



Report to the Secretary of State for Transport and the Secretary of State for Levelling Up, Housing and Communities

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an Inspector appointed by the Secretaries of State

Date: 1 July 2024

TRANSPORT AND WORKS ACT 1992

ACQUISITION OF LAND ACT 1981

TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING (LISTED BUILDINGS AND CONSERVATION
AREAS) ACT 1990**

**THE NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER 20[]**

**REQUEST FOR A DIRECTION FOR DEEMED PLANNING
PERMISSION**

**APPLICATIONS FOR CERTIFICATES IN RESPECT OF OPEN
SPACE**

APPLICATIONS FOR LISTED BUILDING CONSENT

Inquiries opened on 27 February 2024

File Refs: DPI/N4720/23/19

Contents

page

Abbreviations and glossary	2
Case details	4
Procedural matters	6
Statement of matters	7
The Order lands and surroundings	9
Proposals relating to the Order Scheme	10
The statutory and policy context	12
Overview of representations	15
The case for Network Rail	16
The case for Leeds City Council	28
The case for Micklefield Parish Council	30
The case for the Peak and Northern Footpaths Society	32
The case for Councillors Lewis, Harland & Millar	33
The case for Makins Enterprise Ltd & C W Makin	34
Written representations	34
Inspector's conclusions	37
Recommendations	65
Appendix 1: Schedule of recommended conditions	67
Appendix 2: Appearances	77
Appendix 3: Documents submitted after the inquiries opened	79

Abbreviations and glossary

ALCRM	All level crossing risk model
BNG	Biodiversity net gain
CC	City Council
CD	Core document
CIMP	Conservation implementation management plan
CTMTP	Construction traffic management & travel plan
DfT	Department for Transport
E234 project	That part of the TRU from Leeds to a point west of Church Fenton
LCC	Leeds City Council
LEMP	Landscape & ecological management plan
LWS	Land and works sheet
NPPF	National Planning Policy Framework
NR	Network Rail
NTR	North Transpennine Route
OLE	Overhead line equipment
PC	Parish Council
PLBCA	The Planning (Listed Buildings and Conservation Areas) Act 1990
PNFS	Peak & Northern Footpaths Society
PPG	Planning Practice Guidance
PPICP	Pollution prevention & incident control plan
PRoW	Public right of way
SAP	Site Allocations Plan
The Order Scheme	The scheduled works, other works and land uses, which would be authorised by the Order or by other consents applied for alongside it.
The Scheme	The wider programme of works and uses, which would include those authorised by the Order and the request for deemed planning permission, under permitted development rights, and by separate planning permissions.

TRU	Transpennine Route Upgrade
TWA	The Transport and Works Act 1992
UDP	Unitary development plan

CASE DETAILS

The Order

- The Network Rail (Leeds to Micklefield Enhancements) Order would be made under sections 1 and 5 of the Transport and Works Act 1992.
- The application for the Order was made by Network Rail Infrastructure Ltd to the Secretary of State for Transport on 11 July 2023.
- The Order would authorise the construction, enhancement, operation and maintenance of works on the Transpennine Line; the demolition, reconstruction and construction of overbridges and highways; the compulsory acquisition of interests in and rights over land; the disapplication of legislative provisions and the application of local railway enactments and existing agreements; the stopping up and diversion of rights of way and highways, the execution of street works, and other provisions relating to streets; the closure of level crossings; and other powers relating to the operation of the railway; to facilitate the upgrade of the railway between Leeds and Micklefield.
- There were 32 objections remaining at the close of the inquiry.

Summary of Recommendation: That the Order be made with modifications.

The request for a direction for deemed planning permission

- The request for a direction for deemed planning permission was submitted by Network Rail Infrastructure Ltd to the Secretary of State for Transport on 10 July 2023.
- The request seeks a direction that planning permission, so far as it is required, be deemed to be granted for the development proposed to be authorised by the Order.
- No objections expressly concerned with the request for a direction were received.

Summary of Recommendation: That a direction be made that planning permission be deemed to be granted, subject to conditions.

Application for a certificate in respect of open space

Penny Pocket Park, York Street/ Duke Street/ Kirkgate/ Church Lane, Leeds

- The application was made by Network Rail Infrastructure Ltd to the Secretary of State for Levelling Up, Housing and Communities on 18 July 2023.
- The proposed Order includes a power to compulsorily acquire permanent interests in four areas of open space at Penny Pocket Park.
- The application requests a certificate under section 19(1)(b) of the Acquisition of Land Act 1981 on the basis that the land proposed to be acquired does not exceed 250 square yards in extent, and that the giving of other land in exchange is unnecessary.
- The Secretary of State stated his intention to give a certificate by a letter dated 25 September 2023.
- No objections expressly concerned with the application for a certificate were received.

Summary of Recommendation: That a certificate be issued.

Application for a certificate in respect of open space

Austhorpe Lane, Cross Gates, Leeds

- The application was made by Network Rail Infrastructure Ltd to the Secretary of State for Levelling Up, Housing and Communities on 21 December 2023.
- The proposed Order includes a power to compulsorily acquire permanent interests in two areas of open space and rights under and over two areas of open space at Austhorpe Lane.

- The application requests a certificate under section 19(1)(b) of the Acquisition of Land Act 1981 on the basis that the two plots proposed to be acquired do not exceed 250 square yards in extent, and that the giving of other land in exchange is unnecessary, and under schedule 3 (paragraph 6(1)(a)) of the Act on the basis that the two plots, when burdened with the proposed rights, would be no less advantageous to those persons in whom it is vested, other persons and the public than it was before.
- The Secretary of State stated his intention to give a certificate by a letter dated 9 January 2024.
- There was one objection remaining at the close of the inquiry.

Summary of Recommendation: That a certificate be issued.

**Application for listed building consent
Austhorpe Lane Bridge, Cross Gates, Leeds**

- The application was made by Network Rail Infrastructure Ltd on 17 July 2023.
- Listed building consent is sought for the demolition of the existing Austhorpe Lane bridge (including the adjacent footbridge and gas pipeline), and a new bridge erected in its place.
- The application was referred to the Secretary of State for Levelling Up, Housing and Communities in accordance with section 12(3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- There were four objections remaining at the close of the inquiry.

Summary of Recommendation: That listed building consent be granted, subject to conditions.

**Application for listed building consent
Crawshaw Woods Bridge, west of Garforth, Leeds**

- The application was made by Network Rail Infrastructure Ltd on 17 July 2023.
- Listed building consent is sought for the careful dismantling of the bridge, the raising of the abutments by 1.4m, and the replacement of the refurbished cast iron superstructure at the higher level.
- The application was referred to the Secretary of State for Levelling Up, Housing and Communities in accordance with section 12(3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- No objections expressly concerned with the application were received.

Summary of Recommendation: That listed building consent be granted, subject to conditions.

**Application for listed building consent
Brady Farm Bridge, east of Garforth, Leeds**

- The application was made by Network Rail Infrastructure Ltd on 17 July 2023.
- Listed building consent is sought for the demolition of Brady Farm overbridge (HUL4/15).
- The application was referred to the Secretary of State for Levelling Up, Housing and Communities in accordance with section 12(3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- There were 21 objections remaining at the close of the inquiry.

Summary of Recommendation: That listed building consent be granted, subject to conditions.

Application for listed building consent Ridge Road overbridge, east of Garforth, Leeds

- The application was made by Network Rail Infrastructure Ltd on 17 July 2023.
- Listed building consent is sought for the demolition of the existing Ridge Road bridge and adjacent gas pipeline, and a new bridge erected in its place.
- The application was referred to the Secretary of State for Levelling Up, Housing and Communities in accordance with section 12(3A) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- There were four objections remaining at the close of the inquiry.

Summary of Recommendation: That listed building consent be granted, subject to conditions.

1. Procedural Matters

- 1.1 On 27 February 2024, I opened concurrent inquiries to hear objections and other representations concerning: (i) an application for The Network Rail (Leeds to Micklefield Enhancements) Order to be made, a request for a direction for deemed planning permission for development which would be authorised by the Order, and two applications for certificates in respect of open space which would be affected by the Order; and (ii) four applications for listed building consent relating to overbridges on the railway. The inquiries sat for seven days: 27-29 February, 5, 6, 8 & 12 March 2024. Site visits were made on 27 February and 7 March 2024.
- 1.2 The application for the Order and the request for deemed planning permission are to be determined by the Secretary of State for Transport, and the applications for open space certificates and listed building consent are to be determined by the Secretary of State for Levelling Up, Housing and Communities.
- 1.3 A pre-inquiry meeting was held on 12 January 2024 to consider arrangements for the management of the case, including the submission of documents. There was no discussion of the merits of any parties' cases at the meeting. A note of the meeting and an addendum (Core Documents (CDs) 3.03 & 3.04) were circulated to interested parties and placed on the inquiry website. The website can be accessed via the following link [Leeds to Micklefield Railway Enhancements - Gateley \(gateleyhamer-pi.com\)](https://www.gateleyhamer-pi.com) : it includes all core documents.
- 1.4 Through its legal representatives, the Applicant advised that it had complied with the statutory requirements for the applications and the inquiry. That position was not disputed by any other party¹. The City Council's (CC's) delegated reports explain that it had publicised the applications for listed building consent by means of site notices, and that it had also consulted a number of interested parties².

¹ Details of compliance with the requirements concerning the Order, a direction for deemed planning permission, and the open space certificates are set out in CDs 9.05 & 9.12. The covering letters for the listed building consent applications explained that Network Rail would arrange for notice of the applications to be published in local newspapers (CDs 1.18.10, 1.18.17, 1.18.20 & 1.18.29).

² CDs 4.Report/1-4.

- 1.5 Taking into account detailed comments made by the Council, the Applicant submitted a revised draft Order at the pre-inquiry meeting, together with several revised land and works plans³. The revised draft Order was the subject of publicity and notification. Two further revisions of the draft Order were submitted during the inquiry, with the final proposed form of the Order being that submitted by Network Rail (NR) on 8 March 2024 (CD 9.15). The proposed modifications would not materially alter the scope of the Order⁴. I am satisfied that no prejudice would be caused to any parties' interests by consideration of the proposed modifications, and I have taken the proposed final version into account in this report. Subsequently CD 9.50 corrected two minor typographical errors in schedules to the draft Order.
- 1.6 Proofs of evidence concerning rights of way and highway matters in relation to Peckfield level crossing had been prepared by Mr R Buckenham and Mr J Booth on behalf of Leeds City Council (LCC) (CDs 7.34 - 7.37). Ahead of the inquiries, LCC suggested that its witnesses should attend roundtable sessions. There is a clear disagreement between Network Rail and, for somewhat differing reasons, LCC, Micklefield Parish Council (PC) and the Peak & Northern Footpaths Society (PNFS) concerning Peckfield level crossing, and I determined that this matter should be the subject of a formal inquiry session. It had not been identified at the pre-inquiry meeting as a topic to be discussed at a roundtable session⁵. In the light of this decision, LCC made it clear that no officers would appear in respect of its objection concerning Peckfield level crossing, and the proofs of evidence of Mr Buckenham and Mr Booth have been considered as written representations. Consequently the weight which can be given to this evidence is less than if it had been subject to formal testing.
- 1.7 CD 2.29 is the Department for Transport (DfT) publication *A Guide to Transport and Works Act Procedures 2006*. That document was superseded by *Transport and Works Act orders: a brief guide*, published on 14 July 2023, and consequently CD 2.29 has carried no weight in my considerations.
- 1.8 This report contains a description of the land covered by the application and its surroundings, and outlines the key provisions of the Order within the context of the overall Scheme. There follows the gist of the representations of the parties, and my conclusions and recommendations. Sections set out the material points of the parties' cases, and do not form part of my conclusions. Lists of appearances and documents submitted after the inquiry opened, together with proofs of evidence and statements are appended.

2. Statement of matters

- 2.1 In January 2024, the Secretaries of State issued a statement of matters pursuant to Rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 (CD 3.02). The statement sets out the matters about which the Secretaries of State particularly wish to be informed for the purposes of their consideration of the applications for the Order, deemed planning permission, open space certificate, and listed building consent.

³ The Council's comments are set out in its letter of objection dated 18 August 2023 (CD 4.Obj/7); the revised draft Order is CD 1.02.02.

⁴ CD 9.16 is a track changes version of the final proposed Order, and a schedule of the amendments is at CD 9.17.

⁵ See CD 3.03, para 21.

- 2.2 In relation to the applications for the TWA Order and deemed planning permission, these matters are:
- 1) The aims and objectives of, and the need for, the proposed Leeds to Micklefield Enhancements ("the scheme"), including its effects on railway operations.
 - 2) Whether all statutory procedural requirements have been complied with.
 - 3) The main alternative options considered by NR, and the reasons for choosing the preferred option set out in the Order.
 - 4) The impact of the closure of Peckfield and Garforth level crossings
 - a) The impact on users.
 - b) The rationale for the preferred option and the alternatives considered.
 - c) The approach used for the safety audit and user survey.
 - d) Impacts of the proposed diverted bridleway including impacts on biodiversity, wildlife and highway safety.
 - 5) Highway impacts
 - a) Impact of the closure of Ridge Road due to the demolition and reconstruction of Ridge Road Bridge.
 - b) Impact on irrigation systems at Peckfield House Farm from the demolition of Brady Bridge.
 - c) Impact of construction traffic.
 - d) Impact on cycleway at Neville Hill.
 - 6) Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the Department of Levelling Up Housing and Communities Guidance on the "Compulsory purchase process and the Crichel Down Rules" published on 29 October 2015 (as amended on 16 July 2019):
 - a) Whether there is a compelling case in the public interest to justify conferring on NR powers to compulsorily acquire and use land for the purposes of the scheme.
 - b) Whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act 1998).
 - c) Whether there are likely to be any impediments to NR exercising the powers contained within the Order, including the availability of funding.
 - d) Whether all the land and rights over land which NR has applied for is necessary to implement the scheme.
 - 7) The wider impact of the proposed works on the surrounding wildlife and biodiversity, including the proposed tree felling at Manston Lane.

- 8) Any other matters which may be raised at the inquiry which may be important and relevant to the Secretary of State's decision.
- 2.3 In relation to the applications for listed building consent, these matters are:
- 9) The extent to which the proposed works affecting the Listed Buildings ("the works") are in accordance with the development plan for the area including any 'saved policies'.
- 10) The weight that should be attached to the development plan and any emerging plans.
- 11) The extent to which the works would accord with the heritage and other provisions of the National Planning Policy Framework and in particular the desirability of sustaining or enhancing the character or appearance of the heritage assets.
- 12) If consent for the works is granted, the need for any conditions to ensure they are carried out in a satisfactory manner.
- 2.4 In relation to the first application for an open space certificate (land at Penny Pocket Park), the statement of matters refers to the test in section 19(1)(b) of the Acquisition of Land Act 1981 that: *In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied- ... that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*
- 2.5 The second application for an open space certificate, concerning land at Austhorpe Lane, was submitted on 21 December 2023, five months after the application relating to Penny Pocket Park, and was not referred to in the statement of matters, which was issued on 20 December 2023. However, it was made clear at the pre-inquiry meeting that both applications for open space certificates would be discussed at the inquiry, and no amendment to the statement of matters was made.
- 2.6 Insofar as matter 2 is concerned, the Applicant has advised that there has been compliance with all statutory procedural requirements (above, para 1.4). This has not been disputed by other parties, and I have no reason to take a different view.

3. The Order lands and surroundings

- 3.1 The Order Scheme concerns that part of the Transpennine railway route which runs east from Leeds city centre to a position on the line to Selby beyond the Micklefield junction, an overall distance of about 16km⁶. The greater part of the route lies within the administrative area of LCC, but a small stretch of line at the eastern end is within North Yorkshire.

⁶ The location plan at CD 1.09 shows the extent of the route.

- 3.2 From the city centre, the line runs through the built-up area of Leeds, and then it passes through areas of countryside and the smaller settlements of Garforth and Micklefield, where there are stations. Although designed as a four track railway, only two tracks were ever laid. There are five level crossings along the line and several overbridges, four of which are the subject of the applications for listed building consent⁷. The book of reference (CD 1.08) includes plots in a variety of uses along and adjacent to the railway.
- 3.3 Both passenger and freight services use this line to the east of Leeds. Currently there are about six express passenger services and four local services per hour on the railway⁸. The number of services on the short stretch of line to the east of Micklefield junction is lower. About five freight services use the line each day in both directions⁹.

4. Proposals relating to the Order Scheme

The Transpennine Route Upgrade

- 4.1 The Leeds-Micklefield Enhancements Scheme is a part of the wider Transpennine Route Upgrade (TRU) on the North Transpennine Route (NTR) between Manchester and York, put forward with the intention of increasing line speeds and capacity, and enhancing resilience and reliability¹⁰. The 70 miles length of the line has been divided into a series of projects¹¹, which are at different stages of delivery. Extensive works have already been undertaken on projects at each end of the line, namely from Manchester Victoria to Stalybridge and from York to Colton Junction¹².

The Leeds-Micklefield Enhancements Scheme

- 4.2 The Leeds-Micklefield Enhancements Scheme (referred to by NR simply as the Scheme) comprises a large part of the E234 Project which extends between Leeds and Church Fenton, and which involves electrification of the line and other works. The consenting regime includes the TWA Order, specific planning permissions, listed building consents, permitted development and prior approvals.

The Order Scheme

- 4.3 The works and uses which would be authorised by the Order, together with other consents applied for alongside it, are referred to by NR as the Order Scheme (CD 9.19). The Order itself would authorise a number of works and measures, and it would facilitate other aspects of the Enhancements Scheme. It would authorise the construction by NR of the following scheduled works:
- 1) Reconstruction and realignment of Austhorpe Lane bridge and demolition of the adjacent footbridge (LWS4).

⁷ The level crossings and bridges subject to the LBC applications are listed in CD 9.31 (Garforth Moor is referred to as an accommodation crossing), and their locations are identified on the plan at figure 1 of CD 7.02 and on LWSs 4- 9, 12 & 13 (CDs 1.09.04 - 09, 12 & 13).

⁸ See table on page 1 of CD 9.34.

⁹ CD 7.02, para 3.1.8.

¹⁰ CD 7.02, paras 3.2.1 & 3.2.2.

¹¹ The project areas are shown in figure 1 in CD 7.02.

¹² CD 7.02, para 3.1.3.

- 2) Diversion of the high pressure gas main adjacent to Austhorpe Lane bridge (LWS4).
 - 3) Reconstruction of Crawshaw Woods bridge (LWS5).
 - 4) Construction of a footpath and bridleway bridge north of Barrowby Lane (LWS6).
 - 5) Reconstruction of Ridge Road bridge (LWS9).
 - 6) Diversion of the high pressure gas main adjacent to Ridge Road bridge (LWS9).
- 4.4 Deemed planning permission is sought for the scheduled works, and for railway infrastructure work at Kirkgate/ Marsh Lane (LWS1), the construction of a track sectioning cabin at Micklefield (LWS11) and works associated with the closure of Peckfield level crossing and highway improvements and parking space on Lower Peckfield Lane (LWS11)¹³.
- 4.5 Five level crossings are proposed for closure in the Order, and there are associated proposals for the stopping up and diversion of rights of way. The Order would also provide for the compulsory acquisition of land and rights, the temporary possession of land, and the execution of street works in connection with works required for the Scheme.
- 4.6 In two locations, Penny Pocket Park in the city centre and Austhorpe Lane at Cross Gates, works in connection with the Scheme would have implications for open space¹⁴. At Penny Pocket Park, four plots would be acquired for the installation of small-scale electrification and signalling equipment. At Austhorpe Lane, the land concerned is part of an area proposed to be transferred to the Council for use as open space. Two of the plots are required for the construction of the new bridge, and rights are required over the other two plots to enable the installation and maintenance of the diverted gas main (above, para 4.3). In both cases, the Secretary of State for Levelling Up, Housing and Communities has stated his intention to give certificates which would avoid the need for the Order to be subject to special Parliamentary procedure.
- 4.7 Listed building consent is sought in respect of works proposed to four grade II listed overbridges to enable accommodation of overhead line equipment (OLE). Both Austhorpe Lane and Ridge Road bridges would be demolished and replaced with new structures, Crawshaw Woods bridge would be dismantled and rebuilt at a higher level, and Brady Farm bridge would be demolished with no replacement proposed¹⁵.

Planning applications

- 4.8 Planning applications have been submitted for development at Neville Hill and Garforth Moor. The former application seeks planning permission for the use of land off Newmarket Approach in Leeds to provide access to Neville Hill railway sidings. The Council advised on 19 March 2024 that, subject to agreement with

¹³ The plans relating to the request for deemed planning permission are at CD 1.14.01-41.

¹⁴ The plots concerned are shown on the plans at CDs 1.18.38.01 & 1.18.39.01.

¹⁵ The plans relating to the applications for LBC are at CDs 1.18.04-09, 1.18.13-16, 1.18.21-26, and 1.18.31-36.

NR on conditions concerning drainage/ flood risk, it was expected that planning permission would be granted by the following week (CD 9.46.02).

- 4.9 At Garforth Moor the application seeks planning permission for a new access track and turning head to serve the allotments to the north of the railway, thereby providing an alternative access to Garforth Moor level crossing. The Council advised on 19 March 2024 that all issues had been resolved, and it was expected that planning permission would be granted within two weeks (CD 9.46.01).

Permitted development

- 4.10 Certain works along the route of the railway are able to be carried out using permitted development rights. These include the installation of OLE, temporary construction compounds, the recovery of level crossing equipment, and the formation of an access track for construction purposes to the south of Crawshaw Woods bridge¹⁶.

Prior approvals

- 4.11 Prior approvals required for the detailed plans and specification of alterations to Kirkgate and Osmondthorpe Lane underbridges were granted last year (CDs 1.20 & 1.21).

5. The statutory and policy context

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 5.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) requires that, in considering whether to grant listed building consent, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) echoes this requirement in respect of applications for planning permission which affect a listed building or its setting. With regard to the exercise of the provisions of the planning Acts within a conservation area, section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

The Development Plan

- 5.2 The Development Plan for Leeds includes the Core Strategy (CD 2.14), the Site Allocations Plan (CDs 2.28-2.28.04), the Aire Valley Leeds Area Action Plan (CDs 2.30 & 2.30.01), the Natural Resources and Waste Local Plan (CD2.17), the saved policies of the Unitary Development Plan (UDP) Review (CD 2.15), and the Garforth Neighbourhood Plan (CD 2.18)¹⁷. I refer below to those policies of most relevance to the Order Scheme proposals.
- 5.3 Spatial Policy 11 of the Core Strategy supports the delivery of an integrated transport strategy, and includes improvements to the rail network as a priority. The supporting text refers to the electrification of the Manchester-Leeds-York route as one of the measures which would improve accessibility to the city centre. Spatial Policy 3 also seeks to improve public transport links between the

¹⁶ CD 7.14, para 3.1.12.

