

Name of meeting: Council
Date: 14 July 2021
Title of report: Network Rail – Trans-Pennine Route Upgrade Transport and Works Act
Order submission: Council Response

Purpose of report: In light of Network Rail’s Transport and Works Act Order submission to the Secretary of State on 31st March 2021, this item is to enable Council to debate the endorsement of the Councils response to the TWAO submission, in order for Officers to best represent and uphold the Councils interests, if necessary at public inquiry, as required by statutory requirements.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No – This is not an Executive Decision
Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)?</u>	Key Decision – No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	David Shepherd (Strategic Director - Growth and Regeneration)
Is it also signed off by the Service Director for Finance?	Eamonn Croston (Service Director – Finance)
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (Service Director – Legal, Governance and Commissioning)
Cabinet member portfolio	Cllr Peter McBride, Cllr Naheed Mather, Cllr Eric Firth

Electoral wards affected: Ashbrow, Newsome, Dalton, Greenhead, Mirfield, Dewsbury West and Dewsbury South

Ward councillors consulted:

The following ward councillors have been consulted / briefed on this item:

- Cllr McBride, Cllr Mather and Cllr Firth briefings (14th June 2021)
- Leadership Management Team (Cabinet members) (21st June 2021)
- Ward Members along the route:
 - Ashbrow – Cllrs Uppal, Homewood and Pinnock (08/07/2021)
 - Newsome – Cllrs Cooper, Allison and Lee-Richards (29/06 2021)
 - Dalton – Cllrs McBride, Mather and Khan (Portfolio briefing 14th June 2021 and briefing for Cllr Khan 01/07/2021)
 - Greenhead – Cllrs Pattison, Sokhal and Ullah (29/06/2021)
 - Mirfield – Cllrs Bolt, Taylor and Lees-Hamilton and members of Mirfield Town Council

(07/07/2021)

- o Dewsbury West – Cllrs O'Donovan, Hussain and Pervaiz (12/07/2021)
- o Dewsbury South – Cllrs Ramsay, Ahmed and Dad (30/06/2021)

Public or private: Public

Has GDPR been considered? Yes, there is no personal information contained in this report.

1. Summary

- 1.1 Network Rail formally submitted a Transport and Works Act Order¹ (“TWAO”) application – (The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order) to the Secretary of State on 31 March 2021 seeking authorisation to upgrade the existing railway and undertake electrification works between Huddersfield and Westtown (about half a mile south-west of Dewsbury Station). The proposed Order would also authorise the construction of station improvement works at Huddersfield Station and works for the construction or reconstruction of stations at Deighton, Mirfield and Ravensthorpe.
- 1.2 The works are expected to cost c. £1.56 Billion. The Council had a statutory 45-day period to submit its response to the application. Officers submitted a response on 17th May 2021 and whilst supportive of the proposal in principle included several significant issues that it was felt, required further work or negotiation to resolve.
- 1.3 The Secretary of State has deemed the Councils submission an ‘objection’ to the proposals. As a result of this it is a requirement that under s239 of the Local Government Act 1972, a Full Council resolution to support the objection to the works is obtained. The submission as it stands is deemed a ‘holding objection’ until a Full Council resolution is received by the Secretary of State.
- 1.4 Full Council is asked to consider the information contained within this report and decide whether to endorse the Councils Officer response with a full resolution such that the Secretary of State will deem the response as an objection to the TWAO. This report sets out the Officer reasons for seeking this endorsement and what might happen should Full Council decide not to endorse the Officer response

2. Information required to take a decision

Kirklees Involvement with TRU 2017 to 2019 - TWAO Consultation

- 2.1 Development of the Transpennine Route Upgrade between Huddersfield and Westtown (the scheme) has been ongoing since 2017. Kirklees Council technical officers have been involved in this process and have tried to work with Network Rail to ensure that the interests of Kirklees residents and council policies are protected and adhered to.
- 2.2 During this period, Network Rail undertook the following consultation:

Date	Consultation Activity
August to September 2019	Phase 1a stakeholder consultation (landowners)
September to October 2019	Phase 1b stakeholder consultation (statutory)
Winter 2019	Analysis of consultation feedback from Phase 1

¹ TWAO: Orders under the Transport and Works Act 1992 (the TWA) are used to authorise, amongst other transport, rail schemes in England. The powers that can be given in a TWAO can be very wide-ranging. For example, the promoter of a scheme may need planning permission or compulsory powers to buy land or to close streets. A TWAO, if confirmed by the Secretary of State, can grant these powers.

March to April 2020	Phase 2 stakeholder consultation (landowners and statutory)
March to April 2020	Phase 2 public consultation (online)
Spring 2020	Analysis of consultation feedback from Phase 2
Autumn 2020	Phase 3 engagement events

2.3 The following Local MP, councillor and stakeholder events took place:

- 6th September 2019 at the Media Centre (prior to phase 1 public consultation events)
- 16th March 2020 at Huddersfield Town Hall (prior to phase 2 public consultation events)
- 5th October 2020 at John Smiths Stadium (prior to phase 3 public consultation events)

Kirklees Council officers also responded formally to phase 1 and phase 2 public consultation.

2.4 Two further engagement events were held in October 2020 as “follow-ups” to the TWAO consultation. These were drop in events at which Network Rail was presenting the revised plans for the TRU. Network Rail was not asking for feedback during these events and agreed with the Council that no further contribution as part of this engagement was required.

2.5 In addition to the double tracking along the route and electrification, the following works are proposed:

Location	Description of Works
Huddersfield Station	- Provision of a fourth additional through platform (platform 9)
Huddersfield	- Gledholt tunnel- installation of overhead line electrical (“OLE”) equipment - Strengthening of Huddersfield viaduct and fixing of OLE gantries - Northgate Bridge- new walls and span on Grade II listed structure
Hillhouse Sidings (Alder Street)	- 3 new overnight sidings - A temporary platform
Deighton Station	- Improved station in the same location - Provision of step free access and blue badge spaces
Colne Bridge Road	- New replacement bridge - Realigned track at Heaton Lodge junction
Mirfield	- Provision of a new, longer island platform and step-free access at Mirfield Station
Ravensthorpe	- Relocation of Ravensthorpe Station approximately 300 metres to the west. New station with improved station forecourt and blue badge parking spaces - grade separated Thornhill junction (line to Wakefield) - Ravensthorpe viaduct- provision of a new 250m viaduct to accommodate 1.3km of realigned railway between Thornhill junction and Thornhill Road

The Secretary of State has set the aims of the scheme to increase capacity and improve journey time and performance reliability of rail services on the Transpennine Line both between Huddersfield and Westtown (Dewsbury) and Manchester, Leeds and York.

