

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements)
Order – NR/PoE/TR/4.2



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NETWORK RAIL (HUDDERSFIELD TO WESTTOWN
(DEWSBURY) IMPROVEMENTS) ORDER

PLANNING
PROOF OF EVIDENCE
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Abbreviation (if applicable)	Definition
Allocations & Designations Document	The development plan for the Council area which specifies areas of land allocated for specific development and those areas where development will not be allowed
Biodiversity Net Gain	<p>An approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.</p> <p>In terms of the Scheme this means replacing habitat lost to offset the losses incurred and adding 10% habitat by measurement using the approved DEFRA metric to calculate</p>
Combined Authority	The West Yorkshire Combined Authority
Dewsbury Riverside Masterplan	A working Plan for the development of 4,000 houses and associated infrastructure on land south of Ravensthorpe station
DPP	Request for deemed planning permission for works relating to the Scheme
EA	Environment Agency, a non-departmental Government body charged with protecting the environment
ES	Environmental Statement, a report setting out the process and findings of an Environmental Impact Assessment
Exchange Land	Land to be provided in compensation for the acquisition of public open space for the Scheme
KC	Kirklees Council, the local planning authority
Local Plan	The development plan document for the Council administrative area outlining the policies applicable to requests for planning permission
OHLE	Overhead electric line equipment
NIS	National Infrastructure Strategy
NPPF	National Planning Policy Framework
NPS	National Policy Statement for National Networks, the Government position on nationally significant infrastructure projects
Permitted Development Rights	The ability of statutory transport undertakers (amongst others) to build without the need for planning permission subject to certain restrictions
Principal Supply Point	The point where the incoming local electrical supply is converted for railway use
The Scheme	The Huddersfield to Westtown (Dewsbury) Improvements Order
SPD	Supplementary Planning Document

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Abbreviation (if applicable)	Definition
Statement of Significance	A summary of the cultural and natural heritage values currently attached to a place and how they interrelate, which distils the particular character of the place.
Static Frequency Converter Site	An installation that reduces the current from 132kV to 25kV for use on the overhead rail equipment
TfN	Transport for the North, the regional transport body to plan and prioritise transport investment
TRU	The Trans-Pennine upgrade
TWAO	Transport & Works Act Order

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 5 October 2021*Proof of Evidence - Planning***1. INTRODUCTION & STRUCTURE OF THE PROOF OF EVIDENCE****1.1 Introduction**

- 1.1.1 My name is Anthony Rivero. I am employed by Network Rail Infrastructure Limited (Network Rail) as Town Planning Manager for the Eastern Region (London North Eastern & East Midlands routes ("the Routes")). I have been in my current position since 2010 and I have been employed as a town planner in various capacities within Network Rail since 1998. Prior to this I have worked in a number of local authorities as a town planner. I have 35 years' experience of which 23 have been in railway projects. I hold a BSc (Honours) in Town & Regional Planning from Dundee University and have been a Member of the Royal Town Planning Institute since 1987.
- 1.1.2 My role involves managing a small team that advises on town planning matters pertaining to the Routes including new infrastructure and stations, major redevelopment projects, routine maintenance and renewals and works to Network Rail's heritage estate. Recent projects include the preparation of application documents for the Tinsley Chord (Sheffield) Transport & Works Act (TWA) Order, giving evidence at the Werrington Grade Separation TWA Order Inquiry and London to Corby (Land Acquisition, Level Crossings and Bridges) TWA Inquiry.
- 1.1.3 In respect of Network Rail's application for the Order to authorise the Order Scheme, my role has been to advise on all town planning matters and to appear as an expert witness at this Inquiry.

1.2 Structure of the Proof of Evidence

- 1.2.1 This proof of evidence includes, in section 3, a description of the Order works for which planning consent is sought. Sections 4 to 6 set out the national and local transport and planning policies relevant to the Order Scheme, referring back to supporting documents which include an appraisal of the Order Scheme when judged by those policies. Section 8 considers the planning issues arising from the representations and objections, including the acquisition of land at Dewsbury Riverside, the impact of the development on the Newaly Concrete/Thornhill Quarry areas of Ravensthorpe and the wording of conditions relating to the Deemed Planning Permission (DPP).

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 5 October 2021*Proof of Evidence - Planning***2. SCOPE OF EVIDENCE****2.1 Scope of Evidence**

- 2.1.1 This evidence concerns the planning policy context and overall planning balance for the Order works and specific Request for DPP (**NR12**). It also addresses matters in relation to the use of draft conditions as set out in Schedule 1 to the DPP.
- 2.1.2 The Secretary of State for Transport (The Secretary of State), in the Statement of Matters issued on 10th August 2021, has set out two specific planning issues of which he wishes to be informed. These include (Issue 8) the extent to which the proposals in the Order are consistent with the National Planning Policy Framework (NPPF) (**NR 29**), national transport policy, local transport, environmental and local planning policies; and (Issue 11) the proposed set of conditions to be attached to the deemed planning permission as set out in Schedule 1 of the DPP (**NR 12**). Please note that issues identified by the Secretary of State relating to heritage are covered by Mrs Rees-Gill's proof.
- 2.1.3 It should be noted that in the post-submission phase of the Order relatively few definitive areas of objection on planning issues were made. The first relates to several representations pertaining to matters on conditions and detail within the planning drawings and the DPP. The second relates to the effect of land take on the existing planning permission for Dewsbury Riverside. The third relates to development associated with St George's warehouse in Huddersfield. The fourth relates to matters pertaining to Minerals allocations in the Ravensthorpe area. Finally, individual objections relating to specific locations in Mirfield and Ravensthorpe are examined. These are addressed in sections 9-11 of this Proof.
- 2.1.4 The request for DPP is to be determined by the Secretary of State for Transport having regard to the development plan and any other material considerations.

3. DESCRIPTION OF THE WORKS FOR WHICH PLANNING PERMISSION IS SOUGHT

- 3.1.1 In making an application for the Order, Network Rail is seeking deemed planning permission for development comprised in the Order Scheme. The Order application additionally seeks a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 (**NR 58**) that planning permission shall be deemed to be granted for various works along the route including the re-construction of a number of bridges, the re-location of Ravensthorpe station and the re-construction of Huddersfield, Deighton &

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Mirfield stations and the construction of two lengths of new line including a 1km chord in the Heaton Lodge area and a grade-separated flyover and new viaduct in the Ravensthorpe area.

