

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

Your Ref

Our Ref IPP-222

Monday 23rd February 2026

BY EMAIL ONLY: transportinfrastructure@dft.gov.uk

Cc jamesoconnor@eversheds-sutherland.com

Dear Sir/Madam,

TRANSPORT AND WORKS ACT 1992

THE PROPOSED NETWORK RAIL (STALYBRIDGE TO DIGGLE (SADDLEWORTH) ENHANCEMENTS ORDER (The Order)

Further to your letter dated 12th January 2026, stating that the Secretary of State has decided to hold a public inquiry on this application.

As set out in our letter of objection to the Order dated 19th December 2025 (our objection letter), we consider that our objections and concerns to the effects of the proposals on our statutory undertaking are capable of being addressed by the Applicant prior to the public inquiry. However, in the event that the issues raised in our objection letter are not resolved satisfactorily then the Trust confirms that it would wish to raise our concerns at the public inquiry.

Statement of Case

The Trust's case has been set out at length in our objection letter dated 19th December 2025 and we ask that the objection letter is taken as our Statement of Case. However, to assist the Inquiry, we provide the following additions and clarification on certain aspects contained within our original objection letter.

1) Access rights

1.0 The Applicant and Trust had a Teams Meeting on 16th January 2026 to discuss the various plots of land and access requirements in relation to the Trust land. An action arising from that meeting was for the Applicant to provide a schedule of plots describing the rights and powers sought in relation to Trust land and the works and activities those rights and powers are needed for. Following several requests for this schedule (the schedule'), this was received by the Trust on 9th February 2026.

1.1 The Trust have reviewed the schedule, but due to the short time for review ahead of the Statement of Case deadline, we reserve our position on further matters pertaining to the schedule which we may need to raise at the Inquiry. Not least because plots: 16-011D; 16-014C; 18-001; 19-003A; 19-003B; 19-017; 19-025; 20-010A; 20-010B, which the Trust have received notification of under Rule 14 (4) of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006, are not included in the schedule. Based on a review of the schedule, it is

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not clear in all cases of proposed temporary possessions the implications these would have for the Trust's access rights. It is not clear if the temporary rights sought are exclusive rights solely for the Applicant or shared rights which would enable the Trust continued access for operational and maintenance purposes, as well as continued access for our users and customers. The timeframes associated with the temporary possessions and use of rights are also unclear.

2) Permanent and Temporary Acquisition

2.0 Based on the submitted plans and explanations given by the Applicant in the schedule, the Trust has the further comments to make on the identified plots.

2.1 **Plot 7-003** – the land relates to Egmont Street and Bridge No.92 over the canal and of which the Applicant is seeking temporary possession related to access for construction. The schedule sets out that the land is sought so that parking restrictions can be controlled along the road to ensure HGV's continual use of the road during construction. As set out within our objection letter, the bridge is not owned by the Trust. Based on the schedule it is only access over the bridge and the highway that would be subject to temporary possession. It would not appear that the Trust's interests in the canal or towpath, or their continued use, would be impacted in any way. That stated, there is a ramped towpath access from Egmont Street to the canal towpath (this access is not within the Trust's land holding). We would still require it to be confirmed in writing that our listed freehold interest would not be impacted here.

2.2 **Plot 16-013A** – this land relates to the canal towpath and footpath 76 at Uppermill Viaduct and of which the Applicant is seeking temporary possession related to access for construction. The schedule proposes the footpath will be stopped up, temporarily, either side of the Viaduct to prevent members of the public passing beneath during the works to install the OLE equipment and to protect the public from falling objects. The footpath here is carried on the canal towpath, so the temporary stopping up would apply to both. It is unclear whether a diversion route is being proposed, the scope for this, the duration of the stopping up, so we are unable to understand how our customers may be impacted. The schedule also sets out that construction works will require access at ground level to monitor and coordinate the viaduct works.

