

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER

APPENDICES TO PLANNING
PROOF OF EVIDENCE
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APPENDIX 1– CURRENT STATUS OF PLANNING CONDITIONS TO BE ATTACHED TO THE DEEMED PLANNING CONSENT

A series of meetings have been held with LCC to consider and refine the conditions originally outlined in the Request For Deemed Planning Permission. These are still on-going but the current position is as follows (track changes indicated in red with commentary in green as to why the change has been made)

Interpretation

In the following conditions—

“the Code of Construction Practice” means the code of construction practice to be submitted to and approved by the local planning authority under condition 4 (code of construction practice), a draft of which (known as “Part A”) accompanies the Environmental ~~Report Statement~~; (Factual Change)

“the development” means the scheduled works (as defined within schedule 1 of the Order) authorised by the Order;

“the Environmental Report” means the statement of environmental information submitted with the application for the Order on xxxx 2023;

“Historic recording ~~to Level 1~~” means the level of recording in accordance with Historic England guidelines ~~comprising a basic photographic record~~; (Alteration to reflect the point that not all historic recording will be at the level 1 stage)

“the local planning authority” means Leeds City Council;

“Network Rail” means Network Rail Infrastructure Limited;

“the Order” means The Network Rail (Leeds to Micklefield) Order 202[X];

“the Order limits” has the same meaning as in article 2 (interpretation) of the Order;

“the planning direction drawings” means the drawings listed in Appendix 3 to the request for deemed planning permission dated [xxxxx];

“preliminary works” means environmental investigations, site or soil surveys, ground investigations and the erection of fencing to site boundaries or the marking out of site boundaries; site clearance; and the erection of contractors’ work compounds, access routes and site offices;

the “site” means land within the Order limits; and “stage” means a defined section or part of the development the extent of which is shown in a scheme submitted to and approved by the local planning authority pursuant to condition 3 (stages of development); and reference to a numbered stage is to the stage of that number in the approved scheme.

“site clearance” includes minor ground excavation works in relation to establishing compound buildings and storage areas

1. TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

The development hereby permitted must commence before the expiration of five years from the date that the Order comes into force.

Reason: To ensure that development is commenced within a reasonable period of time.

2. IN ACCORDANCE WITH THE PLANNING DIRECTION DRAWINGS

The development must be carried out in accordance with the planning direction drawings unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development is carried out in accordance either with the consented design or such other design details as have been subjected to reasonable and proper controls.

3. STAGES OF DEVELOPMENT

No development (excluding preliminary works) is to commence until a written scheme setting out all the stages of the development has been submitted to and approved in writing by the local planning authority. Variations to the approved stages of development may be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved stages of development.

Reason: To identify the individual stages for the purposes of these conditions.

4. ~~LANDSCAPING & ECOLOGY~~ - PRELIMINARY WORKS

No preliminary works within the relevant stage [to be inserted] are to commence until the details specified in parts i-iv for that stage following parts A(i) and A(ii) of the Landscape and Ecological Management Plan (LEMP) for that stage have s been submitted to and approved in writing by the local planning authority. Seven days written notice shall be given to the Local Planning Authority that the protection measures specified in 4(i) and 4(ii) are in place prior to demolition / approved works commencing. ÷

A (i) A plan of existing trees and tree features (such as groups of trees or woodland) to be retained and protected and to be removed in accordance with BS5837(2012) and an arboricultural method statement.

A (ii) A plan identifying how ecological assets will be protected as identified in the Environmental Report [Section Number to be inserted] with all agreed measures being in place prior to the commencement of works within the specified stage.

A(iii) A report of an archaeology site walkover survey, to include any Written Scheme of Investigation requirements if necessary.

A(iv) A plan identifying preliminary works access route details.

The preliminary works shall be implemented in accordance with the approved plans.

Reason to be added

Policy amended to be a stand-alone policy on preliminary works giving comfort to the Council that there is a means of control on those elements which were of concern – including protection of trees and other ecological assets, archaeology, and access routes to the preliminary work sites.

5. LANDSCAPING & ECOLOGY

a) Within 6 months of the commencement of the development for that stage, ~~or the completion of the works for that stage, whichever is sooner~~, a Landscape and Ecological Management Plan (LEMP) Part B must be submitted to and approved in writing by the local planning authority. The proposed LEMP Part B for each Stage will include the following details:

- i) A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced;
- ii) Implementation timetable and a programme for initial aftercare, long term management and maintenance responsibilities for a period of five years post-completion; and
- iii) Details of organisation(s) responsible for maintenance and monitoring.

b) The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Report [Section Number to be inserted] and must also include the following ecological measures:

- i.) The aims and objectives of the management to be undertaken;
- ii) A programme of monitoring with thresholds for action as required; and
- iii) Full details of measures to ensure protection and suitable mitigation to all relevant protected species and those species identified as being of importance to biodiversity (including and European Protected Species Licensing (EPSL) mitigation requirements).

