
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2022

Subject: Planning Application 2021/94337 Erection of construction facility to facilitate the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury), provision of strategic construction compound including open storage, trackworks and overhead line equipment (OLE) assembly and associated welfare facilities, construction of a retaining wall, environmental mitigation measures (noise attenuation) and provision of temporary platform for use during works at Huddersfield Station with associated access, utilities/drainage works Operational railway land, Hillhouses Yard, Alder Street, Huddersfield

APPLICANT

Tony Rivero, Network
Rail

DATE VALID

16-Nov-2021

TARGET DATE

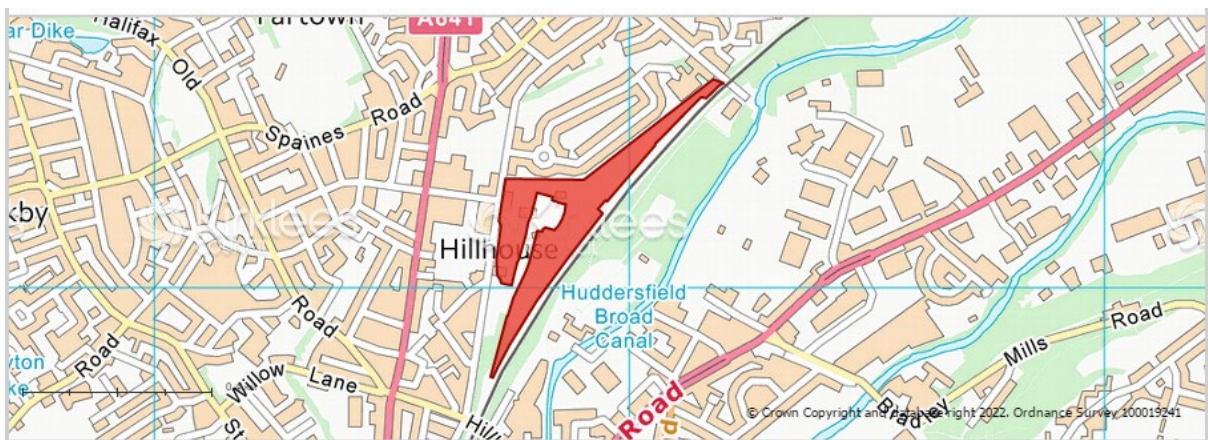
15-Feb-2022

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[link to public speaking at committee](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Greenhead and Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report subject to removal of the objection from Yorkshire Water.

In the event that the objection from Yorkshire Water is not removed within 3 months of the date of the Committee's resolution, then the Head of Planning and Development shall consider whether permission should be refused on these grounds; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.00 INTRODUCTION:

- 1.01 This is an application seeking full planning permission for erection of a construction facility to facilitate the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury). The proposed development is to include provision of a strategic construction compound constituted of open storage, trackworks and overhead line equipment (OLE – electrification cables and gantries) assembly and associated welfare facilities, as well as the construction of a retaining wall, environmental mitigation measures (noise attenuation) and provision of temporary platform for use during works at Huddersfield Station with associated access, utilities/drainage works.
- 1.02 A Transport and Works Act Order (TWAO) for the Huddersfield and Westtown (Dewsbury) section of the TRU was submitted to the Secretary of State for Transport on 31 March 2021 (The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order). The TWAO was subject to a Public Inquiry between November and December 2021 and the Secretary of State's decision is now awaited. The planned upgrade of the railway between Huddersfield and Westtown (Dewsbury) is key to delivering passenger benefits along the Trans-Pennine railway.
- 1.03 The development of the former railway sidings at Hillhouse railway yard into a construction facility for the TRU is included within the Order application. However, in advance of The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order being determined, Network Rail (NR) is submitting a standalone planning application under the Town and Country Planning Act 1990 to facilitate the use of the Hillhouse Construction Compound site as advanced works to the Order.
- 1.04 The application is presented to the Strategic Planning Committee as the proposed development is a large-scale major application with a site area in excess 0.5HA whilst also interpreted as being under the definition of 'major infrastructure'.

2.00 SITE, SURROUNDINGS & CONTEXT:

- 2.01 The Trans-Pennine Route Upgrade (TRU) programme is a rail enhancement programme established to increase capacity and improve reliability/journey times between Manchester Victoria and York, via Huddersfield and Leeds. Enhancements between Manchester and Leeds will be delivered by the TRU West of Leeds Alliance ('TRU West'). The West of Leeds element of the TRU programme is split into various geographical zones with Project W3 (of which the application will be part) running from Huddersfield to Westtown (Dewsbury).
- 2.02 This application is required in order to assist in the delivery of the wider TRU programme and assist with other projects across the route in an efficient and coordinated manner. In addition, the Hillhouse facility is crucial to the timely delivery of all of the Transport and Works Act (TWA) Scheme given that it will act as its central construction compound. The compound is proposed as the first element of the whole Scheme. The submission of this planning application, prior to a decision being issued on the TWA, is to enable works to commence in a timely manner should the Order be approved. Network Rail have accepted that this planning application, being submitted in advance of a TWAO being issued, is at their own risk. In the event that the Order is not granted by the Inspector, works would cease, and the land would be restored to its previous state.
- 2.03 The Site is located at Hillhouse railway yard , Alder Street, Fartown. It is approximately 5 hectares in area and is entirely within the ownership of NR. It is operational railway land within the meaning of Section 263 of the Town and Country Planning Act 1990 and is also designated by NR as a Strategic Freight Site. The Site is currently occupied by a number of commercial and industrial units (including a vehicle repair facility, fuel distributors and suppliers and stone quarrying and preparation) who operate under short-term leases. Notice to terminate the lease agreements has been served on the businesses allowing them sufficient time to find alternative premises for relocation. The Site will have been vacated by the tenants in advance of the proposed development being brought forward.
- 2.04 The Site is bounded by residential properties to the north, the operational railway to the south and Alder Street to the north-west. The north-western boundary of the Site is located within 20 metres of residential properties on Abbey Place and Hammond Street. Other residential properties on Abbey Road, Alder Street and Midland Street are directly adjacent to the site as well as a number of commercial premises situated upon Alder Street. Vehicle access is directly off Alder Street. There is a Housing Allocation of 1.29 hectares, with an indicative capacity for 45 dwellings, adjacent to the western boundary of the Site. A Class 2 Archaeological Site is also adjacent to the western boundary, towards the south of the Site. The Archaeological Site is also a designated heritage asset as the 'Railway Coal Chutes and Tramway with Walls and Gates' are a grade II listed building (ID – 1096083).
- 2.05 The Kirklees Wildlife Habitat Network runs north-south along the eastern boundary of the Site adjacent to the railway, and north-south adjacent to the western boundary at the southern end of the Site only. The Strategic Green Infrastructure Network runs east-west adjacent to the southern boundary of the Site.

2.06 The site is located across two Ward's with the majority of the site being within the Greenhead Ward whilst the northern section, inclusive of the turning head is located in the Ashbrow Ward.

3.00 PROPOSAL:

3.01 The proposed development seeks full planning permission for a construction facility to enable the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury). The proposed development will comprise use of Hillhouse Railway Yard as a temporary strategic construction compound to serve the Trans-Pennine Route Upgrade works including:

1. Provision of strategic construction compound including open storage, trackworks and Overhead Line Equipment (OLE) assembly and associated welfare facilities;
2. Construction of a retaining wall;
3. Construction of environmental mitigation measures (noise attenuation), and;
4. Provision of temporary platform for use during works at Huddersfield Station; and associated access, utilities/drainage works.

3.02 Access to the Site will be from an arm of the existing junction between Flint Street and Alder Street. Flint Street connects to A641 Bradford Road, a major north-south distributor road to the north of Huddersfield. A new site access road will be provided within the Site to allow vehicle movement. Network Rail have stated the following in respect of works they will be undertaking which fall under their Permitted Development Rights:

- Provision of the stabling sidings in the Yard for the train operating company;
- Provision of a signing-on /mess facility to serve the sidings in question;
- Associated internal access and car parking.
- Retention of GSM-R Mast.

