

**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:	2023/44/91812/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, 6, 7, 10, 12 and 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
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: 23-Apr-2024

Discharge Conditions 5, 6, 7, 10, 12 and 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

Background:

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

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

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

Route Section 1 – Huddersfield

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

Route Section 2: Hillhouse to Fartown

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

Route Section 3: Deighton and Bradley

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

Route Section 4: Colne Bridge and Battyeford

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

Route Section 5: Mirfield and Lower Hopton

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

Route Section 6: Ravensthorpe and Westtown

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

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

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

Network Rail are seeking to discharge Conditions relevant to Stage 4 of the Development. Stage 4 comprises the main civils works at Huddersfield Station and Huddersfield Viaduct, with the geographical limits of these works being between Westgate Overbridge and Hillhouse Lane Underbridge. It is noted works within the Huddersfield and Gledholt tunnels, to the west of Huddersfield station are proposed to be detailed within Network Rail's Stage 5 submission.

Proposed Works:

The proposed list of works is as follows:

Huddersfield Station

At Huddersfield station remodelling works are required, with alterations to platforms and roof structures to facilitate the delivery of a four-track railway. East of Huddersfield Station the four-track railway is reinstated across the viaduct. The proposed works to Huddersfield Station include:

- The erection of a covered footbridge with stairs and a lift
- Extension to the existing Subway to service the new island platform
- Utilisation of the existing subway for utilities ducting and signalling equipment and concrete infill
- Dismantling and re-construction of the Tea Rooms on island platform
- Provision of new platforms and removal of existing railway sidings
- Works to the main train shed (Canopy A) including structural works, demolition of two canopy bays at the Manchester End and construction of two new bays at the Leeds end. Grit blasting and reinstatement of lantern.
- Demolition of canopies B & C with new replacements
- Erection of new free standing canopies over island platforms
- Extension of Penistone Line canopies
- Demolition of relay room
- General drainage works at the station

Huddersfield Viaduct

The proposed works to Huddersfield Viaduct include general strengthening works along the length of the viaduct together with localised repairs to arches. Works include pinning and grouting, shear anchors and spandrel

strengthening with tie bar and pattress plates. In addition the following works are proposed:

- Removal and replacement of Span1 bridge deck due to the current structural arrangement of the bridge clashing with the proposed track and platform works
- Span 4 substructure repairs including removal and reinstatement of the pier to the south-western corner of the structure. Strengthening to cross girders, removal and replacement of parapet
- Span 29 existing bridge deck to be removed and replaced. Additional masonry pilasters/buttresses will be formed at the corners of the new abutments into which the concrete parapet will join. New concrete abutments to be built with stone facing in front of existing sandstone at both ends and, on both elevations.
- A 55m length retaining structure (0.5m high) along the eastern end of Huddersfield Viaduct (MVL3/92) near to Hillhouse Lane Underbridge (MVL3/94).

NOTE – As a result of design iterations a new Listed Building Consent application has been submitted for the proposed works to the Grade II Listed Viaduct (application ref 2023/92236). This Listed Building Consent application is under consideration at the time of writing and pending a decision. Network Rail have verbally confirmed that they do not intend to submit a revised submission to the Deemed Planning Permission for reason of the extent of revisions proposed.

Assessment

Network Rail have identified the Planning Conditions which are relevant to Stage 4 as:

- **Condition 5** – Code of Construction Practice
- **Condition 6** – Construction Traffic Management Plan
- **Condition 7** – Materials
- **Condition 10** – Contaminated Land
- **Condition 12** – Westgate Road Bridge
- **Condition 16** – Waste Drainage

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 4. Table 1 sets this out below:

Table 1: Conditions Relevant to Stage 4

Planning Condition	Relevance to Stage 4 Works
1. Time limit for commencement of development	Further details not required
2. In accordance with the planning direction drawings	Further details not required
3. Stages of development	Relevant Planning application is ref 2022/93853.

4. Landscaping & ecology	All de-vegetation works fall within Stage 1
5. Code of construction practice	Relevant details required
6. Construction traffic management & travel plan	Relevant details required
7. Materials	Relevant details required
8. Archaeology	Not relevant to the proposed stage 4 works identified
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	Relevant details Required
13. Noise attenuation	Not relevant to the proposed Stage 4 works identified
14. Ravensthorpe static frequency converter site	Not relevant to the proposed stage 4 works identified
15. Hillhouses yard	Not relevant to the proposed stage 4 works identified
16. Waste drainage	Relevant details required
17. New maintenance access	Not relevant to the proposed stage 4 works identified
18. Power supply unit	Not relevant to the proposed stage 4 works identified
19. Biodiversity net gain	All de-vegetation works fall within Stage 1 and details of BNG will be submitted at Stage 8
20. MDL1/6 & MDL1/8 (existing bridges at Ravensthorpe)	Not relevant to the proposed stage 4 works identified
21. Approval and implementation under these conditions	No further details required

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.

