



Department for Transport

Michele Vas
Dentons UK and Middle East LLP
One Fleet Place
London
EC4M 7WS

Natasha Kopala
Head of Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Web Site: www.dft.gov.uk

Our Ref: TWA/23/APP/03
Your Ref:

1 October 2024

Dear Ms Vas,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NETWORK RAIL (LEEDS TO MICKLEFIELD ENHANCEMENTS) ORDER AND DEEMED PLANNING PERMISSION

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to the report of the Inspector Richard Clegg BA (Hons) DMS MRTPI, who held concurrent inquiries to hear objections and other representations concerning: (i) an application for The Network Rail (Leeds to Micklefield Enhancements) Order (“the Order”), to be made, a request for a direction for deemed planning permission for development which would be authorised by the Order, and (ii) two applications for certificates in respect of open space which would be affected by the Order; and 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.
2. This letter is concerned with the application made by Network Rail Infrastructure Limited (“NR”), on 11 July 2023, for the Order to be made under sections 1 and 5 of the Transport and Works Act 1992 (“TWA”). The Ministry of Housing, Communities & Local Government will be writing separately regarding the listed building consents and open space certificates.
3. Enclosed with this letter is a copy of the Inspector’s Report (“the IR”). All “IR” references in this letter are to the specified paragraph in the Inspector’s Report. The names of objectors are accompanied by their reference number in the form “OBJ/xx”.

4. The Order will make provision for the authorisation of a variety of works and measures, and it will also support additional elements which involves the electrification of the Leeds to Church Fenton line. Together with the TWA Order, specific planning permissions, listed building consents, permitted development and prior approvals make up the Leeds-Micklefield Enhancement Scheme (“the Enhancements Scheme”). It will authorise the construction by NR of the following scheduled works (IR 4.3):
 - Reconstruction and realignment of Austhorpe Lane bridge and demolition of the adjacent footbridge.
 - Diversion of the high-pressure gas main adjacent to Austhorpe Lane bridge.
 - Reconstruction of Crawshaw Woods bridge.
 - Construction of a footpath and bridleway bridge north of Barrowby Lane.
 - Reconstruction of Ridge Road bridge.
 - Diversion of the high-pressure gas main adjacent to Ridge Road bridge.

Summary of Inspector’s Recommendations

5. The Inspector recommended that the Order should be made, subject to modifications and deemed planning permission for the works authorised by this Order, should be granted.

Summary of Secretary of State’s decision

6. For the reasons given in this letter, the Secretary of State has decided to make the Order with modifications.

Procedural Matters

7. In making the application, NR has complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“the 2006 Rules”). This included serving copies of the application and accompanying documents on the persons specified in the 2006 Rules (Document NR07: Consultation Report (“NR07”), Appendices 1-3) and making the documents available for public inspection in a “virtual consultation room” that could be accessed 24 hours a day for the duration of the consultation (NR07, paragraph 2.5.3). As also required by the 2006 Rules, NR displayed and published notices giving information about the application and how to make representations and served notice on those whose land would be compulsorily acquired and those whose rights over land would be extinguished under the revised Order (NR07, Appendix 2).
8. NR requested a screening decision from the Secretary of State as to whether an environmental impact assessment (“EIA”) was required for the proposed Order application. In response to that request, the Secretary of State issued a decision on 17 May 2023 that an EIA was not required.
9. The Inspector also notes that NR submitted a revised draft Order and updated land and works plans at the pre-inquiry meeting, incorporating detailed comments from Leeds City Council (“LCC”). This revised draft underwent publicity and notification, and two additional revisions were made during the inquiry. The final proposed Order, submitted by Network Rail on March 8, 2024, does not materially alter the scope of

the Order. It was determined that considering the proposed modifications would not prejudice any parties' interests. Additionally, a subsequent correction addressed two minor typographical errors in the draft Order's schedules (IR 1.5).

10. In response to the application, the Secretary of State received a total of 34 objections, 5 other representations and 3 letters of support. Of the objections, 3 were withdrawn by the close of the inquiries, as had representations from the Environment Agency, Royal Mail and National Highways. In addition to this, LCC advised that it had reached agreement on all matters raised in its original objection apart from that relating to Peckfield level crossing (Core document (CD) 7.47) (IR 6.1). In addition to this, an objection was received (Mr Preston) after the inquiry had opened (CD 9.27). There were no new issues that were brought forward by this objection, and NR had the opportunity to submit a written response (CD 9.45) (IR 6.1). The Inspector concluded that they do not consider that the interests of any party would be prejudiced by taking that objection from Mr Preston into account (IR 6.1).
11. The Secretary of State has complied with the public sector equality duty and has had due regard to the matters set out in section 149(1) of the Equality Act 2010 in accordance with sub-section 149(3) to (5) concerning the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic or persons who do not. The Secretary of State also notes that the Inspector concluded, in considering the public sector equality duty, that the Enhancements Scheme would not discriminate against those with a protected characteristic (IR 14.135). The Secretary of State has considered these issues where relevant below.

The Secretary of State's decision

12. Careful consideration has been given to all the arguments put forward by, or on behalf of, all parties. The Secretary of State's consideration of these and of the Inspector's report is set out in the following paragraphs. Where not specifically stated, the Secretary of State can be taken to agree with the findings, recommendations and conclusions put forward by the Inspector.

