Dear Sirs,

TRANSPORT AND WORKS ACT 1992
TOWN AND COUNTRY PLANNING ACT 1990

APPLICATIONS FOR THE PROPOSED LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER AND DEEMED PLANNING PERMISSION

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the report of the Inspector, J S Nixon BSc (Hons) DipTE CEng MICE MRTPi MCIHT, who held a public local inquiry between 27 November 2012 and 6 December 2012 into the application made by your clients, Network Rail Infrastructure Limited and West Yorkshire Passenger Transport Executive (“the Promoters”), for—

   (a) the Leeds Railway Station (Southern Entrance) Order ("the Order"), to be made under sections 1, 3 and 5 of the Transport and Works Act 1992 ("TWA"); and

   (b) a direction as to deemed planning permission for the development provided for in the Order, to be issued under section 90(2A) of the Town and Country Planning Act 1990 ("the planning direction").

2. The Order, if made, would authorise the Promoters to construct, operate and maintain a new pedestrian entrance to Leeds Railway Station from the south over the Aire and Calder Navigation. The Order would also authorise the Promoters to acquire compulsorily land and rights in land for the purposes of the new Leeds Station Southern Entrance ("the LSSE").

3. Enclosed with this letter is a copy of the Inspector’s report dated 12 March 2013. His conclusions are set out in section 8 of the report, and his recommendations are at section 9.

Summary of Inspector’s recommendations

4. The Inspector recommended that the Order be made, subject to modifications, and that the planning direction be granted, subject to conditions.
Summary of Secretary of State's decision

5. For the reasons given in this letter, the Secretary of State has decided to make the Order, with modifications; and to direct that planning permission be deemed to be granted, subject to the conditions set out in Annex 1 to this letter. In a separate letter being issued today, the Secretary of State for Communities and Local Government has decided to give conservation area consent for the dismantling and reinstating of a stone arch and low wall for the purposes of the LSSE working site at Water Lane.

Secretary of State’s consideration

6. Careful consideration has been given to all the arguments put forward by, or on the behalf of, the parties. The Secretary of State’s consideration of the Inspector’s report is set out in the following paragraphs. All paragraph references, unless otherwise stated, are to the Inspector’s report (“IR”).

Aims and objectives of, and need for, the LSSE, and the anticipated benefits

7. The Secretary of State agrees with the Inspector that the need for the LSSE is extremely strong given that internal passenger movements within Leeds Station are rapidly becoming congested, especially at peak times. In this context he notes the fundamental problem referred to by the Inspector that all rail passenger movements are directed to the existing north-facing entrances, while a significant proportion of them have an origin or destination to the south of the Station. He notes further that the considerable regeneration of land to the south of Leeds Station in recent years, which is on-going, has also generated a great need for an improved connection between that area and the Station (IR 8.3-5).

8. The Secretary of State agrees with the Inspector that the LSSE would facilitate a marked improvement in pedestrian access to the Station and that the improved connectivity to the south of the Station would remove one of the main inhibitors to further development and regeneration of that area, and would encourage non-car travel into Leeds City Centre. Furthermore, he agrees that the high cost benefit ratio (7.5:1) and the absence of objection to the principle of the LSSE are significant factors in its favour (IR 8.6-8).

Main alternative options considered

9. The Secretary of State agrees with the Inspector that the LSSE scheme has a number of compelling advantages over the alternative scheme at Sovereign Place, in particular because the LSSE proposals are better located for the maximum number of train arrival and departure points; they would not require any further major works to the over-bridge linking into the LSSE; and they can be implemented without delay (IR 8.9-13). He agrees similarly that the alternative scheme in the vicinity of Little Neville Street would lack the visual attraction of the LSSE proposals and would provide a less easy and pleasant distribution of pedestrians from the Station (IR 8.14-15). The Secretary of State is satisfied that the advantages of the LSSE scheme compared with the alternative schemes outweigh the short term disruption to residents and businesses during the construction and the operational impacts on the Granary Wharf Estate referred to at paragraph 21 below.
Consistency with national, regional and local policies

