

INQ/12
2 November 2021

NETWORK RAIL INFRASTRUCTURE LIMITED

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

NETWORK RAIL INQUIRY DOCUMENT

Appendix 2 (NR12) – Amended conditions proposed to be attached to the direction for deemed planning permission – As amended 2 November 2021 – Amendments Shown as Tracked Changes (To be read in conjunction with Statement of Common Ground NR/SOCG/1 and INQ/7).

1. Purpose of Document

- 1.1 Attached at the Appendix to this document are the amendments proposed by Network Rail to the conditions that were originally proposed by Network Rail to be attached to Network Rail's request for deemed planning permission (see **Appendix 2 to NR12**). These proposed amendments are shown as tracked changes.
- 1.2 These proposed amendments to the planning conditions are the result of post application discussions between Network Rail, Kirklees Council and Historic England. Accordingly this document should be read in conjunction with Network Rail Inquiry Document **INQ/7** (*Post application correspondence between Network Rail and Historic England on the TWA Order and Listed Building Consent Applications*) and the Statement of Common Ground between Network Rail and Kirklees Council (**NR/SOCG/1**).

INQ/12
2 November 2021

Appendix

AMENDED CONDITIONS PROPOSED TO BE ATTACHED TO THE DIRECTION FOR DEEMED PLANNING PERMISSION – AS AMENDED 2 NOVEMBER 2021 – AMENDMENTS SHOWN AS TRACKED CHANGES

APPENDIX 2 OF NR12

CONDITIONS PROPOSED TO BE ATTACHED TO THE DIRECTION FOR DEEMED PLANNING PERMISSION

Interpretation

In the following conditions—

“the Code of Construction Practice” means the code of construction practice to be submitted to and approved by the local planning authority under condition 5 (code of construction practice), a draft of which (known as “Part A”) accompanies the Environmental Statement;

“the development” means the development authorised by the Order;

“the Environmental Statement” means the statement of environmental information submitted with the application for the Order on 31st March 2021;

[“Historic recording to Level 1” means the level of recording in accordance with Historic England guidelines comprising a basic photographic record;](#)

“the local planning authority” means Kirklees Council;

“Network Rail” means Network Rail Infrastructure Limited;

“the Order” means The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 202[X];

“the Order limits” has the same meaning as in article 2 (interpretation) of the Order;

“the planning direction drawings” means the drawings listed in Appendix 3 to the request for deemed planning permission dated 31st March 2021;

“preliminary works” means environmental (including archaeological) investigations, site or soil surveys, ground investigations and the erection of fencing to site boundaries or the marking out of site boundaries; site clearance and de-vegetation; and the erection of contractors’ work compounds, access routes and site offices;

INQ/12
2 November 2021

“Principal Station signage” means the station signage that will comprise the National Rail “double arrow” symbol and the relevant station name;

“the railway” means the railway comprised in the development;

The “site” means land within the Order limits;

“stage” means a defined section or part of the development the extent of which is shown in a scheme submitted to and approved by the local planning authority pursuant to condition 3 (stages of development); and reference to a numbered stage is to the stage of that number in the approved scheme.

1. TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

The development hereby permitted must commence before the expiration of five years from the date that the Order comes into force.

***Reason:** To ensure that development is commenced within a reasonable period of time.*

2. IN ACCORDANCE WITH THE PLANNING DIRECTION DRAWINGS

The development must be carried out in accordance with the planning direction drawings unless otherwise agreed in writing by the local planning authority.

***Reason:** 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.*

3. STAGES OF DEVELOPMENT

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. Thereafter the development shall be undertaken in accordance with the approved stages of development

***Reason:** To identify the individual stages for the purposes of these conditions.*

INQ/12
2 November 2021

4. LANDSCAPING & ECOLOGY

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 proposed LEMP for each Stage will include the following details:

- 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);
- A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced.
- Implementation timetable and a programme for initial aftercare, long-term management and maintenance responsibilities for a period of five years post-completion
- Details of organisation(s) responsible for maintenance and monitoring.

