

6 July 2021

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements)  
Order

Department for Transport reference TWA/21/APP/02

Transport and Works Act 1992 and The Transport & Works (Applications  
and Objections) (England and Wales) Rules 2006

Statement of Case

On behalf of Kirklees Council

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## 1. INTRODUCTION

- 1.1 This Statement of Case is made by Kirklees Council (the **Council**) in respect of Network Rail Infrastructure Limited's (**Network Rail**) application to the Secretary of State for Transport (**DfT**) for an order (the **Order**) made under the Transport & Works Act 1992 (the **Act**) to authorise the construction, maintenance and operation by Network Rail of works on the Transpennine Line between Huddersfield and Westtown (Dewsbury) (**the Scheme**), details of which are set out in more detail in Network Rail's application document reference NR01.
- 1.2 The Council is the relevant highway authority responsible for the public rights of way and public road network for the area concerned, is the relevant planning authority and a landowner affected by the works proposed in the Order. The Council is in receipt of various listed building consent applications.
- 1.3 This is the Council's Statement of Case as required under rule 7 of the Transport and Works (Inquiries Procedure) Rules 2004.

## 2. BACKGROUND

- 2.1 The Council welcomes Network Rail's Order application to the DfT for the Order.
- 2.2 The Council fully recognises and supports the stated principal outcomes of the scheme, namely:
  - 2.2.1 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.
  - 2.2.2 Accessible Stations: upgrading them to modern standards and providing better accessibility facilities for passengers.
  - 2.2.3 Cleaner and quieter railway: electrification as a more sustainable form of locomotion, offering better energy efficiency and lower emissions.
  - 2.2.4 Supporting Economic growth: increasing passenger capacity on this busy section of the line, better connecting the communities of the North to employment opportunities.
- 2.3 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.
- 2.4 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.
- 2.5 The Council is aware that the application for the 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.
- 2.6 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.

### 3. LEGISLATION & GUIDANCE

3.1 The draft Order has been made under sections 1 and 5 of the Act and the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (the **Rules**) apply.

3.2 Section 1 of the Act provides that:

*1-(1) The Secretary of State may make an order relating to, or to matters ancillary to, the construction or operation of a transport system of any of the following kinds, so far as it is in England and Wales—*

*(a) a railway;...*

3.3 Section 5 of the Act also details what additional powers can be included as well as controls and changes to various legislation.

3.4 Section 20 of the Act contains provisions confirming that any body with power to promote or power to oppose Bills in Parliament shall also have power to object to orders under sections 1 and 3 of the Act. In those circumstances where that power is conferred under another act the conditions applying in that act shall apply to the exercise of powers to oppose (or promote) an Order under the Act.

3.5 The Council submitted its response to Network Rail's application for the Order to the DfT on 17 May 2021 (**the Rule 21 Submission**).

3.6 The Council, as a local authority in England has the power to oppose a Bill in Parliament under section 239 Local Government Act 1972 but only where a majority of the Council members approve such action having given the requisite notice and publication in the press of at least 10 clear days' notice of the meeting. The Council proposing to meet on 14 July 2021 to endorse the terms of this Statement of Case and the terms of its response to the application for the Order. The requisite notice was provided and the press notice appeared in the Huddersfield Examiner, Dewsbury Reporter, and the Mirfield Reporter on 1 July 2021. As such the Council will have complied with the provisions of Section 20 of the Act if the Council passes the resolution with the requisite majority.

3.7 The Council has had due regard to the following guidance comprising Transport and Works Act orders: a brief guide (Updated 26 November 2013).

### 4. OUTLINE OF THIS STATEMENT

4.1 **Section 5** of this Statement sets out the Council's approach to the drafting of planning conditions which, in the Council's opinion, will sufficiently secure and require the partnership working with Network Rail as described in paragraph 2.6 above. The Council considers that the imposition of planning conditions on any Direction for the Order works will provide the fundamental mechanism by which the consideration and approval of further details can be secured.

4.2 The Council has reviewed the draft planning conditions submitted by Network Rail as part of the application for the Order (NR12), and proposed modifications where the Council considers it necessary to do so in order to make the Scheme acceptable to the Council in planning terms and with regard to the Council's multiple statutory functions.

4.3 Where the Council considers that it is necessary to propose additional or alternative planning conditions in order to secure the approval of additional details not anticipated by NR12, it has provided draft conditions for the DfT's consideration.

4.4 **Schedule 1** to this Statement then sets out the Council's drafting of the proposed amended, alternative and additional conditions, which replicate and expand upon (in respect of minerals restoration obligations) those draft conditions contained in Appendix 6 of the Council's Rule 21 Submission.

4.5 **Sections 6 – 16** of this Statement then set out the Council's detailed statements of case, which justify and support the Council's position in respect of the adequacy of the information provided to date, and the need to secure additional mechanisms through which the Council can approve and control the detailed implementation of the Scheme and the carrying out of works.

4.6 Where modifications to the draft Order are required by the Council, these have been identified separately within the relevant Section.

## 5. PLANNING CONDITIONS

5.1 The Council's local planning authority has undertaken a review of Network Rail's suggested planning conditions (see document NR12) to be imposed on any direction deeming the grant of planning permission for development proposed by the Order (**a Direction**) pursuant to Section 90(2A) of the Town and Country Planning Act 1990, and in collaboration with technical officers across the Council submitted a list of amended, additional, or alternative conditions. These conditions were detailed in Appendix 6 of the Rule 21 Submission and are and are replicated and expanded upon at Schedule 1 to this Statement of Case.

5.2 The technical and/or development management justification for the imposition of the amended or additional conditions on any Direction is set out within the text of Sections 6 – 16 below. As noted above, the requirement for the amended or additional conditions arises where insufficient details are provided in the submission or where further concerns/queries raised by the Council's technical officers can be addressed satisfactorily by way of condition. Where the Council proposes additional and/or alternative conditions, these proposed conditions are labelled "**AAC**".

5.3 In addition, the Council has included (as part of Schedule 1) proposed amendments to standard conditions to ensure consistency the Council's approach to monitoring and facilitating the discharge of, and compliance with, the planning conditions. Where the Council proposes to amend the text of Network Rail's proposed conditions, but not to substantively alter the requirement or the effect, they are labelled "**APC**" in Schedule 1, and no separate justification for the imposition of the condition is set out in this Statement of Case.

5.4 For ease of reference, these APC conditions (together with additional conditions dealing with standard matters for approval for which no mechanism is contained within the draft Order) comprise:

5.4.1 APC 1

5.4.2 APC 2

5.4.3 APC 3

5.4.4 APC 5

5.4.5 APC 7

5.4.6 APC 8

5.4.7 APC 9

5.4.8 APC 10

5.4.9 APC 11

5.4.10 APC 12

5.4.11 APC 13;

5.4.12 APC 15

- 5.4.13 AAC 18
- 5.4.14 AAC 19
- 5.4.15 AAC 20
- 5.4.16 AAC 21
- 5.4.17 AAC 22
- 5.5 Planning conditions should meet six tests:
  - 5.5.1 Necessary
  - 5.5.2 Relevant to planning
  - 5.5.3 Relevant to the development to be permitted
  - 5.5.4 Enforceable
  - 5.5.5 Precise
  - 5.5.6 Reasonable in all other respects
- 5.6 The Council intends to work with Network Rail to further consider and refine the revised list of conditions detailed in Schedule 1, and to work with Network Rail to produce a Statement of Common Ground ahead of the opening of the inquiry. The Council anticipates that this Statement of Common Ground will set out the wording of conditions where such wording has been agreed with Network Rail and where the Council considers that each of the six tests are met.
- 5.7 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.

## **6. BIODIVERSITY**

### **6.1 Background**

- 6.1.1 The Council recognises the extensive ecological surveys and assessment which have been undertaken by Network Rail in preparation of the Environmental Statement, and welcomes the provision of measures to mitigate significant ecological impacts to the majority of protected species identified.
- 6.1.2 On the 25th of June 2019 the Council was consulted by the Department of Transport for an Environmental Impact Assessment Scoping Opinion. The Environmental Scoping Report produced by Network Rail (Reference no: Reference No: 151667-TSA-00-TRU-REP-W-EN-000015 ) stated "The Defra calculation tool (or an updated variant based on the Defra tool) will be used to measure biodiversity units lost as a result of the (Huddersfield to Westtown (Dewsbury)) scheme in order to determine the requirement for enhancement to offset the loss and provide net gain for biodiversity." The Council supported the use of this metric in its response, and also advised that in the absence of mitigation that a scheme of this scale would likely result in effects on the function of the local ecological network.
- 6.1.3 The Council is disappointed to note that neither issue has been sufficiently addressed by the information submitted by Network Rail, and thus the scheme cannot be assessed by officers in relation to relevant local and national policies
- 6.1.4 The Council therefore has a number of residual concerns regarding the potential for significant impacts to biodiversity and ecology and on designated local ecological

networks. The Council also has residual concerns regarding the lack of detail on proposed mitigative planting, survey information in relation to specific protected species, and the lack of commitment to biodiversity net gain.

- 6.1.5 The Council is encouraged to see that a condition is proposed for a Landscape and Ecological Management Plan (LEMP) and Code of Construction Practice (CoCP) which are likely to deliver some of the information which is currently lacking from the TWAO. However, the Council does not consider that these will address all of the outstanding concerns or demonstrate the scheme's ability to comply with relevant policy and legislation.

## **6.2 Concerns**

### **6.2.1 Impacts on Biodiversity and Ecology (including Trees)**

- 6.2.2 The Arboricultural Impact Assessment (AIA) estimates the loss of a number of trees from outside of the rail corridor, with further unrecorded losses within the rail corridor. The AIA records extensive losses of mature tree groups covered by Tree Preservation Orders (TPO), contrary to Local Plan policy LP33 trees which states that the planning permission would not be granted for developments, "which directly or indirectly threaten trees or woodlands of significant amenity". In particular of most concern are the following groups of trees protected by preservation order:

- (a) TPO ref 10/85/a1 (Network Rail AIA ref G63 (4 – Colne Bridge and Battyeford). This is an area order served in 1985 protected a deciduous woodland feature between the canal and the railway. It provides significant public amenity and wildlife benefits to the area, the value of this woodland is heightened by its location within an industrial area and the Kirklees Wildlife Habitat Network.
- (b) TPO ref 21/94/w1 (Not identified as a constraint within Network Rail AIA). Woodland protected between the railway and Lowlands Works, Hurst Lane, Mirfield. The woodland is also within an area designated as urban green space (UG253) and with the Kirklees Wildlife Habitat Network. The impact relating to a small strip along the edge of the railway could be mitigated, if temporary and replacements in the same place.
- (c) TPO ref 21/20/w1 (Not identified as a constraint within Network Rail AIA). Potential removal of trees adjacent to tunnel entrance. This is a recently protected woodland which provides amenity value to users of Gledholt Bank.

- 6.2.3 Losses at Lady Wood of mature woodland up to boundary of railway land (Network Rail AIA ref W147, G146 and G148). Although not covered by a TPO, the loss of all trees in the area depicted would be extensive and result in a negative impact on the wider woodland.

- 6.2.4 The proposed removal of these protected woodlands, which lie beyond the railway's operational land, many simply to temporarily accommodate construction traffic, has not adequately been justified through the application of the mitigation hierarchy. In addition, no definitive figures of the amount or location of replacement woodland to be planted has been provided by Network Rail, contrary to its own wildlife and biodiversity policies. This obscures the true extent of the mitigation proposed, and such as in the case of TPO ref 10/85/a1, as the loss is to facilitate a permanent compound, is likely to result in long-lasting negative impacts to amenity and ecological connectivity. Therefore, the Council require clear justification for the potential loss of these significant tree groups, including sufficient demonstration that alternative avenues have been considered. In addition, Network Rail should provide a clearer statement in the ES on the areas of woodland lost, particularly those within the Kirklees Wildlife Habitat Network, and to be created.

- 6.2.5 There are additional concerns regarding ambiguity of the mitigation proposed to compensate for the loss of the restoration scheme on waste safeguarded land (WS19

Forge Lane Ravensthorpe) for the construction of the large-scale Power Supply Unit (PSU) and Static Frequency Converter Feeder station (SFC). The proposals will result in the permanent loss of the habitats to be restored, including wetland and two ecologically valuable ponds. Currently there is no detail on how the loss of these habitats is to be mitigated to compensate for the loss of the restoration site. The context of the ponds to be delivered as part of the restoration is important as the scheme aimed to deliver opportunities to wading birds, including little ringed plover. As the outline mitigation plans provided by Network Rail in relation to this site are limited in scope, there is no security that the mitigation plans can provide the same ecological functions as originally proposed. Therefore, the Network Rail proposals will result in the permanent loss of the approved restoration scheme for the site and a loss in opportunity for biodiversity net gain unless equivalent interventions can be delivered elsewhere.

6.2.6 Direct temporary loss of habitats within two Local Wildlife Sites (LWS) (UG102/LWS35 Gledholt Wood and LWS32 Sir John Ramsden Canal) are expected as a result of the scheme. In relation to proposals with impacts to Local Wildlife Sites, Local Plan Policy LP30 states that these “will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.” Given the considerable public benefits of the scheme and the proximity of the sites to the existing railway line, Network Rail state that there is no alternative way to deliver the proposals, therefore in this case full compensatory measures are required to be secured in the long term.

6.2.7 Although the ES states that all habitat loss within LWSs will be mitigated for, the ES and proposed LEMP condition refer to a 5-year management plan for any reinstated planting. This does not align with the prediction within the ES that habitats at UG102/LWS35 will take between 5-10 years and habitats at LWS32 will take between 15-30 years to reach comparable condition to the existing baseline. This discrepancy in the proposed length of management and monitoring to be included as part of the LEMP and predicted timeframe of ecological impacts extends throughout the ES with possible impacts cited at persisting for 30 to 100 years in the case of mature woodland habitat. In order to overcome the concerns long-term commitment from Network Rail to a minimum of 30-year management plan, as specified within the condition suggested by the Council for the LEMP, is required.

## **6.2.8 Impacts on Designated Local Ecological Networks**

6.2.9 The National Planning Policy Framework states that Local Planning Authorities should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks (NPPF paragraph 174). In Kirklees this is reflected through mapping the Kirklees Wildlife Habitat Network (KWHN), which is protected by Local Plan Policy LP30 iii and the requirement for development to “safeguard and enhance the function and connectivity of the KWHN at a local and wider landscape-scale”.

6.2.10 In respect to impacts to the KWHN, the ES concludes that habitat losses “are not considered to impact the integrity and function of the network given their limited nature and that the species which may require the network to move around the Kirklees urban area are able to tolerate small gaps in habitat connectivity”. When overlaying the scheme boundary onto the KWHN it has been determined that approximately 38.7ha of woodland included within the KWHN falls within the scheme boundary. If all of the woodland cover predicted to be lost as a result of the scheme (12.9ha) also falls within the KWHN, this would result in a net loss of 33.33% of woodland designated as KWHN within the scheme, which is a significant percentage.

6.2.11 Given the uncertainty regarding the mitigation proposed for the predicted losses of woodland habitat as a result of the scheme and the lack of evidence to support this statement, the Council require further security concerning the likelihood of significant

ecological harm to the KWHN, particularly as these are likely to be increasingly substantial when the order is considered cumulatively across the entirety of the scheme.

- 6.2.12 The habitats created for mitigation/compensation/enhancement should be located as close as possible to the location of impacts to maximise the impact of mitigation of losses to ecological networks or, as a last resort, seek to strengthen the network within the vicinity.

**6.2.13 Lack of Detail on Proposed Mitigative Planting**

- 6.2.14 The National Planning Policy Framework outlines that harm to biodiversity resulting from development should be avoided, adequately mitigated, or, as a last resort, compensated for (NPPF Paragraph 175). This is known as the ecological mitigation hierarchy, the application of which is also required by Local Plan Policy LP30i.

- 6.2.15 The ES states that there will be no residual significant adverse effects on aquatic or terrestrial habitats following implementation of the proposed replacement planting. This claim is however queried, as it is based on the outline environmental mitigation plans provided by Network Rail, which are not sufficiently detailed to establish the full extent and type of planting due to be implemented within the scheme boundary. Furthermore, this statement is further undermined by claims by Network Rail that habitat loss will be “mitigated for via re-instatement as far as possible” which is utilised throughout the ES when referencing direct impacts to terrestrial habitat.

- 6.2.16 The Council considers that there is an overreliance in the ES on the submission of the LEMP to provide the lacking details regarding the mitigation of habitat loss along the scheme. The ES also states significant losses of Lowland Mixed Deciduous Woodland which is a Priority Habitat and Habitat of Principal Importance within Kirklees.

- 6.2.17 Local Plan Policy LP30 states that “Proposals will be required to protect habitats and species of principal importance unless the benefits of the development clearly outweigh the importance if the biodiversity interest in which case long term compensatory measures will need to be secured”. No evidence has been provided to date of how or where the loss of habitat or tree groups will be accommodated, and the application currently avoids the confirmation that it will be meet the standards set for 10% Biodiversity Net Gain set out in Network Rail’s national policy and required by the Government. As a result, the Council has strong reservations that the extent and type of re-instated and mitigative planting will be sufficient to even demonstrate a result of ‘no net loss’ in biodiversity or to fully compensate for losses to Priority Habitat and Habitats of Principal Importance within Kirklees.

**6.2.18 Lack of Information on Protected Species**

- 6.2.19 Protection of Species of Principal Importance and European Protected Species is a key concern of the Council, as outlined by Local Plan Policy LP30. To demonstrate compliance with LP30i development proposals are required to “result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement”. This is supported by the National Planning Policy Framework which promotes the recovery of priority species (NPPF paragraph 174).

- 6.2.20 The Council considers that the proposed mitigation for a number of European Protected Species and priority species including bats, otter, water vole and barn owl is sufficient to avoid significant harm, subject to further details to be submitted within the proposed LEMP and CoCP. However, information related to several specific protected species is missing, unclear or inadequate, and therefore compliance with LP30i has not been demonstrated within the submitted information to date.

- 6.2.21 In respect to great crested newts (GCN), it is noted that the majority of receptor ponds tested negative, indicating likely absence of GCN. However, the single receptor which

tested positive (GCN\_019b) requires updated survey information, which was due to be undertaken spring 2021, to determine population size in order to assess the impacts to local GCN populations. Until the full extent of the population is established the ES should assume a worst-case scenario and not presume that the population is a “likely small remnant population” as stated by the ES. As such, as it is likely a European Protected Species licence will be required in order to progress the works to create the temporary compound at Sands Lane, however due to the lack of survey effort and minimal mitigation proposed, it is currently unknown whether the three licensing tests applied by Natural England (NE) when granting such licenses have been met. In addition, plans for the expected vegetation loss at Sands Lane (Drawing: 151667-TSA-00-TRU-REP-W-EN-000922) and the proposed compensatory planting proposed within the outline mitigation plans (Drawing: 151667-TSA-00-TRU-REP-W-EN-001031) do not correspond with the temporary impacts and required mitigation for loss of GCN habitat, which have been highlighted in the ES. The latter presents greater uncertainty that the impacts to GCN are capable of being mitigated by the proposals and therefore it is not possible to infer the significance of impacts to GCN. The results of the population assessment and any revisions to the mitigation strategy should be provided or mitigation should be provided on a worst-case scenario basis.

6.2.22 With regard to badger, although not a European protected or priority species, badger are protected under the Badger Protection Act 1992 and any negative impacts to badger populations as a result of the scheme area would be considered to be a loss in biodiversity in Kirklees, contrary to LP30i. Preliminary badger surveys have been undertaken along the whole route of the scheme, however the methods used to assess the status and activity level of each of the setts is purely observational, based on the level of field signs present at the time of the survey. The ES details that pre-construction surveys will be carried out however, the Council do not accept that the survey effort undertaken to date is detailed enough to infer the level of mitigation required to prevent significant harm to badger populations. The mitigation measures stated within the ES indicate that a new artificial sett will be created at an unspecified location, and the distance to this location from the identified main sett is not defined. the Council therefore requires additional information and assurances from Network Rail regarding the treatment of badger in order to resolve the following concerns:

- (a) The scope of “pre-construction surveys” to be carried out to establish the status of setts within the scheme and at what stage these will be undertaken. Camera trapping and bait marking surveys over an extended time period (a minimum of two weeks) are considered necessary to inform a detailed badger mitigation strategy to be provided within the LEMP.
- (b) Clarification regarding the location of new artificial setts including whether these will be on Network Rail owned land or whether third party permission will be required and how far this will be located from the original sett (no further than 150m), as the success and longevity of the mitigation will depend heavily on these factors.

## 6.2.23 **Commitment to Biodiversity Net Gain**

6.2.24 The NPPF states that development should “secure measurable net gains for biodiversity” (NPPF Paragraph 175). This is supported by Kirklees Local Plan Policy LP30ii which requires development to “minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist”

6.2.25 The requirement for a measurable biodiversity net gain is endorsed further by the ambitions with the Government’s 25-Year Environment Plan and the policies set out by the DfT for Network Rail, in the response to the review by John Varley. Network Rail had also committed to a Biodiversity Action Plan including the achievement of a 10% biodiversity net gain, within the lifetime of this scheme, an aspiration shared by the impending Environment Bill.

- 6.2.26 While Network Rail has demonstrated a clear objective to undertake biodiversity metric calculations utilising the DEFRA calculation tool for the scheme, pre- and post-development, in order to provide a measurable biodiversity net gain within the Environmental Scoping Report submitted in 2019. The Council is disappointed to note that no such calculations have been provided, and that biodiversity net gain is not mentioned as an intention within the ES submitted to support the TWAO. In addition, a biodiversity net gain cannot be inferred without evidence that avoidance and mitigation measures have first been satisfactorily implemented and justified at the site level, which given the concerns outlined above has not been demonstrated. Therefore, it is impossible, without further work being undertaken, to understand the full ecological baseline value of habitats and how a net gain is to be achieved by the scheme.
- 6.2.27 Consequently, as a minimum, Networks Rail's proposals should clearly demonstrate a commitment to meeting Network Rail's own target of achieving 10% Biodiversity Net Gain across this part of its estate. The Council considers that the Scheme should also outline the opportunities to increase biodiversity and achieve Network Rail's target of net biodiversity benefit, across the TRU-W3 estate, and the opportunities to create new and restore and manage existing habitats in addition to creating new habitats to compensate for the identified adverse impacts of the scheme.
- 6.2.28 Although Network Rail has committed to providing a 10% biodiversity net gain within correspondence with the council on 1st March 2021 , this has not been reflected within the submitted documents or the proposed conditions, and Network Rail seeks to provide this outside of the TWAO or any condition imposed on it. Given Network Rail's own policy aims and the correspondence with the Council, net biodiversity gain is a proper policy aim for the Scheme and therefore, it should be demonstrated by a strategy that this can be delivered within a reasonable timeframe. the Council does not consider it reasonable to simply omit biodiversity net gain from the ES and application process, and strongly endorses that the commitment to a 10% biodiversity net gain be secured via a condition. To address this concern, a strategy to demonstrate a 10% biodiversity net gain should form part of a pre-commencement condition to ensure the required measures are able to be incorporated into the scheme and amended wording of the condition for the LEMP has been suggested by the Council.

### **6.3 Modifications sought by the Council in respect of Biodiversity**

#### **6.3.1 Impacts on Biodiversity and Ecology (including Trees)**

- (a) The Council considers that its broad policy objectives relating to the protection of biodiversity and ecology 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") (see Schedule 1) on any Direction.
- (b) The Council considers that its policy objectives relating to the protection of trees 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 ("AAC 4") (see Schedule 1) on any Direction.

#### **6.3.2 Impacts on Designated Local Ecological Networks**

- (a) Although the Council considers that 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, The Council considers that these impacts are capable of being sufficiently mitigated through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose Additional / Alternative Condition ("AAC 4") (see Schedule 1) on any Direction

### **6.3.3 Lack of Detail on Proposed Mitigative Planting**

- (a) 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 management and monitoring regimes should span a minimum of 30 years to ensure habitats recover to comparable condition. The Council considers that this can be sufficiently secured through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose Additional / Alternative Condition ("AAC 4") (see Schedule 1) on any Direction

### **6.3.4 Lack of Information on Protected Species**

- (a) The Council considers that its statutory obligations and policy objectives relating to the protection of protected species 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 ("AAC 1") (see Schedule1) on any Direction

### **6.3.5 Commitment to Biodiversity Net Gain**

- (a) The Council considers that its broad policy objectives relating to the securing of a biodiversity net gain 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 ("AAC 1") (see Schedule 1) on any Direction.

## **7. NOISE, VIBRATION, AIR QUALITY, AND CLIMATE CHANGE**

### **7.1 Background**

- 7.1.1 The ES identifies various likely impacts of the Scheme which broadly relate to Environmental Health. The Council has reviewed the ES in detail and considers that further information and detailed mitigation is required in order for the Council to be satisfied that the Scheme will not have an unacceptable impact on Environmental Health.
- 7.1.2 The areas for which the Council requires further information relate to air quality contaminated land, noise, and vibration.
- 7.1.3 In addition, the Council is not yet satisfied that the Scheme meets the Council's formally adopted 2038 district wide 'net zero' carbon emissions target for responding to the threats of climate change, and considers 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.
- 7.1.4 The identified impacts have been reviewed by the Council in the context of its adopted Local Plan Policies, together with other material considerations (including the NPPF) to which the Council would have regard if it was the determining authority for the Direction sought by Network Rail.
- 7.1.5 Key national policies (National Planning Policy Framework (NPPF) 2019) for consideration include:

- (a) Chapter 9 - Promoting sustainable transport:

110. Within this context, applications for development should:

- (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

(b) Chapter 15 - Conserving and enhancing the natural environment:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

7.1.6 In addition, the following guidance has also been considered:

- (a) The National Clean Air Strategy 2019
- (b) The Environment Act 1995 (Part iv)
- (c) The Air Quality Standard Regulation 2010
- (d) Noise Policy Statement for England (March 2010)
- (e) BS4142: 2014+A1:2019 - Methods for Rating and Assessing Industrial and Commercial Sound
- (f) BS8233: 2014 – Guidance on Sound Insulation and Noise Reduction for Buildings
- (g) BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Part 1: Noise
- (h) BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Part 2: Vibration
- (i) The UK Climate Change Act 2008 (as amended) – sets an overall ‘net zero’ carbon target for 2050 (i.e. a 100% reduction against 1990 levels)

7.1.7 Regional and Local Policy Context: the key regional and local policies for consideration include but are not limited to, Policy LP20, LP21, LP24, LP47, LP521, LP52, LP53 of The Kirklees Local Plan (Adopted 27th February 2019). These are described below:

(a) Policy LP20 – Sustainable Travel:

The council will support demand management measures which discourage single occupancy car travel within new development and encourage the use of low emission vehicles to improve areas with low levels of air quality. Proposals should include measures to encourage the use of sustainable travel options, including public transport, the promotion of personal journey planning, walking, cycling, car sharing, electronic communication and home working.

(b) Policy LP21 - Highways and access:

All proposals shall:

(c) be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions

(c) Policy LP24 – Design:

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review. Proposals should promote good design by ensuring:

(v) providing charging points to encourage the use of electric and low emission vehicles.

(d) Policy LP47 - Healthy, active and safe lifestyles:

The council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality. Healthy, active and safe lifestyles will be enabled by:

(g.) ensuring that the current air quality in the district is monitored and maintained and, where required, appropriate mitigation measures included as part of new development proposals

(e) Policy LP51 - Protection and improvement of local air quality:

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.

Proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.

Where the development introduces new receptors into Air Quality Management Areas or Areas of Concern or near other areas of relatively poor air quality, for example near roads or junctions, the development must incorporate sustainable mitigation measures that protect the new receptors from unacceptable levels of air pollution. Where sustainable mitigation measures cannot be introduced which prevent receptors from being exposed to unsafe levels of air pollution, development will not be permitted.

(f) Policy LP52 - Protection and improvement of environmental quality:

Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or

reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted. Where possible, all new development should improve the existing environment.

(g) Policy LP53 - Contaminated and unstable land:

Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted.

## 7.2 Concerns

### 7.2.1 Air Quality

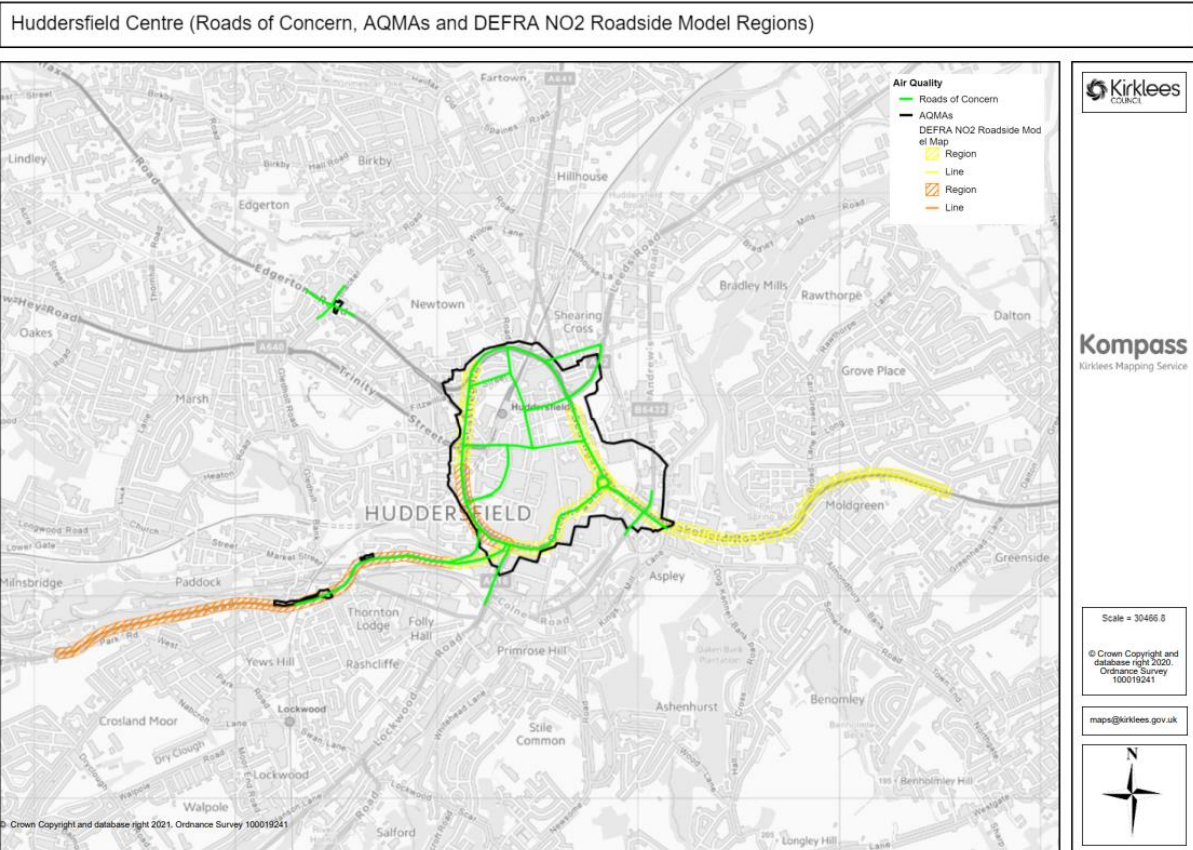
#### 7.2.2 The ES states that:

*"the Alliance will minimise so far as reasonably practicable the generation of particulate dust by vehicle and plant emissions thorough various methods on site that will include the following measures: .....*

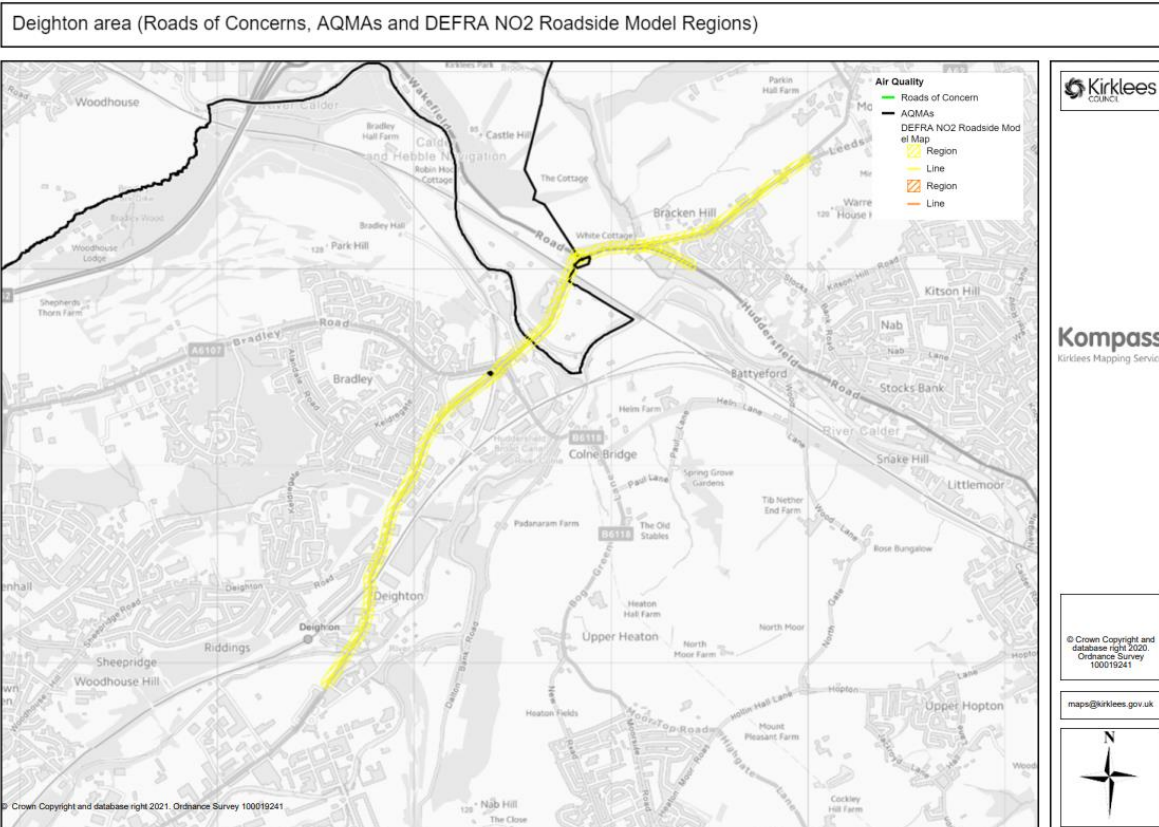
*"All commercial road vehicles used in construction must meet the European emission standards pursuant to the EC directive 98/69/EC of euro 5 and euro 6 under the regulation (EC) no 715/2007."*

7.2.3 Whilst the Council considers this to be acceptable for commercial road vehicles used in construction, it is not clear whether this includes all other commercial vehicles associated with the Scheme. The Council would expect that standards to apply to for transfer buses that are to be used for the replacement rail service between stations, travelling through or terminating in Air Quality Management Areas (AQMAs).

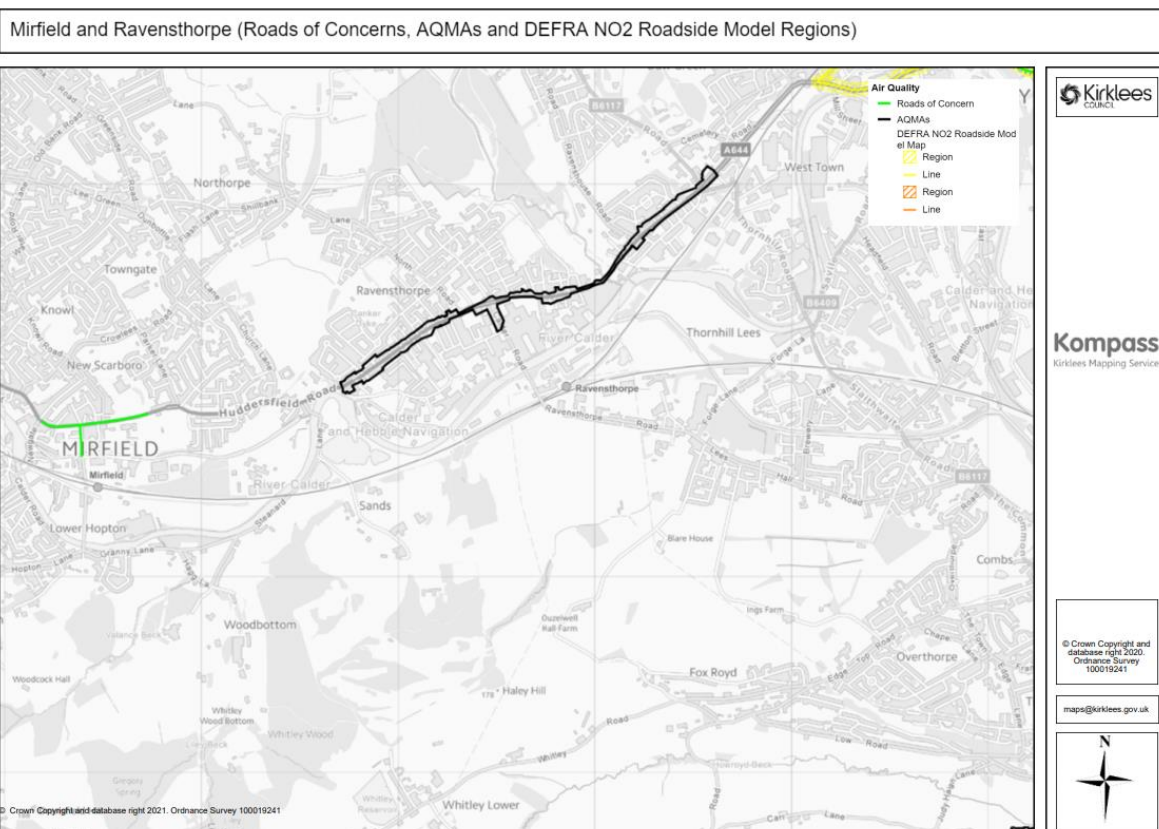
7.2.4 For reference, Figures 1, 2 and 3 show the AQMAs in relation to the trainline between Huddersfield and Dewsbury:



**Figure 1 – Huddersfield Centre (Roads of Concerns. AQMAs and DEFRA NO2 Roadside Model Regions)**



**Figure 2 – Deighton Area (Roads of Concerns. AQMAs and DEFRA NO2 Roadside Model Regions)**



**Figure 3 – Deighton Area (Roads of Concerns. AQMAs and DEFRA NO2 Roadside Model Regions)**

## **7.2.5 Noise and Vibration**

- 7.2.6 The Council has considered both whether the Scheme may be adversely affected by existing noise sources, and whether noise from the Scheme may have an adverse impact on nearby noise sensitive receptors.

### **Whitacre Close**

- 7.2.7 In the submitted ES, six noise sensitive receptors were identified in Route Section 3 (namely, No. 43, 45, 47, 49, 51 & 54 Whitacre Close) as likely to suffer significant adverse effects. Noise impacts on residential properties both day and night have the potential to affect health and quality of life/enjoyments of one's home/external space.

- 7.2.8 The significant adverse effects are anticipated to arise as a consequence of operational noise from the railway, once the upgrade works in this area are complete. These noise increases (over the present) are predicted to be due to railway bank changes in the immediate vicinity which will result in less screening or barrier effect and therefore more railway noise at these 6 receptors. The situation has been assessed in the ES in terms of potential mitigation at source, e.g. barriers etc. however the topography is such that these will not be effective.

- 7.2.9 In addition, paragraph 8.4.42 of the ES (p29 Deighton and Bradley) states:

*"A further assessment will be conducted to determine whether suitable internal noise levels could be achieved with the existing glazing and ventilation measures at NSR which are not be expected to prove eligible for statutory noise insulation under the NIRR, despite experiencing significant adverse effects. Where suitable noise levels are not considered achievable by the existing provision, the noise insulation of the property may be improved by an amount at least equal to increase in noise due to the Scheme, or by an amount at which reasonable internal noise levels can be achieved (whichever is lower)."*

- 7.2.10 However the Council remains concerned however that the Scheme proposals to not secure or guarantee that these properties/residents will be offered any noise insulation works, if it is found that reasonable internal noise levels cannot be achieved.

- 7.2.11 These 6 properties are included in a total of 16 properties where significant adverse effects are predicted. Another 6 of these properties are expected to be eligible under The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (NIRR).

- 7.2.12 Where properties are assessed as being likely to experience significant adverse effects this will normally trigger some form of insulation works/attenuation. If NOT offered following a further assessment with the same result (Significant adverse effects), this would be going against the overarching principle in the Noise Policy Statement for England (NPSE) which states:

(a) *Avoid significant adverse impacts on health and quality of life;*

(b) *Mitigate and minimise adverse impacts on health and quality of life;*

### **Hillhouse Sidings**

- 7.2.13 The Council understands that approval for the works to construct a new siding located at Hillhouse (Alder Street), Huddersfield will now be sought through the submission of a planning application for determination by the Council's local planning authority, The Council therefore anticipates that the relevant works (which the Council understands to be Works 2A and 2B) will be struck from the Order prior to the opening of the Inquiry and

to the determination of the Order by the Secretary of State. Network Rail has submitted a pre-application enquiry to the local planning authority, and the Council understand that a formal application will be forthcoming.

7.2.14 The pre-application assessment indicates that the proposals (which include a temporary platform, new access arrangements and a sidings area) may detrimentally affect surrounding residential properties. It is anticipated that a planning application will be submitted to the Council imminently for these works, and therefore that any required mitigation will be effectively applied through any planning permission granted.

7.2.15 On that basis, the Council considers that suitable mitigation for the protection of residential properties can be secured by the local planning authority by way of planning conditions imposed on any planning permission authorising the works.

#### **7.2.16 Climate Change**

7.2.17 The Council considers that the Scheme would benefit from further local-level ambition in order to demonstrate the 'net zero' ambition of the Scheme, including Electric Vehicle-enabling measures (which will complement the Air Quality concerns set out above, and align with the DfT's Office for Zero Emission Vehicles (OZEV) and Department for Business, Energy & Industrial Strategy objectives.

7.2.18 the following 'local' elements would benefit from further local-level ambition in order to demonstrate the 'net zero' ambition of the Scheme. The Electric Vehicle-enabling measures are also considered to align with the Air Quality policies set out at section 3.

7.2.19 The Council is concerned that the submitted Design and Access Statement (D&AS) (Doc NR15) does not demonstrate that the 'net zero' ambition of the Scheme have been fully considered in relation to the following elements:

- (a) Deighton Station and drop-off area - There is no evidence that 'net zero' ambitions have been considered in the D&A process. The Council asks that Network Rail explores complementary infrastructure to assist modal shift towards use of the railways – for example Solar PV canopies, EV charging, E-bike charging, bicycle storage facilitates.
- (b) Mirfield Station – There is no evidence that 'net zero' ambitions have been considered in the D&A process. The Council proposes a reconfiguration of the car park in order to consider the provision of EV charging facilities at an ambitious level (potentially both fast and trickle). Extensive bicycle storage linked to E-bike charging facilities could also be considered. We would also suggest that opportunities for renewable generation through solar PV (e.g. canopies) should be investigated, along with battery storage potential, where space allows.
- (c) Ravensthorpe Station - There is no evidence that 'net zero' ambitions have been considered in the D&A process. The Council proposes that EV charging and E-bike charging and bicycle storage are incorporated into the proposed forecourt roundabout, together with (potentially) with Solar PV charging (recognising that capacity is limited on this site).

7.2.20 Furthermore, the Council is concerned that the submitted Design and Access Statement (D&AS) for Huddersfield Station (Doc NR15a) does not sufficiently strive to utilise active technologies to reduce energy demand and facilitate next-generation net-zero enabling technologies, for example:

- (a) Opportunities for renewable solar PV generation associated with the extensive (and expanded) roof area should be explored, as orientation would appear to facilitate this (SE-facing)

- (b) Opportunities for renewable generation to be maximised where appropriate at Roof B & C – new sections of roofing (Fig. 4.1.4b, Fig 5.2.2a) and Penistone Line (5.5.1) and Leeds-end (5.5.2) canopies .
- (c) Should PV not be possible now, we would suggest that the new roof structures be specified to allow for future PV adoption.
- (d) Roof A (existing – retained 'Euston' trusses) – accepting the heritage status of the existing roof, evidence that renewable generation has been considered as part of the scheme.
- (e) Included bicycle storage is welcomed to facilitate sustainable travel. We would also suggest that consideration is given to the provision of e-bike charging and secure storage to further encourage a shift away from car travel.
- (f) We would also welcome incorporation of battery storage facilities that could allow Solar PV generation to be used to charge e-bikes and lower-level station electricity demand. This could provide a good joined-up 'sustainable' narrative for the net zero ambitions of the scheme and station. access to the station and embed the TRU as part of a wider integrated response to the challenge of decarbonising transport.
- (g) The existing car park is referenced at 6.1, suggesting significant changes are not expected. We would suggest that as part of the scheme, consideration is given to a significant increase in the provision of EV charging at this site. As noted above, this would help facilitate low-carbon modal access to the station and embed the TRU as part of a wider integrated response to the challenge of decarbonising transport

## **7.3 Modifications sought by the Council in respect of Air Quality, Noise & Vibration and Climate Change**

### **7.3.1 Air Quality**

- (a) 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.
- (b) The Council considers that the policy objectives of its 2038 net zero' carbon emissions target 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 Schedule 1) on any Direction.

### **7.3.2 Noise & Vibration**

- (a) 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 Condition ("APC5").
- (b) The Council requires details of a sound insulation scheme designed to protect the amenity of occupants at No. 43, 45, 47, 49, 51 & 54 Whitacre Close to be submitted, approved and implemented prior to the commencement of the relevant works. The Council considers that this can be sufficiently secured through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to

impose Amended / Alternative Condition 15 ("AAC 15") (see Schedule 1) on any Direction.

- (c) In the event that the Works to authorise the construction of the new siding located at Hillhouse (Alder Street), Huddersfield are not withdrawn from the Order prior to its determination by the Secretary of State, the Council agrees with Network Rail that a condition imposed on any Direction is necessary to secure the protection of the nearby residential properties. In such case, the Council would ask the Secretary of State to impose Amended Proposed Condition 16 ("APC16") (see Schedule 1) on any Direction.

### **7.3.3 Climate Change**

- (a) The Council considers that the following requirements and suggested planning conditions are necessary to ensure that the scheme meets the Council's 2038 net zero' carbon emissions target for responding to the threats of climate change:
  - (i) Detailed plans/rationale for considering comprehensive EV charging infrastructure at stations and parking facilities associated with the route.
  - (ii) Detailed plans/rationale for considering other modes, such as e-bikes, linking this to cycle storage to facilitate active travel and sustainable 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 2038 net zero' carbon emissions target 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 ("AAC 27") (see Schedule 1) on any Direction.

## **8. HIGHWAY DESIGN**

### **8.1 Background**

8.1.1 Despite several meetings between the Council and Network Rail seeking to resolve particular design issues relating to new or altered highways provided as part of the Scheme, the Council remains concerned that certain proposed Works still do not meet the local highway authority's guidance or allow the Council to carry out its statutory functions as local highway authority.

8.1.2 The following is a summary of the legal framework to the Council's objections in relation to the highway design of the current Works submitted as part of the Scheme. The legal framework should be read together with the relevant standards.

#### **8.1.3 Legal Framework**

##### **8.1.4 Highways Act, 1980**

Section 66 - Footways

1) "*It is the duty of a highway authority to provide*" in or by the side of a highway "*sufficient footway*" as part of the highway "*in any case where they consider the provision of a footway as necessary or desirable for the safety or accommodation of pedestrians*";

4) "the powers conferred by the foregoing provisions of this section to provide any works, include the "*power to alter or remove them*".

##### **8.1.5 Traffic Management Act, 2004**

Section 16 - The Network Management Duty

1) *"It is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives":*

(a) *"securing the expeditious movement of traffic on the authority's road network"; and*

(b) *"facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority".*

2) *"The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing":*

a) *"the more efficient use of their road network"; or*

b) *"the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network".*

3) *"network management duty", in relation to a local traffic authority, means their duty under this section.*

Section 17 - Arrangements for network management:

1) *"A local traffic authority shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the network management duty".*

4) *[local traffic authority's shall] include provision for future predicted traffic flows or other events of significance so far as may be reasonably practicable, in order to:*

(a) *"identify things (including future occurrences) which are causing, or which have the potential to cause, road congestion or other disruption to the movement of traffic on their road network; and"*

(b) *"consider any possible action that could be taken in response to (or in anticipation of) anything so identified";*

Section 18 - Guidance to local traffic authorities:

1) *"The appropriate national authority may publish guidance to local traffic authorities about the techniques of network management or any other matter relating to the performance of the duties imposed by sections 16 and 17".*

2) *"In performing those duties a local traffic authority shall have regard to any such guidance".*

#### 8.1.6 Statutory Guidance: Section 18, Traffic Management Act (2004)

Additional Statutory Guidance was issued under Section 18 of the Traffic Management Act, 2004 (Network Management Duty) by the Secretary of State for Transport on 9<sup>th</sup> May 2020, updated on 23<sup>rd</sup> May 2020 & 25<sup>th</sup> Feb 2021 on active travel benefits and measures, cycling infrastructure design & accessibility; including the following:

*"Active travel is affordable, delivers significant health benefits, has been shown to improve well-being, mitigates congestion, improves air quality and has no carbon emissions at the point of use. Towns and cities based around active travel will have happier and healthier citizens as well as lasting local economic benefits".*

The government therefore, *"expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians. Such changes will help embed altered behaviours and demonstrate the positive effects of active travel".*

The Secretary of State for Transport clearly states the quality of cycling infrastructure that will be required to affect the above change in the provision of temporary and new (permanent) infrastructure in the following:

*“Installing cycle facilities with a minimum level of physical separation from volume traffic; for example, mandatory cycle lanes, using light segregation features such as flexible plastic wands; or converting traffic lanes into cycle lanes (suspending parking bays where necessary); widening existing cycle lanes to enable cyclists to maintain distancing. Facilities should be segregated as far as possible, i.e. with physical measures separating cyclists and other traffic. Lanes indicated by road markings only are very unlikely to be sufficient to deliver the level of change needed, especially in the longer term”.*

*“Any measures for cycling should be designed to meet the requirements set out in Local Transport Note 1/20: Cycle infrastructure design (LTN 1/20). The summary principles contained in LTN 1/20 should be followed as far as possible to implement safe cycling schemes for people of all abilities, including disabled cyclists”.*

The Secretary of State for transport makes it clear that this guidance is not only for permeant measures and that authorities should monitor and evaluate any temporary measures they install, *“with a view to making them permanent, and embedding a long-term shift to active travel”.*

Accessibility requirements apply to all measures, both temporary and permanent. The Public Sector Equality Duty still applies, and *“in making any changes to their road networks, authorities must ensure that elements of a scheme do not discriminate, directly or indirectly, and must consider their duty to make reasonable adjustments anticipating the needs of those with protected characteristics”*, for example by carrying out Equality Impact Assessments (EIA's) on proposed schemes.

#### 8.1.7 Legal Significance of Statutory Guidance

Parliament requires local authorities to follow the path charted by the Secretary of State's guidance, *“with liberty to deviate from it where the local authority judges on admissible grounds that there is good reason to do so, but without freedom to take a substantially different course”.* R v Islington LBC ex p Rixon [1998] 1 CCLR 119

#### Equality Act, 2010

#### 8.1.8 In making strategic decisions Councils must have due regard to reducing the inequalities of outcome which result from socio-economic disadvantage. Equality Act, Section 1

##### Section 149 Public Sector Equality

*“A public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”.*

#### 8.1.9 “Due Regard” means a vigorous and open-minded inquiry before settling upon a course of action, in particular to the ‘need to promote equality of opportunity between disabled persons and other persons’ and to ‘the need to take steps to take account of disabled persons’ disabilities’, even where that involved “treating disabled persons more favourably than other persons” Ali v Newham EWCA 2012

#### 8.1.10 Health And Social Care Act, 2012

##### Section 12

Following the guidance given above by the Secretary of State for Transport on the significant benefits to health delivered by active travel measures and expectation that

local authorities “*make significant changes to their road layouts to give more space to cyclists and pedestrians*”, Section 12 of the above act states that, “*each local authority must take such steps as it considers appropriate for improving the health of the people in its area*”.

8.1.11 Road Traffic Regulation Act, 1984

Section 122

Section 122 of the above act requires local authorities to consider the needs and safety of all road users when exercising functions conferred on them by this act, in order to:

*“secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)”.*

(a) & (b) secure and maintain access to premises, and have regard to “*the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run*”;

- 8.1.12 Section 122 of the above act aligns with the Secretary of State’s statutory guidance on the reallocation of road space to pedestrians and cyclists; the benefits of doing so in promoting health & well-being, in mitigating congestion on roads, improving air quality by providing viable and sustainable alternatives; as well as in maintaining the expeditious, safe movement of all traffic including cyclists and pedestrians, and accessibility to amenities for all.

8.1.13 Road Traffic Act, 1988

Section 39

Section 39 of the above act implies on local authorities a duty of care to all road users (whether careful or negligent) in exercising its powers in “*the construction, improvement, maintenance or repair of roads*” to “*take such measures as appear to the authority to be appropriate*” in improving road safety.

## 8.2 Concerns

8.2.1 **A62 Leeds Rd. New Overbridge (MVL3/102)**

8.2.2 Provision for Cyclists

- (a) Network Rail’s proposals on the new A62 Leeds Rd. overbridge are for a 16m wide highways cross-section made up of; 8.0m wide carriageway, 2 x 2.0m wide cycle lanes & 2 x 2.0m wide footways.
- (b) An additional 1.0m min. width will therefore be required to accommodate the abs. min. of 2 x 0.5m width buffers, i.e. kerbed separation as required in the Department for Transport’s (DfT’s) Local Transport Note LTN 1/20. Note: desirable min. here is for 2 x 1.0m wide buffers adjacent to both cycle lanes for a road with a 40mph speed limit. See Table 6-1 of LTN 1/20. This guidance takes into account the heavy volumes and speed of traffic on this key route and the necessity to make this road both safe and accessible to all road users, including cyclists of all abilities in accordance with the local authority’s legal obligations in 8.1 above.
- (c) To not do this will exclude many cyclists from using the facilities provided due to the lack of protection adjacent to high volumes of fast moving traffic.
- (d) Section 2.12 from the Secretary of State’s statutory guidance issued under Section 18 of the Traffic Management Act, 2004 (Network Management Duty) states that “Any measures for cycling should be designed to meet the requirements set out in

Local Transport Note 1/20: Cycle infrastructure design (LTN 1/20)". See also 8.12 above on statutory guidance.

- (e) The above modifications to NR's proposals must be carried out in order to meet the local authority's duty of care obligations under Section 39 of the Road Traffic Act, 1988 and Section 122, Part 1 of the Road Traffic Regulation Act, 1984. See 2.1.12 above.

#### 8.2.3 Gradients

- (a) Network Rail's proposals are for a 5.75% longitudinal gradient on the southern approach, greater than the 5.5% max. existing gradient and 5.0% desirable maximum for mobility.
- (b) Network Rail's justification is that this has been done in order to tie-in before the A62 Leeds Rd./Neptune Way junction thus avoiding any additional works and associated construction costs in this location.
- (c) Cl. 8.4.9 of the Design & Access Statement (DAS) indicates this maximum gradient is only for 15m, however this statement is not strictly correct. The proposed sag & crest vertical curve is significantly larger than existing, hence gradients greater than the existing 5.5% up to the max. of 5.75% are likely to be in excess of this length given, and gradients of greater than 5.0% desirable max. for mobility are likely to be 2.0-3.0 times this length.
- (d) While the Council welcomes Network Rail's proposals, it requires further details to clarify the actual length of vertical alignment that is in excess of the max. 5.0% required, both for inclusive mobility of pedestrians & wheelchair users as well as cyclists, in accordance with LTN 1/20. See Table 5-8 of LTN 1/20 & Section 3.2 of DfT's 'Inclusive Mobility'.
- (e) DfT's Inclusive Mobility defines gradients in excess of 5.0% as a ramp for wheelchair users and therefore should only be considered over very short lengths. Therefore proposals to reduce costs in the short-term by curtailing the length of the tie-in to existing may further impede mobility in the long-term.
- (f) The long-section for the A62 Leeds Rd. overbridge has been cut off short so it is not possible to check how satisfactorily the 4.0% gradient shown ties-in to existing at the Neptune Way junction and thus satisfies the min. vertical curvature k-values required between changes of gradients in accordance with Table 2.10, CD 109 of the Design Manual for Roads & Bridges (DMRB).
- (g) The long-section therefore needs to be extended through the junction at existing levels so the Council can clearly identify what the vertical geometry, levels & k-values are doing beyond this point.
- (h) The design shows only a 1.0m length of existing which due to likely inaccuracies in the topographical survey used, as a result of the grid spacing typically used for taking levels on a carriageway as well as access issues inherent in surveying a live carriageway, may not be indicative of the entire junction beyond this point and is thus inadequate for checking purposes.

#### 8.2.4 Horizontal and Vertical Alignments

- (a) While the Council welcomes Network Rail's proposals here to improve horizontal alignment geometry & visibility over the existing situation but whilst this may improve road safety for motorists it may also contribute to higher traffic speeds at the exclusion of other on-carriageway road users; hence proposals must provide the abs. min. 0.5m width of physical protection required in accordance with statutory guidance issued under Section 18 of the Traffic Management Act, 2004

by the Secretary of State; which includes the expectation to apply DfT's LTN 1/20 guidance in order to make this road safer and more accessible to cyclists of all abilities.

#### **8.2.5 B6118 Colne Bridge Rd. New Overbridge (MVL3/107)**

##### **8.2.6 Provision for Cyclists**

- (a) Network Rail's proposals for the B6118 Colne Bridge Rd. new overbridge and offline highway diversion are for a 9.3m wide bridge deck cross-section comprising a 7.3m wide carriageway & 2.0m footway on one-side only.
- (b) The highway carried by the new bridge forms part of a critical route within the Local Highway Authority network with corresponding high volumes of traffic.
- (c) This is also the most direct route for cyclists heading East-West along Route 66 of the Sustrans national cycle network towards the new DfT TCF funded Bradley-Brighouse Greenway scheme and therefore it should provide for the safe passage of cyclists connecting to this route. A shared surface due to low volumes of pedestrian traffic may be suitable here. Consideration is therefore to be given by NR to future-proofing the bridge to accommodate cyclists in already committed TCF cycle schemes by providing a min. 3.0m wide shared cycle-footway.
- (d) Due to the strategic importance of the Sustrans national cycle network to Kirklees & The West Yorkshire Combined Authority (WYCA) and TCF schemes already committed to in order to provide well-connected local cycle and walking infrastructure, together with the increased opportunities for mobility, improved health and sustainable travel that this provides to the local area; the importance of the link this bridge provides between Route 66 of the national network & the TCF Bradley-Brighouse Greenway needs to be properly considered, with improved provision for cyclists requiring a min. increase in width of 1.0m to achieve this.
- (e) To not do so would be to exclude cyclists from safe access along the most direct route available, requiring a long diversion to the south.

#### **8.2.7 Calder Rd. New Overbridge (MVN2/202) & Calder Rd. River Bridge (MDL1/3)**

##### **8.2.8 Gradients (new / proposed)**

- (a) The highways cross-section on the existing Calder Rd. overbridge includes a 7.4m wide carriageway with a single 1.5m wide footway on the east side. The existing max. approach gradient on the north side of this bridge is 5.3%.
- (b) Network Rail is proposing replacing the existing overbridge with a new bridge & permanent offline highway diversion to the west of the existing which will accommodate a standard 7.3m wide carriageway and 2 x 2.0m wide footways.
- (c) The proposed approach gradient for the new road alignment on the north side of the new overbridge has been increased from 5.3% to 5.5% with a proposed 5.0% approach gradient on the south side of the bridge from the existing Ravensthorpe Rd., up onto a proposed 40m ICD self-regulating roundabout which will sit at the crest of these 2 approach gradients; with a 3rd arm from this roundabout providing the access into a drop-off area for the new train station, where a new level footbridge will provide access on to the platform.

##### **8.2.9 Gradients (existing structures)**

- (a) Network Rail have stated that increasing gradients to 5.5% on the southern approach to the existing Calder Rd. river bridge was their preferred option in order

to reduce the tie-in length by 35m & any additional accommodation works / 3rd party tie-ins this additional length would require.

- (b) This will result in an additional 0.5m max. depth of pavement thickness onto the existing structure at the south abutment, tying into existing levels at some point on the bridge deck; potentially resulting in additional dead loading on the existing structure and reduction in protection provided by existing parapet heights & vehicle restraint systems on approaches.
- (c) Network Rail will need to provide further details to the highway authority showing how this pavement tie-in will be achieved on the existing bridge deck together with additional details demonstrating the viability of the above proposals including; pavement tie-in details/cross-sections, modifications to parapet heights to meet current standards for pedestrians & cyclists, vehicle restraint systems etc. due to higher pavement levels & gradients on this approach, together with associated dead loading calculations for all this additional infrastructure for further inspection by highways & structures.

#### 8.2.10 Footway Gradients

- (a) Network Rail have attempted to mitigate steeper road gradients by providing a pedestrian route at a max. 5.0% gradient between but offset from the 2 bridges to the east side of the road, which is now much longer and less direct.
- (b) Providing infrastructure which prioritises pedestrians along their desire lines is a top priority for the Council (see Kirklees DRAFT Local Cycling & Walking Infrastructure Plan (LCWIP) & Key Design Driver 1, Cl. 3.1, HDG).
- (c) A more direct route parallel to the road should therefore also be considered together with a safe crossing point.
- (d) Further details of alternative options to the above proposals to be made available to the highway authority to demonstrate reasonable adjustments have been considered in NR's proposals for consideration; including technical evidence such as long & cross-sections demonstrating why the desirable max. gradient of 5.0% cannot be achieved.
- (e) No provision for cyclists has been provided by NR within the new highways cross-section linking the proposed Dewsbury Riverside development & Ravensthorpe across the new overbridge & river bridge or into the new train station access.
- (f) The Calder Rd. overbridge itself will be a key link for cyclists using the new train station in connecting on towards Ravensthorpe and to the Sustrans Route 66 on the national cycle network with no facilities provided.
- (g) The vertical alignment of the proposed roundabout with steep approach gradients & with no protection for cyclists is not in accordance with current best practice & statutory guidance. See Manual for Streets 1/2 & LTN 1/20.
- (h) Due to the high volumes of future traffic predicted on this link & known road safety concerns regarding cyclists on normal roundabouts, a higher requirement for visibility would typically be required than has been demonstrated to mitigate this, with further protection required.

#### 8.2.11 Calder Rd. Roundabout (MVN2/202)

##### 8.2.12 Gradients

- (a) Network Rail's proposal are for a new 40m ICD self-regulating roundabout with approach gradients of 5.5% (northern arm) & 5.0% (southern arm) with a central

island of unknown diameter resulting in a circulatory carriageway width which appears to be well in excess of the desired 1.0-1.2m x entry width required in CD 116.

- (b) CD 116 (Cl. 2.1.1 & 3.30.9) advises that gradients should be no greater than 2.0% on entry. This is typically applied for a distance of desirable minimum stopping sight distance (SSD) from the give way line on all approaches. Any reduction to this requirement would have to consider the safety of other road users, in particular pedestrians and cyclists which have not been considered by Network Rail, as well as the predicted volumes of traffic<sup>1</sup>. The Council would like to see further evidence such as traffic modelling to assess the capacity of this option.
- (c) The use of large normal roundabouts in built-up areas is not in line with current good practice as they are considered highly unsafe for cyclists and do not cater well for vulnerable road users and pedestrians generally. They also do not prioritise pedestrians along their desire lines and therefore do not meet the highway authorities own design standards regarding pedestrian prioritisation. See Key Design Driver 1, Cl. 1.3, HDG & Manual for Streets 1, Cl. 7.3.12, 7.3.13 & 7.3.14.

#### **8.2.13 Huddersfield Viaduct/John Williams St. (MVL3/92)**

##### **8.2.14 Junction Arrangement**

- (a) Modifications in this location to the existing rail bridge to accommodate track alignment & platform extensions over John William St. have resulted in a junction layout that appears to have been modified with a kerb buildout & bollards to protect the structure. Further clarification is required in order for the Council to better understand these proposals.
- (b) The Council will need to see vehicle swept paths of this new junction arrangement using a 16.5m max. legal artic. for further consideration, and alternative highways kerb layout / road marking options should be investigated which also accommodate the existing cycle lane right up to the junction.
- (c) Curtailing the existing cycle lane well in advance of the junction to give priority to vehicles would not be acceptable and would be considered a backward step in prioritising pedestrians & cyclists; therefore, alternative road layout options will need to be investigated to remove this objection.

#### **8.2.15 Field House Overbridge (MVL3/98)**

##### **8.2.16 Gradients**

- (a) Network Rail proposes to replace the existing Field House footway overbridge carrying the PROW with access via 10 steps & a ramp on the southern approach, tying into the existing footpath.
- (b) The proposals by Network Rail here are for a 2.0m wide series of 2 no. 1 in 9 gradient ramps, each 6.25m approx. in length, with a 2.0m length rest area in between; which, while being an improvement on the existing is well below standards for mobility impaired persons for a new piece of infrastructure.
- (c) The Council welcomes Network Rail's proposals as an improvement on the existing structure but would like to see the ramps made fully DDA compliant with max.

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<sup>1</sup> There is a statutory duty on the highway authority under Section 17, Parts 4 (a) & (b) of the Traffic Management Act, 2004 to consider any future occurrences which have the potential to cause road congestion or other disruption to the efficient movement of traffic on their road network and to consider any possible action that could be taken in response to or in anticipation of anything so identified.

gradients of 1 in 12 (8%) over a length of 2.0m max. in strict accordance with DfT's guidance on Inclusive Mobility.

- (d) There appears to be no valid reason given as to why this can't be achieved here and is therefore unacceptable.

#### **8.2.17 Mirfield Station**

##### **8.2.18 Junction Arrangement / Footway Width**

- (a) The Lowlands Rd./Station Rd. junction is adjacent to Lidl supermarket, which has its own HGV access.
- (b) Network Rail's design indicates that widening into the footway on Lowlands Rd is required to accommodate 2 x HGV's passing at this junction, albeit no evidence or reason is given for this in D&AS.
- (c) Further details need to be provided to the Council, including swept path analysis and any predicted HGV traffic flows together with justification for these proposals, before the Council can accept the reduction in the footway.

