TRANSPORT AND WORKS ACT 1992

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

The Network Rail (Leeds to Micklefield Enhancements) Order

STRATEGIC CASE PROOF OF EVIDENCE

OF

DAVID VERNON

Document Reference	CD 7.02
Author	Network Rail
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1. INTRODUCTION

1.1 The Order

1.1.1 On 17 July 2023, Network Rail Infrastructure Limited ("**Network Rail**") applied to the Secretary of State for Transport **("SoS**") pursuant to section 6 of the Transport and Works Act 1992 ("**the TWA**") for an order known as the Network Rail (Leeds to Micklefield Enhancements) Order ("**the Order**") (**CD 1.02**) under sections 1 and 5 of the TWA.

1.1.2 The Order, if made, would enable Network Rail to carry out works necessary to ensure that the upgrade and electrification of this part of the North Transpennine Route ("**NTPR**") can be delivered, and is required to ensure that the full benefits of the wider Transpennine Route Upgrade ("**TRU**") programme can be achieved.

1.2 Qualifications and experience

1.2.1 My name is David Vernon. I am a Partner at Carter Jonas, responsible for Infrastructure Sponsorship, Consents and Stakeholder Management. My academic qualifications include a BA Honours degree in Town & Country Planning (Newcastle University) and a Postgraduate Diploma in Town Planning (Newcastle University). I am a chartered member of the Royal Town Planning Institute (RTPI) and member of the National Infrastructure Planning Association (NIPA).

1.2.2 I have worked within the rail industry since 2013 starting as a Consents Manager on the East Coast Main Line (**ECML**) for Network Rail, responsible for delivering third party consents for railway infrastructure projects, and then as Senior Sponsor for ECML in June 2015 with a specific focus on enhancement projects requiring third party consents. I worked as a direct employee of Network Rail until August 2017, since when I have been retained as a contractor to Network Rail to sponsor third party enhancement schemes and have already successfully secured two TRU TWAO's, namely the 'Huddersfield to Westtown TWAO' and 'Church Fenton Level Crossing Reduction TWAO' .

1.3 Role on the project

1.3.1 My current role is as a Network Rail Senior Sponsor for the TRU, with responsibility for the securing of all necessary consents and authorities for the TRU projects East of Leeds to be delivered. I provide a direct link between Network Rail and its client for this Scheme, the Department for Transport ("**DfT**").

1.4 Statement of Matters

1.4.1 The Statement of Matters ("**SOM**") was received from the Transport Infrastructure Planning Unit ("**TIPU**") in December 2023. The following matters will be dealt with solely in my proof of evidence:

- Matter 1 – The aims and objectives of, and the need for, the proposed Leeds to Micklefield Enhancements Order ("the scheme"), including its effects on railway operations.

1.4.2 The following Matters will dealt with by this proof, read in combination with the proofs of Mr Michael Westwood, Mr Paul Harrison, and Mr Jerry Greenwood:

- Matter 3 – The main alternative options considered by NR and the reasons for choosing the preferred option set out in the Order.

2. SCOPE OF EVIDENCE

2.1.1 This Proof of Evidence is presented in the following sections:

- Introduction
- Scheme Introduction
- Regulatory & Policy Background
- The Business Case
- Benefits of TRU Programme and the Scheme
- Early Scheme Development
- Consultation
- Response to Objections
- Conclusion

3. SCHEME INTRODUCTION

3.1 Scheme Context

3.1.1 Transport plays a vital role in enabling a modern trading economy and rail has a particular advantage in connecting cities, both to each other and to their markets. The NTPR – the subject of theTRU – is, along with the M62, one of the key East-West arteries across the Northern economy. NTPR forms the most direct existing rail link between Manchester and Leeds but is also used as a "spine" to link a wider set of economic centres such as Newcastle and Hull in

the East, and Liverpool in the West. As well as linking city centres, the NTPR also joins these to smaller towns and commuting areas, and key sites such as Manchester Airport and university and research centres (including in smaller hubs like York and Huddersfield).

3.1.2 The Leeds to York section of the NTPR was opened in 1849.Historically there was a long period of dis-investment in the route, starting in the 1960s and going through to the 1980s, during a time when demand for passenger and freight traffic on the route was declining, in line with structural economic change. In particular, through the reduction of large sections of the NTPR from four tracks to two tracks, as the mix of slow freight and fast passenger traffic it needed to segregate reduced, infrastructure capacity was removed over the years to reduce operating and renewal costs.

3.1.3 The TRU comprises a series of projects between Manchester to Leeds and Leeds to York along the NTPR. The projects are shown in **Error! Reference source not found.** below and are at different stages of development and delivery. For example, Manchester Victoria to Stalybridge (W1) and York to Colton Junction (part of Project E1) are currently being delivered with extensive works already undertaken. The Huddersfield to Westtown Project (W3) Transport & Works Act Order was approved and made in 2022, and the Church Fention Level Crossing Reduction TWAO (E1) was approved and made in November 2023.

3.1.4 In approving both the W3 and E1 TWAO's, both Secretary's of State (SoS) acknowledged in their respective decision letters (**CD 3.05 & CD 3.06**) that train services regularly encounter congestion and delays on the Transpennine route, resulting in performance and reliability issues for those services. The SoS agreed with the Inspector's view that NTPR does not currently meet the needs of passengers and like the Inspector, the SoS agrees with Network Rail that NTPR is in urgent need of improvement. The Order scheme forms part of the E234 Project.

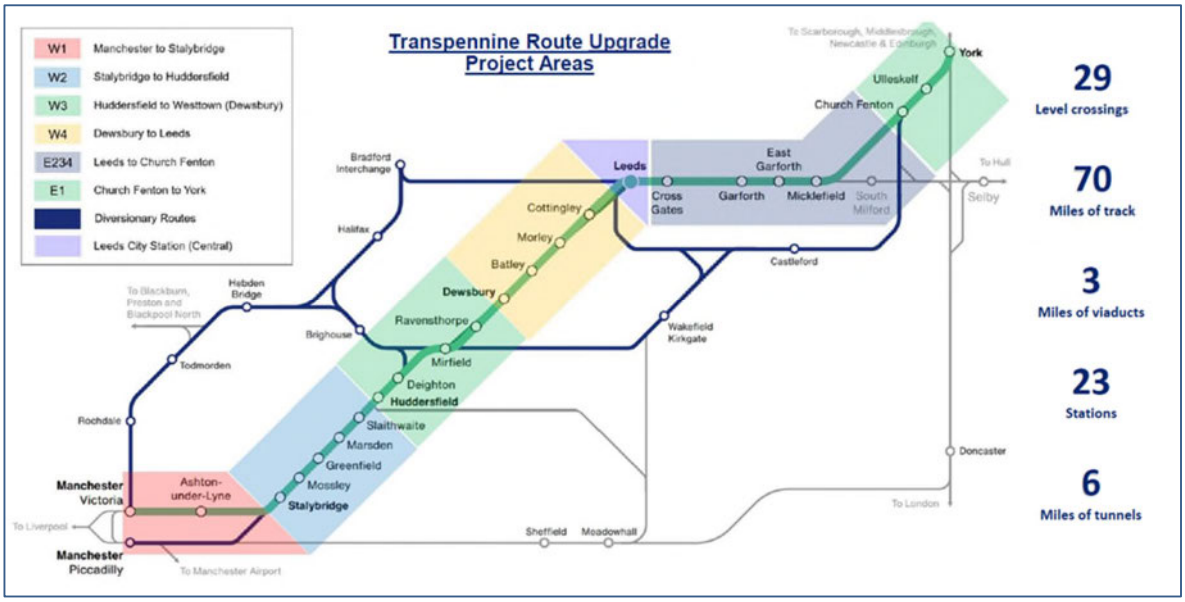
3.1.5 The Leeds to York portion of NTPR, along which the Scheme is located, is a two-track railway. This is shown on Figure 1 below. The Scheme falls within the section labelled E234 (Leeds to Church Fenton).

3.1.6 The Leeds to Micklefield section of the NTPR ("**Scheme Route**") is a two-track railway. The route diverges at Micklefield with trains heading East to Hull and North to York, Newcastle and Scotland. The section of line from Micklefield to Church Fenton is also a two-track railway.

3.1.7 The E234 Project comprises, in broad terms, the electrification of the line, Journey Time Improvements ("**JTIs**") through line speed increases, increased

capacity as a result of the JTI, electrification and signalling and enhanced resilience and reliability of the line between West of Cross Gates Station in Leeds and a point just to the southwest of Church Fenton.

Figure 1: Scheme location



3.1.8 Today, there are various line speed restrictions on the Scheme Route from 25mph to 55mph in places. Passenger services on this section are operated by Cross Country, Grand Central, Northern Trains and Transpennine Express with freight services operated by a variety of freight operators. TPE provides fast and frequent inter-city services across the North of England and Scotland. Northern Rail provides key local and commuter services to York and Leeds and other local centres and CC provides regular services direct from Scotland through to the Midlands and the South West. The route also supports freight services, with around five services currently running each day in both directions.

3.2 Purpose of the Scheme

3.2.1 To deliver TRU's objectives of journey time and capacity improvements on the Transpennine route, there is a need to increase the line speeds on the Leeds to York section of the Transpennine route, with current speed restrictions ranging from 25mph up to 55mph, needing to be increased up to 75mph in places.