- 3.1.2 The Scheme is located wholly within the administrative boundary of Kirklees Council (KC).
- 3.1.3 Section 7 of the Statement of Case (**NR 28**) gives a detailed description of the works to be implemented throughout the route between Huddersfield and Westtown with works the subject of the Order specifically listed from page 86 onwards in that document. Only the development authorised by the Order is the subject of the deemed planning permission. However, it should be noted that there are a number of smaller elements of the Scheme which can be carried out under Network Rail's permitted development rights as enshrined in Parts 8 and 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015. These include the demolition of bridge MVN2/ 191 Woodend Road, Mirfield and minor works to bridges MVN2/199 Sands Lane and MVN2/201 Hunger Hill.
- 3.1.4 The Order Scheme is set in a wide context in terms of national planning and transport policies. It forms part of a significant package of capacity improvements along the Trans-Pennine route. The whole route is split into sections with specific works for various sections, including:
- Electrification between Manchester Victoria and Stalybridge
 - Trackwork to permit speed increases and works to structures to allow for electrification to Standedge Tunnel
 - Re-location of Mossley station
 - Clearance works and track alterations to permit electrification and linespeed increases between Standedge and Huddersfield
 - Clearance works and track alterations to permit electrification and linespeed increases between Westtown and Leeds
- 3.1.5 The strategic importance of the Trans-Pennine Route Upgrade (TRU) project is explained in Mr David Vernon's Proof of Evidence (**NR/PoE/DV/1.2**), as are the improvements provided by the TRU project in terms of enhanced capacity and provision for predicted growth in rail traffic.
- 3.1.6 Given the scale of the Scheme it has been necessary to carry out an Environmental Impact Assessment and the Environmental Statement (ES) submitted with the Order deals comprehensively with the Environmental impacts of the Scheme and the mitigation proposed to ameliorate those impacts.

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- 4.1.1 The main rail related transport policy documents which the Scheme addresses are covered in Mr Vernon's proof and the Statement of Case. However, there are three documents which also have relevance to planning policy and these are the **National Policy Statement for National Networks (NPS) (NR33)**, the **National Infrastructure Strategy 2020 (NR31)** and the **DfT Rail Environment Policy Statement (REPS) 2015 (NR94)**.

4.2 National Policy Statement for National Networks (NPS)

- 4.2.1 The NPS (2015) sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. Whilst the NPS is not directly applicable to a TWA application, paragraph 1.4 of the NPS states that:

'In England, this NPS may also be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis.'

- 4.2.2 Therefore, I consider the NPS has material weight and is relevant to this Scheme as the proposed works would improve part of the national rail network and should therefore be appraised accordingly. It is also important to understand the context of the Government's policy stance on rail infrastructure given the limited detail within the NPPF.
- 4.2.3 Section 2 of the NPS sets out the need for development of the national networks and the Government's vision and strategic objectives. This recognises that networks should have the capacity and resilience to support sustainable environmental objectives, serve economic needs, and provide improved journey quality, reliability and safety.
- 4.2.4 The need for development of the national rail network is set out from paragraphs 2.28 to 2.41 which focus on the economic and social benefits of a sustainable transport system, the growing demand for rail travel and projected future growth, which together support the compelling need for developing the country's rail network.
- 4.2.5 In the short to medium term, paragraph 2.37 highlights the need to improve capacity, capability, reliability and resilience of the network which reflect the core principles of the Order Scheme. It further states that:

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“Relatively modest infrastructure interventions can often deliver significant capacity benefits by removing pinch points and blockages.”

- 4.2.6 The environmental benefits of rail improvements are discussed at paragraph 2.40, stating:

“Modal shift from road and aviation to rail can help reduce transport’s carbon emissions, as well as providing wider transport and economic benefits. For these reasons, the Government seeks to accommodate an increase in rail travel and rail freight where it is practical and affordable by providing for extra capacity.”

- 4.2.7 Given that the Scheme will remove a key bottleneck on the rail network and will, in conjunction with other projects, facilitate an increase in capacity on the Trans-Pennine route, it follows that the proposed Scheme is consistent with Government policy objectives set out in the NPS.

4.3 National Infrastructure Strategy (NIS) NR31

- 4.3.1 The NIS brings together the government’s long-term infrastructure priorities with the short-term requirement for the economy to recover following the COVID-19 pandemic. The NIS is committed to boosting growth and productivity through targeted investment, aiming to meet the UK’s target of net zero carbon emissions by 2050 and supporting private investment to help deliver the upgrades and improvements needed.
- 4.3.2 The Government has also established Project Speed, a new infrastructure delivery mechanism, to bring forward proposals to deliver government’s public investment projects more strategically and efficiently.
- 4.3.3 With funding already committed, and a statement of commitment from the DfT contained within the Funding Statement (**NR05**), TRU is a key element of the NIS and will contribute to the Government’s aim of ‘building back better’. The TRU Scheme not only provides the rail enhancements needed to improve transport connectivity and a cleaner, and greener transport network, but also provides the stimulus for associated economic growth and productivity from improved performance and reliability.

4.4 Rail Environment Policy Statement (NR94)

- 4.4.1 The purpose of the REPS is to set a clear direction for the rail industry on environmental sustainability and to outline policy priorities for the Sustainable Rail Strategy, the latter being identified in the Williams-Shapps Plan for Rail (NR33) as being a comprehensive environment plan for the rail network.

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- 4.4.2 The REPS confirms the sustainable credentials of rail, recognising the vital importance of rail to the transport network and its lower carbon impact. It sets out a series of environmental priorities for the network, including a rolling programme of electrification as part of a target of net zero railway by 2050. Although there are no specific linkages to planning policy it is my view that the Scheme contributes significantly to the principles of the REPS.

5. LOCAL TRANSPORT POLICY**5.1 Introduction**

- 5.1.1 Support for the Scheme can be found in a number of sub-regional and local transport policy documents. These include the Transport for the North's (TfN) Strategic Transport Plan and the West Yorkshire Combined Authority Transport Strategy.

5.2 Northern Transport Strategy (HM Government/TfN 2014 (NR47))

- 5.2.1 The Strategy illustrates the Government's desire to transform city to city rail connectivity across the Pennines. This would include completing planned investment in the Northern Hub, North West and Trans-Pennine electrification to bring down east-west journey times between Leeds and Manchester from around 50 to 40 minutes and improve capacity. This could represent a 20 per cent improvement in today's journey times that will also have a positive impact for destinations further afield.