#### **8.2.19 Station Road Underbridge (MVN2/193)**

##### **8.2.20 Highway Widths**

- (a) Proposals at Station Road underbridge are for a physical reduction in existing lane widths to 2.5m wide with a 2.0m wide loading bay area. This is intended by Network Rail to reduce vehicle speeds in this location where a new accessible station entrance and ramped access up to the island platform of the station from the east side of Station Rd. Underbridge will be provided. While this may be just wide enough for a car & rigid lorry to pass slowly but the concern is if the loading bay is occupied this will be difficult.
- (b) The Council welcomes Network Rail's proposals here but will need to see further details on how these proposals will work in practice before this can be agreed.
- (c) Additional measures may need to be considered here following further site investigation, including visibility checks and a Road Safety Audit, which might include; introduction of 2-way lights, additional advanced signing/road markings to warn drivers of road narrowing under the bridge & to help avoid any potential clashes. A 20mph TRO might also be necessary here.

#### **8.2.21 Ravensthorpe Station**

##### **8.2.22 Provision for Cyclists**

- (a) The existing Ravensthorpe Station is located on the north side of the Calder Road bridge, and is easily accessible from Ravensthorpe. This will be demolished to accommodate a new grade separated junction.
- (b) A new station is to be built 200m to the west of the existing location accessed via a new footbridge from a drop-off area located off a large roundabout on the south side of the new Calder Rd. overbridge.
- (c) Access to this new station for cyclists has not been considered in current proposals and the proposed approach route from Ravensthorpe & Dewsbury Riverside development would involve either sharing a 2.0m wide footway with pedestrians, or risking riding on the road in heavy traffic with the further prospect of negotiating a large and heavily trafficked roundabout; and has thus been made considerably less safe with reduced accessibility.

#### 8.2.23 Provision for Pedestrians

- (a) Other than improvements to footway widths across the new bridge with new footways to be provided on both side of the carriageway no details have been given as to how pedestrians or disabled persons are expected to safely access the station from the eastern footway on the north side of the bridge without also having to negotiate a very large roundabout to get to the other side.
- (b) There has been little to no consideration shown at all for active travel measures in current proposals which is not acceptable to the Council.
- (c) Network Rail is expected to show due regard for the highway authorities legal responsibilities in regards to network management duties, equality, accessibility & road safety by complying further with statutory guidance from the Secretary for State on active travel and cycling infrastructure.

#### 8.2.24 Parking and Interaction with Kirklees Highways Schemes

- (a) 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.
- (b) 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.
- (c) The Council is specifically interested in the impact of the Scheme on the Council’s Station Forecourt Car Park, and 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.
- (d) 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.
- (e) The application states that it is likely that the satellite compounds will be used intermittently over the 4-year construction period of Scheme, rather than continuously. For the compound at the Station Car Park, the application also indicates that both daytime and night-time (possession) working will be required, and the duration of use is estimated at up to 2 years

### 8.3 Modifications sought by the Council in respect of Highway Design

- 8.3.1 Section 8.2 above highlights where further steps will typically be required by Network Rail to satisfy the highway authority that its (the highway authority’s) legal duties and responsibilities have been met, in managing the highway network and providing infrastructure improvements that are accessible for all, reduce inequality and improve the health & well-being of the people in its local area; and to be used in discharging its statutory duties and obligations in delivering new highways infrastructure in relation to the TRU, which is both sustainable and in alignment with the latest Government policy and Secretary of State’s Statutory Guidance on active travel modes, cycle infrastructure design and the benefits provided thereof.

### **8.3.2 Gradients**

- (a) With regard to gradients, the Council considers that the current designs represent a risk to highway safety and does not adequately facilitate accessibility for disabled persons. The Council would like to see technical evidence (such as long and cross-sections) demonstrating why the desirable gradient technically cannot be achieved, together with proposed measures to mitigate any departures from standards, before accepting the designs for adoption. The Council considers that the detailed design is capable of being agreed through the imposition of suitably worded conditions.
- (b) The Council therefore asks the Secretary of State to impose Additional/Alternative Conditions 8 & 9 ("AAC 8 & AAC 9") (see Schedule 1) on any Direction.

### **8.3.3 Highway Design**

- (a) The design issues identified above demonstrate that Network Rail's proposals do not incorporate cycle and pedestrian provision in accordance with the latest Department for Transport design guidance, specifically LTN 1/20, and do not promote active travel measures generally in accordance with Statutory Guidance issued under Section 18 of the TMA by the Secretary of State..
- (b) 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 23 ("AAC 23") (see Schedule 1) on any Direction.

### **8.3.4 Parking and Interaction with Kirklees Highways Schemes**

- (a) The Council requires 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 also as to whether the Station Car Park might be operated as a car park intermittently for the periods in between the Scheme's construction workings, 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.
- (b) 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 Conditions 5 & 6 and Alternative/Additional Condition 13 ("APC 5 & APC 6 and AAC 13") (see Schedule 1) on any Direction.

## **9. HIGHWAYS STRUCTURES**

### **9.1 Background**

- 9.1.1 It is a requirement of the Design Manual for Roads and Bridges (CG300) that proposals for all highway structures shall be outlined in sufficient detail (via the Technical Approval process) for the eventual maintaining authority to approve all aspects of the proposal.
- 9.1.2 Moreover CG300 provides for staged approval where it is warranted by the complexity of the proposals, or any departures from standards.

### **9.2 Concerns**

#### **9.2.1 Maintenance of highway surface in respect of Footbridges**

- 9.2.2 As drafted, the effect of Article 18(1) - (3) of the draft Order is that the surface of any footbridge constructed as part of the Scheme will immediately become the responsibility of the Council.

- 9.2.3 The structure of new footbridges will be owned and maintained by Network Rail, in accordance with Article 18(3). Where road bridges are proposed, it is logical and efficient, and therefore in the public interest, for the Highway Authority to maintain the surfacing material over the bridge, as the Highway Authority maintains the surfacing material on the approaches and beyond. However, in the case of footbridges, depending on the construction type, the walking surface is more likely to be proprietary textured deck boards, or a resin screed laid with a fine aggregate such as bauxite. In either case, it is neither logical nor cost-effective for the Highway Authority to maintain the surface in isolation of any other similar maintenance liability.

#### **9.2.4 Deemed Approval of Highway Bridge Structures**

- 9.2.5 Article 19(1) provides that :

"Any bridge to be constructed under this Order for carrying a highway over or under a railway must be constructed in accordance with the plans and specifications approved by the highway authority, but such approval not to be unreasonably withheld".

- 9.2.6 The Council supports Article 19(1). However, Article 19(2) of the draft Order then contains a deeming provision whereby in the event that if, within 28 days of receiving an application for approval, the Council 'fails to' (does not) notify Network Rail of its decision or refuses approval without giving any grounds for its refusal that highway authority is deemed to have granted approval. This deeming provision reflects that proposed in Articles 15, 16, 17, 22 and 50 of the draft Order.

- 9.2.7 The Council is concerned that the bridge design approval process is one which is unlikely to be concluded in 28 days, which the Council considers is unrealistic. Whilst it is anticipated that discussions and refinements between Network Rail and the Council as to the detail of the proposed bridges would continue to a conclusion to the benefit of the public interest, in the event that unacceptable or incomplete proposals are presented, the deeming period would provide insufficient time to resolve any substantial issues.

#### **9.2.8 Low headroom at John William Street - footway only.**

- 9.2.9 The proposed changes to Huddersfield Station require widening of the railway bridge over John William Street. It is proposed to extend the abutment with a cill beam, reducing the headroom over the footway; localised footway widening is proposed to ensure that standard headroom is maintained over the entire width of the carriageway.

- 9.2.10 The south east corner of the railway span over John William Street is inherently vulnerable. There is a risk that vehicles could impact the low cill beam in the event that they mount the footway, and Network Rail's proposals include bollards to mitigate this risk, whilst still facilitating pedestrian movements. Such use of bollards as protection does not comply with current standards for vehicle restraint, are not a permitted form of Vehicle Restraint System (VRS) in compliance with CD 377- Requirement for road restraint system.

- 9.2.11 It is understood that vehicles serving the adjacent Tesco store cannot turn within the site, so have to reverse either into or out of the site. This may exacerbate the risk of vehicles mounting the footway, and Network Rail is asked to liaise with Tesco to understand the practicalities of the use of the site.

- 9.2.12 Liability for the proposed bollards presents a problem. Ordinarily the Council would not expect Network Rail to maintain bollards in the public highway. However, in this case maintenance by the Highway Authority represents a disproportionate liability for the Council. In the worst case, if the bollards were damaged, and consequently failed to preclude an HGV from the footway, any resulting damage to the cill beam could have significant consequences for the operational railway.

- 9.2.13 The Council considers that it is imperative that the liability for the additional risk presented by the overhanging cill beam remains with Network Rail.
- 9.2.14 It is suggested that Network Rail are required to undertake a robust assessment of the risk of impact damage to the cill beam, to inform the solution.
- 9.2.15 It is noted that Network Rail presented an option to widen the deck with a box girder, supporting the station platform and a cantilevered walkway. This option did not appear to reduce the headroom at any point. Whilst this option has several inherent disadvantages, it may be that these can be more easily managed than the liability and maintenance issue presented by the proposal in its current form. Alternatively, Network Rail must consider the feasibility of designing the cill beam to sustain impact from errant vehicles.
- 9.2.16 A62 Leeds Road railway bridge: ownership of proposed bridge.**
- 9.2.17 The Council's concerns regarding the future ownership of the A62 Leeds Road overbridge are fully articulated in Appendix 4 of the Council's Rule 21 submission dated 17 May 2021,
- 9.2.18 A copy of Appendix 4 is reproduced at Schedule 3 to this Statement.
- 9.2.19 Thornhill Road Bridge MDL1/9: Retaining walls are proposed to facilitate highway works.**
- 9.2.20 The retaining walls are required to retain private land, and it is expected that Network Rail will take on ownership of the proposed retaining walls.
- 9.2.21 If Network Rail do not intend to either take on ownership of the retaining walls, or arrange for the adjacent landowners to own them, it would result in an unreasonable additional maintenance liability for the landowners / Highway Authority.

### **9.3 Modifications sought by the Council in respect of Highway Structures**

#### **9.3.1 Maintenance of highway surface in respect of Footbridges**

- (a) The Council considers that greater clarity within the Order is required to establish the respective maintenance liabilities of the Council and Network Rail in respect of footbridge surfaces.
- (b) The Council considers that the required clarity can be sought through an amendment to the drafting of Article 18(3) as follows:

~~"(3) Except as provided by paragraph (4), Paragraphs (1) and (2) do not apply in relation to the structure of any bridge or tunnel carrying a street over or under any railway of Network Rail~~ **or any retaining structure constructed under this Order** and except as provided in those paragraphs Network Rail is not liable to maintain the surface of any street under or over which the scheduled works are constructed, or the immediate approaches to any street **save as for the surface of any new or altered footbridge which shall at all times be maintained by and at the expense of Network Rail.**"

#### **9.3.2 Deemed Approval of Highway Bridge Structures**

- (a) The Council considers that a deeming provision is not appropriate in respect of the approval of highway bridge design.
- (b) The Council therefore objects to Article 19(2) in its entirety and seeks its deletion from the Order.

**9.3.3 Low headroom at John William Street - footway only.**

- (a) The Council considers that the current designs represent a risk to highway safety. The Council would robust assessment of the risk of impact damage to the cill beam, to inform the solution.
- (b) The Council therefore asks the Secretary of State to impose Additional/Alternative Condition 7 ("AAC 7") (see Schedule 1) on any Direction.

**9.3.4 A62 Leeds Road railway bridge: ownership of proposed bridge.**

- (a) The Council propose that the draft Order (NR02) is modified as follows:
  - (i) Article 18(3) is modified by the deletion of the words "Except as provided by paragraph (4),"
  - (ii) Article 18(4) is deleted.
  - (iii) Article 47(1) is modified by the deletion of the words "15(ii), 15(iii)," and "20(ii),".
  - (iv) Article 47(2)(h) is deleted.

**9.3.5 Thornhill Road Bridge MDL1/9: Retaining walls are proposed to facilitate highway works.**

- (a) The Council considers that greater clarity within the Order is required to establish the respective maintenance liabilities of the Council and Network Rail in respect of footbridge surfaces.
- (b) The Council considers that the required clarity can be sought through an amendment to the drafting of Article 18(3) as follows:

~~"(3) Except as provided by paragraph (4),~~ Paragraphs (1) and (2) do not apply in relation to the structure of any bridge or tunnel carrying a street over or under any railway of Network Rail **or any retaining structure constructed under this Order** and except as provided in those paragraphs Network Rail is not liable to maintain the surface of any street under or over which the scheduled works are constructed, or the immediate approaches to any street **save as for the surface of any new or altered footbridge which shall at all times be maintained by and at the expense of Network Rail.**"
- (c) Where the Council will assume long-term maintenance liabilities in respect of any highway supported or protected by an embankment or other retaining structure, for example where the street itself is neither new nor altered (and as such is potentially outwith the scope of Article 18 of the Order) the highway authority requires details of such embankment or structure to be approved by the Council prior to the commencement of the relevant works so as to protect the interests of highway and public safety, and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.
- (d) The Council therefore asks the Secretary of State to impose Additional/Alternative Conditions 6 & 7 ("AAC 6 & AAC 7") (see Schedule 1) on any Direction

## **10. PUBLIC RIGHTS OF WAY**

### **10.1 Background**

- 10.1.1 The Council considers that Network Rail's submissions relating to public rights of way ("PROW") are incomplete and insufficient to protect the public and the public's interest in the public rights of way and therefore the wider highway network.
- 10.1.2 Network Rail has initiated consultation with the Council and the principal outcomes of the scheme are supported. Officers have put significant time and effort over a long period into the Network Rail TRU scheme; meeting, considering, assisting, advising and requesting, altogether supporting delivery of the TRU project. However, there has been a consistent line of unsatisfied requests regarding the provision of appropriate detail on the actions proposed to mitigate the effect of the scheme on public rights of way along the route.
- 10.1.3 These matters include the effect on public use, on public safety, on accessibility, connectivity, construction, sign-off etc.
- 10.1.4 Despite detailed input, including attendance and significant contributions at numerous meetings, there still appears to be insufficient public rights of way detail provided in the draft Order, and requests for more information have gone unanswered.
- 10.1.5 In the context of public rights of way, Council objects to the Order as drafted.
- 10.1.6 The submissions do not contain the same detail as would be expected in an analogous Order under other legislation affecting public rights of way. For example, those under provisions in the Town & Country Planning Act 1990 or Highways Act 1980, including rail orders, and further to their associated regulations, published advice and guidance. Generally, there is insufficient detail in the Order regarding the position, construction, width and levels of new routes. Where diversions of public rights of way are proposed by Order this is particularly important, as is the need for sufficient detail to assess the impact of the diversion and the acceptability and appropriateness of a new route, including its design, construction and connectivity.
- 10.1.7 The Council has a duty to maintain formal records of public rights of way under the Wildlife & Countryside Act 1981, including requirements to reflect legal events as described in section 53. This requires appropriate precision and accuracy in relation to describing new and amended routes, also as described in relevant regulation and advice notes (see below for links).
  - (a) <https://www.gov.uk/government/publications/rights-of-way-advice-note-16-widths-on-orders/rights-of-way-advice-note-no-16-widths-on-orders>
  - (b) <https://www.legislation.gov.uk/ukxi/1993/12/contents/made>
- 10.1.8** In the Council's Rights of Way improvement Plan, the Executive Summary notes that the aims are to:
  - (a) protect, improve and develop the rights of way network as an important means of access both within urban areas and the wider countryside to meet with the present and future needs of the public;
  - (b) ensure the condition of the rights of way network is maintained and enhanced in keeping with the needs of local communities;
  - (c) afford opportunities for safe and sustainable travel and for access to work, schools, shops and other facilities and amenities as well as providing further opportunities for outdoor recreation and enjoyment of the area;

- (d) improve the accessibility of rights of way for all members of the community in particular those from ethnic and deprived areas and especially for those with mobility problems or other impairments;
- (e) identify opportunities to further improve public access in Kirklees by working with partners and volunteer groups in providing well-connected, well maintained, traffic free routes that are safe, attractive and well used by residents and visitors;
- (f) enable and encourage people to enjoy the benefits of regular exercise whilst going about their daily business and to take advantage of the wide variety of countryside that exists within Kirklees; and
- (g) ensure the rights of way network contributes to the development of economic opportunities in Kirklees through tourism.
- (h) See the following, other parts also relevant, e.g. issue 4 page 37:  
<https://www.kirklees.gov.uk/beta/countryside-parks-and-open-spaces/pdf/rowip.pdf>

## **10.2 Concerns**

- 10.2.1 Public rights of way are highways, for which the Council is highway authority. The Council has identified the lack of appropriate detail submitted throughout the Order documentation, NR02 (Schedules 3,4 & 6) NR09 (9,13,19 and 21) NR123, NR14, NR15 and NR16.
- 10.2.2 Network Rail provided some detail of some parts of its scheme, however the Council considers that the Order has been submitted before completing the good work undertaken in co-operation with the Council's officers. It is suggested that Network Rail engages in further negotiations with the Council, then adds to and amends its Order proposal submissions to minimise the likelihood and volume of objections to the public rights of way aspects of the scheme as currently described in the Order.
- 10.2.3 Inadequate information about various proposed PROW diversions, at Leeds Road, Huddersfield at Battyeford, Mirfield and at Ravensthorpe (public bridleway) has been submitted. For example, the latter diversion proposal affects a multi-user public route, the re-siting of Ravensthorpe Station and creation of its access, significant changes of levels and appears also to affect a major new housing development and its expected access.
- 10.2.4 Planning submissions have made limited and insufficient reference to public rights of way. In response to the consultation, public rights of way have asked for appropriate conditions relating to the Scheme's development proposals which affect public rights of way.

## **10.3 Modifications sought by the Council in respect of Public Rights of Way**

- 10.3.1 The Council requires additional information regarding proposals for public rights of way (and other public access and highway arrangements away from the ordinary road network), including alignments, extent, widths, sections, construction designs, surfacing etc. This is particularly relevant to any proposed permanent changes to the network, such as Hud/51, Kir/240 and Dew/3 identified above. It is not clear how works to public rights of way have been chosen to be identified in Network Rail submissions under works schemes, or as works to 'streets' or indeed, not mentioned at all.
- 10.3.2 The Council does not objection in principle to the Scheme or to the principle of modifications to the PROW network, but the Council request a mechanism securing the provision of further information and detail regarding the treatment of existing public rights of way and regarding those proposals where changes are intended.

### **10.3.3 Impact of the Scheme on all highway users**

- (a) 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.
- (b) 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 Schedule 1) on any Direction

### **10.3.4 PROW disruption and increased journey times**

- (a) 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.

- (b) The Council considers that the 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 Alternative/Additional Conditions 16 & 17 ("AAC 16 & AAC 17") (see Schedule 1) on any deemed planning permission.

### **10.3.5 Construction Traffic Management Plan**

- (a) 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.
- (b) 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 Schedule 1) on any Direction.

## **11. LANDSCAPE**

### **11.1 Background**

- 11.1.1 The Council considers that the current TWAO submission is incomplete, insufficiently detailed, includes extensive unjustified loss of protected woodlands, landscape features and habitat, and is reliant upon the justification of impact and mitigation in a future Landscape and Ecological Management Plan (LEMP). The extent of the adverse impacts on the natural environment are consequently unable to be fully quantified and mitigated, contrary to the requirements of the National Planning Policy Framework (NPPF) (Chapter 15) and the Local Plan policies LP24, LP30, LP31, LP32 and LP33. In particular, it is clear that the extensive proposed loss of tree and woodland groups, and the compromise of significant landscape characteristics would directly contradict Planning policy and is consequently not supported. Therefore, this Statement of Case outlines the areas of detailed landscape analysis and design justification which are necessary to fully address the national and local Planning policy requirements, as they relate to the natural environment and landscape character.
- 11.1.2 The Council has sought to engage with Network Rail with regard to minimising the impact of the Scheme on the landscape, and has highlighted various queries regarding the apparent lack of landscape details over the last 12 months. The Council remains concerned that a number of these queries remain unanswered. For example the Council's Landscape Officer emailed feedback on Network Rail's draft submissions as follows:
  - (a) Thornhill Road, A62 & Deighton Station / Whitacre Street 12.08.2021 primarily queries over some of the proposed slopes and proposed landscape treatment;
  - (b) Plans for Colne Bridge Road & John William Street, The Council landscape comments submitted 10.09.20 relate primarily to an area protected by a Tree Preservation Order (TPO) and the removal of substantial area of trees (contrary to LP24i). The affected group/woodland of most concern is listed as G63 (4 – Colne Bridge and Battyeford), TPO ref 10/85/a1. This is an area order served in 1985 protecting a deciduous woodland feature between the canal and the railway. It provides significant public amenity and wildlife benefits to the area, the value of this woodland is heightened by its location within an industrial area and the Kirklees Wildlife Habitat Network and its removal is contrary to LP31i, ii, iii & iv and LP33.

- (c) The proposed permanent removal of this protected woodland at Colne Bridge Road (points raised in 163) is entirely unacceptable and made worse by the lack of detail of mitigation tree planting. Though it should be noted that there appears to be no space for tree planting in this location at all in the scheme (contrary to LP33) so the loss would be permanent. The compound proposed for this area would ideally be sited elsewhere where it did not require the removal of woodland. In addition, loss of trees TPO ref 21/20/w1- (Potential removal of trees adjacent to tunnel entrance at Gledholt Bank) and direct temporary loss of habitats within two Local Wildlife Sites (LWS) (UG102/LWS35 Gledholt Wood & LWS32 Sir John Ramsden Canal) are also expected as a result of the scheme and full compensatory measures are required to be secured in the long term to mitigate these losses.
- (d) The Council Landscape queried the mitigation measures, the replacement tree planting elsewhere, clarification of who would be managing and maintaining the new steep earth retaining slopes, all unanswered.

## 11.2 Concerns

### 11.2.1 Proposed large-scale Power Supply Unit (PSU) and Static Frequency Converter Feeder station (SFC)

(Ref: 158 - Environmental Statement Volume 1 Non-technical summary (5.1.82 - 5.1.84); 159 - NR13 Drawings (151667-TSA-35-MDL1-DRG-T-LP-162891 4 drawings, 151667-TSA-35-MVN2-DRG-T-LP-162439; 160 - NR16 Vol 2i (2.7.20/2.7.23); 161 - NR16 Vol 2i (2.12.2 -2.12.7))

- 11.2.2 There is a lack of clarity regarding the impacts of the PSU/SFC, The Council will require more detailed proposals for the PSU/SFC and its environs at an early stage.
- 11.2.3 For background The Council's landscape officers were consulted on the LVIA viewpoint locations, however neither the PSU nor SFC were disclosed at this point, so visual impacts assessed as part of the Landscape and Visual Impact Assessment (LVIA) do not include SFC buildings and footprint. These elements/structures are too large for dealing with in a condition and they form an inherent part of the TRU scheme and should be included as such. The PSU/SFC location and scale was not disclosed during the discussions surrounding viewpoints which were strictly limited to the line itself and therefore the impact of these structures appear to have been completely disregarded in the LVIA.
- 11.2.4 Viewpoints from the land allocated for the SFC area showing the proposed buildings are lacking. The extent of the adverse impacts on the natural environment of the SFC is consequently unable to be fully quantified and mitigated, contrary to the requirements of the National Planning Policy Framework (NPPF) (Chapter 15) and the Local Plan policies LP24, LP30, LP31, LP32 and LP33. The severe lack of information to demonstrate the impacts of the SFC have been addressed, and the ambiguity surrounding mitigation required needs to be addressed. The visual analysis does not include the visual impact of the SFC/PSU and the viewpoints 27 and 39 do not indicate the visual effects of the large SFC/PSU on the site of the quarries (currently approved to be restored). Viewpoints including the built forms associated with the rail scheme should be included, together with identifying resulting mitigation measures in detail to avoid ambiguity on the visual impact of such a large, high building mass in this setting and adjacent to the waterways.
- 11.2.5 Also, the visual analysis identified a number of principal receptor groups, which do not include users on the navigable waterways, either the Sir John Ramsden or the Huddersfield Narrow Canal. Potentially a number of users, those on canal boats, tourists etc. which are not represented in the analysis.
- 11.2.6 The NTS states that "since the Scheme is in keeping with the existing railway infrastructure and context, it is considered to have limited residual adverse effects on the

surrounding landscape character and visual amenity". Despite this, The Council Landscape are disappointed to note that the scale of the SFC and its setting and location have been insufficiently addressed by the information submitted by NR, and thus the scheme cannot be assessed by officers in relation to relevant local and national policies. There is no reference to the duration or magnitude of the impacts or effects of the PSU/SFC and is contrary to demonstrating meeting LP24, LP32 and LP32b and d.

- 11.2.7 The Environmental Statement (ES) states that planting will be "reinstated as far as possible", this is ambiguous and the statement does not give sufficient security that the extent and type of planting will be sufficient to result in addressing significant effects anticipated of the PSU/SFC nor those from the area adjacent (the restored landscape public open space at the Ravensthorpe Triangle) and is contrary to LP24 (a, f, g, h & i) and LP32d.
- 11.2.8 Details should provide the level of replacement planting/compensatory planting/landscape enhancement to demonstrate adequately mitigating the effects or, given it is doubtful that the loss of landscape restoration can be replaced on site, the compensatory measures equivalent to or improved that are proposed to address these losses and meet LP24 (a,c,f,g,h,i).
- 11.2.9 NR have suggested an implementation timetable and a five year post-completion monitoring schedule, however this is insufficient based on Temporary adverse effect to a lifetime of adverse impact which should be substantially mitigated against when the timeline stated in the submission is 30 -100 years. Clarity is required to ensure replacement planting which demonstrates adequate or appropriate mitigation. There is a lack of information and this is currently not sufficiently detailed in landscape terms in the NR submission. In order to overcome the concerns, long-term commitment from NR to a minimum of 30-year management plan is required, as specified within the condition suggested by The Council Landscape for the LEMP.
- 11.2.10 Based on the approved restoration proposals a justification for the siting of the building and infrastructure or preferably a review of the location/siting should aim to move the location and compact the area it takes up to minimise the overall land take and thereby maximise the remaining site for the original purpose upon restoration to meet LP24 (a,g,i). It would help to ensure the best potential for the remaining area of the site to be landscaped for public access and more space for the mitigation proposals for screening views and adverse impacts of the new large scale PSU/SFC. This would enable more of the natural wildlife and habitat reclamation scheme proposals in landscape and biodiversity terms to be realised.
- 11.2.11 Potential impact to the members of the public using the proposed public open space right next to the large-scale Power Supply Unit (PSU) and Static Frequency Converter Feeder station (SFC) is ambiguous (Sheet 4 of 4). Information on exposure to electromagnetic fields and whether having this area for public open space might affect health, either directly or in directly. The quarries to be restored included fishing lakes and community benefits (as explained in paragraph 9.15.7 of NR Planning Statement). There is insufficient landscape information or design detail for this public open space next to this extremely large facility and we currently have a number of concerns.
- 11.2.12 Furthermore, general ambiguity and lack of sufficient information and details to demonstrate compensation for permanent loss of the site in terms of landscape and habitat restoration from the previously approved planning permission 2012/92979 (the Forge Lane Minerals Extraction Site) will need to be addressed (note this matter is considered in more detail in Section 14 below).
- 11.2.13 Although reference is made to the loss of the restored ponds in the mitigation scheme which states, "New pond habitat will be created to fully compensate for the loss of the two ecologically important ponds within the Thornhill Quarry site (GCN\_023 and GCN\_024)", there is a lack of submitted detail in relation to location and setting of the new ponds to be created. Information should have been provided to clarify proposed

plans will provide the same landscape value and functions as originally proposed. Currently it appears that there is a permanent loss of the majority of the approved restoration scheme for the site contrary to LP32, and a loss in opportunity for community benefit, public open space and landscape setting with features such as fishing ponds, unless equivalent interventions can be delivered elsewhere. This is contrary to LP24 (a, f, g, h & i). This approved restoration scheme, would provide significant public amenity and wildlife benefits to the area, the value of which is heightened by its location close to an area of high deprivation and the Kirklees Wildlife Habitat Network. Further detailed landscape proposals will be required for clarification. Reference is made to final designs being included within the LEMP, however this is not satisfactory or sufficient given the need to demonstrate mitigation of impact both visually and of the permanent loss of the landscape restoration scheme and to avoid significant loss and harm to this approved restoration (again this matter is considered in more detail in Section 14 below)

#### **11.2.14 The Nature of the Existing Landscape**

Ref: 158 - Environmental Statement Volume 1 Non-technical summary (5.1.82 - 5.1.84); 159 - NR13 Drawings (151667-TSA-35-MDL1-DRG-T-LP-162891 4 drawings, 151667-TSA-35-MVN2-DRG-T-LP-162439; 160 - NR16 Vol 2i (2.7.20/2.7.23); 161 - NR16 Vol 2i (2.12.2 -2.12.7); 162 - NR16 Vol 2i (2.14.1)

- 11.2.15 Proposals are required to consider the nature of the existing landscape likely to be affected by the proposals and the scheme should aim to avoid or minimise harm to the landscape and natural environment and provide reasonable mitigation where appropriate. The current information is ambiguous and there is a lack of clarity making it difficult to assess whether the proposed landscape measures provide sufficient mitigation. For example, lack of information is provided on the mitigation for visual effects on sensitive receptors such as residents, users of the PROWs and Waterways, which is contrary to LP32d, and lack of demonstration that mitigation is sufficient for the proposed public open space on the residual area after the construction of the SFC (which is a considerable deficiency on area based on the original restoration scheme and contrary to LP24f,g,h,i). More detail on proposed on site and off site mitigation measures is required. This is not about whether the visual effects of the scheme outweighs the benefits of the development – that is a different matter entirely (and judged by the SOS) this is about detail of what compensatory planting is proposed and where, and evidence that it is equivalent to and or improved based on the landscape to be replaced or to mitigate views. These proposals will be visible for a significant period of time. Planning Drawings of Ravensthorpe Triangle with PSU/Static Frequency converter make no reference to adequate landscape planting or mitigation.
- 11.2.16 NR16 Vol 2i 2.12.3 states that based on discussions with the landowners and site operators at Thornhill Quarry and Forge Lane Quarry it is understood that the sites will be fully restored prior to the Scheme coming forward and therefore details of this have been included in the assessment, albeit existing baseline conditions are also presented. Identified mitigation measures particularly in relation to landscape and biodiversity have therefore assumed that the baseline conditions are as per the agreed restoration proposals for these sites (Planning application references 2018/93805 and 2019/90391 respectively) as a conservative approach to the assessment. However, there is currently no clear indication of the location or extent of proposed compensation planting for the loss or impacts to these sites. The outline mitigation plans do not identify the measured areas being taken for the PSU/SFC or that areas for mitigation are fully met.
- 11.2.17 Minimal reference to compensatory planting, and whilst “the types of which are listed” is referenced, there is little or no detail in the ES to location and extent of any off site provision nor a programme confirming when the implementation of the landscape planting will be carried out. This is contrary to LP24 h & I and of particular concern with regard to the loss of land and restoration scheme at the Ravensthorpe Triangle – referred to at 11.2.12 and 11.2.13 above, as the impact on the proposed wetland as permanent loss has not been detailed or addressed. There is a general lack of clarity

and any information regarding off site mitigative planting for screening and replacement tree planting for lost TPO trees is also sadly lacking and contrary to LP24i.

- 11.2.18 The proposed permanent removal of the protected woodland at Colne Bridge Road and other proposed felled trees and woodlands has not been fully justified, some of these losses are simply to accommodate temporary site compounds, and are consequently totally unacceptable and contrary to LP24i, LP31i,ii, iii & iv and LP33. Should the Network Rail demonstrate tree loss is deemed to be unavoidable, submission of a detailed mitigation scheme and full compensation planting details will be required to demonstrate the losses have been fully addressed, i.e. the replacement woodland should be equivalent or better in size and quality where provided elsewhere.
- 11.2.19 The construction programme, assessed and reported in the ES, states it will occur over a four-year period but there is a lack of clarity for the landscaping elements, and minimal information as to when the reinstatement and landscape proposals will be implemented. Clarification regarding the stage when landscaping and mitigation planting will be undertaken and to inform and address the mitigative measures identified is required.
- 11.2.20 In summary, details and plans of all environmental mitigation proposals, including areas of new planting and habitats created, both on and off site, which clearly identify & demonstrate the mitigation being addressed will be required.

**11.2.21 Highway Banking**

Ref: NR13 Drawings (151667-TSA-35-MVN2-DRG-T-LP-162439)

- 11.2.22 Planning drawings make limited reference to landscape treatment, planting or mitigation and the Council will require early clarification as to proposed mitigation proposals for bankings adjacent to highways, and confirmation and approval if they will become the Council's ultimate responsibility to manage and maintain through Grounds Maintenance teams. The areas to be re-profiled to form steep slopes are of particular concern.

**11.3 Modifications sought by the Council in respect of Landscape (all concerns)**

- 11.3.1 Given the lack of a detailed mitigation measures arising from the Council's queries documented at 11.1 above, and the lack of sufficient detail in Network Rail's submission to demonstrate commitment for mitigation to meet LP24 (a, f, g, h & i), The Council requests that the revised planning conditions (below) be included in the Order to deliver some of the information which is currently lacking from the TWAO.
- 11.3.2 Network Rails suggested LEMP condition is insufficient and should include a plan of all existing landscape and landscape features to be retained and removed, not just trees and tree features, and should address broader landscape themes. The condition should also require details as to the extent, type and provenance of new planting features. For example, the Council would expect Network Rail to demonstrate that it is meeting the highest landscape standards and not just minimum enhancements.
- (a) The Council considers that the detailed landscape design is capable of being approved and secured through the imposition of suitably worded conditions. The Council therefore asks the Secretary of State to impose Alternative/Additional Conditions 2 & 3 ("AAC 2" & "AAC 3") (see Schedule 1) on any deemed planning permission.

**12. HERITAGE / HISTORIC ENVIRONMENT IMPACT**

**12.1 Background**

- 12.1.1 The Council remains concerned that the Scheme's impact on heritage assets and the historic environment is incomplete, insufficiently detailed and reliant upon currently ill-defined procedures which fail to provide the "clear and convincing justification" (NPPF

para.194) necessary to justify the exceptional adverse impacts on the historic environment.

- 12.1.2 It is acknowledged that the design development of the proposed TRU-W3 works have been undertaken (in consultation with officers from Kirklees Council and Historic England) with the objective of attempting to balance the adverse heritage impacts against the public benefits. Therefore, this Statement of Case, outlines the further areas of detailed analysis and design justification which are necessary to fully address the national and local Planning policy requirements as they relate to heritage assets.
- 12.1.3 This Statement of Case is a summary of the issues outlined in the Kirklees Council Rule 21 Submission - Appendix 5 - Heritage Section (nos.57 – 60). The key conservation and heritage impact issues yet to be resolved are set out below and reference the legislative and planning policy requirements set out in the Policy Framework.
- 12.1.4 The relevant policy framework is as follows:
- (a) The policy framework used to evaluate the impact on the historic environment is set by the need to address the requirements of Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act 1990.
  - (b) The fundamental legislative and policy requirement is to give “great weight” to the conservation of designated heritage assets (in accordance with NPPF paragraph 193) and demonstrate that appropriate account has been taken of the desirability of sustaining and enhancing the significance of all heritage assets (NPPF paragraph 192).
  - (c) The TWAO application acknowledges the direct and indirect adverse impacts on a collection of listed buildings, a conservation area and numerous non-designated heritage assets.
  - (d) The proposed TRU-W3 works are recognised in the TWAO as resulting in extensive, permanent adverse impacts on the historic environment, ranging from demolition and complete loss of significance of designated heritage assets to ‘less than substantial harm’ to retained structures arranged along the line. Unfortunately, the current TWAO does not provide the detail to confirm how these impacts would be realised or that the design solutions have adopted the least harmful impact or could be appropriately mitigated by design changes.
  - (e) Therefore, contrary to the requirements of the NPPF, paragraphs 192, 193, 194, 195, 196 and 197 and Local Plan Policy LP35 the TWAO currently fails to clearly demonstrate that the public benefits of the proposed works would outweigh the acknowledged and substantial harm to the historic environment.

## **12.2 Concerns**

### **12.2.1 Incomplete and ambiguous scope of heritage impacts**

- 12.2.2 At present the Council considers that the permanent and profound heritage impacts are not fully defined or justified within the Scheme submission, and the proposed design details are currently inadequate to achieve the high-level of design quality, necessary to mitigate the loss of heritage assets, both in functional and aesthetic terms. The Non-technical Summary, ES Vol 1. (NTS) does not reveal the full scope of the adverse heritage impacts on the various components of the historic environment and requires action to complete the analysis, impact and mitigation measures necessary for on the on-line listed buildings.

- 12.2.3 The NTS outlines the extensive and significant adverse effects of the TRU-W3 works, (both temporary and permanent) relating to the on-line designated heritage assets.

However, the analysis is incomplete, inconsistent with ES Volume 2i Chapter 6, and understates the significance of the various impacts.

12.2.4 Consequently, a detailed and wholly convincing justification for the exceptional loss of the identified listed buildings and the compromise of the other heritage assets has yet to been fully demonstrated within the application, not least as the majority of details are reserved for exploration in proposed Conservation Implementation Management Plans (CIMPs).

**12.2.5 Failure to address adverse impacts on listed buildings within the operational land**

12.2.6 The TWAO submission fails to identify the major adverse heritage impacts that will result from the realignment of the line and the consequent redundancy of the following grade-II listed buildings:

- (a) Hillhouse Sidings Railway Coal Chutes and Tramway with wall and gates, Alder Street (Hillhouse Sidings), Huddersfield (NHLE 1096083)
- (b) Bridge MDL1/16 - Ravensthorpe-Dewsbury Railway Bridge over Calder and Hebble Navigation, Long Cut (NHLE 1183783)
- (c) Bridge MDL1/8 - Ravensthorpe -Dewsbury railway bridge over River Calder (NHLE 1313646)

12.2.7 As existing components of the operational line these designated heritage assets (outlined below) require inclusion in a strategic conservation strategy to plan their future management and maintenance.

- (a) At present the adverse TWAO impacts on the grade-II listed **Calder & Hebble Canal Underbridge (MDL1/6)** and the similarly designated **River Calder Underbridge (MDL1/8)** are only considered in terms of 'temporary' visual impacts on their 'setting' as a result of the new Ravensthorpe viaduct dominating views towards these bridges from the south-east. However, the major adverse impacts resulting from the redundancy of the listed bridges in terms of their future management and maintenance has not been considered, despite potentially creating a substantial access hazard and public liability.
- (b) The full heritage impact of the proposed line diversion, therefore, should include an evaluation of the by-passing and abandonment of the monumental river and canal bridges, not least to reveal the magnitude of impact and inform the extent of necessary mitigation. The future management and maintenance of these potentially redundant designated heritage assets should also be defined as a key component of a 'Strategic Conservation Strategy' for the line as whole, with the details specified in individual CIMPs tailored to each bridge.
- (c) The Environmental Statement (Vol 2i para. 6.5.29) incorrectly states there are no operational (permanent) impacts on the historic environment in Route Section 2, failing to recognise the impact on the Hillhouse Sidings Railway Coal Shutes which is within the operational (red line) area. The proposed TWAO works should also identify the required management and maintenance measures necessary to secure the future of the **grade-II listed Hillhouse Sidings Railway Coal Chutes and Tramway**. This designated heritage asset would be enclosed by the new Network Rail Hillhouse marshalling yard, potentially compromising its adaption and reuse. The former Railway Coal Chutes and Tramway clearly should be defined as a key component of a 'Strategic Conservation Strategy' for the line as whole, with the management and maintenance of the structure clearly specified in a tailored CIMP. The latter should include works to arrest current fabric deterioration and enable the exploration of a new use for the structure.

- (d) Therefore, the current TWAO submission evidently fails to give “great weight” to the conservation of the above designated heritage assets which would be directly and adversely impacted by the development. To meet this policy requirement the TWAO submission should specify explicit measures (framed by a Strategic Conservation Strategy) in order to define and secure the long-term management and maintenance of all the heritage assets along the route. The listed structures should be afforded particular consideration, with the impact and methodology for the individual interventions defined within a suite of Conservation Implementation Management Plans (CIMPs) tailored for each of the impacted designated heritage assets along the length of the line.

**12.2.8 Failure to address the impact on Huddersfield Town Centre Conservation Area (HTCCA)**

- 12.2.9 The lack of a ‘Strategic Conservation Plan’ for the TRU route as a whole means that the TWAO proposal for TRU-W3 does not consider the potential impact on Huddersfield Town Centre Conservation Area (HTCCA) which is located within Route Section 1. It is a requirement of Section 72 of the 1990 Act and Local Plan Policy LP35 that the impact on this designated heritage asset is demonstrably evaluated in the decision-making process.
- 12.2.10 The HTCCA is discussed in ES Volume 2ii, Chapter 6 paragraph 6.3.34 in terms of the temporary construction impacts but the detailed Chapter does not consider the permanent effect of the significant works to the station complex, or the viaduct. The omission of the evaluation of the impact on the character and appearance of the HTCCA is contrary to S.72 P(LB&CA) Act 1990 which requires that the impact on this online designated heritage asset must also be afforded “special attention. to the desirability or preserving or enhancing the character or appearance of that area”. The NPPF and Local Plan also require that great weight should be given to the preservation of its significance.
- 12.2.11 The ES evaluates the level of permanent heritage impact in terms of Table 6-3 Magnitude of Impact (ES Volume 2i, Ch.6 para 6.3.17). The heritage impact on the setting of Huddersfield Station is recorded as “moderate adverse” but the wider impact on the character of Huddersfield Town Centre Conservation (which frames that setting) is not considered or evaluated. However, the ES notes that the Overhead Line Electrification (OLE) structures through the station and along the viaduct will, “infiltrate views within and out of the station” (ES. Vol.2ii. Para. 6.3.66) and will have a significant and permanent adverse effect. The TWAO submission is consequently incomplete due to the omission of the consideration of the proposed TRU W3 works on the special architectural or historic interest of the Huddersfield Town centre Conservation Area as a whole.
- 12.2.12 Huddersfield Town Centre Conservation Area (HTCCA) is included on Historic England’s ‘Heritage at Risk’ register for 2020, primarily due to the concern at the vacancy and underuse of a number of the town centre’s commercial properties. The proposed implementation of the TRU-W3 works would not undermine the objectives to arrest the decline in use of the commercial properties in the HTCCA but would have an impact on the architectural and historic interest of this designated heritage assets resulting from a permanent impact in their settings.
- 12.2.13 The prominence of the proposed engineering structures and the material change to the bridge structures within the designated area will erode but not entirely negate the understanding or appreciation of the character of the Huddersfield Town Centre Conservation Area. However, the omission in TRU-W3 creates an unfortunate precedent for the forthcoming route sections where there is understood to be a significant impact on unlisted positive contributors to a series of conservation areas. The approach to the objective assessment of direct and indirect impact on the designated conservation areas, in accordance with the 1990 Act consequently requires establishing in the current TWAO submission, in order to objectively inform the decision-making process.

#### **12.2.14 Lack of a strategic conservation plan**

12.2.15 Network Rail's design development process has been informed by analysis of the special interest and significance of the individual heritage assets along the TRU-W3 route. However, the 2021 TWAO works only incidentally reference the 'TransPennine Route Upgrade, Route-wide Statement of Significance. (August 2019)' prepared to inform the proposed development. The August 2019 significance statement defines the heritage value of the line and its components but does not draw any management conclusions from the identified significance, nor is it used to measure the heritage impact of the proposed TRU-W3 or wider works.

12.2.16 The proposed use of Conservation Implementation Management Plans (CIMP), to specify and manage best practice construction methods and define mitigation and compensatory measures for the individual listed structures, is welcomed in principle.

12.2.17 However, the current definition and scope of the CIMPs is limited and lacks the context of being set within a coherent 'strategic conservation plan' for the line as a whole. To be effective and consistent the individual site CIMPs should be set within a strategic framework covering the length of the Transpennine Route Upgrade. This would enable the fundamental impacts of the line to be evaluated, including the justification for adopting extensive infrastructure demolition options to accommodate the Overhead Line Equipment (OLE), rather than the potential of rolling-stock innovations which might avoid or lessen the major adverse heritage impacts.

12.2.18 A strategic conservation plan would also set conservation standards to be achieved along the whole line, detail the parameters for individual interventions and define the management and maintenance regimes of the heritage assets. Such a plan would then define the individual contribution to the identified public benefits, setting the impact in the context of the Transpennine Route Upgrade as a whole, as well as defining the methodology for evaluating the discharge of Planning conditions by the local planning authority Council.

#### **12.2.19 Ambiguity of scope and of Conservation Implementation Management Plans (CIMPS)**

12.2.20 Network Rail's proposed use of Conservation Implementation Management Plans (CIMPs) is welcomed, in principle, as a potentially effective delivery tool. However, the indicative scope and purpose of the individual documents on which the major adverse impacts are reliant are currently only described in indicative form.

12.2.21 The coherence and consistency of CIMPs is also compromised by the lack of a 'strategic conservation framework' covering the whole length of the line which would ensure consistency of purpose and scope of the CIMPs and set clear parameters for their content. It is noted that the team working on the following sections of the Transpennine Route Upgrade (TRU-W4 and TRU-W2b) have not yet committed to the approach indicated for the CIMPs within TRU-W3.

12.2.22 The TWAO submission describes the major adverse impact on nine individual listed building, counting Huddersfield Station complex as a single entry, noting that the CIMPs will reveal how the impacts are managed or minimised. The submission demonstrates an over-reliance on the use of Conservation Implementation Management plans (CIMPs) without clearly demonstrating their purpose, status as a Planning tool, or the procedures necessary to confirm their approval.

12.2.23 The TWAO submission and the nine Listed Building Consent applications also establish a reliance on the CIMPS to detail the design and implementation of the various interventions, as well as the subsequent management and maintenance of the impacted listed bridges and structures. However, the scope and status remain unclear and is apparently contradicted by the Environment Statement (Vol.2ii. Para. 6.4.10) which appears to limit the CIMPs to definition of mitigation and compensation measures.

12.2.24 The indicative purpose of the Conservation Implementation Management Plans (CIMPs) is broadly welcomed as a Planning tool and it is noted that the contents are to be agreed with relevant Stakeholders. However, the parameters and scope are currently too limited and are not set within a strategic approach to the conservation of the TRU's heritage assets. The Council contend that, in the absence of submitted design and implementation details, the purpose and use of the CIMPs should be more explicitly defined if they are to become effective delivery mechanisms. Their use should also include unlisted structures of significance and the interface with conservation areas along the Transpennine route for completeness and consistency.

12.2.25 Therefore, the proposed Conservation Implementation Management Plans (CIMPs) should be clearly defined and read as a suite of detailed specifications, within the context of 'Strategic Conservation Plan' for the line which sets the parameters and defines the purpose and use of individual CIMPs. The individual CIMPs should include:

- (a) Context to demonstrate their contribution to the line-wide Strategic Conservation Plan. This should also demonstrate that the proposed works have minimised the adverse heritage impacts.
- (b) Definition of the required standard of works and workmanship, relevant to the sensitivity of the impacted fabric.
- (c) Methodologies to protect the retained significant fabric.
- (d) Specifications for the necessary interventions, premised on the standards set in the Strategic Conservation Plan (e.g. minimising loss of historic fabric, ensuring the least intrusive impact, facilitating reversibility where appropriate).
- (e) Specified implementation methodologies, specifying as a minimum: risk assessment (in terms of historic fabric impact), construction methods and adopted techniques, use of equipment, appropriate new materials and the re-use of salvaged components.
- (f) Details of any necessary mitigation measures, such as design interventions required to minimise loss of fabric or establishment of a new use for the structure (such as managed habitats for the enclosed over-bridges).
- (g) Detailed management regimes and maintenance programmes to sustain the structures post-implementation, including any relevant fabric protection or access controls (e.g. for the redundant viaducts and Hillhouse sidings).
- (h) Recording levels for individual heritage assets. The major adverse impact requires recording before and after the implementation of the alteration or demolition works to the heritage assets to a standard of accessibility suitable for inclusion on the Historic Environment Record. This record should inform the specification of works and act as a baseline to measure potential future works, in proportion to the status of the site and the impact of the works.

#### **12.2.26 Inappropriate reliance on recording as a compensatory measure**

12.2.27 The Scheme submission demonstrates an over-reliance on the pre-alteration recording of the impacted listed buildings and other heritage assets as a mitigation mechanism.

12.2.28 'Historic Building Recording and archaeological Recording' is outlined in the ES Volume 2i, Chapter 6, paragraph 6.4.10 (page 6-40) as form of 'compensation' contrary to the guidance in the NPPF paragraph 199. However, the need to undertake detailed recording in advance of any destructive intervention is a minimum consequential requirement and should not be considered a contributory balancing factor which could justify the loss of significance.

## **12.3 Modifications sought by the Council in respect of Heritage / the Historic Environment**

- 12.3.1 The proposed Transpennine Route Upgrade is supported in principle. However, the Council remains concerned that the current level of detail within the TWAO submission and the nine Listed Building Consent applications is demonstrably incomplete, inadequate and reliant upon documentation and processes which have yet to be devised, drafted or determined.
- 12.3.2 The full impact of the TRU-W3 works is also unable to be evaluated in the context of the entirety the national infrastructure project, due to the lack of a Strategic Conservation Plan. In these terms the current TWAO application fails to provide a “clear and convincing justification” (NPPF paragraph 194) necessary to support the exceptional impacts of the development on the historic environment.
- 12.3.3 Despite the extensive heritage analysis work which has been undertaken to inform the proposed works, refinement of the details is required to minimise the adverse heritage impacts and more clearly reveal the value of the public benefits. This is required to meet the information requirements set out in the NPPF and Local Plan in order to reach an informed decision.
- 12.3.4 Therefore, it is the Council’s case that further areas of detailed analysis and design justification are necessary to address the national and local Planning policy requirements and facilitate objective and balanced decision-making as they relate to the historic environment and the impact on heritage assets.
- (a) 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 Direction. The Council therefore asks the Secretary of State to impose Alternative/Additional Conditions 5 and 11 (“AAC 5 & AAC 11”) (see Schedule 1) on any Direction.
  - (b) In addition, the Council considers that the potential impacts on designated and non-designated heritage assets during the construction phase can be managed and protected through the submission and approval of a heritage Code of Construction Practice (CoCP), which can be secured by way of a suitably worded condition on any Direction. The Council therefore asks the Secretary of State to impose Alternative/Additional Condition (“AAC 12”) (see Schedule 1) on any Direction

## **13. DEVELOPMENT MANAGEMENT**

### **13.1 Background**

- 13.1.1 The Council (as local planning authority) provided comments on the various works proposed within the TWAO submission, as detailed predominately in the Planning Statement (NR14) and accompanying plans. This statement provides further detail on some of the issues raised.

### **13.2 Concerns**

#### **13.2.1 Static Frequency Converter Site**

- 13.2.2 The proposed Static Frequency Converter (SFC) is a substantial, free-standing building complex proposed to be located on the edge of the river and restored landscape. It therefore has the potential to impact significantly on the natural environment
- 13.2.3 From the information available to the LPA, it is understood that this land does not fall within the scope of the operational land of the railway undertaker and therefore, permitted development rights under Part 8 of the Town and Country Planning (General Permitted Development) (England) Order 2015 do not apply. The structure therefore

requires planning permission, and the Council considers that there is insufficient detail contained in the draft Order for the Council or the Secretary of State to reasonably undertake an assessment of this part of the Scheme.

- 13.2.4 Section 4.5.4 of the Planning Statement details a Power Supply Unit (PSU) to replace existing infrastructure to west of Heaton Lodge cottages. There are no details /drawings shown on the submitted plans. There are also no details of a Fixed Telephone Network mast to replace an existing facility, the submission states the exact location and height of the mast is to be confirmed. In addition, a new maintenance access from Wood Lane to provide vehicular access to the new railway is proposed. The Council, without this information is unable to determine whether a separate planning application is required for these works or whether it falls within Part 8 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is requested this information is provided to be able to assess these additional elements of the overall proposal.

### **13.3 Modifications sought by the Council in respect of Development Management processes**

- 13.3.1 In the event that the Secretary of State is minded to grant a Direction for this element of the Scheme, the Council considers that it would be appropriate, prior to any development commencing in relation to the SFC (and any PSU or Fixed Telephone Network Mast), to require details of the design and appearance of the building, the site enclosure, its landscape and bio-diversity impact as well as any necessary mitigation and enhancement works before any development commences.
- 13.3.2 The justification for re-wording the condition is to secure additional details of ecological impacts and details of proposed landscaping as required by Kirklees Local Plan Policy LP30 (Biodiversity and Geodiversity) and LP32 (Landscape) and to ensure an appropriate quality of building in accordance with Policy LP24 (Design).
- (a) The Council considers that such detail can be secured by way of a the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose Alternative/Additional Conditions 14, 24, 25 & 26 ("AACs 14, 24, 25 & 26") (see Schedule 1) on any Direction.

## **14. MINERALS**

### **14.1 Background**

- 14.1.1 The National Planning Policy Framework (NPPF) states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. The two principal minerals which are currently extracted in the district are sandstone which is primarily used in the construction of buildings and for paving, and clay and shale used for pipe manufacture. However, there are limited reserves of sand and gravel in the River Calder valley, where one operational sand and gravel quarry is located. Parts of the district are also underlain by significant coal reserves although none are being worked at present
- 14.1.2 The NPPF also indicates that Mineral Planning Authorities (MPAs) should plan for a steady and adequate supply of aggregates. There are only limited sand and gravel reserves in the district. However, Kirklees can make a significant contribution to West Yorkshire's requirements via the supply of crushed aggregates produced by the sandstone quarries in the region. The council will ensure that Kirklees continues to make a contribution by maintaining a permitted reserve of planning permissions for sandstone extraction which will lead to a proportion of aggregate production. A Local Aggregates Assessment (LAA) has been prepared for the West Yorkshire area by the five associated

Mineral Planning Authorities (MPA) which examines the levels of aggregates provision and demand within the region.

- 14.1.3 Restoration of sand and gravel quarries in the Calder Valley is expected to provide valuable recreational facilities on restoration and may form part of larger scale projects to regenerate the area.

## **14.2 Concerns**

### **14.2.1 Forge Lane, Ravensthorpe**

Environmental Statement NR16, Volume 2i, Chapter 2, page 64 and Chapter 5, page 12, Planning Statement NR14, pages 56 and 87

- 14.2.2 The Kirklees Local Plan has designated Forge Lane, Ravensthorpe as a Minerals Extraction Site (MES6) and it is currently operating as an active sand and gravel quarry.

- 14.2.3 Current evidence in the Yorkshire and Humber Aggregates AMR indicates that extraction on the site is scheduled to be complete by 2024 however there is uncertainty over whether or not the timeframe will need to be extended beyond then.

- 14.2.4 Network Rail's proposals will result in the temporary acquisition of the land for use of a construction compound which depending on when Network Rail take control of the land is likely to delay the continued extraction of minerals and delivery of the approved (2018/93805) restoration proposals of the site within the timescale permitted by planning permission 2012/92979 (see Schedule 5 of this Statement).

- 14.2.5 This raises the following issues/concerns:

- (a) Sterilisation of the remaining mineral reserves on site. Will the remaining mineral reserve be extracted prior to NR acquiring the land within the quarry site or site returned to operator/landowner following the completion of works at the end of the temporary period? Policy LP38 of the Local Plan states that surface development will only be permitted within a Mineral Safeguarded Area where the mineral being extracted prior to development taking place. Therefore, any viable mineral resources on the site will have to be extracted prior to Network Rail commencing construction on this site.
- (b) The delays in the continuation of mineral extraction and delivery of the approved restoration proposals is likely to result in breach of condition(s), with the potential of an enforcement notice being served on all interested parties (NR, land owner, operator and leaseholder), unless planning permission is secured to extend the timescale and phasing to deliver the restoration proposals through the submission of Section 73 or new application, to vary the relevant condition/s of the previously approved planning permission 2012/92979.

- 14.2.6 Furthermore, as the site benefits from an extant permission, with approved restoration for the whole of the site, the amendments proposed by Network Rail as on their Environmental Plans for the habitat creation to compensate for and to be equivalent to that within the approved restoration plans, (including fishing lakes and community benefits as set explained in paragraph 9.15.7 of Network Rail's Planning Statement) would also need to be secured through the submission of Section 73 or new application, to vary the relevant condition/s of the previously approved planning permission 2012/92979.

### **14.2.7 WS19 Thornhill Quarry, Calder Road, Ravensthorpe**

Ref: (pre-fix codes) Environmental Statement Volume 1, Non-technical summary, NR16 Vol 2i, NR16 Vol 2i, NR16 Vol 2i & NR16 ES Volume 2ii Chapter 9

- 14.2.8 The west of Thornhill Quarry, Forge Lane Ravensthorpe, has been restored. Restoration proposals have since been approved for the remaining part of the site, to the east, under application 2019/90391. The approved restoration of the whole site includes the formation of wetland areas, ponds, carr habitat, woodland planting and a “sand martin cliff” and would also provide opportunity for a variety of wading bird species.
- 14.2.9 Although the loss of the restored ponds has been mentioned within the mitigation scheme which states, “New pond habitat will be created to fully compensate for the loss of the two ecologically important ponds within the Thornhill Quarry site (GCN\_023 and GCN\_024).” It is then stated that the final designs and locations of these will be included within the LEMP. In addition, other than a small area of species rich grassland and scattered trees proposed within the outline mitigation plans (Figures 12-9), no reference is made to the other habitats approved under the existing site restorations proposals which also need to be mitigated for to avoid significant loss and harm to biodiversity on this site.
- 14.2.10 As limited details regarding the location and context of the new ponds to be created have been provided, there is no security that the mitigation plans can provide the same ecological functions as originally approved.
- 14.2.11 NR’s proposals will result in a permanent acquisition of the whole of the site, which is detailed in order to allow the construction of the Static Frequency Converter Site, with a resultant impact of the permanent loss of the biodiversity interests previously created and those due to be provided in accordance with the most recently approved scheme for the eastern part of the site.
- 14.2.12 Any revised biodiversity proposals to be provided on site (which is doubtful, due to uptake of land for the Static Frequency Converter Feeder station) would require details to be submitted through a Section 73 application to vary condition/s of the relevant approved planning permissions for the whole of the site and unlikely to be addressed via a LEMP condition.
- 14.2.13 In the event the whole of the previously approved biodiversity net gains cannot be achieved on site, then compensatory measures equivalent to and or in excess shall be provided on an alternative site through the submission of a formal planning application to accord with Local Plan policy LP30 and guidance within the NPPF. Further clarification is required on this issue.
- 14.2.14 MIS4 Rolled products plant at Newlay Concrete, Calder Road, Ravensthorpe; SOC point no. 155; Ref: (pre-fix codes) Environmental Statement NR 16, Volume 2i, Chapter 3, page 14, Chapter 5, page 12, Chapter 15, page 49 and Chapter 23, pages 6-18
- 14.2.15 Despite Network Rail stating that there will be temporary disruption to the site, there are concerns over NR’s requirements for unrestricted powers to acquire land. The portion of land where Network Rail require unrestricted powers are used by Newlay Concrete for the storage of concrete products and batching of concrete. The land where Network Rail require unrestricted powers also includes the sole access point onto the site (Calder Road). We therefore have concerns about the impact of the scheme on the operation of a designated Minerals Infrastructure Site and require further clarification on how Newlay Concrete will be able to continue operating during the TRU.
- 14.2.16 Coal wharf for former Thornhill Power Station adjacent Calder & Hebble Navigation, Thornhill Lees**
- Planning Statement, NR14, Appendix 2, Page 87
- 14.2.17 This former coal wharf is no longer in use and has not been used for many years. However, in terms of biodiversity and landscape, the loss of area is not significant in area, which could be mitigated by NR providing replacement planting elsewhere. This can be considered at the same time as proposals to be taken into account to address

matters under of SoC point 169 (see below) for the compensatory loss and replacement of all ecology/landscape enhancements in revised restoration proposals.

### **14.3 Modifications sought by the Council in respect of Minerals**

- 14.3.1 The Council's principal concern relates to the Forge Lane Minerals Extraction Site, and specifically the lack of a mechanism to secure the restoration of the site together with the associated landscape and habitat creation benefits identified in paragraph 9.15.7 of Network Rail's Planning Statement.
- 14.3.2 Specifically, the Council needs to ensure that the restoration of the Forge Lane Minerals Extraction Site accords with and is based upon the approved restoration scheme under planning permission 2012/92979 (see Schedule 5 of this Statement)
  - (a) The Council considers that such detail can be secured by way of a the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose Alternative/Additional Conditions 28 - 30 ("AAC 28 - 30") (see Schedule 1) on any Direction

## **15. WASTE & RECYCLING**

### **15.1 Background**

- 15.1.1 As both a Waste Collection Authority and a Waste Disposal Authority, Kirklees has a statutory obligation to collect and dispose of household waste as set out by the Environmental Protection Act 1990 (part ii, Collection, disposal or treatment of controlled waste).
- 15.1.2 Under this same duty, Kirklees is obligated to provide household waste sites where residents can bring other items for recycling or disposal that are not collected at the kerbside

### **15.2 Concerns**

- 15.2.1 **Access to Emerald Street Household Waste and Recycling Centre (HRWC) and SUEZ Energy from Waste Facility (EfW) /Material Recycling Facility (MRF)**
- 15.2.2 The Emerald Street site – HWRC, EfW and MRF combined - provides one of 2 principal sites specifically designed to provide the necessary infrastructure to deal with waste from Kirklees households (the other being at Weaving Lane, Thornhill).
- 15.2.3 Together, these sites are run under contract by Suez who handle 186,000 tonnes of waste per year on the Authority's behalf, amounting to a service of around £12-14m annually. The land on which they operate is owned by Kirklees and leased to Suez, but the facilities are owned and operated by Suez. This contract is likely to operate throughout the TRU development period. Irrespective of who operates facilities (current contractor or next), the operator must not experience any service interruption for any period of time. Any disruption to vehicle access, movement and egress from these sites would very quickly have a significant negative effect of the delivery of these services and potentially on the capacity of the plants to deal with the volume of waste they are required to process on a daily basis. For example, in a typical day more than 80 vehicles require access to the site and handle around 611 tonnes of waste. This in turn demonstrates the detrimental effect a day's interruption would have on the Authority's ability to discharge its statutory duties.
- 15.2.4 Operational requirements of the Emerald Street site:

- (a) The MRF and EfW plants are generally accessed by operational vehicles via Vine Street – on average over 550 refuse collection vehicles pass over the weighbridge into the site here every week (based on 2019-20 data). From February to November, an average of 83 RCVs per week go on to enter Emerald Street itself from the weighbridge, via the side gate, to reach the compost pad at the rear of the HWRC (these vehicles are providing the Authority's garden waste collection service which is offered to residents via annual subscription). This side gate is also used throughout the year for other operational vehicles carrying street sweeping waste and garden waste from Meltham HWRC. Vehicles passing through this gate therefore merges with public traffic accessing the HWRC directly along Emerald Street. These vehicles cannot make the turn out of this gate without using the full width of Emerald Street and there is no alternative tip-off location for this type of waste on the site. The turning area is currently protected by a yellow cross hatched box junction. Discussions have briefly taken place as to the possibility of moving this gated access along Emerald Street in line with the proposed works, in order to maintain the full width turning space at all times. This option will need to be discussed and agreed with Suez directly as the leaseholder of the land and operator of facilities. It is recommended that Network Rail engage directly with Suez in this regard.
  
- (b) The public access the HWRC site via Emerald Street. We have no definitive data on the number of vehicles using this access as estimates are based on manual sampling. However, the site is open daily to the public and there is frequently queuing traffic the full length of Emerald Street, waiting to enter the site. In the summer, the site operates between 8am and 5pm Monday to Friday, 8am to 4pm on Saturdays and 9am to 4pm on Sundays, with non-public traffic entering the site as early as 5am and up to 7pm, daily. Public vehicles leave the site via the same route and therefore maintaining efficient two-way traffic capability is critical here. There is no alternative public access to the HWRC as this would require a suitable crossing over the adjacent canal. The only such crossing currently exists at the top of Vine Street and is constantly in use by operational vehicles accessing the Suez plants, with regular queues as well. The route at the top of Vine Street into the plant is an unadopted road, allowing single lane traffic in each direction, with priority for waste transfer vehicles and is not suitable for public use due to the potential for conflict with large plant. There is no direct public access from Vine Street to Emerald Street via this bridge and it would not be reasonable to create this access for many reasons. Principally, queuing traffic waiting to access the HWRC at this point would be unacceptable as it would severely delay operational vehicles accessing the Suez site and there isn't enough width in the road to accommodate a queue separately whilst maintaining access and egress for operational vehicles. The only potential for using Vine Street would arise if Network Rail were able to negotiate for the adjacent business Kilner Hutchinson to be relocated and creation of new road works.
  
- (c) This site has been designated as a Strategic Waste Management Site in the Local Plan. Paragraph 6.3 of the Waste Technical Paper states that the site has been allocated a significant capacity gap for the recycling of Local Authority Collected Waste and it allows the Council to safeguard the existing operational facilities for the management of LACW and to accommodate the future needs for waste management in Kirklees

#### 15.2.5 Limitations on potential alternative arrangements

- (a) The Suez sites at both Emerald Street and Weaving Lane are licenced to receive and process waste by the Environment Agency. The terms of this licence control the types of waste to be processed, the tonnages of waste allowed through the site, and the vehicle movements and opening hours of the sites. These terms are legally binding and cannot be exceeded. Both locations operate close to capacity and therefore no option exists to transfer any significant operations between them. If capacity did exist, the operational impact of transferring such capacity would be

prohibitive in terms of the resources required and the potential environmental impact of increased vehicle movements and travel times. The two sites have to work concurrently in order to meet the waste processing and disposal requirements generated by the district as a whole. The sites offer different processing capabilities (e.g. there is no EfW plant at Weaving Lane, only Emerald Street) which also requires them to operate concurrently to maintain Suez's contractual commitments to handle the district's household waste.

- (b) There are a total of 5 HWRCs across the district – 3 of which are located away from the Emerald Street and Weaving Lane Suez sites. These other sites are also controlled by licence with the Environment Agency which set limits on the quantity of waste that can be handled. Transferring any of the capacity of the Emerald Street or Weaving Lane HWRCs to these other 3 would likely put the sites in breach of these limits, and would result in unacceptable increases in traffic on the approach roads and within the sites themselves. These other sites therefore offer no alternatives for public access to waste disposal facilities during any works affecting Emerald Street or Weaving Lane.