The Aims and Objectives of, and need for the scheme

13. The Inspector highlighted that the North Transpennine Route ("NTR") plays a key role in the East-West arteries across the Northern economy, and it is in urgent need of improvement (IR 7.1). In order to address these needs, NR is promoting a series of projects as part of the Transpennine Route Upgrade ("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 and to improve the overall reliability and resilience of the NTR (IR 7.5). The authorisations and powers sought through the draft Order and associated consents are required to support the delivery of those benefits to ensure that the full benefits of the TRU programme are realised (IR 7.1).
14. The draft Order would also make provision for the following (NR01):
 - a) authorisation to construct, enhance, operate and maintain works on the Transpennine Line between Leeds and Micklefield for the purposes of

increasing capacity and improving journey time and performance reliability of rail services on the Transpennine Line between York, Leeds and Manchester, including works to facilitate the upgrade of the existing railway, railway electrification works and associated works between Leeds and Micklefield;

- b) the demolition and reconstruction and construction of overbridges and highways on the Transpennine Line between Leeds and Micklefield;
- c) powers to compulsorily acquire interests in and rights over land, extinguish rights and rights to use land temporarily for the purposes of the works authorised by the Order and associated works;
- d) the disapplication of legislative provisions and provision regarding the application of local railway enactments and the application of existing agreements;
- e) powers to execute street works, temporarily and permanently stop up and/or divert, footpaths and highways, alter the layout of streets, provide access to works, make traffic regulations and provisions relating to streets. The Order also makes provision for the closure of level and accommodation crossings; and
- f) powers relating to the operation and use of the railway, a defence to proceedings in respect of statutory nuisance, the felling or lopping of trees overhanging the proposed works and the prevention of obstruction of the construction of works and ancillary provisions.

15. The Inspector concludes that, the scheme (“Order scheme”) would contribute to most of the TRU objectives and would deliver important benefits in the form of improved safety arising from the closure of five level crossings and reduced operating and maintenance costs (IR 7.9). The Secretary of State is satisfied with these conclusions.

Compliance with statutory procedural requirements

16. As detailed at paragraph 7, the Secretary of State is satisfied that NR have complied with all statutory procedural requirements in making this application.

The main alternatives considered and reasons for choosing preferred option

Strategic alternatives

17. The Inspector notes the views put forward by NR that when looking at the strategic alternatives in the Order scheme, there aren't high-level strategic alternatives that would be able to deliver the benefits of scheme in the same way, without investing directly into the infrastructure. The Inspector additionally highlights that the only other major cross-Pennine route infrastructure is the M62 motorway, which has recently gone through a full modernisation and capacity increase. However, the Inspector notes that as it is already at capacity, this would not be a viable alternative option (IR 7.20 and 14.9). A further exploration of other rail routes was also considered such as the South Transpennine Route and Calder Valley line, however

they are smaller and currently undergoing their own improvements. The Inspector notes that whilst there have been some advancements as a result of investment with new rolling stock, there are still issues related to performance, reliability, and capacity for local and express services.

18. The Inspector notes that there are other improvement works in the area specifically for the South Transpennine Route connecting Manchester and Sheffield. However, this line lacks connections to key cities like Leeds and York, as well as northern routes to Newcastle and Scotland (IR 14.10). Furthermore, the Inspector notes that reference has also been made regarding developments on lines such as the Calder Valley line, which primarily offers opportunities to the west of Leeds (IR 14.10). Additionally, the Inspector highlights that these lines are being upgraded to serve as diversionary routes for TRU projects. As a result, the Inspector concludes that the Order Scheme is a logical extension to that work (IR 14.10). The Secretary of State is satisfied with this assessment and agrees with the Inspector.
19. The Secretary of State notes that consideration was also given as to the proposed works to each of the listed bridges that would be affected (Austhorpe Lane, Crawshaw Woods, Brady Farm and Ridge Road). The Inspector notes that within the “Alternative Options Evaluation Study” which accompanies each of the listed building consent applications, 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) (IR 7.12 and 7.21). However, the Inspector highlights, that although this could possibly help 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 (IR 14.11). Furthermore, lowering the pantograph may enable a train to pass under a bridge as trains are expected to be bi-modal and the alternative diesel power supply would allow momentum to be maintained, but the Inspector notes from the “Alternatives Options Evaluation Study” that there is no evidence to show, that in this case, it would enable trains to pass safely below the bridges. Even if it did, there is a risk of bridge strike due to the distance that trains can travel whilst the lowering of the pantograph occurs (IR 7.23 and 14.11). The Inspector concluded that the exercise assessing alternatives in respect of the listed bridges was appropriate and the Secretary of State agrees (IR 14.19).

The impact of the closure of Peckfield and Garforth Level Crossings

20. The Secretary of State notes the Inspector’s explorations of the two level crossings that make up part of the Order scheme. The Inspector highlights that there is an “inherent risk” associated with the use of level crossings (IR 14.28). When looking at Garforth Moor (prior to its current closure) and Peckfield, these crossings enabled users of the public footpath and bridleway to cross the operational railway (IR 14.28).
21. The Inspector notes that Garforth Moor is a level crossing where there is nothing to warn users of the approach of trains, and although there are telephones at Peckfield for equestrians, this is dependent on the cooperative behaviour of users (IR 14.28).

The approach used for the safety audit and user survey

22. The Secretary of State must consider the approach used for the safety audit and user survey. The Inspector highlights that risk assessments have been undertaken for both level crossings. The approach used was the “All level crossing risk model” (“ALCRM”) (IR 14.29). This model provides a quantitative assessment of risk, taking account of a range of factors including the extent of use by both trains and the public. In addition to this, 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 crossings.
23. Peckfield level crossing carries Micklefield bridleway 8. A non-motorised user route safety assessment took place where 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 Core document) was considered. This 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. The Inspector does however 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, (CD 7.08, section 3.33) of this route are covered in highways evidence presented to the inquiry on behalf of NR (IR 14.30).
24. The Secretary of State is satisfied with the Inspector’s conclusions on this matter.

The impact on users

25. The Secretary of State has also considered the approach used to look at the impact on users. The Inspector notes that the level crossing usage was gained from a census survey. These findings considered the impact on not only adults, cyclists and equestrians, but also those in wheelchairs, on mobility scooters or who are otherwise mobility impaired, and the elderly, therefore taking into account some groups with protected characteristics (IR 14.31). The Peckfield census which took place over seven days, and incorporated an origin and destination survey was undertaken in 2023. The Inspector also notes that NR also makes reference to an earlier nine days census in 2021. Garforth Moor crossing is temporarily closed so, the level of usage was estimated from a survey undertaken in 2017.
26. The Secretary of State is satisfied with the Inspector’s conclusions on the approach to assessing safety and usage at Garforth Moor and Peckfield level crossings. The Inspector states that the approach provided sufficiently detailed information to consider the proposals included in the draft Order (IR 14.32).

