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The Network Rail (Leeds to Micklefield) Order

Department for Transport reference: TWA/23/APP/03

Transport and Works Act 1992 and The Transport & Works
(Applications and Objections) (England and Wales) Rules 2006

Statement of Case

On behalf of Leeds City Council

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1. INTRODUCTION

- 1.1 This Statement of Case is submitted by Leeds City Council (the **Council**) in respect of Network Rail Infrastructure Limited's (**Network Rail**) application to the Secretary of State for Transport (**DfT**) for an order (the **Order**) to be made under the Transport & Works Act 1992 (the **Act**) to authorise the construction, maintenance and operation by Network Rail of works on the Trans Pennine route between Leeds and Micklefield (**the Scheme**), details of which are set out in more detail in Network Rail's application document reference NR07.
- 1.2 The Council is the relevant highway authority responsible for the public rights of way and public road network for the area concerned, is the relevant planning authority and a landowner affected by the works proposed in the Order. The Council is in receipt of various listed building consent applications from Network Rail.
- 1.3 This is the Council's Statement of Case as required under rule 7 of the Transport and Works (Inquiries Procedure) Rules 2004.

2. BACKGROUND

- 2.1 The Council welcomes Network Rail's application to the DfT for the Order.
- 2.2 The Council fully recognises and supports the stated principal outcomes of the Scheme, namely:
- 2.2.1 **Improved Safety:** delivery of a safe way of passage for existing level crossing users across a number of level crossings, either via alternative routes, or new crossing structures.
 - 2.2.2 **Efficiency and reliability of the railway:** the closure of the level crossings and the installation of electrification equipment will help to provide the capability to regulate both freight and passenger trains.
 - 2.2.3 **Modernised signalling** will mean shorter headways between trains, meaning they can run closer together through more effective digital controls in place, and this in turn will allow for increased capacity in the number of trains that can be on the route at any one time.
 - 2.2.4 **Reduced operating and maintenance costs** as a result of the closure of the level crossings that need to be inspected, maintained and operated and the delivery of new track and electrification equipment. This will improve the reliability of the route and the train services operating on it.
 - 2.2.5 **Reduction of delays to trains and other highway users:** the closure of the level crossings will reduce the number of incidents which have a detrimental impact on train performance. Improved efficiency on the railway means fewer heavy vehicles on the highway network causing traffic issues and contributing to air pollution.
- 2.1 The Council understands that the purpose of the Scheme is to increase capacity and improve journey time and performance reliability of rail services on the Trans Pennine route between Leeds and Micklefield.
- 2.2 The Council recognises that a lot of work has been undertaken by Network Rail in partnership with the Council's own technical officers over the course of the evolution of the Scheme, and that much of the detail has been discussed through technical working groups held with Council Officers.
- 2.3 The Council is aware that the application for the Order is a significant undertaking that contains a lot of detail. Notwithstanding the level of detail submitted, there are a number of areas where the Council requires further information in order to be satisfied that the Scheme can be delivered without unacceptable impacts on the carrying out of the Council's various statutory functions.

- 2.4 The Council's overarching position in this Statement of Case is that, whilst being fully committed to and supportive of the Scheme, there are still some areas where further collaboration and negotiation with Network Rail are required to agree essential detail of the Scheme in advance of any Order being made. These specific areas are set out in this Statement of Case (and Issues Tracker at Appendix A).
- 2.5 Following submission of its holding objection in August 2023, through ongoing discussions and partnership working (including the production of the Statement of Common Ground) the Council and Network Rail have resolved a number of concerns. The Council welcomes the collaboration to date.

3. LEGISLATION & GUIDANCE

- 3.1 The draft Order has been applied for under sections 1 and 5 of the Act. The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (the **Rules**) apply.
- 3.2 Section 1 of the Act provides that:

1-(1) The Secretary of State may make an order relating to, or to matters ancillary to, the construction or operation of a transport system of any of the following kinds, so far as it is in England and Wales—

(a) a railway;...
- 3.3 Section 5 of the Act also details what additional powers can be included as well as controls and changes to various legislation.
- 3.4 Section 20 of the Act contains provisions confirming that anybody with power to promote or power to oppose Bills in Parliament shall also have power to object to orders under sections 1 and 3 of the Act. In those circumstances where that power is conferred under another act the conditions applying in that act shall apply to the exercise of powers to oppose (or promote) an Order under the Act.
- 3.5 The Council submitted its response to Network Rail's application for the Order to the DfT on 18 August 2023 (**the Rule 21 Submission**).
- 3.6 The Council, as a local authority in England has the power to oppose a Bill in Parliament under section 239 of the Local Government Act 1972 but only where a majority of the Council members approve such action having given the requisite notice and publication in the press of at least 10 clear days' notice of the meeting. The Council met on 15 November 2023 to ratify the Council's holding objection. The requisite notice was provided and the press notice appeared in the Yorkshire Post on 19 October 2023. As such the Council have complied with the provisions of Section 20 of the Act. The Council passed the resolution with the requisite majority.
- 3.7 The Council has had due regard to the following guidance comprising Transport and Works Act orders: a brief guide (Updated 26 November 2013).

4. OUTLINE OF THIS STATEMENT

- 4.1 **Section 5** of this Statement sets out the Council's approach to the drafting of planning conditions which, in the Council's opinion, will sufficiently secure and require the partnership working with Network Rail as described in paragraph 3 above. The Council considers that the imposition of planning conditions on any deemed planning permission for the Order works, in addition to the agreement of a Highways Side Agreement and Environmental Agreement will provide the fundamental mechanism by which the consideration and approval of further details can be secured.
- 4.2 The Council has reviewed the draft planning conditions submitted by Network Rail as part of the application for the Order (NR12), and proposed modifications where the Council considers it

necessary to do so in order to make the Scheme acceptable to the Council in planning terms and with regard to the Council's multiple statutory functions.

- 4.3 Where the Council considers that it is necessary to propose additional or alternative planning conditions in order to secure the approval of additional details not anticipated by NR12, it has provided draft conditions for the DfT's consideration (as per Appendix B). Negotiations are still ongoing regarding these.
- 4.4 **Sections 6-18** of this Statement then set out the Council's outstanding key concerns as well as justifying the Council's position in respect of the adequacy of the information provided to date, and the need to secure additional mechanisms through which the Council can approve and control the detailed implementation of the Scheme and the carrying out by Network Rail of works.
- 4.5 Appendix A (Issues Tracker) sets out outstanding specific matters where the Council requires further information, and also aids to support the key concerns as described throughout this statement of Case in Sections 6-18. Note if there is a discrepancy between the contents of the Statement of Case and Appendix A, the Statement of Case will reflect the updated position.

5. PLANNING CONDITIONS

- 5.1 The Council in its capacity as local planning authority has undertaken a review of Network Rail's suggested planning conditions (NR12), and in collaboration with technical officers across the Council submitted a list of amended, additional, or alternative conditions. These conditions were detailed in Appendix 1 of the Rule 21 Submission. Discussions have taken place with Network Rail since the Rule 21 Submission. An updated set of conditions was sent to Network Rail on 13 November 2023 and is appended to this Statement of Case at Appendix B.
- 5.2 As noted above, the requirement for the conditions arose where insufficient details were provided in the application documents submitted or minor concerns/queries raised by technical officers could be addressed satisfactorily by way of condition.
- 5.3 Planning conditions should meet six tests:
 - 5.3.1 Necessary
 - 5.3.2 Relevant to planning
 - 5.3.3 Relevant to the development to be permitted
 - 5.3.4 Enforceable
 - 5.3.5 Precise
 - 5.3.6 Reasonable in all other respects
- 5.4 The Council will continue to work with Network Rail to further consider and refine the revised list of conditions detailed in Appendix B and to work with Network Rail to produce a Statement of Common Ground ahead of the opening of the inquiry. The Council anticipates that this Statement of Common Ground will set out the wording of conditions where such wording has been agreed with Network Rail and where the Council considers that each of the six tests are met.
- 5.5 The Council invites both the Secretary of State and Network Rail to consider the proposed amendments and additions and looks forward to working with all parties to produce an agreed final set of conditions.
- 5.6 As part of the deemed conditions, the Council has requested further clarity as to the contents of the Code of Construction Practice Part B.
- 5.7 As per the revised draft planning conditions provided to Network Rail for consideration it is envisaged that common ground will be reached on all planning conditions, save for a proposed

condition for the closure of Peckfield Level Crossing (more detail of which is provided in Section 8.

6. APPROACH TO CONSENTS SOUGHT WITHIN THE DRAFT ORDER AND USE OF PERMITTED DEVELOPMENT RIGHTS

6.1 Background

6.1.1 At the time of submission of the Rule 21 Submission, Network Rail's rationale for its approach to consenting was unclear. It was unclear to the Council why a range of consenting regimes were being utilised for works to this stretch of the Transpennine Route Upgrade.

The Council notes that the definition of "authorised works" contained within Article 2 (Interpretation) of the draft Order (Document Ref: NR02) is as follows, "the scheduled works and any other works authorised by this Order the planning permission and the Town and Country Planning (General Permitted Development) (England) Order 2015 including Part 18 of Schedule 2 to that Order or any part of them".

6.1.2 Network Rail explains in the Explanatory Memorandum (Document Ref: NR03) that the definition has been "widened to include both the Scheduled Works (which are the subject of the request for deemed planning permission) and also works which falls within permitted development rights and planning permissions which are to be secured by Network Rail, as are identified in the List of Permission and Consents."

6.1.3 Notwithstanding that certain works may be consented pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), Network Rail had included these in the draft Order, but had not subsequently listed these works on the Works and Land Drawings (Document Reference NR09).

6.1.4 The Environmental Report Volume 1 (Document Reference NR16) makes clear, at paragraph 1.3.4 that the scope of the environmental assessment "*does not consider the effects of certain additional elements which are either to be carried out as permitted development or through planning permission obtained separately from the local planning authority. The proposed Leeds to Micklefield Enhancements Order includes provisions to facilitate these elements but does not authorise the works. These elements are not included in the scope of this Report.*"

6.2 Concerns

6.2.1 The Council are now satisfied that the approach taken by Network Rail is not unusual. However, as discussed with Network Rail it is important that it is clear with the Council which land/works falls under which consenting regime to ensure that no works or impacts of those works fall between each approval process and are missed.

6.2.2 Network Rail has provided a list of all proposed works (to be carried out under all proposed consenting regimes) which it is understood will be included in a "Consents Tracker" which Network Rail has agreed will be updated and shared with the Council at regular intervals up to and during construction of the Scheme.

6.2.3 The Council has requested a commitment from Network Rail that this is to be provided. Discussions are ongoing with Network Rail in this regard. It is hoped that such a commitment will be included in either the Highways Side Agreement or Environmental Agreement which are currently being negotiated with Network Rail.

7. APPLICATION PLANS AND APPROACH TO LAND ACQUISITION

7.1 Background

- 7.1.1 At the time of submission of the Rule 21 Submission, the full extent of the land over which Network Rail has control did not appear to be shown in the Application documents despite Network Rail applying for powers and planning consent over such land, together with carrying out works under separate permitted development rights.
- 7.1.2 For example, the proposals for the Neville Hill temporary compound, which are not included within the Application for the Order are unclear. Further clarification from Network Rail was required for the Council to properly understand what is proposed. The Council understands that Network Rail seeks to carry out these works under a planning application, using the Order to acquire the land.
- 7.1.3 Land at New Market Approach (Plots 4-001 and 4-003) has been included for permanent acquisition. However in discussions with the Council, Network Rail's rationale for the use of this land has changed on a regular basis and is unclear to the Council. The draft Order notes at Schedule 2 (Acquisition of certain lands for ancillary works) that this is required for provision of a permanent access for rail related purposes. However the Council has previously been advised that the land is required for altering the route to Pontefract Road, as well as for the relocations of businesses from the vicinity of the Neville Hill Depot site to elsewhere. Network Rail's justification for the acquisition of this land is not sufficiently clear.
- 7.1.4 The Council has previously provided comments on the proposed compound and the associated traffic impacts, and the accesses from the existing access off Pontefract Lane as well as the proposed new access at Newmarket Approach.

7.2 Concerns

- 7.2.1 The Council is concerned that by Network Rail applying for powers and planning consent over such land, together with carrying out works under separate permitted development rights, this will not allow the Council, as a body with statutory functions, to be able to properly assess the impacts of the Scheme on those functions. It also creates further difficulty in managing the project and, for example, subsequent discharges of conditions as various approaches are proposed to be used. Nor does it allow the Inspector(s) or Secretary of State to adequately assess the Scheme, and ensure that the cumulative impacts of the various forms of consent are taken into consideration.
- 7.2.2 The Council continues to work with Network Rail to address how to best manage the various consenting strategies, as outlined above.
- 7.2.3 With regards to New Market Approach and following the response to the Rule 21 Submission received from Network Rail, the Council have provided a proposed licence for the period of the construction works and welcomes further discussion with Network Rail.

8. APPROACH TO LEVEL CROSSINGS

8.1 Background

- 8.1.1 There are four level crossings that are to be closed as part of the Application:
- (a) Barrowby Lane and Barrowby Foot level crossings;
 - (b) Garforth Moor level crossing;
 - (c) Peckfield level crossing; and

(d) Highroyds Wood level crossing

- 8.1.2 The Council notes, however, that only deemed consent has been included for the Peckfield level crossing in the draft Order, but none of the other level crossings. The Council notes that the List of Consents, Permissions or Licences Under Other Enactments (Document Reference: NR18) does not include reference to any other consent received or applied for in relation to the above level crossings. Peckfield level crossing is currently the only proposed level crossing without an appropriate diversion.
- 8.1.3 The Council notes that there are two key issues with Network Rail's proposal to close the Peckfield Level Crossing:
- (a) The proposed diversion of the current bridleway is not considered suitable for bridleway users.
 - (b) Network Rail's proposal to divert a footpath through the recreation ground could bring about a risk of deadwood falling on users of the footpath as the area is covered in flora and fauna and mature trees. The proposed diversion also incorporates a tree route protection zone which has potential to cause damage. It is also not clear who would maintain the footpath through the recreation ground as that is not Council-owned land and it is understood that the owners the Parish Council do not support the proposal. In addition, Network Rail's proposals do not show the footpath being built to adoptable standard (and Network Rail has not yet provided information as to the standard the footpath will be built to).
- 8.1.4 The Council is seeking a bridleway bridge over the railway line to replace the Peckfield level crossing.
- 8.1.5 Network Rail have argued that there would be landscape and visual impacts of having a bridge in this location, particularly on the neighbouring Green Belt land. In addition, they have argued that the soil in this location that would be lost to the development of the bridge is grade 2.
- 8.1.6 Network Rail have made alternative suggestions to building a footbridge over the railway line:
- (a) Route through the recreation ground:
 - (i) The route going through (what the Council believe is) public open space (**POS**) would require CPO powers and that adds additional burdens
 - (ii) There are protected trees in the recreation area and it is not clear whether there is sufficient room within that area to lay a bridleway that is at an adoptable standard without affecting the trees.
 - (iii) There is currently no lighting in the area and it is unclear if there would be any lighting included within the proposals.
 - (iv) Whether there are any protected species in amongst the scrub land adjacent to the recreation ground and in the recreation ground itself and the impact footpath users and lights would have on these.
 - (v) The route directs pedestrians through a car park which is potentially more dangerous and hazardous for walkers putting them in direct conflict with vehicles.
 - (b) Use of Great North Road:
 - (i) This is a busy road, the old A1, and there are a number of crossings to dwellings and other properties that a pedestrian would have to navigate;

- (ii) The Council has not seen any assessment as to whether this would be suitable to bridleway users.
- (c) Use of Pitt Lane
 - (i) A road crossing is still required for this route as there is no footpath on the north side of Pitt Lane. This puts users in conflict with traffic in a way that is not there currently.
 - (ii) Horse riders are a bigger issue. Paddocks/stables are more likely to come forward as "infill" around new development so given the location there may be more coming up in future. The British Horse Society may have further details of these in the locality (that LCC not already aware of).
- (d) Network Rail are looking at solutions that are more suitable to users on foot. As such it was suggested that Network Rail consider in further detail the Council's proposals around active travel, and in particular the PROW Action Plan (or equivalent) for the Council.