- 15.2.6 It is not clear from the information submitted so far why it is not possible to undertake the necessary expansion works to the tracks alongside Emerald Street by utilising the space on the Alder Street side and, in turn, avoid the severe disruption to Emerald Street that is likely to result from the current proposal. There is a lack of evidence to justify why alternative approaches to the west of the tracks haven't been taken. Given the likely impact on our statutory service provision, we would like to see more evidence of why the works are necessary to the Emerald Street side and what alternatives have been explored.

#### **15.2.7 Weaving Lane construction access route**

- 15.2.8 The proposal includes the use of the same access road to the Weaving Lane site as all of the operational and commercial vehicles that use the TLS and the public using the HWRC. There is an obvious potential for conflict between these vehicles, with delays to all groups likely if busy periods are affected. Operational hours for the site are from 5am to 5pm daily and any restriction on vehicle movements during these hours would have a significant impact on service delivery and potentially the safe operation of the site. Separation of TRU construction traffic and vehicles entering the HWRC/TLS must be achieved.

- 15.2.9 There is also a construction compound shown across the river to the south which is described as accommodating 40 staff for a period of 35 weeks. It is not clear if the HWRC will be affected by any additional access requirements to this compound which may have a further negative effect on the safe and efficient operation of the HWRC and TLS – critical statutory services for the Council which cannot be disrupted.

#### **15.2.10 Access to/operation of Weaving Lane Household Waste and Recycling Centre (HWRC)/SUEZ Transfer Loading Station (TLS)**

- 15.2.11 Network Rail has indicated that the whole Weaving Lane site may need to be reconfigured to accommodate the works and access requirements, but this has not been agreed or discussed in sufficient detail with Kirklees Council or Suez. On face value, proposals are currently deemed unreasonable by the Council due to the significant impact on statutory services and the lack of information provided. Questions remain over the detail of site layout and how this would operate for all site users; maintaining HSE health and safety standards for the operation of the site (e.g. gantry access to the public skip facilities would fall short of HSE requirements and would be deemed unacceptable by the regulator); the safe separation of HGV manoeuvring from the public access to facilities; creating a layout that allows visibility across the whole site to ensure continuous management without having to increase staffing on the site; how any such layout changes would be funded and implemented; and if the original condition/layout would be reinstated after the rail works are complete.

- 15.2.12 Currently, public traffic using the HWRC forms regular long queues on the northern access road and out onto Weaving Lane itself in busy periods. Refuse collection vehicles that service over 90,000 households in the district pass over the weighbridge every week.
- 15.2.13 On average, 1300 vehicles enter the Weaving Lane site per week (including residents using the HWRC and commercial vehicles over the weighbridge, which is likely to be an underestimate due to recording method).
- 15.2.14 Aside from the vehicular access requirements to both the HWRC to the north and the TLS to the south via the weighbridge, there are also a series of other considerations/operational requirements on the site that could be adversely affected and have an impact on service delivery, namely:
- (a) Multiple large volume waste containers located close to the boundary of work areas 23-067 and 23-077 must remain accessible for the commercial side of the site to operate.
  - (b) The staff car park to the front of the main building is accessed from the traffic island between 5am and 5pm with no alternative parking available on the site.
  - (c) Staff welfare facilities are contained within portacabin buildings located to the north east elevation of the main building within parcel 23-072
  - (d) Storage of large operational vehicles (refuse collection) close to the northern elevation of the building within parcel 23-072
  - (e) Emergency exits for site staff from the building on the northern elevation of the building which must be kept clear at all times
  - (f) The location of 2 large underground storage tanks for white diesel and oil (10,000L and 5,000L respectively) close to parcel 23-072 for which access must be maintained and the impact of earthworks must be mitigated/monitored
- 15.2.15 Of further concern in drawings provided by Network Rail, is the proposed reshaping of the current site boundary of the TLS, resulting in a loss of land onsite. Critical waste management services are delivered via this site, which is currently very tight. The proposed shared and additional access is deemed unacceptable and would cause significant disruption to the Council's statutory services.
- 15.2.16 Any of these issues have the potential to negatively impact on the Authority's ability to discharge its statutory duties and must therefore have suitable agreed mitigation in place to make the works acceptable. This is currently not the case.
- 15.2.17 Limitations on potential alternative arrangements:
- (a) The Suez sites at both Weaving Lane and Emerald Street are licenced to receive and process waste by the Environment Agency. The terms of this licence control the types of waste to be processed, the tonnages of waste allowed through the site, and the vehicle movements and opening hours of the sites. These terms are legally binding and cannot be exceeded. Both locations operate close to capacity and therefore no option exists to transfer any significant operations between them. If capacity did exist, the operational impact of transferring such capacity would be prohibitive in terms of the resources required and the potential environmental impact of increased vehicle movements and travel times. The two sites have to work concurrently in order to meet the waste processing and disposal requirements generated by the district as a whole. The sites offer different processing capabilities (e.g. there is no EfW plant at Weaving Lane, only Emerald Street) which also requires them to operate concurrently to maintain Suez's contractual commitments to handle the district's household waste.

- (b) There are a total of 5 HWRCs across the district – 3 of which are located away from the Emerald Street and Weaving Lane Suez sites. These other sites are also controlled by licence with the Environment Agency which set limits on the quantity of waste that can be handled. Transferring any of the capacity of the Emerald Street or Weaving Lane HWRCs to these other 3 would likely put the sites in breach of these limits, and would result in unacceptable increases in traffic on the approach roads and within the sites themselves. These other sites therefore offer no alternatives for public access to waste disposal facilities during any works affecting Emerald Street or Weaving Lane.

15.2.18 This site has been designated as a safeguarded waste management site in the Local Plan. Policy LP45 states that existing waste management facilities and the surrounding land will be protected unless it can be demonstrated that there is no longer a need for the facility or where capacity can be met elsewhere in the district. Proposals for development in the vicinity of an existing waste management facility will have to demonstrate that the proposal does not prevent, hinder or unreasonably restrict the operation of the waste development

**15.2.19 Local access routes for operational vehicles (Fall Lane/Thornhill Road)**

15.2.20 Fall Lane and Thornhill Road are part of the local road network that provides critical access routes into the Weaving Lane TLS/HWRC for operational vehicles and for the public. If this route is closed or restricted it will very quickly add to the time and mileage for undertaking our waste collection services. The service operates under time-critical constraints, with very little spare resource (staff or vehicles) to deal with significant delays or 'catch-up' services. On average approximately 60 - 70 waste operational vehicles pass under the bridge at the bottom of Fall Lane on a daily basis. Waste collections services operate Monday to Thursday with normal occasional over-run capability being met on Fridays and into the weekend when necessary, but this comes at significant cost. Our trade waste collection vehicles operate 7 days per week. It is vital that disruption to these routes is minimised and that two-way traffic capability is maintained at all times to avoid unacceptable knock-on effects for service delivery. This issue may be further exacerbated by the effects of items 15.7.2 to 15.2.14 if access to the TLS/HWRC at Weaving Lane site itself is also compromised. This has significant potential to disrupt the Council's statutory duties under the Environmental Protection Act 1990.

**15.2.21 Temporary road closures – domestic waste collection**

15.2.22 Any road closure will affect household waste collection routes and potentially vehicle movements around our depots, transfer stations and other key locations. This service is time-critical as it operates daily, with only minimal opportunity for 'catch-up' resources to be used on Fridays and at weekends, at significant additional cost. Without careful planning and advanced notice, even temporary road closures and diversions have significant potential to disrupt Council's statutory duties under the Environmental Protection Act 1990.

15.2.23 Additionally, where road closures or diversions physically prevent our vehicles from reaching the households we are required to serve, measures must be put in place to assist residents to present bins/waste for collection at alternative locations, or temporary access must be granted to allow our operational vehicles to operate as near to normal as possible. Building Regulations 2010 part H6 requires that adequate means of access should be provided between storage and collection points for waste, and provides further guidance that residents should not be expected to wheel their bins or carry waste to a collection point in excess of 25m from their storage point. If the works disrupt this access or require collection points to be located in excess of this distance, Network Rail or their contractors must provide measures to assist residents and the Authority to overcome this infringement and maintain an efficient and safe service.

### **15.3 Modifications sought by the Council in respect of Waste & Recycling**

#### **15.3.1 Access to Emerald Street Household Waste and Recycling Centre (HRWC) and SUEZ Energy from Waste Facility (EfW) /Material Recycling Facility (MRF)**

15.3.2 The discussions with Network Rail so far have not concluded with any suitable detailed mitigation for the issues presented above or in the TWAO response submitted by the Council.

15.3.3 Traffic flow into/out of Emerald Street and in/out of the side gate between the plant and Emerald Street are critical considerations that must be sufficiently addressed given the likely impact on our statutory obligations.

15.3.4 Traffic control measures at the junction of Emerald Street and Hillhouse Lane alone may not be sufficient to manage queuing vehicles waiting to access the HWRC (which approach from all directions) and this may result in traffic backing up onto Leeds Road or Bradford Road. Consultation with our Highways Service must be part of the discussions to resolve this.

#### **15.3.5 Weaving Lane construction access route**

15.3.6 Discussions so far have been limited and have not reached a satisfactory solution for the layout of the site and access arrangements. It is also unclear how temporary roads or layout changes, if required, will be funded or implemented or if any such changes will be removed after the works are complete and the site re-instated to its original layout. As the leaseholder and operator on the land, input from Suez is critical to any further discussions regarding these access issues.

15.3.7 All the issues presented above and in the TWAO response by the Council will need to be sufficiently addressed given the likely impact on our statutory obligations.

#### **15.3.8 Access to/operation of Weaving Lane Household Waste and Recycling Centre (HWRC)/SUEZ Transfer Loading Station (TLS)**

15.3.9 There have been some initial discussions about how the whole waste site could be re-configured to enable the continued operation of the HWRC and the TLS, whilst accommodating works access.

15.3.10 However, these have not yet reached a satisfactory conclusion. Significant alterations to the site have been suggested but questions remain over the detail of site layout and how this would operate for all site users; maintaining HSE health and safety standards for the operation of the site (e.g. gantry access to the public skip facilities would fall short of HSE requirements and would be unacceptable); the safe separation of HGV manoeuvring from the public access to facilities; creating a layout that allows visibility across the whole site to ensure continuous management without having to increase staffing on the site; how any such layout changes would be funded and implemented; and if the original condition/layout would be reinstated after the rail works are complete

#### **15.3.11 Local access routes for operational vehicles (Fall Lane/Thornhill Road)**

15.3.12 The Council need to be actively consulted on diversion routes that affect business critical operations around waste transfer stations, operational depots, HWRCs and on key routes for household waste collection access. We may be able to offer alternative diversion routes based on local knowledge and operational needs. Early engagement on this is requested.

#### **15.3.13 Temporary road closures – domestic waste collection**

15.3.14 The Council acknowledges the reference to the fact that “A CTMP for each stage of the Scheme, will be submitted pursuant to a condition to be attached to the Direction and

agreed with the Local Planning Authority. 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.

- 15.3.15 This site has been designated as a Strategic Waste Management Site in the Local Plan. Paragraph 6.3 of the Waste Technical Paper states that the site has been allocated a significant capacity gap for the recycling of Local Authority Collected Waste and it allows the Council to safeguard the existing operational facilities for the management of LACW and to accommodate the future needs for waste management in Kirklees.
- (a) 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.
  - (b) 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.
  - (c) 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 Schedule 1) on any Direction.

## **16. DEWSBURY RIVERSIDE HOUSING ALLOCATION**

### **16.1 Background**

- 16.1.1 This section relates to the TRU proposal and the interrelationship with and impact upon the Dewsbury Riverside Housing Allocation for 4000 homes in the Kirklees Local Plan (adopted 27th Feb 2019: Site Ref: HS61) (A copy of the allocation is appended at Schedule 3. 1). This Statement of Case re-iterates the representations set out below in the Council's response to the Transport and Works Act Order on 17th May 2021, along with providing further information in the form of the Dewsbury Riverside – Network Rail Recommendations – Stage 2 Report – June 2021 – Barton Willmore. A copy of this report is appended at Schedule 4.
- 16.1.2 It is considered that the response submitted on 17th May constitutes a summary of the key issues for Dewsbury Riverside, along with the on-going desire to share information, work collaboratively, and achieve the most sustainable and cost-effective solution to delivering the TRU and Dewsbury Riverside for the benefit of the public purse as a whole.
- 16.1.3 As the opportunity to share information and work collaboratively with Network Rail to resolve these issues has been limited, the Council and Homes England have jointly commissioned a Report (Dewsbury Riverside – Network Rail Recommendations – Stage 2 Report – June 2021 – Barton Willmore) to consider the TRU designs and their implication on Dewsbury Riverside, being the largest housing allocation in the Kirklees Local Plan and a Leeds City Region Spatial Priority Area. We are keen to share and meaningfully consider this information with Network Rail.

- 16.1.4 The report provides supplementary evidence relating to the representations about Dewsbury Riverside. It sets out access options for connecting the Dewsbury Riverside housing allocation to the TRU proposals.
- 16.1.5 Dewsbury Riverside – Network Rail Recommendations – Stage 2 Report – June 2021 – Barton Willmore
- (a) The Report was commissioned by the Council and Homes England as a proactive response to the implications of the TRU proposals for the delivery of Dewsbury Riverside. The Report sets out the considerations and options for the Western Gateway access into the wider Dewsbury Riverside Housing allocation, considering the TRU proposals.
  - (b) The recommendations are based on up-to-date site investigations and topographical data obtained as part of Barton Willmore's commission to deliver the first phase of housing development on the Council's land at Dewsbury Riverside.
  - (c) The report provides a clear rationale for the development of access option and in the summary table on page 47, compares the cost, housing delivery and place making implications of the TRU proposals along with potential alternatives. This is supported by detailed highway design work.
  - (d) The Council is keen to share and actively discuss the underlying evidence base and outcomes of this report for the benefit of both the TRU and Dewsbury Riverside projects.

## **16.2 Concerns**

- 16.2.1 The Council recognises and supports the opportunity for the TRU to contribute to the sustainable development of the Dewsbury Riverside site.
- 16.2.2 However the Council remains concerned that 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.
- 16.2.3 The Council requests that it is considered as to whether without actively engaging with these access options, and demonstrating a viable access into the Dewsbury Riverside site at the western gateway, considering cost/viability impacts, place making impacts and the impact on housing numbers, whether the current TRU proposals can be deemed acceptable in the context of the Statutory Development Plan (Kirklees Local Plan) and the National Planning Policy Framework.
- 16.2.4 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.

## **16.3 Modifications sought by the Council in respect of the Dewsbury Riverside Housing Allocation**

- 16.3.1 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 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.
- (a) 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 Conditions 10 and 14 ("AAC 10 & AAC 14") (see Schedule 1) on any Direction

## **SCHEDULE 1**

### **Amended or Additional Planning Conditions**

| Condition Number and Wording (as suggested by Network Rail)   | Comments from Local Planning Authority   |
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| <b>1. TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT</b><br>The development hereby permitted must commence before the expiration of five years from the date that the Order comes into force.<br><b>Reason:</b> <i>To ensure that development is commenced within a reasonable period of time</i>   | Recommend using “shall” instead of “must” in this and all other conditions. See below:<br><br>‘The development hereby permitted <del>must</del> <u>shall</u> commence before the expiration of five years from the date that the Order comes into force.<br><b>Reason:</b> To ensure that development is commenced within a reasonable period of time’   |
| <b>2. IN ACCORDANCE WITH THE PLANNING DIRECTION DRAWINGS</b><br>The development must be carried out in accordance with the planning direction drawings unless otherwise agreed in writing by the local planning authority.<br><b>Reason:</b> <i>To ensure that the development is carried out in accordance either with the consented design or such other design details as have been subjected to reasonable and proper controls.</i>   | Replacement suggested wording:<br><br><i>“The development shall be carried out in complete accordance with the plans and specifications schedule except as may be specified in the conditions attached to this permission, which shall in all cases take precedence”.</i><br><br><b>Reason:</b> <i>To ensure that the development is carried out in accordance either with the consented design or such other design details as have been subjected to reasonable and proper controls.</i><br><br>If the existing wording is preferred, reference to the Local Planning Authority should be capitalised (in this and all other conditions).<br>Also suggest omission of “ <i>unless otherwise agreed in writing</i> ” and suggest defining “planning direction drawing” in this condition or elsewhere on the decision letter.   |
| <b>3. STAGES OF DEVELOPMENT</b><br>No development (including preliminary works) is to commence until a written scheme setting out all the stages of the development has been submitted to and approved in writing by the local planning authority. Variations to the approved stages of development may be submitted to and approved in writing by the local planning authority.<br><b>Reason:</b> <i>To identity the individual stages for the purposes of these conditions.</i>   | Can “stage” be defined precisely within the condition? Will “stage” include details of the location and extent of particular works within the scope of an overall phasing plan?<br><br>Suggest re-word as below:<br><br>‘No development (including preliminary works) is to commence until a written scheme setting out all the stages of the development has been submitted to and approved in writing by the local planning authority. <u>Any subsequent variations to the approved stages of development shall be submitted to and approved in writing by the local planning authority prior to commencement of the relevant stage. Thereafter the development shall be undertaken in complete accordance with the approved written scheme</u> ’.<br><br><b>Reason:</b> <i>To identity the individual stages for the purposes of these conditions.</i>  |
| <b>4. LANDSCAPING &amp; ECOLOGY</b><br>No development within the relevant stage (including preliminary works) is to commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The development must only take place in complete accordance with the approved LEMP and/or any subsequent revisions as may be approved in writing by the local planning authority.<br>The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Statement, and must also include; <ul style="list-style-type: none"> <li>• A plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with BS5837(2012);</li> <li>• Detail extent, type and provenance of new planting;</li> </ul> | Omit Condition 4 (Landscaping and Ecology) and replace with four separate conditions (2x landscape, 1x ecology and 1x trees) see section below ref. <b>AAC1, AAC2, AAC3</b> and <b>AAC4</b> .<br><br>Network Rail’s suggested condition for the LEMP is proposed to address impacts to landscape, trees and ecology. Although these aspects are linked, the suggested condition does not currently address all the concerns regarding biodiversity in relation to the scheme and the Local Planning Authority respectfully suggest it would be advantageous to split the condition to address landscaping concerns separately to ecological mitigation and tree mitigation.<br><br>The following comments are also residual issues related to ecology which must be addressed by condition- <ul style="list-style-type: none"> <li>• <b>Mitigation for protected species</b> - the LEMP condition wording states that “<i>Full details of mitigation measures for relevant protected species (including licensing mitigation requirements) including bats; Luronium Natans (Floating Water Plantain); badgers; great crested newt, reptiles, otter and water vole, where appropriate</i>” will be included within</li> </ul> |

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| <ul style="list-style-type: none"> <li>• Timescale for the implementation of hard landscaping works;</li> <li>• Full details of method statement for treatment and removal of invasive species;</li> <li>• Implementation timetable and a five year post-completion monitoring schedule;</li> <li>• Draft maintenance schedules for all landscape areas;</li> <li>• Details of organisation(s) responsible for maintenance and monitoring;</li> <li>• A plan of environmental mitigation details including areas of new plantings and details of any new habitats created;</li> <li>• Details of location, design and construction of the wet features (ponds and Sustainable Drainage Systems); and</li> <li>• Full details of mitigation measures for relevant protected species (including licensing mitigation requirements) including bats; Luronium Natans (Floating Water Plantain); badgers; great crested newt, reptiles, otter and water vole, where appropriate.</li> </ul> <p><b>Reason:</b> <i>In the interests of the visual appearance and biodiversity of the area in accordance with the Kirklees Local Plan policies LP30, 31, 32 and 33. This is to secure the correct implementation of the measures identified in the Environmental Statement.</i></p> | <p>the LEMP, however it is considered that appropriate survey effort has not yet been carried out with regards to bats, newts and badgers in order to inform this mitigation. Therefore, it has not been sufficiently proven that the mitigation measures proposed (particularly in relation to badgers) is appropriate. Conditioning further survey work is contrary to Government circular 05/06 however if this is considered necessary, the condition should state that further survey work is to be carried out in order to inform the mitigation measures required.</p> <ul style="list-style-type: none"> <li>• <b>Biodiversity net gain</b> - No biodiversity metric calculations have been undertaken in relation to the scheme, therefore the baseline value of the habitats due to be lost is not available. In addition, the information regarding the mitigative planting schedules is vague and does not outline the full extent of habitat creation/reinstatement to give enough security regarding the biodiversity outcomes of the scheme. It has not been demonstrated that the scheme is achieving no biodiversity net less (neutral impact) or a net gain, and the scheme is therefore not in accordance with Local Plan policy LP30 i or ii. Network Rail have committed to providing a 10% biodiversity net gain (in line with forthcoming legislation and Kirklees’s own guidance), however this has not been reflected within the submitted documents or the proposed conditions.</li> <li>• <b>Management/monitoring schedule</b> - Adverse impacts are predicted to the majority of habitats and species as a result of the scheme. Some of these are cited to be “temporary” however the timespan of these impacts is predicted to be upwards of 30 years (to mature woodland habitat for example). The current suggested LEMP only refers to monitoring and maintenance for a period of 5 years post-development and this is not considered sufficient in order to mitigate for the predicted impacts of the scheme. The management regimes should span for a minimum of 30 years (or, better still, in perpetuity) to ensure habitats recover to the required condition to compensate for those which are to be lost.</li> </ul> <p>The outline mitigation plans currently do not detail the measures nor what they are mitigating against - this needs to be clarified.</p> <p>The Local Planning Authority suggest four conditions to supersede condition 4. This will assist the promoter in discharging the conditions relevant to the specific area and so that the discharge is not delayed for one specific area of expertise in ecological terms where ordinarily it could be discharged through, for example, submission of a suitable landscape planting plan.</p> |
| <p><b>5. CODE OF CONSTRUCTION PRACTICE</b></p> <p>No stage of the development (including preliminary works) is to commence until a Code of Construction Practice (CoCP) for that stage, including the relevant plans and programmes referred to in (b) below (which incorporates the means to mitigate the construction impacts identified by the Environmental Statement), has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt this does not include approval for Part A of the CoCP (a general overview and framework of environmental principles and management practice to be applied to the scheme along with all construction-led mitigation identified in the Environmental Statement) which has been submitted as part of the Order.</p> <p>Part B of the CoCP (as defined in the Environmental Statement) must include the following plans and programmes, for each stage as defined in condition 3:-</p> <ol style="list-style-type: none"> <li>An external communications programme;</li> <li>A pollution prevention and incident control plan;</li> <li>A waste management plan;</li> </ol>   | <p>Construction management conditions used at other sites in Kirklees require the submission of a detailed “Construction (Environmental) Management Plan”, covering more than what would typically be included in a Code of Construction Practice. Suggest the condition is replaced as follows::</p> <p><u><i>“Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include a timetable of all works, any phasing of development, details of point(s) of access for construction traffic, vehicle sizes and routes, times of vehicle movements, parking for construction workers, signage, pre-development road condition surveys, wheel washing facilities within the site, hours of works, details of dust suppression measures, details of measures to control noise and vibration from construction-related activities, details of artificial lighting to be used during construction, details of any additional measures required in relation to cumulative impacts (should construction be carried out at other sites during the same period), and details of engagement with local residents and occupants during the period of construction. The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and</i></u></p>   |

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| <p>iv. A materials management plan including a separate soils mitigation plan;</p> <p>v. A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;</p> <p>vi. A noise and vibration management plan including a construction methodology assessment;</p> <p>vii. An Environmental Design Plan (Land Contamination &amp; Hydrogeology);</p> <p>viii. A demolition methodology statement for relevant buildings; and</p> <p>ix. An Environmental Design Plan (EDP) (Land Contamination and Hydrogeology) – setting out the environmental requirements during the detailed design stage.</p> <p>The development must be implemented in accordance with the approved CoCP and the relevant plans or programmes unless otherwise agreed in writing with the local planning authority shall be implemented in full throughout the period of the works.</p> <p><b>Reason:</b> <i>To mitigate expected construction impacts arising from the development and to protect local and residential amenity and to ensure the development is carried out in accordance with Kirklees Local Plan policies LP51 and 52.</i></p> | <p><u>approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development.</u></p> <p><u>Reason:</u><br/> <u>“To mitigate expected construction impacts arising from the development, to protect local and residential amenity, in the interests of highway safety, to prevent significant ecological impacts to designated sites or protected species and to safeguard the function of local ecological networks in accordance with Kirklees Local Plan Policies LP21, LP24, LP30, LP51 and LP52”.</u></p>  |
| <p><b>6. CONSTRUCTION TRAFFIC MANAGEMENT &amp; TRAVEL PLAN</b></p> <p>a) No stage of the development (except preliminary works) is to commence until a Construction Traffic Management Plan (“CTMP”) for that stage has been submitted to and approved in writing by the local planning authority for that stage. The CTMP must include:-</p> <p>i. the package of interventions and mitigation outlined in Volume 2i, Chapter 23, Page 5, section 23.2.14 of the Environmental Statement including an implementation timetable for each stage; and</p> <p>ii. a travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites and including the provision of non-motorised facilities to encourage walking and cycling.</p> <p>b) The construction of each stage of the development must be carried out in accordance with the approved CTMP unless otherwise agreed in writing with the local planning authority.</p> <p><b>Reason:</b> <i>To protect public amenity and highway safety and in accordance with Policy LP21 of the Kirklees Local Plan</i></p>   | <p>Suggest the condition is amended as follows to include full details of all road closures and diversions for each stage, impacts on waste collection routes and operational household waste sites and Huddersfield Station forecourt car park:</p> <p>a) No stage of the development (<del>except preliminary works</del>) is to commence until a Construction Traffic Management Plan (“CTMP”) for that stage has been submitted to and approved in writing by the Local Planning Authority for that stage at least four weeks prior to the statutory notice period. The CTMP must include:-</p> <p>i. the package of interventions and mitigation outlined in Volume 2i, Chapter 23, Page 5, section 23.2.14 of the Environmental Statement including an implementation timetable for each stage; and</p> <p>ii. a travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites and including the provision of non-motorised facilities to encourage walking and cycling.</p> <p><u>iii. full details of all traffic management, road closures and diversions for each stage, including a timescale to accurately predict the impact on the network in order to manage all roadworks/streetworks and other activities on the highway including specific waste collection routes.</u></p> <p><u>iv) full details of bus replacement services for the duration of the construction to mitigate impact on air quality.</u></p> <p><u>v) full details of a scheme to ensure access is retained for household waste recycling centres during construction works;</u></p> <p><u>vi) full details of a scheme to address traffic management/operations of Huddersfield Railway Station forecourt carpark during construction works</u></p> <p>b) The construction of each stage of the development must be carried out in accordance with the approved CTMP <del>unless otherwise agreed in writing with the local planning authority.</del></p> <p><b>Reason:</b> <i>To protect public amenity and highway safety and in accordance with Policy LP21 <u>and LP51</u> of the <u>Kirklees Local Plan</u></i></p> |
| <p><b>7. MATERIALS</b></p>   |  |

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| <p>a) Before the commencement of any works in respect of structures listed below, or within such other timescales as may otherwise be agreed in writing with the Local Planning Authority, samples and specifications of all materials to be used on all external elevations of the following structures must be submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> <li>o MVN2/204 Lees Hall Farm</li> <li>o MVL3/96 Red Doles Bridge</li> <li>o MVL3/98 Fieldhouse Bridge</li> <li>o MVL3/99 Ridings</li> <li>o MVL3/100 Peels Pit</li> <li>o MVL3/101 Whitacre Street</li> <li>o MVL3/103 New Colliery Lane (Wheatleys) Bridge</li> <li>o MVL3/110 Parks</li> <li>o MVL3/106 New Colne Bridge Road Bridge</li> <li>o MVN4/2 Cooper Bridge Intersection</li> <li>o MVN2/202 Calder Road</li> <li>o MDL1/9 Fall Lane (Thornhill Road)</li> <li>o Ravensthorpe Railway Station</li> <li>o Deighton Station Forecourt, Lifts &amp; Footbridge</li> <li>o Mirfield Station Lifts &amp; Footbridge</li> <li>o Wakefield Intersection (RBA1)</li> <li>o Baker Viaduct (Ravensthorpe);</li> <li>o Weaving Lane Retaining Wall</li> </ul> <p>b) The development must be constructed in accordance with the approved details unless otherwise agreed in writing with the local planning authority.</p> <p><b>Reason:</b> <i>In the interests of visual amenity and in accordance with Policy 24 of the Kirklees Local Plan.</i></p> | <p>Suggest amending the condition as follows:</p> <p>a) Before the commencement of any works in respect of structures listed below, <del>or within such other timescales as may otherwise be agreed in writing with the Local Planning Authority</del> samples and specifications of all materials to be used on all external elevations of the following structures must be submitted to and approved in writing by the local planning authority:</p> <ul style="list-style-type: none"> <li>o MVN2/204 Lees Hall Farm</li> <li>o MVL3/96 Red Doles Bridge</li> <li>o MVL3/98 Fieldhouse Bridge</li> <li>o MVL3/99 Ridings</li> <li>o MVL3/100 Peels Pit</li> <li>o MVL3/101 Whitacre Street</li> <li>o MVL3/103 New Colliery Lane (Wheatleys) Bridge</li> <li>o MVL3/110 Parks</li> <li>o MVL3/106 New Colne Bridge Road Bridge</li> <li>o MVN4/2 Cooper Bridge Intersection</li> <li>o MVN2/202 Calder Road</li> <li>o MDL1/9 Fall Lane (Thornhill Road)</li> <li>o Ravensthorpe Railway Station</li> <li>o Deighton Station Forecourt, Lifts &amp; Footbridge</li> <li>o Mirfield Station Lifts &amp; Footbridge</li> <li>o Wakefield Intersection (RBA1)</li> <li>o Baker Viaduct (Ravensthorpe);</li> <li>o Weaving Lane Retaining Wall <ul style="list-style-type: none"> <li>o <u>MVL3/90 Westgate Overbridge</u></li> <li>o <u>Closed station access to Mirfield Station</u></li> <li>o <u>All new station signage</u></li> </ul> </li> </ul> <p>b) The development must be constructed in accordance with the approved details <del>unless otherwise agreed by the Local Planning Authority</del> <u>and shall thereafter be retained.</u></p> <p><b>Reason:</b> <i>In the interests of visual amenity and in accordance with Policies LP24 and LP35 of the Kirklees Local Plan.</i></p> <p>-</p> |
| <p><b>8. ARCHAEOLOGY</b></p> <p>a) Prior to any development (including preliminary works) in the areas listed below commencing, a construction methodology must be submitted to the local planning authority to assist in identifying any likely impacts on areas of heritage interest. It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service (WYAAS)) whether a written scheme of investigation is required to be submitted in relation to those sites:</p> <ul style="list-style-type: none"> <li>• The area of the former Union Dyeware Mills (HER PRN: 6671);</li> <li>• The area of the former goods yard at Huddersfield Station (HER PRN: 6525);</li> </ul>   | <p>Suggest re-wording to:</p> <p><u>a) Prior to any development (including preliminary works) in the areas listed below commencing, a construction methodology must be submitted to and approved in writing by the Local Planning Authority. The methodology shall assist in identifying</u> any likely impacts on areas of heritage interest. It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service (WYAAS)) whether a written scheme of investigation is required to be submitted in relation to those sites:</p> <ul style="list-style-type: none"> <li>• The area of the former Union Dyeware Mills (HER PRN: 6671);</li> <li>• The area of the former goods yard at Huddersfield Station (HER PRN: 6525);</li> </ul>  |

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| <ul style="list-style-type: none"> <li>• The area of the former Hillhouse Sidings (including the site of the White Stone Engine Shed) (HER PRN: 18375);</li> <li>• The area including the pillbox at Woodend Road (HER PRN: 6588); and</li> <li>• The cropmark site to the south-west of Ravensthorpe Road (HER PRN:642).</li> </ul> <p>b) No development (including preliminary works) is to commence within the areas of archaeological interest identified in Table 23-1 to Chapter 23 of Volume 2i of the Environmental Statement or in any areas determined to require a written scheme of investigation in accordance with (a) above until a written scheme of investigation for such areas has been submitted to and approved in writing by the local planning authority.</p> <p>c) The approved scheme must identify areas where field work and/or a watching brief are required and the measures to be taken in order to protect, record or preserve any significant archaeological remains that may be found.</p> <p>d) Any archaeological field works or watching brief required by the approved scheme must be undertaken by a suitably qualified person or body approved by the local planning authority.</p> <p><b>Reason:</b> To ensure that the significance of the historic environment is properly assessed and preserved and to ensure that the development is carried out in accordance with paragraphs 189 and 199 of the National Planning Policy Framework (2012), and policy LP35 of the Kirklees Local Plan.</p> | <ul style="list-style-type: none"> <li>• The area of the former Hillhouse Sidings (including the site of the White Stone Engine Shed) (HER PRN: 18375);</li> <li>• The area including the pillbox at Woodend Road (HER PRN: 6588); and</li> <li>• The cropmark site to the south-west of Ravensthorpe Road (HER PRN:642).</li> </ul> <p>b) No development (including preliminary works) is to commence within the areas of archaeological interest identified in Table 23-1 to Chapter 23 of Volume 2i of the Environmental Statement or in any areas determined to require a written scheme of investigation in accordance with (a) above until a written scheme of investigation for such areas has been submitted to and approved in writing by the local planning authority.</p> <p>c) The approved scheme must identify areas where field work and/or a watching brief are required and the measures to be taken in order to protect, record or preserve any significant archaeological remains that may be found.</p> <p>d) Any archaeological field works or watching brief required by the approved scheme must be undertaken by a suitably qualified person or body approved by the local planning authority.</p> <p><b>Reason:</b> To ensure that the significance of the historic environment is properly assessed and preserved and to ensure that the development is carried out in accordance <u>with policies LP17, LP24 and LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework</u>”.</p> |
| <p><b>9. MEANS OF ENCLOSURE</b></p> <p>a) No later than 6 months after the commencement of the individual stage of the development to which it relates details of all new permanent means of enclosure for the railway in that stage must be submitted to and approved in writing by the local planning authority.</p> <p>b) The approved means of enclosure must be erected in full in accordance with the approved details unless otherwise agreed in writing with the local planning authority.</p> <p><b>Reason:</b> In the interest of public safety and visual amenity in accordance with policy LP24 (e) of the Kirklees Local Plan.</p>   | <p>Suggest re-wording as follows:</p> <p>a) No later than 6 months after the commencement of the individual stage of the development to which it relates details of all new permanent means of enclosure for the railway in that stage must be submitted to and approved in writing by the local planning authority.</p> <p>b) The approved means of enclosure must be erected in full accordance with the approved details <u>following completion of each individual stage and thereafter retained</u> <del>unless otherwise agreed in writing with the local planning authority.</del></p> <p><b>Reason:</b> In the interest of public safety and visual amenity in accordance with policy LP24 (e) of the Kirklees Local Plan.</p>   |
| <p><b>10. CONTAMINATED LAND</b></p> <p>In relation to contaminated land:</p> <p>a) Where the Environmental Statement indicates that intrusive investigation is necessary for that stage, development in the relevant stage is not to commence until a Phase II Site Investigation Report for that stage has been submitted to, and approved in writing by, the Local Planning Authority,</p> <p>b) Where remediation measures are shown to be necessary in the Environmental Statement or Phase II Reports undertaken pursuant to (a) above confirm remediation measures are necessary for the relevant stage, development in the relevant stage is not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement must include a programme for all works and for the provision of Verification Reports.</p>   | <p>Suggest the condition is re-worded as follows:</p> <p>In relation to contaminated land:</p> <p>a) Where the Environmental Statement indicates that intrusive investigation is necessary for that stage, development in the relevant stage <del>is shall</del> not to commence until a Phase II Site Investigation Report for that stage has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>b) Where <del>remediation measures are shown to be necessary in</del> the Environmental Statement or Phase II Reports undertaken pursuant to (a) above confirm remediation measures are necessary for the relevant stage, development in the relevant stage is not commence until a Remediation Statement demonstrating how the site will be made suitable for the intended use has been submitted to, and approved in writing by, the Local Planning Authority. The Remediation Statement must include a programme for all works and for the provision of Verification Reports.</p> <p><b>Reason:</b> To ensure that the presence of contamination is identified, risks assessed, and proposed remediation works are agreed in order to make the site suitable for use <u>in accordance with Local Plan policy LP53 and Chapter 15 of the National Planning Policy Framework</u>’.</p>   |

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| <p><b>Reason:</b> To ensure that the presence of contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use.</p>  | .  |
| <p><b>11. UNEXPECTED CONTAMINATED LAND</b><br/>Where significant unexpected contamination is encountered, the Local Planning Authority must be notified in writing immediately and where agreed as necessary operations on the affected part of the site must cease. An amended or new Remediation Statement must be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which must thereafter be carried out in accordance with the revised approved Statement.<br/><b>Reason:</b> To ensure that the presence of unexpected contamination is identified, risks assessed and proposed remediation works are agreed in order to make the site suitable for use.</p> | <p>Suggest condition is re-worded as follows:</p> <p>‘Where <del>significant</del> <u>any</u> unexpected contamination is encountered, the Local Planning Authority must be notified in writing immediately and <del>where agreed as necessary</del> operations on the affected part of the site must cease. An amended or new Remediation Statement must be submitted to, and approved in writing by, the Local Planning Authority prior to any further remediation works which must thereafter be carried out in accordance with the revised approved Statement.</p> <p><b>Reason:</b> To ensure that the presence of unexpected contamination is identified, risks assessed, and proposed remediation works are agreed in order to make the site suitable for <u>use in accordance with Policy LP53 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework</u>.</p> <p>.</p>   |
| <p><b>12. WESTGATE ROAD BRIDGE</b><br/>a) No work in respect of the provision of anti-trespass works on structures as identified on planning direction drawing 151667-TSA-30-MVL3-DRG-T-LP-162000 relating to bridge MVL3/90 Westgate Road must commence until details of the anti-trespass measures have been submitted to and approved in writing by the local planning authority.<br/>b) The development must be constructed in accordance with the approved details.<br/><b>Reason:</b> To ensure the measures will not have a detrimental effect on the Huddersfield town centre Conservation Area</p>   | <p>Suggest re-word condition as follows:</p> <p>a) No work in respect of the provision of anti-trespass works on structures as identified on planning direction drawing 151667-TSA-30-MVL3-DRG-T-LP-162000 relating to bridge MVL3/90 Westgate Road must commence until details of the anti-trespass measures have been submitted to and approved in writing by the local planning authority.<br/>b) The development must be constructed in accordance with the approved details <u>and completed prior to commencement of works to structures</u>.</p> <p><b>Reason:</b> <del>To ensure the measures will not have a detrimental effect on the Huddersfield town centre Conservation Area</del>To ensure the measures will not have a detrimental effect on the significance of the Huddersfield Town Centre Conservation Area in accordance with Policies LP17, LP24 and LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework’</p> |
| <p><b>13. NOISE ATTENUATION</b><br/>Details of all permanent trackside noise attenuation measures identified in the Environmental Statement and on the relevant drawings, including a programme for implementation, must be submitted to and agreed in writing by the local planning authority before installation of the tracks and must be installed in accordance with the approved details.<br/><b>Reason:</b> In the interests of residential amenity.</p>   | <p>Suggest expanding reason to include:</p> <p>Details of all permanent trackside noise attenuation measures identified in the Environmental Statement and on the relevant drawings, including a programme for implementation, must be submitted to and agreed in writing by the local planning authority before installation of the tracks and must be installed in accordance with the approved details.</p> <p><b>Reason:</b> In the interests of residential amenity <u>in accordance with Policy LP24 of Kirklees Local Plan</u></p>  |
| <p><b>14. RAVENSTHORPE STATIC FREQUENCY CONVERTER SITE</b><br/>a) Details of the detailed design of the Static Frequency Converter Site as identified on planning direction drawing 151667-TSA-35-MDL1-DRG-T-LP-162891 must be submitted to and approved in writing by the local planning authority before work on the structure commences.</p>   | <p>This is a substantial, free-standing building complex in its own right, located at the edge of the river and the restored landscape. It will have a significant impact on built heritage, and the natural environment.</p> <p>The Local Planning Authority question whether it is appropriate to simply require the detailed design of this substantial structure and the associated landscaping to be addressed through the submission of design details in a planning condition.</p>  |

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| <p>b) The development must be constructed in accordance with the approved details.<br/> <b>Reason:</b> <i>In the interests of visual amenity</i></p>   | <p>The currently submitted plans simply indicate the location of the structure and its height. There is no detail of its design, materiality or the impact on the riverside or the wider landscape.</p> <p>It is understood from the Outline plans (numbered: 151667-TSA-35-MDL1-DRG-T-LP-162411 and 151667-TSA-35-MDL1-DRG-T-LP-162894) that the Static Frequency Converter (SFC) is a necessary part of the railway infrastructure but that it will also have a significance environmental impact.</p> <p>Therefore, the full details of the design and form of the SFC should be subject to a detailed application which would ensure that (as a minimum) the architectural form, site enclosure and the landscape and biodiversity impact, flood risk issues, mitigation and enhancement are fully understood and subject to detailed analysis and appropriate planning decision-making.</p> <p>The construction of this structure will result in significant land-take which is currently tied to a restoration scheme on waste safeguarded land. The proposals will result in the permanent loss of the habitats to be restored including wetland and pond habitat. Currently there is no detail on how the loss of these habitats is to be mitigated to compensate for the loss of the restoration site or how a biodiversity net gain will be achieved post-development. Due to the scale of the proposals, it is recommended that this information is dealt with via an application.</p> <p>If the inspector is minded to use a condition for this part of the scheme, the Council recommends the re-wording of the condition as follows:</p> <p>‘a) Details of the <del>detailed</del> design of the Static Frequency Converter Site as identified on planning direction drawing 151667-TSA-35-MDL1-DRG-T-LP-162891 including scale, height and boundary treatments must be submitted to and approved in writing by the local planning authority before work on the structure commences.<br/> <b><i>b) Details of restoration/mitigation of any ecological impacts within the site</i></b><br/> <b><i>c) Details of any proposed hard/soft landscaping scheme</i></b><br/> c) The development must be constructed in accordance with the approved details and <u><i>retained thereafter.</i></u></p> <p><b>Reason:</b> In the interests of visual amenity <u><i>and biodiversity in accordance with Local Plan policies LP24, LP30, LP31, LP32 and LP33 of Kirklees Local Plan.</i></u></p> |
| <p><b>15. SCHEME WIDE DRAINAGE STRATEGY</b><br/> The development is to be undertaken in accordance with the scheme wide drainage strategy appended to the Flood Risk Assessment as submitted in the Environmental Statement.<br/> <b>Reason:</b> To prevent the increased risk of flooding through an appropriate hierarchy of drainage &amp; flood risk management and in accord with Policy LP27 of the Kirklees Local Plan.</p> | <p>The scheme wide drainage strategy appended to the FRA does not reflect the ongoing discussions with the Council and therefore is out of date. Suggest the condition is amended as follows:</p> <p>The development is to be undertaken in accordance with <del>the</del> <u><i>a scheme wide drainage strategy appended to the Flood Risk Assessment to be submitted to and agreed in writing by the Local Planning Authority.</i></u> <del>as submitted in the Environmental Statement.</del></p> <p><b>Reason:</b> To prevent the increased risk of flooding through an appropriate hierarchy of drainage &amp; flood risk management and in accord with Policy LP27 <u><i>and LP28 of the Kirklees Local Plan.</i></u></p>   |
| <p><b>16. HILLHOUSES YARD</b><br/> a) Details of the detailed design of the structures at Hillhouses Yard listed below and identified on planning direction drawings 151667-TSA-31-MVL3-DRG-T-LP-162863, 162864 and 162865, must be submitted to and approved in writing by the Local</p>  | <p>Revised wording of proposed condition – see below (due to need to additional mitigation) See also new condition in relation to measuring noise sensitive receptors <b>AAC15</b>.</p>   |

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| <p>Planning Authority before work on the structure commences. The works shall be thereafter implemented in accordance with those details:</p> <ul style="list-style-type: none"> <li>• Fencing around the whole compound;</li> <li>• Vehicle Restraint Measures;</li> <li>• Noise Attenuation Measures alongside the rear gardens of Hammond Street;</li> <li>• The compound site offices and storage areas; and</li> <li>• Retaining Wall below Hammond Street and in the Yard.</li> </ul> <p>b) The development must be constructed in accordance with the approved details</p>   | <p>a) Details of the <del>detailed design</del> <u>structures and measures</u> at Hillhouses Yard listed below and identified on planning direction drawings 151667-TSA-31-MVL3-DRG-T-LP-162863, 162864 and 162865, must be submitted to and approved in writing by the Local Planning Authority before work on the structures commences. The works shall be thereafter implemented in accordance with those details:</p> <ul style="list-style-type: none"> <li>• Fencing around the whole compound;</li> <li>• Vehicle Restraint Measures;</li> <li>• Noise Attenuation Measures <ul style="list-style-type: none"> <li>• <u>Air Quality Mitigation Measures</u></li> </ul> </li> <li>• The compound site offices and storage areas; and</li> <li>• Retaining Wall below Hammond Street and in the Yard.</li> </ul> <p>b) The development must be constructed in accordance with the approved details <u>and within a timeframe to be agreed with the Local Planning Authority.</u></p> <p><u>Reason: In the interests of visual, residential, air quality amenity in accordance with LP24 and LP51 of Kirklees Local Plan.</u></p> |
| <p><b>ADDITIONAL/ALTERNATIVE CONDITIONS SUGGESTED BY KIRKLEES LOCAL PLANNING AUTHORITY</b></p>  |   |
| <p><b>AAC1 - ECOLOGY</b></p> <p>A) No development within the relevant stage (including preliminary works) is to commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The development must only take place in complete accordance with the approved LEMP.</p> <p>The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Statement, and must also include;</p> <ol style="list-style-type: none"> <li>Description and evaluation of features to be managed and enhanced;</li> <li>A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced;</li> <li>Aims and Objectives of management;</li> <li>Implementation timetable and a programme for long-term management and maintenance responsibilities for a minimum period of thirty years post-completion;</li> <li>A programme of monitoring with thresholds for action, setting out, if required, a remedial plan of alternative ecological actions (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met);</li> <li>Details of organisation(s) responsible for maintenance and monitoring;</li> <li>Full details of relevant protected species surveys, and reviews where necessary, including updated badger surveys (including methods such as bait marking and use of trail cameras if required) to define badger mitigation requirements; and</li> </ol> |   |

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| <p>viii. Details of measures to ensure protection and suitable mitigation to all relevant protected species and those species identified as being of importance to biodiversity (including licensing mitigation requirements) including bats; <i>Luronium Natans</i> (Floating Water Plantain); badgers; great crested newt, reptiles, otter and water vole, where appropriate.</p> <p>The measures within the LEMP shall be implemented in accordance with the approved details.</p> <p>B) No development shall commence until a plan to achieve an overall 10% net gain in biodiversity for the development is submitted to and approved in writing by the Local Planning Authority. The plan shall include the following</p> <ul style="list-style-type: none"> <li>i. The pre- and post-development biodiversity value of on-site habitats assessed utilising the DEFRA Biodiversity Metric 2.0 (or latest version, if available); and</li> <li>ii. Full details of any on and off-site habitat creation or enhancement required to achieve a 10% biodiversity net gain.</li> </ul> <p><b>Reason:</b> <i>In the interests of the visual appearance and biodiversity of the area and to provide a biodiversity net gain in accordance with the Kirklees Local Plan policies LP30, LP31, LP32 and LP33.</i></p>  |  |
| <p><b>AAC2 - LANDSCAPE</b></p> <p>No development within the relevant stage (including preliminary works and works at the Ravensthorpe static frequency converter site) shall commence until a scheme of both hard and soft landscaping works, covering the locations where landscaping will be undertaken, has been submitted to the Local Planning Authority for approval. The works shall be set out in that scheme which shall include the details of:</p> <ul style="list-style-type: none"> <li>(i) any structures, such as street furniture, means of enclosure and lighting;</li> <li>(ii) a plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed;</li> <li>(iii) any new trees showing their species, spread and maturity and new planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants (including the location, number, species, size and planting density);</li> <li>(iv) any details of regrading, cut and fill, earth screen bunds, existing and proposed levels;</li> <li>(v) any areas of grass turfing or seeding and depth of topsoil to be provided;</li> <li>(vi) a timescale for the implementation of hard landscaping works;</li> <li>(vii) A plan of environmental mitigation details including areas of new planting and habitats created clearly identifying and demonstrating the mitigation being addressed;</li> </ul> |  |

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| <p>viii) Details of initial aftercare and a long-term maintenance and management plan; and</p> <p>ix) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fail or become diseased within the first thirty years from completion;</p> <p>All landscaping so approved shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.</p> <p><b>Reason:</b> <i>In the interest of visual appearance, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policies LP24, LP30, LP31, LP32 and LP33 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.</i></p>   |  |
| <p><b>AAC3 - IMPLEMENTATION AND MAINTENANCE OF LANDSCAPING</b></p> <p>No development within the relevant stage (including preliminary works and works at the Ravensthorpe static frequency converter site) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in complete accordance with the approved LEMP and/or any subsequent revisions as may be approved in writing by the Local Planning Authority.</p> <p>All landscaping works shall be undertaken in accordance with the approved landscaping scheme.</p> <p>Hard landscaping works shall be implemented in full in accordance with the timescales set out within the relevant approved landscaping scheme. Soft landscaping works shall be carried out within the first available planting season after the completion of the adjacent structures.</p> <p>Any tree or shrub planted as part of an approved landscaping scheme that, within a period of 30 years of the date of planting, is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted to be approved by the Local Planning Authority.</p> <p><b>Reason:</b> <i>To ensure satisfactory implementation of the landscaping in the interests of protecting the character and appearance of the area in accordance with Policies LP24 and LP32 of the Kirklees Local Plan</i></p> |  |
| <p><b>AAC4 - TREES</b></p>  |  |

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| <p>No development within the relevant stage (including preliminary works) shall commence until a scheme of mitigation for the loss of trees and associated public amenity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved mitigation scheme for the relevant stage. Any tree planted as part of an approved tree mitigation scheme that, within a period of 30 years of the date of planting, is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted to be approved by the Local Planning Authority.</p> <p><b>Reason:</b> In the interests of visual and public amenity and to accord with the requirements of Policies LP24 and LP33 of the Kirklees Local Plan</p>   |  |
| <p><b>AAC5 - CONSERVATION IMPLEMENTATION MANAGEMENT PLANS (CIMPs)</b></p> <p>No stage of the development (including preliminary works) shall commence until a Conservation Implementation Management Plan (CIMP) for that section of the TRU W3 route (including the detailed plans and specifications sufficient to define the scope, extent and programme of works which impact on the section of the line and the individual historic buildings and structures affected by the proposed works, as identified by the Environmental Statement) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The CIMP should include an overarching statement to define the general conservation standards required to minimise adverse impacts and define the compensation measures necessary to mitigate the effect on the historic environment as a whole, as well as on the individual listed buildings.</p> <p>The CIMP should define a coherent strategy and details designed to preserve and enhance the retained historic building and structures and should include:</p> <ol style="list-style-type: none"> <li>1. The detailed methodologies for intervention work, including any intrusive investigation surveys, dismantling, alteration, demolition and reconstruction of all identified historic buildings and structures impacted by that Section of the Route.</li> <li>2. The sustainable re-use of materials during construction of the TRU W3 works, including opportunities for the recovery and reuse of all stone from dismantled bridges and the ironwork from the trainshed at Huddersfield Station</li> <li>3. Specifications for the restoration, repair or making good of all retained historic fabric subject to alteration works, including the retained stone bridge abutments.</li> <li>4. Specifications for the installation of the integration of bird and bat boxes and access points into the bridge structures and altered under-bridges.</li> <li>5. A maintenance plan and future management strategy to secure the sustainable reuse of the associated individual listed structures made redundant by the TRU W3 works, including the following:</li> </ol> |  |

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| <ul style="list-style-type: none"> <li>- Hillhouse Sidings Railway Coal Chutes and Tramway with wall and gates, Alder Street (Hillhouse Sidings), Huddersfield (list entry 1096083).</li> <li>- The recording, future use, management and management of the embankment and railway line made redundant by the new Ravensthorpe Viaduct.</li> <li>- The recording, future use, management and management of Ravensthorpe-Dewsbury Railway Bridge over Calder and Hebble Navigation, Long Cut, (MDL1/6). Grade II list entry: 1183783.</li> <li>- The recording, future use, management and management of Ravensthorpe - Dewsbury railway bridge over River Calder (MDL1/8). Grade-II listed - entry 1313646.</li> </ul> <p><b>Reason:</b> To minimise the development's detrimental effect on the significance of heritage assets and to ensure biodiversity enhancement measures are secured in accordance with Policies LP17, LP24, LP30 and LP35 of the Kirklees Local Plan and chapter 16 of the National Planning Policy Framework.</p>  |  |
| <p><b>AAC6 - HIGHWAY STRUCTURES (EMBANKMENTS)</b></p> <p>Prior to the commencement of development, a scheme including cross-sectional information together with the proposed design and construction details for any modifications to any existing embankments or new embankments to construct the proposed development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority including the written approval of the Highway Structures Section). The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works, details of removal of any bulk excavations, a full slope stability analysis together with structural calculations, and details of all associated safety measures for the protection of adjacent public highway. All highway retaining structures shall be designed and constructed in accordance with the approved details and shall be so maintained</p> <p><b>Reason:</b> To ensure that any new retaining structures do not compromise the stability of the highway and other land, in the interests of highway and public safety, and to accord with Policies LP21 and LP53 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.</p> |  |
| <p><b>AAC7 - HIGHWAY STRUCTURES (RETAINING STRUCTURES)</b></p> <p>Prior to the commencement of development, the design and construction details of all retaining walls and building retaining walls adjacent to existing highways shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority including the written approval of the Highway Structures Section). The details shall include cross-sectional information, details of</p>   |  |

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| <p>locations, and details of any modifications to existing highway retaining walls. The development shall be completed in accordance with the approved details and shall be retained as such thereafter.</p> <p><b>Reason:</b> To ensure that any new retaining structures do not compromise the stability of the highway, in the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.</p>  |  |
| <p><b>AAC8 - HIGHWAY STRUCTURES (FOOTBRIDGES)</b></p> <p>Prior to the commencement of development, the design and construction details of all new footbridge structures (including ramps) that carry public rights of way and/or bridleways shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority including the written approval of the Highway Structures Section). The development shall be completed in accordance with the approved details and shall be retained as such thereafter.</p> <p><b>Reason:</b> To ensure that any new footbridge structures do not compromise the highway, in the interests of connectivity and highway safety, and to accord with Policies LP20, LP21 and LP47 of the Kirklees Local Plan.</p> |  |
| <p><b>AAC9 - HIGHWAY STRUCTURES (BRIDGES AND CULVERTS)</b></p> <p>Prior to the commencement of development, the design and construction details of all new or modified bridges or culverts (including ramps) that carry the public highway shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority including the written approval of the Highway Structures Section). The development shall be completed in accordance with the approved details and shall be retained as such thereafter.</p> <p><b>Reason:</b> To ensure that any new or modified bridges or culverts do not compromise the public highway, in the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.</p>                   |  |
| <p><b>AAC10 – HOUSING ALLOCATION HS61/RAVENSTHORPE STATION</b></p> <p>a) No development shall commence until full details of:</p> <p>i) the re-alignment of the bridleway to the south of the existing bridleway including consideration of the change in levels and the implications of access to the housing allocation, have been submitted to and approved in writing by the Local Planning Authority.</p> <p>ii) the proposed access arrangements to facilitate the development of HS61 in association with the new Ravensthorpe train station including the implications of the change in levels and associated engineering works have been submitted to and approved in writing by the Local Planning Authority.</p>  |  |

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| <p>iii) the proposed design of the relocated overhead electrical terminal pylons within HS61 and associated infrastructure.</p> <p>iv) connecting links for active travel modes between housing allocation HS61 to the proposed new Ravensthorpe station including consideration of the change of level between the allocation and the proposed new roundabout.</p> <p>v) the proposed construction compound to the south of the proposed Ravensthorpe Station with a phasing and restoration plan upon completion of the works</p> <p>vi) associated utilities infrastructure, earthworks, buffers and allotments to be implemented within housing allocation HS61 with a phasing plan to identify when these developments are to take place.</p> <p>b) Notwithstanding the details on Drawing Plans 151667-TSA-35-MUN2-DRG-T-LP-162550 to 151667-TSA-35-MVN2-DRG-T-LP-162577, development shall not commence until the applicant has demonstrated an appropriate solution to facilitate access to the housing site to be agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the delivery of a regional strategic housing allocation in Kirklees Local Plan is not comprised and in the interests of highway safety, sustainability, visual and residential amenity in accordance with Local Plan Policies LP1, LP2, LP3, LP4, LP5, LP19, LP21, LP23, LP24, LP65 and allocated housing site HS61.</p> |  |
| <p><b>AAC11 - TEMPORARY WORKS/STRUCTURES AT HILLHOUSE</b></p> <p>Prior to the commencement of development, details of the temporary structures and uses at Hillhouse to include details of the temporary platform and access/parking arrangements and details for future site clearance/restoration shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.</p> <p><b>Reason:</b> In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.</p>   |  |
| <p><b>AAC12 - CODE OF CONSTRUCTION PRACTICE FOR PROTECTION OF THE HISTORIC ENVIRONMENT</b></p> <p>No stage of the development impacting on any aspect of the Historic Environment is to commence (including preliminary works) until a Code of Construction Practice (CoCP) for that stage, detailing relevant plans and programmes for the protection of heritage assets and potential archaeological finds of importance during works has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved CoCP for the protection of the historic environment and the relevant plans or programmes shall be implemented in full throughout the period of the works.</p>  | <p>It is proposed the Code of Construction Practice (CoCP) (condition 5) will act as the mechanism to ensure that the historic environment and potential archaeological finds of importance are appropriately protected through the application of a comprehensive set of mitigation measures. The LPA consider that a specific condition is required for the protection of heritage assets and potential archaeological finds of importance during works.</p> |

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| <p><b>Reason:</b> To mitigate expected construction impacts arising from the development and to protect heritage assets and to ensure the development is carried out in accordance with Kirklees Local Plan policy LP35.</p>  |  |
| <p><b>AAC13 - TEMPORARY PARKING PROVISION AT MIRFIELD STATION</b></p> <p>Prior to the temporary closure of Mirfield Station car park, details of the temporary parking arrangements to serve Mirfield Station shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the temporary parking provision shall be completed in provided in accordance with the approved details.</p> <p><b>Reason:</b> In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.</p>   |  |
| <p><b>AAC14 - PYLONS (DESIGN)</b></p> <p>No works to existing pylons or the erection of new plyons shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the approved scheme and retained.</p> <p><b>Reason:</b> In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.</p>   |  |
| <p><b>AAC15 - NOISE INSULATION AND TEMPORARY REHOUSING DURING CONSTRUCTION</b></p> <p>No stage of the development impacting on residential Noise Sensitive Receptors (NSR's) is to commence (including preliminary works) until a report identifying the residential Noise Sensitive Receptors (NSR's) eligible for noise insulation or temporary housing and details of all necessary mitigation has been submitted to and approved in writing by the local planning authority.</p> <p>Where residential Noise Sensitive Receptors (NSR's) are eligible for noise insulation or temporary housing this eligibility will be determined (notwithstanding the implementation of Best Practicable Means (BPM)) by exceedance of either:</p> <p style="padding-left: 20px;">A) The construction noise SOAEL value at the residential NSR during the relevant period as defined in Table 8-10 (p21 2021-03 Environmental Statement Volume 2.ii Route Section Assessment Document NR16)</p> <p>Or</p> <p style="padding-left: 20px;">B) A sustained vibration level of at least 1 mm/s at the residential NSR; and<br/>The duration of noise and/or vibration exceedance must be for a period of:<br/>10 or more days in any 15 consecutive days; or<br/>40 or more days in any 6 consecutive months.</p> <p>All noise levels shall be predicted or measured as a point 1m in front of the most exposed of any windows and doors in any façade of the eligible building. Temporary rehousing shall be offered for significant vibration effects, for noise the offer shall be</p> |  |

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| <p>noise insulation. Thereafter the development of the relevant stage shall be carried out in accordance with the approved details and the stated mitigation provided.</p> <p><b>Reason:</b> To protect the amenity of occupiers of residential Noise Sensitive Receptors (NSR's) and to accord with Policy LP24 of the Kirklees Local Plan.</p>   |  |
| <p><b>AAC16 - PUBLIC RIGHTS OF WAY (DESIGN)</b></p> <p>No stage of the development impacting on any Public Right of Way is to commence (including preliminary works) until a scheme for the design, construction, surfacing, cross and long sections for proposed works to existing and proposed routes of Public Rights of Way in that stage has been submitted to and approved in writing by the local planning authority. Thereafter the development of the relevant stage shall be carried out in accordance with the approved details.</p> <p><b>Reason:</b> In the interests of securing adequate design and construction details for Public Rights of Way and to accord with Policies LP20 and LP23 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework.</p>   |  |
| <p><b>AAC17 - PUBLIC RIGHTS OF WAY (CLOSURE AND DIVERSION)</b></p> <p>No stage of the development impacting on any Public Right of Way is to commence (including preliminary works) until a scheme for temporary closures of Public Rights of Way in that stage has been submitted to and approved in writing by the local planning authority. Thereafter the development of the relevant stage shall be carried out in accordance with the approved details.</p> <p><b>Reason:</b> To assess and minimise disruption to users across the length of the Scheme and to accord with Policies LP20 and LP23 of the Kirklees Local Plan and chapter 9 of the National Planning Policy Framework</p>  |  |
| <p><b>AAC18 – TEMPORARY SURFACE WATER DRAINAGE</b></p> <p>Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:</p> <ul style="list-style-type: none"> <li>- phasing of the development and phasing of temporary drainage provision.</li> <li>- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.</li> </ul> <p>The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.</p> |  |

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| <p><b>Reason:</b> To ensure the provision of adequate temporary means of drainage, in the interests of amenity and environmental well-being.</p>   |  |
| <p><b>AAC19 DRAINAGE</b></p> <p>Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, general flood risk mitigation and water quality improvement) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance and management itinerary and schedule, included access and operational details. When the approved scheme has been provided it should be retained thereafter.</p> <p><b>Reason:</b> To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental wellbeing.</p> |  |
| <p><b>AAC20 CULVERTS/WATERCOURSES</b></p> <p>Development shall not commence until a scheme detailing the additional culverting/piping of the watercourse within the site (including trash and safety screen assessments and upgrades where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the enclosed and open watercourses. No part of the development shall be brought into use until the watercourse piping works comprising the approved scheme have been completed. The maintenance and management regimes shall be implemented thereafter.</p> <p><b>Reason:</b> To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental wellbeing.</p>            |  |
| <p><b>AAC21 STORM EVENTS</b></p> <p>The development shall not commence until an assessment of the effects of 1 in 100 year storm events with an allowance for climate change, and blockage scenarios, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.</p> <p><b>Reason:</b> To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity and environmental wellbeing.</p>   |  |
| <p><b>AAC22 WASTE DRAINAGE</b></p>   |  |

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| <p>Development shall not commence until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas within the railway station complexes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained thereafter.</p> <p><b>Reason:</b> To prevent fats, oils, and grease entering the drainage network in the interests of environmental wellbeing.</p>  |  |
| <p><b>AAC23 HIGHWAY DESIGN– LTN 1/20</b></p> <p>No development shall commence until the design and construction details of all new or modified highways and bridges that carry the public highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Any new or modified highways shall be designed in accordance with LTN 1/20The development shall be completed in accordance with the approved details and shall be retained as such thereafter.</p> <p><b>Reason:</b> To ensure that any new or modified highways and bridges designs accord with LTN 1/20 and Policy LP21 of the Kirklees Local Plan.</p> |  |
| <p><b>AAC24 NEW MAINTENANCE ACCESS</b></p> <p>No development shall commence until a scheme or details of the new maintenance access road have been submitted to and approved in writing by the Local Planning Authority. Thereafter the access road shall be provided in accordance with approved details.</p> <p><b>Reason:</b> In the interests of highway safety and in accordance with Local Plan policy LP21.</p>  |  |
| <p><b>AAC25 POWER SUPPLY UNIT</b></p> <p>No development shall commence until a scheme or details of the power supply unit to replace existing infrastructure to the west of Heaton Lodge Cottages, Helme Lane, Colne Bridge have been submitted to and approved in writing by the Local Planning Authority. Thereafter the power supply unit shall be provided in accordance with approved details.</p> <p><b>Reason:</b> In the interests of visual amenity in accordance with Local Plan Policy LP24.</p>   |  |
| <p><b>AAC26 TELEPHONE NETWORK MAST</b></p> <p>No development shall commence until a scheme or details of the new telephone network mast proposed have been submitted to and approved in writing by the Local Planning Authority. Thereafter the network mast shall be provided in accordance with approved details.</p> <p><b>Reason:</b> In the interests of visual amenity in accordance with Local Plan policy LP24.</p>   |  |

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| <p><b>AAC27 ELECTRIC CHARGING POINTS</b></p> <p>Prior to the commencement of development, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles at stations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:</p> <ul style="list-style-type: none"> <li>· One Standard Electric Vehicle Charging Point for every 10 unallocated parking spaces. Parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.</li> </ul> <p><b>Reason:</b> In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework. EVF1 Electric Vehicle Charging Points</p>   |  |
| <p><b>AAC28 FORGE LANE (MES6) - RESTORATION SCHEME</b></p> <p>Within 24 months of the date of commencement of development a detailed scheme shall be submitted to and approved in writing by the Mineral Planning Authority which indicates how the site at Forge Lane MES6 will be restored to nature conservation and amenity if either of the following applies:</p> <p>(i) If following the commencement of extractive operations, water mains crossing the site are to be diverted, site restoration shall to be based on Figure 3 (Rev PD5) Conceptual Restoration Masterplan, pursuant to planning permission 2012/92979.</p> <p>(ii) If following the commencement of extractive operations water mains crossing the site are to be retained in situ site restoration shall be based on Figure 3 (Rev PD6) Conceptual Restoration Masterplan, pursuant to planning permission 2012/92979.</p> <p>The submitted scheme shall provide, inter alia, for;</p> <ul style="list-style-type: none"> <li>(a) the removal of all buildings, structures, plant and machinery used in connection with the minerals extraction from the site and the removal of quarry haul roads excepting the section between Forge Lane and the car park.</li> <li>(b) plans and cross sections showing existing and post restoration ground levels.</li> <li>(c) the re-grading of the shoreline to produce shallows suitable for the development of a marginal and wetland habitat.</li> <li>(d) replacement of soils</li> <li>(e) details of marginal planting in the shallows area.</li> </ul> |  |

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| <p>(f) details of the edge planting to include tree species and size, numbers and spacing, fencing and methods of planting and protection from pests and weed control.</p> <p>(g) the development of grassland outside the tree planting areas, including details of grass species and maintenance.</p> <p>(h) the provision of footpaths and access points.</p> <p>(i) construction details of the cycleway extension between the existing terminus of the Spen Valley Green Way and the diverted footpath no. 117 (k) a programme of work to include working methods and implementation and a timetable for the works.</p> <p>(j) in the event that any water or gas mains are to be permanently retained within the Order limits, details of the treatment of the land within protected pipeline corridors including landscaping, landform and levels, spillways and any other necessary constructions.</p> <p>Thereafter the restoration shall be completed in accordance with the approved details and programme of works.</p> <p><b>Reason:</b> To ensure that the restoration of the site results in a beneficial afteruse in accordance with Kirklees Local Plan Policies LP30, LP31, LP32, LP34, LP37, LP47 and LP53 as well as Sections 15 and 17 of the National Planning Policy Framework</p>   |  |
| <p><b>AAC29 FORGE LANE (MES6) – AFTERCARE SCHEME</b></p> <p>An outline aftercare scheme requiring such steps as may be necessary over the aftercare period to bring each restoration phase of the site reclaimed under Condition [27] above, to the required standard for use for nature conservation and wetland amenity shall be submitted to and approved in writing by the Mineral Planning Authority at least 3 months prior to the completion of replacement of all restoration soils on any phase of the permitted development site and thereafter fully implemented.</p> <p>The aftercare scheme shall provide an outline strategy which shall include:</p> <ul style="list-style-type: none"> <li>• a detailed annual programme for the first year of aftercare</li> <li>• details identifying who would be responsible for carrying out the aftercare,</li> <li>• broadly outline the steps to be carried out in the aftercare period, and their timing within the overall programme,</li> <li>• include all areas subject to aftercare on an accompanying map with separate demarcation of any areas having different aftercare periods or management proposals</li> </ul> <p><b>Reason:</b> To ensure that the restoration of the site results in a beneficial afteruse and to accord with Kirklees Local Plan Policies LP30, LP31, LP32, LP34, LP37, LP47 and LP53 as well as Sections 15 and 17 of the National Planning Policy Framework</p> |  |

**AAC30 FORGE LANE (MES6) – AFTERCARE MONITORING**

A) Following compliance with Conditions [28 and 29] above a detailed annual aftercare programme shall be submitted annually to the Mineral Planning Authority before 31 August during the remainder of the aftercare period. The programme submitted shall amplify the outline strategy for aftercare work to be carried out in the forthcoming year, include any modifications to the original proposals and the approved scheme shall be fully implemented.

