. The WCA welcomes the proposals and has no comments.

Network Rail have submitted report Condition 5b(iii): Waste Management Plan – Stage 3 Document reference: 151667-TSA-00-TRU-REP-W-EN-001232 Network Rail April 2023 The WCA welcomes the details in 5.1 Waste

hierarchy and the target in 5.4 Management of waste to achieve 90% recycling/ recovery of waste materials. This will enable the proposal to meet the policy requirements of LP43. Confirmation of compliance with waste legislation including Duty of Care, checks on Waste Carriers and if identified management of Hazardous wastes is welcomed. Section 5.2.5 Waste management facilities states: - As the Scheme progresses, permitted waste facilities will be identified and the SWMP will be updated to include the details on waste facilities and quantities of wastes removed from site. The WCA requests details of projected waste arisings split by European Waste Catalogue (EWC) codes and proposed permitted waste facilities that will be used for treatment, recovery, or disposal. This information will be used to assess the impact on current and available future waste management capacity within Kirklees and the wider West Yorkshire region.

**Conservation and Design** – The grouting of voids at ground level is proposed for the following new structures – canopies, footbridge, and subway extension at Huddersfield Station. This is for groundworks with no interventions to the listed structures. The report states that works are not expected to generate significant vibration or any cosmetic damage to buildings. Condition surveys are proposed to Huddersfield Station and the two warehouses to the north of the station platforms prior to the work and this is acceptable as any unexpected damage can be assessed and rectified on completion. Based on the information submitted, the Conservation and Design Team has no comments on this application.

**The Environment Agency** – Our response is in relation to the request for the discharge of sub-section x of Condition 5 which covers:

“x) An Environmental Design Plan 9EDP) (Land Contamination and Hydrogeology) setting out the environment requirements during the detailed design stage”. The request is specific to Stage 3 works for the Huddersfield to Westtown (DEWSBURY) Scheme, As stated in Document reference ; 151667-TSA-00-TRU-REP-W-EN-001235: “Stage 3 comprises of the mining remediation works required in advance of construction of the Scheme”. Section 4.2.2 states: “The risks to human health and controlled waters receptors from the other construction activities and for the final development have been or will be addressed in other reports (Stages 4-8) as the Scheme progresses”. Section 4.3.4 goes on to say that “...risks and management strategies will be developed with the mitigation designs and agreed with the Coal Authority through the permitting process”. This being the case, we are satisfied with a partial discharge of Condition 5 x specifically for Stage 3.

*Waste Quality Team* – We have read through the document “Pollution Prevention and incident Control Plan (Condition 5b(ii) in relation to stage 3 which covers water management considerations at each site and we are satisfied this condition can be discharged.

*Waste Regulation Team* – The Site Waste Management Plan documentation provided appears extremely comprehensive. We are satisfied that the information is sufficient for discharging the requirements of the planning condition.

**Canal and River Trust** – The Trust have a side agreement with Network Rail to carry out works with regards 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.

### **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;**

No document has been submitted with this application submission; however, Network Rail have confirmed their document entitled 'External Communications Programme ref 151667-TSA-00-TRU-CNT-W-LP-000569' as submitted for the Stage 1 Discharge of Condition application (ref 2022/93858) covers their communications strategy for all eight stages of construction and for this reason is not re-submitted.

The document 'External Communications Programme ref 151667-TSA-00-TRU-CNT-W-LP-000569' states that 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.

In their previous assessment of this document for Stage 1, Environmental Services noted 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.

In the previous assessment of this document for Stage 1, Environmental Services raised no objections, and no comments were received from the

Kirklees Communications Team. The document is applicable to all eight stages and as per the previous conclusion at Stage is acceptable for the purposes of sub section i) of the condition for the proposed works in Stage 3.

**ii) A pollution prevention and incident control plan;**

Network Rail have submitted 'Condition 5b(ii): Pollution Prevention and Incident Control Plan – Stage 3, ref 151667-TSA-00-TRU-REP-W-EN-001234', dated April 2023. This confirms all Stage 3 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 3, water will be used for the probing and grouting works. Mains water will be utilised and then fed into water tanks where necessary. Any wastewater from the probe and grout process will be treated on site using a siltbuster and fed back into the water tank for reuse.

