

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 19 October 2021

NR/PoE/REB/JP/08 Environment Rebuttal

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (HUDDERSFIELD TO WESTTOWN
(DEWSBURY) IMPROVEMENTS) ORDER

REBUTTAL PROOF
RELATING TO PROOF OF EVIDENCE KIRKLEES COUNCIL
(OBJ/33)

Jim Pearson – Environment

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1. INTRODUCTION

1.1 Introduction

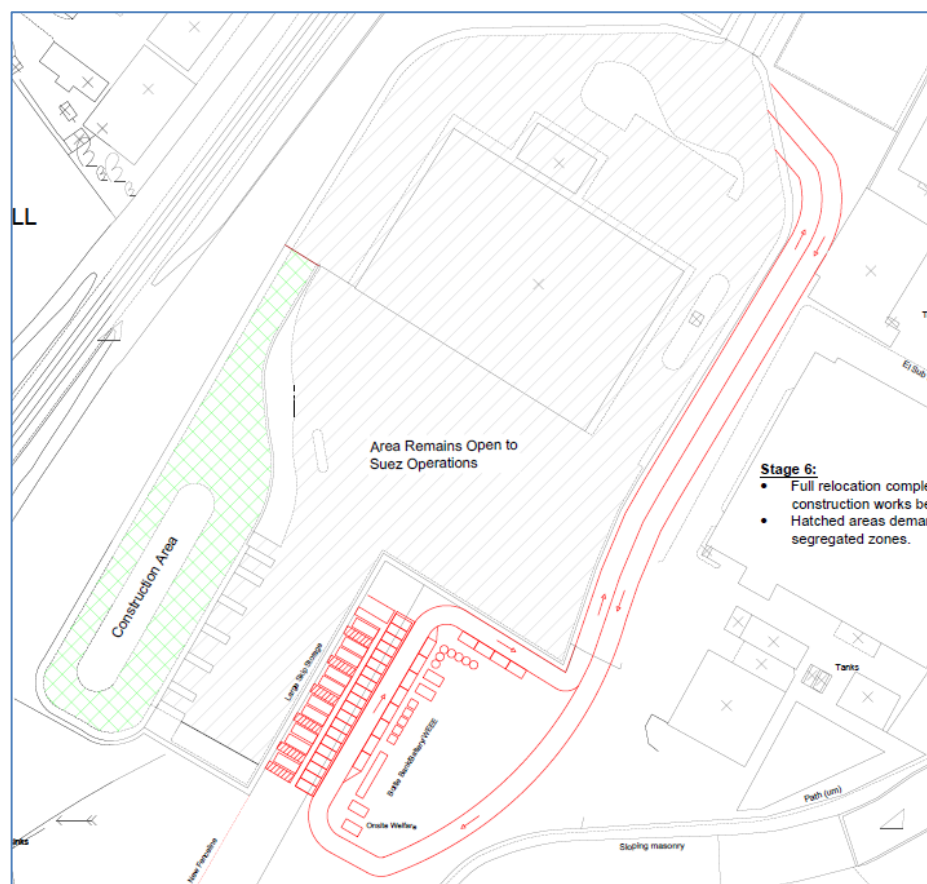
1.1.1 The following is Network Rail's response to the Proof of Evidence of the following:

- Carol Oakden on behalf of Kirklees Council

1.1.2 Kirklees Council and Network Rail are in the process of forming a side agreement for the reconfiguration of the Weaving Lane waste facility currently operated by Suez. A temporary reconfiguration of the site is required to facilitate Scheme works whilst retaining public access to the waste drop off points.

1.1.3 The general arrangement that is under discussion is shown in Figure 1-1 below.

Figure 1-1: Weaving Lane waste facility reconfiguration



1.1.4 In summary, the existing waste skips (shown in grey) adjacent to the construction area in green shading are flipped to the other side of the waste site (shown in red). The existing public access that runs anti clockwise from the waste site entrance and adjacent to the railway is also flipped to run

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clockwise, with two lanes for access and egress, again shown in red in Figure 1-1.

- 1.1.5 The drop off area will be raised by 1.7m so that waste can be deposited into skips without the need for public stepped access to the skips, in line with Health & Safety requirements.
- 1.1.6 Kirklees Council raises a number of environmental items in their proof of evidence that I will address in this rebuttal.