B) Every year during the aftercare period, the developer shall arrange a site meeting to be held before 30th November to discuss the reports prepared in accordance with Condition no. [29] above to which the following parties shall be invited:

- (a) The Mineral Planning Authority,
- (b) The operator,
- (c) All owners/tenants of land within the site,
- (d) Any restoration/aftercare sub-contractor retained by the applicant/operator,
- (e) DEFRA,
- (f) Natural England.

to discuss the reports prepared, review progress to date, agree any further remedial measures or improvements necessary to be carried out under the aftercare programme for the coming year.

**Reason:** To ensure the restoration of the site is completed satisfactorily and site is brought to a beneficial after use and to accord with Kirklees Local Plan Policy LP37 and Sections 15 and 17 of the National Planning Policy Framework.

## **SCHEDULE 2**

**A62 Overbridge – Copy of Appendix 4 of the Council's Rule 21 Submission dated 17 May 2021**

## **Schedule 2**

Kirklees Council, detailed representation on Leeds Road A62 Bridge

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

### ARTICLE 47

#### 1. INTRODUCTION

- 1.1 Draft Article 47 relates to ongoing systematic and regular inspection and maintenance responsibilities in respect of the reconstructed A62 Leeds Road New Overbridge (MVL3/102) (**the New Overbridge**) - to be delivered by Network Rail under Work No. 7.
- 1.2 Kirklees Council (KC) fully supports the delivery of Work No.7 – which will involve the demolition of the existing bridge structure and the construction of a “new offline 48m span bridge... ..to the west of the existing alignment,” which is significantly larger than the existing bridge, together with alterations to the highway alignment with highways approach embankments, and highways works to increase the vertical and horizontal clearances from the railway.
- 1.3 KC acknowledges that Network Rail has engaged positively and constructively with KC with regard to highways matter prior to making the Application. KC reiterates its commitment to working with Network Rail to help deliver the New Overbridge with minimum disruption to the road and rail networks.
- 1.4 Draft Article 47 seeks to apply the key ongoing maintenance and liability provisions contained in an agreement dated 24 May 1973 and made between (1) the British Railways Board (BRB) and (2) (the then highway authority) the Mayor, Aldermen and Burgesses of the County Borough of Huddersfield (**the Relevant Agreement**) (see Appendix 4.1 of Kirklees Council's TWAO application representations) to the New Overbridge upon its construction.
- 1.5 The Relevant Agreement was entered into prior to the carrying out of bridge strengthening works in 1974, which (prior to the completion of the Relevant Agreement) was in the ownership of the BRB. The works involved the removal of the cross girders and masonry jack arches and replacing them with a composite pre-stressed beam and reinforced concrete deck slab. The main wrought iron box girders with their associated metal extensions (forming the service bays) were retained. The carriageway was widened up to the parapet beams and a new footway was constructed over the west service bay. The Relevant Agreement records (at Recital 1) that it was entered into at the highway authority's request, in order to allow the local authority to reconstruct the deck of the original bridge in order to construct a service bay/footpath and to widen the carriageway.
- 1.6 As part of the consideration for the BRB authorising these works, the highway authority agreed to take a transfer of the ownership of the bridge together with 'all liabilities therefore' (Clause 15(i) of the Relevant Agreement). The bridge then vested in the highway authority upon completion of the works (Clause 15(ii)), and the BRB agreed to pay an annual maintenance and renewal sum calculated in accordance with an Appendix (Clause 16). KC has no record of receipt of such payments to date.
- 1.7 KC holds no additional contemporaneous records as to why the parties agreed to transfer the ownership of the bridge at this time. KC assumes, however, that – as it was a feature of historic railway bridges was that their capacity would often meet the BRB's requirements whilst falling short of the increasing (40T) requirement for the public highway – the highway authority agreed to the provisions in Clause 15 of the Relevant Agreement on that basis.
- 1.8 The current position is that the existing bridge falls within KC's (as highway authority) ongoing inspection and maintenance responsibilities

#### 2. THE EFFECT OF ARTICLE 47

- 2.1 Draft Article 47 seeks to apply Clauses 15(ii), 15(iii), 15(iv), 18(1), 18(2), 19, 20(i), 20(ii), 21(i), 21(ii), 21(iii) and 22 of the Relevant Agreement to the operation and maintenance of the New

Overbridge. In summary, these Clauses (if Article 47 is retained in the Order as made) would provide:

- 2.1.1 Clause 15(ii): KC obligation to maintain the New Overbridge at its own expense in accordance with Article 18(4) (i.e. following a period of 12 months from the completion of Work No.7) of the Order and (where necessary) renew the structure of the New Overbridge and the approaches thereto so that the clear headway of the bridge is not reduced.
- 2.1.2 Clause 15(iii): In carrying out (ii), KC obligation to:
  - (a) comply with Network Rail's 'Special Requirements' [undefined]; and
  - (b) such other reasonable conditions as Network Rail may impose for the protection of rail traffic and the safety of men working on or near the track; and
  - (c) pay to Network Rail on demand (or as otherwise may be agreed) the reasonable costs incurred by Network Rail in connection with the inspection maintenance and renewal
- 2.1.3 Clause 15(iv): KC obligation to permit Network Rail (free of all cost to Network Rail) to erect such apparatus to the New Overbridge as Network Rail may desire and thereafter to maintain and use such apparatus when erected.
- 2.1.4 Clause 18(1): KC obligation to comply with such reasonable requirements of Network Rail in providing illuminated road traffic signs.
- 2.1.5 Clause 18(2): KC obligation to assume responsibility for any statutory obligation to light the road carried by the New Overbridge.
- 2.1.6 Clause 19: The Promoter to benefit from the same statutory or other rights of access and frontage from their adjoining lands to the road as diverted by the Order as are now held and enjoyed in relation to the road as now existing.
- 2.1.7 Clause 20(i): Ability for Network Rail to carry out such alterations to the New Overbridge are required to carry out any widening or alteration of the railway under the New Overbridge subject to the reasonable satisfaction of KC's surveyor or engineer for the time being.
- 2.1.8 Clause 20(ii): KC obligation to pay to Network Rail on demand the additional expense incurred by Network Rail (in exercising the power under Clause 20(i)) which Network Rail would not have incurred if Work No. 7 [sic] had not been carried out.
- 2.1.9 Clause 21(i): Mutual notice provisions in relation to subsidence caused by the working of mines or minerals.
- 2.1.10 Clause 21(ii): Ability for Network Rail to take reasonable steps to prevent guard against limit or make good damage to the New Overbridge caused by the working of mines or minerals.
- 2.1.11 Clause 21(iii): KC obligation to pay to Network Rail any additional expense incurred by Network Rail (in exercising the power under Clause 21(ii)) which Network Rail would not have incurred if Work No. 7 [sic] had not been carried out.
- 2.1.12 Clause 22: Dispute resolution provisions.

### **3. KC'S CONCERNS REGARDING DRAFT ARTICLE 47**

- 3.1 KC's concerns regarding the drafting of the proposed Article 47 relate principally to the allocation to KC of responsibility and liability for the ongoing inspection and maintenance of the New

Overbridge following the expiry of the 12 month period provided by Article 18(4)(b) of the draft Order.

- 3.2 For the avoidance of doubt, KC supports the improvements proposed by Work No. 7.
- 3.3 Furthermore, KC fundamentally recognises the overriding need to maintain the safety and safe operation of Network Rail's network, and supports and agrees with the need to ensure the ongoing inspection and maintenance of the New Overbridge.
- 3.4 However, for the reasons set out at paragraph [3.6] below, KC considers that the allocation of responsibility for the regular inspection and maintenance to KC under the current form of Article 47 is not in the public interest and will not result in:
  - 3.4.1 the most effective, or most efficient, overall use of public funds; or
  - 3.4.2 the most effective or responsive means of ensuring the safety of the rail network.
- 3.5 KC is not aware of any other (bridge or tunnel) structures within its district whereby responsibility and liability for inspecting and maintaining the structure carrying a highway over or under a railway falls on the highway authority in place of Network Rail. Indeed, Article 18(3) of the draft Order confirms the ordinary and default position – namely that responsibility for maintaining the structure of a new bridge or tunnel authorised by the Order lies with, and at the expense of, Network Rail (save for the surface of any street under or over which the scheduled works are constructed).
- 3.6 It is evident from the inclusion of draft Article 47 itself within the draft Order that Network Rail accepts that the Relevant Agreement would not otherwise continue to apply to the New Overbridge. The New Overbridge is a fundamentally new and substantially larger separate structure to the existing bridge to which the Relevant Agreement relates:
  - 3.6.1 The New Overbridge is a "new offline 48m span bridge is proposed to the west of the existing alignment" (NR14 - Planning Statement – paragraph 4.4.7). The current existing bridge is to be demolished following the realignment of the A62 and the creation of increased vertical and horizontal clearances. It is in substance a new and substantially larger structure to which Article 18(3) of the draft Order ought, in principle, to apply.
  - 3.6.2 The New Overbridge / Work No.7 is not, therefore, an 'alteration' of the existing bridge as contemplated by Clause 20(i) of the Relevant Agreement.
  - 3.6.3 As such, KC does not accept that ownership of such a new structure will or should vest in KC, and KC is not prepared to accept a transfer of ownership of or responsibility for the inspection and maintenance of the new structure.
- 3.7 As the local highway authority, KC is aware of the lengthy timescales and significant costs associated with its interface with the Promotor's asset management function. For example:
  - 3.7.1 Currently, a principal inspection of the existing bridge under track possession costs KC in the order of £12000 – which is paid for by KC's highway authority bridges budget. For the New Overbridge, KC anticipates that this cost could easily double – taking into account the much larger structure and the introduction of electrification. Over the design working life of the New Overbridge (120 years), the total cost to KC of general and principal inspections would be in the order of £1.8m, excluding any costs associated with cancellation of track possessions (see 3.7.3 below), and excluding any costs of track possessions required for maintenance works (estimated to be circa £200,000 over the design working life).
  - 3.7.2 A lead-in period of twelve weeks (minimum) is required by Network Rail in order for KC to arrange access to the railway to undertake such an inspection.

- 3.7.3 In instances where possessions are cancelled by Network Rail, abortive costs of plant, specialist contractors and highway traffic management must be supported by the KC highway authority's bridges budget. Depending on the maintenance work planned, this can easily reach tens of thousands of pounds. Similarly, where Network Rail prevents timely access to the railway during the possession, effectively shortening the time window for works to be undertaken, successive additional possessions will be required to complete the work, with associated costs also supported by the KC. Based on a neighbouring authority's experience this can result in abortive costs of circa £40,000 over ten years.
- 3.8 The Promoter will necessarily operate its own regular inspection and maintenance programme with respect to other overbridges to be altered or rebuilt in Route Section 3 as part of the Scheme (e.g. MVL3/101, MVL3/103 and MVL3/105). KC is not aware of any reason why the inspection and maintenance of the New Overbridge could not be accommodated and carried out as part of and together with Network Rail's obligations under Article 18(3) of the draft Order in respect of these other nearby structures.
- 3.9 KC looks forward to further discussing and agreeing the ongoing and long-term impact of the Scheme upon the highway network with Network Rail, and recognises the positive work undertaken to date in this regard. KC notes however that the issue of the long-term ownership, together with inspection and maintenance liability for the New Overbridge was not raised by Network Rail until 4 March 2021 – less than a month prior to the publication of the draft Order (see Appendix 4.2 of Kirklees Council's TWA0 application representation [NRIL letter of 04/03/21]). KC anticipates that an agreement with Network Rail can be reached which will allow the proposed amendment to the draft Order set out in paragraph 4 below to be mutually agreed between Network Rail and KC.
- 3.10 Finally, KC notes that the scheme's Explanatory Memorandum (NR03) does not set out any additional justification for the inclusion of Article 47 within the draft Order. From the documents available to KC, it is apparent that the two precedent articles cited by Network Rail are not true precedents in the sense that neither Article 85 of the Nottingham Express Transit System Order 2009 nor Article 20 of the High Speed Rail (London – West Midlands) (Greatmoor Railway Sidings Etc.) Order 2018 sought to apply historic asset maintenance agreements to the future maintenance of assets to be constructed pursuant to the respective Orders. (Article 85 applied provisions in the Greater Nottingham Light Rapid Transit Act 1994 (relating to the establishment of an advisory body with the Greater Nottingham Light Rapid Transit Advisory Committee) to the proposed Nottingham Express Transit System Order, and Article 20 applied an existing protective provisions agreement (dated February 2014) made between Secretary of State for Transport and Network Rail entered into in respect of the wider High Speed 2 Project.) Both cited Articles in effect applied agreements already entered into in contemplation of the same or similar projects to the specific scheme to which the two Orders related. As such neither are true or analogous precedents which help justify the inclusion of Article 47 within the draft Order.

#### **4. PROPOSED MODIFICATIONS TO THE DRAFT ARTICLE 47 (AND DRAFT ARTICLE 18)**

- 4.1 KC propose that the draft Order (NR02) is modified as follows:
- 4.1.1 Article 18(3) is modified by the deletion of the words "Except as provided by paragraph (4),"
- 4.1.2 Article 18(4) is deleted.
- 4.1.3 Article 47(1) is modified by the deletion of the words "15(ii), 15(iii)," and " 20(ii),".
- 4.1.4 Article 47(2)(h) is deleted.

## **Schedule 2.1**

Copy of the Agreement dated 24 May 1973 and made between (1) the British Railways Board (BRB) and (2) (the then highway authority) the Mayor, Aldermen and Burgesses of the County Borough of Huddersfield

THIS AGREEMENT is made the *Twenty Fourth* day of *May*  
ONE THOUSAND NINE HUNDRED AND SEVENTY THREE BETWEEN THE BRITISH RAILWAYS  
BOARD (hereinafter called 'the Board') of the one part and THE MAYOR  
ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF HUDDERSFIELD (hereinafter  
called 'the Council') of the other part

WHEREAS

1. THE Council having regard to existing traffic requirements and to the situation and strength of the Board's Bridge No. 102 carrying the A62 Leeds Road and service bays at each side of the bridge over the Huddersfield and Manchester railway line between 28 and 28 $\frac{1}{2}$  miles at Huddersfield have requested the Board to permit them to reconstruct the deck of the said bridge construct a public footpath over the Western service bay and (so far as their permission is necessary) to permit the Council to widen the road over the said bridge and the approaches thereto.
2. THE Council will make separate arrangements with the Board for the occupation or acquisition of any of the Board's land or other property required temporarily or permanently in connection with the works or an easement upon or over the Board's land or a dedication of such land and such arrangements will form the subject of a separate legal document and the Council have also agreed to pay the Board's legal costs and stamp duties in respect of the preparation of such document and counterpart and a contribution towards the Board's Surveyor's expenses
3. THE Council shall permit the continued use of the bridge for the support of the statutory undertakers services in the service bays in accordance with the agreements which exist at the date of this Agreement
4. THE Board are prepared to grant such permission as aforesaid upon the terms and conditions hereinafter appearing

Copies sent to - B.R.B. ①  
Estate Surveyor ③  
C & S.E. Acct., ①  
D.E. West Riding ①

NOW IT IS HEREBY AGREED by and between the parties hereto in exercise of the powers conferred by the Highways Act 1959 and of all other powers them enabling as follows:-

1. IN these presents the following expressions shall have the meanings in this clause assigned to them unless the context otherwise requires:-

- (a) 'The Engineer' means the Chief Civil Engineer for the time being of the Eastern Region of the Board
- (b) 'The existing bridge' means the bridge and service bays as they exist at the date of this Agreement
- (c) 'The Works' means the reconstruction of the deck of the existing bridge the construction of a footpath over the Western service bay the widening of the road over the said bridge and over the approaches thereto and includes all works ancillary and incidental thereto as may be necessary
- (d) 'The reconstructed bridge' means the bridge and service bays as altered pursuant to this Agreement
- (e) 'The Surveyor' means the Surveyor or Engineer for the time being of the Council

2. THE Council shall be at liberty to carry out the Works pursuant to this Agreement

3. THE Council shall prepare conditions of contract plans estimates specifications which shall contain the Special Requirements of the Board and bill of quantities for the Works and shall submit the same to the Board for their approval and if required supply the diagrams and calculations upon which the design and construction of the Works are based and upon the Board giving their approval in writing the Council shall obtain tenders for the Works and shall notify the Board of the name of the Contractor whose tender the Council propose to accept and the Council shall not accept any tender unless the Contractor has been previously approved in writing by the Engineer which approval shall not be unreasonably

withheld and upon such approval being given the Council shall only let a contract in accordance with the accepted tender PROVIDED that any approvals given by the Board under this clause shall not be deemed to make the Board liable in any way for any costs incurred due to the faulty design of the Works or the unsatisfactory carrying out of the Works

4. THE Council shall ensure that any cranes or derricks used in connection with the Works and erected over or in close proximity to the railway shall be operated only under arrangements with the Engineer who shall have power to appoint a man to supervise so far as the safe operation of the railway is concerned the lifting operations the reasonable charges (as certified by the Engineer) for whose services while so employed and while engaged in travelling to and from the site of the Works shall be paid by the Council to the Board on demand
5. THE Council shall at their own cost arrange for any necessary temporary or permanent diversion of any sewers pipes cables or other works whether the same belong to the Board or any other person
6. DURING the carrying out of the Works the Council shall to the satisfaction of the Engineer fence off the Board's premises
7. THE Council shall at their own cost provide for such barriers watching policing and lighting of the Works as may be necessary during the carrying out of the Works
8. THE Council shall reimburse the Board all costs charges and expenses (as certified by the Engineer) incurred by the Board consequent upon or in connection with the Works including in particular without affecting the generality of the application of this clause such costs charges and expenses as may be incurred by the Board as follows:-

- (a) In making any alterations or additions either temporary or permanent to their permanent way signals telegraphs electrical equipment or other appliances or works and in additional maintenance consequent upon any such alterations

or additions the cost of such additional maintenance  
to be discharged by the payment of a commuted sum

- (b) In any special traffic working or resulting from speed restrictions that may have to be imposed or from substituted or diverted services during the progress of the Works and if necessary for a reasonable time thereafter
- (c) In supporting their railway and other property and also in removing and reinstating their permanent way and other property as required to enable the Works to be carried out
- (d) In lighting their railway in the vicinity and during the progress of the Works
- (e) In the employment (if required) of an Engineer Inspectors on the site Signalmen Handsignalmen and Watchmen
- (f) In safeguarding their railway and other property against material damage or restriction of working consequent upon abandonment of the Works or the postponement thereof for a period exceeding 12 months

PROVIDED that any certificate of the Engineer under this clause shall be supported by such vouchers and particulars as the Council may reasonably require whether before or after the receipt of such certificate

9. UPON the completion of the Works the Council shall at their own cost make good any property of the Board which may have been damaged or interfered with during the carrying out of the Works and shall remove all surplus material brought on to the Board's premises in connection with the Works by the Council or their Contractors

10. IN respect of the expenses incurred by the Board in giving preliminary advice to the Council inspecting drawings and where necessary checking calculations programming train arrangements supervising the work to ensure

the safety of the railway and in carrying out all other necessary duties for which provision is not made elsewhere in this Agreement the Council shall pay to the Board a fee of one per cent of the cost of the Works such fee to be paid by the payment of the full fee based on the estimated cost of the Works prior to the commencement of the Works subject to adjustment when the final cost is known

PROVIDED that:-

- (1) THE amount so payable shall not be less than £100
- (2) IF the Board carry out duties in excess of those given in this clause then the Board shall be entitled to a higher percentage fee than that provided for in this clause
- (3) TO enable the actual fee to be determined the Council shall when the final cost of the Works is known submit to the Board a statement showing details of the actual cost of the Works
- (4) IF the Works are postponed prior to the commencement of the Works the Board shall be entitled to the payment of a proportion (being the proportion of the Board's duties under this clause actually carried out) of the total estimated fee

11. THE Council shall reimburse the Board all costs charges and expenses incurred by the Board in remedying any slip or damage caused to their railway or other property by or in consequence of the Works

12. IN respect of the administrative and legal expenses of the Board the Council shall pay to the Board a sum equal to  $\frac{1}{2}\%$  of the cost of the Works provided that the amount so payable shall not be less than £45 or exceed £150 such sum to be paid by the payment of the full fee based on the estimated cost of the Works prior to the commencement of the Works subject to adjustment when the final cost is known

13. PAYMENTS by the Council to the Board under Clause 8 shall be made in the following manner Before permission is granted for entry on the Board's land for the purpose of commencing the Works or before the execution of any works by the Board preliminary to the commencement of the Works whichever is the earlier the Council shall pay to the Board 50% of the estimated costs

charges and expenses due to the Board under Clause 8 and upon the certificate of the Engineer that this amount has been expended the Council shall pay to the Board a further 40% of these estimated costs charges and expenses and shall subsequently pay to the Board on demand a further sum or sums such that the total amount of the payments made shall not exceed the sum actually then paid by or incurred by the Board in respect of the Works and upon the final costs charges and expenses being ascertained and certified by the Engineer the difference between the total amount then already paid by the Council under this Clause and the total amount due under Clause 8 shall be paid by or repaid to the Council as the case may be

14. ON completion of the Works the Board shall pay to the Council such sum as may failing agreement be determined by arbitration in the manner provided in Clause 22 hereof to represent the advantage obtained by the Board by reason of the construction of any works under Clause 8 and the substitution for the previously existing permanent way signals telegraphs electrical equipment or other appliance or works of any new or newly constructed permanent way signals telegraphs electrical equipment appliances or works

15. (i) FROM the date of this Agreement the ownership of the property in the existing bridge together with all liabilities therefore shall be transferred from the Board to the Council
- (ii) FROM and after the completion of the Works the reconstructed bridge shall vest in the Council and the Council shall at their own expense maintain the reconstructed bridge and when necessary renew the structure of the reconstructed bridge and the approaches thereto so that the clear headway of the bridge is not reduced thereby
- (iii) IN carrying out inspection maintenance and renewal of the reconstructed bridge the Council shall comply with the Special Requirements of the Board and such other reasonable conditions as the Board may impose for the protection of rail traffic and

the safety of men working on or near the track and shall pay to the Board on demand (or as otherwise may be agreed) the reasonable costs incurred by the Board in connection with such inspection maintenance and renewal

- (iv) THE Council shall permit the Board free of all cost to the Board to erect by attaching the same to the reconstructed bridge such apparatus as the Board may from time to time desire and to maintain and use such apparatus when erected

16. TWELVE months after the date of completion of the Works and annually thereafter the Board shall pay to the Council in respect of the maintenance and renewal of the existing bridge a sum calculated in accordance with the Appendix to this Agreement PROVIDED that if the Council and the Board so agree they may at any time discharge their liability under this clause by the payment of a lump sum

17. ALL works in connection with the widening of the said road including the reinstatement of the existing roadway footpaths fences walls (except walls forming part of the structure of the said bridge) sewers drains and other services and of any new sewers drains and other services necessary to take place of those now in existence shall be carried out by or on behalf of the Council free of cost to the Board

18. (1) The Council in providing lighting on the road over the reconstructed bridge and in providing illuminated road traffic signs shall comply with such reasonable requirements of the Board as may be necessitated by the signalling arrangements of the Board and shall use their best endeavours to ensure that any such lighting or signs erected by other parties entitled so to do complies with such requirements

(2) If the Board is under a statutory obligation to light the road carried by the existing bridge and the approaches thereto (if any) the Council shall at their option either take over the Board's responsibility or repay on demand the reasonable cost incurred by the Board in discharging such obligation

19. THE Board shall have and enjoy the same statutory or other rights of access and frontage from their adjoining lands to the road as widened as are now held and enjoyed by them in relation to the road as now existing

20. (i) IF the Board at any time or times after completion of the Works require to carry out any widening or alteration of the railway under the reconstructed bridge or the approaches thereto on land now vested in them or in exercise of powers now possessed by them the Board shall to the reasonable satisfaction of the Surveyor be at liberty to carry out such alterations to the reconstructed bridge or the approaches thereto as they may require for the purposes of the proposed widening or alteration of the railway and on completion thereof the reconstructed bridge as so altered shall be subject to this Agreement in the same way as the reconstructed bridge before alteration

(ii) THE Council shall pay to the Board on demand the additional expense incurred by the Board which they would not have incurred if the Works had not been carried out in carrying out any such widening or alteration of the railway including the carrying out of alterations to the reconstructed bridge and any question whether any such additional expense has been so incurred or as to the amount thereof shall in default of agreement be determined by arbitration in the manner provided in Clause 22 hereof

21. (i) If the Engineer or the Council reasonably apprehends that the working of any mines or minerals is likely to cause the reconstructed bridge or any works of the Board thereover thereunder or adjacent thereto to sink or otherwise suffer damage by reason of subsidence or if such working is causing or has caused the reconstructed bridge or any such works to sink or otherwise suffer damage the Engineer and the Council before taking any steps to prevent guard against limit or make good such damage shall consult with each other with a view to

agreeing upon the measures necessary to be taken

PROVIDED that if the Engineer considers that the condition of the reconstructed bridge is such as to make it a danger to railway traffic or to any adjoining structures or other works of the Board to such a degree that immediate measures must be taken the Board may take such measures as the Engineer considers necessary

- (ii) At any time after the expiry of one calendar month (or twenty-one days if the minerals are not vested in the National Coal Board) of the Council having been first notified by the Board under sub-clause (i) the Board may (unless otherwise agreed under the sub-clause) take such steps to prevent guard against limit or make good damage to the reconstructed bridge as the Engineer considers necessary for the operation of their undertaking
- (iii) If in carrying out any measures agreed between the Board and the Council or considered necessary by the Board in accordance with the preceding provisions of this clause the Board reasonably incur costs which they would not have incurred had the Works not been carried out those costs shall be repaid by the Council to the Board

22. ANY dispute doubt or question which may arise between the Board and the Council in relation to this Agreement (except where it is provided in this Agreement that any matter shall be decided by or any payment to be made shall be certified by the Engineer and except for any matter concerning the land transaction referred to in the Recitals to this Agreement) shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing such agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 or any statutory modification thereof shall apply

to any such reference and determination

AS WITNESS the hands of HAROLD ORMISTON the Chief Civil Engineer of the Eastern Region of the Board the person appointed by the Board in that behalf and EDWARD VICTOR HARTLEY Town Clerk for and on behalf of the Council the day and year first above written

SIGNED by the said

HAROLD ORMISTON

in the presence of:-

*J. P. Smith  
Secretary to Chief  
Civil Engineer, B.R.  
York.*

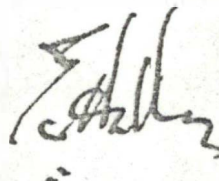


SIGNED by the said

EDWARD VICTOR HARTLEY

in the presence of:-

*R. S. Le Pla  
Town Hall  
Huddersfield.  
Solicitor.*



## APPENDIX

### Basis for estimating the annual cost of maintaining and renewing the existing bridge (Clause 16)

The annual cost of maintaining and renewing the existing bridge shall be calculated by applying the following percentages as may be appropriate to the actual cost of each part of the existing bridge as specified below:-

#### Substructure

|   |       |
|---|-------|
| Mass concrete brick or masonry .....  | .375% |
| not applicable to mass concrete abutments relying for stability on strutting support of superstructure in which cases the charge should be .....  | .75%  |
| The foundations to be taken to such a depth that the stability of the structure cannot be weakened by subsequent excavation in trench for pipes, cables, etc. at depths to be normally anticipated. |       |
| Reinforced Concrete .....   | .75%  |
| Cast Iron .....   | .375% |
| Encased Steelwork and Wrought Iron .....  | .625% |
| Exposed Steelwork and Wrought Iron .....  | 1.5%  |

In assessing the charges for sub-structures foundations should be including with the exception of piling.

#### Superstructure

|  |       |
|--|-------|
| Encased Steel and Wrought Iron -   |       |
| 1. Wholly encased .....  | .625% |
| 2. Partially encased -   |       |
| (a) Underside only of girders exposed, e.g. longitudinal girders, jack arch type when arches spring from bottom flange ..... | 1%    |
| (b) All other types .....  | 1.5%  |
| Cast Iron .....  | .375% |
| Exposed Steel and Wrought Iron .....   | 1.5%  |
| Brick, Masonry .....   | .5%   |
| Mass Concrete .....  | .375% |
| Reinforced Concrete Arches .....   | .75%  |
| Reinforced Concrete Decks -  |       |
| Type (a) Precast Units .....   | .75%  |
| (b) Cast in Situ .....   | 1%    |

In the case of structures of Type (b) continuous over more than one span a special rate may need to be agreed.

|              |    |
|--------------|----|
| Timber ..... | 2% |
|--------------|----|

These percentages are to be taken as applying to the various types of sub or superstructure as a whole, e.g. the percentage appropriate to an encased steel superstructure of Type (2) (a), i.e. 1% would be applied to the whole superstructure and not confined to the steel portion of it.

These percentages should operate in either direction, i.e. whether payment is to be made to or by the Board.

DATED ..... 24<sup>th</sup> May ..... 1973

THE BRITISH RAILWAYS BOARD

- and -

THE MAYOR ALDERMEN AND BURGESSES OF THE  
COUNTY BOROUGH OF HUDDERSFIELD

#### AGREEMENT

in respect of the reconstruction of the deck  
of Bridge No.102 carrying the A62 Leeds Road  
over the Huddersfield and Manchester railway  
line at Huddersfield.

Chief Civil Engineer,  
British Railways,  
Eastern Region,  
YORK.

## **Schedule 2.2**

Letter from Network Rail dated 4 March 2021 detailing responses to Kirklees Council's comments made during design process for the Huddersfield to Westtown (Dewsbury) Scheme

Jake Rowlands  
Kirklees Council  
Planning Policy Group  
PO Box B93  
Civic Centre 3  
Huddersfield  
HD1 2JR

Network Rail  
6th floor  
111 Piccadilly  
Manchester  
M1 2HY

*jake.rowlands@kirklees.gov.uk*

*penny.carter@networkrail.co.uk*

04 March 2021

Your ref:

Our ref: *151667-TSA-00-TRU-LTR-W  
-LP-000349*

Dear Jake,

**Re: The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order: Ravensthorpe Viaduct**

Following meetings with Kirklees Council ("the Council") to discuss the Huddersfield to Westtown (Dewsbury) scheme ("the Scheme") and its impacts on the highways, this letter sets out Network Rail's responses to the Council's comments during those meetings.

## **1 Whitacre Street / Deighton Station**

### **1.1 Design**

#### **1.1.1 Highways / Structures**

- 1.1.1.1 It has been noted that the design of proposed bridge at Whitacre Street will be liable to a formal technical approval by the Highway Authority, and a Network Rail Form 6 for the works will be submitted in the mid-2021.
- 1.1.1.2 Regarding walking, cycling and bus access to Deighton Station, Network Rail will continue to work with the Council and West Yorkshire Combined Authority ("the Combined Authority"), however these proposals are not included in the Transport and Works Act Order ("the Order") application remit. The Order will include works to Deighton Station which will provide step-free access.
- 1.1.1.3 As per previous discussions, the provision of additional car parking is not part of the Scheme. However, Network Rail welcomes on-going discussions with the Council and the Combined Authority. Bicycle parking at Deighton Station will match the existing provision for bicycles.
- 1.1.1.4 It will be ensured that Deighton Station is accessible according to current standards, namely BS3800 Part 1 and Network Rail's Access for All policy, including access to all platforms.

1.1.1.5 The Scheme remit at Deighton Station is to reinstate like-for-like replacement of the existing facilities. Any scope to provide additional facilities is external to the scope and subject to third-party funding. The station has been designed to provide step-free access to all platforms in accordance with Network Rail's 'Access for All' policy. Branding requirements will be confirmed during the detailed design stage.

## **1.1.2 Planning**

1.1.2.1 Detailed plans of the platforms, footbridge, lifts, waiting shelters, landscaping proposals and the replacement bridge on Whitacre Street will be submitted as part of the Order application.

1.1.2.2 Network Rail notes the Council's suggestions regarding accessibility, encouraging behavioural change, walking and cycling, electric vehicle charging and designing out crime and these can be explored through on-going discussions during the development of the detailed design.

1.1.2.3 The Environmental Statement (ES), which is submitted in accordance with the Application Rules, include biodiversity (aquatic and terrestrial) and landscape and visual impact assessments. The landscape assessment draws on views agreed with the Council that have been assessed and represented in a series of photomontages showing the current and future railway. Local landscape areas are provided in the ES Volume 4: Figures. The assessment has resulted in recommended replacement landscaping that is captured and represented in the ES Volume 4: Figure 2.3: Landscape Figures. The deemed planning permission will include a condition for a Landscape and Ecological Management Plan (LEMP) that will be submitted to and approved with the Council before works commence. The LEMP will add the detail of the proposed works represented in the ES Volume 4: Figure 2.3 to produce a landscape Scheme. The ES also includes an Arboricultural Impact Assessment.

1.1.2.4 The biodiversity assessment will address the following comments:

- Ensure the function and connectivity of green infrastructure networks and assets are retained or replaced;
- Ensure new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees; and
- Ensure the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.
- The LEMP will include the detail of the ecological mitigation. The ES addresses where appropriate issues regarding integration into cycling, walking and bridleway routes.

1.1.2.5 A noise and vibration assessment will be submitted as part of the ES which will take any potential impacts on residential properties into account, both during construction and for the operation of the new railway. Proposed lighting and its potential impacts will be assessed as part of the Landscape and Visual Impacts Assessment (LVIA).

1.1.2.6 The Scheme design will carry out vehicle tracking to ensure that vehicle turning can be carried out at the Lilac Court turning head. A population and human health assessment will be submitted as part of the ES which will consider the impacts of property acquisition.

## **1.2 Landscapes**

- 1.2.1.1 The Council requested that Network Rail clarify surface finish and gradients, the proposed soft landscaping treatment and mitigative planting for trees/vegetation being removed for regrading. Please could the Council clarify which area is being referred to, and Network Rail will provide a further response in due course.
- 1.2.1.2 Please refer to Section 1.1.2.3 for details of the Environmental Statement.

## **1.3 Walking and Cycling**

- 1.3.1.1 Regarding the Council's comment around the diversion of National Cycle Network Route 69, cycle storage and the creation of new cycle routes, Network Rail will continue discussions with the Council in relation to the detailed design of Deighton Station.

## **1.4 Safety**

- 1.4.1.1 Network Rail notes the Council's comment that the site falls within the inner and outer zones for hazardous installations and will liaise with the Health and Safety Executive in respect of these matters.

## **1.5 Other Comments**

### **1.5.1 Highways / Structures**

- 1.5.1.1 Network Rail will inform the Council when the existing multi-application safety system barriers in place on the bridge deck can be returned to the Council and the necessary arrangements can be made.
- 1.5.1.2 At this stage of the Scheme, programme data is not available as this will be influenced by the Order determination period. Ongoing discussion is planned with the Council during the detailed design phase and prior to construction works commencing to ensure that the Council is kept fully informed on the timing and phasing of the works.
- 1.5.1.3 Network Rail welcomes engagement with the Council on the construction phasing and diversion of utilities.
- 1.5.1.4 The issue of coal tar will be discussed with the Council at the appropriate time prior to construction works. The process will be detailed within the Code of Construction Practice (CoCP), which is a recommended planning condition, which will be submitted to and approved by the Council. The CoCP requires a Materials Management Plan and a Waste Management Plan to be submitted to and approved by the Council where the issue of coal tar can be dealt with.

### **1.5.2 Planning Policy**

- 1.5.2.1 Network Rail welcomes the Council's comments regarding planning policy. These have been noted and will be addressed in the Order submission where required.
- 1.5.2.2 Regarding the land to the north of the existing railway that is classified as Urban Greenspace, the Order includes replacement open space land at the Ravensthorpe triangle. Network Rail considers this replacement land to be better in quality since the topography and location of the land at Deighton makes it of little use for recreational purposes.

### **1.5.3 Other Matters**

1.5.3.1 Extensive engagement with the Canal & River Trust ("the Trust") is ongoing.

## **2 Thornhill Road**

### **2.1 Design**

#### **2.1.1 Highways / Structures**

2.1.1.1 Network Rail has confirmed that the standard minimum headroom will be provided over the full highway width and the Council will be consulted with if, through design development, it is necessary to reduce the headroom over the footways.

2.1.1.2 The Council's comments regarding the proposed retaining walls adjacent to Fall Lane and Thornhill Road have been noted. This will require further discussion, particularly in relation to ownership.

2.1.1.3 Details of the proposal for landscaping the earthworks and the overall landscaping strategy along the route will be submitted as part of the ES as outlined in section 1.1.2.3.

#### **2.1.2 Planning**

2.1.2.1 A population and human health assessment will be submitted as part of the ES which will consider the amenity impacts on residents. A noise and vibration assessment will be submitted as part of the ES.

2.1.2.2 Please refer to paragraph 1.1.2.3 for details concerning the intention to submit an ES with the application.

### **2.2 Landscapes**

2.2.1.1 Network Rail has noted the Council's comments on the treatment of the 1:2 embankment. The 1:2 embankment represents the maximum gradient proposed. Where feasible, options for slackening the gradient will be considered during detailed design.

### **2.3 Walking and Cycling**

2.3.1.1 Regarding walking, cycling and bus access to the station, Network Rail will continue to work with the Council and the Combined Authority. However, the Order application will be limited to rail-specific considerations only.

### **2.4 Safety**

#### **2.4.1 Highways / Structures**

2.4.1.1 Road Safety Audits are to be completed in early 2021. These will be shared with the Council for consideration and agreement of any resulting recommendations.

#### **2.4.2 Planning**

2.4.2.1 A geology, soils and land contamination assessment will be submitted as part of the ES. This will identify areas where further ground investigation is considered necessary given the works planned as part of the Scheme and this will be a recommended planning condition that must be submitted to and approved by the Council.

## **2.5 Other**

### **2.5.1 Highways / Structures**

2.5.1.1 Please refer to Section 1.5.1 for Network Rail's responses regarding construction phasing and coal tar contamination.

### **2.5.2 Planning Policy**

2.5.2.1 Please refer to Section 1.5.2 Network Rail's responses regarding planning policy.

## **3 A62 Leeds Road Rail Overbridge**

### **3.1 Design**

#### **3.1.1 Highways / Structures**

3.1.1.1 Network has noted the Council's positive comment regarding the offline staged construction of the proposed bridge.

3.1.1.2 Further engagement will be undertaken at the appropriate stage to discuss minimising any reduction of forward visibility and the creation of blind spots.

3.1.1.3 The Council's comment with respect to a differential settlement between the proposed and existing retained north abutment has been noted by the design team.

3.1.1.4 With regard to the design's reliance on the retained north abutment, articulation options (including simple support with standard deck-end details) are still being considered at this stage and will be confirmed as part of further design.

3.1.1.5 Utility diversion sequencing is still undergoing development and will be confirmed at a later stage. Network Rail will look to engage further with the Council in relation to the proposed deck and east service bay at the appropriate stage.

3.1.1.6 The intention is to permanently divert the utilities into the western side of the bridge. This will necessitate the retention of part of the temporary road alignment in the vicinity of the bridge where utilities are located before re-joining the existing highway alignment.

3.1.1.7 Network Rail requests that the Council clarify their query as to how the utility services tie into the existing footway at the south east corner. Please can you provide the information at your earliest convenience and we will respond in due course.

3.1.1.8 Development of the details regarding the prevention of unauthorised access to the proposed service bay areas is in progress. Further engagement with the Council will be sought at the appropriate stage.

3.1.1.9 In the area where permanent alteration to the (inbound) bus shelter to the east of the bridge will be carried out, Network Rail can confirm that the highway boundary will include the service bays.

3.1.1.10 Network has noted the Council's positive comment regarding the improvements that the proposed new alignment will bring.

### **3.1.2 Planning**

- 3.1.2.1 Drawings, including elevational plans, will be submitted as part of the Order submission.
- 3.1.2.2 During construction, residents are protected through the implementation of the CoCP. The CoCP will include environmental management plans which will be submitted to and approved by the Council. The relevant plans for protecting amenity include the Nuisance Management Plan to manage dust and light spillage and the Noise and Vibration Management Plan that addresses construction noise levels in accordance with BS5228. It should be noted that the Noise and Vibration Management Plan includes a requirement to submit and have approved, Section 61 applications to the Council in compliance with the Control of Pollution Act 1974.
- 3.1.2.3 The reinstatement of gardens will be managed through the implementation of the Landscape and Ecological Management Plan (LEMP), which will be submitted to and approved by the Council.
- 3.1.2.4 Please refer to paragraphs 1.1.2.3 and 1.1.2.4 for details of the ES. The ES will also consider the potential impacts on green space. The population and human health chapter and the traffic and transportation section of the ES considers impacts on the rights of way network.
- 3.1.2.5 The ES identifies the areas of land that are proposed for future landscaping and the Deemed Planning Permission will include a condition for a LEMP.

### **3.1.3 Landscape**

- 3.1.3.1 The specific landscaping details are yet to be confirmed. These will be developed in the detailed design stage. Please refer to section 1.1.2.3 above which makes reference to the landscape section in the Environment Statement.

## **3.2 Walking and Cycling**

### **3.2.1 Highways / Structures**

- 3.2.1.1 The use of the service bays as segregated cycleways would result in short sections of segregated cycle infrastructure and therefore it is proposed that the cycling provision is retained on-carriageway. The option does not preclude the use of the service bays in the future for cycling if deemed appropriate by the Council.

### **3.2.2 Planning**

- 3.2.2.1 Network Rail has noted the Council's comment that existing cycling lane provision should be protected and enhanced where possible.

## **3.3 Safety**

### **3.3.1 Highways / Structures**

- 3.3.1.1 Vehicle Restraint systems on the approaches to the new bridge and details of their future maintenance responsibility will form part of the detailed design.
- 3.3.1.2 Network Rail recognises the concerns raised regarding the temporary loss of the existing cycle way into and out of Huddersfield. This will be considered during detailed design and addressed if possible, but a commitment cannot be made on this at this stage.

### **3.3.2 Planning**

3.3.2.1 Please refer to paragraphs 1.4.1.1 and 2.4.2.1 regarding hazardous installation zones and contaminated land respectively.

## **3.4 Other**

### **3.4.1 Highways / Structures**

3.4.1.1 The Council raised that the highway alignments are according to an old version of Design Manual for Roads and Bridges. Network Rail requests that the Council identify any specific concerns they have.

3.4.1.2 Network Rail does not own the A62 Leeds Road bridge and as such would not be taking on future ownership of the bridge. The new structure will be handed back, and the existing agreement will apply.

3.4.1.3 Please refer to section 1.5.1 for Network Rail's comments regarding construction phasing and coal tar.

3.4.1.4 Further discussions will be required at detail design stage regarding collaboration on issues with existing Northern Gas networks apparatus with gas leakages/poor pipe integrity in the vicinity of the Scheme.

### **3.4.2 Planning**

3.4.2.1 Please refer to Section 1.5.2 Network Rail's responses regarding planning policy.

### **3.4.3 Actions from the meeting**

3.4.3.1 The indicative phasing programme can form part of on-going discussions.

3.4.3.2 The bridge is currently owned by the Council and future ownership will be retained by the Council.

## **4 John William Street**

### **4.1 Design**

#### **4.1.1 Design Comments**

4.1.1.1 In response to the Council's request for clarification; S&C refers to switches and crossing for the track, also known as points. These have more stringent deflection requirements to prevent train derailment.

4.1.1.2 Network Rail will engage with the Council regarding footway protection measures as the detailed design is developed.

4.1.1.3 The Council commented that there are no elevation/street scene plans to comment on at this stage. Network Rail can confirm that vertical levels on John Williams Street will not be affected.

#### **4.1.2 Safety**

4.1.2.1 Please refer to section 1.5.1 for Network Rail's comments regarding contaminated land.

## **4.2 Other**

### **4.2.1 Actions from the meeting**

- 4.2.1.1 Network Rail has noted that the Council would like to work together to achieve good quality lighting and a better space underneath the bridge. Lighting design under the bridge will be reviewed at next design stage.
- 4.2.1.2 Pigeon fouling will be considered during detailed design.
- 4.2.1.3 The Council commented that the Scheme needs to be compatible with the Council's scheme to replace parking with cycle lanes. Network Rail requests that more details are provided so that the details can be agreed.

## **5 Colne Bridge Road**

### **5.1 Highways / Structures**

#### **5.1.1 Design**

- 5.1.1.1 The Secretary of State for Transport will consider Network Rail's application for the Order and will decide whether to authorise the Order so that the Scheme can be constructed. If the Order is made by the Secretary of State, Network Rail will present plans to the Council for technical approval within 28 days, but this approval must not be unreasonably withheld.
- 5.1.1.2 Network Rail's comments on the points raised (shown in *italics* for reference) are as follows:
  - *Potential for permanent service diversions to form part of the proposed bridge, potentially avoiding realignment of the highway.*
  - *Potential for remaining infilled arches to be used as abutments for an online solution.*
  - The offline option has been proposed primarily on the basis of significantly reduced road closure requirements, reduced construction health and safety risk due to a less congested work area, and reduced temporary work requirements to support the existing carriageway approaches during the works (due to the requirement for the structure to be widened). The substantial level difference between the existing and proposed carriageway levels on the northern approach to provide a compliant vertical alignment hog curve, combined with the requirement to widen the carriageway, are amongst the factors that would drive a lengthy road closure requirement for the online option. The offline option allows the project to safely provide a suitable alignment whilst minimising disruption to road users during the works.

#### **5.1.2 Other comments**

- 5.1.2.1 The Council's comment regarding the need to detail vehicle restraint systems (VRS) on subsequent drawings and agree ownership of assets has been noted.

## **5.2 Planning**

### **5.2.1 Design**

5.2.1.1 Details of elevation, street scene and landscaping plans will be provided as part of the GRIP 4 design stage.

5.2.1.2 Please refer to paragraph 1.1.2.3 for details of the ES.

5.2.1.3 A historic environment chapter forms part of the ES. There are no works planned for the bridge over the Huddersfield Broad Canal so not direct impacts are anticipated.

5.2.1.4 Regarding parking for existing businesses, Network Rail will work collaboratively with businesses to maintain both operation and parking as far as possible.

### **5.2.2 Safety**

5.2.2.1 Please refer to paragraph 2.4.2.1 regarding contaminated land.

### **5.2.3 Other comments**

5.2.3.1 Network Rail has noted the Council's comment that the site falls within the notification zone for the Trust and that land to the south of the existing railway falls within Flood Zones 2 and 3. Engagement has taken place with and will continue with the Trust.

Yours sincerely,



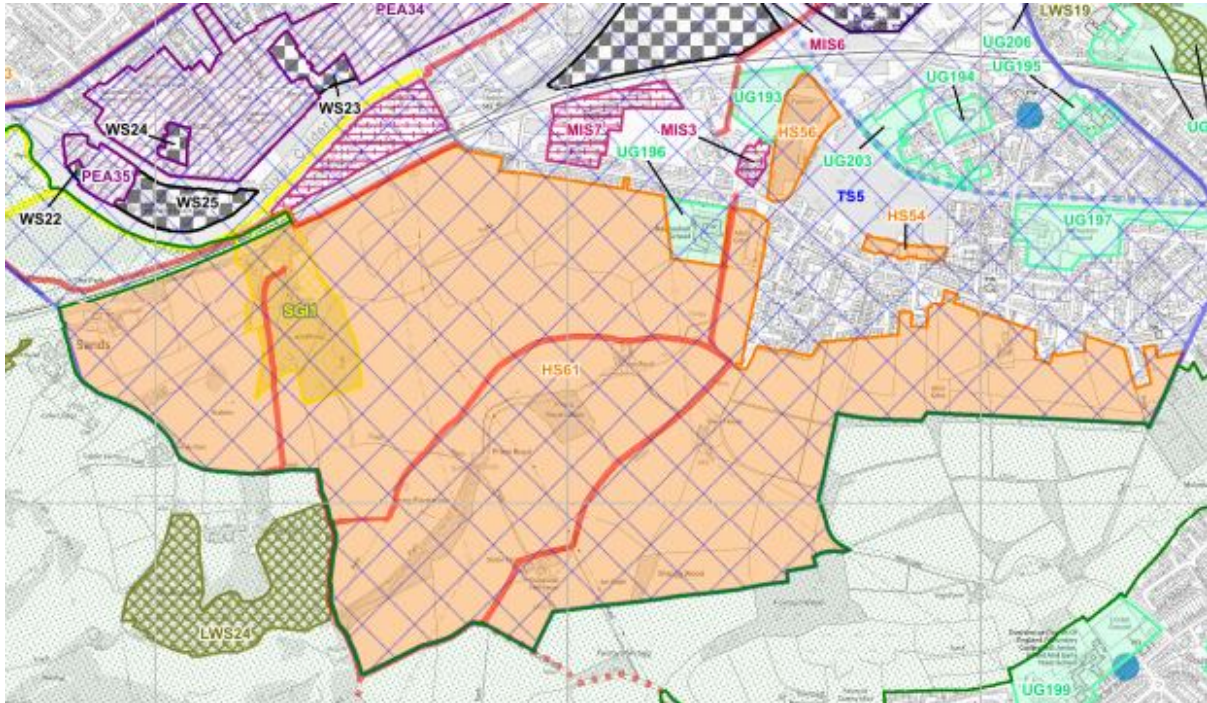
Penny Carter  
**Project Manager (Consultation)**  
**Network Rail**

### **SCHEDULE 3**

#### **Dewsbury Riverside Housing Allocation**

## Appendix 1: Dewsbury Riverside in Kirklees Local Plan

Dewsbury Riverside Extract Local Plan Policies Map: [Kirklees Local Plan Policies Map \(Sheet 2 - Kirklees East\)](#)



Dewsbury Riverside Site Allocation Policy:  
[Kirklees Local Plan Allocations and Designations](#)

### Site HS61

|                      |  |
|----------------------|--|
| Local Plan ID        | HS61   |
| Site address         | Land to the south of, Ravensthorpe Road / Lees Hall Road, Dewsbury   |
| Ownership            | Private / Part Council   |
| Gross site area (Ha) | 161.37   |
| Net site area (Ha)   | 142.9 - Area of UK BAP Priority Habitat removed  |
| Constraints          | <ul style="list-style-type: none"> <li>Major impact on a priority junction.</li> <li>Multiple access points required along with significant improvements to Sands Lane, the bridge over the railway line, Steanard Lane and its junction with A644 and the upgrade of bridge over River Calder</li> <li>Third party land may be required for access</li> <li>Additional mitigation on the wider highway network may be required</li> <li>Public right of way crosses the site</li> </ul> |

|                                    |   |
|------------------------------------|---|
|                                    | <ul style="list-style-type: none"> <li>● Potentially contaminated land</li> <li>● Noise source near site - noise from rail and road and various industrial sources</li> <li>● Part of the site lies within a UK BAP priority habitat</li> <li>● Proximity to a Local Wildlife Site</li> <li>● Parts of the site are within the Wildlife Habitat Network</li> <li>● Part of the site is an area of archaeological interest</li> <li>● Mine entrances present</li> <li>● Site is affected by high pressure gas pipelines</li> <li>● Part/all of the site is within a High Risk Coal Referral Area</li> </ul>  |
| Allocation                         | Housing   |
| Indicative capacity                | 1,869 dwellings during the Local Plan period with potential for a further 2,131 dwellings beyond the plan period.   |
| Reports required                   | <ul style="list-style-type: none"> <li>● Contamination report (Phase 1 and 2)</li> <li>● Transport Assessment</li> <li>● Travel Plan</li> <li>● Surface water drainage report</li> <li>● Flood Risk Assessment</li> <li>● Noise assessment</li> <li>● Air Quality Impact Assessment</li> <li>● Predetermination archaeological assessment</li> <li>● Health Impact Assessment Required</li> <li>● Coal Mining Risk Assessment</li> </ul>  |
| Other site specific considerations | <ul style="list-style-type: none"> <li>● Replacement allotment provision of equivalent or better quantity and quality will be required in a suitable location as part of the development.</li> <li>● Landscape character assessment has been undertaken for this site which should be considered in the development masterplan.</li> <li>● Site requires a drainage masterplan</li> <li>● Early Years and Childcare provision will be required relating to this allocation.</li> <li>● The provision of one new 2 form entry primary school will be required during the plan period with further 2 form entry capacity required beyond the plan period.</li> <li>● The provision of secondary school places will be monitored and delivered to meet demand as new housing is delivered during and beyond the plan period. The masterplan will safeguard land for future secondary school provision beyond the plan period should the need arise.</li> <li>● Early Years and Childcare provision will be required relating to this allocation.</li> <li>● Recreational and biodiversity – new areas of public open space, green infrastructure and habitats required.</li> <li>● The site will play a key role in helping transform Dewsbury and Ravensthorpe. Proposals should indicate how the place shaping strengths, opportunities and challenges can be addressed through reference to policies in the Local Plan, the Dewsbury Strategic</li> </ul> |

|  |   |
|--|---|
|  | <p>Framework and other regeneration and urban renaissance strategies and initiatives.</p> <ul style="list-style-type: none"> <li>• This site requires the provision of multiple access points and will need to be carefully phased to ensure it complies with other policies in the Local Plan regarding transport.</li> <li>• Proposals for this site should also contribute towards: <ul style="list-style-type: none"> <li>• Improved rail, road, pedestrian and cycle connections</li> <li>• Improvements to Ravensthorpe Station and surrounding area</li> <li>• Delivery of landscape and environmental enhancements</li> <li>• Services and infrastructure</li> <li>• Mirfield Promenade Strategic Green Infrastructure proposals (SGI2110)</li> </ul> </li> <li>• Additional mitigation on the wider highway network will be required. Development of this site has the potential for a significant impact on the Strategic Road Network. Measures will be required to reduce and mitigate that impact. The transport assessment will need to demonstrate that any committed schemes are sufficient to deal with the additional demand generated by the site. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, development may need to contribute to additional schemes identified by Highways England and included in the Infrastructure Delivery Plan (IDP) or other appropriate schemes. If development is dependent upon construction of a committed scheme, then development will need to be phased to take place following scheme opening.</li> <li>• In accordance with LP13 (part a, paragraph 4) the creation of a new local centre commensurate with the scale of growth proposed will be supported, subject to the sequential test and impact assessment.</li> <li>• Proposals for this site will need to take account of TS5 Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone.</li> <li>• The council will monitor the implementation of the early phases of delivery to manage the options and need for strategic highways intervention in advance of the 2000th dwelling.</li> <li>• A landscape buffer along the southern boundary of the site is required.</li> <li>• A masterplan is required for this site to be prepared in accordance with policies in the Local Plan.</li> </ul> |
|--|---|

## **SCHEDULE 4**

**Dewsbury Riverside – Network Rail Recommendations – Stage 2 Report – June 2021 – Barton  
Willmore**

# DEWSBURY RIVERSIDE NETWORK RAIL RECOMMENDATIONS

Stage 2 Report

-

JUNE 2021

**BARTON  
WILLMORE**

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# FOREWORD

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This report considers how Kirklees Council progress development at the Dewsbury Riverside allocation, in the context of emerging Network Rail proposals to deliver a new bridge over the Huddersfield Line. The report and the design process that has informed it, has also influenced the Council's response to the Network Rail proposals.

The Dewsbury Riverside allocation (Local Plan ref: Site HS61) will deliver some 4,000 homes and supporting infrastructure. The Council own c.30ha of land (edged red on the plan opposite) and have commissioned a team of consultants led by Barton Willmore to help realise the development potential of their land in the context of the wider allocation, including the preparation and submission of a hybrid planning application.

The Network Rail proposal for the Transpennine Rail Route [Huddersfield to Westtown] are a significant component of the broader investment planned in this part of West Yorkshire. This investment programme includes plans to deliver a new

bridge crossing the Huddersfield railway and junction located within the Dewsbury Riverside allocation.

Kirklees Council support this investment programme, however, it is essential for the detailed planning and design of the new bridge and junction to be considered alongside the plans for development at Dewsbury Riverside.

As demonstrated by this report, Kirklees Council has ensured the emerging development proposals have taken full cognisance of the Network Rail information as it stands. Moreover, the Council has considered potential alternative options for the proposed junction that could inform (and potentially guide) Network Rail's own design process to mutual advantage.

**The alternative junction options presented through this report have the potential to deliver the required road access in a more cost-effective and space efficient manner. Just as importantly they increase the amount of development land and enhance the setting for new residential development, through the reduction of significant earthworks. The potential will only be realised through detailed dialogue between all parties. Indeed, it is possible that the outcome of this dialogue could be of great value to Network Rail in resolving objections from other landowners at Dewsbury Riverside.**



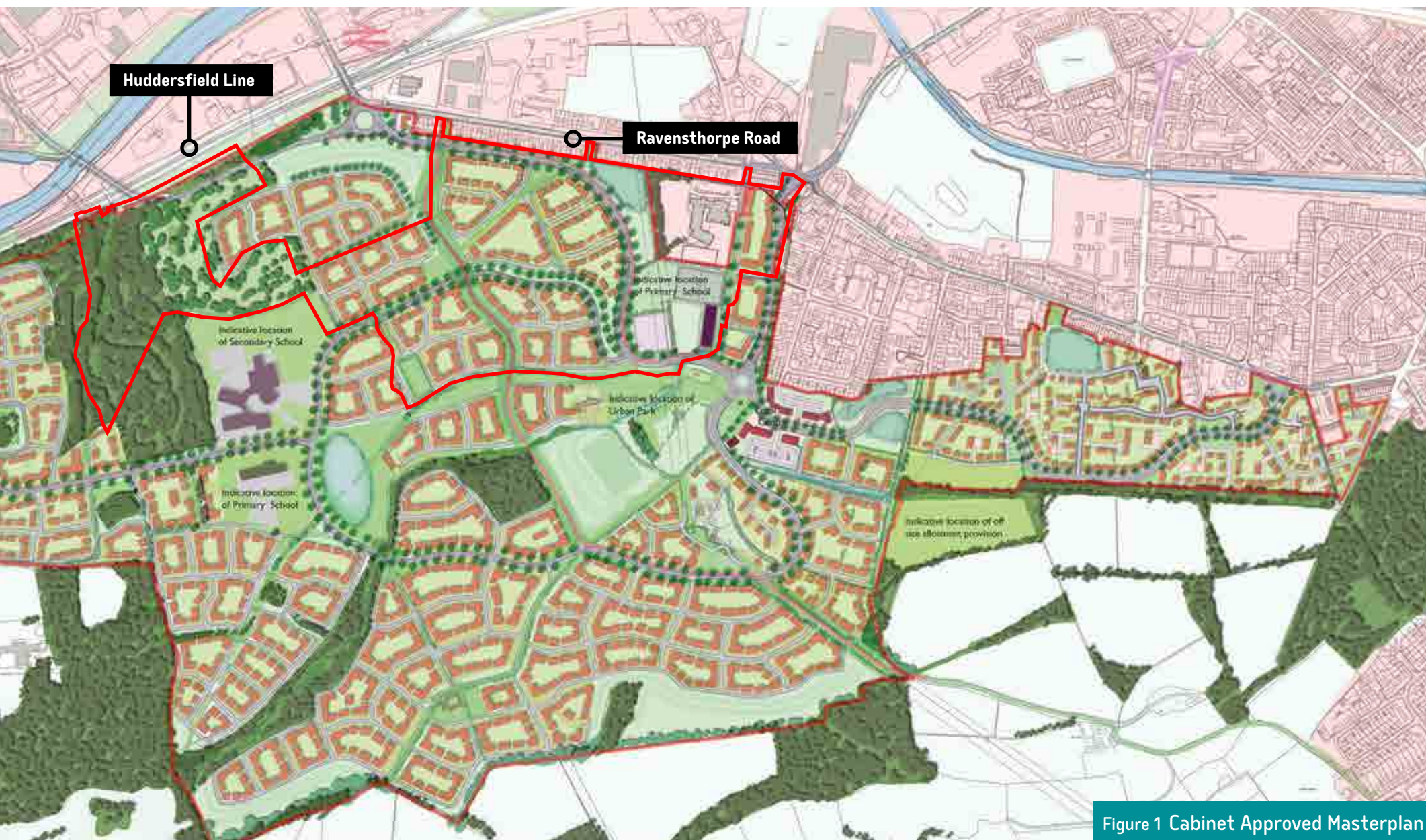


Figure 1 Cabinet Approved Masterplan

# 1 INTRODUCTION

## 1.1. BACKGROUND

Kirklees Council has appointed a professional team, led by Barton Willmore (Planning and Design), to provide masterplanning, engineering and planning services in relation to their land at Dewsbury Riverside, whilst also supporting the Council in understanding the delivery strategy for the wider Dewsbury Riverside allocation (Local Plan ref: Site HS61).

Figure 2 shows the Dewsbury Riverside allocation boundary (blue) and the Council's land ownership boundary (red).