The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Statement, and must also include the following ecological measures:

- a) The aims and objectives of the management to be undertaken.
- b) A programme of monitoring with thresholds for action as required.
- c) Full 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; Luronium Natans (Floating Water Plantain); badgers; reptiles, otter and water vole, where appropriate.

The LEMP must include both hard and soft landscaping works, covering the locations where landscaping will be undertaken, and must also include the following details:

- Full detailed landscape plans indicating full planting specification, including layout, species, number, density and size of trees, shrubs, plants, hedgerows and/or seed mixes and sowing rates, including extensive use of native species;
- any structures, such as street furniture, any non-railway means of enclosure and lighting;
- any details of regrading, cut and fill, earth screen bunds, existing and proposed levels;
- any areas of grass turfing or seeding and depth of topsoil to be provided
- a timescale for the implementation of hard landscaping works;

INQ/12
2 November 2021

- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fail or become diseased within the first five years from completion;

The measures within the LEMP must be implemented in accordance with the approved details.

~~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.~~

~~The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Statement, and must also include;~~

- ~~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);~~
- ~~Detail extent, type and provenance of new planting;~~
- ~~Timescale for the implementation of hard landscaping works;~~
- ~~Full details of method statement for treatment and removal of invasive species;~~
- ~~Implementation timetable and a five year post-completion monitoring schedule;~~
- ~~Draft maintenance schedules for all landscape areas;~~
- ~~Details of organisation(s) responsible for maintenance and monitoring;~~
- ~~A plan of environmental mitigation details including areas of new plantings and details of any new habitats created;~~
- ~~Details of location, design and construction of the wet features (ponds and Sustainable Drainage Systems); and~~
- ~~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.~~

Reason: *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.*

5. CODE OF CONSTRUCTION PRACTICE

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.

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:-

- i. An external communications programme;
- ii. A pollution prevention and incident control plan;
- iii. A waste management plan;
- iv. A materials management plan including a separate soils mitigation plan;
- v. A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;
- vi. A noise and vibration management plan including a construction methodology assessment;
- vii. details of the precise measures put in place to protect the Hillhouses listed coal chutes during the construction phase.
- ~~vii. An Environmental Design Plan (Land Contamination & Hydrogeology);~~
- viii. A demolition methodology statement for relevant buildings; and
- ix. An Environmental Design Plan (EDP) (Land Contamination and Hydrogeology) – setting out the environmental requirements during the detailed design stage.

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.

INQ/12
2 November 2021

Reason: 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.

6. CONSTRUCTION TRAFFIC MANAGEMENT & TRAVEL PLAN

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:-

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;

ii. specific details on arrangements for temporary car parking provision for train users as appropriate at each station including temporary parking at Huddersfield and Mirfield stations and mobility impaired set down/pick up points at Ravensthorpe and Deighton stations;

and

iii. 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; and

iv. details on temporary diversions of both highways and rights of way required as part of the Scheme.

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.

Reason: To protect public amenity and highway safety and in accordance with Policy LP21 of the Kirklees Local Plan

7. MATERIALS

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

INQ/12
2 November 2021

must be submitted to and approved in writing by the local planning authority:

- [MVN2/204 Lees Hall Farm](#)
- [MVL3/90 Westgate Road bridge](#)
- ~~MVL3/96 Red Doles Bridge~~
- MVL3/98 Fieldhouse Bridge
- MVL3/99 Ridings
- MVL3/100 Peels Pit
- MVL3/101 Whitacre Street
- MVL3/103 New Colliery Lane (Wheatleys) Bridge
- MVL3/110 Parks
- MVL3/106 New Colne Bridge Road Bridge
- MVN2/202 Calder Road
- MDL1/9 Fall Lane (Thornhill Road)
- Ravensthorpe Railway Station
- Deighton Station Forecourt, Lifts & Footbridge
- Mirfield Station Lifts & Footbridge
- Baker Viaduct (Ravensthorpe);
- [Weaving Lane Retaining Wall](#)
- [Station staircase access to be closed at Mirfield station](#)
- [Principal station signage at Huddersfield, Deighton, Mirfield and Ravensthorpe stations](#)

- b) The development must be constructed in accordance with the approved details [and thereafter retained](#) unless otherwise agreed in writing with the local planning authority.

