

Enquiries to: Tim Lawrence

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit,
Department for Transport,
Great Minster House,
33 Horseferry Road,
London,
SW1P 4DR

Dear Sir/Madam,

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 - Network Rail Huddersfield to Westtown TWA Order

SECTION 1 - INTRODUCTION

The following submission is made under rule 21 of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and is made by Kirklees Council, Civic Centre 3, Market Street, Huddersfield HD1 2EY.

Kirklees Council (The Council) welcomes Network Rail's Transport and Works Act Order application to the Secretary of State for Transport for the Huddersfield to Westtown (Dewsbury) scheme. The Council fully recognises and supports the stated principal outcomes of the scheme, namely:

- A better Railway: doubling of the tracks from two to four, proving more resilience and reliability while also improving journey times and providing more frequent trains for passengers.
- Accessible Stations: upgrading them to modern standards and providing better accessibility facilities for passengers.
- Cleaner and quieter railway: electrification as a more sustainable form of locomotion, offering better energy efficiency and lower emissions.

- Supporting Economic growth: increasing passenger capacity on this busy section of the line, better connecting the communities of the North to employment opportunities.

The Council understands that the purpose of the scheme is to increase capacity and improve journey time and performance reliability of rail services on the Transpennine route between both Huddersfield and Westtown (Dewsbury) and Manchester, Leeds and York. The Council is pleased to see that the scheme will also deliver four fully accessible and compliant stations (at Huddersfield, Deighton, Mirfield and Ravensthorpe), with step-free access, drop-off arrangements, and blue badge parking made available at all these stations.

The Council recognises that a lot of work has been undertaken by Network Rail in partnership with the Council's own technical officers over the course of the evolution of the scheme, and that much of the detail has been discussed through technical working groups held with Council Officers. The Council acknowledges that many of its design-related requests (that have been made through the evolution of the scheme) have had to be considered against the scope of what can be accommodated through a Transport and Works Act Order and the prescribed available budget for the scheme. Appendices 1 and 2 of this submission are provided to show previous consultation responses and the evolution of the Council's thought processes, to provide context for our subsequent comments.

The Council is aware that the application for the Transport and Works Act Order is a large document that contains a lot of detail. Notwithstanding the level of detail submitted, there are a number of areas where the Council requires further information in order to be satisfied that the scheme can be delivered without unacceptable impacts on the carrying out of the Council's various statutory functions. The key message that the Council seeks to emphasise through this response is that, whilst being fully committed to the scheme, there are a number of areas where further partnership working is required to agree some of the detail of the scheme, particularly during the construction phases.

The Council's Rule 21 representation to the Transport and Works Act Order application is structured in three parts:

1. This introduction, where the Council's support for and commitment to, the Transpennine Route Upgrade between Huddersfield and Westtown (Dewsbury) is set out.
2. Issue specific representations which cover in greater detail technical issues that Officers in the Council have raised throughout the afore-mentioned partnership working process and where the Council considers that either:

- a. Modifications to the Order and/or the draft deemed planning permission are required;
- b. further information should be provided to justify the design decision taken; or
- c. where mechanisms for the submission and approval of further information to be provided as part of the future partnership working between Network Rail and the Council.

This section contains the Council's rational for suggested amendments to proposed conditions and new proposed conditions (see Appendix 6) to deal with the lack of information provided or to ensure that the design or construction methodology does not impact, in the Council's opinion more than absolutely necessary on our residents. This section should be read in conjunction with Appendix 5.

Appendix 5 comprises a working internal document, detailing specific technical concerns and/or points of detail identified by the Council's various technical teams and which the Council considers will need to be addressed, or further detail provided, prior to the implementation of the relevant Works or Stage.

3. A proposal for a set of proposed amended and new planning conditions for consideration by Network Rail and the Secretary of State (as detailed in Appendix 6)

The Council reiterates its full support in principle for the scheme and hopes that through further partnership working that as many as possible of the issues raised can be dealt with prior to the determination of the application by the Secretary of State, or else can be conditioned through the drafting of the Order or through planning conditions.