Consultation Responses

K.C Environmental Services

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

Condition 5b(ii): Pollution Prevention and Incident Control Plan – Stage 4

We have reviewed the Document reference: 151667-TSA-00-TRU-REP-W-EN-001240 Network Rail, dated June 2023 in relation to the areas which are

within the remit of Environmental Health contained within condition 5b(ii). The plan sets out the hierarchy of responsibility at the site and staff training, it goes on to inform that 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 outlines the activities which will be implemented to avoid pollution incidents and comply with the law.
 - Works and maintenance in or near water (PPG5)2 This guidance outlines the activities necessary to 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 are clarified within the document. We accept the report provided.

Condition 5 (v)- Code of Construction Practice

To assist in the discharge of condition 5b(v) the applicant has submitted the following information: - Condition 5b(v): Nuisance Management Plan – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN-001242 by Network Rail, dated June 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 4 Document reference: 151667-TSA00-TRU-REP-W-EN-001242 by Network Rail, dated June 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 product deliveries will be by tank and stored in silos, designated screened areas will be used for mixing fine products.
- Skips and bins to be enclosed and vehicles removing loose materials from site will be covered.
- Maximum on site speed limits set.
- Engines to be switched off when not in use and low emission vehicles and plant to be used.
- A risk assessment has been undertaken to determine the areas where a wheel wash will be required. Hardstanding is available to all areas of stage 4; it has been determined that a wheel wash will not be required. 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 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 4 Document reference: 151667- TSA-00-TRU-REP-W-EN-001243, dated June 2023
- Nuisance Management Plan – Stage 4 Document reference: 151667-TSA-00-TRUREP-W-EN-001242 by Network Rail, dated June 2023, Appendix B Contractor's Environmental Procedure Np27.4: Appendix C - Control of Site Nuisance, Environment guidance EG05

The Noise and Vibration Management Plan – Stage 4 Document 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 and made available to the Local Authority on request.
- 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 the risk category: - 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.

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.

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 structures to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place.

The Environment Agency

Condition 5 requires a Code of Construction Practice to be carried out for each stage. Discharge of sub-sections ii, iii, v, vi and x is requested, and documents have been submitted in support of this:

- Condition 5b(ii): Pollution Prevention and Incident Control Plan – Stage 4
- Condition 5b(iii): Waste Management Plan – Stage 4
- Condition 5b(v): Nuisance Management Plan – Stage 4
- Condition 5b(vi): Noise and Vibration Management Plan – Stage 4
- Condition 5b(x): Environmental Design Plan (Land Contamination and Hydrogeology) – Stage 4

If the proposals in these reports are adhered to, we can recommend the partial discharge of parts ii, iii, v, vi and x of Condition 5 for Stage 4 of the Development, Huddersfield Station and Viaduct.

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/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.

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.

Waste Collection Authority

The condition relevant to the Waste Collection Authority is 5b(iii): Waste Management Plan – Stage 4

Stage 4 comprises the main civils works at Huddersfield Station and Huddersfield Viaduct (Stage 4 limits are set as Westgate Overbridge and Hillhouse Lane Underbridge) and are set out in Table 2-1, as well as links to the relevant planning drawings. Figure 1 in Appendix A shows the geographical locations of the works.

The wording of Condition 5b(iii) is reproduced as follows:

5.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.

5.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:- iii) A waste management plan; 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. To support the discharge of this condition the applicant has submitted Document reference: 151667-TSA-00-TRU-REP-W-EN-001241 Network Rail June 2023

With reference to Kirklees Metropolitan Council Local Plan Strategy and Policies 2019 Section 16.4 states: - In the National Planning Policy for Waste, central government sets out its commitment to the aims for sustainable waste management which are summarised in the 'waste hierarchy':

The Authority welcomes the proposal in the 5b(iii): Waste Management Plan – Stage 4 Section 5.1.2 to reuse excavation waste through the CL:AIRE protocol and 5.1.3 the requirements of the waste hierarchy will be enforced where possible, and the duty of care placed on all parties to take responsibility for protecting the interests and safety of others from the potential effects of handling, storing, transporting and depositing of excavated materials and wastes.

The statement of compliance with waste legislation as detailed in Section 5.2.1 is noted.

5.2.1 The TRU West Alliance, on behalf of Network Rail, shall take all reasonable steps to ensure that:

- All waste from the 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);
- Greater emphasis is put on the waste hierarchy to ensure that waste is dealt with in the priority order of: prevention; preparing for re-use; recycling; other recovery (for example, energy recovery); disposal, as per the Waste Regulations 2011 (as amended); and

• Materials will be handled efficiently, and waste managed appropriately. 5.2.2 Hazardous waste produced will be disposed of in compliance with the Hazardous Waste (England & Wales) Regulations 2005 (as amended).

It is stated in Section 5.2.5 Waste management facilities "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."

Section 5.4.7 states" As information becomes available the anticipated waste generation figures will be updated prior to start on site."