2.3 It is also unclear how the waterway and its users would be impacted here, especially boaters operating listed lock No.23. The Trust would want to ensure that any works do not impede our maintenance and operation of the waterway, especially in the event of any emergency.

2.4 Fishing rights (to the benefit of Slaithwaite & District Angling Club) also exist along this stretch of canal. It is unclear whether and how these rights would be interfered.

2.5 **Plot 16-013B** – this land relates to an area of land 1.5m from the outer edge of Uppermill Viaduct structure to create an electrical safety zone at track level over which the Applicant is seeking permanent rights for its infrastructure. As set out within the schedule rights are required for the *"Attachment and maintenance of railway electrical equipment to the railway viaduct and imposition of restrictive covenants for the protection and maintenance of railway electrical equipment."* We welcome the clarification within the schedule that *"This zone is included within the order to provide an electrical safety zone at track level and above, not ground level and therefore is a restriction up in the air, well above the canal /ground level."*

2.6 It is presumed that the electricity safety zone is just a 1.5m radius from structure at track level. We would welcome written confirmation that this understanding is correct.

2.7 **Plot 16-013E** – this relates to a small parcel of land of which the Applicant is seeking permanent acquisition for the placement of permanent infrastructure at Uppermill Viaduct. The description provided in the schedule states that *"This plot of land resides within the outer extents of the viaduct structure outlining the permanent acquisition of the viaduct track bed and superstructure located above ground level. This has been included in the Order such to ensure that the Network Rail land boundary encompasses the viaduct superstructure permanently for future access and maintenance purposes."*

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- 2.8 It is not clear how this permanent acquisition would potentially interfere with the Trust's land interests here, including whether interests at ground level are sought. We would require clarification in terms of how our land interests would be impacted by this permanent acquisition.
- 2.9 **Plot 16-013F** – this land relates to Uppermill Viaduct and over which the Applicant is seeking permanent rights and temporary possession. According to the Applicant the land is required for maintenance access, placing permanent infrastructure and construction access. The schedule sets out the Applicant requires this plot for the same purpose as:
- Plot 16-013B (electrical safety zone)
 - Plot 16-013A (temporarily stopping up footpath 76/towpath during construction).
- 2.10 We would welcome the same clarification on this plot as noted above in relation to Plot 16-013A and Plot 16-013B.
- 2.11 **Plot 16-014A, Plot 16-014B, Plot 16-014D, Plot 16-014E, Plot 16-017** – these plots of land all relate to the Uppermill Viaduct and of which the Applicant is seeking permanent acquisition for the placement of permanent infrastructure. The schedule explains the requirement for these plots relates to the outer extent of the viaduct structure above ground level, as for plot 16-013E above (paragraphs 2.7-2.8).
- 2.12 As with plot 16-013E, it is not clear how this permanent acquisition would potentially interfere with the Trust's land interests here and we would welcome clarification of how our land interests would be impacted by this permanent acquisition.
- 2.13 **Plot 16-016A** - this land relates to towpath and footpath 76 at Uppermill Viaduct and of which the Applicant is seeking temporary possession related to access for construction and installation of OHL equipment. The same clarification is sought on this plot as outlined above under Plot 16-013A (please refer to paragraphs 2.2 to 2.4).
- 2.14 **Plot 16-016B** - this land relates to footpath 103 at Uppermill Viaduct of which the Applicant is seeking temporary possession related to access for construction and installation of OHL equipment (as Plot 16-013A and Plot 16-013B above). The description here, unlike the others, does not make reference to the canal towpath. Footpath 103 is carried along the unnamed road here, over the Trust's grade II listed bridge No.75 (Mytholme) and then connects to the canal towpath/footpath 76.
- 2.15 It is presumed that this temporary stopping up footpath 103 would operate in conjunction with the temporary stopping up of the canal towpath/footpath 76. As outlined at paragraphs 2.2-2.4 above (Plot 16-013A), the same clarification is sought on this plot.
- 2.16 As set out within Appendix A to our objection letter on Route drawing sheet (No.16) no construction traffic should use the grade II listed bridge No.75 (Mytholme). We would want written confirmation in terms of the intended use of our bridge and the safeguards to be provided.
- 2.17 **Plot 16-016C** – this land relates to Uppermill Viaduct over which the Applicant seeks permanent rights and temporary possession. The schedule sets out that the land is required for maintenance access, placing permanent infrastructure and construction access. The schedule sets out the Applicant requires this plot for the same purpose as:
- Plot 16-013B (electrical safety zone); and
 - Plot 16-016B (temporarily stopping up footpath 103 during construction).
- 2.18 We would welcome the same clarification on this plot as noted above in relation to Plot 16-016B and Plot 16-013B.
- 2.19 **Plot 16-018A and 16-018B**- these parcels of land relate to Uppermill Viaduct over which the Applicant seeks permanent rights and temporary possession. The schedule sets out that the land parcels are required for maintenance access, placing permanent infrastructure and construction access. The schedule sets out the Applicant requires these plots for same purpose as:

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- Plot 16-013B (electrical safety zone); and

- Plot 16-013A (temporarily stopping up footpath 76/towpath during construction).

- 2.20 There is however ambiguity within the schedule provided in terms of the permanent rights for these parcels of land and the schedule is annotated “*Yes. This is permanent and temporary?? Not rights??*” No further explanation is provided so it is unclear what is meant by this statement. Further to clarification of this, we would welcome the same clarification on these plots as noted above in relation to Plot 16-013A and Plot 16-013B.
- 2.21 The Book of Reference and notices received by the Trust under Rule 14 (4) of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006 in relation to the compulsory purchase of our land also include plots 16-011D and 16-014C which relate to works at Uppermill Viaduct. The schedule provided by the applicant makes no reference to these plots. We may have further representations to make on these plots over and above the matters raised above
- 2.22 **Plot 16-068A** – this parcel of land relates to the discrepancy noted within our objection letter with an additional parcel of land listed in the Book of Reference which we have not been notified about under Rule 14 (4) of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006. The Trust have still not been formally notified about rights or interests the Applicant is seeking in this parcel of land.
- 2.23 In any case, the schedule sets out that temporary rights of access are required only (not temporary possession) to reach the temporary possession Plot 16-068B (Old Lane) and beyond to the railway. The Trust’s interest with this plot relates to the canal crossing via Bridge No.70. The ownership of this Bridge is unknown. Based on the schedule provided by the Applicant it is only access over the bridge and the highway that would be subject to temporary rights and not the canal corridor.
- 2.24 We understand that the bridge is to be used to travel over only, with no stopping, no parking, no laydown etc and subject to being kept clear to allow construction to access Old Lane. Construction access in this area is limited to small vehicles and foot traffic given the constraints of Old Lane.
- 2.25 **Plot 16-067B** – this land relates to the towpath and footpath 76 and to the Applicant is seeking temporary possession related to access for construction. The schedule sets out the footpath can be stopped up temporarily alongside the canal to construct lineside fencing. It is proposed that the construction team would use this route to transport materials and construct the fence and may require the laying down of materials temporarily on the towpath during construction. We would want confirmation that this would be access on foot only along the towpath, with no vehicular access or/use along the towpath. We would require confirmation that there would be no permanent fencing on our land.
- 2.26 We do note the powers sought under article 23 (1)(b) and (c) in terms of using the canal to transport goods and materials. The Trust would also want to ensure that any works do not impede our maintenance and operation of the waterway, especially in the event of any emergency.
- 2.27 Fishing rights (to the benefit of Slaithwaite & District Angling Club) also exist along this stretch of canal. It is unclear whether and how these rights would be interfered.
- 2.28 As set out within Appendix A of our objection letter, in relation to Route Drawing Sheet No.17, we have concerns in terms of the visual impact of the works here on the canal corridor due to potential vegetation removal and the siting and design of the proposed fencing. At the Inquiry we will elaborate further on these concerns if required.
- 2.29 **Plot 17-004A and 17-004B** - these land parcels form part of the towpath and footpath 76 and the Applicant is seeking temporary possession related to access for construction. The schedule sets out “*the footpath can be temporarily stopped up alongside the canal to construct lineside fencing. The construction team will use this route to transport materials and construct the fence and may require to lay down materials temporarily on the towpath during construction.*”