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2. NETWORK RAIL'S REBUTTAL OF OBJECTOR'S EVIDENCE

2.1 Kirklees Council (OBJ/33)

Introduction

2.1.1 Kirklees Council does not raise objection to the design of the reconfiguration of the site. However, Kirklees Council states that the environmental effects should be assessed and mitigated where applicable.

2.1.2 The matters covered in this rebuttal are as follows in considering a reconfigured waste site:

- Temporary works;
- Ecological appraisal;
- Tree Cover;
- Land with contamination;
- Materials Management;
- Flood zone 2;
- River Calder;
- Council highways approval; and,
- Consultation.

Network Rail Response

Temporary Works

2.1.3 I would like to make clear that the reconfiguration of the site is a temporary requirement covered under the powers in the Order to facilitate the Scheme works and once these works are complete, the site will be returned to the current arrangement.

2.1.4 On that basis, the environmental assessment as conducted in the Environment Statement (ES) and mitigation identified for the construction period will be in force and is sufficient for the duration of the Scheme works.

2.1.5 Should there be a future plan by Kirklees Council to retain the reconfigured site in the permanent state, then this would fall under the requirements of environmental assessment such as may be applicable. I can confirm that once works are complete, Network Rail will return the site to the current setup and has no requirement to complete such an assessment.

2.1.6 In the following sections I address each environmental item listed by Kirklees Council, that they indicate would require further assessment in their proof of

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evidence, to identify where the current mitigation as outlined in the ES will apply.

Ecological Appraisal

- 2.1.7 The waste site was included within the ecological assessment that was conducted on the Scheme and forms part of the overall assessment reported in the ES. In line with defined mitigation for the Scheme, any de-vegetation required for the reconfiguration will be accounted for in the Landscape and Ecological Mitigation Plan (LEMP) and counted as part of the Biodiversity Net Gain (BNG) calculation. No further assessment is required.

Tree Cover: Noise, dust and litter

- 2.1.8 It is my opinion that a single line of trees does not act as noise barrier. The depth in general would need to be 30 metres deep with canopies at every height and in leaf for the whole year to present any sort of effective barrier to noise. This is not the case at the site with tree cover sporadic and in one line of trees.
- 2.1.9 What can be said is that the visual removal of a line of trees has the potential to heighten the perception of increased noise. On completion of the works and returning the site to the original configuration, the area can be re-planted, and this re-planting would be included in the LEMP to be submitted to and approved by Kirklees Council. No further assessment for noise effects is required on this basis.
- 2.1.10 In terms of a potential barrier to dust and litter, I do not consider that a single line of trees with gaps act as an effective barrier to dust or litter. The effective controls are established through the current planning controls in place between the operator Suez and Kirklees Council. The LEMP will require the area to be re-planted in the permanent state to replace planting that has been removed.

Land with contamination

- 2.1.11 The ES assesses the potential for contaminated land in general and this results in condition 10 for contaminated land that achieves what Kirklees Council identify is required. If and when excavation occurs for temporary works, then a land contamination assessment will be conducted and will consider any potential sources of contamination, as may be applicable, from 3rd party land as indicated by Kirklees Council. This requirement applies in considering the temporary works at the Site. No further assessment or additional control is required.

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Materials management

- 2.1.12 Any material brought to site would be done so in accordance with the Code of Construction Practice (CoCP) and particularly the Materials Management Plan (MMP). In terms of material re-use across the Scheme this will be in accordance with the CL:AIRE protocol that forms part of the MMP, so the ES provides appropriate management for the use of aggregates and spoil on site and no further assessment is required for the temporary works at the waste site.

Flooding

Flood Zone 2

- 2.1.13 The new access road shown in red on Figure 1-1 sits entirely within flood zone 2 land as designated by the Environment Agency. The road will be designed at current ground level and will mimic drainage from the existing access road with no effects on flood zone 2.
- 2.1.14 The turning circle or waste drop off area at the end of the access road will be raised by approximately 1.7m as requested by Kirklees Council to facilitate safe public depositing of waste into skips. This area is partly in designated flood zone 2 area, but the temporary arrangement is considered to have a negligible effect on flood zone 2 extension with no further assessment required.
- 2.1.15 The new location of the skips are located entirely outside flood zone 2 designated land, so no significant environmental effects are identified.
- 2.1.16 As the reconfigured site is a temporary arrangement and sits partly in flood zone 2 designated land, the mitigation required is managed through the CoCP Part A: Section 7: Watercourses. Site-specific controls are established through the implementation of the CoCP Part B and the required Pollution Prevention and Incident Control Plan (PPICP). No further assessment is required.