Environmental Services have reviewed this document. They note the plan sets out the hierarchy of responsibility at the site and staff training, it goes on to inform Best Practice Guidance will be followed listing the following reference guidance documents:

- Environment Agency's (EA) Pollution Prevention Guidance (PPG) 1 including:
- General Guide to Prevention of Pollution (PPG1). This guidance provides an introduction to the five main activities which should be implemented to help construction activities avoid pollution incidents and comply with the law.
- Works and maintenance in or near water (PPG5)2. This guidance provides advice on how to make sure construction activities protect the environment and meet legal requirements when you are working near, in or over water.
- Working at Construction and Demolition Sites (PPG 6). This guidance was developed in partnership with industry to provide guidance to those working at construction and demolition sites to prevent pollution.
- Control of water pollution from construction sites Construction Industry Research and information Association (CIRIA) 5323.

Site specific measures and confirmation of reporting incidents to the Environment Agency Hotline have been clarified and Environmental Services accept the report provided.

Waste Strategy note the content of the report including the reference to Procedure ENV04 Waste Management. The WCA welcomes the proposals and have no comments.

The Environment Agency Waste Quality Team note the document covers water management considerations at each site and they are satisfied this condition can be discharged.

The details are considered to be acceptable for the purposes of sub section ii) of Condition 5 for the proposed works in Stage 3. It is the responsibility of the

developer to ensure that they have all the relevant and necessary consents and permits to undertake the works.

**iii) A waste management plan;**

Network Rail have provided Condition 5b(iii): Waste Management Plan – Stage 3, ref 151667-TSA-TRU-REP-W-EN-001232, dated April 2023. 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 West (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 5.4.3 confirms that all waste is to be segregated, stored safely and securely to prevent harm to human health and environment.

The Waste Collection Authority welcomes the details in 5.1 Waste hierarchy and the target in 5.4 Management of waste to achieve 90% recycling/recovery of waste materials. They note this will enable the proposal to meet the policy requirements of LP43. Confirmation of compliance with waste legislation including Duty of Care, checks on Waste Carriers and if identified management of Hazardous wastes is welcomed.

They note in section 5.2.5 'as the Scheme progresses, permitted waste facilities will be identified and the SWMP will be updated to include the details on waste facilities and quantities of wastes removed from site'. The WCA wish to see details of projected waste arisings split by European Waste Catalogue (EWC) codes and proposed permitted waste facilities that will be used for treatment, recovery, or disposal which will be used to assess the impact on current and available future waste management capacity within Kirklees and the wider West Yorkshire region. Network Rail were asked to provide these details; however none have been forthcoming at this stage. The WCA have been notified and they have confirmed the consideration is the wider impact on private sector capacity, and the data request is for information at this stage. Accordingly, no further information has been requested.

The Environment Agency Waste Regulation Team note the Site Waste Management Plan documentation provided appears extremely comprehensive. They are satisfied that the information is sufficient for discharging the requirements of the planning condition.

The details are considered to be acceptable for the purposes of sub section iii) of Condition 5 for the proposed works in Stage 3.

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

Network Rail note that this sub-section is not relevant to the proposed works in Stage 3. This is noted, and accordingly, this sub-section of the condition is not discharged relevant to the works identified in Stage 3.

**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 3 ref 151667-TSA-00-TRU-REP-W-EN-001233, dated April 2023. This document 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.

Environmental Services have assessed this document. In respect of dust control they note section 4&5 of the Nuisance Management Plan 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 and is responsible for investigating and resolving complaints.
- Vehicles and equipment are to be well maintained with all necessary extractors, filters and scrubbers to be fitted and used.
- Screens and site fencing to be used to mitigate fugitive dust.
- Stockpile heights 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.
- Drop heights will be minimised, with the use of water sprays at source if required.
- Fine produce 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.
- A risk assessment has been undertaken to determine the areas where a wheel wash will be required (Compound 15 Deighton Station Approach). Hardstanding areas will be used, reducing the production of dust. Where tracking of mud onto road networks is identified, a wet road sweeper will be employed.

In respect of external artificial lighting, they note that Section 7 of the Nuisance Management Plan 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.

Environmental Services raise no objections to the proposed details.

