Report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government

by J S Nixon BSc(Hons) DipTE CEng MICE MRTPi MCIHT

an Inspector appointed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government

Inquiry opened 27 November 2012

Accompanied site visit 4 December 2012 and unaccompanied visits on 26 November and 3, 5 and 6 December 2012.

Date: 12 March 2013

TRANSPORT AND WORKS ACT 1992

TOWN AND COUNTRY PLANNING ACT 1990 AND

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER 201[ ]

Dates of Inquiry: 27-30 November and 4-6 December 2012

Ref: DPI/N4720/12/22; NPCU/CAC/N4720/70784
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CASE DETAILS

- This Order would be made under Sections 1 and 5 of the Transport and Works Act 1992, and is known as the Leeds Railway Station (Southern Entrance) Order 201[ ] (“the Order”).

- The application for the Order was made on 15 May 2012 by Network Rail Infrastructure Limited and West Yorkshire Passenger Transport Executive (the Promoters), and there were 32 objections to the draft Order (Document DOC.4) of which three were withdrawn prior to the commencement of the local inquiry. A further five were withdrawn before the inquiry closed (Document INQ.4).

- The Order would authorise the construction, operation and maintenance of a new pedestrian entrance to Leeds Railway Station from the south, referred to as the Leeds Station Southern Entrance (LSSE). The Order also seeks authorisation for the compulsory acquisition of land and interests in land to allow the scheme to be constructed and for subsequent operation and maintenance, and there are related requests for deemed planning permission (Document DOC LSSE.A13) for the LSSE scheme and a Conservation Area Consent (Document DOC LSSE.A20).

Summary of Recommendations: That the Order be made with modifications, and that the deemed planning permission and Conservation Area Consent be granted.

PREAMBLE

1.1. I have been appointed pursuant to Section 11 of the Transport and Works Act 1992 to hold a public inquiry into the Order and to report to the Secretaries of State for Transport and Communities and Local Government. The inquiry was held at the Bewleys Hotel, Leeds on 27-30 November and 2-5 December 2012.

1.2. I made an unaccompanied inspection of the sites affected by the proposals on 26 November 2012. On 2 December 2012, I made a further inspection accompanied by representatives of the Promoters and Objectors to the scheme.

1.3. There are 18 supporters of the Order scheme (Document DOC.6) and two other third parties made representations regarding the scheme (Document DOC.5). Initially, 32 objections were originally made to the scheme in response to the advertisement of the Order application, but three of them were withdrawn before the inquiry opened and a further five withdrawn before the inquiry closed. Copies of the statements withdrawing objections are detailed in Document INQ.4.

1.4. There is one outstanding objection and one further observation in response to the Conservation Area Consent application.

1.5. The main grounds of the outstanding objections are:
a. the proposed development would increase the number of people in and passing through the area and this would adversely affect the character of the area;

b. there are better and cheaper alternatives;

c. the increased danger from vehicle/ pedestrian conflict;

d. there would be increased traffic, noise, vibration and dust during the construction period, leading to increased maintenance costs for residents etc in Granary Wharf;

e. the crane would affect use of balconies and communal rooftop areas;

f. the area would attract vehicles to set down and collect passengers and commuter parking, thereby introducing greater vehicle/pedestrian conflict;

g. restrictions on delivery times, especially on Little Neville Street, would lead to service vehicles at more unsocial hours;

h. when operational there would be increased noise, dust and litter, again leading to increased maintenance costs for residents etc in Granary Wharf;

i. there would be a loss of daylight, sunlight, privacy and view/outlook;

j. there would be a loss of property value;

k. there would be an increased security risk;

l. businesses would be affected during the construction period;

m. there are no meaningful compensation arrangements for residents or businesses;

n. the proposals would have an adverse impact on access into Granary Wharf and parking;

o. the design is too large and dominant and would adversely affect local heritage assets and especially the Dark Arches;

p. there has been inadequate effort considering the alternatives;

q. there is no need for the compound and, in any event, it would be too large;

r. the proposal is premature pending the outcome of the consultation on the overall strategy for Leeds Station;

s. there would be no compelling need to acquire rights;

t. clarification and extent of rights are unclear;
u. the scheme does not provide access for anyone other than those using the Station;

v. the proposed opening hours for the LSSE are too long;

w. there is concern about Police activities on match days; and

x. the loss of the stone arch and wall at the Water Line site would be sad.

1.6. On 28 September 2012, the Secretaries of State for Transport and Communities and Local Government caused a Statement (Document DOC.1) to be issued setting out those matters on which they particularly wished to be informed for the purposes of considering the Order etc. The matters listed are set out as headings in sections 3 (The Case for the Promoters) and 8 (Conclusions) of this report.

1.7. The inquiry was conducted under the Transport and Works (Inquiries Procedure) Rules 2004. It was confirmed at the inquiry, on behalf of the Promoters, that all the statutory requirements in connection with the Order and the inquiry had been met and a Compliance Pack submitted (Document INQ.3). Only one objection was made on any legal or procedural issue at the inquiry. This was by the ISIS Waterside Generation Group (OBJ/17) and pertained to the Environmental Statement (ES) and the alleged omission of a Scoping Opinion, which it was argued rendered the ES defective. It can be seen from the ES (Document DOCS LSSE.A15-A19) that the Scoping Opinion was included, and this objection was withdrawn.

1.8. In this regard, the ES that accompanied the application for the Order comprises four volumes and a Non Technical Summary. The ES was carried out in accordance with published advice, and as can be seen later (8.71), was found to be adequate.

1.9. At the inquiry, the Promoters submitted a paper showing their proposed amendments to the draft Order (Document INQ.27). A tracked changes version of the filled up Order can be found at Document INQ.26 and it is in this form that the Promoters ask that the Order should be made. The changes proposed to the Order as originally applied for have been put forward principally to meet points raised by parties who submitted initial objections to or representations on the Order. I am satisfied that the changes sought (which were open for discussion at the inquiry) are not substantial and would not prejudice any party to the inquiry.

1.10. The remaining sections of this report contain a brief description of the area, the gist of the cases presented, a rebuttal by the Promoters, and my conclusions and recommendations. Appendices to the report list those who appeared at the inquiry (Appendix A), the documents submitted before and at the inquiry (Appendix B), a list of abbreviations used in this report (Appendix C), and a list of draft conditions (Appendix D), which is recommended should be imposed on any deemed planning permission.
DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1. The proposed LSSE development is situated immediately to the south of Leeds Railway Station (the Station) in Leeds City Centre. As things stand, the main shopping and business areas lie to the north of the Station, with the land to the south of the Station occupied mostly by residential apartments, businesses and offices. Some years ago much of this latter area comprised redundant or derelict industrial sites/buildings, which have gradually been redeveloped or refurbished. This is particularly true of Holbeck Urban Village to the south-west of the LSSE site, where 5,000 new jobs are planned in the creative industries. Initial developments here include the Tower Works and Marshall’s Mill, both opened in 2012, offering digital and media space.

2.2. The north and south areas of Leeds are physically segregated by the railway viaduct (the Dark Arches) at high level, which incorporates the Station. The River Aire runs under the Arches and just south of here it becomes the Aire and Calder Navigation and flows in a broadly southerly direction and then turns east, passing under Neville Street at Victoria Bridge. The LSSE would be constructed abutting the Arches and astride the River Aire. The Leeds and Liverpool Canal runs east-west linking into the Aire by way of a lock, south of the proposed LSSE and just to the west of Neville Street.

2.3. The total area of land contained within the TWAQ application limits is 2.02 hectares (ha) and this includes a separate site of 0.38 ha to the east on Water Lane that has been reserved for temporary access for barge loading/unloading and storage of materials during construction. The LSSE site itself is not readily accessible from the major road network, with limited vehicle and pedestrian access to the east of the site provided by Little Neville Street and Dark Neville Street (a private road). These link eastwards to Neville Street, which is the main north-south route in the vicinity passing under the railway viaduct and connecting a large area of land south of the Station to the City Centre to the north. There is also a further, narrow and restricted vehicle access to the LSSE from the south-west to Granary Wharf, via Canal Wharf and Wharf Approach.

2.4. Pedestrian crossing points of the River Aire are provided by Dark Neville Street, a pedestrian bridge built some 30 m downstream of the proposed LSSE site and a crossing further south, where the Canal joins the River. The key areas for pedestrian access from the Station are Granary Wharf, the Riverside to the west, Holbeck Urban Village to the South, the Calls Commercial District to east of Neville Street and the South Leeds Commercial District to the south-east. In addition there are several cycle-ways, including Cycle Network Route 66, running alongside the River and Canal.

2.5. The Granary Wharf development contains shops, a hotel and restaurants, some of which have been converted from arches under the viaduct. Waterman’s Place, a modern 15-storey residential block fronting the River, is located to the west of the LSSE site and forms part of the Granary Wharf development. The Blue Apartments are situated on the eastern River bank, and to their rear are Little Neville Street and the Hilton Hotel. The Blue Apartments are a 16-storey residential block, with a ground floor retail use that has been fitted out as a golf shop and virtual driving range. Bridgewater
Place to the south of the site was completed in 2007 and comprises a 32-storey office block, also containing 200 flats. East of Neville Street, near Water Lane, is the head office of Asda employing several thousand people and an area proposed for redevelopment called Sovereign Place.

2.6. The proposed LSSE site is located on the northern boundary of the Canal Wharf Conservation Area. There are a number of other heritage assets in the locality and these include: the River lock and retaining walls to the River Aire (Grade II* Listed); Canal Wharf (Grade II* Listed); Victoria Bridge (Grade II Listed); and the Dark Arches over the River Aire (a locally designated heritage asset), which offer a long view from Victoria Bridge that carries Neville Street.

2.7. In addition, the barge loading/unloading site to the east is situated within the Leeds City Centre Conservation Area and is next to a Grade II listed building. As part of the site preparation here, it would be necessary to demolish an arch and adjoining wall, for which the Conservation Area Consent (Document LSSE.A20) is sought. The arch and wall would be rebuilt, when construction of the LSSE is complete.

2.8. Leeds City Station, which sits above the Dark Arches and River Aire, is one of Network Rail’s 17 managed stations, serving Leeds City Centre in West Yorkshire, with local, regional and inter-city rail services. At present the Station hosts 100,000 passengers each day and site observation confirms that at peak times the barriers, concourses and bridges can become very congested. The main Station entrance for pedestrians, cyclists, buses and taxis is situated on New Station Street, north of the viaduct. Additional entrances can be found on Wellington Street, for pedestrians only, and off Princes Square adjacent to the Station car parking and drop-off areas.

2.9. Passengers wanting to gain access to or exit from the Station to the south of the railway viaduct currently have no alternative to the existing indirect route from the main entrance on the north side of the Station, down the ‘Rotunda Steps’ and through the Neville Street underpass beneath the Station to reach all the destinations in the southern quarters of the City.
THE CASE FOR THE PROMOTERS

The material points are:

Background

3.1. With the massive changes to the industrial economy in the 1970s, the commercial and industrial areas in south Leeds began to fall into decline, such that by the 1990s this area was dominated by under used, derelict and cleared sites that, at best, offered some surface level car parking. Things started to change in the mid-1990s, with a number of redevelopments to the south of the City Centre, the most high profile of which was the construction of the Royal Armouries Leeds, which opened in 1996. The following decade transformed the City Centre as a whole, with the most dramatic changes being to the south, with its character changing from one of a post-industrial wilderness to one increasingly part of the City Centre, with the Granary Wharf area itself being a notable part of that process.

3.2. Despite the onset of the Credit Crunch, the anticipation is that the present economic downturn will only delay the process of transformation on the south side of the City. Indeed, the emerging Leeds Core Strategy posits the south of the City as an area of substantial growth, with projects such as the remainder of the Holbeck Urban Village (Documents LSSE.D10 and INQ.14) coming forward.

3.3. Irrespective of any other justification for the LSSE scheme, when one considers the historical development of Leeds City Centre, the effect of the project would be to remedy finally an omission in the railway infrastructure, which with hindsight has contributed to the creation of the bifurcated City Centre of the C20. Now that circumstances have led to the City Centre proper expanding to the south of the viaduct, it is fundamental that easy access should link the Station and the land to the south, to accommodate the needs of existing and future residents and businesses.

3.4. There is, therefore, little wonder that the LSSE project attracts very strong support from all those public bodies engaged in the economic well being of the City, from the City Council to the Chamber of Commerce. Even those opposed to this particular scheme readily accept the logic for the LSSE for the future well-being of the City. Thus, the extraordinary starting point is that this project has attracted virtually no meaningful, in principle, controversy and, of course, before it was decided to proceed down the TWAO route, a very similar scheme to the present LSSE was granted planning permission by Leeds City Council.

3.5. What is proposed is viewed by key stakeholders as an essential adjunct to the future well being of the City. Leeds is the third largest city in the UK, and is the cultural, financial and commercial powerhouse of Yorkshire. It is the UK’s largest centre for business, legal and financial services outside London. Understandably rail and road communication networks in the region are all focussed on Leeds. Leeds is now the third busiest of the provincial stations, after Glasgow and Birmingham.
The scheme

3.6. The LSSE scheme is for a new access to the Station from the south and would include a concourse located above the River Aire, comprising three levels within an enclosed building. Pedestrian bridges would provide direct access to the lower concourse level from the east and west banks of the River. The lower concourse would also extend back through the span of the Station viaduct to a further open footbridge, running parallel with Dark Neville Street.

3.7. The structure would contain two escalators, two lifts and stairs. The first level of the concourse would provide emergency access to Station platforms. The upper level would link to the existing western footbridge, which crosses platforms 15, 16 and 17, and would be widened to accommodate ticketing facilities. The main enclosure for the LSSE would take the form of an arched canopy, clad with gold coloured roofing. This would be stepped horizontally to allow for glazed slots on each elevation and would frame a glazed panel on the southern elevation. The LSSE would cater for rail users between the hours of 0530 and 2200, but under the present arrangements offers no general link between Leeds City Centre north and south. There is no intention to provide a drop-off facility for cars and taxis delivering rail passengers to and collecting them from the Station. In fact, this would be actively discouraged and they would be directed to the existing drop-off point to the north of the Station.

3.8. The scheme would contain provision for cycle storage. It would be disability compliant and would have CCTV. It would also be accompanied by pedestrianisation proposals for Little Neville Street, while maintaining essential local vehicular access. Construction would take 62-weeks and approximately 100 staff would be employed at the peak of the construction period. During this time, a dedicated telephone Helpline would be available and a Residents’ Forum set up.

3.9. In addition to the main site, two other tracts of land would be used during the construction phase. The first would be an office and welfare facility commensurate with a project of this magnitude. This could not be accommodated within the construction site itself, as it would be too restricted, and an area at upper viaduct level has been identified a short distance to the west, adjacent to Wharf Approach. A staircase would be provided to allow access through Granary Wharf to the LSSE site. The second would be land to accommodate storage of materials and their delivery via the River to the LSSE site. This would be located on the east bank of the River Aire at Water Lane and offer minimal facilities for the workers.

Compliance

3.10. A Compliance Pack (Document INQ.3) has been submitted and this outlines the various legal procedures and statutory formalities that have been undertaken. This confirms that everything that needed to be done to satisfy the statutory requirements has been completed satisfactorily.
The Matters identified by the Secretaries of State

Matter 1 - The aims and objectives of, and the need for, a new station entrance on the southern side of Leeds Railway Station ("the scheme").

3.11. Leeds Station operates at high level on an extensive brick viaduct, which straddles the River Aire. The viaduct transects the entire City Centre and impedes traffic and pedestrian circulation around the City. The existing main Station entrances all ‘face’ north and many passengers wanting to enter or exit to the south have a lengthy detour and have no option other than to use the indirect route, using the ‘Rotunda Steps’ and passing through the Neville Street underpass and along Dark Neville Street to the Granary Wharf Estate and beyond.

3.12. With new development to the south and more on-stream, the LSSE is a necessity to provide an attractive, safe and convenient route from the Station to the south and especially developments such as Granary Wharf and Holbeck Urban Village. Without the LSSE, connectivity would be much less attractive and may actually inhibit future investment. When operational the LSSE would act as a prestige gateway to the area.

3.13. Network Rail is required to establish Route Utilisation Strategies (RUSs), and the relevant RUS for Leeds is the Yorkshire and Humber RUS. This RUS shows an overall growth forecast for Leeds Station of 40% by 2019, and it is this anticipated growth that provides one of the main reasons the LSSE is required. The second main driver, is the capacity difficulties currently experienced within Leeds Station, and especially at the ticket barrier. This will get progressively worse if the passenger growth forecast materialises. The third key driver is the need to support the expansion of the City south of the Station. To this end, a Station Masterplan has been developed and this acknowledges the need for the LSSE and for improvements to Little Neville Street and Dark Neville Street prior to opening the LSSE. These improvements are being pursued in partnership with other agencies.

Matter 2 - The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, regeneration and environmental benefits of the scheme.

3.14. The Government’s strategy for railways was illustrated in the March 2012 Command Paper “Reforming our Railways: Putting the Customer First”. This paper set out how the passenger and freight railway supports Government’s overall transport strategy.

3.15. In July 2012, the Government published the High Level Output Statement (HLOS), which forms part of the Railways Act 2005. The HLOS sets out what the Government wants to achieve in the next 5-year funding period from April 2014. The HLOS establishes four strategic priorities, including improved commuter travel into major urban areas, helping to expand the effective labour market and aiding people to access a wider range of jobs.

