

The Secretary of State for Transport

Our ref: SO/2025/125422/01
Your ref: Stalybridge to Diggle

Date: 19 December 2025

Dear Secretary of State,

Network Rail (Stalybridge to Diggle (Saddleworth) Enhancements) Transport and Works Act Order

Thank you for consulting the Environment Agency on the proposed Transport and Works Act Order (TWAo) for the Stalybridge to Diggle (Saddleworth) Enhancements. These comments are provided in our role as a statutory consultee for matters relating to flood risk and the protection of controlled waters.

We have reviewed the draft Order and accompanying Environmental Report and provide the following comments.

Environment Agency Position

We have no objection in principle to the proposed works, subject to the inclusion of robust environmental protection measures within the Order. Our comments relate to the protection of controlled waters, groundwater, and flood risk management.

Key Issues and Requirements

1. Contaminated Land and Controlled Waters

The Environmental Report identifies historic landfills and previous industrial land uses within proximity to the scheme, presenting potential risks to groundwater and surface waters. Limited intrusive investigation has been undertaken to date, and piling and ground stabilisation works could create pollutant pathways.

We require protective provisions in Schedule 17 (Part 3 – Protection of the Environment Agency) to secure:

- A full contaminated land risk assessment (Preliminary Risk Assessment, site investigation, tiered risk assessment, remediation strategy).
- A piling/foundation risk assessment and groundwater monitoring programme, including trigger levels and contingency actions.
- A conceptual site model for each plot, updated as works progress.
- Verification reporting prior to operational use.
- Piling methods selected to avoid creating preferential pathways between contaminated strata and groundwater.

This aligns with the December 2024 National Planning Policy Framework paragraphs 196–198, which require sites to be suitable for their proposed use, taking account of ground conditions and contamination, and mandate adequate site investigation information prepared by a competent person and the Environment Agency’s [Groundwater Protection Position Statements](#).

2. Flood Risk and the Water Environment

The draft Order disapplies certain legislative provisions (e.g., FRAP under EPR 2016, Land Drainage Act section 23). Therefore, environmental protection must be secured through Schedule 17.

We require:

- No works in, over, or near main rivers without prior agreement on method statements.
- Pollution prevention measures for canal works.
- Flood risk mitigation for temporary compounds and access routes.

This aligns with NPPF paragraphs 170–181, which require a sequential, risk-based approach to flood risk and ensure development is safe for its lifetime without increasing risk elsewhere. Sustainable drainage systems should be incorporated in line with paragraph 182.

3. Water Abstraction

Article 6 disapplies section 24 of the Water Resources Act for construction abstractions. We require notification of any abstraction greater than 20 m³/day and measures to prevent ecological harm. This supports the principles in NPPF paragraph 187(e) on preventing unacceptable water pollution and protecting the natural environment.

4. Biodiversity

We note the commitment to deliver at least 10% Biodiversity Net Gain (BNG). Pollution prevention and ecological protection measures should be secured through the Code of Construction Practice. This aligns with NPPF paragraph 187(d) and paragraph 192, which require plans and decisions to minimise impacts on biodiversity and secure measurable net gains.

Advice to Applicant

This development appears to have been influenced by past industrial activity which may pose a risk of pollution to controlled waters. We recommend that you:

- Follow the risk management framework in [Land contamination risk management \(LCRM\) - GOV.UK](#) (GOV.UK).
- Refer to the contaminated land pages on GOV.UK and the Environment Agency’s approach to groundwater protection.
- Ensure all investigations are carried out by a suitably qualified competent person in accordance with BS 10175:2011.

Waste Management:

- Apply the CL:AIRE Definition of Waste: Development Industry Code of Practice for on-site reuse and hub-and-cluster projects.
- Characterise contaminated materials chemically and physically, and clarify permitting status early.
- For off-site disposal, comply with Duty of Care Regulations 1991, Hazardous

Waste Regulations 2005, and Environmental Permitting Regulations 2016.

- Register as a hazardous waste producer if >500kg hazardous waste is produced in any 12-month period.

Piling and Penetrative Ground Improvement:

- Demonstrate that piling will not create preferential pathways or mobilise contamination.

Dewatering:

- Abstractions >20 m³/day require a licence under the Water Resources Act. Guidance is available on GOV.UK.
- Discharges from dewatering to surface water or groundwater will require an Environmental Permit unless exemptions apply. See Regulatory Position Statement: <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>

Final Note

Subject to the inclusion of the above protective provisions and enforceable commitments in the Code of Construction Practice, we have no objection to the proposed Order. All protective provisions should require submission and approval of relevant plans prior to commencement of works.

Please note that this response is based on the information provided at this time and if this changes in the future, we would need to consider our position again. If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

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