

**TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER**

**REBUTTAL PROOF OF EVIDENCE
OF
MICHAEL WESTWOOD**

Document Reference	CD 8.02
Author	Michael Westwood
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The Network Rail (Leeds to Micklefield Enhancements) Order

CD 8.02 – Rebuttal Proof of Evidence of Michael Westwood

1 Introduction

- 1.1 This rebuttal evidence has been prepared on behalf of Network Rail to the Proof of Evidence prepared on behalf of OBJ 07 – Leeds City Council (LCC), which concerns the evidence of Robert Buckenham (**CD 7.34**).
- 1.2 It is not intended that this rebuttal proof should address further points that I or other witnesses for Network Rail have previously covered in evidence.
- 1.3 The point responded to is shown in bold text. This is followed by my response.

2 CD 7.34 – Proof of Robert Buckenham

- 2.1 Please refer to paragraph 4.2.11 of Robert Buckenham's Proof of Evidence:

If the new right of way to be created through the MRG is to be created as a public bridleway it will not provide a suitable or convenient right of way until suitable physical provision is made and an appropriate width is dedicated. This is to allow for walkers, horse riders and pedal cyclists to pass each other comfortably and safely. Any proposed new routes would need to be provided to a minimum width of two metres for footpaths and five metres (three metre surface with a metre verge on either side) for bridleways. In this connection the Rights of Way Review Committee Practice Guidance Note 6: Planning and public rights of way, states in Part 4 - Layout and design on site – at Paragraph 8 'Where ways are not enclosed, footpaths should be of a minimum width of 2 metres and bridleways and byways 3.5 metres. If the way is to be enclosed by fencing, hedging or buildings then footpaths should be of a minimum width of 4 metres and bridleways and byways 6 metres'. A copy of this document is attached to this Proof as BB 6. Any new diverted / created routes will need to be provided to a fit condition to become public bridleways / footpaths but once dedicated need to be signposted and waymarked to meet the council's statutory responsibilities and aims of the Rights of Way Improvement Plan.

- 2.2 Representatives of the TRU Project (including myself) met with members of Leeds City Council, including Robert Buckenham, on 09 February 2024 specifically to discuss the proposals at Peckfield Level Crossing.
- 2.3 Within this meeting, it was explained to LCC that the Project is still within the 'detailed design' stage and that the exact specifications of the Peckfield Level Crossing proposals are still being defined to an appropriate level.

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- 2.4 It was confirmed in this meeting that the TRU proposals will incorporate either a 2m footpath or a 5m bridleway (consisting of a 3m surface with a 1m verge on either side) as per LCC's recommendations. The land requested in the Order is sufficient to accommodate either proposal.
- 2.5 It was confirmed in this meeting that the proposed footpath or bridleway through the Micklefield Recreation Ground was not intended to be enclosed by fencing.
- 2.6 Reassurances were given by the TRU Project that the exact specification of the footpath or bridleway surface would be agreed with LCC using the established TRU Project/Leeds City Council Highways Working Group to aid discussion.
- 2.6.1 Please refer to paragraphs 4.6.1 and 4.6.2 of Robert Buckenham's Proof of Evidence:

The replacement of the bridleway level crossing at Whitehouse Farm with a ramped bridleway bridge, together with the creation of associated public bridleway access, is proposed in relation to Public Bridleways Austhorpe No. 9 and Barwick No. 10 as part of the TWAO.

It is consequently contended that the construction of a bridleway bridge could be considered further if the Secretary of State decides that the proposed alternative right of way is not suitable and convenient.

- 2.6.2 Please refer to paragraph 3.5.20 in my Proof of Evidence (**CD 7.26**) for an overview of the options considered for Peckfield Level Crossing.
- 2.6.3 Please refer to paragraphs 3.5.55 to 3.5.63 inclusive in my Proof of Evidence (**CD 7.26**) for the decision-making summary for the ramped bridleway bridge option at Peckfield Level Crossing.
- 2.6.4 To summarise, the ramped bridleway bridge option at Peckfield Level Crossing was not preferred by the TRU Project because the landscape and visual impacts would be greater than those associated with the preferred options due to the scale of the new structure. A bridleway bridge would involve a greater amount of permanent land acquisition as well as a loss of some Grade 2 Best and Most Versatile agricultural land to accommodate the new bridge/ramps and the associated access to it. There would be a significant build cost and additional disruptive railway access would be required to construct it when compared to the preferred options. Ultimately, the cost and the level crossing usage profile do not justify the provision of a replacement ramped bridleway bridge for Peckfield Level Crossing.

