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23 February 2024

Dear Mrs Taplin,

Copied to: Angela Lawson and Lauren Browne, Leeds City Council

The Network Rail (Micklefield to Leeds Enhancements) Order ("the Order") – Statement of Common Ground between Network Rail and Leeds City Council.

We are writing to provide a copy of a revised Statement of Common Ground (SoCG) between Network Rail and Leeds City Council (LCC), relating to the Order.

Following submission of the Order application by Network Rail on 17 July 2023, Network Rail and LCC have been in discussions to address the matters included in LCC's objection to the Order. On 30/01/24 Network Rail submitted to you a SoCG, which set out the position between the two parties on the majority of these matters. Several entries in the SoCG were agreed subject to the signing by both parties of an Environmental Agreement and a Highways Agreement. Both the Environmental and Highways Agreements have now been signed by both parties and revised deemed planning permission conditions have been agreed. We therefore provide the attached revised SoCG which reflects this position.

This letter is counter-signed by LCC to acknowledge the acceptance by LCC of the attached SoCG.

Yours sincerely,

Penny Carter
Network Rail

Angela Lawson
Leeds City Council

The Network Rail (Leeds to Micklefield Enhancements) Order**TRANSPORT AND WORKS ACT 1992****NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER****Statement of Common Ground – Network Rail
Infrastructure Limited and Leeds City Council**

Document reference	NR/SOCG/1
Date	23/02/24
Version	Draft 8

**The Network Rail (Leeds to Micklefield Enhancements) Order
Statement of Common Ground – Network Rail Infrastructure Limited and Leeds City Council**

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1. DEFINITIONS, ABBREVIATIONS AND REFERENCED DOCUMENTS

1.1 Definitions

Term to be defined	Concise definition of term
Category 1 and Category 2 Works	Permitted development works that form part of the Order Scheme, as specified in the Environmental Agreement.
Deemed planning permission conditions	A Statement of Proposed Conditions attached to the application for deemed planning permission (Order application document reference NR12).
Environmental Agreement	A legal agreement between Network Rail and Leeds City Council, dated 23/02/24 setting out agreed environmental mitigation to be applied to defined elements of the Order Scheme.
Highways Agreement	A legal agreement between Network Rail and Leeds City Council, dated 23/02/24 setting out agreed processes and protocols the Network Rail and Leeds City Council agree to abide by in implementing the powers granted to Network Rail under the Order.
Order	The Network Rail (Leeds to Micklefield Enhancements) Transport and Works Act Order.
Order Scheme	The seventeen Order elements, including Scheduled Works and land uses authorised by the Order.
Network Rail	Network Rail Infrastructure Limited.
NR015	Environment and Social Minimum Requirements for Projects – Design and Construction (NR/L2/ENV/015). Network Rail 2021.
Scheduled Works	Order works listed in Schedule 1 of the draft Order.
Scheme	The Order Scheme and the wider programme of works facilitated by the Order Scheme, for example the replacement of Kirkgate Bridge, Marsh Lane Bridge and Osmondthorpe Lane Bridge under GPDO Part 18 and the Neville Hill Access under TCPA 1990.
The Application	The application by Network Rail for the Network Rail (Leeds to Micklefield Enhancements) Order

1.2 Abbreviations

Abbreviation	Full terminology
BNG	Biodiversity Net Gain
CoCP	Code of Construction Practice
CTMP	Construction Traffic Management Plan
DPP	Deemed Planning Permission
EA	Environmental Agreement
EIA	Environmental Impact Assessment
ELOR	East Leeds Orbital Route
ER	Environmental Report
GPDO	The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
HA	Highways Agreement
HWG	Highways Working Group
LCC	Leeds City Council
NR	Network Rail
PD	Permitted Development
PRoW	Public Right of Way
SAP	Site allocation Plan
SoCG	Statement of Common Ground
TCPA	Town and Country Planning Act 1990
TMP	Traffic Management Plan
TP	Travel Plan
TRU	Transpennine Route Upgrade
TWAO	Transport and Works Act Order

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1.3 Referenced documents

Reference	Title
1	Leeds City Council Letter (including Appendix 1) dated 18 August 2023.
2	Network Rail Letter to Leeds City Council dated 29 September 2023.
3	Network Rail Letter to Leeds City Council dated 13 October 2023.
4	Network Rail response to Leeds City Council Appendix 1.
5	Letter from Network Rail to Leeds City Council dated 30 November 2023.
6	Environmental Agreement 23/02/24.
7	Highways Agreement dated 23/02/24.
8	Statement of Case Addendum (Leeds City Council).
9	Statement of Case (Leeds City Council).
10	Network Rail Consents and Works Register, version dated 19 December 2023.
11	Peckfield Level Crossing Alternative Options Evaluation Summary (Network Rail, 31 March 2023).
12	Letter from Network Rail to Leeds City Council dated 3 July 2023.
13	Peckfield Level Crossing Closure, Pit Lane, Micklefield Non-Motorised User Route Safety Assessment (TRU Alliance, 24 October 2023).

2. INTRODUCTION

2.1 Purpose

- 2.1.1 This Statement of Common Ground (SoCG) has been prepared in connection with an application for the Network Rail (Leeds to Micklefield Enhancements) Transport and Works Act Order (TWAo) (“the Application”), made on 17 July 2023.
- 2.1.2 The Application was submitted by Network Rail Infrastructure Limited (“Network Rail”) to the Secretary of State for Transport under Section 6 of the Transport and Works Act 1992 (the “1992 Act”) for the Network Rail (Leeds to Micklefield Enhancements Order) (“the Order”) under Sections 1 and 5 of the 1992 Act.
- 2.1.3 A Public Inquiry into this application will take place, starting on 27 February 2024.
- 2.1.4 The geographical extent of the Application lies within the administrative boundaries of Leeds City Council (LCC) and North Yorkshire Council, with the majority of the TWAo elements being within the LCC area.

2.2 Scope

- 2.2.1 This SoCG has been produced to confirm to the Public Inquiry Inspector where agreement has been reached between LCC and Network Rail (NR), where agreement has not been reached (and that is the parties’ final position), and where discussions are still ongoing.
- 2.2.2 The position on a number of the matters covered by this SoCG is agreed in the context of legal agreements between NR and LCC on highways and environmental matters and revised deemed planning permission conditions. On 23/02/24, NR and LCC signed both a Highways Agreement and an Environmental Agreement and agreed revised deemed planning permission conditions. Both parties therefore agree to this revised version (V8) of this Statement of Common Ground.
- 2.2.3 Both parties reserve the right to agree further changes to this version of the SoCG (Version 8), to take account of further negotiations undertaken and information received post 23/02/24.

2.3 Format

- 2.3.1 Section 3 summarises the issues that are ‘Agreed’, ‘Not Agreed’ or are ‘Under Discussion’. ‘Not Agreed’ indicates a final position where the parties have agreed to disagree, ‘Agreed’ indicates where the issue has been resolved.

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Section 3 is based on the issues included in the LCC Letter (Ref. 1) and the LCC Statement of Case (Ref. 9) and the LCC Statement of Case Addendum (Ref 8).

