

**TRANSPORT AND WORKS ACT 1992: PROPOSED NETWORK RAIL (LEEDS TO MICKLEFIELD ENHANCEMENTS) ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED PLANNING PERMISSION**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: APPLICATIONS FOR LISTED BUILDING CONSENTS AND CONSERVATION AREA CONSENTS**

**ACQUISITION OF LAND ACT 1981: APPLICATION FOR A CERTIFICATE IN RELATION TO ACQUISITION OF RIGHTS OVER OPEN SPACE**

**TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004**

### **STATEMENT OF MATTERS**

This Statement relates to the public inquiry to be held into the applications by Network Rail Infrastructure Limited ("NR") for:

- (i) the above proposed Order under the Transport and Works Act 1992 ("TWA");
- (ii) a direction as to deemed planning permission for the development for which provision is included in the TWA Order;
- (iii) the four listed building consents required in consequence of the proposals in the TWA Order application; and
- (iv) a certificate under section 19(1)(a) and (1) (b) of the acquisition of Land Act 1981 in relation to the acquisition of rights over open space.

The TWA Order application will be determined by the Secretary of State for Transport. This statement sets out under rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 the matters about which the Secretary of State wish to be informed about in their consideration of this application. The matters are as follows:

#### **In relation to the applications for the TWA Order and deemed planning permission at (i) and (ii) above**

**These applications are to be determined by the Secretary of State for Transport**

1. The aims and objectives of, and the need for, the proposed Leeds to Micklefield Enhancements ("the scheme"), including its effects on railway operations.
2. Whether all statutory procedural requirements have been complied with.
3. The main alternative options considered by NR and the reasons for choosing the preferred option set out in the Order.
4. The impact of the closure of Peckfield and Garforth Level Crossings.
  - a. The impact on users.

- b. The rationale for the preferred option and the alternatives considered.
- c. The approach used for the safety audit and user survey.
- d. Impacts of the proposed diverted bridleway including impacts on biodiversity, wildlife and highway safety.

**5. Highway impacts**

- a. Impact of the closure of Ridge Road due to the demolition and reconstruction of Ridge Road Bridge.
- b. Impact on irrigation systems at Peckfield House Farm from the demolition of Brady Bridge.
- c. Impact of construction traffic.
- d. Impact on cycleway at Neville Hall.

**6. Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the Department of Levelling Up Housing and Communities Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” published on 29 October 2015 (as amended on 16 July 2019):**

- a. Whether there is a compelling case in the public interest to justify conferring on NR powers to compulsorily acquire and use land for the purposes of the scheme.
- b. Whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act 1998).
- c. Whether there are likely to be any impediments to NR exercising the powers contained within the Order, including the availability of funding.
- d. Whether all the land and rights over land which NR has applied for is necessary to implement the scheme.

**7. The wider impact of the proposed works on the surrounding wildlife and biodiversity, including the proposed tree felling at Manston Lane**

**8. Any other matters which may be raised at the inquiry which may be important and relevant to the Secretary of State’s decision.**

**In relation to the applications for listed building consent at (iii) above**

**These applications are to be determined by the Secretary of State for Levelling Up, Housing & Communities.**

23-04387-LI, RAILWAY BRIDGE HUL4/21, AUSTHORPE LANE, CROSSGATES LEEDS, LS15 8TP

23-04388-LI, CRAWSHAW WOOD OVERBRIDGE, LAND SOUTH OF MANSTON LANE, THORPE PARK, LEEDS, LS15 8AB

23-04389-LI, OVERBRIDGE OVER OPERATIONAL RAILWAY, (KNOWN ABRADY FARM), OFF STURTON GRANGE LANE, GARFORTH, LEEDS, LS25 4DZ

23-04390-LI, OVERBRIDGE RIDGE ROAD, A656 GARFORTH LEEDS, LS24 4BB

9. The extent to which the proposed works affecting the Listed Buildings (“the works”) are in accordance with the development plan for the area including any ‘saved policies’.
10. The weight that should be attached to the development plan and any emerging plans.
11. The extent to which the works would accord with the heritage and other provisions of the National Planning Policy Framework and in particular the desirability of sustaining or enhancing the character or appearance of the heritage assets.
12. If consent for the works is granted, the need for any conditions to ensure they are carried out in a satisfactory manner.

## **S19**

### **In relation to the application for an open space certificate at (iv) above**

**This application is to be determined by the Secretary of State for Levelling Up, Housing & Communities.**

Application under Section 19 (1)(b) of the Acquisition of Land Act 1981

#### **Certificate Test**

In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, Open Space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

For the purposes of this application all interests over the areas within the application are less than 250 square yards (191.9m<sup>2</sup> = 209 square yards), at Penny Pocket Park.

#### **Notes**

It should be noted that whilst the above matters appear to the Secretaries of State, from the evidence so far available, to be the principal ones that need to be addressed, this statement does not preclude the inquiry Inspector from hearing evidence on any other matters that he/she may consider relevant to the consideration of the application. In addition, this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does the numbering imply any order of importance.