3.03 In terms of point '1' above, the use of the construction compound is principally as a temporary strategic construction compound to serve the TRU works between Huddersfield and Westtown (Dewsbury), including open storage, trackwork and overhead line equipment (OLE) assembly, and associated welfare facilities. Access to the compound would be via the existing entrance off Alder Street and a security gatehouse would be provided to prevent unauthorised access by the public.

3.04 The construction compound would be used by the civils and rail systems engineers and would include laydown areas for the receipt, storage and partial assembly of the OLE. The laydown area for OLE would be located in the northern part of the compound. A laydown area is also proposed for permanent way (P-Way) works including an area where the trackwork will be fabricated. This would also include the storage of ballast. Active plant and machinery would be present on site, including a crawler crane adjacent to the railway line. Construction and project management activities to service the wider Scheme would also be undertaken from the Site. The Site would make provision for welfare cabins for construction staff and associated parking, including parking for maintenance and construction vehicles, along with 23 car parking spaces. The welfare cabins (portable buildings or similar) are proposed at 2-storey in scale and would accommodate up to 30 staff. A staff shuttle bus would service the compound from Huddersfield Town Centre.

- 3.05 With regard to point '2', a retaining wall is proposed to be constructed to the north of the compound site. The wall is anticipated to range in height from 4.5 metres to 6.2 metres in height, with a 1.1-metre-high handrail installed on top. Earthworks are to be regraded at 1:2 to tie in with the top of the proposed retaining wall.
- 3.06 In respect of point 3, three railway sidings would be constructed within the Site for the purpose of stabling trains during night-time periods. The sidings would provide stabling to accommodate a maximum of 16 carriages. Although the sidings would be constructed under NR's Permitted Development (PD) rights, there is a requirement for noise mitigation to minimise the effects of the sidings. This requirement is also identified by the Environmental Impact Assessment undertaken to support the TWAO. In order to mitigate the impacts of the sidings, an acoustic barrier is proposed to be installed along the north-east boundary of the Site, adjacent to the site boundary. The barrier would be installed as early as possible following the construction of the retaining wall, in order to reduce the effects on local noise sensitive receptors during both construction and future operation. The noise barrier is proposed to be 2m tall and 165m long. It is to be comprised of steel posts and 2m x 2m noise reflective panels.
- 3.07 As regards point '4', provision would be made within the Site for a temporary railway platform for use while Huddersfield Station is being remodelled. The temporary platform will principally be in use for 64 days in total, in two periods of closure of the station (blockades) of 32 days each. The two blockades are currently planned to take place between March and April 2024 and April and May 2025 respectively. Two trains per hour would use the temporary platform during the blockades. It is also likely that the platform would be used to accommodate the stopping train service between Huddersfield and Leeds outside the principal blockade, but the intensity of use would be significantly reduced during that period at only one train per hour.
- 3.08 The temporary platform would be 150 metres in length and is proposed to be built from modular parts. The surface is likely to be a form of composite decking. The platform would be constructed within the eastern extent of the compound to enable passenger train services to continue to operate during the planned closures (blockade) at Huddersfield Station during the construction phase of the TRU. The temporary platform would be lit and will include a Public Address (PA) system, passenger waiting shelters, a small cabin for station staff and an emergency egress. The platform is not intended to be brought into use until the TWAO for the Huddersfield to Westtown (Dewsbury) section of the TRU is granted (should this be the decision).
- 3.09 During its use, the temporary platform would be served by a bus replacement service. The service would bring in passengers from Huddersfield Station while it is closed for works. Replacement buses would operate for a limited period of time during the four year construction period, operating for a total of 64 days during the two blockades. It is estimated that around five buses per hour would be required during peak periods (07:00–09:00 and 16:00-18:00) to transfer passengers from Huddersfield Station to the compound's platform. The number of buses is anticipated to reduce to two per hour outside of the peak periods. The temporary platform would not operate between midnight and 05:30. Passengers would purchase tickets at Huddersfield Station and would be transported directly from Huddersfield Station by replacement bus to the compound site.

- 3.10 It is anticipated that the replacement buses would route from the front of Huddersfield Station, turning left onto John William Street, onto A62 Castlegate, along the A641, turning right onto Flint Street. Passengers would be dropped off at the temporary platform; this would ensure that there is no unauthorised access onto the site by the public which may conflict with the construction works/traffic. Details of the widespread publicity of the transport arrangements during the blockade period would be made available nearer the time. When not in use, buses would be stacked on Alder Street.
- 3.11 The planning application for the Compound being submitted in advance of the TWA being agreed is predicated on the need to facilitate advanced works (i.e. those works that would happen in advance of the Order being approved) but only certain elements of the compound are needed for these works. However, the Compound would also be needed to facilitate the works related to the Order should this be approved, and would entail all of the elements described within the planning application. The definition of “advanced” works has been clarified by Network Rail and these apply to the schemes that Network Rail have already obtained prior approval for last year, which include – bridge works at Red Doles Lane, Fieldhouse, Ridings and Peels Pit. The discharge of the relevant conditions for the prior approvals are expected to be submitted by the end of March 2022.
- 3.12 With regard to future use of the site, this is detailed in the TWAO; the site will be used as permanent railway sidings and maintenance yard upon the completion of the construction of the Huddersfield – Westtown scheme.
- 3.12 An outline Drainage Strategy for the Site is being developed and will be completed at the detailed design stage and submitted to Kirklees Council for approval. The drainage strategy identifies that for the Proposed Development the existing drainage outfall to the combined sewer in Alder Street will be reused for the proposed storm and foul drainage. Storm water flow rates will be controlled to the existing rates and an attenuation tank provided on Site.

4.00 RELEVANT PLANNING HISTORY (including enforcement history):

2001/91945 – Use of land for recycling (screening and crushing) of highway excavated material to provide re-usable material for highway construction – Withdrawn

2007/93096 – Use of land for parking 13 HGV tractor units and trailers and erection of service/repair garage for 2 vehicles with associated fencing and drainage and access – Conditional Full Permission

2009/93145 – Change of use from B2 (commercial vehicle repair garage) to a mixed B2 use and end of life vehicle de-pollution facility & erection of a covered external vehicle store - Conditional Full Permission

2021/92493 – Prior Approval for Alterations to Railway Bridge under Part 18(a), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. – Details Approved (Bridge MVL3/96 – Red Doles Lane)

5.00 HISTORY OF NEGOTIATIONS:

- 5.01 An Environmental Impact Assessment (EIA) screening request was submitted to Kirklees Council in respect of the proposal in June 2021. The Council's screening opinion concluded that the proposal is not likely to have significant effects on the environment which would amount to EIA, and as such an Environmental Statement is not required to support the planning application. Pre-application advice was also sought in respect of the proposal and a meeting was held with relevant Kirklees officers on 12th October 2021. Whilst there was no overall policy objection to the proposal, some clarification was sought in respect of traffic impacts, drainage, landscape, heritage and noise attenuation/air quality.
- 5.02 With regard to Hillhouses and the wider Trans-Pennine Route Upgrade, a Statement of Common Ground has been mutually agreed between Network Rail Infrastructure Limited and Kirklees Council. This Statement of Common Ground is intended to provide a succinct summary of the matters that have been resolved between the Council and Network Rail as regards Network Rail's application for the Order, request for deemed planning permission and listed building consents. The Statement of Common Ground is also intended to provide a succinct summary of the matters that remain unresolved between the Council and Network Rail Network Rail's application for the Order, request for deemed planning permission and listed building consents. The Statement of Common Ground provides clarity in respect of agreed condition wording between the two parties (Network Rail and Kirklees Council).