- 2.3.2 The ordering of Section 3 is based on grouping together similar issues by theme and is not necessarily presented as a linear numbered sequence in the same order as the LCC Letter (Ref. 1) paragraph numbers. Also in Section 3, all application documents are referred to in accordance with their NRXX reference number.
- 2.3.3 Appendix 1 comprises a record of engagement between Network Rail and Leeds City Council following the submission of the Application.
- 2.3.4 Appendix 2 comprises a draft revised Statement of Proposed Conditions, i.e. revision to Appendix 2 of NR12, which reflects the agreed position between both parties as at 23/02/24.

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3. ISSUES AND STATUS OF AGREEMENT

Table 1: Leeds City Council and Applicant position of subjects or topics regarding the Leeds to Micklefield Order

Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
1	Introduction	2	NR04	Need for and benefits of TRU	LCC agrees with and supports the stated need for and benefits of TRU, and the Order Scheme as an essential component part of the Transpennine Route Upgrade (TRU) project.	<p>The Leeds to Micklefield section of TRU currently experiences a number of constraints relating to the capacity, reliability and modernisation that are common to the whole Transpennine Route.</p> <p>TRU is a series of projects between Manchester, Huddersfield, Leeds and York with the objective of improving journey times and capacity, improving reliability and resilience and delivering environmental benefits from modal shift of transportation from road to rail and reduction of diesel-powered trains. The Leeds to Micklefield section of TRU and the Order Scheme are essential components of the wider TRU project.</p>	Agreed.
2	40	5		Deemed planning permission conditions	<p>LCC requested that NR consider a number of changes to the draft deemed planning permission (DPP) conditions that were submitted as part of NR12.</p> <p>LCC accepts the revised Statement of Proposed Conditions.</p>	Informed by progressive dialogue with LCC, NR has prepared a revised Statement of Proposed Conditions (part of NR12) which adequately address the concerns of LCC. This revised set of conditions forms Appendix 2 to this document.	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
3	1-3 & 6	6	NR02, NR13	Approach to use of permitted development rights and consents sought within the Order	LCC requires a full list of planning permissions and permitted development (PD) rights relied upon to deliver the Scheme. LCC is content that the Register of TRU Consents and Works provides the necessary clarification on the approach to development consent and use of PD rights across the Scheme.	NR has produced and will update quarterly a Consents and Works Register (Ref. 10) covering the LCC administrative area.	Agreed.
4	4-5 & 7	6	NR16	EIA Screening and environmental assessment	LCC queried the adequacy of environmental assessment included in NR16 and stated that the TWAO Scheme is Environmental Impact Assessment (EIA) development. Based on the NR position, LCC now accepts that NR16 contains an appropriate level of environmental assessment and that the Order Scheme is not EIA development.	NR notes that LCC issued an EIA Screening Opinion on 13/04/23 (Ref. PERAPP/22/00055) covering the wider TRU project within the LCC administrative area and that the Secretary of State has issued an EIA screening direction on the Order Scheme on 17/05/23.	Agreed.
5	8-9		NR16	Environmental mitigation	LCC queried the approach to securing environmental mitigation for Order Scheme elements that are not subject to an application for DPP and control under associated planning conditions. LCC accepts that the Environmental Agreement (EA), in combination with the Order, provides adequate environmental mitigation.	NR has negotiated an Environmental Agreement (EA) with LCC, with the objective of ensuring that LCC can be satisfied that, in combination with the submitted Order documents and NR015, mechanisms will be put in place to secure appropriate environmental mitigation.	Agreed.
6	10-11	16	Order application documents	Level of detail in application documents	LCC was concerned that the application documents did not provide a sufficient level of detail to enable it to adequately review the proposals. LCC and NR have subsequently engaged in	Agreed.	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					a series of meetings during which LCC officers have been able to seek clarification on areas of concern. LCC is now satisfied that it has a sufficient level of detail and understanding to allow it to review and evaluate the proposals.		
7	12-13		NR17	Code of Construction Practice – construction traffic	<p>LCC raised a concern over the lack of detail on the Construction Traffic Management Plan (CTMP) provided in the Order.</p> <p>LCC accepts the clarifications on the scope of the CTMP, which are included in the EA and revised DPP conditions, resolve its concern on this matter.</p>	<p>NR provided a response (Ref. 3) to direct LCC to Code of Construction Practice (CoCP) Part A and NR16 which detail the proposed content of a CTMP to be prepared and submitted to LCC for approval as required by a planning condition.</p> <p>A specification of a CTMP is included as a Schedule to the EA and a specification for the TMP is included as part of the HA. The EA specifies that the CTMP will apply to Category 1 and 2 Works. In Appendix 2, DPP condition 7 refers to the scope of a CTMP in the EA.</p>	Agreed.
8	16 - 17	7	NR9 & NR14	Application plans	<p>LCC raised a concern regarding the information shown on the application plans and the relationship between land within the DPP application boundary, land in NR ownership and the assessment of environmental effects.</p> <p>LCC also queried why the DPP application plans are not in the form of</p>	<p>NR has confirmed that DPP conditions will apply to the elements of the Scheme subject to DPP only.</p> <p>NR has confirmed that the NR boundaries of ownership are shown on the 'existing and proposed' detailed plans, submitted as part of the DPP application.</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					<p>a single continuous 'red line' application boundary.</p> <p>LCC is satisfied that the proposed EA and revised DPP conditions resolve its concerns about the application plans and is satisfied that the environmental effects of the Order Scheme have been appropriately considered in the Environmental Report (ER, NR16) and in the EIA screening process.</p>	<p>NR has entered into an EA with LCC, which, in combination with the DPP conditions (Appendix 2), will confirm the control of environmental mitigation for elements of the Order Scheme that are outside the DPP application boundaries.</p>	
9	18 - 19 (Ref. 4 (Appendix 1) Index ref 165 & 239)			Public Open Space	<p>LCC has queried whether impacts of the Order Scheme comply with Core Strategy Policy G6 on public open space.</p> <p>Following clarification received from NR, LCC agrees that none of the Order Scheme proposals have an adverse impact on public open space that would lead to the requirement for the provision of replacement public open space.</p>	<p>NR has provided clarification to LCC that none of the Order Scheme proposals involve the permanent development of public open space that would exceed the 250 square yards threshold in s.19 of the Acquisition of Land Act 1981, above which replacement land would be required to be provided.</p> <p>NR has also provided LCC with copies of letters from the Department for Levelling Up Housing & Communities, confirming the Secretary of State's intention to give relevant certificates in accordance with section 19(2) of the Acquisition of Land Act 1981, in relation to land at Penny Pocket Park and Austhorpe Lane.</p>	Agreed.
10	20 – 22	8	NR18	Approach to level crossings	<p>LCC queried why, of the four level crossings to be closed under the Order, DPP has been applied for only for the Peckfield Level Crossing Closure Scheme.</p>	<p>NR has provided further explanation of its approach to the inclusion within the Order of DPP for schemes to mitigate the closure of Peckfield Level Crossing and the Barrowby Lane and Barrowby Foot</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					<p>LCC now accepts that NR is legitimately seeking DPP for development associated with the NR schemes to mitigate the closure of both Peckfield Level Crossing and the Barrowby Lane and Barrowby Foot Level Crossings.</p> <p>LCC also understands that the primary development consent required to implement the level crossing closure mitigation scheme at Garforth Moor and is capable of being secured via planning permission outside the Order powers and that NR is not proposing any development associated with the scheme to mitigate the closure of Highroyds Wood Level Crossing.</p>	<p>Level Crossings, as these schemes involve development not covered by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).</p> <p>NR has also explained that an extant application for development consent required to implement the level crossing closure mitigation schemes at Garforth Moor will be relied upon and that the Highroyds Wood Level Crossing closure mitigation scheme involves the diversion of a Public Right of Way (PRoW) on the route of an existing path where no development is proposed.</p>	
11	64, 65	8 (+SoC Addendum)		Approach to Peckfield Level Crossing	<p>LCC considers that the proposed diversion of the PRoW bridleway, which currently crosses the railway at Peckfield Level Crossing at grade, is unsuitable for bridleway users.</p> <p>LCC also considers that the NR proposal to create a new PRoW footpath or bridleway through the Micklefield Recreation Ground presents a number of safety issues for users of the footpath / bridleway route and raises several other matters regarding this route.</p> <p>LCC has requested that Network Rail construct a bridleway bridge to mitigate the closure of Peckfield Level Crossing.</p>	<p>NR has provided LCC with further justification of its proposals to mitigate the closure of the Peckfield Level Crossing (refer to referenced documents 5 & 11 – 13).</p> <p>NR is satisfied that its proposals for the mitigation of the closure of Peckfield Level Crossing provide a suitable and convenient alternative route for PRoW bridleway users.</p>	Not agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
12	32 - 34	5		Deemed consents and disapplication of other legislation	<p>LCC was concerned that the wording of the draft planning conditions in NR12 suggested retrospective consultation with LCC.</p> <p>LCC also requested amendments to the draft deemed planning conditions in NR12.</p> <p>LCC has now agreed with NR the wording of a revised set of DPP conditions, as set out in Appendix 2.</p>	<p>Following further discussion with LCC, NR has proposed revised wording of DPP conditions (Appendix 2) to clarify the timing of consultation with LCC.</p>	Agreed.
13	32 - 33	5		Deemed consents and disapplication of other legislation	<p>LCC was concerned that NR is seeking to disapply the provisions of the Neighbourhood Planning Act 2017 (not yet in force) relating to the temporary possession of land, with the effect that the level of notice to be given by Network Rail under the draft Order would be significantly less than is required under the statute.</p> <p>Following further clarification received from NR (Ref.3), LCC agrees that the disapplication of the provisions of the Neighbourhood Planning Act 2017 is appropriate and that notice period in advance of temporary possession of land is appropriate.</p>	<p>The disapplication of the provisions of the Neighbourhood Planning Act 2017 is appropriate given the relevant sections of the Neighbourhood Planning Act 2017 have not been brought into force and subsidiary regulations to that Act have not yet been made. The disapplication provides certainty over the regime that will apply in relation to temporary possession of land and avoids the uncertainty that would occur for project delivery if the powers of temporary possession in the order were subject to change in the event that the regime under the 2017 Act was brought into force.</p> <p>This approach has been accepted by the Secretary of State on numerous other TWAO, including the Northumberland Line Order 2022, and the Network Rail (Oxford</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
						<p>Station Phase 2 Improvements (Land Only)) Order 2022.</p> <p>Notwithstanding the above, all land parcels identified as being subject to temporary possession powers are unoccupied parcels of land, consequently no residential or business occupiers will be affected by the service of temporary possession notices; accordingly, the 14-day notice period is considered appropriate.</p>	
14	36 - 39	11		Planning Policy & Guidance	<p>LCC was concerned that the application documents provided insufficient information for it to be able to understand impacts on land at Wykebeck Avenue for housing (Leeds Core Strategy Policy HG1) and an extant planning permission (reference 21/00654/FU – granted 29 March 2023) at Wykebeck Avenue.</p> <p>Following clarification received from NR, LCC agrees that the Wykebeck Avenue Compound proposals do not adversely affect the delivery of housing on the allocated site (Policy HG1) and that compliance with relevant planning conditions under planning permission 21/00654/FU is capable of being resolved.</p>	<p>Information on the timings and duration of compounds has been provided to LCC as requested as part of the Consents and Works Register (Ref. 10). The Wykebeck Avenue Compound is required from October 2023 to March 2027.</p> <p>At Wykebeck Avenue, agreement in principle for the proposed use exists between NR and the site developer.</p> <p>The Planning Statement (NR13) notes in 3.1.4 that the proposed works are PD under the GPDO Part 4, consequently NR will restore the site to the existing condition, or a condition agreed under licence with the land owner. Article 4 of the EA includes a commitment to consult on site restoration proposals.</p> <p>NR is aware of the planning permission 21/00654/FU and its</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
						associated planning conditions, has held discussions with the site developer and is satisfied that its requirements for Wykebeck Avenue Compound are capable of being met without conflicting with the purpose of these planning conditions.	