¹⁷ CD 7.40, para 3.

city centre and the rest of the District. Policy P10 expects new development to deliver high quality design, and Policy P11 makes clear that the historic environment will be conserved and enhanced. Other policies in the Core Strategy are concerned with safeguarding the landscape (P12), protecting existing greenspace (G6), and improving biodiversity (G9).

- 5.4 In the Site Allocations Plan (SAP), land at Barrowby Lane is allocated under Policy EG2 for general employment purposes or mixed use which includes general employment. This 21.2ha site includes plots 8-004A and much of 8-002, required for a temporary compound and works access in connection with the rebuilding of Crawshaw Woods bridge¹⁸, work which is intended to be completed by August 2026¹⁹.
- 5.5 There are relevant saved policies of the UDP concerning listed buildings. Policy N14 states that there will be a presumption in favour of their preservation, and that consent for demolition will be permitted only in exceptional circumstances and with the strongest justification. Wherever possible, features which contribute to the character of a listed building should be preserved, repaired or replaced if missing (Policy N17). The railway passes through tracts of Green Belt to the west and east of Garforth: works involving Crawshaw Woods bridge, the new Barrowby Lane bridge, Ridge Road bridge, and associated with Peckfield level crossing would be in the Green Belt²⁰. Policy N33 sets out limited categories of development which may be acceptable in the Green Belt.
- 5.6 Policy LAND 2 of the Natural Resources and Waste Local Plan stipulates that development should conserve trees wherever possible, and also introduce new trees.
- 5.7 In the Garforth Neighbourhood Plan, Policy GSRE 5 seeks the retention of trees and hedgerows along public rights of way (PRoWs) where appropriate, and supports additional planting in these locations: Policy GSRE 12 seeks to retain the extent of tree and hedgerow cover more generally. Proposals on or adjacent to PRoWs should respect their function, character and outlook, and ensure continuity of access to the network (Policy GSRE 7(a)). Both Policies GSRE 9 & 10 support enhancements to biodiversity.

The emerging Leeds Local Plan

- 5.8 The emerging Leeds Local Plan Update includes policies relating to carbon reduction, flood risk, green and blue infrastructure, place-making and sustainable infrastructure (CD 2.19). Consultation on pre-submission changes to the emerging Local Plan Update concluded in December 2023, but at the date of the inquiries it had not been subject to formal examination and carries limited weight. Policy SP11A supports rail infrastructure improvement which minimises any potential adverse environmental, social and economic impacts, and maximises benefits. Among other considerations, heritage assets along route corridors should be protected or enhanced, with opportunities taken to minimise OLE fixings. Other policies would seek to protect existing trees (G2A and G2B) and support 10% biodiversity net gain (G9). Other policies would be included in the Leeds Local Plan 2040. At the date of the inquiries this plan was

¹⁸ See plans at CD 2.28.02 and CD 1.09.05.

¹⁹ See the programme for bridge works in paragraph 4 of CD 9.37.

²⁰ The extent of the Green Belt is shown on figure 13 of CD 1.13.

at a very early stage of preparation, consultation on the scope of the plan having concluded in March 2023²¹, and it merits minimal weight.

Transport policies

5.9 The Integrated Rail Plan for the North and Midlands was published by the Secretary of State for Transport in 2021. It includes an intention to fully electrify and upgrade the Transpennine main line between Manchester, Leeds and York²². The Strategic Transport Plan published by Transport for the North in 2019 makes the point that rail is one of the most effective ways to improve access opportunities for people in the North. Reference is made to the TRU as a principal rail intervention, and the benefits in journey time, capacity and reliability which it should deliver²³. A rolling programme of electrification and upgrades to the rail system, building on the Transpennine scheme, are proposed in Policy 40 of the West Yorkshire Transport Strategy 2040²⁴, produced by the West Yorkshire Combined Authority and the five district councils, and adopted in 2017. The North Yorkshire Local Transport Plan 2016-2045, produced by the County Council and adopted in 2016, strongly supports improvements to the Transpennine rail network, which provides key links between the County and the major city regions across the North of England²⁵.

Other policy documents

5.10 Paragraph 7 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Chapter 9 includes policies which are concerned with the promotion of sustainable transport: paragraph 108 makes clear that opportunities from proposed transport infrastructure should be realised and that opportunities to promote public transport use should be identified and pursued. National Green Belt policies are included in chapter 13: in paragraph 155 the categories of development which are not inappropriate in the Green Belt include local transport infrastructure which can demonstrate a requirement for such a location. Opportunities to improve biodiversity should be integral to the design of development (paragraph 186(d)). Tests to be used in assessing the impact of proposals on heritage assets are set out in chapter 16. Where a proposal would lead to substantial harm or total loss of significance of a designated heritage asset, consent should be refused unless the substantial harm or total loss is necessary to achieve substantial public benefits or a series of other criteria are all satisfied (paragraph 207). Where less than substantial harm to the significance of a designated heritage asset would occur, this harm should be weighed against the public benefits of the proposal (paragraph 208). Paragraph 209 addresses the effect of proposals on the significance of non-designated heritage assets: in this situation a balanced judgement is required, having regard to the scale of any harm or loss and the significance of the asset.

5.11 I have also taken into account relevant sections of Planning Practice Guidance (PPG).

²¹ CD 7.40, page 3.

²² CD 2.05, page 14.

²³ CD 2.09, pages 94, 101 & 102.

²⁴ CD 2.10, page 44.

²⁵ CD 2.12, page 79.

5.12 The National Policy Statement for National Networks (CD 2.21) is primarily concerned with national significant infrastructure projects, but it may also be a material consideration on applications that fall under the Town and Country Planning Act 1990. Paragraph 2.1 states that there is a critical need to improve national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity. Government policy in the short to medium term is to improve the capacity, capability, resilience and reliability of the rail network at key locations for both passenger and freight movements (paragraph 2.37).

6. Overview of representations

The Order

6.1 A total of 34 objections were received by the DfT to the proposed Order, together with 3 supporting responses, and 5 other representations²⁶. Three objections, all from individuals, had been withdrawn by the close of the inquiries²⁷, as had representations from the Environment Agency, Royal Mail and National Highways. Furthermore, LCC advised that it had reached agreement on all matters raised in its original objection apart from that relating to Peckfield level crossing (CD 7.47). An additional objection was received after the inquiry had opened (CD 9.27). No new issues were raised by this objection, and the Applicant had the opportunity to submit a written response (CD 9.45). I do not consider that the interests of any party would be prejudiced by taking that objection from Mr Preston into account.

Deemed planning permission

6.2 Although no representations were received which expressly referred to the request for a direction for deemed planning permission, several objections to the Order addressed the works for which the direction was sought.

Open space certificates

6.3 No representations were received in respect of the application for an open space certificate for land at Penny Pocket Park. The application concerning land at Austhorpe Lane attracted a joint objection from three individuals (CD 4.Obj/60), but by the close of the inquiries two of the individuals had withdrawn their objection (CDs 9.22.01 & 02).

Listed building consents

Austhorpe Lane bridge

6.4 Objections were received from the Victorian Society and three other parties. Five other representations were received from the Council, Historic England, the Georgian Group, West Yorkshire Archaeology Service and Historic Buildings & Places, and another party provided a supporting response.

Crawshaw Woods bridge

²⁶ The responses from Micklefield PC and Mr & Mrs Mann were identified as representations by the Department, and respectively given the references. It is clear from their content that both representations include objections to the proposed Order, and I have considered them as such, under references CD 4.Obj/63 and CD 4.Obj/64.

²⁷ CDs 4.Obj/08, 4.Obj/23 & 4.Obj/30.

- 6.5 No objections were received to this application for listed building consent. Three representations were received from the Council, Historic England and West Yorkshire Archaeology Service.

Brady Farm bridge

- 6.6 Objections were received from the Victorian Society and 20 other parties. Five other representations were received from the Council, Historic England, the Georgian Group, West Yorkshire Archaeology Service and Historic Buildings & Places.

Ridge Road bridge

- 6.7 Objections were received from the Victorian Society, Micklefield PC and two other parties. Five other representations were received from the Council, Historic England, the Georgian Group, West Yorkshire Archaeology Service and Historic Buildings & Places.

7. The case for Network Rail

Overview

- 7.1 The NTR is one of the key East-West arteries across the Northern economy. It is in urgent need of improvement. Reflecting that need, the NTR is subject to NR's TRU: a series of projects whose objective is to improve journey times and capacity between key destinations on the NTR and to improve overall reliability and resilience, as well as providing environmental benefits, including a contribution to the Government's objective of reducing carbon emissions. The authorisations and powers sought through the draft Order and associated consents are required to ensure the timely and effective delivery of those incremental benefits, in addition to ensuring that the full benefits of the TRU programme are realised.
- 7.2 At the inquiries there was no objection to or questioning of the strategic aims or objectives of the Order Scheme. Without the Order Scheme, and the works associated with its 17 elements, the overall benefits of the TRU programme will not be realised in full²⁸.

The aims and objectives of, and the need for, the Leeds to Micklefield Enhancements

- 7.3 The NTR is one of the key east-west arteries across the northern economy. It forms the most direct existing rail link between Manchester and Leeds: it is used as a spine to link wider economic centres, including Newcastle, Hull and Liverpool, and connects city centres to smaller towns, commuting areas and key sites such as Manchester Airport. It is one of the busiest lengths of rail at peak times on the national rail network. It is identified for significant growth in the future²⁹, but has not seen significant infrastructure investment to increase capacity for many years. The network is becoming increasingly crowded and congested; journeys are slow and unreliable; and there is limited capacity to accommodate growth on the existing infrastructure.

²⁸ The 17 elements of the Order Scheme are listed in CD 7.02, para 6.2.4. The importance of all these elements is referred to at CD 7.02, para 6.3.14.

²⁹ CD 7.02, paras 3.3.1-3.4.4.

- 7.4 The time has come to enable the railway to play its proper part in meeting the transport needs of the northern region, both now and in the future. There is support for the project from Government, regional and local transport and planning authorities³⁰. This is the position adopted in transport planning policy at national, regional and local level³¹. Funding has been committed, including £3.9 billion announced in December 2023³².
- 7.5 In order to address challenges on the route and support the objectives of supporting economic growth and levelling up opportunities across the North of England, NR is promoting a series of projects as part of the TRU programme. This is a series of railway upgrade projects between Manchester, Huddersfield, Leeds and York, the purpose of which is to improve journey times and capacity between key destinations on the NTR, to improve the overall reliability and resilience of the NTR, and to promote environmental benefits from a modal shift to rail and electrification.
- 7.6 The TRU aims to deliver³³:
- i) A journey time for Leeds – Manchester Victoria of 43-44 minutes, compared with an existing time of 46-52 minutes.
 1. A journey time for York – Manchester Victoria of 67-69 minutes, compared with an existing time of 76-82 minutes.
 - ii) Capability to operate 8 express and 6 local services an hour on the route, compared with 6 express and 4 local services an hour at present.
 - iii) A minimum 92.5% public performance measure, compared with an average over the last two years between 70-83%.
 - iv) The retention of existing freight paths.
 - v) A contribution to NR’s Decarbonisation Strategy.
- 7.7 The works which would be authorised, or enabled by, the Order Scheme are primarily associated with the E234 project (above, para 4.2), which includes electrification and upgraded signalling, and consequential journey time improvements, increased capacity and enhanced resilience and reliability on the line.
- 7.8 The works authorised or facilitated by the draft Order and associated consents are associated with two proposed interim milestones of the TRU Programme. All works required for modern signalling on this section of the NTPR need to be installed and available for use in time for the proposed timetable change in December 2025, and that means that the level crossings need to be closed in advance of that date³⁴. The second milestone is the proposed timetable change in December 2028, which requires all electrification equipment to be in place by the end of 2027³⁵.

³⁰ See CD 7.03, appendix 2; CD 6.02, table 1, point 1; CD 4.Sup/02 & 03.

³¹ CD 1.19, section 7.

³² CD 7.02, section 5; CD 7.03, appendix 2 page 249; CD 9.06.

³³ CD 9.34, see the table on page 1.

³⁴ CD 7.02, para 6.3.13 refers to December 2024; updated in Mr Vernon’s oral evidence to December 2025.

³⁵ CD 7.02, para 6.3.13 and Mr Vernon’s oral evidence.

- 7.9 The Order Scheme would contribute to most of the TRU objectives, including improved line speed, improved efficiency and reliability of the railway, and environmental benefits with electrification enabling the replacement of diesel trains³⁶. In addition the Order Scheme would deliver important benefits in the form of improved safety arising from the closure of five level crossings, and reduced operating and maintenance costs.
- 7.10 The need for each of the 17 elements of the Order Scheme is addressed under the following categories.

Listed bridges

- 7.11 Each of the four listed bridges requires some form of intervention if this section of the line is electrified, as there is insufficient distance between the track and the bridge soffits to allow for the installation of OLE. Where OLE is to be installed, standards require a minimum clearance of 270mm between the underside of the bridge and the electric line. Whilst it is possible to install OLE with lesser clearances (by installing a voltage limit device, also referred to a surge arrester) that would require NR to obtain a derogation from standards³⁷. None of the bridges, with tracks in their current position, are capable of providing OLE with even sub-functional electrical clearance.
- 7.12 The options considered included track lower and track slue, including options which would not achieve the minimum 270mm clearance but would require a derogation from standards, and, for Austhorpe Lane, Brady Farm Bridge, and Ridge Road bridge, bridge jacking to raise the height of the structures. All of these options were ultimately discounted, for reasons including the extent of track alterations required, the impact on railway operations with lengthy line closures involved, and the risk of collapse if jacking of a masonry bridge were attempted.
- 7.13 Structural intervention to each of the bridges was therefore identified as the only feasible solution. In relation to Austhorpe Lane, Ridge Road, and Brady Farm bridges, this requires the demolition of the existing structures, with, at Austhorpe Lane and Ridge Road, a replacement bridge being provided over the railway. At Crawshaw Woods, NR has been able to identify a solution whereby it can remove the existing cast iron arch, build up the height of the existing abutments, install a new weight bearing bridge deck, and reassemble the cast iron arch, to raise the soffit of the bridge to a sufficient height to enable the installation of OLE.

Strategic compounds

- 7.14 The draft Order includes powers for NR to temporarily possess land required for strategic compounds at Wykebeck Avenue, Manston Lane and Phoenix Avenue. Those compounds need to be located strategically across the route to minimise nightly travel time during possessions, allowing rapid access by construction teams to the relevant working areas, thereby optimising the project delivery programme.

³⁶ In oral evidence, Mr Harrison explained that bi-modal trains may be used, but it was intended that these would involve electric running.

³⁷ Mr Harrison, evidence in chief.

Other bridge compounds

7.15 The Order would also authorise NR to temporarily possess land for compounds to support bridge replacement works at Kirkgate, Marsh Lane and Osmondthorpe Lane. The railway bridges at Kirkgate and Marsh Lane need to be replaced with new bridges to accommodate the increased dynamic loads of proposed line speed increases (currently 35 mph to 55mph) together with the additional weight of bi-modal trains³⁸. The works will primarily be managed from the main Marsh Lane construction compound³⁹, but compounds are required next to the existing bridge locations to enable the replacement works to be carried out. The underbridge at Osmondthorpe Lane needs to be replaced due to significant modifications to the track layout in the area, which will affect its alignment as the track approaches and crosses Osmondthorpe Lane⁴⁰.

Level crossings

7.16 Introducing additional train services with longer, quieter trains raises the risk at level crossings. The Office of Rail & Road requires that where there is a change in railway operations so as to raise the risk then NR must undertake a new assessment and consider all options that will mitigate the risk so far as is reasonably practical⁴¹. Moreover, bridleway crossings require a minimum wire height of 5.2m⁴², and changes in wire height should be minimised to ensure high quality, high speed current collection.

Other works

7.17 The four small parcels of land at the top of the railway embankment in Penny Pocket Park are required for the installation of a new signal gantry and signalling lock-out devices⁴³. The new gantry would provide bi-directional signalling, which means that in the event of a failure or breakdown on one of the lines into Leeds station, trains would be able to be diverted onto another line, thus increasing flexibility and the resilience and reliability of the railway. The lock out devices would enable contractors on this section of the line to lock out the section of line they need to work on closer to the area where the work is required.

7.18 The track sectioning cabin at Micklefield is needed to safely regulate the power supply to OLE in the area and thus to enable electrification of the line⁴⁴.

7.19 The new access road off Newmarket Approach is needed to provide a suitable access into the Neville Hill Sidings (where the Neville Hill main

³⁸ CD 7.05, paras 3.4.2.5, 3.4.3.4 & 3.4.3.5, and oral evidence of Mr Harrison in chief.

³⁹ This main compound is not included within the draft Order. It is to the east of the temporary compound and to the south of Marsh Lane, Land & Works plans sheet 1 (CD 1.09.01).

⁴⁰ CD 7.05, para 3.4.4.3.

⁴¹ CD 7.23, para 2.4.1.

⁴² CD 7.26, para 3.2.5.

⁴³ CD 7.05, para 3.6.1, and examination in chief of Mr Harrison.

⁴⁴ CD 7.05, para 3.6.2, and examination in chief of Mr Harrison.

compound will be located), the existing access off Red Lane now being constrained by the installation of a track sectioning cabin⁴⁵.

The main alternatives considered and reasons for choosing the preferred options

Strategic alternatives

7.20 There are no high-level strategic alternatives that would deliver the benefits of the Order Scheme without investing directly in the infrastructure⁴⁶. The only other major cross-Pennine route infrastructure is the M62 motorway, which has recently undergone a full modernisation and capacity increase scheme but is already at capacity. There are other rail routes, such as the South Transpennine Route and Calder Valley line, but those are smaller in scale and already subject to works to address their own issues. There have been some improvements as a result of investment in new rolling stock, but challenges remain around performance, reliability and capacity for local and express services, which can only be resolved through infrastructure investment⁴⁷.

Listed bridges

7.21 Details of the options considered for the works to each of the listed bridges is set out in the Alternative Options Evaluation Study which accompanies each of the listed building consent applications⁴⁸. Consideration had been given to avoiding the need for structural intervention to the bridges through lowering and/ or slueing of the existing tracks (including options which would result in a clearance of less than 270mm and so require a derogation from standards, above, para 7.12). In each case, track lower/slue was not considered feasible due to the topography, the extent of works required either side of the bridges as a result of the lowering or slueing of the tracks, and the impact on railway operations due to the extensive time which the works would take.

7.22 The cost of track lower and slue options is calculated to range between £10.1million for track slue at Brady Farm bridge and £24.3million for track lower and slue at Austhorpe Lane, whereas the most expensive of the preferred options would be the reconstruction of Ridge Road bridge at £7.9million⁴⁹. Consequently track lower and slue options are graded highly unsupportive in terms of cost.

7.23 Bridge jacking is not a proven approach on a masonry structure, and there is concern about the potential risk of collapse and closure of both the railway and, at Austhorpe Lane and Ridge Road, the road. Although the pantographs which transmit the current from the OLE to the trains could be lowered, it would not be practicable for this to be done on a frequent basis

⁴⁵ CD 7.05, para 3.6.3, and examination in chief of Mr Harrison.

⁴⁶ CD 7.02, section 7.2.

⁴⁷ CD 7.02, section 7.4.

⁴⁸ CDs 1.18.12, 28, 19 & 37.

⁴⁹ CD 9.36, comparison table on page 3. Even using figures for sub-functional clearance, the cost of track lower and slue works would exceed the cost of the preferred options for the bridges concerned.

along the line, particularly as a train could travel 1.6km (1 mile) whilst this operation occurred⁵⁰.

- 7.24 The views of consultees have been taken into account in developing the design for the replacement bridges and the reconstruction of Crawshaw Woods bridge.

Compounds

- 7.25 A series of criteria were assessed to determine the location of the compounds.

Level crossings

- 7.26 In respect of Barrowby Lane and Barrowby Foot crossings, four options were considered: a bridleway bridge, a subway, enhancements of Barrowby Lane and closure of Barrowby Foot, and enhancements of Barrowby Lane and renewal of Barrowby Foot with miniature stop lights and telephones. The preferred option of a bridge would improve safety and retain PRow connectivity.
- 7.27 Five options were assessed at Peckfield: a footpath or bridleway through the adjacent Micklefield recreation ground, variations on option 1 with additional sections of bridleway running to East Garforth (option 2) or north-south through the recreation ground (option 3), a bridleway bridge and a footbridge. The bridges would involve diversions of 300m or 500m, involve significant cost and require disruptive railway access. A bridleway bridge is estimated to cost £4-6million and a footbridge slightly less, whereas the most expensive of the other options (option 2 involving construction of a significant length of new bridleway) would, at £2-3million, be below the cost of either bridge⁵¹. The additional sections of bridleway in options 2 and 3 raised concerns about the connection with the A656 and safety in the recreation ground respectively. Option 1 would provide an accessible alternative route with minimal cost and environmental impact and is included in the Order Scheme. A subway had been discounted at an early stage due to potential technical difficulties and, in the case of a position to the east, the impact on the recreation ground and mature trees.
- 7.28 No alternative route was required for Garforth Moor crossing as an appropriate diversion was already available via the existing highway and PRow network, with the Order limited to providing a new private right of way for the benefit of the allotment holders to the north of the level crossing.
- 7.29 At Highroyds Wood, the crossing had been temporarily closed on safety grounds since 2021. An appropriate diversion was proposed, using an existing underbridge and involving limited PRow diversions.

Other works

- 7.30 There are limitations on where the new signal gantry and lock-out devices can be located at Penny Pocket Park due to existing infrastructure and feed distances.

⁵⁰ Mr Harrison in response to questions from the Inspector.

⁵¹ CD 7.26, paras 3.5.21-3.5.72.

Summary on alternatives

- 7.31 There has been robust consideration of potential alternatives to the options included within the Order Scheme. The Scheme development and optioneering process has been informed by consultation and engagement with key stakeholders. Careful consideration has been given to impacts on those using existing infrastructure, including those with protected characteristics, impacts on affected landowners, and the importance afforded to heritage assets in designing and developing the Order Scheme, as well as to the operational needs of the railway, constructability and cost.
- 7.32 Detailed consideration was given to the potential impact on those persons with protected characteristics in the options assessed for level crossings, including Peckfield. The absence of an equality impact assessment or a diversity impact assessment does not prevent the Secretary of State fulfilling the public sector equality duty.