6.00 PLANNING POLICY:

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.02 The third and seventh strategic objectives of the Kirklees Local Plan is to:
- 3. Improve transport links within and between Kirklees towns and with neighbouring towns and cities, giving priority to public transport, and to cycling and walking, providing an efficient highway network which supports the district's economy.*
- 7. Promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced and to help the transition towards a low carbon economy.*
- 6.03 The Kirklees Local Plan Allocations and Designations (2019) also includes **Site TS7 Public Transport Improvement Schemes**. This allocation includes the Trans-Pennine Electrification and Huddersfield Station Capacity Improvements, which specifically refers to the '*electrification of the Transpennine rail line between Manchester and York and capacity improvements at Huddersfield Station to accommodate longer and an extra Transpennine service*'.

6.04 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP19 – Strategic Transport Infrastructure
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP35 – Historic Environment
- LP45 – Safeguarding Waste Management Facilities
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.05 Relevant guidance and documents are:

- Highway Design Guide SPD (2019)

Climate change

6.06 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Policy and Guidance:

6.07 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.08 Since March 2014 Planning Practice Guidance for England has been published online. Relevant sections include:

- Consultation and pre-decision matters
- Determining a planning application

7.00 PUBLIC/LOCAL RESPONSE:

7.01 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was originally advertised as a major development by means of 5 site notices erected adjacent to the site at various locations on the 08/12/2021, an advertisement in the Huddersfield Examiner on 17/12/2021 and by direct neighbour notification to adjoining properties.

7.02 As a result of the application's publicity, no comments have been received on the application to date.

7.03 Cllr Pattison (Greenhead Ward) responded to the Ward Member Consultation on the 3rd December 2021 to state 'no comments at the current time'.

8.00 CONSULTATION RESPONSES:

8.01 Statutory:

Coal Authority: The proposed development is a 'Material Consideration' as it is within a High-Risk Area – Suitable conditions would be attached to a decision recommended by the TCA.

KC Lead Local Flood Authority (LLFA): No objections subject to conditions

Health and Safety Executive: Do Not Advise Against the granting of planning permission (No Objections)

The Environment Agency: No comments or observations

Yorkshire Water: Holding Objection

KC Highways Development Management: No objection subject to conditions

KC Environmental Health: No objections subject to conditions

National Highways: No objections subject to condition wording advised within the Construction Traffic Management condition relating to Heavy Duty Vehicles on the Strategic Road Network

Natural England: No Comments

Canal & River Trust: No Impact on Huddersfield Broad Canal

Historic England: No objections subject to condition (integrated with WYAAS)

8.02 **Non-statutory:**

British Transport Police: No objection

KC Conservation and Design: No response

KC Crime Prevention: No response

KC Landscape: Comments summarised below:

To be satisfied with the proposals we will need to see amendments to the layout, planting schedule, protection measures and a working methodology for the site and landscape maintenance plan for the term of the sites operation.

An appropriately worded condition has been added which covers the above requirements.

KC PROW: No response

Northern Gas: No objection.

Railways Heritage Trust: No response

KC Trees: No response

KC Waste Strategy: Satisfied that the KC Environmental Health conditions, namely the Construction Environmental Management Plan (CEMP) condition, are sufficient to protect the adjacent SUEZ Energy from Waste Facility situated to the south east of the proposal site.

West Yorkshire Archaeology Advisory Service: No objections subject to condition (Integrated with Historic England)

West Yorkshire Police Designing Out Crime Officer:

Yorkshire Wildlife Trust: No response

9.00 **MAIN ISSUES:**

- Land Use and Principle of Development
- Residential Amenity & Environmental Health Matters
 - *Air Quality*
 - *Noise*
 - *Construction Environmental Management Plan (CEMP)*
- Highway and transportation Matters
 - *Construction Traffic Management*
 - *Non-construction Traffic Management*
 - *Network Management Impact*
 - *Construction Traffic Management Plan*
 - *Conclusion*
- Flood Risk and Drainage Matters
- Trees, Landscaping and Ecological Considerations
 - *Landscaping*
 - *Ecology/Biodiversity*
 - *Trees*

- Ground Conditions
- Design & Heritage
 - *Heritage Impact*
 - *Archaeology*
 - *Conclusion*
- Climate Change
- Other Matters

10.00 ASSESSMENT:

Land use and principle of development

- 10.01 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan (KLP). If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.02 The temporary platform and the compound are situated on existing brownfield land designated under Section 263 of the Town and Country Planning Act 1990 as Operational Railway Land. Network Rail have designated the site for Strategic Freight historically and the site has, in recent years, been used for a variety of B2 and B8 Class uses, including a vehicle repair facility, fuel distributors and suppliers of stone quarrying and preparation materials. Indeed, the adjacent grade II listed Coal Chutes stand as a testament to the Site's historic association with the railway and the industrial uses often prevalent adjacent to them.
- 10.03 Given the current and historic land use of the site, the principle of a temporary railway platform and construction compound at this Site is acceptable as it is considered a key element of enabling the strategic rail transport upgrade set out within KLP Site Policy TS7. The Trans-Pennine Route Upgrade is a transformational scheme that has the potential to significantly boost the economy of Kirklees through increased capacity, improved reliability and reduced journey times. By consequence, the development accords with the third and seventh strategic objectives of the KLP which seek to improve transport links within and between Kirklees towns and with neighbouring towns and cities whilst promoting development that helps to reduce and mitigate climate change.

Residential Amenity & Environmental Health Matters

- 10.04 The nearest residential properties are located to the north of the site on Abbey Road, Hammond Street and Abbey Place. Topographically the residential areas are generally situated at a significantly higher level than the Hillhouses Yard Site, with contour mapping information indicating an average level difference of 5m. Given this situation and the limited scale of the proposed development – indicated as being two-storey temporary cabins – it is perceived that there will be a negligible impact on nearby residential properties with regard to the potential for overbearance, privacy loss and overshadowing. It is acknowledged that cranes have been proposed to operate on the site; however,

the length of their use in any given position is likely to be temporary whilst being positioned on manoeuvrable rolling stock that would limit a prolonged impact to a specific residential property.

- 10.05 As regards properties on Midland Street, to the south west of the Site, permitted development works to create the sidings within the centre of the Site are the nearest part of the development relative to these residential dwellinghouses. The creation of the spur from the existing railway track to provide access to the sidings is not likely to increase existing levels of overshadowing, privacy loss or overbearance, as a significant proportion of the trees (G19 on plan –Trees to be Retained/Removed on 151667-TSA-00-TRU-REP-W-EN-00190 Rev P01) are to be preserved above the retaining wall on the western side of Alder Street opposite the dwellinghouses on Midland Street. The Noise and Vibration Assessment has also considered the effect of the movement and stabling of trains within the sidings upon residents on Midland Street. The report indicates that the impact upon Midland Street is unlikely to incur adverse sound levels to these properties.
- 10.06 Kirklees Local Plan Policy 52 states that *'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.'* As the site is to function predominantly as a construction compound over a significant period between 2022/3 to 2027, it is clear that typical disruption resulting from construction and engineering operations on the site need to be handled appropriately and that practices are in place to mitigate and minimise air quality and noise impacts that could affect the amenity of nearby residents.

Air Quality

- 10.07 With regard to air quality, an Air Quality Assessment by Network Rail (dated: November 2021) has been submitted in support of the application. The proposed development site is located 500m north of Kirklees Councils Air Quality Management Area (AQMA 9) which encompasses Huddersfield Town Centre and was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). The assessment focuses on dust nuisance and vehicle emissions during the construction phase of the development and the impact that this will have on existing air quality within the study area.
- 10.08 In respect of nuisance dust, a qualitative assessment of nuisance dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. This considers three construction processes, earthworks, construction and trackout, and the potential dust impacts this will have on all sensitive human receptors within 350m of the site boundary. The nearest sensitive receptors are the residential properties adjacent to the north and north-east boundaries of the Site along Abbey Road, Hammond Street and Abbey Place. A risk assessment was undertaken to identify all sources of dust and the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor locations. From this the potential significance

impact of dust emissions associated with the development without mitigation measures was determined. Where receptors are outside of these study areas, IAQM guidance concludes that the level of risk would be negligible based on the exponential decline in both airborne concentrations and the rate of deposition with distance. The report considered the Hillhouse Construction Site Compound to be at worst “high risk” due to dust soiling impacts. It goes on to say that that the adverse impacts can be minimised, reduced and where possible eliminated at the nearest sensitive receptors to the works through the implementation of best practice mitigation measures. These measures are listed in Section 7.2.1 of the report, titled ‘Mitigation Measures’ and their compliance would be conditioned subject to approval by Committee Members.