15	36 - 39	11		Planning Policy and Guidance	<p>LCC was concerned that the application documents provided insufficient information for it to be able to understand impacts on land allocation, designation EG2-27 (Barrowby Land, Manston) and pending planning application (ref. 22/08491/OT). This site is also known as the 'Brown Moor' site).</p> <p>LCC notes that site allocation EG2-27 provides 21.2ha of general employment land and makes a significant contribution to the supply of employment land in Leeds. Following clarification received from NR, LCC is now satisfied that the temporary compound will not adversely affect the delivery of employment development on this site.</p> <p>LCC notes that the planning status of this site has changed whilst negotiations have been ongoing, as a result of parts of the Leeds Site Allocations Plan (SAP) being remitted for further consideration following a High Court challenge. It is confirmed that the Inspectors Report on the SAP Remittal was published on 02/01/24</p>	<p>NR has provided reassurance to LCC that its use of a small area of land south of Crawshaw Woods for a temporary construction compound (the Crawshaw Woods Bridge South Compound), for a period of approximately six months in 2025/6, will not adversely affect the development of the Brown Moor site, as set out in planning application ref. 22/08491/OT.</p> <p>NR has held discussions with the applicant, Scarborough Developments, for the temporary use of this land, which will not affect the delivery of the masterplan which is the subject of the extant planning application on this land, therefore there will be no loss of employment land.</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					and that this recommends that the land at EG2-27 be released from the Green Belt and allocated in the SAP for general employment development. On 17/01/24 the Main Modifications to the SAP, including the allocation of EG2-27 for general employment development, were adopted by the Council.		
16	43, 46, 48, 59, 60, 62	15		Highways Agreement	<p>LCC stated (Ref.9) that there has been a lack of detail on how impacts on the highway network will be managed, including the mechanism under which works to the highway will be carried out and details of a traffic management plan. These concerns included the disapplication of part of the New Roads and Street Works Act 1991 and associated notice periods.</p> <p>LCC is now satisfied that the HA provides an appropriate framework for the provision of details on highway design and highway network management.</p> <p>LCC is also satisfied that, in combination, the EA and the revised DPP conditions provide for adequate control over impacts of construction traffic through the mechanism of a Construction Traffic Management and Travel Plan (CTMP and TP).</p>	<p>NR has worked collaboratively with LCC to draft and agree a Highways Agreement (HA) (Ref. 7). The HA provides a framework for consultation of LCC by NR on highways design and highways network management proposals, including appropriate advance consultation / notice.</p> <p>Schedule 1 to the EA (Ref. 6) specifies the required scope of a CTMP and TP, which NR will submit for the approval of LCC. The CTMP and TP will apply to all Category 1 and Category 2 works and will include details of the routing and control of construction vehicles and measures to prevent mud etc on the highway.</p> <p>Additionally, revised draft DPP condition 7 requires NR to produce, for the approval of LCC, a CTMP and TP.</p> <p>Schedule 8 of the HA sets out the scope of a 'Traffic Management Plan' (TMP), which will be</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
						submitted to LCC for its approval. The TMP will address measures to be taken by NR to manage the impacts of its construction work on users of the highway, including details of temporary road closures and diversions, temporary and permanent suspension of parking bays, etc.	
17	61	15		Highways Working Group	<p>LCC stated (Ref. 9) that there has been a lack of detail on how impacts on the highway network will be managed, including how disruption to users of the highway will be managed.</p> <p>LCC agrees that the HWG is an appropriate mechanism for NR to provide the required details of the management of highways network impacts, to an acceptable programme for the provision of such information.</p>	<p>The HA refers to the establishment of a 'Highways Working Group' (HWG) and includes the terms of reference of the HWG. The HWG has been established and to-date there have been three meetings of the HWG.</p> <p>The main purpose of the HWG is to discuss the highway design and highway management issues relating to the Order Scheme. However, NR and LCC have agreed that the HWG will also cover the same topics for other elements of the wider TRU Scheme within the LCC administrative boundary.</p>	Agreed.
18	43	15		Highways – phases of construction	<p>LCC stated (Ref. 9) that insufficient information has been provided regarding the extent of the construction period and what each phase of construction will consist of.</p> <p>LCC is now satisfied that, at this stage of the programme, it has or will be provided with sufficient information on construction programme to be able to understand the impact of the proposals</p>	<p>Network Rail has provided LCC with a Consents and Works Register (Ref. 10) which sets out details of the construction programming of the Order Scheme works and of other TRU works within the LCC administrative area. The most recent version of this register is dated 19/12/23.</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					on the highway network at the appropriate time.	<p>The HA includes a commitment by NR to update the Consents and Works Register quarterly, to engage via a Highways Working Group and to adhere to protocols on pre-application consultation.</p> <p>Condition 3 of the revised draft DPP conditions requires NR to prepare, for the approval of LCC, a written scheme setting out the stages of development. This scheme will reflect the detailed construction programme for the Order Scheme works and will address this specific concern raised by LCC.</p>	
19		15		Highways – traffic management	<p>LCC was concerned about the mechanisms under which works to the highway will be carried out and how disruption to users of the highway will be managed.</p> <p>LCC is now satisfied that the HA provides an appropriate framework within which the planning and implementation of works to the highway can be successfully managed.</p>	<p>NR has worked collaboratively with LCC to draft and agree a HA (Ref. 7). The HA provides a framework for consultation with LCC on highways network management and clarifies the applicability of the Leeds Permitting Scheme.</p>	Agreed.
20	44	15		Highways – consultation with statutory undertakers	<p>LCC required greater clarity on consultation undertaken by NR with statutory undertakers and specifically any work required to their infrastructure and consequent impacts on the highway network.</p> <p>LCC noted that it owns service tunnels that lie underneath highway to be used</p>	<p>In its letter dated 13/10/23 (Ref. 3), NR confirmed that it had complied with legal requirements to consult statutory undertakers.</p> <p>NR also noted in the same letter that the draft Order has specific provisions for the protection of statutory undertakers' apparatus.</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					<p>for construction traffic associated with the Kirkgate Construction Compound.</p> <p>LCC agrees that potential impacts on the highway network due to works affecting statutory undertakers' infrastructure and service tunnels owned by LCC can be adequately managed via the Order, or via the HA and/ or EA.</p>	<p>As LCC is not classed as a statutory undertaker, service tunnels owned by LCC do not benefit from the protections set out in the draft Order. When LCC provides more details on these tunnels, NR will assess whether they will be affected by the proposed works and consider if there is any need for specific impact management measures in accordance with the HA Traffic Management Plan (TMP) and/or the EA Construction Traffic Management and Travel Plan (CTM&TP).</p>	
21	45	15		Highways – Abnormal Indivisible Loads	<p>LCC was concerned about a lack of detail at this stage on the movement of Abnormal Indivisible Loads and on implications for emergency vehicles.</p> <p>LCC is now satisfied that information on these matters will be provided to and discussed at future HWG meetings.</p>	<p>Noting that the main construction works requiring Abnormal Indivisible Loads are those to be undertaken from the Kirkgate and Marsh Lane compounds over Christmas 2027, NR has acknowledged at the first HWG meeting the requirement for more details, including how potential impacts on emergency vehicles will be managed. NR has undertaken to provide details of timings, weights and configurations, Abnormal Indivisible Loads and arrangements for emergency vehicles at future HWG meetings.</p>	Agreed.
22	41	17		Highways – replacement of structures	<p>LCC has raised concerns about proposed like for like replacement of structures, where LCC states that existing structures do not meet modern standards, specifically at Austhorpe</p>	<p>In discussions with LCC, NR confirmed that the Order proposals for Crawshaw Woods Bridge include reinstating the existing 1 in</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					<p>Lane Bridge and at Crawshaw Woods Bridge.</p> <p>Concerns relating to the highway design at Austhorpe Lane are covered in entry number 23.</p> <p>The concern over Crawshaw Woods Bridge relates to the proposed gradient of the PRow footpath approach to the north side of Crawshaw Woods Bridge, which LCC states is not compliant with DDA standards.</p> <p>Following further clarification from NR, LCC accepts that its concerns regarding PRow accessibility are capable of being dealt with by separate agreement with NR.</p>	<p>8 PRow footpath gradient on the northern approach to the bridge.</p> <p>NR has considered options for the creation of a shallower gradient access to the bridge, but notes that this would require the construction of a ramp structure in an agricultural field, involving the importation of large volumes of fill material and significant additional land take compared with the proposed design, causing interference with the agricultural use of the field. NR considers that a like for like PRow footpath gradient is the preferred option in this context.</p> <p>However, NR is also aware of LCC's aspiration to create a bridleway crossing over the bridge. Network Rail has confirmed to LCC that it would be willing to consider providing a 1 in 15 gradient to enable this future aspiration, on the condition that LCC provide NR (at nil cost) the necessary land to accommodate a shallower-angled access ramp to the bridge, under an agreement that would take place outside of the Order process.</p>	
23	50, 51, 52	18		Highways – Austhorpe Lane	LCC raised concerns that the proposed design of the highway to be carried by the replacement Austhorpe Lane Bridge was not in accordance with relevant design standards.	NR has undertaken detailed discussions with LCC on the proposed design of the Austhorpe Lane Bridge highway and has provided LCC with a 'Form 6' [Civils Form F - Roads/ Highway Authority	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					LCC has reviewed the NR Form 6 highways design document and provided NR with approval in principle of the proposed design. LCC does not object in principle to the proposed highway design.	agreement to bridge works, document reference 151666-TRA-78-HUL4-FO6-W-ST-203151] highway design details document.	
24	54	15		Highways – safe access to compounds	<p>LCC has raised specific safety concerns regarding NR proposals for access to the Crawshaw Woods South Compound via William Parkin Way and to the Kirkgate Compound via Call Lane.</p> <p>Following receipt of clarification from NR on its proposals for access to these sites, LCC is satisfied that safe access arrangements are possible and that the detail of such access can be agreed via protocols in a HA.</p>	<p>Following discussion with LCC and Scarborough Developments, NR has agreed to alter the point of access from the public highway (William Parkin Way) to the Crawshaw Woods South compound, subject to agreement with the landowner. NR will insert in the HA an obligation to use reasonable endeavours to reach agreement on the use of this revised access. This alternative access is an existing access point approximately 110m south-southwest of the access shown in the Order Works and Land drawing (Sheet No. 5).</p> <p>NR has confirmed that the Call Lane access is required and will be used only for light construction vehicular access (e.g. vans and personnel access). This access route will not be used for heavy construction vehicles including heavy plant and materials delivery. Impact on existing users of Call Lane can be effectively managed via measures to be included in the TMP, CTMP and TP.</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
25	67 - 70	15		Sustainable transport and PRow	<p>LCC raised concerns about the impact of TRU construction works on LCC cycle routes, specifically: signed cycle route on Railway Street, adjacent to the proposed Marsh Lane Compound; and core cycle route 66 to East Leeds (affected by the Neville Hill Access Land).</p> <p>LCC accepts that protocols included in a HA are capable of adequately managing impacts on the cycle route network.</p>	<p>The draft HA contains a series of protocols relating to the use of both temporary and permanent stopping up powers under the Order. The purpose of the protocol is to ensure that LCC will have advance notification of any proposed stopping up or diversion of routes and to agree measures to ensure that they are appropriately managed.</p> <p>Details of implications for cycle routes and mitigation requirements will be discussed with LCC under the remit of the Highways Working Group.</p> <p>At Railway Street, any temporary construction impacts on access to the signed cycle route will be managed in agreement with LCC, via a temporary diversion if required.</p> <p>At route 66, temporary construction impacts will be managed via an appropriate diversion for the short duration of the construction of the new Neville Hill Access Road. The design for the new Access Road, which is the subject of a separate planning application, takes account of the continued use of route 66 through a purpose-designed junction with the Access Road.</p>	Agreed