SECTION 2 – ISSUE SPECIFIC REPRESENTATIONS

1- The Environment and Biodiversity

A scheme of this nature will have significant environmental impacts across its footprint and the Council considers it to be of utmost importance that these impacts are adequately mitigated for in line with our Local Plan Policy on ecological impacts and biodiversity net gain. The Council has the following overarching comments to make on this issue:

- i. The Outline Environmental Mitigation Plans (Environmental Statement Volume 4 ,ch.02 Scheme Description- Fig 2-3 Outline Environmental Mitigation Plan- drawings 151667-TSA-00-TRU-REP-W-EN-001031 to 151667-TSA-00-TRU-REP-W-EN-001032) submitted to mitigate and reinstate the loss of habitat across the scheme are not detailed enough or measurable, and at this stage the Council cannot be satisfied that the

proposals are in accordance with Local Plan Policy to “*result in no significant loss or harm to biodiversity in Kirklees*”.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC1(A)”** (see Appendix 6) on any deemed planning permission.

- ii. There will be a significant short to medium term loss of woodland designated as within the Kirklees Wildlife Habitat Network, potentially of up to 33% along the TRU-W3 route, contrary to Council objectives and Local Plan Policy to strengthen and safeguard this network. This is just the first of two other sections which will impact on ecological connectivity across the Kirklees district to deliver the line.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC4”)** (see Appendix 6) on any deemed planning permission.

- iii. The timespan of adverse impacts is predicted to be between 30 to 100 years in some instances, whilst the proposed maintenance and management regime proposed by Network Rail is only 5-years post-development. The TWAO does not demonstrate sufficient mitigation for the predicted impacts of the scheme or provide long-term biodiversity net gains in line with Council objectives and Local Plan Policy. The management and monitoring regimes should span a minimum of 30 years to ensure habitats recover to comparable condition.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC4”)** (see Appendix 6) on any deemed planning permission.

- iv. The Council's adopted planning policies require all new development to provide a biodiversity net gain. The Council also notes that Network Rail has committed to achieving a 10% Biodiversity Net Gain across their line side estate within its Biodiversity Action Plan - which covers the time frame of this project. This is not currently reflected with the TWAO and therefore it has not been demonstrated to the Council's satisfaction how the scheme will achieve this commitment or accord with Local Plan Policy to “*provide net biodiversity gains through good design*”.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC1(B))** (see Appendix 6) on any deemed planning permission.

- v. The TRU-W3 Landscape and Ecological Management Plan must set a high standard in regard to mitigation and biodiversity net gain to be achieved across the whole length of the line, including the forthcoming TRU-W2B and TRU-W4.

The Council considers that the suggested **Additional / Alternative Conditions (“AAC1(A)”, (“AAC(B)”) and (“AAC4”)** each meet the relevant policy tests of the imposition of planning conditions, and that there is a clear justification of the use of pre-commencement conditions in these instances. The approved schemes would help avoid significant ecological impacts and provide long-term biodiversity enhancement.

2- Climate Change

In summary, the Council welcomes the lower carbon ambition and credentials of this scheme in terms of improving the capacity and punctuality of the network, reducing the dependence on road transport, and facilitating the shift away from fossil fuel powered railways towards full electrification.

However, the Council believes that the scheme can justifiably go further in terms of maximising the ‘net zero’ facilitation of the scheme by focusing on a more holistic view of enabling modal shift through improved facilities and minimising the footprint associated with station facilities. There is also scope to ensure that climate resilience is explicitly reflected in the scheme landscaping designs.

The Council considers that the following requirements and suggested planning conditions are necessary to ensure that the scheme meets the Council's 2038 Carbon Neutral Vision for responding to the threats of climate change:

- Incorporating the careful design of green infrastructure along the railway corridor to ensure maximum ‘ecosystem services’ benefits are provided by the corridor.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition to ensure an appropriate scheme of landscaping/green infrastructure is retained along the corridor. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC3”)** (see Appendix 6) on any deemed planning permission

- Detailed plans/rationale for considering comprehensive EV charging infrastructure at stations and parking facilities associated with the route. We would also suggest that this includes facilities for other modes, such as e-bikes, linking this to cycle storage to facilitate commuting. This would be a way of emphasising the ultimate low carbon credentials of the complete upgraded route.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC27”)** (see Appendix 6) on any deemed planning permission