The impact of the closure of Peckfield level crossing

- 7.33 NR has been informed by four level crossing surveys undertaken in 2014, 2016, 2021 and 2023, the origin and destination undertaken in parallel with the 2023 level crossing user survey, and public consultation on the proposed closure of the level crossing⁵². None of the user surveys showed any evidence of use by equestrians, although there was some anecdotal evidence of such use provided through the public consultation on the closure proposals.
- 7.34 Level crossing user surveys are carried out as part of the level crossing risk assessment process. Both a quantitative and qualitative assessment of risk is undertaken, together with the application of structured expert judgement. This approach applies equally to consideration of the proposed permanent closure of Garforth Moor crossing.
- 7.35 Insofar as Peckfield crossing is concerned, the proposed diversion route would provide users of the level crossing coming from the north with a choice between continuing down the Great North Road and then turning right into Pit Lane, or travelling down Lower Peckfield Lane, then east along the new bridleway/footpath, out to the Great North Road, then south to Pit Lane. These alternatives would increase the existing journey for a pedestrian to the south side of the level crossing by about 260m/ 3.5 minutes and about 828m/ 11 minutes respectively⁵³. These alternatives are acceptable having regard to their length, the interfaces with trafficked roads which users are likely to experience today, and that the Great North Road provides a step free, tarmacked and lit route with segregation for pedestrians from vehicles⁵⁴.
- 7.36 The longest addition to journey distances and times via the diversion route would be for occupants of the Railway Cottages, on the north side of the railway, wanting to reach a point immediately to the south of the level crossing. The diversion route via the new footpath/bridleway through the

⁵² Summarised in table 1 of CD 3.11.

⁵³ CD 7.29, paras 6.9 & 6.10.

⁵⁴ CD 7.29, section 6.

Recreation Ground and via the Great North Road and Pit Lane would substitute a journey distance of around 40m and a journey time of less than a minute (excluding any wait time at the crossing) with one of around 900m, a journey of around 11 minutes. However that would be the worst case, and the 2023 origin-destination survey indicated that the most level crossing use was by local people involving dog walking.

- 7.37 The use by equestrians and cyclists of the carriageway of the Great North Road, and by pedestrians, equestrians and cyclists of the parking area and entrance to the recreation ground and the entry/ exit points onto the roads were all addressed in the Non-Motorised User Safety Assessment⁵⁵. There is nothing raised in the Assessment which is a problem.
- 7.38 Given that the majority of objectors would prefer to see the level crossing replaced with a bridge, there are five additional points to make. A bridge would add distance to the route (above, para 7.35), a stepped footbridge would not be accessible to all users, a bridge would not currently be supported by a cost benefit assessment⁵⁶, land outside NR's boundary would be required, and the timescale for the December 2025 timetable change would not be achieved.
- 7.39 The ecology assessment identified the potential loss of scattered trees, and hence loss, fragmentation and/or degradation of district and local value habitats⁵⁷. To address that potential impact, the Order Scheme would provide embedded mitigation, in the form of micro-siting of the proposed passing places along Lower Peckfield Lane to avoid tree loss (identified in a landscape and ecological management plan (LEMP)) and the design of the path surface of the proposed new bridleway/footpath to avoid a requirement for excavation and to safeguard the root protection area of veteran tree T44 in particular. These measures are intended to be secured through planning conditions. NR is committed to achieving a biodiversity net gain of 10%, which would be provided within LCC's administrative boundary, and which could also be secured through a planning condition⁵⁸.

The impact of the closure of Garforth Moor level crossing

- 7.40 The works to provide an alternative means of access and parking facility for the allotments on the north side of the level crossing are the subject of a planning application which it is anticipated will be determined in the near future⁵⁹. NR is not aware of any issues having been raised regarding the application which would be likely to lead to its refusal. Concern about maintenance of the track, having regard to the access it provides to certain existing properties, could be addressed when the necessary rights are granted to LCC (as freeholder of the allotments) to allow for the rights of access over that track to the allotment holders⁶⁰.

⁵⁵ See CD 3.11.

⁵⁶ CD 7.23, para 6.7.1.

⁵⁷ CD 7.11, para 7.1.3.

⁵⁸ CD 7.11, section 4.3.

⁵⁹ CD 9.46.01.

⁶⁰ Mr Thomas, evidence in chief.

- 7.41 No new PRow is proposed in connection with the extinguishment of part of Definitive Footpath Garforth 7, since a suitable diversionary route already exists over the public highway (via Barwick Road) and the existing PRow network, commencing with Footpath 7A which meets Barwick Road to the north of the railway underbridge. It was not necessary to provide a new footpath from Barwick Road, since Footpath 7A is less than 100m north of the alternative route previously the subject of a public path creation order, involving an additional 1¼ minutes walk, and there is no material difference between that 100m and the section of Barwick Road which precedes it. To reach the junction of footpaths 7 and 8A and the allotments would, at about 220m and 3 minutes, be slightly further⁶¹.
- 7.42 There are no impacts on ecology, wildlife or biodiversity arising from the closure of Garforth Moor level crossing.

Highway impacts

- 7.43 Ridge Road would be closed whilst the works are being undertaken to demolish and remove the existing bridge deck, until the new bridge deck has been installed and works to create the new highway it will carry are completed. This could be a period of up to 9 months, but that was primarily driven by the likely gap between the two 29 hours rail possessions required to firstly remove and then replace the bridge deck, although NR was seeking to negotiate a shorter timeframe between those two possessions⁶². The suggested diversion route via the A63 Selby Road/ A642 Wakefield Road would involve an additional journey time of around 11 minutes. There is a 7.5 tonnes weight limit on the A642 through Garforth, but three alternative southbound routes for goods vehicles travelling to and from Sturton Grange Farm, access to which is to the north of Ridge Road bridge, have been identified⁶³. Compensation is not generally available under the Compensation Code for losses resulting from temporary closure of the public highway.
- 7.44 The diversions and their potential effects would require careful management. These are matters which would be discussed and managed through the Highways Working Group and the various protocols provided for under the Highways Agreement which has been entered into with LCC, which make provision (amongst other matters) for a traffic management plan to be submitted to and approved by the Council to manage the impact of construction works on highway users⁶⁴.
- 7.45 Except for some periods during the work, it is expected to be possible to maintain pedestrian and cycle access along Ridge Road via a temporary scaffold bridge.
- 7.46 It is intended that the impact of construction traffic would be subject to a construction traffic management and travel plan (CTMTP), secured by a planning condition. The CTMTP would include construction access routes, prohibited routes for construction traffic, any proposed time restrictions on

⁶¹ CD 7.29, para 5.30.

⁶² Mr Harrison, evidence in chief.

⁶³ CD 9.39, para 6.

⁶⁴ A summary of the Highways Agreement is at CD 9.10.

any routes, and details of the monitoring of construction heavy goods vehicles for compliance with the CTMTP.

- 7.47 At Newmarket Approach, the works to create the new access to Neville Hill Sidings would include features to ensure the safety of persons using the cycleway which the access road would cross, and to ensure the priority of those users⁶⁵. Matters concerning safety and design have been before the Council during its consideration of the planning application, and it is expected that planning permission will be forthcoming (above, para 4.8). Temporary construction impacts would be managed by an appropriate diversion during the short duration of the works.

Irrigation system at Peckfield House Farm

- 7.48 A water pipe on Brady Farm bridge leads from Sturton Grange Farm to the irrigation system at Peckfield House Farm. The pipe was installed without consent, and has not been in use for some time⁶⁶. Peckfield House Farm is in separate ownership from Sturton Grange, and is farmed by another party. The owner of Peckfield House Farm has explained that she has no claim to use Brady Farm bridge or the water pipe and that she has no objection to their removal⁶⁷. There need be no concern about the impact of the demolition of Brady Farm bridge on the irrigation systems at Peckfield House Farm.

Impact on wildlife and biodiversity

- 7.49 There would be no proposed tree felling at Manston Lane where a strategic compound is proposed. An outline restoration plan for the site, secured through the Environmental Agreement, has been put forward⁶⁸. Steps would be taken to reduce the impact on trees at Austhorpe Lane, and an outline LEMP and restoration proposal have been put forward⁶⁹.

The criteria for justifying compulsory purchase powers

- 7.50 The Order, if made, would authorise NR to permanently acquire or to temporarily use land required not only in connection with the works authorised under the Order itself, but the remaining land required to deliver the wider package of works across the TRU E234 footprint. The Order has been drawn to ensure that it includes sufficient land and rights to ensure that the Order Scheme (and the wider Scheme of which it forms part) can be delivered.
- 7.51 There are some instances in which it has now been possible to reach agreement with the landowner or tenant for Network Rail to use or occupy land required in connection with the Order Scheme, and for which powers of compulsory acquisition or temporary possession are included within the draft Order. In such cases, where draft terms have been agreed, or licence agreements completed, that land needs to remain within the Order limits to ensure that the Scheme can be delivered in the event that agreed heads of

⁶⁵ CD 7.08, sections 3.24-3.31.

⁶⁶ Mr Makin in evidence in chief and cross-examination.

⁶⁷ CD 4.Obj/30A.

⁶⁸ CD 1.16.01, figures 8.5.3 & 8.6.2.

⁶⁹ CD 1.16.01, figures 8.5.2 & 8.6.1.

terms do not ultimately progress to legal agreement, or in the event that a licence agreement is not complied with or is terminated for any reason.

- 7.52 The Scheme is justified on transport grounds, and there is a compelling case in the public interest for powers to compulsorily acquire land and rights and to temporarily possess and use land for the purpose of the Scheme. There are no impediments to delivery of the Scheme. It enjoys express support from Government and funding to enable its implementation is committed.

The request for deemed planning permission

- 7.53 The Scheme is in accordance with the broad thrust of national and local planning policy and attracts support from both the NPPF and the Development Plan.
- 7.54 The Order Scheme works would involve development in the Green Belt at Barrowby Lane, Peckfield level crossing, Crawshaw Woods bridge and Ridge Road bridge. The works at Barrowby Lane and Peckfield level crossing are local transport schemes which justify a location in and do not compromise the openness of the Green Belt. They are thus consistent with paragraph 155c of the NPPF. Even if the works at Barrowby Lane were not considered to fall within the scope of paragraph 155(c), very special circumstances would outweigh the harm caused, as with Crawshaw Woods bridge and Ridge Road.
- 7.55 The works at Crawshaw Woods and Ridge Road bridges do not fall under paragraph 155(c) of the NPPF as they are of more than local importance, being required for electrification of the route. However, very special circumstances are present in this case to clearly outweigh the harm caused by these elements of inappropriate development, given the importance of the TRU as a key component of national transport infrastructure, with the Scheme being essential to maintaining and improving the performance and capacity of the line, its support for Government policy on sustainable transport, achieving reductions in green gas emissions and reducing congestion, and the delivery of economic benefits.

The listed building applications and cultural heritage

- 7.56 NR has worked closely with Historic England and LCC throughout the development of the Order Scheme. There is no substantive objection either to the making of the Order (insofar as it affects those structures) or to the grant of listed building consent for any of the four listed bridges from Historic England or the Council.
- 7.57 In respect of the individual structures, their significance lies in part in their signature design related to the engineers that constructed them. Their significance is inextricably linked with the railway which they were built to serve. Most of the bridges on the Leeds to Selby line were designed as single semi-elliptical arches. Although only two tracks were laid, the railway had been planned to accommodate four tracks, and the basket arch bridges were a distinctive solution to the requirement for a wide span⁷⁰. Twelve

⁷⁰ CD 9.23, sections 3.4.2 & 4.4.2; CD 1.18.01, para 4.2.4.

basket arch bridges remain⁷¹, including Austhorpe Lane, Brady Farm and Ridge Road. Crawshaw Woods bridge is a cast-iron overbridge: it is one of only two cast-iron bridges built over the railway, and is understood to be the earliest cast-iron bridge in place over an operational railway anywhere in the world⁷².

7.58 The design for their replacements, which reflects the existing structures, would provide offsetting for the substantial harm caused by the loss of Austhorpe Lane and Ridge Road bridges. Substantial harm would also be caused through the loss of Brady Farm bridge, and less than substantial harm by the rebuilding of Crawshaw Woods bridge. The evidence produced in support of the listed building application substantiates the proposed intervention in accordance with the policy requirements in paragraphs 207 and 208 of the NPPF. There is a clear need for the Order Scheme in order to deliver the very substantial benefits of the TRU programme. The Order Scheme benefits cannot be delivered without the interventions to the assets for which listed building consent is sought. The works to these listed buildings are in accordance with the Development Plan and with heritage policies in the NPPF.

7.59 The heritage assessment undertaken has not been limited to the four assets for which listed building consent is sought. There has been a careful assessment of the impact of the Order Scheme on the other assets, including Leeds Minster, the Leeds City Conservation Area and the railway itself. No harm would be caused to the significance of the Minster and the Conservation Area⁷³, and the harm to the railway would be low and outweighed by the benefits of the Order Scheme⁷⁴.

Public open space

7.60 Four small plots of land are required at Penny Pocket Park to allow for the installation of new railway infrastructure, amounting in total to 229.5 square yards. NR has applied for a certificate that the Order need not be subject to special Parliamentary procedure, by reason of the size, location and quality of the land sought to be acquired, being four small plots of land at four points immediately adjacent to the railway at the top of a steep railway embankment⁷⁵. No objections have been raised to the Secretary of State's letter of 25 September 2023 indicating that he is minded to give the certificate.

7.61 Two small parcels of land are also required at Austhorpe Lane, which are located between the railway and Austhorpe Lane (plots 7-010 and 7-16B). A second certificate is sought under section 19(1)(b), having regard to the size, location and quality of the land, being two small plots adjacent to the

⁷¹ The heritage assessment for Austhorpe Lane, Brady Farm and Ridge Road bridges (CD 1.18.01) refers, at paragraph 4.2.4, to 13 basket arch bridges remaining, whereas the alternative options evaluation studies for Austhorpe Lane and Ridge Road refer to 12 (CDs 1.18.12 & 1.18.37, both para 3.1.5), and that for Brady Farm refers to 11 in the project area (CD 1.18.19, para 3.1.4). The Applicant's witness indicated at the inquiry that the correct figure is 12.

⁷² CD 1.18.01A, paras 4.2.6 & 4.2.7.

⁷³ CD 7.32, para 5.2.15.

⁷⁴ CD 7.32, paras 5.2.9-5.2.11.

⁷⁵ CD 1.18.38.

active railway, parts of which are in steep embankment, and of no inherent value or significance as open space.

7.62 NR also seeks to acquire rights over two further plots at Austhorpe Lane (plots 17-017A and 7-016A), being in effect an easement for the installation and maintenance of an underground gas pipe (the high pressure gas main to be diverted as Scheduled Work No 2) with a small monitoring post at surface level. With almost all of that apparatus being underground, it is not considered that those rights would prevent recreational use of the land as open space or that the imposition of the rights would result in the land being less advantageous to the person in whom it is vested or the interests of the public than it was before. A certificate is therefore sought under paragraph 6(a)(1) of Schedule 3 to the 1981 Acquisition of Land Act.

Modifications to the draft Order

7.63 NR has proposed a number of discrete modifications to the Order⁷⁶. Separately the Council has proposed that the Order be made with a modification requiring a bridleway bridge at Peckfield. However this is not a case where a modification of the nature and extent sought should be recommended.

7.64 The modification sought would be a fundamental alteration to what is proposed to be provided for Peckfield level crossing to be closed. The proposal would be to replace what is essentially a provision within the Order to extinguish the PRow over the crossing following the creation of a new section of PRow running through Micklefield Recreation Ground with a new scheduled work, requiring its own plans and sections, limits of deviation and planning permission. There are no such plans, nor any assessment of the potential impacts of such a proposal. In the absence of plans and land referencing, it is not clear how it would be possible to identify those persons who should be consulted upon such a modification.

Conclusion

7.65 The Order should be made and the associated consents granted to ensure that this much needed upgrade to the NTPR can proceed without delay.

8. The case for Leeds City Council

The Council's position

8.1 LCC supports the Order Scheme in principle. Agreement has been reached with NR on matters covered by the statement of common ground, the highways agreement, and the environmental agreement⁷⁷, but the Council has an outstanding objection in relation to the closure of Peckfield level crossing.

Peckfield level crossing

8.2 The current proposal would sever bridleway Micklefield No 8 and the alternative route would not provide a safe, traffic-free route for bridleway users. The alternative route would involve users having to, at points, enter onto the

⁷⁶ The Order including the modifications proposed by NR is at CD 9.15, and a track changes version is at CD 9.16. A schedule of the proposed modifications at CD 9.17, and a revised explanatory memorandum is at CD 9.20.

⁷⁷ The revised statement of common ground is CD 6.02, a summary of the highways agreement is at CD 9.10, and the environmental agreement is at CD 9.09.

highway and share the same routes as vehicular traffic, with a number of instances where the highway would need to be crossed where there is no provision for doing so safely. It does not appear to have been considered in the light of duties under the Equality Act 2010 with regard to access and inclusion for all users of the bridleway, as no equality impact assessment appears to have been submitted. The proposed alternative route through Micklefield Recreation Ground would be unsuitable and inconvenient.

- 8.3 The proposed alternative route would be unsuitable for the following reasons:
- i) The recreation ground has a number of mature trees which introduces a risk of deadwood falling onto the public.
 - ii) There is no lighting in the area and none is proposed as part of the application.
 - iii) There is the potential for protected species to be inhabiting the scrub land adjacent to the recreation ground and the recreation ground itself.
 - iv) The proposed alternative route through the recreation ground could pose a risk to users of the recreation ground and the bridleway, particularly where the route would run alongside the football pitches.
 - v) The proposed alternative route through the recreation ground would utilise the existing car park which would potentially be more dangerous and hazardous for walkers and other bridleway users.
 - vi) If the new PRoW is to be dedicated as a bridleway it would not be an appropriate width for users to pass each other conveniently and safely. Similarly, if it is to be provided as a public footpath, it would not afford the same rights to horse riders and cyclists as they currently enjoy.
- 8.4 The effect on the local community of the loss of the railway crossing and associated connectivity within the PRoW network, particularly when the population locally is rising due to new housing development is a relevant factor. The proposals do not meet the relevant test in section 5(6) of the Transport and Works Act 1992 for the provision of an alternative.
- 8.5 Land on the south side of the level crossing is in the process of being acquired by travelling showpeople, and not by travellers who, it may be considered, would make less frequent use of the crossing. The employment sites to the south of the Peckfield level crossing are accessed on a regular basis by the local community, and the crossing is often used as the primary route for this. Closure of the Peckfield level crossing would lead to the local community being required to take a longer route to get to their destinations, and the route would be unlit and the proposal unsafe in comparison to the current provision.

Heritage

- 8.6 Demolition of the grade II listed Austhorpe Lane, Brady Farm and Ridge Road bridges would result in total loss of their significance and substantial harm. The harm to these structures would be outweighed by the public benefits of the

TRU⁷⁸. Similarly the less than substantial harm resulting from the significant alteration to Crawshaw Woods bridge would be outweighed by these public benefits⁷⁹.

- 8.7 The replacement signal gantry proposed on the Kirkgate/ Marsh Lane viaduct would be more substantial and have a more significant visual impact than the existing structure. It would cause less than substantial harm to the setting of the grade I listed Leeds Minster, the grade II listed northern boundary wall of the Minster and war memorial, and to the City Centre Conservation Area.
- 8.8 It is agreed with NR that the Leeds-Selby railway is a non-designated heritage asset. The significance of the asset would not be adversely affected by the Order Scheme.
- 8.9 Having regard to the policy on designated heritage assets in the NPPF, there is no objection on heritage matters.

Conclusion

- 8.10 The Order should be made with a modification to include a requirement for a replacement bridleway bridge in place of the proposals submitted relating to the closure of Peckfield level crossing.

9. The case for Micklefield Parish Council

Peckfield level crossing

- 9.1 The de facto diversion for all users of bridleway 8 originating and continuing beyond the junction of Lower Peckfield Lane with the Great North Road and to the south of the level crossing would be along the Great North Road north of the railway, under the Great North Road railway bridge and along Pit Lane south of the railway, an extra distance of about 260m.
- 9.2 Whilst it might be that the diversionary route is acceptable and appropriate for horse riders and cyclists, the Parish Council believes that it is not acceptable and appropriate for pedestrians. Pedestrian connectivity between the southern and northern parts of the village along Lower Peckfield Lane needs to be maintained via a footbridge, although if it were determined that a bridleway bridge is needed, the Council would be content with that outcome. Moreover the alternative of an underpass appears to have been discounted without a satisfactory reason when the topography indicates that such a solution could be possible.
- 9.3 Bridleway 8 across Peckfield level crossing provides a non-vehicular route to access the local school, the only local shop, the doctors' surgery, the sole public house and workplaces from the south of the village, which is increasingly necessary due to the large housing development being built on Pit Lane, and for residents in the north of the village to access workplaces, including those within Peckfield Business Park, adjacent to the level crossing. The level crossing is well used by pedestrians, there were an average of 45 pedestrian crossings per weekday and a maximum of 81 pedestrian crossings at the weekend in 2023.

⁷⁸ Austhorpe Lane CD 4.Report/1, pages 4 & 5; Brady Farm CD 4.Report/2, pages 3-5; Ridge Road CD 4. Report/4 pages 3-5.

⁷⁹ CD 4.Report/3, pages 3 & 4.

A bridleway through Micklefield recreation ground

- 9.4 The Parish Council maintains its objection in principle to the creation of a bridleway in Micklefield Recreation Ground. It is inappropriate to route a bridleway through a recreation ground having regard to the health and safety of both horses and riders and users of the recreation ground. The proposed route would cross between the changing rooms and training areas and could create movement conflicts and safety issues⁸⁰. There is, though, no objection to a cycle route through the southern part of the recreation ground⁸¹.
- 9.5 As far as the Council is aware, NR has not provided any example of a bridleway having been created within a multi-purpose recreation ground with functioning sports pitches.
- 9.6 A new length of bridleway is not required. The existing bridleway starts at the bends on the Great North Road, with no other bridleways leading up to it. The new bridleway through the recreation ground would exit onto the Great North Road a few hundred metres to the south. That point can be reached by continuing along the road, which would also avoid the need to make two right turns and the associated danger of oncoming traffic. The proposed diversion would effectively create a large dog-leg: such a proposal offers no more practical value to horse riders than continuing along the Great North Road for a much shorter distance.

Ridge Road bridge

- 9.7 Whilst the Parish Council had previously argued in favour of jacking up the bridge, it is acknowledged that it would not be a reasonable proposition, given that jacking a stone arch bridge has never been done, and to attempt to do so over an intensively used operational railway would be inappropriate. Lowering the track bed or slewing the two existing tracks into the centre of the arch are physically viable solutions that would enable Ridge Road bridge to be retained in its current form. Each of those two solutions has significant problems, both in terms of disruption to track access and overall cost. However, the whole point of granting listed building status to the bridge is for the State to have a greater control as to what happens to it. Altering or otherwise developing listed buildings in such a way as to retain their visual integrity is almost always a more costly exercise than completely demolishing them and re-developing the site.
- 9.8 If the bridge is demolished there would be an opportunity to incorporate a bridleway within its replacement. This could also be a fall-back if it was considered that a bridge was not justified at Peckfield.
- 9.9 Extended closure of Ridge Road due to replacement of the bridge would cause problems. The diversions would be lengthy and there is concern that a considerable amount of additional traffic would go through Micklefield. Signage and other measures would be needed to limit inappropriate diversions through the village.

⁸⁰ CD 5.05, para 2.15 and plan of the recreation ground.

⁸¹ Councillor Crossley in evidence in chief.

