

Appendix C – Technical Issues

This appendix sets out additional concerns The Council has to date as a result of ongoing negotiation with Network Rail in relation to the Transport and Works Act Order which will be submitted in July 2023. The most pertinent issues are set out in the Executive Board Report.

1 Highways

- a) Access will also be required from the highway onto both council and private land. Clarity is needed with regards to any possible impacts, approvals, or licenses.
- b) Designs regarding structures are currently only at feasibility stage. Outline design is to be included within the TWAO submission thus meaning ongoing collaboration will be needed to ensure appropriate detailed design delivers the outcomes agreed as part of the informal consultation process.
- c) Overall principle needs to be adopted by Network Rail that where changes are made to the highway network/structure, the reinstatement must be to current standards set out in the Design Manual for Roads and Bridges or as agreed with Highways. i.e. Structures should not be replaced like for like where they are currently deemed to be 'sub-standard'.

2 Planning including Listed Building Consents

- a) Listed Building consent process
 - i. 4 bridges are to be included within the listed building consents process which will run in parallel to the TWAO process. The Council has requested further information from Network Rail as to the various stages of this process to ensure appropriate resourcing. Consultation has also been undertaken with Heritage England.
- b) Planning Environmental Impact Assessment (EIA) Screening position response
 - i. The Council has responded to the DfT request for EIA Screening and confirmed that a full EIA will not be required for the works proposed in the TWAO. The response includes reference to the issues which the Council has raised with Network Rail and contained in this report.
- c) Compounds
 - i. Surveys (pre and post construction) of the compounds need to be carried out by Network Rail to ensure reinstatement to its original condition.
- d) Landscaping proposal
 - i. Where a bridge is to be demolished (e.g. Brady Farm) a landscaping proposal is required to ensure the site is left in a suitable condition.
- e) Noise mitigation
 - i. Concerns have been raised with regards to night time working in the city centre. It is essential that Network Rail undertake consultation and engagement with residents to mitigate the impact of their works.

3 Planning Policy

- a) Employment land at Peckfield Planning Board approval
 - i. The temporary compound at Phoenix Avenue forms part of a wider parcel of land allocated for General Employment development in the Site Allocations Plan. The compound will result in 1.8ha (of the total 5ha site) being unavailable for employment development until circa Spring 2027. As there is an overall shortfall in allocated employment land across the City (with 47ha of the general employment land supply being in the HS2 safeguarded area) Network Rail were asked to provide further information to justify the siting of the compound in this location. An Impact Statement was provided which outlines why the compound is needed in this location, and the impact to the TRU cost and programme if it is not developed. It is considered that this sufficiently justifies the siting of a compound in this location on a temporary basis and so the initial objection has been lifted.

4 Ecology and arboriculture

- a) Great Crested Newts mitigation strategy and compensation
 - i. Network Rail have advised that Network Rail's Organisational Licence provides an alternative conservation led approach to licence activities which might impact great crested newts (GCN) during the maintenance and enhancement of railway infrastructure. It is similar in principle to the district level licensing scheme whereby it delivers compensation for impacts strategically.
 - ii. The Council still requires an outline of the mitigation measures to minimise/avoid impacts on GCN and other amphibians using both breeding ponds and impacted terrestrial habitat. Additionally, information regarding what compensation is likely to be and where the compensation will take place is also required.
- b) Arboricultural Impact Assessments (AIA) and mitigation plan
 - i. It will be requested that Network Rail provide an AIA and mitigation plan for sites that will be affected by the works.
 - ii. The overall principle should be adopted by Network Rail that any works to be carried out should be located to minimise impact.

5 Land Requirements

- a) The assumption has been made that Network Rail will advise of disposal of land under Rule 10 of the Transport and Works (Applications & Objections Procedure) England 2006.
 - i. Provides at Rule S10(4) subject to paragraph (5), in the case of an application for an order authorising the compulsory acquisition of land, or the right to use land, or to carry out protective works to buildings, or the compulsory extinguishment of easements and other private rights over land (including private rights of navigation over water), the applicant shall submit with the application the plan and the book of reference respectively described in paragraphs (5) and (8) of rule 12.
- b) Temporary compounds

- i. Network Rail are requiring a number of temporary compounds on Council owned land. The sites in question are:
 - (1) Kirkgate, Osmondthorpe Lane, Austhorpe Lane (including Green Park), Manston Lane, Crawshaw Woods, Barrowby Lane and Phoenix Avenue.
 - ii. Negotiation with Network Rail is ongoing with regards to granting leases for several compounds ahead of the TWAO submission to help Network Rail achieve their programme and to ensure best consideration for the Council.
 - iii. Where a position cannot be reached prior to the submission of the TWAO, compensation will be negotiated in line with the compensation code for compulsory acquisition.
 - iv. With the exception of Kirkgate, where a land discrepancy is noted, no issues with regards to the temporary land requirements are envisaged.
 - v. It should be noted that approval will be sought separately relating to the terms of any land transactions in line with the City Development Scheme of Delegation.
- c) Permanent acquisition
- i. Additionally, Network Rail are expected to include a number of sites in the TWAO where permanent land take is needed in order to carry out the relevant works.
 - ii. The Council has land interest at a number of these sites outlined below:
 - (1) Penny Pocket Park, New Market Approach, Barrowby Lane and Micklefield Phoenix Avenue Track Section Cabinet
 - iii. Negotiation is also ongoing with regards to these sites. Similarly, the aspiration is to secure these sites by agreement prior to the TWAO submission, but they are to be included in the TWAO to give Network Rail powers to compulsorily acquire the land.
 - iv. Where a position cannot be reached prior to the submission of the TWAO negotiation will be carried out in line with the compensation code for compulsory acquisition.
 - v. No issues are envisaged with regards to the permanent land acquisition required, with the exception of New Market Approach noted below.
 - vi. It should be noted that approval will be sought separately relating to the terms of any land transactions in line with the City Development Scheme of Delegation.

6 Site-specific concerns and considerations outlined are below:

7 Crawshaw Woods Bridge

- a) The Council has requested further justification from Network Rail with regards to the current design as a result of the proposed approach to the north of the structure.
 - i. Network Rail have advised that 'betterment' to the existing approach may be possible but that they'd expect the land to be made available and The

Council to pay towards additional works. Negotiation regarding this is still ongoing.

8 Barrowby Lane Footbridge

- a) The Council has requested that this is built to acceptable standards for all bridleway users with approaches at acceptable gradients, sufficient width, and parapet heights. The Council seeks assurance from Network Rail that these requirements can be met during detailed design.
- b) Following consultation, it should be noted that Network Rail have agreed to work with relevant parties to secure the dedication of public bridleway rights on the relevant section of Nanny Goat Lane to ensure it ties into the Public Right of Way definitive map and enhances connectivity for walkers, horse riders and pedal cyclists in the area.

9 Ridge Road Bridge

- a) Discussions regarding the design of this bridge are continuing and the Council is broadly supportive of the proposals. The Council has asked that the new structure needs to meet a minimum highway width of 7m to ensure sufficient future capacity. Clarity is also needed on how the structure will tie into the existing highway network.

All of the above proposals and in particular the bridge replacement and diversions resulting from level crossings closures will need to have due regard to the Equality Act 2010 and will need to ensure that accessibility and connections between and within communities is maintained and supported.