

Report to: West Yorkshire Combined Authority

Date: 22 October 2021

Subject: **Trans Pennine Route Upgrade**

Director: Dave Pearson, Director Transport & Property Services

Author: Mark Gregory, Head of Assets

Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	
Are there implications for equality and diversity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1. Purpose of this report

- 1.1 To advise the Combined Authority on the current position regarding the Transport and Works Act Order pertaining to the upgrade of the Trans Pennine rail route, its implications for land and assets operated by the Combined Authority and to recommend actions to safeguard the operation and redevelopment of Huddersfield Bus Station.

2. Information

- 2.1 The Trans Pennine Route Upgrade (TRU) programme was first announced in 2011. It is a programme of rail investment to deliver a high performing, reliable railway for passengers, with more seats, more trains and faster journeys between Manchester and York via Huddersfield and Leeds. The Combined Authority and its predecessor organisation have strongly advocated in favour of this scheme as crucial to inclusive growth and a key element to enable improved connectivity for the region.
- 2.2 On 31 March 2021, Network Rail submitted a Transport and Works Act Order (TWAO) application to the Secretary of State for Transport for the proposed improvements between Huddersfield to Westtown (Dewsbury). The TWAO

application is a core element of the TRU programme. Without a Transport and Works Act Order, the route upgrade cannot be delivered.

- 2.3 As a statutory consultee, the Combined Authority submitted a response to the Secretary of State following approval by Transport Committee. Overall, it is a very supportive response identifying the benefits to passengers, communities, and the economy in this region. The response also identified land issues and sought safeguards about the impact of construction works
- 2.4 The railway runs in a tunnel directly underneath the carriageway of Huddersfield Bus Station and the TRU works include structural strengthening of this tunnel. The proposed Order confers powers of compulsory acquisition and temporary possession over land owned by the Combined Authority at the bus station. These powers have the potential to disrupt the operation of the bus station which means the bus station would need to be closed or partially closed during the construction phase of TRU. The orders could also disrupt the Transforming Cities Fund project to upgrade the bus station.
- 2.5 The Combined Authority response to the Secretary of State sought safeguards to maintain the safe operation of the bus station and the delivery of the bus station upgrade scheme and to ensure co-ordination to enable these key transport assets and schemes to operate successfully. The response also sought safeguards regarding the potential for travel disruption during construction works and processes to ensure appropriate mitigation and travel advice to the public.
- 2.6 Negotiations are in progress to secure assurances from Network Rail (in the form of a legally binding agreement) which provide the safeguards necessary to ensure the operation and development of the bus station together with a comprehensive approach to managing the impacts of the construction phase on travel in the region. This report recommends that an agreement be made between the Combined Authority and Network Rail.
- 2.7 The next step in the TWAO process is for the Department for Transport to hold a Public Inquiry expected to start in November 2021. The Combined Authority's representations regarding Huddersfield Bus Station together with similar submitted Kirklees Council in respect of the Council's interests would enable either party to present its concerns to the Inquiry. This should not be necessary if the Combined Authority's interests are able to be safeguarded through a formal agreement with Network Rail.
- 2.8 Active negotiations are continuing to obtain a legally binding agreement with Network Rail offering safeguards which remove the concerns regarding the Huddersfield Bus Station and the management of travel disruption. If this cannot be achieved by the time of the Inquiry, then it will be necessary for these matters to be resolved by the Inquiry. This report is therefore recommending that the Combined Authority participates in the Inquiry in the event that the matters cannot be resolved through agreement. Kirklees Council have made a similar resolution.

2.9 At the time of writing, negotiations with Network Rail were in an advanced position and a verbal update on progress will be given at the meeting.

3. Tackling the Climate Emergency Implications

3.1 The TWAO includes plans to electrify the railway from Huddersfield to Westtown. This means cleaner travel and a more environmentally friendly railway. The Combined Authority is still advocating the full electrification of the whole route. This will help to encourage modal shift to public transport and tackle climate change.

4. Inclusive Growth Implications

4.1 One of the key outputs of TRU is to provide accessible stations. As part of the TWAO application, Network Rail has proposed to improve Huddersfield, Deighton, Mirfield and Ravensthorpe stations to modern standards so that the stations could be fully accessible. The Combined Authority supports this aspect of the TRU scheme.

5. Equality and Diversity Implications

5.1 Consideration of equality issues have been incorporated in the engagement and design of the TRU programme. We have also urged Network Rail to incorporate the principles of inclusivity, diversity and equality in the design of the stations and the network, mitigation measures, disruption planning, employment of the workforce and the operation of the railway as part of our TWAO response.

6. Financial Implications

6.1 The Combined Authority has to date borne the legal costs associated with preparing an agreement with Network Rail together with a proof of evidence submitted for submission to the Public Inquiry. Recovery of the Combined Authority's legal costs will form part of the formal agreement with Network Rail.

6.2 The legal agreement will also seek protections against the risk of third party financial claims from tenants or other third parties affected by the works.

7. Legal Implications

7.1 The recommendations in this report have been developed with advice from lawyers with experience of the TWAO process and associated Public Inquiries

8. Staffing Implications

8.1 There are no staffing implications directly arising from this report.

9. External Consultees

- 9.1 Combined Authority officers are working closely with counterparts in Kirklees Council which is also seeking safeguards and assurances within the TAWO process.

10. Recommendations

- 10.1 That the Combined Authority delegates to the Managing Director, authority to enter into a binding legal agreement which safeguards the Authority's interests in and around Huddersfield Bus station and provides appropriate measures to manage travel disruption during the construction phase of the Trans Pennine Route Upgrade
- 10.2 That, in the event that a binding legal agreement cannot be made with Network Rail, the Combined Authority shall participate in the Public Inquiry regarding the Transport and Works Act Order (TWAO) application to the Secretary of State for Transport for the proposed improvements to the railway between Huddersfield to Westtown (Dewsbury) to present the specific matters relating to impacts in and around Huddersfield Bus Station.
- 10.3 That, in the event that a binding legal agreement can be made with Network Rail, the Managing Director submits a letter to the Public Inquiry reaffirming the Combined Authority's support for the Trans Pennine Route Upgrade and advises that the matters relating to Huddersfield Bus Station have now been resolved.

11. Background Documents

- 11.1 Transport and Works Act Order (TWAO) application to the Secretary of State for Transport by Network Rail for the proposed improvements between Huddersfield to Westtown (Dewsbury).

12. Appendices

None.