3.16. By boosting rail capacity and capability in West and South Yorkshire, enhancing north-eastern connectivity and completing the Northern Hub, this
investment would be expected to unlock major benefits in the economies of northern cities and conurbations. Through HLOS the SoS for Transport wishes to see a significant increase in carrying capacity and to relieve overcrowding. The incremental passenger capacity to be delivered is specified in a metric (Document INQ.6), which for Leeds shows a percentage increase during the peak hours in excess of 20% by 2018/19.

3.17. The projected increase in rail travel will produce two further benefits. In transportation terms, a better experience and more frequent services will divert journeys from road to rail, thereby lessening the wear and tear on the highway network and freeing it up for essential road travel. The diversion is expected to result in a 20% reduction in car generated trips, so contributing to a wider sustainability target for modal shift (Document INQ.23). In addition, the modal shift from car to rail (Document INQ.24), with walking and/or cycling at either end of the journey, encourages exercise, with commensurate benefits for health. Finally, it will deliver environmental improvements in terms of better air quality and a reduction in the use of carbon based fuels.

Matter 3 - The main alternative options considered by the promoters or proposed by objectors and the reasons for choosing the proposals comprised in the scheme.

3.18. The detailed rationale for the siting of the southern access to Leeds Station and the pedestrian flow analysis that underpins the decision process is set out in the document entitled “The Leeds Railway Station (Southern Entrance) Order Scheme Location and Design Rationale (Document LSSE.A18). Key findings, summarised in the Executive Summary, detail two broad options. The first of these is a scheme at Sovereign Place and the second, being the preferred option, in the River Aire location.

3.19. The key reasons for adopting the preferred location are first, the existing western footbridge within the Station has recently been upgraded and already accommodates 59% of the passengers using the Station. On the other hand, to bring the eastern footbridge up to standard, to connect into the Sovereign Place redevelopment, would involve far greater improvement works, if not total rebuilding, with the need for additional disruptive possessions. Neither does the eastern footbridge fit with the existing passenger flows and passenger arrival and departure requirements.

3.20. Secondly, the western bridge provides the optimal location for the hourly safety and security checks using the existing station operations staff. Thirdly, the preferred option is the least disruptive from a construction perspective, as most of the construction is remote from the existing network operation and would involve far fewer costly and inconvenient track possessions.

3.21. An additional point is that Sovereign Place is the subject of a substantial proposed redevelopment scheme, which is currently passing through the planning processes (Document INQ.8). However, the applications do not include for a southern access and pedestrian distribution system. As such, it is less advanced and if this option were pursued, it would undoubtedly introduce a delay to a southern access scheme. Put bluntly, to switch schemes at this stage would require the decision and funding processes to restart, with the
inevitable consequence that no southern access to the Station would come forward in the foreseeable future to meet the anticipated rail passenger demand.

3.22. Other alternatives were considered, but discounted by the Station Management Team. These included a new entrance located off Platform 17, but this is too narrow, too remote from the rest of the Station and would require additional station staff to carry out the necessary security checks. A further option discounted was a new entrance from the existing, albeit no longer used, subway. This would require relocating the ticket gate line; introducing new lifts or escalators; opening the subway to the platforms, which would introduce further capacity problems; and it would need extending, involving work that would be very disruptive to station operations.

3.23. Finally, Objectors have suggested displacing the LSSE slightly further east to Little Neville Street to avoid impinging visually on the Dark Arches and to lessen the amenity impact on residents. However, this would occupy a very limited site and, thereby, visually devalue the scheme. In addition, it would make connectivity more difficult, involve additional disruptive possessions and, being closer to the Blue Apartments might attract further objection to the scheme. There would also be a delay in working the scheme up, which may eventually prove impractical and not attract funding. It is not, therefore, an option that is believed worthwhile pursuing.

Matter 4 - The extent to which the scheme would be consistent with the National Planning Policy Framework (the Framework), and regional and local transport, environmental and planning policies.

3.24. In addition to the Command Paper referred to above, the LSSE project accords with several aims of the Framework, including the presumption in favour of sustainable development and furthering the role of improved infrastructure in assisting development and, specifically here, serving and stimulating regeneration in southern parts of the City. Also of relevance, the Framework seeks to build a strong and competitive economy and ensure the vitality of town centres. This includes at paragraph 21 of the Framework addressing potential barriers to investment, such as poor environment or lack of infrastructure. Paragraph 29 of the Framework also states that transport policies have an important part to play in contributing to wider sustainability and health objectives.

3.25. Moving on to The Yorkshire and Humber Plan 2008 (RSS) (Document LSSE.D17), although the intention is to abolish the RSS, it remained part of the statutory development plan at the time of the inquiry. Several policies within the RSS refer directly to the continued growth of Leeds as a major European City and the role transport investment can play in this. These include RSS Policies YH1 and LCR2. In more generic terms, Policy T9 evinces the protocol for transport investment and management priorities and Policy YH2 for climate change and resource use. In each case, the LSSE concept, planning, aims and objectives rest comfortably with the RSS Policies and the strategic overview likely to prevail post revocation of the RSS.

there are several saved policies that are pertinent. UDP Policies SA6 and SA9 look to promote the development of Leeds City Centre to support Leeds’ economic status and as a tourist destination. UDP Policy SA7 covers urban regeneration and states that the main pressures are to the south of the City centre. There are several policies, which see improvements in transport infrastructure as a way of making these aspirations happen. These include Policy SA4, which ties the promotion and strengthening of the economic base of Leeds and the provision of the necessary infrastructure.

3.27. UDP Policies SP3, SP4 and SP8, together with Policy SA2, seek development close to public transport links and look to promote use of non-car modes. Finally, UDP Policy T1 states that transport investment will, among other aims, be directed toward improving public transport and other modes such as walking and cycling; promoting social inclusion; and encouraging greater integration between travel modes through support for better interchange between and within travel modes and measures that broaden the range and opportunity for journeys to be made by public transport.

3.28. As for the emerging Draft Leeds Core Strategy of February 2012, its objectives include giving priorities to the development opportunities in the southern half of the City (Objective 2) and increasing “...the use of sustainable forms of transport by facilitating the delivery of new infrastructure and the improvement and management of the existing system, transport hubs and interchanges (including Leeds City Station)” (Objective 15). This is also reflected in Spatial Policies 3 and 11, which look at the role of Leeds City Centre as an economic driver for district and region. The Core Strategy (paragraphs 4.9.10 and 5.1.18) specifically recognises the benefits of a new southern entrance to the Station and the help this would provide in reinforcing the centrality of the southern half of the City Centre.

3.29. There are also several non-statutory planning and related documents. The Leeds City Region Local Enterprise Partnership Plan: Realising the Potential 2011 (Document LSSE.D3), outlines various strategic priorities to create for Leeds “A world-leading dynamic and sustainable low carbon economy that balances economic growth with a high quality of life for everyone”. The Leeds City Region Connectivity Study Phase 1 2010 (Document LSSE.D4) and the West Yorkshire Local Transport Plan 2011-2026 (Document LSSE.D18) recognise the importance of good transport links to the economy, the environment and quality of life.

3.30. Finally there are local planning documents, briefs for the South Bank and Sovereign Street sites, the Holbeck Urban Village Revised Planning Framework 2006 (Document LSSE.D10) and the Biodiversity and Waterfront Development SPD (Document LSSE.D9), that emphasise the opportunities for regeneration in areas to the south of Leeds City Centre and the need for good pedestrian and cycleway links into the City Centre as one way of achieving this.

3.31. Taken overall, the LSSE rests comfortably alongside and supports the strategic policy aims. Only the effect of the LSSE on site specific policy objectives offer any degree of conflict and these are mainly confined to amenity and heritage aspects, which are covered later.
Matter 5 - The likely impact on residents, businesses and the environment of the scheme, during construction and after opening to the public, including:

a) noise, vibration and dust, including the impacts of construction traffic;

3.32. During the construction period there would be noise and vibration generated. The effects of these have been assessed as mostly slight or moderate adverse during the daytime and slight adverse/neutral during the occasional night-time working. To address this, an Environmental Management Plan (EMP) would be produced and implemented by the appointed construction contractor. The EMP would specify methods of working, hours of work and noise controls to be applied. With effective implementation of the incorporated mitigation measures, such as the preparation of a noise and vibration section to the EMP and working in accordance with BS5228, no significant residual effects are predicted.

3.33. Residents also raise the potential for anti-social noise arising from use of the ‘public’ access areas and especially the ramps leading to the LSSE from both sides of the River. However, within the Granary Wharf Estate, which is private, the owners would be able to take whatever action they consider necessary in the interests of the residents and businesses. As for the ramps to the LSSE, it is not considered necessary to take any action to prevent such activities as skate-boarding. The LSSE would be open for most of the 24-hours with high levels of usage and CCTV would oversee the remainder of the time period. These should act as both a monitor and a deterrent.

3.34. A key element of the LSSE construction would be to employ rotary piling with steel casings. This would avoid the noise and vibration generated by driven or other percussive methods of piling and the introduction of steel casing reduces the impact on the watercourse. Either way, the Peak Particle Velocities and air overpressure levels would not be unacceptable, if noticeable at all. Other mitigation measures would include using fully maintained low noise plant and equipment, screening/enclosure of mobile and fixed plant, co-ordinating deliveries and programming the noisier works to times within normal working day.

3.35. Similarly, dust would be created, but again could be effectively monitored and controlled as outlined in a dedicated section of the EMP. Control measures would include regular sweeping, damping down cutting operations, covering stored materials and solid hoarding around the work area. To address concerns of neighbours, the EMP must also ensure that the areas in the public realm, outside the immediate construction zone, would be regularly cleaned to avoid an accumulation of dust. If necessary this should include the windows of nearby properties.

3.36. Turning to the impact of construction traffic, the implementation of a Construction Traffic Management Plan (TMP) would be employed to minimise disruption. A key factor in this would be the use of water to transport many of the bulk materials, avoiding road transport entirely within the construction area. Materials would then be crane hoisted to where they were needed. When vehicle access is unavoidable, traffic management schemes would be developed, which would ensure drivers were fully informed, pedestrians were
safely accommodated and delivery vehicles timings co-ordinated. Generally speaking, other than during the erection of the crane, provision would be made to allow existing access routes to remain functioning.

b) the need for and proposed location of the construction compound;

3.37. Two remote compounds are considered necessary to facilitate the construction works. These would be the main compound area, adjacent to the railway at the end of Wharf Approach and another at the materials launch site on the east bank of the River Aire at the end of Water Lane. Both would be essential, having regard to the very tight constraints of the actual construction site and the need to provide adequate welfare and office facilities to serve a project of this complexity and a bulk materials handling and despatch area. The contractor would have to arrange for any staff parking with local providers, though a workplace Travel Plan to encourage sustainable forms of transport (Draft Condition 10) would be considered.

3.38. The welfare and office facilities need to be reasonably close to the actual works to ensure that the works can be overseen and workers do not have to waste time unnecessarily moving between the compound and the construction site. With the relatively low number of vehicles delivering to the high level compound, the potential for conflict with other vehicles and pedestrians should not be high. Owing to the size of the arches, it would not be practical to use one of the arches as suggested by the Waterman’s Place Residents.

3.39. As for the Water Lane accommodation, a prerequisite of this is that it is the nearest available location that has a riverside frontage. Without this, double handling would be necessary and costly and defeat much of the benefit of using the waterway for delivery.

c) impacts on air quality;

3.40. The scheme would have the potential to cause negative air quality effects during the construction phase and, to a limited degree, after opening. In the ES, key pollutants considered are nitrogen oxides, fine particulate matter PM$_{10}$ and PM$_{2.5}$ (Document INQ.25) and larger particles of dust. The closest Air Quality Management Area to the site is some 800 m away. The scheme would offer no significant emission sources for any other pollutants.

3.41. After taking baseline measurements, the effects of road transport and site working would be of temporary, minor adverse effect. Even so, a comprehensive range of mitigation measures would be employed to prevent and minimise the potential for air pollution, and details would be contained within the EMP. To avoid traffic pollution the waterway access would be proposed and any vehicle deliveries would be staggered to avoid congestion and consequent waiting within the Dark Arches.

d) impacts on townscape, including the character and appearance of the conservation area;

3.42. Third parties have objected on the grounds of harm to the heritage assets of the area. While English Heritage (EH) does not object formally, it contends
that there would be less than substantial harm to the Conservation Area and/or the Dark Arches. In both cases the Promoters believe EH is wrong.

3.43. The policy background against which to consider the proposals is drawn from the Framework, the RSS, The UDP, the emerging Leeds Core Strategy and supplementary planning documents. In all cases, the broad policy aims are to seek good design and to preserve and/or enhance the heritage features of merit. The Framework (paragraph 136), sums up the latest thinking when assessing applications that directly or indirectly affect a non-designated heritage asset. A balanced judgement is required, having regard to the scale of any harm or loss and the significance of the asset.

3.44. In this case, the proposed LSSE would be located on the northern boundary of the (Central Area) Canal Wharf Conservation Area, which is triangular in shape and encloses the River and Canal. It is bounded to the north by the railway arches, Neville Street to the east and Canal Wharf to the south. There are several listed structures within the locality, but none of these impacts on views of the LSSE site. The Dark Arches, which do, however, only attract recognition as a “locally designated heritage asset”.

3.45. In visual terms the Conservation Area contains a mix of ages and styles of building, ranging from the low rise 18th and 19th century stone warehouses, through higher red brick Victorian edifices, to the more recent multi-storey offices and blocks of flats in brick or clad in a variety of materials and colours. It is, therefore, the water and not the buildings that binds this area together. Nowhere is this more apparent than in the vicinity of the LSSE site.

3.46. This mix of heights and styles suggests that a strong contrasting design would be the best solution for this site, especially as an opportunity presents itself for the LSSE to act as a focal point, when viewed from the south. To assist with this image, the design has deliberately ‘detached’ from the Arches and the canopy has been restricted to the width of one arch, to allow sufficient of the backdrop to remain in view. The result is an exciting, innovative structure, an attractive feature, which would preserve both the physical integrity of the Dark Arches and the character of the Conservation Area and would act as a major transport gateway.

3.47. Notwithstanding this conclusion, the Sponsors are suggesting that the viaduct should be cleaned and floodlit at night time to help address the concerns raised by English Heritage. This treatment would be required by condition (draft Condition 22), which should ensure avoiding any light pollution for nearby residents. Of note, the Dark Arches are important more for their scale and internal layout and presentation than for their external view, which is not particularly special and has not been preserved elsewhere. Other developments in the area have not been designed to retain or protect distance views of the Dark Arches.

3.48. Thus, the ‘iconic’ design that has been sought would enhance the location and provide a landmark and gateway in keeping with Leeds’ desire to be a major European City and tourist attraction. In functional terms the LSSE would also provide an access and egress point to Leeds Station from the south that is easy to find, as direct as possible, attractive, safe, of
The conclusion on this matter is that the LSSE would preserve the character of the Conservation Area and enhance it visually, allowing more people to enjoy this new asset as well as the existing ones.

e) impacts on light and visual amenity, privacy and security (including the effects of over-sailing crane operations);

Due to the close proximity of both the Blue Apartments and Waterman’s Place, consideration needs to be given to the potential for light pollution or nuisance generated by site lighting. During the construction period, lighting would be essential to ensure a safe working environment. It would be required during hours of darkness and when working in the Dark Arches. Two types of lighting would be employed, general access and task lighting. Mitigation would include locating lighting away from sensitive receptors, use of diffused lenses, avoiding unnecessary light spillage and isolating areas, when lighting is not needed. Lighting would be a topic for discussion at the regular public Liaison Forums to be held (draft Condition 28).

Once the LSSE became operational, there would need to be lighting during the hours of darkness and possibly as a back-up during the day. However, this would be directed internally and/or downwards to minimise light spillage and certainly avoid beams being directed on to residential or other windows. In addition, the external lighting at the interface of the LSSE and the wider ‘public’ domain would be the minimum commensurate with accepted standards and again, would be directed downwards, with minimum light spillage.

The visual concerns raised by residents centre on the height and massing of the proposed structure, its impact on views, in terms of over-dominance, and a perceived threat to standards of privacy, daylight and sunlight. Following meetings, amendments have been made to the design to minimise the impact the LSSE would have on its surroundings. While perceptions may differ, it is not true to say that the promotional plans and drawings for the LSSE, which were used as part of the public consultation exercise, were designed to mislead the public on matters of scale etc.

Looking first at the question of size and impact on views, the LSSE would be dwarfed by the adjacent apartments, most of whose windows and balconies would look over the LSSE. The LSSE projects more at ground level, tapering vertically. As such, it would only directly affect living spaces (a living room and two bedrooms) in the first flats in Waterman’s Place adjacent to the Arches, five in total. In the Blue Apartments, it would affect a living room and one bedroom in the flats nearest the arches and two bedrooms in the adjacent flats, again five in number.

For those affected properties, the LSSE has been carefully designed to maximise the distance to windows. The lift shafts in the LSSE are the most critical element in terms of both width and height. These have been located as close as possible to the Arches, allowing for access, and the canopy has been moulded as tightly as possible round the internal elements to minimise visual impact from properties.
3.55. There are no minimum distance standards for building separation in the City Centre. The approach has always been to consider each case on its merits, albeit this generally applies to existing buildings that are being converted. In this case, the distance to the wall of the lift shaft looking directly out of the closest living room window in the Blue Apartments would be 8.2 m from the flank wall. The similar outlook from properties in Waterman’s Place would be 11.8 m distant. It is clear, therefore, that the most affected properties in this respect are the five flats in the Blue Apartments nearest the Arches. Even if these standards are less than desirable, they would be acceptable. They are not unusual in restricted urban locations, especially in the inner city, and the wider public benefits of the scheme far outweigh any limited private disadvantages.