- 10.09 As regards vehicle emissions from the site, the impact of exhaust emissions was assessed in accordance with Environmental Protection UK (EPUK), and the Institute of Air Quality Management (IAQM) guidance. The site is currently occupied by a number of commercial and industrial units and a traffic count survey undertaken in 2019 indicated that the existing uses on the site generate 44 heavy Duty Vehicle (HDV) movements Annual Average Daily Traffic (AADT). This was compared to the predicted HDV construction vehicle trips – totalling 60 HDV movements per day (Monday – Saturday) and 51 HDV movements AADT. In addition, whilst Huddersfield station is closed for remodelling works, a rail replacement bus service would run between Huddersfield Station and the temporary platform. It is anticipated that there would be two train services per hour from the temporary platform and therefore around five buses per hour will be needed during peak periods (07:00–09:00 and 16:00- 18:00) to transfer passengers from Huddersfield Station to the platform. The number of buses is expected to be reduced to two per hour outside of the peak periods. The rail replacement bus service is predicted to generate a further 1,600 HDV movements annually resulting in a further 4 HDV movements AADT. In total the change of use of the Hillhouse sidings site to a construction site compound would result in an increase of 11 HDV movements AADT.
- 10.10 The report goes on to state that this does not meet the criteria for requiring an air quality assessment as set out in the EPUK & IAQM guidance as follows:
- A change of Light Duty Vehicle (LDV) flows of more than 100 Annual Average Daily
 - Traffic (AADT) within or adjacent to an AQMA, or more than 500 AADT elsewhere; or
 - A change of Heavy-Duty Vehicle (HDV) flows of more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT; or
 - A change in road realignment, where the change is 5m or more and the road is within an AQMA.
- 10.11 The report continues by stating that the predicted increase in 11AADT HDV movements is relatively small compared to the existing road traffic emissions on the A62 Huddersfield ring road. According to the Department for Transport (DfT) 2019 traffic counts, there were an estimated 30,766 daily vehicles on the A62, 2% of which were HDVs. The report goes on to conclude that the effect of construction vehicle emissions (HDVs) entering and egressing the site would not be significant. This was based on the number of plant on site, their operating hours and the control measures proposed, and the IAQM guidance which states that exhaust emissions from construction plant are unlikely to have a significant impact on local air quality.

10.12 Overall KC Environmental Health agree with the approach, methodology and conclusions of the Air Quality Assessment.

Noise

- 10.13 The impact of noise emanating from the site that would have the potential to affect nearby residential properties is assessed in the submitted Network Rail Noise and Vibration Report (November 2021). The findings of the report are accepted by KC Environmental Health. The information within provides a broad outline of reasonable mitigation measures to deal with the expected noise and vibration resulting from the development. There are a number of uncertainties at this stage and whilst the results indicate that there are no significant adverse noise impacts during the construction of the proposed development, there are potential significant adverse impacts at NSRs to the north of the site due to night-time construction works while the site is being used as a construction compound during the construction of the TRU Scheme. The report states that any noise will be mitigated by a noise barrier at the north of the site which will be installed early in the construction programme with the purpose of mitigating operational noise from the site. It will also serve to mitigate construction noise. A 2m high noise barrier is proposed with a length of 165m to the northern boundary with reflective noise panels (as per drawing number 151667-TSA-31-MVL3-DRG-T-LP-162887) but no detail is given on the mass of the panelling. The report acknowledges that the barrier does not attenuate from the operation of the proposed development such that significant adverse effects are entirely avoided, particularly at first floor level. Environmental Health are cognisant of this particular matter and require a sound-insulation scheme by condition that is predicated on the installation of acoustic glazing and ventilation in affected residential properties with its effectiveness reviewed subject to a post-installation noise survey – this is explained in further detail in paragraph 10.15 below.
- 10.14 The proposed temporary railway platform will be served by a PA system which has the potential to lead to adverse effects at nearby dwellings. The results of the worst-case BS4142 assessment indicate that complaints due to PA system noise are unlikely during daytime periods and would be of marginal significance during night-time periods due to the ability to direct amplification away from residential areas and the relative infrequency of the systems use.
- 10.15 The report also highlights the impact of train start up and idling, particularly in freezing temperatures, within the stable sidings. During the normal operation of the site as a stabling sidings, during both the temporary and permanent phase, there are potential significant adverse impacts at Noise Sensitive Receptors (NSRs = residential properties) to the north due to train start-up during night-time periods. Additionally, during periods of freezing temperatures, noise from idling trains also has the potential to cause significant adverse effects. Mitigation will be provided in the form of a noise barrier to the north of the site together with an offer of non-statutory noise insulation to affected residential Noise Sensitive Receptors. Glazing and ventilation will be offered to the residential NSRs adjacent to the proposed development but it is unclear which of these properties will be offered the noise insulation proposed. However, it is anticipated that these proposals would help to mitigate the effect on the amenity of the occupiers of the noise sensitive receptors. Consequently, conditions are recommended to prevent the loss of amenity to the occupiers of neighbouring properties and these are included in the recommendation put before Members of the Strategic Planning Committee.

Construction Environmental Management Plan

- 10.16 A working draft of the Construction Environmental Management Plan (CEMP) has been submitted by Network Rail. The CEMP provides a framework in which environmental impacts are to be managed at the Hillhouse Compound throughout the duration of the construction of the section of the Trans-Pennine Route Upgrade (TRU) between Huddersfield and Westtown Dewsbury. The CEMP provides proposed controls in which to minimise or avoid the potential impacts and loss of amenity to the environment and nearby sensitive receptors. The report covers roles and responsibilities, training, communication, working hours, waste management, dust emissions, noise and vibration, and artificial lighting.
- 10.17 There remains a divergence in agreement on the information submitted for the CEMP by Network Rail contrasted with the information required by Environmental Health Officers to enable a condition for compliance with the CEMP resulting from the planning application process. The areas of divergence include working time restrictions, location of raw materials, location of demolitions, location of waste storage, artificial lighting specifications (height, direction and locations), dust suppression task timetables, delivery restrictions on weekends and compound layout plan. The specific matters are covered in more detail within the Environmental Health response.
- 10.18 The outstanding information points for the CEMP are to be clarified through a pre-commencement condition agreed with Network Rail.

Conclusion

- 10.19 With the exception of minor details to be clarified in respect of the CEMP, the potential nuisance dust generated by approval of planning permission for the compound and temporary platform would be satisfactorily mitigated through the measures proposed to control dust in accordance with Section 7.2.1 of the Air Quality Assessment. By consequence the AQA would be conditioned to be complied with and supplementary details required by condition for the CEMP in respect of specific tasks for dust suppression measures and practices on-site.
- 10.20 Similarly adverse noise generation from the new use of the site is to be minimised and controlled through the introduction of a 2m high noise barrier across the Site's northern boundary alongside the installation of specialist acoustic glazing and ventilation to affected properties. These noise measures are to be implemented by condition and supported by post-installation surveys to demonstrate satisfactory internal sound levels are achieved at Noise Sensitive Receptors with subsequent measures applied subject to the results of the post-installation survey. This latter point is also recommended to be conditioned alongside a condition for noise limitations to prevent background noise exceedance for fixed mechanical services, external plant and equipment.
- 10.21 The conditions recommended by Environmental Health Officers and attached to the recommended decision are necessary to protect and maintain the quality of life and amenity enjoyed by local residents to make the development acceptable in respect of LP Policies 24 and 52 of the Local Plan.