10. The Secretary of State agrees with the Inspector that the LSSE accords with the local and strategic principles embodied in the relevant national, regional and local policies. He agrees in particular that the LSSE finds support in the National Planning Policy Framework because it would address a barrier to investment in the form of a lack of infrastructure, and would contribute to wider sustainability and health objectives. At the local level, he notes that the LSSE finds considerable support in the policies of the Leeds City Council Unitary Development Plan 2001 and the emerging Draft Leeds Core Strategy of February 2012, and other non-statutory planning documents, in that the scheme would promote sustainable forms of transport and the economic development of the City Centre, particularly through the regeneration of its southern half (IR 8.16-20). As regards the Yorkshire and Humber Regional Spatial Strategy, the Secretary of State agrees with the Inspector that its revocation (except for two policies) on 22 February 2013 has no material impact on the policy justification for the LSSE scheme (IR 8.21).

The likely impacts of the LSSE scheme on residents, businesses and the environment

Noise, vibration, air quality impacts and construction traffic

11. The Secretary of State agrees with the Inspector that while construction of the LSSE would inevitably have some negative effects on those living in the vicinity, taking into account the construction protocols included in the Environmental Management Plan ("EMP"), noise impacts would be likely to fall within acceptable limits. He similarly agrees that there are unlikely to be significant residual adverse effects from noise once the LSSE is operational (IR 8.22-25).

12. The Secretary of State agrees with the Inspector that the measures contained in the EMP would ensure that the effects of dust generation and entrainment could be managed effectively and should not be significant. He agrees with the Inspector, however, that the EMP should include a protocol on window cleaning (IR 8.26-27, 8.36). He is satisfied also that traffic pollution during construction would largely be avoided if canal transport is used to bring materials to the construction site as proposed by the Promoters, and would in any event be adequately regulated through the EMP (IR 8.35).

13. The Secretary of State agrees with the Inspector that the effects of vibration if piles were driven would be unlikely to exceed acceptable levels; and that, if the preferred method of rotary piling were used, those impacts would be much less evident, if noticeable at all (IR 8.28-29).

14. Like the Inspector, the Secretary of State considers that the proposal to transport bulk materials from the Water Lane compound to the construction site by barge, and the Promoters’ proposed Traffic Management Plan, would together minimise the risk of adverse impacts arising from construction traffic (IR 8.30-31). He agrees also with the Inspector that the locations of the proposed construction compound at Wharf Approach and the materials storage compound at Water Lane are, in all the circumstances, the best available (IR 8.32-34).
Visual impacts

15. The Secretary of State agrees with the Inspector for the reasons given at IR 8.37-44 that the LSSE would sit comfortably in its surroundings and would not adversely impact on the heritage townscape and the prevailing character of the Conservation Area. He agrees also that the loss of the long views of the Dark Arches is a small negative impact of the scheme.

Impacts on light, visual amenity and security

16. The Secretary of State agrees with the Inspector’s assessment that very little if any direct sunlight would be lost to the two apartment blocks adjacent to the LSSE and that the loss of sky to a very few apartments would be a minor negative impact (IR 8.45). He is satisfied also that lighting during the construction and operational stages would be manageable without adversely impacting on residents (IR 8.46-47). However, he accepts that the loss of visual amenity in terms of outlook for the flats closest to the LSSE at the lower levels would be a significant adverse impact to be weighed in the balance (IR 8.49).

17. Like the Inspector the Secretary of State is satisfied that there would be no loss of privacy for residents of the apartments and the impacts of the scheme on personal security should not be a matter of serious concern. He agrees with the Inspector, however, that the provision of a new door to the entrance of the Blue Apartments on Little Neville Street should be the subject of a condition on the planning direction (IR 8.50-52, 8.63).