8.2 Concerns

- 8.2.1 The Council would like further information and to engage in further discussions with Network Rail in order to clarify its approach to the level crossings in the Application documents.
- 8.2.2 The safety audit undertaken by Network Rail is based on traffic counts on the Great North Road at times which are not representative of community use i.e they were not carried out at the end of the school day or during general commuting times. It also specifies that the bridleway mounting and dismounting blocks are in poor condition because they are unused however it's likely they are unused because they are in such poor condition. The road safety audit is not robust and represents observations from a very small sample of data.
- 8.2.3 The Council also has concerns regarding the proposed deemed conditions for Peckfield Level Crossing. As the Council does not agree with the proposed diversion it cannot agree to the principle of this condition either.
- 8.2.4 The Council welcome ongoing discussions.

9. BIODIVERSITY

- 9.1.1 The Council notes that Network Rail state in document NR13 that it is committed to deliver 10% Biodiversity Net Gain (BNG) via the Network Rail (2020b) Transpennine Route Upgrade – Programme wide Net Positive Biodiversity Strategy (Revision P03.1), and a BNG assessment will be carried out to meet the Strategy objectives. BNG will be delivered locally wherever practicable."
- 9.1.2 In addition to the National Planning Policy Framework requirement (paragraph 174b) that requires net gain to be achieved in a measurable way, planning policy G9 of Leeds City Council's Core Strategy requires a net gain for development.
- 9.1.3 Core Strategy Policy G9 requires that Development is required to demonstrate:
 - (a) That there will be an overall net gain for biodiversity commensurate with the scale of the development, including a positive contribution to the habitat network through habitat protection, creation and enhancement, and

- (b) The design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife, and
 - (c) That there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network.
- 9.1.4 The Environment Act 2021 contains a requirement to provide a minimum of 10% net gain in relation to all new developments. Whilst the specific provisions dealing with biodiversity net gain are not yet in force as of today's date, these are expected to be coming into force in January 2024, ahead of the decision on the deemed planning consent and Order.
- 9.1.5 On all development, the Council seeks a minimum of 10% net gain, which is expected to be delivered through the Council's guidance in the Council's administrative area.
- 9.1.6 The Council notes the commitments made by Network Rail in NR13. The Council and Network Rail are currently negotiating an Environmental Agreement in which it is proposed that this commitment will be included. Subject to the terms of the Environmental Agreement being agreed on that basis, this point will be acceptable to the Council.
- 9.1.7 Deemed planning condition 10 (proposed by the Council on 13 November 2023) also requires that no development (excluding preliminary works) is to be commenced until a strategy (strategy must include, but not limited to, agreed baseline metric calculations and post development calculations as agreed with the LPA, and minimum 30 year BNG management and monitoring plan) to achieve an overall minimum 10% net gain within the Council's administrative boundary, as agreed by the LPA. The conditions also provide that biodiversity for the development, including monitoring, maintenance, management and reporting arrangements, shall be submitted and approved in writing by the local planning authority.
- 9.1.8 In respect of the baseline calculations and measurements of Network Rail's assessment of the net gain, it is the Council's understanding that the Environmental Agreement, as well as the proposed deemed conditions, will commit Network Rail to undertake a survey in advance of commencing any construction works.
- 9.1.9 The commitment requested by the Council can also be achieved through amendment of the relevant deemed planning conditions as set out in more detail in Appendix B.
- 9.1.10 In addition the Council looks forward to receipt of Network Rail's baseline calculations related to both the Environmental Agreement and Deemed Conditions and to holding further discussions on this point.

10. ECOLOGY – GREAT CRESTED NEWTS AND OTHER PROTECTED SPECIES

10.1 Background

- 10.1.1 Network Rail highlights in its Environmental Report (Document reference: NR16) at paragraph 2.1.13 that great crested newts have been confirmed as present in ponds adjacent to the Austhorpe Lane Southeast compound and that mitigation for the effects on great crested newts is contained in paragraph 4.3 of the Code of Construction Practice (CoCP) (Document reference: NR17). The Council notes, however that paragraph 4.3.2 of the CoCP states that:
 - (a) "In the event there is potential for the disturbance of any great crested newts in the compound location at Austhorpe Lane, Network Rail would utilise its operating organisational licence and submit information to NatureSpace, rather than a standard licence application made to Natural England."

10.2 Concerns

- 10.2.1 The Council requires commitment from Network Rail that demonstrates that the mitigation for the effects on great crested newts and any other protected species, will be sufficient, and will be secured. Further information is required from Network Rail in relation to other protected species that may be affected by the Scheme, that have not been already been identified.
- 10.2.2 Further clarity is required on these issues. The Council is currently entering into a licence with Natural England to relocate great crested newts from the adjoining football foundation area at Austhorpe Lane.
- 10.2.3 The Council requires confirmation and written commitment from Network Rail that, under its licence, Network Rail will use the recent survey data the Council has provided illustrating the locations of great crested newts and a commitment that it will relocate them appropriately. The Council requires this commitment in the Environmental Agreement.

11. PLANNING POLICY AND GUIDANCE

11.1 Background

- 11.1.1 In its application Network Rail has set out a number of planning policies on which it is seeking to rely on in relation to the planning justification for the Scheme. These policies are listed in the Planning Statement (Document Ref: NR13). However a number of these policies are referred to incorrectly, include incorrect references, are now out of date or have been superseded. The Council sets out the correct policies that the Inspector should refer to at Appendices 1 and 2 of the Rule 21 Submission.
- 11.1.2 The Council wishes to provide the Inquiry with an update on the latest position with the Council's Site Allocation Examination. Representations made during consultation up to 27 January 2023 were submitted to an Inspector by the Council and the Inspector's report is expected imminently. Currently the Site Allocations Plan is still in examination.

11.2 Concerns

- 11.2.1 Further information is also required regarding proposed reinstatements. Without sufficient information impacts on land allocation, designation, reinstatement and delivery on other schemes/developments such as at Wykebeck Avenue (see plots 6-001, 6-002, 6-003 and 6-004) cannot be wholly accounted for and allocated sites may be compromised.
- 11.2.2 The Council has requested wording to be included in the draft Environmental Agreement in respect of reinstatement. Any restoration will need to be agreed privately with the landowner.
- 11.2.3 The issue remains in respect of Brown Moor site which is currently under review by the Planning Inspectorate as part of the Council's Site Allocation Examination. The Council requires assurances from Network Rail that the use of this site for temporary access and site compound will be developed in consultation with the landowner to mitigate impact on future development if the Inspector supports allocation for employment use.

12. LAND CONTAMINATION

12.1 Background

- 12.1.1 Paragraph 183 of the NPPF requires that planning policies and decisions should ensure that:

- (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

12.1.2 In addition, paragraph 184 of the NPPF makes clear that, "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

12.2 Concerns

- 12.2.1 As currently drafted the proposed conditions for the deemed planning consent (Document Reference: NR12) do not require Network Rail to take on any responsibility for site investigation or remediation (if required) in relation to the works it is carrying out as part of the Scheme.
- 12.2.2 As a minimum the Council would expect to see a condition requiring Network Rail to carry out a site investigation, carry out ground investigation reports and submit these to the Council. In addition where any remediation is required to be carried out the Council would expect this to be identified by Network Rail, agreed with the Council and ultimately carried out by Network Rail and followed up by subsequent verification reports
- 12.2.3 The Council is under a statutory duty as the local authority to inspect its area, identify any contaminated land and decide whether such land is to be designated as a special site under the Environmental Protection Act 1990. The above requested condition will assist the Council in discharging its statutory duties, and is not an unusual condition to include in a proposed planning permission.
- 12.2.4 Discussions are currently ongoing with Network Rail with regards to providing the Council with the relevant reports and the mechanism for doing this through deemed conditions and the Environmental Agreement.

13. HERITAGE

13.1 Background

- 13.1.1 Mitigation has been agreed with Network Rail for the substantial harm caused by the demolition of the listed buildings as part of the proposed Scheme.
- 13.1.2 However further assessment is required to be discussed in detail with Network Rail in relation to the Kirkgate/Marsh Lane works, including the installation of signalling gantry in the vicinity of the Grade I listed Leeds Minster.
- 13.1.3 Paragraph 199 of the National Planning Policy Framework (NPPF) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

- 13.1.4 In addition, paragraph 202 states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

13.2 Concerns

- 13.2.1 The Council's view is that the impacts on the Minster as a result of the installation of the signalling gantry would cause less than substantial harm. This harm is not such that can be mitigated against but the Council would like to draw this to the Inspector's attention in the consideration of the Application.

14. AIR QUALITY

14.1 Background

- 14.1.1 The Council notes in the Environmental Report Volume 1 (Document Reference: NR16) at paragraph 1.5.2 that no technical studies have been carried out in relation to air quality as potentially significant effects "will be avoided through construction works being carried out in compliance with Network Rail's Minimum Requirements for Projects – Design and Construction (NR/L2/ENV/015) (Document Reference: NR/L2/ENV/015, current version v9, 2021) and a Code of Construction Practice (CoCP), detailed in Section 1.5.5."
- 14.1.2 Paragraph 4.1.8 of the Environmental Report Volume 1 (Document Reference: NR16) does identify that there may be air quality impacts, and that these may be localised and temporary in nature.

14.2 Concerns

- 14.2.1 The Council does not follow the logic of not including an air quality assessment in the Environmental Report, particularly where it has identified that there may be impacts, and that these impacts will be secured through the CoCP Part B. Given that mitigation is being provided for air quality effects, the Council would expect to see the assessment carried out to reach this conclusion.
- 14.2.2 Network Rail has advised that mitigations will be secured through the Environmental Agreement and Deemed Conditions which are still to be finalised.
- 14.2.3 The Council welcomes ongoing discussions with Network Rail in this regard with a view to reaching common ground.

15. HIGHWAYS

15.1 Background

- 15.1.1 The below sections identify the Council's key concerns in relation to highways matters. Further information regarding specific concerns can be found at per Appendix A.
- 15.1.2 To date, there has been a lack of detail provided by Network Rail regarding how the impacts on the highway network, including any permanent or temporary road closures and diversions, will be managed throughout the construction period and their overall impact post construction. Insufficient information has been provided regarding the extent of the construction period and what each phase of construction will consist of. As a highway authority the Council needs to understand the impact of the proposals on the whole network as part of both authorised and scheduled works.
- 15.1.3 Greater clarity is also required from Network Rail in respect of the full extent to which statutory undertakers have been consulted and what their views have been in respect of any diversions or work required to their infrastructure and any impacts that any such

works may have on the operation of the highway network. As set out in Appendix 1, the Council own a number of service tunnels which are impacted by the Scheme and it is unclear whether the Council will be considered as a statutory undertaker for that purpose.

- 15.1.4 There has been a lack of detail provided around the movement of construction traffic, Abnormal Indivisible Loads (AILs) (and the process through which their movements will be authorised and managed) and available routes for emergency vehicles, especially for access to St James's University Hospital whilst works are ongoing in that location.
- 15.1.5 Additional detail is also required in relation to any permanent restrictions (e.g. parking and loading restrictions) sought by Network Rail and how they are to be secured.
- 15.1.6 The Council is of the view that greater clarity is needed in respect of the powers being sought under the Order relating to works needing to be carried out on the highway or to highway infrastructure to facilitate the construction of the Scheme.

15.2 Concerns

- 15.2.1 The Council is engaging, in its capacity as local highway authority, in meaningful discussion with Network Rail in relation to the preparation of a Highways Side Agreement in order to satisfy the Council's highway concerns.
- 15.2.2 As part of that agreement, there will be a commitment for a Network Management Group to be established and to meet regularly so that further details which are currently unavailable can be discussed and agreed prior to highway works being approved by the Council pursuant to the draft Order.
- 15.2.3 A clear plan of the proposed phases of construction would be welcomed by the Council in order for it to properly understand the construction impacts of the Scheme and how they can be managed appropriately. Clarity is needed in order to avoid issues concerning traffic management, the mechanism under which works to the highway will be carried out, how disruption to users of the highway network will be managed, traffic management plan, and blue badge parking bays temporary closures
- 15.2.4 It is not clear from the provisions included in the draft Order whether the service tunnels detailed in Appendix 1 are classed as "apparatus" for the purpose of the Order and this needs addressing in the highways agreement
- 15.2.5 The Council looks forward to receiving an update from Network Rail as to when a draft Communications Plan will be sent to the Council, the terms of which can be secured through the Side Agreement and deemed conditions to be agreed between Network Rail and the Council.
- 15.2.6 The Council also has concerns around the disapplication of legislation within the draft Order and would welcome further discussions with Network Rail in this regard to properly understand Network Rail's intentions in particular in respect of the disapplication of part of the New Roads and Street Works Act 1991. The Council is concerned that the disapplication of certain provisions negates the need for Network Rail to comply with the notice periods expected by the Council.
- 15.2.7 Negotiation is ongoing regarding the side agreement to ensure appropriate mitigations, but agreement is yet to be met and clarity needed on the terms of the Network Management Group proposed as per the highways agreement.
- 15.2.8 Discussions are also ongoing in relation to agreeing the appropriate wording and location for securing the Construction Traffic Management Plan and operational Traffic Management Plan explained below.

- 15.2.9 A number of compounds also contained in the draft Order are inappropriate and the Council requires further clarity on these. The access to Crawshaw Woods proposed in the order was submitted in error. The proposed access to Kirkgate Viaduct at Call Lane is not suitable for construction traffic due to narrow access, the access also carries a PRow, and the nature of the highway network leading to the access comprises a one-way system with kerbside activity including loading bays. All taken together means Network Rail would need to demonstrate they can safely accommodate the proposed construction vehicles accessing the compound.

16. DETAIL IN APPLICATION DOCUMENTS AND MITIGATIONS

16.1 Background

- 16.1.1 At the date of the Rule 21 Submission, the Council believed that the Application documents were generally lacking in sufficient information and detail.
- 16.1.2 For example, the provision of a construction traffic management plan is proposed in the Code of Construction Practice (Document Ref: NR17) as a deemed planning condition, as well as in the Environmental Agreement. However the Council notes that, whilst a construction traffic management plan is welcomed by the Council, any construction traffic management plan requires substantially more information, including diversion details, public parking management, other movement restrictions, details of access to compounds and properties (vehicle tracking to ensure suitable access), and accommodation of pedestrian/cyclist movements. To date this detail has not been provided and the Council is currently unclear as to the contents of a construction traffic management plan.