Conclusions

- 9.10 Mitigation measures for the closure of Peckfield level crossing should include the provision of a stepped footbridge (if the provision of a bridleway bridge cannot be justified). This should be achieved either by modifying the draft Order, or including the closure of Peckfield level crossing in a separate Order. Mitigation measures for the closure of Peckfield level crossing should not include the creation of a bridleway through Micklefield Recreation Ground.
- 9.11 The full visual image of the basket arch of Ridge Road bridge should be maintained on both faces, either unaltered in its existing position, or by careful dismantling and recladding the original stone to a new metal arched supporting structure.

10. The case for the Peak and Northern Footpaths Society

The position of the Society

- 10.1 Section 5(6) of the Transport and Works Act 1992 states that: *An Order ... shall not extinguish any public right of way over land, unless the Secretary of State is satisfied – (a) that an alternative right of way has been, or will be provided, or (b) that the provision of an alternative right of way is not required.* The Society believes that this legislation is reinforced by the Guidance to Transport and Work Acts Procedures published by the Department for Transport⁸².
- 10.2 The Society is broadly supportive of the overall goals of the Scheme, and it has not objected to extinguishments of PRoWs at Barrowby Lane, Barrowby Foot and Highroyds Wood level crossings where adequate alternatives would be provided. However, the Society has objected to the proposed closure of the Garforth Moor crossing which carries Garforth Footpath 7, and the Peckfield level crossing which carries Micklefield bridleway 8. This is because the Order Scheme does not include acceptable measures.

Garforth Moor level crossing

- 10.3 LCC, as the Highway Authority for this footpath, recognised the need for a satisfactory alternative in 2017. When NR applied for a railway crossing extinguishment order, the response was that a concurrent public path creation order would be needed to provide an alternative to the extinguished section of footpath.
- 10.4 In the absence of such an alternative, the obvious route now is to walk along the footway of Barwick Road and take PRoWs which could also be used, in part, by horse riders, cyclists and vehicles from properties which use Footpath 7A for access. The creation of a new private access for allotment holders has the potential for further mixing of pedestrians, horse riders, cyclists and vehicles using parts of Footpath 7A. The footway of Barwick Road narrows to 0.76m underneath the railway bridge. Vehicles have been noted as parking partially onto the footway north of the railway bridge outside a row of houses, and the footway is narrow north of the houses.

⁸² Commentary on Schedule 1 to the TWA, para 4.

Peckfield level crossing

- 10.5 The level crossing which carries Micklefield bridleway 8 is an important link between two sections of the village for those seeking an off-tarmac alternative to sharing space with vehicles on Pit Lane and the Great North Road. The bridleway is used for private access to properties along the route both north and south of the crossing. However, the amount of such vehicular traffic is likely to be less than that which a user of the bridleway would encounter along Pit Lane and the Great North Road. This traffic is likely to be increased by housing development to the south of Pit Lane. The footway along Pit Lane is not continuous on one side, and is of inadequate width for shared use by higher rights users according to the Highway Authority officers' evidence. Cyclists and horse riders would have to share space with vehicles going to/from the new estate and from the industrial units further west. Vehicles park on the footways which could force pedestrians onto the carriageway.
- 10.6 The legal status of Pit Lane seems to be that of an unclassified road, which raises uncertainty as to what category of highway user is entitled to travel along it, apart from pedestrians. If this is correct, there is a question as to whether cyclists or horse riders could legitimately use Pit Lane before the existence of higher rights than a footpath have been determined or created.
- 10.7 Provision of a footpath through the recreation ground could not be an alternative for a bridleway. That would create a cul-de-sac public bridleway along Lower Peckfield Lane. Provision of the bridleway option would simply return users back to the Old Great North Road. The proposed footpath or bridleway options also have the potential to create conflicts of interest between users of the recreation ground such as footballers and rugby players playing immediately adjacent to the new PRow.

Conclusions

- 10.8 Extinguishment of the PRow over Garforth Moor level crossing should not be included in the Order, as no suitable and convenient alternative would be provided. Extinguishment of the PRow over Peckfield level crossing should not be included in the Order, as neither of the options put forward as an alternative would be suitable and convenient.

11. The case for Councillors Lewis, Harland & Millar

- 11.1 The overall objectives of the TRU and the upgrading of Lower Peckfield Lane are supported. However the Councillors object to the proposal to extinguish the existing PRow (definitive bridleway Micklefield 8) by the closure of Peckfield level crossing without the provision of a bridge.
- 11.2 The usage figures set out in the Planning Statement⁸³ are not a compelling argument to extinguish the PRow. It is considered that potential future usage has not been considered in the option selection. The former colliery site is allocated in the Local Development Framework for employment use (E3B:6 Peckfield Business Park, Micklefield) and has the capacity for significant extra development, and the housing site to the south of Pit Lane (Leeds LDF site ref HG2-125) is not fully built out.

⁸³ CD 1.13, paras 4.8.5 & 4.8.7.

- 11.3 It is not accepted that the purpose of PRowWs is diminished if the main use is by local people or dog walking.
- 11.4 As two bridge options have been considered⁸⁴, it is understood that these are technically feasible options that can maintain the existing PRow and allow the crossing to be closed.

12. The case for Makins Enterprise Ltd & C W Makin

- 12.1 Makins Enterprise Ltd is owned by Mr Makin, and based at Sturton Grange Farm, with access taken from the west side of Ridge Road, to the north of the bridge over the railway. There is no objection to the principle of upgrading the railway line, and agreement has been reached with Northern Gas concerning the diversion of the gas main⁸⁵.
- 12.2 Closure of Rigby Road due to the bridge would have a significant impact on the businesses which operate from Sturton Grange. No appropriate alternative route has been identified: there is a 7.5 tonnes weight limit in Garforth and the available routes are longer. In 2022 and 2023, there were over 39,000 vehicle movements in and out of Sturton Grange, of which over 27,000 were HGVs⁸⁶. It is calculated that the additional distances would involve costs of between £517,864 and £613,260 for HGVs, but NR has advised that no compensation would be payable.
- 12.3 An airstrip at Sturton Grange runs parallel to the access road, and the position of a crane on the northern side of the railway would conflict with aircraft movements.
- 12.4 Brady Bridge is a grade II listed building and is an important heritage asset. The proposed permanent removal of it would have a significant impact on the heritage of this area, and the use of some of the material in the re-building of the bridge would be inadequate compensation.
- 12.5 A water pipe was installed on Brady Farm bridge in the 1970s⁸⁷, enabling the land to the south of the railway, at Peckfield House Farm, to be irrigated from the borehole at Sturton Grange. The farms were run as a single business until 2010. Peckfield House Farm is now owned and farmed separately from Sturton Grange. Although the irrigation system has not been used since 2010, Makins have been in negotiations to acquire land at Peckfield House and would hope to re-use the irrigation system⁸⁸. An alternative means of carrying the pipe over the railway would address the concern on this matter.

13. Written representations

The draft Order

- 13.1 Leeds Local Access Forum (CD 4.Obj/24) objects to closure of Peckfield level crossing without provision of a bridleway or pedestrian bridge. The alternative route would increase hazards for equestrians due to use of the Great North

⁸⁴ CD 7.26, figures 27 & 28 and paras 3.5.55-3.5.72.

⁸⁵ Mr Makin, evidence in chief.

⁸⁶ CD 9.11.

⁸⁷ The statement of case for the Objector (CD 5.04) refers to installation of the pipe in the 1980s, but at the inquiry Mr Makin gave evidence that the irrigation system was put in place in the 1970s.

⁸⁸ Mr Makin, evidence in chief.

Road. Ashdale Land & Property Company (CD 4.Obj/06) objected to the acquisition of plots 12-001 and 12-002 to form passing places on Lower Peckfield Lane. Although the objection remained in place at the close of the inquiry, an agreement with NR had been prepared and was simply awaiting legal completion (CD 9.28).

- 13.2 There remain 25 written objections from individuals⁸⁹ which refer to the following matters: demolition of listed bridges; highway safety and traffic movement at Austhorpe Road/ Lane; the closure of Peckfield level crossing, the lack of a replacement bridge, and the unsuitability of the route through the recreation ground and along a main road; the extent of land acquisition; adverse effects on amenity, landscape, wildlife and trees; increased noise, fuel use and emissions; threat to development prospect near Garforth Moor level crossing; insufficient consultation; concerns about road closures and compound locations; suspension of train services; and the implications of the use of the replacement access to the allotments near Garforth Moor crossing. Mr Crowhurst (Objector 29) has advised NR that he wishes to withdraw his objection, but he has been unable to do so⁹⁰.
- 13.3 Supporting representations were received from the Office of Road & Rail, North Yorkshire County Council, and the West Yorkshire Combined Authority.
- 13.4 Two other representations remained outstanding at the close of the inquiry, one referring to the temporary closure of the cycleway at Newmarket Approach, and the other for the need for consideration to be given to the risk posed by coal mining features⁹¹.

Open space certificate – Austhorpe Lane

- 13.5 An objection from Mr J Freeman⁹² refers to the impact of development on the woodland at Austhorpe Lane and suggests that the gas pipe should be re-routed along the line of the road.

Listed building consent applications

- 13.6 The Victorian Society has objected to each of the applications, except that concerning Crawshaw Woods bridge. The objections express support for the upgrade of the TRU, but argue that it has not been established that there are no other viable or practical ways of delivering the public benefits of the programme.
- 13.7 In respect of Austhorpe Lane bridge, three other objections refer to highway safety, the loss of a grade II listed building and the need for any replacement to more closely reflect that structure, and protected species. Two other written representations to the Ridge Road bridge application object to the loss of a listed building. There were 20 written objections to the Brady Farm bridge application, in addition to that from the Victorian Society. Objections refer to the

⁸⁹ There were 35 objections, including one late objection (above, para 6.1). Of these, three were withdrawn, five were the subject of inquiry appearances, and two from organisations are mentioned in para 13.1, leaving 25 written objections from individuals.

⁹⁰ CD 9.29, page 9.

⁹¹ CD 4.Rep/01 from Dr Graham, and CD 4.Rep/07 from The Coal Authority.

⁹² The objection was submitted by Mr J Freeman jointly with Mr P Freeman and Ms J Freeman. Mr P Freeman and Ms J Freeman have subsequently withdrawn their objections – see CDs 9.22.01 & 02.

historic importance of the bridge, the loss of access across the railway and the case for a replacement, highway safety concerns due to increased pedestrian use of Ridge Road, and the effect on wildlife.

- 13.8 Historic England explains that it has been involved in detailed pre-application discussions regarding the TRU for several years. It has worked closely with NR and the CC to mitigate the harm and maximise public benefits through quality designs. Whilst the demolition of three bridges would cause substantial harm to their significance and harm to the historic interest of the Leeds to Selby line as a whole⁹³, and the rebuilding of Crawshaw Woods bridge would cause harm to its significance⁹⁴, the upgrading of the route and the public benefits which go with it would not otherwise be possible. No objection is made to any of the applications. Similar comments are made by the Georgian Group, Historic Buildings & Places and West Yorkshire Archaeology Advisory Service in respect of the three bridges proposed for demolition, and West Yorkshire Archaeology Advisory Service has made a similar response to Historic England in respect of Crawshaw Woods bridge.
- 13.9 A supporting representation for the Austhorpe Lane application refers to the need for the bridge to be upgraded to carry two lanes.

⁹³ CDs 4.Rep/09, 4.Rep/14 and 4.Rep/22.

⁹⁴ CD 4.Rep/19.

14. Inspector's conclusions

14.1 My conclusions are structured to reflect the statement of matters about which the Secretaries of State wish to be informed []. References to earlier paragraphs in this report are in square brackets.

The aims and objectives of, and need for the Leeds to Micklefield Enhancements (matter 1)

- 14.2 The Enhancements Scheme covers a 16km stretch of the railway east of Leeds [3.1]. It is part of the NTPR, an important west-east rail link across the country, which not only connects the important centres of Manchester, Huddersfield, Leeds and York, but also provides links further afield to Liverpool, Newcastle and Hull [4.1, 7.3].
- 14.3 The NTPR is a well-used route, and it is one of the busiest lines in the country at peak times [7.3]. Although well-used, the railway suffers from several inter-related problems. It is congested, and journeys can be slow and unreliable [7.3]. Punctuality was poor in the period prior to the covid-19 pandemic, with only 38% of trains on the NTPR arriving at stations within a minute of the scheduled time, and performance in this respect had declined over the five years from 2014/15 to 2028/19⁹⁵. Poor performance has the potential to adversely affect train services on connecting lines.
- 14.4 Although work has commenced on projects to upgrade the line, NR referred to earlier periods when there was a lack of investment. The need to address these problems applies to the NTR as a whole, including the Leeds – Micklefield section.
- 14.5 The TRU programme has been developed to combat the challenges on the NTPR, and to support economic growth and levelling up in the North of England. It comprises a series of projects which are intended to improve journey times, increase capacity, and secure enhanced resilience. In addition, electrification would contribute to the objective of decarbonisation. There is support for the programme in the Integrated Rail Plan for the North and Midlands, the Strategic Transport Plan for the North, the West Yorkshire Transport Strategy, and the North Yorkshire Local Transport Plan [5.9]. Works have already been carried out on certain sections of the line, but to achieve the full benefits, improvements throughout the route are required.
- 14.6 The purpose of the Enhancements Scheme, reflecting the intentions behind the TRU, is to improve journey times, increase capacity and achieve greater reliability, through electrification and other infrastructure alterations [7.7, 7.9]. As the Order Scheme represents a fundamental part of the wider Enhancements Scheme, it is required to achieve the purpose of this part of the TRU. The closure of level crossings between Leeds and Micklefield would improve safety, and is a prerequisite for faster journey times. Furthermore, removal of the crossings and the installation of modern equipment would reduce operating and maintenance costs.

⁹⁵ CD 7.02, para 3.3.3 & figure 2.

- 14.7 At present there are speed restrictions of 25-55mph in places along the route, and it is intended that the upgrade would enable these to be increased to 75mph⁹⁶. Journey times between Manchester and York would decrease by up to 13 minutes, enabling additional services to be operated [7.6, 7.7]. There would be the capability to run four additional passenger services per hour on the line, whilst retaining existing freight paths [7.6]. In short, the various components of the Scheme would contribute to improving the operation of the railway. There were no objections to the principle of the Order Scheme, and several of the objectors made it clear that they support the intention to upgrade this stretch of railway.
- 14.8 The Leeds to Micklefield Enhancements Scheme would directly address identified problems on the NTPR, and, as part of the TRU, it would help to improve connectivity and provide a boost to economic development in the North, consistent with the levelling up agenda. Measures to secure electrification, install new signalling equipment, and close level crossings are important, not only to achieve local improvements to the east of Leeds, but also to ensure that the wider potential benefits of the TRU would not be diminished. I conclude that the aims and objectives of the Scheme are consistent with the TRU programme and transport and planning policies, that there is a need for the Scheme in order to secure transport and economic improvements, and that the measures proposed would have a beneficial effect on railway operations.

The main alternative options, and the reasons for choosing the preferred option (matter 3)

The Leeds to Micklefield Enhancements

- 14.9 Consideration has been given to possible alternatives to the Order Scheme as part of the TRU and to various individual elements. The other main Transpennine route identified is the M62 motorway. Modernisation has recently been undertaken to the motorway, but the undisputed evidence before me is that it is nonetheless operating at capacity [7.20]. Moreover, investment in a major road scheme would not address problems associated with Transpennine rail journeys, nor would it offer the environmental benefit of directly contributing towards decarbonisation of the transport system.
- 14.10 The Pennines are crossed by other rail lines. Improvement works are being undertaken to the South Transpennine Route between Manchester and Sheffield, but this line does not provide linkages to the major centres of Leeds and York, nor northern connections to Newcastle and Scotland. Reference has been made by the Applicant to work on other lines such as the Calder Valley line [7.20], but the route map⁹⁷ indicates that the greatest opportunities for its use are to the west rather than the east of Leeds, and in any event, these other lines are being upgraded to a level sufficient to serve as a diversionary route to TRU projects. I am also mindful that work has been advancing on other parts of the NTR [4.1], to which the Leeds – Micklefield Enhancements would provide a logical extension.

⁹⁶ CD 7.02, para 3.2.1.

⁹⁷ CD 7.02, figure 1.

The listed bridges

- 14.11 The installation of OLE requires greater clearance to the underside of bridges. The four bridges at Austhorpe Lane, Crawshaw Woods, Brady Farm and Ridge Road are insufficiently high to provide the standard clearance of 270mm above the OLE [7.12, 7.21]. Whilst it may be possible to obtain a derogation for a lower clearance, there would be insufficient height on at least one of the existing tracks at each of these bridges for a train and its pantograph (the roof-mounted equipment providing electrical power to the train) to be accommodated [7.11]. Lowering the pantograph may enable a train to pass under a bridge, and, as trains are expected to be bi-modal, the alternative diesel power supply would enable momentum to be maintained. However, there is no evidence to demonstrate that in these cases that operation would enable trains to pass safely below the bridges concerned, and, even if it would, there remains the risk of bridge strike given the distance a train can travel whilst lowering of the pantograph occurs [7.23]. It was clear from the engineering evidence of NR that altering the height of the pantograph whilst a train is in motion, whilst technically possible, is not a desirable way to proceed.
- 14.12 Where it is impractical for trains and OLE to be accommodated below overbridges, options for physical intervention fall to be considered. Lowering and/ or slueing the tracks offer the prospect of retaining the bridges in their present form. However, these interventions would necessitate track work for between 0.5 and 0.9km to each side of the bridges concerned⁹⁸. That would involve rock breakout and subsequent stabilisation at all bridges other than Crawshaw Woods, but there extensive excavation would be involved⁹⁹.
- 14.13 Each of the options considered for these interventions, including those at Brady Farm and Ridge Road for track slue alone would involve excavation and a consequent risk of increased risk of surface water flooding and damage to the railway, notwithstanding the installation of drainage. Austhorpe Lane, Crawshaw Woods and Ridge Road bridges are all in areas of mine workings, where remediation works may be required to support the railway. The extent of realignment from Crawshaw Woods is expected to impact on the design of the proposed station at Thorpe Park¹⁰⁰; similarly Cross Gates station is within the expected 0.6km extent of works expected to the west of Austhorpe Lane and the expected minimum slue to the north-west of Brady Farm bridge would extend past East Garforth station, with potential impacts on platform edge distances¹⁰¹.
- 14.14 These options, involving extensive works, would all be significantly more expensive than other options to which detailed consideration has been given [7.22]. They would also necessitate closure of the line for a prolonged period of time, estimated at up to 10 weeks by NR¹⁰². Moreover the track slue option at Crawshaw Woods bridge would preclude the upgrading of the railway to four tracks, and would not allow for future proofing of the Scheme in this way.

⁹⁸ CD 1.18.12, para 6.4.10; CD 1.18.28, para 8.5.10; CD 1.18.19, paras 4.4.4 & 4.5.2; CD 1.18.37, paras 4.3.4 & 4.4.2.

⁹⁹ CD 1.18.28, para 8.5.3.

¹⁰⁰ CD 1.18.28, para 8.5.8.

¹⁰¹ Mr Harrison, evidence in chief.

¹⁰² Mr Harrison, evidence in chief.

- 14.15 Bridge jacking, involving raising the level of the structure, is the preferred option for Crawshaw Woods bridge. The original structure of this bridge is cast iron, and it is noteworthy as the oldest cast iron bridge over an operational railway in the world. Refurbishment and reinstatement of the cast iron elements would retain the key features of the structure. Although, at £3.7 million, it would be more expensive than replacement with a standard flat deck (about £1.4million), it would be significantly less than the track lower/ slue option which is calculated to cost £14.6 million¹⁰³.
- 14.16 Bridge jacking a masonry arch of the span of the other three bridges has never been carried out above an operational railway¹⁰⁴. Accordingly it was viewed as a high risk option. It would also involve a continuous four weeks' closure of the railway which would be highly disruptive. At Ridge Road, nearby junctions would require realignment due to the increase in height of the carriageway, resulting in disruption to traffic movement. The effect at Austhorpe Lane would be more severe: the increase in height could not be accommodated due to the relationship with accesses to nearby dwellings.
- 14.17 For both Austhorpe Lane and Rigby Road bridges, the preferred option is replacement of the existing structure. This option would be less disruptive with several extended weekend possessions of the railway, and the design of the structures has taken into account aspects of the basket arch form of the existing bridges. It also scores highly in terms of cost-effectiveness, and at Austhorpe Lane there is the opportunity to provide a lane in each direction on the carriageway as opposed to the present single lane bridge.
- 14.18 At Brady Farm a replacement bridge could be provided with limited disruption and taking design cues from the existing structure as at Austhorpe Lane and Ridge Road. However, the bridge is effectively redundant: it carries no public highway or right of way, and the land on each side is owned and farmed separately [12.5]. The cost saved if the bridge is not replaced would be of benefit elsewhere on the TRU programme, and the preferred option is to simply remove Brady Farm bridge.
- 14.19 The Victorian Society has objected to each of the listed building applications involving demolition of a bridge on the basis that it has not been established that there are no other ways of delivering the public benefits [13.6]. Each of the bridges has been subject to a thorough assessment of options, including consideration of approaches which would retain the existing structures. I find no shortcomings in the scope of this exercise, and I return to consideration of the preferred options later in this report (paras 14.129-14.131).

The level crossings

- 14.20 The five level crossings on this stretch of the line provide bridleway and footpath access across the railway. Barrowby Lane has miniature stop lights, and both it and Peckfield have telephones for use by equestrians. There are no other measures in place to control crossing behaviour. These crossings are an existing source of risk. It is intended that trains would be travelling more quickly along the upgraded line, and the inquiry heard that electric trains are quieter

¹⁰³ CD 9.36, comparison table on page 3 and CD 1.18.28, para 8.3.5.

¹⁰⁴ Mr Harrison in response to questions from the Inspector.

than diesel stock. In consequence, risk to users of PRowS would increase unless the crossings are closed, and those closures need to be in place to remove a constraint to the intended operation of the railway.

