



The Network Rail (Leeds to Micklefield Enhancements) Order

CD 7.14 - Planning Proof of Evidence

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

**PLANNING
PROOF OF EVIDENCE
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Document Reference	CD 7.14
Author	Network Rail
Date	2 nd February 2024

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The Network Rail (Leeds to Micklefield Improvements) Order*CD 7.14 - Planning Proof of Evidence***1. INTRODUCTION & STRUCTURE OF THE PROOF OF EVIDENCE****1.1 Introduction**

1.1.1 My name is Anthony Rivero. I am employed by Network Rail Infrastructure Limited (**Network Rail**) as Town Planning Manager for the Eastern Region (London North Eastern & East Midlands routes (“**the Routes**”). I have been in my current position since 2010 and I have been employed as a town planner in various capacities within Network Rail since 1998. Prior to this I have worked in a number of local authorities as a town planner. I have 39 years’ experience of which 25 have been in railway projects. I hold a BSc (Honours) in Town & Regional Planning from Dundee University and have been a Member of the Royal Town Planning Institute since 1987.

1.1.2 My role involves managing a small team that advises on town planning matters pertaining to the Routes including new infrastructure and stations, major redevelopment projects, routine maintenance and renewals and works to Network Rail’s heritage estate. Recent projects include the preparation of application documents for the Tinsley Chord (Sheffield) Transport & Works Act Order (**TWAO**), giving evidence at the Werrington Grade Separation TWAO Inquiry, the London to Corby (Land Acquisition, Level Crossings and Bridges) TWA Inquiry and the Transpennine (Huddersfield to Westtown (Dewsbury)) TWAO Inquiry.

1.1.3 In respect of Network Rail’s application for the Order and associated consents, my role has been to advise on all town planning matters and to appear as an expert witness at this Inquiry.

1.2 Structure of the Proof of Evidence

1.2.1 This Proof of Evidence includes, in section 3, a description of the Order works for which planning consent is sought. Sections 4 to 7 set out the national and local transport and planning policies relevant to the Order Scheme, referring back to supporting documents which include an appraisal of the Order Scheme when judged by those policies. Section 8 considers the planning issues arising from the representations and objections, including the issues surrounding Micklefield (Peckfield) Level Crossing, Penny Pocket Park, Austhorpe Lane bridge and the wording of conditions relating to the Deemed Planning Permission (**DPP**).

2. SCOPE OF EVIDENCE**2.1 Scope of Evidence**

2.1.1 This evidence concerns the planning policy context and overall planning balance for the Order works and specific Request for Deemed Planning

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Permission (DPP) (**CD 1.12**). It also addresses matters in relation to the use of draft conditions as set out in Schedule 1 to the DPP.

2.1.2 The Secretary of State for Transport (The Secretary of State), in the Statement of Matters issued on 20th December 2023, has not identified any specific planning issues at this stage. The Secretary Of State for Culture, Media & Sport has identified two issues pertaining to the listed building applications. These are the extent to which they are in accord with the current development plan, and any emerging development plan. Please note that issues relating to the substantive assessment of heritage issues as identified by the Secretary of State are covered by Ms Jones' proof. However I consider the compliance of the scheme against heritage policies as part of an overall appraisal of planning policy, as well as the weight to be given to both existing and emerging development plan documents.

2.1.3 It should be noted that in the post-submission phase of the Order relatively few definitive areas of objection on planning issues were made. The first relates to several representations pertaining to matters on conditions and detail within the planning drawings and the DPP. The second relates to development associated with Penny Pocket Park in Leeds City Centre. The third relates to matters pertaining to Austhorpe Lane. The fourth relates to Brady Farm. The fifth relates to an objection raised by the West Yorkshire Archive in relation to conditions pertaining to the listed building consents. Finally individual objections relating to other specific locations including Garforth Moor and Wykebeck Avenue are examined. These are all addressed in section 9 of this Proof.

3. DESCRIPTION OF THE WORKS FOR WHICH PLANNING PERMISSION IS SOUGHT

3.1.1 Network Rail is seeking deemed planning permission for the development consented under the Order including, but not limited to, the Scheduled Works.

3.1.2 The majority of the Order Scheme is located within the administrative boundary of Leeds City Council (**LCC**). One small element is within the administrative area of North Yorkshire, being the works associated with the closure of a level crossing at Highroyds Wood, but this has no planning implication as it does not form part of the deemed planning permission request. This is because the works to physically close and divert the crossing are permitted development under Parts 8 and 18 to Schedule 2 of the GPDO.

3.1.3 The Transpennine upgrade (TRU) is a series of enhancements designed to improve connectivity along the North Transpennine railway route, identified along with the M62 as the most important East-West transport arteries across the Northern economy.

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3.1.4 The Order Scheme is set in a wide context in terms of national planning and transport policies. It forms part of a significant package of capacity improvements along the Transpennine route. The whole route is split into sections with specific works for various sections, including:

- Electrification between Manchester Victoria and Stalybridge
- Trackworks to permit speed increases and works to structures to allow for electrification to Standedge Tunnel
- Re-location of Mossley station
- Clearance works and track alterations to permit electrification and linespeed increases between Standedge and Huddersfield,
- Increases in track capacity between Huddersfield and Westtown, a new section of line at Heaton Lodge, electrification of the route, a grade 3 evelopme junction at Ravensthorpe, re-built stations at Deighton and Mirfield and the re-location of Ravensthorpe station
- Clearance works and track alterations to permit electrification and linespeed increases between Westtown and Leeds
- Clearance works, track alterations and level crossing closures to permit electrification and linespeed improvements between Leeds and York via Church Fenton

3.1.5 As shown in Fig 1 of Mr Vernon's Proof these areas are broken down into sections, with W1 in the west of the route (Manchester Victoria to Stalybridge) running through to E1 between Church Fenton and York.

3.1.6 The Order Scheme forms part of the E2-4 Project area, and includes the electrification of the line, Journey Time Improvements, increased capacity and enhanced resilience and reliability of the line between Leeds and Church Fenton. The strategic importance of the TRU project is explained in Mr Vernon's Proof Of Evidence **(CD 7.02)** as are the improvements provided by the TRU project in terms of enhanced capacity and provision for predicted growth in rail traffic.

3.1.7 In order to deliver the identified works and enhancements for the E2-4 Project, and indeed the wider TRU, a variety of consenting regimes are applied. This includes the use of permitted development within the operational rail corridor; requests for prior approval under local acts & orders; discrete stand-alone planning applications; and for the larger all-encompassing projects the use of the Transport & Works legislation (as is the case for W3 Huddersfield to Westtown and Rose lane at Church Fenton).

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3.1.8 This is a tried and trusted consenting regime which has been applied consistently to all of Network Rail's recent large scale infrastructure projects. However, even within projects such as W3 and the Hope Valley a mix of requests for deemed planning permission sought alongside a TWA, existing permitted development privileges and prior approvals have been sought as required.

