

Transpennine Route Upgrade – Transport and Works Act Order

Date: 21 June 2023

Report of: Director of City Development

Report to: Executive Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This report summarises the progress made as a result of ongoing consultation with Network Rail regarding works proposed under the Transpennine Route Upgrade Transport and Works Act Order (TWAO) for the East of Leeds. An initial Technical Consultation Pack was submitted by Network Rail in October 2022 as part of the informal consultation outlining their proposals. Negotiation between The Council and Network Rail continues to be ongoing.

Network Rail are to formally submit the TWAO to the Secretary of State on 10 July 2023 seeking permission to carry out the proposed works. Following submission, the Council has 42 days to submit a formal response to the application as a statutory consultee.

This report outlines the key consultations carried out to date, works proposed in the TWAO, as well as concerns identified following consultation with the relevant council disciplines.

Approval is also sought from Executive Board on the recommendations set out below.

Recommendations

Executive Board is requested to:

- a) Note the proposed Transpennine Route Upgrade Transport and Works Act Order for the East of Leeds.
- b) To support the approach to respond to the TWAO under the Director of City Development delegation scheme within the statutory 42-day period.
- c) Approve the appended letter (appendix B) which sets out the Council's current and substantive position.

What is this report about?

- 1 On 18th November 2021 the Integrated Rail Plan for the North and Midlands was published. One of the commitments in the Plan was for the delivery of the Transpennine Route Upgrade. Since the Plan was published Network Rail has been remitted to deliver the programme of investment and has developed a consenting strategy. This report sets out the Council's current position following ongoing negotiations with Network Rail regarding the works proposed to be included in a Transport and Works Act Order (TWAO), as part of the Transpennine Route Upgrade (TRU).
- 2 The Transpennine Route Upgrade is a multi-billion pound programme improving connectivity between Manchester, Huddersfield, Leeds and York. It aims to bring high-performing, reliable railway, bringing more frequent, more reliable, faster, greener trains.
- 3 The overall benefits of the TRU include improved journey times, improved passenger experience, more seats, more freight capacity, and reduced emissions, as well as added social value and levelling up by providing opportunities such as apprenticeships and working with local businesses. The programme of works is designed to resolve existing capacity and performance issues on the network.
- 4 To date, no TRU works have been proposed outside the railway boundary to the West of Leeds from the Kirklees boundary through to the western end of Leeds Station which means both the electrification of the line and the development of the new accessible Morley Station is being undertaken within Network Rail's land. The works along this part of the route are being undertaken under Network Rail's Permitted Development rights and include the complete upgrade to Morley Station due to be open in June 2023 and completed in July 2023. Morley station was previously not accessible and Network Rail has completely rebuilt the station to incorporate lifts to both platforms and at grade access to these. As part of the First and Last Mile programme of work identified in partnership with Network Rail, funding has also been secured by the Council from Network Rail to improve the access and egress to and from Morley Station by improving pedestrian linkages and vehicular drop off. This will build upon and be delivered in conjunction with works that will be carried out by the Station Gateway Public Realm Scheme funded by Morley Town Fund.
- 5 With regards to works as part of TRU taking place within the Leeds boundary, to the West of Leeds, no works have been proposed by Network Rail with the exception of Morley Station and the electrification works. To the East of Leeds, from the eastern end of Leeds Station through to Micklefield, several TRU works have been put forward by Network Rail, including:
 - a) The closure of 5 level crossings (Barrowby Lane, Barrowby Foot, Garforth Moor, Peckfield and Highroyds Wood)
 - b) 12 bridges impacted
 - i. 5 of which are listed (4 of which are to be included in the TWAO)
 - c) Electrification and associated cabinets throughout
- 6 Network Rail are formally submitting the TWAO for the east of Leeds on 10 July 2023 to seek permission to carry out elements of the works between Leeds and Micklefield, as shown on the plan at appendix A.
- 7 The council welcomes the principle of TRU and the ongoing collaborative working with Network Rail. This report sets out the issues raised as a result of the initial consultation on the proposals expected to be included in the TWAO ahead of Network Rail's formal submission to DfT in July.
- 8 Overall scheme concerns and considerations are outlined in appendix C. Key concerns are outlined below. If the identified issues are not resolved by the end of the 42-day statutory consultation period The Council reserves the right to object.
- 9 The Council's key concerns are:
 - a) Biodiversity Net Gain (BNG)
 - b) Deemed Conditions

