

DATE 15 February-2024

The Network Rail (Leeds to Micklefield Enhancements) Order 2024

Department for Transport reference: TWA/23/APP/03

Transport and Works Act 1992 and The Transport & Works (Applications and Objections) (England and Wales) Rules 2006

PLanning
On behalf of Leeds City Council

Purpose of this statement

1. This statement seeks to provide clarity to the Planning Inspector appointed to oversee the public inquiry into the proposal Transport and Works Act Order (TWAo) for the Leeds-Micklefield section of the Transpennine Upgrade (TRU) in relation to planning policy matters.
2. It confirms the documents that comprise the statutory Development Plan for Leeds and, in respect of plans that only cover parts of the district, the elements of the TRU where these plans are relevant. It also updates the position in relation to the status of the remitted elements of the Site Allocations Plan. It then looks to consider each of the concerns raised from a planning policy perspective in the Councils Statement of Case, to confirm that there are no unresolved concerns from a planning policy perspective.

Leeds Development Plan

3. The statutory Development Plan for Leeds comprises:
 - i) Core Strategy (as amended by the Core Strategy Selective Review) (2019) (CD 2.14)
 - ii) Site Allocations Plan 2019 (as amended 2024)
 - iii) Aire Valley Leeds Area Action Plan (2018)
 - iv) Natural Resources and Waste Local Plan (2013, Minerals – Transport 2015) (CD 2.17)
 - v) Saved Policies of the Unitary Development Plan Review (2006) (CD 2.15)
 - vi) All made neighbourhood plans, with the Garforth Neighbourhood Plan (2023) being the only made neighbourhood plan within the extent of the TRU (CD 2.18)
4. The Aire Valley Leeds Area Action Plan (AVLAAP) provides the planning framework to guide the regeneration of an area of the Lower Aire Valleys, between Leeds City Centre and the M1. The following elements of the TRU scheme include land within the boundary of the AAP:
 - Marsh Lane Viaduct (elements to east of Marsh Lane are within AAP boundary)
 - Neville Hill Access Road (all within AAP boundary)
 - Osmondthorpe Lane and Wykebeck Avenue (western part of Neville Public Open Space only within AAP boundary, with AAP boundary running to rear of houses on Neville Close).
5. The Garforth Neighbourhood Plan (CD 2.18) covers the built-up area of Garforth, and some of the surrounding rural hinterland. The following elements of the TRU include land within the Garforth Neighbourhood Plan Area:
 - Garforth Moor Level Crossing
 - Barrowby Lane Level Crossing (the far eastern and western elements of the TRU extent are within the NDP boundary, though elements of the middle section lie just beyond the NDP boundary).

Update on Site Allocations Plan and implications for TRU proposals

6. The Statement of Case of Leeds City Council (dated 17 November 2024) (CD 5.03) noted that, at the time of writing, the Site Allocations Plan (SAP) was still in examination. This followed a High Court challenge on whether there were sufficient reasons to release 37 sites from the Green Belt, and the ruling that these aspects of the SAP needed to be reconsidered by the Planning Inspectorate – called the SAP Remittal. A significant update has since occurred, with the Inspector for the SAP Remitted publishing her final report in January 2024. This confirmed that the plan (subject to a series of main modifications being agreed) was sound. The remitted parts of the Site Allocations Plan, incorporating the Inspectors Main Modifications, was adopted by the Council on 17 January 2024. As such, it now forms part of the statutory Development Plan for Leeds.
7. The adoption of the SAP (as amended 2024) is of particular relevance for the TRU proposals at Crawshaw Woods Bridge. The TRU extent in this location overlaps, in part, with the ‘Brown Moor’ site at Barrowby Lane. This was proposed for allocation in the SAP and was one of the 37 sites affected by the SAP Remittal. Following the adoption of the remitted parts of the SAP, this 21.2ha site is now formally allocated for general employment development by the SAP (site EG2-27, Barrowby Lane, Manston).
8. No other elements of the TRU were affected the SAP Remittal.

Emerging planning policy

9. To ensure that the Local Plan for Leeds remains up-to-date and reflects the needs of communities and business in Leeds, addresses emerging challenges and helps make the most of new opportunities, it is being updated. This update is being undertaken in two stages:
 - a. The **Local Plan Update** (also known as ‘Your City, Your Neighbourhood, Your Planet’) (CD 2.19) is updating policies that directly relate to addressing the climate emergency (including carbon reduction, flood risk, green and blue infrastructure, place-making and sustainable infrastructure). This plan is now at an advanced stage of preparation, with consultation on pre-submission changes having concluded on Monday 11th December 2023.
 - b. The **Leeds Local Plan 2040** will address all other policies, including the requirements for housing, employment, minerals and waste development, along with a series of detailed implementation policies. This plan is at an very early stage of preparation, with consultation on the scope of the plan (regulation 18) having concluded in March 2023. Further consultation on the ‘Issues and Options’ for this Plan is anticipated in Summer 2024.

Planning policy comments on TRU

10. As outlined in the Statement of Case (CD 5.03), the original TRU submission gave raise to a small number of concerns from a planning policy perspective. These were:
 - c. A number of errors were noted in the Planning Statement (CD 1.13). The correct policies were confirmed in Appendices 1 and 2 of the Rule 21 Submission (CD 4.Obj/07), with the relevant Local Plan documents being reaffirmed within this statement. As a result, there is no outstanding concern.

- d. The Council wished to provide the Inquiry with an update on the latest position with the SAP examination. This is provided within this statement. As a result, there is no outstanding concern.
- e. Further information was required regarding proposed reinstatement following the siting of temporary compounds on land allocated for development, such as at Wykebeck Avenue. As confirmed in the Statement of Common Ground (CD 6.01, table 1, ref.14) following clarification from Network Rail, the Council is now satisfied that the Wykebeck Avenue Compound proposals do not adversely affect the delivery of housing on this allocated site and that compliance with the relevant planning conditions under planning permission 21/00654/FU is capable of being resolved. As a result, there is no outstanding concern.
- f. The Council sought assurances from Network Rail that the use of land at Brown Moor (Crawshaw Woods Bridge) that the use of this site for temporary access and site compound will be developed in consultation with the landowner to mitigate impact on further development, if the SAP Remittal Inspector was to support the allocation of this site for employment use. As confirmed in the Statement of Common Ground (CD 6.01, table 1, ref 15) following clarification received from Network Rail, LCC is now satisfied that the temporary compound will not adversely affect the delivery of employment development on this site. As a result, there is no outstanding concern.

11. All of the issues raised have now been resolved. As a result, there are no outstanding concerns from a planning policy perspective.