



The Network Rail (Leeds to Micklefield Enhancements) Order
CD 7.13 -Summary of Planning Proof of Evidence

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

PLANNING
SUMMARY PROOF OF EVIDENCE
TONY RIVERO

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1 INTRODUCTION

- 1.1** My name is Anthony Rivero. I am employed by Network Rail Infrastructure Limited (Network Rail) as Town Planning Manager for the Eastern Region (London North Eastern & East Midlands routes).

2 SCOPE OF EVIDENCE

- 2.1** My Proof addresses the planning policy context and overall planning balance for the Order and Request for Deemed Planning Permission. It also addresses matters relating to the proposed conditions as set out in Schedule 1 to the DPP and any planning related objections. I also address Matter 10 of the Statement of Matters relating to the listed building applications.

3 DESCRIPTION OF THE WORKS FOR WHICH PLANNING PERMISSION IS SOUGHT

- 3.1** Alongside the application for the Order, Network Rail seeks a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission shall be deemed to be granted for various works including the re-construction of a number of bridges, works (including one replacement bridge) associated with the closure of a number of level crossings, and the provision of a track section cabin at Micklefield. The development for which deemed planning permission is sought is detailed in Section 3 of my Proof, where I also set out the works which would be carried out under permitted development rights or pursuant to separate planning permissions.

4 NATIONAL TRANSPORT POLICY

- 4.1** National Policy Statement for National Networks (NPS) (CD 2.21)
- 4.2** The NPS sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England.
- 4.3** The NPS has material weight and is relevant to this Scheme as the proposed works would improve part of the national rail network and should therefore be appraised accordingly.
- 4.4 National Infrastructure Strategy (NIS) (CD 2.23)**

The NIS brings together the government's long-term infrastructure priorities with the short-term requirement for the economy to recover following the COVID-19 pandemic. The NIS is committed to boosting growth and productivity through

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targeted investment, aiming to meet the UK's target of net zero carbon emissions by 2050 and supporting private investment to help deliver the upgrades and improvements needed.

5 LOCAL TRANSPORT POLICY

5.1 Northern Transport Strategy (HM Government/Transport for the North (TfN) 2015 (CD 2.26)

The Strategy illustrates the Government's desire to transform city to city rail connectivity across the Pennines.

5.2 Strategic Transport Plan - Transport for the North (2019)(CD 2.09)

TfN support the Scheme by stating that the Trans-Pennine Route Upgrade will be the North's 'principal intervention within the next five-year period for rail enhancements and is planned to deliver significant performance improvements and journey time savings, increased capacity and capability to meet current and future demand and the potential provision of one freight path per hour (in each direction) for large container traffic.'

5.3 West Yorkshire Combined Authority Transport Strategy (2017) (CD 2.10)

The Transport Strategy sets an ambition for a transport system that serves the needs of businesses and residents as well as enhancing prosperity, health and wellbeing for people and places across West Yorkshire.

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

The Local Transport Plan considers a 30-year time period, stating that improving road and rail connections into these City Regions remains an important element of the County Council's strategy to encourage economic growth in North Yorkshire.

5.5 Leeds City Region Strategic Economic Plan (2016) (CD 2.11)

The Plan seeks to grow economic activity through providing access to good jobs, earnings and opportunities for all residents and where the environment and people's health are highly valued.

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6 LOCAL PLAN POLICY

6.1 Leeds Core Strategy (2019) (CD 2.14)

There are several key policies from the Core Strategy which underpin the planning case for the Scheme and it is in accordance with:

- Policy SP11 (Transport Infrastructure Investment Priorities).
- Policy SP3 (Role of Leeds City Centre).
- Policy P10 (Design).
- Policy P11 (Conservation) seeks to conserve and enhance the historic environment and its setting.
- Policy P12 (Landscape).
- Policy G6 (Green space designations).
- Policy G8 (protection of important species and habitats); and
- G9 (Biodiversity improvements).

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

6.2.1 The relevant “saved” UDP policies are Policy N14 (Listed Buildings and Preservation), N17 (Listed Buildings Character & Appearance) and Green Belt policy N33.

6.2.2 The works to the bridges in the Green Belt in the Order Scheme (Crawshaw Woods bridge and Ridge Road) are considered of more than local importance as they are required for the electrification of the route. As such it is considered that very special circumstances exist to warrant the re-development of these structures.