3.56. Moving on to the issues of sunlight and daylight, the evidence indicates that some of the test panels identified on the residential properties in the Blue Apartment building adjacent to the arches, would experience an adverse reduction in direct daylight, particularly below the third storey. However, the study shows that these already experience interference to their direct daylight, due to overshadowing by the Waterman’s Place building to the west of the scheme. In relation to sunlight, the evidence suggests that the residential properties in the Blue Apartments would experience a minor reduction in direct sunlight. Once again the Waterman’s Place structure already affects their sunlight.

3.57. As for Waterman’s Place, the harmful effect would be even less, with both sunlight and daylight already ‘stolen’ by the higher Blue Apartments and a more favourable orientation with regard to the LSSE.

3.58. Turning to privacy, no windows in the proposed LSSE structure would face directly into the apartments. Surface treatment to the larger windows, by means of a controlled moiré interference pattern, would ensure that there would be no oblique views into residential windows. In this instance, it is accepted that the promotional pictures of views out of the LSSE towards the apartment were misleading.

3.59. Fears of local residents are that the greatly increased footfall may bring with it a perceived, if not actual, loss of security. To address this, the existing CCTV system within the Station would be expanded to incorporate new CCTV cameras that would be installed within and around the LSSE. To increase the sense of safety for existing and new users of the area, the design also ensures that all spaces would be overlooked by either the Station users or the apartments on either side of the River.

3.60. The construction assessment has considered the use of both a tower crane located behind the Blue Apartments and a folding crane located on the west bank of the River. The TWAO submission has included both options to allow flexibility in the construction delivery.

3.61. In the case of the folding crane, which would be the preferred option, oversailing of adjacent properties would not be required. If a tower crane had to be employed, then use of the jib would pass over the Blue Apartments, Little Neville Street and the Hilton Hotel. Having said this, it would be possible to ensure that loads would not be directly transported over buildings, but the
jib would over-sail. The sweep of the tower crane could also be restricted to avoid the suspension of loads above properties. A safe system of work and agreed exclusion zones would be implemented to ensure that risks associated with this operation were eliminated.

3.62. It is unlikely that many using the Apartment balconies would be aware of the crane above, but the rooftop area may be adversely affected for a short time, while the tower crane was in operation.

f) impacts on water resources, including flood risk (with particular reference to flood alleviation proposals) and the potential for contamination;

3.63. The water resources assessment of the ES considered the predicted effects on hydrology, flood risk, geology and hydrogeology during construction and operation of the LSSE. There is no defined significance criterion for the assessment of water resources in the context of this type of scheme. Consequently, the impacts and associated effects have been assessed against criteria, which are based on those within the DfT’s Transport Analysis Guidance, Unit 3.3.11.

3.64. During the construction phase, the predicted effects on water resources, which are assessed to be of low or medium environmental value, would be temporary and could be properly mitigated against by adhering to the published guidelines. Once operational, good maintenance practices would be followed and appropriate procedures for preventing pollution would be adopted during regular cleaning.

3.65. A stand-alone Flood Risk Assessment (FRA) accompanied the ES as a supporting document and was submitted with the TWAO application. The Environment Agency (EA) confirmed that the original proposals for the Leeds Flood Alleviation Scheme (FAS) could be amended to allow implementation on a phased basis. The FRA submitted with the TWAO application takes the long term view and would, therefore, address the flood risk to the scheme in line with the long term aspirations of the Leeds FAS.

3.66. Upon effective implementation of the mitigation measures proposed, no significant residual effects on water resources are predicted to occur as a result of the construction and/or operation of the LSSE.

3.67. There would be potential for land contamination during construction or the infringement of already contaminated areas in this former industrial landscape. However, the necessary risk assessment, precautions and remediation would be taken, as indicated in Matter 7(c) below.

g) impacts on biodiversity, and opportunities for appropriate enhancement in connection with the scheme;

3.68. The three areas of interests identified would be the effect on vegetation, otters and bats. In respect of each, conditions would be imposed and in the case of the first, this would dictate when and how vegetation clearance should take place. This would protect any nesting birds. Pre-construction surveys would be conducted in respect of otters and bats, and appropriate mitigation would be in place. This would protect any identified land routes
used by otters and ensure lighting was sensitively located so as to avoid conflict with bat activity. As for the final scheme, improvements would be made to the otter habitat. With this in place, there would be no residual harm and improvements through landscape and otter habitat upgrade.

3.69. The EA has suggested that more action should be taken on the otter front. However, there is no indication from the latest survey or observation that otters do reside in the area. Under these circumstances, it is not accepted that more than is currently proposed needs to be undertaken in this regard.

h) impacts on the Aire and Calder Navigation and Leeds and Liverpool Canal, and their users;

3.70. Access to the River Aire would be downstream of the viaduct and the minimum headroom available and large spillway prevents any vessel from navigating through the viaduct arch. Further south the River is crossed by a footbridge and the Neville Street road bridge (Victoria Bridge). These restrict headroom to 4 m. The Leeds and Liverpool Canal intersects the River 100 m south of the viaduct.

3.71. As such, the location of the LSSE falls outside the navigable section of the River Aire, but activities during construction would impact upon the navigable section of the River up to and around the entrance to the Leeds-Liverpool Canal. These activities would include loading barges at Water Lane, transportation along the River and mooring stored materials at the worksite.

3.72. The materials storage area would be on the east bank of the River even further south-east at Water Lane. This is to the west of the Leeds Bridge, under which is a cast iron arch structure that precludes all but low vessels, with low loads. The land at Water Lane provides for reasonable vehicle access, sufficient turning room, temporary space for storage and clear access to the water’s edge, albeit with a level difference that would require the construction of a temporary access ramp. Adequate space would be available to safely moor the barges allowing the passage of river traffic to be unaffected.

3.73. Movement of barges to and from the worksite would be undertaken with due regard to the movement of leisure craft on the River. The navigable section is particularly busy during the summer months at the Canal lock and a procedure for transport would be included in the safe system of work. This would be agreed with the Canal and River Trust (the Trust), with whom there would continue to be close contact. The number of barges involved with the LSSE project would be limited to avoid congestion.

3.74. The Canal and River Trust maintains its objection (OBJ/24) to the scheme for a number of reasons, including the compulsory purchase of the River Aire and Leeds and Liverpool Canal and temporary closure of the River Aire. In relation to environmental issues, the Trust wants the Promoters to sign up to its Code of Practice.

3.75. The provisions of the TWAO are such that the Promoters are obliged to comply with commitments. Even so, the Promoters would consider a side agreement with the Trust to comply with its Code, commensurate with their
other obligations and the timely and efficient delivery of the authorised works. The Trust also seeks within the side agreement early notification of any closures or restrictions. As for the compulsory purchase aspects, the Promoters are satisfied that the requirements are the minimum necessary for construction and subsequent operation of the LSSE. It is anticipated that the Trust’s objection will be withdrawn when the side agreement is signed.

i) impacts on the viability of businesses affected by the scheme

3.76. The construction contractor awarded the LSSE contract would appoint a Liaison Manager to consult with third parties and minimise disruption. Access to businesses would be maintained throughout the construction phase. Even so, it is inevitable and unavoidable that there would be some disruption during the construction phase leading to minor adverse effects. However, this could be offset by minor beneficial effects from the increased activity in the area arising from the requirements of construction workers and staff and the curiosity of some during the construction phase. Once operational, the long term effects are assessed as moderate beneficial, arising from the greater footfall and easier access.

j) rights of way impacts for pedestrians and vehicle users, including impacts on rights of access to properties and deliveries to commercial premises, and safety considerations.

3.77. Access to both residential and business premises would be maintained throughout the construction phase, albeit at some times restrictions and short diversions may be in force.

3.78. One pedestrian route would be stopped up and replaced with an alternative route during construction. This is the existing path, which links the end of the path on the south side of the River Aire, adjacent to the Asda car park, through to the northern footway of Water Lane, at Bridge End. This would require a short diversion adding some 40 m on the main pedestrian desire lines.

3.79. Where feasible, construction materials would be brought to the construction site by barge, in order to minimise disruption to local streets in the vicinity of the LSSE. Even so, to ensure a safe construction environment, some access restrictions and construction working areas would still be required and these would be provided for through traffic regulation. In addition, the temporary closure of some streets would be required to ensure public safety. These include, Little and Dark Neville Streets, Neville Street, the footbridge over the River at Waterman’s Place, Meadow Lane, Water Lane and Granary Wharf Piazza.

3.80. As noted above (3.35), a Construction TMP would be prepared in consultation with the local highway authority and emergency services, and further temporary restriction may prove necessary. The appointed Liaison Manager would be employed to oversee implementation of the TMP and this would involve local residents and businesses. This reflects best practice and is required in the interests of highway safety and is appropriate for this scheme.
3.81. Moving onto permanent changes, the existing pedestrian route along the footbridge on the south side of Dark Neville Street would be permanently stopped up and replaced with a new pedestrian footbridge. Changes would also be necessary to rights of access for rail passengers and visitors to the Station through the Granary Wharf Estate to link with the nearest adopted highway at Wharf Approach. This closure and the new rights would be necessary to ensure that the full benefits of the LSSE were delivered and long term maintenance access to the LSSE would be available.

3.82. As for highways and traffic, there would be a need, as confirmed by local residents and businesses, for a permanent restriction to prevent taxis etc entering Little Neville Street and Granary Wharf to drop off rail passengers. This need is currently met on the north-west side of the Station and this would continue. Little Neville Street itself would be the subject of a Traffic Regulation Order, restricting vehicle access for loading/unloading to outside the morning and evening peak periods, when pedestrian/vehicle conflict would be at its highest. For general access, this would be confined to the hours between 1900 and 0700 hours each night and would be achieved in conjunction with the highway authority. Although there are objections to these restrictions, it is believed they would be essential in the wider public interest.

3.83. The Promoters also include a facility to control waiting and loading on Wharf Approach as this is the only vehicle access to the Granary Wharf Estate. On Canal Wharf, no waiting restrictions would be introduced to safeguard a good level of access for businesses along the street. These measures would be essential to prevent unwelcome use of Canal Wharf and Wharf Approach to pick up and set down those using the LSSE. Granary Wharf, immediately north of and accessed via Wharf Approach is a private estate. As such, the Estate Managers would be able to use their powers to prevent unwanted access. The only requirement of the Promoters, with regard to the Estate, would be to secure a right of access across the Wharf for pedestrians and for vehicle access for future maintenance of the LSSE.

3.84. In summary, the minimum disruption would be managed during the construction phase to ensure public and worker safety. In the longer term, the permanent closure and restrictions proposed would be necessary for the LSSE to function as intended and to safeguard the reasonable expectations of residents. The Liaison Forum would provide a focus for any discussions arising out of the proposals, and the Granary Wharf Management Committee would retain its own powers of control.

**Matter 6 - The effects of the scheme on statutory undertakers and other utility providers, and their ability to carry out their undertakings effectively, safely and in compliance with any statutory and contractual obligations.**

3.85. Initially, one objection was received from a utility company in respect of protection of its apparatus. However, such protection is included in the Protective Provisions within the draft Order, as preceded by previous made Orders. The objection is not sustained.
Matter 7 - The measures proposed by the promoters for mitigating any adverse impacts of the scheme, including:

(a) Network Rail’s Contract Requirements – Environment and Code of Construction Practice;

3.86. During the construction phase, the appointed contractor would be instructed to comply with Network Rail’s environmental requirements as provided in the Contract Documents – Environment (CD-E) documentation. This describes the necessary mitigation measures to reduce the environmental effects during construction, including best practice construction techniques to comply with environmental legislation. Of note, this requires the production and implementation of the EMP, as required by a draft condition (draft Condition 9). The CD-E represents the best practice in construction work and it would be a key element of incorporated mitigation for the environmental topics addressed in the ES and would form the basis of the EMP.

3.87. A Schedule of Site Specific Construction Mitigation Measures (Document LSSE.A18) has been produced for the scheme as the basis of consultation on generic mitigation measures. This document is referred to as a Code of Construction Practice in the SoSs’ Statement of Matters. The Schedule would form the basis of the environmental management scheme, which would be capable of delivering the best construction practice for the scheme. The ES assumes that the contractor’s EMP would be implemented effectively and would secure this by way of a contractual commitment and the planning condition.

(b) the proposed diversion for the right of way stopped up under the draft TWA Order;

3.88. As noted above (3.81), the existing pedestrian route along the footbridge on the south side of Dark Neville Street would be permanently stopped up and replaced by the proposed new pedestrian footbridge. This is considered to be an equivalent or better replacement.

(c) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme;

3.89. In regard to the effects on geology and soils, these could be significant. To address this possibility, a ground investigation study would be undertaken, followed by a risk assessment and remedial options appraisal. In addition, there would be a piling risk assessment and design brief and a Materials Management Plan for the excavation of soils. The EMP would include measures to treat any contaminated land found. With these actions in place, it is considered unlikely there would be significant residual impacts to geology and soils or from contaminated land during the construction phase. In this context, the operational phase was scoped out of the ES.

3.90. Turning to the historic environment, the effect on Listed Buildings, the Dark Arches and the Conservation Areas has been dealt with above (Matter 5(d)). The findings are a matter of judgement to be weighted in the balance. However, at the loading/unloading site on Water Lane, the existing archway structure and low level wall would have to be dismantled and reinstated on completion of the works. This is the subject of a Conservation Area Consent.
application. Although there are no objections from any responsible authority or body subject to an agreed protocol for all the works, there is one individual objection to the loss and a request by the Leeds Civic Society with regard to the rebuild and a wish to keep the riverside footpath open during the construction period. The objection is addressed insofar as the loss would only be temporary and the Trust’s wishes are accepted and this is covered by a condition (draft Condition 21).

3.91. In terms of visual receptors (Matter 5(e)), the effects would be moderately adverse and for five properties in the Blue Apartments the outlook would be significantly impaired as they would look out directly onto the LSSE at a distance of some 8.2 m. The loss of direct sunlight would only amount to a minor adverse effect.

3.92. Again noise etc has been dealt with above (Matter 5(a)) and the effects during construction with the proposed mitigation has been assessed as slight to moderate adverse during the daytime and slight adverse/neutral during any necessary night-time work period. For the operational phase, no significant residual effects are anticipated, with the caveat that it has not been possible to predict the effect on external interests of the audibility of the loudspeaker system within the Station. However, this is something that would be adaptable if found to be unacceptable.

3.93. Moving onto traffic and access, with the exception of Little Neville Street, only low to moderate adverse effects are predicted during construction. For Little Neville Street the effects could be potentially significant, with the level of significance dependant on the crane location and the need to deliver materials etc by road as opposed to canal. This is not something that can be accurately predicted until the final design stage, but would be a temporary feature. Some access would be maintained and restrictions minimised.

3.94. As for water resources and flood risk, the mitigation measures indicated above (Matter 5(f)) would leave no significant residual effects during the construction phase or when the LSSE is operational.

(d) whether, and if so, to what extent, any adverse environmental impacts would still remain after the proposed mitigation.

3.95. On the basis of the evidence supplied in regard to the foregoing sections, the only two areas where there would remain significant residual adverse environmental effects would be in terms of outlook for five properties in each of the Blue Apartments and Waterman’s Place and to the views of the Dark Arches, though this latter point is very much a matter of judgement and not, of course, accepted by the Promoters.

Matter 8 - The adequacy of the Environmental Statement submitted with the application for the TWA Order having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and whether the statutory procedural requirements have been complied with.

3.96. The ES meets in full all necessary requirements for such documents. It follows Government guidance and exceeds the minimum requirements for
the Application Rules, such as Wind Assessment, Climate Change Management Assessment, Sustainability Appraisal and Energy Demand amongst others. The ES has been prepared in accordance with best practice by an experienced team of specialists. Thus, the requirements of the Application Rules in relation to EIA have been met fully. Moreover, since preparation of the ES and submission of the draft TWAO the Promoters have made no substantive changes to the scheme.

**Matter 9 - The conditions proposed to be attached to deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests of DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.**

3.97. The request for a deemed planning permission is accompanied by a set of draft conditions that were prepared in consultation with Leeds City Council (Document INQ.11). In the light of comments by the Environment Agency, amendments were made to these draft conditions and three more added to cover flood risk and alleviation matters. All the conditions were discussed at the inquiry and, in the light of matters raised by objectors, some further additions and amendments were made to ensure conformity with Circular 11/95. The latest draft meets the tests of Circular 11/95 in being necessary, relevant, enforceable, precise and reasonable.

**Matter 10 - The promoters’ proposals for funding the scheme.**

3.98. In seeking to meet the transport needs of the people who live and work in West Yorkshire, the Promoters obtain funds through a Transport Levy on the five constituent District Councils, Government grants and some income generation. The Promoters also receive some funding directly from Central Government and seeks to maximise income opportunities, for example from its own properties. To deliver its infrastructure improvements in line with the Local Transport Plan (LTP) (Document LSSE.D18), Metro receives capital grant and seeks to increase the available resources through grants and other income from third parties.