The Kirklees Waste Collection Authority note that Section 5.0 Dust emission outlines control measures. This states: *5.1.1 The management of construction dust is a key aspect of the environmental controls on site. 5.1.2 Construction activities associated with the Stage 3 works have the potential to result in dust emissions, such as drilling. This section identifies how dust emissions will be managed and outlines appropriate control techniques. These will be applied during Stage 3 of the Scheme. 5.1.3 The measures set out in the following*

*section will be implemented to ensure that visible dust is not generated or can escape the immediate sites to affect nearby sensitive receptors.*

They go on to say that the Vine Street Energy from Waste plant operated by SUEZ under contract from Kirklees Council is located adjacent to the railway line with the Network Rail Alder Street compound immediately to the North. The Energy from Waste plant operates 24/7 and the is reliant on a continuous air supply to the combustion grate and cooling fans. Increased dust generation has the potential to impact on the efficiency of the plant, increase maintenance or in an extreme case cessation of operations. On this basis it is vital that the dust control measures proposed are adhered to and monitoring to confirm success of these measures is undertaken. Representatives from Kirklees Council, SUEZ and Network Rail are currently in discussion to establish a monitoring regime under the terms of the legal side agreement, and this will hopefully ensure specific dust control and monitoring measures relating to the Energy from Waste plant are agreed and enacted. The Kirklees Waste Collection Authority raises no objections.

In respect of other matters, the document confirms that all construction works will be undertaken in accordance with best practice in respect of wildlife legislation, and the impact on users of public rights of way. Network Rail note the mitigation to protect Huddersfield Town Centre Conservation Area is included within a previous document submitted for Stage 2 entitled "Condition 5b (viii): Measures to Mitigate Construction Impacts on Huddersfield Town Centre Conservation Area – Stage 2". Conservation and Design have previously assessed this report and were satisfied that any impacts are temporary and necessary and that the measures outlined in the document are sufficient. In respect of works in the area of Mirfield Station Network Rail note these have the potential to impact on Hirst Bridge (ATK199), a non-designated heritage asset. They note if there is a requirement to transport construction traffic and move heavy plant over these structures protective measures, such as protective panels, and/or warning signs will be installed to avoid physical damage to the structure.

The details are considered to be acceptable for the purposes of sub section v) of Condition 5 for the proposed works in Stage 3.

**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 3, document reference 151667-TSA-00-TRU-REP-W-EN-000096. Noise generating activities during Stage 3 works that would occur in proximity to sensitive receptors include:

- Drilling activities in order to inject grout into the open mine workings below ground
- Installing concrete cover slabs
- Activities associated with track bed reinforcement including removal and laying of ballast
- Use of plant and equipment to undertake the activities

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 500mm radius for piling works. It is anticipated that the works will be carried out during night time possessions of the railway and noise control measures are detailed in Section 5.5.

In Section 5.4 the report confirms building condition surveys will be conducted at buildings close to vibration generating activities, where construction vibration levels are expected to approach or exceed 12.5 mm/a peak particle velocity. Compaction of ballast using a vibratory roller is likely to be required during geosynthetic reinforcement of the track. Track bed reinforcement work is proposed to be undertaken at W3.3-3 East of Bradley Junction (Earthworks E9) and W3.5-1 at Mirfield Station. Potential building damage could occur where ground (ballast) compaction associated with geosynthetic reinforcement takes place less than 2m from the NSR. However, Network Rail note that none of the NSR at Station Road (Bradley Junction), Back Station Road or Brewery Wharf are located within 2m of compaction works and on this basis Network Rail do not propose to carry out pre-commencement condition surveys.

Network Rail do however intend to carry out vibration monitoring at Huddersfield Station and the two warehouses to the north of the station platforms. Conservation and Design note the grouting of voids at ground level is proposed for the following new structures – canopies, footbridge, and subway extension at Huddersfield station. This is for groundworks with no interventions to the listed structures. The report states that works are not expected to generate significant vibration or any cosmetic damage to buildings. Condition surveys are proposed to Huddersfield Station and the two warehouses to the north of the station platforms prior to the work and conservation and design consider this to be acceptable as any unexpected damage can be assessed and rectified on completion. Based on the information submitted, the Conservation and Design Team has no objections.

