

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

Friday 19th December 2025

Email only: transportinfrastructure@dft.gov.uk

Dear Sir/Madam,

TRANSPORT AND WORKS ACT 1992

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

Further to the notices relating to the Order served in accordance with Rule 14(4) of the Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006 (the Rules) by Network Rail Infrastructure Limited (the Promoter) dated 7th November 2025, the Canal & River Trust (the Trust) has operational and, infrastructure and other interests affected by the works and powers proposed.

The Trust has a duty under the Trust Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways and towpaths for public use and enjoyment.

While the Trust does not object to the principle of the proposed scheme, it remains concerned that the Order, if made, would interfere with the Trust's ability to carry out its obligations as statutory undertaker for the waterways within the Order limits and as a navigation authority. Although the Trust has been in discussions with the Promoter about the effect of the proposals on its undertaking, the protections provided in the Order as applied for do not adequately address the Trust's concerns. The Trust therefore **objects** to the Order on the grounds set out in this letter. The Trust believes it should be possible to resolve its concerns with the Promoter by negotiation, but reserves the right to appear at a public inquiry into the Order if they are not resolved satisfactorily at that stage.

Background

The Trust is the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a prescribed consultee in the Transport and Works Act Order process.

The Trust own and manage the Huddersfield Narrow Canal (HNC) which generally runs parallel to the line of the upgrade works associated with the Order. This section of canal contains a number of locks, bridges, and other

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canal related infrastructure, including Standedge Tunnel. The canal corridor is generally rural in character with established mature planting along it and is a well-used for leisure and recreation. The canal is also popular with anglers as well as boaters and other towpath users. (Please note that any reference to “the canal” in this objection is a reference to HNC.)

GROUNDS FOR OBJECTION TO THE PROPOSED ORDER

1. Objection to Compulsory Purchase of Trust land

The Trust has received notice 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. We refer to the Promoter’s Book of Reference and note that the Trust is listed as either owner or as having an interest in 33 individual plots of land which would either be subject to permanent or temporary acquisition (or in the case of plot 16-016C both). These plots of land are listed in the table included in letters from the Promoter dated 7th November 2025. However, we do note a discrepancy with an additional parcel of land listed in the Book of Reference 16-068A– which we have not been notified about. We have drawn this matter to the Promoter’s attention in an email dated 9th December 2025.

The Trust hereby formally **objects** to the compulsory purchase of Trust land. This is on the basis that there is not a compelling case in the public interest for compulsory purchase powers to be acquired in the manner sought by the Promoter. Such powers are intended to be used as a matter of last resort, and the Promoter has failed to use reasonable efforts to voluntarily acquire the land they require from the Trust.

The Trust has made it clear to the Promoter from the outset of the pre-submission consultation (8th March 2024 – EIA Scoping) in relation to the proposed Order that compulsory acquisition powers would not be acceptable to the Trust and that we were open and willing to the possibility of voluntarily transferring required plots of land for both temporary and permanent works. To date the Promoter has made no attempt to engage with the Trust on this matter. Instead, the Promoter has progressed with including such powers and has failed to meaningfully engage with the Trust to reach a private agreement. This is inconsistent with the approach advocated by the Government’s General Guidance on the Compulsory Purchase Process October 2024, in particular:

Paragraph 2.2 “*The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to:*

- *understand the impact of the exercise of the compulsory purchase powers included in the compulsory purchase order and the acquisition of a person’s interest in the land on those persons, for example affected owners and occupiers, through direct engagement with those parties*
- *attempt the acquisition of all of the land and rights included in the compulsory purchase order by agreement”*

Paragraph 2.8 “*Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects.*”

The Promoter has not followed this guidance in relation to the Trust’s land and interests and as such we have no option but to object to the Order and compulsory acquisition of land and associated rights. This is because the Trust is a statutory undertaker which has specific duties to protect the waterways. Accordingly, we have a duty to resist the use of compulsory purchase powers which may negatively affect our land or undertakings.

Alternatively, should any compulsory acquisition powers over the Trust’s land be retained in the Order, such acquisition should only be with the consent of the Trust. The protective provisions as currently drafted do not provide for this, although these protective provisions are the same as the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 No.1067, with that Order both parties reached separate agreement on certain matters. Notwithstanding this the Trust require clearer details in relation to the

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requirement for the temporary and permanent possession of our land, including the land the subject of the discrepancy between the Notices and Book of Reference as outlined above.

Related to these matters, and in order to ensure that the construction works will not result in a danger to navigational safety, the Trust requests that any consents given do not supersede the rights of the Trust to request that the works adjacent and over our waterways abide by the “Code of Practice for Works affecting the Canal & River Trust” (the Code of Practice). A compulsory acquisition of rights has the potential to bypass the need for the works to abide by the Code of Practice as landowner consent would no longer be required from the Trust, which would mean that the Trust would be unable to verify that any works would not negatively affect the continued safety of navigational users during and after the works. Indeed, in this regard, we note the Secretary of State’s Screening Opinion dated 22nd March 2024, paragraph 7 which relates to this matter and states *“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.”*

As landowner and statutory undertaker, the Trust has rights and responsibilities and where we own the canal with associated towpath, we own the fishing rights. The Trust has licence agreements with several angling clubs along the canal, where they rent our fishing rights for the benefit of their local club members. If the land were to be compulsory purchased, then the Trust would be unable to ensure that the public would be able to exercise those rights. The Promoter has to date failed to engage with this aspect of the Trust’s land ownership.