16.2 Concerns

- 16.2.1 Discussions in this regard on ongoing and progressing well.
- 16.2.2 In respect of the lack of detail in respect of the split and provision of environmental mitigation in the CoCP (Parts A and B), the Council understand, from discussions with Network Rail that Part A sets out the outline proposals and Part B sets out the details which flow from Part A.
- 16.2.3 The Council has concerns regarding flood risk and requires commitment from Network Rail that demonstrates that the mitigation for the effects of flooding will be sufficient and will be secured. Further information is required from Network Rail in relation to Flood Risk that may be affected by the Scheme, that have not already been identified.
- 16.2.4 The Council requires confirmation and written commitment from Network Rail that, Network Rail will use recent survey data illustrating the locations of flooding and a commitment that it will mitigate appropriately.
- 16.2.5 The Council is negotiating an Environmental Agreement with Network Rail in order to secure appropriate environmental mitigations.

17. REPLACEMENT OF STRUCTURES

17.1 Background

- 17.1.1 The Council is aware from discussions with Network Rail to date, that where replacement of structures is proposed, that Network Rail is proposing that structures are replaced on a "like for like" basis.
- 17.1.2 The Council would expect to see all replacement structures built in accordance with paragraphs 110 and 112 of the NPPF which provides that;

- (a) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46;
- (b) applications for development should:
 - (i) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - (ii) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

17.2 Concerns

- 17.2.1 The Council seeks to clarify the position further with Network Rail and is looking to secure this in the highways agreement.

18. AUSTHORPE LANE

18.1 Background

- 18.1.1 The Council is aware, through discussions that have taken place with Network Rail to date, that it is Network Rail's intention that the Austhorpe Lane Bridge will be demolished to enable the electrification underneath it, and replaced with a two-lane bridge, incorporating a footway in the same single structure. It is understood that designs are still being worked up in this regard.
- 18.1.2 Network Rail requested the Council make a contribution of £800,000 to the new structure following negotiation on the proposed replacement structure. This is not agreed by the Council on the basis that it remains the Council's view that structures and the associated highway layout they facilitate should meet current standards set out in the Design Manual for Roads and Bridges or as agreed with the Council in its capacity as local highway authority. Network Rail's original proposal did not meet the required criteria and would have built health and safety issues into the design. The Council has also confirmed to Network Rail that the structure would need to be owned and maintained by Network Rail. Discussions are ongoing between the Council and Network Rail in this regard.

18.2 Concerns

- 18.2.1 Whilst the Council is supportive of the proposals in principle, and welcomes the negotiations to date, further detail is required from Network Rail in respect of the proposed design standard to which the new structure is built, the process for which approval will be sought from the Council, as well as the proposals for the stopping up (and definition of) of Austhorpe Lane. It is understood that the Network Management Group, secured by the Highways Side Agreement, will be a key mechanism to secure discussion and provision of further detailed design information in respect of this structure.

APPENDIX A

Issues Tracker (see separate document)

APPENDIX B

Council proposed deemed conditions (see separate document)

Ref	Objection raised	Document/ Site	Article / Schedule	Notes	Comments	NR Update/ Action	LCC Update/ Action	RAG	Category	Open/Closed	Date	Statement of Common Ground	Date	Statement of Case	Date
7	Appendix 1	General Comments			No requirement for Network Rail to supply land contamination reports to LCC for review and approval, however LCC require this information to ensure that land contamination risks have been adequately assessed and remediated where required prior to scheme areas becoming operational to ensure that there is no risk to operational end-users (principally members of the public). Network Rail have confirmed that where remediation is required for any part of the scheme, LCC shall be consulted with to agree the remediation strategy. All Remediation Strategies and Verification reports shall be sent to LCC as well. However, Network Rail have not confirmed that they will provide reports for all supplementary ground investigations proposed to be undertaken. LCC will need copies of these ground investigation reports as well so that we can review them to be assured that the appropriate land contamination risk assessment has been undertaken for each supplementary ground investigation.	The EIA screening requests identified there were no identified significant effects from land contamination and on this basis, NR would proceed with compliance with CR-E, particularly Section 6.2 Contaminated Land of CR-E. This requires a Preliminary Risk Assessment (PRA) to be carried out on occupied land at minimum. However, Network Rail is content to make a commitment as part of an environmental commitment agreement. Please refer to draft environmental commitments agreement dated 13/10/23. It should be noted that any contamination encountered on the track bed will be managed through compliance with Network Rail's Ballast Handling Protocol (NR/L3/ENV/044).	To be discussed with NR	G		Open					
8	Appendix 1	General comments			<ul style="list-style-type: none">•Bnsure as to where we address issues such as ancillary structures and works.•Having reviewed the documents I cant see anything with to how we manage noise from works/compounds and route for complaints etc.•How do we deal with BNG where it falls outside TWA0?•Information regarding what mitigations/ conditions fall in/out of TWA0 and in/out of deemed planning is unclear. (and how/when receive).•LCC as the highway authority are to approve the designs at every stage of design f1/f2/f3 etc – all designs are currently outline including addition to where additional structures / highway are required as a result of detailed design•No wording to clear up how we deal with departures from standards on highways structures•When proposed developments require new highway infrastructure a road safety audit is required prior to planning permission being granted. It needs to be clarified that stage 1 road safety audits where necessary should be undertaken and provided to the highway authority before submission of the TWA0. (RSA required before form F's can be approved) – issue that needs to be addressed final road safety audit approval leads to adoption of road / structure for maintenance where is this role for the HA set out and if not what is the handover procedure from NR to LCC and ongoing contribution towards maintenance will need to be resolved. Ⓢ	Ancillary structures Clarification required on menaing of ancillary structures and nature of concern. Noise - A Noise and Vibration Management Plan (NVMP) will be submitted to and approved by LCC by way of a condition under Deemed Planning Permission. The NVMP will outline amongst other matters: <ul style="list-style-type: none">•though the NVMP will relate to DPP elements, mitigation as outlined in the following bullet points will apply to all works;•Strategy in submitting Section 61 application(s) in compliance with the Control of Pollution Act 1971 a minimum 28 days in advance of specified works;•the standard approach of assessing works in compliance with BS5228 and BPM;•Recommended formal meeting arrangements between the project delivery team and LCC Environmental Health (Network Rail recommends once every 2 months); and•Letter drop arrangements (Network Rail standard extent is to 200m distance from works and a minimum two weeks in advance of specified works). This is set out in (NR16) ER Section 10.3 for N&V (with CoCP Part B condition for NVMP) and (NR17) CoCP sections 2.4.10 to 2.4.16 (with CoCP Part B condition for external comms). Biodiversity Net Gain - Network Rail is committed to deliver 10% Biodiversity Net Gain (BNG) for the overall TRU works. To accumulate the required units, Network Rail will follow the guidance in the BNG Metric technical guidance and where necessary, will agree environmental covenants with landowners for the purpose. Whilst the 10% commitment is required as part of TRU in addition, a Biodiversity Strategy to deliver 10% BNG and a Landscape and Ecological Management Plan will be produced to cover the relevant works components requiring planning permission as a recommended condition that will be agreed with LCC. Please also refer to draft environmental commitments agreement dated 13/10/23. Mitigations/conditions - The CoCP, CTMP and BNG apply to all Order elements and will be defined in the Environmental Commitments letter	NR response noted. 2 original lcc objections in bold in column G to be addressed in highways agreement. Other issues picked up elsewhere. Need RSA stages linked to design stages in HA	A	Highways Agreement	Open					
10	Appendix 1	General comments	Highway condition		Require highway condition survey which will ensure a developer makes good any damaged adopted highway	To be discussed in ongoing negotiations concerning the highways agreement.	To include in highways agreement	R	Highways Agreement	Open					
14	Appendix 1	NR02		8	""(a) deviate laterally from the lines or situations shown on the deposited plans to the extent of the limits of deviation for that work; (b) deviate vertically from the levels shown on the deposited sections—(i) to any extent upwards not exceeding 3 metres; or (ii) to any extent downwards as may be found to be necessary or convenient" - deposited plans refer to NR9 and/or NR14. Further clarity required. Horizontal deviation not defined, veritcal deviation seems too high	Unclear what change is being requested here. Please clarify.	LB to speak to BB	A		Open					
15	Appendix 1	NR02		11	Subject to Highway Authority approval (structures) in highways agreement? May alter street or carriageway under substandard portion of a structure	To be discussed in ongoing negotiations concerning the highways agreement	To include in highways agreement	A	Highways Agreement	Open					
18	Appendix 1	NR02		15	Doesn't seem to be anything to cover ownership and maintenance of structure(s). Needs to be included in the highways side agreement or in the order	Article 14(2) confirms that for new or altered roads, Network Rail will maintain for 12 months following completion of the works at which point the highway authority is responsible. The highways agreement is intended to provide clarity around responsibility for ownership/maintenance for bridge structures	NR response responds to different point. To include in highways agreement	R	Highways Agreement	Open					
22	Appendix 1	NR02		21	7 days insufficient time but subject to highways agreement.	To be discussed in ongoing negotiations concerning the highways agreement	To include in highways agreement - re timescales to access for surveys on highways (acceptable for other land). Need 60 days notice?	R	Highways Agreement	Open					
28	Appendix 1	NR02		29	Will a dilapidation survey be undertaken of any affected structure	Not required for this particular article.	article 29 needs to be referenced in clause 4 of EA	R	Environmental Agreement	Open					
35	Appendix 1	NR02	19 (flood risk)		as per above) 28 days not sufficient. Link to highways side agreement.	See Index row 34 (The highways agreement provides the process to ensure that all details are agreed in advance. By the time details are therefore submitted under these articles these will already have been approved by LCC in any event. The 28 day period is entirely consistent with other TWAOS.)	To be included in highways agreement - flood risk	R	Highways Agreement	Open					
36	Appendix 1	NR02	19(1)		Part Two Works Provisions: Supplemental Powers Discharge of Water Network Rail to comply with the requirements of Watercourse consenting. (Land Drainage Act 1991) Add: including Local Authority owned open and culverted watercourses. Watercourse Consenting has a statutory time of EIGHT Weeks.	The Land Drainage Act 1991 is disapplied through the Order (refer to draft Order Article 5), with protective provisions in place for the LLFA at Schedule 15: Part 4 of the draft Order.	To be included in highways agreement - flood risk	R	Highways Agreement	Open					
37	Appendix 1	NR02	19(2)		Same as NR02 19(1) comment above	See Index row 36	To be included in highways agreement - flood risk	R	Highways Agreement	Open					
38	Appendix 1	NR02	19(8)		Same as NR02 19(1) comment above	See Index row 36	To be included in highways agreement - flood risk	R	Highways Agreement	Open					
39	Appendix 1	NR02	2.2.1		Part 2 Section 17 Paragraph 4 and 5: gives 28 days for LCC to confirm works have been provided to reasonable satisfaction. Our orders usually state 'The diversion of the footpaths/bridleway shall have effect on the date which Leeds City Council certify that the terms of Articles 2 and 3 have been complied with' thus giving us no deadline for confirming works have been completed to reasonable satisfaction. A longer time frame, perhaps 8 weeks, for us to do our checks would be beneficial. Schedule 6 refers to Non-definitive footpath between T17 and T18. This is part non-definitive footpath and part Definitive Footpath Leeds City 100. Schedule 8 refers to Bridleway Austhorpe 9 this should be Definitive Bridleway Austhorpe 9. Also refers to Definitive Footpath Micklefield 8 but this should be Definitive Bridleway Micklefield 8.	The TWA0 provides all required powers for stopping up. Article 17(4) already provides for the Council to confirm the diverted footpath etc has been properly provided. This wording is TWA0 standard. Public Rights of Way - corrections noted. Amended the text in Schedule 6 and 8 by way of track changes - 23/10/23 version	LB to speak to BB	A	Highways Agreement	Open					
41	Appendix 1	NR02	20(6)		14 days insufficient time but subject to highways agreement.	14 days is standard in TWA0s	Longer than 10 days required. LB to discuss with AW	A	Highways Agreement	Open					
42	Appendix 1	NR02	21(1)		Notify Highway Authority if near structures / apparatus	To be discussed in ongoing negotiations concerning the highways agreement / Network Management Group.	To be included in highways agreement	R	Highways Agreement	Open					
45	Appendix 1	NR02	27(1)		Subject to Highway Authority approval (structures) in highways agreement?	To be discussed in ongoing negotiations concerning the highways agreement	To be included in highways agreement	R	Highways Agreement	Open					
46	Appendix 1	NR02	3 (1)(a)		Railway Clauses Act: Clause 58(b) of the RCA allows NR to use roads and they shall make good any damage they cause. Asset Man will require dilapidation surveys? Also, where can the specification of such repairs be controlled?	To be discussed in ongoing negotiations concerning the highways agreement	To be included in highways agreement	R	Highways Agreement	Open					
47	Appendix 1	NR02	30(1)		Do these powers supersede STGO Regs? (Abnormal loads) Clarification on powers and notice periods required	To be discussed in ongoing negotiations concerning the highways agreement.	To be included in highways agreement	R	Highways Agreement	Open					
48	Appendix 1	NR02	30(2)		Do these powers supersede STGO Regs? (Abnormal loads). Reasonably practicable does not apply for abnormal loads.	To be discussed in ongoing negotiations concerning the highways agreement.	To be included in highways agreement	R	Highways Agreement	Open					
67	Appendix 1	NR02	Construction and Maintenance of new or altered streets (14)		Para (5) refers to powers under para (5)	To be discussed in ongoing negotiations concerning the highways agreement	LB to discuss to AW	A		Open					
91	Appendix 1	NR02	Schedule 5 Column 2 and 3		The temporary construction access is close to signals and the impact on the traffic at A6120 has not been demonstrated. – William parkin way	To be discussed at Network Management Group meetings.	Incorrect access included in order - NR to provide update	A	Highways Agreement	Open					
119	Appendix 1	NR02	Stopping up streets 10(2a)		1. Who is to inspect the works to ensure that they are completed to the reasonable satisfaction of the street authority and that it is open for use? 2. What notice etc will be given?	To be discussed in ongoing negotiations concerning the highways agreement	To be included in highways agreements. Including costings	R	Highways Agreement	Open					
120	Appendix 1	NR02			The requirements relating to the Leeds Permit Scheme will still apply to all works impacting on the public Highway - NR to confirm agreement	To be discussed in ongoing negotiations concerning the highways agreement	To be included in highways agreements	R	Highways Agreement	Open					
142	Appendix 1	NR11	Sheets 16, 17, 18 & 19		Rule 3(a)(i) of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 requires that ground levels are shown on the drawings, in the sheets this is only shown from the long view of the works, it would be beneficial to have the ground level shown on all drawings.	Indicative gound levels are shown on the Works and Land section drawings. Further dimensional information will be shared as part of the design approval process set out in the Highways Agreement.	Ok – need to ensure consistency with what is in any Form 6 and what constitutes the "Highway Design Guide" for the purposes of the side agreement, and clear what departures will be accepted. To be included in highways agreement	G	Highways Agreement	Open					
165	Appendix 1	NR13			<ul style="list-style-type: none">•H1.1.2 (Table 3) Should also reference:<ul style="list-style-type: none">oMixed use allocation MX2-27 (affected by Kirkgate Viaduct Temporary Compound). Allocated for 14 dwellings and office use.oMixed use allocation AV18 (289 residential units and 27,500sqm office). Affected by The Marsh Lane Compound and Marsh Lane Construction Land.oGreen space site G523(1) Neville POS (designated by Site Allocations Plan) and G523(2) Neville POS (designated by Neville POS). Affected by Osmondthorpe Lane temporary compound. 2876sqm of G523(1) and 1301sqm G523(2) will be lost from Green Space use during the construction period.oHousing allocation H3-1A.23 / HG1-256 (affected by Wykebeck Avenue temporary compound. As noted above, planning consent has been granted for the development of this site).oGreen space site G1213 Micklefield Miners Welfare Ground (diversions associated with Peckfield Level Crossing closure run through / adjacent to this site)oGreen space site G114 Castlehill Woods (PROW diversion associated with Highroyds Wood Level Crossing closure will run through this site).	All allocations referenced except G1213 relate to TWA0 elements that do not require deemed planning permission and are not the subject of the Planning Statement. G1213 - The proposals for a new formal Public Right of Way deliver wider planning benefits and improve access to and quality of the green space and are therefore in accordance with relevant planning policy (Core Strategy Policy G6). Further, LCC comment at index row 324 notes that "footpaths are compatible with designation as green space".	G1213 – The proposals for a new formal Public Right of Way will improve access to the green space, with footpaths being compatible with designation as green space. oGreen space site G1213 Micklefield Miners Welfare Ground (diversions associated with Peckfield Level Crossing closure run through / adjacent to this site) - only issue to remain open	A		Open					

