

**The Network Rail (Leeds to Micklefield Enhancements) Order**  
*CD 7.27 - Appendices to Engineering & Design Level Crossing Proof of Evidence*

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

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**APPENDICES TO ENGINEERING AND DESIGN**  
**PROOF OF EVIDENCE - LEVEL CROSSINGS**  
**OF**  
**MICHAEL WESTWOOD**

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Author	Michael Westwood
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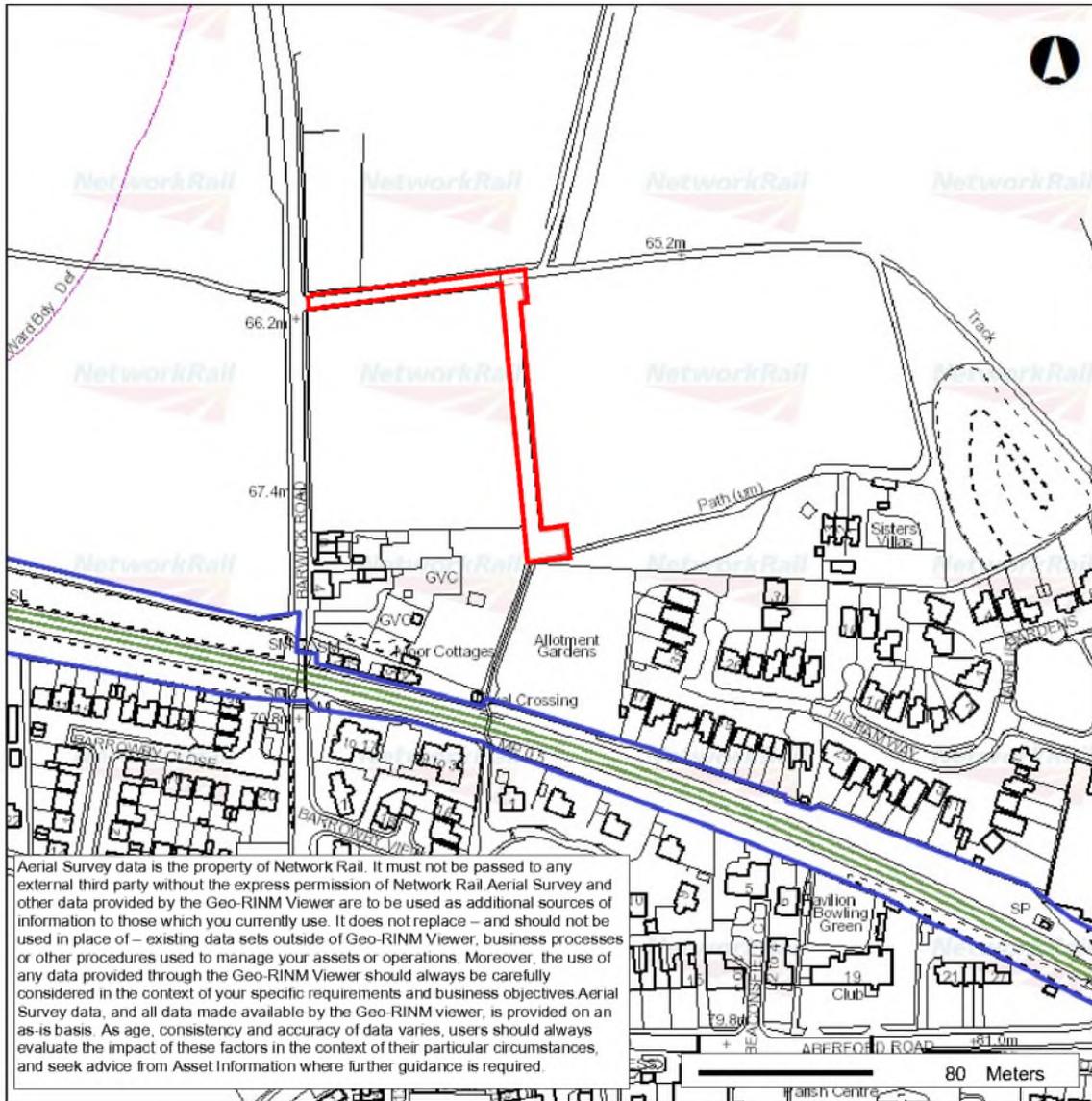
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Appendix 1:      Location Plan and Planning Statement

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**LNE Town Planning**



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<b>Garforth Moor Access Track Location Plan</b>	
Scale	1 : 2,500
Plot Date	21/04/22 13:38
Printed By	