Environmental Services have assessed the Noise and Vibration Management Plan and Appendix B of the Nuisance Management Plan (Contractor's Environmental Procedure Np27.4: Control of Site Nuisance, Environment guidance EG05). They note 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: -

- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept.
- 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
- Prior liaison with the Local Authority will take place in advance of any out of hours work that has potential to affect amenity
- 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 a minimum. Pre and post surveys of sensitive Operating times to be kept a minimum. Pre and post surveys of sensitive structures to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place. Environmental Services note the Noise and Vibration Management Plan provides a framework by which construction noise and vibration will be managed and an assessment methodology for the Section 61 (Control of Pollution Act 1974) application process. Management controls include but are not limited to: -

- Responsible persons for monitoring and control of potential nuisance and investigation of complaints are identified. Records are to be kept.
- Good communication with local residents, letter drops, Network Rail 24-hour help line, community events where appropriate.
- Staff training in noise reduction and best practicable means
- If necessary pre commencement schedule of condition surveys for premises within 10m of vibration generating activities
- Recognition of the adoption of the BPM controls listed in BS5228-1 and BS5228-2

Section 5.7 of the Plan outlines the methodology for determining the need for an application for Consent under S61 (Control of Pollution Act 1974). An initial acoustic report will be commissioned by a qualified acoustician, this will determine if the planned works fall into categories Low, Medium or High using the Risk Assessment template contained in Appendix B. The document goes on to list the information and communication methods to the Local Authority for a Statement of intent or a Section 61 Application. Environmental Services 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 3.

**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. 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 3 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 confirmed that the demolition methodology statement for relevant buildings is not considered relevant to the Stage 3 works. This is noted and accordingly this sub section of the condition is not discharged.

**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 3, document reference 151667-TSA-00-TRU-REP-W-EN-001235 dated April 2023. Risks identified from the proposed Stage 3 works include migration of mine gas following displacement as a result on void grouting, migration of contaminated groundwater where grouting displaces contaminated mine waters and vertical migration of contaminants during probing and grouting works. Network Rail state they have prepared a Mining Risk Remit Report with a high-level approach to the mitigation of mining hazards.

The Coal Authority have responded to say their 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. They note the Inspectors Report, dated 9 March 2022, had been reviewed, including the conditions imposed on the Order granted, none of which relate to coal mining features and the risks these may pose to the development. On this basis they have no comments to make on the discharge of conditions

The Environment Agency note that as stated in Document reference: 151667-TSA-00-TRU-REP-W-EN-001235: “Stage 3 comprises of the mining remediation works required in advance of construction of the Scheme.” Section 4.2.2 states: “The risks to human health and controlled waters receptors from the other construction activities and for the final development have been or will be addressed in other reports (Stages 4-8) as the Scheme progresses.” Section 4.3.4 goes on to say that: “...risks and management strategies will be developed with the mitigation designs and agreed with the Coal Authority through the permitting process.” This being the case, the Environment Agency are satisfied with a partial discharge of Condition 5 x specifically for Stage 3.

The details are considered to be acceptable for the purposes of part x) of Condition 5 for the proposed works in Stage 3.

## **Recommendation for Condition 5**

The details submitted are considered to be acceptable for the purposes of the following sub sections of Condition 5 for the identified works in Stage 3:

### *Sub-Sections Approved*

- i) An external communications programme;
- ii) A pollution prevention and incident control plan;
- iii) A waste management 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;
- x) An Environmental Design Plan (EDP) (Land Contamination and Hydrogeology) setting out the environmental requirements during the detailed design stage.

### *Sub-Sections Not Approved*

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

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 6**

### **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 nonmotorised 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**

Condition 6: Construction Traffic Management and Travel Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001236

#### **Consultation Responses**

K.C Highways Development Management – comments awaited.

National Highways – No objection. Whilst it is welcomed that deliveries to and from site are to be timed to avoid waiting and conflicts at the site entrance movements to and from the SNR should, wherever possible, be timed to be undertaken outside of peak hours.

In addition, it is noted that abnormal load movements will be subject to 5 weeks notice. And again, whilst this is welcomed, the applicant is reminded that any such movements via the SRN should be registered through the ESDAL system at the earliest opportunity to allow the required National Highway approval to be in place, this is currently believed to be longer than a 5 week notice period.

K.C Public Rights of Way – No Public Rights of Way appear to be affected by the Stage 3 works or compound locations. The exception may be the Deighton Station Compound. This conflicts with NCN 69 Birbky-Bradley Greenway. However this route is currently temporarily stopped up under the TWAO until 22 November 2023. No further comments.

