

Land off Fall Lane – Provision of temporary parking area for residents and associated access road Planning Supporting Statement

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1. INTRODUCTION

- 1.1.1 This planning application relates to for temporary parking arrangements for the residents of Brooks Yard, Dewsbury. The application is to support the construction phase of section W3 of the Trans-Pennine Route Upgrade.
- 1.1.2 The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order (a Transport and Works Act Order (TWAO), referred to subsequently in this planning statement as “the TWAO”) was made by the Secretary of State in October 2022 and came into force on 3rd November 2022.
- 1.1.3 The TWAO provides for a number of improvements to the railway between Huddersfield and Westtown (Dewsbury) including doubling the number of tracks from two to four along the majority of the railway, increase the line speed, upgrading stations at Huddersfield, Deighton, Mirfield and providing a relocated station at Ravensthorpe, separating sections of the track from each other with a bridge (fly-over) at Ravensthorpe and electrification of the railway from Huddersfield to Ravensthorpe and through to Leeds.
- 1.1.4 As part of the work to increase the line speed, and provide the separated junction at Ravensthorpe, the railway tracks in this part of Dewsbury will be realigned, with the tracks over Thornhill Road being approximately 10 metres to the west. As a result there are consequential amendments to the highway adjacent to the railway at this point with realignment proposed at the junction between Fall Lane and Thornhill Road, the junction between Brooks Yard and Fall Lane, and the junction between Fernley Street and Fall Lane. This in turn requires work to divert a number of utilities in the area e.g. water and gas mains.
- 1.1.5 Whilst the realignment of the railway line and the associated realignments of roads and utilities in the vicinity are under construction, alternative temporary road access and parking needs to be provided to four properties on Brooks Yard.
- 1.1.6 This application is for:
- Construction of a temporary access road to provide vehicle access to Brooks Yard for the duration of the works in this area, along with removal of the temporary access road and reinstatement of the grassed area once the railway works are completed.
 - Construction of a temporary access to the rear of the properties at Brooks Yard (haiki staircase)
- 1.1.7 The existing access to the service yard of the Shepherds Boy public house will be maintained via Fearnley Street. Deliveries will be managed by the site team as and when required. Given the infrequent nature of these deliveries this can be managed with minimal disruption to the site works. However to ensure that flexibility for residents is maintained, the same approach cannot be taken for the residents parking.
- 1.1.8 The area of land subject to this planning application is afforded Order Powers under the Network Rail Huddersfield for Westtown (Dewsbury) TWAO for the purposes of Working Site and access for construction, this does not however extend to the provision of replacement car parking for residents. This application does not preclude NR utilising the same area of land for works approved under the TWAO.
- 1.1.9 This planning statement will, in subsequent chapters, provide information related to the following:
- Site location;
 - Proposed development;

- Planning policy; and
- Development appraisal.

2. SITE CONTEXT

2.1 Site description

- 2.1.1 The site is approximately 1km south west of Dewsbury town centre and is amenity space, predominantly grassed, with some self seeded scrub vegetation and trees at its northern edge.
- 2.1.2 Brooks Yard consists of a terrace of four two storey buildings, the remnants of an earlier more dense residential area. The terrace has a short, narrow road access immediately to the front, formed of stone setts. One property, number 24, has an off road vehicle parking area accessed via Brooks Yard.
- 2.1.3 Fearnley Street is narrow road with a stone setted surface which is also a remnant of previous development in the area. It provides service access to the Shepherds Boy public house which fronts the A644 Huddersfield Road. It also provides access to a small unofficial parking area for the residential properties in Brooks Yard. There are also two residential scale garages on the north side of Fearnley Road.
- 2.1.4 The site is bounded by the B6117 Fall Lane to the south, B6117 Thornhill Road to the east and north, and A644 Huddersfield Road to the north west. The Shepherds Boy public house and car park provide the site boundary to the north. B6117 Fall Lane is a one way street running south west to north east, with a contraflow mandatory cycle lane along its entire length. Thornhill Road is laid out in an 'S' shape between its junction with Fall Lane and its junction with A644 Huddersfield Road.
- 2.1.5 The area bounded by the B6117 Fall Lane to the south, B6117 Thornhill Road to the east and north, and A644 Huddersfield Road is on a steep slope falling from northwest to southeast by approximately 20 metres over a distance of approximately 100 metres (a 20% fall, or 1 in 5). As a result there are a number of retaining walls around this area.
- 2.1.6 There is a terrace of nine residential properties running along the south side of Fall Lane from its junction with A644 Huddersfield Road and Broad Street, behind which is a storage premises. There is an additional detached property adjoining the eastern end of this terrace.
- 2.1.7 To the east of the site is the Huddersfield to Leeds railway, running generally southwest to northeast, which is raised on a retained embankment. It crosses the B6117 Thornhill Road on a bridge immediately to the east of its junction with Fall Lane.
- 2.1.8 Land at Thornhill House has been acquired by Network Rail under the TWAO. Demolition of this commercial property is required as it sits within the footprint of the new fast lines to Dewsbury and eventually Leeds.
- 2.1.9 The remaining areas between roads and properties are generally characterised by dense vegetation, assumed to be self-seeded.