Impacts on water resources and biodiversity

18. The Secretary of State is satisfied that, taking into account the mitigation measures proposed by the Promoters and the conditions recommended by the Inspector, the construction and operation of the LSSE would not have any significant adverse impacts on water resources, flood risk or the potential for contamination (IR 8.54-55). He is similarly satisfied that, subject to the proposed conditions in relation to nesting birds, bats, otters and landscaping recommended by the Inspector (see conditions 17, 18, 19 and 23 in Annex 1 to this letter), there would be no significant adverse impacts on biodiversity (IR 8.56). He notes further that the objections of the Canal & River Trust referred to at IR 8.57-58 were withdrawn on 5 December 2012.

Impacts on businesses

19. The Secretary of State agrees with the Inspector that construction of the LSSE should not have any major adverse effects on businesses in the locality of the works; and that once operational the area should experience a moderate if not significant economic uplift (IR 8.59-60).

Impacts on rights of way and access.

20. The Secretary of State agrees with the Inspector that, taking into account the proposed Construction Traffic Management Plan, any temporary access closures required for the purposes of constructing the LSSE would not be unreasonable. He is satisfied also that the proposed traffic regulation measures in the Order, including the prohibition of vehicular access to Little Neville Street (except for loading and unloading outside peak hours) are justified in the circumstances (IR 8.61-63).
21. The Secretary of State recognises that there are particular concerns about the impact of the LSSE scheme on maintaining access into the Granary Wharf Estate for residents and businesses, as a result of increased pedestrian numbers and the possibility of taxis and others wishing to drop-off or collect passengers within the Estate. He agrees with the Inspector that because responsibility for managing this matter would be devolved onto the owners in the area, this should be the subject of a condition on the planning direction requiring the preparation of a pedestrian and traffic management protocol (condition 31 in Annex 1 to this letter). He agrees further with the Inspector that the possible negative impacts on residents and businesses which might remain regardless of implementing the protocol should be weighed in the balance in deciding whether to authorise the LSSE scheme (IR 8.64-69).

Mitigation measures proposed by the Promoters

22. Under section 14(3AA) of the TWA, the Secretary of State is required to describe “the main measures to avoid, reduce and, if possible, remedy the major adverse environmental effects” of a scheme. In this case, apart from the inevitable loss of outlook for a limited number of flats closest to the LSSE at the lower levels, he does not consider that any of the impacts of the scheme could be regarded as "major adverse". He considers that the main measures to mitigate the other adverse effects of the LSSE are those referred to by the Inspector at IR 8.71-74 including Network Rail’s contractual requirements and codes and the Promoters’ EMP, and the conditions set out in Annex 1 to this letter.

Adequacy of the Environmental Statement

23. The Secretary of State agrees with the Inspector that the Environmental Statement ("ES") submitted with the application to which this letter relates and the further information submitted as part of the inquiry evidence are adequate for the purposes of his decision on this application (IR8.77). He notes, however, that in this context, the requirements as to the information to be included in the ES are set out in the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, not in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 referred to by the Inspector. He nevertheless considers that the ES information requirements in either case are essentially the same. The Secretary of State also confirms that, in reaching his decision on this application, he has complied with the requirements of paragraphs (a) to (c) of section 14(3A) of the TWA relating to the consideration of the ES.

Conditions to be attached to deemed planning permission

24. The Secretary of State agrees with the Inspector that, subject to a number of changes described in paragraph 25 below, all the conditions set out in Appendix D to the IR are necessary, relevant, enforceable, precise and reasonable in accordance with DOE Circular 11/95. In particular, he agrees with the Inspector that the additional suggested conditions (29, 30 and 31) are appropriate measures to ensure that the adverse impacts of the LSSE are minimised (IR 8.78 – 8.81). He is satisfied also that in the circumstances of the LSSE scheme a 3 year limit on the commencement of development is appropriate, given the pressing need for the additional capacity that the LSSE would provide and the Promoters’ intended timescale for implementing the scheme.
25. The changes to the conditions recommended by the Inspector which the Secretary of State intends to make, and which are included in the conditions at Annex 1 to this letter, are as follows:

- in conditions 9, 12, 14, 25 and 27, to provide for the developer to propose subsequent revisions to details approved by the local planning authority under those conditions in the interests of flexibility;

- in condition 17, to allow for vegetation clearance to take place between the months of March and August if a qualified ornithologist has confirmed the absence of nesting birds;

- in conditions 22, 25 and 26, to provide expressly for the local planning authority to consult with English Heritage or with the Environment Agency, as the case may be, in approving relevant matters;

- in condition 31, to alter the requirement for the developer to investigate the management of vehicle and pedestrian access to the Granary Wharf Estate so that this must be done before the LSSE is opened, rather than before any development is commenced which the Secretary of State considers to be unnecessarily restrictive; and

- a number of minor drafting changes to the conditions, including inserting definitions and reasons, in the interests of clarity and consistency.

Compulsory acquisition matters and funding

26. The Secretary of State agrees with the Inspector that the land and rights in land for which the compulsory acquisition powers are sought by the Promoters are the minimum required to secure satisfactory implementation of the scheme; that the negative impacts of the scheme are outweighed by the advantages in the public interest; and that there are no real or viable alternatives (IR 8.83). He considers that, taking into account the pressing need for the scheme and its likely benefits described at paragraphs 7 and 8 above, there is a compelling case in the public interest for conferring the compulsory acquisition powers applied for. Given also that there is unlikely to be any financial impediment to implementation of the LSSE scheme, as noted by the Inspector at IR8.82, the Secretary of State is satisfied that the tests in ODPM Circular 06/2004 are met.

Other matters raised at the inquiry

27. The Secretary of State agrees with the Inspector’s conclusions on each of the other matters raised at the inquiry as set out at IR8.88-99. In particular, he agrees with the Inspector that it is appropriate to stipulate the opening hours of the LSSE by way of condition 30 in Annex 1 to this letter in order to safeguard the interests of residents. The Secretary of State agrees with the Inspector’s conclusion that none of the outstanding objections described are sufficient individually or taken together to outweigh the public benefit of the LSSE scheme (IR 8.100).
Developments since the inquiry

28. On 28 January 2013, the Secretary of State announced the initial preferred route for Phase Two of the High Speed 2 (“HS2”) network, the eastern leg of which would terminate at a new station in Leeds, and subsequently launched a public consultation on its proposals for Phase Two on 17 July 2013. These proposals include the possibility of a pedestrian bridge between the HS2 station and the existing Leeds station via the LSSE. However, decisions on whether these proposals are taken forward will not be made until after the responses to consultation have been taken into account. The Secretary of State is satisfied that, given the potential for the HS2 proposals to evolve in response to consultation, the timescale for their implementation, and the pressing need for the LSSE scheme to be delivered without delay, the HS2 announcements do not justify either delaying a decision on the LSSE scheme or rejecting it altogether.

29. In response to the HS2 announcement in January 2013, the Department received a representation from Mr Granville Thwaites who had appeared at the inquiry on behalf of the Waterman’s Place Residents’ Committee (“WPRC”). Mr Thwaites was concerned that the position of the WPRC had been prejudiced by not being aware of the apparent linkage between the LSSE scheme and the HS2 proposals in presenting evidence to the inquiry, and queried whether the Inspector and/or the Promoters were aware of the HS2 proposals at the time of the inquiry. The Secretary of State is unable to comment on speculation as to what other parties to the inquiry may or may not have known. However, he is satisfied that, as is clear from the Inspector’s report, the HS2 proposals have played no part in the Inspector’s assessment of the LSSE scheme, and that his endorsement of the LSSE site in preference to the site at Sovereign Place was for convincing reasons unconnected with HS2 (see IR 8.9-13). Furthermore, the Secretary of State considers that, given the compelling case established for the LSSE scheme, it would not be appropriate to delay a decision pending the outcome of consultation on the HS2 proposals in 2014.

