THE LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER

Application to the Secretary of State under section 6 of the Transport and Works Act 1992 for an Order under sections 1 and 3 of that Act

TO The Secretary of State for Transport
c/o Transport and Works Act Orders Unit,
General Counsel’s Office,
Department for Transport,
Zone 1/18,
Great Minster House,
33 Horseferry Road,
London SW1P 4DR

1. West Yorkshire Passenger Transport Executive (Metro) and Network Rail Infrastructure Limited (Network Rail) hereby make application to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992 for an Order under sections 1 and 3 of that Act in the terms of the draft Order accompanying this application or in such other terms and conferring such powers and subject to such conditions as the Secretary of State may think fit.

2. The object of the proposed Order is to authorise Metro and Network Rail to construct and maintain a new station entrance on the southern boundary of Leeds Railway Station in the City of Leeds to be constructed on piers sunk into the bed of the Aire and Calder Navigation including an access bridge and incorporating escalators and lifts.

3. In connection with the application, a request is also being made to the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, shall be deemed to be granted for the development proposed to be authorised by the Order.

4. All requests for further information, notices or other documents required to be served upon the applicant under the above mentioned Act or Rules may be sent to Eversheds LLP, One Wood Street, London EC2V 7WS (reference: The Leeds Railway Station (Southern Entrance) Order).
Dated 15 May 2012.

Eversheds LLP
One Wood Street
London EC2V 7WS
Solicitors and Parliamentary Agents
For Metro and Network Rail
Transport and Works Act 1992

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

THE LEEDS STATION (SOUTHERN ENTRANCE) ORDER

Application to the Secretary of State under section 6 of the Transport and Works Act 1992 for an Order under sections 1 and 3 of that Act

West Yorkshire Passenger Transport Executive
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London EC2V 7WS

Solicitors and Parliamentary Agents
The Leeds Railway Station (Southern Entrance) Order 201[X]

Made - - - - ***

Coming into force - - ***

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An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1, 3 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

[The Secretary of State caused an inquiry to be held for the purposes of the application pursuant to section 11 of the 1992 Act.]

[The Secretary of State, having considered the objections made and not withdrawn and the report of the person who held the inquiry, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals].

Notice of the Secretary of State’s determination was published in the London Gazette on [ ].

The Secretary of State, in exercise of the powers conferred by sections 1, 3 and 5 of, and paragraphs 1 to 4, 7, 8, 10, 11, 15 and 16 of Schedule 1 to, the 1992 Act makes the following Order—

(a) S.I. 2006/1466.
PART I
PRELIMINARY

Citation and commencement

1. This Order may be cited as the Leeds Railway Station (Southern Entrance) Order 201[X] and comes into force on [     ].

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(a);
“the 1965 Act” means the Compulsory Purchase Act 1965(b);
“the 1980 Act” means the Highways Act 1980(c);
“the 1981 Act” means the Acquisition of Land Act 1981(d);
“the 1984 Act” means the Road Traffic Regulation Act 1984(e);
“the 1990 Act” means the Town and Country Planning Act 1990(f);
“the 1991 Act” means the New Roads and Street Works Act 1991(g);
“the 1993 Act” means the Railways Act 1993(h);
“the 2003 Act” means the Communications Act 2003(i);
“the Aire and Calder Navigation” means that part of the River Aire comprised in the waterway specified in Part 1 of Schedule 12 to the Transport Act 1968(j);
“address” includes any number or address used for the purposes for the purposes of electronic transmissions;
“authorised works” means the scheduled works and any other works authorised by this Order or any part of them;
“the Board” means the British Waterways Board;
“the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
“carriageway” has the same meaning as in the 1980 Act;
“the deposited plans” means the plans certified by the Secretary of State as the deposited plans for the purposes of this Order;
“the deposited sections” means the sections certified by the Secretary of State as the sections for the purposes of this Order;
“footpath” has the same meaning as in the 1980 Act;
“highway” and “highway authority” have the same meaning as in the 1980 Act;
“the limits of deviation” means the limits of deviation for the scheduled works shown on the deposited plans;
“the limits of land to be temporarily used” means the land so shown and described on the deposited plans;

(a) 1961 c. 33.
(b) 1965 c. 56.
(c) 1980 c. 66.
(d) 1981 c. 67.
(e) 1984 c. 27.
(f) 1990 c. 8.
(g) 1991 c. 22.
(h) 1993 c. 43.
(i) 2003 c. 21.
(j) 1968 c. 73.
“the limit of land to be acquired or used” means the land so shown and described on the
deposited plans;
“the limits of land to be temporarily used for the oversailing of equipment” means the land so
shown on and described on the deposited plans;
“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and
“maintenance” is to be construed accordingly;
“mooring” means any buoy, pile, pontoon chain or other apparatus used for the mooring of
vessels;
“Network Rail” means Network Rail Infrastructure Limited (Company No. 02904587) whose
registered office is at Kings Place, 90 York Way, London N1 9AG;
“the promoter” means West Yorkshire Passenger Transport Executive and Network Rail
together, or either of them;
“the Order limits” means the limits of deviation, the limits of land to be acquired or used and
the limits of land to be temporarily used shown on the deposited plans;
“owner”, in relation to land, has the same meaning as in the 1981 Act;
“oversailing of equipment” means the construction and operation of craneage required in
connection with the construction of the authorised works;
“public communications provider” has the same meaning as in section 151(1) (interpretation
of Chapter 1) of the 2003 Act;
“public utility undertakers” has the same meaning as in the 1980 Act;
“the relevant part of the waterway” means that part of the Aire and Calder Navigation as is
within the limits of deviation and the limits of land to be temporarily used;
“the scheduled works” means the works specified in Schedule 1 (scheduled works) or any part
of them;
“street” includes part of a street;
“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;
“the traffic regulation and rights of way plan” means the plan certified by the Secretary of
State as the traffic regulation and rights of way plan for the purposes of this Order;
“the tribunal” means the Upper Tribunal;
“vessel” includes any part of a vessel; and
“watercourse” means the relevant part of the waterway and any drains, canals, cuts, culverts,
sluices, sewers and passages through which water flows except a public sewer or drain.

