



Department for Transport

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Our Ref: TWA/23/APP/03
Your Ref:

6 October 2023

Dear Madam,

Transport and Works Act 1992 (“TWA”): Proposed Network Rail (Leeds to Micklefield Enhancements) Order

Further to the application for the above mentioned Order made on 17 July 2023, this is to inform you that the Secretary of State for Transport has decided to hold an Inquiry into this application. Although the Secretary of State has decided a pre-Inquiry meeting is not required under rule 6 of the Transport and Works (Inquiries Procedure) Rules 2004, SI. No. 2018 ("the Inquiries Rules"), the Inspector, when appointed, may decide to do so under Inquiries Rule 8.

This letter should be taken as the relevant notice of the intention to hold an Inquiry, as required by rule 4 of the Inquiries Rules, and the date of this letter is the “starting date” for the purposes of the timetabling arrangements in those Rules. It explains the first stage of the pre-Inquiry procedures as they will apply to your client and your client’s obligations in relation to the holding of an Inquiry.

Inquiry arrangements

We would be grateful if you could let us know, as soon as possible your client’s proposals for the start date and venue (physical or virtual) of the Inquiry and for a pre-Inquiry meeting (if required) so that Planning Inspectorate can make the necessary arrangements for the appointment of an Inspector. With regard to the start date, Inquiries Rules 13(1) specifies that the Inquiry should open no later than 22 weeks from the starting date (that is, from today), unless it is impracticable to do so.

You and your client are reminded of your obligations under the Data Protection Act 2018, in regard to any personal information contained within the representations themselves. This includes ensuring that this data is only used for the purposes of handling this application and is kept for no longer than is necessary. Please note also that if you arrange for the publication of Inquiry documents such as statements of case on a website, all signatures, private individuals’ telephone numbers and e-mail addresses should be redacted. It would

also be desirable to redact such personal information from documents placed in an Inquiry library.

Please note the requirements of Inquiries Rule 7(2) and (9) about the provision of supporting documentation. We would advise that your client aim to provide at this stage as much as possible of the documentation that they intend to submit to the Inquiry since that will reduce the amount of copying that is required when they circulate their proofs of evidence before the Inquiry (see Inquiries Rule 16(6)). You may also wish to note two other provisions of the Inquiries Rules which can help reduce the requirement for copying. Firstly, under Inquiries Rule 16(7) your client are not required to send someone a copy of a proof, summary or document if that person confirms in writing that they do not wish to receive. Secondly, under Inquiries Rule 24 your client may serve notices or documents electronically with the consent of the recipient.

Statement of case

Your client will be allowed until **17 November 2023** to serve their statement of case under Inquiries Rule 7(1) on the Secretary of State, on each statutory objector within section 11(4) of the Transport and Works Act 1992, and on each person who is required to serve a statement of case under Inquiries Rule 7(3). Other parties who have expressed a wish to appear at the Inquiry will be given until the same date to serve a statement of case on the Secretary of State and your client.

Statement of matters

A statement of matters, prepared in accordance with Inquiries Rule 7(6), will be issued later.

Costs of Inquiry and appointment of a programme officer

It is the responsibility of applicants for Orders to select and pay for the venue for an Inquiry (subject to the Planning Inspectorate's satisfaction as to its suitability) and to provide a programme officer for the Inquiry.

The venue for the Inquiry may be a physical venue, or inquiries could take place virtually where considered appropriate. The Secretary of State considers that the method by which public Inquiries are conducted (within the requisite requirements and procedures governing their conduct) is a matter for the Planning Inspectorate. Inspectors will take decisions about whether and how virtual hearings should proceed and will consider the practical measures needed to ensure fair participation.

Physical Inquiry venues should, as far as is practicable, be in the area in which the proposals in a draft order are to have effect, they should be of sufficient size to house the numbers expected to attend and should include access to photocopying and telephone facilities. The Planning Inspectorate has prepared fuller guidance about the accommodation requirements for physical inquiries in a document entitled 'The venue and facilities for public inquiries, hearings and examinations', which can be found on the Inspectorate's website at: <https://www.gov.uk/government/publications/setting-up-a-venue-for-a-public-inquiry-hearing-or-examination>. It would be helpful if, in proposing a physical Inquiry venue, your client could complete and return the attached Inquiry Accommodation Questionnaire to us as soon as possible. This will then enable us to confirm its suitability with the Planning Inspectorate.

Details about the role and responsibilities of programme officers may also be found by contacting the Planning Inspectorate. The Planning Inspectorate holds details of a few professional programme officers, should your client have difficulty in this regard. They will need to appoint a programme officer at the very latest four weeks before the date agreed for any pre-Inquiry meeting (if required) held by the Inspector to allow time for the circulation of the meeting agenda. Please could you confirm as soon as possible that they are prepared to provide a programme officer and, in due course, let the Planning Inspectorate have details of the person they are minded to appoint.