Highway and Transportation Matters

- 10.22 The council is committed to ensuring that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Planning can influence road safety through its control and influence on the design of new developments. Kirklees Local Plan Policy LP21 Highways and Access states that *'proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network.'*
- 10.23 As previously mentioned in Section 3 of this report, the Site is to be accessed via the existing access formed from the eastern arm of the four-arm priority-controlled Alder Street/Flint Street junction. The junction benefits from a 'raised-table' carriageway to control speeds across it. The site access arm is proposed to be upgraded from its existing layout to provide additional width and improved road markings to ensure suitable access onto Site. The works are to be agreed pursuant to a Highways Act 1980 Section 278 agreement with Kirklees Council.

Construction Traffic Management

- 10.24 Site traffic is to mostly consist of those related to the construction works taking place on the site and across the wider TR Upgrade, with Heavy Goods Vehicles (HGVs) and Light Goods Vehicles (LGVs) composing the majority of movements to and from the Site. Construction routes include:
- Via A640 from M62 Junction 23 and right down Flint Street; or
 - Via A629 from M62 Junction 24, then via Bradford Road (A641) with a right turn onto Flint Street.
- 10.25 Construction Traffic is to be routed to avoid any areas where traffic calming measures have been implemented. Where practical, efforts have been made to route construction traffic around sensitive receptors such as schools, churches, etc. Routes have been chosen which have no height or weight restrictions. The construction routes are proposed on designated roads that can be used to access the Site and are of an appropriate design standard for the construction vehicles. All construction delivery vehicles accessing the local area from the wider strategic road network will use these designated routes and will be prohibited from using any other routes. Exceptions will be made for closed roads resulting from vehicle collisions or other similar emergencies and the Local Authority will be informed of any temporary diversions from the routes listed above.
- 10.26 Section 5.5.1 of the submitted Construction Traffic Management Plan (CTMP) states that there are no anticipated abnormal loads required for the proposed development site or its operation. However, if required, abnormal loads would generally be routed overnight to minimise conflict with other road users and, in addition, an escort vehicle will travel ahead of the load to hold oncoming traffic at suitable passing points. Any abnormal load would be subject to 'movement orders' agreed with Kirklees Local Highway Authority a minimum of 5 weeks in

advance. KC Highways consider it likely that abnormal loads will be required given the proposal includes the provision of pre-fabricated buildings which will need to be transported to the site. Details of abnormal loads have been added within the attached Construction Traffic Management Plan Condition.

- 10.27 National Highways have recommended that HGV movements should be prevented during peak hours by condition. The delivery timings set out within Section 5.4.2 of the CTMP accord with the requirements of National Highways to restrict HGV movements which could disrupt the Strategic Road Network.
- 10.28 Temporary Traffic Regulation Orders (TTROs) are proposed with discussions on-going between Network Rail and the LHA. Measures are to include temporary parking restrictions put in place on Alder Street (from Willow Lane East to Abbey Road) and along Flint Street (from Bradford Road to Alder Street).

Non-Construction Traffic Management

- 10.29 In addition to construction traffic, the Site will also be accessed by office staff, operatives and rail replacement coaches carrying members of the public to the temporary railway platform within the Site. Passengers would be dropped off directly at the temporary platform and there will be no direct public access to the site.
- 10.29 The Site will be staffed by around 30 office staff, who will travel directly to the Site. It is anticipated that 20 morning and evening trips will result within peak hours resulting in two cars for every three members of staff. A Travel Plan will encourage use of construction access routes, sustainable transport and car sharing. The Travel Plan is proposed to be produced within 3 months of the Site coming into use.
- 10.30 The Site will also be staffed by approximately 180 operatives. The operatives are to be bussed to Hillhouse Yard from the Fitzwilliam Street Depot adjacent to Huddersfield Station. The Fitzwilliam Street depot will house the operatives' welfare/canteen and clocking facilities. 12 minibus movements are anticipated between the two facilities (1 minibus has a capacity for 15 operatives) in each direction for the Morning Peak and Evening Peak hours. The Travel Plan will also encourage sustainable travel options for operatives to the Site and no on-site parking will be provided to operatives at Hillhouse Yard.
- 10.31 Office staff and operatives are to travel to the site throughout the duration of the Site's use as a construction facility enabling the TRU program. Conversely, the Rail Replacement Service operating during the closure of Huddersfield Station is for a far shorter temporal period owing to the 'blockades' being limited to two months in 2024 and 25 respectively.
- 10.32 The Rail Replacement Service is to operate with passengers purchasing tickets at Huddersfield Station travelling by replacement bus to the compound site. It is anticipated that the rail replacement buses would route from the front of Huddersfield Station, turning left on John William Street, onto the A62 at Castlegate, and then via Bradford Road (A641), turning right onto Flint Street and then entering the Site at the Junction with Alder Street. Passengers would be dropped off at the temporary platform to ensure that there is no unauthorised access onto the Site which may conflict with the construction works/traffic.

- 10.33 Network Rail indicate that there will be two services per hour from the temporary platform and therefore around five buses per hour will be needed during peak periods (07:00-09:00 and 16:00-18:00). The number of buses required outside of the peak periods is anticipated to be two per hour. The temporary platform would be restricted from operating between midnight and 05.30am. The transport arrangements affecting Huddersfield Station will be subject to widespread publicity in advance of the blockade periods.
- 10.34 Pedestrian segregation and footways have been considered in the highway layout design to enable safe pedestrian access across the site for the workforce. Loading and unloading areas are to be designated to specific locations within the site and the internal road layout has been subject to vehicle tracking and swept paths to ensure that HGV/articulated vehicles are able to turn around and manoeuvre throughout the site in a forward gear.

Network Management Impact

- 10.35 In respect of the potential operational effect of the proposed development upon the local and strategic highway network, Members should be aware of the Site's current operation as an active commercial estate with baseline trip generation being indicated at 19 trips in the morning peak hour and 21 in the evening peak hour.
- 10.36 Network Rail anticipate that there will be 60 HGV movements that are restricted to occur outside of peak hours (to minimise disruption at peak times) whilst there would be 54 cumulative trips (composed of staff, operative and Rail Replacement) at the height of the Site's operation during the blockades at both morning and evening peak periods.
- 10.37 When compared to the background trips, the generated trips for the proposed development will increase by 35 vehicle movements during the morning peak hour and 33 vehicle movements in the evening peak hour. However it is important to frame the increased impact in context. The generated movements of the development Site at full operation in peak hours, which is restricted to two months during the site's 4 to 5 year operation, is less than 1 per minute over the assessed timeframe. This impact during peak hours is anticipated to be negligible upon the safe operation and capacity of the highway network in this area.

Construction Traffic Management Plan

- 10.38 The Construction Traffic Management Plan would function as the mechanism through which mitigation measures to minimise impacts on the highway network can be implemented. The CTMP is to be conditioned as a requirement prior to commencement of the development and shall require submission of the following details:
- i. Details of construction access routes including access and egress points onto the public highway, including visibility splays, width, radii, fencing and gates.
 - ii. Prohibited routes for construction traffic.
 - iii. Any time restrictions imposed on any routes.
 - iv. Temporary road and Public Right of Way (PRoW) closures and diversions.
 - v. A signage strategy for each construction access route adopting the principles set out in Chapter 8 Traffic Signs Manual.