TRU 2021 and future- Kirklees Involvement

2.6 The TWAO application was submitted to the Secretary of State on 31 March 2021. Kirklees Council submitted its response on 17 May 2021 which, whilst supportive of the proposal in principle, included several significant issues that it was felt, required further work or negotiation to resolve.

2.7 The response from the Secretary of State was as follows:

'We are conscious that although the Council are generally supportive of the scheme we were minded to treat your letter of 17 May as an objection rather than a representation to the scheme so that the Applicants could adequately address the issues you raised. We are also conscious that any letter received from a local Council to any TWA application which we treat as an objection, as we did with your letter, would be subject to a full resolution of the Council under section 239 of the Local Government Act 1972 and that is not always possible within the usual objection period.'

As things currently stand, as the local authority for the area in which any works are to be carried out and because we have treated your letter as an objection (subject to full resolution of the Council) you are known as a "Statutory objector" (see section 11(4) of the Transport and Works Act 1992) for the purposes of the inquiry process into the application. As a statutory objector, the following rights apply:

- *You can, if you wish, have your objection heard before a person appointed by the Secretary of State. However, you cannot be heard privately.*
- *If a public inquiry is held, whether or not you asked for one, you are entitled to speak at it.*
- *You can require the inspector to carry out a site visit during or after an inquiry, accompanied by you or your representative and at least one representative of the application. Worth noting Inspectors do, however, make at least one site visit as a matter of course.*
- *If your land is subject to compulsory purchase and you are successful in opposing that, you are usually awarded your costs.*

*We note the Council's concerns that the letter you submitted and which we are treating as a statutory objection may not receive the full resolution of the Council for it to be confirmed as that, it would then have to revert to a representation. Although **it would not carry the same benefits as a statutory objection** it would still be considered by the Inspector and then the Secretary of State in his consideration of making a determination on the application.'* (officer emphasis)

- 2.8 As a result of the Secretary of State deeming the Councils submission as an 'objection' to the proposals in order to give it the full weight of a statutory objection (which gives oral rights of representation at any future public inquiry) it is necessary for Full Council to pass a resolution in compliance with s239 of the Local Government Act 1972, to endorse the content of the Council's "objection". The submission as it stands is deemed a 'holding objection' until a Full Council resolution is received by the Secretary of State.
- 2.9 Taking the above into account, it is for the reasons and rights as outlined above that a Full Council resolution to support the objection would better serve the needs and interests of Kirklees residents and that of the Council.
- 2.10 In anticipation of today's meeting providing the necessary endorsement and in order to keep within the statutory timelines set down in the Transport and Works Act 1992, the Council was required to submit a formal Statement of Case to the Secretary of State (highlighting those matters which remained of concern and to expand upon some key strategic issues identified in the Councils response to the submission) and this was submitted on 6 July 2021.
- 2.11 Without a formal resolution to support the Councils response, matters that are of concern to Kirklees officers and residents may not benefit from a full hearing or discussion at the proposed public inquiry should the issues have not been resolved at that stage and a Statement of Common Ground have been prepared by both Kirklees and Network Rail. It is the intention of officers to continue with full negotiations with Network Rail between now and the proposed public inquiry date (Nov 2021) to resolve as many technical issues as possible which may ultimately result in part or the majority of the Councils objections being withdrawn.
- 2.12 Nine listed building consents were also submitted to the Council in March 2021 in association with the works proposed as part of the TWAO. On 12 May 2021, Kirklees Strategic Planning Committee considered the nine committee reports whereby officers concluded they had no

objections to the proposed works, subject to the suggested conditions, and Members of the Kirklees Strategic Planning Committee provided their own additional comments. In the case of some of the applications concerns were raised and these comments have since been referred to Secretary of State for final determination.

The Councils Response to the TWAO submission

2.13 In summary, due to the short time span for responding, lack of information from Network Rail prior to the submission date and time left prior to the inquiry in late 2021, officers have identified issues/concerns per technical discipline that may potentially impact upon Kirklees residents both during construction works and long term. These can be categorised as follows:

1. Points of clarification that are required
2. Issues that can be potentially negotiated prior to the public inquiry or dealt with via an appropriately worded planning condition
3. Matters to be taken further in a public inquiry subject to how negotiations proceed prior to the inquiry.

2.14 It is envisaged that the Council will work collaboratively with Network Rail in the run up to the public inquiry with a view to producing a Statement of Common Ground to address many of these issues. Any remainder of the issues that have not been resolved will remain within the Councils Statement of Case and may be identified as 'matters' by the Inspector to be determined at the public inquiry. It should be noted that the inquiry timetable has not yet been issued by the Secretary of State.

Whilst the attached response is very detailed, it is considered there are approximately ten strategic/key issues for the Council which **may** need to be further considered at the inquiry (subject to negotiation at this stage):

These relate to:

1. Environment and Biodiversity	Detail of the application states loss of large areas of trees/woodland and associated consideration of biodiversity net gain as per Environment Bill requirements.
2. Climate Change	General considerations around the project's aspirations for net zero carbon in the light of the Councils declaration of a Climate emergency
3. Noise and Air Quality	Works at Hillhouse for a construction compound and how this may impact on residential properties
4. Highways disruption	Key concerns on replacement public transport provision during construction works, congestion around the town centre/Mirfield, diversions of traffic and re-routing of public rights of way. Retaining structures, infill of bridges and landscape maintenance
5. Dewsbury Riverside Housing Allocation	Whilst Officers are of the view that the TRU scheme does not prevent the housing development coming forward, clarification is required regarding the Western Gateway access arrangement and its interaction with the realignment of Calder Road proposed as part of the TRU scheme.

6. A62 Leeds Road Bridge	Consideration of future liability and maintenance of the new bridge and design concerns for the replacement bridge.
7. Operation of Waste/Recycling sites at Emerald Street and Weaving Lane	Continued public and commercial access to these sites are vital during the construction phase and a solution will need to be agreed.
8. Heritage Assets	Considerations around the Huddersfield Conservation Area and how works may impact on the setting and how works directly affect listed structures along the route
9. Development Management	Proposed structures/operations that require planning permission or further detail in their own right out of the scope of the TWAO
10. Minerals and Waste	Clarification required around the restoration and landscaping of Forge Lane Quarry site

- 2.15 Work is on-going with officers from the relevant technical teams to address these concerns above alongside numerous other lines of negotiation through the establishment of thematic workshops and the production of a Statement of Common Ground.