We do not accept the Promoter’s position that the acquisition of compulsory purchase powers is necessary to deliver the project, given that the Trust is open to voluntarily transferring the relevant interests in land, subject to being satisfied that the Trust’s interests are properly protected. Although the Promoter considers that they have correctly assessed the appropriate balance between the scheme and the Trust’s property interests, we respectfully disagree. This is on the basis that they have failed to engage with our concerns regarding the necessity of the use of these powers and remain concerned that the unqualified ability to exercise compulsory purchase powers will seriously affect the Trust’s ability to comply with its statutory obligations and management of our statutory undertaking.

2. Powers sought under the Draft Order

Notwithstanding the significant concerns with the draft Order insofar as it relates to the permanent or temporary acquisition and use of our land, the Trust also has significant concerns in terms of other aspects of the Order, as drafted, and these are set out below:

Article 6 – Water Abstraction

The Trust objects to article 6 insofar as it would potentially grant power to abstract water from the Huddersfield Narrow Canal, without first obtaining the necessary consent for the Trust. Section 66 Water Resources Act 1991 requires that the Trust must be the applicant for abstraction licences for abstraction out of its network; this enables the Trust to manage the resources in the canal and ensure that there are sufficient resources available for the Trust to meet its statutory navigation duties. We would wish to have confirmation from the Promoter that this article would not apply to the Trust’s undertaking, especially given that there is currently no mitigation within the protective provisions as drafted on this matter. If these powers are sought to abstract water from the canal we would require the protective provisions to be updated in relation to this matter and for our consent and approval.

Article 9 – Power to deviate

The Trust objects to article 9 due to the potential implications of sub-paragraph 9(b)(ii) which would allow the power to deviate in constructing or maintaining any scheduled work. Specifically, to deviate vertically from the levels shown in the sections *‘to any extent downwards as may be necessary or convenient.’*

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The Trust has significant concerns in terms of “Working site and access for construction Work No.10” insofar as it relates to Standedge Tunnel (MVL3/39A) and the construction of the temporary access over the tunnel. The power to deviate under 9(b)(ii) could have significant structural implications for the brick arch of the tunnel and associated stability. This would be totally unacceptable to the Trust as it could significantly hinder navigation and safe usage of our waterway and therefore interfere with our ability to meet our statutory obligations.

The Trust considers that the wording of the Order should be amended so that the power to deviate downwards under 9 (b)(ii) should not apply for the “Working site and access for construction Work No.10” in relation to Standedge Tunnel and the that depth be limited to a level agreed with the Trust that does not interfere with the structural integrity of the tunnel and ability to safely navigate the waterway.

Article 22 – Power to survey and investigate land

The Trust objects to article 22 in terms of the power to survey and investigate land. Notwithstanding sub-paragraph 22(3) which requires notice to be served on the Trust at least 7 days before entry onto our land for carrying out of such surveys or investigation, we have concerns in terms of how such works would be carried out. This is especially the case as, despite paragraph 7 of the SoS Screening Opinion (noted above) and based on the Promotor’s consultation report and draft protective provisions for the Trust, the Promoter would appear to be reluctant to adhere to the Trust’s Code of Practice and our requirement to safeguard our assets and interests.

This could be problematic for the Trust, if for example, the Promoter were to leave apparatus which interferes with our undertakings, closes our navigation or makes trial holes which could undermine the structural integrity of our assets.

While we understand that Part 5 41(6) of the protective provisions states that any Trust consent may impose reasonable conditions, it remains our position that our consent should be in accordance with the Code of Practice. The wording of the Order should be amended to reflect this.

Article 23 – Temporary closure of, and works in, the Huddersfield Narrow Canal

The Trust **objects** to article 23 of the draft Order in relation to the temporary closure of and works in the Huddersfield Narrow Canal.

Notwithstanding protective provisions requiring the payment of compensation in the event of loss or damage, the Trust has a duty to promote and maintain access to our waterways, which cannot be adequately compensated through the payment of damages alone. The Trust has serious concerns with the wording of article 23 which does not provide any ability for the Trust to affect the proposals to temporarily suspend navigation and agree appropriate timescales (i.e. during the stoppage season) and mitigation measures in respect of this. An agreement as to the timings, duration, management and wider effects of such closures is required to ensure that the Trust can carry out its statutory duties as Navigation Authority.

The Trust has significant concerns in terms of the potential duration of such closures and the mechanism for agreeing them. The Trust publishes its National Stoppage Programme in August for any closure in the upcoming stoppage season (beginning of November to the end of February). The National Stoppage Programme is put together, in consultation with waterway users, between May and August. Therefore, any temporary closures would need to be notified to the Trust by the beginning of the month of May prior to the temporary closure.

As drafted, the Order only provides 56 days’ notice of the Promoter’s intention to commence construction of works. Such a short notice period would be unacceptable and unworkable for the Trust and would be insufficient to allow for the required consultation and notification of such closures to our users. It is unclear the length of the closures that would be sought and whether or not complete or partial closures are intended by the Promoter. Justification is required for any such closures. We also seek an undertaking from the Promoter to give notice of

any closure of the waterway by the beginning of May prior to the temporary closures and for these to be agreed with the Trust.