3.2.2 In order to facilitate the increase in line speeds, and subsequent capacity improvements, and enhancements to resilience and reliability, a number of works are required across the E2-4 footprint. These works are not only those applied for under this Order application, but works consented and allowed for Network Rail via other consent regimes. That could be deemed planning

permissions, use of Permitted Development powers afforded to Network Rail, or planning applications to the local planning authority. The Order will bring together all remaining works, rights, and consents required to ensure that the benefits required across the E2-4 footprint, can be delivered in full, contributing to the TRU programme benefits, and allow for all works to be delivered in a time and cost efficient manner, delivering full value for money across all projects.

3.2.3 The Order scheme promotes a number (17) of discrete packages of work within the E234 geographical footprint, which as mentioned above, when combined with other permitted elements of work in the E234 area, either via permitted development or other powers available to Network Rail, all combine to deliver the benefits required for the TRU programme. One such example is the Kirkgate viaduct through Leeds, where works are secured through planning permission, but third party pand is required for compounds. As such, everything in the Order is required to deliver the works that may be authorised by consents elsewhere. In practice, unlike other public orgnaisations, such as Highways England, Network Rail do nor have a separate compulsory purchase avenue available, and if land is required from third parties in order to deliver enhacements, NR need to promote a TWAO to secure the compulsort powers.

3.2.4 As such, the Order, if made, would enable Network Rail to carry out works necessary to ensure that the upgrade of this part of the NTPR can be delivered and is required to ensure that the full benefits of the wider TRU programme can be achieved

3.2.5 If made, I believe the Project will realise the objectives of TRU and provide a safer way for level crossing users to cross the railway lines at various points across the Scheme Route.

3.3 Need for the Scheme

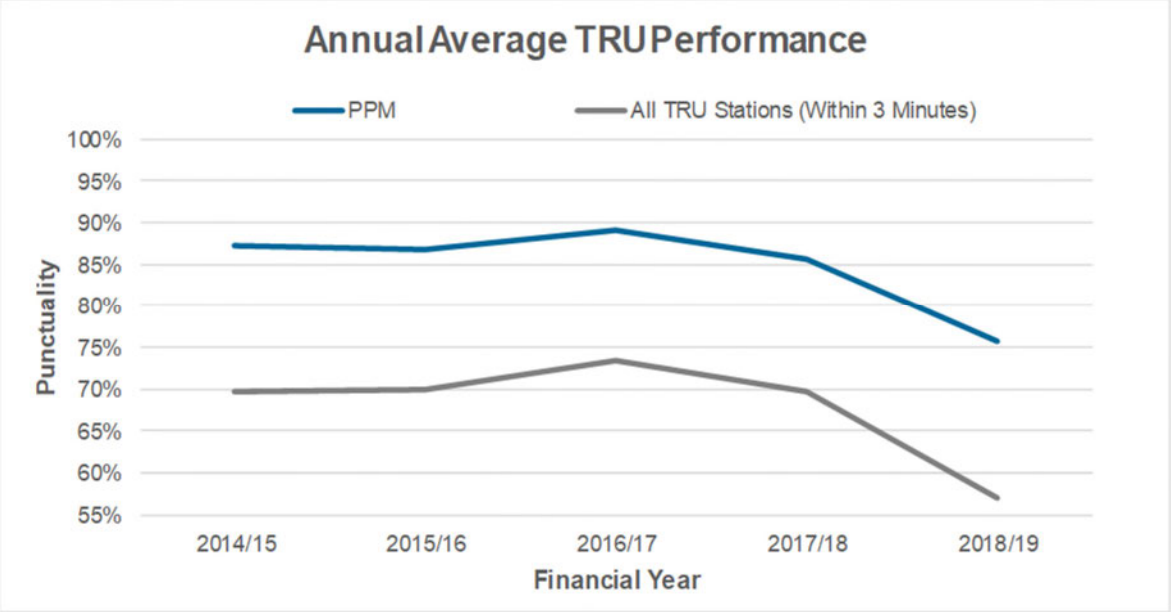
3.3.1 The NTPR is not currently well-placed to deliver a key enabling role in levelling-up the Northern conurbations and making them a more coherent and productive economic entity. Up to the outbreak of the COVID-19 pandemic, demand on the route had doubled to 50 million passengers per year since the mid-1990s but the historic reduction in the carrying capacity of the infrastructure means the route has reached its practical capacity limit. Pre-COVID, the route performed poorly and it will continue to be a constraint, rather than an enabler, to building back the Northern economy unless the works are carried out.

3.3.2 Overall productivity in the North of England trails behind the UK average. For the last 30 years, the North's economic value per person, measured as Gross Value Added ("GVA"), has averaged 15% below the rest of the UK. Pre-COVID data showed that the gap had widened further, with the GVA per person in the

North measuring 18% below the UK average.1 Low levels of transport invesement in the area are thought to be a contributing factor to the widening GVA gap.

3.3.3 Punctuality on the NTPR was very poor pre-COVID, with only 38% of trains making station calls within a minute of the scheduled time ("on time"). This has primarily been due to an absence of infrastructure capacity (passing sections and separate fast and slow lines) to regulate the large mix of service types on the route (slow freights, local passenger trains and fast expresses) and mitigate delays. Delays on the route regularly create consequential timing issues for other lines across the North and into Scotland. Although the provision of new, longer, rolling stock has started to mitigate peak-time overcrowding on the trains that currently run along NTPR, there is no room for additional passenger services to serve a recovering and growing economy and train speeds are relatively slow for the distances involved (less than 60mph on average for the fastest trains along NTPR).

Figure 2: Average performance on the NTPR (Source: Office of Road and Rail performance monitoring statistics)

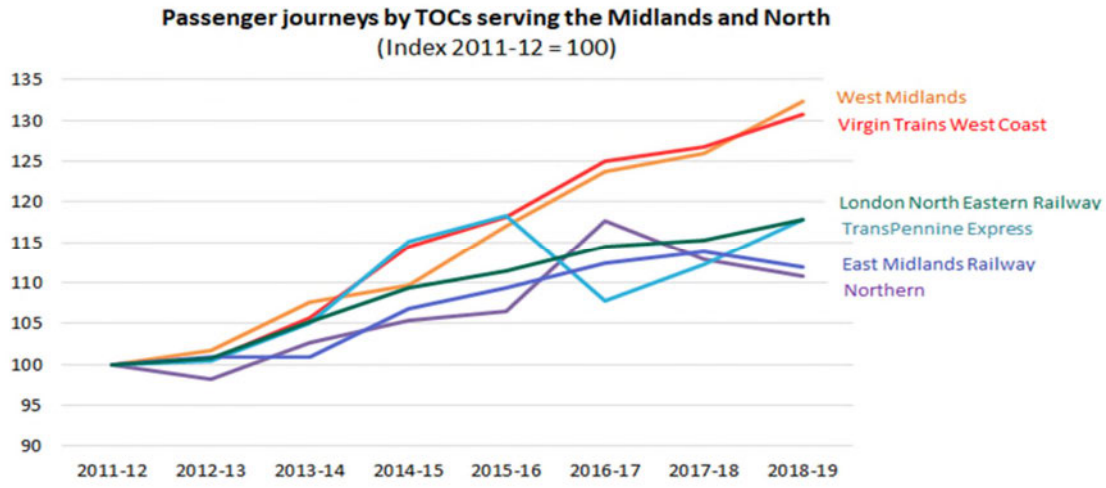


3.3.4 In the years before the COVID-19 pandemic struck, growth was indeed proportionately greater in the North than in other regions, albeit from a low aggregate base. ORR data for the period pre-COVID shows that rail travel, within the North grew at an annual rate of over 6%, compared with just over 4% at a national level. In addition, growth in longer-distance passenger services

1 https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/regionalandsubregionalproductivityintheuk/february2019

was higher along NTPR than for other services. The TPE franchise grew at rates comparable with the main West Coast and East Coast operators during the 2010s, as shown in Figure 3 below.

Figure 3: Passenger journeys by Train Operating Company ("TOC") (Source: DfT Rail Anaysis https://www.gov.uk/government/statistics)



3.3.5 Whilst TPE has continued to provide a greater number of passenger services since 2016, the relative reduction in their Northern services reflects the performance issues (Figure 2) that the NTPR has faced in recent years, capacity issues, limited infrastructure and constrained locations along NTPR. Increasing the capacity and thereby improving the resilience and reliability for both 'express' and 'local' services, is critical to enable continued growth of the NTPR and its associated routes.

3.3.6 The amount of historic investment on East-West routes (excluding the south east), such as the NTPR, has not matched that of typical north – south rail lines connecting to the London and South East markets, such as the East Coast Mainline, or West Coast Mainline. Providing much improved rail services on the Manchester-Leeds-York corridor would help contribute to the Government's levelling-up agenda – both in terms of facilitating post-COVID economic recovery and growth but in offering citizens in the North a brighter economic future.