- A list of proposed sites and data for waste arisings is requested, so the WCA can assess impact of Stage 4 and other stages on available waste treatment, recovery and disposal capacity within the Authority and surround area.

The Waste Collection Authority can confirm that the proposals are satisfactory, and that Condition 5b(iii): Waste Management Plan – Stage 4 can be discharged.

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):

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 Section. The document is applicable to all eight stages and as per the previous conclusion at Stage 1 is acceptable for the purposes of sub section i) of the condition for the proposed works in Stage 4.

ii) A pollution prevention and incident control plan;

Network Rail have submitted Condition 5b(ii); Pollution Prevention and Incident Control Plan – Stage 4 ref 151667-TSA-00-TRY-REP-W-EN-001240. This confirms all Stage 4 works will comply with all relevant legislation and regulations. Section 4.3 details the general pollution prevention and incident control measures, and section 4.4 details the proposed emergency response.

Details of specific guidance for Stage 4 works are detailed in Section 4.5, which references that the Earthworks (EO) located to the south of the railway could result in increased risk of pollution to the Huddersfield Broad Canal and Hebble Beck due to runoff containing levels of suspended soils and resuspension of potentially contaminated sediments. Mitigation measures are proposed with reference to bulk materials storage and runoff from de-vegetated ground.

Environmental Services have reviewed the document in relation to the areas which are within their remit. They note the plan sets out the hierarchy of responsibility at the site and staff training, it goes on to inform that 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 outlines the activities which will be implemented to avoid pollution incidents and comply with the law.
 - Works and maintenance in or near water (PPG5)2 This guidance outlines the activities necessary to 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 are clarified within the document. Environmental Services accept the report provided.

The Environment Agency have reviewed the Pollution Prevention and incident Control Plan document and note if the proposals in the report are adhered to, they can recommend the partial discharge of parts ii of Condition 5 for Stage 4 of the Development. They offer an advisory note in respect of sections 4.4.1 and 4.4.2: requesting that Network Rail provide details about the discussions with the Environment Agency about parameters of reporting incidents to them, as well as details about how Network Rail came to the thresholds in their criteria examples, for example, petrol spillages greater than 100 litres. This is noted and will be included as an advisory as the Environment Agency has not requested this be provided prior to the decision.

The works are all located outside of the consultation zone for the Canal and River Trust with the exception of a very small area at the corner of Hillhouse Lane Underbridge. As per previous comments from the Canal and River Trust they have a side agreement with Network Rail with respect to works which interface with their waterways and have not objected to the Code of Construction Practice for previous stages.

The details are considered to be acceptable for the purposes of sub section ii) of this part of Condition 5 for the proposed works in Stage 4.

iii) A waste management plan;

Network Rail have provided Condition 5b(iii); Waste Management Plan – Stage 4 ref 151667-TSA-OO-TRU-REP-W-EN-001241. 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. Network Rail confirm that all waste from site will be dealt with in accordance with the waste Duty of Care, and all waste is to be segregated, stored safely and securely to prevent harm to human health and environment.

The Waste Collection Authority welcomes the proposal in the 5b(iii): Waste Management Plan – Stage 4 Section 5.1.2 to reuse excavation waste through the CL:AIRE protocol and 5.1.3 the requirements of the waste hierarchy will be enforced where possible, and the duty of care placed on all parties to take responsibility for protecting the interests and safety of others from the potential effects of handling, storing, transporting and depositing of excavated materials and wastes. The statement of compliance with waste legislation as detailed in Section 5.2.1 is noted.

5.2.1 The TRU West Alliance, on behalf of Network Rail, shall take all reasonable steps to ensure that:

- All waste from the 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);*
- Greater emphasis is put on the waste hierarchy to ensure that waste is dealt with in the priority order of: prevention; preparing for re-use; recycling; other recovery (for example, energy recovery); disposal, as per the Waste Regulations 2011 (as amended); and*
- Materials will be handled efficiently, and waste managed appropriately.*

5.2.2 Hazardous waste produced will be disposed of in compliance with the Hazardous Waste (England & Wales) Regulations 2005 (as amended).

The Waste Collection Authority go on to say it is stated in Section 5.2.5 Waste management facilities “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.” Section 5.4.7 states “As information becomes available the anticipated waste generation figures will be updated prior to start on site.” The Waste Collection Authority request a list of proposed sites and data for waste arisings so they can assess impact of Stage 4 and other stages on available waste treatment, recovery and disposal capacity within the Authority and surround area. This is not required pre-determination and the Waste Collection Authority have confirmed that the proposals are satisfactory.

The Environment Agency states if the report is adhered to, they can recommend the partial discharge of part iii) for Stage 4. They have provided the following advice for the applicant:

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/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.

The details are considered to be acceptable for the purposes of sub section iii) of this part of Condition 5 for the proposed works in Stage 4.

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

Network Rail have stated in their covering letter that section iv) is not relevant to Stage 4. This is noted and this sub section of the condition cannot be discharged for this stage.