174	Appendix 1	NR13			•B.3.71: This paragraph should be deleted. This quote is taken out of context and suggests the conclusion of Inspector / Council is to not allocate the site. The Council continues to promote the allocation of this site for general employment uses. The latest letter from the Inspector (dated 25 May 2023) notes the issue is finely balances and the Inspector is yet to reach a decision – as noted in 6.3.72. For clarity, may be clearer if both 6.3.70 and 6.3.71 are deleted so that the Planning Statement just factually reports the consultation stages and that consideration of this site is ongoing.	The uncertain planning allocation status of this site is noted. Please refer to the NR response letter dated 13/10/23 to LCC holding objection letter, para 36-38.		G									
							TBC if Subject to planning board			Open							
182	Appendix 1	NR16 v1	1.3.2 & 4		Scope: Only includes certain works (Table 1.1). Powers under TWAO are being applied to the sites not included (Table 1.2) yet there is no info on CTMP in this report.	The CTMP will logically apply to the whole scheme as explained in the environmental commitments letter. The CTMP will be managed via the Highways Network Management Group.	Linked to Environmental agreement/ deemed cons	A	Environmental Agreement	Open							
190	Appendix 1	NR16 v1			NR02, Section 12.2, Table 12.1 - please clarify where the LC:RM Risk Ratings criteria have been derived from within LC:RM. Having reviewed LC:RM, there is no reference made to any of the risk rating terminology used within Table 12.1.	The Environment Agency guidance on Land Contamination Risk Management (LC:RM) states that "For a preliminary risk assessment you assess the risks qualitatively to decide whether particular harm or pollution is unacceptable". A matrix table has been produced in Table 3 and Table 4 in Annex 12C in Volume 3 of the Environmental Report [NR16] to align the risk ratings in the Guidance for the Safe Development of Housing on Land Affected by Contamination document (Construction Industry Research and Information Association publication Research & Development (R&D) Publication 66, National House Building Council (NHBC)/ Environment Agency/ Chartered Institute of Environmental Health (CIEH) 2008) to the requirement of defining an acceptable or unacceptable risk under LC:RM. An explanation of the methodology and matrix conversion table of the LC:RM assessment of risk is provided in Table 3 and Table 4 in Annex 12C in Volume 3 of the Environmental Report [NR16]. It is noted that LC:RM was updated in July 2023, after the preparation of the environmental appraisal. As stated at 12.1.5 in Chapter 12, in Volume 1 of the Environmental Report, the 2021 version was used for the environmental appraisal.	Awaiting updated deemed con and EA	G		Open							
191	Appendix 1	NR16 v1			NR02, Section 12.3, Table 12.2 - with respect to supplementary ground investigations to be undertaken within the scheme areas at detailed design stage, it states that following completion of the supplementary ground investigations, an interpretative report will be produced. However, no reference is made to providing copies of the interpretative report(s) to LCC for review and comment, which was an ask. Therefore, can it be clarified that copies of any interpretative reports will be provided to LCC for review and commentary as required.	Network Rail confirm that supplementary ground investigation interpretive reports can be provided to LCC for information. As detailed in section 4 of Appendix 12: Technical Note - Geoenvironmental, in Volume 3 of the Environmental Report [NR16], if unexpected contamination is identified and any remediation strategies are required, Leeds City Council will be consulted to agree a remediation strategy and a copy of the remediation strategy and verification reports will be provided to Leeds City Council in accordance with CoCP Part A [NR17].	Awaiting updated deemed con and EA	G		Open							
201	Appendix 1	NR16 v3			Environmental Report NR16: Volume 3, Appendix 12, Section 4 – with respect to the risk assessment classification used for assessing consequence (e.g., minor, severe, etc.), probability (e.g., low likelihood, etc.) and overall risk, it is not clear where this risk classification has been derived from. Please clarify as required.	The risk rating terminology used in Chapter 12 and Appendix 12 of the Environmental Report [NR16] has been derived from Annex 4 of Construction Industry Research and Information Association publication Research & Development (R&D) Publication 66 (Guidance for the Safe Development of Housing on Land Affected by Contamination document) (Table A4.3 provides definitions of minor, mild, medium and severe. Definitions of the likelihood (unlikely to high likelihood) are provided in Table A4.4). Annex 12C in Volume 3 of the Environmental Report [NR16] provides a background to the principles and framework of the risk assessment, including descriptions of the severity of risk in Table 1 and descriptions of the probability of the risk in Table 2. A evaluation of the level of risk using the severity and probability is provided in Table 3 of Annex 12C. Reference to Construction Industry Research and Information Association publication Research & Development (R&D) Publication 66 is provided in 12.1.5 in Volume 1 of the Environmental Report [NR16] and 2.4.1 in Volume 3, Appendix 12 of the Environmental Report [NR16] and reference to Annex 12C at 1.1.6 in Volume 3, Appendix 12 of the Environmental Report [NR16].	Awaiting updated deemed con and EA	G		Open							
204	Appendix 1	NR16 vol 1	10.3.1		Document refers to relevant national guidance and importantly, Leeds City Council's noise and planning guidance document for specific criteria. Agree with approach outlined to provide further details in a CEMP as part of planning approval and Noise and Vibration Management Plan.	A CEMP is not required. NVMP will be submitted as a CoCP Part B submission. For LCC the complete Part B submission of individual environmental plans is sufficient. Please refer to CoCP Part A for the overarching requirements.	Linked to deemed conditions. EH to confirm	G	Deemed cons/ mitigations	Open							
205	Appendix 1	NR16 vol 3	10.3.1		Best Practicable Means segment outlines physical and management controls to reduce impacts where noise is significant but should also include the option to offer residents alternative accommodation where residual impacts remain significant at night time despite these measures. For example, should the demolition of Austhorpe bridge occur during the night and residents are only 5m distance.	10.3.1 of Volume 1 of the Environmental Report states that site-specific measures to mitigate the localised and temporary construction phase noise and vibration impacts and effects will be implemented during the works to minimise the disturbance and disruption experienced by local receptors, particularly with respect to works during the night. These will be detailed within a Noise and Vibration Management Plan which will be prepared as part of the Code of Construction Practice (CoCP) Part B, in accordance with draft Planning Condition 6 [NR12]. As detailed at 8.1.4 of the CoCP Part A [NR17], Network Rail will demonstrate and implement Best Practicable Means (BPM), as defined under Section 72, Part III of the Control of Pollution Act (CoPA) 1974 and will conduct all work in accordance with the recommendations of BS5228, "Noise Control on Construction or Open Sites", which includes guidance on noise insulation and re-housing; whether this is triggered will depend on the final assessment in advance of the works. As detailed at 8.1.6, criteria based screening of distinct packages of work will be undertaken to identify if a Section 61 would be required for specified works and Network Rail will apply for a Section 61 agreement under the Control of Pollution Act 1974 to LCC should the Section 61 screening exercise require such a submission.	Linked to Environmental agreement. seek BPM as part of the N&V Plan in the EA	A		Open							
219	Appendix 1	NR17	13.1.1		Are diversion of utilities is intended to be undertaken by statutory undertakers required as an ancillary activity to the wider Scheme development subject to our normal Permit Scheme or will powers be adopted by TWAO - clarification required	To be discussed at Network Management Group meetings.	Use of permit scheme to be included in Highways agreement	R	Highways Agreement	Open							
220	Appendix 1	NR17	13.1.1		Add a new clause that cross references the CoCP to the Highways Agreement	This will be included in the Environmental agreement.	Reference needed between various agreements and documents	G	Environmental Agreement	Open							
232	Appendix 1	Kirkgate			Kirkgate between Wharf Street and Harper St and a section of Wharf Street will be temporarily stopped up including on-street parking and the cycle lane. The temporary construction access is indicated as Crown St, a one-way street from Call Lane, which is inappropriate. Construction traffic management measures need to be agreed with Network Management. Highways Side Agreement to be agreed.	See Index row 81	Further discussion required with NR and as part of highways network management group	A		Open							
235	Appendix 1	Kirkgate			This brownfield city centre site forms part of Lower Kirkgate Townscape Heritage initiative – which has seen multi-million pounds investments into one of the most historic streets in Leeds City Centre and an important aspect of Leeds City Centre Conservation Area. The site also has an important relationship with our investments in the Corn Exchange – the current condition of this site detracts from the positive placemaking around it. Properties we have spent money in overlooks onto this site which is an eyesore at present. The redevelopment of the brownfield site impacted here could form a key part of the strategy in terms of a comprehensive scheme where a development of the site in question could both 'placemake' and provide financial subsidy towards the regeneration of the nine properties	The Kirkgate Compound and Kirkgate Construction Land is a short term, temporary use only to facilitate the construction of a replacement Kirkgate railway bridge, which has prior approval planning permission from LCC. The replacement bridge, which is not part of the TWAO, will improve the urban townscape of Kirkgate.	Given current condition - needs to be reinstated to acceptable standard in consultation with land owner. Request to NR	G		Open							
236	Appendix 1	Kirkgate			Need for discussion with Network Rail to ensure that LCC's ability to secure £550k of external funding in the next 18 months is not impacted	Noted - more detail required.		G		Open							
259	Appendix 1	Osmondthorpe			Object: Site is designated as Neville POS (G523(1) and G523(2)) and in total will affect 4,177sqm of the designated green space. Impact on eastern part of site (adjacent to Osmondthorpe Lane) is a particular concern. No consideration of the temporary impact has been made in the Planning Statement or other supporting documents. This area is well maintained and will be lost for an unknown period of time with no mitigation proposed (and order gives minimal assurances about it being restored to a suitable standard for it to continue to serve a green space function following the compound being removed).	As per LCC comments on other TWAO elements that are PD under Part 4 of the GPDO, the temporary use of this land is permitted development and under the terms of Part 4 will be returned to its existing condition. The duration of the works is specified in the Consents and Works Register that has been provided to LCC. NR requests that this objection is removed.	TBC. Subject to planning board	A		Open							
277	Appendix 1	Crawshaw Woods			Previous queries regarding upgrading to bridleway status as FP 124 links between leeds BWs 123 and 125. FP 124 also carries the Leeds Country Way. Concerns regarding gradients for raised bridge approaches need answering. Issues are accessibility and approach gradient from the north which is not compliant with DDA standards	As per previous discussions with LCC, Order proposals for Crawshaw Woods Bridge include reinstating the existing 1 in 8 gradient on the northern approach to the bridge. Network Rail is also cognisant of LCC's aspiration to create a bridleway over the bridge. Network Rail would also be willing to consider providing a 1 in 15 gradient to enable this future aspiration, on the condition that LCC gift the necessary land. This would take place outside of the Order process.	To be discussed with NR	A	Highways Agreement	Open							
296	Appendix 1	Barrowby Lane (level crossings & bridleway)			Reinstatement of ares where footpath to be removed	This will be agreed with LCC.	Where secure mitigation?	A	Environmental Agreement	Open							
307	Appendix 1	Garforth Moor			LCC own the allotments to the north of the bridge which are leased out to an allotment association, it is likely that many people access the allotments over the bridge and therefore compensation is required due to the effect of the diverted access. The access rights need to be granted across the new road for the benefit of the freeholder of the allotments which is LCC. New access to Garforth Moor allotments and maintenance liability needs addressing.	Its not a bridge - it's a level crossing. NR believe that prior to the closure of the level crossing (on safety grounds) all access to the allotments was via the level crossing. The Order seeks powers to create a new road to the allotments and also provide a car park for users. Compensation is not a matter for this application. The order provides for a route for persons to claim compensation. NR's view is that the provision of a direct vehicle road and a car park will more than compensate for the additional distance to be travelled.	maintenance liability needs addressing. NR to advise	A		Open							
308	Appendix 1	Garforth Moor			Garforth Moor level crossing carries Public Footpath Garforth No. 7. This is currently subject to a Rail Safety Extinguishment Order under S118A of the Highways Act 1980 but is subject to objections Current S.118A Extinguishment Order has been made with an accompanying Public Path Creation Order, under S26 of the 1980 Act, to provide an alternative public footpath connection. Why doesn't the draft TWAO replicate this ? There isn't a TTRO in force currently for the closure of the crossing.	Of the objections, three were to prevent the alternative footpath being created under s26. It was decided not to proceed with this aspect as the new footpath (which would have resulted in there being walking routes on all four sides of the same field) as it was unnecessary. Using the existing routes around three sides of the field, whilst possibly for some users may require walking a further distance, for what is perceived to be most, would not add any distance to the route.		A		Open							
319	Appendix 1	Pitt Lane / Lower Peckfield Lane			New access to the proposed Micklefield TSC linking to the roundabout at Pitt Lane including kerb line alterations and dropped kerbs across the access road to promote pedestrian access at the roundabout. A stage 1 Road Safety Audit has been undertaken and is acceptable. Highways Side Agreement needs to set out the procedure replacing the S278 process.	This matter will be progressed under the Highways Agreement via the Network Management Group.	Linked to highways agreement	A	Highways Agreement	Open							
321	Appendix 1	Pitt Lane / Lower Peckfield Lane			1) Confirmation required that Lower Peckfield Lane works will be carried out to adoptable standards (N.b. LCC does not intend to adopt this road) 2) future maintenance liability regarding lower peckfield lane and any PROW diversions needs to be clarified.	1) The works to Lower Peckfield Lane (or Pitt Lane) are only to provide surface improvements and additional passing places, as such, they will not be to adoptable standards. There is no suggestion that LCC should take any additional responsibility for the road surface compared to the current situation. 2) As the current status is a bridleway it assumed that the possibility to maintain to that standard does rest with LCC. If a new PROW route is to be created under the order, the intention is that NR expects LCC to take over responsibility for the maintenance although it will require creation works to be to an agree standard.	LCC disagree	R		Open							
323	Appendix 1	Peckfield Level Crossing			There is a Veteran tree (T44) that the redirected path route (along the north side of the railway) will pass within the canopy spread of which in turn will put pressure on the landowner to carry out works to the deadwood in this tree (or fell the entire tree) to prevent a safety hazard to the nearby path users. Instead, the path route should stay outside the canopy spread of this tree to avoid any such future conflicts. There is likely to be future pressure to introduce lighting to this section of path for safety reasons – which will impact on bats that may roost in the Veteran tree and other trees along this affected section, as there does not appear to have been consideration of indirect impacts from the path creation in this area (have trees been assessed for Bat Roosting Potential and surveys carried out accordingly?). Surveys of all trees along this wooded section (G105 and G106 and T44) for bat roosting prior to agreement of the path alignment going under the canopy spread area should be carried out. See Fig. 8.5.6 and Fig 9.1.9 NR16 Vol 2 to see the path route passing through the canopy spread of many trees (G105 and G106) including the Veteran tree. Solution would be to relocate the sports pitch further north and east and align the new path route so that it is outside of the canopy spread of any of these trees. No arboricultural impact assessment has been done in relation to the alignment of the new path, and whether the route being a bridleway will have a higher impact than a footpath (in height for branch clearance and overall width) – and what kind of path surface is being proposed?	An Arboricultural Impact Assessment is provided in Appendix 9 Technical Note: Arboriculture report in Volume 3 of the Environmental Report [NR16], with specific reference to the veteran tree (T44) included at 3.9.12 to 3.9.13. The report assesses the potential impact of either a new footpath or bridleway (refer to 3.9.12). As detailed in the Consultation Report [NR07], Appendix 9, Item 51: Two options for Peckfield Level Crossing have been included in the Order application. One option would see a footpath provided on the north side of the railway, connecting the Railway Cottages to Great North Road. As this route is already walked and the new PROW would only give provision for pedestrians, Network Rail considers this will be a simple enhancement of the route. The other option would see the creation of a bridleway on the north side of the railway, running through the southern end of the recreation ground. As level crossing survey data indicates there is low usage of the existing route by horses and cyclists, Appendix 10 of the Consultation Report [NR07], Item 48 additionally notes 'No lighting is proposed on the footpath'. Therefore no appraisal of the impact of lighting of the footpath or bridleway has been undertaken or is required. The potential for the trees (G105 and 106 and the veteran tree T44) to support roosting bats has been appraised as part of the ecological Phase 1 habitat survey. Table 3.21 in Appendix 7 Technical Note: Ecology in Volume 3 of the Environmental Report [NR16] states 'No trees with suitability for supporting roosting bats were identified within the Scheme Area' for Peckfield Level Crossing Closure. Therefore no further surveys for bats were required to support the appraisal. Due to the time between the initial appraisal and start of works, trees to be impacted will be reassessed for bat roost suitability to reaffirm the validity of the baseline data. If the reassessment confirms a change in baseline data such that an impact on roosting bats is possible, appropriate surveys and mitigation measures to ensure legal compliance will be adopted. It would not be possible to route the footpath around the edge of the RPA of the veteran tree as it would encroach in to the playing field, football pitch and associated fencing. The path surface has not yet been designed but the Arboricultural Impact Assessment notes at 3.9.13 that 'Where the detailed design cannot be developed to completely avoid this incursion any new surfacing will be achieved using a 'no-dig' construction installed under the supervision of an arboriculturist (such as the use of a proprietary 3D cellular confinement system (such as Cellweb or equivalent)) and this will avoid any requirement for excavation and will help to maintain soil structure and prevent compaction'. T44 is recorded on the tree survey schedule as having 'good' physiological condition, with a healthy crown condition. Therefore, at this stage extensive management of dead wood is not likely to be a significant requirement and would not result in any justification to fell the tree. The potential need for pruning of the veteran tree has also been considered within the report at 3.9.15 which notes 'It is possible that some access facilitation pruning works may be required to provide adequate clearance for the footpath or bridleway and this cannot be fully determined at this stage until the final alignment of the footpath or bridleway is fixed. Pruning will be reviewed and confirmed via a site walkover as part of the detailed design stage. However, any pruning is unlikely to have a substantial impact on the health or smoothness of the tree'. The solution had use would still require the landowner to	Linked to 386/ Para 64-65 of letter	R		Open							