3.3.7 In approving the Huddersfield to Westtown Project (W3) Transport & Works Act Order ("W3") in 2022, the Secretary of State ("**SoS**") acknowledged in their decision letter (**CD 3.05**) at paragraph 15, that train services regularly encounter congestion and delays on the NTPR, resulting in performance and reliability issues for those services. The SoS agreed with the Inspector's view that NTPR does not currently meet the needs of passengers and, like the Inspector at paragraph 3.3 of his Report into the Huddersfield to Westtown TWAO

(**Appendix A**), agreed with Network Rail that NTPR is in urgent need of improvement.

3.3.8 In approving the Church Fenton Level Crossing Reduction Project (E1) Transport & Works Act Orcer ("E1") in 2023, the SoS also acknowledged in their decision letter (**CD 3.06**) at paragraph 14, that the works in that Order, similar to those promoted in the Order scheme, would help to contribute towards the safety, reliability and resilience of an important railway line in the North of England delivering substantial public benefits across the region.

3.4 Impact of COVID-19 Pandemic

3.4.1 At the start of 2020 the COVID-19 pandemic struck, with social and economic Government-imposed restrictions applying from the latter part of March 2020. This had a major impact on demand for rail travel. Nationally, passenger rail ticket sales fell to just 4% of the level seen in the previous year (2019), recovering to just over 30% of that level by September 2020[2]. Although, this then declinied again following accouncement of the second lockdown in November 2020. Rail use in the North seems to have held up better than the national average: the lowest level of patronage recorded in Greater Manchester has been around 20% of pre-COVID levels, with figures in Greater Manchester now back to 91% of pre-covid patronage (Source: Manchester City Council, Greater Manchester Transport Sub-Committee Local Rail Services Performance Report, March 2023[3]). This is thought to reflect the socio-economic mix and lower scope for homeworking in Northern populations compared with, say, London.

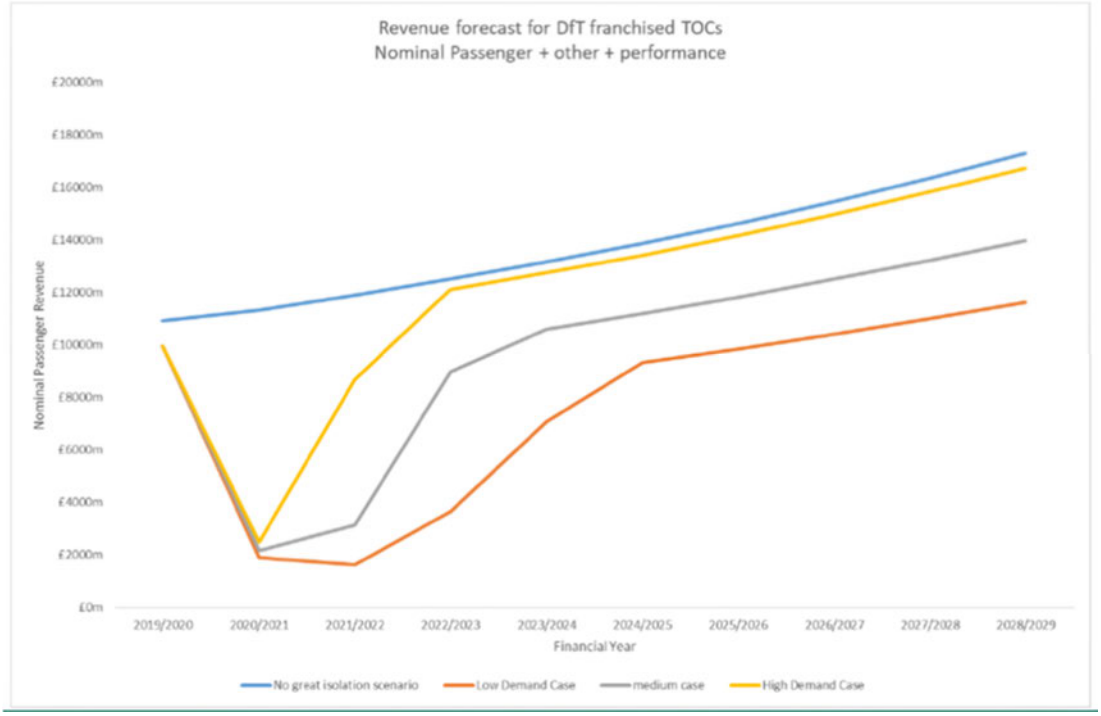
3.4.2 Once the immediate COVID-related impact on rail travel has subsided, there is uncertainty regarding any impact on long-term travel demand and, within that, the demand for rail services. DfT's latest modelling scenarios suggest late-2020s demand growth could be between 68% (worst case) and 97% (best case) of pre-COVID levels (see Figure 4 below). At the strategic level however, the scenario analysis indicates that even in the low demand (red) case, demand is likely to have come back to at least the levels seen in 2018/19 by the end of this decade (and may have grown further). Even if one were to consider the future performance of NTPR against the static 2018/19 levels of travel demand, early investment will be crucial when looking to rectify the chronic poroblems NTPR currently faces in service and performance. That is the most cautious interpretation and prediction of the DfT's modelling. The more rounded conclusion from Figure 4 below is that some level of overall growth in demand

[2] Covid and Rail Demand Forecasting - Uncertainty and its Consequences, DfT Rail Analysis, November 2020

[3] https://democracy.greatermanchester-ca.gov.uk/mgConvert2PDF.aspx?ID=24957

this decade is still to be expected, reinforcing the need to invest in NTPR now from a transport management perspective.

Figure 4 - Scenarios for post-COVID revenue rebound relative to "no COVID" forecast (blue) (National scenarios) Source: DfT Rail Analysis website



3.4.3 Following discussions between DfT and Network Rail, it is anticipated, and to be planned for, that rail passenger numbers and demand will return to pre COVID-19 levels under the medium-demand scenario and continue their original growth trajectory once the pandemic-related impacts have passed.

3.4.4 As a result, it is highly likely that use of the NTPR will come to surpass pre-COVID levels before the TRU programme, including the Scheme (E1), is completed and operational in 2028.

3.5 Environmental Requirements

3.5.1 The Government has committed in the National Infrastructure Strategy (HM Treasury, 2020) to *'Put the UK on the path to meeting its net zero emissions target by 2050: bold action is needed to transform the UK's infrastructure to meet net zero and climate change commitments. The Government will continue to decarbonise the UK's power, heat and transport networks – which together account for over two-thirds of UK emissions - and take steps to adapt to the risks posed by climate change' ("Net Zero Target").*

3.5.2 The NTPR is currently a diesel-operated railway. The design of TRU has been informed by an aspiration to electrify as much of the NTPR as possible, in line

with the Government's Net Zero Target and outlined through the Government's commitments in the Decarbonising Trasnport, A Better Greener Britain (**CD3.07**). Alongside modal shift, encouraged by more reliable and frequent passenger trains, TRU aims to make a strong contribution to the Net Zero Target, as the largest rail enhancement in the current portfolio. In addition, facilitating a move from diesel to electric traction will bring improvements to local air quality through a reduction in oxides of nitrogen and particulate emissions, especially in the main urban areas served by the NTPR.

3.5.3 As highlighted in this section, decarbonisation of the rail network is a key Government aim and is supported by Network Rail's own environmental policies. To hit decarbonisation targets, and help achieve the national Net Zero Target, electrification of existing rail lines is considered a key facilitator. With electrification comes the requirement to install and operate electrification equipment (stantions, overhead wires etc), which require greater clearance distances between these pieces of equipment and structures from vehicles passing underneath.

3.5.4 The new bridges required to be installed, or existing bridges to be modified that are currently (footpath/bridleway) over the railway, are designed to have sufficient height and width for the rail line below it to be electrified and appropriate safety clearances to be in place. As highlighted in section 7 below, there are possible future rail schemes identified that could impact structures within the Order footprint should they not be planned for now. The bridges have been designed to ensure that increasing the rail width in the future is possible, should the track go from two to three/four tracks in the future it will ensure the structures do not have to be demolished and replaced.

3.5.5 Thus the Order scheme, with the installation of infrastructure, or modifications to existing infrastructure, with sufficient clearance, will enable the electrification of the line through the Scheme area using Network Rail's Permitted Development Rights. Along with the electrification of the remaining sections of the NTPR between Manchester and York, this will help contribute to local and the national climate targets highlighted above.

3.6 Safety

3.6.1 Safety is paramount in all that Network Rail does, whether that is operations and maintenance, or design and implementation of new projects. All level crossings carry risk and they are the largest single contributors to train accidents and risks on the railway network. The level crossings addressed in the Order have historical known incidents due to misuse and vandalism, which have contributed to a negative impact on the performance of the rail network.

3.6.2 The delivery of safe passage across the railway for Public Right of Way users and those with private rights will remove the existing risks associated with conflicts between trains and public and avoids any increases in these risks to unacceptable levels due to faster and more frequent trains and the presence of OLE. As part of its statutory duty to minimise risk to railway users, workforce and the public, Network Rail has adopted a long-term strategy to improve level crossing safety (Enhancing Level Crossing Safety, Network Rail 2019 (**CD 2.01**). This strategy notes that level crossings are one of the main public safety risks on the railway. The only way to remove the risk is by removing the at grade interface

3.6.3 The Scheme will remove the existing at-grade interfaces between the railway and those wishing to cross it, thus removing the safety risk currently associated with the level crossings. In addition, users of the level crossings will no longer have to wait to cross the railway and will be able to safely access either side of the rail lines 24 hours a day. As well as a safety benefit, this further drives the operational efficiencies created by removing level corssings as the scope for incidents to occur where at grade crossings are removed is reduced greatly.