- 14.21 I consider the options for Garforth Moor and Peckfield in later sub-sections (below, paras 14.34-14.59), in conjunction with other matters relating to those crossings.
- 14.22 Barrowby Lane and Barrowby Foot crossings are not far apart and were considered together in development of the Order Scheme. Options to enhance Barrowby Lane and to either close Barrowby Foot or renew it with miniature stop lights and telephones would not provide the safety improvements sought due to the retention of one or both crossings. NR's assessment was that safety would actually decrease having regard to the increase in rail traffic and the introduction of quieter electric trains. Additionally, the proximity of Barrowby Lane to the location of the proposed Thorpe Park station would add complexity to signalling design. I note also that the retention of either Barrowby Lane alone or both level crossings would not be consistent with the possible future provision of a four track railway, since NR's default position is that there should not normally be more than two lines at a crossing. On the ground of safety alone, I concur with NR that these options were appropriately discounted.
- 14.23 The other two options involved the closure of both crossings and their replacement with either a subway or a bridge. Provision of a subway, on the east side of Barrowby Foot crossing, would be a complex operation, involving embankment stabilisation and use of open cut construction, and would involve extensive disruption to railway operations. This option also raises drainage and security concerns, and at £7-10 million, is calculated to be the most expensive solution. The preferred option is the construction of a bridleway bridge to the west of Barrowby Lane crossing. This would be a large structure in a Green Belt location (the effect on the Green Belt is considered separately below, paras 14.74-14.78), but it would avoid the problems associated with a subway and, as Barrowby Lane has greater usage, I anticipate that replacement provision close to this location would involve less extensive diversions.
- 14.24 Highroyds Wood level crossing is at the eastern end of the stretch of railway covered by the Order Scheme. A large number of trains stand over or close to the crossing, obstructing it or restricting visibility. As trains may spend significant amounts of time at the crossing, there was concern that pedestrians may be encouraged to walk around them, and camera footage has recorded instances of misuse. The view was reached that this crossing could not be made safe, and, it has been closed under a temporary traffic regulation order since 2021.
- 14.25 A single option is put forward as an alternative to the existing crossing, which involves use of an existing underbridge to the east [7.29]. That could add about an extra five minutes to journey time, but in this woodland location it is likely that the rights of way are mainly used for leisure purposes, and in this context I do not consider that the diversion involved is excessive. Accordingly it is sufficient for there to be a single alternative to the existing crossing.

Other elements of the Order Scheme

14.26 The Order Scheme includes many plots of land which would be acquired, used temporarily or become subject to new rights: in particular land is required for a number of work compounds, and the identification of these derives from the location of other works. Infrastructure work is proposed at Penny Pocket Park due to the importance of increasing flexibility in train movement close to Leeds station. The location of the track sectioning cabinet at Micklefield is determined by the position of existing equipment at Neville Hall and Church Fenton.

Conclusions on the main options

14.27 Consideration has been given to strategic options to deliver improved connectivity across the Pennines and contribute to the levelling up agenda. Given its relationship to major urban centres, the TRU is well-placed to deliver improvements to the transport system and provide a boost to economic growth, and the Leeds to Micklefield enhancements are an integral part of that overall programme. Upgrading this stretch of line faces a challenge in the installation of OLE at four listed bridges, and a range of alternative approaches have been investigated. Similarly, alternatives have been taken into account in considering the way forward for the level crossings on this stretch of the line. I conclude that proper consideration has been given to options in respect of the Order Scheme, and, without prejudging my consideration of other matters (including Garforth Moor and Peckfield level crossings), that there are strong arguments in support of those put forward in the draft Order.

Garforth Moor and Peckfield level crossings (matter 4)

Safety audits and user surveys

14.28 There is an inherent risk associated with the use of level crossings, which at Garforth Moor (prior to its current closure) and Peckfield enable the users of a public footpath and bridleway respectively to cross the operational railway. Garforth Moor is a passive level crossing where there is nothing to warn users of the approach of trains, and whilst there are telephones at Peckfield for equestrians they depend for their effectiveness on the cooperative behaviour of users¹⁰⁵. I note that the Office of Rail and Road, in its *Principles for managing level crossing safety*, states that *The first consideration for all level crossings should be whether there are reasonably practicable alternatives to a level crossing*¹⁰⁶.

14.29 Risk assessments have been undertaken for both level crossings. The ALCRM provides a quantitative assessment of risk, taking account of a range of factors including the extent of use by both trains and the public¹⁰⁷. In addition a narrative risk assessment provides the qualitative judgement of the level crossing manager. Comparison of current ALCRM scores and predicted scores with the Enhancements Scheme in place indicates an increase in risk at both Garforth Moor and Peckfield level crossings¹⁰⁸.

¹⁰⁵ CD 7.23, paras 5.3.1 & 6.2.2.

¹⁰⁶ CD 2.02, para 26.

¹⁰⁷ CD 7.23, paras 2.3.2-2.3.10.

¹⁰⁸ CD 7.23, paras 2.5.3 & 2.5.4.

- 14.30 Peckfield level crossing carries Micklefield bridleway 8. A non-motorised user route safety assessment was undertaken of an alternative route to the existing bridleway using the Great North Road and the section of Pit Lane which runs parallel to the south side of the railway (CD 3.10). The assessment concluded that diversion along these roads would provide an equitable and safe route for displaced users of the level crossing, subject to certain recommendations. I note that the safety assessment does not include the footpath or bridleway proposed as part of an alternative route through the southern part of Micklefield Recreation Ground. However, the safety implications of this route are covered in highways evidence presented to the inquiry on behalf of NR¹⁰⁹.
- 14.31 Level crossing usage is gained from a census survey, which identifies not only adults, cyclists and equestrians, but also those in wheelchairs, on mobility scooters or who are otherwise mobility impaired, and the elderly¹¹⁰. Consequently it takes account of some groups with protected characteristics. At Peckfield a seven days census, incorporating an origin and destination survey, was undertaken in 2023. The Applicant also makes reference to an earlier nine days census in 2021. Garforth Moor crossing is temporarily closed¹¹¹, and the level of usage was estimated from the survey undertaken in 2017.
- 14.32 I am satisfied that the approach to assessing safety and usage was consistent with that generally used in reviewing the situation at level crossings, and that it provided sufficiently detailed information to take into account in considering proposals included in the draft Order.

Garforth Moor level crossing

- 14.33 Garforth Moor level crossing carries both Garforth footpath 7 and a private right of way over the railway. This crossing was temporarily closed on safety grounds about six years ago¹¹². Visibility for users of the crossing is already unsatisfactory, and there was no dispute by other parties to NR's assessment that the installation of OLE would worsen the situation¹¹³.
- 14.34 None of the possible options involving works associated with the crossing such as the installation of supplementary audible warning devices or miniature stop lights would provide adequate mitigation and most would fail to pass a cost benefit analysis assessment¹¹⁴. Whilst the provision of a stepped or ramped footbridge would remove risk, these options would perform weakly in cost-benefit terms. Moreover, NR does not own sufficient land to enable construction of a bridge¹¹⁵.
- 14.35 A diversionary route, involving the use of Barwick Road, to the west of the crossing, and the route of existing footpath 7A and 7 to the north, has been put in place as a consequence of the temporary closure, and it is proposed to make this arrangement permanent. An access track, which follows the line of these footpaths, has been formed for allotment users, together with a parking area at

¹⁰⁹ CD 7.08, section 3.33.

¹¹⁰ CD 7.23, paras 2.3.11 & 2.3.12.

¹¹¹ CD 7.23, para 5.4.1.

¹¹² The Applicant's statement of case says that Garforth Moor level crossing was closed in 2018 (CD 1.19, para 5.3.9); Mr Westwood's proof of evidence gives a date of 2017 for closure (CD 7.26, para 3.4.2).

¹¹³ CD 7.23, paras 5.4.1-5.4.4.

¹¹⁴ CD 9.38, table 5.7.1.

¹¹⁵ CD 9.38, table 5.7.1.

the southern end of the track. These works are the subject of a planning application, which was undetermined at the date the inquiry closed, but the Council advised that approval had been recommended.

- 14.36 The PNFS argues that a new length of footpath should be formed between Barwick Road and footpath 7, thereby reducing the length of walking along Barwick Road by about 100m. The creation of this footpath was previously supported by NR¹¹⁶, but its rights of way witness made it clear that it does not consider the additional footpath necessary, and the proposed diversion route would achieve connectivity between Barwick Road and the wider footpath network to the north of Garforth Moor level crossing.
- 14.37 Based on a census prior to temporary closure of the crossing in 2017, daily average use has been estimated as about 46 pedestrians¹¹⁷. The former vehicle gates had been replaced by pedestrian gates, and a number of people were identified as carrying equipment to the allotments: this is a circumstance which could impede their progress over the crossing and further restrict visibility to the detriment of safety. Provision of a parking area on the north side of the railway would represent a distinct improvement for those persons carrying equipment and materials to the allotments. It should also avoid the prospect of parking on nearby roads. The alternative means of access suggested by the PNFS would not provide any additional benefit over the proposed diversion route for those allotment users travelling by car.
- 14.38 In addition to allotment holders, the other main group using the level crossing was dog walkers. Following extinguishment of the rights of way, these people and allotment holders on foot would need to travel to and from the north side of the railway via the Barwick Road route. For allotment holders and any dog and leisure walkers wishing to reach the junction of footpaths 7 and 8A, there would be an increase in journey length of about 220m, a distance which would take about 3 minutes additional walking time [7.41]. It would not, though, be necessary to travel via that point to reach the wider footpath network to the north. In any event, I do not consider the additional length or time for anyone travelling to and from the allotments or footpath 8A on foot to be excessive.
- 14.39 The nature of the route is also relevant. The footway on the east side of Barwick Road narrows to below 1m under the railway bridge and further north towards footpath 7A. It is nevertheless sufficiently wide to be used by pedestrians. I acknowledge that it would be less easy for wheelchair users and those with a pram to use the footway, but, due to the nature of its surface, the existing route along footpath 7 to the north of the level crossing would be difficult for such users, and the report of the last census makes no mention of them. Barwick Road is not a main route and I do not expect that traffic levels are unduly high. The use of the footway for a further 100m than if an alternative footpath were available would not materially reduce highway safety.
- 14.40 I have also considered the effect of the shared use of parts of the routes followed by footpaths 7A and 7. The access track on the line of footpath 7 would be available for use by the vehicles of allotment holders. There is nothing before me to indicate that vehicle movements would be extensive, and in any event I

¹¹⁶ CD 7.45, appendix 2, pages 2,3 & 11.

¹¹⁷ CD 7.23, section 5.5.

anticipate that vehicles would be travelling at slow speeds along the track in view of the proposed surface of granular aggregate fill and its short length. Footpath 7A follows an unadopted road which serves several dwellings and is used by some agricultural vehicles. As a non-definitive bridleway it can also be used by equestrians and cyclists, and is already a shared surface. This track does not serve any activity likely to generate significant vehicle use, and, as with the track leading to the allotments car park, I expect that the nature of the road would act as a limiting factor on speed. The entrance to the access track is gated: of necessity, therefore, vehicles entering and leaving the track must stop whilst the gate is opened. Having regard to this circumstance and relatively low traffic levels, I do not consider that the extent of visibility available at the junction would be detrimental to highway safety. I find that the use of the proposed alternative route to the right of way across Garforth Moor level crossing would not reduce highway safety, and that the additional journey time for a limited number of pedestrians would not have a materially harmful effect. As such, I share the view of the Applicant that it would not be proportionate to provide an additional footpath between Barwick Road and footpath 7 as suggested by the PNFS.

- 14.41 The proposed alternative route to the level crossing would make use of an existing unadopted road the access track to the allotments. The only works involved would be to provide the granular aggregate fill surface on the track to the allotments. No adverse effects on wildlife and biodiversity would result from the proposal.
- 14.42 Concern has been expressed by residents of two of the properties which are served by the unadopted road about the maintenance implications of additional permanent use [13.2]. The Applicant explained that that is a matter which is capable of being addressed by the inclusion of a maintenance provision in the granting of the right for use of the track to the Council [7.40].
- 14.43 Garforth Moor level crossing is unsafe, and for that reason has been closed on a temporary basis. The Enhancements Scheme with the installation of OLE impacting on visibility, and more and quieter trains would worsen the situation. I am in no doubt that the crossing should remain closed, and that options involving works to upgrade it would not provide an acceptable solution. The alternative route would include use of Barwick Road, an unadopted road and the track to the allotments. It would not, though, reduce highway safety. I acknowledge the concerns expressed about the route by the PNFS, but, in the light of my findings about the proposed route, I find that the formation of an additional length of footpath would be unnecessary, and that the test in section 5(6)(b) of the TWA is satisfied. I conclude that the preferred option to address the problem of Garforth Moor level crossing would not have an unacceptable effect on users.

Peckfield level crossing

- 14.44 Peckfield level crossing carries Micklefield bridleway 8 over the railway. From the north of the railway, the bridleway runs from the Great North Road, along Lower Peckfield Lane and past Micklefield Recreation Ground, and then to the south of the railway along Pit Lane towards the A63.
- 14.45 Several options were considered as part of the scheme to close Peckfield level crossing. As with Garforth Moor, none of the possible options previously

considered involving works associated with the crossing would provide adequate mitigation: additionally the installation of miniature stop lights is not considered a practical solution due to the proximity of a junction and Micklefield station. Consideration had been given to the possibility of a subway, a matter raised by Micklefield PC [9.2]. This was discounted at an early stage due to the extent of rock expected to be encountered close to the surface to the west, and the constraint of construction via an open cut through the embankment to the east [7.27].

14.46 The five options subject to detailed assessment included a new bridleway or footpath through the recreation ground, possible additional lengths of bridleway and bridges over the railway [7.27]. Both the City Council and the PNFS support retention of the link across the railway by means of a ramped bridge, whilst the PC supports a stepped bridge. Construction of a bridge would be markedly more expensive than the other options [7.27]. It would also necessitate the acquisition of additional land and would add about 300m to the route across the railway in the case of a footbridge and about 500m in the case of a ramped bridge. Moreover construction would require disruptive railway access.

14.47 In contrast, the proposal included in the draft Order would simply involve the formation of either a bridleway or footpath through the recreation ground on the north side of the railway, with use made of Pit Lane on the southern side. It would also be open to pedestrians, equestrians and cyclists to continue on the Great North Road rather than to use Lower Peckfield Lane and the diversion through the recreation ground. Option 2 included a bridleway extension to East Garforth, but this would involve the acquisition of additional land and the introduction of a crossing suitable for equestrians on the A656 was deemed unsuitable by LCC due to existing traffic flows and the use of the road as a diversionary route for the M1 motorway¹¹⁸. The final option included a bridleway diversion running through the eastern side of the recreation ground, but the route would pass close to a young children's playground and was discounted because of the safety implications. I am satisfied that thorough consideration of possible alternatives to the level crossing has been undertaken. The preferred option for diversion through the southern part of the recreation ground scores highly in cost-benefit terms¹¹⁹, and avoids the additional complications associated with an extended bridleway to the west or an alternative alignment on the east side of the recreation ground. Use of the Great North Road and Pit Lane would, though, provide a more direct alternative than the options involving diversion through the recreation ground.

14.48 The most recent census, in 2023, recorded an average of about 50 users per day¹²⁰. Apart from 5 cyclists, all users were pedestrians, and, although there is some anecdotal reference to equestrian use in objections to the Order, no equestrians were recorded in the census¹²¹. The position was similar in 2021, when the census recorded a daily average of about 36 users. Seven cyclists were included in the total, and no equestrians. An origin and destination survey

¹¹⁸ CD 7.26, para 3.5.38.

¹¹⁹ CD 9.38, table 6.7.1.

¹²⁰ CD 7.23, para 6.5.3.

¹²¹ The proof of evidence by the highways representative for LCC (CD 7.36, para 4.1.2) says that the Alternative Options Evaluation Summary prepared by NR in respect of Peckfield level crossing describes a consultation exercise showing that 3% of crossings were with a horse. However in its conclusions, the Alternative Options Evaluation Summary states that there are no survey records of equestrian use (CD 3.11, section 1.8).

undertaken as part of the 2023 census identified usage by dog walkers, leisure walkers, and pedestrians making trips to shops and places of work. That is consistent with the evidence of the PC which referred to the role of the bridleway in providing a non-vehicular route to access local facilities and workplaces [9.3].

- 14.49 There is broad agreement between the Applicant and the PC that a diversion along the Great North Road and Pit Lane would be about 260m longer from the northern end of bridleway 8 to the south side of the level crossing [7.35, 9.1]. This would add about 3.5 minutes to a typical journey on foot [7.35]. NR has calculated that using the proposed route through the recreation ground instead would increase journey time by about 11 minutes. The greatest proportionate increase in journey length and time would be from the group of dwellings close to the north side of the level crossing to the south side, albeit that the number of such trips would be likely to be small.
- 14.50 The proposed diversion would in effect replace the level crossing with a new right of way through the recreation ground, a short section of the Great North Road, and that part of Pit Lane parallel to the railway. When considered as part of a longer journey, for example in the context of a journey from the northern end of bridleway 8 to the A63, the additional journey time would be of relatively lesser magnitude. Nevertheless the increase in journey time for pedestrians of 11 minutes between the Great North Road and the south side of the railway calculated by the Applicant would be significant, and it is clear from sheet 12 of the land and works plans that, even for leisure purposes, the diversion does not follow a convenient route.
- 14.51 For equestrians and cyclists the time differential of the diversion would be less, but the route would be indirect. Although the diversion would avoid the use of a stretch of the Great North Road, since there is no bridleway connection to the north of Lower Peckfield Lane, journeys for equestrians and cyclists beyond this point would involve use of the Great North Road. Use of the direct route along the Great North Road would, therefore, only involve similar traffic conditions to those encountered further north, and on southbound journeys it would avoid the need for a right turn to be made from the access to the recreation ground.
- 14.52 For occupants of the dwellings close to the railway crossing, a footpath through the recreation ground would be of benefit, being a similar distance to the existing route to the Great North Road along Pit Lane. Without this provision, those residents would have to use Lower Peckfield Lane, involving a significantly longer journey on foot for any destination not to the north of the Lower Peckfield Lane/ Great North Road junction.
- 14.53 I turn now to consider the nature of the diversion proposed through the recreation ground. Alternatives of a footpath and a bridleway have been put forward for the route of the new right of way which would pass between the changing rooms and areas used for team games. I am concerned that if a bridleway in this location were used by equestrians there would be the potential for horses to be disturbed by sporting activities and to present a hazard to users of the sports facilities making their way across this area. Bearing in mind the census records, it is likely that there would be very little use of a bridleway by equestrians. Nevertheless, it would be inappropriate to permit their passage through a recreation ground where their presence would give rise to conflict. In

this regard, I note that NR's rights of way witness acknowledged the risk involved at the recreation ground, and expressed the view that this would not be a satisfactory route for a bridleway¹²². The PC, which is the sole trustee of Micklefield Recreation Ground Charity, objects to the routing of a bridleway through the recreation ground because of movement conflicts and health and safety concerns [9.4]. It does not, though, object to a footpath / cycle track in this location.

14.54 The non-motorised user route safety assessment of an alternative route to the existing bridleway using the Great North Road and Pit Lane concluded that diversion along these roads would provide an equitable and safe route for displaced users of the level crossing, subject to recommendations including the clearance of overgrowth at certain points and the provision of tactile paving at the junction of Pit Lane and the Great North Road, a matter understood to be covered by a highways agreement with a housing developer¹²³. Footways are generally of insufficient width to permit use by cyclists and equestrians who would be obliged to use the carriageway. The assessment notes that this is already the case and considers that the number of non-motorised users displaced to the Great North Road is likely to be very low¹²⁴.

14.55 At its eastern end the diversion route proposed in the draft Order would join the Great North Road via the vehicular access to the recreation ground. This is a shared surface which is too narrow for two-way vehicle movement. As the access road is short, motorised vehicles would not have had the opportunity to gain much speed. The height barrier would require equestrians, and possibly cyclists, to dismount, and I agree with the Applicant that users of the access are likely to be travelling at low speeds, with no material risk of conflict. Cyclists and equestrians emerging from the access would be turning right across the carriageway onto the Great North Road. Whilst this manoeuvre has the potential for conflict, there is adequate waiting space at the junction mouth, and the numbers of these users are expected to be low. I am satisfied that the proposal for Peckfield level crossing would not reduce highway safety.

14.56 Insofar as wildlife and biodiversity matters are concerned, the only potential effects arising from the works associated with Peckfield level crossing would be the loss of scattered trees caused by formation of passing places on Lower Peckfield Lane and root damage to trees in the recreation ground caused by formation of the diversion route [7.39]. The final location of the passing places would be determined in a LEMP, intended to be submitted in accordance with a suggested condition agreed by the Applicant and the CC. It is the intention that works to form a bridleway or footpath through the recreation ground would be designed to avoid the need for excavation. Conditions requiring submission of a LEMP and a plan identifying how ecological assets would be protected should safeguard tree cover on the southern side of the recreation ground.

14.57 The railway is heavily used, and trains approach the crossing at speeds of up to 90mph¹²⁵. The installation of OLE would restrict visibility which is already deficient for equestrians. Continued use of the level crossing presents an

¹²² Ms Bedford in answer to questions from the Inspector.

¹²³ CD 3.10, paras 4.2.3 & 4.3.3.

¹²⁴ CD 3.10, para 3.2.2.

¹²⁵ CD 7.23, para 6.4.4.

ongoing risk, which would increase with the greater capacity of the railway resulting from the TRU. The crossing should be closed to eliminate this risk.

14.58 There is support from several parties for the replacement of the level crossing with a bridge. Both a foot and ramped bridge, positioned slightly to the west of the crossing, would involve additional distance and considerable expense. Given the availability of a route along Pit Lane and the Great North Road, which is not significantly longer than the existing, I conclude that the level of usage of the crossing does not justify modification of the draft Order to provide a bridge.

14.59 The preferred option of NR for a diversion including a route through the recreation ground would be indirect and the bridleway option would pose risks to the safety of both equestrians and users of the playing areas. An alternative to the level crossing exists in the use of the Great North Road and Pit Lane. The distance by road is not excessive, nor would it be significantly longer than the existing route of bridleway 8, nor lead to a reduction in highway safety. Nevertheless, the footpath through the recreation ground should be retained to avoid an excessive distance between the dwellings by the level crossing and the Great North Road. The proposed footpath would provide an alternative right of way for the residents of those properties in accordance with section 5(6)(a) of the TWA, and, having regard to the circumstances of this case, no other alternative right of way is required. I conclude that, provided the route through the recreation ground is brought forward as a footpath and not a bridleway, the scheme for Peckfield level crossing would not adversely affect the local community.

Highway effects (matter 5)

Austhorpe Lane bridge

14.60 Replacement of the existing single track bridge with one capable of carrying two-way traffic would improve the flow of vehicles on Austhorpe Lane and its continuation to the north, Austhorpe Road. The new bridge would also incorporate a footway, currently provided by a separate footbridge. It has been designed predominantly with regard to standards in the LCC Transport Supplementary Planning Document. Not all relevant standards can be achieved, notably carriageway width, vertical alignment and forward visibility¹²⁶. The design has been constrained by the need to raise the level of the carriageway over the railway and the physical limitations of the site. However it represents an improvement over the existing bridge with the ability to carry two-way traffic, thereby reducing the prospect of conflict between vehicles travelling in opposite directions.

14.61 The road would be closed during demolition and reconstruction work, with a diversion route planned along Austhorpe Road and the nearby B6902 Ring Road. There is nothing to indicate that the diverted traffic cannot be accommodated on the diversion route: indeed the Applicant's assessment is that the level of diverted traffic would be likely to be within the daily variations of traffic flow on the Ring Road¹²⁷, and there is no detailed evidence to the contrary.

Ridge Road bridge

¹²⁶ CD 7.08, sections 3.6-3.9.

¹²⁷ CD 1.16.02, appendix 11A, para 2.5.5.

