



Kirklees Council
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Date: 16-Aug-2023
Our Ref: 2023/91812

Dear Sir/Madam

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

**Discharge conditions 5, 6, 7, 10, 12, 16 of the Deemed Planning Permission granted
by the Department for Transport in relation to The Network Rail (Huddersfield to
Westtown (Dewsbury) Improvements Order 2022, Stage 4 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**

Application Number: 2023/91812

I write with reference to your application to discharge the conditions for the above
development as submitted on 19/06/2023.

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 4. Document Reference 151667-TSA-00-TRU-REP-W-EN-001240
- Condition 5b(iii): Waste Management Plan – Stage 4. Document Reference 151667-TSA-00-TRU-REP-W-EN-001241
- Condition 5b(v); Nuisance Management Plan – Stage 4. Document Reference 151667-TSA-00-TRU-REP-W-EN-001242
- Condition 5b(vi): Noise and Vibration Management Plan – Stage 4. Document Reference 151667-TSA-00-TRU-REP-W-EN-001243
- Condition 5b(x): Environmental Design Plan (Land Contamination and Hydrogeology) – Stage 4. Document reference 151667-TSA-00-TRU-TRP-W-EN-001244.

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 4.

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 4.

You are required to comply with the following advice from The Environment Agency:

Advice to applicant – Environmental Incidents

Regarding the Pollution Prevention and Incident Control plan, sections 4.4.1 and 4.4.2: Please provide details about the discussions with the Environment Agency about parameters of reporting incidents to us. When will these discussions take place? Please also provide details about how you came to the thresholds in your criteria examples, for example, petrol spillages greater than 100 litres.

We strongly recommend that you:

- Record all incidents that occur on site.*
- Report to the Environment Agency any environmental incident which occurs on site, regardless of scale, which has impacted, or may have the potential to impact, air, land, or water*

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 4.

You are required to comply with the following advice from The Environment Agency:

Advice for applicant – Waste classification

To meet the applicant's objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments.

Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require

high temperature incineration in a directive compliant facility. More information on this can be found here: <https://www.gov.uk/how-to-classify-different-types-of-waste>

All wastes must be assessed in accordance with Waste Classification Technical Guidance WM3.

*Advice to applicant – Waste Duty of Care
The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes.*

The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-codepractice-2016.pdf

*If you need to register as a carrier of waste, please follow the instructions here:
<https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales>*

If you require any local advice or guidance, please contact your local Environment Agency office.

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

It is stated in the covering letter that section iv) is not relevant to Stage 4. This is noted and accordingly this sub section of the condition is not discharged for Stage 4.

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 4.

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

The details are considered to be acceptable for the purposes of sub section vi) of condition 5 for the proposed works identified in Stage 4.

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.

It is stated in the covering letter that details of measures to mitigate the impacts on the Huddersfield Town Centre Conservation Area were previously submitted in the Stage 2 submission (Scheme wide compound set-up). For Stage 2 you submitted Condition 5b (viii): Measures to Mitigate Construction impacts on Huddersfield Town Centre Conservation Area – Stage 2, doc ref 151667-TSA-00-TRU-REP-W-EN-001222. These measures have been previously agreed in respect of the works identified in Stage 2. In section 2.1.5 of this document it stated “This document is in specific reference to the works commencing in Stage 2 and continuing to Stage 4 located within and in relation to the setting of the Huddersfield Town Centre Conservation Area. These measures have been previously assessed and accepted, and it is agreed no additional details are required.

ix) A demolition methodology statement for relevant buildings

You have confirmed that the demolition methodology statement for relevant buildings is not relevant to the Stage 4 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 sub section x) of Condition 5 for the proposed works identified in Stage 4.

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 4. 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 (Construction Traffic Management Plan and Travel Plan)

Condition 6 Wording

- a) No stage of the development (except preliminary works) is to commence until a Construction Traffic Management Plan (“CTMP”) for that stage has been submitted to and approved in writing by the local planning authority for that stage. The CTMP must include:-
- i) The package of interventions and mitigation outlined in Volume 2i, Chapter 23, Page 5, section 23.2.14 of the Environmental Statement including an implementation timetable for each stage;
 - ii) Specific details on arrangements for temporary car parking provision for train users as appropriate at each station including temporary parking at Huddersfield and Mirfield stations and mobility impaired set down/pick up points at Ravensthorpe and Deighton stations;
 - iii) A travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites and including the provision of 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 Plan and Travel Plan – Stage 4.
Document Reference: 151667-TSA-00-TRU-REP-W-EN-001245.