The Barton Willmore consultancy team are responsible for:

- » Technical due diligence – site investigations (Lithos Consulting).
- » Assessment and planning of utilities infrastructure (Barton Willmore and Buro Happold).
- » Preparation and submission of a hybrid planning application, comprising an outline application for approximately 350 dwellings and a full application for highways and related drainage infrastructure (Barton Willmore and Buro Happold). **Note, the full application will comprise a new road which connects with the Network Rail proposed junction bridge (shown on Figure 2).**

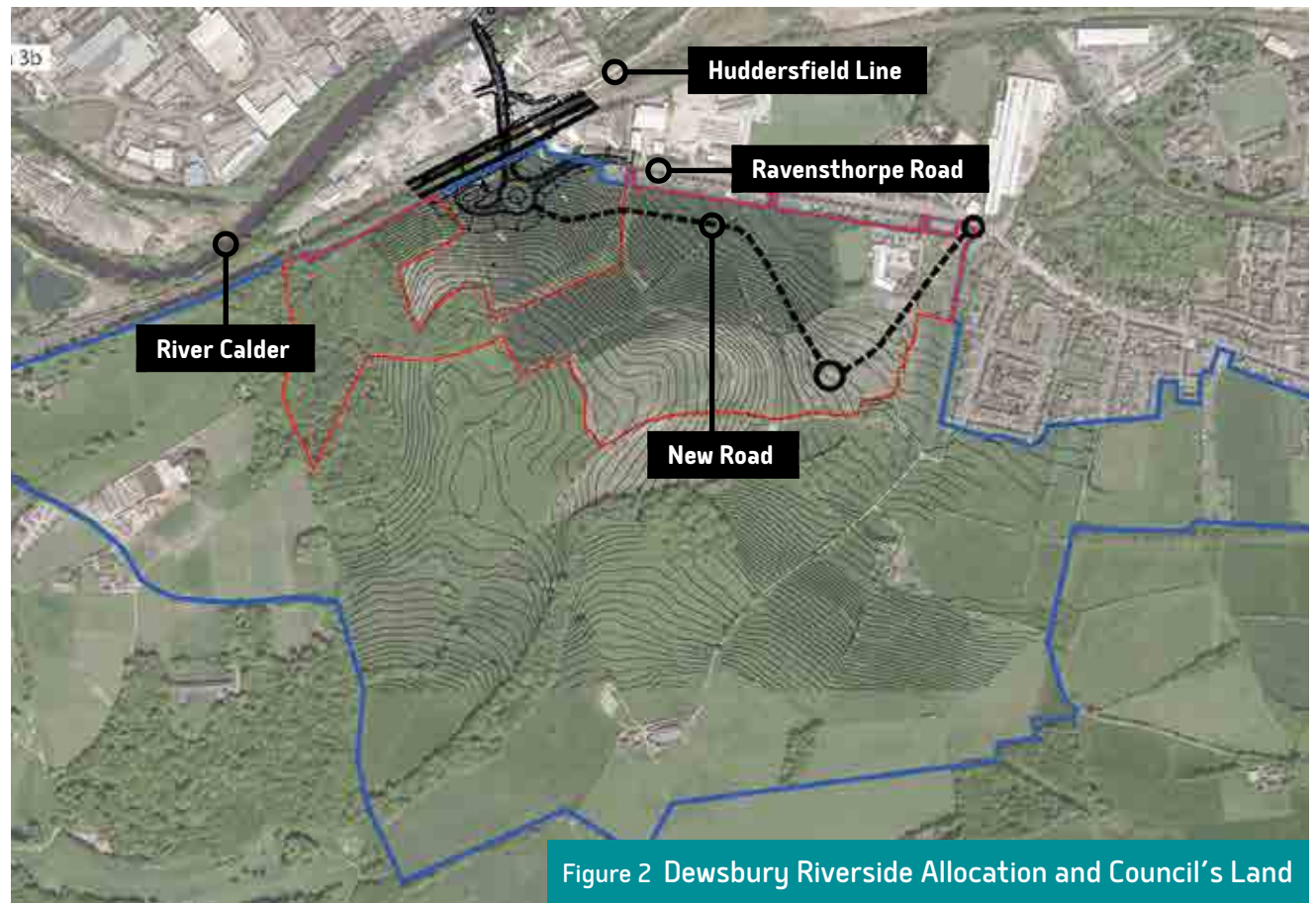


Figure 2 Dewsbury Riverside Allocation and Council's Land

### 1.1.1. Cabinet Approved Masterplan

Development on the Council's land and the wider allocation will be required to broadly align with the Cabinet approved site wide masterplan for the allocation (see Figure 3). **Note, the masterplan shows a proposed junction, connecting the allocation with Ravensthorpe Road, where the proposed Network Rail bridge/junction is positioned.**

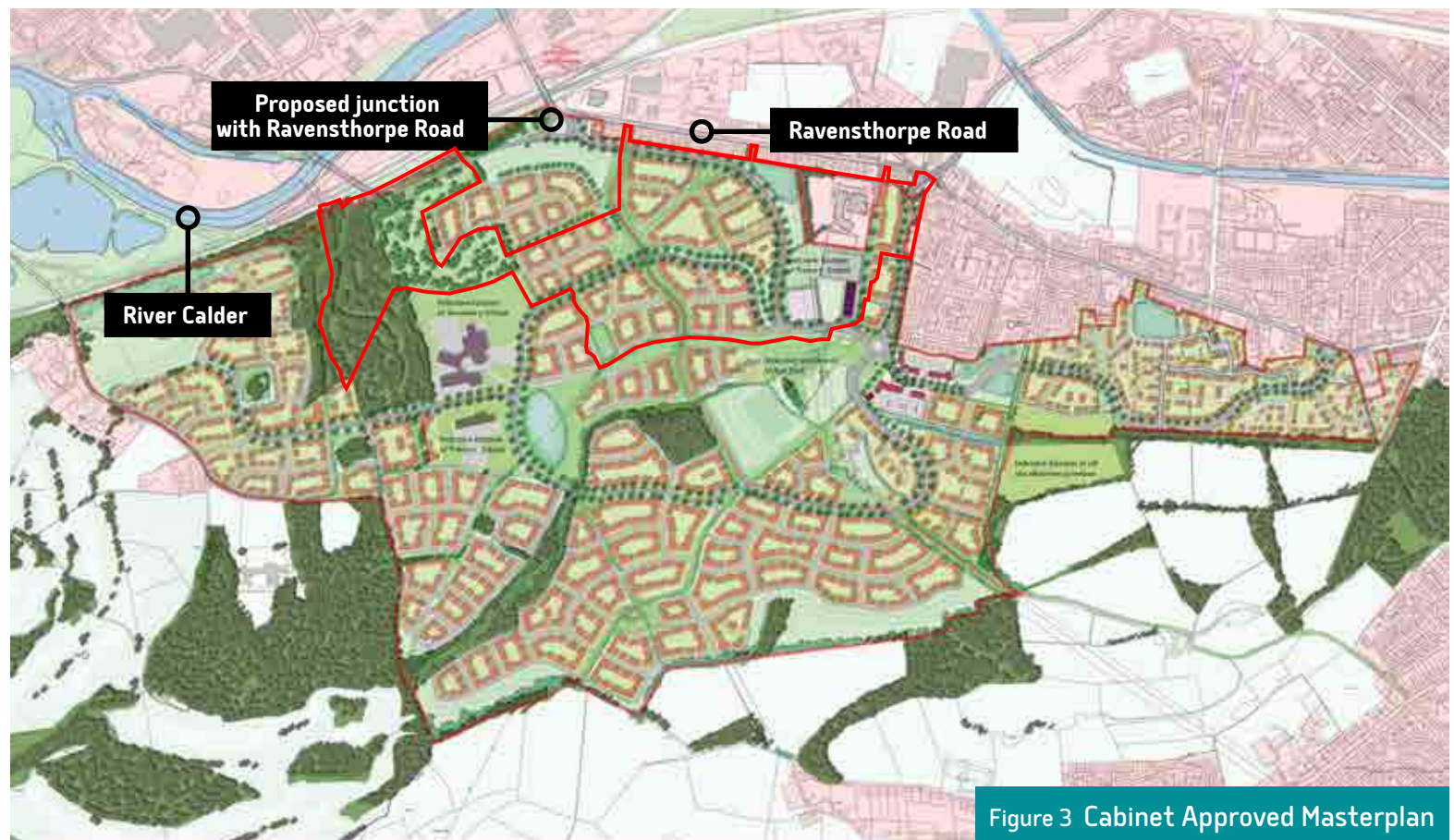


Figure 3 Cabinet Approved Masterplan

## 1.2. TRANS PENNINE RAIL UPGRADE (TRU)

The land ownership parcel located adjacent to the Council's land (highlighted yellow on Figure 4), is owned by house builders Berkeley De Vere (BDV). This land is identified as part of the allocation for the delivery of new homes and the provision of a new roundabout connecting with Ravensthorpe Road.

The BDV land will be the subject of a Transport and Works Act Order (TAWO) by Network Rail (NR) who intend to use the TAWO to acquire (by compulsory purchase if necessary) the land for works to undertake the Trans Pennine Rail Upgrade (TRU).

The Network Rail TAWO proposal shows a replacement for the existing Calder bridge to accommodate the High-Speed rail geometry alignment for the TRU.

### 1.2.1. Network Rail Proposal

NR has shared initial proposals with the Council to deliver a new Calder Road bridge crossing the Huddersfield railway line and connecting to a new roundabout, which provides access to a proposed train station drop off point and a link to Ravensthorpe Road (shown at Figure 4). It is understood that the new Calder bridge will effectively reinstate the existing connection, retaining existing traffic capacities on Ravensthorpe Road.

The NR proposal does not show a vehicle connection to the allocation and the engineering works associated with the roundabout have the potential to impact on the developable area and residential setting of the BDV land, in particular.

BDV has objected to the TAWO, given the potentially adverse impacts the NR proposal will place on the development potential of their land.

The NR design proposal is being developed in more detail by NR and their consultants ARUP. It is essential that any further design progression aligns with the emerging design proposals for Dewsbury Riverside and, in accordance with the Cabinet approved site wide masterplan, the allocation should connect with the NR proposals.

The design of the NR proposals should now be considered in greater detail to help facilitate this connection in a manner which improves the deliverability and cost effectiveness of the junction, whilst enhancing the setting for new residential development.

For the remainder of this report, the NR junction may also be termed the **Western Gateway**.



Figure 4 NR Proposed Bridge/ Roundabout

### 1.3. THE ABILITY TO DELIVER HOMES IN THE SHORTER TERM

The hybrid application will comprise an outline application for approximately 350 dwellings and a full application for highways and related drainage infrastructure. The full application will include a new strategic road running between a new junction at Forge Lane (herein referred to as the **Central Gateway**) and connecting to the **Western Gateway**.

It is a key objective of the Council to use this application to spearhead the development of the wider allocation. Not only does it send an important message to the market, but it delivers infrastructure essential to the broader development. To avoid the Council being embroiled in possible long delays associated with the NR public inquiry and issues with BDV, the hybrid application must allow for the delivery of new homes in advance of the future aspiration to deliver a vehicle connection to the Western Gateway.

**To secure the early delivery of homes, the proposed 350 homes could be serviced from the new roundabout at the Central Gateway and a secondary access that would utilise the western most 'agricultural' access point from Ravensthorpe Road, adjacent to the BDV land but on land owned by the Council.**

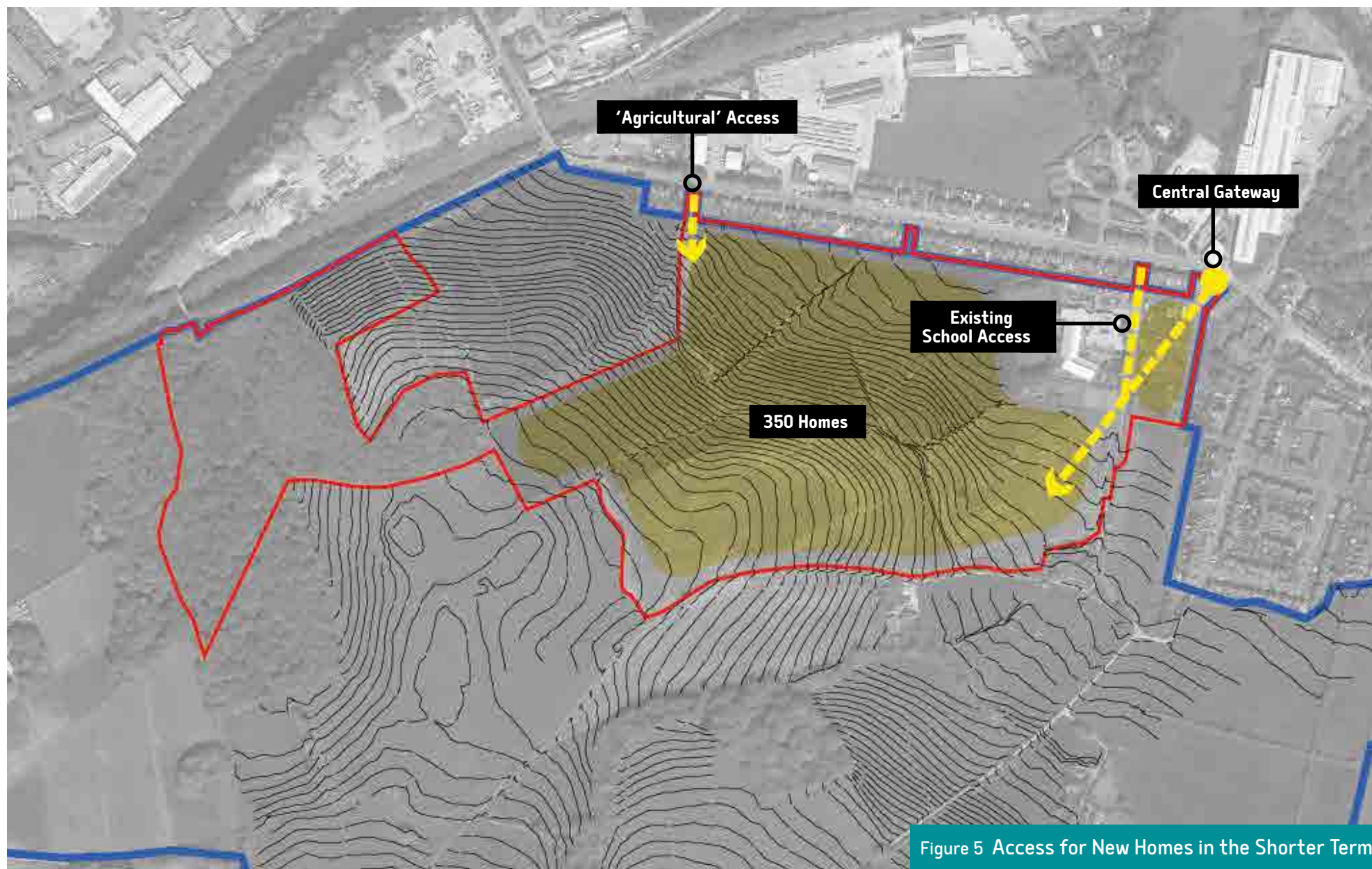


Figure 5 Access for New Homes in the Shorter Term

## 1.4. CONNECTING TO THE WESTERN GATEWAY – ASSESSMENT

Whilst new homes can potentially be delivered on the Council's land without the reliance on the Western Gateway, **it will ultimately be essential to provide a vehicle connection from the Western Gateway to serve the wider allocation of up to 4000 homes.**

The Barton Willmore team has undertaken an assessment of the potential options available to provide a vehicle connection to the NR proposals.

This assessment has considered the implications of providing a 4th arm to the existing roundabout design or an alternative junction arrangement i.e. staggered junction or T-junction. It also assessed the implications of connecting to the Western Gateway at different positions (with the required road running through the Council's land at various trajectories).

The assessment / design process included two stages:

- » **Stage 1:** mapped out the potential options available to provide a vehicle connection to the Western Gateway. The findings are described through a separate report.
- » **Stage 2:** Undertook a detailed engineering assessment of the preferred connection options to understand the implications in terms of engineering works, cost and the potential impact on future residential development. The findings are described through this report.

The assessment process included the three steps, shown and described opposite.

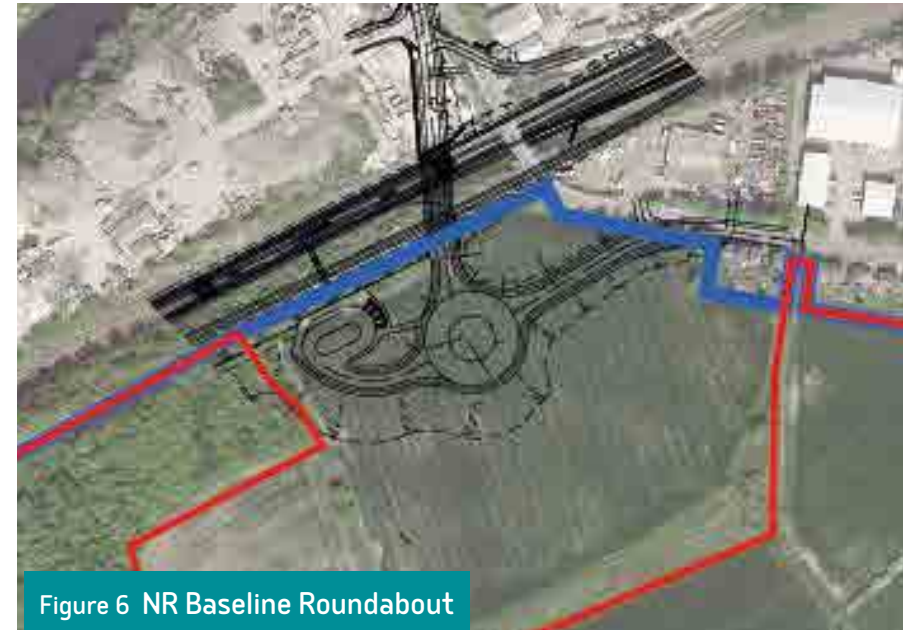
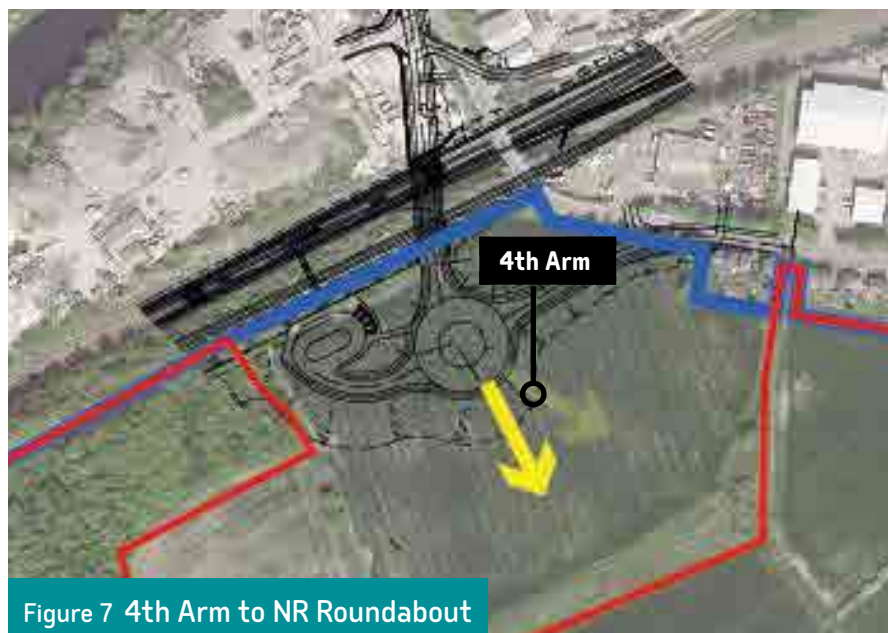


Figure 6 NR Baseline Roundabout

### 1.4.1. Step 1: NR baseline proposal

The first step of the assessment process sought to understand the engineering implications and the associated cost in the delivery of the NR baseline roundabout proposal (proposed to use as part of the TAW0).

The design of the NR roundabout is ongoing and, where necessary the assessment process has made several assumptions, which have been described through this report.

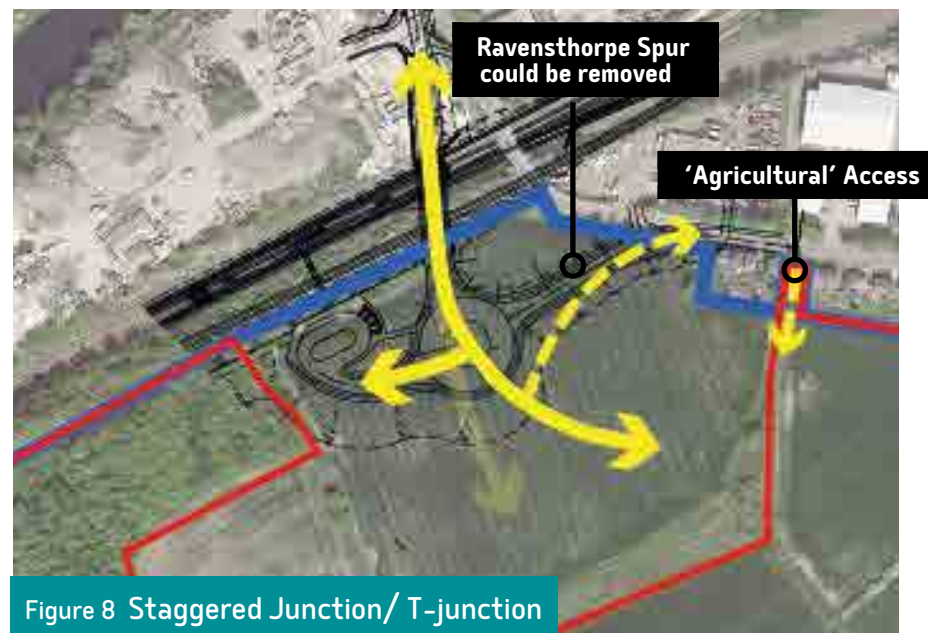


#### 1.4.2. Step 2: Providing a 4th arm to the NR roundabout proposal

Step 2 sought to understand the engineering implications and the associated cost of providing a 4th arm to the NR baseline proposal, which then connects to a new strategic road (6.75m-7.3m) running through the BDV land and Council land.

The report has identified the engineering requirements for this proposal, the associated costs and the implications for future residential development.

Note, the assessment considered various positions for the 4th arm and the required road.



#### 1.4.3. Step 3: Provide a Continuous Road, Staggered Junction or a T-junction

Step 3 considered the potential to deliver an alternative junction arrangement to the NR baseline proposal. The alteration junction arrangements investigated where:

- » Staggered junction: with a connection to Ravensthorpe Road and a bus drop off
- » T-junction connecting to the bus drop off only, with vehicle connection to Ravensthorpe Road secured via an existing 'agricultural access' c.100m to the east of the Western Gateway which will also be used to service the Council's residential development.

The report has identified the engineering requirements for this proposal, the associated costs and the implications for future residential development.

Note, the assessment considered various positions for the staggered/T-junction and the required road.

#### 1.4.4. Stage One Report: Findings and Recommendations

The Stage One assessment process mapped out the potential connection options for the Western Gateway in advance of undertaking a detailed engineering assessment of each preferred option.

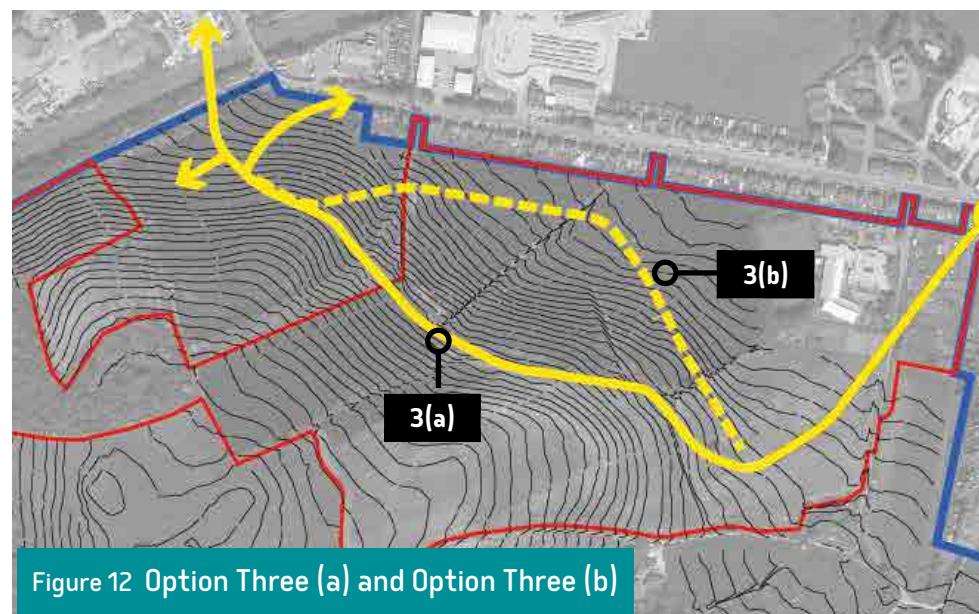
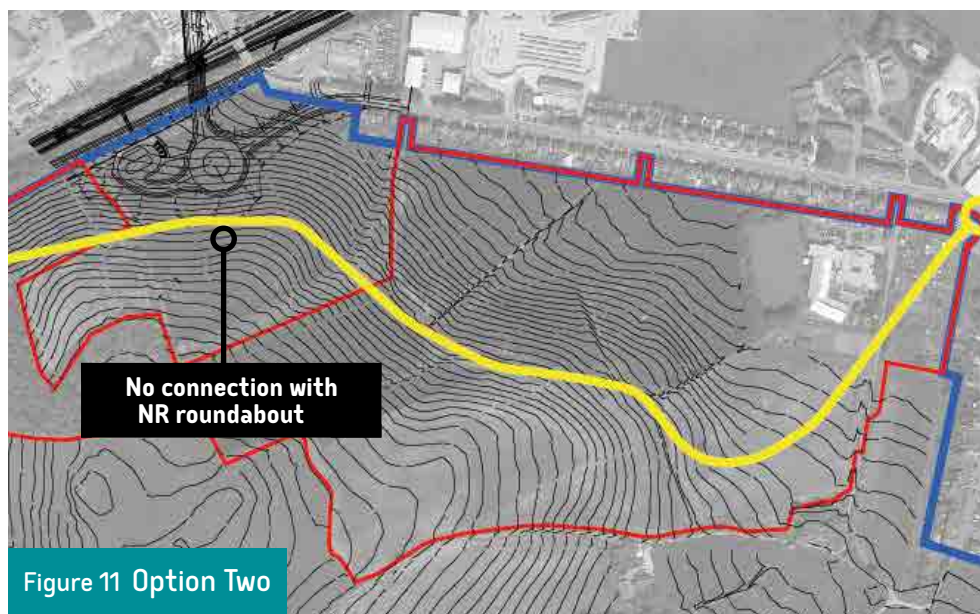
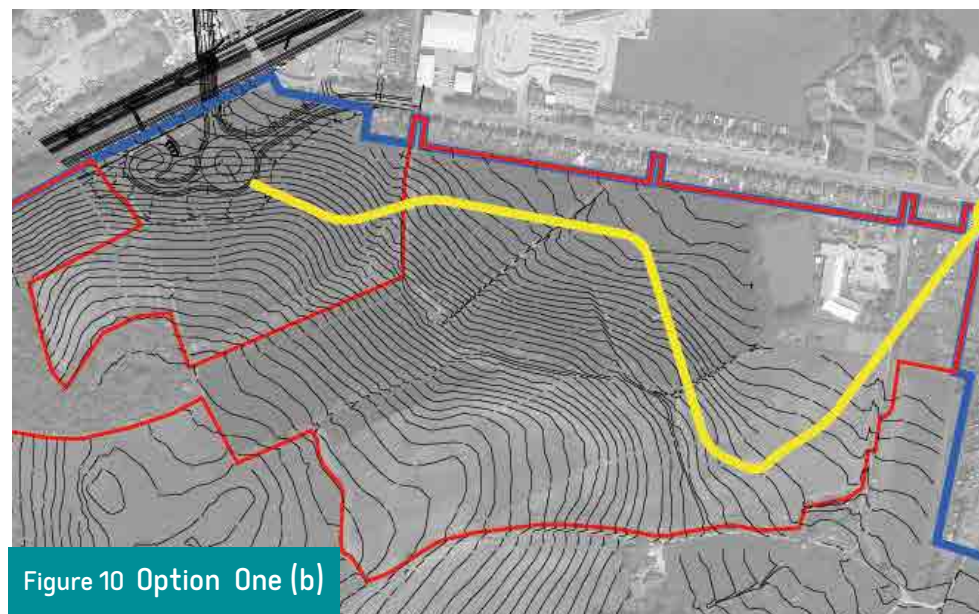
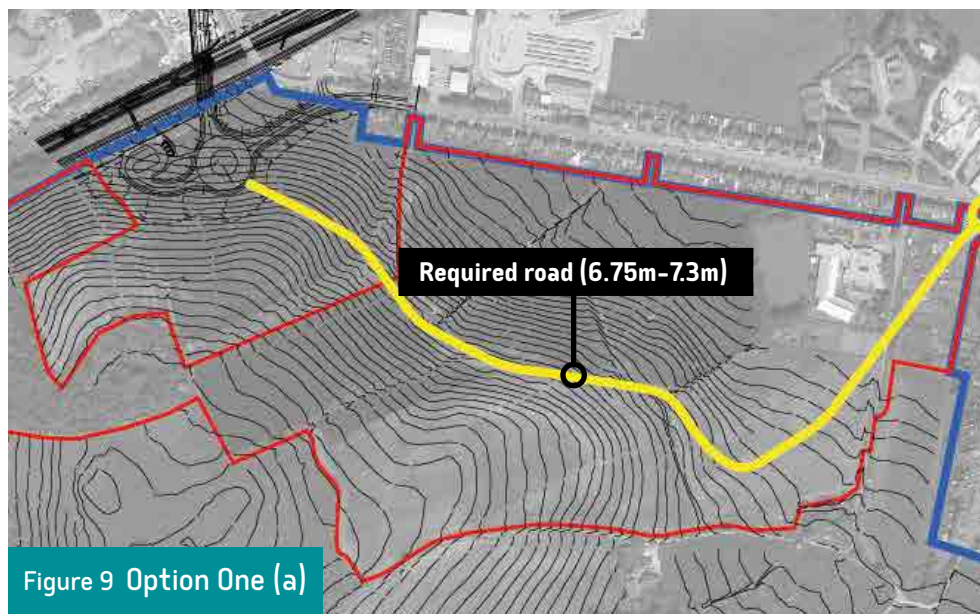
The assessment process considered the options against the implications on placemaking, development capacity, drainage, utilities and earthworks.

Figures 9-12 show the options considered, with the required highway infrastructure needed to serve the allocation shown in yellow. The table opposite provides a summary of the assessment process and the outcomes.

In summary, the following sub options were deemed worthy of further investigation through the Stage 2 process.

- » Option One (a): Connect to the NR Roundabout (via a 4th arm) and with the required east-west road running 'broadly halfway or in the middle the Council's land.
- » Option One (b): Connect to the NR Roundabout (via a 4th arm) and with the required east-west road running c. 30m south of the site's northern boundary.
- » Option 3(a): Western Gateway becomes a staggered or T-junction with the required east-west road running broadly halfway or in the middle the Council's land.
- » Option 3(b): Western Gateway becomes a staggered or T-junction with the required east-west road running c. 30m south of the site's northern boundary.

| OPTION   | ASSESSMENT   | INVESTIGATION   | OUTCOME   |
|--|--|---|---|
| Option One: Connect to the proposed NR Roundabout (via a 4th arm)          | <ul style="list-style-type: none"> <li>» Level of cut within the BDV land would be c.9m, which would be visually unattractive and very expensive.</li> <li>» The proposed strategic road would need to climb a steep hill from the Western Gateway into our site, which would likely result in cut at the point the road cross into the Council land.</li> <li>» Access to the BDV land would also be compromised.</li> </ul>  | <ul style="list-style-type: none"> <li>» Option One (a): Connect to the NR Roundabout (via a 4th arm) and with the east west road running broadly halfway or in the middle the Council land.</li> <li>» Option One (b): Connect to the NR Roundabout (via a 4th arm) and with the east west road running c. 30m south of the site's northern boundary.</li> </ul>                 | <ul style="list-style-type: none"> <li>» Both sub options have been investigated in further detail through Stage 2.</li> </ul>  |
| Option Two: Do Not Connect to the Network Rail Roundabout                  | <ul style="list-style-type: none"> <li>» Avoid connection to the Network Rail roundabout entirely</li> </ul>   | <ul style="list-style-type: none"> <li>» The suitability of this option would be subject to a more detailed understanding of expected traffic generation, whilst also requiring a more considered approach to phasing/ delivery of the other western bridge access (connecting to Lock Way).</li> </ul>   | <ul style="list-style-type: none"> <li>» Overly reliant on the western River Calder bridge access for the delivery of the wider allocation. This option was dropped.</li> </ul> |
| Option Three: Re-design the proposed NR junction (staggered or T-Junction) | <ul style="list-style-type: none"> <li>» Abandon proposed roundabout in favour of through road with a T-junction or staggered junction</li> <li>» Continuous road with a 1:20 rate of climb straight through the area identified for the roundabout could raise the starting point by 2-3 metres and significantly decrease the extent of cut.</li> <li>» Shifting the bridge crossing/ trajectory in a northwards direction, towards Ravensthorpe Road would potentially ease the impact of cut and fill further</li> <li>» Complications relating to this option include the need to deliver a bus drop-off for the Train Station and the link to Ravensthorpe Road</li> </ul> | <ul style="list-style-type: none"> <li>» Option 3(a): Western Gateway becomes a staggered or T-junction with the required east-west road running broadly halfway or in the middle the Council's land.</li> <li>» Option 3(b): Western Gateway becomes a staggered or T-junction with the required east-west road running c. 30m south of the site's northern boundary.</li> </ul> | <ul style="list-style-type: none"> <li>» Both sub options were investigated in further detail through Stage 2.</li> </ul>   |



## 2 BACKGROUND AND CONTEXT

### 1.5. DEWSBURY RIVERSIDE ALLOCATION, PLANNING PROCESS AND TIMESCALE

Dewsbury Riverside (Local Plan ref: Site HS61) is the largest housing allocation in the adopted Kirklees Local Plan (2019). Extending to c.160ha, it has been identified by the Council to deliver in the region of 4,000 homes and supporting infrastructure, including schools, open spaces, and local facilities.

The Council land extends to some 30ha and comprises of agricultural fields, an existing school and an area of woodland, both of which must be retained. The Site will be accessed via the Central Gateway and an existing agricultural access connecting to Ravensthorpe Road. An outline planning application for residential development on the site was approved in 2016 (ref: 2016/94118).

The Council land will form the first phase of residential development, alongside the full application for the new road.

In order to facilitate the early delivery of homes on the Site, a package of enabling infrastructure is currently planned, including:

- » The relocation of the Masjid Abu Bakr and Lees Hall Playgroup from 555, Lees Hall Road (2021).
- » The relocation of the existing Council-owned Ravensthorpe Road allotments (ref: 2021/90552)
- » The construction of the Forge Lane junction and spine road (2022).
- » The construction of a new two form entry primary school and nursery (c.2025).
- » The construction of a strengthened crossing point where the spine road crosses over a high-pressure gas main.

The BW team are working to a submission date for the hybrid planning application of November 2021. It is anticipated that a planning consent could be expected in the first half of 2022 and the first infrastructure work underway soon after.

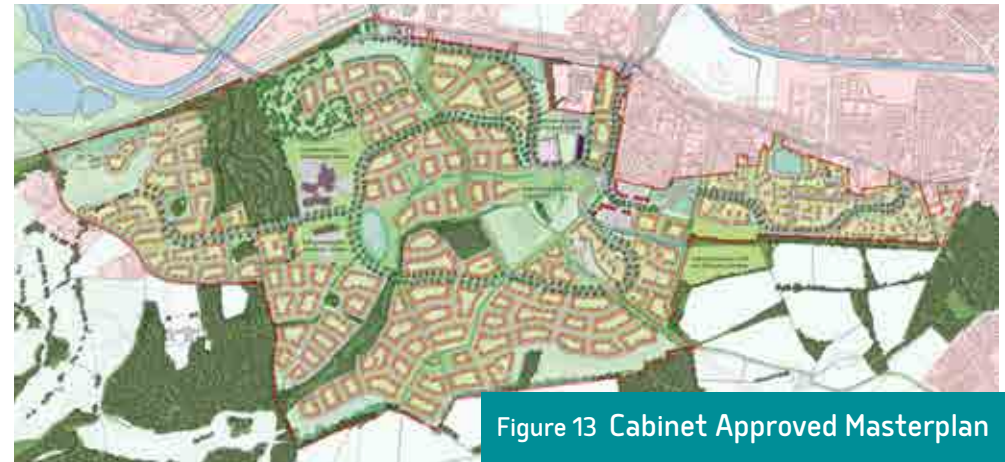


Figure 13 Cabinet Approved Masterplan

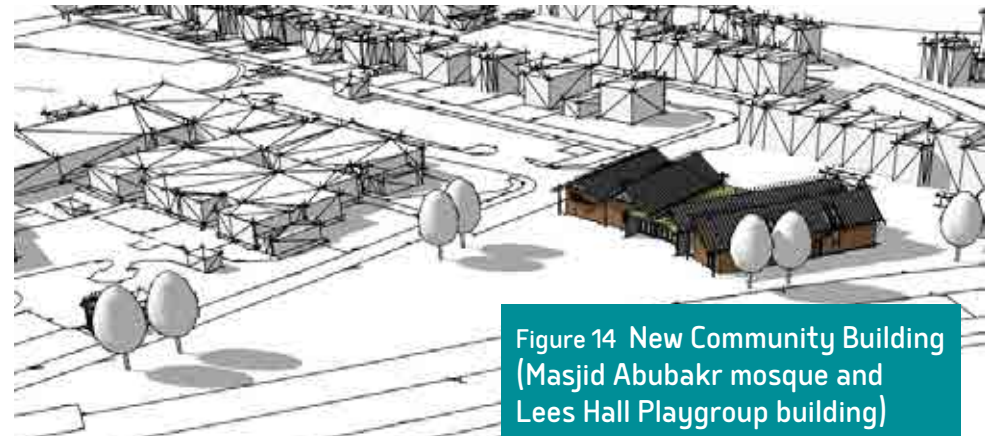


Figure 14 New Community Building (Masjid Abubakr mosque and Lees Hall Playgroup building)



Figure 15 Site Oblique Aerial

### 2.5.1. Land Ownership

The Dewsbury Riverside allocation is in 7 principal ownerships, as shown Figure 16. This includes:

- » The Savile Estate: 78.1ha
- » Kirklees Council: 28.6ha
- » Addy and Fox: 11.9ha
- » Leeds Diocese and Board of Finance: 11.6ha
- » Chappelow: 9.4ha
- » Lyttle: 7.2ha [this land has now been purchased by Barclay DeVere (BDV)]
- » Yorkshire Electric Distribution 2.5ha
- » Others: 11.7ha

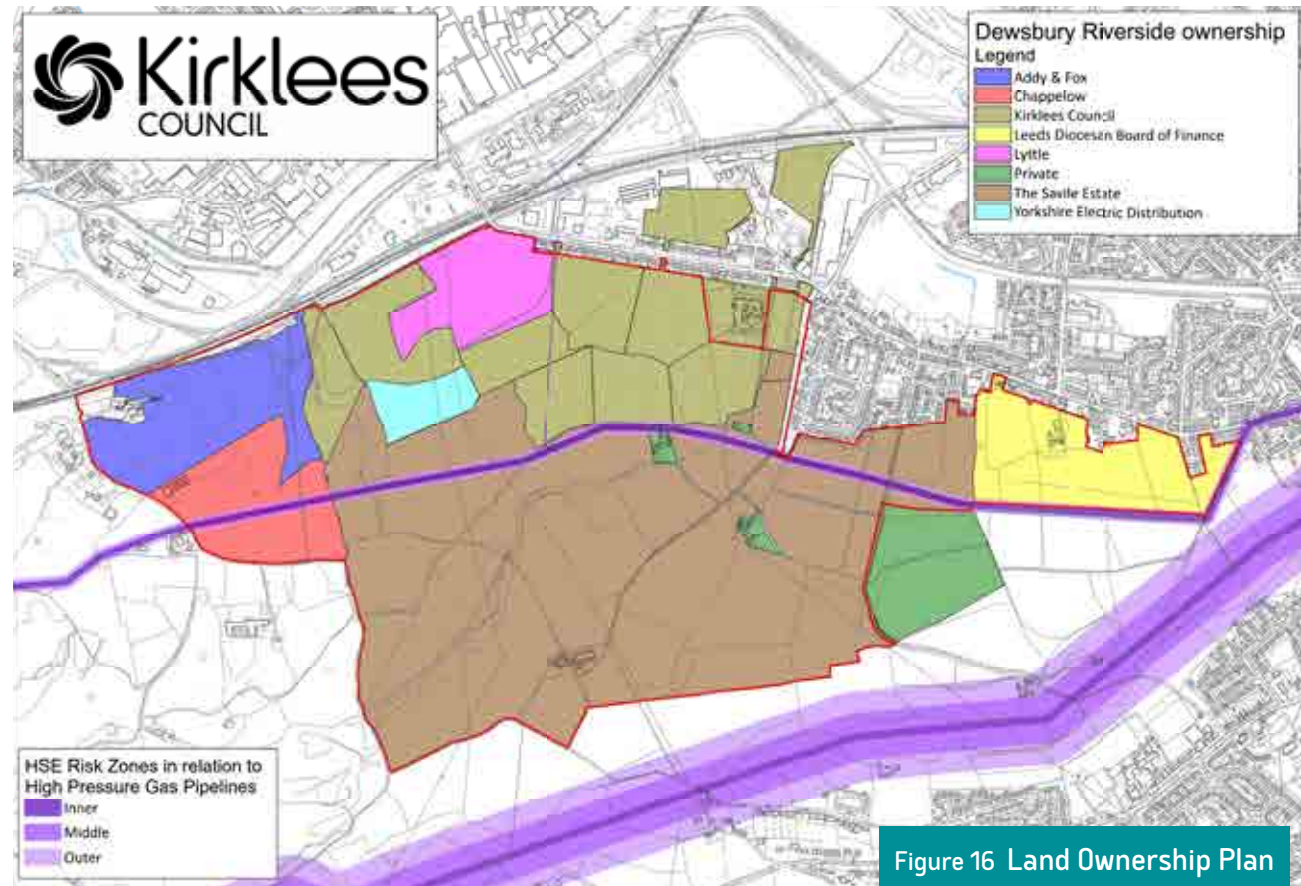


Figure 16 Land Ownership Plan

### 2.5.2. Network Rail Proposals and Timeline

On 31 March 2021, Network Rail submitted a Transport and Works Act Order (TWA0) application –for the Trans Pennine Rail Upgrade (TRU). On the same date, an application was submitted to Kirklees Council for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 for work at Dewsbury Riverside, connected to the TWA0.

Network Rail's proposals to improve the railway between Huddersfield and Westtown (Dewsbury), include:

- » Double the number of tracks from two to four along the majority of the railway.
- » Upgrading stations at Huddersfield, Deighton, Mirfield and providing a new station at Ravensthorpe.
- » Separating sections of the track from each other with a bridge (fly-over) at Ravensthorpe.
- » Electrification of the railway from Huddersfield to Ravensthorpe – and right through to Leeds.

The Council had up to 17th May 2021 to make comments or representations in response to the TWA0. The ongoing work at Dewsbury Riverside and the content of this report supported the Council representations.

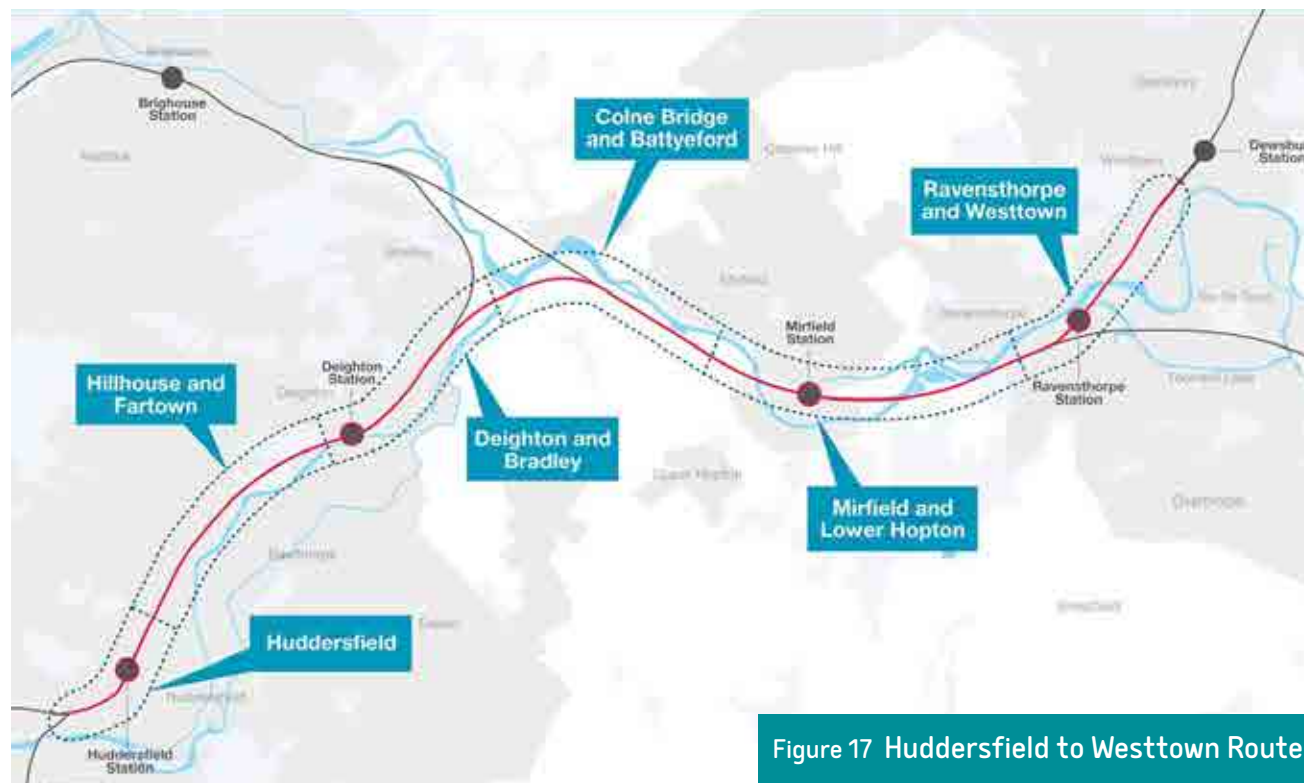


Figure 17 Huddersfield to Westtown Route

# 3 MASTERPLAN ASSESSMENT PROCESS

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## 2.1. ROADS DESIGN

The masterplanning process has been informed by road modelling to understand the volumes of cut and fill associated with each potential road option. This exercise was particularly important given the variation in topography across the allocation.

### 2.1.1. Road Options

The roads modelling process has considered the following road options/scenarios:

- » Providing a vehicle connection to the NR Roundabout (via a 4th arm) and with the required east-west road running c. 30m south of the Council's northern boundary
- » Providing a vehicle connection to the NR Roundabout (via a 4th arm) and with the required east-west road running broadly halfway or in the middle the Council's land
- » Providing a staggered or T-junction with the required east-west road running c. 30m south of the Council's northern boundary
- » Delivering a secondary vehicle connection to Ravensthorpe Road, via an existing 'agricultural' access.
- » Delivering a secondary route from the Council's land to the wider allocation.

### 2.1.2. Constraints

The assessment process has considered the following constraints:

- » **The existing gas main levels.** The gas main should not be diverted, and the depth of cover over the gas main should remain similar to existing levels.
- » **The steep topography of the site.** Care has been taken to identify routes where the slackest road gradients can be provided to maximise road safety and provide efficient residential development areas.
- » The network rail roundabout tie in level.

### 2.1.3. Road Design Criteria

In accordance with Council guidance, the following road design criteria has been used :

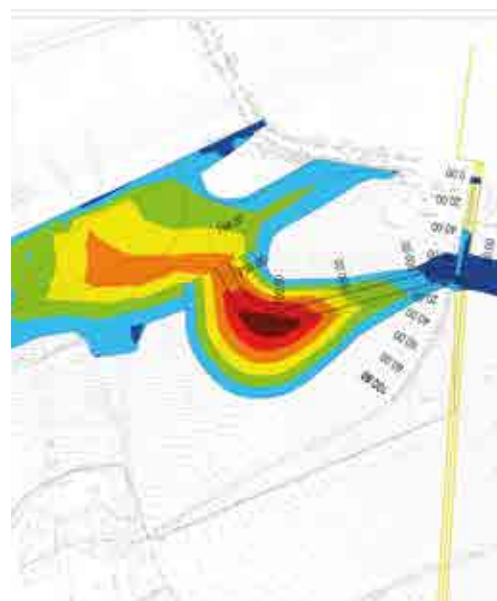
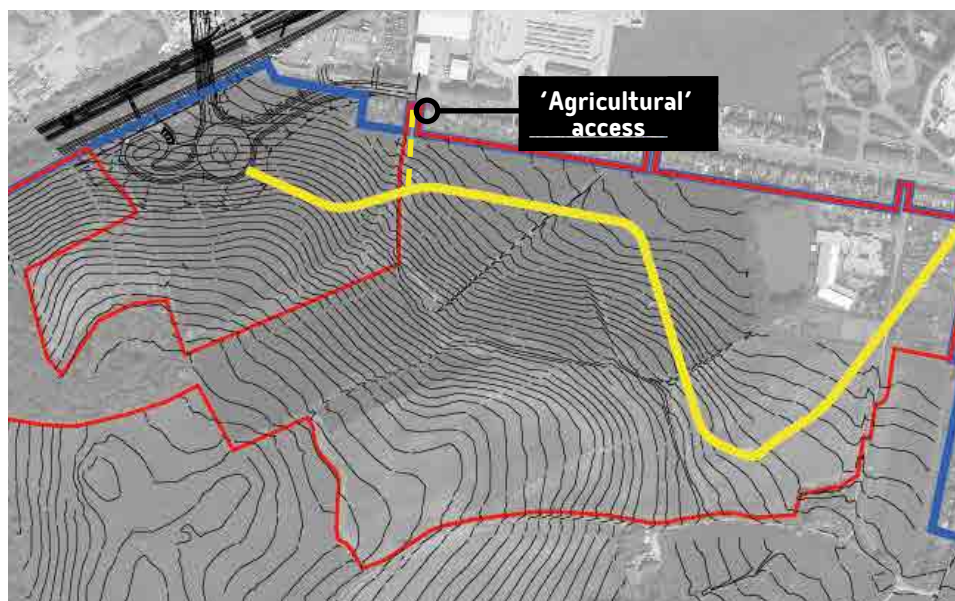
#### Primary Roads

- » 7.3m carriageway (2 x 3.65m lanes)
- » 2.0m swale (both sides)
- » 3.0m footpath / cycleway (both sides)
- » 1:20 gradient max/ 1:200 gradient min
- » Forward visibility 33m/ Min curve radii 35m

#### Secondary Roads

- » 6.75m carriageway (2 x 3.375m lanes)
- » 2.0m swale (both sides)
- » 3.0m footpath / cycleway (both sides)
- » 1:15 gradient max (bus routes), 1:10 gradient max (non-bus routes)/ 1:200 gradient min
- » Forward visibility 25m
- » Min curve radii 20m

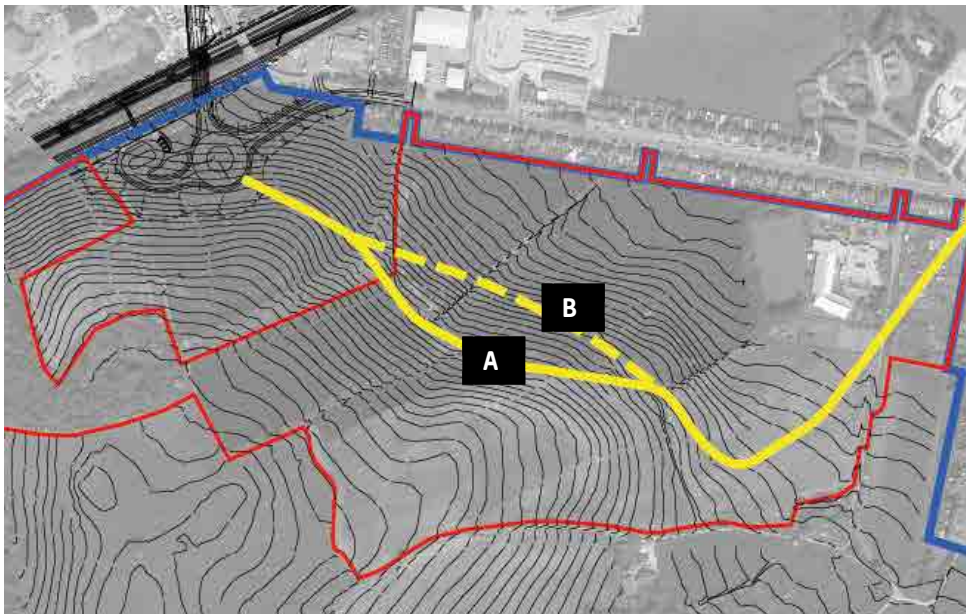
3.1.1. Providing a vehicle connection to the NR Roundabout (via a 4th arm) and with the required east-west road running c. 30m south of the site's northern boundary



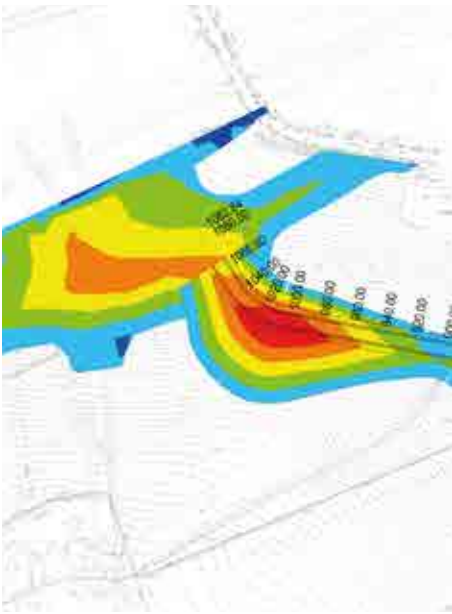
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| 2              | -10.000        | -8.000       | Red         |
| 3              | -8.000         | -6.000       | Orange      |
| 4              | -6.000         | -4.000       | Yellow      |
| 5              | -4.000         | -2.000       | Light Green |
| 6              | -2.000         | 0.000        | Light Blue  |
| 7              | 0.000          | 2.000        | Dark Blue   |
| 8              | 2.000          | 4.000        | Purple      |

- » NR Baseline roundabout requires c.6m cut
- » Primary road located at the lower area of the Council's land avoiding area of steeper topography
- » Primary road connects to new 4th arm of roundabout
- » Secondary access via 'agricultural' access. Gradient 1:10
- » Up to 10m-12m cut to deliver the 4th arm to the roundabout
- » Section 5.1.2 shows a masterplan for this option.

3.1.2. Providing a vehicle connection to the NR Roundabout (via a 4th arm) and with the required east-west road running broadly halfway or in the middle the Council’s land..



- » NR Baseline roundabout requires c.6m cut
- » Road A: Primary/ strategic road positioned to follow topography contours. However, this option required land filling above existing gas main, meaning the road from the gas main to NR roundabout was too steep at 1:15
- » Road B: Road moved northwards to avoid filling above the gas main and the delivery an



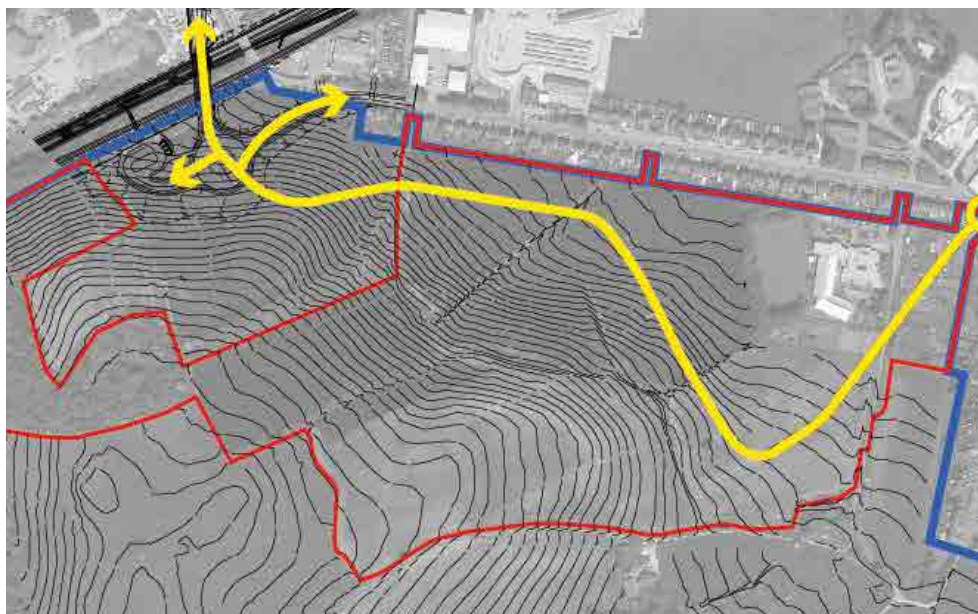
| Cut/Fill Table |                |              |             |
|----------------|----------------|--------------|-------------|
| Number         | Range From [m] | Range To [m] | Colour      |
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| 2              | -10.000        | -8.000       | Red         |
| 3              | -8.000         | -6.000       | Orange      |
| 4              | -6.000         | -4.000       | Yellow      |
| 5              | -4.000         | -2.000       | Light Green |
| 6              | -2.000         | 0.000        | Cyan        |
| 7              | 0.000          | 2.000        | Blue        |
| 8              | 2.000          | 4.000        | Purple      |

acceptable gradient (1:20) between gas main road from gas main to NR roundabout

- » Up to 8-10m cut to deliver the 4th arm to the roundabout
- » Section 4.3.1 shows a masterplan for this option. The masterplan demonstrates how running the road through the middle of the Council’s land resulted in inefficient development parcels. This option was dropped.

»

3.1.3. Providing a staggered junction or T-junction with the required east-west road running c. 30m south of the site's northern boundary.



- » Primary/ strategic road located at the lower area of the Council's land avoiding area of steeper topography
- » Staggered junction required up to 4m-6m cut (similar to the NR baseline roundabout)



- » T-junction (serving the station drop off only), allowed the junction level to be raised, significantly reducing the amount of cut (c.2m)
- » No cut required to connect the Primary Road to the staggered junction or T-junction
- » Section 5.1.3 and Section 5.1.4 shows a masterplan for each option.

| Cut/Fill Table |                |              |             |
|----------------|----------------|--------------|-------------|
| Number         | Range From [m] | Range To [m] | Colour      |
| 1              | -12.000        | -10.000      | Dark Red    |
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| 3              | -8.000         | -6.000       | Orange      |
| 4              | -6.000         | -4.000       | Yellow      |
| 5              | -4.000         | -2.000       | Light Green |
| 6              | -2.000         | 0.000        | Light Blue  |
| 7              | 0.000          | 2.000        | Dark Blue   |
| 8              | 2.000          | 4.000        | Purple      |

### 3.1. GROUND INVESTIGATION

Lithos were commissioned to undertake a 'Phase 2' Site Investigation for the Council's land.

Previous to the Barton Willmore appointment, Lithos provided ground investigation services to Miller Homes in relation to the cabinet approved masterplan. The 2018 ground investigation data for the Miller area has been assimilated with data collected from across the Council's land, and a summary of findings associated with the adjacent BDV land has been provided.

#### 3.1.1. Development Considerations

In summary, the Phase 2 SI has identified the following development considerations

- » Topography will require significant regrade earthworks. This is likely to have a significant impact on foundation design as well as the impact of shallow underground coal seams and workings.
- » Sterile 'no build' zones will be required around the known mine shafts, as well as any further undiscovered mine entries and the 'walk-in' mine (if present).
- » The abandoned gas liquor pipeline should be located de-gassed/purged of residual liquids and removed.

- » Northern Gas Networks will have easements with respect to development in the vicinity of the gas utility and Northern Powergrid will have easements with respect to the overhead electrical utilities.
- » There is a culverted stormwater drain which will need removal or incorporating into the sites new drainage system.
- » An area of about 13.5ha in the north-east is underlain by medium to high strength Cohesive Glacial Deposits to depths in excess of c. 3.5m. See Drawing 3901/11 (Appendix 4).
- » Approximate depths to bedrock are shown on Drawing 3901/12 and the approximate distribution of bedrock types is shown on Drawing 3901/13. See Appendix 4.
- » The 3rd Brown Metal and Middleton Little coal seams outcrop across the centre of the site. A further three coal seams outcrop beneath Lady Wood in the west (separated from the wider site by a north-south trending fault). See 3901/8 (Appendix 4)
- » Test results indicate that soakaways will not provide a suitable drainage solution for surface water run-off. Furthermore, shallow groundwater would preclude soakaway design and construction in low lying areas.
- » Within the BDV land, bedrock was encountered in all the pits, and typically comprised sandstone. Rockhead was encountered between 1.1m and 2.7m; average 2.0m. In addition, coal was encountered
- » Within the BDV land, no made ground was encountered within the licensed boundary of the former Thornhill Power Station landfill. See 3901/10 (Appendix 4)
- » The high-pressure gas main (north-south) lies at a depth of greater than 1.5m in the vicinity of a proposed new road. A CAT scan at 1.5m indicated that the main was possibly a further 1.7m deep.

One of the key observations in terms of ground conditions relative to the Network Rail proposals is the presence of rock below the surface at the north west part of the Site near the boundary with the BDV land. Given the need for very significant cut in this area the depth and nature of this rock is a very significant consideration. Cut in this area could not only be cost prohibitive but it could also be technically very difficult to achieve without relatively extreme workings.

Note: Extracts of the Phase 2 SI Plans are shown below. The full plans (incl. keys) are provided in Appendix 1.

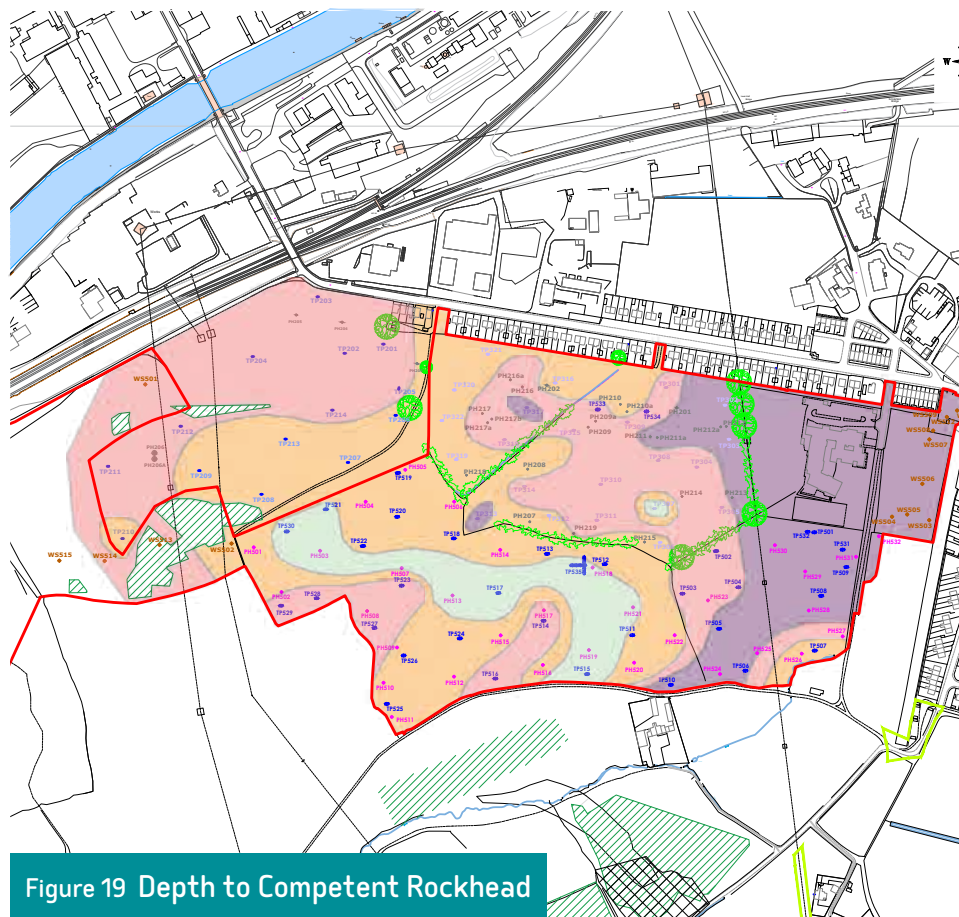


Figure 19 Depth to Competent Rockhead

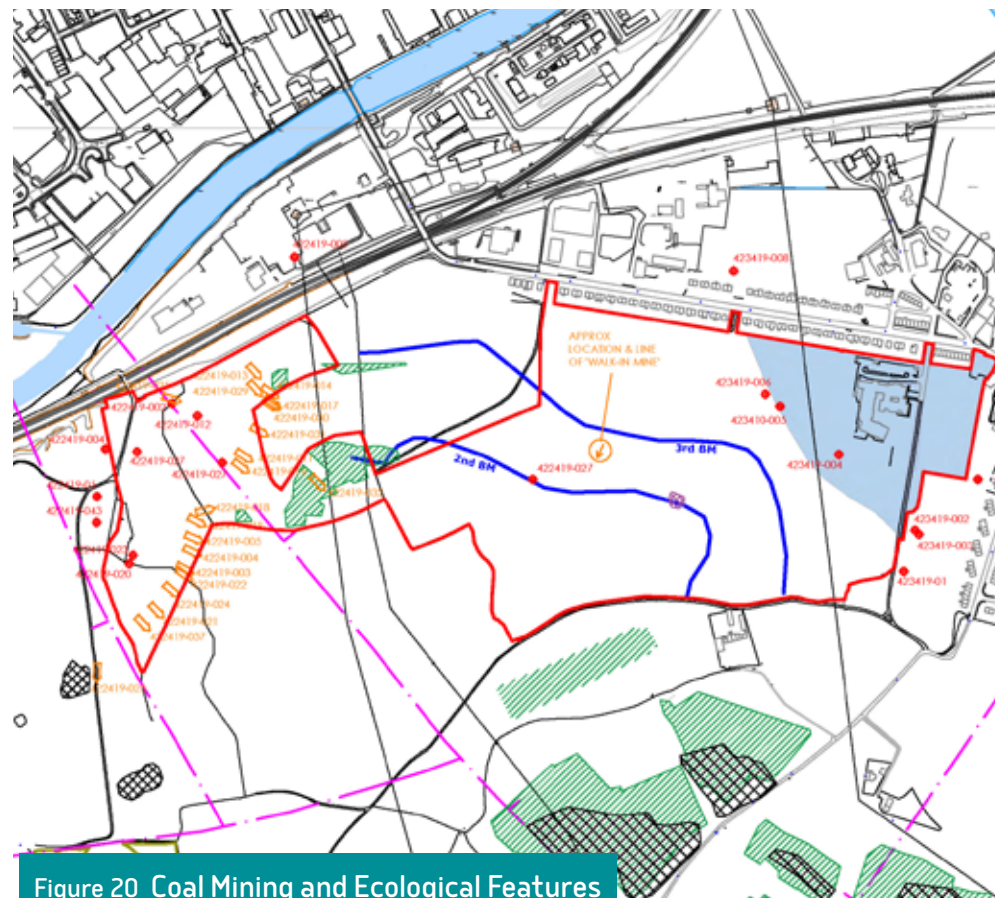


Figure 20 Coal Mining and Ecological Features

## 4 MASTERPLAN DEVELOPMENT

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### 3.2. MASTERPLAN ASSUMPTIONS AND THE BASELINE POSITION

The assessment process described through Chapter 3 of this report has informed the preparation of masterplan options for the Council land and the adjoining BDV land.