- Due to the comparatively lengthy period of anticipated disruption of rail services, further definition of the replacement bus specification is suggested in order to minimise unnecessary detrimental impacts relating to air quality and Greenhouse Gas emissions. The Council would suggest that a minimum standard of EURO6 is applied to conventional buses with more advanced ‘hybrid’ buses particularly welcomed. The latter would also be a way of emphasising the ultimate low carbon credentials of the complete upgraded route.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub condition iv) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

3- Noise and Air Quality

i. Air Quality

Under relevant statutory duties for air quality contained within the framework of the Environment Act 1995 The Council wants to ensure that impacts on existing air quality levels are minimised as much as possible during the construction process. The Council considers that various points of clarification are required as to the content of the TWAO application documentation, and further information is required in order to ensure that air quality impacts are minimised. These can be found in Appendix 5.

ii. Noise

General Mitigation

Under the Environmental Protection Act 1990. the Council wants to ensure that impacts at Noise Sensitive Receptors are minimised as much as possible during the construction process and when the scheme is operational. As a result, the

Council asks the Secretary of State to impose **Amended Proposed Conditions (“APC5”) (“APC13”)**.

Hillhouse Sidings

Hillhouse sidings (ref. plans 151667-TSA-31-MVL3-DRG-T-LP-162863, 162864 and 162865) is near neighbouring residential properties to the north of the site (Hammond Street and Abbey Road). There is a significant difference in levels which rise to the north, however there is the possibility of adverse noise nuisance from the permeant overnight sidings from train engines starting and idling overnight. An Environmental barrier or ‘other mitigation’ at the boundary of these neighbouring properties is indicated on the plans (ref. above). The design of the intended noise mitigation barrier needs to be carefully considered to avoid an adverse impact on visual and residential amenity.

The Council considers that it’s duties under the Environmental Protection Act 1990 are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC15”)** (see Appendix 6) relating to noise threshold levels applicable and **Amended Proposed Condition 16 (APC16)** (see Appendix 6) on any deemed planning permission.

4- Highways

The Council wishes to make representations around the highway designs submitted as part of the submission, the impact of the construction on the highway and Public Right of Way (PROW) networks and the provision of replacement bus services. As mentioned earlier it is hoped that many of these representations can be dealt with through more detailed partnership working between the end of the statutory response period and the start of any period of consideration by the Secretary of State.

i. Highway Design

Despite several meetings to resolve particular design issues on the highways approaching the A62 Leeds Road Bridge (MVL3/102) and the Calder Road Bridge (MNV2/202) (NR15, Chapters 8.4.8 and 8.7.2 such as drainage provision and Longitudinal gradients, the Council notes that with respect to the latter those proposed still exceed Local Highway Authority guidance.

There is no evidence provided that Network Rail has considered reasonable adjustments, and the Council considers that the current designs represent a risk to highway safety. The Council would like to see technical evidence such as long and cross-sections documenting why the desirable gradient technically cannot be achieved before accepting the designs for adoption.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional/Alternative Condition (“AAC9”)** (see Appendix 6) on any deemed planning permission.

The proposed design of the new A62 Leeds Road and Colne Road bridges do not incorporate cycle provision in accordance with the latest Department for Transport design guidance, specifically LTN 1/20.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC23”)**(see Appendix 6) on any deemed planning permission.

ii. Impact on Highway and PROW networks

The Transport Assessment is a useful starting point to understand the construction impacts of the scheme on motorised road users, but it uses a high-level strategic SATURN model as its base and as such final outputs cannot be relied on for detailed analysis.

As a consequence, the Council considers that the following each needs to be considered, assessed and mitigated prior to the commencement of development of each stage of the scheme:

In relation to impact on the highways and PROW networks, the “Scheme-wide Assessment” contained in Document NR15 Volume 2(i)- Environmental Assessment identified 107 links on 68 roads that could be impacted by the Scheme during the construction phase. Further work is required to understand projected delays **to all road users** on the links identified in table 14-11 of and what effect road closures and diversions might have on local businesses servicing arrangements.