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
26	19b (i – iii)	7		Overall justification for land acquisition.	<p>LCC has stated (Ref. 1) that NR's overall justification for compulsory acquisition is inadequate and not in compliance with the tests of necessity, proportionality and being in the public interest. Specifically, this position relates to the Order including acquisition of rights and permanent or temporary land relating to works that are consented or to be consented outside the Order. LCC stated (Ref. 1) that it does not agree with this approach.</p> <p>Following the provision of further clarificatory information referred to under the Applicant Position, LCC is content that the compulsory acquisition of land within the Order is adequately justified and understands the justification for and does not object to the approach taken by NR on the exclusion from the Order of certain planning permissions or other consents for works either within Order limits or associated with Order land.</p>	<p>Sections 3.1.1 and 3.1.4 of the Planning Statement (NR13) clearly describe the elements of the Order, their purposes and any planning permissions that are required outside of the Order.</p> <p>NR set out in a letter to LCC (Ref. 3) that it has only included land within the Order limits which is judged to be required for the Scheme. Where possible NR has sought to limit the powers to temporary possession powers only. This was further explained at a meeting with LCC on 20 October 2022.</p> <p>NR also wrote to LCC on 29 September (Ref. 2), providing clarification on this point under the sub-heading "Approach to use of permitted development rights/Approach to Consents Sought Within the Draft Order". NR explained that acquisition of rights and permanent or temporary land relating to works that are consented or to be consented outside the Order is a legitimate approach for a TWAO. Examples in the Order include Kirkgate Viaduct Temporary Compound, the Marsh Lane Bridge temporary compound, the Osmondthorpe Lane temporary compound, the Garforth Moor access land and the Brady Farm Bridge access land.</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
						Application document NR18 (List of Consents, permission or licences under other enactments) provides details of development that will be consented via PD or separate planning permissions, outside the Order powers.	
27		7 (7.2)		Approach to land acquisition.	<p>LCC has raised concerns (Ref. 1 and Ref. 9) that the inclusion within the Order of acquisition of rights and permanent or temporary land relating to works that are consented or to be consented outside the Order, does not allow LCC to assess the impacts of the Order Scheme on its statutory functions, creates difficulty in discharging conditions and does not allow the Inspector or secretary of State to adequately assess the Order Scheme and ensure that cumulative impacts are taken into consideration.</p> <p>Following the provision of further clarificatory information referred to under the NR Position, LCC has adequate information to enable it to assess the impacts of the Order Scheme on its statutory functions, is satisfied that arrangements for managing the impacts of the Order Scheme are adequate and that cumulative effects have been taken into account.</p>	<p>Sections 3.1.1 and 3.1.4 of the Planning Statement (NR13) clearly describe the elements of the Order, their purposes and any planning permissions that are required outside of the Order.</p> <p>NR set out in a letter to LCC (Ref. 3) that it has only included land within the Order limits which is judged to be required for the Scheme. Where possible Network Rail has sought to limit the powers to temporary possession powers only. This was further explained at a meeting with LCC on 20 October 2022.</p> <p>Network Rail also wrote to LCC on 29 September (Ref. 2), providing clarification on this point under the sub-heading "Approach to use of permitted development rights/Approach to Consents Sought Within the Draft Order".</p> <p>An EIA Screening Direction Request Letter dated 05/04/23 was submitted to the Secretary of State under Rule 7(13) of the Transport and Works (Applications and</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
						<p>Objections Procedure) (England and Wales) Rules 2006 (the TWAO Rules). The Screening Direction Request Letter and section 4 of the ER (NR16) (paragraphs 4.1.11 – 4.1.17) consider cumulative effects, including other elements of TRU that do not form part of the Order Scheme. The Secretary of State determined that the Order Scheme is not EIA development.</p> <p>Network Rail and LCC have agreed a revised Statement of Proposed Conditions and an EA, which clarify arrangements for managing the impacts of the Order Scheme.</p>	
28	19b (iv 1)	7		Application plans and approach to land acquisition - the Neville Hill Access Land at Newmarket Approach	<p>LCC noted that Network Rail's justification for the permanent acquisition of land at Newmarket Approach is unclear.</p> <p>LCC notes that the further clarification provided by NR to justify the permanent use of the Neville Hill Access Land is under consideration.</p>	<p>NR provided a detailed explanation of the land required at a meeting held with LCC on 19 July 2023. NR also set out in a letter to LCC (Ref. 3) the justification for the permanent use of the Neville Hill Access Land.</p> <p>Newmarket Approach is needed to provide an unimpeded access to the Neville Hill Up Sidings, to facilitate track electrification works as part of TRU and to carry out operational maintenance on NR operational infrastructure.</p>	Under discussion.
29	23	9	NR16	Biodiversity Net Gain	LCC notes the commitment by NR to deliver 10% net gain. LCC requests that a more specific and deliverable commitment is made to secure 10%	NR provided a response to confirm BNG will be delivered within LCC's administrative boundary (Ref. 3).	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					<p>net gain within the Council's administrative area. (Ref 1).</p> <p>LCC now accepts biodiversity net gain (BNG) can be delivered within the Council's administrative boundary as set out in the amended planning condition 10 and the EA (Ref. 6).</p>	<p>NR has addressed this matter in the planning condition 10 (Appendix 2) and in the EA prepared in consultation with LCC (Ref. 6).</p>	
30	28	9	NR16	Biodiversity Net Gain	<p>LCC requested to review BNG baseline calculations or measurements for Network Rail's assessment of the net gain in order to confirm the approach taken (Ref. 1).</p> <p>Based on the NR response outlined in the applicant position, LCC now accepts NR will consult with LCC on the BNG approach as set out in an EA (Ref. 6).</p>	<p>NR provided a response (Ref. 3) to confirm an "estimate" of the current position of BNG based on assumptions made concerning vegetation removal required to facilitate the Order Scheme and habitat replacement shown in the Outline Landscape and Ecological Mitigation figures and Outline Draft Land Restoration Proposals figures (in NR16) is being prepared (Ref. 3) and commits to work together with LCC in a BNG Working Group in order to identify and agree opportunities to deliver BNG through enhancement on sites within LCC's administrative boundary where 10% net gain cannot be achieved on-site.</p>	Agreed.
31	25 – 29	9	NR16	Biodiversity Net Gain	<p>LCC raised the importance of the development demonstrating compliance with Leeds Core Strategy Policy G9, demonstrating an overall net gain for biodiversity, including a positive contribution to the habitat network, providing new areas and opportunities for wildlife and avoidance of significant impact on the integrity</p>	<p>NR provided a response (Ref. 3) confirming a minimum 10% net gain for biodiversity will be secured by condition 10 of NR12 (see Appendix 2) and that the current wording of the DPP draft condition 10 (Appendix 2) closely aligns with that used on previous TWAO schemes, notably the East West</p>	Agreed.

