



THE NETWORK RAIL (LEEDS TO MICKLEFIELD ENHANCEMENTS) ORDER (REF DPI/N4720/23/19)

Note of pre-inquiry meeting held at 14.00 on Friday 12 January 2024

Venue – Carter Jonas office, 9 Bond Court, Leeds, LS1 2JZ

Text in *italics* records post-meeting updates

Introductions

1. The meeting was led by myself, Richard Clegg, as the appointed inspector. Brenda Taplin was introduced as the Programme Officer present: she and the other Programme Officer, Joanna Vincent, are dealing with the administrative arrangements for the case. Contact details for Ms Taplin are given at the end of this note (para 34).
2. Participants on behalf of the parties were as follows:

The Applicant – Network Rail

Jacqueline Lean (JL), Counsel
Michele Vas, Dentons

Leeds City Council (LCC – OBJ/7)

Lauren Browne (LB)
Angela Lawson

Peak & Northern Footpaths Society (OBJ/20)

John Harker

Leeds Local Access Forum (OBJ/24)

Phil Maude
Steven Wood¹

Micklefield Parish Council (MPC – REP/3)

Councillor Jon Crossley (JC)

Other individuals associated with the parties were in attendance.

3. The purpose of the pre-inquiry meeting was to discuss the arrangements for the inquiries in order to ensure that they proceed efficiently.

Scope of the proposals

4. The scope of the scheme which would be authorised by the Transport & Works Act Order is summarised in paragraph 1.1.7 of

¹ Mr Wood also represented The Ramblers Association.

the Applicant's statement of case (SoC), and would include the acquisition of land and rights, the demolition, reconstruction and construction of bridges and highways, street works, the stopping-up and diversion of footpaths and highways, the closure of level crossings, and the diversion of high-pressure gas mains.

5. A request has been made for a direction granting deemed planning permission for the works subject of the Order, and the draft Order is also accompanied by two applications for a section 19 certificate and four applications for listed building consent.
6. I suggested that the Applicant prepare a schedule, in similar form to appendix 2 of its SoC, summarising the elements of the scheme which would be covered by each of the applications, that is those for the draft Order, a direction granting deemed planning permission, the section 19 certificates, and listed building consent. The Applicant is to submit a draft template for consideration.
7. The letter from LCC of 18 August 2023 states that it does not constitute a formal objection to the TWA Order application. However, LB advised that it does represent an objection from LCC. The objection includes a series of concerns about the approach to, and form of, the Order application. JL advised that modifications are proposed, and submitted a draft revised Order and several draft revised works and land plans. LB advised that LCC now accepted that the area of open space affected did not exceed the threshold of 250 square yards. A statement of common ground between the Applicant and LCC is in preparation: this should be submitted by 30 January.
8. The proposed modifications include amendments to reflect the second section 19 application, new rights at Phoenix Avenue and Gosforth, and clarification of the diversion route at Highroyds Wood. It was agreed that parties who had responded to the TWA application be notified of the proposed modifications, which should be placed on deposit from 15 January 2024 for three weeks.

Procedural requirements for second S19 application

9. JL explained that a minded to grant letter had been issued on 9 January 2024. Notices were intended to be published on 17 & 24 January 2024, and letters sent to landowners.

Main considerations and other matters

10. In my advance note, I had suggested that the main considerations in this case would be likely to reflect the statement of matters. Matter 2 concerning the statutory procedural requirements would be dealt with separately. It was agreed that the consideration relating to the closure of Peckfield and Garforth level crossings should also include the effect on Micklefield Recreation Ground (matter 4d refers).

11. Insofar as the S19 applications are concerned, I suggested a main consideration as to whether it would be appropriate to grant a certificate that the giving of land in exchange for open space would be unnecessary.
12. The Applicant will ensure that all matters included in the statement of matters will be addressed in its evidence.

Participation in the inquiries

13. The Applicant will be represented by:
 - Jacqueline Lean, Counsel
 - David Vernon, Carter Jonas - the strategic case for the Order
 - Paul Harrison, Siemens – engineering design and construction
 - Ged Stamper, Systra – highway design
 - Jim Pearson, Network Rail Infrastructure Ltd - environment
 - Tony Rivero, Network Rail Infrastructure Ltd - planning
 - Benjamin Thomas, Carter Jonas – property & open space certificates
 - Jerry Greenwood, Network Rail Infrastructure Ltd – level crossing policy & strategy
 - Andrew Cunningham, Network Rail Infrastructure Ltd – level crossing safety
 - Michael Westwood, Systra – engineering & design, level crossings
 - Suzanne Bedford, Network Rail Infrastructure Ltd – public rights of way
 - Amy Jones, AECOM Ltd – heritage and the listed building consent applications.
14. LCC will be represented by:
 - a lawyer
 - Bob Buckenham - rights of way.