The Council considers that any required mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub section vii)) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

The Council considers that there is likely to be disruption and increased journey times from the temporary and permanent realignment of several PROW’s and as such has suggested a condition to assess and minimise disruption to users across the length of the Scheme.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC17”)** (see Appendix 6) on any deemed planning permission.

In addition to the wording of the planning condition proposed by Network Rail, the CTMP should additionally provide full details of all road closures and diversions for each stage, including any time constraints to accurately predict the impact on specific waste collection routes. The Council would seek opportunity to engage early with Network Rail to suggest diversion routes based on local operational knowledge. The timing is critical to ensure correct processes are put in place to ensure minimum disruption to the network.

The Council considers that any engagement and detail are capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub condition iii) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

iii. Replacement Bus services

Information contained in NR 16 Volume 3 Environmental Statement Appendices; Appendix 14 Transport Assessment on replacement bus services is welcome, but the detail around the potential level of delay needs to be more granular than what is provided by the transport model. Furthermore, the road closures and associated delay will potentially necessitate the re-routing of a number of buses which could in turn create some significant severance for communities along parts of the line that rely on the bus network.

It is suggested that further work is undertaken to understand how accessibility will be affected during various stages of construction compared to the current baseline position and if necessary, the option of providing feeder buses should be investigated.

Given that they will be operating within or near to existing AQMAs we require confirmation that any *replacement* bus services will be either Euro 6 buses or vehicles which have been retrofitted to meet Euro 6 standards. As a bare minimum we would expect a Euro 5 and Euro 6 mix of buses. In addition, we would expect all *replacement* bus services to use routes specifically selected to avoid as many residential properties as possible

The Council considers that any required mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub section iv) of

Amended Proposed Condition (“APC6”) (see Appendix 6) on any deemed planning permission.

iv. *Parking and Interaction with Kirklees Highway Schemes*

The Council is progressing several major transport and regeneration schemes through the West Yorkshire and Transforming Cities Funds, pursuant (as far as Huddersfield is concerned) with the aspirations contained within our Huddersfield Blueprint. There will be overlap with our own delivery timescales. We note that in NR16 -Environmental Statement Volume 2ii these schemes were considered “aspirational”, despite in some cases having been working towards are at Outline Business Case stage within the West Yorkshire Combined Authority’s Assurance Process.

The Council requests that these schemes are put into future modelling scenarios as “committed”, but more importantly that due cognisance is given their construction timescales and that further work is undertaken with the Council to map out and understand the impacts of both sets of construction

The Council is specifically interested in the impact of the TRU scheme on the council’s Station Forecourt Car Park, of Network Rail’s proposal to utilise its adjoining Station Car Park as a satellite construction compound taking access to/from the compound for construction traffic via St George’s Square and the Station Forecourt Car Park.

The Station Forecourt Car Park provides pick up and drop off and short stay parking for rail users, complementing the Station Car Park which provides long-stay parking.

The documentation states that it is likely that the satellite compounds will be used intermittently over the 4-year period of TRU, rather than continuously. For the compound at the Station Car Park, further information adds that both daytime and night-time (possession) working will be required, and the duration of use is estimated at up to 2 years.

The Council requests greater clarity on:

- The scale of construction traffic likely to access/exit the Station Car Park via St George’s Square and the Station Forecourt Car Park; and
- Whether the Station Car Park might be operated as a car park intermittently for the periods in between TRU working, so as to

provide long-stay parking for rail users and complement pick up and drop off and short stay parking in the Station Forecourt Car Park

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub section vi) of **Amended Proposed Condition ("APC6")** (see Appendix 6) on any deemed planning permission.

v. *Condition Assessments*

The streets in questions will suffer damage due to intensification of use e.g., haul roads and necessary work to facilitate the scheme. The Council questions whether Network Rail would undertake condition assessment with council prior and agree how this risk can be mitigated with the council.

The Council considers that any mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Amended Planning Condition ("APC5")** (see Appendix 6) on any deemed planning permission.

5- Dewsbury Riverside

The Council wishes to raise several representations in relation to strategic housing allocation HS61 (Dewsbury Riverside) which has an indicative capacity of up to 4000 houses as identified in Kirklees Local Plan. The delivery of this allocation will be impacted upon through the TRU proposals. This housing allocation is a regional Spatial Priority Area as defined by WYCA and thus is instrumental to housing provision for the region. Section 7.4.2 of NR14 states that the plans do not preclude the Dewsbury Riverside housing allocation (HS61) from being delivered. However, there is a lack of information in relation to impacts of the TRU proposals on the delivery of the Dewsbury Riverside site.