- c) Construction Code of Practice
- d) Highways Side Agreement
- e) Austhorpe Lane Bridge and Compounds
- f) Peckfield Level Crossing Closure
- g) New Market Approach Land Acquisition

Further information is outlined below relating to these issues.

10 Biodiversity Net Gain (BNG)

- a) Biodiversity Net Gain (BNG)
 - i. Concerns have been raised as to Network Rail's intended strategy to 'achieve an overall 10% net gain in biodiversity'. It remains unclear how this is to be calculated and what percentage will directly apply within the Leeds City Council boundary, given this figure is aligned with the full extent of TRU from Manchester to York. Where possible the Council is seeking the delivery of the 10% net gain where the scheme impacts locally, on site or at least within the Leeds boundary. Network Rail's baseline scoring for bio-diversity calculations also needs to account for agreed intended future use of a site where planning permission has been granted.

11 Deemed Conditions

- a) Deemed planning consents

Network Rail is seeking deemed planning condition consents as part of the TWAO in respect of some key issues. This means that for the identified areas the TWAO will effectively provide planning permission with planning conditions having been discharged or limited consultation being undertaken with the Planning Authority. Discussion is ongoing with regards to these conditions. The current draft deemed planning condition consents include conditions such as Time limit for commencement of development, Landscaping & ecology requirements, Code of construction practice, Construction traffic management & travel plan, Materials, Archaeology methodology, Biodiversity net gain, Micklefield public right of way dimensions. In particular there are concerns that some of the consultation to be undertaken with the Planning Authority would happen retrospectively. In addition, the Micklefield public right of way proposals to replace the level crossing are not supported as they create a longer route for users and do not currently take account of planned development in the area which is likely to increase the demand for the route. Planning Officers are still reviewing the deemed planning consents proposed by Network Rail and in turn what planning conditions are then required. A list of standard conditions used for other sections of TRU have already been shared with officers. In reviewing the standard conditions, officers have already secured a number of amendments to make them more responsive to the Leeds context and discussions around further refinement of the final wording is continuing. The risk this may pose on the Council is still unclear.

12 Construction Code of Practice – Part A

- a) Negotiation is currently ongoing with regards to the Code of Construction Practice (CoCP) Part A which is to be submitted as part of the TWAO. This is essentially Network Rail's version of a Construction Management Plan.
- b) Council Officers are currently reviewing the CoCP as it sets out the relevant measures and standards to be followed throughout the construction period and has been prepared to ensure that that the proposed construction-related mitigation identified in the Environmental Report is committed to by Network Rail. Compliance with the CoCP is a requirement of the TWAO (should it be granted).

- c) Publicity and local engagement ahead of works is a key priority for officers as well as ensuring there is an appropriate mechanism for residents to report any issues directly to contractors/Network Rail.

13 Highways Side Agreement

- a) Clarity is required from Network Rail as to the highways powers that will be sought as part of the TWAO in order to carry out various works along the route. This is to avoid for example, issues concerning traffic management, disruption, and blue badge parking bays temporary closures. The Council has requested a Highways Side Agreement from Network Rail to set out the agreed position in respect of highways issues. It is expected to contain documentation such as a requirement for a Traffic Management Plan. The council is currently awaiting a draft agreement from Network Rail.