3.99. The LSSE boasts a net return on the initial cost of the scheme in excess of 7.5 to 1 and, as a consequence, is an example of where Metro has secured funding from the LTP for the development and delivery of the project. Network Rail funded the early development phases of the scheme and in addition, has approved a ‘risk share’ agreement with Metro to cover cost overruns during construction. Leeds City Council intends to provide a minimum of £0.5M to scheme costs and, through the Major Scheme Funding process, the DfT has granted Programme Entry to the scheme (Document LSSE.D6) and intends to provide up to £12.4M towards the scheme’s construction costs. To reach this point, the DfT had to approve the scheme business case.

3.100. As it stands, therefore, the funding stream to complete the LSSE project is in place (Document INQ.9) and would deliver exceptional benefits to Leeds City and especially the City’s southern reaches.
Matter 11 - Whether there is a compelling case in the public interest for conferring on the promoters powers to compulsorily acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by the promoters in order to secure satisfactory implementation of the scheme.

3.101. Based on the rate of return indicated above and the other benefits such as greatly increased and improved accessibility to the redevelopment areas to the south of Leeds Station, the Gateway effects of the development to the area and its sustainability accreditation, there is a compelling case in the public interest for the LSSE. Of particular note, there are no recorded in principle objections to the creation of a southern entrance to the Station.

3.102. In terms of the extent of the land and rights to be acquired in the short and long terms, these would be essential to ensure satisfactory delivery of the LSSE, and its operational life thereafter. There would be impacts on the surrounding area during construction and even when operational, but any negative effects would be local, small scale and far outweighed by the wider public benefits.

Matter 12 - The purpose and effect of any substantive changes proposed by the promoters to the draft TWA Order and whether anyone whose interests are likely to be affected by such changes has been notified.

3.103. As indicated in the amended draft Order (Documents INQ.26 and INQ.27), there are no substantive changes proposed to the draft TWA Order.

In relation to the application for conservation area consent:

Matter 13 - The extent to which the proposed dismantling and reinstatement of the structure at Water Lane ("the works") are in accordance with the development plan for the area including any `saved policies’. The weight that should be attached to the development plan, and any emerging plans.

3.104. A request for a direction for deemed planning permission (Document LSSE.A13), as part of the main application, has been submitted to the SoS for the Water Lane site, which would be used for the storage and handling of materials. Currently, the Water Lane site comprises an area of car parking, a stone arch and low wall, remaining from a previous warehouse building, scrub land over the remains of basements and a canal tow path. As the Water Lane site lies within the Leeds City Centre Conservation Area and some temporary demolition would be required, an application has also been made for Conservation Area Consent (Document LSSE.A20).

3.105. As noted above and also at Matter 5(d), it is proposed to demolish a stone arch and wall for the duration of the LSSE construction works and to reinstate it on completion. Accordingly, there would be no permanent impact on the character or appearance of the Conservation Area. As noted above, the reinstatement would address the single objection to the application.
Leeds Civic Trust has suggested that, when the arch is rebuilt, any work should not make it ‘pristine’ and the opportunity should be taken to enhance the area. The Trust also requests that the public route be maintained during the works, even if diverted. These requests have been agreed by the Applicants and a method statement would be submitted to and approved in writing by the LPA (draft Condition 21).

3.106. As such, it is considered that the proposals would preserve the character and appearance of the Conservation Area in accordance with UDP Policy N19 (Conservation Areas New Buildings).

**Matter 14 - The extent to which the works would accord with the National Planning Policy Framework and in particular the desirability of preserving or enhancing the character or appearance of the Leeds City Centre Conservation Area.**

3.107. For similar reasons to those given above, the proposals for the Water Lane site are considered to accord with the Framework NPPF 58 (design) and NPPFs 128 and 135 (heritage assets).

**Matter 15 - If consent for the works is granted, the need for any conditions to ensure the dismantling and reinstatement is carried out in a satisfactory manner.**

3.108. To this end, a draft condition is proffered which states that:

Before any works to demolish the structure in Water Lane are undertaken a method statement for the dismantling and reinstatement of the archway shall be submitted and approved in writing by the Local Planning Authority. The approved method statement shall be implemented in accordance with the timescale included therein.

**Matter 16 - Other relevant matters raised at the inquiry.**

3.109. Most of the relevant planning matters and other material considerations raised by objectors to the LSSE scheme have been dealt with under the matters above. A rebuttal note (Document LSSE.PTE/R/1.1) was issued by the Promoters in response to the objections raised by other parties, including the Waterman’s Place Residents’ Committee, and this is covered below (7.1-7.10).

**Conclusions**

3.110. The LSSE scheme aligns with all national, regional and local rail, transport and planning policy. Thus, it is in accordance with the development plan and there is a strong public benefit to it proceeding. It is little wonder, therefore, that public consultation and key stakeholders are overwhelmingly in favour of the proposal. While it is properly recognised that the scheme would have some unwelcome impacts on a relatively small number of residents in the Blue Apartments and Waterman’s Place, the firm position of the Promoters is that the quality of residential amenity for those residents would not be diminished to a level as to render the LSSE scheme unacceptable.

3.111. Overall, this is an exceptional project, which ought to command substantial
support. In both the construction and operational stages every effort has been made to minimise impacts, whether visual, noise, or other environmental factors. However, the residual effects have been properly recognised and wherever possible mitigated. In the end, it is the firm submission of the Promoters that this scheme, including the applications for deemed planning permission and the application for Conservation Area Consent should be unequivocally commended to the Secretaries of State, because of the substantial public benefits that would arise, which manifestly outweigh the comparatively limited and localised impacts.
THE CASES FOR THE SUPPORTERS

The material points for those submitting orally are:

4.1. **Mr Ian Williams, Chief Executive of the Leeds Chamber of Commerce (SUPP/17)** supports the construction of a new southern entrance to Leeds Station. Leeds is a major international business centre and rail plays a significant part in its success. It assists large numbers of commuters and a new southern access is vital to accommodate today’s flows and essential to serve future growth. Mr Williams says that if we are to make progress we need to build for the future and southern access to the Station will help regeneration of the area to the south, including such areas as Holbeck Urban Village.

4.2. **Mr Steven J Hall, General Manager of the Hilton Leeds City (SUPP/16)** and representing Hilton Worldwide, supports the construction of the new passenger access to the south of Leeds Station. Along with the Hilton Doubletree, Hilton offer 550 hotel bedrooms to the south of the Station. This support is taking a long term view and will assist hotel guests, of which some 65% arrive by rail. In addition, 20% of staff also use the train daily and Hilton take their green credentials seriously. By way of example, some 140 out of 180 delegates at a recent conference came by rail. Hilton strongly support this scheme because of the benefits the LSSE will bring to Little Neville Street and the potential to improve the Dark Arches. The Hilton are reviewing their part in this, especially to the rear of their Hotel. It is hoped that the Trinity and Arena schemes in Leeds will bring in a different type of clientele and one more likely to use rail travel. Finally, many of Hilton’s business clients are in offices nearby and Hilton support this Order to improve their staff’s access to work as well as dramatically enhancing the ambience of the whole area.

4.3. **Mr Richard Allen, Area Director for Northern Rail (SUPP/1)**, has responsibility for train services and stations in Yorkshire and Humber and the North-East of England and strongly supports the LSSE scheme. In the light of existing and predicted growth in services and passengers by some 37% by 2019, the proposed LSSE is a development to ensure that Leeds continues to function as a Station serving a major employment area and leisure destination. Leeds Station was rebuilt in 2001 to accommodate more trains, but that capacity has been taken up more quickly than anticipated. The number of passengers has doubled over the last 10-years to 100,000 per day and it is estimated that some 10,000 people in the morning peak would make use of the LSSE, making their journey much easier. In addition, the LSSE should reduce the pressure on the Station’s northern access and ease capacity on the busy morning services in to and out of the Station.

4.4. **Mr Phil Cooke, East Coast Main Line (SUPP/19)**, supports the LSSE scheme pointing to the increase in the level of service it would provide. There are already three main business partners to the south of the Station in RBS, Asda and HMRC and this will extend the marketing area for other business opportunities.
The material points for those submitting support in writing are:

4.5. **Mr Neil Mclean, Leeds City Region (SUPP/02),** confirms that the view of business is that the LSSE is of vital importance for the City’s economy and the wider Leeds City Region. The area to the south of the Station has seen substantial growth and regeneration over the last 10-years. The new developments create demand that cannot be met by the existing entrances to Leeds Station. The LSSE would significantly reduce the access time to the Station for commuters and businesses seeking faster, more seamless end to end journeys. Early progress is looked for to secure the economic benefit, which delivery of this important scheme would bring.

4.6. **The Rt Hon Hilary Benn MP (SUPP/03),** says that the LSSE is a highly imaginative scheme that would make movement to and from the Station much easier for those who are travelling south. It would also make a big contribution to the business community.

4.7. **Cllr Richard Lewis, Leeds City Council (SUPP/04),** writes to support the LSSE. He adds that Leeds is the second busiest station outside London and up to 20% of passengers using Leeds Station would benefit directly from the improved link to the south. The LSSE would also help to accommodate the predicted growth in rail passengers at the Station. This major transport project is needed urgently as it would encourage growth. Thus, it is vitally important to the future prosperity of and investment in the Region and Leeds City Council fully supports the LSSE scheme and the TWAO application.

4.8. **Mr Daniel Freeman, Simplicity Marketing (SUPP/05),** supports the LSSE scheme wholeheartedly and it is one of the reasons that the firm has stayed in the area. Employees would like to travel to work by rail, but at present find travel by car a few minutes quicker. Some have left as a consequence of the poor commute. The LSSE would address these employee problems and improve the quality of life and further the redevelopment of the entire area south of the Station. Without the LSSE, there is a genuine danger that the area would stagnate and businesses like Simplicity Marketing would be forced to move away.

4.9. **Mr Nick Watson, NW Architects Ltd (SUPP/06),** supports the LSSE and, having worked in Leeds for 7-years, the new entrance cannot come soon enough. The existing route to and from the Station through a dark and dirty tunnel designed for road users is totally inadequate and this poor access is starting to stifle growth in the area.

4.10. **Mr Oliver Hurst, Zeal Digital (SUPP/07),** expresses support for the LSSE and, so long as the necessary measures are taken to ensure minimal disruption to existing commuter journeys, this would be a great move to support the further development of Leeds City Centre south.

4.11. **Mr Jeremy Jarvis, Brightbox Systems Ltd (SUPP/08),** says that the proposed new entrance would provide a much more pleasant and convenient route for employees between the Station and their place of work. The LSSE would also generate more footfall through Granary Wharf, which would provide increased opportunities for other local businesses.
4.12. Mr Richard Cramer, Frontrow Legal (SUPP/09), speaks for a small firm of Solicitors operating from the Round Foundry Media Centre in Holbeck, which is approximately 7-minutes from the Station. A new entrance on the southern side of the Station would be of major benefit to the firm and their clients and other businesses in the area. Accordingly, they strongly support the LSSE scheme.

4.13. Mr Colin Dixon, Dixon Law (SUPP/10), confirms strong support for the proposals. The LSSE would not only benefit Dixon Law, but the Holbeck Urban Village as a whole. It would make the journey between the Station and the firm’s offices safer and more convenient and reduce the need for car travel. It would open up the area for further investment and regeneration and increase job and business opportunities, including the excellent restaurants and bars in the locality, which would be in easy reach of the evening trade. Finally, it would encourage new housing.

4.14. Mr Chris Broadbent, Mediacom (SUPP/11), has recently moved from the central City Square location to Holbeck Urban Village and thoroughly supports the proposed LSSE. Not having a direct bus service, most employees travel by rail and the LSSE would have a positive impact on their motivation to come to work, especially on cold dark mornings. It would also encourage any potential new employees Mediacom may want to attract away from the centre of Leeds transport links.

4.15. Mr Mike Ruding, Flash Talking (SUPP/12), has been commuting between Sheffield and Leeds for 3-years and adds his support to the proposed LSSE to cut his journey from the Station to the Holbeck Urban Village. The LSSE has been talked about for some time and it has been a constant source of frustration having to walk the extra 10-minutes. The LSSE would also encourage growth to the south side of Leeds, which would be of great benefit to the City.

4.16. Mr Simon Forster, Robot Food (SUPP/13), is in full support of the proposed LSSE. It would cut down the journey to work time for a number of staff, allowing for more time at work. In addition, the LSSE would add value to the Holbeck Urban Village area and promote more business. Development here has been successful and shorter links to transport for staff would ensure this continues.

4.17. Mr Philip Staines (SUPP/14), adds his personal support, saying that the LSSE would greatly enhance not only the redevelopment of Granary Wharf and the Holbeck area, but also the Station itself, by reducing congestion while entering and leaving the Station.

4.18. Ms Joanne Pollard, CO₂ Sense (SUPP/15), writes in support of the LSSE. As a business based in the Holbeck district, this would have a direct benefit to both staff and clients. It would reduce the walking time to and from the Station, making it a quicker and safer journey. The Holbeck area is currently undergoing a period of regeneration and a more direct pedestrian route to the Station would only serve to promote the area further.

4.19. Mr Walter Towart, Sum Limited (SUPP/18), says three of the team regularly use rail for work journeys, as do many of the firm’s clients.
Currently the journey to the Station via Neville Street and the ‘Rotunda Steps’ takes 13-minutes. With the LSSE this would be cut to around 4-minutes. Therefore, in the interest of staff and clients support for the LSSE is registered.
ADDITIONAL THIRD PARTY REPRESENTATIONS

5.1. **Wendy and Mike Heydecke (REP/1)**, support the LSSE scheme, subject to adequate compensation being paid to cover any disruption to rental income during the construction phase.

5.2. **English Heritage (REP/2)**, do not wish to comment in detail, but offer the following general observations. Although several heritage assets are located within close proximity to the proposed LSSE, none would either be directly or indirectly affected, due to the high rise residential and office developments that constrain views to and from the proposed site. The ‘Dark Arches’ do, however, contribute to the setting of the Conservation Area, and the scale and massing does, therefore, give rise to some concern. It is considered that the visual and physical integrity of the ‘Dark Arches’ should be conserved to the greatest practical extent. If the physical presence of the proposed LSSE cannot be reduced, then some other improvements such as cleaning and internally lighting the Arches should be undertaken as part of the project.

5.3. With regard to the application for Conservation Area Consent, the Leeds Civic Trust say that it is unfortunate that the arch and wall need to be demolished as much of their value rests on its ‘remnant’ role and it could be considered that any reconstruction would be a pastiche. Even so, the Trust does believe that it should be rebuilt, but that any work should not make it pristine. It is also considered that the opportunity should be taken to enhance the area on the completion of the works and that the public route that forms part of the essential link alongside Leeds’ waterfront and the Trans Pennine Trail should be maintained at all times, even if at reduced width.

5.4. With these issues resolved, the Trust would be able to give the application its full support.
THE CASES FOR THE OBJECTORS

The material points for those submitting orally are:

6.1. **Mr Alex Richardson is a Director of the Blue Granary Wharf Management Company (OBJ/26).** While residents and owners were initially supportive of the scheme, the extent of their anticipated losses and the lack of commitment from the Promoters leave no choice, but to escalate the outstanding concerns. The Management Company has been very vocal in attempts to reach common ground and feel completely let down by the Promoters’ inability or unwillingness to reach agreement.

6.2. The three key objections pertain to concerns about football fans and the Police management of these fans on match days and the environmental effects this would have on the neighbourhood were the LSSE be used as a focal point to separate visiting fans. Next, there would be the loss of access to and parking in Little Neville Street. Regarding access generally, residents would not be able to set down or collect goods and visitors during key peak hours. Having always had access to the front door, it is not now acceptable to expect service access to be taken from several streets away. Thirdly, the front door from Little Neville Street uses electronic sensors and the increase in pedestrians passing the front door would activate the door and in wet weather passing pedestrians may well use the entrance as a shelter. The Promoters have offered to replace the door if our objections are withdrawn. While this would be welcomed, it would not overcome our other objections.

6.3. In addition to the three key concerns, we object to the proposed 24-hour opening of the LSSE and the loss of natural light and view from some of the apartments.

6.4. **Ms Emma Hopkins is the joint legal and beneficial owner of (Redacted) (OBJ/12).** When Ms Hopkins and her sister Ms L Hopkins (OBJ/22) bought the property the LSSE did not appear on the search details and, as they intended ownership to be comparatively short term, this could have affected their wish to purchase. It was intended to create a deposit for each to move forward to buy another property.

6.5. No 249 is on the 7th floor and has two balconies. It is not on the side of the proposed LSSE, but overlooks the Canal and the Granary Wharf Estate. As such, it is the change in character expected following the greatly increased pedestrian footfall and a consequent reduction in property value that are concerns. This will increase the shared cost of the upkeep of the Estate and security of car parking and other areas. So far, the details of any offer to compensate for these additional costs have not been satisfactorily negotiated. During the 18-month construction period there would be increased noise, dust and vibration and access could be adversely affected. In addition, a crane would over-sail the property affecting residents’ use of the communal rooftop facility.

6.6. The choice of location for the LSSE is the worst, being close to two large residential developments, and would not overcome the main problem of the Station, which is the lack of drop-off and parking facilities to the north. The only benefit over the Sovereign Street location would be for those with an
origin or destination in the Holbeck Urban Village, but the time saved would be marginal.