Overall conclusions and decision

30. The Secretary of State agrees with the Inspector that the balance of the public interest lies in favour of authorising the LSSE scheme for the reasons given at IR 8.101-103. He recognises that a number of concerns remain about the impact of the LSSE on local interests, in particular as regards the interface between the LSSE and the management of the Granary Wharf Estate, and the loss of outlook for about ten properties in Waterman’s Place and the Blue Apartments. In addition, apart from the objections of the Canal & River Trust and CBRE Ltd, no other unresolved objections have been withdrawn since the inquiry. The Secretary of State is nevertheless satisfied that the few and relatively limited residual adverse effects of the scheme (after mitigation) are outweighed by the compelling need for a new southern access to Leeds Station to address present and worsening congestion at Leeds Station, and by the wider transportation and regeneration benefits of the LSSE.

31. For all the reasons given in this letter, the Secretary of State has concluded that authorising the LSSE scheme is justified in the public interest. He has therefore decided to make the Order, with modifications, and to give the direction as to deemed planning permission subject to the conditions in Annex 1 to this letter.

32. In addition to the Order modifications referred to by the Inspector at IR 8.84, the Secretary of State has decided to make a number of further minor modifications in the
interests of clarity and consistency which do not materially alter the effect of the Order. He is satisfied that none of the changes to the Order since application would make a substantial change in the proposals such as would require notification to affected persons under section 13(4) of the TWA.

33. The letter conveying the planning direction will issue shortly, at the same time the Order is made, following publication of a notice of determination in the London Gazette.

Notice under section 14 of the TWA

34. This letter constitutes the Secretary for State’s notice of his determination to make the Order with modifications, for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

Challenges to decisions

35. The circumstances in which the Secretary of State's decision may be challenged are set out in the note attached at Annex 2 to this letter.

Distribution

36. Copies of this letter are being sent to those who appeared at the inquiry and to all statutory objectors whose objections were referred to the inquiry under section 11(3) of the TWA, but who did not appear.

Yours faithfully,

[Signature]

Martin Woods
CONDITIONS WHICH THE SECRETARY OF STATE INTENDS TO ATTACH TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION

Interpretation

In the following conditions:–

“Deposited Plans and Sections” means the deposited plans and the deposited sections referred to in article 2 of the Order;

“development” means the works authorised by the Order;

"the Order" means the Leeds Railway Station (Southern Entrance) Order 2013;

“the Station Entrance” means the new station entrance building comprised in the development;

“Traffic Regulation and Rights of Way Plan” means the traffic regulation and rights of way plan referred to in article 2 of the Order; and

references to those parts of the scheme that are to be in contact with the banks of the River Aire refer to the Station Entrance building itself and do not include the temporary construction compound on Water Lane adjacent to the Aire and Calder Navigation.

Time limit

1. The development shall commence before the expiration of 3 years from the date that the Order comes into force.

Reason: To ensure that the development is commenced within a reasonable period of time.

Plans and drawings

2. The development shall be carried out in accordance with the following plans and drawings:

   a) Deposited Plans and Sections Sheet No. 1 of 2 (Location Plan);
   b) Deposited Plans and Sections Sheet No. 2 of 2 (Works and Land Plan and Sections);
   c) Traffic Regulation and Rights of Way Plan Sheet No. 1 of 1;
   d) Planning Direction Drawings Sheet No. 1 of 6 (Location and Context Plan);
   e) Planning Direction Drawings Sheet No. 2 of 6 (Building Level Plans);
   f) Planning Direction Drawings Sheet No. 3 of 6 (Building Western Cross Section);
   g) Planning Direction Drawings Sheet No. 4 of 6 (Building Southern Elevation and Cross Section);
h) Planning Direction Drawings Sheet No. 5 of 6 (Building Western Elevation and Cross Section);

i) Planning Direction Drawings Sheet No. 6 of 6 (Building Eastern Elevation and Cross Section); and

j) Drawing 296480-SKE-014-P3 (Landscaping Enhancements).

