

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
LONDON, SW1P 4DR

Karl Battersby

Corporate Director of Environment
County Hall
NORTHALLERTON
North Yorkshire
DL7 8AH

By email: transportinfrastructure@dft.gov.uk

Your ref:

Our ref: M34TR002.GN.KB

Contact: Karl Battersby

[REDACTED]
Email: karl.battersby@northyorks.gov.uk

Web: www.northyorks.gov.uk

25 August 2023

Dear Sir/Madam

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 - Network Rail Leeds to Micklefield TWA Order

1. SECTION 1 – INTRODUCTION

- 1.1. The following submission is made under rule 21 of The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and is made by North Yorkshire Council, of County Hall, Northallerton, North Yorkshire, DL7 8AD.
- 1.2. North Yorkshire Council (the **Council**) welcomes Network Rail's Transport and Works Act Order application to the Secretary of State for Transport for the Leeds to Micklefield scheme (the **Scheme**). The Council fully recognises and supports the aims of the Scheme, namely:
 - 1.2.1. **Improved Safety:** delivery of a safe way of passage for existing level crossing users across a number of level crossings, either via alternative routes, or new crossing structures.
 - 1.2.2. **Efficiency and reliability of the railway:** The closure of the level crossings and the installation of electrification equipment will help to provide the capability to regulate both freight and passenger trains.
 - 1.2.3. **Modernised signalling** will mean shorter headways between trains, meaning they can run closer together through more effective digital controls in place, and this in turn will allow for increased capacity in the number of trains that can be on the route at any one time.
 - 1.2.4. **Reduced operating and maintenance costs** as a result of the closure of the level crossings that need to be inspected, maintained and operated and the delivery of new track and electrification equipment. This will improve the reliability of the route and the train services operating on it.

/cont'd...

- 1.2.5. **Reduction of delays to trains and other highway users:** The closure of the level crossings will reduce the number of incidents which have a detrimental impact on train performance. Improved efficiency on the railway means fewer heavy vehicles on the highway network causing traffic issues and contributing to air pollution.
- 1.3. Whilst being fully committed to and supportive of the Scheme, there are a number of areas where further collaboration is required to agree some of the detail of the Scheme.
- 1.4. The Council's Rule 21 representation to the Transport and Works Act Order application is structured in three parts:
- 1.4.1. **An Introduction** where the Council's support for and commitment to, the Transpennine Route Upgrade between Leeds and Micklefield is set out.
- 1.4.2. **Issue specific representations** which cover in detail issues that Council Officers have raised and where the Council considers that either:
- 1.4.2.1. Modifications to the Order and/or the draft deemed planning permission are required;
- 1.4.2.2. Further information should be provided to justify the design decision taken; or
- 1.4.2.3. Where mechanisms for the submission and approval of further information to be provided as part of the future partnership working between Network Rail and the Council.
- 1.4.3. **A Conclusion** which sets out a brief summary of the Council's position.
- 1.5 The Council reiterates its full support in principle for the Scheme and hopes that through further discussions, the issues raised can be dealt with prior to the determination of the application by the Secretary of State or can be dealt with through the drafting of the Order, the negotiation of a side agreement and/ or through planning conditions.

2. SECTION 2 – ISSUE SPECIFIC REPRESENTATIONS

- 2.1. PROW Diversion of Public Footpath, Micklefield No 7 at Highroyds Wood
- 2.1.1. Network Rail propose to divert that part of Public Footpath, Micklefield No 7 shown as a solid purple line (P1-P2-P3-P4-P5) on sheet 13 of the Works and Land Drawing Plan, which crosses the railway line on the level, onto a new alignment (P5-P6-P6-P8-P9) which utilises an existing railway underpass. The diversion is requested by Network Rail on the grounds of rail safety.
- 2.1.2. The proposed new footpath crosses the local authority boundary into the Council's administrative area and links into Public Footpath, Micklefield No 6 as shown on sheet 13 of the Works and Land Drawing Plan.
- 2.1.3. In principle, the Council is not opposed to the diversion but does require further information on the following:
- 2.1.3.1. The Council requests construction and detailed design details of the proposed footpath prior to the diversion works commencing and for these to be submitted and agreed with the Council together with a requirement for the works to be carried in accordance with the approved details and to the reasonable satisfaction of the Council. The Council is open for this to be secured through a public right of way construction and management plan (via a condition) or a side agreement.
- 2.1.3.2. The Council's Archaeology Officer has advised that there is a Scheduled Monument adjacent to the proposed diversion. This is unlikely to have an impact if all works are limited to the existing topsoil/ plough soil (estimated at 300mm),

however, the Council suggests that Network Rail checks with Historic England as to whether Scheduled Monument Consent will be required. In addition, the underpass is a Grade II Listed Building. The Council requests detail of the full scope of the works so that the Council can consider whether Listed Building Consent is required separate to the Transports & Works Order.

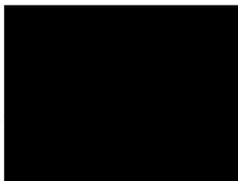
3. SECTION 3 – CONCLUSION

- 3.1. The Council strongly welcomes the economic, environmental, and social benefits the Scheme will bring and reiterates its full support for the Scheme.
- 3.2. The Council has had various discussions with the Network Rail to date and will continue to work with Network Rail. The Council hopes that through further discussions, the issues raised above can be dealt with prior to the determination of the application by the Secretary of State, or can be dealt with through the drafting of the Order, the negotiation of a side agreement and/ or through planning conditions.
- 3.3. The Council reserves the right to add to or vary the grounds of its in principle representation pending receipt of further information from Network Rail.

Please note that this letter does not constitute a formal objection to the TWA Order Application. The Council has not yet discharged its governance obligations in order to comply with S.239 of the Local Government Act 1972. It is hoped that matters set out in this representation can be resolved. Should a formal objection be necessary this will be submitted as soon as the necessary approval has been secured.

Any correspondence relating to this representation can be sent using the contact details at the top of this letter.

Yours faithfully



KARL BATTERSBY
Corporate Director of Environment