5.3 Strategic Transport Plan - Transport for the North (2019) (NR42)

- 5.3.1 TfN is England's first Sub-national transport body. As set out in their Strategic Transport Plan, it is recognised that over the last two decades the North's railway has experienced substantial growth in passenger numbers. Much of that growth has been accommodated within existing capacity. The North's rail network lacks sufficient capacity for growth and is severely constrained by on-train congestion, low journey speeds and poor punctuality.
- 5.3.2 TfN state in their Plan that the Trans-Pennine Route Upgrade will be the North's 'principal intervention within the next five-year period for rail enhancements and is planned to deliver significant performance improvements and journey time savings, increased capacity and capability to meet current and future demand and the potential provision of one freight path per hour (in each direction) for large container traffic.'
- 5.3.3 Additionally, TfN's Long Term Rail Strategy (2018), sets out TfN's guiding principles for rail and is an integral part of the Strategic Transport Plan. It has an ambitious vision for the transformation of the North's rail network based on

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five themes, including connectivity, capacity, customer service, community and cost effectiveness.

- 5.3.4 The Scheme will effectively deliver on all these themes though faster and more frequent trains, more reliability through increased capacity and reduction of conflicting movements, better railway stations to serve their local communities and through electrification delivering environmental and economic benefits of operation.

5.4 West Yorkshire Combined Authority (“the Combined Authority”) Transport Strategy (2017) (NR43)

- 5.4.1 The Combined Authority’s Transport Strategy was adopted in August 2017 and produced by the Combined Authority on behalf of Bradford, Calderdale, Kirklees, Leeds and Wakefield Councils.
- 5.4.2 The Transport Strategy sets an ambition for a transport system that serves the needs of businesses and residents as well as enhancing prosperity, health and wellbeing for people and places across West Yorkshire. It also considers the necessity to provide 21st Century infrastructure that will support the City Region to grow and compete globally, so it is able to meet the ambitions of the Leeds City Region Strategic Economic Plan (see below).
- 5.4.3 Within the Strategy the Trans-Pennine Route Upgrade is stated as a priority, with improved rail journey times and capacity improvements on the Trans-Pennine rail corridor also a stated key priority for Kirklees. The Transport Strategy looks to major rail investment (including improvements to the Trans-Pennine line and East Coast Main Line, HS2 and Northern Powerhouse Rail) to reduce journey times between West Yorkshire and the UK’s other major urban centres. The Scheme is therefore consistent with, and supports, this Strategy.

5.5 Leeds City Region Strategic Economic Plan (2016) (NR44)

- 5.5.1 The Leeds City Region’s Strategic Economic Plan (the SEP) seeks to grow economic activity through providing access to good jobs, earnings and opportunities for all residents and where the environment and people’s health are highly valued.
- 5.5.2 A key priority of the SEP is providing infrastructure for growth, and it sets out its requirements for investment in transport infrastructure and services to support the growth and regeneration of prioritised locations within the city region. This is in order to increase employment and productivity by the completion of transport schemes across West Yorkshire and York, irrespective of boundaries.

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6.1.1 The Order is covered by one Local Authority (Kirklees Council) As a unitary authority they are also the local highway authority. The relevant documents are the Kirklees Local Plan (**NR39**), the Allocations and Designations Document (**NR40**) and the Huddersfield Town Centre Blueprint Supplementary Planning Document (SPD) (**NR41**). Together the Local Plan and Allocations document form the statutory development plan documents for the Kirklees area.

6.2 Kirklees Local Plan (2019) NR39

6.2.1 I would draw attention to paragraphs 5.3.2-5.3.26 of the Statement of Case and Section 9 of, and Appendix 2 to, the Planning Statement. These set out the relevant policies as applicable to the Scheme. As the author of those documents, they reflect my own judgement on the performance of the Scheme when set against the development plan policies and I adopt them for the purposes of my evidence.

6.2.2 However, I think it is important to re-iterate five key policies from the Local Plan which underpin the planning case for the Scheme.

6.2.3 Policy LP19 (Strategic Transport Infrastructure) is the key local plan policy as it supports the development of strategic transport infrastructure and specifically encourages those proposals which will bring forward such infrastructure. In the reasoned justification specific mention is made of Network Rail's commitment to the electrification of the Trans-Pennine route.

6.2.4 Policy LP1 (presumption in favour of sustainable development) gives a presumption of sustainable development in line with the NPPF. However, the Plan also identifies a series of issues for the District which need to be addressed, including the need to improve the transport network so that there is less congestion and better connections between the towns and villages of Kirklees and neighbouring cities and towns. The Plan specifically identifies the Trans-Pennine upgrade and recognises the improvements it will deliver in contributing to meeting this issue. It will also help to reduce and mitigate climate change by its very nature of being a more sustainable means of transport, thereby helping the transition towards a low carbon economy.

6.2.5 Policy LP4 (Providing Infrastructure) seeks co-operation with partner stakeholders and developers in bringing forward infrastructure required to meet the Plan objectives. The on-going liaison between Network Rail and the

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Local Authority prior to submission of the Order Application embodied the policy in practice.

- 6.2.6 Policy LP24 (Design) as applied to the Scheme will ensure that the highest quality in terms of design is applied to the significant interventions, particularly around Huddersfield station, reflecting its grade 1 Listed status. The design of other interventions has followed the tried and trusted design techniques applicable to the railway in line with established railway engineering and design standards but also reflective of the typical railway environment, as well as paying respect to local circumstances. The policy has also been followed by ensuring the most appropriate sustainable technologies in terms of construction techniques, materials and waste disposal are applied to the project.
- 6.2.7 Policy LP 35 (historic environment) sets out the requirements by which development affecting historic buildings and other heritage assets will be judged. Given the number of heritage structures along the route, including the Grade 1 listed Huddersfield station, this is a key consideration. To address this policy, detailed work has been carried out in relation to the historic structures along the route and full justification for the works are contained in the accompanying Listed Building Applications (see document **NR10**). Additionally, much preparatory work has been carried out in the form of a Trans-Pennine route wide Statement of Significance (**NR16B**) and individual Statements of Significance in respect of Huddersfield station and the other listed bridges along the Scheme route.

