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STATUTORY INSTRUMENTS

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**2022 No. 1067**

**The Network Rail (Huddersfield to Westtown  
(Dewsbury) Improvements) Order 2022**

**PART 1**

**PRELIMINARY**

**Disapplication of legislative provisions relating to the surrender of an environmental permit**

**6.—**(1) The following provisions do not apply in relation to any application made by Network Rail pursuant to paragraph (2)—

- (a) regulation 25 (application for the surrender of an environmental permit) of the 2016 Regulations; and
- (b) part 1 of Schedule 5 (Environmental Permits) of the 2016 Regulations.

(2) Subject to paragraph (3) Network Rail may by application to the Environment Agency request the surrender in whole or in part of any environmental permit—

- (a) issued by the Environment Agency to any person; or
- (b) transferred by the Environment Agency to Network Rail,

under the 2016 Regulations for the operation of a regulated facility on the relevant land.

(3) The Environment Agency must accept any application from Network Rail for the surrender in whole or in part of an environmental permit under paragraph (2) provided that Network Rail have submitted to the Environment Agency, and the Environment Agency have approved, plans detailing in relation to the site of the regulated facility subject of an application under paragraph (2) the measures—

- (a) to avoid a pollution risk resulting from the construction and operation of the authorised works on the site of the regulated facility or from the former use of the site as a regulated facility; and
- (b) to return the site of the regulated facility to a satisfactory state upon completion of the construction of the authorised works.

(4) Any approval of the Environment Agency required under paragraph (3)—

- (a) must not be unreasonably withheld or delayed;
- (b) is deemed to have been given if it is neither given nor refused within 2 months of the submission of the plans for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal; and
- (c) may be given subject to such reasonable requirements as the Environment Agency may make for the avoidance of a pollution risk resulting from the construction of the authorised works on the site of the regulated facility or from the former use of the site as a regulated facility.

(5) The construction of any authorised works on the site of a regulated facility which is subject of an approval under paragraph (3) must be constructed—

- (a) in accordance with the plans approved or deemed to have been approved under this article; and
- (b) to the reasonable satisfaction of the Environment Agency, and an officer of the Environment Agency is entitled, on giving such notice as may be reasonable in the circumstances, to inspect and watch the construction of such works.

(6) Network Rail must give the Environment Agency—

- (a) not less than 14 days' notice in writing of its intention to commence the construction of any authorised works on the site of a regulated facility which is subject of an approval under paragraph (3); and
- (b) notice in writing of the completion of such works not less than 7 days' after the date on which such works are first brought into public use.

(7) Any approval given or deemed to have been given by the Environment Agency to a request for approval under paragraph (3) is to be treated as overriding any requirement under the 2016 Regulations for any further environmental permit in consequence of the construction and operation of the authorised works on the site of the regulated facility subject of such an approval.

(8) Any dispute arising between Network Rail and the Environment Agency under this article, if the parties agree, is to be determined by arbitration under article 57 (arbitration), but otherwise is to be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly on a reference to them by Network Rail or the Environment Agency, after notice in writing by one to the other.

(9) In this article—

- (a) “the relevant land” means the land numbered 21-086, 21-092, 21-094, 21-101, 21-114, 23-024, 23-035, 23-035a, 23-036, 23-046, 23-050, 23-054, 23-055, 23-056, 23-065, 24-003, 24-004 and 24-006 in the district of Kirklees as shown on the deposited plans
- (b) “regulated facility” has the same meaning as in the 2016 Regulations; and
- (c) “plans” has the same meaning given in paragraph 17(2) of Part 3 of Schedule 19 to this Order.