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 4 ref 15166-TSA-00-TRU-REP-W-EN-001242. This document details controls for dust emissions, air pollution, site lighting, and the protection of sensitive receptors including heritage assets, biodiversity, users of recreational routes and site neighbours.

Environmental Services have reviewed the submitted documents in relation to the following areas which are within their remit 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

They note 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.

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 product deliveries will be by tank and stored in silos, designated screened areas will be used for mixing fine products.
 - Skips and bins to be enclosed and vehicles removing loose materials from site will be covered.
 - Maximum on site speed limits set.
 - Engines to be switched off when not in use and low emission vehicles and plant to be used.
 - A risk assessment has been undertaken to determine the areas where a wheel wash will be required. Hardstanding is available to all areas of stage 4; it has been determined that a wheel wash will not be required. Where tracking of mud onto road networks is identified, a wet road sweeper will be employed.
- 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.

The Environment Agency states if the report is adhered to, they can recommend the partial discharge of part v) for Stage 4.

In respect of the protection of heritage assets, Network Work acknowledge that temporary nuisance impacts will occur. The details of measures to protect the Huddersfield Conservation Area were previously submitted in the Stage 2 submission (Scheme wide compound set-up). As part of the assessment at Stage 2 the Conservation and Design team confirmed they were satisfied that any impacts are temporary and necessary, and the measures outlined to be sufficient for this part of the condition to be discharge. Historic England were also consulted but did not wish to offer any comments.

In section 2.1.5 of this previously submitted 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. Taking into account the assessment of this previous report, the details are considered to be acceptable.

In respect of Biodiversity matters Network Rail note all construction works will be undertaken in accordance with “best practice” and appropriate guidelines, with due regard given to current wildlife legislation. Works will avoid/minimise generation of excessive litter, dust, noise, pollution, and vibration.

The details are considered to be acceptable for the purposes of sub section v) of this part of Condition 5 for the proposed works in Stage 4.

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 4, ref 151667-TSA-00-TRU-REP-W-EN-001243. Also of relevance in the Nuisance Management Plan is Appendix B Contractor’s Environmental Procedure Np27.4 and Appendix C - Control of Site Nuisance, Environment guidance EG05.

Environmental Services note the Noise and Vibration Management Plan – Stage 4 Document 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 and made available to the Local Authority on request.
- 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 the risk category: - 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.

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.

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 structures to be undertaken if appropriate. Prior communication with potentially affected sensitive receptors will take place.

Environmental Services raise no objections.

The Environment Agency states if the report is adhered to, they can recommend the partial discharge of part vi) for Stage 4.

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

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

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

viii) Details of the measures to be put in place to mitigate the impacts on the Huddersfield Town Centre Conservation Area during the construction phase at Huddersfield Station and Huddersfield Viaduct;

As per the assessment of sub-section v) Nuisance management plan above, Network Rail have stated 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 the Stage 2 discharge of condition application Network Rail 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. As part of the assessment at Stage 2 the Conservation and Design team confirmed they were satisfied that any impacts are temporary and

necessary, and the measures outlined to be sufficient for this part of the condition to be discharge. Historic England were also consulted but did not wish to offer any comments.

In section 2.1.5 of this previously submitted 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 therefore it is agreed that no further details are required.

ix) A demolition methodology statement for relevant buildings; and

Subsection ix) demolition method statement is not considered relevant to the Stage 4 works as no demolition of relevant buildings is proposed. This is noted and this sub-section cannot be discharged for the proposed works in Stage 4.

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 4 ref 151667-TSA-00TRU-REP-W-EN-001244. This document includes Piling Risk Assessments for Huddersfield Station and Huddersfield Viaduct.

The Environment Agency note that if the proposals in the report are adhered to, they can recommend the partial discharge of part x of Condition 5 for Stage 4 of the Development, Huddersfield Station and Viaduct.

The details are considered to be acceptable for the purposes of sub section x) of this part of Condition 5 for the proposed works in Stage 4.

Recommendation for Condition 5

Grant partial discharge of Condition 5 for the following sub-sections for the works identified in Stage 4 Works

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.

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.

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

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 and Travel Plan)

Condition 6 Wording:

- a) No stage of the development (except preliminary works) is to commence until a Construction Traffic Management Plan (“CTMP”) for that stage has been submitted to and approved in writing by the local planning authority for that stage. The CTMP must include:-
 - i) The package of interventions and mitigation outlined in Volume 2i, Chapter 23, Page 5, section 23.2.14 of the Environmental Statement including an implementation timetable for each stage;
 - ii) Specific details on arrangements for temporary car parking provision for train users as appropriate at each station including temporary parking at Huddersfield and Mirfield stations and mobility impaired set down/pick up points at Ravensthorpe and Deighton stations;
 - iii) A travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites and including the provision of non-motorised facilities to encourage walking and cycling; and
 - iv) Details on temporary diversions of both highways and rights of way required as part of the Scheme.
- b) The construction of each stage of the development must be carried out in accordance with the approved CTMP unless otherwise agreed in writing with the local planning authority.