Garforth Moor Level crossing

27. Garforth Moor level crossing underpins both the Garforth footpath 7 and a private right of way over the railway. This crossing was temporarily closed on safety grounds about six years ago. The Inspector highlights that currently visibility for users of the level crossing is already unsatisfactory, and NR’s assessment that the installation of the Overhead line Equipment (“OLE”) would worsen the situation was uncontested (IR 14.33).

28. Alternatives included the installation of supplementary audible warning devices, miniature stop lights or the provision of a stepped or ramped footbridge (IR 14.34). Various, these options were assessed and would either fail to provide adequate mitigation, or, at best (in the case of the stepped or ramped footbridge), perform poorly on a cost-benefit analysis (IR 14.34) (NR 9.38, table 5.7.1).
29. The Inspector noted, due to the temporary closure of Garforth Moor Level Crossing, a diversionary route had been created. This included Barwick Road to the west of the crossing and the existing footpaths 7A and 7 to the north, and it is proposed to make this arrangement permanent. Additionally, an access track has been constructed along the line of these footpaths for allotment users, along with a parking area at the southern end of the track (IR 14.35).
30. The Inspector highlighted a proposal put forth by the “Peak and Northern Footpaths Society” (“PNFS”) for a creation of a new footpath between Barwick Road and footpath 7. This new footpath would reduce the length of walking along Barwick Road by approximately 100 meters. The creation of the footpath was previously supported by NR, but it’s rights of way witness did not consider the additional footpath necessary (CD 7.45, appendix 2). Instead, the Inspector notes that the diversion route that was proposed by the PNFS would connect Barwick Road to the wider footpath network north of Garforth Moor level crossing (IR 14.36).
31. Based on a census prior to the temporary closure of the crossing in 2017, the daily average use has been estimated as about 46 pedestrians (CD 7.23, section 5.5). The previous vehicle gates have been replaced by pedestrian gates, and it is noted that some allotment holders are seen carrying equipment to their allotments. This could potentially impede their progress over the crossing and reduce visibility, posing safety concerns (IR 14.37). To address this, it was suggested that a parking area be provided on the north side of the railway to improve access for those carrying equipment and materials, as well as to prevent parking on nearby roads. The alternative means of access proposed by the PNFS would not offer any additional benefit to allotment users who travel by car. The Secretary of State agrees with the Inspector that the provision of a parking area would constitute a distinct improvement for them (IR 14.37).
32. Dog walkers are the other main group using the level crossing (IR 14.38). If the rights of way are extinguished on the level crossing, both allotment holders and dog walkers would see an increase in journey length of about 220 meters, adding approximately 3 minutes of walking time. However, it is noted that it is not necessary to travel through that point to access the wider footpath network to the north. The Secretary of State agrees with the Inspector that the additional length or time for anyone travelling to and from the allotments of footpath 8A on foot would not be excessive (IR 14.38).
33. When looking at the impact this may have on users, the nature of the route has also been taken into consideration (IR 14.39). The Inspector notes that the footway on the east side of Barwick Road narrows to below 1 meter under the railway bridge and further north towards footpath 7A (IR 14.39). The Inspector acknowledges that this may pose difficulties for wheelchair users and those with prams, and due to the nature of its surface, the existing route along footpath 7 is also challenging for such users. The report of the last census regarding the usage of the crossing does not

mention wheelchair users or those with prams (IR 14.39). Barwick Road is not considered a main route, and the Inspector notes that they do not expect high levels of traffic (IR 14.39). Therefore, using the footway for an additional 100 meters is not believed to significantly impact highway safety (IR 14.39). The Secretary of State agrees with the Inspector's conclusions on this matter.

34. The Inspector has also considered the effect of the shared use of parts of the routes followed by footpaths 7A and 7 (IR 14.40). The Inspector highlights the fact that the access track on the line of footpath 7 would be available for use by the vehicles of allotment holders. However, there is no indication that there would be extensive vehicle movements, and it is expected to have slow-moving vehicles due to its surface of granular aggregate fill and its short length, suggesting that it is not designed for high-speed travel (IR 14.40).
35. The Inspector noted that footpath 7A, which follows the unadopted road, serves multiple dwellings and is utilised by agricultural vehicles, equestrians, and cyclists. Being a non-definitive bridleway, it is already a shared surface where different types of users coexist. This indicates that the footpath is designed to accommodate various modes of transportation (IR 14.40).
36. The Inspector emphasises that the track and footpath do not serve any activities that would result in significant vehicle usage. Therefore, the presence of vehicles is expected to be relatively low. Additionally, similar to the track leading to the allotment's car park, the nature of the road is seen as a limiting factor on speed. The entrance to the access track is gated, which means that vehicles must come to a stop while the gate is opened. This further contributes to the control of vehicle movement and reduces the likelihood of high-speed travel (IR 14.40). Considering the relatively low traffic levels and this circumstance, the Inspector concludes that the extent of visibility at the junction is not expected to pose a risk to highway safety. In terms of the proposed alternative route across Garforth Moor level crossing, the Inspector finds that it would not compromise highway safety (IR 14.40). The Inspector acknowledges that a limited number of pedestrians may experience additional journey time due to this route, but the Inspector deems the impact to be insignificant and not materially harmful (IR 14.40). Based on these findings, the Secretary of State agrees with the Inspector and NR's perspective that it would not be necessary or proportionate to create an additional footpath between Barwick Road and footpath 7, as suggested by the PNFS (IR14.40).

The rationale for preferred option and alternatives considered

37. The Inspector notes that the proposed alternative route to the level crossing would make use of the existing access to the allotments, and that the only work required would be to provide a granular aggregate fill surface on the track. Therefore, the Inspector concludes that this proposal would not have any adverse effects on wildlife and biodiversity (IR 14.41). Having taken the Inspector's conclusions into account the Secretary of State is therefore satisfied with this and agrees with the Inspector on this matter.
38. The Inspector noted that some residents have expressed concerns about the maintenance implications of additional permanent use of the road. NR suggests that

this concern can be addressed by including a maintenance provision in the granting of the right to use the track to LCC (IR 14.42).