14 Austhorpe Lane Bridge and Compounds – Network Rail proposes the demolition and rebuild of Austhorpe Lane bridge to accommodate the electrification underneath it. The Council has requested that the bridge is rebuilt to current highway standards i.e., a 2-way carriageway and footway to replace the existing single track highway and separate footbridge.

- a) Design standards
 - i. Negotiation with Network Rail has been carried out to ensure the new structure meets current minimum requirements and agreement has been reached regarding a two-lane carriageway and a footway to the west. However, the Council requires detailed design (as per all of the structures impacted by TRU) to ensure a number of other concerns are mitigated such as the tie in of the proposal with Austhorpe lane which has not yet been designed.
- b) Council contribution to new structure
 - i. Network Rail has requested the Council makes a contribution of £800,000 to the new structure following negotiation on the proposed replacement structure. However, the Council has rejected this based on the overall principle that structures should meet current standards set out in the Design Manual for Roads and Bridges or as agreed with Highways. Network Rail's original proposal did not meet the required criteria and would have built health and safety issues into the design. The Council has also confirmed to Network Rail that the structure would need to be owned and maintained by Network Rail.
- c) High pressure gas main
 - i. The Council requested an arboricultural impact assessment and mitigation plan from Network Rail regarding the location of the gas main diversion required as part of the bridge works and the ecological and arboricultural impacts it will have on the adjoining Green Park. The Council has asked Network Rail to look at possible changes to the location of the intended diversion in order to mitigate these impacts. Network Rail has indicated that they have provided sufficient justification for the location and intend to include this within the TWAO submission.

15 Peckfield Level Crossing Closure

- a) Concerns have been raised by Ward Members and Leeds Access Forum regarding the proposed diversion of the bridleway and footpath required as a result of the Level Crossing closure. Network Rail has undertaken an options assessment of alternative solutions for bridleway and pedestrian users and will now include two options in the TWAO as a result of feedback from consultees during the consultation process and the options evaluation. Network Rail's intention is to let the Secretary of State determine the most appropriate solution.

- b) This first option is the closure of the level crossing and stopping up of the Public Right of Way (PRoW) with a bridleway diverted through Micklefield recreation ground, running east from the current level crossing, parallel to the railway line. The bridleway would then go down Pit Lane which will be resurfaced and connect to the Great North Road.
- c) The second option is the closure of the level crossing and stopping up of the Public Right of Way (PRoW) with Lower Peckfield Lane being downgraded from a bridleway to a footpath and no alternative bridleway being created as part of the works. Pedestrians will be able to make use of a new PRoW footpath north of the railway (running along the southern edge of the recreation ground) linking the lower end of Lower Peckfield Lane to the north of the railway to Great North Road. Pedestrians will then pass under the railway bridge on Great North Road, before heading west, along the footpath down Pit Lane. To travel between the bridleway to the north of the railway and the one to the south of the railway, horse riders can use Great North Road and go under the railway bridge, and along Pit Lane parallel to the south of the railway.
- d) Appendix D provides a plan of the proposals Network Rail intends to submit as part of the TWAO. Network Rail has discounted the option to provide a bridleway or foot bridge over the railway based on usage counts from the last 3 years and the cost of installing a bridge.
- e) Network Rail has undertaken further consultation with Ward Members and Leeds Access Forum including public rights of way officers to discuss whether there are any additional mitigations which could be delivered.
- f) Following consultation Ward Members have advised that they do not support the closing of the level crossing without a bridge, therefore deeming the options proposed by Network Rail to be unsuitable.
- g) The Council has restated the position with Network Rail that it does not support the closing of the level crossing without a ramped bridge. The figures (as per the options assessment) do not consider future housing or commercial development to the south of the railway. The current route is also a traffic free walking route to the villages primary school and almost traffic free to the GPs etc.
Concerns were also raised as to future maintenance costs for new PRoWs and in this case only being created to suit Network Rail and not the Micklefield community. It should also be noted that the current proposals severs the existing bridleway which it not supported.