Summary of Key Points to consider

The objection to the TWAO

- 2.16 Kirklees has in all communication with Network Rail expressed support for the delivery of the TRU as a key piece of infrastructure to facilitate the district's economic and sustainable, low carbon growth agendas and we very much welcome this level of investment and subsequent commitment to working with us.
- 2.17 Kirklees is not objecting in principle to this scheme more raising technical concerns 'on the ground' which officers feel need resolving prior to works commencing. In addition, officers felt some information is omitted from the TWAO submission, as drafted, or is different to what was expected from the content of the submission as per previous negotiations. In raising these concerns in the Councils response, we are protecting the amenity and interests of Kirklees residents first and foremost.
- 2.18 Procedurally, and in the context of a formal public inquiry process, Kirklees response has been categorised as an objection to enable full consideration of any outstanding issues at a public inquiry should any issues remain by the inquiry date and should the Council wish to pursue them as highlighted above. It is worth noting the inquiry timetable has not yet been published by the Secretary of State.
- 2.19 Officers consider that the majority of these technical issues will be resolved through continued negotiation with Network Rail with the opportunity to withdraw specific concerns prior to the holding of the public inquiry should agreement be reached in the meantime. A Statement of Common Ground is proposed by officers to audit agreement with Network Rail on specific issues with any outstanding issues to remain in the Councils Statement of Case whereby the Council would then need to provide a Proof of Evidence for the public inquiry. At any point up until the public inquiry, the Council can withdraw its objection either in whole or in part.

TWAO Design Proposals and Additionality

- 2.20 As described in paragraph 2.5, Network Rail is instructed by the Secretary of State for Transport, to produce a scheme specific to the aims the scheme. Any works proposed to stations or land adjacent to the route or stations will be to facilitate the specific scheme. For example, the opportunity for the Council to request additional improvements to car parks or station facilities does not exist in the context of a TWAO application. As summarised above, Network Rail has worked alongside WYCA and has successfully agreed some works to benefit additional parking

as part of a district wide scheme, however, it is not expected or perceived that other works will be funded from this specific Government funded scheme.

Future Negotiation with Network Rail

2.21 Opportunities to reach further agreement are threefold:

1. Working with Network Rail to produce a Statement of Common Ground to be presented to the public inquiry.
2. Working with Network Rail to agree additional planning conditions to be attached to any deemed consent including details of what to include in any specific management plans as part of a planning condition; and
3. Working with Network Rails legal representatives to arrange any side agreements outside of the TWAO process in order to protect the operational capability of Council functions and any partner commercial interests.

2.22 Officers will work with Network Rail to ensure issues and concerns are dealt with expediently and effectively to reduce the necessity for attendance at the public inquiry which is in the best interests of the Council and Network Rail. In reference to point 2 above, Network Rail may be required to have Council agreement to a Construction Traffic Management Plan (“CTMP”) and Conservation and Implementation Management Plan (“CIMP”) and a Landscape and Ecology Management Plan as per planning conditions attached to any deemed consent of the Order. Officers are keen to seek agreement as to the specific content of these plans to ensure concerns and issues are addressed and rectified. In addition to this, Officers will work with Network Rail to produce any other technical reports and assessments deemed to be required.

3. Implications for the Council

3.1 The main implications for the Council in responding to the TWAO submission from Network Rail is to ensure minimal disruption and benefits for Kirklees residents during lengthy construction works and also longer-term strategic benefits when the TRU is complete. It secures consistency and compliance with Kirklees ambitions for the future in terms of improved transport provision, biodiversity, climate change, housing delivery and inclusive growth whilst accounting for ‘on the ground’ environmental concerns at a local level when construction is taking place.

Working with People

3.2 Network Rail has conducted their own engagement with members of the public and statutory consultees as it is their project including a separate meeting at Mirfield Town Council. The Council has responded to two previous TRU consultations. Officers have held individual ward member briefing sessions for those affected along the route and attended a Mirfield Town Council meeting to answer concerns from town councillors.

Working with Partners

3.3 The Council is working extensively with Network Rail and their array of technical consultants to ensure issues/concerns are addressed. Internal teams will be holding specific meetings to focus on each technical discipline affected by the proposals alongside other relevant external partners for example Suez in relation to household recycling sites and also affected businesses along the route. The Council is working closely with West Yorkshire Mayoral Combined Authority in our response to the proposals, especially with regard to any impacts on the bus station and impacts in relation to strategic transport schemes/funding.

Place Based Working

- 3.4 The proposals affect Ashbrow, Dalton, Newsome, Greenhead, Mirfield, Dewsbury West and Dewsbury South wards critically during the construction phase. Officers have conducted specific ward member briefing sessions to go through the proposals in relation to each ward. Considerations for the whole district on a strategic level are included in the comprehensive overall response.

Climate Change and Air Quality

- 3.5 The proposals have been considered by the Councils Climate Change and Environmental Services team in the context of climate change and impact on air quality. These have been included in the Councils response to Network Rail's TWAO submission and the Council have highlighted key areas of concern relating to addressing climate change including the design of the new stations and the loss of trees/green infrastructure along the route. These issues will be pursued during negotiations with Network Rail prior to the public inquiry.

Improving outcomes for children

- 3.6 As per the information above, officers have raised technical concerns around the health and well-being of Kirklees residents including children.

Financial implications

- 3.7 Continued negotiations with Network Rail and future attendance at the public inquiry will need to be funded by the Council. Human resources – Officers in relevant teams are aware of the work leading up to the public inquiry. In terms of project management there are dedicated resources in both Major Projects service and Planning service to lead on negotiations and if necessary extra resources will be procured. In addition, the Council retain Womble Bond Dickinson to provide legal support under the WYLA Framework and it may be necessary to employ a Barrister to represent the Council at the public inquiry.

Communications

- 3.8 Communications (external) – This is a Network Rail project and communications have been driven by them to date during two previous periods of consultation and the 45-day statutory period for the submission. All relevant landowners/business have been consulted as part of the TWAO legislative process.
- 3.9 It is a legislative requirement that the Council ratifies its objection via a Full Council resolution, held after the requisite notice period has been given. A public notice has been published 10 days prior to the meeting on 1st July in Huddersfield Examiner, Dewsbury and Mirfield Reporter.
- 3.10 The Council may wish to consider a communications strategy following the outcome of the TWAO inquiry to publicise when construction may commence and what it means for residents.

Integrated Impact Assessment (IIA)

- 3.11 It is considered a full Integrated Impact Assessment (IIA) is not required as the decision to approve the TWAO application rests with the Secretary of State not the Council in this case.