4. REGULATORY & POLICY BACKGROUND

4.1 Network Rail is regulated by the ORR. As the operator and owner of the national rail infrastructure, Network Rail has a key role to play in railway safety and improving railway performance and efficiency.

4.2 The ORR conducts a five-yearly (control period) review which sets out Network Rail's future funding and what Network Rail must achieve within the relevant control period in accordance with, but not exclusive to, the Government's Rail Network's Enhancement Pipeline ("RNEP"), 2018. The RNEP is appended at **Appendix B** and sets four priorities for investment summarised as:

- keeping people and goods moving smoothly and safely;
- delivering the benefits from committed programmes and projects already underway;
- offering new and better journeys and opportunities for the future; and
- changing the way the rail sector works for the better.

4.3 The RNEP sets out the rationale behind creating a rolling programme of investment which focusses on delivering real benefits for passengers, freight users and the economy. The RNEP was updated in the Autumn of 2019 **(CD 2.06**).

4.4 The RNEP approach applies to all rail enhancements within England and Wales which are in receipt of funding from central Government (i.e. from the DfT). This was set out in the Statement of Funds Available (SoFA), which was published in October 2017.

4.5 The TRU was listed as a scheme in Stage 3 of the RNEP - Decision to Design, with the stated aim being to deliver improved rail performance, capacity and journey times between Manchester and York.

4.6 Projects listed in this table have progressed through to the final development stage and will be either working towards or have completed an Outline Business Case ("**OBC**"). In April 2020, the TRU was awarded an OBC and provided funding (£3bn) to take TRU programme projects through the design and delivery stages.

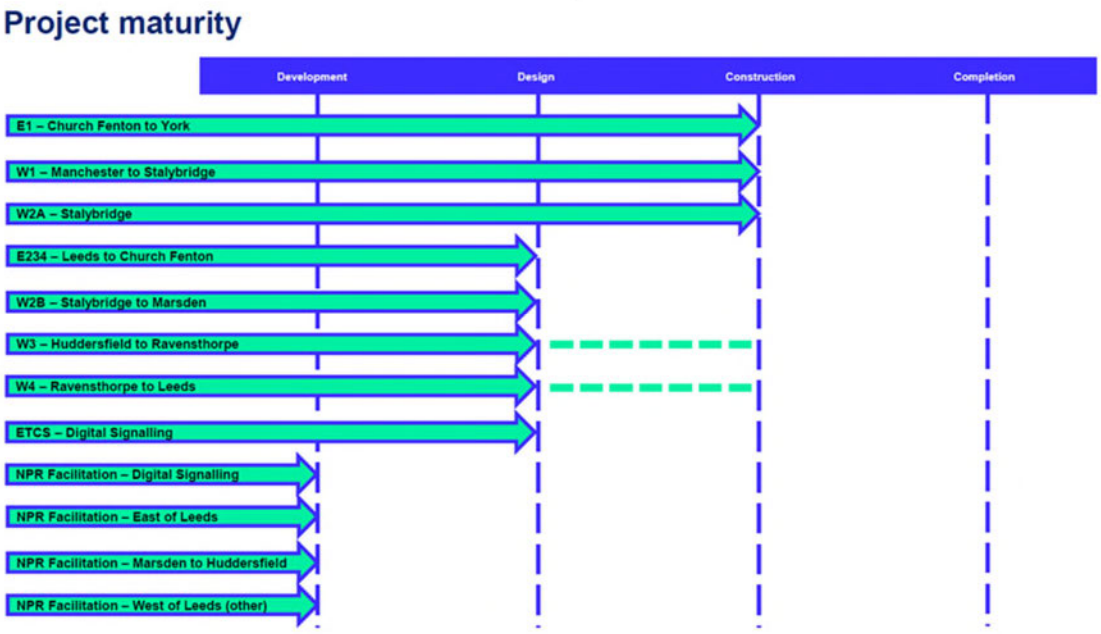
4.7 Further funding has been received from DfT and HM Treasury since the OBC was awarded in April 2020 and a number of projects across TRU have progressed into delivery, with works having physically started on TRU in January 2021.

4.8 A government announcement in December 2023[4] committed a further £3.9bn to the delivery of the TRU programme, making it £6.9bn in current total committed funds for TRU, with the government Rail Minister, Huw Merriman, adding that '*today's announcement demonstrates this government's commitment to delivering its Network North plan which will improve journeys, help to level up regions and grow the economy*.' A copy of the announcement is at **Appendix C**.

4.9 The Scheme is part of the section of TRU referred to as TRU project E2-4. The projects are shown in Figure 5 below and are at varying stages of maturity and delivery.

[4] https://thetrupgrade.co.uk/tru-news/3-9bn-confirmed-for-next-phase-of-transpennine-route-upgrade/#:~:text=Transpennine%20Route%20Upgrade.

Figure 5: Project Maturity



4.10 There is a suite of transport and railway policy and guidance documentation of relevance to the Scheme. Each details the importance of the railway in growing the economy and the realisation of the socio-economic benefits that a growing and efficient railway can bring. My proof of evidence deals with the national guidance and rail strategy, with national and local planning policy dealt with in the proof of Emma Foster. Policies which I consider to be material to my proof includes:

Rail

- Rail Network Enhancement Pipeline (RNEP) – Department for Transport (2018) + (Autumn 2019 update) referenced in my PoE at paragraphs 4.1.2-4.1.6
- Integrated Rail Plan for the North & Midlands (IRP, November 2021) at paragraphs, in my PoE at 5.2.4-5.2.9
- Connecting People: A Strategic Vision for Rail, (November 2017), in my PoE at 4.1.9-4.1.10

Transport

- National Infrastructure Strategy – HM Government (2020) in my PoE at 5.2.1-5.2.3
- Rail Needs Assessment (RNA) – National Infratructure Commission (December 2020) in my PoE at 5.2.2

I also consider the following policies to be relevant to my proof; these are addressed in the Statement of Case (**CD 5.01**):

- Transport Investment Strategy – HM Government (2017)

Economics and Sustainability

- Build Back Better: our plan for growth – HM Government (2021)
- 10 Point Plan for Decarbonisation – HM Government (2020)

4.11 *Connecting People: A Strategic Vision for Rail, DfT, November 2017,* (**CD 2.22**) set out the Government's vision for the rail industry as being:

- a more reliable railway;
- an expanded network, forging new links between places to encourage economic growth;
- a better deal for passengers, improving the customer experience;
- a modern workforce with improved skills, training and diversity to deliver a better rail offer; and
- a productive and innovative sector to deliver ambitions of the railway and UK economy.

4.12 The Scheme, as part of the TRU, will help to deliver on all five aims of the DfT's Strategic Vision for Rail, as set out above. The Scheme will help facilitate an increase in capacity of the railway through the ability to extend and slew the third track. This will also improve the quality of the service for passengers by increasing choice and greatly improve the reliability and resilience of the service. The increase in the number, frequency, and reliability of train paths will enable more passengers to use this more sustainable (once electrified) mode of travel, thereby helping to fulfil rail's environmental potential and further deliver the ambitions for UK economy and, overall, create a far better deal for passengers than exists today.

4.13 Network Rail's duty under the Health and Safety at Work etc. Act 1974 Section 3 (duty to non-employees to conduct and undertake in such a way as to ensure so far as is reasonably practicable they are not exposed to risks to their health or safety) includes a responsibility for users of level crossings. Network Rail's strategic objectives for meeting its long-term level crossing vision of no accidents at level crossings on Britain's main line network include maximising risk reduction. Closure of level crossings is the most effective way of removing risk from the network.

4.14 Network Rail has established a long-term strategy of reducing level crossing risk. Its long term strategy targeting improved safety on Great Britain's railway is set out in its strategy document: "Enhancing Level Crossing Safety 2019-2029, A long term strategy targeting improved safety on Great Britain's railway" (**CD 2.01**). The policy builds on Network Rail's core safety vision of 'Everyone home safe everyday', which sits behind its long-term safety objective of no accidents at level crossings, and its commitment to improving level crossing safety, doing all that is reasonably practicable to close crossings and improve safety at those which remain open (pg14). A key element of Network Rail's policy on level crossings, to close level crossings where possible, is reflected in the Office of Rail and Road (ORR) "Principles for managing level crossing safety" published on 15th July 2021 (**CD 2.02**). The ORR's "Strategy for regulation of health and safety risks – 4: level crossings" (**CD 2.03**) goes on to stipulate that closure [of level crossings] should be the first consideration in a risk control strategy by the duty holder.