39. The Inspector concluded that the crossing should remain closed and that upgrading it would not provide a satisfactory solution. Instead, the suggested alternative route involves using an unadopted road and the track to the allotments (IR 14.43). The Inspector highlights that this alternative route would not compromise highway safety. While there are concerns expressed by the PNFS about the proposed route, the Inspector noted that the formation of an additional length of footpath would be unnecessary. The Secretary of State agrees with the Inspector's view that the preferred option to address the problem of Garforth Moor level crossing would not have an unacceptable effect on users.

Peckfield Level Crossing

40. The Peckfield level crossing carries the Micklefield bridleway over the railway. The bridleway starts from the Great North Road, follows Lower Peckfield Lane, passes Micklefield Recreation Ground, and continues south of the railway along Pit Lane towards the A63 (IR 14.44).
41. The Inspector notes that various options were considered as part of the scheme to close Peckfield crossing. However, like Garforth Moor, none of the options would provide adequate mitigation to the safety concerns (IR 14.45). The installation of miniature stop lights was not considered a practical solution because of the proximity of a junction and Micklefield station (IR 14.45). Consideration was also given to the possibility of a subway; however, this was also not deemed viable at an early stage due to potential technical difficulties and, in the case of the position to the east, the impact on the recreation ground and mature trees (7.27).
42. The Inspector notes that there were five options that were subject to a detailed assessment, which included a new bridleway or footpath through the recreation ground, possible additional lengths of bridleway and bridges over the railway (CD 7.27). Both LCC and the PNFS supported the retention of the link across the railway by means of a ramped bridge, whilst the Parish Council ("the PC") supported a stepped bridge (IR 14.46). The Inspector emphasises that the construction of a bridge would be significantly more expensive than the other options (IR 14.46). It would also require the acquisition of additional land and would add about 300m to the route across the railway and in the case of a footbridge and about 500m in the case of a ramped bridge (IR 14.47).

Impacts of the proposed diverted Bridleway including impacts on biodiversity, wildlife and highway safety.

43. In contrast to the options immediately above, the Inspector found that the proposal incorporated into 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 the use of Pit Lane on the southern side (IR 14.47). By utilizing this route, people can continue their journey on the Great North Road instead of using Lower Peckfield Lane and the diversion through the recreation ground (IR 14.47). Another option that was considered was extending a bridleway to East Garforth. However, this option would involve acquiring additional land and creating a crossing that is

suitable for equestrians. LCC deemed this option unsuitable due to existing traffic flows and the road's use as a diversionary route for the M1 motorway (IR 14.47). The final option considered was a bridleway diversion through the eastern side of the recreation ground. However, this option was discounted due to safety implications as it would pass close to a young children's playground. After considering all the alternatives, the Inspector noted that the preferred option is to divert through the southern part of the recreation ground (IR 14.47). This option is deemed to be highly cost-effective and avoids the additional complications associated with extending the bridleway to the west or choosing an alternative alignment on the east side of the recreation ground. Using the Great North Road and Pit Lane as the alternative route provides a more direct alternative compared to the options involving diversion through the recreation ground.

44. The Inspector considered the effect this would have on users (IR 14.48). According to the most recent census in 2023, there were an average of about 50 users per day. However, out of these users, only 5 were cyclists, while the rest were pedestrians. There were no recorded instances of equestrian use during the census. The previous census in 2021 recorded a daily average of about 36 users, with 7 cyclists included in the total and again no equestrians.
45. The Inspector noted there is broad agreement between NR and the PC for a proposed diversion of a bridleway and the potential impact this could have on different modes of transportation (IR 14.49). The diversion would replace a level crossing with a new right of way through a recreation ground and a section of the Great North Road. For pedestrians, the report estimates that the diversion would add approximately 3.5 minutes to a typical journey on foot. However, using the proposed route through the recreation ground instead of the diversion would increase journey time by about 11 minutes. This increase in journey time for pedestrians is considered significant. Additionally, the diversion route is not considered convenient, even for leisure purposes, as it does not follow a straightforward path. For equestrians and cyclists, the time differential caused by the diversion would be less compared to pedestrians. However, the proposed route would still be indirect. While the diversion would avoid a stretch of the Great North Road, there is no bridleway connection to the north, so equestrians and cyclists would still need to use the Great North Road beyond a certain point (IR 14.50). Using the direct route along the Great North Road would provide similar traffic conditions and eliminate the need for a right turn from the access to the recreation ground. The Inspector also highlights concerns about the proposed diversion's impact on the recreation ground and its facilities (IR 14.51). Alternative options, such as a footpath or a bridleway, have been considered for the new right of way.
46. The Secretary of State notes the concerns highlighted by the Inspector that if the bridleway is used, it could potentially disturb horses due to sporting activities taking place in the area and pose a hazard to users of the sports facilities (IR 14.53). Despite the apparent limited use of the bridleway by equestrians, the Inspector has deemed it inappropriate to permit their passage through the recreation ground where conflicts may arise (IR 14.53). The Secretary of State recognises these concerns and is in agreement with the Inspector's stance on this. The Inspector goes on to further note that NR's rights of way witness, acknowledged the risk involved in the recreation ground, who went on to state that this would not be a suitable route for a bridleway (IR 14.53). The PC, which is the sole trustee of the Micklefield Recreation

Ground Charity, objects to the routing of a bridleway due to concerns about movement conflicts and health and safety risks. However, they do not object to a footpath or cycle track in this location (IR 14.53).