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- 2.30 We would want confirmation that there would only be access on foot only along the towpath, with no vehicular access or use along the towpath. We would require confirmation that there would be no permanent fencing on our land.
- 2.31 It is unclear if a diversion route is being provided and how the Trust would be able to manage and maintain its infrastructure and undertaking. There is however a dual towpath here, with a towpath on the offside of the canal too, which carries footpath 77 and it appears there is potential to provide an alternative route. However, no such diversion routes appear to have been offered by the Applicant. It is unclear if a diversion route is being provided and how the Trust would be able to manage and maintain its infrastructure and undertaking.
- 2.32 We also note that the powers under article 23 (1)(b) and (c) in terms of using the canal to transport goods and materials. It is unclear how the waterway and its users would be impacted here, especially boaters operating locks No.25 to No.30. The Trust would also want to ensure that any works do not impede our maintenance and operation of the waterway, especially in the event of any emergency.
- 2.33 Fishing rights (to the benefit of Slaithwaite & District Angling Club) also exist along this stretch of canal. It is unclear whether and how these rights would be interfered.
- 2.34 As set out within Appendix A of our objection letter, in relation to Route Drawing Sheet No.17, we have concerns in terms of the visual impact of the works here on the canal corridor due to potential vegetation removal and the siting and design of the proposed fencing. At the Inquiry we will elaborate further on these concerns if required.
- 2.35 The Book of Reference and notices received by the Trust under Rule 14 (4) of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006 in relation to the compulsory purchase of our land also include plot 18-001 which relates to works at Ward Lane Overbridge (MVL3/36). The schedule makes no reference to this plot. We may have further representations to make on this plot, in addition to those within Appendix A to our objection letter (Drawing Sheet 18) depending on how our land interests would be impacted.
- 2.36 **Plot 19-001** – this parcel of land relates to the towpath and footpath 76 and the Applicant seeks temporary possession for the same works as Plots 17-004A and 17-004B (to allow construction of the lineside fencing). The description also sets out that the construction team will use this route to transport materials and construct the fence and may require the laying down of materials temporarily on the towpath during construction. This route connects two compounds, so greater clarity is sought as to the amount and weight of vehicular movements (if any). The same clarification and comments apply to this plot as to Plots 17-004A and 17-004B, as set out above at paragraphs 2.29-2.34.
- 2.37 **Plot 19-004** – the schedule sets out that this land forms part of the Sam Road car park area and the Applicant seeks temporary possession for construction access and permanent works related to the canal tunnel strengthening works. However, based on the Deposited Plans and Sections (Document NR09), Plot 19-004 appears to be an area of Standedge Tunnel, not the Sam Road car park (which is Plot 19-003A). We would welcome this being clarified.
- 2.38 In any case the schedule sets out that the car park area is required to facilitate crane movements and delivery of material from the Diggle compound. The description sets out *“Access from Diggle compound is the only option here as the crane can only be built up in the Diggle compound and not along Sam Road and materials will be delivered and stored in advance at the Diggle compound”*
- 2.39 The schedule also sets out that the plot forms part of the towpath and footpath 76 and that this would be temporarily stopped up along the canal to allow for construction of lineside fencing. Again, based on Deposited Plans and Sections, it would appear that this might relate to Plot 19-005 instead. We would welcome this being clarified.
- 2.40 The schedule also sets out that the construction team will use this route to transport materials and construct the fence and may require the laying down of materials temporarily on the towpath during construction. We would welcome this statement being clarified as Plot 19-004 would appear to solely follow the line of Standedge Tunnel and would not be suitable for any laying down of material (due to loading on the tunnel below). The majority of Plot 19-

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004 would also be outside of the area adjacent to Plot 19-003B (where the reinforced concrete slab related to works MVL3/39A is proposed). Indeed, as set out within our objection letter the majority of works MVL3/39A in relation to works over Standedge Tunnel (concrete relieving slab), indicated by the blue rectangle on the route drawing sheet No.19, it is unclear why part of this is outside of the red line planning application boundary and part is within.