It is also unclear how article 25(2) is intended to function, given that this would have the effect of rendering various agreements which the Trust has with third parties unenforceable.

The Trust considers that the wording of article 23 should be re-worded to make it clear that such powers are subject to the consent of the Trust being obtained pursuant to the protective provisions (as amended).

Finally, we wish to understand from the Promoter what works are required to be carried out within the Huddersfield Narrow Canal and would require the temporary closure of the canal. No details in relation to this matter have previously been provided to the Trust, nor do such details appear to be contained within the application documentation.

Article 31 – Temporary use of land for construction of works

The Trust objects to article 31 insofar as it relates to works 9 and 10, in relation to access to the compound which requires crossing over Standedge Tunnel (and the associated works to provide the access). The provisions includes the power to (b) *“remove any buildings and vegetation from that land”*; (c) *“construct temporary works (including the provision of means of access) and buildings on that land”*; (d) *“temporarily occupy and use airspace for the purposes of the operation of a crane in connection with the construction of the authorised works”*;

These provisions, if used in connection to the works at Standedge tunnel, could have severe implications for the structural integrity of the tunnel and our undertakings. We therefore object and would require any use of the powers associated with Article 31, in relation to Standedge tunnel (associated with work 9 and 10) to only be with the prior approval and written consent of the Trust.

Furthermore provision 31(5) would require the Promoter to remove all temporary works and (c) restore the land, including the (d) removal of any permanent works and (e) restore the subsoil and (f) any ground stabilisation works. The implications of the power and the removal of the concrete slab/saddle that is proposed to be installed over part of Standedge Tunnel would have significant consequences for the structural integrity of the tunnel. We would want this power to be disappplied in relation to the tunnel and for the concrete saddle/slab over the tunnel (details to be agreed) to be retained in-situ.

The Trust also objects to Article 24 as set out above within ground (1) in relation to the compulsory acquisition of our land and rights and Article 29 (power to acquire subsoil or airspace) insofar as these powers would apply to our statutory undertaking.

Article 33 – Temporary use of land for access

The Trust objects to article 33 insofar as it would relate to the use of the Trust's land for temporary access and in particular sections of the canal towpath, which have been included within the Order limits. Notwithstanding sub-paragraph 33(2) which requires notice to be served on the Trust at least 7 days before carrying out the provision. Such use of the land has potential implications for our waterway users and customers and in terms of the structural integrity of the towpath and limiting the loading of the canal washwalls. This is especially the case as, despite paragraph 7 of the SoS Scoping Decision (noted above) and based on the Promotor's consultation report and draft protective provisions for the Trust, the Promoter would appear to be reluctant to adhere to the Trust's Code of Practice and our requirement to safeguard our assets and interests.

3. Protective Provisions

The Trust welcome the inclusion of the protective provisions in Schedule 17, Part 5 for the Trust, [and notes that these protective provisions are the same as in the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 No.1067]. Absent of any other arrangements with the Promoter, it is our view that the protective provisions, as drafted, on their own are not sufficient to adequately protect the Trust's interests.

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The Promoter considers that the protective provisions for the Trust in the draft Order together with their Code of Construction Practice will operate to protect the Trust's assets. The Trust do not agree and **object** to the waterway works being carried out without compliance with the Canal & River Trust Code of Practice. We have substantial concerns in terms of the potential lack of engagement with our Code of Practice, technical guidance which is specific to the waterways. As the Promoter is aware, it is standard practice for the Trust to require compliance with the Code of Practice wherever third parties carry out development which may affect our undertaking. The Promoter has signed up to, and carried out works in accordance with, our Code of Practice on numerous occasions elsewhere across our waterway network and in accordance with our National Stoppages Programme.

The Trust's Code of Practice is designed to safeguard our assets and to deal with the nuances of developing adjacent to a 200-year-old waterway heritage asset which are not built to modern engineering standards. These features have an inherent fragility and the extent to which development adjacent to or over them may affect their stability can reach far beyond any narrow waterway corridor. Ensuring that development is appropriately located and controlled on land adjacent to our network is crucial to limit the potential for failure of our infrastructure and the associated economic, environmental and social consequences of this. Therefore, in order to ensure that the construction works will not result in a danger to navigational safety or endanger the structural integrity of our assets, the Trust requires that any consents given to the works adjacent and over our waterway abide by the 'Code of Practice for Works affecting the Canal & River Trust'.

We are deeply concerned with the Promoter's proposal to validate construction which may affect the waterways based on their own mandatory 'Code of Construction Practice' as it inherently lacks the specialist finesse of working with our waterways. The Trust's engineers are specialist in canal engineering and the protection and safeguarding of our specialist waterway assets. It is essential that the proposals incorporate appropriate measures to protect the structural integrity of our waterways and their users both during and after construction for all temporary and permanent works affecting our waterway.

The Trust would require that any works on or over our land should be carried out in accordance with the Code of Practice, regardless of the compulsory acquisition of any rights or the land. The Code of Practice includes dedicated provisions based on many years of experience to specifically address the risks and issues that arise in relation to works in or adjacent to the canal network. The Code of Practice provides relevant procedures and protections for the canal infrastructure, which Network Rail's CoCP Part A dated 7th November 2025 (or Part B based on the summary provided at section 1.3 of the Part A document provided), simply does not adequately address. This includes provisions for: tunnels; stoppages; diversionary routes; use of cofferdams; matters relating to canal linings; water discharge to canals and requirements for this; site investigation; scaffolding on our land; vehicles and plant on towpaths; licenses and permits for workboats; vibration limits for our waterways; and matters relating to avoiding loading on the canal infrastructure and specific requirements to avoid damaging our 200 year old infrastructure.