K.C Waste Strategy – The proposals reference traffic management in prior phases. The WCA notes the details and would request that any impact on waste collection activities in relation to access to households or waste facilities are notified and mitigated.

Canal and River Trust – In so far as the details relate to our waterways, we consider that the condition can be partly discharged as requested.

#### **Assessment**

At the time of writing legal advice is sought with regards to the requirements of this condition and the level of information submitted, upon receipt of which further assessment is required. An update will be issued in due course.

### **Condition 10**

#### **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 3. Ref 151667-TSA-00-TRU-REP-W-EN-001238

#### **Consultation Responses**

Environmental Services - To discharge parts a) and b) of Condition 10, a Condition 10: Phase 2 Land Contamination Risk Assessment – Stage 3 by Network Rail, dated April 2023 (ref: 151667-TSA-00-TRU-REP-W-EN-001238) has been received. The report includes geotechnical information, which is outside the remit of Environmental Health, this consultation response therefore only relates to the land contamination aspects of the report.

The document details the mining remediation works required in advance of the construction of the scheme. The works include grid probing, grouting of voids and geosynthetic reinforcement below the track. Migration of mine gases from voids following grouting has been identified as a potential risk, as has the migration of contaminated groundwater and vertical migration of contaminants during probing and grouting works. The report advises that groundwater is to be monitored before and during the grouting works and in the event of any significant groundwater level changes, activities will be paused.

Recommendations: Grout works, grout holes and the filling of voids can create new ground gas migration pathways. This has been acknowledged in earlier submissions for Stage 1. However, the document provided does not appear to mention any ground gas monitoring during the grouting works. Therefore, clarification is required

K.C Waste Strategy – The proposals are noted. Surveying or undertaking groundworks on land adjacent to the railway may include areas previously used for waste disposal. Kirklees Council retains records of active and former landfill sites and will provide available details if requested.

The Environment Agency – The document referred to as '151667-TSA-00-TRU-REP-W-EN-001238 sets out details in relation to the Stage 3 works for the Huddersfield to WESTTOWN (dewsbury) Scheme. 2.1.3, and states that: 'Stage 3 comprises of the mining remediation works required in advance of construction of the Scheme'. It goes on to say in Section 5.1.5 that; "This stage of development relates to the works associated with mining

remediation. The risks to human health and controlled waters receptors from other construction activities and for the final development have been or will be addressed in other reports as the Scheme progresses (Stages 1 and 2 previously submitted, Stages 4-6 and Stage 8 will be submitted in due course). And section 5.1.6: “The design and implementation of the mining risk mitigation measures will be designed and undertaken with recourse to the previously prepared MRA and MRMR reports and in accordance with relevant Coal Authority guidance such as ‘Guidance on managing the risk of hazardous gases when drilling or piling near coal’ and the CIRIA guidance document C758D ‘Abandoned mine workings manual’. And section 5.1.8: “If any unexpected contamination is encountered during the grid probing and grouting works, it is recommended that the works cease until further risk assessment by a suitably qualified environmental consultant and, if appropriate, a review of the method for the mining mitigation in that area, in line with Condition 11 of the Deemed Planning Permission”. This being the case, we are satisfied with a partial discharge of Condition 10 specifically for Stage 3.

Canal and River trust – The details submitted appear to relate to the remediation mitigation measures associated with mining. The Trust have no comments to make on these details.

### **Assessment**

Network Rail have provided Condition 10: Phase 2 Land Contamination Risk Assessment – Stage 3 by Network Rail, dated April 2023 (ref: 151667-TSA-00-TRU-REP-W-EN-001238).

Environmental Services note the document details the mining remediation works required in advance of the construction of the scheme. The works include grid probing, grouting of voids and geosynthetic reinforcement below the track. Migration of mine gases from voids following grouting has been identified as a potential risk, as has the migration of contaminated groundwater and vertical migration of contaminants during probing and grouting works. The report advises that groundwater is to be monitored before and during the grouting works and in the event of any significant groundwater level changes, activities will be paused.