6.7. Mr Marcus Robinson and Ms Joanna Ellis are owners and residents of Apartment (Redacted) (OBJ/11). While they can appreciate the benefits of the LSSE, they object to the current proposal on a number of grounds. As an overview, there is the fear that residents would be financially disadvantaged by the LSSE. This proposal must be at zero cost to the residents and as things stand this is far from being assured. Next, there is the concern that the existing quality of life would not be enjoyed by residents, both during the construction of the LSSE and when it becomes operative.

6.8. These general concerns can be encapsulated under four particular heads. The first of these is the matter of design and heritage. The design, location and size of the LSSE would not be in keeping with the area. It would dominate rather than complement the adjacent heritage structures and especially the appreciation of the Dark Arches would be permanently ruined. Too much consideration has been given to complementing the new buildings and not sufficient weight to the heritage aspects of the area.

6.9. Next, there is the threat to the quality of life from the noise, dirt and dust during the construction period and beyond. Working night and weekends is unacceptable so close to residential properties. Moreover, there will be access difficulties for heavy vehicles and conflict with or restriction on pedestrian movement. One feature that particularly worries is the noise that would be caused by pedestrians using the open walkways once the LSSE is open. These will attract skateboarders, which are already a problem in the Estate. To overcome this, the walkways need to be enclosed and opening times for the LSSE restricted to the hours of 0700-2200hrs.

6.10. Thirdly, there would be the potential for conflict between vehicles and pedestrians. Within the Estate there are several pinch points and blind corners. In such circumstances a shared surface would not be acceptable and further restrictions on vehicle access are needed if there is not to be an accident problem, not to mention damage to surfaces. Ways of achieving this would be to construct a new bridge across the Canal and/or to gate Granary Wharf to prevent unnecessary traffic coming on to the Estate to drop-off or collect passengers arriving or departing the Station that could now use the LSSE.

6.11. Finally, there would be the additional cost to the owners within the Estate, from increased maintenance and management needs. This would stem from a number of sources such as the increases in dust and litter; the greater wear on the public realm; less convenient servicing arrangements; and difficulties with parking.

6.12. As such, Mr Robinson and Ms Ellis do not believe the LSSE should be approved unless and until the necessary conditions are in place to improve and protect the pedestrian routes through Granary Wharf, to ensure there would be no additional service costs for residents and that residents can continue to enjoy the Estate in the way they have up to now.
6.13. Mr Granville Thwaites represents the Waterman’s Place Residents’ Committee (OBJ/23) and made the following points. The Residents’ Committee supports the principle of an additional Station entrance to the south. However, it appears illogical to proceed with the LSSE until the proposed comprehensive review of Leeds Station is complete. In any event, there are concerns about the LSSE and, in the not too distant future, the Residents of Waterman’s Place (and others) will assume the legal responsibility to manage the Granary Wharf Estate. In this age of ‘localism’ residents should have been more involved and, certainly, they do not want to inherit any problems.

6.14. The Residents’ concerns focus on safety and security, quality of life and the potential for increased management costs. The aim is to ensure that Granary Wharf remains a desirable, comfortable and safe place in which to own property, live, work and visit. As an asset to the City, every effort should be made to maintain its overall character, including its historic setting and the quality of its public realm. Unless a number of conditions are imposed when allowing the LSSE scheme, this asset will be threatened.

6.15. In this context, the increase in pedestrian numbers would introduce safety risks, especially at peak times. In addition, while acknowledging that there would be a certain amount of background noise, any avoidable one-off or intermittent noise should not be accepted. A particular concern about noise is the echoing effect that will emanate from the open bridges and ramps between the LSSE and River banks. It would help greatly if these could be enclosed or gated when the LSSE is closed. Opening times should be monitored to see if the LSSE could be closed for longer than the quoted 2200-0530 hours, possibly opening later in the morning at 0630 hours.

6.16. A plan for dealing with pedestrian access and routes through Granary Wharf needs to be prepared, with input from residents. For example, the walkway between the Waterman’s Place Apartments and the River needs some form of control to prevent general usage by pedestrians. Similarly measures to control traffic movement and speed need to be implemented and of particular worry is the potential for taxis to drop-off within the Estate. An appropriate dedicated dropping-off point for taxis is vital. The Residents broadly agree with the scheme proposals for Little Neville Street and will take up the matter of additional restrictions with the City Highways Department at the appropriate time.

6.17. Turning to the future maintenance liability of residents, they expect a substantial and ongoing financial contribution from the LSSE Operator (Network Rail) and they are aware that discussions have started between ISIS and the Promoters. To assist, the setting up of a suitable Liaison Forum and a direct and permanent telephone ‘hotline’ during the construction phase will reassure residents.

6.18. Finally, local residents believe there is considerable merit in the two other sites that were promoted as sites for a southern entrance to the Station an earlier stage. These are at Little Neville Street and Sovereign Place. Either of these schemes would meet the main aims of the Promoters, namely reducing congestion within the Station and improving access to south Leeds, without the negative issues raised by the LSSE, including causing far less disruption to
those living, working or visiting Granary Wharf and the surrounding area. When worked up, these schemes could be cheaper than the LSSE and would remove the expensive and complex necessity to build over the River Aire and reduce the negative effects of a prolonged construction period on hundreds of residents living close to the project. In addition, they would remove the major negative issue of having a large, overbearing, solid structure permanently sited a few metres from some residents’ front windows and immediately in front of the Dark Arches heritage asset.

6.19. In conclusion, the only way that the preferred scheme would work remotely satisfactorily would be with the addition of conditions attached to any consent to cover the concerns the Residents’ Committee has raised. While some of the measures would be the responsibility of others, the funding for all the works must be provided by the LSSE Promoters.

The material points for those submitting objections in writing are:

6.20. **Mr A Martin of (Redacted) (OBJ3)**, says the view from his second floor apartment of the LSSE would be a mere 2 m from his balcony. This would block out his only view across to the Blue Apartments almost entirely and, thereby, prejudice the resale value of his property.

6.21. **Ms Carla Campbell Burton, a resident of (Redacted) (OBJ4)**, Is concerned about the loss of light and privacy that the LSSE would cause. This would reduce the property value. In addition, there would be added noise and disturbance during construction of the LSSE and, when operational, there would be more litter in the Granary Wharf area. All this would generate increased maintenance costs for residents through the service charge levied.

6.22. **Mr Julian Gottlieb, owner of (Redacted) (OBJ5)**, expresses concern about the proposed LSSE. In particular, during the construction phase there would be increased noise, dust and vibration and a large crane would reach over Waterman’s Place. When operational, the large increases in daily pedestrian use of Granary wharf – 20,000+ -would fundamentally change the character of the area, devaluing property within the complex. This would be coupled with additional traffic and all contributing to increased Estate maintenance costs for residents.

6.23. **Dr David Burton, who resides at (Redacted) (OBJ6)**, objects on the basis of reduced natural sunlight and privacy and consequential loss in property value. The increased usage of the area would lead to correspondingly higher maintenance costs that would inevitably be translated into a greater service charge for residents. During construction there would be unsightly cranes and dust, noise and vibration during the day and access would be made more difficult. As Dr Burton works shifts, this would inconvenience sleep patterns. Without agreed levels of compensation to meet this harm and inconvenience, the proposed LSSE is firmly opposed.

6.24. **Mr B Northrop, who resides at (Redacted) (OBJ/7)**, objects on the basis that the LSSE would attract over 20,000 additional people each day, thereby changing the character and, potentially, the value of the area and compromising safety and security. The structure would be much larger than
envisaged initially and the management fees for the area would increase. The
Construction would take 18+ months causing disruption, noise, dust etc
making it difficult to sell or rent the property in the near future. In addition,
the crane would be an eyesore. It would, also, remove parking opportunities,
without offering a convenient alternative. Finally, there is concern that the
Granary Wharf entrance from Wharf approach would be compulsorily
purchased. In summary, there would be a threat to the investment in the
area, the quality of life and atmosphere currently enjoyed and safety and
security of nearby residents.

6.25. **Ms E Higgins, who lives at (Redacted) (OBJ/8),** wants to ensure that her
property value and quality of life would not be adversely affected. In
particular, the LSSE was portrayed in the briefing papers as smaller than
actually proposed and there are concerns about changes to the character and
atmosphere of the area. There would inevitably be increased Estate
management costs and a worry that the only access into Granary Wharf via
Wharf Approach would be purchased by Metro, which would adversely affect
residents’ parking opportunities.

6.26. **Ms C Ansbro, who lives at (Redacted) (OBJ/9),** supports the principle of
the LSSE, but raises several concerns about the cost of cleanliness and
security on the Estate. These threaten the re-sale value of properties on the
Estate and the service charge for residents and a commensurate level of
compensation would be required.

6.27. **Ms A Smith, of (Redacted) (OBJ/13),** felt that, from the information he
had available, when purchasing the property in 2010, the size of the LSSE
structure would not affect this property. However, the final structure at 7-
floors high and projecting much further would severely affect the view, privacy
and consequently value. The increase in traffic movement would add to safety
and access problems and the 20,000+ additional pedestrians would affect the
character of the area, safety and again, potentially, property values.

6.28. **Mr P McMullan and Mr P Johnson of (Redacted) (OBJ/14),** raise
concerns about the effects from noise, vibration and lighting on the property
during the construction period, and especially during night-time. The LSSE
would also affect views and dust and debris would prevent use of the outside
balcony, even when operational. Once it becomes operational, the LSSE
would affect views and property values and add to noise and light pollution.
The increase in footfall in the area would lead to more vandalism and crime
and access would be compromised. Furthermore, the opening hours could be
extended and all these downsides would significantly reduce prospects of
selling the property in the future.

6.29. **Mr N Nishant and Ms L Petjukevica of (Redacted) (OBJ/16),** object to
the proposed LSSE as it would prejudice the parking arrangements currently
enjoyed. It would also adversely affect the character of the area and devalue
property prices. During construction there would be additional noise, dust and
vibration and after completion, increased management costs for residents.
6.30. **Mr S Carson, of (Redacted) (OBJ/20),** is concerned that his quality of life would be affected with 20,000+ additional pedestrians passing through the area. During construction, estimated to be 18 months, the quality of life would be further reduced with the increase in noise, dust and vibrations. Security and safety would be compromised with the additional activity and access would be made more difficult. Finally, the management costs to local residents would increase both during the construction period and when the LSSE is operational. All this would make it difficult to sell properties during construction and there would be a long term decrease in property values.

6.31. **Mr C Kendall, lives at (Redacted) (OBJ/21),** registers his unease about the construction of the LSSE. The increase in pedestrian traffic would lead to concerns about the character and lifestyle in the area and the value of properties. Next there would be 18 months of increased noise, vibration and dust causing hardship and distress followed by up-rated management fees. Finally, access through the Dark Arches would appear to be restricted during construction.

6.32. **The Canal and River Trust (formerly the British Waterways Board) (OBJ/24),** does not oppose the Order in principle, but does have some specific objections to the current form of the proposals. With regard to the Compulsory Purchase of the River Aire and Leeds and Liverpool Canal, there are no objections to the acquisition, but an undertaking is being sought from the Promoters that they will only exercise rights under Article 21, as modified, with the prior consent of the Trust and subject to strictly defined limits of horizontal and vertical deviation.

6.33. Turning to the proposed temporary closure of the Canal, once again there is no in principle objection, but again a restrictive undertaking is sought. The Trust is also concerned about the impact on some of its commercial interests.

6.34. **Mr K Greeff and Mr D Rajkumar are owners of (Redacted) (OBJ/25),** acknowledge that, while some of the effects of the works would be mitigated, there would still be outstanding concerns. These cover such matters as increased vehicles and noise during construction and afterwards, the increase in pedestrian usage and the effects this would have on litter and wear and tear and the protected footbridge. An increase in vehicle traffic would make it nearly impossible for residents to access their parking bays. While they are not fundamentally against the LSSE, they do not feel that sufficient consideration has been given to the residents’ enjoyment of their properties.

6.35. **Mr and Mrs M Booth live at (Redacted) (OBJ/27) and they object to the scale of the project, saying that a more modest, cheaper scheme should be adopted.** There is concern, also, about the added security and safety risks following the increased footfall and drop-off vehicles and taxis to the surrounding area. There are also the cost implications of the additional maintenance and security and property values. Overall the introduction of a new southern entrance to the Station would be a good thing, but the current proposals need some tweaks and clarification about safety and security.
6.36. **Mr A Booth, who resides at (Redacted) (OBJ/28)**, objects to the short separation between the LSSE and Waterman’s Place and the Blue Apartments and the affect this would have on light levels and privacy. Building the LSSE so close to Mr Booth’s property and to such a height and size is an infringement of his rights to a reasonable degree of space, privacy and daylight. Next there would be the additional noise and dust, both during and after construction. Also during construction there would be the infringement of rights through the usage of the crane. Finally, the owners in the buildings pay a large service charge to maintain the area and Mr Booth does not agree to pay an increased charge for upkeep as a consequence of the additional pedestrian footfall.

6.37. **The Environment Agency (OBJ/29)**, has conditionally withdrawn its objection on the Power to Deviate and flood risk grounds, in the latter case subject to the imposition of conditions. However, there still remains a request to take into consideration aspects of biodiversity, especially in relation to the provision of otter ledges and holts, Pollution Prevention and Groundwater and Contaminated Land in the determination of the Order and any direction under the Planning Act. In connection with the last two points, the Agency sees these concerns being overcome by conditions.

6.38. **GVA Grimley, on behalf of the Royal Bank of Scotland (OBJ/30)**, remain an objector on the grounds of the need for protection of people and the building when the crane is in operation; the negative environmental and operational impact on their property as a result of noise, dust, vibration and other factors; the possibility emergency escape routes would be blocked by the loading area for barges; prejudice to the basement access to the car park; and the need for further information in respect of the nature and extent of the rights requested. Discussions are still ongoing.

6.39. **Miss F Adams, who owns (Redacted) (OBJ/31)**, is worried about the increase in people traffic, the loss of views, with a structure that is a lot larger than the promotional literature, and value of her property. She is also concerned about safety, dust and noise and the increase in estate maintenance costs.

6.40. **CBRE Ltd, on behalf of Prudential Retirement Income Limited (OBJ/32)**, made objection on the following grounds. First, the compulsory powers are premature, with no attempt to negotiate acquisition. Secondly, there may be disruption during the construction period and finally, more clarification is needed about the nature and extent of the rights. Discussions are ongoing.

6.41. **Ms E Axel** objects to the demolition of the stone arch and wall at Water Lane saying that its loss would be sad.
RESPONSE BY THE PROMOTERS

The material points are:

7.1. Many of the points raised by Objectors have been dealt with in the substantive evidence presented to the inquiry. However, there are a number of objections that merit further comment and a dedicated rebuttal has been prepared to address the concerns raised by the Waterman’s Place Residents Committee (Document LSSE/PTE/R/1/1).

7.2. In respect of the Canal and River Trust (OBJ/24), its objection is not withdrawn, though the Trust did not appear at the inquiry. Having said this, the objections are all matters that can be resolved through discussions to reach a reasonable level of agreement, in several cases through the mechanism of side agreements. In this regard, discussions are underway and it is hoped to reach agreement. The one exception to this relates to the Protective Provisions, where the Promoters firmly believe that they impose detailed, robust and well preceded project specific requirements on the Promoters to ensure the protection of the Trust’s undertaking during the construction and operation of the authorised works.

7.3. Turning to the Blue Granary Wharf Management Company’s objection (OBJ/26), the Promoters are of the view that agreement is unlikely to be realised. The outstanding items include concern for the management of football fans by the Police on match days. This is largely a matter for the Police to oversee and not something the Order or planning legislation should become involved with. The loss of access and parking on Little Neville Street is not considered something that should be overriding and it is a matter that can be the subject of further discussion, when the City Council promotes the necessary Orders. The key point is that, with such volumes of pedestrian movement in the Street once the LSSE opens, there is a need to reduce vehicle/pedestrian conflict as much as possible. Finally, the question of the door to the Apartments on Back Neville Street is something that could be overcome in a number of ways and the Promoters have offered to install a new door.

7.4. Moving on to the Environment Agency (OBJ/29), its objection has been conditionally withdrawn, subject to agreement to the imposition of a number of conditions on the deemed planning permission. The one outstanding area concerns the provision of otter ledges and holts. Here there is a disagreement about the necessity and benefits of the requested provision. The supplementary mitigation required by the EA would not be appropriate for this scheme. A holt for otters is already provided at the site and this is considered to be more than adequate, given that the results of the most recent otter survey shows that the site is not used by otters. In addition, the benefit of otter ledges is not considered to be significant or cost effective and, therefore, provision is not thought appropriate as part of the LSSE scheme.

7.5. The objections by the Royal Bank of Scotland (OBJ/30) and the Prudential Retirement Income Ltd (OBJ/32) have not been withdrawn. In each case, heads of terms have been provided or agreed and it is anticipated that the objections will be withdrawn when the agreements are completed and signed. In any event, neither line of objection constitutes a
show stopper.

7.6. Finally, the Promoters submit the following comments with regard to the **Waterman’s Place Residents Committee (OBJ/23)**. First, there are the concerns over pedestrian and cycle safety. As a consequence of the LSSE the entire philosophy for the Granary Wharf area would give priority to pedestrians and cyclists. The sheer numbers of pedestrians introduced into the area would dictate how drivers behave and their speed. This would be to the benefit of all users and create a more attractive environment. Access control is a further concern raised, and particularly the potential for taxis to drop-off passengers for the Station within the Granary Wharf rather than proceed to the designated dropping-off zone to the north of the Station. Granary Wharf is a private Estate and it would be wrong for the Promoters to dictate how the Estate is managed. The powers are there if believed necessary. The Promoters are happy to work with the Estate owners in looking at control at the interface of the public and private realms, if this is appropriate.