325	Appendix 1	Peckfield Level Crossing			New Public Right of Way north of the railway line linking Great North Road to Pit Lane. Improvements to Pit Lane to allow vehicles to pass and provision of a parking/turning area for residents. The new Public Right of Way must be built to adoptable standard.	All PRow routes will be designed in accordance with the appropriate design criteria. As previously advised, a bridleway would be 4m wide and a footpath circa 2m wide. This is in line with the Design Manual for Roads and Bridges, CD 143, Designing for walking, cycling and horse-riding (which requires a minimum width of 3m).	As per 321. LCC disagree	R		Open								
326	Appendix 1	Peckfield Level Crossing			The closure of the level crossing that carries Micklefield Bridleway 8 will sever the bridleway as a point closure and neither option 1 or 2 through the recreation ground north of the railway and the use of adopted roads (Pit Lane and Gt North Road) are a suitable replacement. The provision of a footpath through the recreation ground is not a diversion as these are already available and bridleways users won't have a right of access on horse-back or pedal cycle if a footpath is created. Earlier proposals for a diversion west to the A656 Ridge Road to facilitate bridleway access and connectivity, and / or a new footbridge, due to the problem of taking users onto the Gt North Road and underbridge and increased vehicular traffic in Micklefield centre as new housing goes in have been disregarded. Future / likely origin & destination data is required together with safety audits, particular regarding the low railway bridge over the main road.	Two options have been included in the Order application for Peckfield Level Crossing. One option would see a footpath provided on the north side of the railway, connecting the Railway Cottages to Great North Road. The other option would see the creation of a bridleway on the north side of the railway, running through the southern end of the recreation ground. An option for the creation of a new bridleway and provision of a Pegasus crossing over the A656 was considered. However, as previously explained in meetings with LCC, this was discounted by Network Rail on the grounds of safety following consultation with LCC highway authority. The A656 Road Safety Review was discussed with the local highway authorit and it was determined that a fixed crossing movement was not supported by the local authority, due to the road speed and insufficient width to accommodate a shared footway safely. A bridleway or stepped bridge in the vicinity of the existing level crossing were both considered but were discounted during option selection, primarily due to concerns over the visual impact of the structure, particularly on nearby residents and the land take required. It was also discounted on the basis of cost and the limited benefit it would provide given the diversionary routes available at-grade via Pit Lane. User surveys of the level crossing were undertaken in 2014, 2016, 2021 and 2023. These surveys were typically undertaken over a consecutive seven-to-nine-day period and an additional origin – destination survey was undertaken in 2023. The information collected over the ten-year period, alongside the environmental impacts, impact on land and property, and the increased construction and operation costs involved, rule out justification for the construction of a ramped bridleway bridge.	Linked to 386/ Para 64-65 of letter	R		Open								
329	Appendix 1	Peckfield Level Crossing			•Ward members advised they do not support closing the level crossing without a bridge. Network rails figures (as per the options assessment) do not consider future housing or commercial development to the south of the railway. The current route is also a traffic free walking route to the villages primary school and almost traffic free to the GPs etc. •Boncerns were also raised as to future maintenance costs for new PRowS and in this case only being created to suit Network Rail and not the Micklefield community.	Potential future demand - NR has reviewed the information supplied by LCC about developments that have planning permission close to the level crossing, the potential demand from which LCC have noted Network Rail would have to take into consideration in its proposals. On the development to the south of the railway along Pit Lane (19/05296/FU, development of 104 dwellings), to access Micklefield and its amenities the new residents would proceed east along Pit Lane to Great North Road. They can also access the bridleway via Network Rail's proposed alternative route. Therefore, in our view, the new residents would not be impacted by the removal of the level crossing. In relation to the development to the north of the railway (23/02649/COND), again new residents of this development would access Micklefield along Great North Road. Therefore, Network Rail concludes that the closure of the level crossing would not affect access to Micklefield or Public Rights of Way. It should be noted that Network Rail is of the view that sites which are not in the planning process, but which may have an allocation, do not constitute committed development, and should not be considered as part of the needs case. It is for the developer of those sites to work with the Local Planning Authority to provide the infrastructure necessary to support those developments. Safety - Both options submitted in the Order provide a safe, convenient, accessible (level), alternative route, via existing footways on Pit Lane, Great North Road and either a new footpath or bridleway through the recreation ground. Pedestrians would only be on the existing footpath near a highway for a short distance, before entering the recreation ground to continue their journey via the new footpath or bridleway. The risk associated with users crossing the railway line is also removed. Public Right of Way maintenance - Network Rail notes LCC's concerns over the future maintenance costs for the new PRow and responds as follows. Both options provide accessibility improvements for the residents of the railway cottages and provide a safe, accessible (level) route via existing footways along Pit Lane, the Great North Road and a new footpath or bridleway through the recreation ground. These options also remove the need for users to cross the railway line, improving community safety and maintenance of the new PRow, which benefits the public, should be the responsibility of the local authority.	Linked to 386/ Para 64-65 of letter	R		Open								
331	Letter	Approach to PD rights		Para 1 -3	The Council notes that the definition of "authorised works" contained within Article 2 (Interpretation) of the draft Order (Document Ref: NR02) is as follows, "the scheduled works and any other works authorised by this Order the planning permission and the Town and Country Planning (General Permitted Development) (England) Order 2015 including Part 18 of Schedule 2 to that Order or any part of them". Network Rail explains in the Explanatory Memorandum (Document Ref: NR03) that the definition has been "widened to include both the Scheduled Works (which are the subject of the request for deemed planning permission) and also works which falls within permitted development rights and planning permissions which are to be secured by Network Rail, as are identified in the List of Permission and Consents." Notwithstanding that certain works may be consented pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPD0), Network Rail has included these in the draft Order, but has not subsequently listed these works on the Works and Land Drawings (Document Reference NR09). In addition, those works listed in the List of Permission and Consents (Document Ref: NR18) only refers to permitted development which requires prior approval. Those applications for prior approval set out in NR18 relate to works to Kirkgate Bridge, the replacement of Marsh Lane Bridge and works to an underbridge in the vicinity of Neville Hill Depot. The Council is aware of a number of other works that are proposed to be carried out under permitted development rights, which have not been listed in document NR18. For example, the set-up of working compounds, storage areas, and accesses to the same. It is essential that this is detailed.	Addressed in 29/9 NR correspondence. Also addressed in 13/10 letter from NR. NR "intends" to provide consents and work register. NR agreed to commit to providing quarterly - NR to include wording in SoGC. And also to be included in highways/ enviro agreement	Addressed in 29/9 NR correspondence. Also addressed in 13/10 letter from NR. NR "intends" to provide consents and work register - commitment to do so required from NR? - agreed	A	Environmental Agreement	Open								
334	Letter	Approach to consents		Para 8-9	In addition, Network Rail appear to be splitting mitigation to the works authorised under the draft Order and the deemed planning permission. For example, the Code of Construction Practice is split into Part A and Part B and the scheme components that fall under the relevant mitigation is not clear. However there is inconsistency in the document itself in relation to the terminology used, which in itself makes the whole document unclear as to which element of the works it applies to. The Council would welcome an explanation from Network Rail as to why it has taken this approach with the Scheme, which is a variation to the approach taken in other applications for other parts of the Transpennine Route Upgrade.	addressed in 13/10 letter from NR.	In enviro. Agreement	A	Environmental Agreement	Open								
336	Letter	Detail in application		Para 12-13	12. In addition, the provision of a construction traffic management plan is proposed in the Code of Construction Practice (Document Ref: NR17) and as a deemed planning condition. However the Council notes that, whilst a construction traffic management plan is welcomed by the Council, any construction traffic management plan requires substantially more information, including diversion details, public parking management, other movement restrictions, details of access to properties, and accommodation of pedestrian/cyclist movements. This detail is currently not shown in the draft construction traffic management plan. 13. The above are just some of the examples where there is detail lacking in the Application documents submitted by Network Rail. Further examples of where information is limited is included in Appendix 1. The Council will continue working with Network Rail to discuss any of the additional information required.	addressed in 13/10 letter from NR. NR to address LCC comment	13/10 NR letter to be reviewed. Issues addressed in part - if CoCP A and B is provided thats acceptable, but concerns around how and when receive/ LCC consultation mechanism required. i.e. content is fine but what about process? - NR to confirm. Include as part of enviro. Agreement commitment 3 or 8?	A	Environmental Agreement	Open								
338	Letter	Application plans		Para 16	16. The land over which Network Rail has control does not appear to be shown in the Application documents. However Network Rail is applying for powers and planning consent over such land, together with carrying out works under separate permitted development rights. The Council is concerned that in taking this approach it does not allow the Council, as a party with statutory functions, to be able to properly assess the impacts of the Scheme on its functions. It also creates further difficulty in managing the project and, for example, subsequent discharges of conditions as various approaches are proposed to be used. Nor does it allow the Inspector(s) or Secretary of State to adequately assess the Scheme, and ensure that the cumulative impacts of the various forms of consent are taken into consideration.	addressed in 13/10 letter from NR.	13/10 NR letter references issue; The approach taken by NR is not unusual however, as discussed with NR it is important that NR are clear with LCC, and LCC are clear which land/works falls under which consenting regime to ensure that no works/impacts fall between the gaps and are missed. Actions to date to manage that are the list of highway works provided to NR as well as Lauren's document which is being produced alongside the NR consents document (NR18) to ensure LCC is clear as to the extent of the works being carried out under each regime- to be included in Statement of Case and Clarification on mitigation controls required.	A	Deemed cons/ mitigations	Open								
344	Letter	Approach to land acquisition (b. Overall justification for land acquisition)		Para 19	1. Examples include: 1. Band at New Market Approach (Plots 4-001 and 4-003) have been included for permanent acquisition. However in discussions with the Council, Network Rail's rationale for the use of this land has changed on a regular basis. The draft Order notes at Schedule 2 (Acquisition of certain lands for ancillary works) that this is required for provision of a permanent access for rail related purposes. However the Council has previously been advised that the land is required for altering the route to Pontefract Road, as well as for the relocations of businesses from the vicinity of the Neville Hill Depot site to elsewhere. Network Rail's justification for the acquisition of this land is not sufficiently clear. 2. Plot 1-018 is listed to be acquired temporarily for access and construction. However there is no indication in the works plans or other application documents what the extent of the area will be used for construction or access.	NR 13/10 letter - responds to issue. 1. Requirement for new market provided. 2. consulted with land owner	NR 13/10 letter - responds to issue. Issue regarding permanent land at New Market to remain open. LCC has proposed alternative proposal to NR. LCC waiting response. Kirkgate issues closed - NR9 identifies use of land	A	L&P	Open								
347	Letter	Level crossings		Para 20-22	20. The Council would like further information and clarity from Network Rail in relation to its approach to the level crossings in the Applications documents. 21. Specifically, there are four level crossings that are to be closed as part of the Application: a. Barrowby Lane and Barrowby Foot level crossings; b. Barforth Moor level crossing; c. Peckfield level crossing; and d. Highroyds Wood level crossing 22. The Council notes, however, that only deemed consent has been included for the Peckfield level crossing in the draft Order, but none of the other level crossings. The Council notes that the List of Consents, Permissions or Licences Under Other Enactments (Document Reference: NR18) does not include reference to any other consent received or applied for in relation to the above level crossings. Peckfield level crossing is currently the only proposed level crossing without an appropriate diversion. A full list of the consents required outside of the Transport and Works Act process, that the Council is aware of, have been previously provided by Network Rail to the Council and this does not align with those included in the Application.	NR to provide witten correspondence as to the requirement for the specific Peckfield condition included in NR12.	13/10 NR letter references issue. Missed the fact that Peckfield has its own deemed con which we do not support (connects to wider peckfield concern) NR 13/10 letter references issue - open response to deemed consent to be environmental agreement which are being drafted accordingly. Clarification on mitigation controls required.	R	Deemed cons/ mitigations	Open								
348	Letter	BNG		Para 23	23. The Council notes that Network Rail state in document NR13 that it is committed to deliver 10% Biodiversity Net Gain (BNG) via the Network Rail (2020b) Transpennine Route Upgrade – Programme wide Net Positive Biodiversity Strategy (Revision P03.1), and a BNG assessment will be carried out to meet the Strategy objectives. BNG will be delivered locally wherever practicable."	13/10 Nr letter provides confirmation of "local" Update required to BNG condition 10 and response to environmental agreement comments.		A	Deemed cons/ mitigations	Open								