3.1.9 Therefore, alongside the application for the Order, Network Rail is seeking deemed planning permission for a number of works required to be carried out. These are listed below for ease of reference.

Works the subject of the request for deemed planning permission

- Demolition of the Grade II listed public highway Austhorpe Lane Overbridge (HUL4/21) and adjacent Austhorpe Lane Footbridge (HUL4/21A) and the construction of a new dual-purpose overbridge incorporating a two-lane carriageway highway (5.5 metres) and 2-metre footway on the western side
- The replacement of Austhorpe Lane high pressure gas main bridge (HUL4/20b) through its diversion via a new micro tunnel beneath the railway in the vicinity of the road bridge
- Works to partially dismantle, re-furbish and reinstate the Grade II Listed Crawshaw Woods Overbridge (HUL4/20) at a higher position to allow sufficient headroom for the installation of OHLE
- The construction of a ramped bridleway bridge at Barrowby Lane and associated access tracks to replace the existing Barrowby Lane and Barrowby Foot Level Crossings.
- Demolition of the Grade II Listed Ridge Road Overbridge (HUL4/14), the construction of a new overbridge incorporating re-alignment of existing highway.
- Removal of existing Northern Gas Networks high-pressure Gas Main Pipe Bridge (HUL 4/15) adjacent to Ridge Road Overbridge and its diversion via a new micro-tunnel beneath the railway line
- The construction of a Track Sectioning Cabinet (TSC) on land off Phoenix Avenue, Micklefield.
- Off-site works associated with the closure of Peckfield Level Crossing, including the construction of a Public Right of Way diversion (footpath or bridleway link to path Micklefield 8) and associated highways improvement and parking works along Pit Lane.

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It should be noted that within the provisions of the deemed planning permission further ancillary works would be permitted, including the alteration of streets and the creation of accesses to the work sites.

3.1.10 The works for which deemed planning consent is sought are the subject of my proof and are the proposals by which the assessment of appropriate planning policy guidance is made.

3.1.11 For information, I further set out below those elements of the Scheme to which a different consenting regime applies.

3.1.12 In all cases below, reference to the Act of Parliament means the Act under which the original railway was constructed. This is the Leeds & Selby Railway Act of 1830 unless otherwise stated.

Scheme elements covered by Part 4 to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 – temporary works; or Part 8, Class A of the same Schedule – works by Statutory Undertakers; or Part 11 of the same Schedule – exempted demolition; or Part 18 Class A of the same Schedule – works under local or private acts or orders - (where no prior approval is required):

- Installation of OHLE throughout (part 8 Class A);
- Track alterations in the Marsh Lane and Neville Hill areas (part 8 Class A);
- Demolition of Brady Farm Bridge (Part 11 being exempted demolition authorised by Act Of Parliament) – however this is also the subject of Listed Building Consent for demolition;
- Temporary Construction Compounds at the following locations (Part 4):
 - Land adjacent to Kirkgate bridge
 - Land adjacent to Marsh Lane viaduct
 - Land off Wykebeck Avenue, Neville Hill
 - Land adjacent to Osmondthorpe Lane underbridge
 - Land NW and SE of Austhorpe Lane overbridge
 - Land south of Manston Lane, Cross Gates
 - Land in the vicinity of Barrowby new footbridge
 - Land north and south of Crawshaw Woods bridge

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- Land adjacent to Brady Farm bridge
- Land to west and east of Ridge Road bridge
- Land at Phoenix Avenue
- Recovery of level crossing equipment at Barrowby Lane, Barrowby Foot, Garforth Moor and Peckfield (Part 8 Class A)
- Access track for construction purposes onto unadopted way, south of Crawshaw Woods Bridge (Part 18 Class A)

Permission obtained under Part 18 Class A (relevant Act of Parliament) where prior approval has been granted for a material change to the appearance of the structure:

- Alterations to bridge HUL4/47 (Kirkgate Bridge) – prior approval granted on the 16th August 2023 (reference 23/03890/DPD) **(CD1.20)**
- Alterations to bridge HUL4/32 (Osmondthorpe Lane) – prior approval granted on the 2nd May 2023 (reference 23/00903/DPD) **(CD 1.21)**

Development for which separate planning consent has been sought and is expected To be granted by the time of the Inquiry:

- Permanent use of land off Newmarket Approach to provide access to Neville Hill railway sidings (new access off a classified road). Application validated 15th June 2023 (reference 23/03522/FU).
- Retrospective consent for new access track to serve allotments to north of Garforth Moor level crossing. Application validated 21st November 2022 (reference 22/03144/FU/E).

Works which do not constitute development:

- Creation of alternative footpaths to accommodate changes to rights of way network for Barrowby new footbridge and diversion of footpath at Highroyds Wood Level Crossing.
- Given the limited scale of the Scheme (in comparison, for example, to the Huddersfield-Westtown section of the TRU) it has not been considered necessary to carry out an Environmental Impact Assessment. This point is confirmed following two screening opinions sought from both LCC and the Secretary Of State which concluded the Scheme did not require an EIA **(CD 1.22)**.

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- 3.1.13 Mention has been made earlier in my proof that the consenting approach taken by the Order is no different from those on other TWA Orders pursued by Network Rail in its mix of use of permitted development and deemed planning consent. LCC have expressed concern as to how they could seek comfort as regards the effects and mitigation for those elements outwith the request for deemed planning consent, bearing in mind that the whole project has been recognised as non-EIA development.
- 3.1.14 In recognition of these concerns Network Rail has given a written undertaking to provide environmental protocols on those sites that would not be covered by the Order Scheme, as discussed in Mr Pearson's Proof (pages 6-7 refer). Although this is a voluntary agreement it reflects Network Rail's position as a responsible organisation with a commitment to environmental responsibility. It gives assurance that the sites over which LCC do not have direct planning control (by means of enforceable condition) will be managed in a way that safeguards the local environment.

4. NATIONAL TRANSPORT POLICY**4.1 Introduction**

- 4.1.1 The main rail related transport policy documents of relevance to the Order Scheme are covered in Mr Vernon's Proof (**CD 7.02**) and the Statement of Case (**CD 5.01**). However, there are two documents which also have relevance to planning policy and these are the National Policy Statement for National Networks (NPS) (**CD 1.43**) and the National Infrastructure Strategy 2020 (**CD 2.23**).

4.2 National Policy Statement for National Networks (NPS) (CD 1.43)

- 4.2.1 The NPS (2015) sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. Whilst the NPS is not directly applicable to a TWA application, paragraph 1.4 of the NPS states that:

'In England, this NPS may also be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis.'

- 4.2.2 Therefore, I consider the NPS has material weight and is relevant to this Order Scheme as the proposed works would improve part of the national rail network and should therefore be appraised accordingly. It is also important to

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understand the context of the Government's policy stance on rail infrastructure given the limited detail within the NPPF.