If the Promoter 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 200 year old waterways and the nuances of such infrastructure, including the engineering, environmental, heritage, health and safety considerations without causing damage or deterioration to the network and interfering with the Trust's ability to carry on 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.

As highlighted above, we also note the Secretary of States screening opinion, paragraph 7 which states "*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 is it appropriate, ensure compliance with the Trust's Third Party Works Code of Practice.*"

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As drafted, the Order sets out that the Promoter envisages that the works would be overseen by a Trust engineer, but outside of the Trust's established process via the Code of Practice. Greater detail is required on how this 'watching brief' engineer role would operate; what mechanism would be used to secure the services of our engineer(s) and the standards to which the works would be required to comply with (i.e their Code or the Trust's). This is where the Trust's own Code of Practice is critical as it specifically deals with waterway structures and the nuances of protecting the rights of our users, boaters, anglers etc. For example, the submitted plans include excavation over Standedge Tunnel and works to construct a concrete slab which could have significant implication for the stability of the tunnel. Based on the details provided, there is insufficient clarity on what standards would be applied to comment in terms of the structural integrity of this critical waterway infrastructure. We would normally deal with these matters via the Code of Practice on a site-by-site basis and would need to ensure that measures are in place to mitigate stability and any chances of structural damage to our assets.

4. Waterway and Towpath closures

The Order limits include sections of the canal towpath and waterway and, as set out the above, the powers to close these, but neither the Promoter's Code of Construction Practice, nor the draft Order provide a satisfactory mechanism or notice period to secure these. Such closures and restrictions would need to be agreed with the Trust and managed via our established Code of Practice process. It would not appear from the application details that alternative towpath diversion routes are currently proposed. Diversion routes relating to any of our towpath closures or bridge closures would be required as the Trust has a duty to operate and manage our waterways and towpaths for public benefit.

Notwithstanding any closures or stoppages associated with our waterways the Trust have critical ongoing operational and waterway requirements. As such any closures of the towpath should not impede the free and open access to the locks for operation, maintenance and water control purposes which are essential, especially during inclement weather to avoid significant damage or potential catastrophic breaches of the canal.

The Trust have previously advised the Promoter of our critical operational requirements in relation to Standedge Tunnel. To allow for the safe operation and passage of boats through Standedge Tunnel each boat that passes through the tunnel requires a chaperone from the Trust to be onboard the boat to assist with navigating the tunnel. In addition to this, prior to the boat travelling through the tunnel the Trust place safety equipment and lighting on each boat. The Trust utilise the existing public car park (on Sam Road that will become a temporary compound) and access to the canal towpath adjacent to the southwest portal (Diggle) for this. We have a storage container sited here which contains some of the safety equipment needed to be carried on the boats that pass through the tunnel. The safety equipment and lighting are then taken off the boat once the tunnel has been navigated. Having clear access to enable boats to navigate safely through the tunnel is a crucial part of the operation here and to allow us to fulfil our statutory duties. It can take up to 2 hours for a boat to travel through the tunnel and all passages need to be booked in advance. Based on the plans, access to the south end of the tunnel will undoubtedly be affected by the works. We do note the Promoter's consultation report response in relation to the Sam Road car park that *"the car park will be closed but parking spaces will remain available for use by Trust. A segregated walking route will also be implemented along the northern edge of the car park to link the canal tow path to Sam Road."* Whilst we welcome this, it is unclear how this would be managed as the general public also utilise the public car park to access/egress the canal towpath. We would welcome clarification on how critical parking here for Trust operational purposes would be managed. As well as having the safety equipment on the boats and a Trust volunteer onboard, a shadow vehicle also escorts the boats through the tunnel, by utilising the 'dead bore tunnels' adjacent to the existing Railway and Standedge Tunnel. The Trust therefore have significant operational concerns relating to the proposed closure of Station Road and surrounding roads (due to access required for our shadow vehicle for Standedge Tunnel and access to dead bore tunnel for the shadow vehicle is crucial to the ongoing operations and safe navigation. We note that diversion routes would be in operation and we also note that the Promoter's Consultation Report on this matter which states *"Network Rail require access to the redundant tunnel bores to be maintained throughout the works for the Network Rail*

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Standedge Tunnel Major Incident Response Plan. Therefore, the works will have measures in place to allow for access for the shadow vehicle to access the redundant bores.”

We also note that the applicant states that the works over Standedge Tunnel “*could be undertaken during the seasonal closure period of the canal.*” Ordinarily we would manage this via our Code of Practice and again this is another reason why it is imperative the works are carried out in accordance with this established process.

We would require our operational concerns in relation to Standedge Tunnel and the commitments made within the Promoter’s consultation report to be formalised and addressed to the satisfaction of the Trust.

5. Further concerns on the effects of the works in the Order and the Trust’s undertaking

There are various works proposed in the Order which directly affect the Trust’s assets.