The Council has written to Network Rail on two occasions to try and find a way of accommodating the interests of both the scheme and the housing allocation. The Council remains concerned that the delivery of Dewsbury Riverside will be adversely impacted by the Transpennine Route Upgrade. Appendices 3.1 and 3.2 details the first set of correspondence between Kirklees and Network Rail on Dewsbury Riverside and Appendices 3.3 and 3.4 details the second set.

The Council firmly believes that further joint working with Network Rail can enable the delivery of the TRU proposals alongside the full Dewsbury Riverside housing allocation. The Council (as part landowner of the Dewsbury Riverside HS61 site) has jointly commissioned a report with Homes England to assess the implications of the TRU proposals for Dewsbury Riverside. This includes alternative options which could

be cheaper to deliver and better in place making terms for all parties. The Council is keen to progress further engagement on these matters and will share its jointly commissioned report with Network Rail as a basis for further mutually beneficial design work.

The Council considers that to ensure that any further engagement with Network Rail is productive and to facilitate the Council's delivery of a regionally important housing allocation requires the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition ("AAC10")** (see Appendix 6) on any deemed planning permission.

6- Leeds Road Railway Bridge

The Council has significant concerns in relation to the ongoing maintenance of the A62 Leeds Road Railway Bridge (The Bridge) which carries a public highway over the railway. The bridge was originally British Rail's liability. The bridge was strengthened in 1974. In 1973, BR and Huddersfield Borough Council entered into an agreement for Huddersfield to undertake the strengthening works and take on ownership of the bridge. There are no records as to why the ownership was transferred at this time, but it is a feature of railway bridges that their capacity can often meet NR's obligations, whilst falling short of the national 40T requirement for the public highway. In such a case the Highway Authority is responsible for the shortfall in capacity but without normally becoming responsible for the asset itself, which is believed to be unprecedented.

Until recently, the negotiations with Network Rail about Leeds Road bridge had led Kirklees to understand that Network Rail would consider taking back ownership of the Bridge, which is to be reconstructed as part of the TRU programme.

Although the Council accepts that its views on construction method and sequencing of works have informed Network Rail's choice of a design option, the proposed design entails the construction of a significantly larger bridge structure with a more extensive footprint. The proposed methodology and phasing improve the horizontal alignment of the highway, which will help mitigate the impact on A62 traffic during construction. As a consequence, the proposed bridge is a fundamentally new structure, which is significantly bigger and will require a higher inspection and maintenance cost than the existing Bridge. The Council holds that this alters the premise on which the 1973 agreement was made.

However, shortly before the submission of the TWAO application, Network Rail (in a letter covering a range of other issues) asserted that they will not take on the liability for this asset, in their first expression of their opinion in writing on this matter since discussions started approximately three years ago.

In view of the above, Kirklees would not be prepared to accept ownership or maintenance responsibility for the proposed enlarged bridge. Appendix 4 and the

associated sub-appendices 4.1 and 4.2 detail our objection and required amendments to the drafting of Article 47.

7- Operation of Waste Sites

The Council has concerns regarding the operation of two Household Waste Recycling Centre's (HWRC's) at Huddersfield and Dewsbury. At present, the Council is not satisfied that the operational ability of, and access to, the sites will not be adversely impacted during construction works. Appendix 5 details these concerns.

Any road closure will affect household waste collection routes and potentially vehicle movements around depots, transfer stations and other key locations.

The Council requires early and specific engagement to ensure that diversion routes that affect critical operations around waste transfer stations, operational depots, HWRCs and on key routes for household waste collection access are not impacted. There may be the opportunity to offer alternative diversion routes based on local knowledge and operational needs. Early engagement on this is requested.

Through that process more specific information in relation to the construction compounds, construction routes, staff numbers and working hours, associated trips and parking requirements as well as the construction programme and associated traffic measures will be provided". The Council seeks reassurance that there will be sufficient detail in the CTMP at each stage of the works to assess the impact in this regard. e.g., details such as operation times, diversion routes etc in order that we can work with other departments to minimise impacts on service delivery.