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					<p>and connectivity of the Leeds Habitat Network (Ref. 1).</p> <p>LCC requested a more specific and deliverable commitment is made to secure 10% net gain within the Council's administrative area which is policy compliant. LCC would like the draft planning condition amended, as set out in its 18/08/23 letter Appendix 1 ref 144-145 (Ref. 4).</p> <p>Based on the applicant position, LCC now accepts the BNG strategy, in accordance with Metric 3.0, will provide an acceptable mechanism to demonstrate compliance with Policy G9, secured under planning condition 10 and an EA.</p>	<p>Scheme and Huddersfield to Westtown.</p> <p>The Outline Landscape and Ecological Mitigation Proposals figures included in NR16 will act as the basis for the Landscape and Ecological Management Plan, which will also be secured by condition 5 of NR12 (Appendix 2) and that significant adverse effects on the Leeds Habitat Network are avoided, as detailed in Section 7.3 of NR16 (Ref. 3).</p> <p>The EA (Ref. 6) also states that NR will secure BNG of a minimum 10% for the Scheme within LCC's administrative boundary.</p>	
32	30-31	10	NR16	Ecology – Great Crested Newt	<p>LCC sought clarification on how great crested newt mitigation would be delivered under Network Rail's Organisational Licence and commitments that mitigation will be sufficient and secured (Ref. 1).</p> <p>Based on the applicant position, LCC now accepts that the NR Great Crested Newt Organisational Licence requires great crested newt mitigation in accordance with Natural England's requirements and that the wording of the EA (Ref. 6) ensures adequate management of potential impacts on Great Crested Newt.</p>	<p>NR provided a response (Ref. 3) confirming the NR Great Crested Newt Organisational Licence requires mitigation to be implemented in accordance with Natural England requirements.</p> <p>The NR Organisational Licence provides the mechanism for securing mitigation for great crested newt and NR will, in accordance with the EA (Ref. 6), liaise with LCC on related mitigation proposals.</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
33	49	15	NR16	Traffic and Transport Appraisal	<p>LCC raised a concern that the transport assessment does not use up to date traffic data, which would include data since the opening of the East Leeds Orbital Route (ELOR) (Ref. 1).</p> <p>Based on the applicant position, LCC now accepts the Transport Assessment does include up to date traffic data.</p>	<p>NR provided a response that the Transport Assessment uses 2021 Department for Transport figures, supplemented by traffic counts undertaken in November 2022 when the ELOR was operational (Ref. 3, Ref. 4).</p>	Agreed.
34	52		NR16	Arboricultural Impact Assessment	<p>LCC requested further detail on the ecological and arboricultural impacts of the gas main diversion on the proposed Green Park at Austhorpe Lane (Ref. 1).</p> <p>Based on the applicant position, LCC accepts that an arboricultural impact assessment has been provided sufficient for LCC to understand the likely impacts of the Replacement Austhorpe Lane Bridge and gas main diversion.</p>	<p>NR provided a response (Ref. 3) to direct LCC to Appendix 9 in Volume 3 of NR16 which provides an arboricultural impact assessment and mitigation proposals.</p>	Agreed.
35	55, 58		NR17	Code of Construction Practice	<p>LCC queried why only the CoCP Part A had been provided in the Order (Ref. 1).</p> <p>LCC now accepts that the CoCP Part A specifies adequate outline environmental management measures to be implemented during the construction period and that CoCP Part A provides a suitable level of information on the proposed content of CoCP Part B at this stage.</p>	<p>NR provided a response clarifying the scope of the CoCP Part A submitted with the Order (Ref. 3).</p> <p>NR commits to applying measures in the CoCP Part B to Category 1 and 2 Works as set out in the EA (Ref. 6).</p>	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
36	57, 66		NR16	Communications	<p>LCC requested a Communication Plan from NR, detailing how communication of all works and impacts on residents and key stakeholders (including Ward Members) will be provided. LCC also noted the plan should include dates, times and diversion plans for any highway works that are required and will affect users of the highway during the construction period of the Scheme as well as noise and vibration impacts.</p> <p>Based on the applicant position, LCC accepts that provisions are in place to ensure the production of an acceptable External Communication Plan.</p>	<p>NR provided a response (Ref. 3) to explain that the Environmental Report (NR16) includes a commitment to complete an External Communications Plan. Further, Appendix 2 includes condition 6 which requires the approval of a CoCP Part B by LCC and specifies that the CoCP Part B must incorporate an external communications programme. Under the EA (Ref. 6) NR agrees to apply the CoCP Part B (and external communications programme) to all Category 1 and 2 Order Works.</p>	Agreed.
37	71	13	NR16	Heritage	<p>LCC confirm mitigation has been agreed with Network Rail for the substantial harm caused by the demolition of the listed buildings (as part of the proposed Order Scheme (Ref. 1)).</p> <p>Following clarification from NR, LCC now accepts that mitigation has been agreed for the substantial harm caused by the demolition of Austhorpe Lane, Brady Farm and Ridge Road and for the less than substantial harm caused by the partial dismantling and reconstruction of Crawshaw Woods Bridge.</p>	<p>NR disagrees that the defined impact on Crawshaw Woods Bridge constitutes substantial harm. NR's assessment is that the impact on Crawshaw Woods Bridge, due to the partial dismantling and reconstruction of the Bridge, constitutes less than substantial harm.</p> <p>NR agrees with the defined impact of substantial harm caused by the demolition of the listed buildings Austhorpe Lane, Brady Farm and Ridge Road Grade II listed bridges, as part of the proposed Order Scheme (Ref. 3).</p> <p>NR welcomes LCC's confirmation that adequate mitigation has been</p>	Agreed.