4.15 A key element of Network Rail's policy on level crossings, to close level crossings where possible, is reflected in the Office of Rail and Road (ORR) "Level Crossings; a guide to managers, designers and operators – Railway Safety Publication 7" (**CD 2.24A**). It is widely acknowledged that the closure of level crossings is the most effective way to remove the risk. This is consistent with the General Principles of Prevention, set out in Schedule 1 of the Management of Health and Safety at Work Regulations 1999, in particular the following: (a) avoiding risks; (b) combating the risks at source; (f) replacing the dangerous by the non-dangerous or the less dangerous. More detail on level crossing policy and NR's approach is in Mr Greenwood proof of evidence.

5. THE BUSINESS CASE

5.1.1 The Scheme does not have an individual business case as it is an integral part of the of the TRU programme and has been assessed on that basis. The full benefits of TRU cannot be delivered without the Scheme. Therefore, the business case used to establish the cost benefit ratio of the works relates to all projects of TRU and not just the Scheme.

5.1.2 The funding position in respect of the Order Scheme is detailed in the Funding Statement accompanying the Order application (**CD 1.05**). The project cost as set out in the Funding Statement is £28,514,172 which Network Rail and the Government have provided public commitments to fund, subject to continued ongoing Value for Money (VfM) tests to ensure it remains the right thing to do for the UK taxpayer.

5.1.3 The DFT has confirmed the Government's commitment to TRU and the Project along with allocation of funding subject to ongoing consideration to ensure the Project delivers the best results for both rail users and taxpayers.

5.1.4 In April 2021, a further £317m was committed to TRU by the Government to commence delivery and continue design development on TRU. In December 2023 government committed another £3.9bn to the delivery of TRU, taking total committed funds to the programme to £6.9bn. Further funding announcements will occur as the programme progresses.

5.1.5 The Project is therefore considered to be fully funded. The authorised funds will meet the capital cost of implementing the Order inclusive of compensation and acquisition of blighted land as identified within Section 149 of The Town and Country Planning Act 1990 and undertaking associated work such as environmental mitigation as necessary.

5.2 Strategic Context

5.2.1 The current Government is committed to levelling-up communities and the availability of opportunities; for multi-faceted public interventions, with investment in infrastructure playing a key part in this agenda, as well as building back better and a faster and greener post COVID-19 recovery. A key pillar of the recently-published National Infrastructure Strategy[5] ("NIS") is levelling-up the whole of the UK" to leave no community or business behind (NIS, Chapter 2) (**CD 2.23)**. The NIS signals a step-change of investment in transport infrastructure in the North.

5.2.2 The NIS makes clear the Government's commitment to improving connectivity between northern cities to promote growth. Separately, the National Infrastructure Commission ("NIC") has provided a Rail Needs Assessment, which in Annex B on page 78 highlights the priorities for regional links and the importance of East-West links, notably the Manchester-Leeds corridor, the need to address congestion between Leeds and York, and delivery of the TRU. The relevant extract is included at **Appendix D**. This clearly lends significant strategic weight to upgrading the NTPR.

5.2.3 The NIS, 2020, states that:

"A well-designed public-transport network is fundamental to the operation of any city. London is the only city in Europe where you can access more local services by public transport than by car. But the story is different in regional cities, where

[5] HM Treasury, November 2020, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938049/NIS_final_web_single_page.pdf

access to those same services by public transport lags behind continental peers. This is why the government will invest in the North, Midlands and South West to help rebalance the UK economy"

5.2.4 The Integrated Rail Plan ("IRP"), published November 2021, sets out the Government's blueprint for investment in rail travel and the development of rail services and infrastructure across the Midlands and the North, providing access to Scotland and London - aiming to bring together communities and strengthen the economy. It sets out how the Government will bring forward the development of Phase 2b of High Speed 2 (HS2), Northern Powerhouse Rail (NPR), other major Network Rail schemes and programmes for the North and Midlands over the period to 2050.

5.2.5 Paragraphs 2.2-2.4 of the IRP further emphasises the Needs Case for rail improvements, highlighting the need for the levelling-up of the UK economy and the critical role that the rail network has to play in that economic and social goal. The IRP identifies the rail network as remaining the most effective way of moving large numbers of people into city centres and transporting volumes of goods over long distances.

5.2.6 The IRP has four strategic objectives (see paragraph 2.27), these are:

- improving transport for users by enhancing capacity and connectivity to meet long-term rail demand and make journeys faster, easier and more reliable;
- growing and levelling-up the economy by creating opportunities for skills, employment, agglomeration and regeneration;
- reducing environmental impact by supporting decarbonisation of the rail network, and accelerating modal shift for passengers and goods; and
- ensuring value for the taxpayer through efficient delivery of rail infrastructure, learning lessons from past projects to ensure that schemes are delivered effectively.

5.2.7 The IRP highlights the role that the TRU has to play in meeting these objectives. Page 100 of the IRP states that the TRU will become NPR Phase 1 and deliver significant benefits as already outlined.

5.2.8 A key aim of the IRP is to realise the intended benefits of TRU faster and ensure the delivery of infrastructure is more efficient. The Scheme represents a key building block on the wider works across the North and is a critical piece of infrastructure in unlocking the significant benefits available.

5.2.9 The existing section of NTPR from Manchester to Leeds (via Huddersfield) has been confirmed as that to be upgraded and where investment will be focussed for many years to come. The Scheme, as promoted in the Order, is a key building block in achieving the necessary upgrades and is directly aligned to the IRP's strategic objectives.

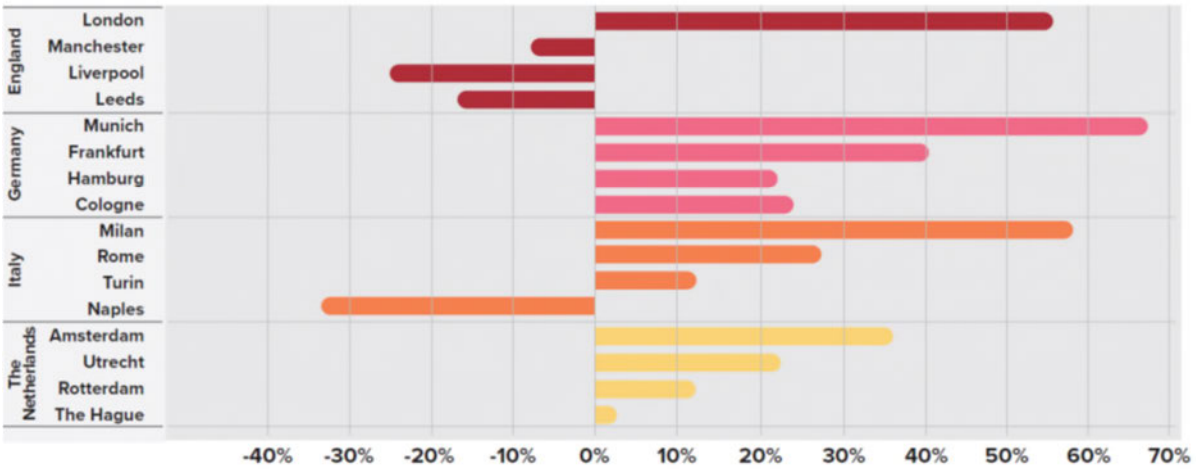
5.3 Rebalancing the Economy

5.3.1 As is apparent from the IRP (**CD 3.09**) and the other documents I have referred to above, the Government shares the NIC's view on the importance of strong regional cities; the vital organs of the UK economy. Cities drive economic growth through agglomeration effects; they encourage specialisation, drive competition and spread ideas and innovation faster than other connurbations. London is one of the most productive cities in the world and many other UK regional cities can also play a similarly important role in the UK economy.

5.3.2 However, the NIC has noted that many of the UK's largest cities have below average productivity (GVA per head) relative to their size and population. Figure 6 below indicates the GVA per head between key cities in the North and London, and also between cities in selected other countries. In fact, the UK has the widest regional disparity in GVA per head amongst the OECD countries.

Figure 6:

Productivity in selected major cities in England and comparable countries.
Calculated using GDP per capita in the metropolitan area as share of the national value



Source: National Infrastructure Commission calculations using OECD Statistics. Functional Urban Areas and National level, 2018 (except France where latest urban productivity data is 2016). Productivity in English cities has been calculated as a percentage of the UK average

5.3.3 The difference in GVA per head between the North and London & the South East has been widening. It was 63% in 2006 but 73% in 2017. In aggregate terms, the Northern economy was 9% bigger than that of London in 1997, but

is now 19% smaller (Source of all figures: The Office for National Statistics, Regional economic activity by gross value added (balanced), UK: 1998 to 2017).

5.3.4 Transport has a vital role to play in providing greater connectivity to improve regional productivity and incomes, not to mention better daily life experience for citizens. As well as increasing trade and agglomeration, better transport can also link job-seekers to jobs which, along with complementary investment in skills, can increase employment opportunities and help spread the benefits of a growing economy. Better day-to-day transport which is attractive and provides access to the right jobs can also help prevent the observed out-migration of existing skilled labour to other parts of the country.

5.3.5 Rail transport has a particular advantage because it can efficiently and sustainably take large numbers of people and freight swiftly right into the heart of major economic centres, effectively increasing the connection between wealth-generating areas, their markets and areas that supply supporting inputs (especially labour) and services. This is the essence of agglomeration. In practical terms, rail can support connectivity and productivity through providing fast, frequent, attractive and reliable services which are efficient in terms of the use of resources such as transport corridors and labour.