The masterplan options have tested how development might interact with the Western Gateway and the wider allocation

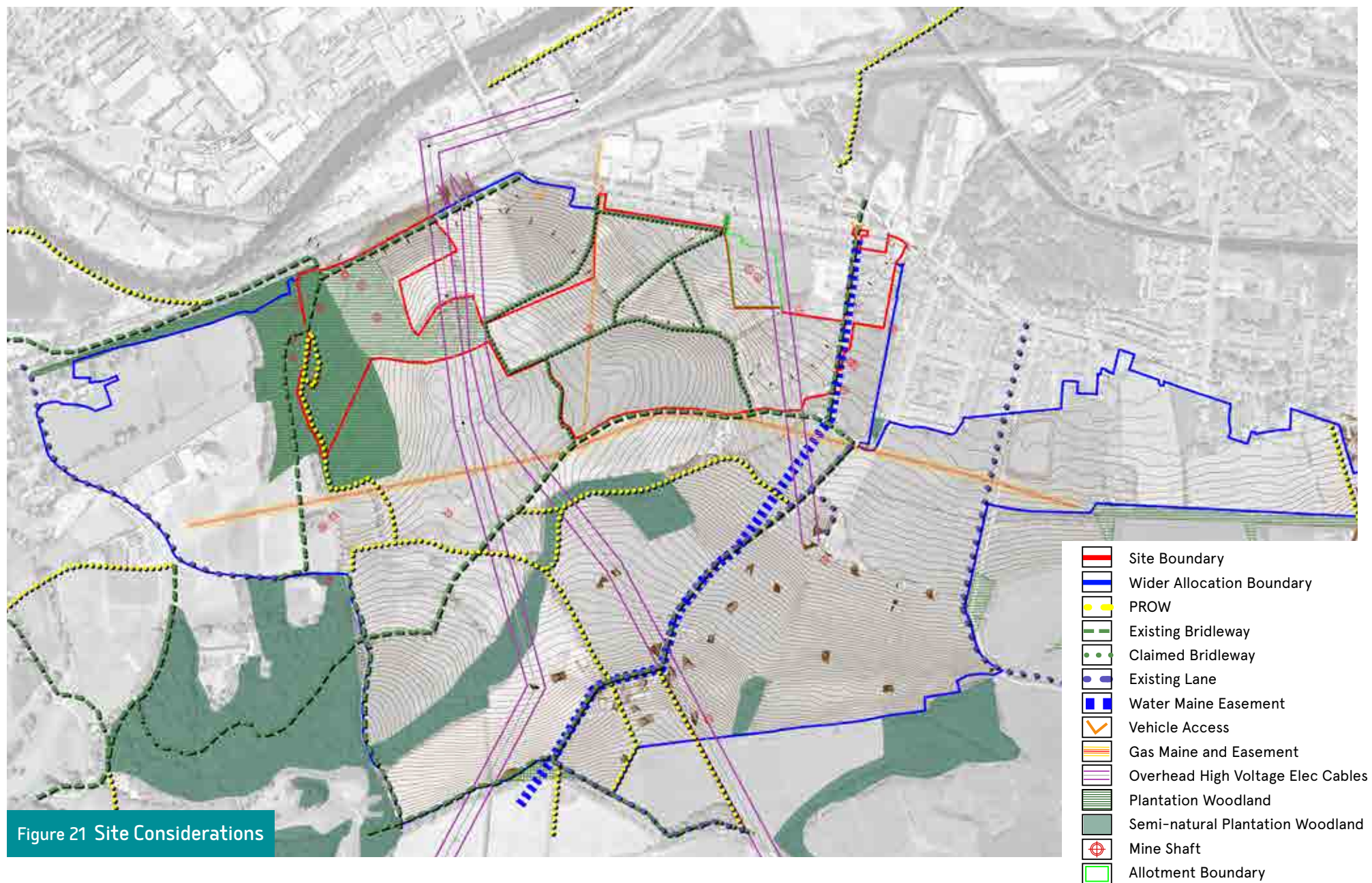
The site-specific considerations informing the masterplan are described below.

- » **Western Gateway** – It was assumed that access from the west would be taken directly from the new NR roundabout (or potentially a revised junction arrangement).
- » **New River Calder Bridge** – It was assumed that a road connecting to the potential New River Calder Bridge (located to the west of the Western Gateway) would run alongside the railway line and connect to the NR junction. This road is not shown on the NR roundabout proposal.
- » **Topography and Levels** – NR has confirmed the proposed roundabout level is 57.8m AOD. The assessment process assumed a fixed level of 57m AOD in the progression of the designs to date. This level and the existence of a significant hill due south of the proposed junction /

roundabout poses a significant challenge for direct access between the allocation and the Western Gateway. The topography is less steep closer to the northern boundary and the cabinet approved masterplan showed the previously proposed access roundabout and connecting strategic road running adjacent to this boundary to avoid the steep hill.

- » **Gradients** – 1:10 gradients and steeper are not unusual and this poses a challenge in terms of, roads design and plot/platform formation. Minimising the earthworks associated with the Western Gateway and the new strategic roads serving the allocation is a key objective.
- » **Strategic routes** – the strategic road network should connect the Western Gateway to the Central Gateway, whilst also providing a bus route that loops the wider site. The consideration of topography and place-making will inform the appropriate alignment for this road.
- » **The Network Rail proposals** – The junction position and design has not fully considered the developability of the allocation. The instruction is to produce a masterplan approach that could best fit with what NR has proposed but where possible, retain the flexibility to adapt as NR progress their designs in detail.

- » **Drainage (site)** – Yorkshire Water has agreed that an area of the Council land can discharge into the combined network at a rate 3.5l/s. There is an interest in considering an off site drainage solution to address the drainage requirements of the remaining development land.
- » **Drainage (wider allocation)** – Drainage for the remainder of the allocation will either be accommodated across the wider masterplan and/or in an off-site location.
- » **Mining and ground conditions** – there are coal seams relatively close to the surface and several mineshafts. Permeability of the soil is poor relative to drainage and the road will need to be cut into rock. Positioning development to avoid the mineshafts will be important.
- » **Services and Utilities** – there are a variety of wayleaves and stand-off distances established on the site which require consideration in the masterplan, including a pressured gas main and HV pylons.



#### 4.1. A PREFERRED MASTERPLAN OPTION AND A FLEXIBLE APPROACH

The masterplan design process was underpinned by the previously described assumptions and the assessment process presented through Chapter 3. Four options were considered for the delivery of development on the Council's land and the BDV land. Each option tested a different solution to deliver a connection to the Western Gateway.

The options are briefly described opposite and a more detailed explanation of the design process associated with each option is described through this section.

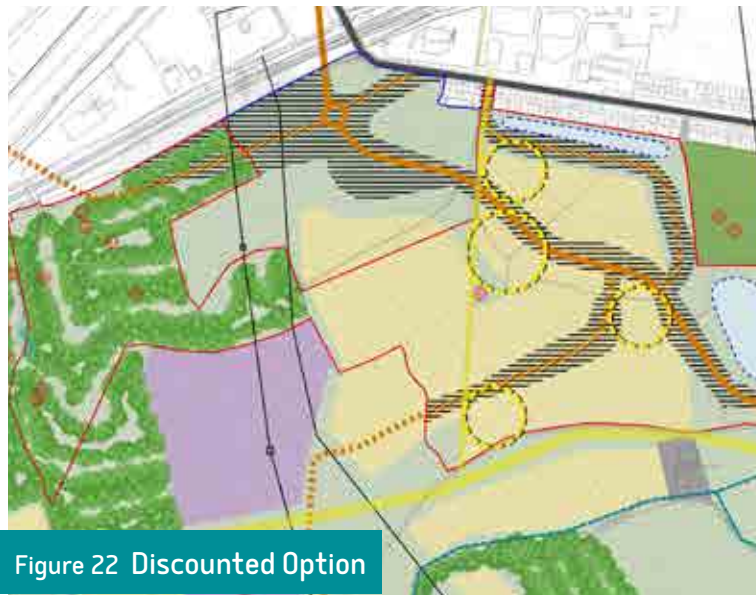


Figure 22 Discounted Option

- » **Discounted Option: Strategic road running through the middle of the site (and connecting to the NR roundabout)** - an option was explored that placed the strategic road centrally within the Council's land, following the line of an existing contour to minimise the amount of earthworks required. This option created ineffective development areas and was discounted.

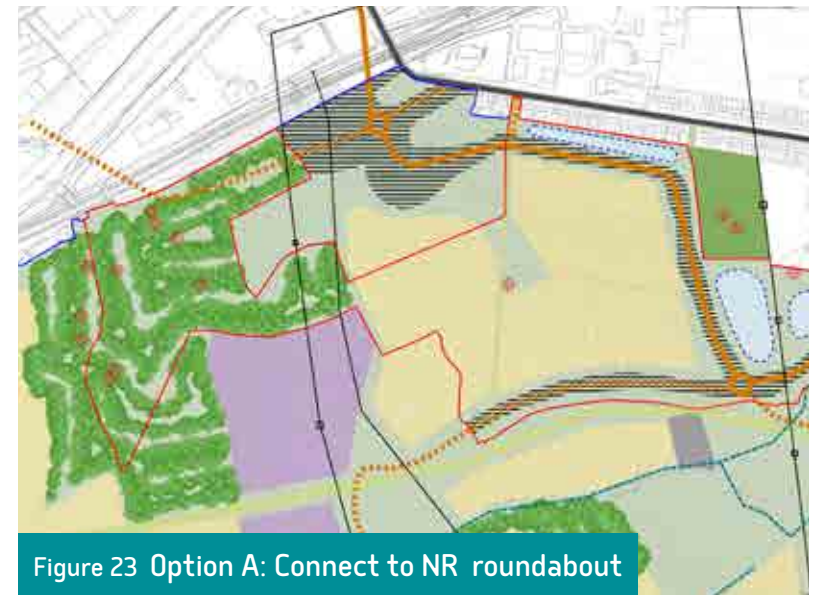


Figure 23 Option A: Connect to NR roundabout

- » **Option A - Connect to NR roundabout** - options were explored which pushed the strategic route north towards the alignment of the original cabinet approved masterplan connecting with the baseline roundabout. The approach taken was to run the road along a route that had less topographical variation.



Figure 24 Option B: Replace NR roundabout with a staggered junction

- » Option B: Replace NR roundabout with a staggered junction - options were explored to re-design the Western Gateway in favour of a staggered junction.



Figure 25 Option C: Replace NR roundabout with a T-junction

- » Option C: Replace NR roundabout with a T-junction- options were explored to re-design the Western Gateway in favour of a T-junction. This included the potential replacement for the Ravensthorpe Road link.

4.1.1. Discounted Option: Connecting to the NR roundabout (strategic road running through the middle of the site)

The approach was to run the strategic road along the 67m AOD contour between the Central Roundabout and the Western Gateway.

The combination of the wide road (7.3m carriageway) and the significant topographical challenge mean this option would require earthworks along the length of the route and at the point of connection with the Western Gateway. Whilst the various options looked to minimise earthworks, it was a consistent challenge, particularly when connecting to the Western Gateway.

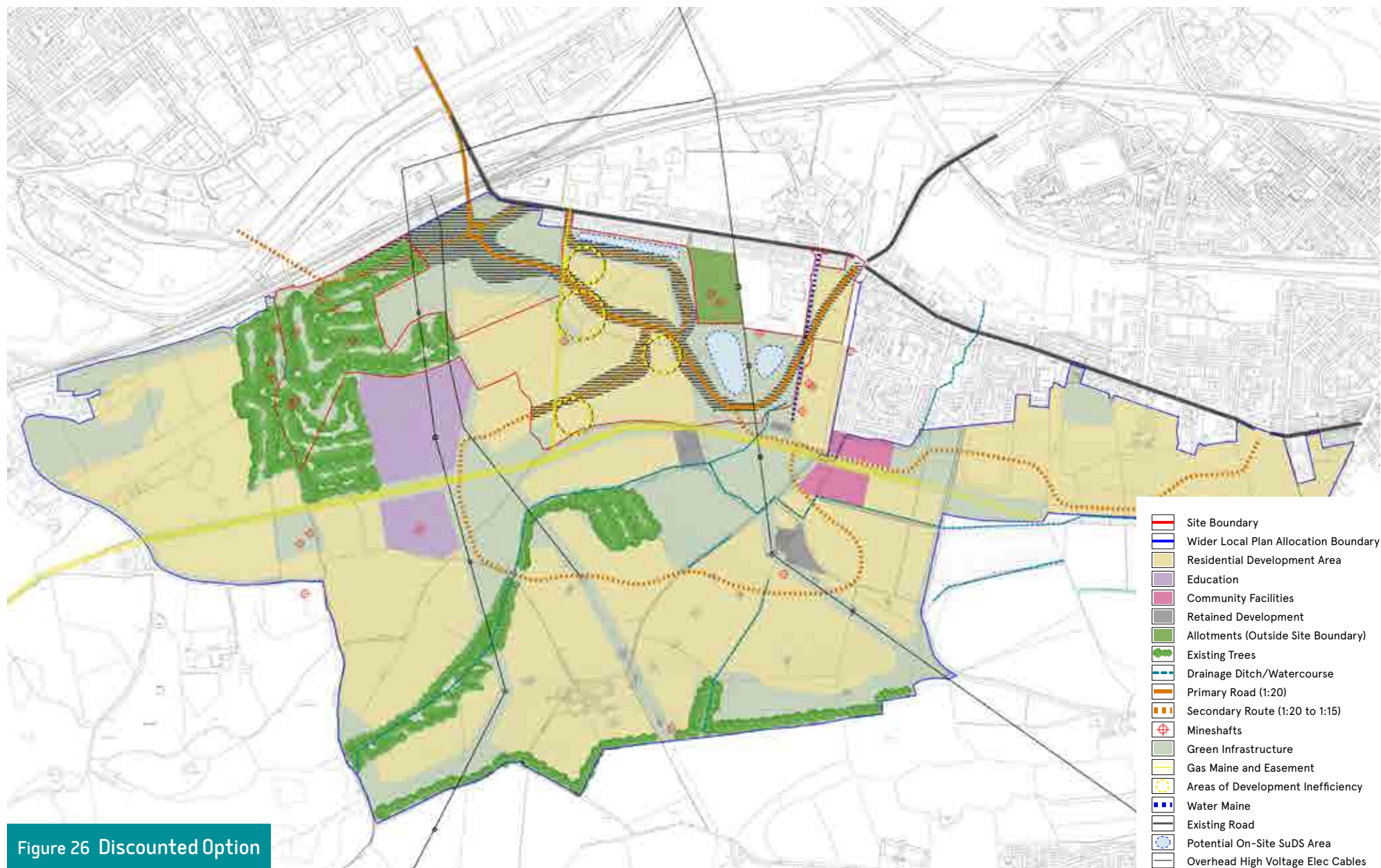
The masterplan options set the roundabout at a level of 58m AOD. This means the central strategic route would have to work very hard to get down to the new roundabout and would need to be cut through the hill adjacent to the Western Gateway. The amount of cut required to connect to the Western Gateway measured between 8-10 meters.

The initial options placed the strategic road in the optimum position to minimise the amount of earthworks required. From a placemaking/ masterplanning perspective, this option worked relatively well. However, more detailed road modelling identified the need to shift the positioning of the strategic road (and secondary routes) to deliver the required 1:20 gradients, whilst also avoiding the pressured gas main. This relatively minor alteration in the road position resulted in several areas of inefficiency within the potential developable area.

The inefficiencies resulting from the revised road position meant this option must now be discounted.



| Cut/Fill Table |                |              |             |
|----------------|----------------|--------------|-------------|
| Number         | Range From [m] | Range To [m] | Colour      |
| 1              | -12.000        | -10.000      | Dark Red    |
| 2              | -10.000        | -8.000       | Red         |
| 3              | -8.000         | -6.000       | Orange      |
| 4              | -6.000         | -4.000       | Yellow      |
| 5              | -4.000         | -2.000       | Light Green |
| 6              | -2.000         | 0.000        | Light Blue  |
| 7              | 0.000          | 2.000        | Dark Blue   |
| 8              | 2.000          | 4.000        | Purple      |



4.1.2. Option A: Connect with the NR roundabout (strategic road running to the north of the site)

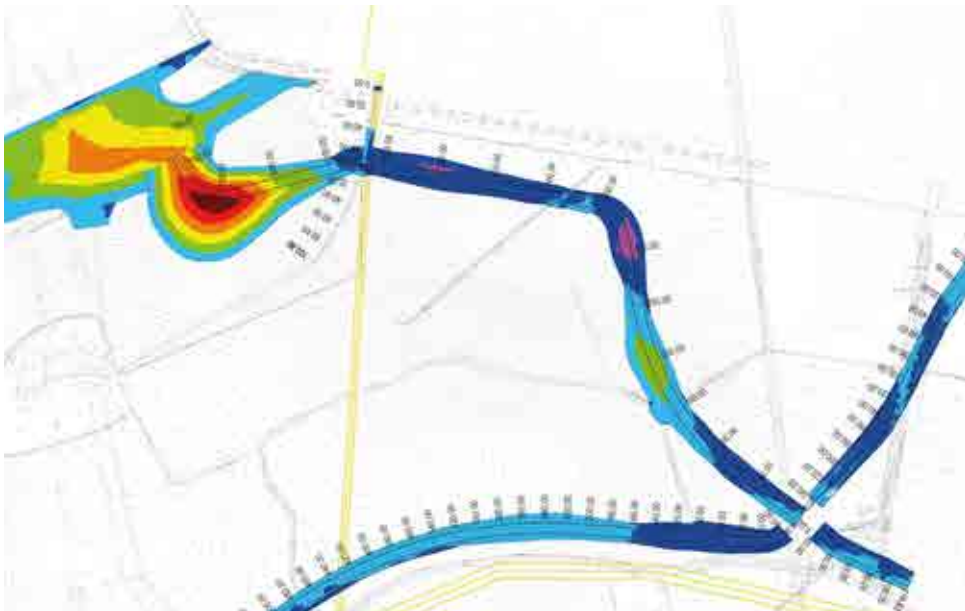
This option placed the strategic road along the northern boundary of the Council’s land, parallel to existing housing served off Ravensthorpe Road and the proposed allotments.

This route avoids the steeper area of the site which reduces the amount of earthworks required along the length of the road. There is the potential, therefore, for the road to be designed / seem less significant to the pedestrian.

The strategic road and the strategic loop road will be required to accommodate a bus route. This means the road gradient should be no steeper than 1:15 and preferably no steeper than 1:20 along the central strategic road. All other residential streets can be steeper at 1:10. With this in mind, this option places the strategic road network at the edge of the Council’s land, in areas that have less topography and where there is less conflict with the pressured gas mains. The core of the Council’s land can then deliver 1:10 residential streets which is considerably more efficient and will enhance the place making qualities of the Council’s land.

Again, this masterplan option sets the roundabout at a level of 58m AOD and the central strategic route would have to work very hard to get down to the new roundabout. The amount of cut required to connect to the Western Gateway was between 10-12 meters, which is slightly more than the Discounted Option.

**Whilst the amount of cut needed to connect this option to the Western Gateway is slightly more than the Discounted Option., this option is far superior in terms of its wider placemaking and development efficiency potential. The cut associated with both options adjacent to the Western Gateway will be very expensive and significantly impact on the development potential of the BDV land. Moreover, the delivery of housing adjacent to such significant earthworks is questionable form a placemaking perspective.**



| Cut/Fill Table |                |              |             |
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| Number         | Range From [m] | Range To [m] | Colour      |
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| 4              | -6.000         | -4.000       | Yellow      |
| 5              | -4.000         | -2.000       | Light Green |
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| 7              | 0.000          | 2.000        | Dark Blue   |
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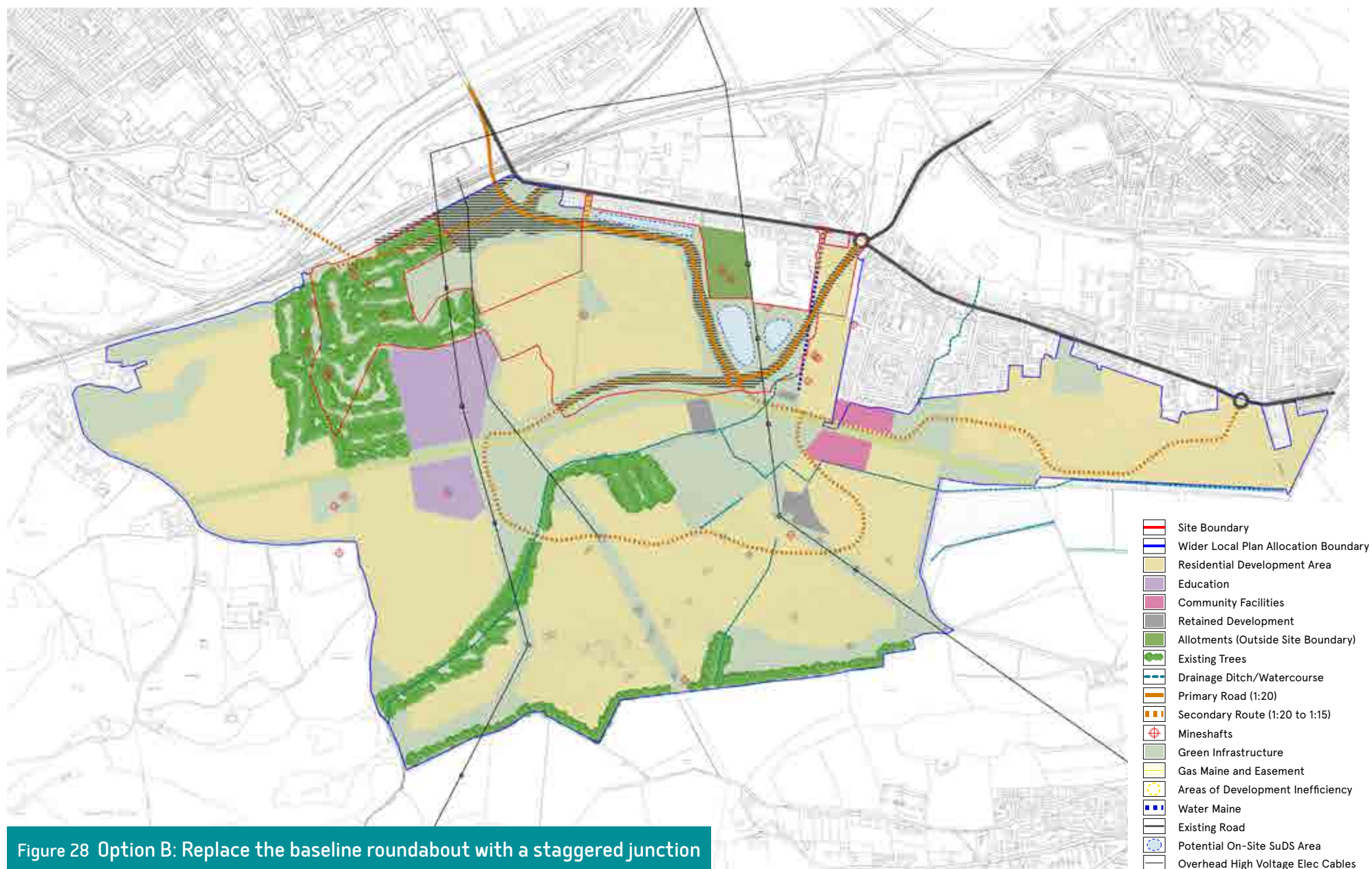
4.1.3. Option B: Replaces the NR roundabout with a staggered junction

To enhance the placemaking, economic and development potential, the option suggests redesigning the current NR roundabout in favour of a staggered junction. The staggered junction would access both Ravensthorpe Road and the proposed station drop off, as well as the proposed Calder bridge and future strategic road.

**The amount of cut required to deliver this option is notably less than both the Discounted Option and Option A.**



| Cut/Fill Table |                |              |             |
|----------------|----------------|--------------|-------------|
| Number         | Range From [m] | Range To [m] | Colour      |
| 1              | -12.000        | -10.000      | Dark Red    |
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| 5              | -4.000         | -2.000       | Light Green |
| 6              | -2.000         | 0.000        | Light Blue  |
| 7              | 0.000          | 2.000        | Dark Blue   |
| 8              | 2.000          | 4.000        | Purple      |



Option C: Replace the NR roundabout with a T-junction

To further reduce the level of earthworks, this option provides a T-junction, connecting with the station drop off only. The Ravensthorpe Spur is removed and replaced with a foot/ cycle path. Secondary vehicle access to Ravensthorpe Road can be secured by the ‘agricultural’ access to the east of the Western Gateway.

The removal of the Ravensthorpe Spur, while a radial suggestion, means the level of the junction can be raised slightly. This results in a significant reduction in the amount of cut associated with the proposed highway, including the station drop off. Figure 32 and 33 provides a comparison of the earthworks needed for Option B and C. Note, the level of cut required to deliver the station drop off and T-junction is significantly less than the staggered junction arrangement (and more so the NR roundabout arrangement).

**The amount of cut (and associated costs) required to deliver this option is notably less than all other options. The removal of the Ravensthorpe Spur would require further modelling information and discussion with the Roads Authority.**

| Cut/Fill Table |                |              |             |
|----------------|----------------|--------------|-------------|
| Number         | Range From [m] | Range To [m] | Colour      |
| 1              | -12.000        | -10.000      | Dark Red    |
| 2              | -10.000        | -8.000       | Red         |
| 3              | -8.000         | -6.000       | Orange      |
| 4              | -6.000         | -4.000       | Yellow      |
| 5              | -4.000         | -2.000       | Light Green |
| 6              | -2.000         | 0.000        | Blue        |
| 7              | 0.000          | 2.000        | Dark Blue   |
| 8              | 2.000          | 4.000        | Purple      |

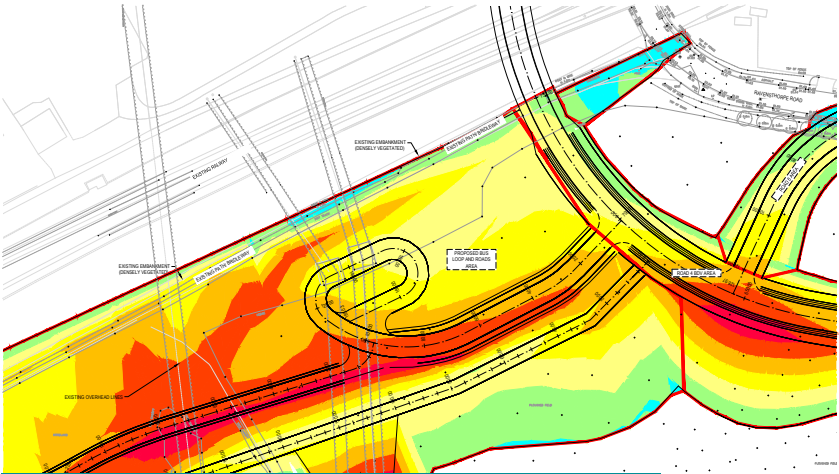


Figure 29 Option B: Staggered junction cut and fill

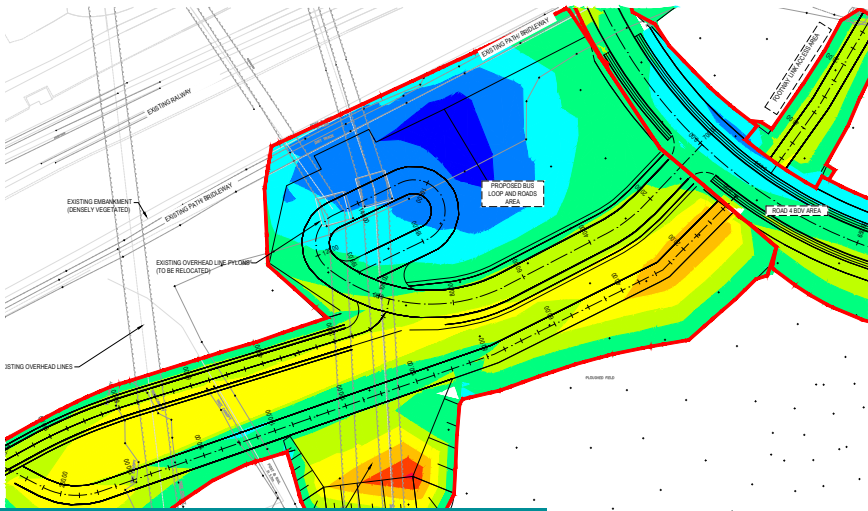
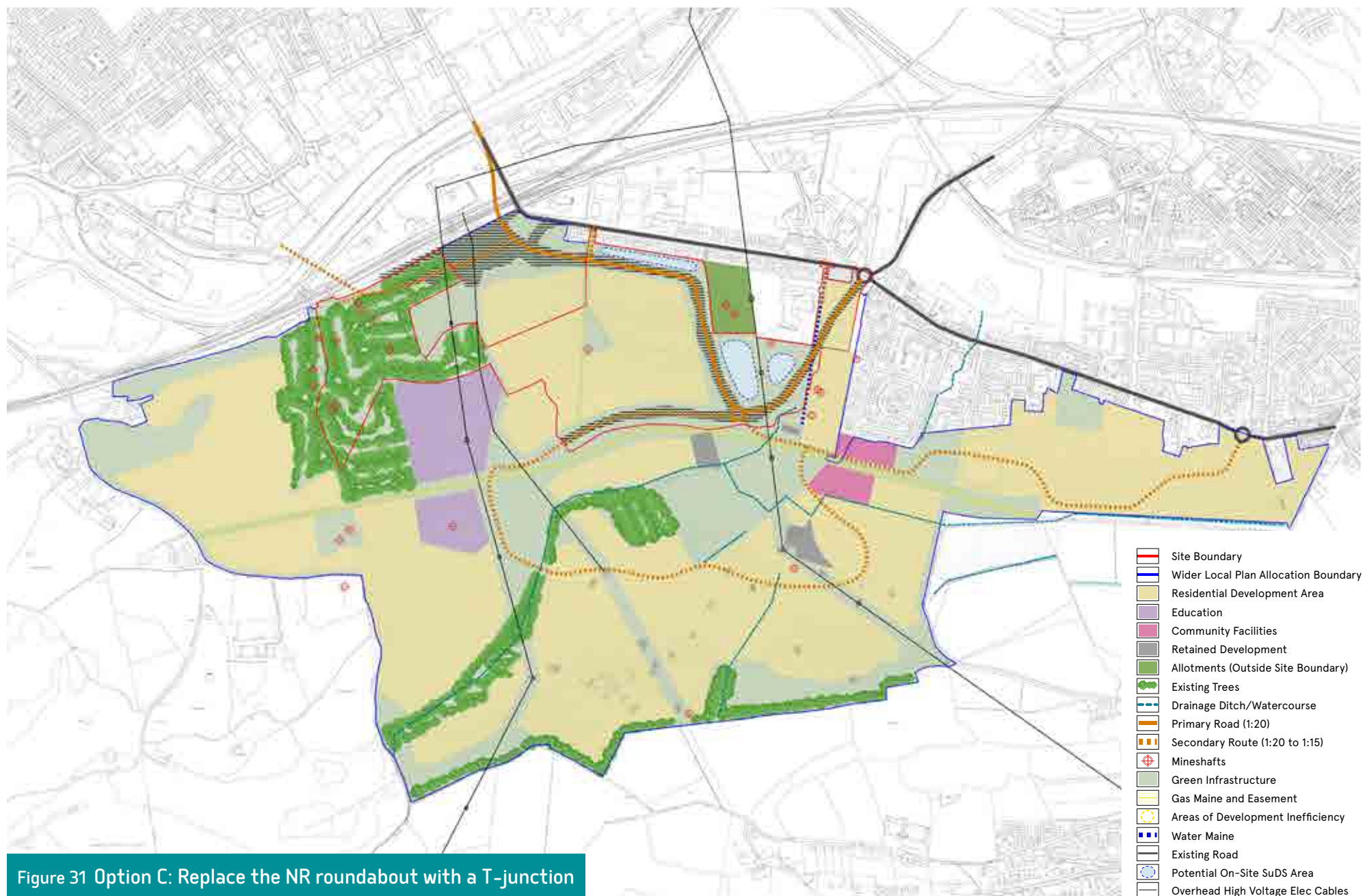


Figure 30 Option C: T-junction cut and fill



# 5 CASE FOR NETWORK RAIL AND COSTED OPTIONS

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## 5.1. OPTIONS

This chapter presents a case for NR to evolve the design of the Western Gateway to achieve the following objectives:

- » Significantly reduce the cost associated with the required NR proposals.
- » Significantly reduce the cost associated with delivering the required road which connects the NR proposals with the Dewsbury Riverside allocation.
- » Increase the residential developable area within the BDV land.
- » Enhance the setting for future residential development.

To demonstrate the benefits of evolving the design of the Western Gateway, this chapter covers:

- » Overview of the NR baseline proposal from an engineering and cost perspective. This includes an understanding of the cost associated with the roundabout, the Ravensthorpe Spur and the station drop-off. Additional design material would be needed to provide detailed costs for the bridge.
- » Masterplan option which provides a new connection to the NR roundabout. This includes an overview of the

required engineering works and associated costs, and the implications on future residential development.

- » Masterplan option which replaces the baseline roundabout with a staggered junction or a T-junction. This also includes an overview of the required engineering works and associated costs, and the implications on future residential development.

### 5.1.1. Overview of NR Baseline Proposal

NR has provided draft plans which show design information for the baseline roundabout (see Appendix 5). The Western Gateway/ NR roundabout comprises:

- » **Ravensthorpe Station:** Relocated Ravensthorpe Station.
- » **Calder Road Bridge:** New bridge to provide adequate clearance over the upgraded railway.
- » **Three-armed roundabout:** Connecting the new bridge with a proposed station drop off, and Ravensthorpe Road.
- » **Station drop-off:** Improved station forecourt/bus drop off and three blue badge parking spaces.
- » **Ravensthorpe Spur:** Road connection from the NR roundabout to Ravensthorpe Road.

### Review of Available Information

The draft plans provided by NR contain levels information relative to the roundabout and main roads, however, no levels data is available for minor roads or the station drop-off. Levels in these areas have been assumed.

Some design details have been provided for the proposed Calder Road Bridge. However, further design development would be required to allow meaningful market testing of the bridge.

NR has confirmed the proposed roundabout level is 57.8m AOD. The amount of cut required to deliver the roundabout measures up to 6 meters.

### Costs

Based on the information provided by NR, Turner and Townsend has provided a budget estimate, which includes costs relating to the NR roundabout.

Figure 35 opposite shows the components of the NR roundabout. The cost associated with each component are as follows:

- » **NR baseline roundabout:** £3,429,324
- » **Ravensthorpe Road Spur:** £451,072
- » **Station drop-off:** £793,236
- » **Calder Road Bridge Replacement:** Not covered but a constant across all potential options.

### Additional Infrastructure Requirements

The following additional infrastructure components to the Western Gateway are necessary to facilitate the delivery of the Dewsbury Riverside allocation:

- » South-eastern road connection to the allocation (either by a 4th arm to the roundabout or via an alternative junction arrangement.
- » Western road connection which extends a road from the proposed station drop off to a future bridge spanning the River Calder and connecting the allocation with Lock Way.

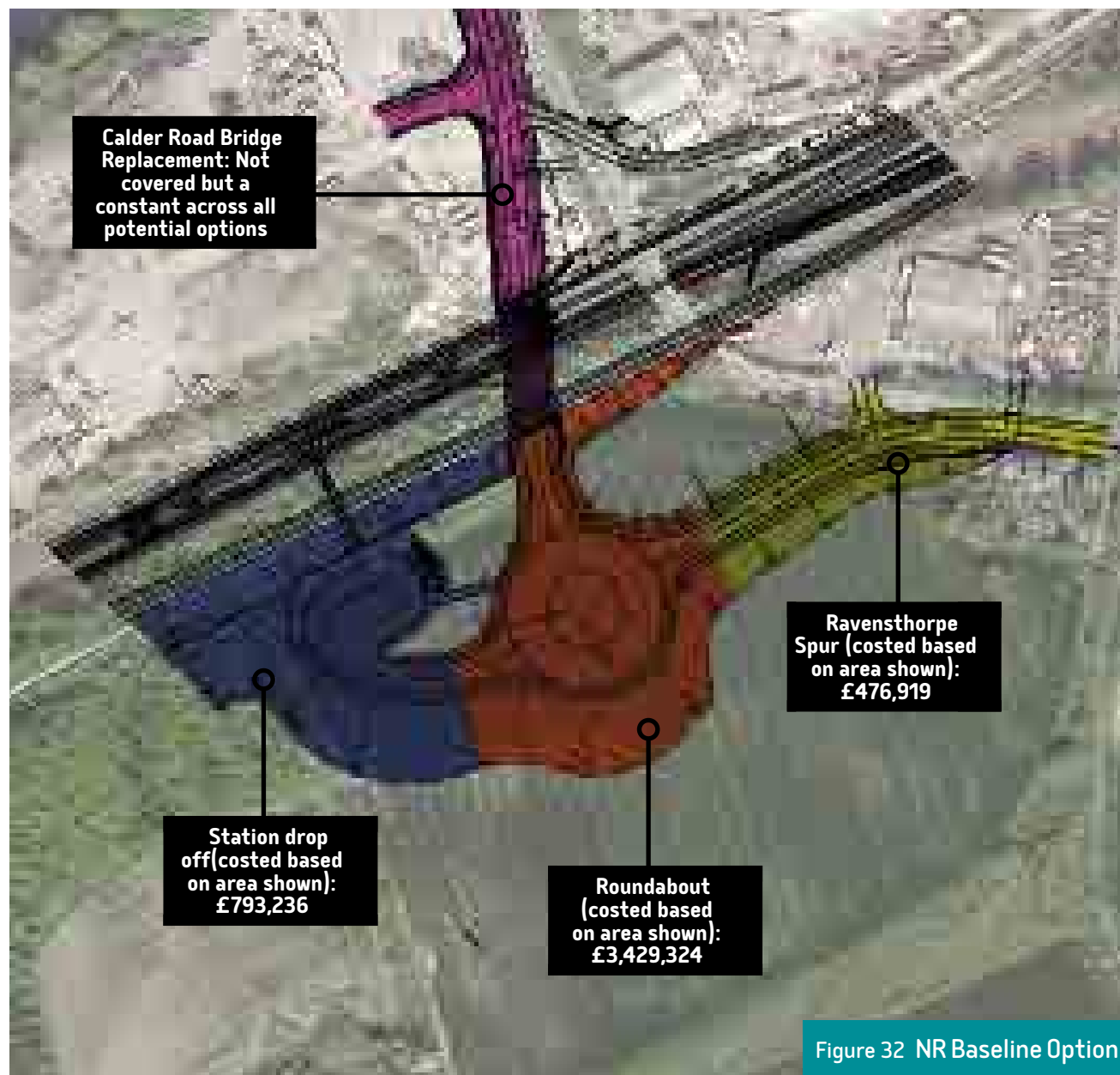


Figure 32 NR Baseline Option

5.1.2. Costed Option A: Masterplan which provides a new connection to the NR roundabout.

The masterplan opposite shows a 4th arm connection to the NR roundabout, connecting to a new strategic road serving the allocation.

Review

- » NR roundabout retained.
- » Cut associated with the NR roundabout is c.6m
- » Provision of new 4th arm to the roundabout, connecting to a new 1:20 strategic road.
- » Significant cut associated with connecting to the roundabout at 10–12m.
- » Strategic road to run parallel to the northern boundary
- » Strategic loop road to run parallel to the Council land south-eastern boundary (1:15 bus route)
- » Surface water drainage to be provided in accordance with section 3.1.2 of this report.
- » Levels of cut impact on the developable area of the BDV land and compromise the setting for future residential development.
- » Requirement to provide western road connection which extends a road from the proposed station drop off to a future bridge spanning the River Calder and connecting the allocation with Lock Way.

Road Costings

- » NR roundabout: £3,429,324
- » Ravensthorpe Spur: £451,072
- » Strategic Road: £5,060,380
- » Station drop-off: £793,236
- » Calder Road Bridge Replacement: Not covered but constant across all potential options
- » Overall costs: £9,734,011 (not including the station drop off and Calder Road Bridge replacement)

Development Potential

- » Development area within Council land: c.10ha
- » Development capacity within Council land (35dph): c.350
- » Development area within BDV land: c.1.8ha
- » Development capacity within BDV land (35dph): c.63



Figure 33 Costed Option A: Masterplan option which provides a new connection to the NR roundabout.

5.1.3. Costed Option B: Masterplan which replaces the NR roundabout with a staggered junction

The masterplan opposite shows the NR roundabout replaced with a staggered junction, connecting to Raventhorpe Road, the station drop off and the proposed strategic road serving the allocation.

Review

- » NR baseline roundabout to become a staggered junction
- » Cut associated with the staggered junction is 4-6m (similar to the NR baseline roundabout)
- » Strategic road to connect directly to the staggered junction, meaning no additional cut required. Significant reduction in cut by 10m-12m
- » Strategic road to run parallel to the northern boundary
- » Strategic loop road to run parallel to the Council’s south-eastern boundary (1:15 bus route)
- » Surface water drainage to be provided in accordance with section 3.1.2 of this report
- » Increased developable area within BDV land
- » Enhanced setting for new residential development through the significant reduction in earthworks.
- » Requirement to provide western road connection which extends a road from the proposed station drop off to a future bridge spanning the River Calder and connecting the allocation with Lock Way.

Road Costings

- » Staggered junction: £3,437,498
- » Ravensthorpe Spur: £304,709
- » Strategic Road: £2,118,502
- » Station drop-off: £793,236
- » Calder Road Bridge Replacement: No covered but constant across all potential options
- » Overall costs: £6,653,944 (not including the Calder Road Bridge Replacement)

Development Potential

- » Development area within Council land: c.10ha
- » Development capacity within Council land (35dph): c.350
- » Development area within BDV land: c.3ha
- » Development capacity within BDV land (35dph): c105



Figure 34 Costed Option B: Masterplan option which replaces the NR roundabout with a staggered junction

#### 5.1.4. Costed Option C: Masterplan which replaces the NR roundabout with a T-junction (plus footpath link to Ravensthorpe Road)

The masterplan opposite show the NR roundabout replaced with a T-junction, connecting to the station drop off and strategic road serving the allocation. Note, the 'agricultural' access would provide a secondary connection to Ravensthorpe Road.

##### Review

- » NR roundabout to become a T-junction
- » The removal of the Ravensthorpe Spur allows for the level of the junction to be increased which reduces the amount of cut required to deliver the junction and station drop-off. This aspect of Option C would need to be justified in terms of its potential impact upon the Roads network.
- » Cut associated with the T-Junction is 2m-3m (which is less than Option A and Option B).
- » Cut associated with the station drop off is generally 2m-3m. There is a small area of c.6m cut associated with the HV pylon.
- » Strategic road to connect directly to the T-junction, meaning no additional cut required. Reduction in cut by 10m-12m
- » Strategic road to run parallel to the northern boundary
- » Strategic loop road to run parallel to the Council's south-eastern boundary (1:15 bus route)
- » Surface water drainage to be provided in accordance with section 3.1.2 of this report.
- » Increased developable area within BDV land
- » Enhanced setting for new residential development through the significant reduction in earthworks
- » Requirement to provide western road connection which extends a road from the proposed station drop off to a future bridge spanning the River Calder and connecting the allocation with Lock Way.

##### Road Costings

- » T-junction: £978,791
- » Ravensthorpe Spur (foot/ cycle path only): £46,125
- » Strategic Road: £1,174,047
- » Station drop-off: £547,437
- » Calder Road Bridge Replacement: Not known but constant across all potential options
- » **Overall costs: £3,519,347 (not including the Calder Road Bridge Replacement)**

##### Development Potential

- » Development area within Council land: c.10ha
- » Development capacity within Council land (35dph): c.350
- » Development area within BDV land: c.3ha
- » Development capacity within BDV land (35dph): c105

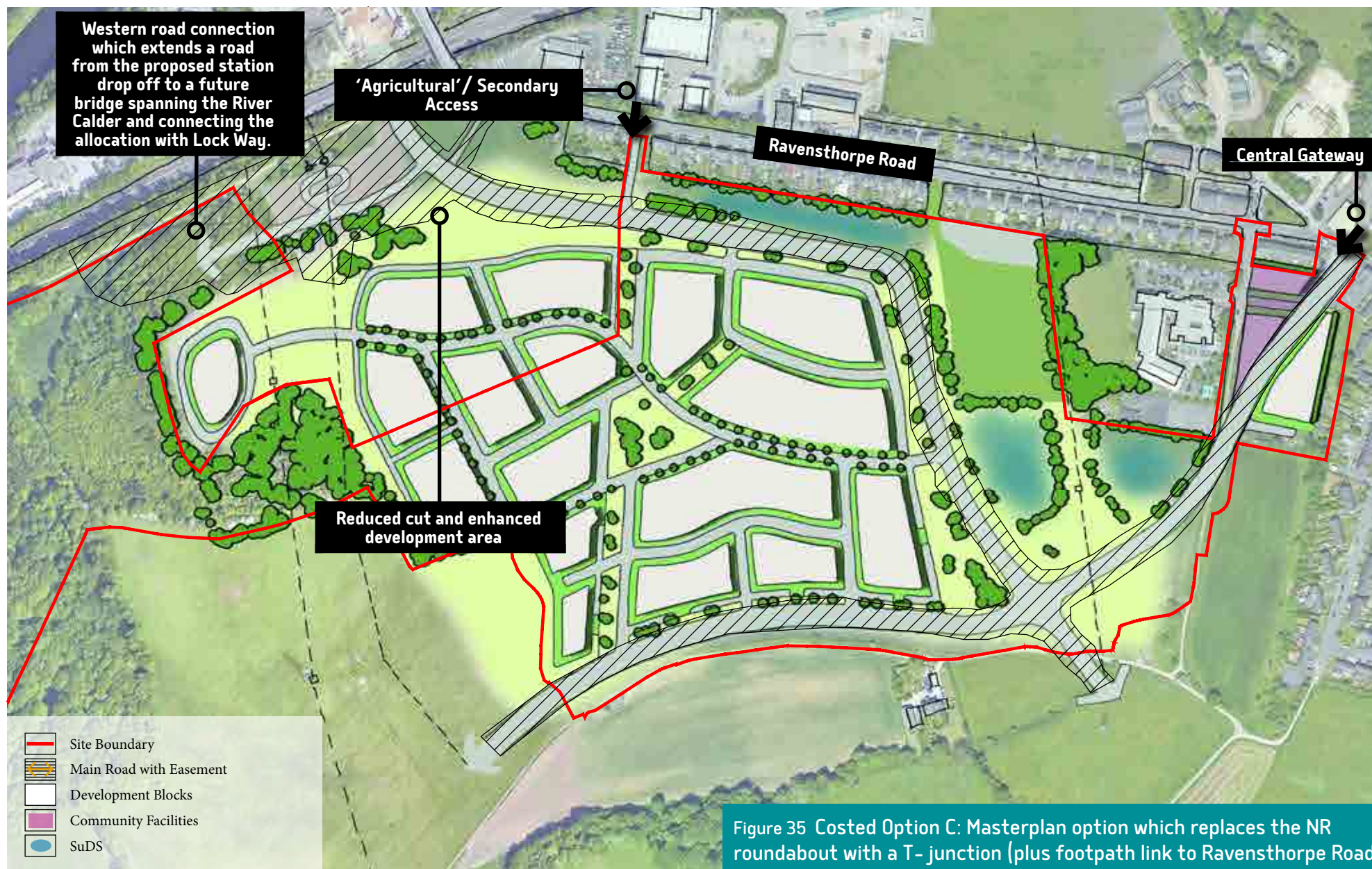


Figure 35 Costed Option C: Masterplan option which replaces the NR roundabout with a T- junction (plus footpath link to Ravensthorpe Road)

## 6 CONCLUSION AND RECOMMENDATIONS

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The design of the NR proposals at Dewsbury have not been considered alongside the requirements of the Dewsbury Riverside allocation. As a result, much of our early masterplanning work has considered how best to connect the allocation with the NR baseline roundabout, whilst also considering the potential impact of the NR proposal on the proposed residential development.

Pending a satisfactory response from the Roads Authority, the proposed development of the Council's land is capable of progression ahead of the detailed design of the NR junction. The Central Gateway junction and the 'agricultural' access would provide suitable access arrangements in the shorter term.

The team have looked at the NR proposals in some detail and this report presents the following two preferred options:

- » 4th arm connection to the NR roundabout
- » Replace NR roundabout with a staggered junction

Option C has been retained as a comparison only. In discussion with the Roads Authority there was concern that not enough modelling information existed to confirm the impact of this approach on the Roads Network.

All of these options technically can support the delivery of the allocation. However, the staggered junction and T-junction would be significantly more cost effective and enhance the development potential of the adjoining BDV land.

Kirklees Council are determined to see the most effective solution deployed. A solution that [where technically possible] benefits all landowners involved at Dewsbury Riverside and which can be delivered in the most timeous and cost-effective manner for the public purse. Kirklees advise dialogue and consensus. This report points to a potential solution that could satisfy these aims pending detailed dialogue.

The table opposite provides a summary of the costs and development potential associated with each option.

The lower costs associated with Option B, relate to the reduction in earthworks, particularly considering the presence of rock which makes 'cut' very expensive and technically challenging.

It is our recommendation that Option B, to replace the roundabout with a staggered junction, is considered in greater detail by NR and ultimately forms the basis for taking forward the Dewsbury Riverside MP up to planning submission.

Moreover, the NR design proposal must also allow for the ability to provide a further western road connection which extends a road from the proposed station drop off to a future bridge spanning the River Calder and connecting the allocation with Lock Way.

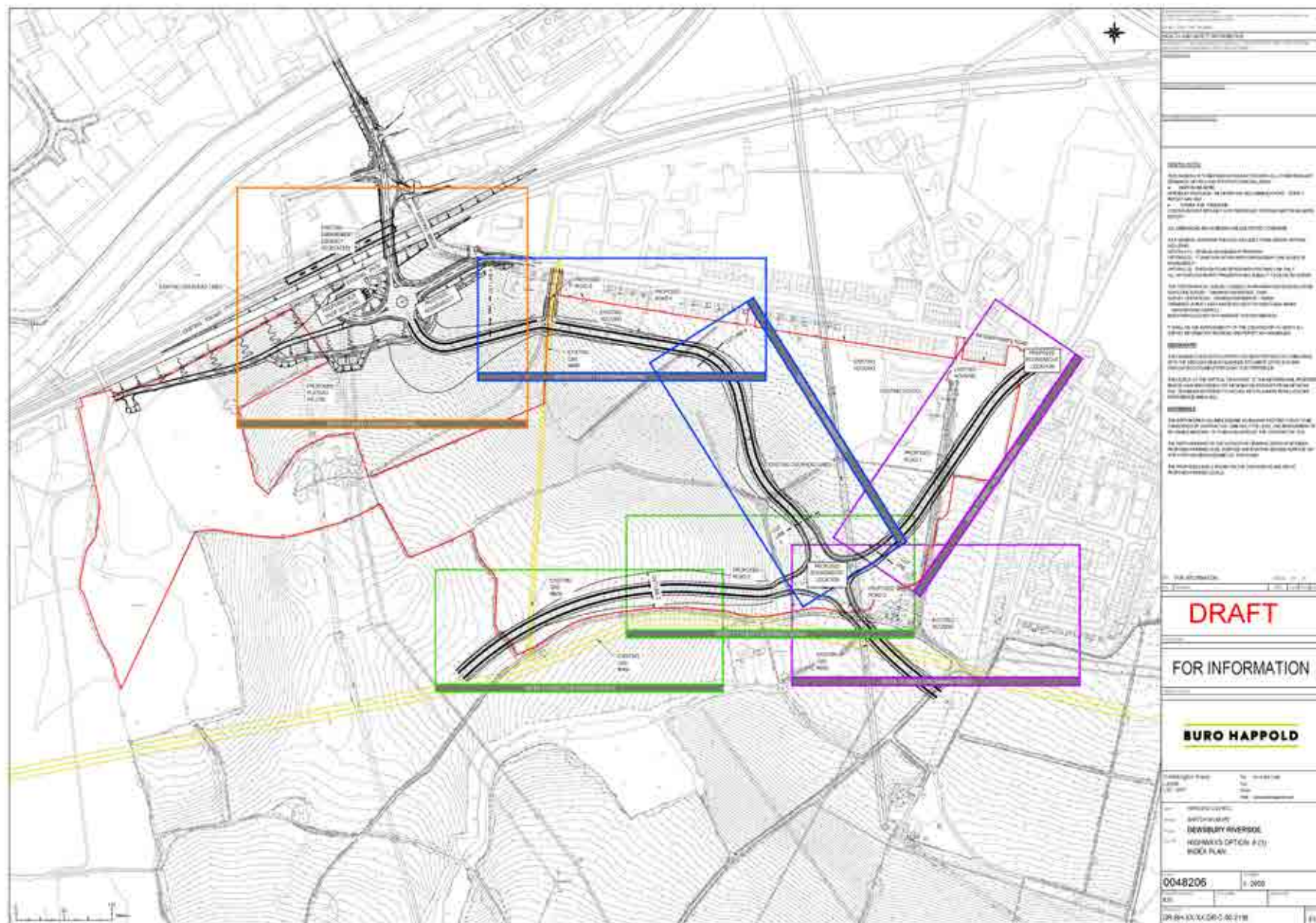
**In summary, Option B offers a cost-effective solution that could bring significant advantages for Kirklees Council, NR and potentially BDV. Given the lengthy process of negotiation that will surround the TWAO process, it is possible that this option could offer a way forward that benefits all parties**

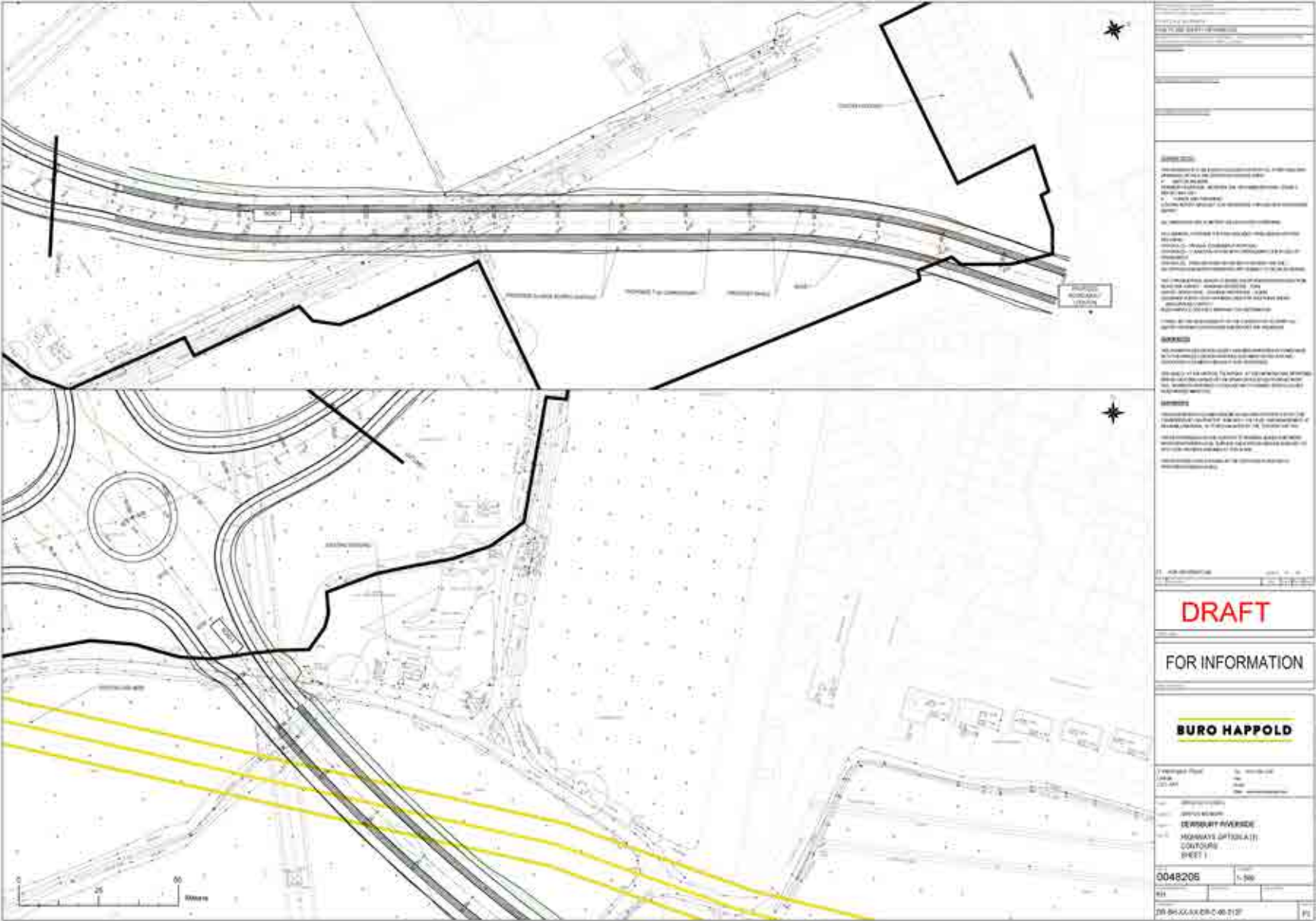
| Infrastructure Component   | NR Baseline Roundabout  | Option A (4th arm connection to NR roundabout)  | Option B (Replace NR roundabout with a staggered junction)  | Option C (Replace NR roundabout with a T-Junction)<br>For Comparison Only   |
|--|---|---|---|---|
| Junction (a) Baseline Rundabout (b) Staggered Junction (c) T-junction                      | £3,429,324  | £3,429,324  | £3,455,248  | £978,791  |
| Ravensthorpe Road Spur   | £451,072  | £451,072  | £304,709  | £46,125 (footpath connection only)  |
| Strategic Road   | -   | £5,060,380  | £2,118,502  | £1,701,195  |
| Station drop-off:  | £793,236  | £793,236  | £793,236  | £793,236  |
| Calder Road Bridge Replacement   | Not covered but constant across all potential options. Note from experience costs could be in the region of £10 million | Not covered but constant across all potential options. Note from experience costs could be in the region of £10 million | Not known but constant across all potential options. Note from experience costs could be in the region of £10 million | Not known but constant across all potential options. Note from experience costs could be in the region of £10 million |
| <b>Total Costs (not including the Station drop off and Calder Road Bridge Replacement)</b> | -   | <b>£9,734,011</b>   | <b>£6,653,944</b>   | <b>£3,519,347</b>   |

| Development Potential |  |                      |                      |                      |
|-----------------------|--|----------------------|----------------------|----------------------|
| Council Land          |  | c.10ha/ c. 350 homes | c.10ha/ c. 350 homes | c.10ha/ c. 350 homes |
| BVD Land              |  | c.1.8ha/ c.63        | c.3ha/ c105          | c.3ha/ c105          |

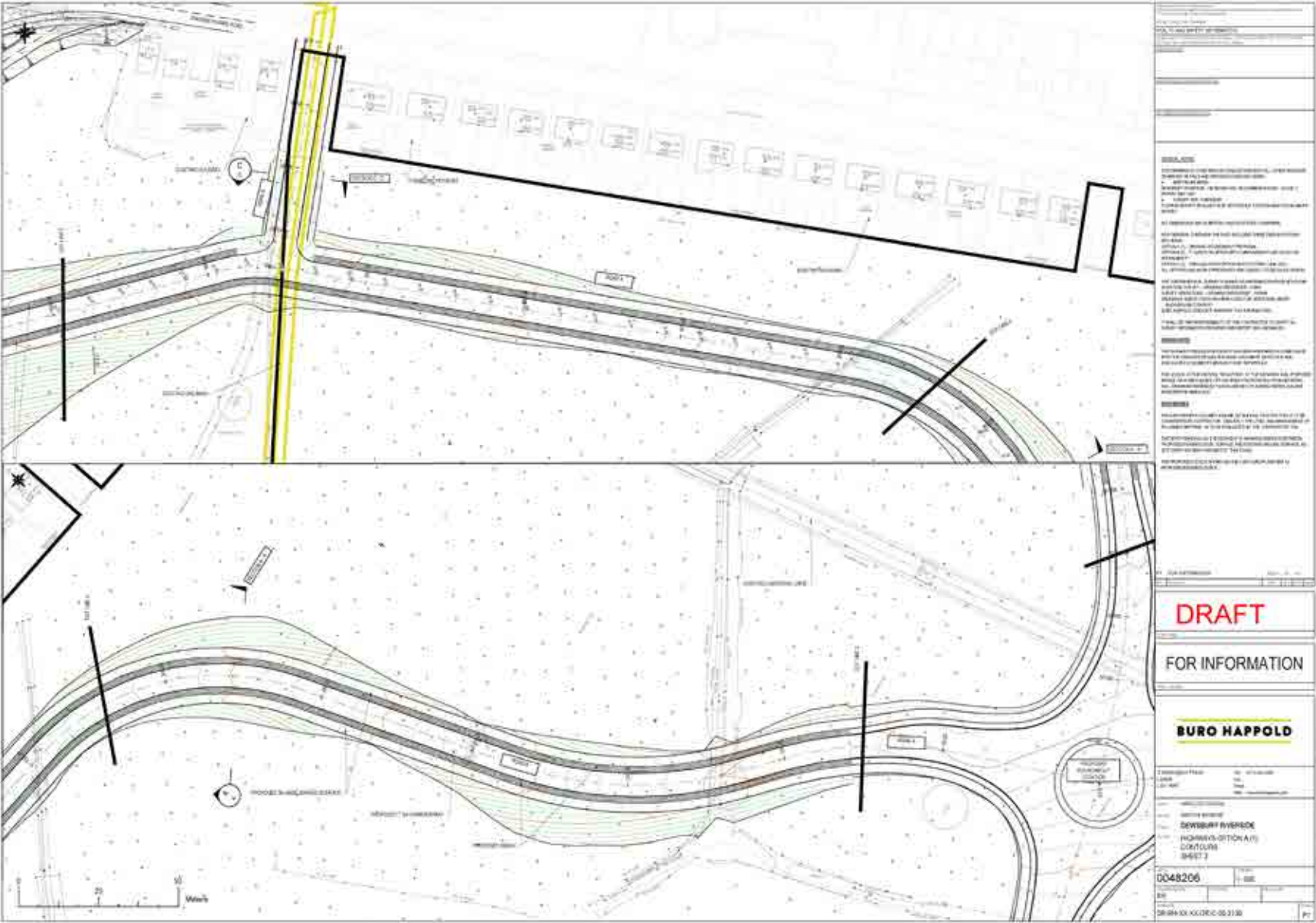
| Other Benefits |  |  |   |   |
|----------------|--|--|---|---|
|                |  |  | 10m-12m cut is not required, which provides a significant enhancement in the setting for new residential development. | Potential for improved access to BDV land |