- vi. Details of the audit and performance monitoring for construction traffic to ensure their adherence to the stated routes and restrictions.
- vii. Traffic control measures (including details of traffic signal installations).
- viii. Site specific controls in consideration of the potential nuisance (noise, vibration, mud and dust).
- ix. Prohibition of parking of any construction site vehicles along the public highway.
- x. Detailed plans of highway improvements for safety, capacity, accessibility and resilience along any routes where considered necessary by the local planning authority including but not limited to details of passing bays, junction alterations, areas of carriageway widening, highway structures, footways, cycleways, drainage, signage, Intelligent Traffic Systems, road markings and carriageway strengthening required as a result of construction of the works with a timetable for implementation of the improvements and removal where appropriate.
- xi. Details of site hoarding.
- xii. Details of control of access/site security.
- xiii. Parking, including for site operatives, turning, loading and off-loading facilities.
- xiv. Pre-condition survey of the existing highway network to be used for construction traffic to be undertaken prior to the construction route being brought into use and proposals for inspection and repair of any damage to the highway network attributable to construction traffic.
- xv. Proposals for the reinstatement of PRowS where used for construction traffic.
- xvi. Details of the storage of materials, plant and machinery.
- xvii. Details of the management and handling of the movement of any excess excavated material and any new imported material.
- xviii. Details of abnormal load routes and submission of movement orders.

Conclusion

- 10.39 To conclude, a number of residual matters remain from a KC Highways Development Management perspective. These specifically relate to the scope and implementation of the TTROs, the location and availability of parking capacity for operatives at the Fitzwilliam Street facility as well as the Commuter Travel Strategy with regard to the practicalities of the operation of the Rail Replacement Service alongside the specific practical matters required within the CTMP.
- 10.40 The Local Highways Authority are in continuous dialogue with Network Rail to resolve these outstanding operational matters and KC Highways Development Management are satisfied that the outstanding details are at an advanced stage of deliberation to enable such information to be received subject to condition. The recommended conditions from KC Highways DM enable the proposed development to be determined as conforming with the requirements of Policies LP19 – Strategic Transport Infrastructure – LP20 – Sustainable Travel – LP21 – Highways and Access and LP22 – Parking.

Flood Risk and Drainage Matters

- 10.41 Policy LP27 – Flood Risk – of the Kirklees Local Plan requires that Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed.

- 10.42 A Flood Risk Assessment (FRA) has been produced by Network Rail and is submitted in support of this application. The Environment Agency Flood Map indicates that the Site is located within Flood Zone 1. The vulnerability classification of the Proposed Development from fluvial flooding is considered to be 'less vulnerable' and as such is an appropriate development in this flood zone. The Site is to be raised towards the north of the site by up to 2m. Cut and fill volumes have yet to be determined but the location of the ground raising exercise is located solely within Flood Zone 1. All Site welfare and staff/office facilities are located within Flood Zone 1.
- 10.43 In respect of pluvial flooding, the supporting Flood Risk Assessment states that very heavy, high intensity rainfall may result in high surface water flows on the Site and areas of ponding. This may be as a result of rainfall intensity exceeding infiltration capacity or water logging of the ground beneath. However, the flooding mechanism is not known at this stage. There are small pockets of low risk surface water flooding on the Site. The drainage strategy for the Site will be based on the principles of the scheme-wide drainage strategy and subsequent discussions with the LLFA in relation to the wider TRU scheme. The management of surface water flows on the site include a storm water attenuation tank with a storage volume of 200m³ constructed from geocellular attenuation crates, SDS GEOLight or similar. Storage capacity is based on a peak discharge rate of 92 litres per second (l/s) for the 100 year storm plus 40% climate change allowance, based on 30% betterment of the assumed brownfield rate of 123l/s. This intention accords with point b within Policy LP28 – Drainage – of the Kirklees Local Plan which requires proposals on brownfield sites to achieve a minimum of a 30% reduction in surface water run-off relative to previous surface water connections.
- 10.44 The Flood Risk Assessment and the mitigation proposed in Section 8 of the Code of Construction Practice (Part A) document have been reviewed by the Local Lead Flood Authority (LLFA). Though the LLFA agree with the conclusions of the reports, specific detail in respect of the calculations that evidence the site's proposed capacity for its temporary and permanent drainage are not provided or agreed. The LLFA have consequently recommended the imposition of pre-commencement conditions pertaining to a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details, plans and longitudinal sections, hydraulic calculations and phasing of the permanent drainage provision). Further conditions are recommended detailing on-site/overland flow routing and a 'Construction Phase Surface Water Flood Risk and Pollution Prevention Plan'.
- 10.45 Yorkshire Water, as a statutory consultee, have advised the LPA of their 'holding objection' for the proposed development subject to a CCTV survey being conducted that would delineate the specific location of a combined sewer that crosses the southern section of the Site's redline boundary. As the specific location of the sewer is not known, Yorkshire Water's objection is necessary to ensure that no building takes place within the sewer's easement. As portable buildings are proposed, Officers do not anticipate that this holding objection is one that cannot be satisfactorily dealt with under delegated powers as the sewer is significantly distant from residential properties and the location of the portable cabins is to be covered by condition as advised in the 'Design and Heritage' section below. In summary, the attachment of the cited conditions to the recommended Committee decision enables the development to be in compliance with Policies LP27 and 28 of the Kirklees Local Plan.

Trees, Landscaping and Ecological Considerations

Landscaping

- 10.46 Policy LP24 – Design – of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. This reflects guidance within the National Design Guide and also the National Planning Policy Framework, at Paragraph 126, which confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy LP32 – Landscape – requires development proposals to take into account and seek to enhance the landscape character of the area.
- 10.47 An Outline Landscape Plan has been produced and is submitted as part of this application (drawing reference: 151667-TSA-00-TRU-REP-W-EN-001074 Rev P01). The outline plan shows the proposed landscaping approach, which includes retention of existing vegetation, along with re-enforced planting alongside the northern boundary of the Yard near Red Doles Lane, and tree and shrub planting on a N-S axis through the centre of the site adjacent to the sidings.
- 10.48 Consultation with KC Landscape indicates that not all opportunities for landscape planting are utilised within the Site and that further detail is required to enable a satisfactory scheme to come forward that would provide clear enhancement above existing levels. Consequently a condition agreed as a part of the Statement of Common Ground for a Landscape and Ecological Management Plan (LEMP) is recommended to be attached to a Committee decision on the application. The details captured in the LEMP would enable the development to be acceptable with regard to KLP Policies 24 and 32. The wording of this condition has been agreed previously between KC Landscape and KC Ecology with Network Rail as a part of the TWAO process.

Ecology/Biodiversity

- 10.49 Biodiversity and geodiversity are important components of a high-quality natural environment which help strengthen the connection between people and nature and contribute to health and well-being. A core principle of the planning system, as set out in national planning policy, is to conserve and enhance the natural environment. Planning policies and decisions should minimise impacts on biodiversity and geodiversity and aim to maintain and enhance biodiversity when determining planning applications.
- 10.50 West Yorkshire Ecology have identified the Kirklees Wildlife Habitat Network which connects designated sites of biodiversity and geological importance and notable habitat links within the district, such as woodlands, watercourses, natural and semi-natural areas. The identification of the Wildlife Habitat Network is intended to protect and strengthen ecological links within the district. The purpose of the network is to enable species populations to be sustained by protecting and enhancing the ecological corridors and linkages within the wider environment, including links to adjoining districts. Development within the Wildlife Habitat Network will not necessarily be prevented but the council will seek to ensure that development proposals maintain the integrity and continuity

of the network and protect the nature conservation value of the land affected. The Wildlife Habitat Network forms the basis for increasing the robustness and inter-connectivity of ecological corridors. As such, development proposals within and adjacent to the Wildlife Habitat Network should be considered as opportunities to enhance and expand its functionality.