47. The non-motorised user route safety assessment of an alternative route using the Great North Road and Pit Lane was considered safe and equitable for displaced users, with some recommendations for improvements (IR 14.54). The Inspector goes on further to note that at the eastern end of the proposed diversion route in the draft Order, there is a shared surface access road that 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 (IR14.55). However, the Inspector agreed with NR conclusions on this that because users will be travelling at low speeds, there is no material risk for conflict. The Inspector argued that whilst there is potential for conflict, there is adequate waiting space at the junction mouth, and the number of these users are expected to be low. The Inspector further emphasises that he is satisfied that the Order scheme for Peckfield level crossing will not reduce highway safety (IR 14.55). The Secretary of State is therefore satisfied with these conclusions and the impact this will have on users' safety.
48. The Inspector has also considered the effects on wildlife and biodiversity and found that the only possible effects that could occur from the works associated with Peckfield level crossing are 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 (IR 14.56). As a result, the Secretary of State is content that the effects would be minimal.
49. In addition to this, the Inspector notes that the final locations for passing places will be established in a Landscape and Ecology Management Plan ("LEMP"), which would be submitted as per an agreement between NR and LCC (IR 14.56). The Inspector, however, notes that the works to create a bridleway or footpath in the recreation ground will aim to avoid excavation and that conditions for the LEMP will include a plan for protecting ecological assets to ensure the preservation of tree cover on the southern side of the recreation ground (IR 14.56). Taking this into account, the Secretary of State is satisfied that this matter has been addressed thoroughly.
50. The Inspector describes how the railway is heavily used, and the installation of the OLE could further restrict visibility which is already an issue for equestrians. Continued use of the level crossing presents ongoing risk associated with the draft Order scheme. To address this risk, the Inspector recommends closing the level crossing (IR 14.57). The Secretary of State agrees.
51. There is support from various parties for replacing the level crossing with a bridge, either a footbridge or a ramped bridge slightly west of the crossing. However, the Secretary of State accepts the Inspector's assessment that this option would involve additional distance and significant expense, and as such, current usage of the crossing does not justify modifying the draft Order to provide a bridge (IR 14.58).
52. The Inspector found that NR's preferred diversion including a route through the recreation ground, would be indirect and the bridleway option poses risks to safety. Instead, the Inspector suggests using the Great North Road and Pit Lane as an

alternative to the level crossing (IR 14.59). However, NR recommends retaining a footpath through the recreation ground to avoid excessive distance between the dwellings near the level crossing and the Great North Road (IR 14.59). The Inspector concludes that the proposed footpath would serve as an alternative right of way for the residents which is 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. Overall, the Inspector concludes that provided the recreation ground is established as a footpath rather than a bridleway, the Peckfield level crossing closure would not have a negative impact on the local community. The Secretary of State is satisfied with these conclusions.

Highway Impact

Impact of the closure of Ridge Road due to the demolition and reconstruction of Ridge Road Bridge.

53. This bridge carries the A656 road, providing access to the M1 to the north, and to the A63, Castleford and the M62 to the south (IR 14.62). It has been designed according to the standards in the Design Manual for Roads and Bridges, but the existing carriageway width cannot be achieved due to the constraint of an existing property (IR 14.62). The road would be closed for approximately nine months during the demolition and reconstruction of the bridge. A diversion route using the A642 and A63 is planned, but it cannot accommodate heavy goods vehicles due to weight restrictions (IR 14.63). Alternative routes are available but would take longer and incur additional costs to Sturton Grange Farm (over £500,000) calculated by Mr Makin (IR 14.63). The closure of the road would inconvenience local residents, but the Inspector notes that access for pedestrians and cyclists would be maintained through a scaffold bridge (IR 14.64). The Inspector also highlights that NR is seeking to negotiate a shorter gap between the two-railway possessions required to remove and then replace the bridge deck which could reduce the inconvenience and cost of the diversion (IR 14.63). The management of diverted traffic and the provision of suitable signage would be the subject of consultation with the LCC as Highway Authority (IR 14.64). Compensation for additional costs resulting from the closure is not normally available, but a claim can be submitted by Mr Makin if deemed appropriate (IR 14.63). The Secretary of State therefore acknowledges the concerns of the local community raised regarding the impact on the closure of Ridge Road Bridge but recognises the bridge cannot be replaced without closure of the road and diversion of traffic. As such the Secretary of State is content with the measures put in place to address concerns raised.

Conclusions on highway effects

54. The Inspector has concluded that the Order scheme would result in increased traffic and changes in movement patterns during construction, inconveniencing road users (IR 14.67). However, based on the available information, the Inspector is of the opinion that none of the elements of the Order scheme would negatively impact highway safety. The Secretary of State considers it essential that local communities are not unduly impacted by the delivery of transport schemes and that all impacts are minimised as far as possible. The Secretary of State is satisfied this will be achieved for this scheme by the Highways Agreement between NR and LCC. The

Secretary of State is content that the impact on the highways has been thoroughly considered and agrees with the Inspector's conclusions.

Impact of construction traffic

55. The Inspector notes construction traffic and work that would take place at various locations along the railway. The work would require the use of temporary compounds and access roads (IR 14.65). To control the traffic and its effects, a Construction Traffic Management and Transport Plan ("CTMTP") would be implemented. This plan would include details of construction routes, time restrictions, measures to prevent mud and other materials from being carried onto the public highway, and arrangements for parking and off-loading. NR and LCC agree that a condition should be imposed on the planning permission, requiring adherence to the plan (IR 14.65). This condition would only apply to the scheduled works, including railway infrastructure work at Kirkgate/Marsh Lane, the construction of a track sectioning cabin at Micklefield, the closure of Peckfield level crossing, and highway improvements and parking space on Lower Peckfield Lane (IR 14.65). However, the environmental agreement would extend the control of the CTMTP to the work compounds. The Secretary of State is satisfied with measures put in place to address this impact.

Impact on cycleway at Neville Hall

56. The Secretary of State has also considered the impact the Order scheme will have on the Neville Hill cycleway, which is a bridleway that is currently being used as a cycle path. She notes the Inspector's observations regarding the proposed access road, including that it has been designed to prioritise cyclists and that LCC has advised that it is expected that planning permission will be granted for that application (IR 14.66). The Secretary of State is content that this satisfactorily manages the impact on the cycleway.

Impact on irrigation systems at Peckfield House Farm from the demolition of Brady Bridge

57. The Inspector highlights that the irrigation system at Peckfield House Farm is connected to a borehole at Sturton Grange Farm through a pipe across Brady Farm bridge. However, the installation of this pipe was done without consent. The two farms used to be operated as a single business, but they are now separate entities. The irrigation system has not been used for several years (IR 14.68) The owner of Peckfield House Farm has stated that she has no right to use the water pipe and has no objection to its removal along with the bridge. Sturton Grange Farm is currently operating at full capacity and is interested in acquiring land at Peckfield House Farm to potentially reuse the irrigation system (IR 14.68). However, the Inspector states that there is no evidence to support this plan, and it is uncertain if the two farms will operate together again. Based on this, the Inspector concluded that the loss of the water supply to Peckfield House Farm's irrigation system should not be a factor against the demolition of Brady Farm bridge (IR 14.68). The Secretary is content that this matter has been given due consideration and agrees with the Inspector's conclusions.