7.7. Car parking in the Dark Arches and the possible vehicle pedestrian conflict is another issue. Here it is considered that 90% of pedestrians would use the proposed link bridges and not need to be in the undercroft. It is unlikely, therefore, that the LSSE would increase pedestrians in the proximity of the residents’ car parking area. Clear signage would assist and once pedestrians are outside, the same rules of engagement would apply as indicated above. Use of the wooden lock bridge is also a worry. Here the Promoters believe that this is unlikely. There are no rights of way across it and routes would be signed away from the bridge. The main routes would be used by the vast majority of pedestrians and, irrespective of the LSSE, if the owners of the lock, The Canal and River Trust, considers there would be a potential safety issue with the condition or suitability of the lock footbridge the Trust might chose to erect signs, install barriers or otherwise restrict pedestrian access to it.

7.8. The Residents suggest that a new footbridge could be erected across the Canal from Granary Wharf to Canal Wharf. The Promoters consider that the pedestrian routes via Neville Street and Wharf Approach (Canal bridge) to be satisfactory and adequate for the scheme. As for the contention that new gates/railings should be installed to prevent access along the Waterman’s Place Riverside Walkway, once again this is considered unnecessary. All pedestrian signage would be away from and not include this route.

7.9. The proposed restriction to delivery hours in Little Neville Street is a further bone of contention. The Promoters consider that the daytime 1000-1600 hours offers an acceptable window and does not believe that the restrictions during peak hours, which would be for safety reasons, would divert more deliveries to unsocial hours.

7.10. Topics such as noise, welfare and office facilities and scheme location and alternatives have been covered in the main body of the Promoter’s case.
CONCLUSIONS

8.1. Bearing in mind the submissions and representations reported, I have reached the following conclusions. Where appropriate there is cross reference to earlier paragraphs of this report, using square brackets, usually at the end of a paragraph.

8.2. On 28 September 2012, the Secretaries of State caused a Statement (Document DOC.1) to be issued setting out those matters on which they particularly wished to be informed for the purposes of their consideration of the draft Order etc. Each of those matters is addressed below. Where not covered in the conclusions on the matters, I also consider each other individual objection and representation, before reaching an overall conclusion and making a recommendation.

Matter 1 - The aims and objectives of, and the need for, a new station entrance on the southern side of Leeds Railway Station ("the scheme").

8.3. It is quite clear from the evidence that the need for the proposed LSSE is extremely strong for a number of reasons. First, internal passenger movements within Leeds Station are rapidly becoming congested, especially at peak times. Although there are some improvements that could be made without the LSSE, these do not address the fundamental problem that all rail passenger movements are directed to the north, when a significant percentage have an origin or destination to the south. Moreover, the congestion at the ticket barriers and on sections of the main concourse will only get worse if passenger numbers increase as forecast. [3.13, 3.16, 4.2-4.3 and 4.17]

8.4. Crucially, the area of land to the south of Leeds Station has undergone a dramatic change over the past decades. Intensive industrial areas were cleared in the 1960s and 1970s and left vacant or used for car parking for many years. Recently, the regeneration of the area for mixed use development has progressed apace. Significant residential and commercial development has been introduced in the area to the south of the Station, especially around the River Aire and the Leeds and Liverpool Canal and one can sense a greatly increased vibrancy in the locality. This currently focuses on the land nearest the centre and the Station, but is extending much further afield. [2.1-2.5, 3.12, 4.7, 4.12-4.16 and 4.18-4.19]

8.5. The present access from the Station to the southern reaches of the City is tortuous and uninviting, by way of the 'Rotunda Steps', the Neville Street underpass and thence, either through the Dark Arches to the west or across Neville Street to the east. There is, therefore, a great need for an improved connection between the land to the south of the Station and the Station itself. There is great support for the LSSE and, as a matter of fact, there appears to be no registered objection to the principle of a southern access to the Station. [2.9, 3.3, 3.11, 4.1, 4.5, 4.7, 4.9, 4.11, 6.1, 6.7, 6.13 and 6.26]

Matter 2 - The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, regeneration and environmental benefits of the scheme.

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8.6. There is a suggestion that overcrowding and congestion within the Station concourse may be suppressing demand for rail travel. A key element in overcoming this, at least in the short to medium term, would be the LSSE. At present access from the Station and the City Centre generally to the land to the south of the railway is unattractive at best and dark, dank and threatening at worst. In short, the railway and the routes under and beneath the railway viaduct constitute a psychological, albeit not actual physical barrier to movement. [2.9, 3.12 and 4.9]

8.7. The LSSE would facilitate an appreciable step change in pedestrian access from and linkage to the Station. In addition, it would greatly improve the perceived passage through the public realm, between the Station and land to the south. This would provide a significant benefit to all in movement and connectivity terms and would remove one of the main inhibitors to further development and regeneration of the land to the south of the Station. This in turn should encourage non-car travel into Leeds City Centre and promote increased use of public transport, which is environmentally beneficial and healthier. [3.3 and 3.14-3.17]

8.8. There are high cost benefits (7.5:1) in providing such an access and, as noted, there is no registered dissent to the principle of a southern access to the Station. [3.4 and 3.99]

Matter 3 - The main alternative options considered by the promoters or proposed by objectors and the reasons for choosing the proposals comprised in the scheme.

8.9. Two main options were considered, together with a variant on one of these, suggested by the Objectors. Both main options would meet the key objective of providing a link between the Station and the developing areas to the south of the City Centre. The schemes are either side of Neville Street, with the favoured one to the west in the Granary Wharf area and the other to the east in the Sovereign Place Redevelopment Area. These options present themselves because the configuration of the Station layout is such that there are pedestrian over-bridges at either end of the Station. These facilitate internal movement between platforms and obviously provide a communal point for pedestrians to discharge. [3.18-3.21, 6.6 and 6.18]

8.10. Having said this, the current proposal has a number of compelling advantages over a scheme at Sovereign Place. The Station over-bridge at the western end that would link into the LSSE has been renewed and widened recently and offers significant pedestrian capacity without further major works. It is also better located for the maximum number of rail service arrival and departure points and offers a more rational distribution network to all the areas south of the viaduct. There is also an argument, submitted by some, that the LSSE would introduce an iconic visual feature that offers a gateway aspect to an extensive area of public realm. [3.18-3.21, 4.3, 6.6 and 6.18]

8.11. On the other hand, the bridge at the east end of the Station that would serve a Sovereign Place scheme is further away from rail terminal/stopping points, very much narrower and is not designed to meet modern expectations. As such, it would require substantially, if not totally, rebuilding, and this would take time and require expensive and inconvenient track possessions for a
considerable period. In addition, the Sovereign Place redevelopment is some way behind that moving forward at Granary Wharf and beyond and the necessary pedestrian linkage infrastructure could not be constructed until redevelopment takes place. [3.18-3.21, 6.6 and 6.18]

8.12. The key disadvantages of the LSSE scheme are first, that the construction work would be carried out in an area already largely developed, with the attendant disruption for residents and businesses. Secondly, a significant number of rail passengers would be discharged onto, and thence pass across, the private Granary Wharf Estate. This ‘problem’ is examined in more detail later (8.58-8.60). As the Sovereign Place scheme is behind in programme terms, it should be possible to overcome this at the detailed design stage. [3.21, 6.6, 6.10, 6.14-6.16 and 6.18]

8.13. In summary, to address the present and worsening congestion in the Station and to facilitate access to the south of the City Centre and, thereby, encourage further regeneration, time is crucial and any delay should not be supported. The only scheme that would fulfil this criterion would be the LSSE, despite the downsides identified. Although the Waterman’s Place Residents’ Committee say that nothing should have been decided in advance of a comprehensive review of the Station, this would have caused delay leading to worsening conditions at the Station and a possible deterrent to investment south of the Station. [6.13]

8.14. In this context, a second alternative scheme in the vicinity Little Neville Street has been suggested by some Objectors to the LSSE, including the Waterman’s Place Residents. The key benefit of this would be to lessen the impact on the residential development at Waterman’s Place and the Blue Apartments during construction, and noise when operational. A claimed advantage of this would be avoiding the need and expense of building over the River Aire and saving public views of the Dark Arches, which are recognised of local heritage interest. The other side of this argument is that the ‘hiding away’ of the scheme removes its gateway credentials, devalues its architectural contribution to the urban landscape and would provide less easy and pleasant distribution of pedestrians from the Station. [6.18 and 6.35]

8.15. This is clearly a matter of judgement, but the overwhelming view is that the introduction of an iconic structure that offers equal opportunity for pedestrian movement either side of the River far outweighs the small and largely short term benefits of this option for some residents. In a nutshell, the Little Neville Street option would materially devalue the visual attraction of the new entrance to Leeds Station.

Matter 4 - The extent to which the scheme would be consistent with the National Planning Policy Framework, and regional and local transport, environmental and planning policies.

8.16. There are several national, regional and local policies of relevance to this scheme. In each case, the delivery of the LSSE would accord with the local and strategic principles embodied in these policies. This generates a strong argument in favour of the LSSE. [3.24-3.31] In particular, paragraphs 21 and 29 of the Framework support investment where infrastructure has shortcomings and recognises that transport policies have an important part to play in
contributing to wider sustainable and health objectives. [3.24]

8.17. Moving on to the Leeds City Council UDP 2001 (reviewed 2006) Policies SA6, SA7 and SA9, which look to promote the development of Leeds City Centre to support Leeds’ economic status and as a tourist destination and covers urban regeneration, stating that the main pressures are to the south of the City centre. In addition, there are several policies, which see improvements in transport infrastructure as a way of making these aspirations happen. These include Policy SA4, which ties the promotion and strengthening of the economic base of Leeds and the provision of the necessary infrastructure. [3.26]

8.18. Moving on, UDP Policies SP3, SP4 and SP8, together with Policy SA2, seek development close to public transport links and look to promote use of non-car modes. Finally, UDP Policy T1 states that transport investment will, among other aims, be directed toward improving public transport and other modes such as walking and cycling; promoting social inclusion; and encouraging greater integration between travel modes through support for better interchange between and within travel modes and measures that broaden the range and opportunity for journeys to be made by public transport. [3.27]

8.19. As for the emerging Draft Leeds Core Strategy of February 2012, Objective 2 includes giving priorities to the development opportunities in the southern half of the City and Objective 15 increasing “…the use of sustainable forms of transport by facilitating the delivery of new infrastructure and the improvement and management of the existing system, transport hubs and interchanges (including Leeds City Station)” This is also reflected in Spatial Policies 3 and 11, which look at the role of Leeds City Centre as an economic driver for district and region. More specifically, the Core Strategy recognises the benefits of a new southern entrance to the Station and the help this would provide in reinforcing the centrality of the southern half of the City Centre. [3.28]

8.20. There are also several supporting non-statutory planning and related documents such as The Leeds City Region Local Enterprise Partnership Plan: Realising the Potential 2011, The Leeds City Region Connectivity Study Phase 1 2010 and the West Yorkshire Local Transport Plan 2011-2026, which recognise the importance of good transport links to the economy, the environment and quality of life. Finally, support can be drawn from a series of local planning documents, including briefs for the South Bank and Sovereign Street sites, the Holbeck Urban Village Revised Planning Framework 2006 (Document LSSE.D10) and the Biodiversity and Waterfront Development SPD (Document LSSE.D9), that emphasise the opportunities for regeneration in areas to the south of Leeds City Centre and the need for good pedestrian and cycleway links into the City Centre as one way of achieving this. [3.29-3.30]

8.21. At this stage, it is worth mentioning the RSS. At the inquiry, all parties recognised the imminent partial revocation of The Yorkshire and Humber Plan 2008. In looking at the various policies relevant to the LSSE, there was no suggestion that the loss of any supporting policy would introduce doubt about the policy justification for the LSSE scheme. The Promoters and the scheme Supporters all rely on the remaining development plan policies and, of course,
the Framework. [3.25]

Matter 5 - The likely impact on residents, businesses and the environment of the scheme, during construction and after opening to the public, including:

a) noise, dust and vibration, including the impacts of construction traffic;

8.22. To undertake a construction project of this magnitude in the midst of an active environment, close to where a significant number of people reside would inevitably introduce some negative effects. The question is whether the construction protocols and mitigation that would be in place here would deal with these satisfactorily and, wherever possible minimise them. From the submissions toward the end of the inquiry, there is no doubt that the fears of the majority of residents at the start of the inquiry were greater than at the close. In large measure this was due to the Promoters recognising the concerns and their efforts in addressing them. Each is looked at in turn.

8.23. **Noise** during the working day is programmed to fall within acceptable limits and should not impinge on the reasonable expectations of neighbours and businesses. There would certainly be increased noise, but this would be expected when carrying out a construction scheme of this scale and higher daytime noise levels are generally more acceptable. However, the construction protocols included in the Environmental Management Plan (EMP) would always be available and, with a hotline to the contractors, residents would have an instant line of complaint should expectations not be met. In addition, problems could be discussed at the Liaison Forums. [3.8, 3.32-3.33, 3.92, 6.5, 6.9, 6.21-6.24, 6.28-6.31, 6.36 and 6.38-6.39]

8.24. As it would be necessary to maintain Leeds Station as a fully functioning operation during the construction period, the opportunity for track possessions would be very limited and costly. As a consequence, it would be necessary to work some weekends and nights, when rail services are less frequent or not running. It is not anticipated that the operations carried out during these periods would be particularly noisy and such would be avoided wherever possible. There could, however, be noise events, where ideal levels would be exceeded. Having said this, they should be very infrequent, temporary and not of sufficient magnitude to provide a cogent objection. [3.32-3.33, 3.92, 6.5, 6.9, 6.15, 6.20-6.24, 6.28-6.31, 6.36 and 6.38-6.39]

8.25. Once the LSSE became operative, there are not expected to be any significant residual effects, with the caveat about the loudspeaker within the Station. However, this can be adjusted should the effects be intrusive.

8.26. Turning to **dust** generation and entrainment, this should be extremely limited. Even so, the Dust section of the EMP would ensure that activities that generate dust were contained as far as reasonable, limiting the potential for entrainment. With the mitigation envisaged, any increases could be managed effectively and should not be significant. [3.35, 3.40-3.41, 6.5, 6.9, 6.21-6.24, 6.29-6.31 and 6.36-6.39]

8.27. One area where some thought would need to be given is to the possibility that dust would mean that local residents and businesses would have to clean their
windows more frequently during the construction period. It was not clear to the inquiry whether the agreement between the Promoters and ISIS, the current Estate Managers, covered this point. However, it would be very unfair if this did cause a problem, especially for the owners of properties on the upper floors of the apartments. A condition to cover this point would seem a sensible fall-back position (draft Condition 9). [3.35, 3.40-3.41, 6.5, 6.9, 6.21-6.24, 6.29-6.31 and 6.36-6.39]

8.28. The magnitude and extent of any vibration would depend very much on whether the piles necessary for the construction of the LSSE were driven or bored. If the former then one could expect more vibration transmitting through the ground. However, the predictions are that this would not lead to peak particle velocities exceeding acceptable levels. As for air overpressure, this should be very limited if noticeable at all. Driving piles does not displace air in anything like the same volumes or speeds as that following an explosion. [3.32, 3.34, 6.5, 6.21-6.24, 6.29-6.31 and 6.38]

8.29. If the preferred method of piling is employed, namely bored piles, then vibration would be very much less evident, if noticeable at all. It is often said that even the smallest levels of vibration will attract some complaint, but this seems unlikely given the circumstances here. [3.32, 3.34, 6.5, 6.21-6.24, 6.29-6.31 and 6.38]

8.30. Looking finally at the impacts of construction traffic, the intention would be to transport most, if not all, bulk materials by barge, thereby, minimising the need for road haulage to the site. Even then, there would be protocols in place to dictate the arrival of deliveries to avoid sensitive times and a Traffic Management Plan to avoid HGVs queuing. As such, there should not be an insurmountable problem and the residents would have an opportunity of voicing any concerns at the Liaison Forums. [3.36, 3.41, 6.5, 6.10, 6.22 and 6.34]

8.31. A main concern of residents would be the potential conflict between pedestrians and the existing vehicles necessary to service the Granary Wharf Estate and the traffic destined for the upper level compound. There is only one access and this is relatively narrow and, crucially, beyond the Canal forms a part of the private Granary Wharf Estate. However, the number of vehicles wishing to access the compound would be relatively few. This would not be the bulk materials storage or distribution compound, which would reside at Water Lane. With the LSSE operational, it is feared this would herald a conflict within the private Estate between the increased volume of pedestrians and service vehicles and taxis or other vehicles dropping-off or collecting rail passengers to avoid proceeding round to the prescribed location to the north of the Station. This is considered later (8.58-8.60). [3.38, 6.5, 6.9-6.10, 6.22 and 6.34]

b) the need for and proposed location of the construction compound;

8.32. This would be quite a large construction project that would take place on a very restricted site, offering little accommodation beyond a small site office/ lavatory. Consequently, a larger construction site compound would be needed to accommodate the full range of management and welfare support for a project of this scale. To avoid wasted time and a lengthy communication route that might itself attract complaint, such a compound would have to be relatively close and after considerable thought the one chosen offers the best
outcome available. It would not, as suggested by some, be capable of occupying a vacant arch, which would be far too small. [3.38, 6.5, 6.9-6.10, 6.22 and 6.34]