16 New Market Approach Land Acquisition

- a) Network Rail have advised of their intention to build a new access to the Neville Hill compound south of the existing railway using Council land from New Market Approach. This access will not be adopted but it has been requested that it is built to adoptable standards. Planning permission is to be sought for vehicular access, but the land acquisition is to be included in the TWAO.
- b) Network Rail has also advised of their intention to use Neville Hill as a strategic freight site in the future moving the freight depot from its current Marsh Lane location. This has raised two principal concerns:
 - i. The basis for the compulsory purchase of the land based on the 2 different uses proposed for the TRU work and the proposed future use for the strategic freight depot, and therefore the basis for determining the value of the disposal.
 - ii. The impact that increased HGV vehicular movements will have on the larger highway network including the New Market Approach junction with the network.

What impact will this proposal have?

- 17 It is recognised that the TRU will deliver wider benefits to Leeds City Region by providing improved connectivity, more frequent, faster, greener trains and running on a better, cleaner,

and more reliable railway. Only 26% of the rail network in West Yorkshire is currently electrified.

- 18 It is envisaged that consultation and negotiation with Network Rail will continue as we jointly work through the outstanding issues to mitigate the disruption of the works on communities. DfT will seek formal responses within 42 days of publishing the draft TWAO in July 2023. The Council will develop a formal response to the TWAO within the statutory 42 day consultation period. This will be submitted to the DfT subject to gaining approval from Director of City Development and Executive Member for Infrastructure and Climate. In respect to planning and highways implications the Council's response will be subject to gaining approval from the Chief Officer of Highways and Transportation and the Chief Planning Officer.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 19 The Transpennine Route Upgrade will deliver against the Best City Ambition providing benefits for the wider region.

20 The Transpennine Route Upgrade planned outcomes by the Department for Transport are:

- a) better punctuality: infrastructure to support a 50% reduction in average minutes late for passenger services (compared with service performance before the COVID-19 pandemic).
- b) enhanced passenger capacity: one additional fast or semi-fast passenger service and one additional stopping passenger service per hour between Manchester and Leeds.
- c) faster journeys: a 63- to 66-minute planned journey time between Manchester and York on the end-state route, down from 74 minutes on pre-COVID-19 services (saving up to 11 minutes).
- d) improved environment: up to 87,000 tonnes a year possible reduction in carbon emissions from electrification and a shift from other modes of transport to rail.
- e) facilitation of Northern Powerhouse Rail: works to facilitate the future Northern Powerhouse Rail Programme.

- 21 It is recognised how investment in rail infrastructure will positively impact the Best City Ambition promoting active travel, improved public transport connectivity and help to connect people with opportunities. The Council has supported the development of the TRU over the last decade and the investment is welcomed to address the existing constraints on the route both in terms of capacity and performance.

- 22 Investment is essential to encourage mode shift from road to rail by improving performance and electrification of the line will result in low carbon transport infrastructure.

What consultation and engagement has taken place?

Wards affected: • Hunslet & Riverside, Little London & Woodhouse, Burmantofts & Richmond Hill, Cross Gates & Whinmoor, Garforth & Swillington, Harewood, Kippax & Methley, Temple Newsam

Have ward members been consulted?

Yes

No

- 23 Network Rail carried out their own consultation in October/ November 2022, with both statutory consultee and wider public stakeholders. Network Rail additionally carried out a ward member briefing inviting affected ward members in December 2022 and consultation with Kippax and Methley Ward Members and Executive Member for Infrastructure and Climate on 22nd May relating to specific issues at Micklefield.