4.2.3 Section 2 of the NPS sets out the need for development of the national networks and the Government's vision and strategic objectives. This recognises that networks should have the capacity and resilience to support sustainable environmental objectives, serve economic needs, and provide improved journey quality, reliability and safety.

4.2.4 The need for development of the national rail network is set out from paragraphs 2.28 to 2.41 of the NPS which focus on the economic and social benefits of a sustainable transport system, the growing demand for rail travel and projected future growth, which together support the compelling need for developing the country's rail network.

4.2.5 In the short to medium term, paragraph 2.37 highlights the need to improve capacity, capability, reliability and resilience of the network which reflect the core principles of the Order Scheme. It further states that:

“Relatively modest infrastructure interventions can often deliver significant capacity benefits by removing pinch points and blockages.”

4.2.6 The environmental benefits of rail improvements are discussed at paragraph 2.40 of the NPS, which states:

“Modal shift from road and aviation to rail can help reduce transport's carbon emissions, as well as providing wider transport and economic benefits. For these reasons, the Government seeks to accommodate an increase in rail travel and rail freight where it is practical and affordable by providing for extra capacity.”

4.2.7 Given that the Order Scheme will, in conjunction with other projects, facilitate an increase in capacity and operational efficiency on the Transpennine route, it follows that the proposed Scheme is consistent with Government policy objectives set out in the NPS.

4.3 National Infrastructure Strategy (NIS) (CD 2.23)

4.3.1 The NIS brings together the government's long-term infrastructure priorities with the short-term requirement for the economy to recover following the COVID-19 pandemic. The NIS is committed to boosting growth and productivity through targeted investment, aiming to meet the UK's target of net zero carbon emissions by 2050 and supporting private investment to help deliver the upgrades and improvements needed.

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- 4.3.2 The Government has also established Project Speed, a new infrastructure delivery mechanism, to bring forward proposals to deliver government's public investment projects more strategically and efficiently.
- 4.3.3 With funding already committed, and a statement of commitment from the DfT contained within the Funding Statement (**CD 1.05**), TRU is a key element of the NIS and will contribute to the Government's aim of 'building back better'. The TRU Scheme not only provides the rail enhancements needed to improve transport connectivity and a cleaner, and greener transport network, but also provides the stimulus for associated economic growth and productivity from improved performance and reliability.

5. LOCAL TRANSPORT POLICY

5.1 Introduction

- 5.1.1 Support for the Scheme can be found in a number of sub-regional and local transport policy documents. These include the Transport for the North's Strategic Transport Plan and the West Yorkshire Combined Authority Transport Strategy.

5.2 Northern Transport Strategy (HM Government/Transport for the North (TfN) 2014 (CD 2.26)

- 5.2.1 The Strategy illustrates the Government's desire to transform city to city rail connectivity across the Pennines. This would include completing planned investment in the Northern Hub, North West and Transpennine electrification to bring down east-west journey times between York and Manchester from around 75 to 68/9 minutes and improve capacity. This could represent a 10 per cent improvement in today's journey times that will also have a positive impact for destinations further afield.

5.3 Strategic Transport Plan – Transport for the North (2019)(CD 2.09)

- 5.3.1 TfN is England's first Sub-national transport body. As set out in their Strategic Transport Plan, it is recognised that over the last two decades the North's railway has experienced substantial growth in passenger numbers. Much of that growth has been accommodated within existing capacity. The North's rail network lacks sufficient capacity for growth and is severely constrained by on-train congestion, low journey speeds and poor punctuality.
- 5.3.2 TfN state in their Plan that the Transpennine Route Upgrade will be the North's 'principal intervention within the next five-year period for rail enhancements and is planned to deliver significant performance improvements and journey time savings, increased capacity and capability to meet current and future demand

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and the potential provision of one freight path per hour (in each direction) for large container traffic.’

5.3.3 Additionally, TfN’s Long Term Rail Strategy (2018), sets out TfN’s guiding principles for rail and is an integral part of the Strategic Transport Plan. It has an ambitious vision for the transformation of the North’s rail network based on five themes, including connectivity, capacity, customer service, community and cost effectiveness.

5.3.4 The Scheme will effectively deliver on all these themes through faster and more frequent trains, more reliability through increased capacity and linespeed improvements and through electrification delivering environmental and economic benefits of operation.

5.4 West Yorkshire Combined Authority (“the Combined Authority”) Transport Strategy (2017) (CD 2.10)

5.4.1 The Combined Authority’s Transport Strategy was adopted in August 2017 and produced by the Combined Authority on behalf of Bradford, Calderdale, Kirklees, Leeds and Wakefield Councils.

5.4.2 The Transport Strategy sets an ambition for a transport system that serves the needs of businesses and residents as well as enhancing prosperity, health and wellbeing for people and places across West Yorkshire. It also considers the necessity to provide 21st Century infrastructure that will support the City Region to grow and compete globally, so it is able to meet the ambitions of the Leeds City Region Strategic Economic Plan (see below).

5.4.3 Within the Strategy the Transpennine Route Upgrade is identified as a priority, with improved rail journey times and capacity improvements on the Transpennine rail corridor. The Transport Strategy looks to major rail investment (including improvements to the Transpennine line and East Coast Main Line, HS2 and Northern Powerhouse Rail) to reduce journey times between West Yorkshire and the UK’s other major urban centres. The Scheme is therefore consistent with, and supports, this Strategy.

5.5 North Yorkshire County Council Local Transport Plan 2016-2045 (CD 2.12)

5.5.1 The County Council’s Local Transport Plan (adopted April 2016) considers a 30-year time period, stating that improving road and rail connections into these City Regions remains an important element of the County Council’s strategy to encourage economic growth in North Yorkshire. This is relevant given the main beneficiary of the Scheme is the linkage between Leeds and York.

The Network Rail (Leeds to Micklefield Improvements) Order*CD 7.14 - Planning Proof of Evidence***5.6 Leeds City Region Strategic Economic Plan (2016) (CD 2.11)**

- 5.6.1 The Leeds City Region's Strategic Economic Plan (the SEP) seeks to grow economic activity through providing access to good jobs, earnings and opportunities for all residents and where the environment and people's health are highly valued.
- 5.6.2 A key priority of the SEP is providing infrastructure for growth, and it sets out its requirements for investment in transport infrastructure and services to support the growth and regeneration of prioritised locations within the city region. This is in order to increase employment and productivity by the completion of transport schemes across West Yorkshire and York, irrespective of boundaries.