8.33. Apart from the access concerns expressed above, the high level location for the construction compound seems eminently sensible and suitable. Simply, it would avoid the need to occupy ground level land, which is at a premium and would be far more noticeable for people passing through the area. [3.38, 6.5, 6.9-6.10, 6.22 and 6.34]

8.34. There would also be a second compound that would be used as a materials storage area and loading site at Water Lane, with a frontage to the River. This, again, has been chosen after looking at the necessary functional criteria and is the best and closest available. This would offer only minimal welfare facilities, enough only for the staff employed on this site. [3.9 and 3.39]

c) impacts on air quality;

8.35. As noted there would be the potential to cause negative air quality effects. However, the Dust Management Plan within the EMP would offer a range of attenuation features. As for traffic pollution, this should largely be avoided if canal transport were used. Even if not, measures to regulate discharges would be contained in the EMP, leaving only a temporary minor adverse effect. The examination in the ES covers the presence of nitrogen oxides and PM$_{10}$s and PM$_{2.5}$s and larger dust particles. No significant problems are envisaged so long as the necessary precautions are in place. [3.40-3.41 and 6.28]

8.36. Even so, some dust generated by the construction works, would inevitably escape and this could create dustier areas within the Estate, but more worryingly dirty windows for residents and businesses. The increased costs of cleaning the dustier areas in the public realm would no doubt be included in the monies that would be paid to ISIS, but cleaning windows at high level can be expensive and it is not certain this has been included in the agreement. As such, the condition relating to dust (draft Condition 9) has been modified to take account of this. [3.40-3.41 and 6.28]

d) impacts on townscape, including the character and appearance of the Conservation Area;

8.37. There will be differing views on how the LSSE impacts on the Conservation Area and other heritage assets. English Heritage has had input to the scheme. As far as the Conservation Area is concerned, EH has indicated that the LSSE would inflict less than severe harm. With respect to the Dark Arches it suggests that the effect of the LSSE should be considered, to see if it could be reduced. From observation and evidence, the Granary Wharf areas, as extended, present a variety of mixed age development and a range of building heights. As argued by the Promoters, this lends credibility to the definition of the Conservation Area being more to reflect the River and Canal and far less the intrinsic value of the buildings in the area. [1.5, 2.6-2.7, 3.42-3.46, 3.49, 6.8 and 6.14]

8.38. As such, there is no requirement to follow any particular design concept for the LSSE. In fact, the design protocol has not sought a solution of replication or pastiche, but has chosen what is argued to be an iconic, gateway structure.
Moreover, it would be a structure that would be visible from a good distance along the corridor between the Waterman’s Place and Blue Apartments from Neville Street and Victoria Bridge to the south-east. As such, I am satisfied that EH’s concerns are unfounded in this regard and the LSSE would preserve the mixed character of the Conservation Area, merely adding a new feature. \[2.6, 3.6-3.7, 3.48, 4.6 \text{ and } 6.18\]

8.39. Thus, the effect on the Conservation Area and the Listed Buildings within it would be neutral and the character of the important heritage assets preserved.

8.40. As for the Dark Arches, the demolition that took place near to these in earlier decades opened up the area and seems to have offered more extensive views of the Arches than is currently available. However, the recent re-development in Granary Wharf and the extended area has closed off the distance views of the Arches and the only section left with such a distance view from ground level is that to the site of the LSSE. Even then, a footbridge occupies the foreground and any sense of scale is lost between the far higher apartment blocks. Thus, despite local objection now, the visual appreciation of the lateral or repetitive extent of the Dark Arches has not so far merited protection in the wider townscape. This is understandable, because in terms of railway architecture, no-one is suggesting that the external presentation is particularly special. \[1.5, 2.6, 3.42, 3.44, 3.46-3.47, 5.2, 6.8 \text{ and } 6.18\]

8.41. As such, and on the one hand, while there may have been a case for greater protection in the past, today there is an argument to say that the present views are not worthy of preserving in their own right and the local listing of the Dark Arches is justified more by the hidden depths and the internal scale and extent of them below the railway lines and Station. \[1.5, 2.6, 3.42, 3.44, 3.46-3.47, 5.2, 6.8 \text{ and } 6.18\]

8.42. On the other hand, the EH view, along with that of some Objectors, has to be respected and the loss of the long views of the Dark Arches would be a negative feature, albeit not severe. The Promoters have agreed to cleaning the brickwork and installing lighting, as suggested by EH, which should add to their visual contribution, even with the LSSE in position. \[1.5, 2.6, 3.42, 3.44, 3.46-3.47, 5.2, 6.8 \text{ and } 6.18\]

8.43. The materials storage area at Water Lane falls within the Leeds Central Conservation Area. As part of the LSSE scheme, the temporary demolition of an arch and low level wall would be required, but this would be replaced on completion of the LSSE contract and so no long term effects would occur. \[1.5, 2.7, 3.42, 3.104-3.108, 5.3-5.4 \text{ and } 6.41\]

8.44. All in all, there can be confidence that the proposed LSSE would sit comfortably in its surroundings without adversely impinging on the heritage townscape and the prevailing character of the Conservation Areas. However, the loss of views of the Dark Arches remains a small negative feature.

e) impacts on light and visual amenity, privacy and security (including the effects of over-sailing crane operations); 

8.45. The height and orientation of the LSSE in relation to the two apartment blocks
either side of the River would mean that very little if any direct sunlight would be lost, even on the lower floors. The opposing apartment block would always ‘steal’ the light first. For some there would be a loss of sky, and this would be of minor negative impact on a very few apartments. [1.5, 2.6, 3.42, 3.44, 3.50-3.51, 
3.56-3.57, 3.91, 5.2, 6.21, 6.23, 6.28 and 6.36]

8.46. In terms of artificial light, both during construction and when the LSSE is operative, there would be some additional effect. For the construction period, lighting during hours of darkness would have regard to safety, but could be directed, with spillage reduced and circuits turned off when working in a particular area is not required. The working protocol would be embodied in the EMP. [1.5, 2.6, 3.42, 3.44, 3.50-3.51, 3.56-3.57, 5.2, 6.21, 6.23, 6.28 and 6.36]

8.47. When operational, there would need to be a balance between safety when using the LSSE and the effects on external interests. Once again, minimum light levels commensurate with this would be decided before work starts and light spillage would be minimised. Draft Condition 6 covers this point. No direct lighting from the LSSE outwards would be necessary, other than possibly sufficient to link up with the wider area and this would not be allowed to shine directly into apartment windows. [1.5, 2.6, 3.42, 3.44, 3.50-3.51, 3.56-3.57, 5.2, 6.21, 6.23, 6.28 and 6.36]

8.48. All in all, the lighting should be manageable at all times without unduly impinging on residents and the ‘hotline’ and Liaison Forums would offer an opportunity to ensure their position is safeguarded. [1.5, 2.6, 3.42, 3.44, 3.50-3.51, 3.56-3.57, 5.2, 6.21, 6.23, 6.28 and 6.36]

8.49. Far worse, however, would be the loss of visual amenity from the flats closest to the LSSE, especially at lower levels. Although there is no defined separation in published policy for residential buildings in the City Centre, this is largely because most are refurbishments of existing buildings. For new development, it would be desirable to offer a greater separation than the 8-12 metres that would be the minimum here. Some five apartments in both the Blue Apartments and Waterman’s Place would be affected severely, with a similar number suffering a moderate or minor effect. Most outlooks affected would be bedrooms, but it cannot be overlooked that a small number of living rooms and balconies would have their views materially foreshortened, accompanied by a loss of sky and presumably a corresponding reduction in property values. Even though the external cover is moulded closely around the internal features, this would still be an appreciable negative impact to be weighed in the balance. [1.5, 3.52-3.55, 6.3, 6.20, 6.28 and 6.39]

8.50. Turning to privacy, much of the concerns driving this objection followed from the published plans and perspectives of the LSSE from internal locations that indicate there would be views directly into apartment windows. The inquiry was assured that this was a pictorial error and that there would be no direct or even oblique views into properties and, therefore, no reduction in privacy. [1.5, 3.58, 6.21, 6.23, 6.27 and 6.36]

8.51. The question of security falls under two heads. First general security and secondly, the potential effects of the crane over-sailing properties. On the former, the increase in pedestrian footfall through the area would bring with it a risk and a countervailing benefit. The risk would stem from the additional
numbers of people and the increased opportunity for offence. However, the greater number of people using the area would provide far better monitoring of what is going on and this should act both as a deterrent and a witness to transgressions. For these reasons, personal security should not be of serious concern. As a fallback position, the introduction of additional CCTVs would be an option for the Granary Wharf Management Committee.

8.52. Next there is the concern expressed by management and residents of the Blue Apartments about the use of their main access point on Little Neville Street. While accepting that this could be a problem if left unaddressed, the Promoters have agreed to provide a new door to the entrance and this should overcome most if not all the perceived security problem. Once again, a condition would be required (draft Condition 30).  

8.53. With regard to the concerns about the use of a crane, the clear intention would be to use the folding crane and this would avoid over-sailing. Failing this, the over-sailing of properties in The Blue Apartments by the crane is something that could not be avoided if the tower crane had to be used. Even then, no loads would over-sail or be suspended over the buildings. Thus, only the crane jib would over-sail. For this mode of operation there are robust safety protocols that would be employed and these would minimise risks, though obviously not remove them entirely. However, this is a relatively short term activity and, although the perceived fear would be a minor negative factor in the balance, most residents would not be aware of the activity unless using balconies or roof-space. Contrary to some views, the inquiry was advised that the tower crane would not over-sail the Waterman’s Place apartments.

f) impacts on water resources, including flood risk (with particular reference to flood alleviation proposals) and the potential for contamination;

8.54. With the proposed mitigation measures, there would be no significant residual effects on water resources as a result of the construction works or operation of the site when the LSSE was opened for use. A FRA has been produced to accompany the ES and the EA is content that the Agency’s obligations would be safeguarded subject to the imposition of conditions.  

8.55. The potential for contamination would be mitigated during construction by a pre-construction survey and necessary remediation. During the piling, the piles would be encased in steel to reduce the impact on the watercourse. The necessary requirements would be contained within the EMP and Materials Management Plan and again required by condition (draft Condition 9).

g) impacts on biodiversity, and opportunities for appropriate enhancement in connection with the scheme;

8.56. There would be no particular impacts on landscape or bats, though the former would require an implementation condition to satisfy the EA (draft Conditions 17 and 23) and the latter surveyed prior to commencement (draft Condition 19). As for otters, although the requirements of the EA would not be met in full (draft Condition 18), there would be the potential for long term improvement and, as the latest survey results do not indicate that otters are present, the Promoters’ reasons
for not introducing new otter ledges and holts at the initial stage appear justified. [3.68-3.69, 6.37 and 7.4]

h) impacts on the Aire and Calder Navigation and Leeds and Liverpool Canal, and their users;

8.57. The Canal and River Trust has sustained its objection, though discussions have been on-going. In the main, it seems that navigation would be maintained at virtually all stages of the construction, though possibly with the navigable width restricted and a temporary closure. This might prove challenging in the busy summer months, but, with co-operation, any restrictions should be capable of early advertisement and the worst effects avoided. [2.2, 3.70-3.75, 6.32-6.33 and 7.2]

8.58. As for the Trust’s environmental concerns, the Promoters have accepted that they would enter into a side agreement, such that key aspects of the Trust’s Code of Practice could be incorporated into the working Management Plans. However, this agreement has not yet been signed and, thus, as it stands the objection remains. As for the compulsory purchase points, these requirements would be necessary to complete the works if authorised, and, as such, the objections are far outweighed by the general public interest. The Trust did not attend the inquiry to pursue any point. [2.2, 3.70-3.75, 6.32-6.33 and 7.2]

i) impacts on the viability of businesses affected by the scheme

8.59. As it is envisaged that the impacts of the development during the construction phase would not be expected to exceed acceptable levels, one can conclude with reasonable confidence that there should not be any major adverse effects on businesses in the locality of the works. People would still pass and re-pass the area on trips to and from homes and their work place. Work on the LSSE would be quite localised and would not take place during the vast majority of weekends and nights. As such the night-time economy should not be greatly affected and, in practice, the works may attract interest visits as well as the construction staff/workers demands for sustenance. [1.5, 3.36 and 3.76]

8.60. Once the LSSE is completed and operational the footfall through the area during the working day and evenings and weekends should increase appreciably. One can, therefore, predict with confidence that the area should experience a moderate if not significant economic uplift in years to come. The increased footfall should also assist in monitoring and, hopefully, discouraging unsocial behaviour. [1.5 and 3.76]

j) rights of way impacts for pedestrians and vehicle users, including impacts on rights of access to properties and deliveries to commercial premises, and safety considerations.

8.61. The key point here is that access would be maintained to both residential and business premises at all times, though this could be restricted for periods or by way of short diversion routes. [3.78-3.80, 5.3 and 6.31] There would be a Construction Traffic Management Plan prepared in conjunction with the responsible authorities and through the Liaison Forums with residents and businesses. This should temper the effects of vehicles accessing the site on both local traffic and pedestrians. Some temporary closures would be
necessary for safety reasons, but these would not be unreasonable. [1.5, 3.79 and 3.80]

8.62. The permanent changes for pedestrians would be very minor and replaced by like opportunities. [3.78 and 3.81] The Prohibition of Driving Order on Little Neville Street would be the most contentious action, but in managing such large volumes of pedestrians some inconvenience would be inevitable in the wider public interest and on highway safety grounds. This Order could be reviewed if the Liaison Forums identified major problems, but with the present information the main difficulties would be ones of inconvenience and the need for individuals to plan ahead. [1.5, 3.82, 3.93, 6.2, 6.16, 7.3 and 7.9]

8.63. The unknown is what, if any, amenity effects would occur with loading and unloading at unsocial times and the effects on the access for residents of the Blue Apartments. However, with the level of servicing required from Little Neville Street, this seems unlikely to be a major problem. So long as access was maintained for a reasonable duration during the day, which it would be, local people would work around the restrictions, even if reluctantly. [1.5, 3.82, 6.2, 6.16, 7.3 and 7.9] As for the entrance to the Blue Apartments, it would clearly be unacceptable if the door opened with the passing of every pedestrian. However, the Promoters are aware of the problem and have offered to fit a new door and this can be covered by condition (draft Condition 30). [6.2 and 7.3]

8.64. As indicated above, there are fears that the access for residents and businesses into the Granary Wharf Estate would be impaired by taxis and others wishing to drop-off or collect passengers from the Station without driving to the designated area to the north of the Station. This could create problems for the increased pedestrian numbers as well as for residents accessing parking areas or businesses servicing premises. It is difficult to assess the magnitude of the rail passenger demand, but it is clear from observation that dropping passengers off or collecting them could be much easier using the LSSE if approaching from the south and motorways. This represents a testing management feature to ensure that those entitled to enter the area could, whereas those that are not can be prevented. [1.5, 3.7, 3.82, 6.2, 6.6 and 6.16]

8.65. The Promoters are reluctant to become involved as the Estate is private and the owners would be able to implement their own restrictions. This is all very well and good, but it would be impossible for the managers of the Estate to enforce restrictions in a similar deterrent way to the Police and it is well known that Police are reluctant to enter onto private land to address this type of problem. Moreover, if the restrictions they do implement cause them access problems this must be considered as a material negative factor. [1.5, 3.7, 3.82, 6.2, 6.6 and 6.16]

8.66. If the Order were confirmed, the best that could be effected would be to impose a condition (draft Condition 31) requiring that this matter is considered further with a view to arriving at a Traffic Management protocol that goes as far as possible to address any problems. The potential for pedestrian/vehicle conflict is something that would need watching, but common sense says that drivers would take greater care if the area is more congested with pedestrian movement. Even though shared surfaces are very much more in evidence today, there could be a problem in this type of unregulated environment. [3.83,
8.67. Three other matters were raised by Objectors and these relate to the use of the lock bridge, the use of the riverside route in front of Waterman’s Place and a suggestion that a new bridge could be constructed to avoid the need to use the relatively narrow route in from Canal Wharf, via Wharf Approach. On the first two points, there would be no pedestrian route signed that should engage these features. However, if they provide a short cut to meet some desire lines, then the Canal and River Trust or the Estate Managers could take action as appropriate. It might be irritating in the short term, but not an insurmountable problem. [3.83, 6.34 and 7.7]

8.68. The suggested new bridge would be expensive and there is no objective evidence that such would be needed. Certainly management of the vehicle access to the Granary Wharf Estate would be necessary, and a condition requiring this to be addressed is recommended (draft Condition 31). [6.10 and 7.6] There is no suggestion on the draft Order that the Promoters would attempt to compulsorily acquire the access via Wharf Approach. Only rights of passage would be necessary. [3.81, 3.83, 6.16 and 6.24-6.25]

8.69. All in all, there could be some problems, but nothing that good management could not overcome. The real difficulty would be the devolution of responsibility onto the owners in the area and the intention of the Promoters to stand back. It seems necessary that there should be some more interaction and a pedestrian and traffic management protocol drawn up. The only way this could be achieved would be by way of condition, but there would be no certainty this would address all reasonable concerns or any extra over costs that would be incurred in implementation and management. As a consequence, the possible negative effects will have to be weighed in the balance.

