

Delegated Decision Notice (DDN)

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input checked="" type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Director of City Development		
Contact person:	Lauren Browne	Telephone number: T: 0113 378 6374 M: 07712 216513	
Subject²:	Transpennine Route Upgrade – Transport and Works Act Order Objection Update		
Decision details³:	<p>What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call-in etc.)</p> <p>In accordance with the Full Council resolution of 15th November 2023 the Director of City Development approved</p> <p>a) The withdrawal of the formal objection on the agreed matters in the Statement of Common Ground (as per Appendix A)</p> <p>b) noted the issues that have not been resolved, held within the Council's Statement of Common Ground (Appendix A) and may be identified as 'matters' by the Inspector to be determined at the public inquiry scheduled to commence on 27th February 2024.</p> <p>c) endorsed the Statement of Common Ground.</p> <p>d) approved entering into the Environmental Agreement (appendix C) and Highways Agreement (appendix B) on the terms set out in the report.</p> <p>e) approved the revised Deemed Planning Conditions (appendix D)</p> <p>f) approved entering into a Funding Agreement with Network Rail to meet the cost of officers supporting the implementation of the TWAO.</p>		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.


	<p>A brief statement of the reasons for the decision (Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)</p> <p>On 18th August 2023 the Council submitted a ‘holding objection’ to the Secretary of State in response to the draft TWAO, pursuant to Rule 21 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“Rule 21”).</p> <p>Notwithstanding the Council’s support in principle for TRU and the associated benefits, in order to meet the statutory procedural requirements a ‘holding objection’ was submitted to the Secretary of State in order to address key points of detail.</p> <p>On 15th November 2023 Full Council approved the submission of a formal objection to specific elements of the TWAO pursuant to s239 of the Local Government Act 1972 and delegated authority to the Director of City Development, in consultation with the Executive Member for Sustainable Development and Infrastructure, to continue negotiations with relevant stakeholders to seek to agree the withdrawal of the objection should sufficient agreement on the issues raised be reached.</p> <p>Following negotiations with Network Rail, with the exception of the objection at Peckfield Level Crossing/ a small number of matters that remain unresolved as per the Statement of Common Ground at appendix A, the Council is in a position to withdraw the original objection in line with the aforementioned delegation subject to entering into a Highways Agreement, Environmental Agreement, Deemed Planning Permission, confirming agreement o the updated Order and agreeing to enterinto a Funding Agreement for Network Rail to meet the Council’s costs.</p> <p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <ul style="list-style-type: none"> • Informal consultation and negotiation has been ongoing with Network Rail since Autumn 2022 in order to negotiate on issues prior to the 42 day statutory period for responses. • 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. • The option to simply make representation to the TWAO would not protect the Council’s statutory functions and ensure the Council’s concerns are further negotiated upon. • The option to not negotiate prior to the Public Inquiry would have resulted in a weakened position for the Council as well as additional cost and resource implications.
<p>Affected wards:</p>	<ul style="list-style-type: none"> • Hunslet & Riverside • Little London & Woodhouse • Burmantofts & Richmond Hill • Temple Newsam • Cross Gates & Whinmoor • Harewood • Garforth & Swillington • Kippax & Methley

Details of consultation undertaken⁴:	Executive Member for Sustainable Development and Infrastructure was briefed ahead of each Executive Board meeting on 21 st June 2023, 18 th October 2023 and also specifically in respect of the Council's approach to responding to the TWAO as at 30 th January 2024 and confirmed her support.
	<p>Ward Councillors</p> <ul style="list-style-type: none"> • Councillor Ed Carlisle • Councillor Mohammed Iqbal • Councillor Paul Wray • Councillor Javaid Akhtar • Councillor Kayleigh Brooks • Councillor Abigail Marshall Katung • Councillor Luke Farley • Councillor Asghar Khan • Councillor Nkele Manaka • Councillor Debra Coupar • Councillor Helen Hayden • Councillor Nicole Sharpe • Councillor James Gibson • Councillor Pauleen Grahame • Councillor Sam Firth • Councillor Matthew Robinson • Councillor Ryan Stephenson • Councillor Mark Dobson • Councillor Sarah Field • Councillor Suzanne McCormack • Councillor Mary Harland • Councillor James Lewis • Councillor Michael Millar <p>Ward Members have already had consultation on the draft TWAO on 9th December 2022.</p> <p>Ward members again were consulted regarding the response on 9th August 2023 feedback was incorporated into the Council's holding objection.</p> <p>Additional briefings between Ward Members and Network Rail have been arranged subsequently to discuss specific issues such as impact on residents at Austhorpe Lane and these issues have been resolved through the meetings.</p>
	<p>Chief Digital and Information Officer⁵</p> <p>N/A</p>
	<p>Chief Asset Management and Regeneration Officer⁶</p> <p>On 24th August 2023 a briefing held with Angela Barnicle regarding the response.</p>
<p>Others</p> <p>Chief Officer of Highways and Transportation and Chief Officer of Planning</p>	

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁵ See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

⁶ See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

	On 16 th August 2023 briefing held with Gary Bartlett and David Feeney regarding the response and on 29 th January 2024	
Implementation	Officer accountable, and proposed timescales for implementation Lauren Browne – response to be submitted by	
List of Forthcoming Key Decisions⁷	Date Added to List:-	
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision	
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible: N/A	
	If published late relevant Executive member's approval Signature _____ Date _____	
Call-in	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ¹⁰ Martin Farrington – Director of City Development	
	Signature 	Date 31 January 2024

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call-in. Key decisions are always available for call-in unless they have been exempted from call-in under rule 5.1.3.

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.