353	Letter	BNG		Para 28	28.The Council notes the commitments made by Network Rail in NR13 and requests that a more specific and deliverable commitment is made to secure 10% net gain within the Council's administrative area which is policy compliant. Furthermore, the Council has not been provided with any baseline calculations or measurements for Network Rail's assessment of the net gain which the Council would like to review in order to confirm the approach taken.	13/10 Nr letter provides confirmation of 'local' and 10% BNG commitment. BNG baseline calculations to be provided. BNG working group required. Update required to BNG condition 10 and response to environmental agreement comments.	NR 13/10 letter references issue. Wording of Enviro agreement and planning condition on BNG to be agreed.	A	Deemed cons/ mitigations	Open							
354	Letter	BNG		Para 29	29.The commitment requested by the Council can be achieved through amendment of the relevant deemed planning conditions as set out in more detail in Appendix 1. In addition the Council looks forward to receipt of Network Rail's baseline calculations and to holding further discussions on this point.	13/10 Nr letter provides confirmation of 'local' and 10% BNG commitment. BNG baseline calculations to be provided. BNG working group required. Update required to BNG condition 10 and response to environmental agreement comments.	NR 13/10 letter references issue. Wording of Enviro agreement and planning condition on BNG to be agreed.	A	Deemed cons/ mitigations	Open							
355	Letter	Ecology		Para 30-31	30.Network Rail highlights in its Environmental Statement (Document reference: NR17) at paragraph 2.1.13 that great crested newts have been confirmed as present in ponds adjacent to the Austhorpe Lane Southeast compound and that mitigation for the effects on great crested newts in contained in paragraph 4.3 of the Code of Construction Practice (CoCP) (Document reference: NR17). The Council notes, however that paragraph 4.3.2 of the CoCP states that: "In the event there is potential for the disturbance of any great crested newts in the compound location at Austhorpe Lane, Network Rail would utilise its operating organisational licence and submit information to NatureSpace, rather than a standard licence application made to Natural England." 31.The Council has not been provided with any justification for Network Rail's approach in not seeking a licence from Natural England, as is standard, nor, save for one email, has the Council received any details of the information to be submitted to NatureSpace that would mitigate the effects of construction on the great crested newts. The Council requires commitments within the Application itself that demonstrate that the mitigation for the effects on great crested newts and any other protected species, will be sufficient, and will be secured. Further information is required by the Council in relation to other protected species that may be affected by the Scheme, that have not been already been identified.	13/10 NR letter references issue.	NR 13/10 references issue. Clause 6 - protected species added to environmental agreement. LCC provided updated survey to NR 3rd October and 14th November- NR to make reference to it in SoCG and advise they will use LCC recent data	A	Environmental Agreement	Open							
356	Letter	Deemed Consents and disapplication of other legislation		Para 32	32.Discussions are ongoing with Network Rail in respect of the deemed planning permission sought as part of the TWAO and the conditions sought within the draft Order. The Council have particular concerns that some of the consultation to be undertaken with the Council in its capacity as local planning authority would happen retrospectively for example, condition 5 states "Within 6 months of the commencement of the development for that stage	13/10 NR letter references issue.	13/10 NR letter references issue- makes ref to environmental commitments letter. LB sent comments on enviro agreement to NR 24/10. LCC to provide suggested deemed cons to NR (track changes)	R	Deemed cons/ mitigations	Open							
358	Letter	Deemed Consents and disapplication of other legislation		Para 34	34. In reviewing the standard conditions deemed planning conditions against the conditions proposed in this instance, the Council have proposed amendments to those proposed to make the conditions more responsive to the Council. Discussions are ongoing in this regard. More detailed comments on the draft deemed planning conditions are set out in Appendix 1.	13/10 NR letter references issue. Further discussion to take place on deemed cons	13/10 NR letter references issue. LCC to review deemed conditions and send tracked changed doc to NR	R	Planning	Open							
360	Letter	Planning Policy and guidance		Para 36-38	36.The Council wishes to provide the Inspector with an update on the latest position with the Council's Site Allocation Examination. Representations made during consultation up to 27 January 2023 were submitted to the Inspector by the Council and the Inspector's report is expected to be received in August 2023. Currently the Site Allocations Plan is still in examination. 37.As part of the examination of the site allocations plan, the Council agreed to remove housing from a Green Belt site, which forms part of the land required for the Scheme. See Plots [8-001, 8-003A, 8-003, and 8-005]. The Council's view is that exceptional circumstances apply in order to meet employment needs in relation to this site. The Council understands that the current proposal is to use the above plots for a temporary construction site. 38.The above plots form part of a strategic development site for the Council and at this stage the Council objects to the use of this land on a temporary basis for construction. This is especially so given that the Council has not been provided with sufficient information as to the extent of the time for which the temporary compound will be operational. In addition, the Council has already accepted the location of another temporary compound in relation to this Scheme. The Council has proposed an alternative site for the compound, which has not been taken into account by Network Rail.	13/10 NR letter references issue. Include in SoCG	13/10 NR letter references issue. Can close when access from William Parkin way is addressed in SoCG and order docs. When closed and include in SoCG recognition that discussions are ongoing with planning inspector. NR also acknowledge "in detail at several meetings with LCC and with Scarborough Developments, the land owner and prospective site developer. Scarborough Developments agrees in principle that the temporary use of land is acceptable and will not prevent development of the land plots referred to in paragraph 37".	A	Planning	Open			To be included as pending matter subject to rectifying and reflecting comments				
361	Letter	Planning Policy and guidance		Para 39	39.Further information is also required regarding timescales for required compounds, and proposed reinstatements. Without sufficient information impacts on land allocation, designation, reinstatement and delivery on other schemes/developments such as at Wykebeck Avenue (see plots 6-001, 6-002, 6-003 and 6-004) cannot be wholly accounted for and allocated sites may be compromised	13/10 NR letter references issue. NR to include in SoCG. Nr to confirm in SoCG wont impact with planning permission. Also linked to 121	13/10 NR letter references issue. Linked to 331 and commitment to consents reg. Also linked to 121	A	Environmental Agreement	Open	06/11/2023		To be included in SoGC as 'pending closure' subject to confirmation and sign off of environmental agreement				
363	Letter	Replacement of structures		Para 41	41.The Council is aware from discussions with Network Rail to date, that where replacement of structures is proposed, that Network Rail is proposing that structures are replaced on a "like for like" basis. The Council has concerns about this approach, which have been expressed to Network Rail, where existing structures are considered sub-standard in line with current design standards and in need of updating to meet current accessibility requirements, Network Rail needs to demonstrate this.	13/10 NR letter references issue. NR to provide futher response in SoCG	13/10 NR letter references issue. However, no regard for approach gradients at Crawshaw woods. Key concerns around accessibility standards. LB to discussed with NR. NR to provide futher response in SoCG	G	Other	Open			To be included as clarification on discrepancy				
364	Letter	Replacement of structures		Para 42	42.The Council would expect to see all replacement structures built in accordance with paragraphs 110 and 112 of the NPFF which provides that; a.the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; b.applications for development should: i.address the needs of people with disabilities and reduced mobility in relation to all modes of transport; ii.create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;	13/10 NR letter references issue. NR to provide futher response in SoCG	13/10 NR letter references issue. However, no regard for approach gradients at Crawshaw woods. Relates to 365 below and 277 above.	G	Other	Open			To be included as clarification on discrepancy				
365	Letter	Highways		Para 43	43.To date, there has been a lack of detail provided by Network Rail regarding how the impacts on the highway network, including any permanent or temporary road closures and diversions, will be managed throughout the construction period and their overall impact post construction. Insufficient information has been provided regarding the extent of the construction period and what each phase of construction will consist of. A clear plan of the proposed phases of construction would be welcomed by the Council in order for it to properly understand the construction impacts of the Scheme and how they can be managed appropriately	13/10 NR letter - "In addition, Network Rail will provide an overview programme" NR to address LCC comment in highway agreement	Highways agreement specifies how network impacts will be managed incl. a network management group - NR to update highways agreement to include above commitment to overview programme of construction phrasing and further iterations. NR to also add LCC permit scheme request to highways agreement	A	Highways Agreement	Open			To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement				
366	Letter	Highways		Para 44	44.It is also not clear from the discussions with Network Rail to date which statutory undertakers have been consulted and what their views have been in respect of any diversions or work required to their infrastructure and any impacts that any such works may have on the operation of the highway network. As set out in Appendix 1, the Council own a number of service tunnels which are impacted by the Scheme. It is not clear from the provisions included in the draft TWAO whether such service tunnels are classed as "apparatus" for the purpose of the TWAO.	13/10 NR letter references issue. "If works are being carried out near the service tunnels, we can consider if there is any need to include appropriate protections within the draft Order." NR to update order/ highways agreement - AW to confirm which document. Also consider any unified apparatus and where/how would deal with it.	13/10 NR letter - issue acknowledged. requests further info from LCC. TP to speak to Ri to provide NR with specific info so NR can update order. NR also need to address in highways agreement what happens where apparatus is found but not yet identified. Linked to 243 and 251 of appendix 1 - structures near penny pocket park/ marsh in	A	Highways	Open							
367	Letter	Highways		Para 45	45.There has been a lack of detail provided around the movement of construction traffic, Abnormal Indivisible Loads (AILs) (and the process through which their movements will be authorised and managed) and available routes for emergency vehicles, especially for access to St James Hospital whilst works are ongoing in that location	13/10 NR letter - NR to address LCC comment in highway agreement	13/10 NR letter - issue acknowledged. To include provision in Highways agreement ; to be address in the Highways Agreement	A	Highways Side Agreement	Open			To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement				
368	Letter	Highways		Para 46	46.Additional detail is also required in relation to any permanent restrictions (e.g. parking and loading restrictions) sought by Network Rail and how they are to be secured. From the information received to date, it is not clear whether any such restrictions will be secured within the TWAO or outside of the TWAO using the Council's usual procedures	13/10 NR letter - NR to address LCC comment in highway agreement	13/10 NR letter references issues. AM to advise on response. "Provision can also be made in the Highways Agreement for advance notification and discussion of proposed TROs as part of the Highway Network Management Group". - provision in highways agreement	A	Highways Side Agreement	Open			To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement				
369	Letter	Highways		Para 47	47.The Council looks forward to receiving an update from Network Rail as to when a draft Communications Plan will be sent to the Council, the terms of which can be secured through the Side Agreement to be agreed between Network Rail and the Council	13/10 letter - NR 'intends' to provide. NR to reflect LCC comment in SoCG	13/10 NR letter references issue. "NR intends to provide a draft External Communications Plan to LCC for comment, in advance of the granting of the Order, which is anticipated in late 2024". LCC require that 'will' provide and not 'intend' to.	A	Other	Open			NR to confirm commitment to provide external comms plan in advance of the order.				
370	Letter	Highways		Para 48	48.The Council also has concerns around the disapplication of legislation within the draft TWAO and welcome further discussions with Network Rail in this regard to properly understand Network Rail's intentions in particular in respect of the disapplication of part of the New Roads and Street Works Act 1991. The Council is concerned that the disapplication of certain provisions negates the need for Network Rail to comply with the notice periods expected by the Council.	13/10 NR letter references issue. Subject to highways agreement	13/10 NR letter references issue. Subject to highways agreement and protocols and acceptance of 28 days in order.	A	Highways Agreement	Open			To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement				
372	Letter	Austhorpe Lane		Para 50	50.The Council is aware, through discussions that have taken place with Network Rail to date, that it is Network Rail's intention that the Austhorpe Lane Bridge will be demolished to enable the electrification underneath it, and replaced with a two-lane bridge, incorporating a footway in the same single structure. It is understood that designs are still being worked up in this regard. Whilst the Council is supportive of the proposals in principle, and welcomes the negotiations to date, further detail is required from Network Rail in respect of the proposed design standard to which the new structure is built, the process for which approval will be sought from the Council, as well as the proposals for the stopping up (and definition of) of Austhorpe Lane	13/10 NR letter references issue.	13/10 NR letter - issue acknowledged. to confirm with highways authority of approving structures that deviate from standards.	A	Highways	Open							
373	Letter	Austhorpe Lane		Para 51	51.Network Rail requested the Council make a contribution of £800,000 to the new structure following negotiation on the proposed replacement structure. This is not agreed by the Council on the basis that it remains the Council's view that structures should meet current standards set out in the Design Manual for Roads and Bridges or as agreed with the Council in its capacity as local highway authority. Network Rail's original proposal did not meet the required criteria and would have built health and safety issues into the design. The Council has also confirmed to Network Rail that the structure would need to be owned and maintained by Network Rail. Discussions are ongoing between the Council and Network Rail in this regard.	13/10 NR letter references issue. Subject to highways agreement	13/10 NR letter - issue acknowledged. NR to include re ownership and maintenance of structure in highways agreement	A	Highways Agreement	Open			To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement				
376	Letter	Access to compunds		Para 54	As detailed in Appendix 1 the Council have substantiated concerns in relation to the lack of clarity provided by Network Rail to date in relation to the timeframes during which temporary compounds are required. This makes assessing the impact (and any concerns arising from this) challenging as it is not clear whether the impact will be short or long-term. As previously drafted, the draft TWAO gave proposed timescales for the temporary works, but this is not set out in the current version submitted with the application. The Council require an explanation as to why this information has been removed from the submitted version of the draft TWAO and provision of more detailed information from Network Rail, so that highway impacts can be assessed in a more meaningful way. From the information currently available, it is not possible for the Council, in its capacity as local highway authority to consider the traffic management required at each compound location where access is required from the highway. The accesses that are relevant here as detailed in Appendix 1.	13/10 NR letter references issue. Linked to 365/ para 43	13/10 NR letter - issues acknowledged. Linked to 365 1) linked to commitment to consents register 2) issues regarding draft TWAO timescales not relevant 3) Highways agreement specifies how network impacts will be managed incl. a network management group - NR to update highways agreement confirm whether highways agreement will resolves compound access issues E.g. Call Lane ref 232	A	Other	Open							
377	Letter	CoCP		Para 55	55.The Code of Construction Practice (CoCP) proposed by Network Rail is proposed to be provided in two parts; Part A and Part B. To date, the Council has only had sight of Part A	13/10 NR letter - issue acknowledged.	13/10 NR letter - issue acknowledged. Clarification on mitigation controls required - environmental agreement	A	Environmental Agreement	Open							