Reason: *In the interests of visual amenity and in accordance with Policy 24 of the Kirklees Local Plan.*

8. ARCHAEOLOGY

- 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

INQ/12
2 November 2021

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:

- The area of the former Union Dyeware Mills (HER PRN: 6671);
 - The area of the former goods yard at Huddersfield Station (HER PRN: 6525);
 - The area of the former Hillhouse Sidings (including the site of the White Stone Engine Shed) (HER PRN: 18375);
 - The area including the pillbox at Woodend Road (HER PRN: 6588); and
 - The cropmark site to the south-west of Ravensthorpe Road (HER PRN:642).
- 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.
- 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.
- 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.

Reason: *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.*

9. MEANS OF ENCLOSURE

- 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.
- b) The approved means of enclosure must be erected in full in accordance with the approved details [following the individual completion of each stage](#)

INQ/12
2 November 2021

and retained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: *In the interest of public safety and visual amenity in accordance with policy LP24 (e) of the Kirklees Local Plan.*

10. CONTAMINATED LAND

In relation to contaminated land:

- 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,
- 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.
- c) Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, 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.

Reason: *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.*

11. UNEXPECTED CONTAMINATED LAND

Where significant* unexpected contamination is encountered, the Local Planning Authority must be notified in writing immediately and where agreed

INQ/12
2 November 2021

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.

(* significant within this context of this condition is taken to mean visual or olfactory evidence of contamination not previously encountered in the intrusive ground investigation.)

Reason: 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 in accordance with Policy LP53 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. WESTGATE ROAD BRIDGE

- 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 and implemented prior to commencement of works to structures.
- b) The development must be constructed in accordance with the approved details.

Reason: To ensure the measures will not have a detrimental effect on 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

~~the Huddersfield town centre Conservation Area~~

13. NOISE ATTENUATION

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~~ it must be installed in accordance with the approved details and retained thereafter.

Reason: In the interests of residential amenity in accordance with Policy LP24 of Kirklees Local Plan.

INQ/12
2 November 2021

14. RAVENSTHORPE STATIC FREQUENCY CONVERTER SITE

a) Details of the detailed design of the Static Frequency Converter Site and wider Ravensthorpe Triangle (including Thornhill Quarry and Coal Wharf) as identified on planning direction drawing 151667-TSA-35-MDL1-DRG-T-LP-~~162883~~162891 must be submitted to and approved in writing by the local planning authority before work on the structure commences.

The details must include the following:

- Details of restoration/mitigation of any ecological impacts within the site
- A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced;
- Implementation timetable and a programme for initial aftercare, long-term management and maintenance responsibilities for a period of five years post-completion
- Details of any proposed hard/soft landscaping scheme including measures for visual screening

a)b) The development must be constructed in accordance with the approved details and retained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of visual amenity and biodiversity in accordance with Local Plan policies LP24, LP30, LP31, LP32 and LP33 of Kirklees Local Plan.

~~15.~~ SCHEME WIDE DRAINAGE STRATEGY

~~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.~~

~~**Reason:** To prevent the increased risk of flooding through an appropriate hierarchy of drainage & flood risk management and in accord with Policy LP27 of the Kirklees Local Plan.~~

~~16.~~15. HILLHOUSES YARD

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,

INQ/12
2 November 2021

162864 and 162865, must be submitted to and approved in writing by the Local Planning Authority before work on the structure commences.