6.3 Site Allocations Document (adopted 2024) CD 2.16

The key site allocated in the document relevant to the Order Scheme is EG2-37, and area for employment use to the south of the railway in the vicinity of Crawshaw Woods bridge. The land is to be used as a compound to facilitate the works to the bridge. Given the likely use of the compound will be during a six month period in 2025, it is not considered the works would prejudice the allocation and discussions continue with the landowner.

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6.4 Natural Resources & Waste Local Plan (adopted 2013) (CD 2.17)

The NRWP contains two relevant policies for the Order Scheme, relating to contaminated land and the impact of development on existing trees. In relation to the former a planning condition is now proposed. For the latter, the Order Scheme designs seek to avoid the loss of trees as far as possible.

6.5 Garforth Neighbourhood Plan (CD 2.18)

The Garforth Neighbourhood Plan contains a number of relevant policies which I explain in my Proof how the Order Scheme is considered to comply with these.

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

The overall approach of the revised Plan is relevant to the Order Scheme, in pursuing objectives of carbon reduction and sustainable infrastructure – *“including in the latter that: Leeds will ensure the delivery of an accessible and integrated transport system which focuses on public transport and active travel and is worthy of its role at the heart of Leeds City Region, supporting communities and inclusive growth.”*

7 NATIONAL PLANNING POLICY CONTEXT

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

The Scheme is compliant with the following NPPF policies:

- (a) Paragraph 11 of the NPPF re-iterates the key presumption in favour of sustainable development.
- (b) Paragraph 86: building a strong competitive economy.
- (c) Chapter 9 – This is the key transport planning policy framework for the Order Scheme and wider Scheme. It states that transport policies have an important role to play in facilitating sustainable development.
- (d) Chapter 12 - Achieving beautiful and sustainable buildings and places.
- (e) Chapter 14 – Regarding delivery of renewable and low carbon energy and associated infrastructure
- (f) Chapter 15 – The key principles for ensuring that the planning system contributes to and enhances the natural and local environment.

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(g) Chapter 16 – Conservation of the historic environment.

8 PLANNING CONDITIONS

I am satisfied that the planning conditions proposed are consistent with the tests set out in the NPPF paragraph 56 as being necessary, relevant, enforceable, precise and reasonable.

9 OTHER OBJECTIONS AND REPRESENTATIONS

There have been no specific objections made in relation to planning policy or principles in terms of the acceptability of the overall Order Scheme through the representation process. I have summarised below my comments on the planning related objections on an area by area basis.

9.1 Penny Pocket Park

Objection by LCC to the loss of green space land - the proposal is in accordance with Policies N1 & G6 of the UDP.

9.2 Austhorpe Lane Bridge (HUL4/20) and compound

NR has committed to provide a letter of environmental commitment which will provide a series of environmental safeguards and enhancements for compounds, including Austhorpe Lane, and as such it is Network Rail's position that the proposal will not prejudice the establishment of the Neighbourhood Park.

9.3 Barrowby Lane

In terms of visual impact and effect on wildlife a series of mitigation measures will be put in place to reduce any visual impact, including native woodland and species rich hedgerow planting to the north and south of the railway line.

10 CONCLUSIONS

10.1 There is clear policy support for the Order Scheme, and indeed the wider Scheme, at both national and local level. It is consistent with the NPPF and Government economic and transport policy objectives, and key local plan policies.

10.2 The Order Scheme is a key component of a series of improvements to the Trans-Pennine route. The Order Scheme provides, in combination with other schemes, additional capacity on the Trans-Pennine route, thereby strengthening and reinforcing the opportunity for rail to be a viable alternative

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to road-based traffic, with its commensurate benefits on climate change and sustainability.

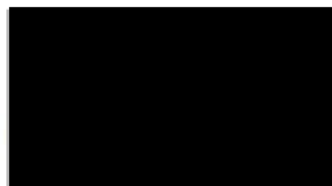
- 10.3 It is my view that the need for the Order Scheme and the development options chosen shows the planning balance is in favour of approving the Order. The Order Scheme would fulfil the transport objectives of the adopted development plan and the provisions of the NPPF. The inspector is therefore respectfully requested to recommend that the Order be made, and that planning permission be deemed to be granted.

11 WITNESS DECLARATION

11.1 Statement of declaration

I hereby declare as follows:

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



Tony Rivero
6 February 2024