2.2 Site environmental designations

- 2.2.1 The site has no specific environmental designations.
- 2.2.2 The nearest listed building is an accommodation bridge under the railway (MDL1/10) approximately 145m to the north east.
- 2.2.3 The site is not at risk of river or surface water flooding.
- 2.2.4 A644 Huddersfield Road to the north is a designates “noise important area”. The A644 is also designated an Air Quality Management Area for its extent running south-westwards from Fearnley Street to Ravenswharfe Road.
- 2.2.5 The self-seeded scrub vegetation to be removed is not subject to environmental or other designations or protections.

2.3 Site local plan designations

- 2.3.1 The site has no specific designations in the local plan, with the exception of TS5 Scheme Detail: Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone, which relates to Policy LP19 Strategic Transport Infrastructure. Further detail on this policy is set out in the planning policy section (Section 4).

2.4 Planning history

- 2.4.1 The following planning history has been identified within the area bounded by B6117 Fall Lane to the south, B6117 Thornhill Road to the east and north, and A644 Huddersfield Road:

Table 2-1 - Site planning history

Application reference	Location	Description	Date of application	Status
96/48/92814/E2	[Thornhill Road between the junction with fall Lane and the junction with A644 Huddersfield Road]	Formation of New Highway	13/09/1996	Approved 18/10/96
2006/94960	Land adjacent to Shepherds Boy public house	Outline Application For Housing Development	21/11/2006	Refused 26/12/2007
2009/90803	Land adjacent to Shepherds Boy public house (amended plans)	Outline application for erection of housing development	16/03/2009	Approved - 03/04/2010
2012/93428	Adj The Old Shepherds Boy Public House, 157, Huddersfield Road, Dewsbury, WF13 2RP -	Use of land for car sales	31/10/2012	Approved subject to section 106 legal agreement 16 July 2013

Application reference	Location	Description	Date of application	Status
2022/44/93853/W	The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	Discharge of condition 3 (Stages of Development) of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	24/11/2022	Approved (in part) 14/2/23
2022/44/93858/W	The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	Discharge of conditions 4, 5, 6, 8,10 and 19 of the Deemed Planning Permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	22/11/2022	Approved 06/04/2023 and 20/12/2023
2022/44/93945/W	The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	Discharge of conditions 5, 6, 10 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 2 of the Development	06/12/2022	Approved 31/07/2023 and 20/12/2023
2023/44/91305/W	The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	Discharge of conditions 5 (Code of Construction Practice), 6 (Construction Traffic Management Plan) and 10 (Contaminated Land) of deemed planning permission granted by the Department for Transport in relation	03/05/2023	Approved 26/07/2023 and 20/12/2023

Application reference	Location	Description	Date of application	Status
		to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 3 of the Development		
2023/44/91990/W	The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	Discharge conditions 5, 6, 7, 10, 17, 18 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 6 of the Development	03/07/2023	To be determined
2023/44/92357/W	The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022	Discharge conditions 5, 6, 10, 13 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 5 of the Development	07/08/2023	To be determined

Kirklees Council planning register (<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/>) as at 11/02/24.