The wider impact of the proposed works on the surrounding wildlife and biodiversity, including the proposed tree felling at Manston Lane

58. The Order scheme has the potential to impact species and habitats due to the disturbance caused by construction activities and changes associated with new infrastructure (IR 14.69). The Secretary of State notes the Inspector has highlighted that the Enhancement Scheme aims to incorporate mitigation measures in the design of proposals to minimize negative environmental effects, including design refinements to reduce vegetation loss (IR 14.69). In the case of Lower Peckfield Lane, careful consideration of the placement of passing places would prevent the loss of trees (IR 14.69).
59. The Inspector discusses specific details regarding the impact of a proposed construction project on various habitats and wildlife and what measures will be put in place to address these concerns (IR 14.70-IR 14.73). Specifically, when looking at the proposed tree felling of Manston Lane, the Inspector emphasises that no tree loss is intended on Manston Lane, where a large construction compound has already been formed. Any trees and hedgerows on the road frontage and adjacent to this site would be retained and protected (IR 14.70).
60. Consideration has also been taken when looking at the protection of certain species (IR 14.72). Two specific examples were highlighted. A bat summer day roost at Ridge Road bridge would be lost, but a mitigation strategy is proposed. The strategy involves removing the roost during winter when bats are least likely to be present and providing a replacement roost. Great crested newts are known to be present near the site of the Austhorpe Lane compound. Work in this area would proceed in accordance with NR's great crested newt organizational licence from Natural England (IR 14.72).
61. Biodiversity Net Gain has also been considered. The proposed scheme aims to achieve a biodiversity net gain of at least 10% (IR 14.73). This means that the project would result in a net increase in biodiversity compared to the existing condition. The Inspector suggests including this requirement as a condition in the deemed planning permission and specifies the same level of biodiversity net gain in the environmental agreement (IR 14.73). Overall, the Inspector concluded that while the scheme would cause some limited harm to habitats and wildlife, the restoration proposals and the commitment to 10% biodiversity net gain would benefit nature conservation interests. This indicates that the project aims to balance the negative impacts with positive conservation efforts where in which the Secretary of State is satisfied with the measures put in place.

Compulsory purchase, the public interest and human rights

62. The Order would authorise the compulsory acquisition of land and of rights over land. It would also provide for the temporary possession of land, and the execution of street works in connection with the works required for the Order scheme. The Order would also provide powers to use land temporarily for work sites and access to enable construction to take place. The Secretary of State therefore must be satisfied that the following tests contained in the former Department for Levelling Up, Housing and Communities 'Guidance on Compulsory purchase process and the Crichel Down rules' (as updated in July 2019) will be satisfied:

- 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;*

The Inspector has found that the Order scheme is a vital part of the TRU. It aims to tackle longstanding congestion and unreliable journeys that negatively impact other lines, and ultimately to enhance connectivity and economic growth in Northern England (IR 14.117). The Secretary of State agrees with these observations and finds that the Order attracts a compelling case in the public interest for the powers sought.

- 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)*

The proposed 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 (IR 11.118). The Inspector notes of the land included which would be subject to powers of acquisition or use is necessary, in most cases no objection has been raised to the inclusion of plots in the Book of Reference. However, it is noted that those parties which have raised objection do not oppose the principle of the Order scheme (IR 14.119). Furthermore, the Inspector notes that the Order scheme would greatly contribute to the connectivity in the region and have a positive effect on the economy in that area (IR 14.119). The Inspector concludes that, considering all of the material considerations, he is content that the interference with the rights of those persons whose property would be acquired is justified (IR 14.119). The Secretary of State agrees with these conclusions and is satisfied that the matter has been considered thoroughly.

- c. *Whether there are likely to be any impediments to NR exercising the powers contained within the Order, including the availability of funding*

The Inspector highlights that subject to ongoing value for money tests, NR and the Government have made commitments to fund the Order scheme. This will be inclusive of compensation, the acquisition of blighted land and the undertaking of associated work (IR 14.121). As the Order scheme is part of the TRU, the programme has a benefit cost ratio of 1.44 (IR 14.121) and the Inspector does not expect the Order scheme to fail value for money tests. The Secretary of State is therefore content with these findings and concludes that the powers sought are necessary and proportionate.

- d. *whether all the land and rights over land which NR has applied for is necessary to implement the scheme*

The Inspector highlights that 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, as a result those circumstances would not result in land being acquired unnecessarily (IR 14.125). The Inspector also notes that there have been ongoing negotiations regarding land acquisition under the Order. When agreements are reached, as in the case at Lower Peckfield Lane, it is appropriate for the land to remain subject to the Order. This would be to ensure that the Order scheme can proceed in the event a final agreement is not achieved or if there is a non-compliance with the terms of a licence (IR 14.126). The Inspector concludes that he is 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 use, and for where new rights would be acquired, is vital to ensure the implementation of the Order scheme (IR 14.127). The Secretary of State is satisfied with the Inspector's conclusions on this.