Reason: To protect public amenity and highway safety and in accordance with Policy LP21 of the Kirklees Local Plan

Documents Submitted

- Condition 6: Construction Traffic Management Plan and Travel Plan – Stage 4. Document Reference: 151667-TSA-00-TRU-REP-W-EN-001245.

Assessment

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

Consultation Responses

Conservation and Design - Within the works order it was proposed to raise the parapet of Westgate Road Bridge to address access and trespass measures. Within the submitted report it is now indicated that the raising of the parapet will not take place and the concerns would be addressed by alternative measures. We are therefore satisfied in respect of materials and have no further comments to offer.

Assessment

The following sub sections/structures are relevant to the proposed Stage 4 works:

- ii) MVL3/90 Westgate Road bridge
- xviii) Principal station signage at Huddersfield
-

Westgate Road Bridge

Network Rail note that the proposal at the time of submission of the Deemed Planning/Transport and Works Act Order (TWAO) was to raise the parapet height of Westgate road bridge due to the provision of overhead line equipment (OLE) below the bridge and health and safety concerns. However, following design development and a review of Network Rail Standards for such works, Network Rail have confirmed there is no longer a requirement to amend the bridge parapet height and as such the existing situation will be retained. Conservation and Design note this matter and have no further comments to offer. The details relating to anti-trespass measures at Westgate Road Bridge is submitted under Condition 12 and details of lineside fencing is to be submitted at a future date under Condition 9 (Means of Enclosure).

Huddersfield Station Signage

In respect of the station signage at Huddersfield Network Road note there is no requirement to change this, and the existing signage will be retained as existing. This matter is noted.

The details are considered to be acceptable for the purposes of sub sections ii) MVL3/90 Westgate Road bridge and xviii) Principal station signage at Huddersfield of Condition 7 for the proposed works 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

Consultation Responses

Environmental Services - To satisfy the relevant requirements of Condition 10 parts (a) in relation to Stage 4 of the development the applicant has provided a Phase 2 Land Contamination Risk Assessment Stage 4 document, authored by Network Rail, dated June 2023 (ref: 151667-TSA-00-TRUREP-W-EN-001237). 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. We accept the report provided. Notably, the site has been classified as CS2 (Low Risk – gas mitigation required). The report advises that BS8485 has been considered during the design of the proposed lift shafts, motor rooms and subway and appropriate gas protective measures incorporated into the design.

Nevertheless, we expect to see the proposals for CS2 measures to be presented in the forthcoming remediation strategy. We also note that a piling works will be required for Stage 4 works. Monitoring and a watching brief are proposed as detailed for Stage 3 works. We consider this to be satisfactory. No remediation strategy appears to have been provided in support of 10b. Therefore, we cannot comment on Condition 10b until further notice.

Environment Agency - Condition 10 requires, where intrusive investigation is necessary, that a Phase II site investigation report for that stage be prepared before commencement.

The document entitled Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order Condition 5b(x): Environmental Design Plan (Land Contamination and Hydrogeology) – Stage 4 Document reference: 151667-TSA-00-TRU-REP-W-EN001244 Network Rail June 2023 states that:

"The Huddersfield Station site was identified as falling into this category and therefore a Phase 2 Land Contamination Risk Assessment (LCRA) for Huddersfield Station is included in Appendix B."

It identifies in Section 5.2.1 that:

"Laboratory analysis has shown there to be concentrations of determinands above laboratory detection limit across the site, including organic determinands. Screening of leachate and groundwater data indicates exceedances of the Drinking Water Standards (DWS)."

And concludes in Section 7.2.20 that:

"As hardstanding will be present across all of the site areas accessible to the public, there is not considered to be a significant linkage between onsite soils and future site users. If soft landscaped areas are proposed within the site designs, this assessment should be reevaluated."

And goes on to state in Appendix B Section 4.1.2 that, although piling works will be required:

"The proposed method for piling activities at the site, rotary boring, is a nondisplacement piling method with excavated soil removed as arisings and then piles cast in-situ within the ground. This method ensures materials are not pushed downwards through differing lithologies, protecting underlying groundwater from potential contaminants."

As long as this is the case, we can recommend the partial discharge of Condition 10 for Stage 4 of the Development, Huddersfield Station and Viaduct.

Assessment

Network Rail have submitted Condition 10: Phase 2 Land Contamination Risk Assessment – Stage 4, ref 151667-TSA-00-TRU-REP-W-EN-001237.

Environmental Services accept the report provided. They note the site has been classified as CS2 (Low Risk – gas mitigation required). The report advises that BS8485 has been considered during the design of the proposed lift shafts, motor rooms and subway and appropriate gas protective measures incorporated into the design. Nevertheless, Environment Services expect to see the proposals for CS2 measures to be presented in the forthcoming remediation strategy. They also note that a piling works will be required for Stage 4 works. Monitoring and a watching brief are proposed as detailed for Stage 3 works. Environmental Services consider this to be satisfactory. They note that as no remediation strategy is submitted they cannot comment on Condition 10b until further notice.

