TRANSPORT AND WORKS ACT 1992

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

THE NETWORK RAIL (STALYBRIDGE TO DIGGLE (SADDLEWORTH) ENHANCEMENTS) ORDER

DOCUMENT NR13: THE SECRETARY OF STATE FOR TRANSPORT SCREENING DECISION FOR THIS APPLICATION

Rule 10(2)(g)

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The Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Order

NR13 The Secretary of State for Transport Screening Decision for this application November 2025

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22 MARCH 2024

Ms Penny Carter
Network Rail
Square One
4 Travis Street
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Dear Ms Carter,

Transport and Works Act 1992 ("the 1992 Act")

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (as amended) ("the Applications Rules")

Proposed Transport and Works Act Order for the Stalybridge to the eastern portal of Standedge Tunnel

1. Thank you for your email of 7 February 2024, the attached letter requesting an Environmental Impact Assessment Screening Decision ("the Screening Request Letter") and the Environmental Impact Assessment screening request report of the same date ("the Screening Request Report"). You have requested a screening decision under rule 7 of the Applications Rules to determine the requirement for an Environmental Impact Assessment ("EIA") regarding your proposed application for a Transport and Works Act Order for the proposed TransPennine Route Upgrade between Stalybridge to the eastern portal of Standedge Tunnel.

2. Based on the available information, including responses from Consultees, the Secretary of State considers that the proposals described in your Screening Request Report are a project of the type mentioned in paragraph 13(a) of Annex II to Directive 2011/92/EU of the European Parliament and of the Council as amended by Directive 2014/52/EU. Having regard to the characteristics and location of the project and the type and characteristics of potential impacts, the Secretary of State considers that this project will not give rise to any likely significant environmental effects.

3. In accordance with rule 7(13) of the Applications Rules, the Secretary of State's screening decision is that an **EIA is not required** in association with the proposed works as set out in the Screening Request Report.

4. In reaching this screening decision, the Secretary of State, under rule 7(8), has consulted the following bodies listed below and has considered their responses:

    - Natural England;
    - Environment Agency;

- Historic England;
- Kirklees Council;
- Tameside Council;
- Oldham Council; and,
- Canal and River Trust.

5. Responses were received from all of the consultees, copies of which are included with this letter and Network Rail should have due regard to these.

6. As acknowledged in your Screening Request Report an appropriate level of detail on the proposed application's impacts in relation to the following will need to be included in any application for an order under the 1992 Act:

    - Cumulative and combined effects;
    - Ecology, nature conservation and biodiversity;
    - Water – hydrology and surface water;
    - Land – transport and access;
    - Land – landscape and visual;
    - Land – cultural heritage;
    - Soils – geology and ground conditions;
    - Residues and emissions – materials and waste;
    - Noise and Vibration; and
    - Air pollution.

7. The Secretary of State has noted that while some of the comments from consultees are not directly related to the screening decision they are significant and he considers it important that Network Rail should note them. For example, the comments from Tameside Council on Permitted Development Rights and that some of the works may fall outside the scope of Permitted Development rights afforded under Part 8 of the Town and County Planning (General Permitted Development)(England) Order 2015 and Network Rail should consider what further planning consent might be required. Furthermore, it is noted that it is mentioned in the Screening Request Report (in Table 5.1 and paragraph 7.5.7) that Network Rail intends to liaise with the Canal and River Trust. Network Rail should therefore take note of the Trust's comments in their response and liaise with them fully on matters falling within their remit of responsibilities and where it is appropriate, ensure compliance with the Trust's Third Party Works Code of Practice.

8. The Secretary of State also notes that the Screening Request Report and as highlighted by consultees, the proposed works have the potential to impact on the significance of a number of Grade II listed structures. Listed Building Consents, which is a separate regime to the Transport and Works Act process, will be required for such works.

9. As the proposed development is located within or partly within or has the potential for adverse effects on a number of designated sites screening is likely to be required under the Conservation of Habitats and Species Regulations 2017 (as amended) to determine whether an appropriate assessment is required to be undertaken.

10. In reaching his screening decision, as required by rule 7(11) of the Applications Rules, the Secretary of State has taken into account the information provided by Network Rail

and the consultees in accordance with this rule and has had regard to such of the selection criteria set out in Annex III of the Directive as he has determined are relevant to the proposed works. The selection criteria to which the Secretary of State has had regard are:

- 1 (a) to (g);
- 2 (a) to (c); and,
- 3 (a), (b), (d), (e), (f), (g) and (h).

11. In accordance with rule 7(14) of the Applications Rules, the Secretary of State notes the features of the proposed works and measures proposed to be taken in order to avoid or prevent what might otherwise have been significant adverse effects on the environment as set out in the Screening Request Report and summarised in Section 8 of that Report. The Secretary of State's decision is based on the assumption that the mitigation measures referred to will be part of the Transport and Works Act application at the point when it is submitted.

Distribution

12. Copies of this letter are being sent to those organisations which were consulted on the request for a screening decision, as listed in paragraph 4.

13. In accordance with rule 7(15) a copy of this decision will be placed on our website at:

https://www.gov.uk/government/collections/twa-inspector-reports-and-decision-letters

Yours sincerely,

Khalid Aazem

Environmental Manager