5.3.6 Investment in the North's key east-west rail artery linking the main cities can therefore make a significant contribution to the Government's strategic levelling-up agenda, alongside complementary programmes to promote core local government services, skills and education, employment, regeneration, environmental renewal and attractive places to live and work.

5.4 TRU Business Case Review

5.4.1 TRU is expected to incur an initial capital spend of £6.9bn, followed by ongoing operating costs for Network Rail of £241m for maintenance over its lifetime and £86m per annum for the TOC's operating costs. It is estimated that TRU will generate an additional £721m revenue. The economic appraisal sets out the estimated benefits of the TRU Programme, with a Benefit Cost Ratio (BCR) of 1.44, representing a low-medium value for money option, in accordance with the DfT's value for money assessment guidance. It still remains though, that for every £1 invested, the TRU programme will return £1.44 to the economy, and contribute to the levelling-up agenda.

5.4.2 The TRU programme has been assessed according to the DfT's web-based Transport Analysis Guidance (the accepted standard for software tools and guidance on transport modelling and appraisal methods which are applicable to highways and transport interventions), with demand and trip modelling

conducted using the MOIRA2 framework (DfT's foecast tool for the rail network). Inputs to appraisal in terms of journey times and performance have been assessed using the RailSys model and a new "macro" modelling framework developed by Deloitte which captures more accurately the impacts on train performance of digital signalling. Wider economic impacts have been captured using analysis consistent with the Department for Transport's Transport analysis guidance (TAG) wider impacts in transport appraisal (WITA) framework.

5.4.3 To reiterate the Government's commitment to TRU and infrastrucutre spending in the north, the letter attached at **Appendix C** further restates that position.

6. BENEFITS OF TRU

6.1 The Programme

6.1.1 TRU is a series of sub-projects between Manchester, Huddersfield, Leeds and York with the objective being to improve journey times and capacity between key destinations on the NTPR, improve overall reliability and resilience on the and provide environmental benefits from modal shift to rail and the part electrification of the NTPR. The Scheme is a required component of TRU, the delivery of which will assist in the delivery of the remaining components and realisation of the full benefits of TRU. TRU aims to deliver:

- an improved journey time for Leeds – Manchester Victoria of 43-44mins. (This Scheme enables this journey time improvement aim through increased fast line running speeds of up to 100mph and ability to install and operate modern signalling throughout the extent of the Scheme Route);

- an improved journey time for York to Manchester Victoria of 67-69mins. (This Scheme enables this journey time improvement aim through increased fast line running speeds of up to 100mph and ability to install and operate modern signalling throughout the extent of the Scheme Route);

- capability to operate 8 'express services' an hour on the route. (This Scheme delivers on this capacity improvement aim by enabling the line speed increases, and allowing for the installation and operation of modern signalling that allows real time train information to be used to create smaller headways between trains, reducing the space required between each train set);

- capability to operate 6 'local services' an hour on the route. (This Scheme delivers on this capacity improvement aim by enabling the line speed increases, and allowing for the installation and operation of modern signalling that allows real time train information to be used to create smaller

headways between trains, reducing the space required between each train set);

- performance of the Transpennine Route to be 92.5% (Public Performance Measure) or higher each period. (The Scheme delivers on this reliability aim by removal of the level crossings, increasd line speeds, and the provision of upgraded modern railway equipment throughout the Scheme Route);
- freight paths/rights to be retained as existing. (This Scheme delivers on this capacity improvement aim by allowing for the installation and operation of modern signalling that allows real time train information to be used to create smaller headways between trains, reducing the space required between each train set); and
- a contribution to Network Rail's Decarbonisation Strategy and climate policy. (This Scheme contributes to Network Rail's strategy and policy by allowing for the electrification of the railway throughout the Scheme Route).

6.2 The Scheme

6.2.1 In order to facilitate the increase in line speeds, and subsequent capacity improvements, and enhancements to resilience and reliability, a number of works are required across the E2-4 footprint. These works are not only those applied for under this Order application, but works consented and allowed for Network Rail via other consent regimes. That could be deemed planning permissions, use of Permitted Development powers afforded to Network Rail, or planning applications to the local planning authority. The Order will bring together all remaining works, rights, and consents required to ensure that the benefits required across the E2-4 footprint, can be delivered in full, contributing to the TRU programme benefits, and allow for all works to be delivered in a time and cost efficient manner, delivering full value for money across all projects.

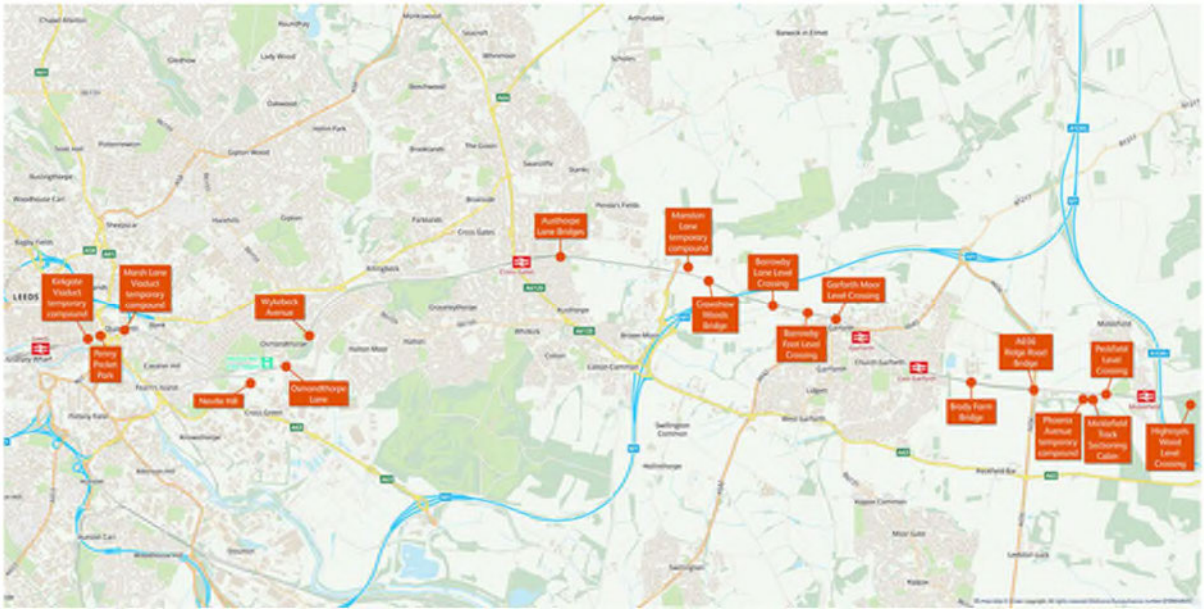
6.2.2 The Order Scheme will be constructed on land which consists of both operational railway land and land outside of Network Rail's ownership, and in respect of which it seeks power pursuant to the Order to either compulsorily acquire (land or rights) or temporarily use land, together with the ability to carry out highway alterations, stopping up and diversion of roads, footpaths and bridleways (temporary and permanent) and close level crossings.

6.2.3 In its consultation material preceding the application, Network Rail broke down the Order Scheme into 17 elements by geographical location running west to east (Leeds to Micklefield). Figure 6 (Elements in their geographical location) below shows each of these elements in their geographical locations.

6.2.4 Those 17 elements are named below, and summarised in Section 3 of the Statement of Case (**CD 5.01**), with further detail on each provided within Section 9 of the Statement of Case.

- Kirkgate Viaduct Temporary Compound
- Kirkgate to Marsh Land (also known as Penny Pocket Park)
- Marsh Lane Viaduct Temporary Compound and Construction Land
- Neville Hill Access Land
- Osmondthorpe Lane
- Wykebeck Avenue Temporary Compound
- Replacement of Austhorpe Lane Bridge & Austhorpe Lane Gas Main Diversion
- Manston Lane Temporary Compound
- Crawshaw Woods Bridge Raising
- New Barrowby Lane Bridge & Closure of Barrowby Lane Level Crossing & Barrowby Foot Level Crossing
- Garforth Moor Level Crossing Closure
- Brady Farm Bridge Temporary Compound
- Replacement Ridge Road Bridge and Ridge Road Gas Main Diversion
- Phoenix Avenue Temporary Compound
- Micklefield Track Sectioning Cabin
- Peckfield Level Crossing Closure
- Highroyds Wood Level Crossing

Figure 7 - Elements in their geographical location



6.3 Scheme Benefits

6.3.1 The benefits of the Scheme are detailed below.

Increased Linespeed

6.3.2 One of the key infrastructure benefits of the works proposed, including the level crossing closures, will be to allow for the introduction of modernised signalling across the whole of the Transpennine route, and for an increase in line speed up to 75mph. There are currently sections of the route with a line speed limit of only 25mph, this line speed increase across E234 will then further allow for an increase in train capacity (as more trains can travel through sections faster), which is critical on this section of route as it is only two track, meaning more, and faster journeys for passengers become possible.

6.3.3 The TRU enhancements that the Scheme will help to deliver include track realignments which will allow trains to run faster and journey times to be reduced, delivering the associated economic benefits that will flow from those track enhancements.