2.4.2 There are no applications which directly relate to the land subject of this planning application, with the exception of the discharge of conditions related to the deemed planning permission associated with the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022.

3. PROPOSED DEVELOPMENT

- 3.1.1 The temporary access road and parking are required for a period of circa 24 months whilst the railway realignment, the replacement bridge over Thornhill Road and associated road alignment works and utilities diversions approved under the TWAO are being undertaken. During these construction works the vehicle access to the residential properties on Brooks Yard and access to the service yard of the Shepherds Boy public house will be severed, although will be re-provided as construction works at this location are completed. The planning application does not include any matters related to provision or re-provision of access rights.
- 3.1.2 The proposed development is to provide a temporary 6 metre wide asphalt track, running from opposite a point approximately 20 metres east of number 53 Fall Lane. The proposed access road is approximately 70 metres long, leading to six temporary car parking spaces. A turning head approximately 10 metres long will be provided for vehicles to turn and exit the temporary road onto Fall Lane in a forward direction. Details are provided in Drawing 7722-26.
- 3.1.3 Additionally where the proposed temporary access road crosses the existing Fearnley Street a turning bell mouth is provided this will allow emergency services vehicles to access Brooks Yard and the rear yard of the Shepherds Boy public house.
- 3.1.4 A vehicle barrier will be included on both sides of the proposed temporary access road, on the east (down hill) side.
- 3.1.5 A protected section will be provided over the existing footway to ensure protection of existing buried services in the footway. This will be formed of steel plates with an anti-slip coating.
- 3.1.6 A geo separator membrane will be laid between the hardcore base of the temporary road and the existing ground.
- 3.1.7 Existing self-seeded scrub will be removed within the planning application red line boundary to facilitate the temporary road and parking area.
- 3.1.8 All excavation arisings will be removed from site for disposal and the majority of the site will be covered in hardstanding. Topsoil will need to be imported from an appropriately verified source for placement after the access road/car park are removed, to facilitate re-vegetation.
- 3.1.9 Once the temporary works are removed the area of works will have topsoil reinstated and will likely be seeded with grass seeds. However, the final landscape details will be approved pursuant to Condition 4 of the TWAO – Landscape and Ecological Management Plan, which will be submitted as part of the Stage 8 works.
- 3.1.10 A temporary staircase will be constructed to the rear of the properties at Brooks Yard, this will provide continued access to the properties during the TWAO construction period. On completion of the works the staircase will be removed and the land reinstated to its current state. Details of the staircase are provided in Drawing 7722-30.

4. PLANNING POLICY

4.1 Local Planning Policy

4.1.1 The Kirklees Council Local Plan was adopted in February 2019. It covers the period 2013 to 2031. It sets out guidelines for spatial development in Kirklees, along with allocating sites to meet the Authority's needs for the plan period. Given the scale of the works promoted by the order there will be a considerable number of Local Plan policies relevant to the development as proposed.

4.1.2 The relevant policies of the development plan by which the application should be judged are set out below, with a commentary as to how the proposal meets the policy.

4.1.3 Underpinning the whole of the Local Plan is the presumption in favour of sustainable development as emphasised in Policy LP1. However, the Plan identifies a series of issues for the District which need to be addressed. One particular issue (Issue no.10, page 12) relates to transport:

- Issue 10 How can the transport network be improved so that there is less congestion and better connections between the towns and villages of Kirklees and neighbouring cities and towns?

4.1.4 Policy LP19 Strategic Transport Infrastructure is the most important policy relevant to the application. It sets out the importance of the ability to move goods and people given the district's strategic position on the national motorway and rail networks, and sets out that the aim is to 'achieve a balanced and integrated transport network which makes the most efficient and effective use of road, rail and public transport'.

4.1.5 Part 2 of the policy states that: 'Proposals will be encouraged where they assist to bring forward strategic transport infrastructure where possible, particularly where they would directly benefit from these schemes'.

4.1.6 Part 4 of the policy sets out national, regional and local transport schemes, including TS5 Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone and states that "The Council will safeguard land to ensure these schemes can be delivered. Detailed transport schemes that require planning permission will have regard to the constraints and considerations as set out in Local Plan such as impact on designated heritage assets and any other environmental impacts".