In undertaking continued negotiations with Network Rail, officers are aware of the need to discharge the authority's equality duties with regard to those with protected characteristics and will ensure for example any road or public rights of way diversions take account of this moving forward. In addition, Network Rail will have to comply with the relevant legislation around providing for those with protected characteristics in any scheme design.

Consultees and their opinions

- 3.12 Cllr McBride, Cllr Mather and Cllr Firth were briefed on 14 June 2021 and Leadership Management Team (cabinet members) were briefed on 21 June 2021. In these sessions, members agreed with the proposed approach relating to the Councils response to the TWAO submission.
- 3.13 The Leading Members were briefed on the proposed approach to the Councils response to the TWAO submission on the 28th of June 2021. Leaders indicated their support for the approach and there were no dissenting voices or major concerns raised.
- 3.14 Consultation has taken place internally with a wide array of Council officers who input into planning applications (e.g. Energy & Climate Change, Environmental Services, Conservation and Design, Highways, Landscape, Waste Strategy, Employment and Skills) and officers who determine planning applications (Development Management). Consultation has also been had with the Councils Senior Legal Officer and external legal representatives, as above.

4. Next steps and timelines

- 4.1 If Council decides to endorse the Councils response with a full resolution, then the Secretary of State will deem the response as an objection to the TWAO and on that basis Kirklees will have to right to present oral evidence at a public inquiry to be held Oct/Nov this year and the other associated benefits as listed above.
- 4.2 If the Council is minded not to endorse the Councils response, the Secretary of State will treat the Councils response as a representation but will not afford the ability to attend the public inquiry and provide evidence in person or afford the other benefits as listed above. The detail of the written representation would, however, still be considered by the inspector for the inquiry.
- 4.3 The public inquiry is predicted to take place later in the year, possibly in November, however, the Secretary of State has not published the formal inquiry timetable to date.

5. Officer recommendations and reasons

- 5.1 That Council endorse the response made to the Secretary of State as set out in the Appendix to this report for it to be deemed as an objection, for the following reasons:
- An objection can be heard before a person appointed by the Secretary of State,
 - If a public inquiry is held, Officers will be entitled to speak at it; and
 - That an objection would better serve the needs and interests of Kirklees residents and that of the Council, by allowing, in Officers opinion, a strengthened negotiating position on behalf of the Council with Network Rail
- 5.2 The reason for the above recommendation is should Council not endorse the response as a formal objection, it will be classified by the Secretary of State as a representation then there is a risk that the Council will not be in a strengthened position to negotiate with Network Rail, on most importantly the 10 significant issues described in the body of this report.

6. Cabinet Portfolio Holder's recommendations

- 6.1 The Cabinet Portfolio Holder recommends that Council endorses the response made to the Secretary of State as set out in the Appendix to this report (which has been deemed as an objection by the Transport Infrastructure Planning Unit) as an objection to the Transport and Works Act Order application for the purposes of s239 of the Local Government Act 1972.

7. Contact officer

Tim Lawrence

Transport Strategy and Policy Group Leader
Tim.Lawrence@kirklees.gov.uk

8. Background Papers and History of Decisions

Network Rail – TWAO submission documentation:

[Huddersfield to Westtown \(Dewsbury\) - Network Rail](#)

Strategic Planning Committee papers (12th May 2021):

[Agenda for Strategic Planning Committee on Wednesday 12th May 2021, 1.00 pm | Kirklees Council](#)

9. Service Director responsible

David Shepherd
Strategic Director for Growth and Regeneration

Appendix 1 – Full Council Response (submitted 17th May 2021 to Secretary of State):



**Strategic Director Growth & Regeneration
DAVID SHEPHERD**

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Date: 17th May 2021

Enquiries to: Tim Lawrence

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit,
Department for Transport,
Great Minster House,
33 Horseferry Road,
London,
SW1P 4DR

Dear Sir/Madam,

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 - Network Rail Huddersfield to Westtown TWA Order

SECTION 1 - INTRODUCTION

The following submission is made under rule 21 of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and is made by Kirklees Council, Civic Centre 3, Market Street, Huddersfield HD1 2EY.

Kirklees Council (The Council) welcomes Network Rail's Transport and Works Act Order application to the Secretary of State for Transport for the Huddersfield to Westtown (Dewsbury) scheme. The Council fully recognises and supports the stated principal outcomes of the scheme, namely:

- A better Railway: doubling of the tracks from two to four, proving more resilience and reliability while also improving journey times and providing more frequent trains for passengers.
- Accessible Stations: upgrading them to modern standards and providing better accessibility facilities for passengers.
- Cleaner and quieter railway: electrification as a more sustainable form of locomotion, offering better energy efficiency and lower emissions.
- Supporting Economic growth: increasing passenger capacity on this busy section of the line, better connecting the communities of the North to employment opportunities.

The Council understands that the purpose of the scheme is to increase capacity and improve journey time and performance reliability of rail services on the Transpennine route between both Huddersfield and Westtown (Dewsbury) and Manchester, Leeds and York. The Council is pleased to see that the scheme will also deliver four fully accessible and compliant stations (at Huddersfield, Deighton, Mirfield

and Ravensthorpe), with step-free access, drop-off arrangements, and blue badge parking made available at all these stations.

The Council recognises that a lot of work has been undertaken by Network Rail in partnership with the Council's own technical officers over the course of the evolution of the scheme, and that much of the detail has been discussed through technical working groups held with Council Officers. The Council acknowledges that many of its design-related requests (that have been made through the evolution of the scheme) have had to be considered against the scope of what can be accommodated through a Transport and Works Act Order and the prescribed available budget for the scheme. Appendices 1 and 2 of this submission are provided to show previous consultation responses and the evolution of the Council's thought processes, to provide context for our subsequent comments.

The Council is aware that the application for the Transport and Works Act Order is a large document that contains a lot of detail. Notwithstanding the level of detail submitted, there are a number of areas where the Council requires further information in order to be satisfied that the scheme can be delivered without unacceptable impacts on the carrying out of the Council's various statutory functions. The key message that the Council seeks to emphasise through this response is that, whilst being fully committed to the scheme, there are a number of areas where further partnership working is required to agree some of the detail of the scheme, particularly during the construction phases.

The Council's Rule 21 representation to the Transport and Works Act Order application is structured in three parts:

1. This introduction, where the Council's support for and commitment to, the Transpennine Route Upgrade between Huddersfield and Westtown (Dewsbury) is set out.
2. Issue specific representations which cover in greater detail technical issues that Officers in the Council have raised throughout the afore-mentioned partnership working process and where the Council considers that either:
 - a. Modifications to the Order and/or the draft deemed planning permission are required;
 - b. further information should be provided to justify the design decision taken; or
 - c. where mechanisms for the submission and approval of further information to be provided as part of the future partnership working between Network Rail and the Council.