**Reason:** For the avoidance of doubt and in the interests of proper planning.

### External materials

3. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until details and samples of all external materials to be used in the construction of the Station Entrance, including a mock up of the large to smaller format tile junctions and glass to cladding junctions, have been submitted to and approved in writing by the local planning authority. Such materials shall, thereafter, be made available on site prior to the commencement of their use, for the inspection of the local planning authority, who shall be notified in writing of their availability. Thereafter, the Station Entrance shall be constructed in accordance with the approved details and materials.

**Reason:** In the interests of visual amenity, the character and appearance of the Conservation Area.

### Design details

4. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until full 1:20/1:10 details of the following have been submitted to and approved in writing by the local planning authority:

   a) details of the glass balustrade and cladding to the deck/bridge detail;
   b) details of the leading edge and return of the canopy;
   c) details of the glazed slots in the west elevation;
   d) details of the roof light to cladding junction;
   e) details of the cladding panel formats and junctions between different sizes; and
   f) details of glazing systems.

Thereafter, the development shall be constructed in accordance with the approved details.

**Reason:** In the interests of visual amenity and the character and appearance of the Conservation Area.

### Surfacing materials

5. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire or on Little Neville Street until details and samples of all surfacing materials to be used in the public realm have been submitted to and approved in writing by the local planning authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the local
planning authority who shall be notified in writing of their availability. Thereafter, the surfacing works shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity, the character and appearance of the Conservation Area.

Lighting

6. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until a scheme detailing the proposed lighting for the development site, including its phasing, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved lighting scheme which shall thereafter be retained in full working order for the lifetime of the development.

Reason: In the interests of residential amenity.

Prevention of pollution

7. No development shall take place until full details of appropriate mitigation measures to prevent the pollution of the waterway during construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved measures, which shall be retained for the duration of construction.

Reason: In order to avoid contamination or pollution of the waterway and to ensure that proper mitigation is deployed.

Surface water drainage

8. No development shall take place until full details of surface water drainage arrangements, including means of discharging into the watercourse, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained in full working order thereafter.

Reason: In order to prevent damage to the waterway structure, protect water quality and make an assessment of the increased volume of water entering the watercourse.

Environmental Management Plan

9. No development shall take place until a site construction Environmental Management Plan ("EMP") has been submitted to and approved in writing by the local planning authority. The EMP may comprise one or more documents, but shall contain details of:

a) the phasing of all construction works;
b) management of on site parking in respect of vehicles of the workforce;
c) delivery hours;
d) dust (including remediation measures and a window cleaning protocol), noise and vibration management;

e) pollution control measures, including for the treatment of any contaminated land discovered during construction;

f) temporary site illumination during the construction period; and

g) management of on site plant and machinery.

The development shall be carried out in accordance with the approved EMP, or any subsequent revisions to the EMP that have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of residential amenity and pollution control.

Travel Plan

10. No development shall take place until a Travel Plan designed to encourage the use of sustainable forms of transport by construction workers engaged in the construction of the development has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the timescales set out therein.

Reason: In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

Construction hours of work

11. Unless otherwise agreed in writing by the local planning authority, no operations for the construction of the development shall take place;

a) before 0730 hours on weekdays and 0800 hours on Saturdays nor after 1900 hours on weekdays and 1800 hours on Saturdays; or

b) at any time on Sundays or Bank or Public Holidays.

Reason: In the interests of the residential amenity of the occupants of nearby properties.

Pedestrian signage and CCTV

12. Prior to the first use of the Station Entrance, details of the provision of pedestrian signage to the southern access from agreed routes and CCTV coverage in the vicinity of the development shall be submitted to and approved in writing by the local planning authority. Works in connection with the above shall be carried out prior to the first use of the Station Entrance, and retained in accordance with the approved details or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of pedestrian connectivity and community safety.
Highway and public realm works

13. The highway and public realm works shown on drawing 296480-SKE-014-P3 referred to in condition 2 above shall be constructed before the Station Entrance is opened to the public.