6.3 Allocations & Designations Document Adopted 2019 (NR40)

- 6.3.1 This document outlines the sites which have been allocated for development and those areas to which special policies controlling development apply, such as the Green Belt.
- 6.3.2 The largest Local Plan allocation is the land known as Dewsbury Riverside (allocation HS61), for 4,000 dwellings (just over half anticipated beyond the plan period) on land close to Ravensthorpe railway station. The impact of the Scheme on allocations in this area is discussed further in section 8 of this proof.
- 6.3.3 The other main unimplemented allocation which may be directly affected by the Scheme is an employment allocation EM9 (re-development of the Cooper Bridge sewage treatment works). The Scheme will not prejudice the implementation of this allocation but there may be issues in relation to the co-ordination of traffic management during the construction phases. However,

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these will be managed through the Construction Traffic Management Plan, to be secured by means of a planning condition.

6.3.4 On the basis that alternative provision within the site can be provided (as demonstrated in the evidence of Mr. Pedley), the Scheme will not prejudice the continued operation of the concrete batching plant, part of the protected minerals allocations (MIS 4, Newlay Concrete); similarly, the waste disposal and restoration works at both Thornhill and Forge Lane Quarries will not be compromised by the new viaduct (allocations WS 19 Thornhill Quarry and MES 6/WS 20 Forge Lane Quarry).

6.3.5 The impact of the Scheme on the Green Belt has been discussed in the Statement of Case (NR28), section 5.3.22 to 5.3.25.

6.4 Huddersfield Town Centre Blueprint SPD (2020, unadopted) (NR41)

6.4.1 In relation to the aspirations raised in the SPD concerning linkages between St Georges Square and the Warehouse/car park area. It envisages an enhanced station with better connections to the western side of the station, including a new station entrance and square. In stating a principal objective of creating “a vibrant modern station facility” the SPD states that the planned Trans-Pennine upgrade provides a real opportunity to achieve the aim. Through the TRU plans, NR are not precluding any future uses of the site, or links from it. The extended subway is designed in such a way as to allow for future extension to the western site with limited expense, or disruption to the railway.

7. NATIONAL PLANNING POLICY CONTEXT**7.1 Introduction**

7.1.1 The NPPF (**NR 29**) was published by the Department for Communities and Local Government in March 2012. It has been revised a number of times, the most recent being in July 2021 (**NR29a**) though the Statement of Case and Planning Statement produced for the submission of the Order were submitted prior to the latest version and therefore used the February 2019 version of the Framework.

7.2 The National Planning Policy Framework – HM Government (2019) (NR29) & 2021 (NR29a)

7.2.1 As with the section on Local Plan policies I refer to chapter 5 paragraph 5.33 onwards in the Statement of Case (NR28) where I set out the relevant policies of the NPPF and how the Scheme performs when set against those policies. Please note however the Statement of Case was based on the 2019 version

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of the NPPF whereas references below use paragraph numbers of the 2021 version (**NR29a**).

- 7.2.2 The July 2021 revision of the NPPF has focused on the Government's desire to put further emphasis on improving design quality and place making, focusing on longer term strategic horizons for larger scale developments, further emphasis on sustainability particularly in terms of climate change, biodiversity, flood risk and protected landscapes. As in earlier versions, transport policy contained within the latest NPPF is largely focused on the impact and location of new development in relation to existing transport infrastructure. It provides limited guidance on proposals for new transport infrastructure.
- 7.2.3 As with the Local Plan I think it important to bring out in my evidence the key NPPF policies to which the Scheme is compliant.
- 7.2.4 Paragraph 11 of the NPPF re-iterates the key presumption in favour of sustainable development. Modern electrified railways are by definition one of the more sustainable forms of transport. They play an essential part in supporting Britain's economic growth, with links across the Pennines playing a key role in the nation's economic well-being as well as being a major element of the development of the North and the "levelling up" agenda of Government (see **NR38**). Thus, there is a clear link between the Scheme and the Government's stated aim at paragraph 8 of the NPPF for the planning system to proactively drive and support sustainable economic development by delivering the infrastructure needed by the country.

Chapter 6 (Building a strong, competitive economy):

- 7.2.5 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The Scheme will contribute significantly to improving connectivity and thus boosting economic growth and productivity.
- 7.2.6 Further, paragraph 82 (building a strong competitive economy) states in part "planning policies should [...] seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment"
- 7.2.7 The Scheme clearly delivers much improved and resilient infrastructure along the railway corridor.

Chapter 9 (Promoting sustainable transport, paragraph 105):

- 7.2.8 This is the key transport planning policy framework for the Scheme. It states that transport policies have an important role to play in facilitating sustainable

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development. It also says that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. At paragraph 105, the Government establishes the aim to ensure the transport system is balanced in favour of sustainable modes and recognises that different approaches to transport will be required in different communities, with solutions varying from urban to rural areas. In all respects the Scheme meets these objectives.

- 7.2.9 Paragraph 104 encourages local authorities to work with transport providers and neighbouring authorities to develop policies and strategies for the provision of viable infrastructure, which relates to the Scheme's objective to facilitate improvements to the Trans-Pennine route.

Chapter 12 (achieving well-designed places):

- 7.2.10 The Government attaches great importance to the design of the built environment. The revised 2021 NPPF emphasises the requirement to achieve beautiful and sustainable buildings and places. The establishment of a series of design codes based on local adaptation of the National Design Guide & National Model Design Code is seen as a means of promoting improvements in design. Paragraph 130 lists a number of policy objectives associated with good design. These emphasise the need for developments to add to the overall quality of the area, are visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place and create places that are safe, inclusive and accessible.

- 7.2.11 In my opinion the Scheme addresses these objectives through (in particular) the use of consistent materials appropriate to a railway environment, and the design of the new and altered facilities at each station adheres to the policy framework.

Chapter 14 (Climate change and flooding, paragraphs 152, 153 & 161):

- 7.2.12 Chapter 14 states that planning has a key role to play in helping shape places to secure reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure (paragraph 152). Paragraph 153 states that proactive strategies should be adopted to mitigate and adapt to climate change taking full account of flood risk.

- 7.2.13 The Scheme will be a significant contributor to reducing greenhouse gases through the proposed electrification and also has demonstrated through a thorough flood risk assessment and in terms of mitigation measures contained in the ES that it will not increase flood risk elsewhere in the area.