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						agreed for the proposed works to four Grade II listed bridges.	
38	72-75	13	NR16	Heritage	LCC's view is that the impacts on the Leeds Minster as a result of the installation of the signalling gantry at Penny Pocket Park would cause less than substantial harm. This harm is not such that can be mitigated against, but LCC would like to draw this to the Inspector's attention in the consideration of the Application (Ref. 1).	<p>The proposed works at Penny Pocket Park include the installation of small-scale electrification and signalling infrastructure mounted on metal staging structures. The development proposed and the operational railway limitations prevent the location of the replacement signal gantry in any other location.</p> <p>NR does not agree that these works will detract from the tower of the Leeds Minster, which is a dominant feature within the view, or decrease the ability to understand and appreciate its historic interest. The additional feature of the proposed signal gantry is small scale and occupies a small proportion of the view, as part of an urban environment comprising existing urban features (Ref. 4).</p>	Not agreed.
39	79-81	14	NR16	Air Quality	<p>LCC queried the absence of any air quality assessment when NR16 identifies the potential for air quality impacts (Ref. 1).</p> <p>Based on the applicant position, LCC now accepts an air quality assessment is not required and mitigation for potential air quality impacts will be through the CoCP Part B, which includes a Nuisance Management</p>	NR provided a response (Ref. 3) to confirm this is not an EIA scheme and the reasoning for including an Environmental Report is to identify and secure environmental mitigation. NR16 sets out the reasons for not including an air quality assessment. As part of the CoCP Part B, a Nuisance Management Plan will be prepared.	Agreed.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					Plan, in accordance with planning condition 6 and the EA.		
40	82-86	12	NR16	Land contamination	<p>LCC queried the absence of a planning condition relating to land contamination and no requirement for NR to take any responsibility for site investigation or remediation (if required) (Ref. 1).</p> <p>Based on the applicant position, LCC now accepts that potential land contamination will be adequately managed at all Order Scheme locations.</p>	<p>NR provided a response (Ref 3) that the NR contract requirements for Environment (NR/L2/ENV/015) include a requirement to undertake risk assessments and remediation as required.</p> <p>A planning condition relating to land contamination has been prepared and included in a revised set of draft planning conditions (Appendix 2). Measures to control contamination are also included in the EA (Ref. 6).</p>	Agreed.
41		16	NR16	Flooding	<p>LCC raised concerns regarding flood risk and that mitigation for the effects of flooding will be sufficient (and based on recent survey data illustrating the locations of flooding) and will be secured.</p> <p>Following clarification provided by NR, LCC agrees that NR has used appropriate survey data in its assessment of flood risk and that the proposed management and mitigation of potential flood risk effects is appropriate.</p>	<p>An assessment of flood risk has been undertaken and reported within Chapter 13 and Appendix 13A of NR16.</p> <p>The assessment has been based on the latest survey information and guidance available online at the time of writing, including Environment Agency Flood Maps for Planning, Environment Agency Long Term Flood Risk maps and the Leeds City Council Strategic Flood Risk Assessment. The assessment identified all relevant works components of the Scheme are located within Flood Zone 1 and are not at risk of fluvial flooding, so no mitigation is required. An assessment of flood risk from ordinary watercourses or land</p>	Agreed.