4.1.7 In the reasoned justification (paragraph 10.50, page 99), specific mention is made of Network Rail's commitment to the electrification of the Trans-Pennine route.

4.1.8 Strategic objective no. 3 of the Plan (page 17) is:

- To improve transport links within and between Kirklees towns and with neighbouring towns and cities, giving priority to public transport, and to cycling and walking, providing an efficient highway network which supports the district's economy.

4.1.9 This Scheme also addresses strategic objective No.7:

- Promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced and to help the transition towards a low carbon economy.

- 4.1.10 The Plan identifies in Issue 8 that “environmental quality can be affected by air, noise, light, odour and other forms of pollution that impact on quality of life, well-being of people and the environment” and that “air pollution is an increasing problem in Kirklees”. However
- 4.1.11 Policy LP4 seeks co-operation with partner stakeholders and developers in bringing forward infrastructure required to meet the Plan objectives.
- 4.1.12 Policy LP21 Highways and access states that “Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe”. It also states that proposals should:
- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;
 - b. where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles;
 - c. be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;
 - d. take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;
 - e. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;
 - f. take into account access for emergency, service and refuse collection vehicles;
 - g. provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes”.
- 4.1.13 Policy LP22 Parking requires that “All proposals shall provide full details of the design and levels of proposed parking provision. They should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel”.
- 4.1.14 Policy LP33 Trees states that “proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks”. The policy also requires that development proposals “comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction”. Developers are required to submit a detailed mitigation scheme where tree loss is deemed to be acceptable.
- 4.1.15 Policy LP51 Protection and improvement of local air quality requires that:
- “1. Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.
 - 2. Proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted”.

4.1.16 Policy LP52 Protection and improvement of environmental quality states that “Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted. Where possible, all new development should improve the existing environment”.

4.1.17 The Kirklees Local Plan does not include a specific Biodiversity Net Gain policy.

4.2 National Planning Policy

4.2.1 The relevant policies of the National Planning Policy Framework (NPPF) by which the application should be judged are set out below, with a commentary as to how the proposal meets the policy.

4.2.2 The NPPF was first published by the Department for Communities and Local Government (DCLG) in 2012, and was most recently updated in December 2023.

4.2.3 Paragraph 11 of the NPPF states that, at the heart of the Framework, is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

1. Approving development proposals that accord with the development plan without delay; and
2. Where there are no development plan policies, or relevant policies are out of date, granting permission unless:
3. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
4. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.2.4 Chapter 9 (Promoting sustainable transport) states that transport issues should be considered in development proposals so that “opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised” (paragraph 108). Paragraph 110(e) states that local planning policies should “e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements”.

4.2.5 Paragraph 115 states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. Paragraph 116 requires that applications for

development should, inter alia, “d) allow for the efficient delivery of goods, and access by service and emergency vehicles”.

- 4.2.6 Paragraph 136 of chapter 10 states that “trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change”. The paragraph also sets out that applicants and local planning authorities should work with highways and tree officer to ensure that the right trees are planted in the right places, that are compatible with highways standards and the needs of different users.

5. DEVELOPMENT APPRAISAL

5.1 Need for the scheme

- 5.1.1 The need for the Trans-Pennine Route Upgrade was set out as part of the application for the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022 and was accepted by the Secretary of State in his decision in June 2022.
- 5.1.2 The temporary access road and parking are required for 24 months whilst the railway realignment, replacement bridge over Thornhill Road and associated road alignment and utility works are being undertaken. During these construction works the vehicle access to the residential properties on Brooks Yard and access to the service yard of the Shepherds Boy public house will be severed.
- 5.1.3 During the Trans-Pennine Route Upgrade works there will be no suitable alternative in the vicinity to provide parking for residents of Brooks Yard. The service yard to the Shepherds Boy public house is accessed off Fearnley Street. A644 Huddersfield Road and Thornhill Road adjacent to the public house are both subject to waiting restrictions indicated by double yellow lines. The car park to the south west of the public house is separated from the service yard by the pub garden and the service yard is at effective basement level as the public house is viewed from the front (A644 Huddersfield Road). Fearnley Street is not accessible by vehicles from A644 Huddersfield Road due to pedestrian railings on the edge of the footway to the side of Huddersfield Road. In any event it would not be possible to provide safe access for heavy vehicles from A644 Huddersfield Road to turn on to Fearnley Street.