- 14.62 The bridge carries the A656, a main road which provides access to the M1 to the north, and to the A63, Castleford and the M62 to the south. The bridge has been designed with regard to the standards in the Design Manual for Roads and Bridges. It would largely comply with the relevant standards, but the carriageway width of 7.3m cannot be achieved due to the constraint of an existing property¹²⁸.
- 14.63 The road would be closed during demolition and reconstruction work, a period which could last for about nine months [7.43]. A diversion route is planned using the A642 and the A63. As Mr Makin explained, this route would not accommodate heavy goods vehicles travelling between Sturton Grange Farm and southern directions due to the 7.5 tonnes weight limit in place through Garforth [12.2]. Other alternative routes are available, notably using the M1 westbound to avoid the A642 through Garforth. That journey would be longer and take more time. Mr Makin calculated that the overall additional cost to Sturton Grange Farm of HGVs alone using that route would be over £500,000 [12.2]. The bridge cannot be replaced without closure of the road and the diversion of traffic: however I note that NR is seeking to negotiate a shorter gap between the two railway possessions required to remove and then replace the bridge deck, which would reduce the inconvenience and cost of the diversion. Compensation for additional costs is not a matter for consideration as part of this report, and would not normally be available to cover costs resulting from a temporary closure of the highway. It is, though, open to Mr Makin to submit a claim should he consider this to be appropriate.
- 14.64 The PC is concerned that some traffic would divert through Micklefield, and that local people would be inconvenienced by the closure of Ridge Road [9.9]. As mentioned above, closure of the road is inevitable if the bridge is to be replaced. During most of the closure it is intended to maintain access for pedestrians and cyclists by means of a scaffold bridge, a facility which should provide some mitigation for the local community. Management of diverted traffic, including the provision of suitable signage, would be the subject of consultation with the City Council as Highway Authority, and the highways agreement requires the submission of a traffic management plan prior to the relevant stage of the commencement of authorised works¹²⁹.

Construction traffic

- 14.65 Work would take place at a series of locations along the railway, and would require the possession of land for temporary compounds and access roads. It is intended that a CTMTP would be put in place to control the effects of traffic associated with construction activities [7.46]. The plan would include details of construction routes, time restrictions, controls to prevent mud and other materials being carried onto the public highway, parking and off/loading arrangements. The Applicant and the City Council are agreed that a condition requiring adherence to the Plan should be imposed on a deemed planning permission. Such a condition would only apply to the scheduled works, and railway infrastructure work at Kirkgate/ Marsh Lane, the construction of a track sectioning cabin at Micklefield, and works associated with the closure of Peckfield level crossing and highway improvements and parking space on Lower

¹²⁸ CD 7.08, para 3.17.2.

¹²⁹ CD 9.10, para 2.3(f).

Peckfield Lane. However the environmental agreement would extend the control of the CTMTP to the work compounds.

Neville Hill cycleway

14.66 The bridleway along the south-west boundary of Neville Hill depot is in use as a cycleway. The proposed access road into the depot from Newmarket Approach would cross the cycleway. This stretch of road has been designed to ensure that users of the bridleway/ cycleway would have priority, with give-way markings on the carriageway, and a table-top within the junction which would only involve a raised surface on the new road. The proposed access road was the subject of a planning application, and during consideration of the proposal highway safety would have been a matter for the City Council, as local planning authority, to take into account. LCC has advised that the only outstanding matter was agreement on drainage conditions, and that it expected to grant planning permission for the new access road [4.8].

Conclusions on highway effects

14.67 The Order Scheme would inevitably generate additional traffic and alter some existing movement patterns during the construction period. That would cause inconvenience to users of the road network, but, on the information before me, I conclude that the none of the elements of the Order Scheme would lessen highway safety. Moreover the replacement bridge at Austhorpe Lane would improve traffic flow with the ability to accommodate vehicle movement in both directions.

Irrigation system at Peckfield House Farm (matter 5a)

14.68 The irrigation system at Peckfield House Farm is linked to a borehole at Sturton Grange Farm by means of a pipe across Brady Farm bridge which was installed without consent [7.48]. These two farms had previously been run as a single business, but that is no longer the case, and the irrigation system has not been used for several years [12.5]. The owner of Peckfield House Farm has made it clear that she has no claim to use the water pipe, and that she has no objection to the permanent removal of it or the bridge [7.48]. The inquiry heard that Sturton Grange Farm is operating at capacity, and Makins is consequently seeking to acquire land at Peckfield House Farm, and would hope to re-use the irrigation system. There is no documentary evidence before me to substantiate this aspiration, and it is by no means certain that the two farms will once again operate together. I conclude that the loss of the water supply to the irrigation system at Peckfield House Farm is not a matter which should count against the demolition of Brady Farm bridge.

Effects on wildlife and biodiversity (matter 7)

14.69 The Order Scheme has the potential to affect species and habitats through the disturbance of construction activities and changes associated with new infrastructure. I note that the Order Scheme has sought to embed mitigation in the design of proposals to minimise adverse environmental effects, with design refinements to minimise the loss of vegetation. I have already referred to Lower Peckfield Lane where detailed consideration of the siting of passing places would avoid tree loss (above, para 14.56). At Austhorpe Lane, construction work associated with the new bridge and diversion of the gas main would result in

some tree loss. However, extension of the compound proposed on the south side of the railway to the east would minimise tree loss from a woodland area. It is also intended to exclude a central area to reduce the loss of wet grassland and ephemeral water areas¹³⁰.

14.70 The statement of matters refers to the impact of proposed tree felling on Manston Lane, but no tree loss is intended in this location. A large construction compound has already been formed on Manston Lane: any trees and hedgerows on the road frontage and adjacent to this site would be retained and protected¹³¹.

14.71 Insofar as protected species are concerned, protection would be secured through environmental management procedures. A LEMP which would provide for such measures is suggested as a condition in respect of a deemed planning permission. The environmental agreement would similarly secure mitigation for protected species in respect of the compounds which would come forward as permitted development.

14.72 Two specific circumstances should be mentioned. A bat summer day roost at Ridge Road bridge would be lost, and a mitigation strategy would include removal during winter when bats would be least likely to be present and the provision of a replacement roost¹³². Great crested newts are known to be present near to the site of the Austhorpe Lane compound, and their presence is unconfirmed in the vicinity of Crawshaw Woods bridge and the site of the proposed Barrowby Lane bridge. Work in these areas would proceed in accordance with NR's great crested newt organisational licence from Natural England¹³³.

14.73 It is intended that the Order Scheme would achieve biodiversity net gain of at least 10%: a suggested condition would include this as a requirement in respect of a deemed planning permission, and this level of biodiversity net gain is also specified in the environmental agreement¹³⁴. I conclude that the Scheme would cause some limited harm to habitats and wildlife, but, taking account of the restoration proposals and the commitment to 10% biodiversity net gain, it would benefit nature conservation interests.

The Green Belt (matter 8)

14.74 Four elements of the Order Scheme for which deemed planning permission is sought are at sites in the Green Belt: at Crawshaw Woods bridge, Barrowby Lane, Ridge Road bridge, and Lower Peckfield Lane¹³⁵. I agree with the Applicant that the construction of a bridleway bridge at Barrowby Lane and a parking area and passing places on Lower Peckfield Lane are local transport infrastructure. In accordance with the NPPF, such development is not inappropriate in the Green Belt provided that a requirement for the location can be demonstrated, openness is preserved, and there is no conflict with the purpose of including land within the Green Belt.

¹³⁰ CD 7.11, para 4.1.1.

¹³¹ See figure 8.5.3 in CD 1.16.01.

¹³² CD 1.16.02, appendix 7, para 4.2.2.

¹³³ CD 7.11, paras 6.2.9 & 6.2.10.

¹³⁴ CD 9.09, para 7.1.

¹³⁵ CD 7.14, paras 6.3.4 & 6.3.5.

- 14.75 The works at Lower Peckfield Lane would necessarily be included within the Green Belt since nearby land which is not covered by this designation is part of Micklefield Recreation Ground. There would be no conflict with any of the purposes of including land in the Green Belt, set out at paragraph 143 of the NPPF. The works to provide a parking area and passing places would not involve any above ground built structures, and these facilities are intended to accommodate vehicles which already make use of Lower Peckfield Lane. Moreover the modest scale of the proposals would not result in an adverse visual effect on openness. I am satisfied that this development would not be inappropriate in the Green Belt.
- 14.76 The location for the new bridge at Barrowby Lane is determined by the position of the two level crossings which it would replace, both of which are within the Green Belt, and the importance of establishing a new right of way which would achieve suitable connectivity with the existing bridleway and footpath network. Those considerations necessitate a location within the Green Belt. It would, however, be a substantial structure, with a depth of about 95m and reaching about 8.6m in height, and due to its spatial impact alone it would not preserve the openness of the Green Belt. The proposal would also conflict with one of the purposes of including land in the Green Belt, since the bold and uncompromising lines of the steel structure¹³⁶ would represent a degree of encroachment into the countryside. Consequently, I find that the bridge at Barrowby Lane would represent inappropriate development in the Green Belt.
- 14.77 The works to increase the height of Crawshaw Woods bridge and the replacement of Ridge Road bridge are required to achieve electrification of the route, and, as such, they are not local infrastructure. Neither do these elements of the Order Scheme sit within any other of the categories of exceptions in Policy N33 of the UDP and paragraph 154 and 155 of the NPPF. Consequently, I conclude that they would also be inappropriate development in the Green Belt.
- 14.78 I consider in my overall conclusions (below, para 14.132) whether other considerations clearly outweigh the Green Belt harm and give rise to very special circumstances to justify inappropriate development in the Leeds Green Belt.

Heritage assets other than the listed bridges (matter 8)

Leeds City Centre Conservation Area

- 14.79 The City Centre Conservation Area extends from the inner Ring Road in the north-west to the River Aire to the south-east¹³⁷. To the north of the river, the railway crosses the south-east part of the conservation area, carried on a viaduct through Penny Pocket Park. The significance of the conservation area derives from its distinct townscape quarters and a number of impressive and prominent buildings, including Leeds Minster which is situated on the south side of Penny Pocket Park. The park is an important open space in this part of the conservation area, which elsewhere exhibits a relatively tight pattern of development, and the railway viaduct is itself a notable feature.

¹³⁶ The sections of the proposed bridge (CD 1.14.13) refer to a fibre reinforced plastic structure. However, paragraph 3.3.6 of Mr Westwood's proof of evidence explains that the proposed material has been amended to the more conventional use of steel.

¹³⁷ A plan of the conservation area is at appendix 1 to CD 7.46.

14.80 Infrastructure works proposed on the viaduct within the conservation area comprise two sets of staging for lock-out devices, a location case suite, and a signal gantry. The staging and location case suite would be small-scale works, which although elevated on the viaduct would not be prominent structures. The signal gantry would be larger, and it would be visible from several locations to the north and south of the viaduct. There is, however, an existing signal in this position on the viaduct, and a series of stanchions for OLE are placed along the viaduct. Although the proposed gantry would be both taller and broader than the existing signal which it would replace, having regard to the form and extent of structures on the viaduct I do not consider that it would materially increase the physical presence of railway infrastructure here. Moreover, even without leaf cover, I saw that the presence of trees within Penny Pocket Park, including on the embankments at the sides of the viaduct, lessens the impact of the existing signal and the OLE stanchions, and this beneficial effect would also apply to the proposed gantry.

14.81 Having considered section 72(1) of the PLBCA, I conclude that the infrastructure works on the Kirkgate/ Marsh Lane viaduct would preserve the character and appearance of the Leeds City Centre Conservation Area, and comply with Policy P11 of the Core Strategy.

Leeds Minster and north boundary wall and war memorial

14.82 Leeds Minster is a grade I listed building: its northern boundary wall, incorporating a war memorial, is separately listed at grade II. The Minster is an impressive building with an imposing central tower. The list description refers to the Minster being in the Gothic Revival style, and its architectural interest is a major factor in its significance. It dominates its immediate surroundings, including the southern part of Penny Pocket Park, and the railway viaduct, running through the park, is clearly within the setting of the Minster. This open area complements the front elevation of Leeds Minster, ensuring that it is the focal point of the townscape to the south of the viaduct. The proposed signal gantry would be seen in some views towards and from the Minster, but given the existing vertical infrastructure on the viaduct and the presence of intervening tree cover in the park, I do not consider that it would impinge on the setting of this important listed building. The smaller structures proposed on the viaduct would not have any adverse effect on the Minster's setting.

14.83 The northern boundary wall and war memorial are closely associated with Leeds Minster. Their significance derives largely from the architectural interest in their association with the Minster, and there is added historical interest in the war memorial. Whilst not dominant features in the street scene, they are visible from the park and the railway, but there are fewer positions from where they would be seen together with the proposed gantry. Neither the gantry nor the other proposed structures would adversely affect the setting of this grade II listed building.

14.84 Having considered section 66(1) of the PLBCA, I conclude that the infrastructure works on the Kirkgate/ Marsh Lane viaduct would preserve the setting of the listed Leeds Minster and its northern boundary wall and war memorial, and would comply with Policy P11 of the Core Strategy.

The Leeds to Selby railway

- 14.85 The Leeds to Selby railway dates from 1830-34: it is one of the earliest lines in the country, built during the time English Heritage identified as the pioneering phase of railway development. Both the Applicant and the Council recognise the railway as a non-designated heritage asset [8.8]. Although only two tracks were constructed, it was built on a grand scale to accommodate four tracks, and is a key component in the eventual Trans Pennine route.
- 14.86 The Statement of History and Significance commissioned by NR for the railway east of Leeds explains that the bridges were built to what was then an unprecedented span of 18.2m, and refers to the thought given to their individual design and the quality of construction¹³⁸. Most of the bridges were designed as single semi-elliptical (basket) arches. Thirteen basket arch bridges survive, including those at Austhorpe Lane, Brady Farm and Ridge Road. Both its historical importance and architectural interest are fundamental to the significance of the railway.
- 14.87 The proposals for this part of the NTPR would alter the railway, principally through the installation of OLE, the removal of three and alteration of one listed bridges, and the establishment of work compounds with their associated construction activity along the line. The line is already electrified for a short distance east of Leeds station to Neville Hill. Continuation of the electrification would be undertaken using permitted development powers and does not require approval as part of the Order. Consequently the effect of the OLE is not a relevant factor to take into account in assessing the merits of the Order Scheme.
- 14.88 I consider below (paras 14.95-14.111) the four applications for works to listed bridges. In addition to the harm caused to the listed buildings themselves, the loss of three of the 13 basket arch bridges would diminish somewhat the linear group value of these structures. Nevertheless, on this relatively short stretch of line, 10 basket arch bridges would remain. The alterations to Crawshaw Woods bridge would also have a negative impact on the railway as a whole, but the cast-iron arch would be refurbished and re-erected. The formation and operation of construction compounds would detract from the ability to appreciate the historic significance of the railway. That harm would not only be localised in extent, but would be for a temporary period. I find that the proposals associated with the Order Scheme would cause less than substantial harm to the significance of the Leeds to Selby railway as a non-designated heritage asset.

Conclusions on other heritage assets

- 14.89 Infrastructure works on the Kirkgate/ Marsh Lane viaduct would preserve the character and appearance of the Leeds City Centre Conservation Area. They would also preserve the setting of Leeds Minster and its northern boundary wall and war memorial, and would not detract from the contribution that setting makes to the significance of these listed buildings. Insofar as the non-designated heritage asset of the railway is concerned, I conclude that the proposals would result in less than substantial harm. However, as there would

¹³⁸ CD 9.23, section 4.4.2.

be some harm, the proposals would in this respect conflict with Policy P11 of the Core Strategy. I address the heritage balance of paragraph 209 in the NPPF in my overall conclusions below (paras 14.129-14.131).

Other matters (matter 8)

14.90 A grass airstrip at Sturton Grange Farm runs parallel to the north side of the railway, between farm buildings and Ridge Road [12.3]. In this position there is the potential for conflict between aircraft taking off and landing, and a crane within the compound proposed on the north side of the bridge. A crane would only be required during the two 29 hours possession periods when the existing bridge deck would be removed and the new deck installed. The Applicant has undertaken to notify the owner of Sturton Grange of these occasions, and bearing in mind that use of the airstrip is restricted to certain times on a maximum of 100 days per year, I do not consider that the erection of a crane within the north-east Ridge Road compound would unduly interfere with aircraft movements.

14.91 Ashdale Land & Property Company owns the northeastern part of Lower Peckfield Lane and the adjacent land to the north and south. Whilst there is no objection to the proposal to upgrade the road and to construct a passing place, Ashdale argues that there is no need for its land to be acquired for this purpose¹³⁹. It specifically wishes to retain ownership to ensure that access and services are able to be provided in connection with possible development of the adjacent land. The inquiry was informed that an undertaking and licence have been agreed between NR and Ashdale, and that the objection would be removed once these documents had been signed. However, confirmation that the documents had been executed was not provided by the close of the inquiry, and, on that basis, the provision to acquire the plots should remain in the draft Order. In any event, if the undertaking and licence have subsequently been executed, implementation of the proposed works to Lower Peckfield Lane would be able to proceed in accordance with these documents without requiring acquisition by NR of Ashdale's land.

14.92 The site of the southern compound at Crawshaw Woods bridge and much of the land required for the works access to the compound fall within the northern part of an allocation for employment use in the SAP [5.4]. Given that the compound and access are only required for a temporary period, and that the works to the bridge are programmed for completion during 2026, I do not consider that the use of the land in connection with the Order Scheme would prejudice the proposal for employment use.

The applications for listed building consent (matters 9-11)

The Development Plan and emerging plans

14.93 Development Plan policies referring to listed buildings are found in the Core Strategy and saved policies of the UDP [5.3, 5.5]. They require that proposals demonstrate a full understanding of the historic assets affected (P11), and make clear that there is a presumption in favour of the preservation of listed buildings, with demolition permitted only in exceptional circumstances (N14).

¹³⁹ CD 4.Obj/06.

Features which contribute to the character of listed buildings should be preserved, repaired or, if missing, replaced (N17). These policies of the Development Plan are consistent with Chapter 16 of the NPPF which is concerned with the historic environment, and they carry full weight.

14.94 The Local Plan Update, which will cover certain topics (heritage is not mentioned by LCC¹⁴⁰), is in the course of preparation, but it has yet to be the subject of examination, and carries only limited weight. Other policies are to be included in the Leeds Local Plan 2040, but this stage of the emerging Local Plan is at an earlier stage of preparation, with consultation on its scope having been undertaken last year [5.8].

Austhorpe Lane bridge

14.95 The Leeds to Selby line was built during the pioneering phase of the railways, in the early part of the nineteenth century, and is an important railway project of the prominent engineer James Walker¹⁴¹. Austhorpe Lane bridge is a grade II listed building, the significance of which derives from its historic and architectural interest. The bridge is part of the original railway, and employs an unusual basket arch design, attributed to Walker, to span the intended four tracks¹⁴². It is one of 13 remaining basket arch bridges on the line, and this group value adds to its historic and architectural interest.

14.96 A concrete and steel footbridge (excluded from the listing) has been built on the west side and a high-pressure gas main crosses the railway to the east, but the road bridge itself is largely unaltered. It is constructed of sandstone and gritstone, and the list description refers to the bridge demonstrating a high level of craftsmanship in its construction, detailing and dressing, adding to its architectural interest.

14.97 The overall scheme involves demolition of Austhorpe Lane bridge and the adjacent footbridge, their replacement with a new bridge, and diversion of the gas main below the railway. Demolition of the road bridge would result in the total loss of its significance, and would diminish the group value of the remaining basket arch bridges. I note that it is intended that stone from the bridge would be recovered for re-use on the railway, that recording of the asset would be undertaken, and that the design of the replacement bridge takes cues from the original structure, including a weathered steel arch. Notwithstanding those measures, the proposal would result in the total loss of significance of the asset, to which I give considerable importance and weight.

Crawshaw Woods bridge

14.98 Crawshaw Woods bridge is part of the original Leeds to Selby railway, and is a grade II listed building. Unlike the other three bridges which are the subject of listed building consent applications, the original structure was of cast-iron. Two such bridges were part of the original line, and only Crawshaw Woods remains. It is understood to be the earliest cast-iron bridge in the world remaining in place over an operational railway¹⁴³. The bridge is used by agricultural vehicles

¹⁴⁰ The reference in Policy SP11B(k) is to listed buildings at and in the vicinity of Leeds Station.

¹⁴¹ CD 9.23, sections 2.6.1, 4.3.1 & 4.3.2.

¹⁴² See list description in appendix A to CD 1.18.01.

¹⁴³ CD 1.18.01A, para 4.2.7.

and carries a public bridleway, but in the early part of the twentieth century it provided access for workers at the Barnbow Munitions Factory, the first munitions factory where shells and cartridges were filled for use in the First World War. This consideration contributes to its historical interest.

14.99 The bridge was designed by James Walker and William Burges, and originally involved a cast-iron arch with pierced wrought iron balustrades. The list description refers to architectural interest arising from the structure being a relatively early cast-iron, single span, segmental-arched bridge¹⁴⁴. The significance of Crawshaw Woods bridge is derived from its historic and architectural interest.

14.100 The bridge deck was renewed in 1943 and 1999, and subsequently strengthened in 2006¹⁴⁵. It is carried on longitudinal girders and is structurally independent of the cast-iron arch which is no longer load-bearing. In addition solid steel sheet parapets have been added which stand inside, and project above, the balustrades. The list description declares that the modern deck and the sheet steel parapets are not of special architectural or historic interest. The sheet steel parapets are of utilitarian appearance, and their height, length and appearance conflict with the original balustrades, and detract from the appearance of Crawshaw Woods bridge.

14.101 In this case, it is proposed to dismantle and restore the cast-iron superstructure, and reinstate it at a higher level with additional stone added to the existing abutments. A new deck would be installed, with the cast-iron arch remaining as a non-structural element. The sheet steel parapets would be replaced. A suggested condition requiring the approval of materials in connection with the scheduled works, which include reconstruction of the bridge, is agreed between the Applicant and the CC. The Applicant has suggested a similar condition in respect of the application for listed building consent. Those conditions would provide a mechanism to ensure that the new parapets would be sympathetic to the overall appearance of the reconstructed bridge.

14.102 Crawshaw Woods bridge would be significantly altered as a result of the proposed works: the extent of the works involved would cause harm to this historic structure. However, the key feature of the arch would be retained, and it is intended that reclaimed stone would be used in the work to raise the abutments. Refurbishment of the cast-iron elements of the arch and replacement of the existing steel parapets would be beneficial aspects of the scheme. Overall, I agree with the Applicant and the CC that the harm to the listed building would be less than substantial. Nevertheless, that harm carries considerable importance and weight.

Brady Farm bridge

14.103 As is the case for Austhorpe Lane bridge (above, para 14.95), Brady Farm bridge, a grade II listed building, was built as part of the original railway and it is one of the remaining 13 basket arch bridges on the line. As such it has group value, which contributes to its historic and architectural interest. The masonry

¹⁴⁴ CD 1.18.01A, appendix A.