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						<p>drains has identified a low risk and no mitigation is required.</p> <p>An assessment of surface water flood risk has identified some locations as being at a greater than low risk of surface water flooding, where mitigation will be required during construction. The assessment also considered the potential impact of relevant works components of the Scheme on flood risk elsewhere. As all works are located within Flood Zone 1, there will be no impact on flood mechanisms or floodplain storage and no mitigation is required. The construction of the Micklefield TSC is the only location where the increase in impermeable area will require the installation of a drainage system to mitigate the risk of displacing surface waters.</p> <p>As detailed at 4.1.3 of Appendix 13A (NR16), a construction phase surface water management plan will be produced and implemented to manage the risk of surface water ponding at applicable locations. During construction, surface water flood risk mitigation will be secured through adhering to Chapter 7 of the CoCP Part A [NR17]. This chapter sets out the requirement for a Pollution Prevention and Incident Control Plan (PPICP) to be prepared as part of CoCP Part B. This includes a requirement to</p>	

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						<p>consider site drainage including surface runoff.</p> <p>Appendix 2 includes condition 6 which requires the approval of a CoCP Part B by LCC and specifies that the CoCP Part B must incorporate a Pollution Prevention and Incident Control Plan. Under the EA (Ref. 6) NR agrees to apply the CoCP Part B (and Pollution Prevention and Incident Control Plan) to all Category 1 and 2 Order Works.</p> <p>During operation, the installation of a suitably designed drainage system at the Micklefield TSC will mitigate the risk of surface water flooding. No other mitigation during operation is required.</p> <p>NR has therefore demonstrated that flooding impacts due to the Order Scheme are very unlikely and sufficient mitigation is secured via the Order and associated commitments.</p>	
42		8	NR16	Veteran tree	<p>LCC raised a concern around the veteran tree (T44) that is located adjacent to the proposed new PRow route (along the north side of the railway) in Micklefield recreation Ground, as part of the Peckfield Level Crossing Closure Mitigation Scheme.</p> <p>LCC was concerned that a PRow route within the tree canopy spread</p>	<p>NR provided a response (Ref. 4) which confirmed that it would not be possible to route the proposed PRow (footpath or bridleway) around the edge of the root protection area of the veteran tree (T44) as it would encroach into the playing field, football pitch and</p>	Under discussion.

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
					<p>could bring about a risk of deadwood falling onto users of the footpath and suggested that instead, the path route should stay outside the canopy spread of this tree to avoid any such future conflicts.</p> <p>Additionally, LCC stated that there is likely to be future pressure to introduce lighting to this section of path for safety reasons, which has the potential to impact on protected species, namely bats (Ref. 1).</p>	<p>associated fencing of the Micklefield Recreation Ground.</p> <p>An Arboricultural Impact Assessment is provided in Appendix 9 of NR16. This Arboricultural Impact Assessment includes recommendations for a PRow construction methodology that avoids any requirement for excavation and helps to maintain soil structure and prevent compaction. The design of the path surface would be developed during the detailed design phase and would take into account the recommendations of the Arboricultural Impact Assessment.</p> <p>T44 is recorded on the Tree Survey Schedule (Appendix 9A in NR16, Vol 3) as having 'good' physiological condition, with a healthy crown condition. Therefore, extensive management of dead wood is not likely to be a significant requirement and would not result in any justification to fell the tree. Where deadwood was required to be removed this would be ad hoc and would only relate to the area where it posed a risk to people or property which will not change significantly from the existing situation where dead wood overhanging the recreation ground would require management anyway.</p>	

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Ref.	LCC letter paragraph ref.	SoC Section	Application Document	Subject or Topic	LCC Position	NR Position	Status
						No lighting is proposed on the PRow and no trees with suitability for supporting roosting bats were identified within the Peckfield Level Crossing Closure Mitigation Scheme area. Therefore, no further surveys for bats were required to support the appraisal included in NR16.	

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APPENDIX 1. RECORD OF ENGAGEMENT

Summary of engagement with Leeds City Council on the Network Rail (Leeds to Micklefield Enhancements) Order, between August 2023 – January 2024

This document contains a summary of the engagement with Leeds City Council (LCC) on the Network Rail (Leeds to Micklefield Enhancements) Order (“the Order”) between their objection on 18 August 2023, until 31 January 2024.

Network Rail has been working collaboratively with LCC on this Order, following their objection and has undertaken engagement in a number of ways, including virtual meetings and briefings, email correspondence and regular information provision. A broad range of officers, councillors and elected members at LCC have been briefed as part of this engagement, as evidenced by the range of meeting topics detailed below.

Network Rail is committed to continuing to work collaboratively with LCC on this scheme.