The Environment Agency note that "The Huddersfield Station site was identified as falling into this category and therefore a Phase 2 Land Contamination Risk Assessment (LCRA) for Huddersfield Station is included in Appendix B."

It identifies in Section 5.2.1 that: "Laboratory analysis has shown there to be concentrations of determinands above laboratory detection limit across the site, including organic determinands. Screening of leachate and groundwater data indicates exceedances of the Drinking Water Standards (DWS)."

And concludes in Section 7.2.20 that: "As hardstanding will be present across all of the site areas accessible to the public, there is not considered to be a significant linkage between onsite soils and future site users. If soft landscaped areas are proposed within the site designs, this assessment should be reevaluated."

And goes on to state in Appendix B Section 4.1.2 that, although piling works will be required: "The proposed method for piling activities at the site, rotary boring, is a non-displacement piling method with excavated soil removed as arisings and then piles cast in-situ within the ground. This method ensures materials are not pushed downwards through differing lithologies, protecting underlying groundwater from potential contaminants."

As long as this is the case, the Environment Agency note they recommend the partial discharge of Condition 10 for Stage 4 of the Development, Huddersfield Station and Viaduct.

Recommendation for Condition 10

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

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.

Consultation Responses

Conservation and Design - Having reviewed the submitted details we are satisfied with the proposed measures and offer no further comments.

British Transport Police - The condition relates to anti-trespass measures to be installed on or near the road over rail bridge aimed to prevent unauthorised access to the railway or for a vulnerable persons intent on self-harming by the use of street furniture as a climbing aid to reach the top of the bridge crossover,.

The proposals relates to the relocation of pavement litter bins currently positioned against the stonework of the bridge structure and the installation of a steeply angled cowl over the top of utility cabinets also installed against the bridge side.

1. The litter bin currently located against the parapet of the bridge's North side pavement is to be relocated away from the bridge structure.
2. The litter bin currently located on the corner of Westgate Road and St Georges Square to be relocated on the opposite side of the road.
3. Steep sided anti-climb cowls to be installed over the flat topped pavement side utility boxes installed against the bridge side.

If the above measures are installed in accordance with the proposal and submitted documentation and photographs I am satisfied the discharge of the condition would be met.

Informal Consultation with Waste Collection Authority – No objections.

Assessment

Network Rail are proposing anti-trespass measures to be employed at Westgate Road Bridge MVL3/90 located within the Huddersfield Town Centre Conservation Area. Drawing 151667-TSA-30-MVL3-DRG-T-LP-040030 P01 shows the proposed works to be undertaken, which are as follows:

- Existing litter bin located on pavement on northern footway of Westgate to be moved away from the existing parapet. The existing location is shown in green with the proposed new location shown in red.
- Existing litter bin located at junction of Westgate and St George's Square to be moved to opposite side of street. The existing location is shown in green with the proposed new location shown in red.
- Anti-climb measures to be constructed on existing utility cabinets (Cabinets A and B). These are shown in plan with further detail provided in sections D-D to H-H and rendered photographs to demonstrate the visual impact of the works.

British Transport Police raise no objections to the proposals. In respect of the impact of the proposed measures on the character and appearance of Huddersfield Town Conservation Area, the conservation and design officer raises no objections. An informal consultation was undertaken with the Waste Collection who also raise no objections. The details are considered to be acceptable for the purposes of satisfying the requirements of Condition 12 for the proposed works in Stage 4.

Recommendation for Condition 12

The details are acceptable for the purposes of Condition 12 for the proposed works identified in Stage 4.

Condition 16

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.

Consultation Responses

Lead local Flood Authority - Section 5.1.4 of the above document states that a small grease trap will be provided to the kitchen area of the relocated Tea Rooms, discharging into the existing foul drainage system, and this is confirmed as acceptable to KC. The LLFA confirm therefore that Condition 16 can be discharged.

Assessment

Condition 16 was suggested by the Lead Local Flood Authority at the time of the TWAO submission. The requirement for the condition is that a new foul drainage connection is required from the proposed relocated tea rooms at Huddersfield Station to the existing foul drainage pipe within the cellar walkway of the principal station building (under the rear of the proposed platform 2).

Network Rail propose to reinstate the existing foul drainage provision as much as feasible. They confirm the existing foul drain, located on the wall of the parcel subway will remain over the extent to which no works are proposed to this structure. The western end of the subway will be filled with concrete. New ducting will be provided for utilities through the part of the parcel subway to be filled, such that it can retain its current function as a UTX. This will include a duct for a realigned foul drain.