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 5 October 2021*Proof of Evidence - Planning*Chapter 15 (Conserving and enhancing the natural environment, paragraph 174,180 & 186):

7.2.14 Chapter 15 sets out key principles for ensuring that the planning system contributes to and enhances the natural and local environment by recognising the wider benefits of ecosystems, minimising impacts on biodiversity and providing net gains in biodiversity where possible, integral as part of the design (paragraph 180).

7.2.15 This chapter further sets out at paragraph 186 that planning policies should maintain and contribute towards limiting pollutants. The improvement of air quality or mitigate impacts should be identified, including through traffic and travel management, and green infrastructure provision and enhancement.

7.2.16 The Scheme will make a positive contribution to air quality through electrification and will offset the impacts of electrification on the natural environment through a commitment to net biodiversity gain.

Chapter 16 (Conserving the historic environment, paragraphs 194,195 & 201):

7.2.17 Chapter 16 sets out national planning policy in relation to the conservation of the historic environment. Mrs Rees-Gill addresses the application of Chapter 16 to the assessment of the Order in her evidence (NR/PoE/KR-G/6.2).

7.2.18 In summary the Scheme will meet the NPPF policy for sustainable economic growth by providing opportunities (in combination with other schemes) to allow for an increase in line speeds and providing additional capacity for more trains to run on the route. It will improve connectivity between cities and towns either side of the Pennines and beyond to Scotland and the North East, by a mode of sustainable transport. It will make a positive contribution to targets to reduce carbon emissions by providing a credible alternative to the car and ensuring that freight movements can continue on the rail network.

8. OBJECTIONS AND REPRESENTATIONS**8.1 General**

8.1.1 There have been no specific objections made in relation to planning policy or principles in terms of the acceptability of the overall Order Scheme through the representation process. However, there are a number of points that do need to be addressed in the context of planning: the issues raised in relation to the impact of the Scheme on the Thornhill Quarry/Newlay Concrete area with reference to local plan Minerals policies; the objections of Kirklees Council, Dewsbury Riverside Plc and Berkeley De Vere in relation to Dewsbury Riverside (which is also identified by the Secretary Of State in issue 6); the planning issues arising from HD1 and the re-development of St George's

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Warehouse in Huddersfield; issues raised by the Council in respect of tree preservation orders; and specific objections raised by the Combined Authority, Rosemary Carr and the Canals & Rivers Trust. Two related objections to open space and footpaths (Messrs Hutchinson & Forbes) are also discussed. There are also a number of objections relating to the proposed planning conditions to be attached to the deemed planning permission (issue 11).

8.2 Thornhill Quarry/Newlay Concrete

- 8.2.1 In relation to the objection by the various quarry interests including Hargreaves, Dewsbury Sand & gravel, Wakefield Sand & Gravel and Newlay Concrete and the references to the Local Plan policies LP37 & 39 I note the substance of the objection is in relation to two principal matters. The first is the compulsory purchase of areas of land in the vicinity of Baker Viaduct which would preclude the satisfactory implementation of the reclamation scheme of the extant planning consent, contrary to Local Plan policy LP39.
- 8.2.2 Secondly the acquisition of land at Newlay Concrete could prejudice their operations thereby leading to the possible loss of a minerals infrastructure facility and thus contrary to Local Plan policy LP39.
- 8.2.3 In relation to the impact on restoration proposals for Dewsbury Quarry, we recognise the point that the permanent land take for the Baker Viaduct will prevent the implementation of that part of the restoration scheme. Furthermore, the temporary land take required for construction purposes will prevent the delivery of the restoration plan within the existing timeframe.
- 8.2.4 For the purposes of Policy LP37 NR have held discussions with the mineral planning authority in relation to the delay in implementing the restoration plan. Their view is that an extension of time to the extant consent would not be an issue & NR would offer to cover the reasonable costs of a revised application to extend the date by which the restoration scheme has to be implemented.
- 8.2.5 In regard to Newlay Concrete NR has demonstrated in Mr Pedley's proof (Construction) how an internal re-orientation of activities within the Newlay compound can be achieved to off-set the loss of permanent land required for the re-located Ravensthorpe station. The plant can therefore continue operation and the question of closure does not arise; Therefore, Policy LP39 is not compromised. In my opinion, in the context of LP40, the Scheme can provide alternative facilities, albeit on the same overall footprint, for the Newlay facility and thus it complies with criterion b of the Policy.

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- 8.3.1 It is noted that the Inspector has raised the issue of the Scheme's effects on existing housing allocations and extant permissions in the vicinity of Ravensthorpe station. The objectors contend that the Scheme will prejudice both the implementation of the extant planning consent 2016/60/94118/E and the wider housing allocation HS61 of the local plan (known as "Dewsbury Riverside").
- 8.3.2 It is Network Rail's position that the Scheme will not prejudice either the committed scheme or the wider allocation.
- 8.3.3 In respect of the committed scheme for 120 dwellings, the Scheme does not impinge on the land required for the construction of the dwellings themselves, but it does impinge on the approved road access to serve the housing. NR have made clear that, should the objector wish to implement the Planning Permission and construct the new access and form the road junction onto Ravensthorpe Road, NR is committed to continue to work with the objector to ensure that access to the site is always maintained, and the site remains developable.
- 8.3.4 The Order scheme at Ravensthorpe will generate considerable construction work over around five years. It may be necessary during the construction works to provide alternative access arrangements to allow for road and utility diversions. A revised road layout (as shown in Mr Williams' proof) demonstrates how a new access can be provided to serve the development whilst incorporating the alterations to Calder Road required because of the new road bridge, roundabout and changed road alignment.
- 8.3.5 In respect of the wider Dewsbury Riverside development, access would be predicated on utilising the planned Order Scheme roundabout. The roundabout is required in order to minimise the land take and impact of the Order scheme, on both the Dewsbury Riverside area south of the railway, and also landowners and businesses to the North of the railway. The objection in part states that NR should provide a roundabout capable of accommodating future developments including the allocated site. As the NR roundabout is part of the Order scheme and the powers sought in the Order can only be justified in the delivery of that scheme, it cannot be designed to facilitate aims of the Dewsbury Riverside Masterplan. However, the design of the Order Scheme Roundabout is such that it has the capacity to accommodate development traffic following delivery of the housing allocation in the Riverside area. I refer you to the proofs of evidence of Mr Foulkes (on traffic and transportation) and Mr Thomas (Design) for detail on the design of the roundabout stub. In this

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way, the Order application does not prejudice the future development of Dewsbury Riverside.