6. LOCAL PLAN POLICY**6.1 Introduction**

- 6.1.1 The vast majority of the Scheme is covered by one Local Authority (LCC), though one level crossing does lie within North Yorkshire, but there is no development within North Yorkshire for which deemed planning permission is sought. As a unitary authority LCC are also the local highway authority. The relevant documents to the Order Scheme for LCC are the Leeds Core Strategy 2019 (**CD 2.14**), the saved policies from the Unitary Development Plan 2006 (**CD 2.15**), The Site Allocations Plan (**CD 2.16**), the Natural Resources & Waste Local Plan (**CD 2.17**) and the Garforth Neighbourhood Plan (**CD 2.18**). Along with the Aire Valley Leeds Area Action Plan and a number of supplementary planning guidance documents these form the statutory development plan documents for the Leeds area. However the Aire Valley Leeds Area Action Plan is not considered relevant to the Order Scheme since no development sought within the Order Scheme as part of the deemed planning permission lies within its boundaries.

6.2 Leeds Core Strategy (2019) (CD 2.14)

- 6.2.1 I would draw attention to section 7.4 of the Statement Of Case and Section 6.3.41 onwards of the Planning Statement. These set out the relevant policies as applicable to the Scheme. As the author of those documents they reflect my own judgement on the performance of the Scheme when set against the development plan policies and I adopt them for the purposes of my evidence. This is subject to the caveat of the points originally raised by LCC in their initial representation as regards the deletion of policy N1 of the UDP as no longer being "saved", and the update in respect of the formal adoption of both the Garforth Neighbourhood Plan (September 2023) and the Site Allocations Plan (January 2024).

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- 6.2.2 Nevertheless, I think it is important to re-iterate several key policies from the Core Strategy which underpin the planning case for the Scheme.
- 6.2.3 Policy SP11 (Transport Infrastructure Investment Priorities) is the key local plan policy as it supports the development of strategic transport infrastructure and specifically encourages those proposals which will bring forward such infrastructure. In the reasoned justification and map No.9 (key elements of Leeds Transport Strategy) specific mention is made of the electrification of the Transpennine route.
- 6.2.4 General Policy (presumption in favour of sustainable development) gives a presumption of sustainable development in line with the NPPF. In recognising the TRU in the Plan acknowledgement is effectively given to the improvements it will deliver in contributing to meeting sustainability. It will also help to reduce and mitigate climate change by its very nature of being a more sustainable means of transport, thereby helping the transition towards a low carbon economy.
- 6.2.5 Policy SP3 (Role of Leeds City Centre) seeks to improve transport links to the city centre. The Scheme will support this policy through improving links to the east including the stations at Cross Gates, Garforth, East Garforth and Micklefield as well as wider afield towards York. This is also applicable to Policy SP8 (Economic Development Priorities), affording improved access to employment opportunities by public transport.
- 6.2.6 Policy P10 (Design) as applied to the Order Scheme will ensure that the highest quality in terms of design is applied to the significant interventions, particularly around the replacements for the listed bridges. The design of other interventions have followed the tried and trusted design techniques applicable to the railway in line with established railway engineering and design standards but also reflective of the typical railway environment, as well as paying respect to local circumstances. The policy has also been followed by ensuring the most appropriate sustainable technologies in terms of construction techniques, materials and waste disposal are applied to the project.
- 6.2.7 Policy P11 (Conservation) seeks to conserve and enhance the historic environment and its setting. This is embodied in the retention and treatment of the Crawshaw Woods bridge (HUL4/20), recognising its significance as probably the oldest cast iron bridge over a working railway in the world. Whilst it is recognised that three listed structures are to be removed, in the context of this policy detailed work has been carried out in relation to the historic structures along the route. Full justification for the works are contained in the accompanying Listed Building Applications (**CD 1.18**). Additionally, much preparatory work has been carried out in the form of a Transpennine route wide

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Statement Of Significance and individual Statements Of Significance in respect of the other listed bridges along the Scheme route. Whilst it is recognised that there will be substantial harm caused through the demolition of the structures, the public benefits which accrue from the Upgrade firmly outweigh the loss of these bridges. As such, as part of my policy analysis, I share the view of Ms Jones in her proof on heritage matters (**CD 7.32**) that the Listed Building Applications are compliant with policy P11.

- 6.2.8 Policy P12 (Landscape) seeks to conserve and enhance the character, quality and biodiversity of the area including its historical and cultural significance. It is considered that the Scheme will not introduce any new uncharacteristic landscape elements and that changes to landscape character are expected to be small, with the greatest small impacts occurring temporarily during construction. The landscape and ecological management plan (LEMP) (to be the subject of a planning condition) will provide for landscaping, visual and biodiversity mitigation/enhancement. The works are therefore consistent with the policy.
- 6.2.9 Policy G6 (green space designations) seeks to protect such allocations of green space except where certain criteria apply. The Order Scheme will impact on specific sites at Penny Pocket Park and Peckfield Bridleway Crossing, which is discussed further in section 8. It is recognised that the wider Scheme also affects a number of sites, principally through construction compound requirements, but these do not form part of the Order Scheme and consequently are not relevant to this policy appraisal for the request for deemed planning permission.
- 6.2.10 Policy G8 (protection of important species and habitats) and G9 (Biodiversity improvements) seek to not only protect existing species and important habitat but to ensure that biodiversity net gain will be achieved. Mitigation as proposed in the LEMP and the additional condition on BNG itself as proposed demonstrates compliance with the policies
- 6.2.11 It should be noted that the statutory requirement for BNG under the Environment Act 2021 does not apply to the request for deemed planning permission since the application was made before the relevant Regulations came into force. However, as explained, I am satisfied that the Scheme is compliant with emerging and existing BNG policy.

6.3 Unitary Development Plan Saved Policies Review 2006 (CD 2.15)

- 6.3.1 The UDP was adopted in 2001 and reviewed in 2006. When the Core Strategy was adopted in 2019, 'Saved' Policies from the UDP were retained. The Order Scheme is relevant to those policies of the saved UDP as discussed in the Statement Of Case Sections 4.20-41, and the way in which it meets these

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policies is very similar to the Core Strategy policies as outlined previously in section 6.2.