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 7 (Materials)

Condition 7 Wording

- a) Before the commencement of any works in respect of structures listed below, samples and specifications of all materials to be used on all external elevations of the following structures must be submitted to and approved in writing by the local planning authority.
- i) MVN2/204 Lees Hall Farm
 - ii) MVL3/90 Westgate Road Bridge
 - iii) MVL3/98 Fieldhouse Bridge
 - iv) MVL3/99 Ridings
 - v) MVL3/100 Peels Pit
 - vi) MVL3/101 Whitacre Street

- vii) MVL3/103 New Colliery Lane (Wheatley's) Bridge
 - x) MVN2/202 Calder Road
 - xi) MDL1/9 Fall Lane (Thornhill Road)
 - xii) Ravensthorpe Railway Station
 - xiii) Deighton Station Forecourt, Lifts & Footbridge
 - xiv) Mirfield Station Lifts & Footbridge
 - xv) Baker Viaduct (Ravensthorpe)
 - xvi) Weaving Lane Retaining Wall
 - xvii) Station Staircase access to be closed at Mirfield Station
 - xviii) Principal station signage at Huddersfield, Deighton, Mirfield and Ravensthorpe stations
- b) the development must be constructed in accordance with Policy 24 of the Kirklees Local Plan.

Reason: In the interests of visual amenity and in accordance with Policy 24 of the Kirklees Local Plan.

Documents Submitted

- Condition 7: Materials – Stage 4. Document Reference: 151667-TSA-00-TRU-REP-W-EN-001263.

Assessment

You have confirmed there is no longer a requirement to amend the MVL3/90 Westgate Road Bridge parapet height and the existing situation will be retained. Furthermore, you have confirmed there is no requirement to change the existing signage at Huddersfield Station. No details are therefore required for the purposes of sub sections ii) MVL3/90 Westgate Road bridge and xviii) Principal station signage at Huddersfield of Condition 7. The justification in the submitted documents is acceptable for the purposes of part discharging the relevant parts of Condition 7 in respect of the proposed works identified in Stage 4.

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 4, ref 151667-TSA-00-TRU-REP-W-EN-001237

Assessment

Sub-section 10a

The details are acceptable for the purposes of Part a of Condition 10 for the proposed works identified in Stage 4.

Sub-section 10b

At the time of writing no Remediation Statement has been submitted and this sub section is not discharged for the proposed works identified in Stage 4.

Sub-section 10c

This sub-section requires remediation of the site to be carried out and completed in accordance with an approved Remediation Statement and this sub section is not discharged for the proposed works identified in Stage 4.

The details are acceptable for the purposes of a part discharge of Condition 10 in respect of the proposed works identified in Stage 4 as detailed above.

Condition 12 (Westgate Road Bridge)

Condition Wording

a) No works in respect of anti-trespass works on structures as identified on planning direction drawing 151667-TSA-30-MVL3-DRG-T-LP162000 Rev P01 relating to bridge MVL3/90 Westgate Road must commence until full details of the anti-trespass measures have been submitted to and approved in writing by the Local Planning Authority.

b) The development must be constructed in accordance with the approved details

Reason: To ensure the measures will not have a detrimental effect on significance of the Huddersfield Town Centre Conservation Area in accordance with Policies LP17, LP24 and LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.

Documents Submitted

- Condition 12: Westgate Road Bridge – Stage 4. Document reference 151667-TSA-00-TRU-REP-W-EN-001365.

Assessment

The details are considered to be acceptable for the purposes of satisfying the requirements of Condition 12 for the proposed works in Stage 4. The condition cannot be fully discharged as it requires that the development is then undertaken in accordance with the approved details.

Condition 16 (Scheme to prevent fats/grease entering the drainage network)

Condition Wording

No Development (including preliminary works) must commence in respect of the re-located tea rooms on Huddersfield Station until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dishwashing areas located within Huddersfield station has been submitted to and approved in writing by the local planning authority. The approved scheme must be implemented prior to first operation of the development in respect of the re-located tea rooms at Huddersfield station and shall be retained thereafter.

Reason: To prevent fats, oils, and grease entering the drainage network in the interests of environmental wellbeing and in accordance with Local Plan policy LP28.

Documents Submitted

- Condition 16: Waste Drainage – Stage 4, reference 151667-TSA-00-TRU-REP-W-EN-001352.

Assessment



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The details are acceptable for the purposes of Condition 16 for the proposed works identified in Stage 4. The condition cannot be fully discharged as it requires that the development is then undertaken in accordance with the approved details.

Yours faithfully

Victor Grayson

Victor Grayson, Development Management Masterplanner
for Mathias Franklin, Head of Planning and Development