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part **(a), sub section iii and v) of Amended Planning Condition ("APC6")** (see Appendix 6) on any deemed planning permission.

8- Heritage Assets

The Council notes that any works to heritage assets are dealt with through the Listed Building Consent process, and further that the Council does not have any objections to the 9no Listed Building Consent Applications submitted by Network Rail for determination by the Secretary of State for Housing, Communities and Local Government.

Notwithstanding the above, the Council is concerned that the Scheme is likely to have further impacts on designated and non-designated heritage assets and as a consequence seeks the following:

- i. The completion/submission of individual Conservation Implementation Management Plans (CIMP's), which the Council considers will be critical to protecting individual designated heritage assets and the Huddersfield Conservation Area.
- ii. There is a need to consider overall impact on Huddersfield Conservation Area not just individual listed structures in isolation. The identified adverse impacts will need to be managed and partially mitigated by means of a tailored (CIMP) as part of the suite of thereof which will be necessary to cover the TRU-W3 as a whole.
- iii. There is a need to consider maintenance or ongoing use of 'redundant' listed bridges. A detailed Conservation Strategy to secure the future of the bridge should be clearly stated, to include as a minimum a Conservation Implementation Management Plan (CIMP) developed to demonstrate the future management and maintenance works necessary to secure the long-term preservation and potential re-use of the grade-II listed structures.
- iv. The Council is of the opinion that the Environmental Statement fails to consider Grade II listed Hillhouse sidings coal shutes, tramway, walls and gates and their future. The impact of the works impacting on the listed Railway Coal shutes and Tramway at Hillhouse Sidings will need to be defined managed and partially mitigated by means of a tailored Conservation Implementation Management Plan (CIMP) as part of the suite of CIMP's which will be necessary to cover the TRU-W3 as a whole.

The Council considers that the potential impacts on designated and non-designated heritage assets can be managed and protected through the submission and approval of individual Conservation Implementation Management Plan (CIMPs), which can be secured by way of a suitably worded condition on any deemed planning permission. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition ("AAC5")** (see Appendix 6) on any deemed planning permission.

9- Development Management

The Council requires further plans/drawings on the following items listed in the Environmental Statement as currently there is no detail:

- i. Power Supply Unit (PSU) to replace existing infrastructure to west of Heaton Lodge cottages.
- ii. Fixed Telephone Network mast to replace existing facility, exact location, and height to be confirmed.
- iii. New maintenance access anticipated from Wood Lane to provide vehicular access to new railway.

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC24”), (“AAC25”) and (“AAC26”)** (see Appendix 6) on any deemed planning permission.

In addition, it is noted that a Static Frequency Converter Feeder Station Site is proposed in the triangle of land between the new viaduct and the L&Y Lines to Wakefield. This is a substantial, free-standing building complex in its own right, located in the edge of the river and restored landscape. It will potentially have a significant impact on the built heritage and natural environment.

The Council questions whether it is appropriate to require the detailed design of this substantial structure and the associated landscaping to be addressed through the submission of details in a Planning Condition. Full details of the design and form of the development should be provided or be subject to a detailed application which would ensure that (as a minimum) the architectural form, site enclosure and the landscape and biodiversity impact, mitigation and enhancement are fully understood and subject to detailed analysis and appropriate decision-making.

The Council therefore asks the Secretary of State to impose **Amended Planning Condition (“APC 14”)** (see Appendix 6) on any deemed planning permission.

The Council would also note that the land upon which this Static Frequency Converter Feeder Station is to be sited is a safeguarded waste site (former landfill) which is under a restoration programme. It is currently unclear how this programme will be affected, or biodiversity impacts will be accounted

A portion of the above land is defined as ‘exchange land’ to compensate for the loss of Public Open Space along the track and is presumed to be provide public amenity space, however it is unclear how the scale of the proposed Static Frequency Converter Feeder Station development affects its public amenity purposes and is the loss therefore adequately compensated for through this site if a large proportion of it is to be developed to accommodate a Feeder station and Power Supply Unit.