This section contains the Council's rationale for suggested amendments to proposed conditions and new proposed conditions (see Appendix 6) to deal with the lack of information provided or to ensure that the design or construction methodology does not impact, in the Council's opinion more than absolutely necessary on our residents. This section should be read in conjunction with Appendix 5.

Appendix 5 comprises a working internal document, detailing specific technical concerns and/or points of detail identified by the Council's various technical teams and which the Council considers will need to be addressed, or further detail provided, prior to the implementation of the relevant Works or Stage.

3. A proposal for a set of proposed amended and new planning conditions for consideration by Network Rail and the Secretary of State (as detailed in Appendix 6)

The Council reiterates its full support in principle for the scheme and hopes that through further partnership working that as many as possible of the issues raised can be dealt with prior to the determination of the application by the Secretary of State, or else can be conditioned through the drafting of the Order or through planning conditions.

SECTION 2 – ISSUE SPECIFIC REPRESENTATIONS

1- The Environment and Biodiversity

A scheme of this nature will have significant environmental impacts across its footprint and the Council considers it to be of utmost importance that these impacts are adequately mitigated for in line with our Local Plan Policy on ecological impacts and biodiversity net gain. The Council has the following over-arching comments to make on this issue:

- i. The Outline Environmental Mitigation Plans (Environmental Statement Volume 4 ,ch.02 Scheme Description- Fig 2-3 Outline Environmental Mitigation Plan- drawings 151667-TSA-00-TRU-REP-W-EN-001031 to 151667-TSA-00-TRU-REP-W-EN-001032) submitted to mitigate and reinstate the loss of habitat across the scheme are not detailed enough or measurable, and at this stage the Council cannot be satisfied that the proposals are in accordance with Local Plan Policy to “*result in no significant loss or harm to biodiversity in Kirklees*”.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC1(A)”**) (see Appendix 6) on any deemed planning permission.

- ii. There will be a significant short to medium term loss of woodland designated as within the Kirklees Wildlife Habitat Network, potentially of up to 33% along the TRU-W3 route, contrary to Council objectives and Local Plan Policy to strengthen and safeguard this network. This is just the first of two other sections which will impact on ecological connectivity across the Kirklees district to deliver the line.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC4”)** (see Appendix 6) on any deemed planning permission.

- iii. The timespan of adverse impacts is predicted to be between 30 to 100 years in some instances, whilst the proposed maintenance and management regime proposed by Network Rail is only 5-years post-development. The TWAO does not demonstrate sufficient mitigation for the predicted impacts of the scheme or provide long-term biodiversity net gains in line with Council objectives and Local Plan Policy. The management and monitoring regimes should span a minimum of 30 years to ensure habitats recover to comparable condition.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC4”)** (see Appendix 6) on any deemed planning permission.

- iv. The Council's adopted planning policies require all new development to provide a biodiversity net gain. The Council also notes that Network Rail has committed to achieving a 10% Biodiversity Net Gain across their line side estate within its Biodiversity Action Plan - which covers the time frame of this project. This is not currently reflected with the TWAO and therefore it has not been demonstrated to the Council's satisfaction how the scheme will achieve this commitment or accord with Local Plan Policy to “*provide net biodiversity gains through good design*”.

The Council considers that the policy objectives are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC1(B)”**) (see Appendix 6) on any deemed planning permission.

- v. The TRU-W3 Landscape and Ecological Management Plan must set a high standard in regard to mitigation and biodiversity net gain to be achieved across the whole length of the line, including the forthcoming TRU-W2B and TRU-W4.

The Council considers that the suggested **Additional / Alternative Conditions (“AAC1(A)”)**, **(“AAC(B)”)** and **(“AAC4”)** each meet the relevant policy tests of the imposition of planning conditions, and that there is a clear justification of the use of pre-commencement conditions in these instances. The approved schemes would help avoid significant ecological impacts and provide long-term biodiversity enhancement.

2- Climate Change

In summary, the Council welcomes the lower carbon ambition and credentials of this scheme in terms of improving the capacity and punctuality of the network, reducing the dependence on road transport, and facilitating the shift away from fossil fuel powered railways towards full electrification.

However, the Council believes that the scheme can justifiably go further in terms of maximising the ‘net zero’ facilitation of the scheme by focusing on a more holistic view of enabling modal shift through improved facilities and minimising the footprint associated with station facilities. There is also scope to ensure that climate resilience is explicitly reflected in the scheme landscaping designs.

The Council considers that the following requirements and suggested planning conditions are necessary to ensure that the scheme meets the Council's 2038 Carbon Neutral Vision for responding to the threats of climate change:

- Incorporating the careful design of green infrastructure along the railway corridor to ensure maximum ‘ecosystem services’ benefits are provided by the corridor.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition to ensure an appropriate scheme of landscaping/green infrastructure is retained along the corridor. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC3”)** (see Appendix 6) on any deemed planning permission

- Detailed plans/rationale for considering comprehensive EV charging infrastructure at stations and parking facilities associated with the route. We would also suggest that this includes facilities for other modes, such as e-bikes, linking this to cycle storage to facilitate commuting. This would be a way of emphasising the ultimate low carbon credentials of the complete upgraded route.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition (“AAC27”)** (see Appendix 6) on any deemed planning permission

- Due to the comparatively lengthy period of anticipated disruption of rail services, further definition of the replacement bus specification is suggested in order to minimise unnecessary detrimental impacts relating to air quality and Greenhouse Gas emissions. The Council would suggest that a minimum standard of EURO6 is applied to conventional buses with more advanced ‘hybrid’ buses particularly welcomed. The latter would also be a way of emphasising the ultimate low carbon credentials of the complete upgraded route.

The Council considers that the policy objectives of its Carbon Neutral Vision are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub condition iv) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

3- Noise and Air Quality

i. Air Quality

Under relevant statutory duties for air quality contained within the framework of the Environment Act 1995 The Council wants to ensure that impacts on existing air quality levels are minimised as much

as possible during the construction process. The Council considers that various points of clarification are required as to the content of the TWAO application documentation, and further information is required in order to ensure that air quality impacts are minimised. These can be found in Appendix 5.

ii. Noise

General Mitigation

Under the Environmental Protection Act 1990, the Council wants to ensure that impacts at Noise Sensitive Receptors are minimised as much as possible during the construction process and when the scheme is operational. As a result, the Council asks the Secretary of State to impose **Amended Proposed Conditions ("APC5") ("APC13")**.