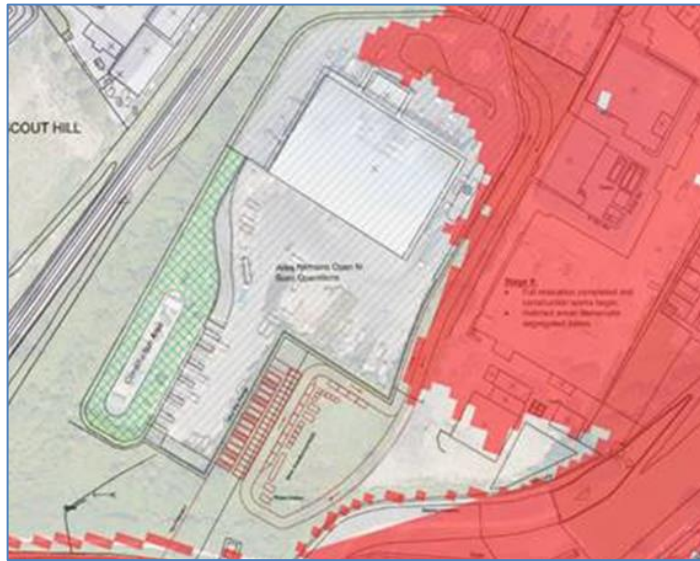
Annual Exceedance Probability (with climate change allowance)

- 2.1.17 The temporary design of the reconfigured site has been checked against the 1% Annual Exceedance Probability (AEP), that is the probability of flooding of 1 in 100 in any given year, with the addition of an allowance for climate change of 50% increase in flow. The extent of 1%AEP plus allowance for climate change is shown in red in Figure 2-1.

Figure 2-1: 1%AEP plus allowance for climate change at Weaving Lane

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- 2.1.18 The access road is at grade and on this basis, though within 1%AEP, this is not significant. Immediately before the turning circle drop off area, the access road starts to climb towards the skip area, so that a very small section of road that starts raising up is within the 1%AEP.
- 2.1.19 This interaction with 1%AEP is minimal and given the road is a temporary arrangement only for the duration of the works, this is considered acceptable to facilitate the Order works.
- 2.1.20 The alternative to avoid any temporarily raised land in proximity to 1%AEP would be to incorporate stepped access to the skip area but this is not considered acceptable on Health and Safety grounds, as described in section 1.1.5, so was not recommended.

Consult Canal and River Trust with respect to the River Calder

- 2.1.21 As the reconfiguration of the Site is a temporary measure to facilitate the TWA Order works, this will come under the draft Order protective provisions in place for the Canal and River Trust, Kirklees Council and the Environment Agency, as may be applicable. There is no requirement to further consult outside of observing the stipulations laid out in the protective provisions, such as they apply to the temporary works for the reconfigured site.
- 2.1.22 I would like to re-emphasise that watercourses are protected from pollution during temporary works, and this would include the reconfiguration of the Weaving Lane site, through the CoCP Part A in general and specifically the PPICP that is a CoCP Part B environmental plan that must be submitted to and approved by Kirklees Council by condition.

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Council Highways Approval

- 2.1.23 The detail of the temporary works required to build a new access road and its final design would be agreed through the arrangements detailed within the proposed Highways Side Agreement between Kirklees Council and Network Rail. No further assessment is required further to the controls established through the provisions within the Highways Side Agreement.

Consultation

- 2.1.24 The reconfiguration is categorised as temporary works required as part of delivering the Order works. On that basis there is no requirement to further consult as part of the TWA Order.
- 2.1.25 In terms of onward engagement, Network Rail and Kirklees Council will agree the mechanism to achieve this with the waste site operator and this will be defined in the side agreement for the site.
- 2.1.26 Standard requirements for future engagement and notification will be defined in the External Communications Plan that is a required plan as part of the CoCP Part B condition and must be approved by Kirklees Council.
- 2.1.27 No further consultation is required beyond what is described in this section.

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3. WITNESS DECLARATION

3.1 Statement of declaration

3.1.1 The named witness hereby declares as follows:

- (i) 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.
- (ii) I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.

19 October 2021