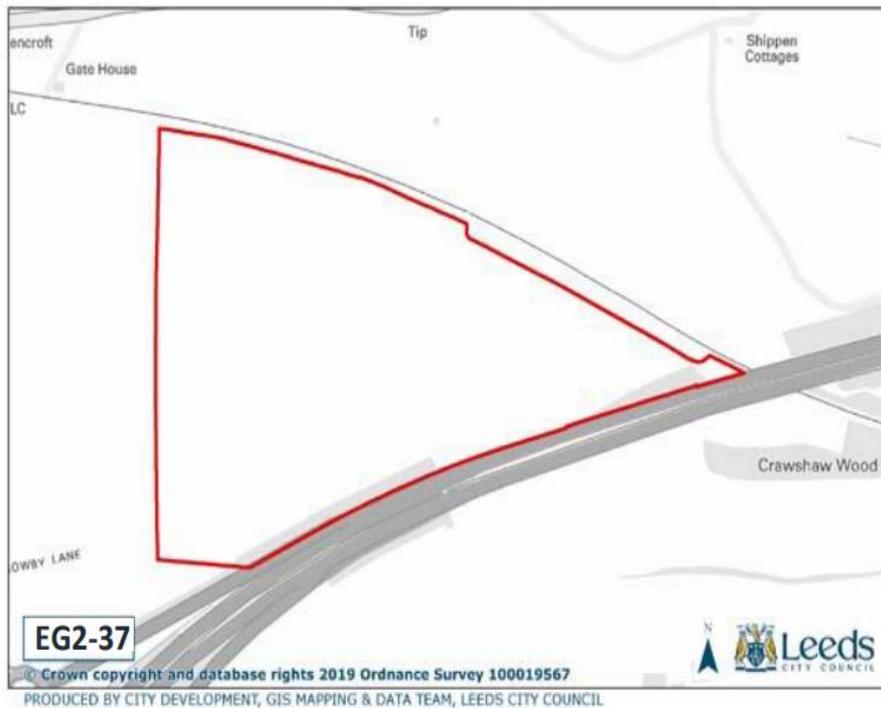
- 6.3.2 In light of the request in the Statement Of Matters to address the compliance of the Listed Building Applications with policy, reference should also be made to those “saved” UDP policies which refer to heritage matters. These include Policy N14 (Listed Buildings and Preservation), where there will be a presumption in favour of the preservation of listed buildings. Consent for the demolition or substantial demolition of a listed building would only be given only in exceptional circumstances and with the strongest justification; and N17 (Listed Buildings Character & Appearance) where existing detail and all features, including internal features, which contribute to the character of the listed building should be preserved, repaired or if missing replaced. To the extent that the original plan form is intact, that plan should be preserved where it contributes to the special character and appearance of the build.
- 6.3.3 Again it is considered that the works at Crawshaw Woods bridge (HUL4/20) fully comply with both policies, particularly N17 and the steps taken to preserve the elements of historic interest. For the other three bridges I consider that the exceptional circumstances and strong justification for their demolition exists as per N14, and I again refer to Ms Jones’ Proof on Heritage matters.
- 6.3.4 The other main UDP policy which requires further examination is in relation to Green Belt policy N33. It is considered that the works to create the new Barrowby Bridleway bridge and works to the highway and rights of way network at Peckfield Crossing are considered to be local transport schemes which can justify a location in, and do not compromise the openness of, the Green Belt.
- 6.3.5 However the works to those bridges in the Green Belt in the Order Scheme (Crawshaw Woods bridge and Ridge Road) are considered of more than local importance as they are required for the electrification of the route. As such it is considered that very special circumstances exist to warrant the re-development of these structures. The works to raise the heights of the parapets and the bridges themselves will not reduce the openness of the Green Belt, since the only difference will be that the bridges will be slightly higher in the landscape but will not differ in terms of their overall footprint. As such the level of harm to the Green Belt is minimal. Equally, given the importance of the Transpennine line as a key component of national transport infrastructure, the Scheme is essential in maintaining and improving the performance and capacity of the line. This in turn supports Government policy on sustainable transport and achieving reductions in greenhouse gas emissions, reducing congestion and delivering economic benefits. As such the benefits clearly outweigh any minimal harm to the Green Belt and provide the very special circumstances to justify development in the Green Belt.

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6.4 Site Allocations Document (Adopted 2024) (CD 2.28)

- 6.4.1 The Site Allocations document, outlining specific allocations throughout the City, was originally adopted in 2019 but was the subject of a successful legal challenge and has since been under review.
- 6.4.2 For the purposes of the Order Scheme, the only relevant allocation (and the subject of an unresolved planning application) is the use of land to the south of Crawshaw Woods bridge (see extract of proposals map below). This allocation (known as EG2-37) is for employment use (following a change to its original designation as a mixed use area in a previous iteration of the Document), with direct access off William Parkin Way. The Council has now adopted the Site Allocations document (January 2024) and it is expected determination of the planning application 22/08491/OT will follow in due course.



- 6.4.3 This land is also required for use as a compound for the works to Crawshaw Woods bridge, but also includes a temporary access onto a classified road (William Parkin Way) to facilitate the works (the latter falling within the Order Scheme). However, given the likely use of the compound will be during a six month period in 2025, it is not considered the works to the bridge would prejudice the allocation, notwithstanding the possible grant of consent for the EG2-37 site during 2024. In any event it is noted that the landowner has not raised any objection to our proposals and dialogue continues over the detailed arrangements for the use of the land, with the proposed access, for a temporary period to facilitate the works to an agreed timescale.

The Network Rail (Leeds to Micklefield Improvements) Order*CD 7.14 - Planning Proof of Evidence***6.5 Natural Resources & Waste Local Plan (adopted 2013) (CD 2.17)**

- 6.5.1 The NRWP contains two relevant policies for the Order Scheme, relating to contaminated land (Land 1) and the impact of development on existing trees (Land 2).
- 6.5.2 In relation to the former Network Rail has agreed to an additional condition covering contaminated land (see section 8). For the latter, the Order Scheme designs seek to avoid the loss of trees as far as possible, refining designs, compound requirements (including alternative locations) and methods of working, to reduce tree loss to the absolute minimum required. Planting proposals will comply with the LCC planning policy requiring 3:1 replacement tree planting, in accordance with Policy Land 2. This is covered further in Mr Pearson's Proof (**CD 7.11** - section 4.1).

6.6 Garforth Neighbourhood Plan (CD 2.18)

- 6.6.1 The Garforth Neighbourhood Plan is the only relevant Neighbourhood Plan covering the Scheme; it was approved in September 2023.
- 6.6.2 It contains a number of relevant policies designed to protect the existing landscape, seeking protection for existing hedgerows in the Barrowby Lane area (HBE9) and the enhancement of green corridors (GSRE5). Policy GSRE7 supports improvements to the right of way network and policies GSRE9 & 10 seek to protect and enhance the area's biodiversity. GSRE 11 seeks to protect the special landscape character of Garforth.
- 6.6.3 The proposals for the Barrowby Lane area will comply with GSRE7 given they will improve the safe means of crossing the railway through the elimination of two level crossings. In maintaining as far as possible existing hedgerows and, through the commitment to biodiversity net gain, will also be consistent with policies HBE9, GSRE5, 9 & 10.

6.7 Emerging Leeds Local Plan Update Publication Draft Consultation 2022, Your Neighbourhood, Your City, Your Planet (CD 2.19)

- 6.7.1 The policies set out in this document would effectively update the 2019 Core Strategy. It focuses in particular on the climate emergency, including policies designed to make all new buildings in Leeds as net zero carbon as soon as possible and giving protection and encouragement to enhance the green and blue infrastructure. As the document has not yet been tested in a public inquiry only limited weight can be given to it, although it has been the subject of two public consultations. The latter round of consultation demonstrated support for the broad range of policies though some key stakeholders and the development industry expressed practical concerns at their capacity to implement the

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proposed policies by the date of the plsn's adoption. Accordingly the Council carried out a third series of consultation, with changes focusing in the main on a transition period to 2027 to allow the development industry to adapt to the proposed policies through their supply chain and construction practices. This third period of consultation ended in December 2023.