Hillhouse Sidings

Hillhouse sidings (ref. plans 151667-TSA-31-MVL3-DRG-T-LP-162863, 162864 and 162865) is near neighbouring residential properties to the north of the site (Hammond Street and Abbey Road). There is a significant difference in levels which rise to the north, however there is the possibility of adverse noise nuisance from the permeant overnight sidings from train engines starting and idling overnight. An Environmental barrier or 'other mitigation' at the boundary of these neighbouring properties is indicated on the plans (ref. above). The design of the intended noise mitigation barrier needs to be carefully considered to avoid an adverse impact on visual and residential amenity.

The Council considers that it's duties under the Environmental Protection Act 1990 are capable of being met through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional / Alternative Condition ("AAC15")** (see Appendix 6) relating to noise threshold levels applicable and **Amended Proposed Condition 16 (APC16)** (see Appendix 6) on any deemed planning permission.

4- Highways

The Council wishes to make representations around the highway designs submitted as part of the submission, the impact of the construction on the highway and Public Right of Way (PROW) networks and the provision of replacement bus services. As mentioned earlier it is hoped that many of these representations can be dealt with through more detailed partnership working between the end of the statutory response period and the start of any period of consideration by the Secretary of State.

i. *Highway Design*

Despite several meetings to resolve particular design issues on the highways approaching the A62 Leeds Road Bridge (MVL3/102) and the Calder Road Bridge (MNV2/202) (NR15, Chapters 8.4.8 and 8.7.2 such as drainage provision and Longitudinal gradients, the Council notes that with respect to the latter those proposed still exceed Local Highway Authority guidance.

There is no evidence provided that Network Rail has considered reasonable adjustments, and the Council considers that the current designs represent a risk to highway safety. The Council would like to see technical evidence such as long and cross-sections documenting why the desirable gradient technically cannot be achieved before accepting the designs for adoption.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Additional/Alternative Condition ("AAC9")** (see Appendix 6) on any deemed planning permission.

The proposed design of the new A62 Leeds Road and Colne Road bridges do not incorporate cycle provision in accordance with the latest Department for Transport design guidance, specifically LTN 1/20.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC23”)** (see Appendix 6) on any deemed planning permission.

ii. Impact on Highway and PROW networks

The Transport Assessment is a useful starting point to understand the construction impacts of the scheme on motorised road users, but it uses a high-level strategic SATURN model as its base and as such final outputs cannot be relied on for detailed analysis.

As a consequence, the Council considers that the following each needs to be considered, assessed and mitigated prior to the commencement of development of each stage of the scheme:

In relation to impact on the highways and PROW networks, the “Scheme-wide Assessment” contained in Document NR15 Volume 2(i)- Environmental Assessment identified 107 links on 68 roads that could be impacted by the Scheme during the construction phase. Further work is required to understand projected delays **to all road users** on the links identified in table 14-11 of and what effect road closures and diversions might have on local businesses servicing arrangements.

The Council considers that any required mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub section vii) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

The Council considers that there is likely to be disruption and increased journey times from the temporary and permanent realignment of several PROW’s and as such has suggested a condition to assess and minimise disruption to users across the length of the Scheme.

The Council considers that the detailed design is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC17”)** (see Appendix 6) on any deemed planning permission.

In addition to the wording of the planning condition proposed by Network Rail, the CTMP should additionally provide full details of all road closures and diversions for each stage, including any time constraints to accurately predict the impact on specific waste collection routes. The Council would seek opportunity to engage early with Network Rail to suggest diversion routes based on local operational knowledge. The timing is critical to ensure correct processes are put in place to ensure minimum disruption to the network.

The Council considers that any engagement and detail are capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub condition iii) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

iii. Replacement Bus services

Information contained in NR 16 Volume 3 Environmental Statement Appendices; Appendix 14 Transport Assessment on replacement bus services is welcome, but the detail around the potential level of delay needs to be more granular than what is provided by the transport model. Furthermore, the road closures and associated delay will potentially necessitate the

re-routing of a number of buses which could in turn create some significant severance for communities along parts of the line that rely on the bus network.

It is suggested that further work is undertaken to understand how accessibility will be affected during various stages of construction compared to the current baseline position and if necessary, the option of providing feeder buses should be investigated.

Given that they will be operating within or near to existing AQMAs we require confirmation that any *replacement* bus services will be either Euro 6 buses or vehicles which have been retrofitted to meet Euro 6 standards. As a bare minimum we would expect a Euro 5 and Euro 6 mix of buses. In addition, we would expect all *replacement* bus services to use routes specifically selected to avoid as many residential properties as possible

The Council considers that any required mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part (a), sub section iv) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

iv. Parking and Interaction with Kirklees Highway Schemes

The Council is progressing several major transport and regeneration schemes through the West Yorkshire and Transforming Cities Funds, pursuant (as far as Huddersfield is concerned) with the aspirations contained within our Huddersfield Blueprint. There will be overlap with our own delivery timescales. We note that in NR16 -Environmental Statement Volume 2ii these schemes were considered “aspirational”, despite in some cases having been working towards are at Outline Business Case stage within the West Yorkshire Combined Authority’s Assurance Process.

The Council requests that these schemes are put into future modelling scenarios as “committed”, but more importantly that due cognisance is given their construction timescales and that further work is undertaken with the Council to map out and understand the impacts of both sets of construction

The Council is specifically interested in the impact of the TRU scheme on the council’s Station Forecourt Car Park, of Network Rail’s proposal to utilise its adjoining Station Car Park as a satellite construction compound taking access to/from the compound for construction traffic via St George’s Square and the Station Forecourt Car Park.

The Station Forecourt Car Park provides pick up and drop off and short stay parking for rail users, complementing the Station Car Park which provides long-stay parking.

The documentation states that it is likely that the satellite compounds will be used intermittently over the 4-year period of TRU, rather than continuously. For the compound at the Station Car Park, further information adds that both daytime and night-time (possession) working will be required, and the duration of use is estimated at up to 2 years.

The Council requests greater clarity on:

- The scale of construction traffic likely to access/exit the Station Car Park via St George’s Square and the Station Forecourt Car Park; and
- Whether the Station Car Park might be operated as a car park intermittently for the periods in between TRU working, so as to provide long-stay parking for rail users and complement pick up and drop off and short stay parking in the Station Forecourt Car Park

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the

Secretary of State to impose part (a), sub section vi) of **Amended Proposed Condition (“APC6”)** (see Appendix 6) on any deemed planning permission.

v. *Condition Assessments*

The streets in questions will suffer damage due to intensification of use e.g., haul roads and necessary work to facilitate the scheme. The Council questions whether Network Rail would undertake condition assessment with council prior and agree how this risk can be mitigated with the council.