¹⁴⁵ CD 1.18.01A and para 4.2.6.

structure is built of sandstone and limestone. Brady Farm bridge has low parapet walls to which steel and mesh railings have been added. These railings are out of keeping with the bridge, which is otherwise relatively unaltered, and are excluded from the listing. The list description refers to the bridge demonstrating a high level of craftsmanship in its construction, detailing and dressing, adding to its architectural interest. The significance of this listed building derives from its historic interest as part of the original railway infrastructure and its architectural interest as one of the remaining basket arch bridges.

- 14.104 The bridge was built to carry a track linking the farmland to the north and south of the railway. These areas of farmland are now in separate ownership and are farmed separately. A pipe runs across the bridge, and was laid to provide water from Sturton Grange Farm to the north to Peckfield House Farm to the south. That irrigation system is no longer in use [above, para 14.68]. There is informal use of the bridge by local people [13.7], but it does not carry a public right of way.
- 14.105 There is no formal use of the bridge, and it is proposed that it be demolished without replacement. Stone from the bridge would be re-used elsewhere on the line, and the Applicant had no objection to a condition to this end. If the bridge were demolished, a condition should also be imposed to secure recording of the existing structure.
- 14.106 The proposal to demolish the bridge would result in the total loss of its significance, and would diminish the group value of the remaining basket arch bridges. Re-use of stone and recording of the listed building do not lessen the harm resulting from the total loss of significance which would be caused by the proposal, to which I give considerable importance and weight.

Ridge Road bridge

- 14.107 Ridge Road bridge is also a grade II listed building, part of the original railway infrastructure, and another of the remaining 13 basket arch bridges on the line¹⁴⁶. As such it has group value, which contributes to its historic and architectural interest. The original arch failed¹⁴⁷, highlighting the difficulty in achieving the large single span across a permanent way capable of accommodating four tracks, adding to the architectural interest of the bridge. A high-pressure gas main also crosses the railway close to the west side of the railway, and this would be diverted underground.
- 14.108 The masonry structure is built of sandstone and limestone. The list description refers to the bridge demonstrating a high level of craftsmanship in its construction, detailing and dressing, adding to its architectural interest. The significance of this listed building derives from its historic interest as part of the original railway infrastructure and its architectural interest as one of the remaining basket arch bridges.
- 14.109 Listed building consent is sought for demolition of Ridge Road bridge, and a replacement is proposed. Demolition of the bridge would result in the total loss of its significance, and would diminish the group value of the remaining basket

¹⁴⁶ CD 1.18.01, paras 6.1.3 & 6.1.4.

¹⁴⁷ CD 1.18.01, para 4.2.12.

arch bridges. I note that it is intended that stone from the bridge would be recovered for re-use, that recording of the asset would be undertaken, and that the design of the replacement bridge takes cues from the original structure, including a weathered steel arch. Those measures do not lessen the harm resulting from the total loss of significance which would be caused by the proposal, to which I give considerable importance and weight.

Conclusions on the applications for listed building consent

14.110 In accordance with Policy P11 of the Core Strategy, the proposals demonstrate a full understanding of the four historic assets, which is set out clearly in the heritage assessments accompanying the applications. The policy also states that the historic environment will be conserved and enhanced. Since each of the applications for listed building consent would cause harm, in three cases resulting in the total loss of significance, and in the fourth less than substantial harm, that policy aim would not be achieved. However the cast-iron arch, the key feature of Crawshaw Woods bridge would be refurbished, in line with Policy N17 of the UDP. UDP Policy N14 makes clear that the demolition of listed buildings will only be permitted in exceptional circumstances. Electrification of the line is fundamental to the Enhancements Scheme and the much-needed upgrade of the NTR, a programme which is supported in a number of plans covering transport matters in the North of England. Rigorous assessment has taken place of alternatives to the proposed interventions on the listed bridges (above, paras 14.11-14.19). I am satisfied that none of the alternatives offers a practical means of enabling electrification to proceed and thus securing the benefits of the upgrade. Accordingly, exceptional circumstances exist to support the demolition of three listed buildings. Overall, having also considered section 16(2) of the PLBCA, I conclude that the proposed works affecting the listed buildings accord with the Development Plan for the area.

14.111 Bearing in mind the statement of matters, chapters 6 and 9 of the NPPF concerning a strong and competitive economy and sustainable transport are also of relevance. As part of the Enhancements Scheme, the works to the four listed buildings to secure electrification would contribute to improving performance and increasing capacity on the NTR. In turn that would help to create the conditions in which businesses can invest, expand and adapt, in line with paragraph 85 of the NPPF, and address potential barriers to investment such as inadequate infrastructure, identified in paragraph 86(c). Similarly, the proposed works would be consistent with provisions of paragraph 108(c) & (d) which respectively encourage opportunities to promote public transport use and require the environmental impacts of transport infrastructure to be taken into account.

The open space certificate applications

14.112 Eight plots, four at Penny Pocket Park in the city centre and four at Austhorpe Lane, are identified as open space to be acquired or over which rights are sought [4.6]. The four plots at Penny Pocket Park are small parcels on the railway embankment which are required for the installation of a signal gantry and staging for a location case suite and lock-out devices. The land involved does not exceed 250 square yards in extent, and, given its position on the

embankment, it is not available for active recreational use and the giving of other land in exchange would be unnecessary.

14.113 At Austhorpe Lane, the plots concerned comprise woodland which is to be transferred to the City Council for public open space. Two small plots, about 156 square yards, at the north-west corner of the woodland (7-010 & 7-016B) are required in connection with construction of the replacement bridge. Rights are sought over the other two plots (7-016 & 7-017A), which comprise a larger area of woodland, to provide an easement for installation and maintenance of an underground gas pipe.

14.114 An objection from a local resident expresses concern about harm to the woodland and wildlife within it. Having regard to the small size of the land to be acquired, and that part of the land is steeply sloping, I agree with the Applicant that the two plots proposed for acquisition have no inherent value for public recreation, and that the giving of other land in exchange would be unnecessary. As the other land would only have a monitoring post above the surface, the rights sought would not prevent recreational use of the land and it would be no less advantageous to those persons in whom it is vested and to the public. I have considered the effect on wildlife and biodiversity separately above, and found that whilst the scheme would cause some limited harm to habitats and wildlife, including some tree loss at Austhorpe Lane, taking account of the restoration proposals and the commitment to 10% biodiversity net gain, it would benefit nature conservation interests (paras 14.69-14.73).

14.115 For the reasons given above, I conclude that the tests of section 19(1)(b) and schedule 3 paragraph 6(1)(a) of the Acquisition of Land Act 1981 are satisfied and that it would be appropriate for certificates to be granted to this effect.

Possible conditions

14.116 Possible conditions to be imposed, should a direction for deemed planning permission and listed building consents be granted, were discussed at the inquiry. A list of possible suggested conditions in respect of a deemed planning permission was attached to the revised statement of common ground between the Applicant and LCC¹⁴⁸, and lists of possible conditions accompanied each of the listed building applications¹⁴⁹. I have considered the suggested conditions in the light of the advice in PPG and the discussion on conditions at the inquiry. Those conditions which I consider would be necessary if deemed planning permission and listed building consents were granted are listed in annex 1 to this report, together with the reasons for their imposition. Several of the suggested conditions include references to variations being agreed in writing by the local planning authority, with suggested condition 12 (in respect of the request for deemed planning permission) seeking to limit the scope for such variations. However the flexibility sought by NR is at odds with the requirement for precision specified in paragraph 56 of the NPPF: I have modified the wording of the conditions in annex 1 accordingly, and I have not included suggested condition 12.

¹⁴⁸ CD 6.02, appendix 2.

¹⁴⁹ CDs 1.18.11, 1.18.18, 1.18.27, 1.18.30.

Consideration against guidance on the compulsory purchase process (matter 6)

Whether there is a compelling case to compulsorily acquire and use land for the Order Scheme

14.117 Problems on the NTR are well-documented in the evidence before the inquiry [7.3]. The route is congested, and journeys can be slow and unreliable, with adverse effects on other lines. The TRU has been developed to address these problems and to contribute to improvements in connectivity and economic growth in the North of England [7.5]. Achieving these objectives requires implementation of the Order Scheme: it is not a free-standing project, but an integral part of the wider Leeds- Micklefield Enhancements Scheme and the TRU. There were no objections to the Order as a whole, and it is vital for the upgrading of the NTR that the Scheme proceeds. Accordingly, I find that there is a compelling case in the public interest for the powers to compulsory acquire and use land which are contained in the Order.

Whether the purposes for which compulsory acquisition powers are sought justify interfering with human rights

14.118 The making of the Order would authorise the compulsory acquisition of land and rights over land, and would provide powers to use land temporarily for work sites and access to enable construction to take place. Where agreement has not been achieved, the exercise of the powers in the Order would represent interference with the rights of natural and legal persons to the peaceful enjoyment of their possessions, under article 1 of the First Protocol to the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998.

14.119 All of the land included which would be subject to powers of acquisition or use is necessary to enable the Scheme to proceed (below, paras 14.124-14.127). In most cases no objection has been raised to the inclusion of plots in the book of reference, and it is noteworthy that those parties which have raised objections do not oppose the principle of the Scheme.

14.120 Article 1 of the First Protocol is a qualified right where interference may be permissible in the public interest. The Leeds- Micklefield Enhancements Scheme would contribute to a significant improvement in connectivity in the region, and an associated uplift in economic conditions. Those benefits could only be achieved if the land required for the development works and their construction were available. Taking into account all material considerations, I conclude that interference with the rights of those persons whose property would be acquired is necessary and proportionate.

Whether there are likely to be any impediments to exercising the powers in the Order

14.121 Subject to ongoing value for money tests, NR and the Government have made commitments to fund the Order Scheme, inclusive of compensation, the acquisition of blighted land, and the undertaking of associated work [7.4]. There is no individual business case, as the Order Scheme is an integral part of the

TRU. This programme has a benefit cost ratio of 1.44¹⁵⁰, and I do not anticipate, therefore, that the Order Scheme is likely to fail value for money tests.

14.122 Planning permission is required for two associated elements of the Leeds-Micklefield Enhancements Scheme: use of land off Newmarket Approach in Leeds to provide access to Neville Hill sidings and an access track and turning head to serve the allotments at Garforth Moor [4.8, 4.9]. LCC advised that, subject to agreement on conditions in respect of the Newmarket Approach scheme, planning permission was expected to be granted shortly after the close of the inquiry.

14.123 The draft Order includes eight areas of open space, six of which are intended to be acquired and two subject to new rights. I have reached the conclusion that it would be appropriate for the Secretary of State for Levelling Up, Housing and Communities to certify that the relevant tests in section 19 and schedule 3 of the Acquisition of Land Act are satisfied (above, paras 14.112-14.115). Consequently the inclusion of these areas of open space in the book of reference would not be an impediment to the powers which would be contained within the Order.

Whether all the land and rights are necessary to implement the scheme

14.124 The Order includes sufficient land to ensure the Scheme can be delivered. The Scheme involves a variety of works along the 16km length of the railway. In addition to the acquisition of land for development works, that inevitably requires the temporary possession of a large number of plots as work sites and the use of others, including in locations which are some distance from the usual road network, to provide temporary access for construction traffic.

14.125 Where land may only be needed temporarily, or only rights required, provision is made under articles 25 and 28 for the powers in the Order to be exercised accordingly. Consequently, those circumstances would not result in land being acquired unnecessarily.

14.126 Negotiations have been continuing with parties with an interest in land intended for acquisition under the Order. Where agreement has been reached, as at Lower Peckfield Lane (above, para 14.91), it is appropriate for the land to remain subject to the Order to ensure that the Scheme is able to be implemented if an undertaking is not concluded or there is non-compliance with the terms of a licence.

14.127 From the information before me, I am satisfied that the land identified in the book of reference (CD 1.08) and on the land and works plans, as amended, for acquisition and temporary use¹⁵¹, and for where new rights would be acquired, is necessary to ensure the implementation of the Scheme.

Overall conclusions

14.128 The Order Scheme is an integral part of the wider proposal to improve the NTPR. Over a 16km stretch of railway to the east of Leeds, it comprises a range of proposals, notably works to listed bridges to accommodate OLE, the closure

¹⁵⁰ CD 7.02, para 5.4.1.

¹⁵¹ CDs 1.09.01, 1.09.02.01, 1.09.03, 1.09.04, 1.09.05, 1.09.06, 1.09.07, 1.09.08, 1.09.09, 1.09.10, 1.09.11.01, 1.09.12.01, 1.09.13.01, 1.09.14.

of level crossings, rail infrastructure on the approach to Leeds station, a ramped bridge at Barrowby Lane, and the associated acquisition of land and rights, temporary possession of land and execution of street works.

- 14.129 Together with projects on other parts of the NTR, the Scheme would enable the railway to operate a more reliable service, with faster trains, and increased capacity, improvements which would improve connectivity, boost economic growth and support levelling up in the North of England. Regional transport policies support the TRU of which the Order Scheme is part. As a consequence of electrification, the Scheme would also contribute to decarbonisation of the transport sector, and the closure of level crossings would improve safety. These are substantial public benefits which carry considerable weight in favour of the Scheme.
- 14.130 Due to their demolition, the proposal would result in the total loss of significance of three grade II listed buildings: Austhorpe Lane bridge, Brady Farm bridge, and Ridge Road bridge. The NPPF makes it clear, at paragraph 206, that the loss of grade II listed buildings should be exceptional, and that any harm or loss of significance requires clear and convincing justification. Removal of the bridges is proposed in order to allow the installation of OLE. There are no practical alternatives to securing electrification, a measure which is fundamental to the whole TRU scheme. Without electrification, the performance and capacity improvements not just on the Leeds-Micklefield section of the railway, but also on the NPTR as a whole would be put at risk. NR has demonstrated clear and convincing justification for the loss of significance of the three bridges. Great weight is to be given to the conservation of each of these assets, but, having regard to paragraph 207 of the NPPF, I am in no doubt that the total loss of their significance is necessary to achieve substantial public benefits which outweigh that loss.
- 14.131 The alterations proposed to a fourth grade II listed building, Crawshaw Woods bridge, would cause less than substantial harm. Nevertheless that harm carries great weight. The bridge would be raised in height to accommodate OLE, a measure which, for the reasons mentioned above (paras 14.129 & 14.130) would lead to substantial public benefits. Bearing in mind the test in paragraph 208 of the NPPF, these benefits clearly outweigh the less than substantial harm to the significance of Crawshaw Woods bridge. The proposal would also cause some limited harm to the non-designated heritage asset of the Leeds to Selby railway: that too would be clearly outweighed by the benefits of the Scheme, having regard to paragraph 209 of the NPPF.
- 14.132 The railway runs through the Green Belt, and three elements of the scheme, the new bridges at Barrowby Lane and Ridge Road, and the raising of Crawshaw Woods bridge would amount to inappropriate development. In accordance with paragraph 153 of the NPPF, that Green Belt harm carries substantial weight. To that Green Belt harm must be added the harm to the significance of the listed Crawshaw Woods bridge, and the total loss of significance of the listed Ridge Road bridge, together with the inconvenience to road users due to diversions during the period of road closure there. The increased headroom provided by the replacement Ridge Road bridge and the raising of Crawshaw Woods bridge would enable electrification to take place, with its consequential benefits in terms of performance. At Barrowby Lane the new bridge would improve safety as it would permit the closure of two existing level crossings: it would also allow

increased speed, and therefore capacity, on this stretch of the line. The harm resulting from new bridges at Barrowby Lane and Ridge Road, and works to Crawshaw Woods bridge would be clearly outweighed by other considerations. Consequently I conclude that very special circumstances exist to justify inappropriate development in the Green Belt.

14.133 In addition to the harms mentioned above, I have taken into account the prospect that the Order Scheme would cause some limited harm to wildlife and habitats, inconvenience to users from the temporary closure of Austhorpe Lane and Crawshaw Woods bridges, and inconvenience arising from the closure of level crossings, particularly at Peckfield. Insofar as the latter element of the Order Scheme is concerned, provision of a right of way through Micklefield Recreation Ground in the form of a bridleway would be inappropriate due to the potential for conflict between equestrians and users of the recreation ground, and this route should be pursued as a footpath. In addition to the benefits already mentioned, the Order Scheme would achieve at least 10% biodiversity net gain, and the construction of a two-lane bridge would improve traffic flow on Austhorpe Lane and Austhorpe Road.

14.134 Having regard to my conclusions on the heritage and Green Belt balances, the Order scheme would not only be aligned with a range of regional transport policies, but it would also be consistent with the Development Plan considered as a whole.

14.135 The public sector equality duty set out in section 149 of the Equality Act 2010 requires, amongst other matters, that a public authority must have due regard to the need to eliminate discrimination, and to advance equality of opportunity between persons who share a protected characteristic and those who do not share it. The inconvenience caused by somewhat longer alternative routes across the railway than at the level crossings and the use of a bridge at Barrowby Lane would be likely to have a greater impact on the elderly and the disabled. However people in these groups are likely to take longer to negotiate the crossings and, in consequence, are more vulnerable to the risk inherent in their use. The Order Scheme, providing a safer alternative to level crossings for all users, would not discriminate against those with a protected characteristic.

14.136 The Order Scheme is crucial to achieving the benefits which would flow from the TRU. There are no practical alternatives to the proposals before me. Accordingly I have found that the purposes for which land and rights would be acquired and the benefits of the Scheme justify interfering with the human rights of those with an interest in the land affected, under the provisions of the European Convention on Human Rights as incorporated into UK law by the Human Rights Act 1998. For the reasons given above, and having regard to all matters raised, I conclude that the benefits which would flow from the proposal clearly outweigh the harms which I have identified.

15. Recommendations

To the Secretary of State for Transport

15.1 I recommend that:

- i) The Network Rail (Leeds to Micklefield Enhancements) Order 20[] be made in the form shown in Core Document 9.15, subject to the deletion in

Part 1 of Schedule 4 the words in column 4 *or Bridleway between P1, P4, P5 and P6 (sheet 12)* in relation to Definitive Bridleway Micklefield 8, and the deletion in Schedule 8 of the words in column 4 *or Bridleway between P1, P4, P5 and P6 (sheet 12)* in relation to Peckfield Level Crossing, and to the minor typographical corrections to schedules 4 and 6 in core document 9.50.

- ii) A direction be made under section 90(2A) of the Town and Country Planning Act 1990 to the effect that planning permission be deemed to be granted for the works authorised by the Order, subject to the conditions set out in annex 1 to this report.

To the Secretary of State for Levelling Up, Housing and Communities

15.2 I recommend that:

- i) Listed building consent be granted for the demolition of the existing Austhorpe Lane bridge (including the adjacent footbridge and gas pipeline), and a new bridge erected in its place, at Austhorpe Lane bridge, Cross Gates, Leeds, in accordance with the application dated 17 July 2023, and subject to the conditions set out in annex 1 to this report.
- ii) Listed building consent be granted for the dismantling of the bridge, the raising of the abutments by 1.4m, and the replacement of the refurbished cast iron superstructure at the higher level, at Crawshaw Woods bridge, west of Garforth, Leeds, in accordance with the application dated 17 July 2023, and subject to the conditions set out in annex 1 to this report.
- iii) Listed building consent be granted for the demolition of Brady Farm overbridge (HUL4/15), at Brady Farm bridge, east of Leeds, in accordance with the application dated 17 July 2023, and subject to the conditions set out in annex 1 to this report.
- iv) Listed building consent be granted for the demolition of the existing Ridge Road bridge and adjacent gas pipeline, and a new bridge erected in its place, at Ridge Road overbridge, east of Garforth, Leeds, in accordance with the application dated 17 July 2023, and subject to the conditions set out in annex 1 to this report.
- v) A certificate be issued under section 19(1)(b) of the Acquisition of Land Act 1981 in respect of plots 2-001, 2-002, 2-003 & 2-004 at Penny Pocket Park, Leeds, on the basis of Core Document 1.18.38.
- vi) A certificate be issued under section 19(1)(b) of the Acquisition of Land Act 1981 in respect of plots 7-010 & 7-016B at Austhorpe Lane, Cross Gates, on the basis of Core Document 1.18.39.
- vii) A certificate be issued under paragraph 6(1)(a) of schedule 3 to the Acquisition of Land Act 1981 in respect of plots 7-016 & 7-017A at Austhorpe Lane, Cross Gates, on the basis of Core Document 1.18.39.

Richard Clegg

INSPECTOR

ANNEX 1 – SCHEDULE OF RECOMMENDED CONDITIONS

Conditions relating to the request for a direction for deemed planning permission

Interpretation

In the following conditions:

The code of construction practice means the code of construction practice to be submitted to and approved by the local planning authority under condition 6.

The development means the works specified in paragraph 3 of the request for a direction for deemed planning permission.

The environmental report means the environmental report submitted with the application for the Order on 11 July 2023.

Historic building recording means recording to an appropriate level, in accordance with Historic England guidelines.

Network Rail means Network Rail Infrastructure Limited.

The Order means The Network Rail (Leeds to Micklefield Enhancements) Order 20[].

The Order limits has the same meaning as in article 2 (interpretation) of the Order.

The planning direction drawings means the drawings listed in core document 9.47, the amended appendix 3 to the request for deemed planning permission.

Preliminary works means environmental investigations, site or soil surveys, ground investigations and the erection of fencing to site boundaries or the marking out of site boundaries; site clearance; and the erection of contractors' work compounds, access routes and site offices.

The site means land within the Order limits.

Site clearance includes minor ground excavation works in relation to establishing compound buildings and storage areas.

Stage means a defined section or part of the development, the extent of which is shown in a scheme submitted to and approved by the local planning authority pursuant to condition 3 (stages of development); and reference to a numbered stage is to the stage of that number in the approved scheme.

- 1) The development hereby permitted shall commence before the expiration of five years from the date on which the Order comes into force.

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

- 2) The development hereby permitted shall be carried out in accordance with the planning direction drawings.

Reason: To provide certainty.

- 3) No development (excluding preliminary works) is to commence until a written scheme setting out all the stages of the development has been submitted to and approved in writing by the local planning authority. Any variations to the approved stages of development shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved stages of development.

Reason: To identify the individual stages for the purpose of these conditions.

- 4) No preliminary works within any stage are to commence until the details specified in parts 4 (i) – (iv) of this condition have been submitted to and approved in writing by the local planning authority. Seven days written notice shall be given to the local planning authority that the protection measures specified in 4(i) and 4(ii) are in place prior to works commencing.
 - i) A plan of existing trees (including groups of trees and woodland) to be retained and protected and to be removed in accordance with an arboricultural method statement.
 - ii) A plan identifying how ecological assets will be protected, as identified in Volume 3, Appendix 7 (section 3.3) and Volume 2, figures 7.2.1-7.2.6, of the Environmental Report, with all approved measures being in place prior to the commencement of works within the specified stage.
 - iii) A report of an archaeology site walkover survey, to include any written scheme of investigation requirements.
 - iv) A plan identifying preliminary works access route details.

The preliminary works shall be implemented in accordance with the approved details.

Reason: To protect ecological assets and to enable the investigation and recording of archaeological assets.