- 6.7.2 Nevertheless the overall approach of the revised Plan is relevant to the Order Scheme, in pursuing objectives of carbon reduction and sustainable infrastructure – *“including in the latter that: Leeds will ensure the delivery of an accessible and integrated transport system which focuses on public transport and active travel and is worthy of its role at the heart of Leeds City Region, supporting communities and inclusive growth.”*
- 6.7.3 Specifically proposed policy SP11A gives support for rail infrastructure schemes that maximise potential benefits and minimise environmental, social and economic impacts.
- 6.7.4 In recognising the important role that trees, green space and biodiversity can play in climate change mitigation the draft consultation proposes strengthened policies on the protection of trees, woodland and hedgerows (G2A), ancient and veteran trees (G2B) and Biodiversity (G9). These are outlined in section 6.3.77 of the Planning Statement, but in brief the policy changes seek to strengthen wording to provide more information, with much detail to be given on ancient and veteran trees. The changes to policy G9 are to reflect the emerging Regulations on BNG. The Scheme remains compliant with these emerging policies.
- 6.7.5 It should be added that no ancient tree or woodland is affected by the works and only two veteran trees are affected within the red line boundary on the planning drawings 1.14.12 (Barrowby) & 1.14.12 (Peckfield). Their exact locations are given in the Draft Tree Protection Plans in figures 9.2.5 and 9.2.9 in Volume 2 of the Environmental Report (CD 1.16A). The two veteran trees are only affected in so far as their root protection area fall within the red line boundary but only one requires specific mitigation and neither require removal. Associated compound works may affect some areas of trees but these are not the subject of the DPP. Nevertheless Network Rail has offered a degree of protection and mitigation for these sites which follow the spirit of the policy (see 3.1.15).
- 6.7.6 In terms of policy G9 on BNG, again I would point to the wording of the proposed planning condition relating to the subject which is consistent with and supports the policy.

The Network Rail (Leeds to Micklefield Improvements) Order*CD 7.14 - Planning Proof of Evidence***7. NATIONAL PLANNING POLICY CONTEXT****7.1 Introduction**

7.1.1 The National Planning Policy Framework (NPPF) was published by the Department for Communities and Local Government in March 2012. It has been revised a number of times, the most recent being in December 2023 though the Planning Statement produced for the submission of the Order was submitted prior to the latest version and therefore used the July 2021 version of the Framework. However, as the changes made in the latest version of the NPPF are not applicable to the Order Scheme, I am content that the assessment made in the Planning Statement remains the same, although the paragraph numbers therein refer to the previous version. I use the current paragraph numbers in my evidence below.

7.2 The National Planning Policy Framework (NPPF) – HM Government (2023) (CD 2.13)

7.2.1 As with the section on Local Plan policies I refer to in chapter 7 in the Statement Of Case (**CD 5.01**), section 7.5 sets out the relevant objectives and policies of the NPPF and how the Order Scheme performs when set against those policies.

7.2.2 The December 2023 revision of the NPPF has focused on the Government's desire to put further emphasis on delivering more housing to meet the need for more affordable accommodation as well as developing the wind generating industry, though it retains the emphasis on improving design quality, place making and sustainability (particularly in terms of climate change, biodiversity, flood risk and protected landscapes). As in earlier versions, transport policy contained within the latest NPPF is largely focused on the impact and location of new development in relation to existing transport infrastructure. It provides limited guidance on proposals for new transport infrastructure.

7.2.3 As with the Local Plan I think it important to bring out in my evidence the key NPPF policies to which the Scheme is compliant.

7.2.4 Paragraph 11 of the NPPF re-iterates the key presumption in favour of sustainable development. Modern electrified railways are by definition one of the more sustainable forms of transport. They play an essential part in supporting Britain's economic growth, with links across the Pennines playing a key role in the nation's economic well-being as well as being a major element of the development of the North and the "levelling up" agenda of Government. Thus there is a clear link between the Scheme and the Government's stated aim at paragraph 8 of the NPPF for the planning system to proactively drive and support sustainable economic development by delivering the infrastructure needed by the country.

The Network Rail (Leeds to Micklefield Improvements) Order*CD 7.14 - Planning Proof of Evidence*Chapter 6 (Building a strong, competitive economy):

- 7.2.5 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The Scheme will contribute significantly to improving connectivity and thus boosting economic growth and productivity.
- 7.2.6 Further, paragraph 86 (building a strong competitive economy) states in part “planning policies should [...] seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment”
- 7.2.7 The Scheme clearly delivers much improved and resilient infrastructure along the railway corridor.

Chapter 9 (Promoting sustainable transport, paragraph 109):

- 7.2.8 This is the key transport planning policy framework for the Order Scheme and wider Scheme. It states that transport policies have an important role to play in facilitating sustainable development. It also says that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. At paragraph 109, the Government establishes the aim to ensure the transport system is balanced in favour of sustainable modes and recognises that different approaches to transport will be required in different communities, with solutions varying from urban to rural areas. In all respects the Scheme meets these objectives.
- 7.2.9 Paragraph 108 encourages local authorities to work with transport providers and neighbouring authorities to develop policies and strategies for the provision of viable infrastructure, which relates to the Scheme’s objective to facilitate improvements to the Transpennine route.

Chapter 12 (achieving well-designed places):

- 7.2.10 The Government attaches great importance to the design of the built environment. The NPPF emphasises the requirement to achieve beautiful and sustainable buildings and places. The establishment of a series of design codes based on local adaptation of the National Design Guide & National Model Design Code is seen as a means of promoting improvements in design. Paragraph 135 lists a number of policy objectives associated with good design. These emphasise the need for developments to add to the overall quality of the area, are visually attractive, sympathetic to local character and history, establish or maintain a strong sense of place and create places that are safe, inclusive and accessible.
- 7.2.11 In my opinion the Order Scheme addresses these objectives through (in particular) the use of consistent materials appropriate to a railway environment,

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and the design of the new and altered facilities at each station adheres to the policy framework.

Chapter 14 (Climate change and flooding, paragraphs 157, 158 & 167):

7.2.12 Chapter 14 states that planning has a key role to play in helping shape places to secure reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure (paragraph 157. Paragraph 158 states that proactive strategies should be adopted to mitigate and adapt to climate change taking full account of flood risk.

7.2.13 The Scheme will be a significant contributor to reducing greenhouse gases through the proposed electrification and also has demonstrated through a thorough flood risk assessment and in terms of mitigation measures contained in the Environmental Report (CR 16) that it will not increase flood risk elsewhere in the area.