## **7 APPENDIX 1: OPTION A (4TH ARM CONNECTION TO NR ROUNDABOUT) TECHNICAL DRAWING PACK**

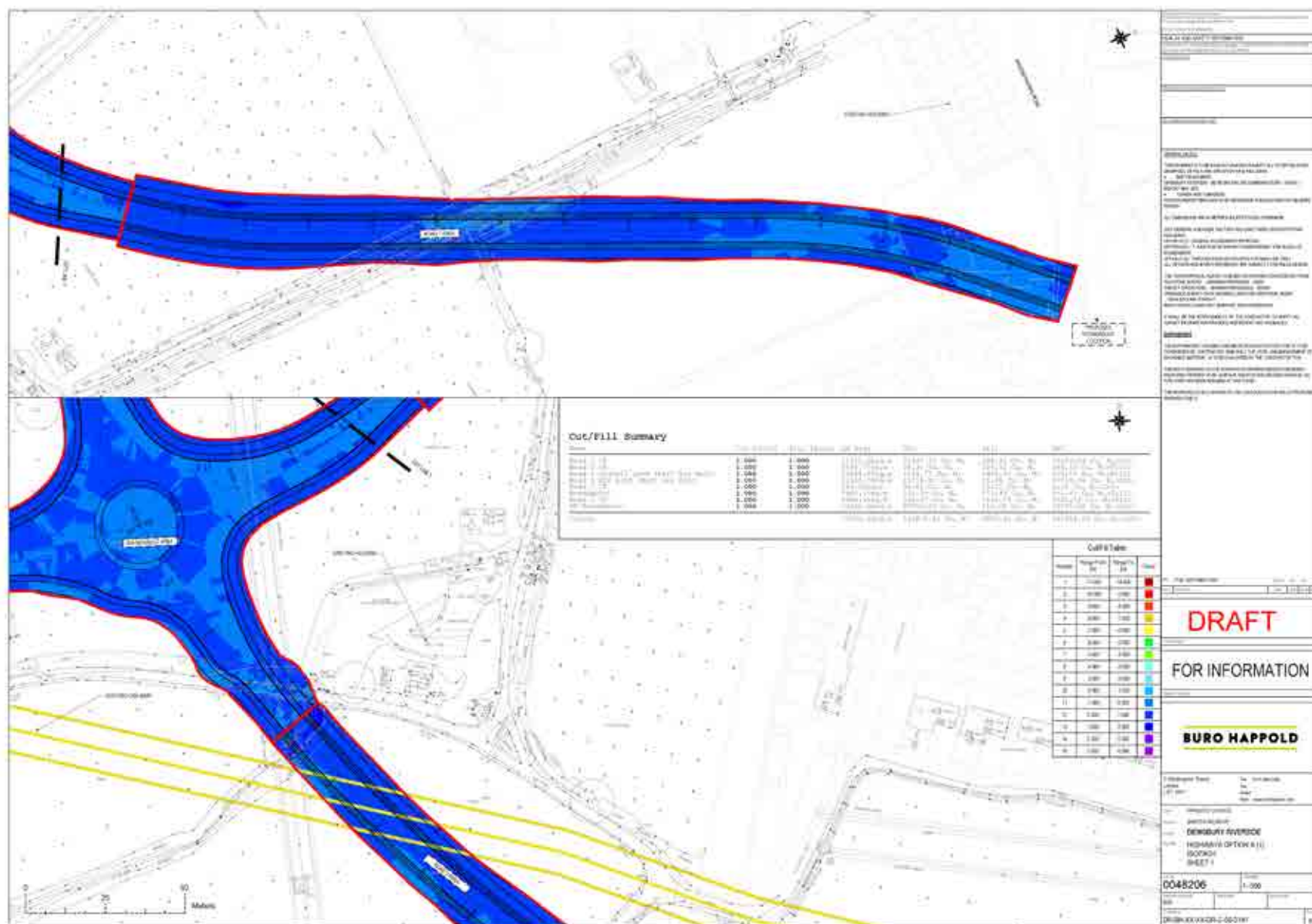




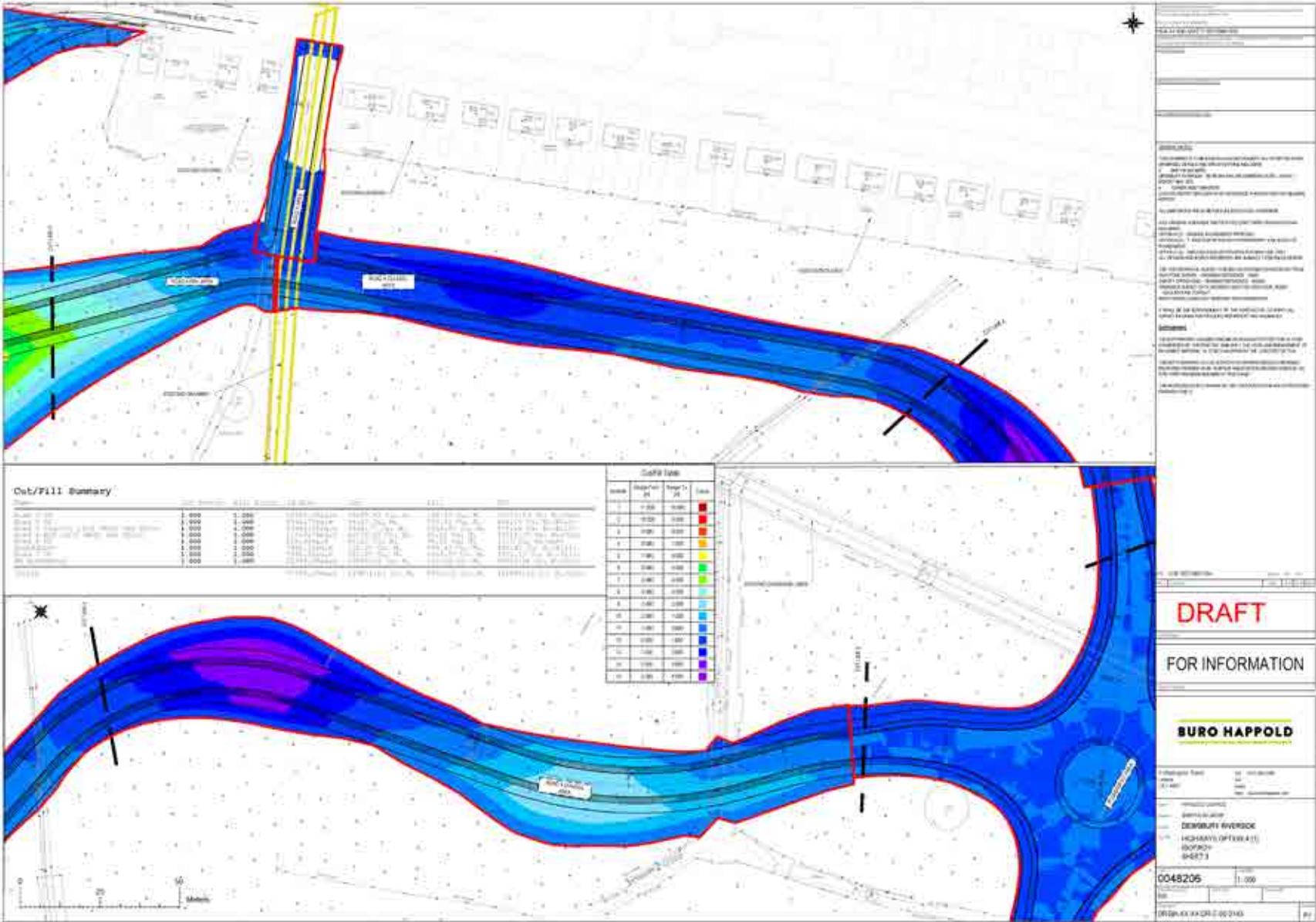


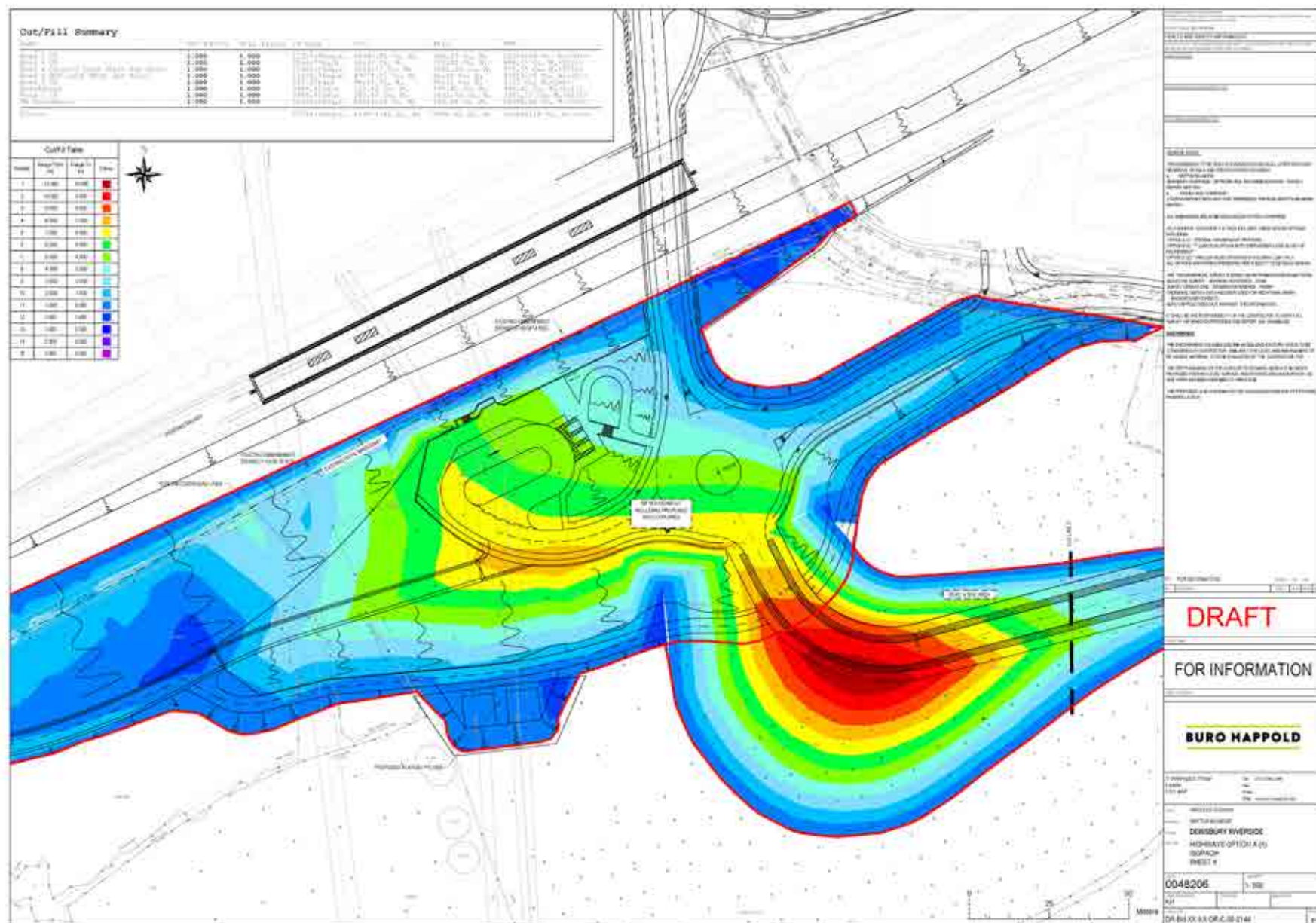


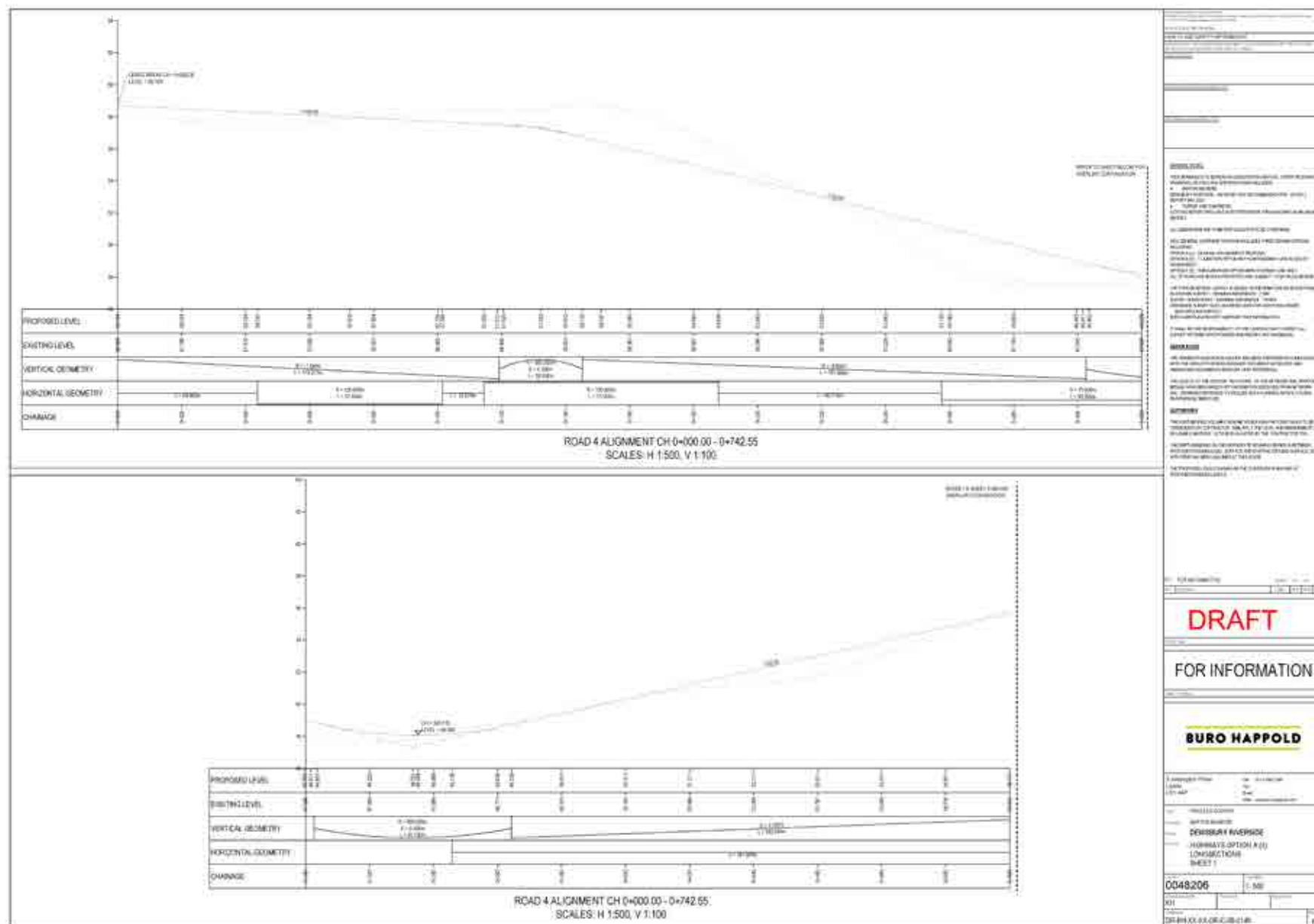


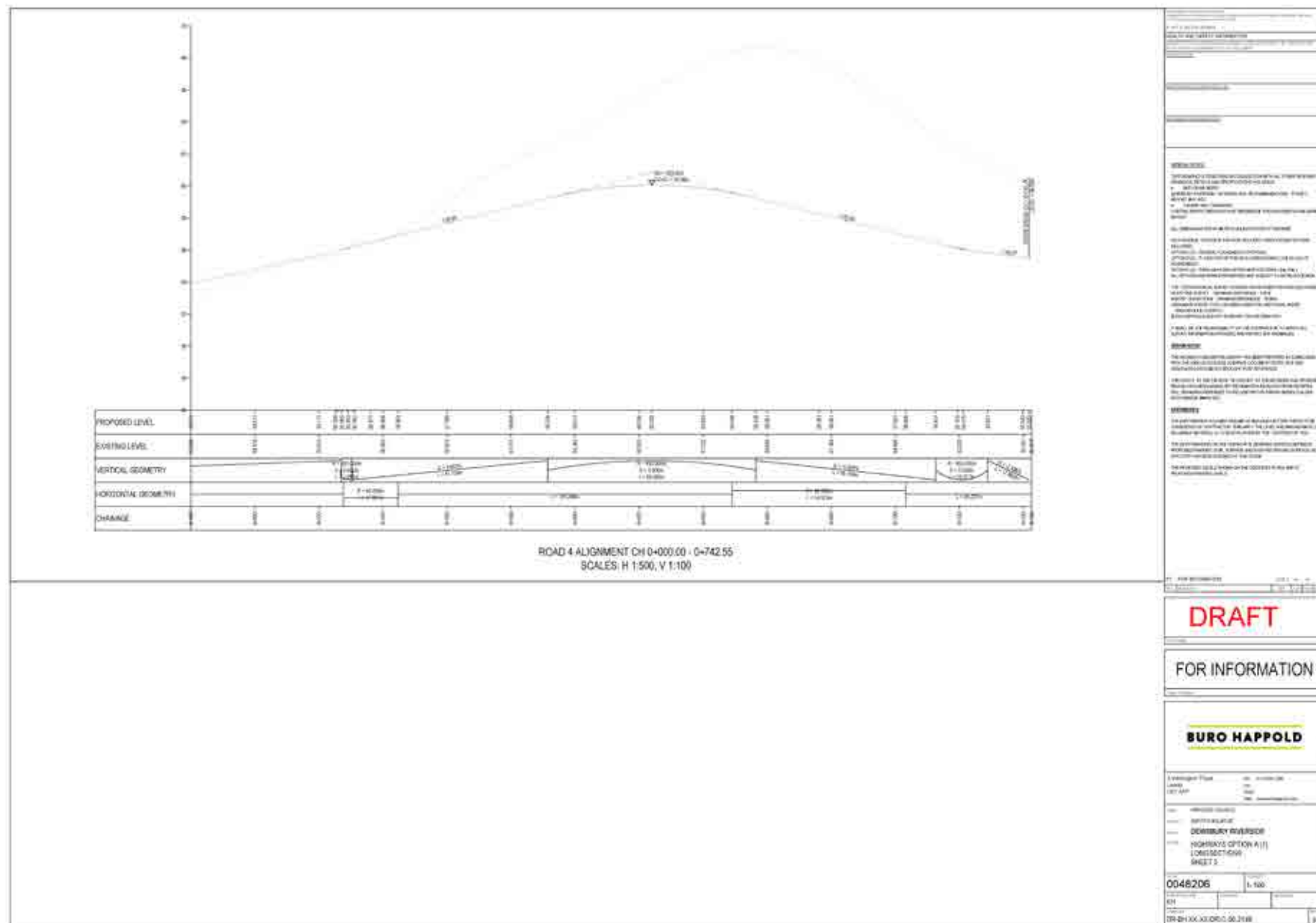


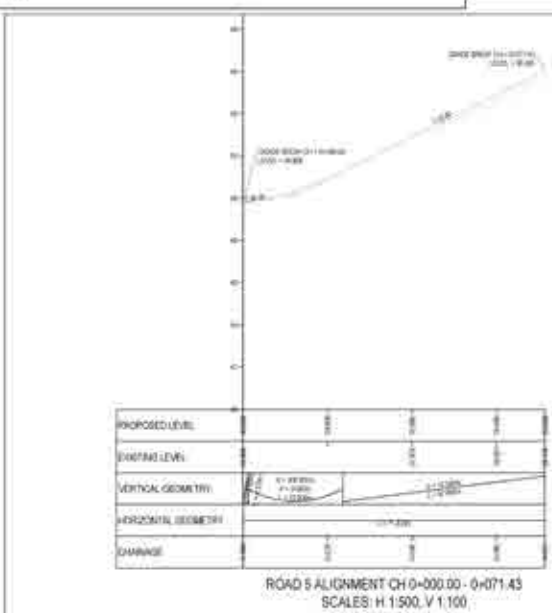
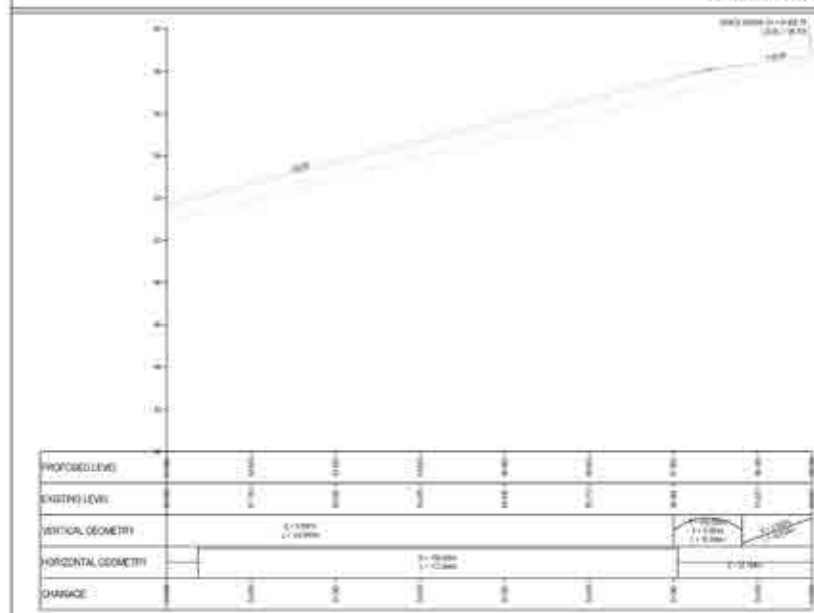
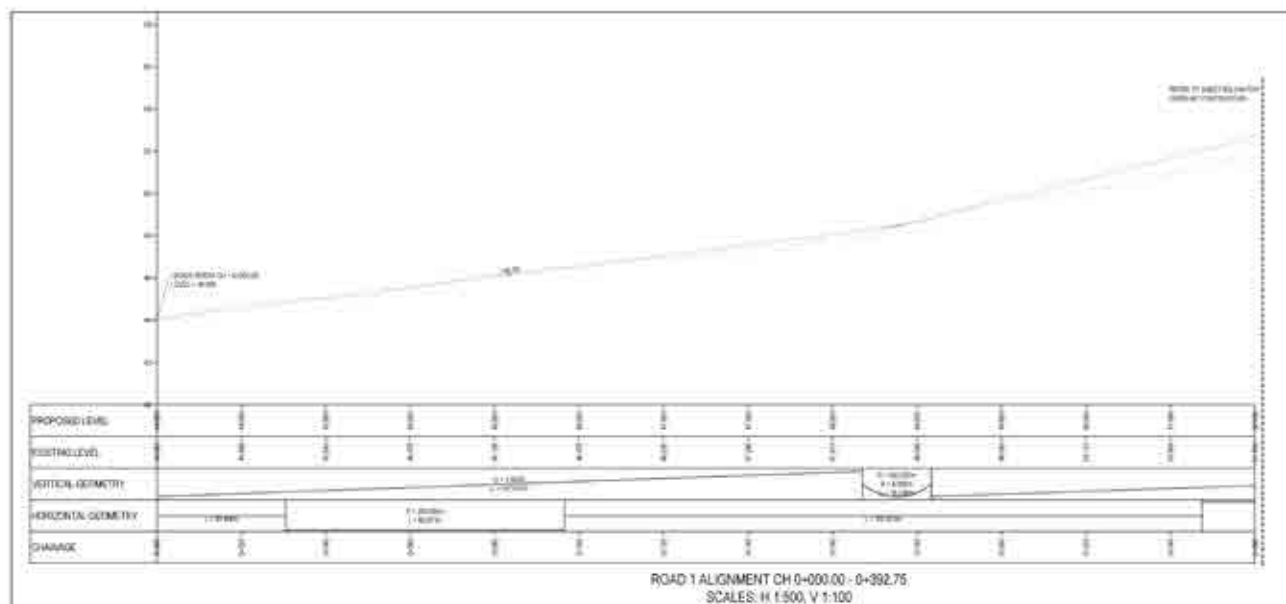


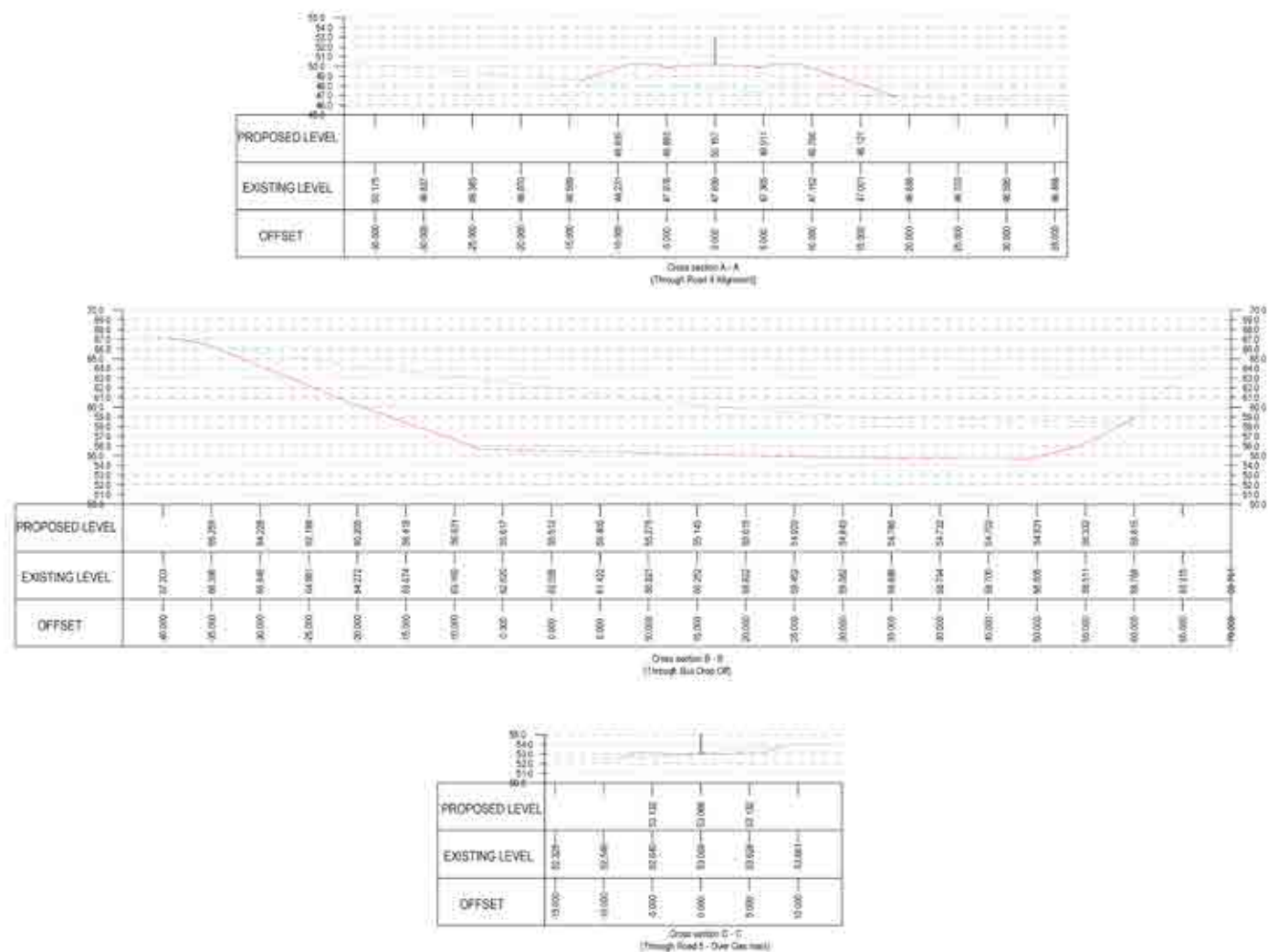








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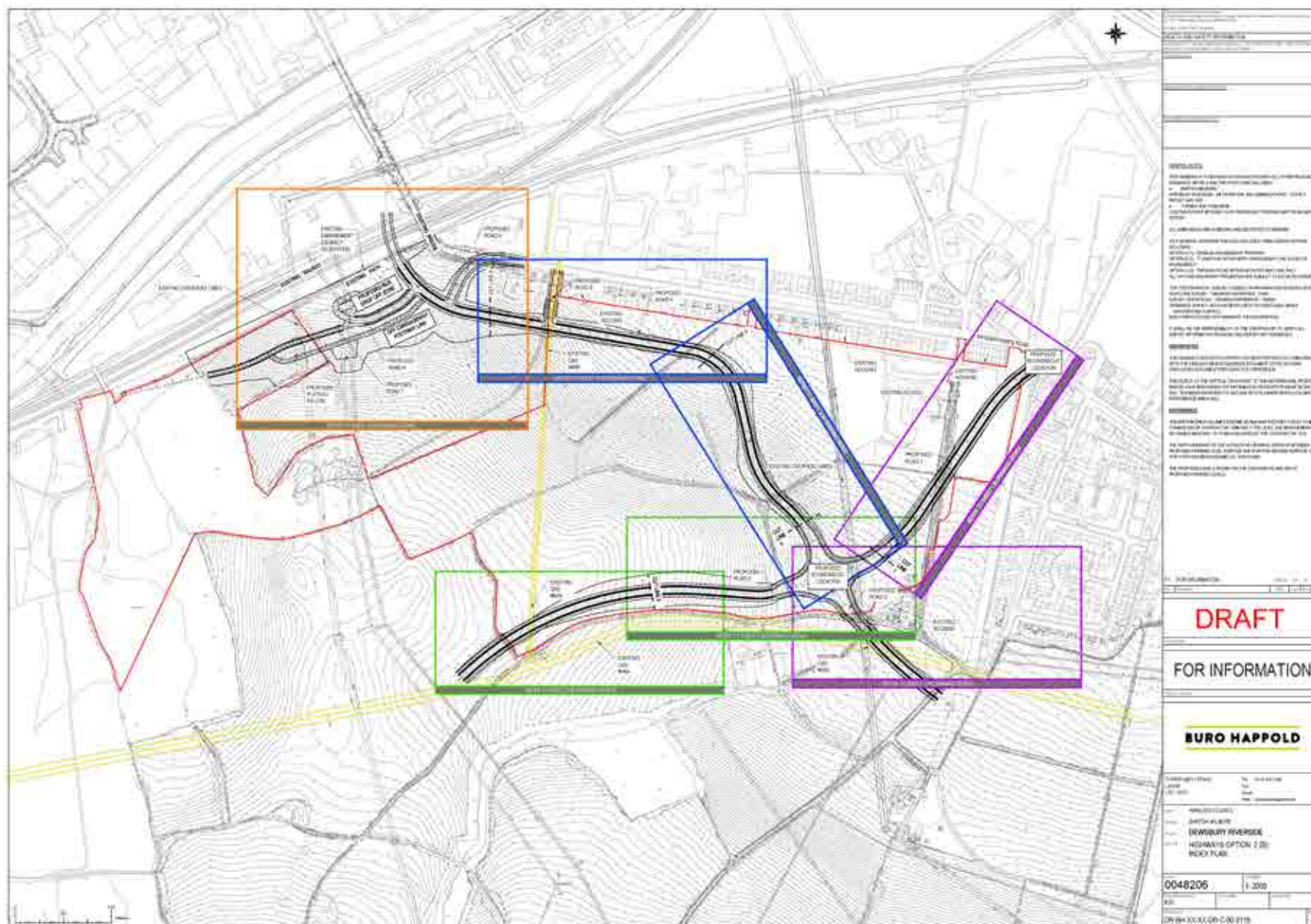
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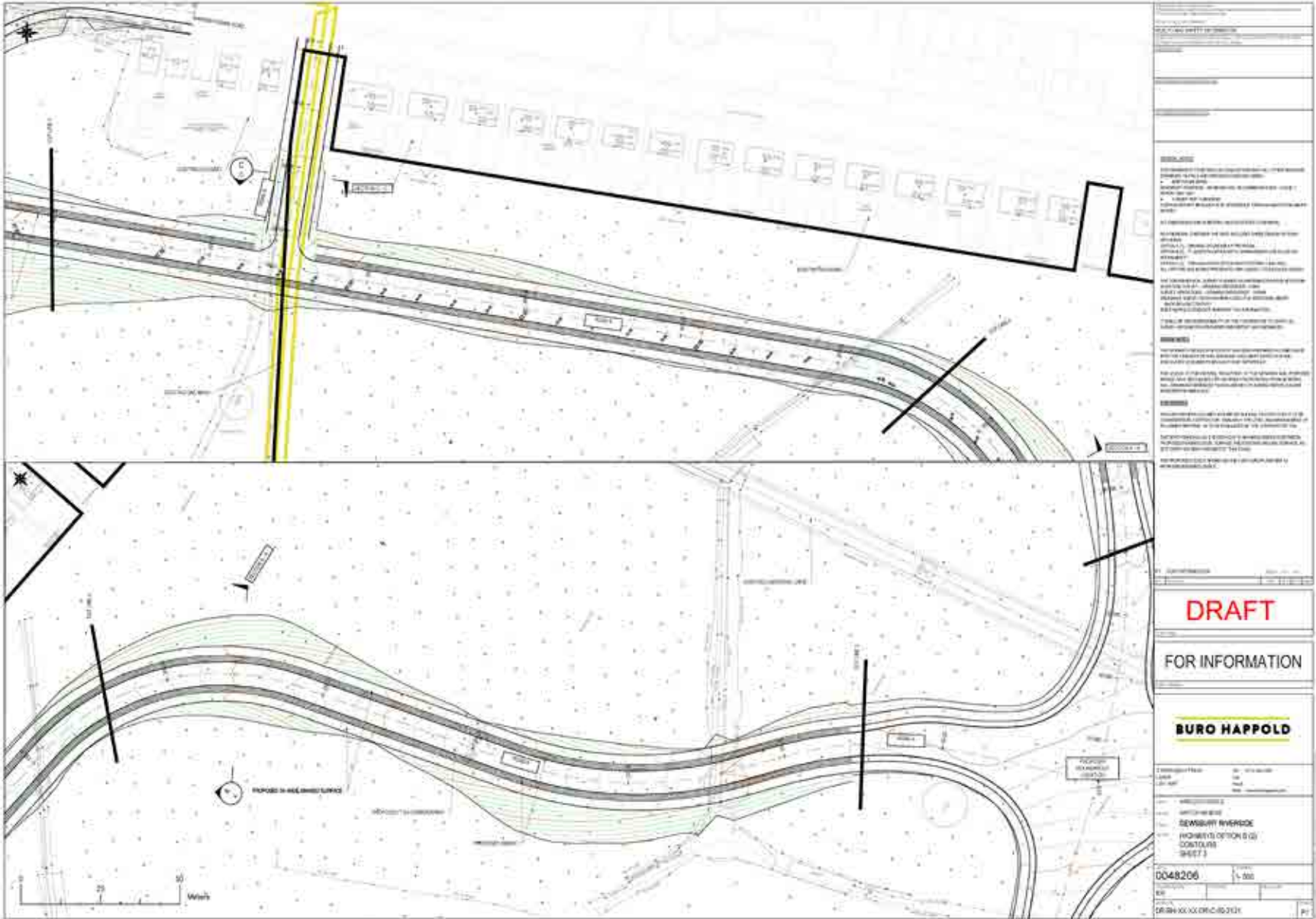
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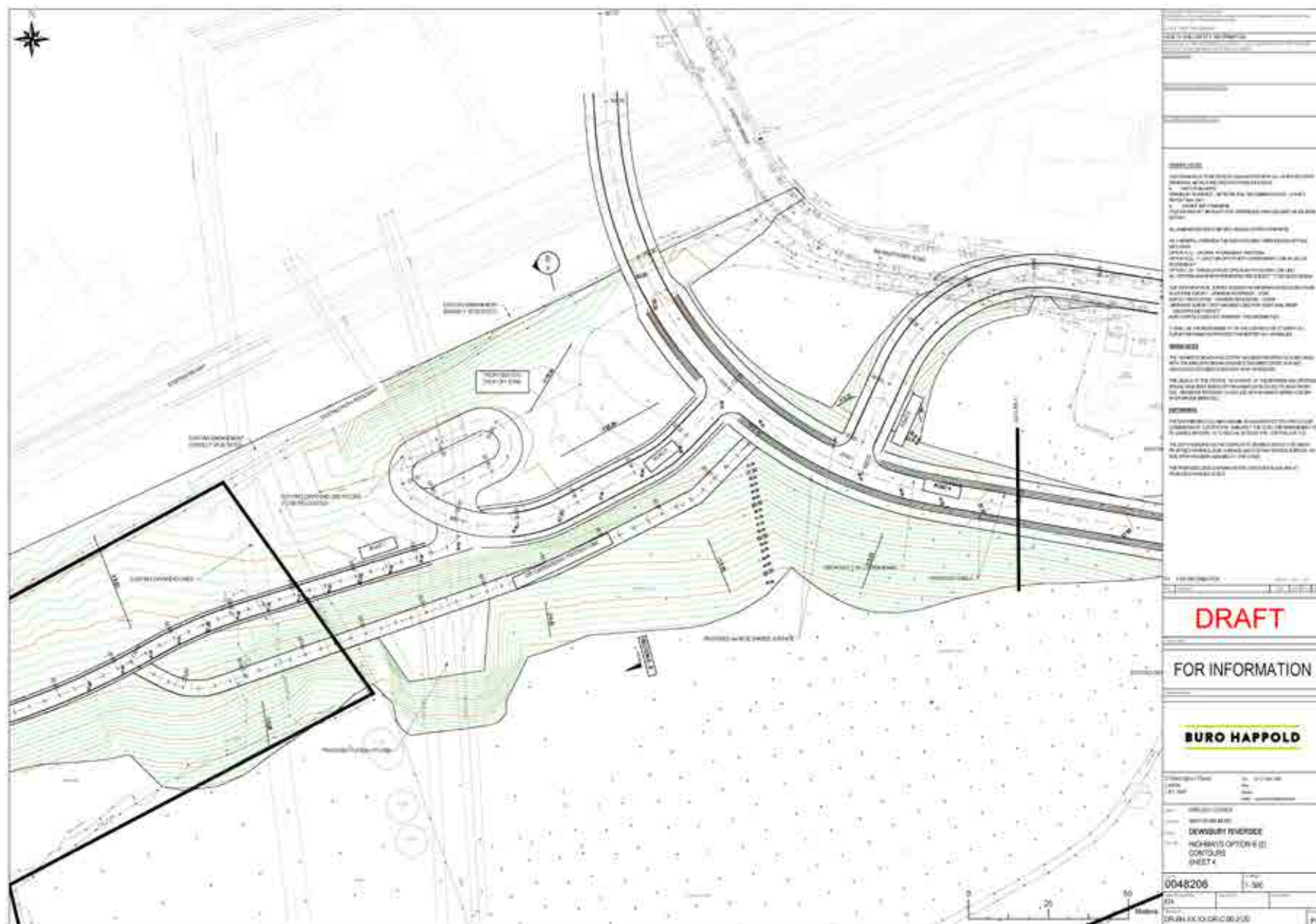
## **8 APPENDIX 2: OPTION B (REPLACE NR ROUNDAABOUT WITH STAGGERED JUNCTION) TECHNICAL DRAWING PACK**