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2.6.5 In addition, a brideway bridge cannot be delivered wholly within Network Rail land nor within the land requested within the Order. Increased areas of permanent land acquisition would be required to the north and south of the railway to construct the bridge and for routing the associated access paths (refer to Figure 1 below).

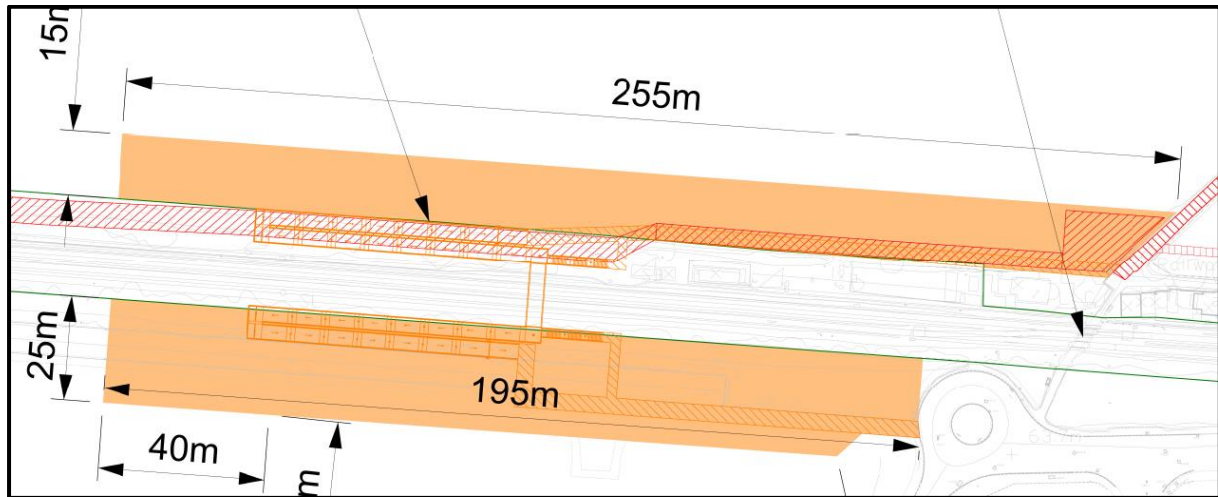


Figure 1: Depiction of possible additional land required to provide a ramped brideway bridge at Peckfield Level Crossing

- 2.6.6 Please refer to paragraph 3.3.23 in my Proof of Evidence (**CD 7.26**) for an overview of the options considered for Barrowby Lane and Barrowby Foot Level Crossings.
- 2.6.7 Please refer to paragraphs 3.3.28 to 3.3.36 inclusive in my Proof of Evidence (**CD 7.26**) for the decision-making summary for the ramped brideway bridge option.
- 2.6.8 To summarise, a ramped brideway bridge solution to close both Barrowby Lane and Barrowby Foot Level Crossings was preferred by the TRU Project at this location as it was supported by the existing level crossing usage profile, retains the existing Public Right of Way connectivity, avoids works to a railway embankment within an area of historic mine workings, as well as limiting disruption to the operational railway and facilitating the future improvement of the railway.

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3 Witness Declaration

3.1 Statement of declaration

3.1.1 This Rebuttal Proof of Evidence includes the facts which I regard as being relevant to the opinions which I have expressed, and the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.

3.1.2 I believe the facts which I have stated in this PoE are true and that the opinions expressed are correct;and

3.1.3 I understand my duty to the Inquiry to help it with the matters within my expertise and I believe I have complied with that duty.



Michael Westwood
20 February 2024