The Trust has concerns about the use of existing canal bridges and land adjacent to the canals as part of the construction routes or as construction compounds for the proposed work and their potential to affect the fabric of the Trust’s Infrastructure. This includes the potential use of bridge no75 (Mytholme) as a construction traffic route in relation to the works for MVL3/31A Saddleworth Viaduct. The Trust has concerns regarding loading on the bridge and our assets and if necessary, the Promoter will need to indemnify the Trust for effects on use of this bridge beyond the weight limit or following any strengthen works agreed between the parties. Although provisions in article 21, protective works to buildings, etc may be applied, and the Protective Provisions require Trust consent for exercise of such powers, the Trust may require indemnities for any effects on its statutory undertaking. There are also concerns regarding access for canal users and our customers and for further detail on the Trust’s concerns regarding these works are contained in Appendix A.

Arrangements regarding discharge of water both into the Trust’s waterways and potential effects on the Trust’s infrastructure from use of culverts beneath the waterway will need to be satisfactorily resolved between the parties. In terms of surface water discharge to the canal, a composite agreement to cover all discharges to our waterways and any Trust owned culverts would be required. We do not currently have an omnibus-type agreement in place with the Promoter for these. The Trust is not a land drainage authority, and such discharges are not granted as of right. Any discharges to our waterways would be subject to internal review within the Trust including in terms of hydrology, heritage and environment to consider quantity, quality and design of outfalls. The works to construct and install the surface water discharge to our waterways must comply with the Trust’s Code of Practice.

Any surface water drainage to the canal (either permanent or temporary) would require oil interceptors and maintenance plans as part of any application to discharge to our waterways in order to safeguard the canal environment and our users. The Trust would not accept any new or amended discharges to our waterways where untreated sewage is likely to be present. Where an altered or new discharge enters a canal pound, the pound (distance between locks) needs to be assessed as to its ability to manage the increased flow. This may require improvements to lock bypass weirs, or new waste weirs, or extensions to existing ones, before it can be accepted by the Trust.

If new/altered discharges are to be culverted under the canal, then the condition of these culverts need to be assessed in terms of their capacity to accept the amount of water. The existing culverts cannot be assumed to have sufficient capacity or be in an acceptable condition to accommodate additional flows. Failure of a culvert under the canal could cause significant damage or a potential catastrophic breach of the canal.

Notwithstanding the above matters the Trust has other comments on the proposed scheme based on the application documents. For simplicity, the Trust’s comments are separately contained in Appendix A to this letter.

The Promoter has corresponded with the Trust over the past 18 months in terms of parts of the scheme of works, these have mainly focused on works in relation to Standedge Tunnel. Discussions in terms of the proposed works to create a temporary access route over Standedge Tunnel were introduced at a Teams

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Meeting on 23rd August 2024, this followed the Trust's formal response to the EIA Scoping, dated 8th March 2024 and prior to the Public Consultation response dated 22nd October 2024. Subsequent design update meetings have taken place in the intervening period and email exchanges, primarily in relation to Standedge Tunnel. It is hoped that meaningful collaboration will continue in relation to the works which interface with our waterway infrastructure.

Conditions

The Trust will review the conditions proposed for the deemed planning permission requested by the Promoter. The Trust will seek to provide comments to the Promoter once it has a better understanding of the detailed activities proposed on and around the Trust's infrastructure.

As indicated above, the Trust considers our **objections** and concerns to the effects of the proposals on its statutory undertaking are capable of being addressed by the Promoter, but in the event that the issues raised are not resolved satisfactorily then the Trust would wish to raise its concerns before a public 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.

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

Yours sincerely,

Tim Bettany-Simmons MRTPI

Senior Planner – Major Projects & Infrastructure

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Appendix A – Further concerns on the effects of the works in the Order on the Trust's undertaking

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Patron: King Charles III. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, Registered office address National Waterways Museum Ellesmere Port, South Pier Road, Ellesmere Port, Cheshire CH65 4FW

Appendix A Further concerns on the effects of the works in the Order on the Trust's undertaking

TRANSPORT AND WORKS ACT 1992

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

Order Plan (Route Dwg Sheet No.7)

The red line of the Order boundary on this plan crosses the canal at Bridge 92 (Egmont Bridge). This is not a Trust owned bridge, however we require confirmation that the red line boundary is just for access over the bridge only and not under on the towpath or impact the waterway in any way. This relates to land parcel 7-003 within the Book of Reference. As set out in our main objection letter above, we require confirmation from the Promoter in terms of their intended use of this parcel of land in relation to the access/works sought, so that we can ensure that our undertakings are adequately safeguarded and protected.

Order Plan (Route Dwg Sheet No.16)

The red line of the Order boundary for works associated with works MVL3/21 Saddleworth (Uppermill) includes land owned by the Trust and grade II listed bridge no.75 (Mytholme). Land on offside next to the lock also within red line. Listed lock 23 is also just north of the works. The Book of Reference includes several parcels of land here which the Trust have an interest in. As set out in our main objection letter above, we require confirmation from the Promoter in terms of their intended use of these parcels of land in relation to the access/works sought, so that we can ensure that our undertakings are adequately safeguarded and protected.