Any other matters

63. The Inspector discusses three different locations and their potential impact on the Order scheme (IR 14.90- 14.92). The Inspector highlights Sturton Grange Farm (IR 14.90). There is a grass airstrip near the farm that runs parallel to the railway. The concern is that the presence of a crane on the north side of the bridge could cause conflicts with aircraft taking off and landing. 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 (IR 14.90). However, since the use of the airstrip is limited to certain times on a maximum of 100 days per year, the Inspector does not believe that the crane would significantly interfere with aircraft movements (IR14.90).
64. The Inspector also considered Lower Peckfield Lane (IR 14.91). Ashdale Land & Property Company owns the northeastern part of the lane and the adjacent land. While there is no objection to upgrading the road and constructing a passing place, Ashdale argues that their land should not be acquired for this purpose (IR 14.91). They want to retain ownership to ensure access and services can be provided for possible development of the adjacent land. Although the inquiry was informed that an undertaking and licence have been agreed between NR and Ashdale, confirmation of the executed documents was not provided by the close of the Inquiry. Therefore, the Inspector states that the provision to acquire the plots should remain in the draft Order.
65. Finally, the Inspector also looked at Crawshaw Woods Bridge (IR 14.92). The southern compound at this location and the land required for access fall within an allocation for employment use in the Site Allocation Plan (IR 14.92). However, since the compound and access are only needed temporarily and the bridge works are scheduled for completion by 2026, the Inspector does not believe that using the land in connection with the Order scheme would negatively affect the proposal for employment use (IR 14.92).
66. Overall, the Secretary is content with the Inspector's explorations of the potential conflicts and considerations for each location in relation to the Order scheme and is satisfied that the impacts would not be significant. The Secretary of State is also satisfied there is a limited use, which further justifies their position, and that measures put in place have sufficiently addressed the concerns.

Secretary of State's overall conclusion and decision

67. The Secretary of State acknowledges the importance of the Order scheme. The Order Scheme is a significant component of the broader plan to enhance the NTPR (IR 14.128). It includes various proposals, such as modifications to listed bridges to accommodate OLE, the closure of level crossings, and rail infrastructure in the approach to Leeds station. Furthermore, a ramped bridge at Barrowby Lane, the acquisition of land and rights, temporary possession of land, and the execution of street works (IR 14.128). The implementation of the Order scheme would lead to a more reliable railway service, faster trains, increased capacity, improved connectivity, and economic growth in the North of England (IR 14.129). Additionally, the Order scheme would contribute to the decarbonization of the transport sector and enhance safety by closing level crossing closures (IR 14.129). The Secretary of State notes that these benefits are considered substantial and agrees they carry considerable weight in support for the Order scheme (IR 14.129).
68. The Order scheme is deemed essential for achieving the benefits associated with the TRU. The Inspector emphasises there are no other practical alternatives available (IR 14.136). As a result, it has been determined that for the purposes for acquiring land and rights, the benefits of the Order scheme, justify infringing upon the human rights of those with an interest in the affected land (IR 14.136). This interference is supported by the provisions of the European Convention on Human Rights, which have been incorporated into UK law through the Human Rights Act 1998. Considering all the points raised, the Inspector concluded that the benefits resulting from the proposal outweigh the identified harms. The Secretary of State agrees with these conclusions.
69. The Inspector concluded that the Order should be made subject to modifications (IR 1.5) For similar reasons, the Secretary of State has also decided that deemed planning permission should be granted for the development that would be authorised by the Order, subject to the conditions set out in **Annex B** to this decision letter.
70. The Secretary of State has had regard to all matters set out above and has determined in accordance with section 13(1) of the TWA to make the Order under sections 1 and 5 of the TWA, subject to the corrected version of the Order

Proposed modifications to the Order

71. The further modifications that the Secretary of State has made to the Order which do not affect the substance of the Order as it was considered at the inquiry are as follows:
 - a. In article 2(2) (interpretation) the reference to the imposition of restrictive covenants has been removed, and a new definition at article 2(1) of "rights" has been inserted the capture references in article 32.
 - b. In article 17(6), a reference to paragraph (4) has been changed to paragraph (5).
 - c. In article 23(4), the substituted text has been amended to take account of amendments made by the Levelling-up and Regeneration Act 2023.
 - d. In articles 28(13), 29(12) and 30(7), references to "development" have been amended to authorised works, as development is not a defined term in the proposed Order.

- e. Schedules 4 and 8 have been amended in line with the Inspector's recommendation with respect to the optional bridleway.
- f. In paragraph 33 of part 4 of Schedule 15 (protective provisions), an erroneous reference to paragraph 44 has been varied to paragraph 31.
- g. Elsewhere in part 4 of Schedule 15, a number of minor corrections have been made to cross references within paragraphs.

Notice of determination

72. This letter constitutes the Secretary of State's notice of her determination to make the Order for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish a notice of the Secretary of State's determination in accordance with section 14(4) of the TWA.

Challenges to the Decision

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

Distribution

74. Copies of this letter are being sent to those who appeared at the Inquiry and to all statutory objectors whose objections were referred to the Inquiry under section 11(3) of the TWA 1992 but who did not appear.

Yours sincerely,

Natasha Kopala
Head of Transport Infrastructure Planning Unit

ANNEX A

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, because—

- it is not within the powers of the TWA; or
- any requirement imposed by or under the TWA has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days beginning with the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within 3 working days of the date of this decision letter.

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

ANNEX B

RECOMMENDED CONDITIONS TO BE ATTACHED TO 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 4 (code of construction practice), a draft of which (known as “Part A”) accompanies the Environmental Statement;

“the development” means the scheduled works (as defined within schedule 1 of the Order) authorised by the Order;

“the Environmental Report” means the statement of environmental information submitted with the application for the Order on xxxx 2023;

“Historic recording to Level 1” means the level of recording in accordance with Historic England guidelines comprising a basic photographic record;

“the local planning authority” means Leeds City Council;

“Network Rail” means Network Rail Infrastructure Limited;

“the Order” means The Network Rail (Leeds to Micklefield) Order 202[X];

“the Order limits” has the same meaning as in article 2 (interpretation) of the Order;

“the planning direction drawings” means the drawings listed in Appendix 3 to the request for deemed planning permission dated [23 July 2023];

“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; and “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.

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

Conditions

1. TIME LIMIT FOR COMMENCEMENT OF DEVELOPMENT

The development hereby permitted must commence before the expiration of five years from the date that the Order comes into force.

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

2. IN ACCORDANCE WITH THE PLANNING DIRECTION DRAWINGS

The development must be carried out in accordance with the planning direction drawings unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development is carried out in accordance either with the consented design or such other design details as have been subjected to reasonable and proper controls.

3. STAGES OF DEVELOPMENT

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. Variations to the approved stages of development may 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 purposes of these conditions.