5.2 Policy compliance

- 5.2.1 It is considered that the proposed development accords with both the relevant local planning policies (see paragraphs 4.1.1 to 4.1.11) and the relevant NPPF policies (see paragraphs 4.1.12 to 4.1.16).
- 5.2.2 The Trans-Pennine Route Upgrade scheme will facilitate delivery of strategic connectivity aspirations set out in the Kirklees local plan, including compliance with Policy LP19 Strategic Transport Infrastructure which aims to “achieve a balanced and integrated transport network which makes the most efficient and effective use of road, rail and public transport”, as well as Strategic objective no. 3 which seeks to “improve transport links within and between Kirklees towns and with neighbouring towns and cities, giving priority to public transport, and to cycling and walking, providing an efficient highway network which supports the district’s economy” and strategic objective No.7 which seeks to “Promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced and to help the transition towards a low carbon economy”.
- 5.2.3 The Trans-Pennine Route Upgrade approved under the TWAO is one of a series of planned/proposed rail improvement schemes along the Trans-Pennine corridor. The TWAO scheme will make an important and necessary contribution to the Government’s overall transport strategy, which is to maximise the benefits of a robust and reliable railway network.
- 5.2.4 The proposed development of the temporary access road and parking are in accord with this policy as the proposals would retain road access to the properties at Brooks Yard and the Shepherds Boy public house via Fearnley Street during works, while the current routes are required to provide the working space to upgrade the railway line between Huddersfield and Leeds. Overall the Trans-Pennine Route Upgrade The improvements will enhance rail connectivity between the North West and Yorkshire & the Humber, as well as the North East and beyond to Scotland and allow that “opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised” in accordance with

Chapter 9 of the NPPF. They will, in accordance with policy LP19, support strategic transport infrastructure required both nationally and regionally in making the most effective use of the railway network.

- 5.2.5 Policy L4 seeks co-operation with partner stakeholders and developers in bringing forward infrastructure required to meet the Plan objectives. Kirklees Council and Network Rail are cooperating to bring forward the overall upgrade to the Trans-Pennine Route.
- 5.2.6 In considering Policy LP21 it should be noted that the proposal is temporary and short term. The traffic numbers using the temporary road are expected to be low in number, primarily residents parking adjacent to Brooks Yard, with occasional heavier vehicles delivering to the Shepherds Boy public house and refuse vehicles. It is therefore not considered that the proposals will affect the safe flow of traffic on the surrounding highway network, nor will the proposals contribute to worsening of effects on the noise important area and the air quality management area which are both located on the A644 Huddersfield Road. The proposals include an anti slip coating on the steel plates which will be provided over the protected section of the existing footway to ensure protection of existing buried services in the footway.
- 5.2.7 With regards to Policy LP22 Parking the overall development approved under the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022 is intended to encourage sustainable travel. The proposed temporary development that is the subject of this planning application is to retain residents' parking and to maintain service access to the Shepherds Boy public house for the duration of the Trans-Pennine Upgrade works in this location. The proposal is compliant with the NPPF Chapter 9 in that it will allow for the efficient delivery of goods, and access by service and emergency vehicles and will not be detrimental to highway safety as it has been designed so that vehicles will be able to enter and leave the temporary access road in a forward direction.
- 5.2.8 With regards to trees, whilst the proposal will result in the removal of a small amount of self-seeded shrub vegetation, these are not identified as being ancient woodland or veteran trees, or protected by a Tree Preservation Order or by virtue of being included within a conservation area designation, nor do they form part of designated Wildlife Habitat Network and green infrastructure networks. In accordance with policy LP 33, The policy also requires that development proposals 'comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction'. . Although this area will need to be de-vegetated to facilitate the temporary works, the soil removed will be replaced and this will be seeded it will be replanted once the railway works are complete, in order to mitigate the loss.
- 5.2.9 With regards to Policies LP51 and LP52, again it should be noted that the proposed works are temporary and short term. Whilst the works are being constructed the Code of Construction Practice, approved under Condition 5 of the deemed planning permission, which accompanied the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, will be applied. Overall the Trans-Pennine Route Upgrade is intended to facilitate the use of electric powered trains which are quieter and emit no emissions at source.