Given the current condition of this listed bridge and its narrow width, the intended use of the bridge must be confirmed. Specifically, clarification is required on whether the bridge will be used solely for pedestrian access or if it is expected to accommodate plant and equipment. Where plant and equipment are proposed, full details—including type, size, weight, and frequency of movements—must be provided and discussed in detail with the Trust engineer prior to commencement of works. A pre- and post-condition survey of the bridge should be undertaken to ensure its integrity is maintained throughout the project. Additionally, access for boaters, customers, and Trust staff must be preserved at all times for operational and maintenance purposes

In terms of the towpath within red line boundary, we require confirmation of the intended use of the towpath within the red line boundary. Specifically, to indicate whether this area is designated exclusively for pedestrian access. No loading or weight shall be placed on Trust apparatus without prior written authorisation. Any proposed activities involving plant or equipment must be discussed in detail with the Trust engineer prior to the commencement of works. A pre- and post-condition survey is required to ensure its structural integrity is maintained throughout the project. Access for boaters, customers, and Trust staff must be preserved at all times to facilitate operational and maintenance activities.

In terms of the works related to MVL3/31A Saddleworth Viaduct, the main consideration would be the visual impact and sighting of the overhead lines/gantry. The D&A statement covers this area specifically, as do the elevations 'LBC Drawing MVL3-31 Uppermill Viaduct Elevations' that show clearly the proposals of attaching overhead line to the side of the listed viaduct structure. The D&A statement makes the statement '*The portals are sited only over piers 5, 8, 11, 14, 17, 20 and 25 in order to integrate with the architectural rhythm of the viaduct, and not to impact on the wider spans over the Huddersfield Narrow Canal and Den Lane, which provide the more significant viewpoints to the viaduct.*'

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On the whole, the Trust would agree that if there are no other feasible options besides attaching the overhead line portals to the viaduct's side elevations, then consideration of their location/positioning relative to the most significant views and the viaduct's rhythm that impact the canal setting is the correct design response. We welcome that these have been sited to limit the visual impact on the canal.

Within the D&A statement, there is a photomontage view (Fig 34, pg78), which shows what the overhead line would look like from the canal setting as viewed from eye level from the aqueduct. The return view eye level, north to south, should also have been included, as this differs in terms of the view, including the listed Lock gate and Tailbridge facing the canal, with the viaduct towering above them. Both of the above views, existing and suggested, should be picked up in any future LVIA for assessment, as they will impact the canal as both a visual and recreational receptor, as well as being recognised as a key character value of significance for the setting in terms of the illustrative historical development of transportation in the area.

As the proposed overhead line portals are bolted onto the viaduct's outward-facing elevations, they would be intrusive to the original structure's aesthetic character and add visual clutter to the heritage setting of the canal beneath. The portal structures are functionally designed and assembled from standard steel parts, which reads as being 'clunky' and we suggest that the design of these should be reconsidered. We would suggest slimming down the portal structures in this location and for the structural design to be more elegant when viewed from the canal, primarily to minimise the disruption caused by the introduced visual clutter, while also paying special attention to the significance of the affected settings' views and amenity value.

In terms of the proposed installation of the electrification works to the viaduct, it is presumed that these will take place from the viaduct as opposed to from the ground. We would welcome this being confirmed. There would however be possible oversailing of the canal during the temporary works and we would require these to be managed via the Trust's Code of Practice to ensue the safety of our waterway users and infrastructure.

Order Plan (Route Dwg Sheet No.17)

The red line of the Order boundary for works includes the canal towpath adjacent to lock 25 to lock 29. The canal is also within the Diggle cutting here. The red line boundary includes the canal towpath here, which is a dual towpath being on both sides of canal. The red line also includes the land adjacent to the listed Bridge 69 (Alice Footbridge) associated with works (MVL3/32). The Book of Reference includes several parcels of land here which the Trust have an interest in. As set out in our main objection letter above, we require confirmation from the Promoter in terms of their intended use of these parcels of land in relation to the access/works sought, so that we can ensure that our undertakings are adequately safeguarded and protected.

In terms of the use of the towpath within red line boundary we would want confirmation of the intended use of the towpath here. Specifically, to indicate whether this area is designated exclusively for pedestrian access. No loading or weight shall be placed on Trust apparatus without prior written authorisation. Any proposed activities involving plant or equipment must be discussed in detail with the Trust engineer prior to the commencement of works. A pre- and post-condition survey is required to ensure its structural integrity is maintained throughout the project. Access for boaters, customers, and Trust staff must be preserved at all times to facilitate operational and maintenance activities, especially in relation to the locks and their operation.

The visual impact of any works on the canal corridor will depend on any loss of existing tree screening of the railway line and potential changes to the landform resulting from any track adjustments. At this stage, we simply cannot assess these impacts based on the plans/details provided. To better understand the effects, we would request elevation data for the existing railway way embankment landform to the canal along with a proposed elevation showing the extent of adaptation. We would request an explanation of whether tree removal, retaining structures, or additional boundary treatments are associated with the proposals. In terms of any fencing to be sited here along the boundary with the canal it is unclear if this would be along the toe (bottom) of the

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embankment. The design and visual impact of this fencing on the canal corridor would be a key consideration. We would welcome confirmation on these matters.

Order Plan (Route Dwg Sheet No.18)

The red line of the Order boundary for works includes land next to Lock 30 including the towpath. The plans also shows a site compound here which extends to canal towpath next to listed Bridge 66 (which is Trust owned). The Book of Reference includes several parcels of land here which the Trust have an interest in. As set out in our main objection letter above, we require confirmation from the Promoter in terms of their intended use of these parcels of land in relation to the access/works sought. So that we can ensure that our undertakings are adequately safeguarded and protected.