- 2.41 Further clarification is required in relation to Plot 19-004 and our land interests and we reserve our position on making further representation at the Inquiry on this matter.
- 2.42 **Plot 19-038** – this plot relates to the MVL3/39B structure over which the Applicant is seeking permanent acquisition. The description sets out that this is required permanently to allow for access and maintenance of the asset. Within Appendix A of our objection letter we have made representations on these works related to MVL3/39B – Bywash Underbridge in relation to the zone of influence on the culvert structure here. At the Inquiry we will elaborate further on these concerns if required.
- 2.43 The Book of Reference and notices received by the Trust under Rule 14 (4) of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006 in relation to the compulsory purchase of our land also include plots 19-003A and 19-003B which relate to works at Standedge Tunnel works (MVL3/39A) and plots 19-017 and 19-025 which relate to Station Road overbridge (MVL3). The schedule makes no reference to these plots.
- 2.44 These missing plots are very relevant to the Trust in terms of works MVL3/39A and the Standedge Tunnel concrete relieving slab and Station Road Overbridge. Within Appendix A of our objection letter we have made representations on these works and in relation to the zone of influence on the culverted Diggle Feeder and Standedge tunnel structures here. At the Inquiry we will elaborate further on these concerns if required.
- 2.45 We may have further representations to make on these plots, in addition to those comments within Appendix A to our objection letter depending on any further clarification provided by the Applicant on how our land interests and undertakings would be impacted.
- 2.46 **Plot 19-043** – this parcel of land forms part of Bridleway 65 and for the Applicant is seeking temporary possession for construction access. The description within the schedule sets out that *“This is included such that the footpath can be temporarily stopped up over the top of Standedge Tunnel to allow for the construction team to cross the railway. The construction team will use this route as foot access to cross the railway to monitor and coordinate the Station Road bridge reconstruction works.”*
- 2.47 The Trust’s interests here relate to Standedge Tunnel below, provided this route will only be used for access by foot along the Bridleway then the Trust would have no concerns in relation to the temporary possession of this plot for the purpose stated.
- 2.48 The Book of Reference and notices received by the Trust under Rule 14 (4) of the Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006 in relation to the compulsory purchase of our land also include plots 20-010A and 20-010B which relate to the temporary route connecting Harrop Court Road and Boat Lane. The schedule makes no reference to these plots. As set out within Appendix A to our objection letter, we would welcome confirmation from the Applicant in terms of the proposed works over the tunnel within the zone of influence; in terms of earth movement; excavation; construction activities to create the access road and measures to ensure the structural integrity of the tunnel would not be adversely impacted. At the Inquiry we will elaborate further on these concerns if required. We may have further representations to make on these plots, in addition to those comments within Appendix A to our objection letter depending on any further clarification provided by the Applicant on how our land interests and undertakings would be impacted.
- 3) Code of Practice
- 3.1 If the Applicant does not accept the use of the Trust’s Code of Practice, it must bear the risks of ensuring that their Code of Construction Practice Part A and B are sufficiently robust to cater for working on, over and adjacent to our

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200 year old waterways and the nuances of such infrastructure, including the engineering, environmental, heritage, health & safety considerations without causing damage or deterioration to the network and interfering with the Trust's ability to carry out its statutory undertaking. Any works or site investigations must also have full regard to existing services, cables and apparatus which are often carried in our towpath and/or over our assets. These matters are set out in more detail in the Code of Practice Part One and Two, which should be read in conjunction with each other along with the indemnity, licenses and permits as set out within Part Three of the Code of Practice.