- 24 All Ward Members whose wards are impacted by the proposals have been consulted on the latest negotiated position in respect of the proposals and the following comments received:
- a) Lack of consultation by Network Rail with regards to the updated proposals to be added to the TWAO such as land acquisition at Penny Pocket Park. Ongoing consultation is paramount to avoid conflicts with other proposed works in local areas and impacts on residents.
 - i. Response provided by The Council showing an indicative plan based on the information provided by Network Rail to date.
 - b) Shortage of information provided by Network Rail to Ward Members regarding dates, times, and diversion plans for the works and that we encourage Network Rail to support us in communicating to people across the area about the works.
 - i. The Council advised they are in constant communication with Network Rail regarding these concerns to mitigate disruption and have requested the communications plan from Network Rail.
 - c) Raised concerns regarding works to Austhorpe Lane Bridge and how the widening may impact residents.
 - i. Response provided by The Council stating negotiation is ongoing with Network Rail regarding the bridge at Austhorpe Lane to mitigate issues where possible, and to find an alignment that limits impacts. Network Rail also have further design work to do to ensure tie in to the existing highway. We don't have a detailed design at this stage, but it is not anticipated from the outline plans that land will be taken from residential properties. It is also worth noting that it is proposed that the current footbridge and road bridge will become one structure.
 - d) Requests were received for more specific information regarding works proposed in various wards and the potential impacts due to concerns with conflicts for other proposals to better develop areas for community use.
 - i. Relevant information provided by Network Rail to date was circulated.
 - e) It was raised that Network Rail need to increase both the quality and quantity of their communications, both written and verbal correspondence, and provide more detailed information concerning proposals, benefits, expected outcomes and any potential impact/disruption.
 - i. Meeting with Burmantofts & Richmond Hill to be arranged to discuss matters further.
 - (1) During the meeting concerns were raised regarding parking at Marsh Lane and Neville Hill once works commence.
 - (a) The Council raised that discussions are ongoing regarding highways powers to be sought by Network Rail and that such issues will also be addressed through ongoing collaborative working between highways and Network Rail.
 - (2) Ward members queried what consultation with residents had taken place today and how consultation would be carried out going forward.
 - (a) Network Rail advised they will notify residents of nearby works as per their requirements. The Council has also separately requested sight of Network Rail's communications strategy.
 - (3) Councillors queried how TWAO information will be shared with statutory consultees following submission.
 - (a) Network Rail advised the order will be published on their website. The Council also advised they would notify Ward Members following submission and further consultation is likely to be carried out early August.
 - f) Requests for information with regards to the proposed design for Barrowby Lane bridge, concerns regarding the removal of the bridge at Austhorpe Lane and concerns regarding the proposal for the bridge at Crawshaw Woods due to its listed status and history.
 - i. An indicative plan was provided for Barrowby Lane bridge by the Council based on information received by Network Rail to date.

- ii. The Council provided an update regarding Austhorpe Lane stating that following negotiations with Network Rail the intention at this stage is to replace Austhorpe Lane bridge with a two-lane bridge, incorporating the footway into the same single structure but that designs are still being worked working through.
 - iii. Response provided by The Council to update on the position known to date regarding Crawshaw Woods, stating that the current understanding as per the consultation in November is that the intention is to "raise the existing cast iron structure of Crawshaw Woods Bridge to enable electrification of the railway. The existing cast iron arches and bridge deck will be removed, sandstone abutments will be built up in height and a new bridge deck will be installed, with the refurbished cast iron arches replaced at a higher level to facilitate the clearance required to electrify the railway". i.e. Network Rail have advised the bridge will be lifted which will retain its historic fabric and provide the opportunity for restoration of the cast iron elements. It is not considered that this will cause substantial harm to the structure. It is worth noting Network Rail will also be submitting a listed building consent application alongside the TWAO.
- g) Network Rail held a meeting with Kippax and Methley ward members to present the proposed diversions following the planned closure of Peckfield Level Crossing.
- i. Ward members advised they do not support closing the level crossing without a bridge. Network rails figures (as per the options assessment) do not consider future housing or commercial development to the south of the railway. The current route is also a traffic free walking route to the villages primary school and almost traffic free to the GPs etc.
 - ii. Concerns were also raised as to future maintenance costs for new PRowS and in this case only being created to suit Network Rail and not the Micklefield community.
- 25 These comments will be fed into the ongoing negotiations with Network Rail and the formal response on the TWAO.
- 26 The Council has also requested that Network Rail strengthen their communications plan and ensure sufficient consultation takes place during the duration of TRU.
- 27 It is really important that where level crossings are being closed and diversions created that these diversions benefit from improved accessibility and discussions are ongoing with Network Rail about their obligations under the Equality Act to meet the needs of the communities impacted by their programme of work.

