

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Dear Sirs

OBJECTION TO THE NETWORK RAIL (LEEDS TO MICKLEFIELD ENHANCEMENTS) ORDER 2023 FOLLOWING SCHEDULE OF AMENDMENTS TO DRAFT ORDER AND LAND AND WORKS PLANS – WORKS NO 6, 11-005, 11-005A, 11-006, 11-007, 11-009, 11-011, 11-012, 11-012A, 11-012B, and 11-012C.

I am writing on behalf of my clients, Makins Enterprise Ltd and Christopher William Makin of Sturton Grange, Ridge Road, Micklefield, Leeds, LS25 4DZ to object to the 'Network Rail (Leeds to Micklefield Enhancements) Order 2023' and the proposed amendments. This is in addition to the objection previously submitted on 23/8/2023.

This objection relates to the proposed Works No 6 (diversion of a high-pressure gas main). The area of my client's 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.

We object to the proposals on the following grounds:

- 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.
- Northern Gas Networks have been in discussions with my client 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 instead be agreed directly between my Client and Northern Gas Networks.
- A substantial area of my client's land has been included as a working site illustrated as 11-005A on the plans. There has been a lack of consultation with my client regarding the detail on the proposed use of 11-005A as a compound/construction area. My client has tried to engage further with Northern Gas Networks and Network Rail recently regarding their proposals and has 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 my client rather than through the Order process, so they can agree where would be best to place it to minimise the damage to their agricultural land, minimise the disturbance to the adjacent runway and minimise the disturbance to the very busy adjacent access route into Sturton Grange.

- We do not believe that Network Rail have considered any reasonable alternatives to the siting of the working site on my clients land at 11-005A.
- We have not been provided with any evidence to suggest that the siting of the working site on my clients 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.
- We request that a Soil Management Plan is agreed with my client 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.
- We request that a detailed record of condition and soil testing is undertaken before any access is taken.
- 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.
- 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"*. My client is 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.
- 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 my Client's land.
- 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.
- 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.
- No discussions have been held with my client regarding specifying a proposed start date or specifying the total period of time for which the temporary possession is required.

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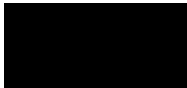
07818041021
anna@brockthorpe.co.uk

We therefore request that Network Rail engage with my client regarding their proposals for the diversion of the gas main and the requirement for a large temporary working area as soon as possible to address our concerns raised above and that until such time as an agreement is reached, the temporary working area shown as 11-005A does not form part of the Order.

We would be grateful if you could confirm receipt of our objection and look forward to hearing from you in due course. Please forward all correspondence relating to this objection to Anna Morley, Brockthorpe Consultancy, Enthorpe House Farm, Middleton on the Wolds, Driffield, YO25 9DG or by email anna@brockthorpe.co.uk.

Kind regards

Yours sincerely



Anna Morley MA(Cantab) MRICS FAAV