- 8.3.6 A further objection has been made in respect of the proposed exchange land to compensate for the loss of open space land through the Scheme. NR has engaged with the objector on the land proposed for acquisition as replacement open space, and originally altered the draft order proposals to accommodate the objector's position. Because of the nature of the works and the surrounding area (specifically the relocated Ravensthorpe station and the footpath and bridleway diversions which will be undertaken) it has not been possible to identify replacement public open space land required directly adjacent to the public open space that is proposed to be acquired. In order to identify replacement public open space which offers the potential to provide a significantly improved consolidated open space to the current more fragmented areas, it is necessary to identify areas within the Objector's land, and a second site nearby, which are proposed as the optimum sites to replace open space that will be required to implement the Order scheme proposals.
- 8.3.7 The shape and exact location of this exchange land was amended through consultation with the objector prior to submission (See Mr Vernon's evidence), and now occupies an area that was understood to be more appropriate for the objector and limited the disruption to the developable area as far as reasonably practicable. The exchange land proposals have been accepted by Kirklees Council. With the rationalisation of the utilities in the area as part of the Order scheme, it should be noted that this will present other opportunities for development, which would otherwise be constrained. It should also be noted that the area chosen for the exchange land lends itself, by reason of topography, to use as public open space. In this context also the objections of Messrs Hutchinson and Forbes are also addressed. The current open space to be permanently acquired includes an area of previous new planting, which is relatively young in relation to the older parts of the wood to the south-west. The exchange area in question is an open field to the south, including an existing electricity pylon (which is to be removed as part of the Scheme). It lends itself to an appropriate extension to the wood as required, meeting a specific query of Mr Hutchinson that the exchange land be adjacent to the existing wood. The specification for planting has yet to be agreed through the Landscape Ecological Management Plan (LEMP) but there is no reason why much of the exchange land cannot be planted with oak trees given it would be sufficiently distant from the railway so as not to create issues with leaf fall. However, it is not within the remit of the Scheme to provide an additional bridleway as suggested by the objector.

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8.3.8 The objection by Mr Forbes concentrates on the potential loss of footpaths and temporary disruption during the construction process. There is no permanent footpath closure proposed; permanent diversions are proposed over the footbridge at Heaton Lodge, at Wheatley's Colliery bridge and the diversion of bridleway DEW3/10 along the south side of the railway at Ravensthorpe. Detail of the design of permanently altered footpaths/bridleways is the subject of a planning condition. Details of temporary footpath diversions will be addressed in the Construction Traffic Management Plan. Following completion of the Scheme the footpath network will be similar to its current state.

8.3.9 Finally, it should be pointed out that the improvements to the railway through the Scheme will bring significant benefits to the area and directly for the allocation HS61, including:

- The relocation of Ravensthorpe Station 300m closer into the Masterplan area;
- Train services will be greatly improved, with faster, more reliable and more frequent services to Manchester and Leeds, with the potential introduction of a direct Wakefield service, further reducing the time it would take to travel to London;
- Utilities in the area are being rationalised and will further increase developable area with the Masterplan area; and one of the proposed strategic highway interventions required, a roundabout adjacent to the railway, will in part, be delivered.

8.4 Other Planning Issues

8.4.1 Combined Authority - It is noted in their representations that the Combined Authority made reference to the lack of reference to planning policy issues within the ES, with specific reference to the strategic economic plan. However, the Leeds City Region SEP is referred to in both the Planning Statement and Statement of Case, and I have stated previously how the Scheme helps to meet the objectives of the SEP in section 5.5. In this context the lack of reference to the Strategy in the ES is not considered to be significant.

8.4.2 A reference is also made to the Connectivity Infrastructure Plan (**NR95**) and its omission from the ES. The Plan was only published in January 2021 which would have given very limited time to assimilate into the Order documents, but the point is recognised that the Scheme contributes to the Infrastructure Plan objectives.

8.4.3 Rosemary Carr and others – Butt End Mills – I am aware of a current planning application (reference 2019/94165) through the objection submitted on behalf of the owners of Butt End mills, though it should be noted that NR were not a

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consultee to the application. As the application is still yet to be determined only limited weight can be given to the objection, as I understand there are a number of design and heritage issues that have to be overcome relating to the proposal. However, there are no planning reasons why the phasing of works for Mirfield Viaduct cannot be co-ordinated with any emerging grant of consent for Butt End Mills.

- 8.4.4 Canal & River Trust – the Trust have made several observations on the impact of vegetation clearance in relation to landscape, the setting of the canal and potential impact on fishing rights. These have been dealt with in Mr Pearson’s proof; similarly, the impact of various bridge works on the setting of the listed canal structures has been addressed in Mrs Rees-Gill’s proof. In relation to boundary treatments, I can confirm that the subject is to be dealt with by means of planning condition. However, I would point out that the primary function of the fencing is for safety reasons (in preventing trespass) and the views from the adjacent waterway are a secondary consideration. As mentioned in the design & access statement the starting point would be for Holly Green powder coated palisade fencing, which would be in keeping with the semi-rural corridor in which the railway and canal pass.

8.5 HD1 (St George’s Warehouse)

- 8.5.1 The objection raises a number of points pertinent to planning policy. These include the permanent loss of a key access, causing potential viability issues; temporary loss of the surface car parking facility; the impact on the viability of use of the building; the delay in bringing forward an approved scheme with consequent loss of revenue and the loss of a community and economically important venue to the town centre. The objector is clear that the Order should not be consented if it precludes a comprehensive plan for the re-development of the site including bringing the building back into a viable use.
- 8.5.2 It is noted that the building benefits from an extant planning and listed building consent for the development of offices over three floors, approved in 2008. It is assumed that the permission has been implemented although perusal of the Council’s website does not give any indication as regards the discharge of related conditions. It is noted further that activity in the building has been largely confined to the repair of the roof and provision of some internal office space, but the building is still largely unoccupied. It is further noted that on the HD1 webpage it would appear there has been no recent activity since 2017. However, it is noted the building has been used on a temporary basis of a number of community functions and filming opportunities.
- 8.5.3 It is also pertinent to note that the objector played a key role in ensuring the Huddersfield Blueprint Development Plan Document (DPD) (NR41) remains

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unadopted by the Council, on the basis that they were not satisfied with the proposals contained therein as they perceived it would restrict the potential of the building. As such there is a disconnect between the local planning authority and the owner of the building as to its planning potential. Although there is an extant consent the nature of the objection would appear to imply that a revised development scheme is forthcoming and that the Scheme would thwart those ambitions. However, no details have been given as to the status of the objector's proposal in their Statement of Case nor does it address the divergence of view on the use of the warehouse with the local planning authority. The Scheme will in fact put an upgraded station facility on its doorstep and put in passive provision for an extended subway and possible new west entrance.