The Trust owned Ward Lane Splitter Weir is recorded here along with Ward Lane Feeder which are within the red line. We would need confirmation of whether the works are intended to be undertaken upstream that will affect the feed to the canal, if so, this must be discussed in detail with the engineer prior to the commencement of works to make sure the feed to the canal is not interrupted. The feeder would also need to be protected and safeguarded to ensure no damage is caused to it, nor that it is polluted in any way. The Promoters response to date has not provided any assurance about this important feed to the canal.

In terms of the towpath within the red line boundary, we would need confirmation of the intended use of the towpath within the red line boundary. Specifically, to indicate whether this area is designated exclusively for pedestrian access. No loading or weight shall be placed on Trust apparatus without prior written authorisation. Any proposed activities involving plant or equipment must be discussed in detail with the engineer prior to the commencement of works. A pre- and post-condition survey is required to ensure its structural integrity is maintained throughout the project. Access for boaters, customers, and Trust staff must be preserved at all times to facilitate operational and maintenance activities

The proposed compound for works MVL3/36 Ward Lane Overbridge is on the Diggle Railway Cutting and we would want to ensure that the canal corridor is protected from any run-off, dust and pollution etc from this working area. The visual impact of the compound on the canal corridor would also need further consideration and any mitigation planting following the works. The Book of Reference includes several parcels of land here which the Trust have an interest in. As set out in our main objection letter above, we require confirmation from the Promoter in terms of their intended use of these parcels of land in relation to the access/works sought, so that we can ensure that our undertakings are adequately safeguarded and protected.

Order Plan (Route Dwg Sheet No.19)

The red line of the Order boundary for works includes part of the compound as noted on Drawing 18 above. The red line includes the offside canal towpath here up to the south west portal of Standedge Tunnel. A site compound is shown within the car park off Sam Road and works MVL3/39A (for a proposed reinforced concrete relieving slab constructed over masonry arch extrados to strengthen structure and accommodate temporary access route during construction). This will be over Standedge Tunnel. The Book of Reference includes several parcels of land here which the Trust have an interest in. As set out in our main objection letter above, we require confirmation from the Promoter in terms of their intended use of these parcels of land in relation to the access/works sought, so that we can ensure that our undertakings are adequately safeguarded and protected.

In relation to the towpath within red line boundary, we would require confirmation in terms of the intended use of the towpath here. Specifically, to indicate whether this area is designated exclusively for pedestrian access. No loading or weight shall be placed on Trust apparatus without prior written authorisation. Any proposed activities involving plant or equipment must be discussed in detail with the Trust engineer prior to the commencement of works. A pre- and post-condition survey is required to ensure its structural integrity is maintained throughout the

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project. Access for boaters, customers, and Trust staff must be preserved at all times to facilitate operational and maintenance activities

Works MVL3/39A

We note that the proposed works MVL3/39A in relation to works over Standedge Tunnel (concrete relieving slab), indicated by the blue rectangle on the drawing, would appear to be outside of the red line Order limit boundary. We would welcome this being clarified.

In terms of works MMVL3/39A for a proposed reinforced concrete relieving slab to be constructed over the masonry arch of the tunnel, the Trust have been in discussions with the Promotor in relation to these works. The Promotor in a letter dated 4th December 2025 set out that a *“compressible board would be installed between the existing arch barrel and the proposed relieving slab, such that the existing barrel is not loaded. New waterproofing would be installed, and the relieving slab itself would provide long term protection for this section of the tunnel. At the foundation level of the abutment, the proposed load (based on a 45° load distribution along the length of the abutment walls) would be +3% and the resulting pressure would be low (less than the compressive stress of the existing material).”*

The proposed works as described would be acceptable in principle to the Trust, (as we set out in an email dated 16/05/2025, where the Trust confirmed in-principle acceptance of the relieving slab proposals), this is however subject to the following:

- A copy of the Approval in Principle/Statement of Design Intent for review/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/load cases that slab will be designed for.
- 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 provide along with the Health & Safety File within 6 months of completion of the work.

The Trust would want the concrete slab to stay in-situ following the works. We would also not want any deep-rooted vegetation on top of the tunnel as part of any mitigation works.

In terms of the site compound off Sam Road, the Promotor has stated that access will be maintained for the Trust to enable us to carry on our critical operations here. We would require detailed information on how this would operate and provide a detailed route plan showing how access for boaters, customers, and Trust staff will be maintained during construction.

Works MVL3 – Station Road Overbridge and Works MVL3/39B – Bywash Underbridge

For both these works the line of the Standedge Tunnel would likely pass underneath or in close proximity to the works in addition to the likely line of the culverted Diggle Feeder. In any case the works would be within the zone of influence of the tunnel and culvert (as indicated in the figure below)

Extracts from Ciria Guide C671 Tunnels: inspection, assessment, and maintenance below to explain zone of influence.

