



Department
for Transport

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Our Ref: TWA/23/APP/03

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Dear Ms Vas,

TOWN AND COUNTRY PLANNING ACT 1990

**TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE NETWORK RAIL
LEEDS TO MICKLEFIELD ENHANCEMENT ORDER**

I refer to the request made by your clients Network Rail for a direction as to deemed planning permission for the development provided for in the Network Rail Leeds to Micklefield Enhancement Order.

The Order was made today and the Secretary of State for Transport, in exercise of the powers conferred on her by section 90(2A) of the Town and Country Planning Act 1990, and in accordance with the letter of 1 October 2024 convening the Secretary of State's decision in respect of the Order, hereby directs that planning permission be deemed to be granted for the development for which provision is included in the Order. This direction is given subject to the conditions set out in the Annex A to this letter.

Yours faithfully,

Rachel Dominey
Transport Infrastructure Planning Unit

TOWN AND COUNTRY PLANNING ACT 1990

NETWORK RAIL LEEDS TO MICKLEFIELD ENHANCEMENT ORDER AND DEEMED PLANNING PERMISSION

CONDITIONS ATTACHED TO THE DIRECTION AS 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 6 (code of construction practice);

“the development” means the works specified in paragraph 3 of the request for a direction for deemed planning permission;

“the Environmental Report” means the statement of environmental information submitted with the application for the Order on 11 July 2023;

“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 2024;

“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 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;

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

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.

Reason: To provide certainty.

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. 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 purposes of these conditions.

4. PRELIMINARY WORKS

No preliminary works within the relevant stage of development 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. LANDSCAPING & ECOLOGY

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 from 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 plantings 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; 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 volume 1, section 7.3 of the Environmental Report 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) 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 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, including layout, species, number, density and size of trees, shrubs, plants, hedgerows and seed mixes with sowing rates, including 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) 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.

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, G9 of the Leeds Core Strategy, and paragraph 180 of the National Planning Policy Framework 2023.

6. CODE OF CONSTRUCTION PRACTICE

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 (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 & 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; and
- 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 or 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 paragraph 180 and 191 of the National Planning Policy Framework 2023.

7. CONSTRUCTION TRAFFIC MANAGEMENT & TRAVEL PLAN

a) 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.

b) 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. 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) Replacement Austhorpe Lane Bridge (HUL4/21)
- ii) Works to Raise Crawshaw Woods Bridge (HUL4/20)
- iii) New Barrowby Lane Bridge
- iv) HUL4/14 Replacement Ridge Road Bridge (HUL4/14)
- v) Micklefield track sectioning cabin.

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

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

9. ARCHAEOLOGY

a) No stage of the development (except preliminary works) in the areas listed below in (i) to (vi) 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 loopholed 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 (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 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 195 and 205 of the National Planning Policy Framework 2023, and Policy P11 of the Leeds Core Strategy.

10. BIODIVERSITY NET GAIN

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 local planning authority's administrative boundary, including monitoring, maintenance, management and reporting arrangements, has been submitted 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 Policy P12, G1, G8, G9 of the Leeds Core Strategy and paragraph 180(d) of the National Planning Policy Framework 2023

11. GROUND CONTAMINATION

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. MICKLEFIELD PUBLIC RIGHT OF WAY

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

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