Improved efficiency and reliability of the railway

6.3.4 The closure of the level crossings, installation of OLE and electrification, and general rail infrastructure improvements, including track realignment, will help to reduce conflicts between slow (including freight) and fast trains and increase railway capacity.

6.3.5 The Installation of modern infrastructure, including new signalling, will result in fewer equipment and signalling failures which cause service disruption and allow for faults to be identified and rectified more efficiently. Overall, improved efficiency and reliability of the railway will provide a service that meets the transportation needs of rail users, with consequent benefits to the wider economy of the North of England.

6.3.6 The closure of the level crossings will help to reduce the number of incidents on the railway which cause severe delays. Incidents at level crossings have the potential for severe impacts on train performance and reliability, where at-grade incidents occur, significant train performance impacts are common. Incidents at level crossings are typically more complex to resolve and recover from than traditional railway infrastructure issues e.g. wires failing or signals broken, with impacts on service and timetables often experienced for longer periods due to the sensitive and often life altering nature of the incidents and requirement for subsequent on-site investigations.

Safety

6.3.7 The delivery of safe passage across the railway for Public Right of Way users will remove the existing risks associated with conflicts between trains and public and avoids any increases in these risks to unacceptable levels due to faster and more frequent trains and the presence of O(H)LE. As part of its statutory duty to minimise risk to railway users, workforce and the public, Network Rail has adopted a long-term strategy to improve level crossing safety (Enhancing Level Crossing Safety, Network Rail 2019). This strategy notes that level crossings are one of the main public safety risks on the railway. The only way to remove the risk is by removing the at grade interface.

6.3.8 In addition to the safety benefits of removing these at-grade interfaces, by removing the level crossings, the Scheme will improve the accessibility across the railway for users of the level crossings in that they will have unrestricted access across the railway via a new bridge, or via alternative routes, as opposed to having to wait at the level crossings until it is safe to cross.

6.3.9 As highlighted at paragraph 114 of the Inspectors Report into the Chrurch Fenton Level Crossing Order (**Appendix E**), the Inspector concluded that that '*The Order scheme will improve the safety, reliability and resilience of one of the busiest stretches of railway line in the north of England, delivering substantial public benefits across the region*.'

Reduced operating and maintenance costs

6.3.10 New track and electrification equipment delivered by TRU will reduce maintenance costs compared to the existing railway, with associated benefits

for taxpayers, the travelling public, freight operators and freight end-users. The closure of the Level crossings will also reduce the number of crossings on the network which need to be inspected, maintained and operated, with corresponding reduction in the associated costs of the same.

6.3.11 Operating costs both for Network Rail and the Train Operating Companies (TOCs) will be reduced given the new infrastructure to be installed, and reduction in number of incidents with the removal of at-grade interfaces.

Environmental benefits

6.3.12 The electrification of the NTPR from Manchester to York allows diesel-powered trains to be replaced by electric trains. In addition to faster acceleration and more efficient breaking of electric trains, this will deliver climate change and local air quality benefits.

Modern Signalling

6.3.13 As set out earlier in section 2, the Order scheme forms part of the wider programme of works, including further works on the Leeds to York section of the NTPR. It is currently proposed that all necessary civil and signalling works for the modern signalling will be completed, installed, and available for use no later than December 2024. For the Order scheme, this means all works associated to the closure of level crossings need to be completed by no later than December 2024, in order for testing to take place and be signed off by the ORR ready for the December 2025 timetable change. Other works in the Order are required for the full electrification of the route, and need to be complete by the end of 2027, for the energising of the route in 2028.

6.3.14 Without the Scheme, and closure of the level crossings, and all works associated with the 17 elements, the overall benefits of the TRU programme will not be realised in full and there would be no contribution from this Project to TRU's objectives.

6.3.15 The modern signalling will till be installed across the level crossing locations even if the programme was such that an Order had yet to be madefor the closure of the crossings and required mitigation works. The signalling can still be installed, the impact would be a programme and resource impact however, as when the crossings do close, a package of works to revisit the signal sites of the crossing, and recontrol them to the modern standards would be required to be done. This would further delay the delivery of the full TRU benefits. This is detailed below.

6.3.16 Some of the elements of the Order Scheme are associated with a proposed interim timetable, with improved journey times and service frequency, which is proposed for December 2025.

6.3.17 These are Barrowby Lane and Barrowby Foot Level Crossings, Peckfield Level Crossing, Highroyds Wood Level Crossing and Garforth Moor Level Crossing.

6.3.18 All must be delivered if the proposed electrification between Neville Hill West and Church Fenton and the 2028 timetable changes are to go ahead

7. EARLY SCHEME DEVELOPMENT

7.1.1 As I have set out above, the NTPR route is the key East-West rail artery across the Northern economy, forming the most direct existing rail link between Manchester and Leeds, but also used as a “spine” to link a wider set of economic centres such as Newcastle and Hull in the East, and Liverpool in the West. As well as linking city centres, the line also joins these centres to actual and potential commuting areas and key sites such as Manchester Airport, and university and research centres at numerous sites across the North. The route also supports freight flows across the North as one of the most direct East-West corridors. It complements the M62 as the other key modal choice for crossing the Pennines between urban West Yorkshire and Manchester. Both crossings are heavily in demand.

7.1.2 The NTPR route has comparative advantage in providing links into city centres but unfortunately, the NTPR is not currently well-placed to deliver its key enabling role in connecting the Northern conurbations. This presents a missed opportunity in terms of levelling up economic growth and a more sustainable balance between road and rail use, but it also presents more immediate problems on a day-to-day basis, as the NTPR is at capacity and performs poorly.

7.2 Strategic Alternatives

7.2.1 As I have highlighted at sections 5&6 above, there is a clear need to address capacity issues on the key East to West arterial routes, serving specific conurbations across the North. The remit of TRU is to address the performance issues related to the existing service, increase the capacity on the NTPR and to decrease journey times. There are no high level strategic alternatives that would deliver these benefits without investing directly in the infrastructure.

7.2.2 As mentioned, the M62 cross-Pennine motorway is the only other major piece of transport infrastructure. The M62 has only recently undergone a full modernisation and capacity increase scheme but is already at capacity. Other Transpennine road schemes, such as the Transpennine Tunnel, would not be

of sufficient scale to provide a feasible alternative to rail travel or deliverable in the coming years.

7.2.3 Other rail schemes that have been reviewed as possible strategic alternaives include the South Transpennine Route (STPR) that links Manchester to Sheffield, but does not link into the centres such as Leeds, York, Hull or stations north to Scotland, rather to the Midland Mainline and southern destinations. As such this route was discounted, and is undertaking significant capacity and improvement works on its own to address issues (Hope Valley line reinforcements).

7.2.4 Works are happening on other routes close to the NTPR, such as the Calder Valley line, but these are works to upgrade them sufficient that they can be used as diversionary routes whilst the TRU Programme is constructed, and again, work on them in isolation would not deliver the benefits the TRU programme is remitted to deliver.

7.2.5 Due to a lack of feasible strategic options, it was deemed that improvements to the existing NTPR were the only option available.

7.3 Future Rail Schemes

7.3.1 The Scheme and the TRU programme of works are the first major rail infrastructure projects in the North of England in the last twenty years (since the West Coast Mainline upgrade). Both are being delivered by Network Rail, within the funding and governance mechanisms already set out, with necessary funding approved to date. There are a number of other rail schemes that may potentially be delivered through NPR or as part of ‘Network North’ which came from the recent announcements around the delays and issues associated with High Speed Rail 2 programmes coming to the north of England. The NPR and Network North schemes are yet to be authorised and are some time off being realised, but both have TRU as a key deliverable for the baseline of all future rail schemes across the north.

7.3.2 NPR could contain a number of significant future projects that, whilst similar in scale, are tasked with delivering different outcomes than that of TRU, if they are taken forward. NPR is an interregional selection of projects providing local commuter services. TRU is required to deliver the West-East arterial route, which then links to both the north-south high speed services and the increased local commuter services. Both NPR and schemes envisaged through Network North are seen as complementary to TRU rather than being constructed instead of TRU. This is due to the aim of delivering TRU within the next eight years and forming part of the baseline infrastructure for NPR. As highlighted in the IRP,

TRU is seen as an integral future rail scheme, forming phase 1 of NPR and TRU will be rebranded as such in due course.

7.4 Non-infrastructure alternatives

7.4.1 The rail industry has been responding to recent problems referred to above, through a range of initiatives, especially to reduce crowding and improve passenger experience. On the NTPR specifically, TPE has invested heavily in new rolling stock, as well as providing an enhanced passenger environment and the ability for some “bi-mode” stock to use electric traction where available (beyond Manchester and York), the key benefit of this investment is a significant increase in seating capacity, with the typical train lengthened from 3 to 5 cars, and those cars having a higher seating density.

7.4.2 The introduction of new rolling stock and an improved timetable in December 2019 have increased the nominal seats per hour across the Pennines on fast trains from 900 to circa 1600, an improvement of 80%. These improvements are a positive step towards relieving recent overcrowding on the route, at least for the faster trains. However, challenges remain around performance, reliability, and capacity for both local and express services, which can only be resolved through infrastructure investment

7.5 Scheme Alternatives

7.5.1 Once the need for the Scheme was established, a list of alternative options and sub-options were considered and assessed in advance of progressing with the Order application. The option selection process is addressed in greater detail in Chapter 8 of the Statement of Case (**CD 5.01**) with detail behind each option included, along with more detail in the proofs of Mr Michael Westwood and Mr Jerry Greenwood.