Finally, the Council would note that no details of landscaping/planting for both the developments and the exchange land. The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC2”)** (see Appendix 6) on any deemed planning permission.

10- Minerals and Waste

The Council would like to make a representation in respect of Environmental Statement NR16, Volume 2i, Chapter 2, page 64 and Chapter 5, page 12 and the

Planning Statement NR14, pages 56 and 87. The representation relates to Forge Lane Quarry Site Kirklees Local Plan reference MES6. There is an extant planning permission for mineral extraction 2012/92979 granted on 25/04/14 for a period of 10 years to be implemented within 3 years from being granted. This could take it up to August 2024.

The Council understands that no restoration works have yet commenced on site and mineral extraction is continuing. Clarity is sought if Network Rail acquires the site whether they will be responsible for completing the approved restoration of the site or a revised restoration scheme. The Council is keen to understand whether all mineral is to be extracted from site prior to Network rail acquiring the land. If not, this could potentially sterilise the remaining mineral resource from the site and affect supplies of minerals.

For clarity, the Council requests an explanation on the following potential confusion with respect to the Forge Lane Quarry site:

- Paragraph 9.15.7 of the Planning Statement states that Network Rail will enter consultation with Kirklees Council, the Canal and River Trust and the operators of Forge Lane Quarry to create a landscape design for exchanged land in this plot.
- Paragraph 2.12.3 of the Environmental Statement, states Network Rail understand the sites will be fully restored prior to the scheme commencing.

11- Further Technical Issues – Appendix 5

In addition to the issues identified above, for the benefit of both the Secretary of State and the Promoter the Council has included Appendix 5 to this submission. Appendix 5 comprises a working internal document, detailing specific technical concerns and/or points of detail identified by the Council's various technical teams and which the Council considers will need to be addressed, or further detail provided, prior to the implementation of the relevant Works or Stage.

The Council acknowledges that many of the points identified are capable of being addressed through further plans and specifications to be approved through the Order's Articles, or through details to be approved pursuant to conditions imposed on any deemed Planning Permission. However, Appendix 5 has been included at this stage to assist the Secretary of State and the Promoter in understanding the scope and extent of the matters where addition information will be required before the Council can be confident that it can discharge its own statutory functions.

As above, the Council remains committed to working with the Promoter, both prior to the determination of the Transport and Works Act Order application and (if confirmed) through the various prior approval mechanisms relevant to each Works and Stage. At this stage, the Council reserves the right to supplement or expand upon the key concerns identified within this submission (above), to the extent that

further discussions with the Promotor prior to determination of the application indicate that the concerns/ further details cannot be addressed through post-confirmation conditions and approvals. The Council looks forward to continuing working with Network Rail on these issues prior to the determination of the application.

Section 3- NR Draft Planning Conditions – Appendix 6

Appendix 6 includes various proposed minor amendments to the wording of the draft planning conditions Network Rail presented as part of the Transport and Works Act Order application. With due consideration of the technical issues raised, the Council has suggested some amended wording to the existing proposed conditions and in addition, a set of new potential conditions, Alternative/Additional Conditions (“AAC1”) to (“AAC27”). The Council invites both the Secretary of State and Network Rail to consider the proposed amendments and additions and looks forward to working with all parties to produce an agreed final set of conditions.

Conclusion

The Council strongly welcomes the almost £1.46 billion investment in the borough of Kirklees and the undoubted economic, environmental, and social benefits this will bring. The Council remains committed to assisting wherever possible, Network rail in bringing this level of investment forward. The Council understands that disruption during construction is to a certain extent inevitable and is extremely cognisant of the fact that a lot the non-railway infrastructure will fall to us to maintain and operate in the future. For these reasons we seek to ensure that our residents and businesses can move around the borough as efficiently as possible during the construction, that their future is assured in terms of housing choice in a greener and cleaner environment and that they do not disbenefit from the Council having to pay disproportionately for increased maintenance costs of legacy infrastructure.

For these reasons we have provided this detailed representation, but we are confident that through further partnership working with Network Rail we can resolve many of the issues highlighted and we can all benefit from this significant level of investment.

Yours faithfully,



David Shepherd
Strategic Director Growth & Regeneration