

Secretary of State for Levelling Up, Housing and Communities
c/o DLUHC National Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham
B3 2PW

Our Ref
OZP/DLO/198529.0014
Date
18 July 2023

Dear Sir or Madam

**PROPOSED NETWORK RAIL (LEEDS TO MICKLEFIELD ENHANCEMENTS) ORDER
APPLICATION FOR A CERTIFICATE UNDER SECTION 19 OF THE ACQUISITION OF LAND ACT 1981
(THE 1981 ACT)**

We act for Network Rail in relation to the application for the above-mentioned order under the Transport and Works Act 1992 (**TWA**).

The proposed Network Rail (Leeds to Micklefield Enhancements) Order (the **proposed Order**) forms part of the wider programme of works, known as the Transpennine Route Upgrade (TRU), a major programme of improvements to trains between York, Leeds and Manchester.

The matters for which provision is made in the proposed Order include the compulsory acquisition of land and rights, the temporary possession and use of land, the closure of level crossings, the extinguishment and diversion of rights of way, the extinguishment of private rights and the carrying out of certain ancillary works. The proposed works are part of TRU East Project E2 to E4, which is the section of railway between Leeds and Church Fenton. The application for the proposed Order was submitted to the Secretary of State for Transport on 17 July 2023.

This letter requests a certificate from the Secretary of State under Section 19 and Schedule 3 to the 1981 Act in connection with certain parcels of land subject to powers of acquisition in the proposed Order.

The proposed Order includes a power to compulsorily acquire permanent interests in areas of 'open space' within the meaning of the 1981 Act at Penny Pocket Park in Leeds City Centre.

The areas that are proposed to be acquired are shown shaded green and numbered as plots 2-0001 to 2-004 (inclusive) on the enclosed Open Space Plans (at Appendix 1). This land is also identified on the land and works plans to be submitted as part the TWA application which show these plots in the wider context of the land within the order limits. The relevant sheet from the land and works plans is enclosed at Appendix 2 – sheet number 1.

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We also enclose the relevant extracts of the provisions in respect of the acquisition and use of land from the draft Order (at Appendix 3).

The purpose for which the land is required, and the basis on which the certificate is applied is described below:

Penny Pocket Park

The land comprises part of the railway embankment that falls within Penny Pocket Park in Leeds City Centre south of York Street. Penny Pocket Park was formerly part of the church yard and graveyard of Leeds Parish Church (later Leeds Minster). The land is proposed to be acquired under the Order for the purposes of installation of small-scale electrification and signalling infrastructure mounted on metal staging structures between Kirkgate Viaduct (HUL4/47) and Marsh Lane Viaduct (HUL4/44).

A certificate is applied for under section 19(1)(b) of the 1981 Act on the basis that that the land proposed to be acquired does not exceed 250 square yards in extent and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public. The total area of land that is proposed to be acquired is 191.9m² (which is 209 square yards).

The giving in exchange of other land is not necessary due to the fact that the proposed land to be acquired comprises small plots of land immediately adjacent to the active railway on a steep railway embankment. The quality, location and size of the land means it has no inherent value or significance either in terms of being used for public recreation or as a burial ground. Therefore, providing replacement land would not yield any benefits nor serve any practical purpose.

Should the Secretary of State be minded to give the certificates sought please would you notify us as soon as possible so that we may take steps to publicise the intention to give the certificate, as required by section 19(2) of the 1981 Act. To assist you in this respect we have drafted a suggested form of public notice of intention to give the certificate, which closely follows that used in previous cases linked with TWA Order applications (at Appendix 4).

It would seem sensible that any resulting objections to or representations on the proposed certificate are referred to the same public inquiry as is likely to be held into objections to the TWA application. We anticipate that this inquiry will be held around December 2023 although that will be a decision for the Secretary of State for Transport, in consultation with the Planning Inspectorate, following the expiry of the objection period for the TWA application.

If you require any further information, please do not hesitate to contact me.

Yours sincerely



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