5.3 Biodiversity net gain

- 5.3.1 As the site area for the temporary parking and access road is less than 1 hectare, the project falls under the small sites exemption until April 2024. As set out in the policy section above, the Kirklees Local Plan does not include a specific Biodiversity Net Gain policy.

Notwithstanding this exemption, the deemed planning permission granted by the Secretary of State alongside the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022 included under condition 19 a requirement for the project to prepare a strategy to achieve an overall 10% net gain in biodiversity for the development. The site of the proposed temporary access and parking falls within the application red line boundary for the TWAO.

- 5.3.2 A strategy was approved by Kirklees Council under condition 19 (LPA ref: 2022/93858), subject to further information to be submitted at Stage 8 which will contain a final Biodiversity Net Gain Calculation outlining a net gain of 10%. The information provided in section 4 of the submitted document should be adhered to throughout the development to ensure that the Local Planning Authority is kept up to date on all works pertinent to Biodiversity Net Gain and to ensure that a 10% net gain is achieved.

5.4 Drainage

- 5.4.1 Design calculations indicate that minimal surface water is expected to be generated. The cross fall of the road is so minor that negligible surface water is generated. This will be managed by surface water run-off and infiltration into the area adjacent to the haul road.

5.5 Land Contamination

- 5.5.1 The earliest historical maps dated 1855/1893 show the site to have been occupied by houses, roads and possibly a small commercial premises (at the north-west end of Brooks Yard street). Over the subsequent century the buildings were demolished and the site has become predominantly vegetated with self-seeded scrub and grass. It is likely that the site is underlain by artificial ground and relict foundations associated with the demolished buildings, which is supported by trial pits and a borehole drilled approximately 20m south-east of the site that encountered fill material containing sandstone blocks, concrete and bricks. The Providence Chemical Works is labelled on historical maps from 1893 and appears to have occupied the adjacent land, north-west of the site boundary. Neither the site or the off-site chemical works are determined as Contaminated Land (under Part IIA of the Environmental Protection Act 1990).
- 5.5.2 The proposed design of the temporary access road and carpark indicate that excavations will be less than 0.5m deep (with the majority being less than 0.3m deep). Therefore it is unlikely that the works proposed on-site would intercept dissolved/free-phase contamination (if present) within groundwater that might have originated from the historical chemical works. All excavation arisings will be removed from site for disposal and the majority of the site will be covered in hardstanding. Topsoil will need to be imported from an appropriately verified source for placement around the hardsurfacing during, and after the access road/car park are removed, to facilitate re-vegetation. As such, it is unlikely that residents/visitors using the temporary road/carpark, or the openly-accessible grass areas post-construction, would come into contact with contaminants that might be in the pre-existing fill material. As such the potential risk to residents/visitors from contaminants that might be present within the pre-existing fill is very low. It is also very unlikely that the proposed temporary works would pose a significant risk to controlled waters receptors.

5.6 Vegetation Clearance

- 5.6.1 Vegetation clearance has been undertaken at the site to facilitate the Order Works in this area including utility diversion works. No vegetation removal is required specific to the works detailed under this planning application.

6. CONCLUSION

- 6.1.1 The temporary access road and parking and the temporary access to the rear of the properties at Brooks Yard (haiki staircase) which are the subject of this planning application is required for the duration of the works being undertaken to support the implementation of the TWAO. The temporary works will be removed as soon as practicable following completion of the TWAO works and the land restored.
- 6.1.2 The proposal is compliant with the Kirklees Local Plan and the NPPF and is required to support a national strategic transport infrastructure scheme. On that basis Kirklees Council is respectfully requested to approve the proposals.