The detailed design submitted must include the following:

a) ~~The works shall be thereafter implemented in accordance with those details:~~

- Fencing around the whole compound;
- Vehicle Restraint Measures;
- Noise Attenuation Measures alongside the rear gardens of Hammond Street;
- The compound site offices and storage areas; ~~and~~
- Retaining Wall below Hammond Street and in the Yard;
- The temporary station platform and immediate treatment of the land following its clearance once no longer required; and
- Re-located existing Railway Telecommunications (GSM-R) Mast within the yard.

b) The development must be constructed in accordance with the approved details, and within a timeframe to be agreed with the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with LP24 and LP51 of Kirklees Local Plan.

16. WASTE DRAINAGE

No Development (including preliminary works) must commence in respect of the re-located tea rooms on Huddersfield Station until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dishwashing areas located within Huddersfield station has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented prior to first operation of the development in respect of the re-located tea rooms at Huddersfield station and shall be retained thereafter.

Reason: To prevent fats, oils, and grease entering the drainage network in the interests of environmental wellbeing and in accordance with Local Plan policy LP28.

17. NEW MAINTENANCE ACCESS

INQ/12
2 November 2021

No development (including preliminary works) in respect of the maintenance access roads to be provided and identified on planning direction drawings 151667-TSA-W3-000-DRG-T-LP-16294 (Wood Lane, Mirfield) and 151667-TSA-W3-000-DRG-T-LP-162939 (Colne Bridge Road, Bradley) must commence until the details of such maintenance access roads have been submitted to and approved in writing by the Local Planning Authority. Thereafter such maintenance access roads shall be provided in accordance with the approved details and retained thereafter.

Reason: *In the interests of highway safety and in accordance with Local Plan policy LP21.*

18. POWER SUPPLY UNIT

No development (including preliminary works) in respect of the power supply unit identified on planning direction drawing 151667-TSA-W3-000-DRG-T-LP-162939 to be provided at Colne Bridge Road must commence until a scheme or details of the power supply unit have been submitted to and approved in writing by the Local Planning Authority. Thereafter the power supply unit must be constructed in accordance with the approved details and retained thereafter.

Reason: *In the interests of visual amenity in accordance with Local Plan Policy LP24.*

19. BIODIVERSITY NET GAIN

Before the development commences (excluding preliminary works) a strategy to achieve an overall 10% net gain in biodiversity for the development, including monitoring, maintenance, management and reporting arrangements, must be submitted for approval in writing by the local planning authority. From the time the development comes into operation measures to achieve an overall 10% net gain in biodiversity for the development (assessed in accordance with the 2019 Department for Environment, Food & Rural Affairs biodiversity metric) shall be implemented in accordance with the approved strategy.

Reason: *To ensure that the development does not adversely affect the natural wildlife and ecology of the area, including protected species, and secures a net gain in biodiversity in accordance with Kirklees Local Plan policy LP 30*

20. MDL1/6 & MDL1/8 (EXISTING BRIDGES AT RAVENSTHORPE)

Within six months of the discontinuance of public services over the operation of that part of the existing railway network situated upon the Calder & Hebble Navigation Underbridge (MDL1/6) and the River Calder Underbridge MDL1/8, details relating to the following must be submitted to and approved in writing by the local planning authority :

- a) Measures to secure such bridges from unlawful access;
- b) The inspection regime to be adopted for such bridges; and
- c) Immediate maintenance measures arising for such bridges; and

INQ/12
2 November 2021

d) Historic recording of the bridges to level 1.

Reason: to ensure the proper and proportionate care of the listed structures once they cease to be operational in accordance with Policy LP35 of the Kirklees Local Plan

21. APPROVAL AND IMPLEMENTATION UNDER THESE CONDITIONS

Where under any condition the Local Planning Authority may approve amendments to details submitted and approved, such approval must not be given except in relation to changes where it has been demonstrated to the Local Planning Authority that the approval sought is unlikely to give rise to any materially new or materially different adverse environmental effects from those assessed in the Environmental Statement.

Reason; To provide for certainty in the approvals and implementation process and in the interests of proper planning