- 10.51 The area known as G19 on plan –Trees to be Retained/Removed on 151667-TSA-00-TRU-REP-W-EN-00190 Rev P01, is part composed of a Woodland Wildlife Habitat Network (No.553). A section of G19 is to be removed where the railway sidings are proposed to be developed under permitted development rights. Nevertheless the area of woodland to be removed is almost wholly outside of the redline boundary of the planning application and, in any case, the designated area of the Woodland Wildlife Network will remain intact. This is acceptable in respect of Policy LP30 – Biodiversity and Geodiversity.
- 10.52 An Ecological Impact Assessment (EclA) has been prepared and is submitted in support of this planning application. The EclA includes the results of an ecological data search; a field survey of the Site; a Preliminary Bat Roost Assessment (PBRA) of buildings and trees (ground based/external) and a survey for common non-native invasive plant species. It also provides an evaluation of the importance of ecological features present within the Zone of Influence (Zol), which is defined as a two kilometre radius from the Site, and assesses the potential effects that the Proposed Development may have on any such features identified.
- 10.53 The EclA notes that the Site is not within or adjacent to any statutory or non-statutory designed sites for nature conservation and no such sites are located within the Zol. There are no recent records (2011-2020) of amphibians, reptiles, otters (*Lutra lutra*), water voles (*Arvicola amphibius*) or white-clawed crayfish (*Austropotamobius pallipes*) within the Zone of Influence. The field survey was undertaken in May 2021, and divided the Site into 15 sub-areas as shown in Figure 3-1 of the EclA. Detailed findings for each sub-area are set out in the EclA. A condition covering a site-specific method statement for the cited protected species, advised within the EclA, is applied to the recommended decision.
- 10.55 In respect of Flora, the ecological data search returned 15 records of invasive non-native plant species from within 2km of the Site, including Japanese knotweed and Himalayan balsam. If it is likely that the proposed development will disturb these plants (for example by excavation at, or close to, the areas in which they are located) and Network Rail have proposed that a specialist contractor will be employed to remove them and ensure that there is no spread throughout the wider environment. A Method Statement is therefore conditioned to evidence how good working practice across the Site will ensure that the proposed development will not cause the spread of these invasive plants.
- 10.56 Network Rail have indicated that they are committed to achieving 10% biodiversity net gain to compensate for the proposed development of the Trans-Pennine Route. Further work will be undertaken to establish where and how the compensatory measures will be provided if required; however the location is to be within the wider Project W3 area rather than within the Site.

10.57 By consequence, a Biodiversity Enhancement and Management Plan (BEMP) condition has been added to the recommended decision which requires Network Rail to detail how the site will achieve an off-site 10% Biodiversity Net Gain. The condition will necessitate the identification of the Site's current baseline biodiversity value, the enhancements to achieve the net gain and the management plan, including funding mechanisms to maintain the off-site enhancements. The attachment of the condition enables the proposal to be policy compliant in respect of LP Policy 30.

Trees

10.58 A Tree Survey of the Site was undertaken in March 2019 and is submitted with this application. The survey identifies the constraints posed by existing trees where they may be impacted by the proposed works. The majority of trees on the Site have been recorded as groups, and where appropriate, significant trees within grouped features have been recorded as individual specimens as shown on the Tree Survey (drawing reference: 151667-TSA-00-TRU-REP-W-EN-001078) and detailed in Appendix B – Tree Survey Schedule of the AIA.

10.59 The survey found that tree stock within the Site largely comprises linear groups of young to semi-mature mixed-broadleaved groups of native trees and shrubs growing around the perimeter. Areas of younger natural regrowth and dense scrub are located towards the centre of the Site. Table 7-1 in the AIA sets out which tree groups are to be retained/lost as part of the proposed Development. There are 5 full groups of trees, part of one group, and one individual tree that would be unaffected, and 5 groups of trees, plus part of a sixth, that would be lost.

10.60 Removal of trees within the Site application boundary would be mitigated through compensatory planting which is detailed in the Outline Landscape Plan submitted in support of the planning application. Trees which are to be removed under Network Rail's Permitted Development Rights (which are located outside the Site boundary) will be offset elsewhere on the wider TRU Scheme and presumably as a part of the BEMP and Biodiversity Net Gain information subject to condition.

10.61 Works to remove trees should be timed to avoid the bird nesting season and other potential ecological constraints for legally protected species. These limitations are to be restricted by a recommended condition which allows tree removal subject to nesting bird checks by a competent ecologist.

10.62 An Arboricultural Method Statement to be submitted as part of the Landscape and Ecological Management Plan (LEMP) will detail the required tree protection measures relating to tree groups G19 (part), G22, G349 and G350 (as specified in the Tree Survey), which will be in proximity to the construction work. A Construction Exclusion Zone (CEZ) will be established around these trees where no unauthorised access or construction operations are permitted, to protect the ground from compaction or excavation and canopies from physical damage. This will be secured by means of temporary protective fencing with weatherproof signage.

10.63 The proposed development is found to be compliant with Policy LP33 – Trees – subject to the recommended conditions cited above.

Ground Conditions

- 10.64 Environmental Health have identified the Site as potentially contaminated land due to its previous uses. A Phase 1 Land Contamination Desk Study by Network Rail, dated November 2021, has been submitted in support of the application. The Phase I report provides a comprehensive appraisal of the site history and environmental setting. From this, it is evident that there have been potentially contaminative uses on the Site (and/or adjoining land) which could impact upon the development and the environment. The site is also in area where the historic coal mining legacy may impact the development. The report advises that there is currently a ground investigation underway to characterise the site. This includes ground gas monitoring. For these reasons, contaminated land conditions are necessary and apply to the intrusive investigation report and subsequent phases of the development i.e. remediation, implementing the remediation and validation of the remediation. The attachment to the recommended decision of Contaminated Land conditions enables the proposed development to be acceptable in respect of Policy LP53 – Contaminated and Unstable Land.
- 10.65 The Coal Authority were consulted as a result of the site being almost wholly within the High Risk Area for coal mining legacy. Further investigation by the Coal Authority indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application. In this instance, the site has been subject to historic underground recorded coal mining at shallow depth and is likely to have been subject to historic underground unrecorded coal mining at shallow depth. Our records also confirm that a thick coal seam outcropped across the site and that there is one recorded mine entry (shaft) within the planning boundary, with a further mine entry (shaft) within close proximity of the boundary.
- 10.66 As a consequence of the above Site assessment, the Coal Authority have recommended intrusive site investigations, remediation works and a site safety confirmation/validation statement confirming the site is safe and stable for the proposed development to be undertaken. The recommended Coal Authority conditions accord with the requirements of Environmental Health's Contaminated Land conditions and these conditions will be merged to prevent duplication.

Design & Heritage

- 10.67 In respect of the appearance of the proposed development, the existing Site appearance is classed as low quality and generally detracting from the surrounding area. What is proposed on the site through the new internal road layout, open storage, trackworks and Overhead Line Equipment (OLE) assembly and associated welfare facilities, is likely to incur a modest improvement to the appearance of the local area through the organisation of the site to enable the technical engineering works. Buildings and storage areas are likely to remain utilitarian, however it is acknowledged that the Site is of a temporary nature and is mostly hidden from public view other than from partial views through the entrance with Alder Street and views from passing trains on the railway line.

10.68 In considering the contextual existing and proposed use of the Site, the impact of the development upon the quality of the area is considered to be concordant with the requirements of Policy LP24 – Design – subject to a condition requiring specific details on the location and appearance of the portable buildings.

Heritage Impact

10.69 The proposal would impact on a grade-II listed Railway Coal Chutes and Tramway with Walls and Gates (referred to as Coal Chutes for brevity). The listed structure is a redundant, industrial structure comprising forty coal chutes or drops divided by solid blue brick piers with ashlar banding. This unusual listed structure was built in 1900 built by the London & North Western Railway to service the former Huddersfield Corporation Tramways. It is a substantial but dilapidated timber, iron and blue brick railway engineering structure with ashlar dressings but has been redundant for some years.

10.70 The proposed Development would result in the enclosure of the Coal Chutes by industrial fencing designed to protect the redundant structure. The details have not yet been defined. However, the enclosure would not result in any physical impact on the fabric of the Coal Chutes and the change to the setting resulting from the works will result in the site area retaining its industrial character, defined by the railway infrastructure. The impact of the change to the physical setting of the Coal Chutes will not significantly diminish the appreciation or understanding of its architectural form or the wider appreciation of the Coal Chutes as a heritage asset, which would still be read (as a dilapidated structure) from Alder Street.

