

Louise Bearcroft  
Kirklees Metropolitan Borough Council  
Development Management

**Our ref:** RA/2023/146028/01-L01  
**Your ref:** 2023/91812

**Date:** 17 July 2023

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

Dear Louise

**DISCHARGE CONDITIONS 5, 6, 7, 10, 12, 16 OF THE DEEMED PLANNING PERMISSION GRANTED BY THE DEPARTMENT FOR TRANSPORT IN RELATION TO THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY) IMPROVEMENTS ORDER 2022, STAGE 4 OF THE DEVELOPMENT – RAILWAY LINE AND ASSOCIATED LAND BETWEEN, HUDDERSFIELD AND WESTTOWN (DEWSBURY), WITHIN THE ORDER LIMITS OF THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY), IMPROVEMENTS ORDER 2022**

Thank you for consulting us on this application which we received on 28 June 2023.

**CONDITION 5**

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>

Environment Agency  
Kings Pool Peasholme Green, York, North Yorkshire, YO1 7PX.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

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-code-practice-2016.pdf](https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-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.

### **CONDITION 10**

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-EN-001244 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 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, we can recommend the partial discharge of Condition 10 for Stage 4 of the Development, Huddersfield Station and Viaduct.

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

Yours sincerely

**Bev Lambert**  
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