380	Letter	CoCP		Para 58	58.The Council cannot agree to the provisions in the CoCP in totality until it has been provided with CoCP Part B and been able to assess both parts in conjunction with each other. To date there appear to be contradictions between Parts A and B as set out in NR16 and 17 as to which part of the works Part A and B are intended to apply to.	13/10 NR letter - issue acknowledged.	13/10 NR letter - issue acknowledged. To be addressed in environmental agreement	A	Environmental Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and environmental agreement			
381	Letter	Side agreement		Para 59	59.As set out above, the Council is of the view that greater clarity is needed in respect of the powers being sought under the TWAO relating to works needing to be carried out on the highway or to highway infrastructure to facilitate the construction of the Scheme.	13/10 NR letter - issues acknowledged. Linked to highways side agreement.	13/10 NR letter - issues acknowledged. Linked to highways side agreement. Power sought will not be clear until highways agreement finalised.	A	Highways Side Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement			
382	Letter	Side agreement		Para 60	60.Clarity is needed in order to avoid issues concerning traffic management, the mechanism under which works to the highway will be carried out, how disruption to users of the highway network will be managed, traffic management plan, and blue badge parking bays temporary closures	13/10 NR letter references issue. Linked to para 43, 54 and 59	13/10 NR letter - issues acknowledged. Linked to highways side agreement. Mechanism will not be clear until highways agreement finalised	A	Highways Side Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement			
383	Letter	Side agreement		Para 61	61.In addition to the wording of the planning condition proposed by Network Rail, the traffic management plan requested by the Council should additionally provide full details of all road closures and diversions for each stage of the proposed works, including any time constraints to accurately predict the impact on specific waste collection routes. The Council would seek opportunity to engage early with Network Rail to suggest diversion routes based on local operational knowledge. The timing is critical to ensure correct processes are put in place to ensure minimum disruption to the network.	13/10 NR letter - issues acknowledged. Linked to highways side agreement.	13/10 NR letter - issues acknowledged. Linked to highways side agreement.	A	Highways Side Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement			
384	Letter	Side agreement		Para 62	62.The Council considers that any engagement, detail of works and mechanisms for securing works are capable of being agreed through the Side Agreement to ensure early engagement with the Council in its capacity as highway authority where necessary.	13/10 NR letter - issues acknowledged. Linked to highways side agreement. Early engagment will be under network management group subject to highways agreement	13/10 NR letter - issues acknowledged. Linked to highways side agreement.	A	Highways Side Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement			
385	Letter	Side agreement		Para 63	63.Network Rail has provided the Council with a draft Highways Side Agreement which is anticipated will set out the agreed position between the Council and Network Rail in relation to those matters. Until those matters are agreed, the Council will not be in a position to withdraw its objection in principle to the Scheme	13/10 NR letter - issues acknowledged. Linked to highways side agreement.	13/10 NR letter - issues acknowledged. Linked to highways side agreement.	A	Highways Side Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement			
386	Letter	Peckfield Level Crossing		Para 64-65	64.Concerns have been raised by the Council regarding the proposed diversion of the bridleway and footpath required as a result of the proposed closure of Peckfield Level Crossing. Network Rail has undertaken an options assessment of alternative solutions for bridleway and pedestrian users. Two options are now included in the TWAO as a result of feedback from consultees during the consultation process and the options evaluation. The Council understand that it is Network Rail's intention to let the Secretary of State determine the most appropriate solution. 65.The Council is still considering the options proposed by Network Rail and discussions are ongoing with Network Rail as to the suitability of the current options proposed. A further update will be provided to the Secretary of State of the Council's position on this issue, following further discussion with Network Rail.	13/10 NR letter - issue acknowledged.	13/10 NR letter - issue acknowledged .	R	Other	Open					
387	Letter	Comms plan		Para 66	66.The Council has requested a Communication Plan (and means of public engagement by Network Rail) setting out the proposed communication plan from Network Rail detailing how communication of all works and impacts on residents and all key stakeholders including Ward Members will be provided. Such a plan should include the following (which is not an inclusive list); 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. It is hoped that the Communications Plan will detail how Network Rail will deal with any unforeseen issues arising during construction in addition to means of public engagement and engagement with all key stakeholders and how Network Rail will keep ward members, local residents and businesses proactively informed of the works	13/10 NR Letter - "commits to holding a monthly strategic communications meeting with LCC to discuss communications matters." - missing on site notices. issue is referenced in para 57 as well. NR to provide info as per 57	13/10 NR Letter - "commits to holding a monthly strategic communications meeting with LCC to discuss communications matters." - missing on site notices. issue is referenced in para 57 as well. Linked to environmental agreement - how and when info provided, needs to be agreed.	A	Environmental Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and environmental agreement			
388	Letter	Sustainable Transport and PROW		Para 67-70	67.The Council require additional information and further clarifications from Network Rail in respect of the impacts of the Scheme on the cycle routes across the City Centre and further afield (including the core cycle route 66 to East Leeds). 68.The specific locations of the cycle network across Leeds that the Council believe to be impacted most significantly are set out in detail in Appendix 1(Transport Policy section). It is vitally important that the construction impacts of the Scheme do not negatively impact on city centre cycle routes, and if there are negative impacts, the mitigation proposed must be clear, which isn't the case currently. Further discussion with Network Rail is welcomed to enable the Council to properly understand the impact on affected cycle routes, whether such impacts can be avoided or mitigated, and the form of mitigation to be agreed. 69.Appendix 1 sets out the locations at which works are proposed which the Council believe may clash with works proposed to the City Centre Cycle Loops scheme. The full impact of this clash need to be properly understood, which can only be done following provision of the requested clarification in Appendix 1. It is important that the construction programme for the Scheme is aligned to the planned works for the City Centre Cycle Loops scheme and any other impacted schemes.	13/10 NR letter - issue acknowledged. Linked to highways side agreement	13/10 NR letter - issue acknowledged. Linked to highways agreement	A	Highways Side Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and sign off of highways agreement			
389	Letter	Heritage		Para 71	Mitigation has been agreed with Network Rail for the substantial harm caused by the demolition of the listed buildings as part of the proposed Scheme	13/10 NR letter - references issue. Issue superseded. Close. NR to add to SoCG	13/10 NR letter - Issue superseded. Close	G	Planning	Open		To included as closed matter			
390	Letter	Heritage		Para 72-75	72.However further assessment is required to be discussed in detail with Network Rail in relation to the Kirkgate/Marsh Lane works, including the installation of signalling gantry in the vicinity of the Grade I listed Leeds Minster. 73.Paragraph 199 of the National Planning Policy Framework (NPPF) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." 74.n addition, paragraph 202 states, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." 75.The Council's view is that the impacts on the Minster as a result of the installation of the signalling gantry would cause less than substantial harm. This harm is not such that can be mitigated against but the Council would like to draw this to the Inspector's attention in the consideration of the Application.	13/10 NR letter - references issue. NR to include in SoCG	13/10 NR letter - issue acknowledged. „Can be closed but something to be addressed in the SOC as "agree to disagree" - LCC have its view, NR has a differing view - we can leave to Inspector to reach their own view (n.b. linked to 230 - further info can be found there)	G	Planning	Open	24/10/2023	To included as a closed matter			
393	Letter	Environmental Report		Para 79-81	79.The Council also notes in the Environmental Report Volume 1 (Document Reference: NR16) at paragraph 1.5.2 that no technical studies have been carried out in relation to air quality as potentially significant effects "will be avoided through construction works being carried out in compliance with Network Rail's Minimum Requirements for Projects – Design and Construction (NR/L2/ENV/015) (Document Reference: NR/L2/ENV/015, current version v9, 2021) and a Code of Construction Practice (CoCP), detailed in Section 1.5.5." 80.Paragraph 4.1.8 of the Environmental Report Volume 1 (Document Reference: NR16) does identify that there may be air quality impacts, and that these may be localised and temporary in nature. 81.The Council does not follow the logic of not including an air quality assessment in the Environmental Report, particularly where it has identified that there may be impacts, and that these impacts will be secured through the CoCP Part B. Given that mitigation is being provided for air quality effects, the Council would expect to see the assessment carried out to reach this conclusion	13/10 Nr letter - provides explanation.	13/10 NR letter - issue acknowledged. NR stated they accept there will be air quality impacts therefore assesment is not required. Mitigations will be provided in environmental agreement and deemed cons.	A	Environmental Agreement	Open		To be included in SoGC as 'pending closure' subject to confirmation and sign off of environmental agreement			
394	Letter	Land contamination		Para 82-86	82.Paragraph 183 of the NPPF requires that planning policies and decisions should ensure that: "a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments."	13/10 Nr letter - stated happy to attach deemed con	13/10 NR Letter "Network Rail is content to agree a suitably worded condition based around the residual risk that land with contamination may be encountered and would need to be dealt with. The wording of the condition can reflect the general requirement to comply with CR-E Section 6.2 Contaminated Land."	A	Environmental Agreement	Open					

TRANSPORT AND WORKS ACT 1992

**Transport and Works (Applications and Objections
Procedure) (England and Wales) Rules 2006**

**THE NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER**

**DOCUMENT NR12: REQUEST FOR DEEMED PLANNING
PERMISSION AND STATEMENT OF PROPOSED
CONDITIONS**

Rule 10(6)

Document Reference	151666-TRA-E234-TRU-CNT-W-LP-000006
Author	Network Rail
Date	July 2023
Revision Number	Rev 1

The Network Rail (Leeds to Micklefield Enhancements) Order

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Transport and Works Act 1992

**Transport and Works (Applications and Objections Procedure)
(England & Wales) Rules 2006**

The Network Rail (Leeds to Micklefield Enhancements) Order

**Request for Direction under Section 90 (2A) of the Town and Country
Planning 1990 and conditions to be attached to the Direction.**

To: The Secretary of State for Transport, Department for Transport, Great
Minister House, 33 Horseferry Road, London SW1P 4DR

1. Network Rail Infrastructure Limited (Network Rail) is applying to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992 for the Network Rail (Leeds to Micklefield Enhancements) Order (“the draft Order”) under section 1 of that Act. The Order (if made) would authorise Network Rail to carry out various works along the route, including the demolition and re-construction of several overbridges, the extinguishment of a number of level crossings (Garforth Moor, Barrowby Lane and Barrowby Foot, Highroyds, Peckfield) and the construction of a replacement footbridge for the Barrowby level crossings, with associated diversions of the rights of way and the extinguishment of all rights to cross the railway at those locations; and all ancillary works associated with the works including construction compounds and attenuation drainage. The works to be authorised by the draft Order will facilitate the electrification of the railway and closure and replacement of level crossings which allows for increases in line speed and track capacity which in turn improves the journey time and reliability performance of rail services on the Trans-Pennine railway between Manchester, Leeds and York.
2. Network Rail requests, pursuant to rule 10(6) of the Transport and Works (Applications and Objections Procedure) (England & Wales) Rules 2006 (S.I. 2006 No.1466) (“the Application Rules”) a direction from the Secretary of State under Section 90(2A) of the Town and Country Planning Act 1990 that, subject to paragraphs 15 and 16 below, planning permission so far as it is required shall be deemed to be granted for the development proposed to be

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- authorised by the draft Order within the various limits provided for in the draft Order and the accompanying deposited plans and sections.
3. The works to be authorised in the draft Order comprise the Austhorpe Lane Gas Main Diversion, a Replacement Austhorpe Lane Bridge, Works to Raise Crawshaw Woods Bridge, New Barrowby Lane Bridge, Ridge Road Gas Main Diversion, Replacement Ridge Road Bridge, Micklefield TSC, Peckfield Level Crossing Closure and Kirkgate to Marsh Lane Land works., .
 4. The draft Order authorises the compulsory acquisition and temporary use of land for the purposes of the works and confers powers in connection with the construction, maintenance and operation of the works.
 5. The draft Order provides for the construction and maintenance of ancillary works and includes provisions to execute street works, to alter the layout of streets, to stop up streets permanently and temporarily, and to provide means of access to the works. The draft Order makes provision as to the construction and maintenance of new and altered streets and for agreements to be entered into with street authorities. The draft Order also makes provision for the closure of accommodation crossings (if any), the discharge of water, the carrying out of protective works to buildings, roads and apparatus of a statutory undertakers. It also provides a power to survey and investigate land, and to use private roads for the purposes of construction.
 6. The draft Order confers powers for the compulsory acquisition of land and the compulsory acquisition of the subsoil of, or air rights over, land for the purposes of the works and for ancillary purposes and the acquisition of new rights in land, the appropriation of the subsoil of or airspace over streets and the temporary use of land for the construction or maintenance of works. It also provides for certain interests and improvements in land to be disregarded, and for enhancements in the value of land, to be set-off in assessing compensation payable. The draft Order also provides for the extinction or suspension of private rights of way and provides a time limit for the exercise of the powers of compulsory acquisition conferred by the draft Order.
 7. The draft Order modifies planning legislation as to the treatment of land as operational land and provides for the felling or lopping of trees overhanging the works.
 8. The Order further provides for the prevention of obstruction of the construction of the works, makes provision for traffic regulation, provides a defence to proceedings in respect of statutory nuisance and includes protective and ancillary provisions.

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9. The proposed development is entirely within the administrative area of the City of Leeds.
10. The applicant's interest in the proposed development is as prospective purchaser of any land permanently required for its operation and use, but it also has existing interests in some of the land required for the proposed development.
11. Notice to property owners and occupiers affected by the proposed development has been given by way of service of notices in accordance with Rule 15 of the Application Rules and other publicity required by the Application Rules.
12. The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

Proposals	Draft Order Articles/Schedules
The scheduled works	Article 7, Schedule 1
Ancillary works	Article 7(5)
Highway alterations and improvements	Articles 9, 10, 11, 12, 13, 14, 15 and 16 Schedules 3, 4, 5, 6 and 7
Protective works	Article 20
Temporary use of land for construction, maintenance and access	Articles 28, 29 and 30 and Schedules 13 and 14

13. Where land is being acquired permanently, the effect of the direction will be to change the use of all of that land within the boundary of the authorised works to railway use. Such land will become “operational land” as defined in section 264(3) of the Town and Country Planning Act 1990 and as provided for in Article 36 (planning permission) of the Order.
14. Further particulars of the items currently identified as forming elements or possible elements of the principal development proposed are contained in **Appendix 1** to this Request.