Meetings

A total of 45 meetings have been held with LCC on the Order between 18 August 2023 and 31 January 2024, with further future meetings already under discussion.

The section below sets out the series of meetings which are held with LCC on a regular basis, as well as the more detailed topic-specific sessions that supplement the regular engagement.

Fortnightly/ weekly meeting – A series of weekly meetings were established with LCC on 24 October 2023. These meetings are used as a forum by both Network Rail and LCC to raise key matters relating to the Order and are attended by members of the Station Development and Highways teams at LCC (Tracey Piper, Lauren Browne, Angela Lawson and Catherine Kimuli).

Highways Working Group – The Highways Working Group was established in February 2023. This meeting is used as a dedicated forum to discuss detailed highways matters. Eleven meetings have been held to-date.

These meetings are supplemented with targeted sessions on specific topics. Representatives from LCC’s Network Management, Bridges, Transport Development, Engineering and Highways teams are invited to attend these meetings. These meetings will become known as the Network Management Group going forwards, and will be used to discuss highways matters as the Order progresses.

Topic-specific meetings

As noted above, a number of topic-specific meetings have also been organised with LCC following the Order submission, in order to close out LCC’s concerns raised in its objection. Please see below for a list of the topics discussed with LCC between August 2023 – January 2024.

- Communications

**The Network Rail (Leeds to Micklefield Enhancements) Order
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- Consents
- Design
- Environment
 - Arboriculture
 - Ecology
 - Environment Agreement
 - Biodiversity Net Gain
- Funding agreement
- Highways
 - Highways Side Agreement
- Statement of Common Ground (SoCG)
- The Order process and objection management
- Transport

These sessions are attended by the relevant technical leads from both Network Rail and LCC.

A detailed briefing was also held with LCC Councillors on the proposals for Austhorpe Lane on 11 September 2023.

Meeting date	Topic	Meeting summary
Sep-23	Monthly meeting	Monthly working group with LCC
11/09/2023	Communications	Communications
12/09/2023	Consents	Deemed Consents, Development Stages and Listed Building Consents
12/09/2023	Highways	Highways Side Agreement
13/09/2023	Environment	Ecology, Arboriculture and BNG
27/09/2023	The Order process	Briefing on legal process for the Order
10/10/2023	The Order process	Order next steps
11/10/2023	Austhorpe Lane	Austhorpe Lane Bridge proposals
23/10/2023	Funding	Discuss TWAO2 funding agreement
24/10/2023	Fortnightly meeting	Fortnightly recurring call on Leeds to Micklefield Order
Oct-23	Monthly meeting	Monthly working group with LCC
31/10/2023	Highways	TWAO2 Highways Side Agreement Page Turn
Nov-23	Monthly meeting	Monthly working group with LCC
02/11/2023	Environment	TWAO2 Environmental Reports Meeting
03/11/2023	Objection management	Issues Log review
07/11/2023	Weekly meeting	Weekly call on Leeds to Micklefield Order
09/11/2023	Funding	Further funding agreement discussions
09/11/2023	Environment	Environmental Agreement meeting
14/11/2023	Austhorpe Lane	Austhorpe Lane
14/11/2023	Environment	Contaminated Land
14/11/2023	Weekly meeting	Weekly call on Leeds to Micklefield Order
15/11/2023	Consents	Deemed Conditions
21/11/2023	Weekly meeting	Weekly call on Leeds to Micklefield Order
23/11/2023	Peckfield Level Crossing	Peckfield Level Crossing
28/11/2023	SoCG	Statement of Common Ground #1
28/11/2023	Environment	CTMP conditions and agreements meeting
30/11/2023	Highways	Highways Side Agreement
30/11/2023	Consents	Deemed Conditions
Dec-23	Monthly meeting	Monthly working group with LCC

**The Network Rail (Leeds to Micklefield Enhancements) Order
Statement of Common Ground – Network Rail Infrastructure Limited and Leeds City Council**

Meeting date	Topic	Meeting summary
04/12/2023	Highways	Highways Working Group
06/12/2023	Environment	Environmental Agreement meeting
11/12/2023	Highways	TWAO Highways Agreement
13/12/2023	SoCG	Statement of Common Ground #2
20/12/2023	Highways	Highways Working Group
Jan-24	Monthly meeting	Monthly working group with LCC
08/01/2024	SoCG	Statement of Common Ground #3
09/01/2024	Weekly meeting	Weekly call on Leeds to Micklefield Order
10/01/2024	Highways	Road Safety Audit Stage 2 - Micklefield TSC Access Road
17/01/2024	Highways	Highways Working Group
18/01/2024	Highways	Highways Agreement meeting
19/01/2024	Weekly meeting	Weekly call on Leeds to Micklefield Order - discuss specifically Statement of Common Ground
23/01/2024	SoCG	Statement of Common Ground #4
23/01/2024	Weekly meeting	Weekly call on Leeds to Micklefield Order
25/01/2024	Highways	Neville Hill Access Planning Permission
30/01/2024	Weekly meeting	Weekly call on Leeds to Micklefield Order

APPENDIX 2. REVISED STATEMENT OF PROPOSED CONDITIONS (TO REPLACE STATEMENT OF PROPOSED CONDITIONS INCLUDED IN APPLICATION DOCUMENT NR12, APPENDIX 2)

CONDITIONS PROPOSED TO BE ATTACHED TO THE DIRECTION FOR DEEMED PLANNING PERMISSION

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 Statement;

“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 building recording” means recording to an appropriate level, in accordance with Historic England guidelines;

“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 shall 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. PRELIMINARY WORKS

No preliminary works within the relevant stage [to be inserted] are to commence until the details specified in 4 (i) – (iv) for that stage has 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.

(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 where deemed required.

(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.

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

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

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

5. LANDSCAPING & ECOLOGY

a) Within 6 months of the commencement of the development for that stage, 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) an 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).
- c) 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.

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 2021 Paragraph 174.

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.

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, , air pollution, hours of operation and temporary lighting;
- v) A noise and vibration management plan including a construction methodology assessment; and
- vi) A demolition methodology statement for relevant structures.

Each stage of the development must be implemented in accordance with the approved CoCP Part B 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 P10 and Paragraph 174 and 185 of the National Planning Policy Framework.

7. CONSTRUCTION TRAFFIC MANAGEMENT & TRAVEL PLAN

- 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]
- 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.

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 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 2021

9. ARCHAEOLOGY

- a) No stage of the development (except preliminary works) in the areas listed in i) – vi) 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.

- i) Penny Pocket Park
- ii) Austhorpe Lane Southeast compound
- iii) Crawshaw Woods
- iv) Ridge Road
- v) New Barrowby Lane
- vi) Measures for protection of loopoled 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.

c) The approved WSI must identify areas where appropriate archaeological investigations are required, include 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.

d) Any archaeological investigation 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 (2021), and policy P11 of the Leeds Core Strategy.

10. BIODIVERSITY NET GAIN

No development (excluding preliminary works) is to commence until a

strategy (including baseline metric calculations) to achieve an overall minimum 10% net gain within the Council's administrative boundary, including monitoring, maintenance, management and reporting arrangements, shall be submitted to 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 LPA, 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 3.0) 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 paragraph 174 (d).

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 Report(s) submitted to and approved in writing by the local planning authority.

If identified as being required in an Interpretative Report and/or where significant unexpected contamination is encountered which requires remediation, Remediation Strategy(ies) 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.

12. 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.

13. 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.

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