~~cd~~) The LEMP must include both hard and soft landscaping works, covering the locations where landscaping will be undertaken, and must also include the following details:

- i) Full detailed landscape plans (compliant with BS5837) indicating full planting specification, including layout, species, number, density and size of trees, shrubs, plants, hedgerows and/or seed mixes and sowing rates, including extensive use of native species;
- ii) Any structures, such as street furniture, any non-railway means of enclosure and lighting;
- iii) Any details of regrading, cut and fill, earth screen bunds, existing and proposed levels;
- iv) Any areas of grass turfing or seeding and depth of topsoil to be provided;
- v) A timescale for the implementation of hard landscaping works;
- vi) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fail or become diseased within the first five years from completion; and
- vii) ~~Details of protective measures for retained trees.~~ Deleted as now covered by condition 4

The measures within the LEMP must be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance and biodiversity of the area in accordance with the Leeds Core Strategy policies P12, G1, G8, G9 and National Planning Policy Framework ~~2023~~2021 Paragraph 174. (Factual change)

6. CODE OF CONSTRUCTION PRACTICE

a) No stage of the development (except preliminary works) is to commence until a Code of Construction Practice (CoCP) Part B for that stage, including the relevant plans and programmes

referred to in (c) below (which incorporates the means to mitigate the construction impacts identified by the Environmental Report), has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt this does not include approval for Part A of the CoCP (a general overview and framework of environmental principles and management practice to be applied to the scheme along with all construction-led mitigation identified in the Environmental Report) which has been submitted as part of the Order. **Preliminary Works now covered in condition 4.**

b) Preliminary works must comply with the environmental controls as set out in the Code of Construction Practice (CoCP) Part A.

c) Part B of the CoCP must include the following plans and programmes, for each stage as defined in condition 3:

i) An external communications programme;

ii) A pollution prevention and incident control plan;

iii) A waste management & materials plan;

iv) A nuisance management plan concerning dust, ~~wheel wash measures~~, air pollution, hours of operation and temporary lighting; **wheel wash moved to condition 7 as more appropriate and hours of operation included to allow flexibility if programme alters**

v) A noise and vibration management plan including a construction methodology assessment; and

vi) A demolition methodology statement for relevant ~~structures buildings~~. **(Factual change)**

Each stage of the development must be implemented in accordance with the approved CoCP for that stage and the relevant plans or programmes, unless otherwise agreed in writing with the local planning authority, shall be implemented in full throughout the period of the works.

Reason: To mitigate expected construction impacts arising from the development and to protect local and residential amenity in accordance with Leeds Core Strategy Policy 10 and Paragraph 174 and 185 of the National Planning Policy Framework 2023. (Factual Change)

7. CONSTRUCTION TRAFFIC MANAGEMENT & TRAVEL PLAN

a) a) No stage of the development (except preliminary works) is to commence until a Construction Traffic Management Plan ("CTMP") for that stage has been submitted to and approved in writing by the local planning authority for that stage. The CTMP must include ~~:-~~ details referred to in Schedule 1 of the Environmental Agreement [Reference required]

~~i) The package of interventions and mitigation outlined in Section 11.3 of Chapter 11 in Volume One of the Environmental Report including an implementation timetable for each stage;~~

~~ii) A travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites; and~~

~~iii) Details on temporary diversions of both highways and rights of way required as part of the Scheme.~~ **Changes reflect the insertion of condition 4 and the highways side agreement.**

b) The construction of each stage of the development must be carried out in accordance with the approved CTMP unless otherwise agreed in writing with the local planning authority.

Reason: To protect public amenity and highway safety in accordance with Leeds Core Strategy Policies T1 and T2 and Paragraphs 110 and 113 of the National Planning Policy Framework 2023.

8. MATERIALS

a) Before the commencement of any works in respect of structures listed below, samples and specifications of all materials to be used on all external elevations of the following structures must be submitted to and approved in writing by the local planning authority:

- i) HUL4/21 Replacement Austhorpe Lane Bridge
- ii) HUL4/20 Works to Raise Crawshaw Woods Bridge
- iii) New Barrowby Lane Bridge
- iv) HUL4/14 Replacement Ridge Road Bridge
- v) Micklefield TSC Building

b) The development must be constructed in accordance with the approved details and thereafter retained unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of good design and visual amenity and in accordance with Policy 10 of the Leeds Core Strategy and Paragraph 126 and 130 of the National Planning Policy Framework 2023~~2021~~ factual change