Chapter 15 (Conserving and enhancing the natural environment, paragraph 180, 186 & 192):

7.2.14 Chapter 15 sets out key principles for ensuring that the planning system contributes to and enhances the natural and local environment by recognising the wider benefits of ecosystems, minimising impacts on biodiversity and providing net gains in biodiversity where possible, integral as part of the design (paragraph 186).

7.2.15 This chapter further sets out at paragraph 192 that planning policies should maintain and contribute towards limiting pollutants. The improvement of air quality or mitigate impacts should be identified, including through traffic and travel management, and green infrastructure provision and enhancement.

7.2.16 The Scheme will make a positive contribution to air quality through electrification and will offset the impacts of the specific Order Scheme and the wider electrification on the natural environment through the commitment to net biodiversity gain.

Chapter 16 (Conserving the historic environment, paragraphs 200,201 & 207):

7.2.17 Chapter 16 sets out national planning policy in relation to the conservation of the historic environment. Ms Jones addresses how the Order Scheme, and in particular the works for which Listed Building Consent are sought, accord with Chapter 16 in her Proof.

Conclusion

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7.2.18 In summary the Scheme and more specifically the Order Scheme will meet the NPPF policy for sustainable economic growth by providing opportunities (in combination with other schemes) to allow for an increase in line speeds and providing additional capacity for more trains to run on the route. It will improve connectivity between cities and towns either side of the Pennines and beyond to Scotland and the North East, by a mode of sustainable transport. It will make a positive contribution to targets to reduce carbon emissions by providing a credible alternative to the car and ensuring that freight movements can continue on the rail network.

8. PLANNING CONDITIONS

8.1.1 Network Rail originally suggested a set of proposed planning conditions within Appendix 2 of the Request for Deemed Planning Permission (**CD 1.12**). Discharge of these conditions is subject to the approval of LCC as required. I am satisfied that the planning conditions proposed are consistent with the tests set out in the NPPF (**CD 2.13**) paragraph 56 as being necessary, relevant, enforceable, precise and reasonable.

8.1.2 In on-going discussions with LCC a Statement of Common Ground is being progressed and I expect it to be agreed before the start of the Inquiry. It will include a list of those conditions which are agreed (including additional planning conditions to address certain concerns) and those which remain disputed.

8.1.3 **Appendix 1** to this proof lists the current position as regards the conditions, showing tracked changes from the the original version in the DPP along with commentary as to why the changes have been made.

8.1.4 Further representations in respect of conditions have been made by Micklefield Parish Council concerning the TSC at Micklefield and the temporary compound at Phoenix Avenue. They coment that suitable Conditions should be applied to its construction and operation, and likewise for the operation of the temporary compound on Phoenix Avenue. Security is one key concern cited.

8.1.5 Whilst the operation of the temporary compound and construction of the TSC will be controlled through the conditions suggested for the Code of Construction Practice (including security measures), the operational phase of the Track Sectioning Cabin is a normal day to day element of the operational railway and should not be fettered through the imposition of conditions. The purpose of the TSC is to regulate the power supply to the overhead electric wires in the local area and thus has an important safety function key to enable electrification of the line. It will operate 24 hours a day. I do not consider it necessary or proper to impose a condition on its operation, The proposal is to ensure it is adequately protected from trespass through the installation of appropriate security fencing as applied on other TSC's on the network. Details of the building and fencing

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are covered in condition 7 (materials) and this I consider sufficient for the purposes of the deemed planning permission.

- 8.1.6 In terms of the Listed Building Consent applications, only one objection in relation to conditions was received from the West Yorkshire Archaeology Service. They expressed a desire for either the existing recording condition to be modified, or an additional condition be added, relating to the archaeological assessment of the construction compound and access needed to facilitate demolition of the bridge in question. (It should be noted that this was only requested of Austhorpe Lane, Brady Farm and Crawshaw Woods but not Ridge Road bridge).
- 8.1.7 I do not consider the additional conditions to be necessary for two reasons. Firstly it should be noted that the red line boundary of the LBC applications does not extend to include the compound areas, as the provision of sites to facilitate the demolition work is not within the remit of the LBC.
- 8.1.8 Secondly the commitment made by Network Rail in respect of providing environmental protocols (see 3.1.15) to cover those sites outwith the deemed planning consent would also cover the construction compounds for the listed building works, and this would also include archaeological considerations where applicable.
- 8.1.9 It is therefore considered an additional condition relating to the archaeological investigation and recording of the construction sites is unnecessary.

9. OTHER OBJECTIONS AND REPRESENTATIONS**9.1 General**

- 9.1.1 There have been no specific objections made in relation to planning policy or principles in terms of the acceptability of the overall Order Scheme through the representation process. However, there are a number of points that do need to be addressed in the context of planning: the issues raised in relation to the impact of the Scheme on Penny Pocket Park in the City Centre; objections in relation to the demolition of the three listed structures on the route; objections raised by individuals in respect of the works at Barrowby Lane; and specific objections raised by the City Council in terms of the Order's overall approach, application of conditions and works at Austhorpe Lane bridge. Conditions have been dealt with in section 8 above, and the overall approach was discussed in section 3.1.14.

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9.2.1 In relation to the objection by LCC to the loss of green space land (green space allocation reference G84) at Penny Pocket Park (Kirkgate to Marsh Lane section of route), my observations are as follows. Firstly the area of land in question is very small, being at less than 226 square yards. Secondly the area is in fact below the the qualifying size for an exemption from special parliamentary procedure under the Acquisition of Land Act 1981 (250 sq yards), for which the Secretary Of State for Levelling Up has issued a “minded to approve” letter under an application sought by Network Rail for an exemption certificate (CD 1.18.38). Thirdly the land in question is not practically usable as recreational open space given it is at the top of a steeply sloped area, that is in part covered by gravestones. On this basis it is considered that the Order Scheme does not have a negative impact on usable greenspace and, as it is not lost, no alternative space is required elsewhere.

9.2.2 In its objection the Council itself acknowledges that the proposal for Penny Pocket Park “*will not have an unduly negative impact on designated green space*”. As such it is my opinion that the proposal is in accord with Policies N1 & G6 of the UDP. It would therefore appear that the only point at dispute is the actual size of the land required, which LCC claim exceeds the 250 yard threshold.

9.3 Austhorpe Lane Bridge (HUL4/20) and compound

9.3.1 Objections relating to the loss of the historic existing structure are covered by Ms Jones’ proof. I would add that on going dialogue between Network Rail, LCC and Historic England has been extensive and it is noted that neither organisation objected outright to the demolition of the structures.

9.3.2 LCC have made observations as regards the temporary compound required for the works at Austhorpe Lane bridge, particularly in terms of the loss of existing mature trees and the impact on the designated Neighbourhood Park (G1913). Whilst LCC observed that the permanent effects would be confined to an inspection chamber the temporary impacts are not fully understood.

9.3.3 Local residents have also raised objections to the loss of the grade II listed bridge, the implications of changes to the highway, cycle provision and possible effects on the community woodland.