Reason: In the interests of community safety, visual amenity and vehicular and pedestrian safety.

Cycle parking

14. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until details of facilities to be provided for the parking of up to 20 cycles, to be used by members of the public, have been submitted to and approved in writing by the local planning authority. The details shall include the location and method of securing cycles. The approved facilities shall then be provided prior to the building being brought into use and, thereafter, retained in full working order, in accordance with the approved details or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

Public announcement system

15. No public announcement system shall be operated within the Station Entrance until details of the operation of the system, including hours of operation, location of loudspeakers and permissible noise levels, have been submitted to and approved in writing by the local planning authority. The public announcement system shall thereafter only be used in accordance with the approved details.

Reason: In the interests of residential amenity.

Transport Management Plan

16. No development shall take place until a Transport Management Plan (“TMP”) has been submitted to and approved in writing by the local planning authority. The TMP shall consider the following matters:

a) impact on local residents, businesses and the local highway network;
b) temporary access restrictions, layouts and diversion routes;
c) transport of personnel to site;
d) transport of materials, plant and equipment to site;
e) schedule of planned highway and barge deliveries;
f) routes to site for construction traffic and signage; and
g) control measures and monitoring.

The approved TMP shall be implemented in accordance with the timescales set out therein.
Reason: In the interests of highway safety and in order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

Protection of nesting birds

17. Any works involving vegetation clearance, shall be scheduled so as to avoid the bird nesting season (March-August inclusive), unless the absence of nesting birds has been confirmed by a qualified ornithologist.

Reason: For the protection of birds during the breeding season.

Otters

18. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until a survey has been undertaken to identify any overland routes used by otters within any areas likely to be affected by construction activities. A scheme for the protection of such routes during construction shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the approved scheme shall be implemented in accordance with the timescales set out therein.

Reason: For the protection of otters and their habitat.

Bats

19. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until a pre-construction survey in accordance with the Bat Conservation Trust guidance has been undertaken to identify the presence of any bats that may be affected by the development or its construction. A scheme for mitigating any impact on bats shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the approved scheme shall be implemented in accordance with the timescales set out therein.

Reason: For the protection of bats and their habitat.

Soil excavation

20. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until a ground investigation survey, risk assessment and materials management plan for soils excavation and reuse and proposed mitigation measures have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the timescale therein.

Reason: In order to avoid contamination or pollution of the waterway and to ensure that proper mitigation is deployed.
Demolition and reconstruction of stone arch and wall at Water Lane

21. Prior to the demolition of the stone arch and wall ("the works") at the Water Lane site, a method statement outlining a protocol for identifying and recording the present form of construction and location of the works, the dismantling of the works, storage of the materials and the details of the reconstruction, including timescales, shall be submitted to and approved in writing by the local planning authority. Thereafter, the works shall be carried out in accordance with the agreed scheme.

Reason: to secure the reconstruction of an asset of local heritage interest.

Enhancement of railway archways

22. Prior to the opening of the Station Entrance to the public, a scheme for the enhancement of the railway archways immediately adjacent to the development shall be submitted to and approved in writing by the local planning authority in consultation with English Heritage. The scheme shall provide for the following:

   a) cleaning of the arches;
   b) a lighting scheme in accordance with Institution of Lighting Professionals Guidance, subject to consultation with local residents and to avoiding disturbance to bat activity; and
   c) surface treatment to delineate safe walking routes for pedestrians.

The approved scheme shall be implemented in accordance with the timescales approved therein and retained in working order thereafter.

Reason: to secure enhancements to an asset of local heritage interest.