8.5.4 I do not accept that the Scheme will prejudice the existing use of the building as that is limited to temporary circumstances. In the HD1 Statement of case no evidence has been presented to show that a major occupier is interested in taking the whole or part of the building or that serious loss will occur through the provisions of the Scheme. It is not the objective of the Scheme, nor is the promoter funded, to provide for re-development opportunities adjacent to the line. Network Rail has shown a willingness to work with third parties to see if there are opportunities to establish a design and funding potential for a west entrance, but it is my understanding that such plans are at an immature stage and this cannot be helped by the disagreements between the Objector and the Council over the Blueprint DPD.

8.5.5 I consider that it is the nature of the building itself, being a listed structure and occupying a significant position in the town centre conservation area, that is the key challenges to a successful occupation rather than the impacts of the Scheme. In point of fact the warehouse is recognised as a key constraint on the design options for the revised platform layout for Huddersfield station, and Network Rail have evolved a preferred option which protects the overall setting of the structure.

8.6 Tree Preservation Orders

8.6.1 Paragraph 6.2.2 of the Council's Statement of Case raises concerns regarding the loss of trees both from within and outside the rail corridor including trees covered by TPOs. Of most concern are the following;

- TPO ref 10/85/a1 (Colne Bridge Road Bridge) -Identified in the NR Arboricultural Impact Assessment (AIA) ref G63 (4 – Colne Bridge and Battysford).
- TPO ref 21/94/w1 (Mirfield to Battysford disused railway) (Not identified as a constraint within the NR AIA)

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- TPO ref 21/20/w1 (Gledholt Bank) (Not identified as a constraint within the NR AIA).
- The TPO group (ref 10/85/a1) at Bradley Junction is in the area to the south of the railway between Colne Bridge Road Overbridge (MVL3/107) and the Huddersfield Broad Canal Underbridge (MVL3/108S).

8.6.2 There are a number of reasons why the land in this area is required as part of the permanent scheme. These are:

- The position of the proposed key signalling equipment (PSP) (replacement of existing is required due to the conflict with the 4-tracking). This is key in mimicking the current signalling power network, and support of equipment along the Bradley – Bradley Wood corridor. The proposed PSP will reuse the DNO connection, which has been agreed between the DNO and NR.
- Realignment of Colne Bridge Road and as such the new highway works.

8.6.3 Requirement for a Road Rail Access Point (RRAP) in the Colne Bridge area.

8.6.4 The current RRAP, located to the west of Colne Bridge Road, is in conflict with the four-tracking of the railway and so needs to be relocated. This RRAP is needed to access the railway at Bradley Junction and the western side of Heaton Lodge. The four-tracking makes this access point and associated RRAP even more essential as vehicular access is lost for the additional lines.

8.6.5 A new access to the PSP / RRAP is from the realigned Colne Bridge Road. To provide a compliant access, which can be gated, supporting earthworks are required due to the level differences from the realigned highway. The layout of the facility provides a hammer head for turning to minimise the spatial requirements for access to the RRAP. However, access for HGVs is required and factored into the spatial requirements.

8.6.6 Maintenance parking and welfare facilities are proposed at this location which are a requirement of this type of facility. There are no other suitable welfare facilities in the vicinity.

8.6.7 There is also a requirement to maintain access for the Canal and River Trust to the Bradley lock. The requirements (in terms of vehicles sizes) have been requested from the Trust. There will be a need to segregate the operational railway elements from the areas the Trust will need to access so a boundary will be required.

8.6.8 This area is also required for temporary use for the following reasons:

- To facilitate construction of the new MVL3/107 Colne Bridge Road Overbridge and associated highway works;

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- For construction works to the MVL3/108S Huddersfield Broad Canal Underbridge
- To undertake works to create the Road Rail Access Point (RRAP) and associated ancillary facilities, including the creation of the new access from Colne Bridge Road and access for the Canal and River Trust.
- Installation of critical Yorkshire Water Assets
- Relocation of key signalling equipment and third party electrical connection.

8.6.9 Alternative sites were considered but were discounted for the following reasons;

- Due to constraints in other areas/properties and to minimise the impacts on operational businesses to the north of the railway and on the west side of Colne Bridge Road, this land was seen as the preferred solution
- The next nearest RRAPs will be Hillhouse to the west, and Mirfield to the east. Hillhouse's main purpose is to serve Huddersfield station and Mirfield's is to serve the Mirfield Corridor (Heaton Lodge East to Ravensthorpe). As such, these two are likely to be busy access points so putting additional pressure on them to serve the Bradley Junction area is not a good practice, particularly as other discipline's maintenance activities will increase, and the line will also be electrified.
- The other two RRAPs above are accessed from the down side, whereas Colne Road is accessed from the up site.
- Station Road (at Bradley) was considered but deemed unsuitable due to the restricted access for HGVs.
- The agreement to reuse the existing DNO connection.

8.6.10 In the Statement of Common Ground, the Council had provisionally agreed that minimisation of tree removal at Colne Bridge Road PSP site will be included with the relevant submission of the LEMP, noting that re-planting is targeted in any event and it might be possible to avoid removal of a percentage of the TPO trees, especially adjacent to the canal, and thus avoid the need for re-planting under the LEMP.

8.6.11 In relation to the TPO's at Mirfield and Gledholt the Order will have no impact on the trees in question as they lie outside the Order limits and will not be affected by construction traffic.

9. PLANNING CONDITIONS

9.1.1 Proposed planning conditions are attached to the DPP **(NR 12)** Discharge of these conditions is subject to the approval of KC as required. The planning conditions proposed are consistent with the tests set out in the NPPF **(NR**

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29a) paragraph 55 as being necessary, relevant, enforceable, precise and reasonable.

