

Louise Bearcroft  
Kirklees Metropolitan Borough Council  
Development Management

**Our ref:** RA/2023/145808/01-L01  
**Your ref:** 2023/91305

**Date:** 31 May 2023

By email: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

Dear Louise

**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 – 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**

Thank you for consulting us on this application which we received on 10 May 2023. We have reviewed the submitted documents available on the planning file and have the following comments to make.

Contaminated Land team

**Condition 5 – Code of Construction Practice**

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 (EDP) (Land Contamination and Hydrogeology) setting out the environmental 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.

#### **Condition 10 – Contaminated Land**

Our response is in relation to the request for the discharge of Condition 10 which states:

“10. 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.”

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, we are satisfied with a partial discharge of Condition 10 specifically for Stage 3.

#### Water 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.

#### Biodiversity/Ecology team

Having read all relevant documents relating to discharge of Conditions 5, 6 and 10 (Stage 3) they appear to be comprehensive and therefore we have no objection to discharge of these conditions.

Should you require any further information or clarification, please contact me.

Yours sincerely

**Bev Lambert**  
**Sustainable Places - Planning Advisor**

Telephone 020 3025 7982

Mobile 07833 234623

Direct e-mail [bev.lambert@environment-agency.gov.uk](mailto:bev.lambert@environment-agency.gov.uk)

Team e-mail [sp-yorkshire@environment-agency.gov.uk](mailto:sp-yorkshire@environment-agency.gov.uk)