The Council will consider my request for it to provide additional witnesses to address planning and heritage. JC suggested that the Council should also provide a highways witness.
15. The Peak & Northern Footpaths Society will be represented by John Harker.
16. MPC will be represented by Councillor Jon Crossley, who advised that he had been authorised by the Council to speak on its behalf.
17. Leeds Local Access Forum does not intend to appear at present, but will advise if this position changes.
18. A request to speak had been made by Ashdale Land & Property Company Ltd (OBJ/6).
19. It was suggested that Makins Enterprise Ltd and Christopher William Makin (OBJ/9) and Councillor James Lewis (Kippax & Methley Ward, LCC -OBJ/13) may wish to speak at the inquiries.

The form of the inquiries

20. The proposal to hold the inquiries as a face-to-face event was agreed by the parties present. Arrangements can be made for virtual participation by Teams should the need arise, but the Applicant considered that the provision of arrangements for streaming the whole of the inquiries would be disproportionate. In the absence of any known demand, it was agreed not to pursue streaming.
21. Possible conditions and proposed modifications to the Order are candidates for round-table sessions. Subject to what is outstanding, technical matters associated with the Order may also be considered at a round-table session. JL suggested that the Applicant may submit written responses to certain objections.
22. In my advance note, I had suggested that that the inquiry into the TWA application would open first, be adjourned prior to closing submissions, that the inquiry into the listed building applications would follow, and that the TWA inquiry then resume. The Applicant expressed a preference for the inquiries to run concurrently, as a single event, arguing that this arrangement would facilitate dealing with planning and heritage evidence which was expected to be raised in both inquiries. Reference was made to the inquiries into the Huddersfield to Westtown Improvements which had been dealt with in this way². The Applicant agreed to give further consideration to this matter, and I will review the relationship between the inquiries.
23. Irrespective of the relationship between the inquiries, it is intended that proposed modifications and technical matters be dealt with at an early stage, with topic sessions on heritage and level crossings/ rights of way following the Applicant's evidence on other matters.

Timetable

24. The inquiry is scheduled for 12 days, 27 February-1 March, 5-8 March, and 12-15 March 2024. No problems of availability were recorded. Following the receipt of time estimates (by 13 February 2024), the Programme Officer, in conjunction with myself, will prepare a timetable for the inquiries.

Inquiry Venue

25. The venue for the inquiry will be the Park Plaza Leeds Hotel, Boar Lane, City Square, Leeds, LS1 5NS. Retiring rooms will be available. Arrangements can be made for document storage over weekends, and for the receipt of a box of documents from myself.

Documentation

² The inquiry arrangements are referred to in the report ref TWA/2/2/116, dated 9 March 2022.

26. The Programme Officers will set up an inquiry website which will host all the documents, and will make arrangements for organisation of the core documents library. All documents should be available digitally, and should be submitted to the Programme Officers for inclusion on the website. I will require hard copies of plans (A3 size), proofs of evidence, and the Applicant's statement of case, which should be submitted via the Programme Officers.
27. In addition to Network Rail, statements of case have been submitted by LCC, Micklefield PC, Ashdale Land & Property, and Makins Enterprise Ltd/ C W Makin. I had only received that from Network Rail, and many of the documents listed in appendix 1 of Network Rail's statement have not been received. Arrangements will be made to obtain all the documents referred to by the parties. *The Programme Officers have now received the additional statements of case.*
28. LCC intends to submit an addendum to its statement of case. This would address the highway code and bridleway users, and should be submitted by 19 January.
29. Proofs of evidence should be submitted by 30 January and any rebuttals by 20 February. Due to an availability constraint, the proof from Mr Cunningham for the Applicant is due by 31 January. JC explained that Micklefield PC would not be elaborating on its statement of case, which would fulfil the role of a proof of evidence.
30. Suggested conditions should be submitted by 30 January.

Site visits

31. I explained that I had travelled by train between Leeds and Cross Gates and visited Austhorpe Lane and Penny Pocket Park ahead of the meeting to familiarise myself with aspects of the route. A full programme of visits would be undertaken towards the end of the inquiry, suggestions for which are requested by 20 February. The parties agreed to my suggestion that a series of site visits be made before evidence was heard. The Applicant is to prepare a suggested programme of initial visits, *and should liaise with other parties expected to appear at the inquiries*. Arrangements for transport should be included.

Costs

32. None of the parties present currently intend to make an application for an award of costs.

Summary of key dates

33. The key dates for submission of documents are set out below:
 - By 19 January 2024 – addendum to LCC's statement of case.

- By 30 January 2024 – statement of common ground between the Applicant and LCC, proofs of evidence, core documents, suggested conditions.
- By 31 January 2024 – proof of evidence from the Applicant's level crossing safety witness.
- By 13 February 2024 – time estimates for presenting evidence, cross-examination, opening statements, and closing submissions.
- By 20 February 2024 – rebuttals, site visit suggestions.

Programme officer contact details

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Richard Clegg

INSPECTOR
17 January 2024