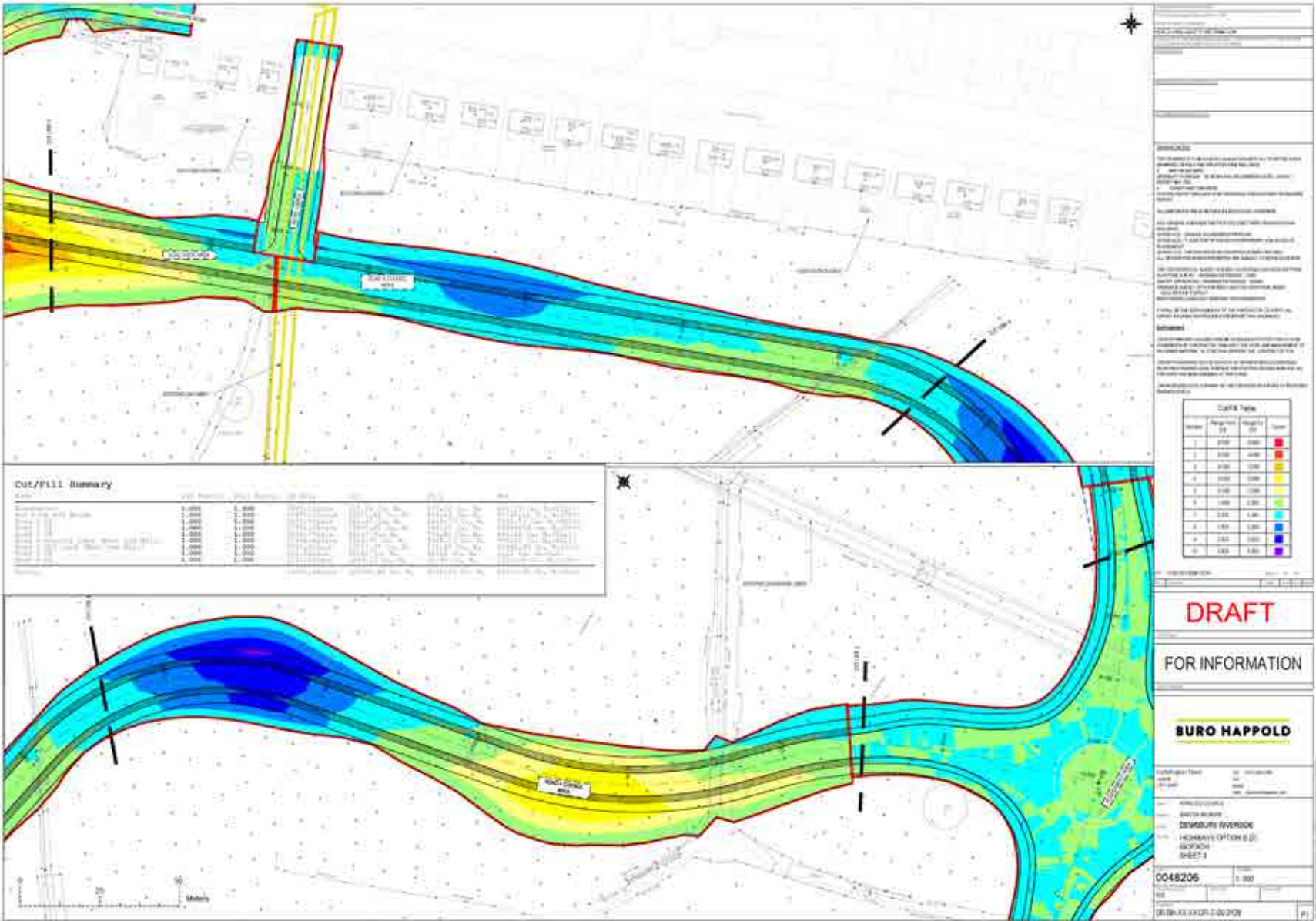


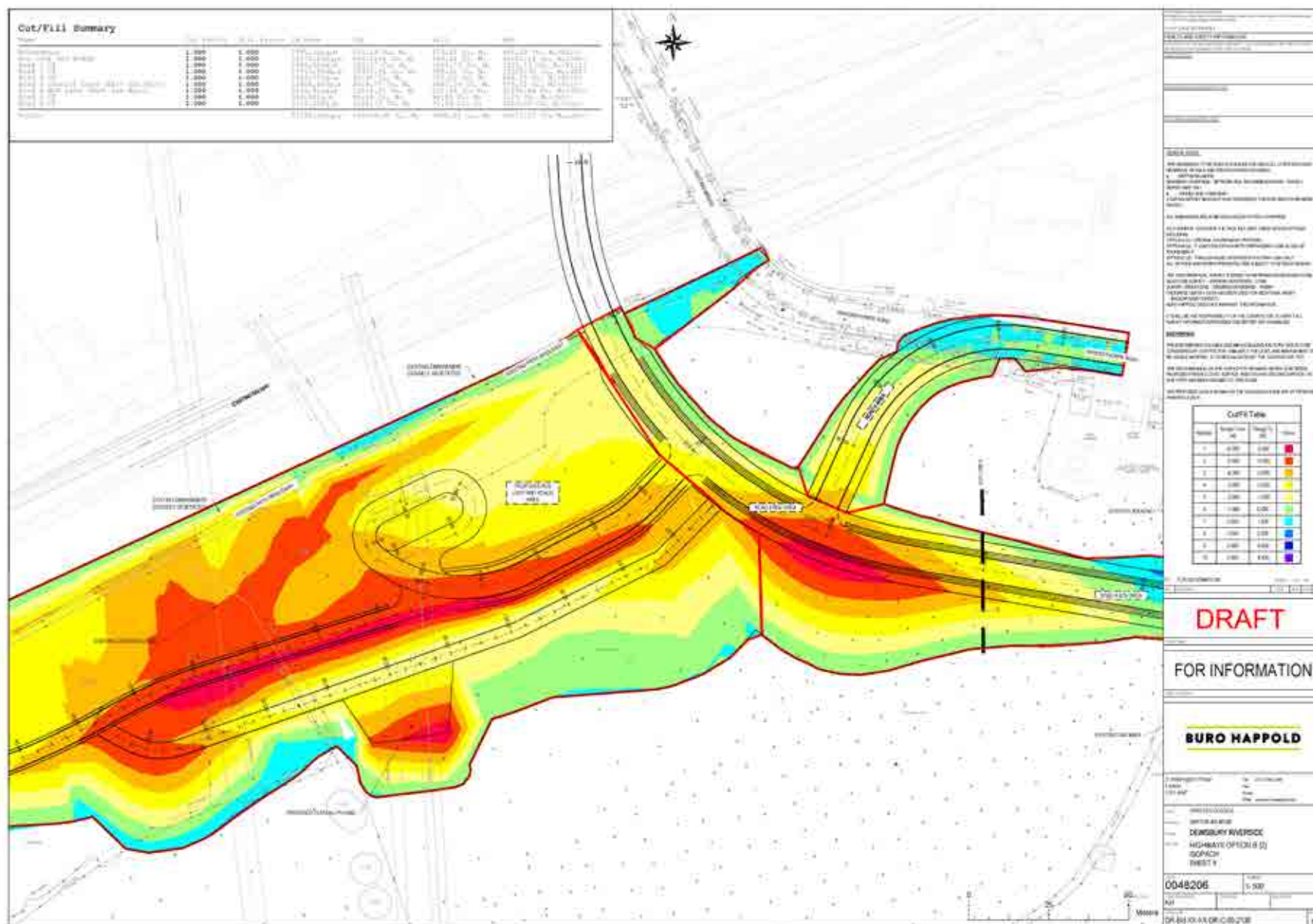


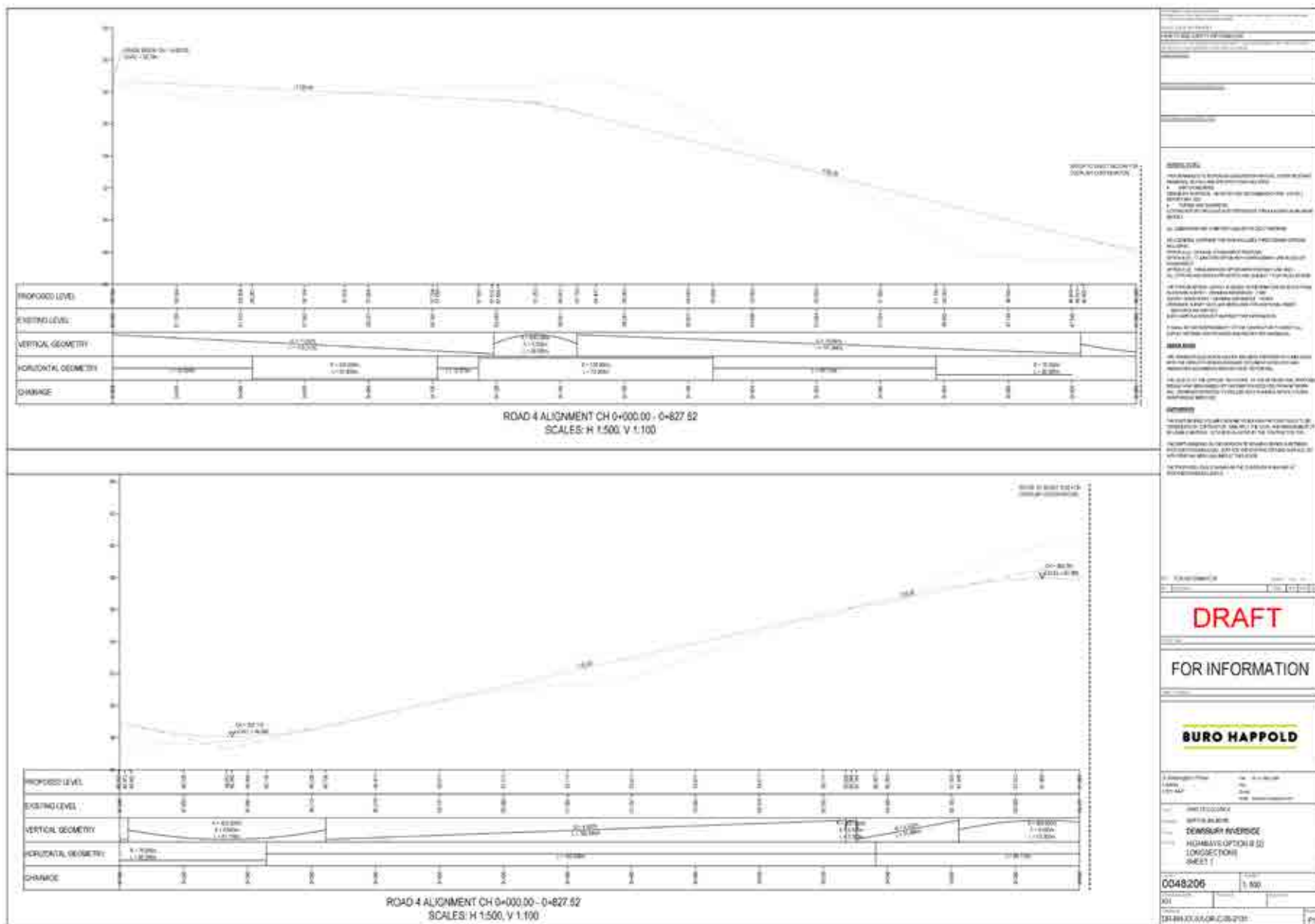


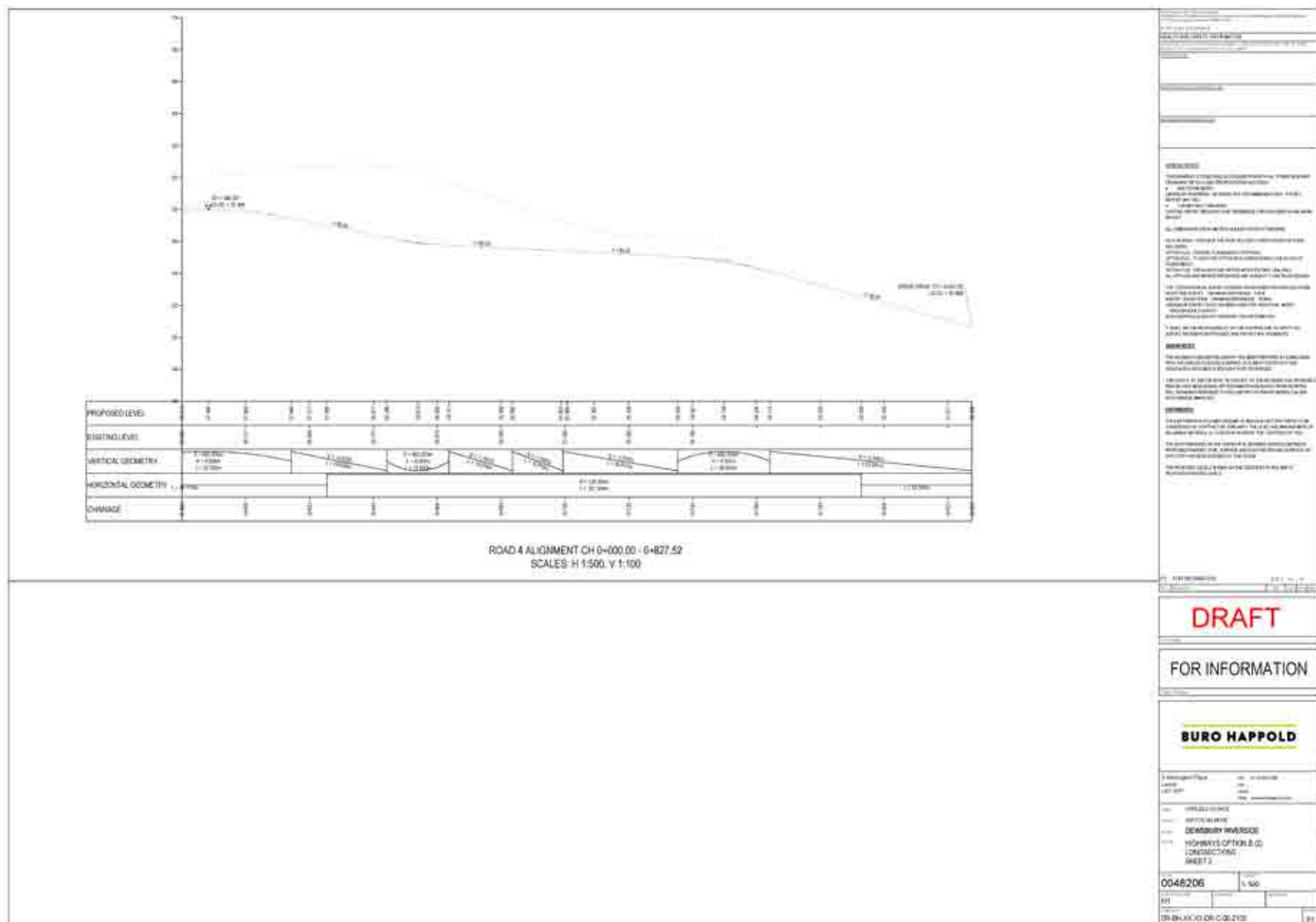


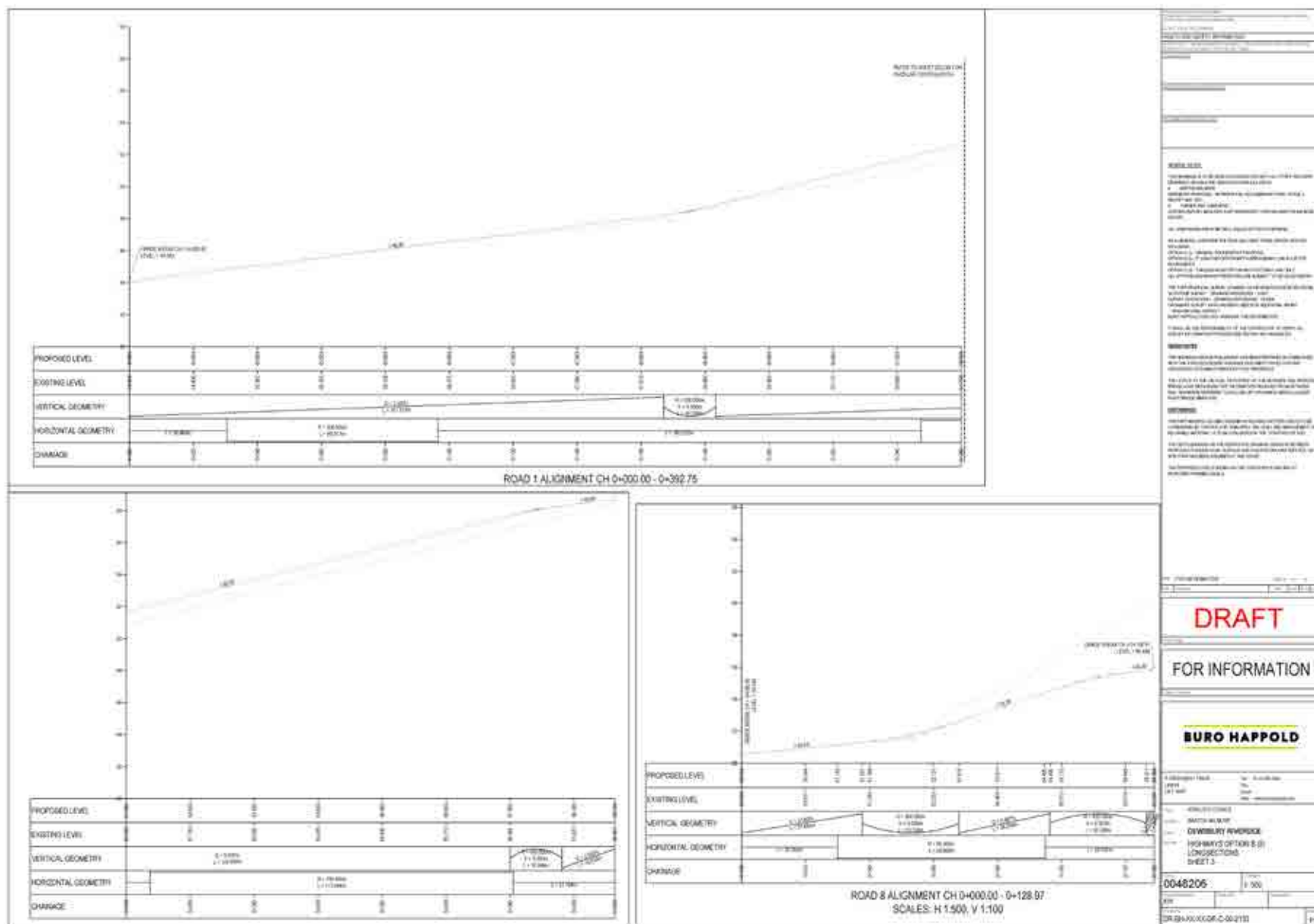


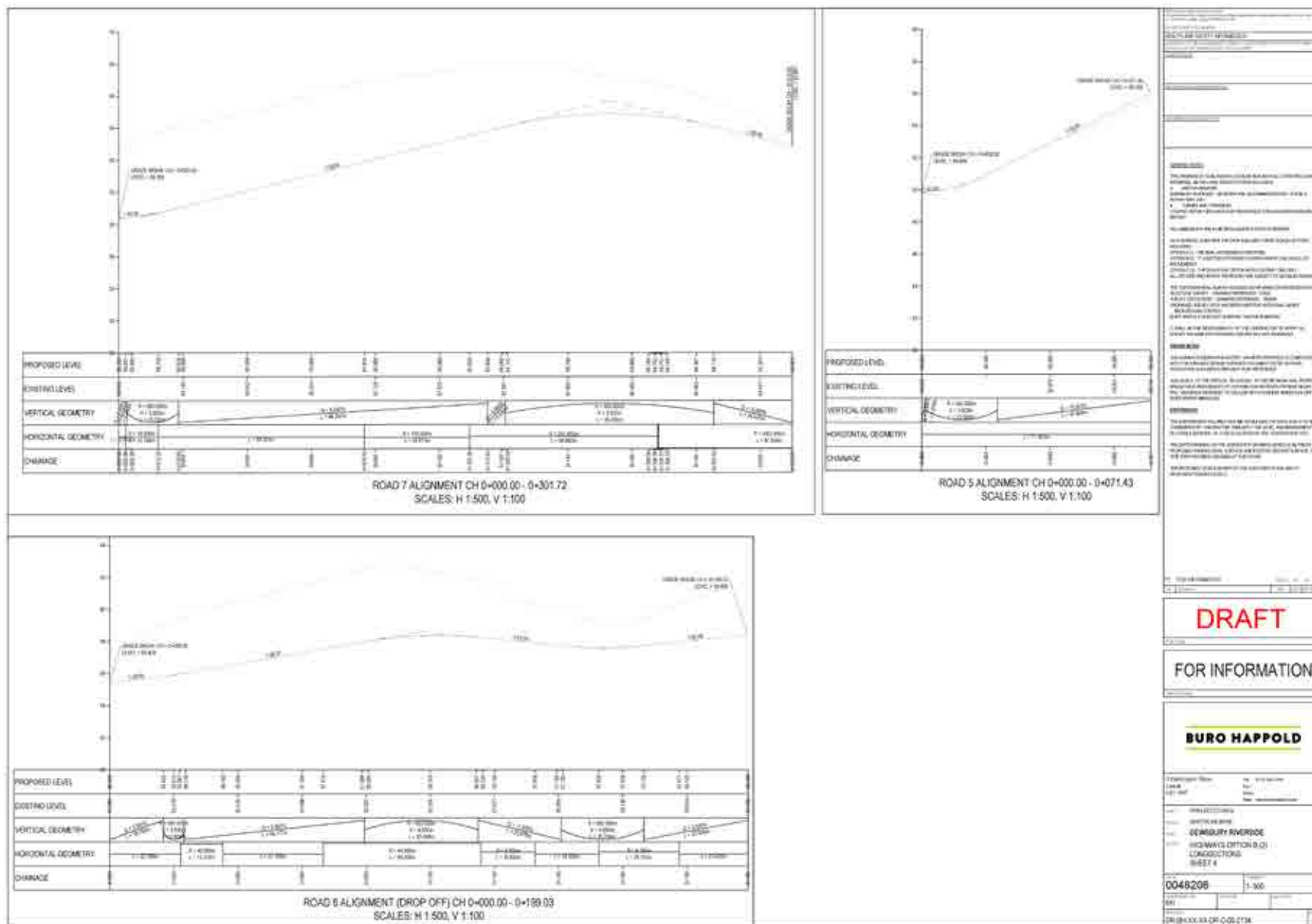


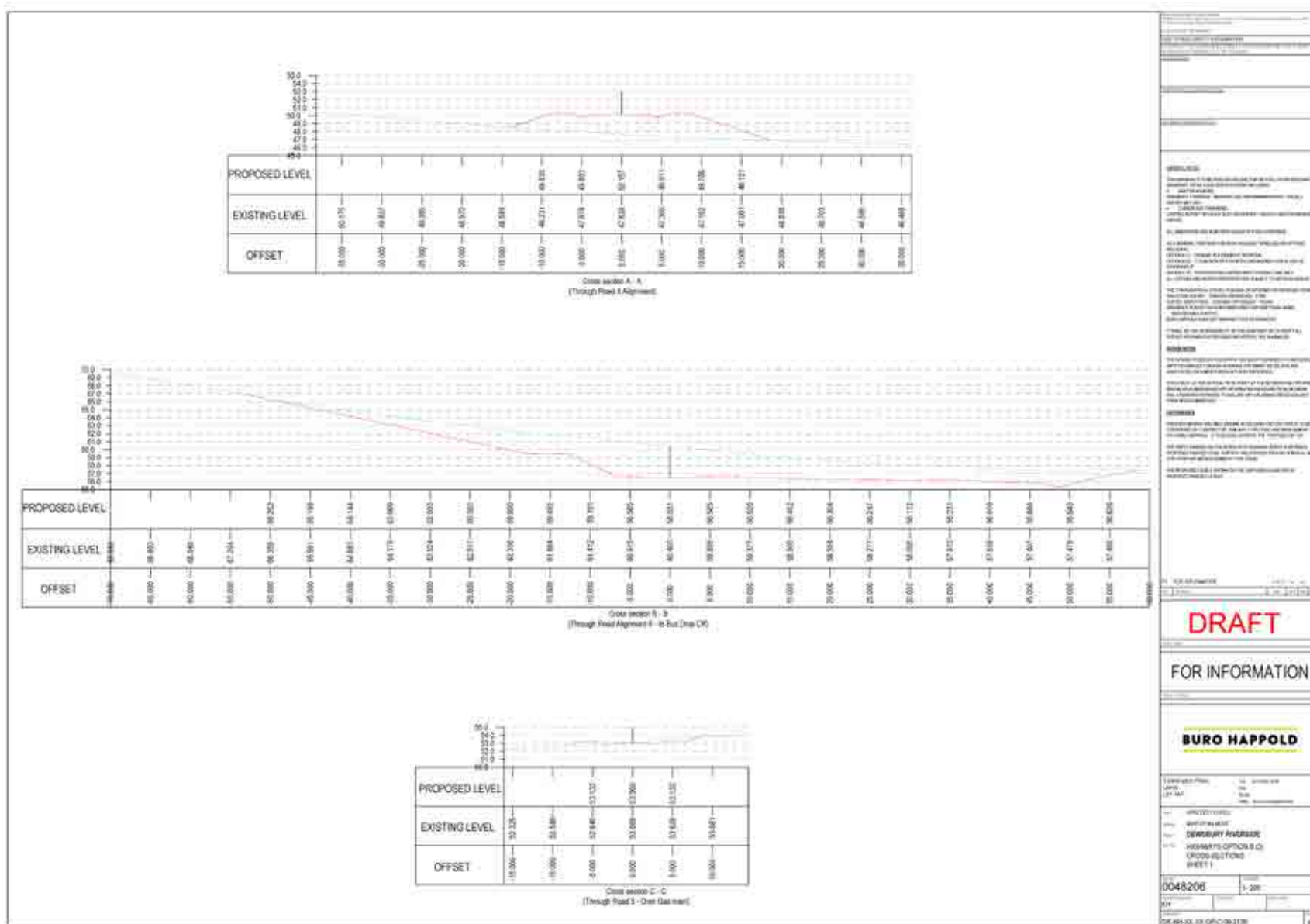








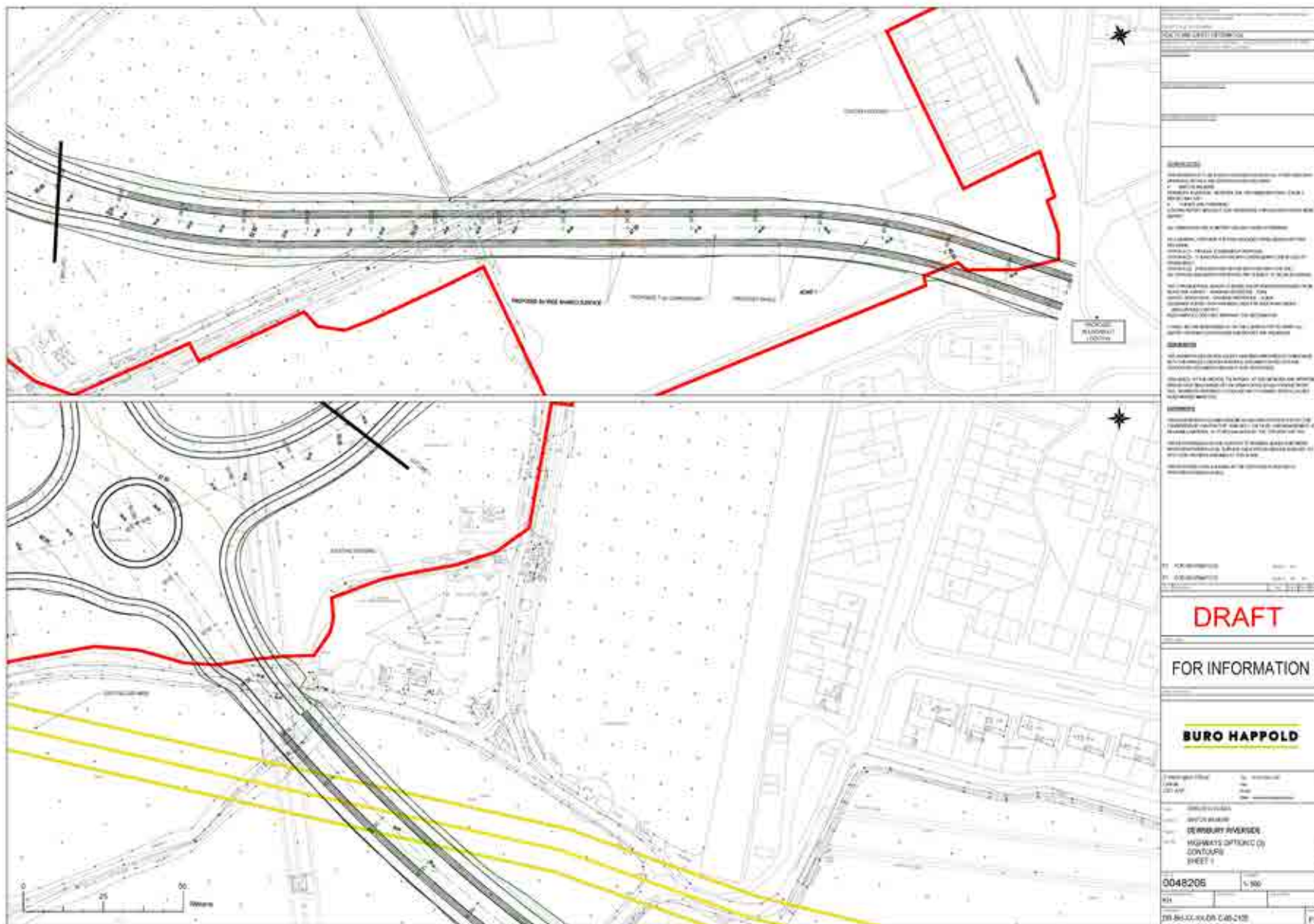






## **9 APPENDIX 3: OPTION C (REPLACE NR ROUNDBOUT WITH T-JUNCTION) TECHNICAL DRAWING PACK**



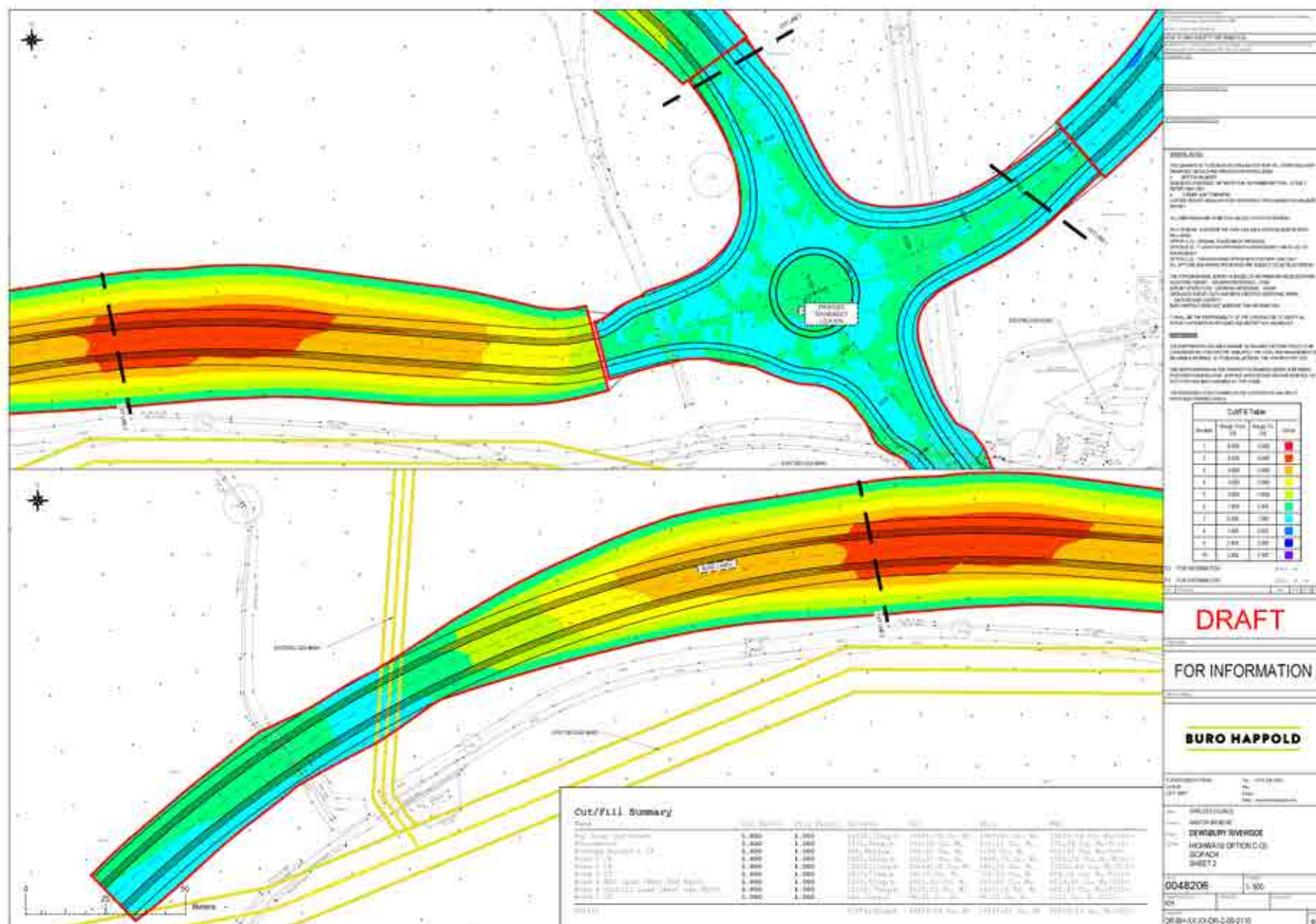


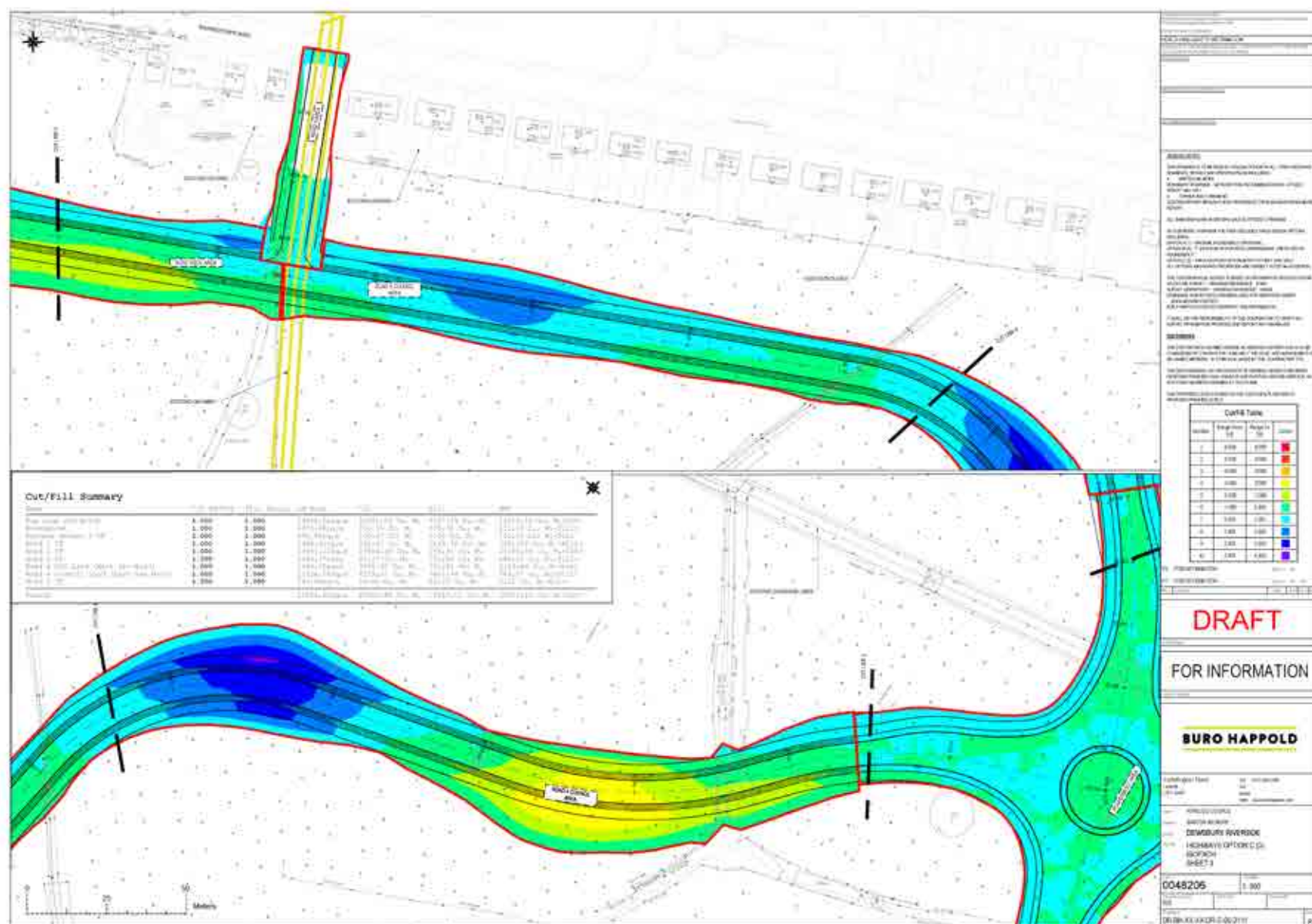


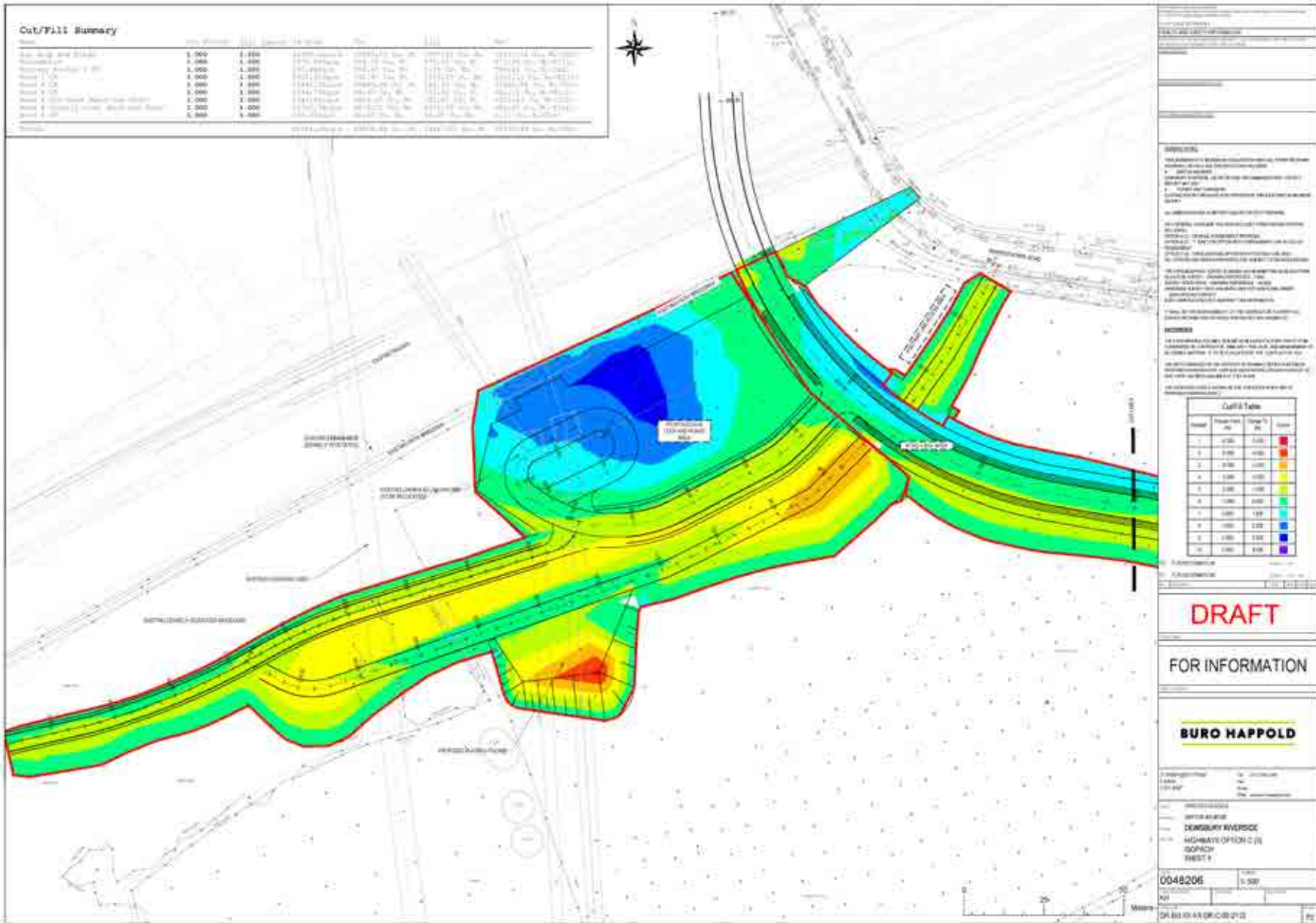


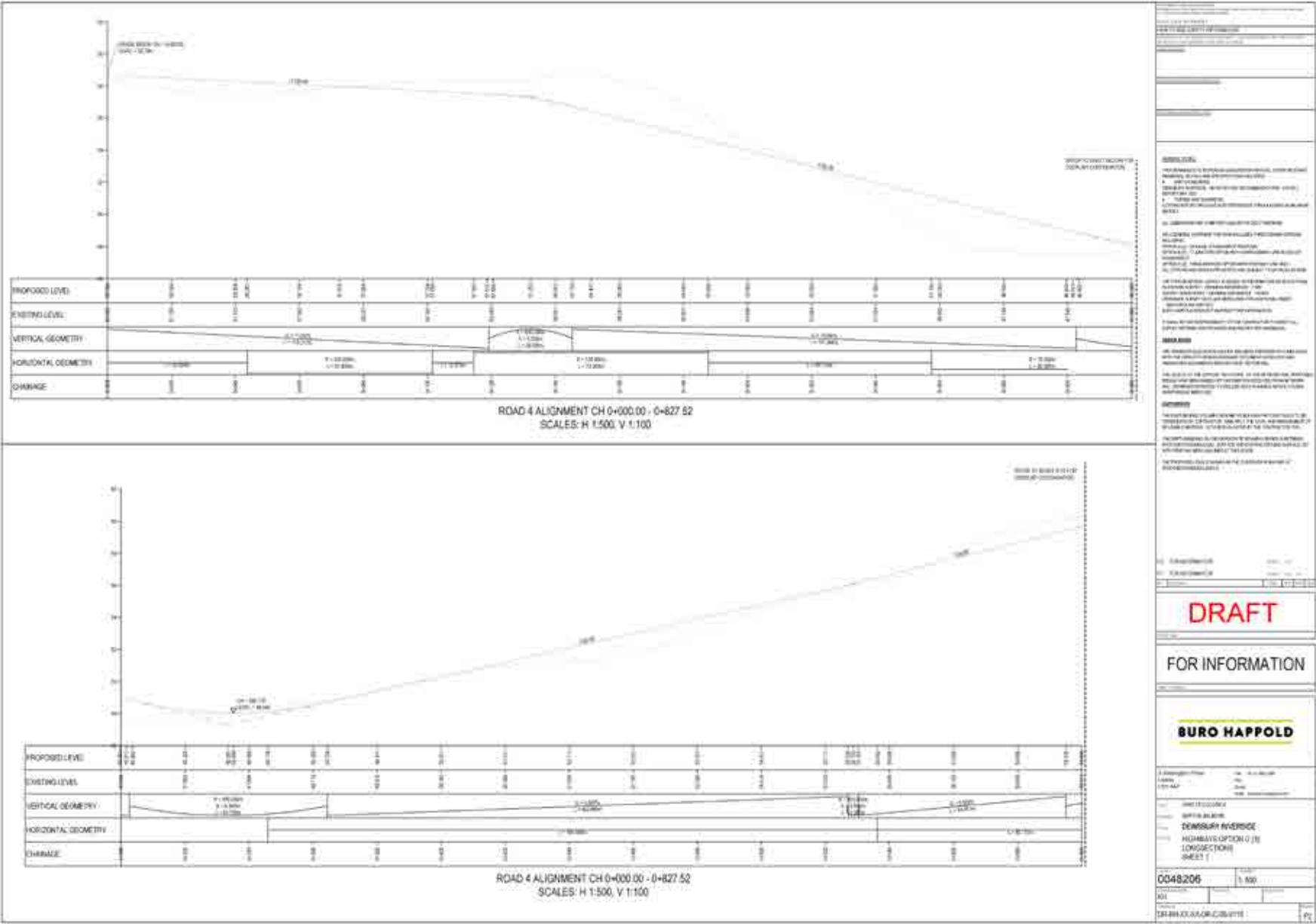


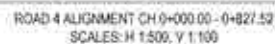




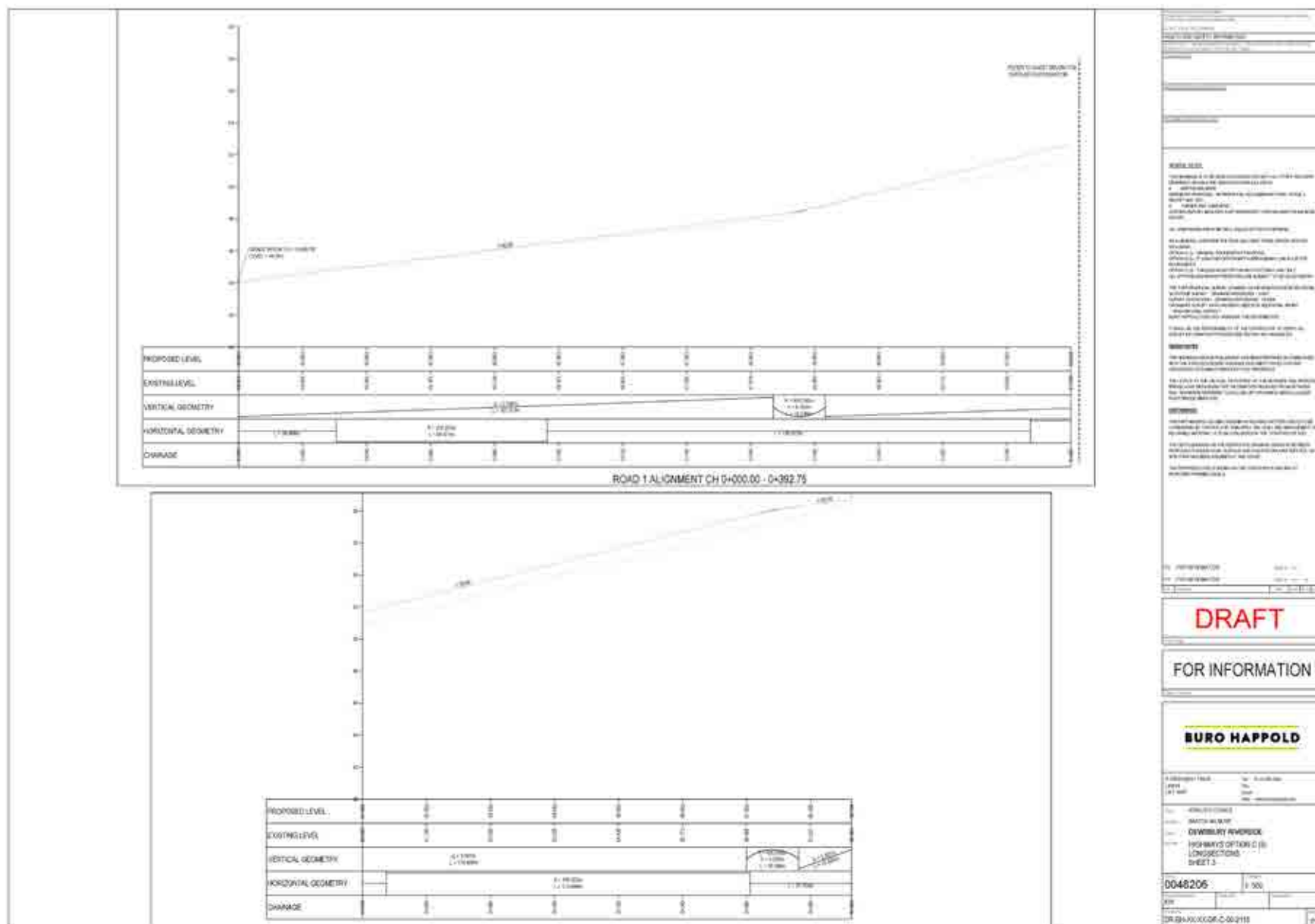




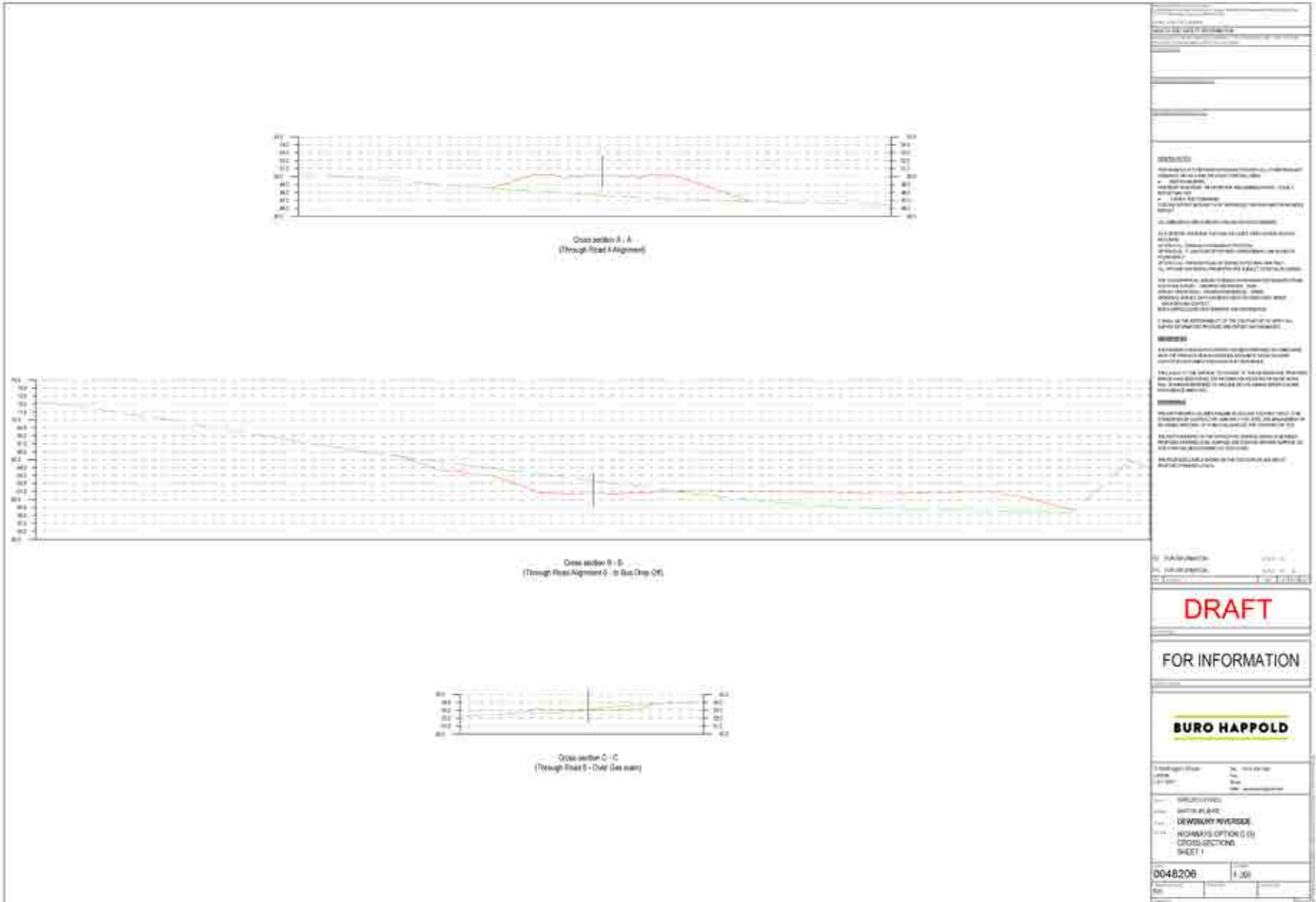




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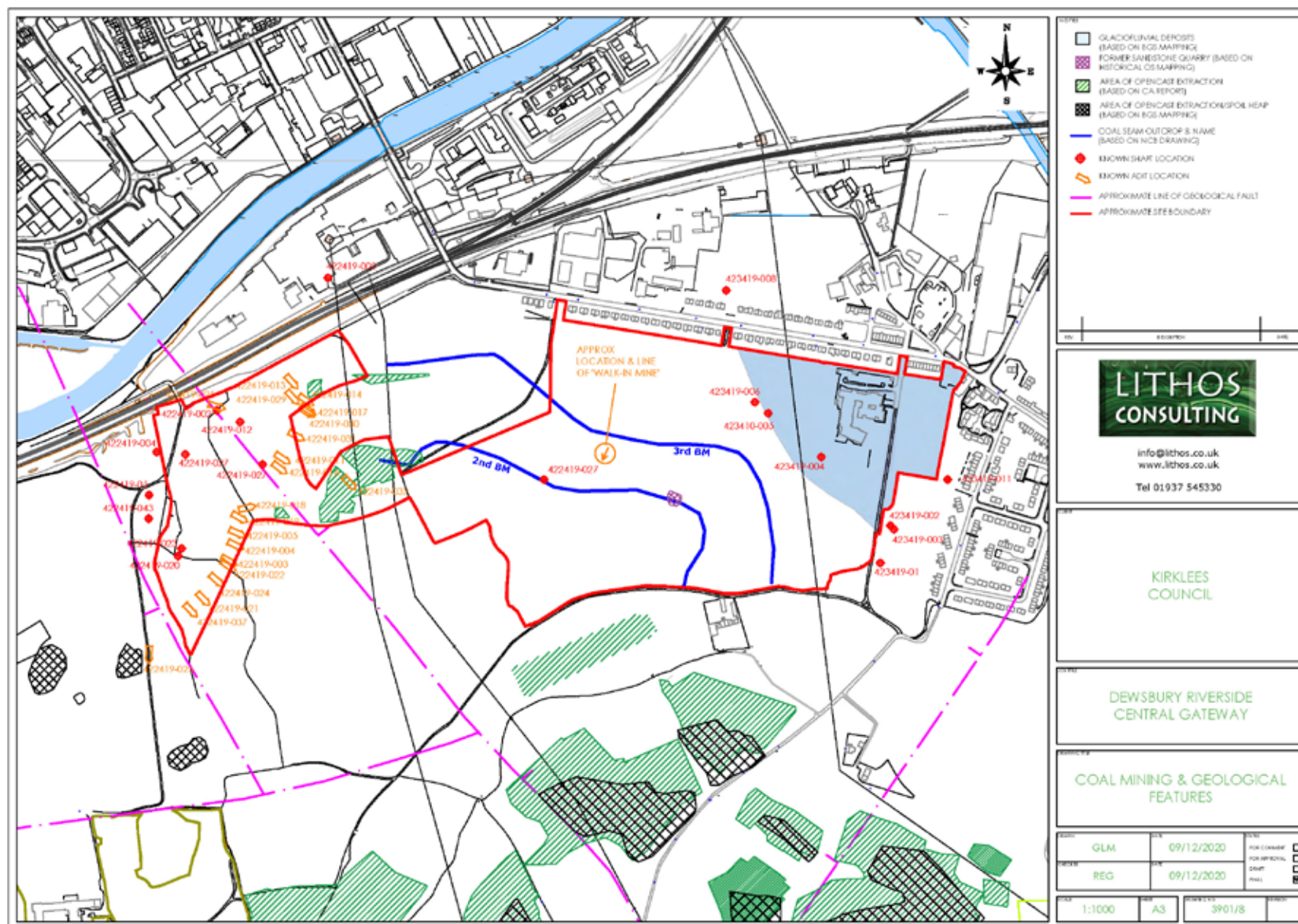
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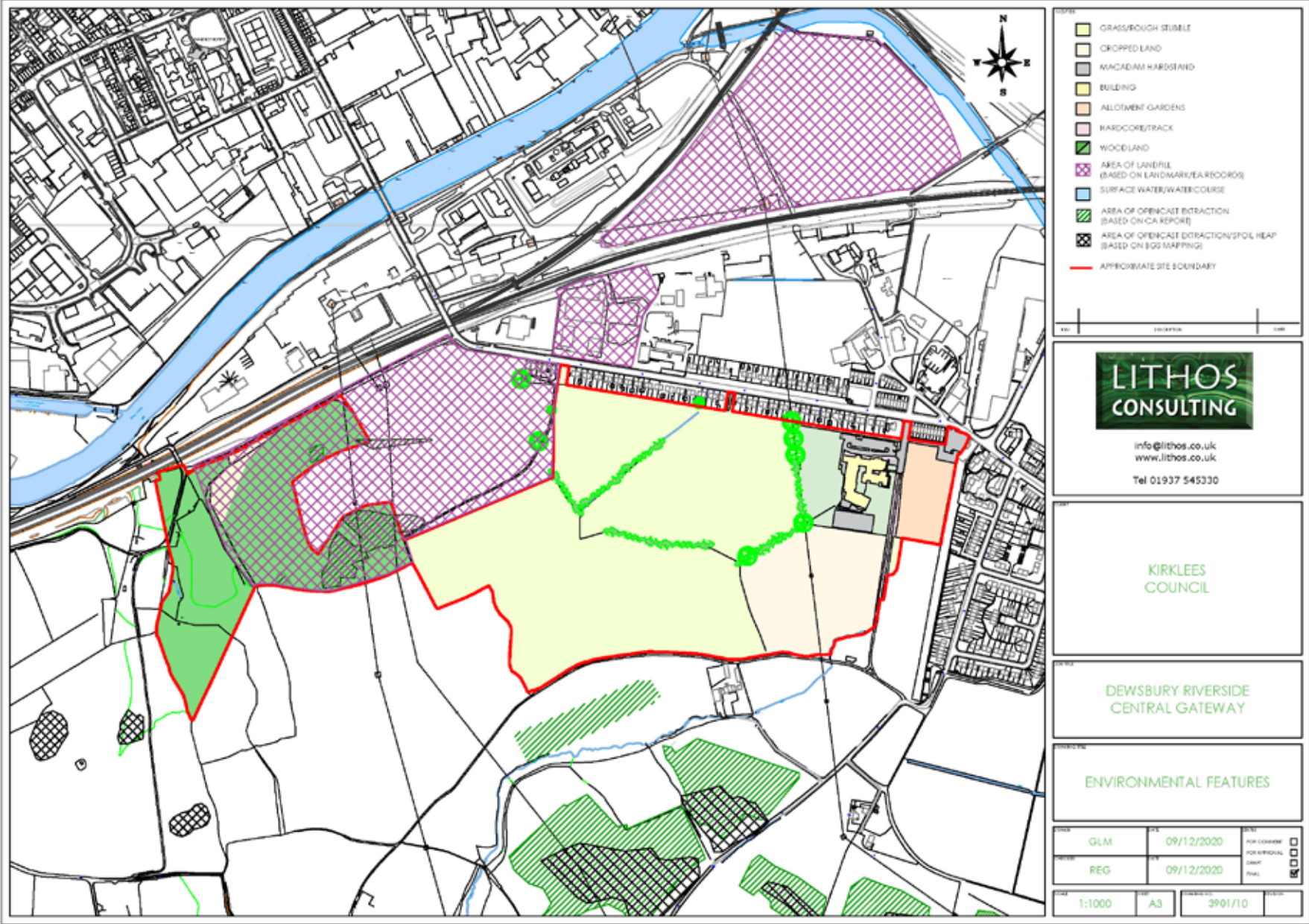
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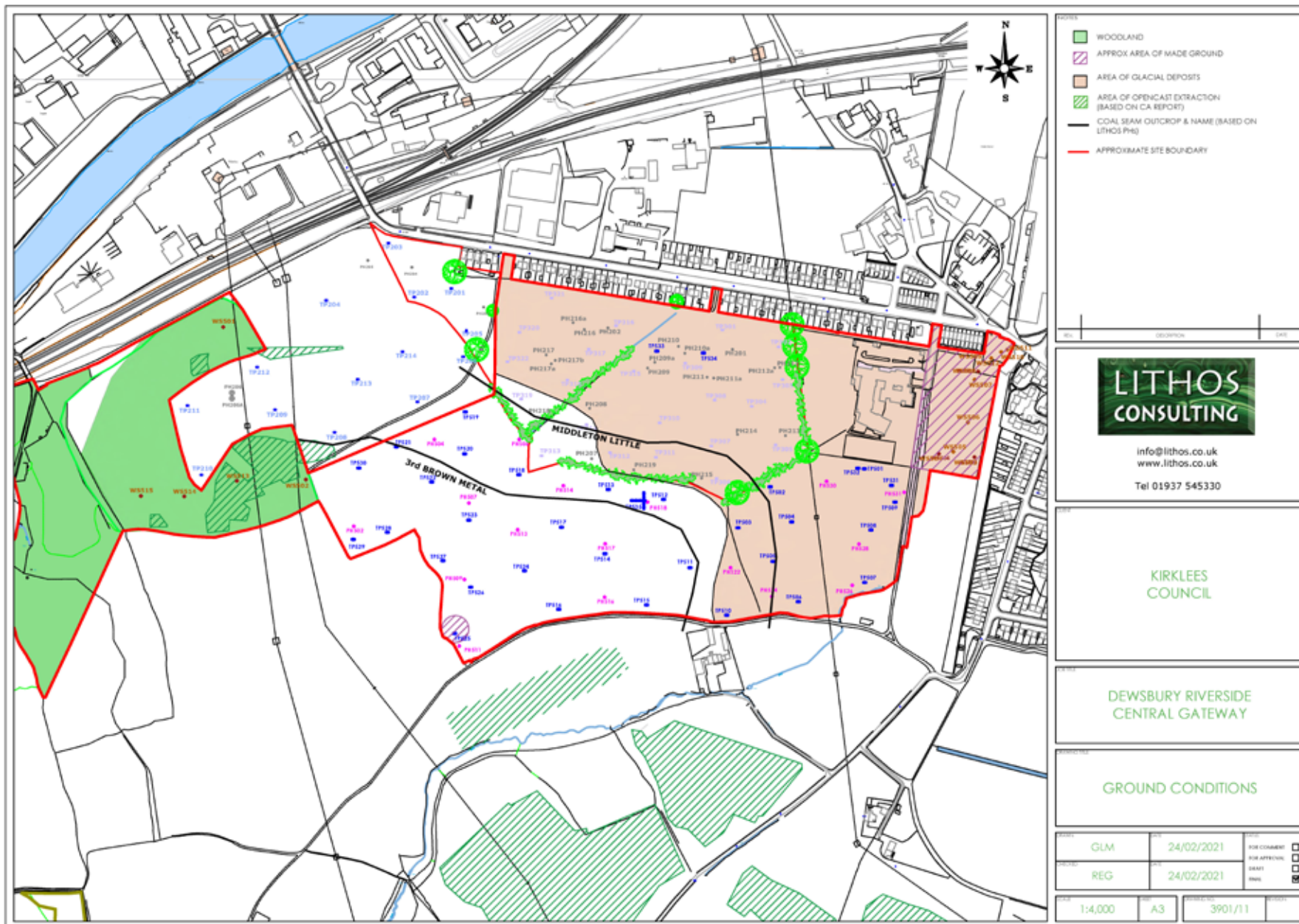
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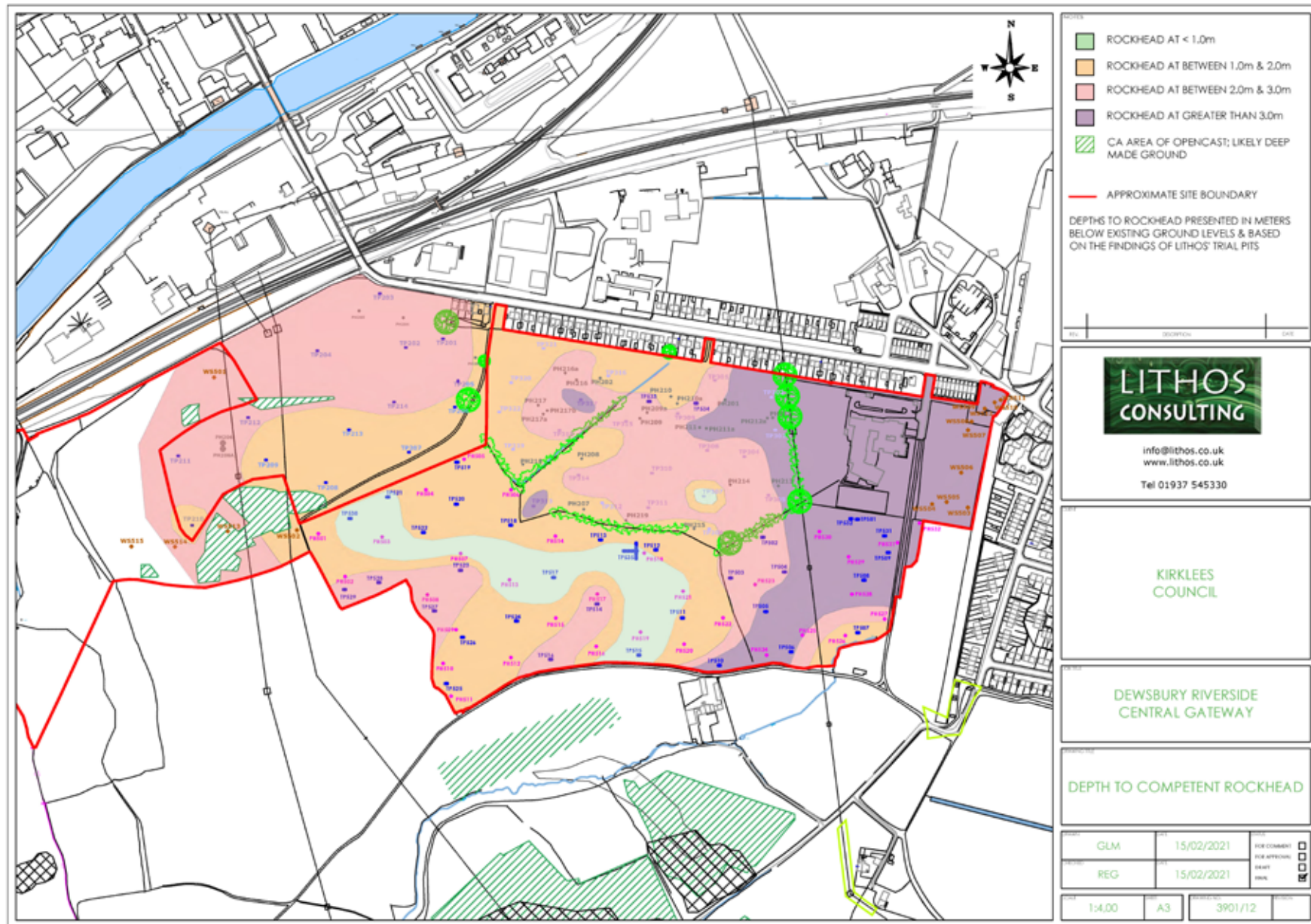


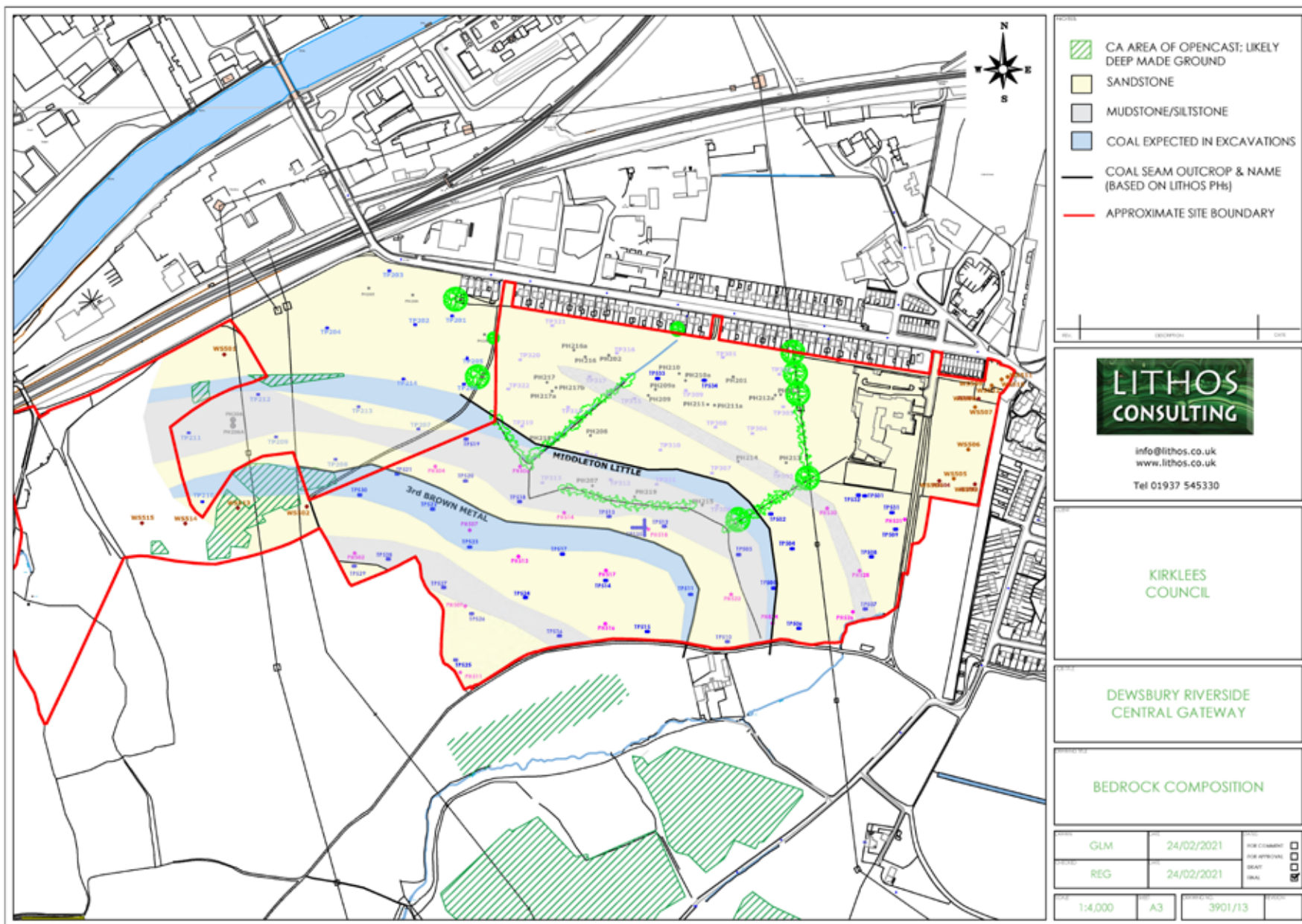
# 10 APPENDIX 4: PHASE 2 SITE INVESTIGATION PLANS

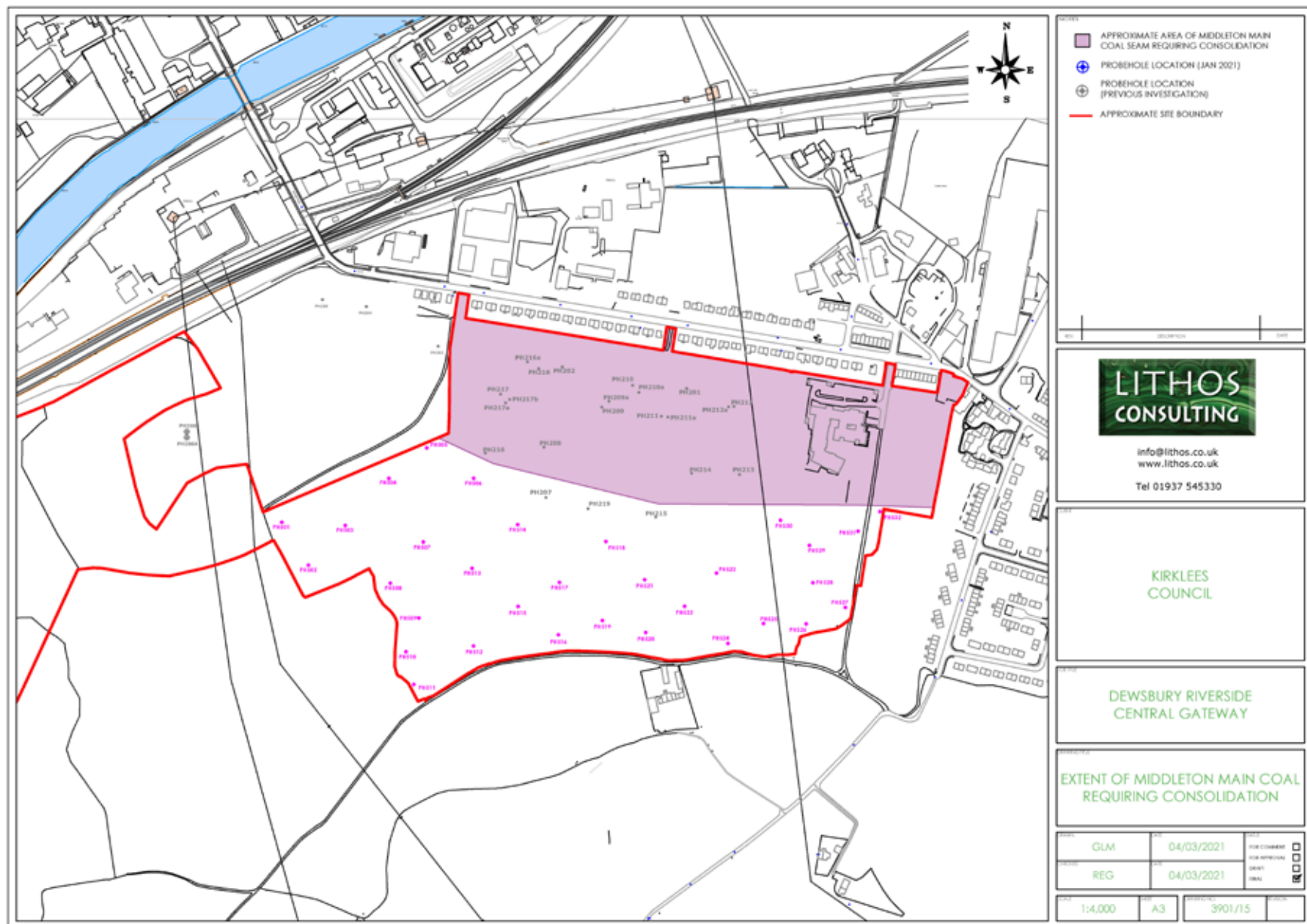












# 11 APPENDIX 5: NETWORK RAIL DRAFT PROPOSALS



Section B-B - Exterior



Legend

- Existing Network Rail Land Boundary
- Fluvial Boundary

- Notes
1. All dimensions are in millimeters unless stated otherwise.
  2. Do not scale from this drawing.
  3. In revising or maintaining the work (identified as Schedule Work in Schedule 1 of the National Rail Rules under the Railways (General) Regulations) the Order Network Rail may decide that dimensions shown on this drawing is no longer permitted by the Order.
  4. This drawing should be used in conjunction with drawing 1010077-1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-10



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

|      |         |               |     |     |     |
|------|---------|---------------|-----|-----|-----|
| 100  | 1000000 | Final costs   | 0.0 | 0.0 | 0.0 |
| 200  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 300  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 400  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 500  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 600  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 700  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 800  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 900  | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |
| 1000 | 1000000 | Revised costs | 0.0 | 0.0 | 0.0 |

Date: \_\_\_\_\_ Description of Conditions: \_\_\_\_\_

Drawn: \_\_\_\_\_ Check: \_\_\_\_\_

Submitter: \_\_\_\_\_

Fill for Contractor Design D3

|                                   |                  |
|-----------------------------------|------------------|
| <b>Title</b>                      | <b>Submittal</b> |
| <b>Fill for Contractor Design</b> | <b>D3</b>        |



|              |         |        |                    |      |            |
|--------------|---------|--------|--------------------|------|------------|
| Author       | T. Owen | Report | Electricity Signal | Date | 2021/03/10 |
| Task/Subject |         |        |                    |      |            |

TRU West Alliance

[illegible]

|      |                         |              |  |
|------|-------------------------|--------------|--|
| Task | GAO Training            | GAO Training |  |
| Task | Team and County Support | GAO Training |  |

|         |                                  |
|---------|----------------------------------|
| See     | Remuneration and Wages (Country) |
| Code is | UK, 2000                         |

|  |   |   |   |   |   |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
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### Transpennine Route Upgrade

151667

West of Leeds

Planning Drawing

Calder River Bridge MDL1/3

### Existing and Proposed Sections and Elevations

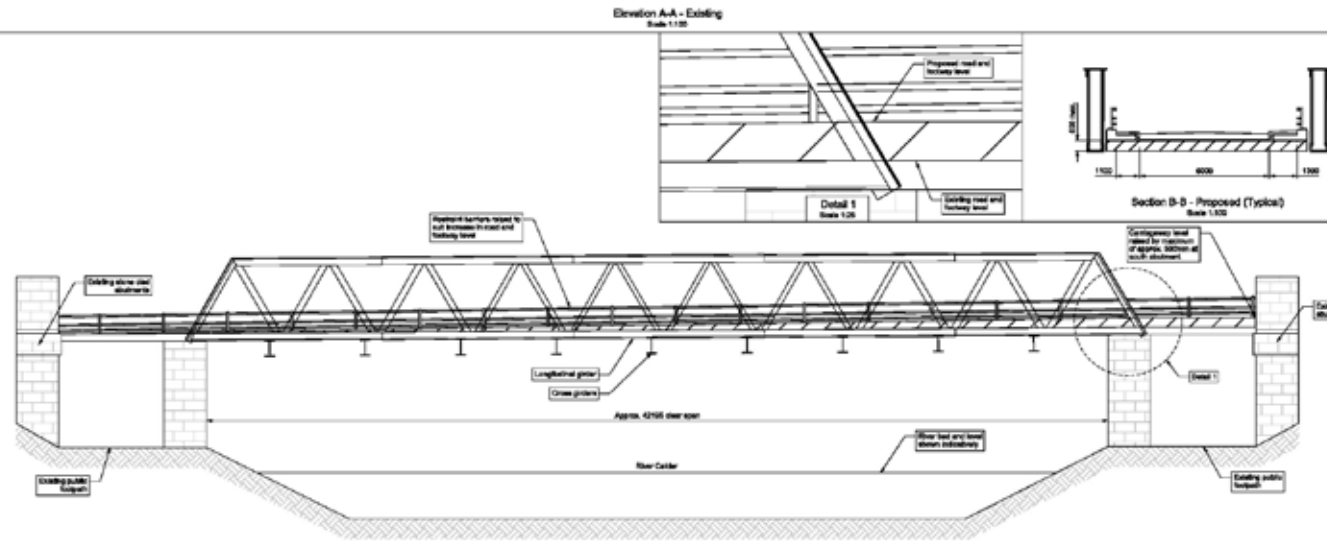
| Design | 4 Means | Normal | Self-Comparison |
|--------|---------|--------|-----------------|
|--------|---------|--------|-----------------|

|          |          |               |         |
|----------|----------|---------------|---------|
| Given    | E. Chalk | Signal        | 1000/20 |
| Received |          | End of signal | 1000/20 |

|          |            |          |                     |      |          |
|----------|------------|----------|---------------------|------|----------|
| Created  | A. Flakner | Reviewed | Individually Signed | Date | 10/10/21 |
| Approved | C. Thomas  | Signed   | Individually Signed | Date | 10/10/21 |

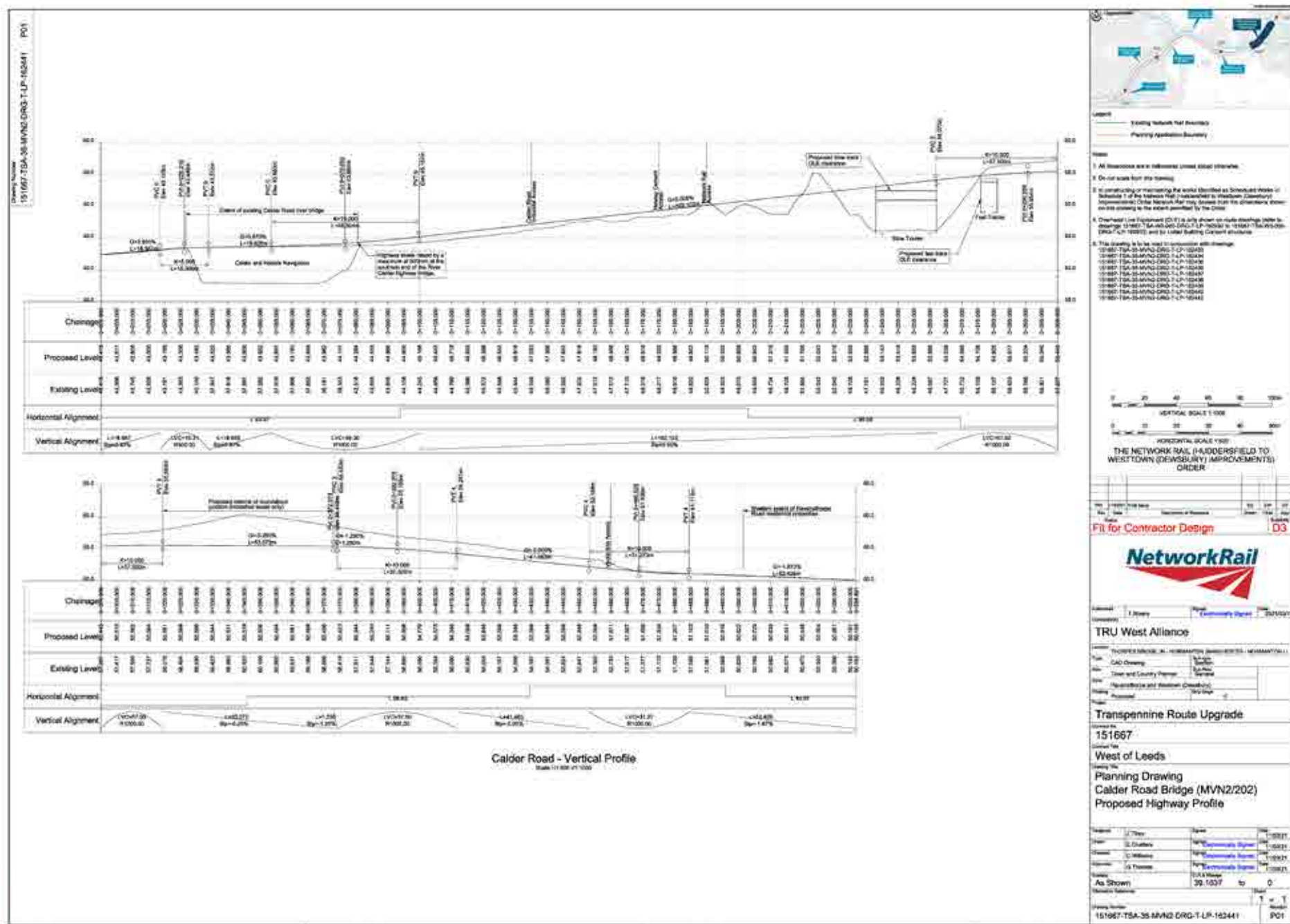
|          |                      |
|----------|----------------------|
| Image    | ELN # Image          |
| As Shown | 002-0048 to 090-0001 |

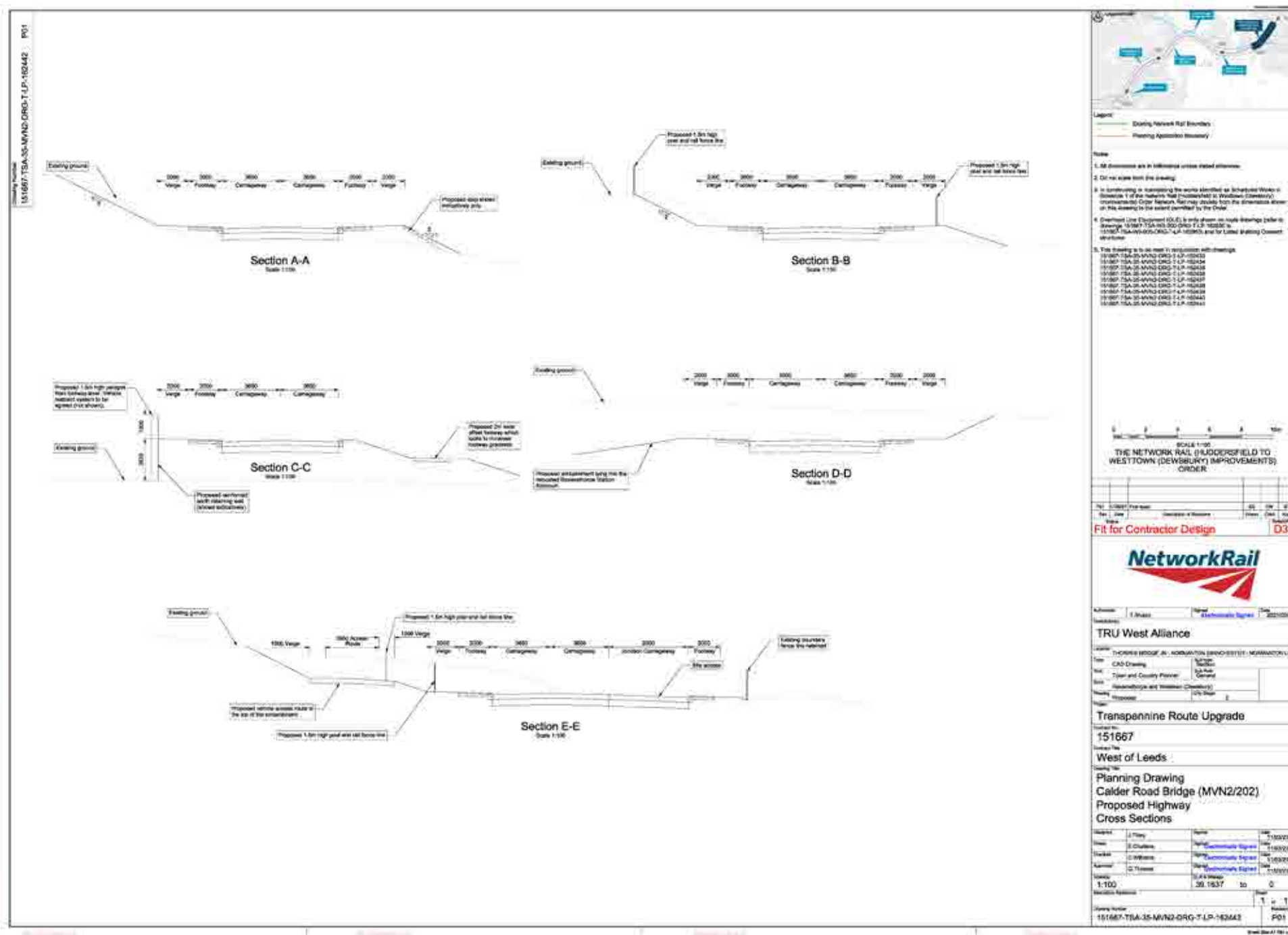
| Alternative Reference | Unit |
|-----------------------|------|
|-----------------------|------|



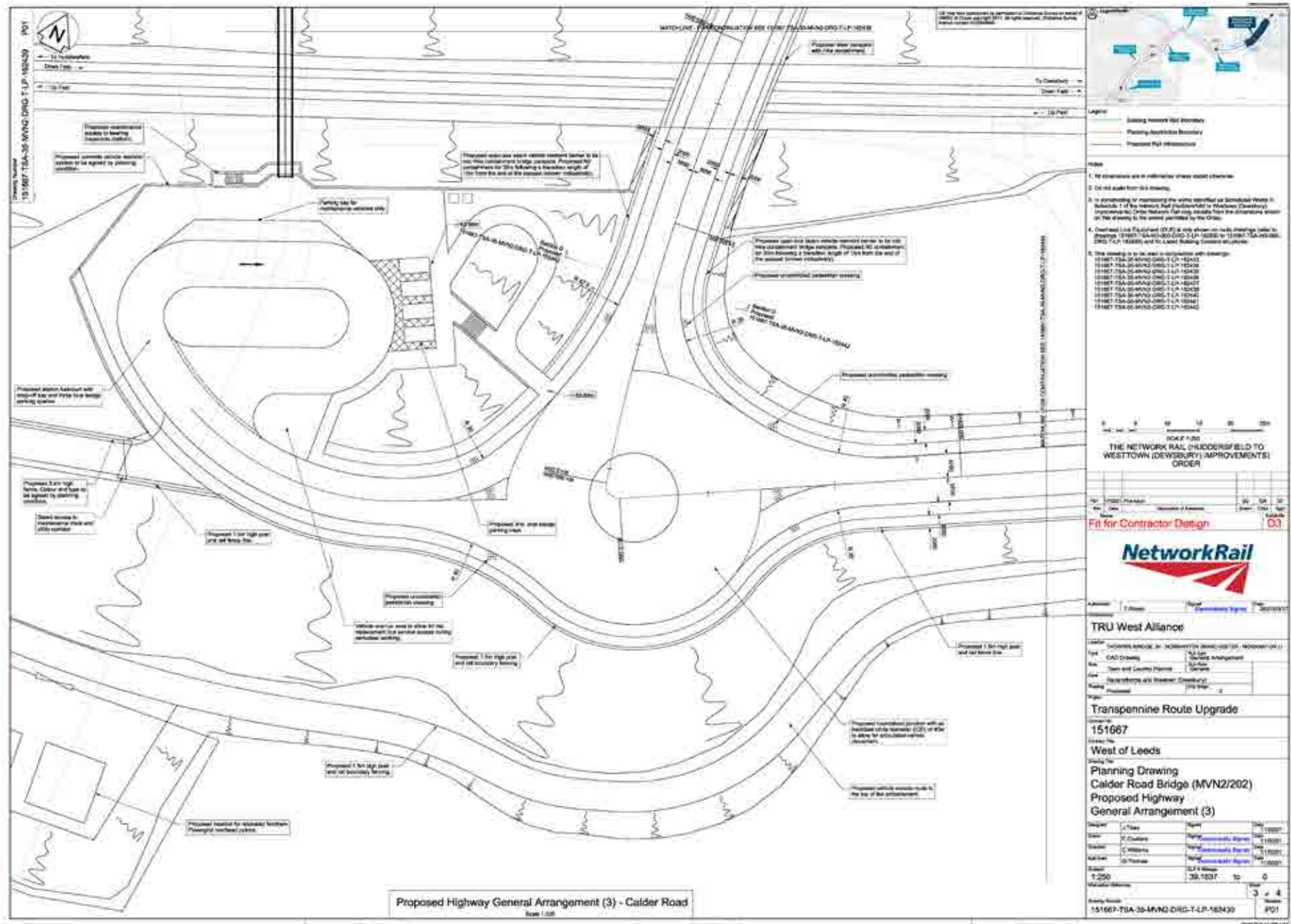
Section B-B - Proposed (Typical)  
Scale: 1/8" = 1'-0"

**Detail 9**  
Roof: 4/12











Tower 12  
18/22 Bridge Street  
Spinningfields  
**Manchester**  
M3 3BZ  
T/ +44 (0)161 817 4912

BRISTOL  
CAMBRIDGE  
CARDIFF  
EBBSFLEET  
EDINBURGH  
LEEDS  
LONDON  
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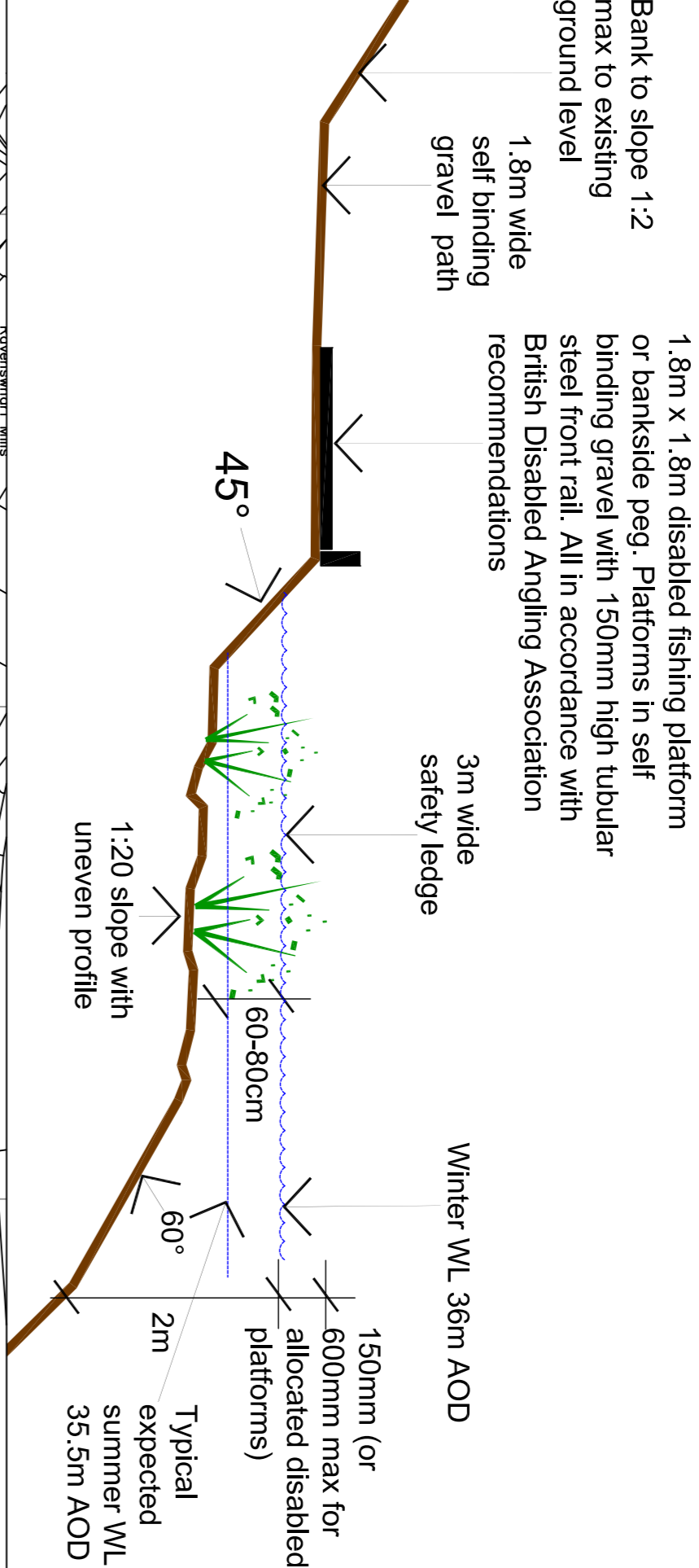
## **SCHEDULE 5**

**Approved Conceptual Restoration Masterplans - Planning Permission Ref: 2012/92979**

SECTION A

Typical edge profile

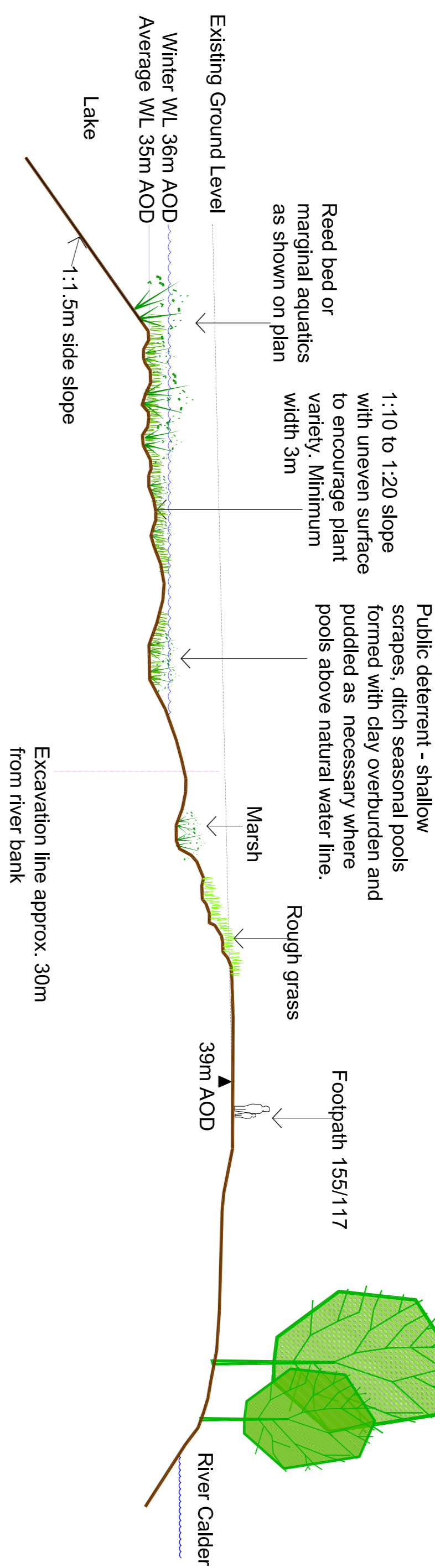
Scale NTS



SECTION B

Typical riverside edge profile

Scale 1:200



KEY:

- Application boundary
- Extent of extraction
- Existing trees and woodland retained (indicative)
- Proposed Broadleaf
- Woodland as scheduled
- Proposed Wet Woodland
- Alder Carr as scheduled
- Proposed scrub as scheduled
- Proposed marsh grassland
- Proposed meadow grassland
- Proposed mown grass
- Proposed waterbodies
- Proposed ditch / marsh
- Proposed reed margins / swamp
- Proposed native marginal aquatics to be allowed to colonise naturally
- Proposed shingle on weed proof membrane
- Proposed fishing platform or peg
- Existing footpath
- Existing footpath / cycleway
- Proposed footpath 1.8m wide self-binding gravel & timber edge
- Proposed combined cycleway / footway 2.5m wide in terrace
- Proposed Fishermans footpath 1.2m to 1.5m wide self-binding gravel with timber edge
- Existing contours and spot heights
- Proposed contours and spot heights
- Embankments
- 1.15m high timber post and wire mesh fence with 1 row barbed wire or five wire to KMC approval.

SECTION KEY:

- Existing trees / woodland
- Proposed woodland planting
- Proposed ground level
- Water level

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CLIENT  
Newbury Concrete Ltd

PROJECT  
FORGE LANE QUARRY,

DEMBURY

CONCEPTUAL RESTORATION MASTERPLAN

SHEET 1 of 1

SCALE  
1:1000

DATE  
JUNE 2011

PROJECT NO.  
179

DESIGNED  
AD

DATE  
JUNE 2011

FIGURE  
3

REV  
PDB