**Matter 6 - The effects of the scheme on statutory undertakers and other utility providers, and their ability to carry out their undertakings effectively, safely and in compliance with any statutory and contractual obligations.**

8.70. There is no outstanding objection to the draft Order from any utilities and any concerns should be covered adequately by the Protective Provisions included in the draft Order. [3.85]

**Matter 7 - The measures proposed by the promoters for mitigating any adverse impacts of the scheme, including:**

a) *Network Rail’s Contract Requirements – Environment and Code of Construction Practice;*

8.71. The necessary requirements and codes, including Site Specific Construction Mitigation Measures would be in place and implemented by way of contractual arrangements and condition. With these in place, there is no outstanding objection from any relevant agency or body. [3.86]

b) *the proposed diversion for the right of way stopped up under the draft TWA Order;*
8.72. The existing pedestrian route along the footbridge on the south side of Dark Neville Street would be closed permanently and replaced with the proposed new pedestrian footbridge over the River. There are no outstanding objections to this arrangement. [3.81 and 3.88]

c) any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme;

8.73. With the proposed precautionary actions during the construction phase in place, it is not considered there would be any significant impact to geology and soils or to or by contaminated land. The EMP would contain a section to cover any unforeseen issues in the accepted manner and the ground investigation is required by draft Condition 20. [3.89-3.94]

8.74. As for the historic environment, there would be the downside of the reduction in appreciation of the Dark Arches from distant views. However, the introduction of a positive architectural feature is considered by most to offset and outweigh any loss. Notwithstanding, the ‘objection’ from English Heritage is a negative point that has to be weighed in the balance. [1.5, 2.6, 3.42, 3.44, 3.46-3.47, 5.2, 6.8 and 6.18]

8.75. Turning to the visual receptors, there are a limited number of properties that would be significantly affected in terms of outlook. To provide the LSSE in the location envisaged this would be inevitable. Of course no-one has an inalienable right to an uninterrupted view, but in terms of fact and degree the impact for a small number of residents would be significant. As such, this stands as a material negative point to be weighed in the balance. [1.5, 3.52-3.55, 6.20, 6.28 and 6.39]

d) whether, and if so, to what extent, any adverse environmental impacts would still remain after the proposed mitigation.

8.76. The only two adverse environmental impacts that would remain are covered above and are the loss of view to a number of properties and the views of the Dark Arches from the south-east. As noted above, these remain negative features of the scheme. [3.95]

Matter 8 - The adequacy of the Environmental Statement (ES) submitted with the application for the TWA Order having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and whether the statutory procedural requirements have been complied with.

8.77. The ES submitted with the applications has been reviewed and, where necessary, information has been updated as part of the inquiry evidence. This information, along with the evidence in the proofs, together with a non-technical summary and planning supporting statements, is judged adequate and, thus, the ES accords with the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. The content of the ES and all the supporting evidence has been taken into account in this report. [1.7-1.8 and 3.96]
Matter 9 - The conditions proposed to be attached to deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests of DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

8.78. A set of draft conditions was submitted with the planning application and these were discussed at the inquiry and additions and amendments made. Some further minor amendments in drafting have been included to reflect the guidance in Circular 11/95: The Use of Conditions in Planning Permissions. These are included at Appendix D. These are commended in the event the SoSs are minded to confirm the Order and grant deemed planning consent. It is considered that these conditions meet the tests of DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable. [3.97]

8.79. In addition to the conditions discussed, there was a request from residents for the addition of a few more conditions, mainly dealing with pedestrian access and the control of the public and private interface to safeguard the interests of local residents and businesses. In my opinion, three of these have merit in the public interest and draft conditions and reasons to cover these have been included for the SoSs’ consideration. These are conditions pertaining to the opening hours of the LSSE [3.7, 6.28 and 6.30-6.31], access to the Blue Apartments from Little Neville Street and the access to Granary Wharf from the public highway [6.2 and 7.3].

8.80. The other main suggestion of Objectors about the use of the ramps to the LSSE either during times when it would be open or closed does not attract support. Once the LSSE is operative, the ramp would be used by pedestrians on a regular basis and observed by both users and CCTV. The night-time hours when it would be closed are so unsocial that it seems unlikely this would attract interest from even the most dedicated skateboarder. Thus, residential amenity should be assured. However, if there was abuse, then one can be certain that the Promoters, as owners, or their successors, would certainly take action to protect their investment. It would be of little use investing in a gateway access to the Station only to have it vandalised or for anything to act as a disincentive to its use. [3.33 and 6.15]

8.81. Reasons for the suggested conditions

Condition 1: Reason: Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2: Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3: Reason: In the interests of visual amenity, the character and appearance of the Conservation Area.

Condition 4: Reason: In the interests of visual amenity and the character and appearance of the Conservation Area.

Condition 5: Reason: In the interests of visual amenity, the character and
appearance of the Conservation Area.

Condition 6: Reason: In the interests of residential amenity.

Condition 7: Reason: In order to avoid contamination or pollution of the waterway and to ensure that proper mitigation is deployed.

Condition 8: 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.

Condition 9: Reason: In the interests of residential amenity and pollution control.

Condition 10: Reason: In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

Condition 11: Reason: In the interests of the residential amenity of the occupants of nearby properties.

Condition 12: Reason: In the interests of pedestrian connectivity and community safety.

Condition 13: Reason: In the interests of community safety, visual amenity and vehicular and pedestrian safety.

Condition 14: Reason: In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

Condition 15: Reason: In the interests of residential amenity.

Condition 16: 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.

Condition 17: Reason: For the protection of birds during the breeding season.

Condition 18: Reason: For the protection of otters and their habitat.

Condition 19: Reason: For the protection of bats and their habitat.

Condition 20: Reason: In order to avoid contamination or pollution of the waterway and to ensure that proper mitigation is deployed.

Condition 21: Reason: to secure the reconstruction of an asset of local heritage interest.

Condition 22: Reason: to secure enhancements to an asset of local heritage interest.

Condition 23: Reason: to secure biodiversity enhancements as part of the scheme.
Condition 24: 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.

Condition 25: 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.

Condition 26: Reason: to ensure compatibility of the Station southern access with the proposed Leeds Flood Alleviation Scheme.

Condition 27: Reason: in the interests of the sustainability of the new Station entrance structure.

Condition 28: Reason: in the interests of protecting the amenity and other interests of local residents.

Additional suggested conditions

Condition 29: Reason: In the interests of residential amenity and for the avoidance of doubt.

Condition 30: Reason: to safeguard the interests of residents and for general security.


Matter 10 - The promoters’ proposals for funding the scheme.

8.82. These are as outlined in the Promoters’ case and there seems to be no financial impediment to the implementation of the LSSE if the Order is confirmed and deemed planning permission granted. [3.98-3.100]

Matter 11 - Whether there is a compelling case in the public interest for conferring on the promoters powers to compulsorily acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by the promoters in order to secure satisfactory implementation of the scheme.

8.83. From the evidence submitted, the land and rights in and over land for which compulsory acquisition powers are sought are the minimum required by the Promoters in order to secure satisfactory implementation of the scheme. Moreover, this must be one of the few schemes examined in details where there is almost unanimous in principle support. There would be negative effects, but these are few and outweighed by the advantages in the public interest. Crucially, this scheme option is really the only one deliverable in a timescale that would make a necessary difference to the travel protocol and
influence positively the renewal and redevelopment of the area south of the Station. Other options would take longer and risk time penalties and the regeneration benefits for the area. There is, therefore, no real or viable alternative position. [3.1-3.5, 3.101-3.102 and 4.1-4.19]

**Matter 12 - The purpose and effect of any substantive changes proposed by the promoters to the draft TWA Order and whether anyone whose interests are likely to be affected by such changes has been notified.**

8.84. There are no substantive changes to the draft TWA Order and details of the minor proposed changes are included in Document INQ.27. [3.103]

**In relation to the application for conservation area consent:**

**Matter 13 - The extent to which the proposed dismantling and reinstatement of the structure at Water Lane (“the works”) are in accordance with the development plan for the area including any ‘saved policies’. The weight that should be attached to the development plan, and any emerging plans.**

8.85. The development plan policies are strongly opposed to any works that would fail to preserve or enhance the character or appearance of the designated Conservation Area. However, in this case, the effects on the heritage asset at Water Lane would be temporary for the duration of the LSSE contract. On completion, the demolished stone arch and wall would be reconstructed and a condition would require that these works were carried out in such a way to ensure that it did not look modern or out of place, as requested by the Leeds Civic Trust. With this in place, it can be concluded that this aspect of the proposals rests comfortably alongside the development plan policies and aims and would preserve the appearance of the Conservation Area. [3.104-3.106]

**Matter 14 - The extent to which the works would accord with the National Planning Policy Framework and in particular the desirability of preserving or enhancing the character or appearance of the Leeds City Centre Conservation Area.**

8.86. The response to this is as for Matter 13 above. [3.104-3.107]

**Matter 15 - If consent for the works is granted, the need for any conditions to ensure the dismantling and reinstatement is carried out in a satisfactory manner.**

8.87. There would be a condition required as part of the Conservation Area consent. This condition would also appear as one on the deemed planning permission to ensure compatibility. The suggested condition (Condition 21), modified slightly from that suggested by the Promoters, is:

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 full accordance with the agreed scheme. [1.5, 3.108 and 5.3-5.4]

**Matter 16 - Other relevant matters raised at the inquiry including any individual objections and representations not dealt with above.**

8.88. There are several matters raised that have not been dealt with in the foregoing sections. The first of these is the regular expression of fear that property values would fall as a consequence of the LSSE. The first point to note in this regard is that the effect on property value is not a material planning consideration. Having said that, this does not entirely remove its materiality when confirming a TWAO. In general terms, it would seem unlikely that property values would fall in the long term. On the contrary, there would be a likelihood that, for the vast majority of property, prices would increase to reflect the desirability of being located close to a new access to the Station and in an area where the uplift in vitality brought about by the LSSE should impart moderate to significant benefits in terms of support for businesses, restaurants, bars etc. [1.5, 6.20-6.22, 6.24-6.30 and 6.39]

8.89. There would be, however, a few where the advantages of the scheme on general property values would not be reflected. These properties would, of course, be those at low level and closest to the LSSE structure, where outlook would be materially impaired. What effect this would have on values is not clear and none of the residents directly affected attended the inquiry to present objective valuations. As such, I am left with some discomfort that this was not better resolved. [1.5, 6.20-6.22, 6.24-6.30 and 6.39]

8.90. The next point raised by many Objectors is the implication for their service charge toward the upkeep of the buildings and the wider Estate. There is a clear view that any additional costs should not fall on the owners of premises in the area. One can have significant sympathy with this view, but matters are not as straightforward as they may seem at first glance. The Management Company ISIS has carried out the negotiations with the Promoters and has reached agreement. The details of this agreement were not made known to the inquiry, but the objection lodged originally by ISIS was withdrawn before the inquiry closed. [1.5, 6.5, 6.7, 6.11, 6.17, 6.21, 6.23-6.26, 6.29-6.31, 6.35-6.36 and 6.39]

8.91. From the residents’ perspective, one can appreciate that this might fall short of their expectations, especially as the management of the Estate is about to devolve from ISIS to the residents and business owners. Not being a party to the discussions between the Promoters and ISIS has left them at a distinct disadvantage, but unfortunately not something that falls within the purview of the inquiry or the SoSs in confirming the Order. With very many more people passing through the area, it would be surprising if there was not more litter and general wear and tear. Even so, with the redevelopment of the south of the City, much of this increased movement would most likely happen anyway. The build-up might be slower without the LSSE, but people would still have to get to their homes or places of business using many of the same routes. [1.5, 6.5, 6.7, 6.11, 6.17, 6.21, 6.23-6.26, 6.29-6.31, 6.35-6.36 and 6.39]

8.92. A further point raised is the lack of compensation that would be offered to residents for any negative effects during construction. This is not something
that has been itemised, leaving the best way forward the imposition of conditions and requirements to minimise these concerns. The Order would not facilitate financial compensation in the way requested. [1.5, 5.1, 6.5 and 6.23]

8.93. There is then the question of harm to the character of the area, raised by a number of residents. Although the LSSE may be a catalyst for change, as noted above the additional activity associated with the area to the south of the Station is something that would come anyway, albeit in a longer timescale. Redevelopment will take place anyway, attracting more people and, therefore, the LSSE cannot be blamed for seemingly inevitable changes in character. [1.5, 6.5, 6.22, 6.24, 6.27, 6.29 and 6.31]

8.94. A specific concern of some is the fear that the Police might use the area for ‘managing’ visiting football fans and the implications this might have for residents and their amenity. The Promoters rightly say that they are not in a position to dictate to or direct the Police in the way they manage events. There is nothing in the draft Order to help, but one imagines that if the Police wish to ‘manage’ people on private land, they would discuss this with the owners or the Management Committee. [6.2 and 7.3]

8.95. The opening hours of the LSSE are another bone of contention. Several objectors believe that it would be open for 24 hours, while others fear that the times currently proposed, namely 0530-2200 would be extended. To make sense of the LSSE, it must be open when rail services are running and the proposed hours seem to match the demand, though passengers on the last trains may have to revert to the existing less desirable route. A condition stipulating these hours would seem sensible and then, if the Promoters wish to change the opening hours they would need to advertise these for consultation (draft Condition 29). [3.7, 6.3, 6.15, 6.28 and 6.30-6.31]

8.96. Despite many claiming that the construction period and accompanying negative effects would last for 18+ months, the programme of works is for considerably less at 62 weeks [3.8, 6.5, 6.24 and 6.31]. Several Objectors contend that the consultative material shows a smaller structure than is currently proposed. There was certainly a problem with an illustrative from within the structure, but the inquiry was not presented with any evidence that external dimensions of the scheme had grown. Planning permission for a very similar proposal was granted by Leeds City Council and the inquiry was assured that the moulded outer surface of the LSSE would be as tightly fitted to the escalators, lifts and stairs as practically possible. As such, this is not seen as the Promoters deliberately misleading the public and should not count against the scheme. [3.4, 3.52, 3.54, 6.24-6.25 and 6.27]

8.97. The one objection that is difficult to resolve is that lodged by GVA Grimley on behalf of the Royal Bank of Scotland (OBJ/30). As noted above, discussions are on-going, but resolution cannot be assured. Unfortunately, the Objector did not attend the inquiry so it was difficult to establish the precise nature of their concerns. It seems that most could be overcome, but the access to their basement could present something of a problem. Any fears about their emergency access being blocked seems unfounded. The responsible authority would not permit this to happen. [6.38 and 7.5]

8.98. Residents argue that the LSSE is premature pending a comprehensive review
of the overall strategy for the Station. The Promoters indicate that a strategy review has been undertaken and a Masterplan produced. The LSSE is consistent with its findings. The implications are that another review would have to follow shortly as the LSSE is only a stop-gap in dealing with the short to medium term passenger growth predictions. Even so, the LSSE would stand alone and any delay would prejudice the regeneration of the land to the south of the Station and this should be resisted strongly. [3.3 and 6.13]

8.99. A withdrawn objection pointing out that the LSSE would not cater for use beyond rail passengers is correct and this would be a minor disadvantage. However, it would be a difficult management exercise to overcome this, though the use of platform tickets may be a possibility. Either way, this does not detract materially from the benefits of the LSSE to the public. [3.7]

8.100. In conclusion on these other matters, taken singularly or cumulatively, they do not constitute an objection sufficient to deflect the overall public benefit.

### SUMMARY OF CONCLUSIONS

8.101. For the reasons set out above, what at first seemed to be a very one sided argument, with a cost benefit ratio of 7.5:1 and its regeneration and environmental gains, actually turns out to be more finally balanced than first thought. The main downside is the interface between usage of the LSSE and the management of the Granary Wharf Estate, which is private and the extra over costs that could devolve on to residents and businesses in the area. There is a further concern about the effect on the outlook for about ten properties in the Waterman’s Place and The Blue Apartments. Next, there are a number of unresolved objections that the Promoters feel sure will go away, but to date, the outcomes are still uncertain with no guarantees so far. The SoSs may have the advantage of updates on these before reaching a conclusion. Finally, there is the loss of views through from Victoria Bridge to the Dark Arches; not substantial harm, but something that EH feels uncomfortable with needs to be weighed in the balance.

8.102. Against this, there is no doubt that there is a compelling need for a new southern access to the Station and, as things stand, the LSSE is the only realistic option. Delay could not be countenanced and, thus, the Order works are justified in the wider public interest. The scheme would accord with all the strategic policies, and, thus, on balance it is concluded that the public benefits of the LSSE tip the scales and outweigh the limited residual adverse effects it would have on local interests. Before reaching a decision, the SoSs will know the position about the revocation of the RSS, but as concluded there is no suggestion that this would affect the justification for the LSSE or lessen the benefits in the public interest.

8.103. I conclude, therefore, that the grant of deemed planning permission for the Order works is justified, subject to the imposition of the conditions on such permission, which are set out in Appendix D to this report. Similarly, granting the Conservation Area Consent would sit comfortably alongside the heritage policy objectives. Finally, there is a compelling case in the public interest for authorising the compulsory acquisition of the land and interests in
land covered by the Order.
9. RECOMMENDATIONS

9.1. I recommend that the Order should be made, subject to the amendments to the submitted Order sought by the Promoters in the filled up Order (Document INQ.26), and that deemed planning permission for the works covered by the Order should be granted, subject to the conditions set out in Appendix D to this report, as should the Conservation Area Consent sought.

J Stuart Nixon

INSPECTOR