7.5.2 As a brief introduction to NR’s option selection process, I set out below the The Governance for Railway Investment Projects (GRIP) process that NR follow for all railway projects. GRIP is Network Rail’s management and control process for delivering projects on the operational railway and is mandatory for all significant rail projects. This is the process that the TRU Programme has followed during the development of the various TRU projects, including the Order scheme.

7.5.3 GRIP divides a project into eight stages. They are:

- GRIP 1 - Output Definition. Follows the projects validation and securing the authority to initiate. This stage is about identifying what the outputs of the project will be and how they are achieved.

- GRIP 2 - Pre-Feasibility. This stage follows the assigning of the Project Team and addresses the detailed strategy of how to deliver the project outputs.
- GRIP 3 - Option Selection. Broadly covers the different engineering solutions available for delivering the project and selecting a single option to be developed.
- GRIP 4 - Single Option Development. Follows the selection of a single design/engineering option and initiating the tendering process to procure suppliers.
- GRIP 5 - Detailed Design
- GRIP 6 - Construction Test & Commission
- GRIP 7 - Scheme Hand Back
- GRIP 8 - Project Close Out.

7.5.4 The Order scheme was currently completed to GRIP 4 and is now moving through GRIP 5 detailed design.

7.5.5 At all stages through GRIP it is important to ensure that the benefits being delivered are still delivering best value for money and that the spend is still in the public interest.

8. CONSULTATION

8.1 Network Rail has consulted widely on the Order Scheme with stakeholders (statutory and landowner)[6] and the public (including ward councillors and access groups) from November 2021 to April 2023. The purpose of consultation has been to ensure statutory bodies, landowners, members of the public and other stakeholders had an opportunity to understand and comment on the Order Scheme and potential environmental effects.

8.2 Prior to starting public consultation in October 2022, Network Rail shared its proposed Approach to Community Consultation (**AtCC**) with Leeds City Council (**LCC**) for comment. The approach summarised the engagement to date and how Network Rail proposed to consult with communities affected by the Order Scheme and lineside neighbours. Network Rail considered LCC's comments

[6] Stakeholder (statutory) consultation includes engagement with the organisations listed in column (2) of the table in Schedule 5, and column (2) of the table in Schedule 6 of the Application Rules.

on the AtCC and worked to incorporate them and agree a robust consultation approach.

8.3 Stakeholder (statutory and landowner) consultation took a five-phase approach. The number of phases was guided by the number of design iterations required for Order Scheme elements, as well as the addition of new Order Scheme elements.

8.4 Public consultation (including with ward councillors and access groups) took a two-phase approach. The first phase focussed on the majority of the Order Scheme elements and the second phase covered two new level crossings (Garforth Moor and Highroyds Wood Level Crossings), which were added into the Order Scheme after the first public consultation.

8.5 A summary of consultation phases is set out in the Consultation Report (**CD 1.07**), which sets out in detail who was consulted, on what issues, during each of the phases of the consultation.

8.6 Consultation has been important in helping identify potential issues at an early stage of the Order Scheme's development. It has enabled Network Rail to collate as much feedback as possible as the design of the Order Scheme has progressed. Comments from both stakeholders (statutory and landowner) and the public have been considered and have informed the iterative design process.

8.7 Publicising the consultation

8.7.1 Consultation was ongoing with all consultees throughout the consultation period with meetings, phone calls, emails, presentations and site visits.

8.7.2 The public events were promoted using several methods, which are detailed below.

8.7.3 An A5 double-sided flyer was sent to 8,600 households. A 250m radius was used to identify households within Leeds City Centre and a radius of between 500m-1km was used for the other proposed work sites between Cross Gates and Micklefield.

8.7.4 Posters were displayed at local stations and community spaces. Tweets about the public consultation were posted from the @theGNRP Twitter account (Network Rail's account for the Great North Rail Project) and shared from the @NetworkRailLDS account (Network Rail's account for Leeds City Station).

8.7.5 A sponsored Facebook and Instagram post was sent from Network Rail's accounts to users in a targeted area.

8.7.6 Information on the Scheme and the public consultation was made available on the Network Rail website: www.networkrail.co.uk/Leeds-Micklefield.

8.7.7 During the public consultation periods, the link to the Network Rail Order Scheme webpage www.networkrail.co.uk/Leeds-Micklefield was sent to technical stakeholders with an offer to discuss the proposals further, either by telephone or meeting.

8.7.8 The project team reviewed all consultation feedback at each consultation phase and, where feasible, this feedback influenced the design proposals.

8.8 Ongoing engagement

8.8.1 Since first consulting with the public, landowners and key stakeholders (including ward councillors and access groups) in November 2021, many of the discussions with organisations and individuals have been iterative, with regular updates via meetings or site meetings. This approach will continue for the duration of the Order Scheme.

8.8.2 A considerable amount of work has been done and effort made to take comments on board and feed them into the design of the Scheme, such that I am satisfied that consultation and engagement has been successful and in line with the Rules.

8.8.3 Examples of where consultation has directly influenced designs and options going forward can be seen at locations such as Peckfield level crossing. As detailed in the Consultation Report there has been significant engagement with stakeholders at this location. One such stakeholder is Micklefield Parish Council whom I have personally met with numerous times to understand issues, concerns, and areas of support. During pre TWAO submission engagement with the Parish Council, they raised significant concerns regarding a pontetial new route for a footpath/bridleway in close proximity to the play areas to the north east of the recreation ground, and expressed a desire not to have that taken forward. Upon reviewing the feedback, and further visits, it was agreed that both options currently presented at Peckfield represented a better option than the play area proposal.

8.8.4 A second example is at Barrowby Lane, where the Barrowby Level Crossings revised design included an alternative bridleway route connecting the new bridleway bridge to Nanny Goat Lane. This sought to minimise impacts on stakeholders and the environment by reducing the length of the diversion and its connections into existing routes. This then formed the preferred option that was presented at Phase 3 stakeholder (statutory) and Phase 1 public consultation.

8.8.5 In a time of unprecedented challenge to public engagement, I am satisfied that Network Rail have dedicated the time, effort and resources to carrying out effective and inclusive consultation, given the impact of a global pandemic for a large poprtion of the pre-application period, have achieved a significant amount with stakeholders, landowners and the general public.

8.8.6 As such, I am entirely confident that all parties involved were able to provide feedback regarding the design and potential impacts of our plans, and understood where their comments could, and have, made a difference.

9. OBJECTIONS, REPRESENTATIONS AND STATEMENTS OF SUPPORT

9.1 Objection Period

9.1.1 After the Order application was made to the SoS on 16 March 2022, the SoS invited objections, representations and letters of support, in accordance with the 2006 Rules, to be sent to the SoS by 2 May 2023. During that objection period 30 objections, 7 representations and 3 letters of support were received.

9.2 Objections and representations

9.2.1 There are a number of objectors and those making representations to the Project who live in the area of the Project and there are some who have general concerns about Network Rail's approach who live outside the area.

9.2.2 There are no objections or representations that question the need for the scheme, or for TRU mre generally, indeed, a number of objections actually agree with the need for the work and benefits to be realised, but have various issues around the detailed works, and these are dealt with in others proofs of evidence.

9.2.3 Network Rail has contacted all objectors and, where relevant, has offered to meet with them either in person or virtually. Network Rail has also responded to all letters of objection to address the concerns raised.

9.2.4 Where the Order seeks compulsory powers to take temporary possession of land, or to permanently acquire interests in land, Network Rail's objective is to continue engagement with the affected landowner and to reach terms acceptable to that individual, which address the concerns raised in the letter of objection.

10. CONCLUSION

10.1 My Proof of Evidence has demonstrated that there is a clear and overwhelming needs case for the Scheme and that it will deliver important benefits to the

railway users on the NTPR, providing a key east-west artery, better connecting the North of England with the rest of the UK.

10.2 The Scheme is important to unlocking the wider benefits of the TRU programme, increasing train capacity, performance, general capacity on the NTPR and other connecting routes and assisting in the Government's levelling-up agenda. In addition, the Scheme provides a positive return for every £1 invested in the project. I feel my proof of evidence provides the compelling needs case to approve the Order application.

10.3 The outputs the Scheme will deliver have secured the Scheme's status as a committed scheme and the funding with which Network Rail can deliver the infrastructure and release the associated benefits.

10.4 I can confirm that once the land has been secured there are no impediments to the Scheme coming forward.

10.5 I urge the inspector to consider this together with the balance of criteria and consultation with which Network Rail has made.

10.6 In conclusion, I have demonstrated that the Scheme is the only one which will deliver the operational and public benefits in the required timescales at an affordable price.

11. WITNESS DECLARATION

11.1 Statement of declaration

I hereby declare as follows:

11.1.1 This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquirys attention has been drawn to any matter which would affect the validity of that opinion.

11.1.2 I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.

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

David Vernon
2 February 2024