Output created from GeoRINM Viewer

*New Access Road, Land off  
Barwick Road, Garforth Moor  
(Part Retrospective)*

*Planning Statement*

Document Reference: TP/LNE/2022-021

Date: May 2022



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### **Introduction**

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1.1 This Planning Statement is in relation to the submission of an application for Planning Consent for a new section of private track, approximately 130 metres in length, running between an unadopted road and the Garforth Moor allotments, following the course of footpath Garforth No.7. The two location ends are between NGR 440442/433903 and 440454/433778. The private road itself runs from Barwick Lane at NGR 440350/433895. Please note that although this section has been included in the red line drawing to indicate the route to the public highway no works are planned for this section of road.

1.2 The purpose of the new track is to facilitate vehicular access for allotment holders following the closure, on safety grounds, of the Garforth Moor level crossing (NGR 440433/433701). A separate diversion Order for footpath No.7 has been pursued in relation to the closure of the level crossing (dated 23/11/2018), but the application does not affect the northern course of the footpath which will continue along the proposed track as far as the unadopted road. However, the issue of vehicular rights for allotment holders still needs to be addressed, and the track is the solution to this problem.

1.3 The track, gate and fence were actually installed during the Winter of 207/18, with the sub-base and an overlay temporary metal surface, but the latter was removed in April 2022 and the sub-base has been left exposed in its current condition as shewn in the accompanying photographs.

1.4 No Design & Access statement is included in this application as it is considered to be an engineering operation. However, a few comments on design are given below.

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#### Design

2.1 The new access track will be typical of a farm track, with a geotextile membrane beneath a minimum of 325mm type 1 granular aggregate fill. The track will be 3 metres wide although the land to be acquired is 5 metres in width throughout. A turning head of area 10m x 10m is located adjacent to the allotments. The track is fenced with a simple 1.4m stockproof post and rail fence along the track, with a five-bar metal gate at the end of the lane where it intersects with the unadopted road, though there is also a side entrance for footpath users. The gate has a combination lock and is only accessible for vehicles used by accredited allotment holders.

2.2 The access point onto the private road is shown in the photograph below. Traffic along this route is very light, as it only serves three residential properties and the occasional agricultural vehicle and as such it is not considered necessary for appropriate visibility splays to be incorporated into the entrance.



2.3 In terms of impact on the landscape the new lane will be very limited, crossing on the level an existing fallow field, and running alongside an area of existing scrub. A stock-proof fence runs the length of the track, but no trees were required to be felled as part of its

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installation. It is typical of an agricultural lane on the countryside. The track will see very little traffic save for the occasional allotment holder bringing garden equipment to the site. Given the flat nature of the terrain, dominated by strong field boundaries, and the visually insignificant nature of the proposal (the only visible element being in effect the proposed gates and fence, which are typical of a rural area) the impact of the development on the landscape will be minimal.

#### Policy

##### National Planning Policy Framework (NPPF)

3.1 The latest revision of the National Planning Policy Framework (NPPF) was published in July 2021 and sets out the government's planning policies for England and how these are expected to be applied. Paragraph 8 states that the planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental.

3.2 The NPPF sets out (Paragraph 11) the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted.

3.3 The NPPF in section 13 discusses development in the Green Belt. The site lies wholly within the Leeds Green Belt and is thus subject to the relevant policies in both the NPPF and Local Plan. In terms of national policy, paragraph 149 lists the types of development that are, by definition, appropriate in the Green Belt. This includes

*"...facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds **and allotments**; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it"*

Paragraph 150 also lists other appropriate development, including:

*"c) local transport infrastructure which can demonstrate a requirement for a Green Belt location"*

##### Local Plan Policy

3.3 The relevant policies of the development plan (Leeds Core Strategy 2019) by which the application should be judged are given below, with a commentary alongside in red text.

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#### *The Core Strategy*

3.4 There is no specific policy covering development in the open countryside or improvements to public transport; it is also noted that the site is not covered by Spatial Policy 13 of the Core Strategy relating to Strategic Green Infrastructure (Map 16 of the CS refers). However, "Saved" UDP policy N33 covers development in the Green Belt, further consolidated by section A5.11 in Volume 2 of the appendices to the UDP, including GB19:

#### **N33:**

**EXCEPT IN VERY SPECIAL CIRCUMSTANCES APPROVAL WILL ONLY BE GIVEN IN THE LEEDS GREEN BELT FOR:**

- **CONSTRUCTION OF NEW BUILDINGS FOR PURPOSES OF AGRICULTURE AND FORESTRY; ESSENTIAL FACILITIES FOR OUTDOOR SPORTS AND OUTDOOR RECREATION; ESSENTIAL FACILITIES FOR THE PARK AND RIDE SITES SHOWN ON THE PROPOSALS MAP; AND OTHER USES COMPATIBLE WITH GREEN BELT PURPOSES;**
- **LIMITED EXTENSION, ALTERATION OR REPLACEMENT OF EXISTING DWELLINGS; CONTROL OF DEVELOPMENT IN THE GREEN BELT LEEDS UDP REVIEW – VOLUME 2: APPENDICES – ADOPTED JULY 2006 29**
- **LIMITED INFILLING AND REDEVELOPMENT OF MAJOR EXISTING DEVELOPED SITES;**
- **LIMITED INFILLING IN IDENTIFIED VILLAGES AND LIMITED AFFORDABLE HOUSING FOR LOCAL COMMUNITY NEEDS.**
- **RE-USE OF BUILDINGS, WHERE ALL THE DETAILED CRITERIA OF POLICY GB4 ARE SATISFIED;**
- **CHANGE OF USE OF LAND FOR PURPOSES WHICH DO NOT COMPROMISE GREEN BELT OBJECTIVES.**
- **CEMETERIES**

**DEVELOPMENT WITHIN THE GREEN BELT WILL ONLY BE PERMITTED IF IT CONFORMS TO THE DETAILED GREEN BELT POLICIES CONTAINED IN APPENDIX 5 IN VOLUME 2.**

*GB19: CHANGE OF USE OF LAND FOR OUTDOOR SPORT AND OUTDOOR RECREATION WILL BE PERMITTED IN THE GREEN BELT WHERE: i. THE LAND IS NOT THE BEST AND MOST VERSATILE FOR AGRICULTURE (MAFF GRADES 1-3A); AND ii. NO SERIOUS HARM WOULD ARISE AS A RESULT OF TRAFFIC HAZARD, NOISE, VISUAL IMPACT, EROSION OF AN IMPORTANT WILDLIFE RESOURCE OR INCONVENIENCE TO USERS OF PUBLIC RIGHTS OF WAY.*

3.5 We consider that provision of the access track is acceptable development in the Green Belt, being associated with facilities for allotments. The openness of the Green Belt is not compromised by the new access track, and associated fencing is a common feature in rural areas. It does not compromise the openness of its rural location. It will also help consolidate

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the use of the land for green infrastructure purposes as it will help consolidate the long-term use of the allotments in accordance with Policy N33 (GB19).

3.6. In addition, there is no relevant local plan transport policy relevant to the application. However, a clear steer is given through the NPPF section on Green Belts, whereby development "of local transport infrastructure that can demonstrate a requirement for a green belt location" is deemed to be acceptable. It can be argued that, given there are historic vehicle rights over the Level Crossing (although in practice these have long since been unused) their extinguishment through provision of an alternative access track is classed as local transport infrastructure and is therefore also appropriate in the Green Belt. It cannot be reasonably located elsewhere given the allotments themselves are in the Green Belt and there is no other means of creating such an access through or over the railway than the proposal put forward.

Even if it is considered to be unacceptable development in the Green Belt, we consider the the need to provide vehicular access for the allotments to allow permanent closure of Garforth Moor LC represents the special circumstances to allow for the new track.

#### **Drainage/Flood Risk**

4.1 The development lies within Flood Zone 1a as indicated by the relevant Environment Agency map. As the site is below the 1Ha threshold for the requirements of a flood risk assessment, there is no further necessity to discuss the subject. However, by its very nature, the surface of the track is porous and thus will not contribute to increased run-off in the area. There are no flood related issues which should preclude the development from going ahead.

#### **Ecology**

5.1 A field walkover was carried out in May 2017. No notifiable species were identified along the route of the proposed track, being simply improved grassland with no tree or hedge habitat requiring removal to build it. However, there may be an opportunity to enhance the biodiversity of the surrounding area by providing a newly planted hedgerow alongside the new fence.

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### Conclusion

6.1 The proposal for a new length of access track road is considered an acceptable development in the countryside and will permit the continued access for allotment holders to the allotments located on the north side of the railway line, allowing the legal permanent closure of Garforth Moor level crossing on safety grounds. The latter in turn improves the effectiveness and reliability of the rail network and the wider economy dependent on a modern and reliable railway system. There are no other material considerations which should preclude consent from being granted for the proposal.

A.Rivero

Network Rail

May 2022

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