

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:	2023/44/91305/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 of conditions 5 (Code of Construction Practice), 6 (Construction Traffic Management Plan) and 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.

Victor Grayson

AUTHORISED OFFICER

Date: 20-Dec-2023

UPDATE REPORT DECEMBER 2023

This report should be read in conjunction with the previous officer report dated 20 July 2023. It refers to Condition 6 (Construction Traffic Management & Travel Plan) only.

Following the issue of a spilt decision (decision notice issued on 26 July 2023), and concerns raised by the Local Planning Authority specifically in relation to the information presented to discharge Condition 6, Network Rail have submitted the following revised document:

- Condition 6: Construction Traffic Management Plan and Travel Plan – Stage 3 Version 2. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001236

Consultation Responses

Highways Development Management – No objections

National Highways – No objections

Kirklees Public Rights of Way – No objections

Assessment of Condition 6 (Construction Traffic Management & 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

Assessment

The LPA have previously raised concerns about the content of the CTMP as originally submitted, in particular the level of detail contained within the report. In response Network Rail have submitted a revised CTMP as follows:

- Condition 6: Construction Traffic Management Plan and Travel Plan – Stage 3 Version 2. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001236

Highways Development Management have reviewed this document submitted for Stage 3 works, and they have provided a combined response to both this document and the revised CTMP's submitted for Stages 1-6 inclusive (each CTMP is subject to a separate Discharge of Condition Application).

Highways Development Management note that whilst high level in terms of detail they address the requirements of the condition and are considered acceptable in principle.

The documents refer to the Transport and Works Act Order (TWAo) specifically Articles 15, 16, and 17, which effectively provide a technical approval process enabling the Highway Authority to review and approve detailed design and the construction of elements of the scheme affecting the operation and safety of the highway network.

The documents also make reference to the Highways Network Managements Working Group. A Group which has representatives from Network Rail, the TRU Alliance, and Kirklees Council (as Highways Authority), which has been set up to deal with issues specific to TRU and ensure co-ordination between the Scheme and other projects in the Kirklees area, in order to minimise disruption for users of the highway network as well as those using public rights of way and public transport. Details of the measures set out in the CTMP will be discussed and agreed through this working group.

In summary, Highways Development Management note the CTMP is acceptable in principle, they considered that combined the TWAo (Articles 15 – 17) and Highways Network Management Working Group will enable the Highway Authority to approve the detailed design of the scheme and satisfactorily manage its impact on the operation and safety of the highway network. Subject to the Applicant continuing to engage in these processes HDM are satisfied that condition 6 can be discharged.

National Highways raise no objections.

The Public Rights of Way team note 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 which conflicts with NCN 69 Birkby- Bradley Greenway, however this route is currently temporarily stopped up under the TWAO and they have no further comments to make.

Recommendation:

The details submitted in Condition 6: Construction Traffic Management Plan and Travel Plan – Stage 3 Version 2. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001236 are acceptable in principle.

It is considered that combined the TWAO (Articles 15 – 17) and Highways Network Management Working Group will enable the Highway Authority to approve the detailed design of the scheme and satisfactorily manage its impact on the operation and safety of the highway network. Subject to the Applicant continuing to engage in these processes the LPA is satisfied that condition 6 sub-section a) can be discharged. Sub-section b) cannot be discharged as it requires that the construction of each stage of the development must be carried out in accordance with the approved CTMP.

Sub Sections Approved:

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.

Sub Sections Not Approved

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.

Report Dated: 20th December 2023

Decision Notice Text

Assessment of Condition 6 (Construction Traffic Management & Travel Plan)

Documents Submitted

- Condition 6: Construction Traffic Management Plan and Travel Plan – Stage 3 Version 2. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001236

Assessment

The Construction Traffic Management & Travel Plan (CTMP), whilst high level in terms of detail, addresses the requirements of the condition and is considered acceptable in principle.

The CTMP refers to the Transport and Works Act Order (TWAo) specifically Articles 15, 16, and 17, which provide a technical approval process enabling the Highway Authority to review and approve detailed design and the construction of elements of the scheme affecting the operation and safety of the highway network.

The CTMP also refers to the Highways Network Management Working Group. A Group which has representatives from Network Rail, the TRU Alliance, and Kirklees Council (as Highway Authority), set up to deal with issues specific to TRU and ensure co-ordination between the Scheme and other projects in the Kirklees area, in order to minimise disruption for users of the highway network as well as those using public rights of way and public transport. Details of the measures set out in the CTMP will be discussed and agreed through this working group.

It is considered that combined the TWAo (Articles 15 – 17) and Highways Network Management Working Group will enable the Highway Authority to approve the detailed design of the scheme and satisfactorily manage its impact on the operation and safety of the highway network. The acceptability in principle of the Construction Traffic Management & Travel Plan for the works identified in Stage 3 is therefore strictly conditional upon Network Rail continuing to engage in the processes outlined above. This will ensure Network Rail deliver on their commitments stated in the Environmental Statement of 'The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022 in relation to the Construction Traffic Management Plan.

Sub-section b) cannot be discharged as it requires that the construction of each stage of the development must be carried out in accordance with the approved Construction Traffic Management & Travel Plan.

Sub Sections Approved:

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.

Sub Sections Not Approved

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.