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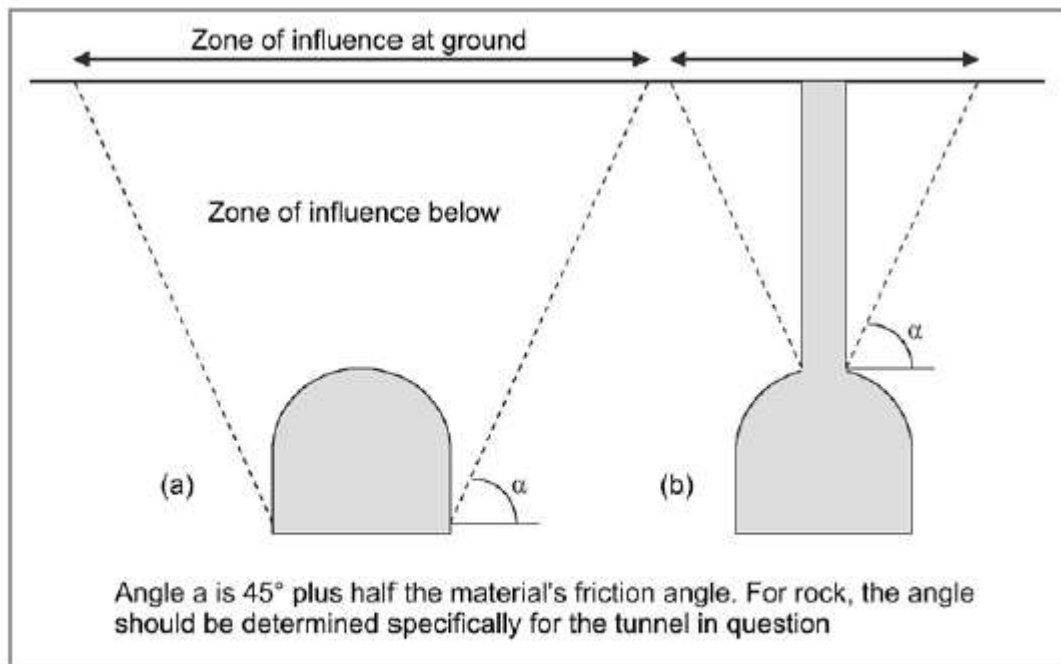


Figure 2.33 *Simplified method for determining the zone of influence of tunnels (a) and shafts only (b) (after Network Rail, 2004a)*

The Promoter will need to ensure that there is no increase in loading from the new bridge structures associated with both these works onto the tunnel/culvert or within the zone of influence of the tunnel/culvert. Although the drawings suggest that the permanent solution may well be doing this, it will need to be confirmed that the works are not increasing the loading during both the construction and the permanent arrangement afterwards.

We would also ask for similar monitoring arrangement as for the concrete slab over Standedge Tunnel, along with pre and post works inspections.

In terms of the site compound off Lee Side Road, the Promotor has stated that access will be maintained. To ensure that the Trust maintain access for the critical operational of our waterways here (as outlined above in relation to the shadow vehicle). We would require detailed information on how this would operate and provide a detailed route plan showing how access for boaters, customers, and Trust staff will be maintained during construction.

In terms of works MVL3/39B relating to the Bywash Underbridge (and MVL3/39 Station Road). The Trust have a critical water supply to the canal here via the Diggle Feeder which connects to the Brunclough Continuation Weir and Brunclough Abstraction Weir – both of which are Trust owned. The proposed cross section appears to show the rip rap at the culvert outlets, above the invert of the inlet to the tunnel. This needs to be lowered so that there is clear flow to the inlet. We would ask that the detailed design of these works in relation/proximity to the Weir are agreed with Trust.

In terms of the Diggle Feeder in relation to the works the exact location is not clear, therefore CCTV/route tracing of the alignment and more investigation on the exact route should be undertaken prior to the commencement of works. Any proposed activities such as surveys must be discussed in detail with the Trust engineer prior to the commencement of any activities and/or works. In addition to this we would also require a full dilapidation survey (post and pre-works) of the weir/apron prior to commencement of works to ensure no damage from construction works. A pre- and post-condition survey is also required to ensure its structural integrity is maintained throughout the project.

Within the Promotor's Consultation Report they have advised that an over-pumping solution will be required during the demolition and reconstruction works to ensure the flow of water into the tunnel. Such over-pumping

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has not been a successful solution elsewhere and we would require further engagement with the Promotor in relation to a workable solution here.

In summary and as previously advised to the Promotor, we manage and operate some critical waterway infrastructure within the corridor of works here, this includes canal feeder channels. These are critical to enable us to manage our water resources and they are also important in terms of the operation of the canal and our ability to maintain and protect the local ecology. There are several feeders in the area, and various stream courses which also interact. We consider it essential that the Promotor works with the Trust in relation to these.

Order Plan (Route Dwg Sheet No.20)

The red line boundary includes Harrop Court Road and Boat Lane for temporary access. It is unclear what the nature of the works are here to construct the access road and if the proposed temporary access road would impact Standedge Tunnel. We would welcome confirmation from the Promotor in terms of the proposed works over the tunnel within the zone of influence, in terms of earth movement, excavation and construction activities to create the access road, to ensure the structural integrity of the tunnel would not be adversely impacted. The Book of Reference includes a parcel of land here (20-010B) which the Trust have an interest in.

Order Plan (Route Dwg Sheet No.21)

The red line of the Order limits would be offset from the canal here, however a substantial proposed compound next to HNC, for works related to Mossley Station, is proposed here. The compound here may have a visual impact on the canal corridor, although the site is already used for outdoor storage, and the use of the site for this project would be unlikely to have any greater impact on the character of the canal here. We would however ask that any future mitigation planting/site remediation following the works should look to enhance the appearance of the site from the canal corridor.