9.3.4 Firstly it should be noted that the Order Scheme only covers a small proportion of the Neighbourhood Park allocation, with the remaining area used as a temporary compound being permitted under part 4 to Schedule 2 of the GPDO. However Network Rail has committed to provide a letter of environmental

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commitment which will provide a series of environmental safeguards and enhancements for all of its compounds outwith the Order Scheme, including Austhorpe Lane.

- 9.3.5 As such it is Network Rail's position that the proposal will not prejudice the establishment of the Neighbourhood Park. Whilst there will be a temporary loss of habitat this will be offset by the commitment to provide BNG in accord with the agreed condition attached to the deemed planning consent, and the environmental commitments letter, to provide as far as possible an improvement to the existing habitat.
- 9.3.6 The changes to the highway have been designed in conjunction with LCC as highway authority and tested through an independent road safety audit. The design philosophy is covered in the proofs of Mr Harrison & Mr Stamper (**CD 7.05 & 7.08** respectively).

9.4 Barrowby Lane

- 9.4.1 The works to enable the closure of the existing level crossings at Barrowby Lane and Barroby Foot, and in particular their replacement with a bridleway bridge, have raised two objections from M.Crowhurst (4/Obj 29) and B.Kilwa 4/Obj/04). These cover the visual impact of the proposed bridge on the local landscape, wildlife and trees; the cost of the bridge and the possibility of the structure attracting anti-social behaviour.
- 9.4.2 In terms of visual impact and effect on wildlife a series of mitigation measures will be put in place to reduce any visual impact, including native woodland and species rich hedgerow planting to the north and south of the railway line. The proposed planting will form a connection to existing woodland and filter views, which will help to integrate the bridge into the existing landscape and enhance the biodiversity along this section of the rail corridor. As mentioned before this is consistent with the Garforth Neighbourhood Plan policies GSRE9 & 10.
- 9.4.3 In terms of the cost of the structure, whilst it is acknowledged that such bridges are expensive (in the region of around £2-3 million) these capital costs are outweighed by the removal of (in this case) two level crossings and the attendant benefits to the safe and efficient running of the system that accrue from their removal.
- 9.4.4 Mention is also made of the potential for anti-social behaviour. I do not accept that a bridge in itself will be the cause of any upsurge in anti-social behaviour, particularly in such a semi-rural location as Barrowby Lane. There is no evidence that other bridges of a similar nature constructed in the recent past have attracted issues. Additionally elements of the design such as low level

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lighting and open parapets on the opposite side to the live railway help to mitigate any potential issues.

9.5 Other Planning Issues

- 9.5.1 Garforth Moor LC – the closure of this crossing itself is not covered by the DPP and the application for planning permission referred to in paragraph 3.1.9 (for retention of a track to allow access to the allotments north of the crossing) is still pending determination. However, if approved it will maintain an alternative access to the allotments and, by being confined to the edge of the field, will not prejudice any future development aspirations.
- 9.5.2 Ridge Road A414 bridge – objections received in respect of the loss of the listed structure or its possible re-construction are dealt with in the Heritage proof of Ms Jones.
- 9.5.3 Wykebeck Avenue Compound – A comment was raised by LCC on the use of part of the Waterloo Sidings site for an access and temporary construction compound for works on the adjacent tran railway. I am aware of an approved planning application (reference 21/00654/FU) for the development of the whole Sidings site for residential development (147 units) and provision of open space. The latter area is part of where the temporary compound is to be located. LCC were concerned that the temporary compound could prejudice the provision of the open space to be provided in a phased manner in accord with the permission. However, because the land in question was only recently sold by Network Rail to the developer, arrangements for the use of the land for TRU purposes and the subsequent restoration of the land are covered in the terms of the sale agreement.

10. CONCLUSIONS

- 10.1.1 It is my contention that there is clear policy support for the Order Scheme, and indeed the wider Scheme, at both national and local level, as detailed in sections 5, 6 and 7 above. It is consistent with the NPPF and Government economic and transport policy objectives, and key local plan policies. .
- 10.1.2 The Order Scheme is considered to comply with the relevant LCC development plan policies, and in particular policy SP11, which clearly gives Local Planning Authority support to major infrastructure improvements in Leeds. However the order Scheme is also consistent with other key Core Strategy and development plan policies, including SP3 (role of Leeds City Centre), SP6 (Economic Development), Design (P10), Heritage (P11), Green Space (G6), Landscape (P12), Protection of important species and habitats (G8) and Biodiversity (G9).

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- 10.1.3 It should also be pointed out that the most up-to-date element of the development plan is the Garforth Neighbourhood Plan (adopted 2023) and the Order Scheme is consistent with the relevant policies therein.
- 10.1.4 As these policies form part of the up-to date development plan for Leeds significant weight should be given to them. The emerging development plan update (Your Neighbourhood, Your City, Your Planet -2022) has yet to be tested by means of Inquiry and thus only limited weight can be given to the revised policies, though it is again worth pointing out that the Order Scheme is consistent with the emerging policies on protecting trees, woodland and hedgerows and ancient /veteran trees and biodiversity as currently worded.
- 10.1.5 The Order Scheme is a key component of a series of improvements to the Transpennine route. The Order Scheme provides, in combination with other schemes, additional capacity on the Transpennine route, thereby strengthening and reinforcing the opportunity for rail to be a viable alternative to road-based traffic, with its commensurate benefits on climate change and sustainability. It also improves connectivity along the route, which in turn acts as an enabler for economic improvements. This is clearly in accord with the Government's desire for the planning system to facilitate the building of a strong and competitive economy as set out in Chapter 6 of the NPPF. There is a clear link between the Order Scheme and the Government's aims for the planning system to pro-actively drive and support sustainable economic development to deliver the infrastructure needed by the country.
- 10.1.6 Railways are generally recognised as being a more sustainable transport system than the private car. To achieve a modal shift from the private car to trains, the railway system needs to be made more attractive to users in terms of its reliability and capacity. The Order Scheme therefore supports and fulfils the core land use planning principles of the NPPF by contributing to low-carbon economic growth and promoting sustainable travel in the region. Conversely if the Order Scheme is delayed significantly or cancelled completely these benefits are lost.
- 10.1.7 Delivering new heavy rail infrastructure investment requires a balanced approach. It should be clear from all the evidence presented that the Order Scheme will considerably improve accessibility, will be of an appropriate design and will not give rise to any unacceptable environmental effects.
- 10.1.8 It is my view that the need for the Order Scheme and the development options chosen shows the planning balance is in favour of approving the Order. The Order Scheme would fulfil the transport objectives of the adopted development plan and the provisions of the NPPF. The inspector is therefore respectfully

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requested to recommend that the Order be made, and that planning permission be deemed to be granted.

11. WITNESS DECLARATION

11.1 Statement of declaration

11.1.1 I hereby declare as follows:

- (i) This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- (ii) I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.



Tony Rivero
6 February 2024