9. ARCHAEOLOGY

a) No stage of the development (excluding preliminary works) in the areas listed below is to commence until a construction methodology has been submitted to and approved in writing by the local planning authority, in order to assist in identifying any likely impacts on areas of heritage interest. It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service (WYAAS)) whether a written scheme of investigation is required to be submitted in relation to the following sites:

i) (if any identified)

b) No development (excluding preliminary works) is to commence within the areas listed in i-iv below is to commence until a construction methodology has been submitted to and approved in writing by the local planning authority, in order to assist in identifying any likely impacts on areas of heritage interest. of archaeological interest identified in chapter 6 of Volume One of the Environmental Report and/or in any areas that have been determined to require a written scheme of investigation in accordance with (a) above until a written scheme of investigation for such areas has been submitted to and approved in writing by the local planning authority.

i) Penny Pocket Park

ii) Austhorpe Lane Southeast compound

iii) Crawshaw Woods

iv) Ridge Road

v) New Barrowby Lane

vi) Measures for protection of loopholed gatehouse at Austhorpe Lane

It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service (WYAAS)) whether a written scheme of investigation (WSI) is required to be submitted.

b) No stage of development (except preliminary works) is to commence within the areas of archaeological interest identified in chapter 6 of Volume One of the Environmental Report and/or in any areas that have been determined to require a written scheme of investigation in accordance with (a) above until a written scheme of investigation for such areas has been submitted to and approved in writing by the local planning authority.

a) c) The approved WSI scheme must identify areas where appropriate archaeological investigations field work and/or a watching brief are required, including a statement of significance and research objectives and the measures to be taken in order to protect, record or preserve any significant archaeological remains that may be found and a programme of post-investigation assessment, analysis and publication as required.

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d) Any archaeological ~~investigation field works or watching brief~~ required by the approved scheme must be undertaken by a suitably qualified person or body approved by the local planning authority.

Reason: To ensure that the significance of the historic environment is properly assessed and preserved and to ensure that the development is carried out in accordance with paragraphs 189 and 199 of the National Planning Policy Framework (~~2023~~2021), and policy P11 of the Leeds Core Strategy

Condition wording changed to address concerns of West Yorkshire Archaeology Service

10. BIODIVERSITY NET GAIN

No development (excluding preliminary works) is to be commence until a strategy (including baseline metric calculations) to achieve an overall minimum 10% net gain in biodiversity within the Council's administrative boundary for the development, including monitoring, maintenance, management and reporting arrangements, has been submitted and approved in writing by the local planning authority. Prior to the formal completion of the last bridge on the Order Scheme, unless otherwise agreed in writing with the local planning authority, Six months after the formal completion of bridge HUL4/14 (or whichever is the last bridge to be completed) on the Order scheme measures to achieve an overall minimum 10% net gain in biodiversity for the development (assessed in accordance with the 2019 Department for Environment, Food & Rural Affairs biodiversity metric) shall be implemented in accordance with the approved strategy.

Reason: In order to provide biodiversity net gain in accordance with Leeds Core Strategy policy P12, G1, G8, G9, and National Planning Policy Framework (~~2023~~) paragraph 174 (d).

Wording agreed with LCC to reflect need to ensure BNG is within the Council's administrative area and has a defined delivery date, and will be taken from a defined measurable base.

11. LAND WITH CONTAMINATION

No stage of the development is to commence (except preliminary works) until supplementary ground investigations (where required) have been conducted and Interpretative Reports submitted to and approved in writing by the local planning authority.

If identified as being required in the Interpretive Report and/or where significant unexpected contamination is encountered which requires remediation, a Remediation Strategy/Strategies shall be submitted to and approved in writing by the local planning authority.

Verification Reports, as may be required, shall be submitted to and approved in writing by the local planning authority on the completion of the remediation works.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to make the scheme 'suitable for use' with respect to land contamination.

Condition added at request of LCC to which we have no objection

11. APPROVAL AND IMPLEMENTATION UNDER THESE CONDITIONS

Where under any condition the local planning authority may approve amendments to details submitted and approved, such approval must not be given except in relation to changes where it has been demonstrated to the local planning authority that the approval sought is unlikely to give rise to any materially new or materially different adverse environmental effects from those assessed in the Environmental Report.

Reason: To provide for certainty in the approvals and implementation process and in the interests of proper planning.

12. MICKLEFIELD PUBLIC RIGHT OF WAY

Prior to the commencement of works to create a new footpath between Great North Road and Pit Lane, details of surfacing and widths of the path shall be submitted to and agreed in writing by the local planning authority. The footpath works shall be implemented as thereby approved. ~~will be submitted to the local planning authority for approval.~~

Reason: In the interests of providing appropriate Public Right of Way provision in accordance with Policy G1 of the Leeds Core Strategy

This condition is not supported by LCC as they have maintained their objection to the proposals for Peckfield Crossing. However it is retained here so that, if the Inspector is minded to accept NR's position, the condition would be appropriate to control the details of the new footpath. Minor changes suggested by LCC on wording.