- 5) a) Each stage of development shall be implemented in accordance with a landscape and ecological management plan (LEMP), which has been submitted to and approved in writing by the local planning authority within 6 months of the commencement of development for that stage. The LEMP for each stage will include the following details:
 - i) A plan of ecological mitigation details including areas of new planting and details of any habitats created or enhanced.
 - ii) An implementation timetable and a programme for initial aftercare, long term management and maintenance responsibilities for a period of five years post- completion.

- iii) Details of organisations responsible for maintenance and monitoring.
- b) The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in Volume 1, section 7.3 of the Environmental Report, and it must include the following ecological measures:
 - i) The aims and objectives of the management to be undertaken.
 - ii) A programme of monitoring with thresholds for action as required.
 - iii) Details of measures to ensure protection and suitable mitigation to all relevant protected species and those species identified as being of importance to biodiversity (including any European Protected Species Licensing mitigation requirements).
- c) The LEMP must include both hard and soft landscaping works, covering the locations where landscaping will be undertaken, and must also include the following details:
 - i) Detailed landscape plans indicating full planting specification, and including the layout, species, number, density and size of trees, shrubs, plants, hedgerows and seed mixes with sowing rates, with extensive use of native species.
 - ii) Any structures such as street furniture, any non-railway means of enclosure, and lighting.
 - iii) Details of any regrading, cut and fill, earth screen bunds, existing and proposed levels.
 - iv) Any areas of grass turfing or seeding and depth of topsoil to be provided.
 - v) Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fail or become diseased within the first five years from completion.

The measures within the LEMP must be implemented in accordance with the approved details.

Reason: In the interests of the visual appearance and biodiversity of the area in accordance with Policies P12, G1, G8 and G9 of the Leeds Core Strategy, and paragraph 180 National Planning Policy Framework 2023.

- 6) a) No stage of the development (except preliminary works) is to commence until a code of construction practice (CCP) Part B for that stage, including the relevant plans and programmes referred to in (c) below, and which incorporates the means to mitigate the construction impacts identified by the Environmental Report, has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, this does not include approval for Part A of the CCP (a general overview and framework of environmental principles and management practice to be applied to the scheme along with all construction-led mitigation identified in the Environmental Report) which has been submitted as part of the Order.

b) Preliminary works must comply with the environmental controls as set out in the CCP Part A.

c) Part B of the CCP must include the following plans and programmes, for each stage as defined in condition 3:

- i) An external communications programme.
- ii) A pollution prevention and incident control plan.
- iii) A waste management and materials plan.
- iv) A nuisance management plan concerning dust, air pollution, hours of operation and temporary lighting.
- v) A noise and vibration management plan including a construction methodology assessment.
- vi) A demolition methodology statement for relevant structures.

Each stage of the development must be implemented in accordance with the approved CCP Part B for that stage, and the relevant plans and programmes shall be implemented in full throughout the period of the works.

Reason: To mitigate construction impacts arising from the development, and to protect local and residential amenity in accordance with Policy P10 of the Leeds Core Strategy, and paragraphs 180 and 191 of the National Planning Policy Framework 2023.

- 7) No stage of the development (except preliminary works) is to commence until a construction traffic management and travel plan (CTMTP) for that stage has been submitted to and approved in writing by the local planning authority. The CTMTP must include the matters listed in schedule 1 of the Environmental Agreement between Network Rail Infrastructure Ltd and the Council of the City of Leeds dated 23 February 2024.

The construction of each stage of the development must be carried out in accordance with the approved CTMTP.

Reason: To protect public amenity and to maintain highway safety in accordance with Policies T1 and T2 of the Leeds Core Strategy and paragraph 114 of the National Planning Policy Framework 2023.

- 8) Before the commencement of any works in respect of the structures listed below, samples and specifications of all materials to be used on all external elevations must be submitted to and approved in writing by the local planning authority:
- i) Replacement Austhorpe Lane bridge (HUL 4/21)
 - ii) Works to raise Crawshaw Woods bridge (HUL 4/20)
 - iii) Barrowby Lane Bridge
 - iv) Replacement Ridge Road bridge (HUL 4/14)
 - v) Micklefield track sectioning cabin.

The development must be constructed in accordance with the approved materials, which must be retained thereafter.

Reason: In the interests of good design and visual amenity, and in accordance with Policy 10 of the Leeds Core Strategy and paragraphs 131 and 135 of the National Planning Policy Framework 2023.

- 9) a) No stage of the development (except preliminary works) in the areas listed in i) – vi) below is to commence until a construction methodology has been submitted to and approved in writing by the local planning authority:
- i) Penny Pocket Park, Leeds city centre.
 - ii) The area of the south-east compound at Austhorpe Lane.
 - iii) The area of the request for deemed planning permission at Crawshaw Woods bridge.
 - iv) The area of the request for deemed planning permission at Ridge Road bridge.
 - v) The area of the request for deemed planning permission at New Barrowby Lane.
 - vi) The loop-holed gatehouse to the north of Austhorpe Lane bridge.

It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service) whether a written scheme of investigation (WSI) is required to be submitted.

b) No stage of development (except preliminary works) is to commence within the areas of archaeological interest identified in chapter 6 of Volume One of the Environmental Report and in any areas for which a WSI is required in accordance with part (a) above, until a WSI for such areas has been submitted to and approved in writing by the local planning authority.

c) The approved WSI must identify areas where appropriate archaeological investigations are required, include a statement of significance and research objectives, and the measures to be taken in order to protect, record or preserve any significant archaeological remains that may be found and a programme of post-investigation assessment, analysis and publication as required.

d) Any archaeological investigation required by the approved scheme must be undertaken by a suitably qualified person or body approved by the local planning authority.

Reason: To ensure that the significance of the historic environment is properly assessed and preserved, and to ensure that the development is carried out in accordance with Policy P11 of the Leeds Core Strategy and paragraphs 195 and 205 of the National Planning Policy Framework 2023.

- 10) No development (excluding preliminary works) is to commence until a strategy (including baseline metric calculations) to achieve an overall minimum 10% net gain within the Council's administrative boundary, including monitoring, maintenance, management and reporting

arrangements, has been submitted to and approved in writing by the local planning authority.

Prior to the formal completion of works to the last bridge in the Order scheme, measures to achieve an overall minimum 10% net gain in biodiversity for the development (assessed in accordance with the 2019 Department for Environment, Food & Rural Affairs biodiversity metric 3.0) shall be implemented in accordance with the approved strategy.

Reason: In order to provide biodiversity net gain in accordance with Policies P12, G1, G8 and G9 of the Leeds Core Strategy, and paragraph 180(d) of the National Planning Policy Framework 2023.

- 11) No stage of the development (except preliminary works) is to commence until supplementary ground investigations (where required) have been conducted and interpretative reports submitted to and approved in writing by the local planning authority.

If identified as being required in an interpretive report, or where significant unexpected contamination is encountered which requires remediation, a remediation strategy shall be submitted to and approved in writing by the local planning authority.

The remediation strategy for any stage of the development shall be carried out in accordance with a programme which has been submitted to and approved in writing by the local planning authority. A verification report shall be submitted to and approved in writing by the local planning authority on the completion of the remediation works.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are carried out in order to make the site suitable for use, having regard to paragraph 189 of the National Planning Policy Framework 2023.

- 12) Prior to the commencement of works to create a new right of way through Micklefield Recreation Ground between Great North Road and Lower Peckfield Lane in Micklefield, details of surfacing and widths of the footpath shall be submitted to and agreed in writing by the local planning authority. The footpath works shall be implemented as approved.

Reason: In the interest of providing appropriate public right of way provision in accordance with Policy G1 of the Leeds Core Strategy.

Conditions relating to the application for LBC at Austhorpe Lane bridge

- 1) The works hereby authorised shall commence before the expiration of five years from the date of this consent.

Reason: To ensure that the works are commenced within a reasonable period of time.

- 2) The works hereby authorised shall be carried out in accordance with the following drawings:

Location plan 151666-TRA-00-HUL4-DRG-R-SG-310001 P02

Existing sections 151666-TRA-00-HUL4-DRG-R-SG-310006 P01

Proposed plan 151666-TRA-00-HUL4-DRG-R-SG-310002 P02

West elevations 151666-TRA-00-HUL4-DRG-R-SG-310003 P01

East elevations 151666-TRA-00-HUL4-DRG-R-SG-310004 P01

Proposed sections 151666-TRA-00-HUL4-DRG-R-SG-310005 P01.

Reason: To provide certainty.

- 3) Before the works hereby authorised commence, samples and specifications of all materials to be used on all external elevations shall be submitted to and approved in writing by the local planning authority. The works shall only be carried out using the approved materials.

Reason: To ensure the conservation of the historic environment and be consistent with Policy N17 of the Leeds Unitary Development Plan.

- 4) No works of demolition shall take place until an approved methodology for full recording of the structure has been submitted to and approved in writing by the local planning authority. Subsequent recording shall take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.

Reason: In recognition of the architectural and historic significance of the listed building and in accordance with Chapter 16 of the National Planning Policy Framework 2023.

- 5) No works of demolition shall take place until historically or architecturally significant elements of the fabric have been identified, and a scheme for their storage and re-use on the replacement Austhorpe Lane bridge, or elsewhere on the railway between Leeds and Micklefield, has been submitted to and approved in writing by the local planning authority.

Reason: To contribute to the conservation of the historic environment.

Conditions relating to the application for LBC at Crawshaw Woods bridge

- 1) The works hereby authorised shall commence before the expiration of five years from the date of this permission.

Reason: To ensure that the works are commenced within a reasonable period of time.

- 2) The works hereby authorised shall be carried out in accordance with the following drawings:

Location plan 151666-TRA-00-HUL4-DRG-R-SG-320001 P01

Existing sections 151666-TRA-00-HUL4-DRG-R-SG-320006 P01

Proposed plan 151666-TRA-00-HUL4-DRG-R-SG-320002 P01

West elevations 151666-TRA-00-HUL4-DRG-R-SG-320003 P01

East elevations 151666-TRA-00-HUL4-DRG-R-SG-320004 P01

Proposed sections 151666-TRA-00-HUL4-DRG-R-SG-320005 P01.

Reason: To provide certainty.

- 3) Before the works hereby authorised commence, samples and specifications of all materials to be used on all external elevations shall be submitted to and approved in writing by the local planning authority. The works shall only be carried out using the approved materials.

Reason: To ensure the conservation of the historic environment and be consistent with Policy N17 of the Leeds Unitary Development Plan.

- 4) No works of demolition shall take place until an approved methodology for full recording of the structure has been submitted to and approved in writing by the local planning authority. Subsequent recording shall take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.

Reason: In recognition of the architectural and historic significance of the listed building and in accordance with Chapter 16 of the National Planning Policy Framework 2023.

- 5) No works including any works of demolition shall commence until a conservation implementation management plan (CIMP) has been submitted to and approved in writing by the local planning authority. The approved CIMP shall include methodologies for:

- i) Fabric removal, masonry repairs, vegetation removal, repointing, metalwork repairs and application of protective paint systems as appropriate.
- ii) The identification of historically or architecturally significant elements of the fabric, and a scheme for their storage and re-use on Crawshaw Woods bridge or elsewhere on the railway between Leeds and Micklefield.
- iii) Any improvements to the setting to sustain, enhance and better reveal the heritage asset.
- iv) Exact affixing details of overhead line electrification.
- v) Details of any maintenance access regime required.
- vi) Provision of heritage interpretation boards during construction works.
- vii) Dissemination of toolbox talks to personnel involved in demolition and construction works.

The works shall be carried out in accordance with the approved CIMP.

Reason: To ensure the conservation of the historic environment and be consistent with Policy N17 of the Leeds Unitary Development Plan.

Conditions relating to the application for LBC at Brady Farm bridge

- 1) The works hereby authorised shall commence before the expiration of five years from the date of this permission.

Reason: To ensure that the works are commenced within a reasonable period of time.

- 2) The works hereby authorised shall be carried out in accordance with the following drawings:

Location plan 151666-TRA-00-HUL4-DRG-R-SG-330001 P01

Existing plan 151666-TRA-00-HUL4-DRG-R-SG-330002 P01

Existing elevations 151666-TRA-00-HUL4-DRG-R-SG-330003 P01

Existing sections 151666-TRA-00-HUL4-DRG-R-SG-330004 P01.

Reason: To provide certainty.

- 3) Before the works hereby authorised commence, details of the treatment of the remaining abutments and means of enclosure shall be submitted to and approved in writing by the local planning authority. The works shall only be carried out in accordance with the approved details.

Reason: To ensure the conservation of the historic environment and be consistent with Policy N17 of the Leeds Unitary Development Plan.

- 4) No works of demolition shall take place until an approved methodology for full recording of the structure has been submitted to and approved in writing by the local planning authority. Subsequent recording shall take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.

Reason: In recognition of the architectural and historic significance of the listed building and in accordance with Chapter 16 of the National Planning Policy Framework 2023.

- 5) No works of demolition shall take place until historically or architecturally significant elements of the fabric have been identified, and a scheme for their storage and re-use elsewhere on the railway between Leeds and Micklefield has been submitted to and approved in writing by the local planning authority.

Reason: To contribute to the conservation of the historic environment.

Conditions relating to the application for LBC at Ridge Road bridge

- 1) The works hereby authorised shall commence before the expiration of five years from the date of this permission.

Reason: To ensure that the works are commenced within a reasonable period of time.

- 2) The works hereby authorised shall be carried out in accordance with the following drawings:

Location plan 151666-TRA-00-HUL4-DRG-R-SG-340001 P02

Existing sections 151666-TRA-00-HUL4-DRG-R-SG-340006 P01

Proposed plan 151666-TRA-00-HUL4-DRG-R-SG-340002 P02

West elevations 151666-TRA-00-HUL4-DRG-R-SG-340003 P01

East elevations 151666-TRA-00-HUL4-DRG-R-SG-340004 P01

Proposed sections 151666-TRA-00-HUL4-DRG-R-SG-340005 P01.

Reason: To provide certainty.

- 3) Before the works hereby authorised commence, samples and specifications of all materials to be used on all external elevations shall be submitted to and approved in writing by the local planning authority. The works shall only be carried out using the approved materials.

Reason: To ensure the conservation of the historic environment and be consistent with Policy N17 of the Leeds Unitary Development Plan.

- 4) No works of demolition shall take place until an approved methodology for full recording of the structure has been submitted to and approved in writing by the local planning authority. Subsequent recording will take place prior to demolition and be deposited with the West Yorkshire Archive Service and West Yorkshire Historic Environment Record.

Reason: In recognition of the architectural and historic significance of the listed building and in accordance with Chapter 16 of the National Planning Policy Framework 2023.

- 5) No works of demolition shall take place until historically or architecturally significant elements of the fabric have been identified, and a scheme for their storage and re-use on the replacement Ridge Road bridge, or elsewhere on the railway between Leeds and Micklefield, has been submitted to and approved in writing by the local planning authority.

Reason: To contribute to the conservation of the historic environment.

ANNEX 2 - APPEARANCES

FOR THE APPLICANT:

Ms J Lean	Counsel, instructed by Dentons LLP.
She called	
Mr D Vernon BA(Hons) DipPG MRTPI MNIPA	Partner, Carter Jonas LLP.
Mr P Harrison HNC	Engineering Manager, Siemens plc.
Mr G Stamper	Principal Engineer (Highways), SYSTRA Ltd.
BSc(Hons) CEng MICE	
Mr J Pearson BSc MIEMA	Environment Manager, Network Rail Infrastructure Ltd.
Mr A Rivero BSc(Hons) MRTPI	Town Planning Manager, Network Rail Infrastructure Ltd.
Ms A Jones BA MA MCIfA	Technical Director, AECOM Ltd.
Mr J Greenwood HND MIPROW	Head of Liability Negotiation, Network Rail Infrastructure Ltd.
Mr A Cunningham	Route Level Crossing Manager, Network Rail Infrastructure Ltd.
Mr M Westwood BSc(Hons)	Principal Engineer (Level Crossings), SYSTRA Ltd.
Ms S Bedford BA(Hons) MIPROW	Liability Negotiations Manager, Network Rail Infrastructure Ltd.
Mr B Thomas BSc MSc MRICS	Partner, Carter Jonas LLP.
Mr A Wooddisse BSc(Hons) MA MRTPI	Consents Manager, AECOM Ltd.

FOR LEEDS CITY COUNCIL (Order objector 7):

Ms A Lawson	Head of Station Development, Leeds CC.
Ms C Harris BA(Hons) MA	Principal Planner, Leeds CC.
Mr P Ward BA(Hons) MA MRTPI IHBC	Team Leader Landscape Heritage & Design, Leeds CC.
Mr S Daniel BA(Hons) MA	Principal Planner, Leeds CC.

FOR MAKINS ENTERPRISE LTD & C W MAKIN (Order objector 9):

Mr C W Makin	Owner of Makins Enterprise Ltd and of Sturton Grange Farm
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FOR COUNCILLORS J LEWIS, M HARLAND & M MILLAR (Order objector 13):

Councillor J Lewis	Representing himself and Councillors M Harland and M Millar, all Members of the City Council for Kippax & Methley Ward.
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FOR THE PEAK AND NORTHERN FOOTPATHS SOCIETY (Order objector 20):

Mr J Harker	Courts & Inquiries Officer (Leeds metropolitan area), Peak & Northern Footpaths Society.
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FOR MICKLEFIELD PARISH COUNCIL (Order objector 63):

Councillor J A Crossley

Chairman, Micklefield PC.

ANNEX 3 - DOCUMENTS SUBMITTED AFTER THE INQUIRIES OPENED

- CD 9.01 Schedule of proposed amendments to the draft Order. Submitted on 27 February 2024. Superseded by CD 9.17.
- CD 9.02 Proposed revised draft Order. Submitted on 27 February 2024. Superseded by CD 9.15.
- CD 9.03 Ms Lean's opening statement on behalf of the Applicant.
- CD 9.04 Womble Bond Dickinson's opening statement on behalf of Leeds CC.
- CD 9.05 Bundle of notices concerning the proposed Order and the Section 19 certificates. Submitted by the Applicant.
- CD 9.06 Appendix F to Mr Vernon's proof of evidence.
- CD 9.07 Note on position of Network Rail planning applications at 1 March 2024. Submitted by Leeds CC.
- CD 9.08 The Applicant's glossary of terms.
- CD 9.09 Environmental agreement between the Applicant and Leeds CC relating to category 1 and category 2 works.
- CD 9.10 Summary of highways agreement between the Applicant and Leeds CC relating to the proposed Order.
- CD 9.11 Data on vehicle movements to and from Sturton Grange. Submitted by Mr Makin.
- CD 9.12 Affidavit on behalf of Network Rail concerning compliance with Rules 13, 14(1)-(8) & 15 of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.
- CD 9.13 Extracts from the Highways Act 1980. Submitted by the Applicant.
- CD 9.14 Note of meeting on 30 March 2023 between representatives of Leeds CC and Network Rail concerning waste collection along Pit Lane, Micklefield.
- CD 9.15 Proposed revised draft Order. Submitted on 8 March 2024.
- CD 9.16 Track changes version of CD 9.15.
- CD 9.17 Revised schedule of proposed amendments to the draft Order. Submitted on 12 March 2024.
- CD 9.18 Corrections to paragraph 4.02 of Mr Vernon's proof of evidence.
- CD 9.19 The Applicant's table of common terms.
- CD 9.20 Revised explanatory memorandum to the proposed Order.
- CD 9.21 Track changes version of CD 9.20.
- CD 9.22.01 Email dated 8 March 2024 from Ms J Freeman withdrawing her objection from joint objection CD 4.Obj/60.
- CD 9.22.02 Email dated 8 March 2024 from Mr P Freeman withdrawing his objection from joint objection CD 4.Obj/60, and indicating the withdrawal of objections CD 4.Obj/21 & 22.
- CD 9.22.02A Email dated 12 March 2024 from Mr P Freeman, explaining that objections CD 4.Obj/21 & 22 are not withdrawn.
- CD 9.23 NTP-E Statement of History and Significance: East of Leeds – Alan Baxter & Associates LLP – Reissued March 2024. Submitted by the Applicant.
- CD 9.24 Crane notification guidance; The Civil Aviation Authority. Submitted by Mr Makin.

- CD 9.25 Summary details of planning permission ref 33/53/97/FU for use of part of agricultural land to light aircraft take-off/ landing strip at Sturton Grange Farm. Submitted by Mr Makin.
- CD 9.26 Planning permission ref P/33/174/04/FU for use of part of agricultural land to light aircraft take-off/ landing strip (north-south) at Sturton Grange Farm and associated documents. Submitted by Mr Makin.
- CD 9.27 Emails dated 7 & 8 March 2024 from Mr T Preston expressing objection to the proposed Order.
- CD 9.28 Emails dated 28 February & 8 March 2024 from Mr I Cox concerning the prospective withdrawal of objection CD 4.Obj/06.
- CD 9.29 Schedule of engagement with parties who responded to the proposed Order. Submitted by the Applicant.
- CD 9.30 Note on Network Rail alliancing. Submitted by Mr Vernon.
- CD 9.31 Summary of elements of the scheme. Submitted by the Applicant.
- CD 9.32 Suggested alternative materials conditions for the bridges. Submitted by the Applicant.
- CD 9.33 Note on Peckfield level crossing. Submitted by the Applicant.
- CD 9.34 Mr Vernon's note on queries raised on his evidence.
- CD 9.35 Note on operational restrictions relating to air strips at Sturton Grange Farm. Submitted by the Applicant.
- CD 9.36 Note on bridge optioneering costs. Submitted by the Applicant.
- CD 9.37 Note on queries raised on Mr Harrison's evidence.
- CD 9.38 Amended level crossing optioneering tables. Submitted by Mr Cunningham.
- CD 9.39 Note on southbound diversionary routes from Sturton Grange Farm. Submitted by the Applicant.
- CD 9.40 Note on overhead line equipment electrical clearances. Submitted by the Applicant.
- CD 9.41 Councillor Crossley's closing submissions on behalf of Micklefield PC.
- CD 9.42 Mr Harker's closing submissions on behalf of the Peak and Northern Footpaths Society.
- CD 9.43 Womble Bond Dickinson's closing submissions on behalf of Leeds CC.
- CD 9.44.01 Ms Lean's closing submissions on behalf of the Applicant (as delivered).
- CD 9.45 The Applicant's response to CD 9.27.
- CD 9.46.01 Email dated 19 March 2024 from Leeds CC providing an update on Garforth Moor planning application.
- CD 9.46.02 Emails dated 19 March 2024 from Leeds CC providing an update on Neville Hill planning application.
- CD 9.47 Revised appendix 3 to CD 1.12. Submitted by the Applicant.
- CD 9.48 Email dated 19 March 2024 on behalf of the Applicant providing various updates.
- CD 9.49 Note on provisions in the proposed Order relating to open space. Submitted by the Applicant.

CD 9.50 Email dated 3 May 2024 on behalf of the Applicant correcting typographical errors in schedules to the draft Order.