Grout works, grout holes and the filling of voids can create new ground gas migration pathways. Environmental Services noted this has been acknowledged in earlier submissions for Stage 1, however, the document does not mention any ground gas monitoring during the grouting works. Therefore, clarification is required. In response Network Rail have confirmed the following

*“Typically, the gas monitoring undertaken following GI has not flagged any issues with ground gases from coal seams in the areas where mining mitigation is currently scoped, and the seams to be treated are not known gassy seams. As standard, we will be gas monitoring at every drill hole location as it is drilled and grouted and should this identify any issues additional gas monitoring will be employed, particularly around sensitive receptors”.*

Environmental Services note that the email from Pam Butler (Atkins) dated 24<sup>th</sup> April 2023 to Env Health/Planning is accepted and satisfies the requirements of Condition 10a and b.

The Waste Collection Authority note the proposals, and that Surveying or undertaking groundworks on land adjacent to the railway may include areas previously used for waste disposal. Kirklees Council retains records of active and former landfill sites and will provide available details if requested. The Environment Agency note that the document referred to as '51667-TSA-00-TRU-REP-W-EN-001238 sets out details in relation to the Stage 3 works for the Huddersfield to Westtown (Dewsbury) Scheme. 2.1.3, and states that: 'Stage 3 comprises of the mining remediation works required in advance of construction of the Scheme". It goes on to say in Section 5.1.5 that; "This stage of development relates to the works associated with mining remediation. The risks to human health and controlled waters receptors from other construction activities and for the final development have been or will be addressed in other reports as the Scheme progresses (Stages 1 and 2 previously submitted, Stages 4-6 and Stage 8 will be submitted in due course). And section 5.1.6: "The design and implementation of the mining risk mitigation measures will be designed and undertaken with recourse to the previously prepared MRA and MRMR reports and in accordance with relevant Coal Authority guidance such as 'Guidance on managing the risk of hazardous gases when drilling or piling near coal' and the CIRIA guidance document C758D 'Abandoned mine workings manual". And section 5.1.8: "If any unexpected contamination is encountered during the grid probing and grouting works, it is recommended that the works cease until further risk assessment by a suitably qualified environmental consultant and, if appropriate, a review of the method for the mining mitigation in that area, in line with Condition 11 of the Deemed Planning Permission". This being the case, the Environment Agency are satisfied with a partial discharge of Condition 10 specifically for Stage 3.

### **Recommendation for Condition 10**

The details are acceptable for the purposes of part a and part b of Condition 10 for the proposed works identified in Stage 3.

**Report Dated:**

20 July 2023
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### **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:

- Condition 5b(ii); Pollution Prevention and Incident Control Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001234
- Condition 5b (iii): Waste Management Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001232
- Condition 5b (v); Nuisance Management Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001233
- Condition 5b(vi): Noise and Vibration Management Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-000096
- Condition 5b(x); Environmental Design Plan (Land Contamination and Hydrogeology) – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001235

Assessment

i) An external communications programme

No document has been submitted with this application submission; however you have confirmed the document entitled 'External Communications Programme ref 151667-TSA-00-TRU-CNT-W-LP-000569' as submitted for the Stage 1 Discharge of Condition application (ref 2022/93858) covers your

communications strategy for all eight stages of construction and for this reason is not re-submitted. The document is applicable to all eight stages and as per the previous conclusion at Stage 1, it is considered the details are acceptable for the purposes of sub section i) of condition 5 for the proposed works identified in Stage 3.

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 3.

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 3.

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

You have confirmed that this sub-section is not relevant to the proposed works in Stage 3. This is noted, and accordingly, this sub-section of the condition is not discharged relevant to the works identified in Stage 3.

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 3.

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 3.

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. 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 considered relevant to the Stage 3 works. This is noted and accordingly this sub section of the condition is not discharged.

ix) A demolition methodology statement for relevant buildings

You have confirmed that the demolition methodology statement for relevant buildings is not considered relevant to the Stage 3 works. This is noted and accordingly this sub section of the condition is not discharged.

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 3.

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 3. 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 6**

### **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 nonmotorised 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**

- Condition 6: Construction Traffic Management and Travel Plan – Stage 3. Ref 151667-TSA-00-TRU-REP-W-EN-001236

## **Assessment**

At the time of writing legal advice is sought with regards to the requirements of this condition and the level of information submitted, upon receipt of which further assessment is required. An update will be issued in due course.

### **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 3. Ref 151667-TSA-00-TRU-REP-W-EN-001238

#### **Assessment**

The details are acceptable for the purposes of a part discharge of Condition 10 (sub sections a and b) in respect of the proposed works identified in Stage 3.