Landscaping

23. The landscaping scheme shown on drawing 296480/SKE/018/REVP1 shall be implemented to a timetable to ensure planting takes place in the optimum planting season that is agreed in writing by the local planning authority prior to the opening of the Station Entrance to the public. Any planting that is uprooted or destroyed during the construction of the development shall be replaced in accordance with the landscaping scheme.

Reason: to secure biodiversity enhancements as part of the scheme.

Flood risk alleviation

24. The finished floor levels of the ground level main deck of the Station Entrance shall be no lower than 29.10 metres above Ordnance Datum, unless otherwise agreed in writing by the local planning authority in consultation with the Environment Agency.

Reason: to ensure compatibility of the Station southern access with the proposed Leeds Flood Alleviation Scheme and to reduce the risk of flooding to the proposed development and future users, in accordance with the requirements of the National Planning Policy Framework.
25. The development shall only be carried out in accordance with the approved Flood Risk Assessment Ref. 296480RPT03 Rev D or subsequent revisions that have been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

**Reason**: to reduce the risk of flooding to the proposed development and future users, in accordance with the requirements of the National Planning Policy Framework.

26. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until full construction details of these parts have been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The development shall be constructed in accordance with the approved details.

**Reason**: to ensure compatibility of the Station southern access with the proposed Leeds Flood Alleviation Scheme.

**Renewable energy and energy efficiency**

27. No development shall take place on the parts of the scheme that are to be in contact with the banks of the River Aire until a scheme containing measures to be incorporated within the development for the renewable generation of energy and/or energy efficiency measures has been submitted to and approved in writing by the local planning authority. The measures contained in the approved scheme, or any subsequent revisions to the scheme that have been submitted to and approved in writing by the local planning authority, shall be implemented as part of the development.

**Reason**: in the interests of the sustainability of the new Station entrance structure.

**Consultation with local residents**

28. No development shall take place (except at the Water Lane construction compound site) until a scheme for consultation with local residents, including the arrangements for utilising the existing Station Liaison Committee, the introduction of a telephone Hotline and the publication of scheme information, including the provisions following opening of the Station Entrance for public use, has been submitted to and approved in writing by the local planning authority. The approved consultation scheme shall be implemented in accordance with the timescales approved therein.

**Reason**: in the interests of protecting the amenity and other interests of local residents.

**Opening hours of the Station Entrance**

29. The Station Entrance shall only be open to the public between the hours of 0530 and 2200.

**Reason**: In the interests of residential amenity and for the avoidance of doubt.
Replacement of entrance door to the Blue Apartments

30. No development shall take place until a scheme for the replacement of the door entrance to the Blue Apartments from Little Neville Street to avoid activation and possible use by passers-by has been submitted to and approved in writing by the local planning authority. Thereafter, the approved replacement door shall be fitted and operative prior to the opening of the Station Entrance to the public.

Reason: To safeguard the interests of residents and for general security.

Management of access to the Granary Wharf Estate

31. Prior to the opening of the Station Entrance to the public, a scheme for the management of vehicle and pedestrian access to the Granary Wharf Estate shall be investigated and a report of the findings of the investigation shall be submitted to and approved in writing by the local planning authority. This report shall cover actions to be taken in the event there are material transgressions by taxis or other vehicles using the Granary Wharf Estate to set down or collect rail passengers, including a trigger point for action. Within 6 months of the opening of the Station Entrance to the public, or any such other date agreed in writing by the local planning authority, any approved actions from the report shall be implemented.

Reason: In the interests of pedestrian safety and the sensible management of the Granary Wharf Estate

END
ANNEX 2

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the ground that -

- it is not within the powers of the TWA, or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days from the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

CHALLENGES TO DEEMED PLANNING PERMISSION GIVEN IN CONNECTION WITH A TWA ORDER

There is no statutory right to challenge the validity of the Secretary of State's direction that planning permission shall be deemed to be granted for development for which provision is included in the Order. Any person who is aggrieved by the giving of the direction may, however, seek permission of the High Court to challenge the decision by judicial review.

A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking any action.