What are the resource implications?

- 28 A multidisciplinary team across the Council has responded to the proposals to date including officers from Planning, Highways, Flood Risk Management, Public Rights of Way, Parks and Countryside, Contaminated Land, Asset Management and Regeneration, Building Conservation, Nature Conservation, Arboriculture, Legal Services, Environmental Health, and this team will continue to negotiate with Network Rail and develop the Council's response to the formal TWAO.

What are the key risks and how are they being managed?

- 29 Primary risks relate to disruption to the highways network and or communities caused by works carried out as part of the upgrade. Disruption aims to be mitigated through ongoing collaboration with Network Rail.
- 30 There is a risk that the Network Rail programme of work may conflict with other committed works whether private sector development or public sector infrastructure and discussions will continue with Network Rail to find ways to mitigate this risk.
- 31 There is a further risk that the anticipated benefits are not realised if elements of the scheme fail to be delivered.
- 32 There is a risk that the closure of Level crossings as part of the TRU programme of works leads to less accessible diversion routes for pedestrians. The Council has raised this with Network

Rail and requested confirmation for how Network Rail will meet its duty under the Equality Act. Positive measures have been taken such as the rebuild of Morley Station as a fully accessible station with lifts and at grade access.

What are the legal implications?

- 33 Following publication of the Order, a strict 42-day consultation period follows during which time, the Director of City Development will reply to the detailed proposals on behalf of Leeds City Council in accordance with the delegated power sought in paragraph b above.
- 34 Following the consultation period, the final Order will be submitted for approval to the Secretary of State. If any objections to the Order remain The Secretary of State will arrange for a Public Inquiry to investigate any objections.

Options, timescales and measuring success

What other options were considered?

- 35 Network Rail has established a consenting strategy which proposes to deliver as much of their proposed works on the TRU as possible within the railway boundary and utilising the permitted development rights associated with this wherever possible. Where there are issues which sit outside the railway boundary Network Rail has advised that it will seek to use Transport and Works Act powers to acquire the land and implement the planning and highway consents.
- 36 Informal consultation and negotiation has been ongoing with Network Rail since Autumn 2022. If this were not the case, the Council would have had 42 days to negotiate, as per the statutory period, in which to identify and negotiate all key issues pertaining to the TWAO and gain approval to submit the response.
- 37 The option not to respond to the TWAO or work collaboratively with Network Rail would expose the Council to risks of greater disruption to communities and less mitigation where there are negative impacts associated with the works.

How will success be measured?

- 38 Collaborative working to ensure minimal impacts and disruption to local communities as well as avoiding conflict with other committed works.
- 39 Working with Network Rail to ensure the benefits of the scheme are maximised.

What is the timetable and who will be responsible for implementation?

- 40 Network Rail are responsible for the implementation of this scheme. It is anticipated that works utilising the TWAO powers will begin in 2025. However, these timescales are currently indicative, and Network Rail will also require access to site compounds ahead of this.

Appendices

- Appendix A – Works locations - TRU east of Leeds - 210423 – v4 (provided by Network Rail)
- Appendix B - TRU Letter to Network Rail
- Appendix C – Technical Issues
- Appendix D – Peckfield Level Crossing Proposals (provided by Network Rail)
- Appendix E - Equality diversity cohesion and integration screening form

Background papers

- None.