4) Article 23

4.1 The draft Order at article 23 (1) (a) refers to the temporary interference of the Huddersfield Narrow Canal and includes the potential use of cofferdams. Cofferdams are covered in more detail within Part One of the Trust's Code of Practice, including the impact the reduction in water levels can have on aquatic habitats and species. As set out within the Code of Practice the Trust are the largest owner of fishing rights and fish stocks in the UK. In the event that the Applicant wishes to lower water levels or empty sections of the waterway associated with the works, they would need to have regard to the requirements, permissions and consents as set out within the Trust's Code of Practice Part One, in particular pages 16, 23-24. Such measures (or any equivalent) are not found in the Applicant's CoCP.

5) Structural Integrity of the Waterway Infrastructure

5.1 The proposed works or the associated construction activities/compounds could all potentially result in the structural loading of the waterway infrastructure. This would be unacceptable to the Trust. The stability of the towpath and canal must not be compromised as a result of any works. Construction works in close proximity to the canal have the potential to adversely affect the structural integrity of the canal. It is therefore essential that structural integrity is not put at risk as part of any works, including excavations or vibrations from plant or machinery which could, in a worst case scenario, result in the failure of the canal or supporting infrastructure.

If required, the Trust would provide evidence at Inquiry on the concerns raised above and in our objection letter to show the extent of the effects of the proposed scheme on the Trust's land and infrastructure and to demonstrate the need to limit the extent of interference with and provide more specific protections for the canal network and statutory undertaking than are currently provided for in the draft Order and supporting application documents.

6) Conditions

6.1 Without prejudice to the Trust's case, we have reviewed the Applicant's Statement of Proposed Conditions, and we have the following comments to make and ask that the Trust are consulted on the details relating to the following conditions insofar as they relate to the Trust's land interests.

5 Landscape & Ecology (LEMP)

6.2 The Trust would wish to see further details in relation to the LEMP where it relates to our waterways. Based on the submitted details it would appear that large blocks of vegetation would potentially be removed for the construction compounds and in relation to proposed trackside fencing. We question this approach; we consider there should be a more detailed examination of what actually needs to be removed and then only when absolutely necessary. That stated we note that condition 5 b(i) requiring a plan of existing trees to be retained and protected may help to inform this removal.

6.3 We consider that the default should be to retain as much of the existing habitat as possible, as opposed to the default of clearance. We need to see more detail in terms of what vegetation removal is proposed from within the waterway corridor. We consider that a minimum 10m vegetation buffer should be retained along the waterway corridor unless there is an imperative and fully justified reason for clearance, as any removal could undermine the structural integrity of the canal infrastructure. All planting stock should be local and appropriate for the area.

7. Construction Traffic Management & Travel Plan

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- 6.4 The condition requires a Construction Traffic Management Plan (CTMP) to be prepared and submitted. We note b(i) requires details of construction access routes and b(v) prohibited routes for construction traffic.
- 6.5 We consider that the CTMP will need to include provision for the abnormal load routing process. If the Applicant proposes to use any of the Trust owned canal bridges for routing indivisible abnormal load vehicles, this must be subject to review and agreement with the Trust's Highway Structure Team. Baseline condition inspections and further load bearing assessment works (undertaken by consulting engineers on behalf of the Applicant and at their cost) may be required to verify and demonstrate the suitability of the affected structures for use by larger vehicles.
- 6.6 The notification of indivisible abnormal loads will follow the industry standard process and be subject to the appropriate advanced notice periods for review by the Trust's Highway Structure Team
- Vehicles up to 80T mgw 2 clear working days notice;
 - Vehicles between 80T 150T mgw 5 clear working days notice; and
 - Vehicles in excess of 150T mgw timescale determined on a case-by-case basis at the Trust's Engineer's agreement (typically over 5 clear working days notice).