10.71 Consequently, the impact on the setting of the structure resulting from works partially enclosing the structure will be ‘minor adverse’, as the appreciation of the structure will still be read within the streetscape. The relatively minor adverse environmental impact of the proposed development works on the Coal Chutes should be measured against the public benefits and environmental mitigation relating to the Transpennine Route Upgrade as a whole as required by NPPF Paragraph 202. Consequently, the development is determined to incur less than substantial harm to the listed Coal Chutes that is outweighed by the proposed development. This is because the construction compound proposed at Hillhouses Yard is fundamental in delivering the TRU Programme which will provide significant public benefits in respect of decreased passenger journey times and increased rail service frequency throughout Kirklees and the wider northern region.

10.72 A TWAO compliant condition requiring precise details of the means of protecting the coal chutes is added to the recommended decision, as advised by KC Conservation and Design. The addition of this condition enables the development to be considered compliant with Policy LP35 – Historic Environment.

Archaeology

10.73 The agreed conditions within the Statement of Common Ground which apply to the TWAO (specifically Conditions 5 and 8 in Appendix 1 of the SCG) recognise that a Written Scheme of Investigation (WSI) may be necessary with regard to the Hillhouses Yard Site, subject to confirmation from West Yorkshire Archaeology Advisory Service (WYAAS).

10.74 Consultation with WYAAS as a result of the planning application process confirms that a WSI is necessary for the Site. Consequently, a TWAO compliant condition has been attached to the recommended decision to ensure that an appropriately conducted WSI, with the potential for a watching brief, is conducted pursuant to an approval of the scheme. The addition of this condition enables the development to be considered compliant with Policy LP35 – Historic Environment.

Conclusion

10.75 KC Conservation and Design confirm that the proposals are generally supported and are considered to be consistent with the requirements to give great weight to the conservation of the listed structure and Section 66 of the 1990 Act, as well as NPPF paragraphs: 189, 190, 192, and 193 and Local Plan Policy LP35.

Climate Change

10.76 The information supplied in support of the application (notably the Design and Access Statement and the Environmental Assessment) acknowledge the Site's impact on the climate and provide a brief contextual overview of the improvements that the Site can achieve.

10.77 With regard to the development's potential impact on the climate, the Environmental Assessment states that following:

The Proposed Development has the potential to affect the earth's climate by the emission of Greenhouse Gases (GHGs), such as carbon dioxide (CO₂) into the atmosphere, which will occur during construction. GHGs trap heat in the atmosphere, with higher concentrations leading to increased global temperatures. The production and transportation of materials for the construction of the Proposed Development will contribute GHG emissions. Taking into account mitigation detailed in Part A of the CoCP, including measures to reduce construction traffic emissions, the works are deemed to be unlikely to cause significant effects on climate either positively or negatively, or significantly affect the UK's ability to meet its emissions reduction targets.

10.78 In respect of contextual improvements in the long term, Network Rail have stated how the Site will contribute to the following gains achieved through implementation of the TWAO:

Given the government-wide target to achieve net-zero carbon emissions by 2050 and the priority of decarbonising transport to improve air quality and health, and take urgent action on climate change, the TRU Programme supports UK Government policy to encourage electrification of railways as a means of reducing carbon emissions and provides a key opportunity to decarbonise the Manchester-York rail route. Rail travel is responsible for only 0.6% of total UK emissions, however electrification is identified as one of the primary ways in which the rail industry can contribute to the 2050 net-zero carbon emissions target, by removing diesel-only passenger trains on strategic main routes. The introduction of bi-modal trains which are able to use electrified lines across the whole TRU Project will also provide benefits for local air quality in the areas through which the route passes.

10.79 On the basis of the above, it is understood that a short term impact upon the climate will result from the construction of the Hillhouses Yard compound and its contribution to the on-going construction of the Trans-Pennine Route Upgrade. However long-term gains will be realised through the electrification of the line which will remove carbon-reliant forms of transport between Manchester and York, especially as the electricity grid itself becomes increasingly sustained from renewable forms of energy.

11.00 CONCLUSION

11.01 The submission of this application is predicated on the need for Network Rail to meet the timetable for commissioning set by the Department for Transport. The DfT require the upgraded Trans-Pennine Route to be in operation by 2027. It is therefore of significant importance to the timetable that the construction hub at Hillhouses Yard is established in advance of a grant of the Transport Works Act Order. It is at Network Rail's risk that construction of the compound be commenced in the event that the Order not be subsequently granted, and Network Rail have acknowledged this possibility.

11.02 The use of this large brownfield site on a temporary basis to serve the TRU programme is a key component in delivering the Upgrade. It is fully supported in Planning Policy terms through Policy LP19 and allocation TS7 of the Local Plan. The Construction Compound and Temporary Platform at Hillhouses Yard are crucial in enabling the delivery of a step change in improving the Trans-Pennine rail corridor and the level of service capacity improvement and environmental benefit from electrification that it will bring to Kirklees. The site will eventually form the maintenance yard for the upgraded Trans-Pennine Route and this will result in a more practical and targeted use for the site, than is currently the case.

11.03 The application has been subject to detailed review by internal and external consultees to ensure that impacts of the proposed development are fully understood and that negative effects of the development upon surrounding key receptors will be mitigated to an acceptable degree. The conditions attached to this recommendation will enable outstanding details to come forward with regard to the Highway Network, off-site biodiversity net gain, construction management (including dust and noise), drainage and archaeology. The matters covered by condition can be satisfactorily handled through the standard Discharge of Conditions process that is required post decision. There are therefore no reasons to justify withholding consent.

11.04 The development is recommended for conditional approval to Strategic Committee Members on the basis of the above assessment.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

Compliance Conditions

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Restriction of Operations for Temporary 'Closed' Platform (including temporal dates and times)

4. (a) Details of Site operation following completion of TWAO &/OR (b) Details of Site use in the event of a refusal to grant the TWAO.
5. Compound Layout & Site Offices

Highway Conditions

6. (a) Construction Traffic Management Plan (CTMP) & (b) PROW Diversion/Improvement Details
7. Details of alterations to the function of the highways of Alder Street and Flint Street
8. Construction Operatives Travel Plan
9. Commuter Travel Plan
10. Details of visibility splays across Alder Street & Flint Street Junction
11. Areas to be surfaced and drained
12. Gates to be set back within the site to prevent obstruction to the highway network by Heavy Goods Vehicles
13. Pre & Post Highway Condition Survey with Remedial Work

Environmental Health Conditions

14. Construction Environmental Management Plan (CEMP)
15. Implement agreed Dust Mitigation Scheme
16. Implement agreed Noise Mitigation Measures
17. Post Installation Noise Survey/Insulation Scheme Details
18. Details of Habitable Room Window Ventilation at Noise Receptors
19. Adherence to Background Noise Levels for Fixed Plant & Equipment
20. Acoustic Barrier Details
21. Submission of a Phase 2 Intrusive Site Investigation Report (Contaminated Land & Coal Mining Risk)
22. Submission of a Remediation Strategy (Contaminated Land & Coal Mining Risk)
23. Implementation of the Remediation Strategy (Contaminated Land & Coal Mining Risk)
24. Submission of Validation Report (Contaminated Land & Coal Mining Risk)

Landscaping and Ecology

25. Landscape and Ecological Management Plan
26. Nesting Bird Protection/Tree & Hedgerow Removal
27. Biodiversity Enhancement and Management Plan (BEMP)

Heritage & Archaeology

28. Archaeological Written Scheme of Investigation & Watching Brief
29. Detail of measures to Protect Listed Coal Chutes

Surface Water Drainage

30. Detailed Drainage Design Scheme including Capacity Calculations
31. Overland Flow Routing
32. Construction Phase Surface Water Flood Risk and Pollution Prevention Plan
33. Yorkshire Water Easement Condition

Background Papers:

Application and history files.

[link to application details](#)

Certificate of Ownership – Certificate A signed.