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15. The development for which planning permission is requested is development which, in respect of any works or matters, is carried out within any of the limits or at any of the places authorised by the draft Order and the accompanying deposited plans and sections.
16. The planning permission requested is intended to be granted subject to the proposed planning conditions set out in **Appendix 2** to this Request, in accordance with Rule 10(6)(b) of the Application Rules. These include conditions reserving for subsequent approval of the local authority matters relating to construction, landscaping and ecological mitigation, archaeology, contamination, materials, means of enclosure and biodiversity net gain.
17. A set of Planning Direction drawings showing elements of the development in further detail accompanies this Request pursuant to Rule 10(6)(d) of the Applications Rules. A list of those drawings is set out in **Appendix 3** to this request, along with a summary of works planned for each structure.
18. An Environmental Report, Planning Statement and Design and Access Statement also accompany this application.

Dated...10th July 2023.....

Signed.....

On behalf of Network Rail Infrastructure Limited

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APPENDIX 5**Schedule of Works**

In the administrative area of the District of Leeds:-

- 1 Work No. 1 – Realignment of Austhorpe Lane Bridge commencing south of the junction between Austhorpe Road and Manston Lane 140 metres and terminating at point 150 metres south includes the demolition of the existing Austhorpe Lane HUL4 Overbridge 21 carrying Austhorpe Lane over the existing railway (Leeds to Micklefield) and demolition of pedestrian bridge 21A.
- 2 Work No. 2 – A diversion of a high pressure gas main commencing beneath a point 140 metres south of the junction between Austhorpe Road and Manston Lane and terminating beneath a point 250 metres south east of its commencement.
- 3 Work No. 3 – Reconstruction of Crashaw Wood Bridge HUL4/20 carrying Definitive Footpath LEEDS 124 over the existing railway (Leeds to Micklefield line) commencing at a point 170 metres south of the junction of Nanny Goat Lane (Definitive Bridleway LEEDS 123) and terminating at a point 100 metres south of its commencement.
- 4 Work No. 4 – New Barrowby Lane Bridge carrying Definitive Bridleway Barwick 10 and Definitive Footpath Garforth 5 over the existing railway (Leeds to Micklefield Railway) commencing at a point 800 metres west of Barwick Road and terminating at a point 220 metres south from its commencement. Barrowby Lane Level Crossing and Barrowby Foot Level Crossing (P18-P19) will be extinguished and replaced with New Barrowby Lane Bridge.
- 5 Work No. 5 – Reconstruction Ridge Road Bridge HUL4/14 carrying the A656 over the existing railway (Leeds to Micklefield line) commencing at point 375 metres to the South of Church Lane and terminating at a point 76 metres to the south of its commencement.
- 6 Work No. 6 – A diversion of a high pressure gas main commencing beneath a point 50 metres West of Ridge Road (A656) and terminating beneath a point 206 metres south of its commencement

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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 to an appropriate Level 4” ~~means the level of recording in accordance with Historic England guidelines comprising a basic photographic record; A programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Written Scheme of Investigation (WSI)~~

“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.

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“site clearance” includes minor ground excavation works in relation^[HD1] 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 but excluding and the erection of contractors' work compounds, access routes ^[BL2] and site offices) is to commence until a written scheme setting out all the stages of the development has been submitted to and approved in writing by the local planning authority. Variations to the approved stages of development ~~may~~ 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.

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

4. LANDSCAPING & ECOLOGY - PRELIMINARY WORKS

No preliminary works within the relevant stage [to be inserted] are to commence until the following parts A(i) and A(ii) of the Landscape and Ecological Management Plan (LEMP) (Part A?) for that stage has been submitted to and approved in writing by the local planning authority:

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

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

A(iii) Seven days written notice shall be given to the Local Planning Authority that the protection measures are in place prior to demolition/ approved works commencing, to allow inspection and approval of the protection measures as implemented on site.

NOTE-this item cannot be discharged until post inspection approval is confirmed.

A(iiii) Evidence shall be submitted, such as a written appointment (including site specifics), that confirms that a qualified Arboriculturist/competent person has been appointed to carry out this Arboricultural monitoring/supervision.

A(v)-vii) Details of protective measures for retained trees.

No equipment, machinery or materials shall be used, stored or burnt within any protected area. Ground levels within these areas shall not be altered, nor any excavations undertaken including the provision of any underground services/drainage, without the prior written approval of the Local Planning Authority.

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, ~~or the completion of the works for that stage, whichever is sooner~~, a Landscape and

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Ecological Management Plan (LEMP) Part B must be submitted to and approved in writing by the local planning authority. The proposed LEMP Part B for each Stage will include the following details:

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

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

- i.) The aims and objectives of the management to be undertaken;

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- 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).
- d) 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 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;
 - ~~v) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fail or become diseased within the first five years from completion; and~~
 - ~~vii) Details of protective measures for retained trees.~~

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.

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6. CODE OF CONSTRUCTION PRACTICE

a) No stage of the development 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, but not limited to, the following plans and programmes, for each stage as defined in condition 3:

- i) An external communications programme;
- ii) A pollution prevention and incident control plan;
- iii) A waste management & materials plan;
- iv) A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;
- v) A noise and vibration management plan including a construction methodology assessment; and
- vi) A demolition methodology statement for relevant-relevant structuresbuildings. [BL3]

Each stage of the development must be implemented in accordance with the approved CoCP [BL4] for that stage and the relevant plans or programmes, unless otherwise agreed in writing with the local planning authority, shall be implemented in full throughout the period of the works.

Reason: To mitigate expected construction impacts arising from the development and to protect local and residential amenity in accordance with Leeds Core Strategy Policy 10 [BL5] and Paragraph 174 and 185 of the National Planning Policy Framework.

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7. CONSTRUCTION TRAFFIC MANAGEMENT & TRAVEL PLAN

a) No stage of the development (except preliminary works but excluding the erection of contractors' work compounds, access routes [BL6][BL7] and site offices) is to commence until a Construction Traffic Management Plan ("CTMP") [BL8] for that stage has been submitted to and approved in writing by the local planning authority for that stage and permit applications submitted to the Council in accordance with the Leeds Permit Scheme utilising the Department for Transport's Street Manager service. The CTMP must include:-

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

ii) A travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites; and [BL9] including the provision of non-motorised facilities to encourage walking and cycling

iii) Details on temporary diversions of both highways and rights of way required as part of the Scheme.

iv) Details on arrangements for temporary and permanent suspension of parking bays

iii)v) [XXX][BL10]

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 of the following structures must be submitted to and approved in writing by the local

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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

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v) ~~Micklefield 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 (~~excluding preliminary works~~^[HD11]) in the areas listed below is to commence until a construction methodology has been submitted to and approved in writing by the local planning authority, in order to assist in identifying any likely impacts on areas of heritage interest. It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service (WYAAS)) whether a written scheme of investigation is required to be submitted in relation to the following sites:

i) ~~(if any identified)~~^{[BL12][HD13]}

b) No development (~~excluding preliminary works~~^[HD14]) 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 scheme must identify areas where appropriate field work archaeological investigations and/or a watching brief 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.

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

e) A programme of post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material are required. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the

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[programme set out in the WSI](#)

d)f)

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.

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10. BIODIVERSITY NET GAIN

No development (excluding preliminary works) is to be commenced until a strategy (strategy must include, but not limited to, agreed baseline metric calculations and post development calculations as agreed with the LPA, and minimum 30 year BNG management and monitoring plan) to achieve an overall minimum 10% net gain within the Council's administrative boundary, as agreed by the LPA . in Bbiodiversity for the development, including monitoring, maintenance, management and reporting arrangements, has been~~shall be~~ submitted and approved in writing by the local planning authority. -Prior to the formal completion of bridge Six months after the formal completion of bridge HUL4/14 (or whichever is the last bridge to be completed) on the Order scheme, measures to achieve an overall minimum 10% net gain in biodiversity for the development (assessed in accordance with the 2019 Department for Environment, Food & Rural Affairs biodiversity metric 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. 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.^[BL15]

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

12. MICKLEFIELD PUBLIC RIGHT OF WAY

Prior to the commencement of works to create a new footpath between Great North Road and Pit Lane, details of surfacing and widths of the path will be submitted to the local planning authority for approval.^[BL16]

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

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APPENDIX THREE**LIST OF PLANNING DIRECTION DRAWINGS (TO ADD)**

Structure Name	Drawing Description	Drawing Reference
New Austhorpe Lane Bridge & gas pipe diversion	Austhorpe Lane & Gas Main Diversion Location Plan	151666-TRA-00-HUL4-DRG-R-SG-210001 Revision P01
	Austhorpe Lane & Gas Main Diversion Site Layout Plans	151666-TRA-00-HUL4-DRG-R-SG-210002 Revision P02
	Austhorpe Lane & Gas Main Diversion Proposed Detail Plan	151666-TRA-00-HUL4-DRG-R-SG-210003 Revision P02
	Austhorpe Lane & Gas Main Diversion Existing Detailed Plan & Section	151666-TRA-00-HUL4-DRG-R-SG-210004 Revision PO2
	Austhorpe Lane & Gas Main Diversion Existing & Proposed Road Bridge Elevations West	151666-TRA-00-HUL4-DRG-R-SG-210005 Revision PO2
	Austhorpe Lane & Gas Main Diversion Existing & Proposed Road Bridge Elevations East	151666-TRA-00-HUL4-DRG-R-SG-210006 Revision PO2
	Austhorpe Lane & Gas Main Diversion Proposed Road Bridge Sections	151666-TRA-00-HUL4-DRG-R-SG-210007 Revision PO2
New Barrowby Lane Footbridge	Barrowby Lane Bridge & New Access Tracks Location Plan	151666-TRA-00-HUL4-DRG-R-SG-230001 Revision P01
	Barrowby Lane Bridge & New Access Tracks Existing and Proposed Site Layout Plans	151666-TRA-00-HUL4-DRG-R-SG-230002 Revision P01
	Barrowby Lane & New Access Tracks Existing and Proposed Detailed Plans	151666-TRA-00-HUL4-DRG-R-SG-230003 Revision P01

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	Barrowby Lane & New Access Tracks Existing and Proposed Elevations West	151666-TRA-00-HUL4-DRG-R-SG-220004 Revision P01
	Barrowby Lane & New Access Tracks Existing and Proposed Elevations East	151666-TRA-00-HUL4-DRG-R-SG-220005 Revision P01
	Barrowby Lane & New Access Tracks Proposed Sections	151666-TRA-00-HUL4-DRG-R-SG-220006 Revision P01
Crawshaw Woods Bridge	Crawshaw Woods Bridge Location Plan	151666-TRA-00-HUL4-DRG-R-SG-220001 Revision P01
	Crawshaw Woods Bridge Site Layout Plans	151666-TRA-00-HUL4-DRG-R-SG-220002 Revision P01
	Crawshaw Woods Bridge Existing and Proposed Detailed Plans	151666-TRA-00-HUL4-DRG-R-SG-220003 Revision 01
	Crawshaw Woods Bridge Existing and Proposed Road Bridge Elevations West	151666-TRA-00-HUL4-DRG-R-SG-220004 Revision P01
	Crawshaw Woods Bridge Existing and Proposed Elevations East	151666-TRA-00-HUL4-DRG-R-SG-220005 Revision P01
	Crawshaw Woods Bridge Proposed Sections	151666-TRA-00-HUL4-DRG-R-SG-220006 Revision P01
Kirkgate to Marsh Lane Works	Kirkgate to Marsh Lane Land Location Plan	151666-TRA-00-HUL4-DRG-R-SG-260001 Revision P01
	Kirkgate to Marsh Lane Existing and Proposed Site Layout Plans	151666-TRA-00-HUL4-DRG-R-SG-260002 Revision P01
	Kirkgate to Marsh Lane Land Existing and Proposed Detailed Plans	151666-TRA-00-HUL4-DRG-R-SG-260003 Revision P01
	Kirkgate to Marsh Lane Land Existing and Proposed Elevations South	151666-TRA-00-HUL4-DRG-R-SG-260004 Revision P01
	Kirkgate to Marsh Lane Land Existing and Proposed Elevations North	151666-TRA-00-HUL4-DRG-R-SG-260005 Revision P01

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	Kirkgate to Marsh Lane Land Proposed Sections	151666-TRA-00-HUL4-DRG-R-SG-260006 Revision P01
Micklefield & Peckfield Works including Rights of Way and TSC	Micklefield and Peckfield Location Plan	151666-TRA-00-HUL4-DRG-R-SG-250001 Revision P01
	Micklefield and Peckfield Existing and Proposed Site Layout Plans	151666-TRA-00-HUL4-DRG-R-SG-250002 Revision P01
	Lower Peckfield Lane Highway Works and Peckfield Crossing Detailed Plans	151666-TRA-00-HUL4-DRG-R-SG-250003 Revision P01
	Peckfield LC closure and Lower Peckfield Lane highway works detailed plans (footpath)	151666-TRA-00-HUL4-DRG-R-SG-250004 Revision 01
	Peckfield LC closure Proposed Footpath Sections	151666-TRA-00-HUL4-DRG-R-SG-250005 Revision 01
	Micklefield TSC Existing and Proposed Detailed Plans	151666-TRA-00-HUL4-DRG-R-SG-250006 Revision 01
	Micklefield TSC Proposed Sections	151666-TRA-00-HUL4-DRG-R-SG-250007 Revision 01
	Peckfield LC closure and Lower Peckfield Lane highway works detailed plans (bridleway)	151666-TRA-00-HUL4-DRG-R-SG-250008 Revision 01
	Peckfield LC Closure Proposed Bridleway Sections	151666-TRA-00-HUL4-DRG-R-SG-250009 Revision 01
New Ridge Road Bridge, Gas Diversion and associated compounds	Ridge Road Bridge & Gas Diversion North West & South Compounds Location Plan	151666-TRA-00-HUL4-DRG-R-SG-240001 Revision PO2
	Ridge Road Bridge & Gas Diversion North West & South Compounds Site Layout Plans	151666-TRA-00-HUL4-DRG-R-SG-240002 Revision PO2
		151666-TRA-00-HUL4-DRG-R-SG-240003 Revision 02

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	Ridge Road Bridge & Gas Diversion North West & South Compounds Detailed Layout Plans	151666-TRA-00-HUL4-DRG-R-SG-240004 Revision PO2
	Ridge Road Bridge & Gas Diversion North West & South Compounds Proposed Elevations West	151666-TRA-00-HUL4-DRG-R-SG-240005 Revision PO2
	Ridge Road Bridge & Gas Diversion North West & South Compounds Elevations East	151666-TRA-00-HUL4-DRG-R-SG-240006 Revision PO2
	Ridge Road Bridge & Gas Diversion North West & South Compounds Proposed Sections	151666-TRA-00-HUL4-DRG-R-SG-240007 Revision PO2
	Ridge Road Bridge & Gas Diversion North West & South Compounds Existing Detailed Plan	

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