The Council considers that any mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Amended Planning Condition (“APC5”)** (see Appendix 6) on any deemed planning permission.

5- Dewsbury Riverside

The Council wishes to raise several representations in relation to strategic housing allocation HS61 (Dewsbury Riverside) which has an indicative capacity of up to 4000 houses as identified in Kirklees Local Plan. The delivery of this allocation will be impacted upon through the TRU proposals. This housing allocation is a regional Spatial Priority Area as defined by WYCA and thus is instrumental to housing provision for the region. Section 7.4.2 of NR14 states that the plans do not preclude the Dewsbury Riverside housing allocation (HS61) from being delivered. However, there is a lack of information in relation to impacts of the TRU proposals on the delivery of the Dewsbury Riverside site.

The Council has written to Network Rail on two occasions to try and find a way of accommodating the interests of both the scheme and the housing allocation. The Council remains concerned that the delivery of Dewsbury Riverside will be adversely impacted by the Transpennine Route Upgrade. Appendices 3.1 and 3.2 details the first set of correspondence between Kirklees and Network Rail on Dewsbury Riverside and Appendices 3.3 and 3.4 details the second set.

The Council firmly believes that further joint working with Network Rail can enable the delivery of the TRU proposals alongside the full Dewsbury Riverside housing allocation. The Council (as part landowner of the Dewsbury Riverside HS61 site) has jointly commissioned a report with Homes England to assess the implications of the TRU proposals for Dewsbury Riverside. This includes alternative options which could be cheaper to deliver and better in place making terms for all parties. The Council is keen to progress further engagement on these matters and will share its jointly commissioned report with Network Rail as a basis for further mutually beneficial design work.

The Council considers that to ensure that any further engagement with Network Rail is productive and to facilitate the Council’s delivery of a regionally important housing allocation requires the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC10”)** (see Appendix 6) on any deemed planning permission.

6- Leeds Road Railway Bridge

The Council has significant concerns in relation to the ongoing maintenance of the A62 Leeds Road Railway Bridge (The Bridge) which carries a public highway over the railway. The bridge was originally British Rail’s liability. The bridge was strengthened in 1974. In 1973, BR and Huddersfield Borough Council entered into an agreement for Huddersfield to undertake the strengthening works and take on ownership of the bridge. There are no records as to why the ownership was transferred at this time, but it is a feature of railway bridges that their capacity can often meet NR’s obligations, whilst falling short of the national 40T requirement for the public highway. In such a case the Highway Authority is responsible for the shortfall in capacity but without normally becoming responsible for the asset itself, which is believed to be unprecedented.

Until recently, the negotiations with Network Rail about Leeds Road bridge had led Kirklees to understand that Network Rail would consider taking back ownership of the Bridge, which is to be reconstructed as part of the TRU programme.

Although the Council accepts that its views on construction method and sequencing of works have informed Network Rail's choice of a design option, the proposed design entails the construction of a significantly larger bridge structure with a more extensive footprint. The proposed methodology and phasing improve the horizontal alignment of the highway, which will help mitigate the impact on A62 traffic during construction. As a consequence, the proposed bridge is a fundamentally new structure, which is significantly bigger and will require a higher inspection and maintenance cost than the existing Bridge. The Council holds that this alters the premise on which the 1973 agreement was made.

However, shortly before the submission of the TWAO application, Network Rail (in a letter covering a range of other issues) asserted that they will not take on the liability for this asset, in their first expression of their opinion in writing on this matter since discussions started approximately three years ago.

In view of the above, Kirklees would not be prepared to accept ownership or maintenance responsibility for the proposed enlarged bridge. Appendix 4 and the associated sub-appendices 4.1 and 4.2 detail our objection and required amendments to the drafting of Article 47.

7- Operation of Waste Sites

The Council has concerns regarding the operation of two Household Waste Recycling Centre's (HWRC's) at Huddersfield and Dewsbury. At present, the Council is not satisfied that the operational ability of, and access to, the sites will not be adversely impacted during construction works. Appendix 5 details these concerns.

Any road closure will affect household waste collection routes and potentially vehicle movements around depots, transfer stations and other key locations.

The Council requires early and specific engagement to ensure that diversion routes that affect critical operations around waste transfer stations, operational depots, HWRCs and on key routes for household waste collection access are not impacted. There may be the opportunity to offer alternative diversion routes based on local knowledge and operational needs. Early engagement on this is requested.

Through that process more specific information in relation to the construction compounds, construction routes, staff numbers and working hours, associated trips and parking requirements as well as the construction programme and associated traffic measures will be provided". The Council seeks reassurance that there will be sufficient detail in the CTMP at each stage of the works to assess the impact in this regard. e.g., details such as operation times, diversion routes etc in order that we can work with other departments to minimise impacts on service delivery.

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose part **(a), sub section iii and v) of Amended Planning Condition ("APC6")** (see Appendix 6) on any deemed planning permission.

8- Heritage Assets

The Council notes that any works to heritage assets are dealt with through the Listed Building Consent process, and further that the Council does not have any objections to the 9no Listed Building Consent Applications submitted by Network Rail for determination by the Secretary of State for Housing, Communities and Local Government.

Notwithstanding the above, the Council is concerned that the Scheme is likely to have further impacts on designated and non-designated heritage assets and as a consequence seeks the following:

- i. The completion/submission of individual Conservation Implementation Management Plans (CIMP's), which the Council considers will be critical to protecting individual designated heritage assets and the Huddersfield Conservation Area.
- ii. There is a need to consider overall impact on Huddersfield Conservation Area not just individual listed structures in isolation. The identified adverse impacts will need to be managed and partially mitigated by means of a tailored (CIMP) as part of the suite of thereof which will be necessary to cover the TRU-W3 as a whole.
- iii. There is a need to consider maintenance or ongoing use of 'redundant' listed bridges. A detailed Conservation Strategy to secure the future of the bridge should be clearly stated, to include as a minimum a Conservation Implementation Management Plan (CIMP) developed to demonstrate the future management and maintenance works necessary to secure the long-term preservation and potential re-use of the grade-II listed structures.
- iv. The Council is of the opinion that the Environmental Statement fails to consider Grade II listed Hillhouse sidings coal shutes, tramway, walls and gates and their future. The impact of the works impacting on the listed Railway Coal shutes and Tramway at Hillhouse Sidings will need to be defined managed and partially mitigated by means of a tailored Conservation Implementation Management Plan (CIMP) as part of the suite of CIMP's which will be necessary to cover the TRU-W3 as a whole.