New foul drainage pipework will be provided in the floor of the proposed tea rooms, coordinated with the foundations and other utilities. Internal inspection

chambers will be located within the floor of the tea rooms to provide maintenance access. One of these chambers will provide the head of a ramped pipe, through which the drain will fall to subway level. Once beyond the filled subway section, the pipe will be connected into the existing pipe to retain the current outfall.

The tea rooms will contain a small food preparation area, serving counter and small waiting area of approximate plan area 35 m². The current drainage provision will include for 1No sink and 1No small dish washer. A small grease trap unit will be located within the food preparation area on the outfall pipe to guard against any significant build-up of grease in the downstream pipework. This pipework will then join the drainage from the toilets in the tea rooms building and continue down into the existing subway structure, replicating the existing drainage arrangement. The toilet provision includes 7No WCs, 3No urinals and 4No sinks incorporating 8No taps, therefore there is expected to be a steady flow of water through the drainage during tea rooms serving counter operation hours. The foul drainage system will remain a gravity system, there is no requirement for a pumping station. Details of the drainage system are provided in drawing ref: 151667-TSA-30-MVL3-DRG-DDR-060111 - Proposed Platform Drainage - Huddersfield Station in Appendix B.

The Lead Local Flood Authority note that in Section 5.1.4 of the submitted document it states that a small grease trap will be provided to the kitchen area of the relocated Tea Rooms, discharging into the existing foul drainage system, and this is confirmed as acceptable.

The condition does not require the submission of details of discharge rates, being that it is a proposal to effectively reinstate the existing foul drainage provision for a relocated position of the tea rooms. A courtesy email was sent to Yorkshire Water asking if they wished to comment. A response was received but it didn't confirm that they wished to be consulted (email in ANITE). Taking into account that the condition requirement is solely to approve details of the grease trap no further consultations have been undertaken.

Recommendation for Condition 16

The details are acceptable for the purposes of Condition 16 for the proposed works identified in Stage 4.

Report Dated:

16 August 2023

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 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

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.

UPDATE REPORT DECEMBER 2023

This report should be read in conjunction with the previous officer report dated 16 August 2023. It refers to Condition 6 (Construction Traffic Management & Travel Plan) only.

Following the issue of a spilt decision (decision notice issued on 16 August 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 and Travel Plan – Stage 4. Version 2.0. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001245.

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 and Travel Plan – Stage 4. Version 2.0. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001245.

Highways Development Management have reviewed this document submitted for Stage 4 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 and the Public Rights of Way Section raise no objections.

Recommendation:

The details submitted in Condition 6: Construction Traffic Management and Travel Plan – Stage 4. Version 2.0. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001245 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 and Travel Plan – Stage 4. Version 2.0. Dated September 2023 by Network Rail. Reference 151667-TSA-00-TRU-REP-W-EN-001245.

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 Highways 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 4 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.

UPDATE REPORT APRIL 2024

This report should be read in conjunction with the previous officer report dated 16 August 2023. It refers to Condition 10 (Contaminated Land) only.

Following the issue of a spilt decision which approved a Phase II Contaminated Land Report to satisfy sub-section a) of Condition 10 (decision notice issued on 16 August 2023) the applicant has subsequently submitted a Remediation Statement in respect of the requirements of sub-section b). The following documents have been submitted:

- Remediation Statement – Huddersfield Station. Document reference: 151667-TSA-00- TRU-REP-W-EN-0012432. October 2023
- Condition 10 - Planning Ref – 2023/91812 Response Ref: NR 05/03/24 Response re Condition 10b: Land Contamination Remediation Statement.

Consultation Responses

K.C Environmental Services – We acknowledge the submission of the document titled, ‘Remediation Statement – Huddersfield Station’ authored by Network Rail, dated October 2023 (ref: 151667-TSA-00- TRU-REP-W-EN-0012432) and document titled, ‘Condition 10 - Planning Ref – 2023/91812 Response Ref: NR 05/03/24 Response re Condition 10b: Land Contamination Remediation Statement’. These satisfy the requirements of Condition 10b and we recommend that this is discharged.

Environment Agency – As long the processes are followed as specifically described in the Remediation Statement, we have no objections and can recommend the discharge of condition 10b for Stage 4 of the Development, Huddersfield Station and Viaduct.

Assessment of 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.*

Environmental Services have assessed the Remediation Statement and note it acknowledges that remediation is necessary for Huddersfield Station. This includes but is not limited to gas mitigation measures and the validation of soils for re-use. The report proposes probing and grouting works prior to construction to reduce the likelihood of mine gas ingress. Nonetheless, ground gas protection measures are proposed for this part of the development. Specifically, Network Rail have classified the lift motor rooms as Type C structures and subway extension and lift pits as Type D buildings following BS8485:2015+A1:2019. The report then proposes a combination of either water proofing, a gas resistant membrane and/or ventilation measures to provide the necessary protection in these areas of the station.