7) Suggested Conditions

- 7.1 Although not listed by the Applicant, the Trust considers that the following **conditions** are required in relation to the following matters:

Construction Environment Management Plan

- 7.2 We would ask that a CEMP condition is included, with the contents of which to be agreed prior to the commencement of the relevant Works to which it relates. For the works over or adjacent to the canal corridor we would want the CEMP to include the following criteria:
- a plan showing the areas of storage of plant, fuel and other chemicals and materials used in constructing the works;
 - include the steps to be taken to prevent the discharge of silt-laden run-off, construction site drainage, materials or dust or any accidental spillages entering the waterway;
 - site drainage details;
 - soakaways must be located at least 10m from the canal.
 - details of the environmental pollution incident emergency response;
 - details of the location of temporary stockpiles and the covering of these;
 - details of wheel washing facilities and containment measures;
 - details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance and construction

The Trust would want to be consulted on the CEMP where it relates to the canal corridor.

Standedge Tunnel

- 7.3 Prior to the commencement of any works over Standedge Tunnel, we would require detailed design plans in relation to the works over Standedge Tunnel to be provided for approval by the Trust. These would include the following:
- A copy of the Approval in Principle or Statement of Design Intent for review and comment.
 - A full copy of the design calculations and drawings for the proposals to review prior to construction. This should include a list of the crane types and other vehicle types and load cases that slab will be designed for.

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- A CAT III check of the proposals to be completed.
- Full copies of the Design and Check Certificates, prior to construction.
- During construction and use of the slab all vibrations adjacent to the tunnel will need to be kept to a minimum, working to BS 5228-2 and taking into account this is a historic structure.
- A detailed tunnel monitoring plan to be submitted and accepted by the Trust prior to any construction works commencing, the monitoring plan should cover construction of the relieving slab, and the use of the relieving slab during the works. Results of the monitoring should be made available to the Trust as and when requested and the full set of results provided upon completion of the project and the use of the slab.
- Confirmation of the Duty Holders under the CDM Regulations.
- Full As-built records to be provided along with the Health & Safety File within 6 months of completion of the work.

Brunclough Weir

- 7.4 Prior to commencement of works MVL3/39B Bywash Underbridge a full pre and post works dilapidation survey of the Brunclough Weir shall be undertaken.

Diggle Feeder

- 7.5 A condition is also required in relation to tracing the line of the culvert and the Diggle Feeder in relation to Works no.9 and 10. We would suggest a detection survey to establish the route of the culvert from the Diggle Feeder to the Brunclough Weir within the Order limits. The survey should establish the route of the culvert and should identify any remedial and/or mitigation measures and any exclusion areas necessary to protect, manage and minimise the risk of damage to the structural integrity of the culvert as a result of the development. The survey should trace the line of the culvert in the proximity of the works. Details shall also be provided in terms of the extent to which any works will increase loadings on the culvert and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the culvert can be maintained.

8) List of documents to be referred to at the Inquiry

- 8.1 The following documents may be referred to in support of the Canal & River Trust's case (this is a non-exhaustive list):

Applicant's letter to the Trust dated 4th December 2025

Applicant's schedule of Trust land parcel received via email dated 9th February 2026

Canal & River Trust Code of Practice Part One: General Information <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>

Canal & River Trust Code of Practice Part Two: Detailed Information <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>

Canal & River Trust Code of Practice Part Three: Forms <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>

Schedule of Photographs in relation to Uppermill Viaduct, Standedge Tunnel and along canal corridor.

Trust records in terms of Principal Inspection of canal related asset and infrastructure

The Trust is in discussion with the Applicant, and, depending on the outcome of those negotiations, the Trust may also wish to draw upon relevant evidence on any outstanding concerns from correspondence and agreed minutes with the Applicant from the past 18 months at the Inquiry.

The above comments are given without prejudice to any further matters which may be raised by the Trust at a later stage as more details emerge from discussions with the Applicant.

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Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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