- 9.1.2 In on-going discussions with KC, a Statement of Common Ground is being progressed and I expect it to be agreed before the start of the Inquiry. It will include a list of those conditions which are agreed (including additional planning conditions to address certain concerns) and those which remain disputed.
- 9.1.3 The Statement of Common Ground with KC includes a schedule of existing, amended and additional conditions as shown in Appendix A to that document.
- 9.1.4 There is only one remaining area of dispute at the time of writing common to all relevant conditions, as follows:
- Provision of a mechanism to allow flexibility including changes in design and allowing non-material changes by means of inserting “or as otherwise agreed in writing with the Local Planning Authority” or similar wording. It has been provided for in recent other TWA decision letters and we see no reason why it cannot be allowed here, in the interests of efficiency and reduced administration and also in the spirit of the Government’s Project Speed.
- 9.1.5 Further representations in respect of conditions have been made by the Environment Agency (No.15, Strategic Flood Assessment) and by Dr Reddy’s (omission of a specific condition on the use of the railway lines).
- 9.1.6 In respect of the Environment Agency (EA), it is proposed to delete the condition No.15 as it is now considered to be obsolete; the EA has been given clarification on a number of points arising from the ES (as addressed by Mr Pearson) and the detailed designs for drainage are to be delivered via the protective provisions in the Order.
- 9.1.7 The representation from Dr Reddy’s was in respect of operational use of the line in relation to adverse vibration effects affecting their analytical laboratory. The substance of the objection is that Dr Reddy’s wish to see a planning condition that will restrict the use of the lines nearest the laboratory to slow trains only, with the faster trains (which they presumably contend have the potential to cause issues of vibration) located further way from the facility.
- 9.1.8 Network Rail cannot support any condition which seeks to restrict the use of the railway in this manner. The whole point of having four tracking is indeed to separate the fast from the slow train services, but the flexibility given by an increase in capacity is important in times of perturbation, allowing trains to be re-routed onto the slow tracks to maintain the public service both in an emergency and during planned engineering works.

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9.1.9 In the light of Mr Lawrence's evidence on noise and vibration the condition proposed by the objector would be unjustified and unnecessary.

9.1.10 Finally, the Canal & River Trust made specific comments on condition 4 (Landscaping) and 6 (Construction Traffic Management Plan), as well as seeking more clarity on conditions 9 (Boundary treatments), 10 (Ground Contamination), 14 (Static Frequency Converter Site) & 15 (Strategic Flood Risk assessment). They also propose a number of additional conditions.

9.1.11 In relation to condition 4 the Trust do not actually suggest any amended wording but seek assurances on the amount of vegetation clearance and compensatory planting in mitigation. For the former I would refer to the evidence of Mr Pearson on the justification for vegetation clearance and the mitigation proposed to offset the loss. For the latter a separate condition allied to net biodiversity gain is proposed for inclusion in the deemed planning permission.

9.1.12 In relation to condition 6 the Trust seeks additional protection for their infrastructure for any abnormal loads. Detail on abnormal loads has been addressed in the ES and will be covered by condition 6 (Construction Traffic Management Plan).

9.1.13 I am unsure as to the further clarity sought on conditions 9, 10, 14 and 15 as no further information has been given; however, condition 9 (Boundary treatment) has previously been discussed above; condition 14 (static frequency converter site) has been amended at the request of KC which we believe addresses the Trust's concerns (landscaping and screening), and we no longer see a requirement for condition 15 for the reasons stated in 9.1.6.

9.1.14 Additional conditions are sought by the Trust to cover the detailed designs for crossings in relation to work numbers 9a (Huddersfield Broad Canal), 15 (Baker Viaduct) and 21 (temporary bailey bridge); the detailed design of the principal supply point (PSP) buildings; and the proposed exchange land and any equipment/plant to be placed adjacent to the Canal at Ravensthorpe Triangle. This last point is covered by amendments proposed to condition 14. The design of the PSP is the subject of a new condition to be added to the request for deemed planning consent. For work no.21 NR can confirm that the protective provisions in the Order cover the design of the temporary bridge, whereby the designs have to be submitted to the Trust for approval. For the other areas of work, we are satisfied that the designs put forward in the planning drawings represent the preferred solution for the Scheme and we do not see a requirement for any further conditions.

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10.1.1 It is my contention that there is clear policy support for the Scheme at both national and local level, as detailed in sections 5, 6 and 7 above. It is consistent with the NPPF and Government economic and transport policy objectives, and key local plan policies.

10.1.2 The Scheme is a key component of a series of improvements to the Trans-Pennine route. The Scheme provides, in combination with other schemes, additional capacity on the Trans-Pennine route, thereby strengthening and reinforcing the opportunity for rail to be a viable alternative to road-based traffic, with its commensurate benefits on climate change and sustainability. It also improves connectivity along the route, which in turn acts as an enabler for economic improvements. This is clearly in accord with the Government's desire for the planning system to facilitate the building of a strong and competitive economy as set out in Chapter 6 of the NPPF. Moreover, it complies fully with the key Local Plan policy LP19, which clearly gives Local Planning Authority support of major infrastructure improvements in Kirklees. There is a clear link between the Scheme and the Government's aims for the planning system to pro-actively drive and support sustainable economic development to deliver the infrastructure needed by the country.

10.1.3 Railways are generally recognised as being a more sustainable transport system than the private car. To achieve a modal shift from the private car to trains, the railway system needs to be made more attractive to users in terms of its reliability and capacity. The Order Scheme therefore supports and fulfils the core land use planning principles of the NPPF by contributing to low-carbon economic growth and promoting sustainable travel in the region. Conversely if the Order Scheme is delayed significantly or cancelled completely these benefits are lost.

10.1.4 Delivering new heavy rail infrastructure investment requires a balanced approach. It should be clear from all the evidence presented that the Order Scheme will considerably improve accessibility, will be of an appropriate design and will not give rise to any unacceptable environmental effects.

10.1.5 It is my view that the need for the Scheme and the development option chosen shows the planning balance is in favour of approving the Order. The Order Scheme would fulfil the transport objectives of the development plan and the provisions of the NPPF. The inspector is therefore respectfully requested to recommend that the Order be made, and that planning permission be deemed to be granted.

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11. WITNESS DECLARATION

11.1 Statement of declaration

11.1.1 I hereby declare as follows:

- This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- I believe the facts that I have stated in this proof of evidence are true and that the opinion expressed are correct.
- I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.