It is understood an attenuation water tank is to be constructed and the risk from gas accumulation in the tank has been identified. In Section 4.3.7 of the report, Network Rail explain that they consider it unlikely to be entered except for maintenance purposes. They also state the tank and associated pipework are unlikely to be airtight, limiting the likelihood of accumulation. However, the report then reads:

'The risk of gas accumulation posed to the attenuation tank and drainage system should be considered during design and has therefore not been considered when establishing specific gas protection measures requirements'. Environmental Services initially requested clarification on the gas protection measures for the attenuation tank and drainage pipework as the document appeared to be contradictory.

In response the agent has submitted a clarification document. They note the attenuation tank will be inaccessible once built, as it will be constructed from small plastic crate units. The surface water drainage pipes and inspection chambers are unlikely to be accessed regularly by maintenance workers and if access is required, it would be undertaken under confined space control measures in accordance with the Confined Space Regulations 1997 which would require gas and vapour monitoring by a suitable trained/qualified person. Network Rail go on to say that it is unlikely ground/mine gas would accumulate in the attenuation tank as the plastic crate units will be wrapped in an impermeable geomembrane, which will be double welded, the connecting pipework will be sealed and the tank will be connected to a vent pipe. In addition, at the concentrations and flow rates recorded on site, there is a low likelihood of methane being able to accumulate at concentrations sufficient to pose an explosive hazard that would damage the tank/drainage system. As such, gas mitigation of the tank/drainage system will not be considered further in this report. Network Rail note the purpose of the probe/grout works is to mitigate the risk posed to new structures from instability related to coal mine voids/workings and are not being done to reduce gas migration. Environmental Services note Network Rail have clarified the position in

relation the gas protection measures in the attenuation tank and they have no further comments. In relation to the drilling and grouting, the document confirms the purpose of the drilling and grouting, although it is understood gas protection elements are still proposed.

Details in relation to the testing of site won and imported materials are provided in Section 4.5 of the report. Whilst it is not anticipated that excavated material will be reused within the site, Network Rail state that all imported materials will meet the Schemes earthworks specification. Verification proposals for all remedial works are given in Section 5 of the report. Environmental Services are now satisfied with the Remediation Statement which they consider satisfies the purposes of the condition.

The Environment Agency have reviewed the document. They note the acknowledgement in section 4.3.3:

It was indicated that any pathway created by rotary bored piling is likely to be temporary while the pile is installed and grouted. Once grouted the pathway is no longer present.

And in 4.6.1:

The identified depth to groundwater indicates that all piles are expected to intersect groundwater and terminated in the bedrock of the PLCM (secondary A aquifer). Based on the assessment undertaken, the risk rating for bored piles was low to moderate for all pollution and risk scenarios.

They have reviewed section 4.6 Piling - Controlled Waters Risk Assessment and are satisfied with the remediation strategies as stated in section 4.6.2. They have also reviewed the rest of the remediation strategy and note the following:

4.11.1: *Where any unexpected contaminated materials and/or previously unrecorded ground conditions are encountered during construction, works should*

temporarily cease in the affected area to enable inspection (and sampling/testing

if necessary) by a suitably qualified land contamination specialist.

4.11.2: *The area shall be fenced off and made safe until an appropriate risk assessment has been undertaken by suitably experienced specialists, who will*

confirm what alterations to the remedial statement are required and obtained agreement from the contaminated land officers from Kirklees Council and/or the

Environment Agency.

4.14.1: *Groundwater/gas monitoring wells installed historically and recently should be located and decommissioned in accordance with the Environment Agency guidance document 'Good Practice for Decommissioning Redundant Boreholes and Wells', dated October 2012 (Environment Agency, 2012). This must be undertaken prior to commencement of any construction works in the vicinity of the monitoring wells in order to prevent the inadvertent creation of*

contaminant or ground/mine gas migration pathways.

The Environment Agency conclude that as long as these are the case and the processes are followed as specifically described in the Remediation Statement, they have no objections and can recommend the discharge of condition 10b for Stage 4 of the Development, Huddersfield Station and Viaduct.

For clarity there are no specific Coal Authority conditions attached to the Deemed Planning Consent, and the proposed probing and grouting works form part of Network Rail's Stage 3 works. There is therefore no requirement to consult with the Coal Authority.

Recommendation for Condition 10

The details are acceptable for the purposes of sub-section b) of Condition 10 for the proposed works identified in Stage 4 only.

Report Dated:

23 April 2024

Decision Notice Text

Assessment of Condition 10 (Contaminated Land)

Documents Submitted

- Remediation Statement – Huddersfield Station. Document reference: 151667-TSA-00- TRU-REP-W-EN-0012432. October 2023
- Condition 10 - Planning Ref – 2023/91812 Response Ref: NR 05/03/24 Response re Condition 10b: Land Contamination Remediation Statement.

Assessment

You have submitted the above documents, and the details therein are acceptable for the purposes of satisfying the requirements of sub-section b) of Condition 10 for the proposed works identified in Stage 4 only.

Sub Sections Approved:

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.

Sub Sections Not Approved

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.