

Addendum to the Statement of Case dated 16th November 2023

Makins Enterprise Ltd and Christopher William Makin

Transport and Works Act 1992

The Network Rail (Leeds to Micklefield Enhancements) Order 2023

5th February 2024

1. Introduction

- 1.1 This addendum is in addition to the Statement of Case submitted by Makins Enterprise Ltd and Christopher William Makin, the owners of Sturton Grange, Ridge Road, Micklefield, Leeds, LS25 4DZ dated 16th November 2023 in response to the proposed Network Rail (Leeds to Micklefield Enhancements) Order 2023 (“the Order”).
- 1.2 On 5th February 2023, our agent, Anna Morley, submitted a further objection to the Order and the latest proposed amendments to that Order and this Statement of Case provides further information to support our grounds of objection.
- 1.3 Both Makins Enterprise Ltd and Christopher William Makin will be affected by the Order’s proposals at Brady Farm Bridge (HUL4/15), Ridge Road Bridge and Ridge Road Gas Main – Reference numbers 11-005, 11-005a, 11-006, 11-006a, 11-007, 11-009, 11-011, 11-012, 11-012a, 11-012b, 11-012-c, 11-014, 11-015, and 11-017.

2. Background

- 2.1 This addendum relates to Network Rail’s proposals to divert a high-pressure gas main known as Works No 6 in the Order. Our land affected in relation to Works No 6 is shown on the following plans: 11-005, 11-005A, 11-006, 11-007, 11-009, 11-011, 11-012, 11-012A, 11-012B, and 11-012C.
- 2.2 The main access into Sturton Grange Farm is directly through the middle of Works No 6 as shown on the plans. This is an essential access that is used 24 hours a day by the following businesses: Makins Enterprises Limited, Makins Soft Fruit Limited, Annabel’s Deliciously British, Tame and Wild Soft Drinks, GXO Logistics, Graham Firth Communications and Arla.

3. Grounds of Objection

- 3.1 The first ground of objection relates to the fact that under Article 34 (4) (Power to transfer undertaking) of the Draft Order, Network Rail are proposing that in relation to Works No 6 (diversion of a high pressure gas main), that the powers under the Order are to be transferred to Northern Gas Networks without the need for Secretary of State Consent; we do not believe this is a fair and reasonable approach.
- 3.2 The second ground of objection relates to the fact that Northern Gas Networks have been in discussions with us regarding the diversion of the gas main for circa ten years and hence we believe this work should not form part of the Order but be agreed directly between us and Northern Gas Networks.
- 3.3 The third ground of objection relates to the fact that a substantial area of our land has been included as a working site illustrated as 11-005A on the plans. There has been a lack of consultation with us regarding the detail on the proposed use of 11-005A as a compound/construction area. We have tried to engage further with Northern Gas Networks and Network Rail recently regarding their proposals and have not received a response. This temporary working area does not need to be sited in a particular location. We are therefore strongly of the view that the location of this temporary working area should therefore be done by voluntary agreement with us rather than through the Order process, so we can agree where would be best to place it to minimise the damage to our agricultural land, minimise the disturbance to the adjacent runway and minimise the disturbance to the very busy adjacent access route into Sturton Grange.

- 3.4 The fourth ground of objection is that do not believe that Network Rail have considered any reasonable alternatives to the siting of the working site on our land at 11-005A.
- 3.5 The fifth ground of objection is that we have not been provided with any evidence to suggest that the siting of the working site on our land at 11-005A is necessary, particularly when there is another substantial working site proposed directly opposite this site on the other side of the A656 Ridge Road known as 11-003 on the plans. We request further details on why it is necessary and what exactly it is proposed to be used for, and why it cannot be located in a different location.
- 3.6 The sixth ground of objection is that there is no agreed Soil Management Plan in place. We request that a Soil Management Plan is agreed with us prior to the Order being given consent. The existing Code of Construction Practice merely states in 10.4.2 that the detail on soil storage will be detailed in the Waste Management Plan. This is not acceptable; soil health and structure are imperative to maintaining productive agricultural land and agreeing how it is going to be handled, stored and re-stored needs to be dealt with prior to the scheme being granted consent. Included within the Soil Management Plan should also be a detailed plan on how to deal with any contamination issues that occur during the scheme.
- 3.7 The seventh ground of objection is that there is no commitment by Network to take a detailed record of condition and undertake soil testing before any access is taken; we request that this is a condition of the consent.
- 3.8 The eighth ground of objection is that there has been a complete lack of consideration for the importance of drainage on this land. Prior to the Order being granted consent, a drainage contractor should be instructed to undertake surveys of the land and design pre and post drainage construction.
- 3.9 The ninth ground of objection is that under Article 28 (1) (d) of Part 4 of the Draft Order, it states that Network Rail would be able to *“temporarily occupy and use airspace for the purposes of the operation of a crane in connection with the construction of the authorised works”*. We are very concerned with this proposal given the land immediately adjacent to 11-005 and 11-005A is an air strip that is in frequent use and hence this could pose a safety risk to planes landing.
- 3.10 The tenth ground of objection is that under Article 28 (1) (e) of Part 4 of the Draft Order, it states that Network Rail would be able to *“construct any permanent works specified in relation to that land in column (3) of Schedule 12 or any other permanent mitigation works on that land”*. We are not aware of any proposed permanent works or permanent mitigation work on the land detailed in Schedule 12 and this is not clear in the draft Order; we request clarification that there will be no permanent works or permanent mitigation work on our land.
- 3.11 The eleventh ground of objection is that Article 28 (2) of Part 4 of the Draft Order states that Network Rail only need to give 14 days notice before entering to take temporary possession of land. This is not a sufficient and reasonable period of notice and we would request at least 28 days notice
- 3.12 The twelfth ground of objection relates to the fact that the proposed new gas main will go under the main entrance into Sturton Grange which is used 24 hours a day by HGV vehicles. We require confirmation from Network Rail that the proposed work to install a new gas main under it, will not cause any disruption or restrictions on traffic running above the new gas main.

3.13 The Thirteenth ground of objection is that no discussions have been held with us regarding specifying a proposed start date or specifying the total period of time for which the temporary possession is required.

4. Conclusion

4.1 The proposals for the diversion of the gas main and the requirement for a substantial temporary working area are of significant concern to us as they are going to have a significant impact on our various businesses.

4.2 We request that Network Rail engage with us over the above matters and that until such time as an agreement is reached, we request that the temporary working area shown as 11-005A is excluded from the Order.

Christopher William Makin

5th February 2024