Programme officers are normally required for all but the shortest of inquiries to help the Inspector organise the Inquiry programme, distribute documents and maintain an Inquiry library. These duties must be performed impartially to avoid the risk of judicial challenge on the grounds of prejudice. The person appointed should, ideally, have had no direct or significant involvement in your client's project, and should not otherwise be involved in the Inquiry proceedings. Your client should make a point of not discussing the merits of the case with the programme officer before or during the Inquiry.

Applicants for Orders are also required to meet the costs of the pre-Inquiry meeting and of the Inquiry itself. Apart from the hire of accommodation in the case of a physical Inquiry, these costs include the Inspector and his travelling and subsistence expenses. The daily charge will apply to every day spent on work associated with the Inquiry, including preparation, the pre-Inquiry meeting, site visit and writing the report. Your client will be invoiced as soon as practicable after the submission of the Inspector's report to the Secretary of State. Payment should be made within 30 days of receipt of the invoice.

Award of costs

We should take this opportunity to advise you about the Department's policy on the award of costs. This is set out in guidance which can be obtained by emailing the Transport Infrastructure Planning Unit on the address at the top of this letter. In general, all parties are expected to meet their own expenses in preparing for and presenting evidence to an Inquiry. However, applicants or objectors may apply to the inspector for an award of costs if they consider that a party to the Inquiry has behaved unreasonably thereby causing expenses to be incurred unnecessarily. Also, those whose land, or rights in land, would be affected by proposed compulsory acquisition powers would be eligible for an award of costs if that application is unsuccessful, whether wholly or partially.

The purpose of this policy is to encourage co-operation between all parties to an Inquiry in the interests of efficiency and fairness. It is not intended to deter persons from exercising their legitimate rights to give evidence to an Inquiry. That said, please bear in mind the following important points. Applicants (or objectors) may be at risk of an award of costs being made against them if, after the Secretary of State has formally given notice of the Inquiry arrangements, an application (or objection) is withdrawn without any material change in circumstances and as a result of that withdrawal the Inquiry has to be cancelled. Applicants (or objectors) will also run the risk of having an award of costs made against them if an application (or objection) is withdrawn less than three working days before an Inquiry is due to start, when it would be too late to cancel the Inquiry (assuming this would otherwise have been the consequence of the withdrawal).

Yours faithfully,

Shenaz Choudhary
Planning Casework Officer



Department for Levelling Up,
Housing & Communities

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Please ask for: Rachael Beard
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Your ref: 23-04387-LI, 23-04388-LI, 23-04389-LI,
23-04390-LI
Our ref: PCU/RARE/N4720/3327020

Date: 1 December 2023

Dear Network Rail

Planning (Listed Buildings and Conservation Areas) Act 1990

Applications for Listed Building Consent:

**23-04387-LI, RAILWAY BRIDGE HUL4/21 , AUSTHORPE LANE , CROSSGATES
LEEDS , LS15 8TP**

**23-04388-LI, CRAWSHAW WOOD OVERBRIDGE, LAND SOUTH OF MANSTON
LANE, THORPE PARK, LEEDS, LS15 8AB**

**23-04389-LI, OVERBRIDGE OVER OPERATIONAL RAILWAY, (KNOWN AS
BRADY FARM), OFF STURTON GRANGE LANE, GARFORTH, LEEDS, LS25
4DZ**

23-04390-LI, OVERBRIDGE RIDGE ROAD, A656 GARFORTH LEEDS, LS24 4BB

1. I refer to the above applications for Listed Building Consent to the Department of Levelling Up, Housing and Communities ("Secretary of State").

2. I am writing to inform you that the Secretary of State has decided to hold a public local inquiry into these applications that will run concurrently with the related Transport and Works Act (TWA) application for The Network Rail (Leeds To Micklefield Improvements) Order. The Transport and Works (Inquiries Procedure) Rules 2004, SI. No. 2018 ("the Inquiries Rules") will therefore apply to the inquiry. This letter should be taken as the relevant notice of the intention to hold an inquiry, as required by rule 4 of the Inquiries Rules, and the date of this letter is the "starting date" for the purposes of the timetabling arrangements in those Rules.

Statement of case

3. You are invited, pursuant to Inquiries Rule 23, to serve your statement of case, on each statutory objector and on each person, who is required to serve a

statement of case under the inquiries Rule 7 (3), by **Friday 12 January 2024**. Other parties who have expressed a wish to appear at the inquiry will be given until the same date to serve a statement of case on the Secretary of State and to you. You may submit your statement of case by letter or e mail. Please use our general e mail account: - pcu@levellingup.gov.uk

4. I have copied this letter to Stuart Daniel at Leeds City Council and the Department for Transport.

5. If you have any further queries regarding this matter, please do not hesitate to contact me by e mail.

Yours sincerely

Rachael Beard

Senior Planning Manager

Authorised by the Secretary of State to sign in that behalf