The Council considers that the potential impacts on designated and non-designated heritage assets can be managed and protected through the submission and approval of individual Conservation Implementation Management Plan (CIMPs), which can be secured by way of a suitably worded condition on any deemed planning permission. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition ("AAC5")** (see Appendix 6) on any deemed planning permission.

9- Development Management

The Council requires further plans/drawings on the following items listed in the Environmental Statement as currently there is no detail:

- i. Power Supply Unit (PSU) to replace existing infrastructure to west of Heaton Lodge cottages.
- ii. Fixed Telephone Network mast to replace existing facility, exact location, and height to be confirmed.
- iii. New maintenance access anticipated from Wood Lane to provide vehicular access to new railway.

The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition ("AAC24"), ("AAC25") and ("AAC26")** (see Appendix 6) on any deemed planning permission.

In addition, it is noted that a Static Frequency Converter Feeder Station Site is proposed in the triangle of land between the new viaduct and the L&Y Lines to Wakefield. This is a substantial, free-standing building complex in its own right, located in the edge of the river and restored landscape. It will potentially have a significant impact on the built heritage and natural environment.

The Council questions whether it is appropriate to require the detailed design of this substantial structure and the associated landscaping to be addressed through the submission of details in a Planning Condition. Full details of the design and form of the development should be provided or be subject to a detailed application which would ensure that (as a minimum) the architectural form, site enclosure and the landscape and biodiversity impact, mitigation and enhancement are fully understood and subject to detailed analysis and appropriate decision-making.

The Council therefore asks the Secretary of State to impose **Amended Planning Condition (“APC 14”)** (see Appendix 6) on any deemed planning permission.

The Council would also note that the land upon which this Static Frequency Converter Feeder Station is to be sited is a safeguarded waste site (former landfill) which is under a restoration programme. It is currently unclear how this programme will be affected, or biodiversity impacts will be accounted

A portion of the above land is defined as ‘exchange land’ to compensate for the loss of Public Open Space along the track and is presumed to be provide public amenity space, however it is unclear how the scale of the proposed Static Frequency Converter Feeder Station development affects its public amenity purposes and is the loss therefore adequately compensated for through this site if a large proportion of it is to be developed to accommodate a Feeder station and Power Supply Unit.

Finally, the Council would note that no details of landscaping/planting for both the developments and the exchange land. The Council considers that any required clarity and subsequent mitigation is capable of being agreed through the imposition of a suitably worded condition. The Council therefore asks the Secretary of State to impose **Alternative/Additional Condition (“AAC2”)** (see Appendix 6) on any deemed planning permission.

10- Minerals and Waste

The Council would like to make a representation in respect of Environmental Statement NR16, Volume 2i, Chapter 2, page 64 and Chapter 5, page 12 and the Planning Statement NR14, pages 56 and 87. The representation relates to Forge Lane Quarry Site Kirklees Local Plan reference MES6. There is an extant planning permission for mineral extraction 2012/92979 granted on 25/04/14 for a period of 10 years to be implemented within 3 years from being granted. This could take it up to August 2024.

The Council understands that no restoration works have yet commenced on site and mineral extraction is continuing. Clarity is sought if Network Rail acquires the site whether they will be responsible for completing the approved restoration of the site or a revised restoration scheme. The Council is keen to understand whether all mineral is to be extracted from site prior to Network rail acquiring the land. If not, this could potentially sterilise the remaining mineral resource from the site and affect supplies of minerals.

For clarity, the Council requests an explanation on the following potential confusion with respect to the Forge Lane Quarry site:

- Paragraph 9.15.7 of the Planning Statement states that Network Rail will enter consultation with Kirklees Council, the Canal and River Trust and the operators of Forge Lane Quarry to create a landscape design for exchanged land in this plot.
- Paragraph 2.12.3 of the Environmental Statement, states Network Rail understand the sites will be fully restored prior to the scheme commencing.

11- Further Technical Issues – Appendix 5

In addition to the issues identified above, for the benefit of both the Secretary of State and the Promoter the Council has included Appendix 5 to this submission. Appendix 5 comprises a working internal document, detailing specific technical concerns and/or points of detail identified by the Council's various technical teams and which the Council considers will need to be addressed, or further detail provided, prior to the implementation of the relevant Works or Stage.

The Council acknowledges that many of the points identified are capable of being addressed through further plans and specifications to be approved through the Order's Articles, or through details to be approved pursuant to conditions imposed on any deemed Planning Permission. However, Appendix 5 has been included at this stage to assist the Secretary of State and the Promoter in understanding the scope and extent of the matters where addition information will be required before the Council can be confident that it can discharge its own statutory functions.

As above, the Council remains committed to working with the Promoter, both prior to the determination of the Transport and Works Act Order application and (if confirmed) through the various prior approval mechanisms relevant to each Works and Stage. At this stage, the Council reserves the right to supplement or expand upon the key concerns identified within this submission (above), to the extent that further discussions with the Promotor prior to determination of the application indicate that the concerns/ further details cannot be addressed through post-confirmation conditions and approvals. The Council looks forward to continuing working with Network Rail on these issues prior to the determination of the application.

Section 3- NR Draft Planning Conditions – Appendix 6

Appendix 6 includes various proposed minor amendments to the wording of the draft planning conditions Network Rail presented as part of the Transport and Works Act Order application. With due consideration of the technical issues raised, the Council has suggested some amended wording to the existing proposed conditions and in addition, a set of new potential conditions, Alternative/Additional Conditions (“AAC1”) to (“AAC27”). The Council invites both the Secretary of State and Network Rail to consider the proposed amendments and additions and looks forward to working with all parties to produce an agreed final set of conditions.

Conclusion

The Council strongly welcomes the almost £1.46 billion investment in the borough of Kirklees and the undoubted economic, environmental, and social benefits this will bring. The Council remains committed to assisting wherever possible, Network rail in bringing this level of investment forward. The Council understands that disruption during construction is to a certain extent inevitable and is extremely cognisant of the fact that a lot the non-railway infrastructure will fall to us to maintain and operate in the future. For these reasons we seek to ensure that our residents and businesses can move around the borough as efficiently as possible during the construction, that their future is assured in terms of housing choice in a greener and cleaner environment and that they do not disbenefit from the Council having to pay disproportionately for increased maintenance costs of legacy infrastructure.

For these reasons we have provided this detailed representation, but we are confident that through further partnership working with Network Rail we can resolve many of the issues highlighted and we can all benefit from this significant level of investment.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'DS', is positioned above the name David Shepherd.

David Shepherd
Strategic Director Growth and Regeneration

Appendix 2 – Route Map

Project Remit