5. LANDSCAPING & ECOLOGY

a) Within 6 months of the commencement of the development for that stage, or the completion of the works for that stage, whichever is sooner, a Landscape and Ecological Management Plan (LEMP) Part B must be submitted to and approved in writing by the local planning authority. The proposed LEMP Part B for each Stage will include the following details:

- i) A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced;
- ii) Implementation timetable and a programme for initial aftercare, long term management and maintenance responsibilities for a period of five years post completion; and
- iii) Details of organisation(s) responsible for maintenance and monitoring.

b) The LEMP must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Report [Section Number to be inserted] and must also 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; and
- iii) Full 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 and European Protected Species Licensing (EPSL) mitigation requirements).

d) 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) Full detailed landscape plans indicating full planting specification, including layout, species, number, density and size of trees, shrubs, plants, hedgerows and/or seed mixes and sowing rates, including extensive use of native species;
- ii) Any structures, such as street furniture, any non-railway means of enclosure and lighting;
- iii) Any details of 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) A timescale for the implementation of hard landscaping works;
- vi) 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; and
- vii) Details of protective measures for retained trees. 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 the Leeds Core Strategy policies P12, G1, G8, G9 and National Planning Policy Framework 2021 Paragraph 174.

6. CODE OF CONSTRUCTION PRACTICE

- a) No stage of the development is to commence until a Code of Construction Practice (CoCP) Part B for that stage, including the relevant plans and programmes referred to in (c) below (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 CoCP (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 Code of Construction Practice (CoCP) Part A.
- c) Part B of the CoCP 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 & materials plan;
 - iv) A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;
 - v) A noise and vibration management plan including a construction methodology assessment; and
 - vi) A demolition methodology statement for relevant buildings.

Each stage of the development must be implemented in accordance with the approved CoCP for that stage and the relevant plans or programmes, unless otherwise agreed in writing with the local planning authority, shall be implemented in full throughout the period of the works.

Reason: To mitigate expected construction impacts arising from the development and to protect local and residential amenity in accordance with Leeds Core Strategy Policy 10 and Paragraph 174 and 185 of the National Planning Policy Framework.

7. CONSTRUCTION TRAFFIC MANAGEMENT & TRAVEL PLAN

- a) No stage of the development (except preliminary works) is to commence until a Construction Traffic Management Plan ("CTMP") for that stage has been submitted to and approved in writing by the local planning authority for that stage. The CTMP must include:-
- i) The package of interventions and mitigation outlined in Section 11.3 of Chapter 11 in Volume One of the Environmental Report including an implementation timetable for each stage;
 - ii) A travel plan for construction staff, outlining the methods by which they shall be transported to the relevant sites; and
 - iii) Details on temporary diversions of both highways and rights of way required as part of the Scheme.
- b) The construction of each stage of the development must be carried out in accordance with the approved CTMP unless otherwise agreed in writing with the local planning authority.

Reason: To protect public amenity and highway safety in accordance with Leeds Core Strategy Policies T1 and T2 and Paragraphs 110 and 113 of the National Planning Policy Framework.

8. MATERIALS

a) Before the commencement of any works in respect of structures listed below, samples and specifications of all materials to be used on all external elevations of the following structures must be submitted to and approved in writing by the local planning authority:

- i) HUL4/21 Replacement Austhorpe Lane Bridge
- ii) HUL4/20 Works to Raise Crawshaw Woods Bridge
- iii) New Barrowby Lane Bridge
- iv) HUL4/14 Replacement Ridge Road Bridge

v) Micklefield TSC Building

b) The development must be constructed in accordance with the approved details and thereafter retained unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of good design and visual amenity and in accordance with Policy 10 of the Leeds Core Strategy and Paragraph 126 and 130 of the National Planning Policy Framework 2021

9. ARCHAEOLOGY

a) No stage of the development (excluding preliminary works) in the areas listed below is to commence until a construction methodology has been submitted to and approved in writing by the local planning authority, in order to assist in identifying any likely impacts on areas of heritage interest. It shall then be agreed in writing with the local planning authority (in consultation with West Yorkshire Archaeology Advisory Service (WYAAS)) whether a written scheme of investigation is required to be submitted in relation to the following sites:

i) (if any identified)

b) No development (excluding preliminary works) is to commence within the areas of archaeological interest identified in chapter 6 of Volume One of the Environmental Report and/or in any areas that have been determined to require a written scheme of investigation in accordance with (a) above until a written scheme of investigation for such areas has been submitted to and approved in writing by the local planning authority.

c) The approved scheme must identify areas where field work and/or a watching brief are required and the measures to be taken in order to protect, record or preserve any significant archaeological remains that may be found. d) Any archaeological field works or watching brief 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 paragraphs 189 and 199 of the National Planning Policy Framework (2021), and policy P11 of the Leeds Core Strategy.

10. BIODIVERSITY NET GAIN

No development (excluding preliminary works) is to be commence until a strategy to achieve an overall minimum 10% net gain in biodiversity for the development, including monitoring, maintenance, management and reporting arrangements, has been submitted and approved in writing by the local planning authority. Six months after the formal completion of bridge HUL4/14 (or whichever is the last bridge to be completed) on 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) shall be implemented in accordance with the approved strategy.

Reason: In order to provide biodiversity net gain in accordance with Leeds Core Strategy policy P12, G1, G8, G9, and National Planning Policy Framework paragraph 174 (d).

11. APPROVAL AND IMPLEMENTATION UNDER THESE CONDITIONS

Where under any condition the local planning authority may approve amendments to details submitted and approved, such approval must not be given except in relation to changes where it has been demonstrated to the local planning authority that the approval sought is unlikely to give rise to any materially new or materially different adverse environmental effects from those assessed in the Environmental Report. *Reason: To provide for certainty in the approvals and implementation process and in the interests of proper planning.*

12. MICKLEFIELD PUBLIC RIGHT OF WAY

Prior to the commencement of works to create a new footpath between Great North Road and Pit Lane, details of surfacing and widths of the path will be submitted to the local planning authority for approval.

Reason: In the interests of providing appropriate Public Right of Way provision in accordance with Policy G1 of the Leeds Core Strategy