(2) References in this Order to rights over land include references to rights to do, or to place and
maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths stated in the description of the scheduled works or in
any description of powers or lands are approximate, and distances between points on a scheduled
work are to be measured along the scheduled work.

Application of the 1991 Act

3.—(1) Works executed under this Order in relation to a highway which is, or forms part of a
carriageway are to be treated for the purposes of Part 3 of the 1991 Act (street works in England
and Wales) as major transport works if—

(a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of
section 86(3) of that Act (which defines what highway authority works are major
highway works); or

(b) they are works which, had they been executed by the highway authority, might have been
carried out in exercise of the powers conferred by section 64 of the 1980 Act (dual
carriageways and roundabouts).
(2) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

section 56 (directions as to timing);
section 56A (power to give directions as to placing of apparatus);
section 58 (restrictions following substantial road works);
section 73A (power to require undertaker to re-surface street);
section 73B (power to specify timing, etc., of re-surfacing);
section 73C (materials, workmanship and standard of re-surfacing);
section 78A (contributions to costs of re-surfacing by undertaker); and
Schedule 3A (restriction on works following substantial street works).

(3) The provisions of the 1991 Act mentioned in paragraph (4) which, together with other provisions of that Act, apply in relation to the execution of street works and any regulations made, or code of practice issued or approved under, those provisions apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street of a temporary nature by the promoter under the powers conferred by this Order whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(4) The provisions of the 1991 Act referred to in paragraph (3) are—

section 54 (advance notice of certain works);
section 55 (notice of starting date of works);
section 57 (notice of emergency works);
section 59 (general duty of street authority to co-ordinate works);
section 60 (general duty of undertaker to co-operate);
section 68 (facilities to be afforded to street authority);
section 69 (works likely to affect other apparatus in the street);
section 75 (inspection fees);
section 76 (liability for cost of temporary traffic regulation);
section 77 (liability for cost of use of alternative route); and
all such other provisions as apply for the purposes of the provisions mentioned above.

(5) Sections 54 and 55 of the 1991 Act as applied by paragraph (3) shall have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

(6) Nothing in article 11 (construction and maintenance of new or altered streets)—

(a) prejudices the operation of section 87 of the 1991 Act (prospectively maintainable highways) and the undertaker is not by reason of any duty under this Order to maintain a street to be taken to be the street authority in relation to that street for the purposes of Part 3 of that Act; and

(b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

PART 2
WORKS PROVISIONS

Principal Powers

Power to construct and maintain works

4.—(1) The promoter may construct and maintain the scheduled works.
(2) Subject to article 5 (power to deviate), the scheduled works may only be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

(3) Subject to paragraph (5), the promoter may carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works, namely—

(a) construct and maintain such offices and other buildings, yards, machinery, plant, apparatus and other works and conveniences as the promoter thinks fit;

(b) make, provide and maintain all such approaches, lifts, stairs, escalators, ramps, passages, means of access, shafts and stagings as the promoter thinks fit;

(c) make and maintain junctions and communications (including the provision of steps or ramps for the use of persons on foot) with any highway or access way intersected or interfered with by, or contiguous to, any of those works, and widen or alter any highway or access way for the purpose of connecting it with any of those works or another highway, or of crossing under or over the highway or access way;

(d) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient;

(e) alter or remove any structure erected upon any highway or adjoining land;

(f) alter the position of apparatus, including mains, sewers, drains, pipes, cables and street furniture;

(g) carry out and maintain landscaping and other permanent mitigation works to mitigate any adverse effects of the construction, maintenance or operation of the scheduled works including the execution of works to alter the layout of streets;

(h) carry out and maintain works for the benefit or protection of premises affected by the scheduled works; and

(i) works to interfere with the bed and the banks of the relevant part of the waterway.

(4) Subject to paragraph (5), the promoter may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works.

(5) Paragraphs (3) and (4) only authorise the carrying out or maintenance of works outside the limits of deviation if such works are carried out—

(a) on land specified in columns (1) and (2) of Schedule 2 (land to be acquired or used) for the purpose specified in relation to that land in column (3) of that Schedule; and

(b) on land specified in columns (1) and (2) of Schedule 10 (land of which temporary possession may be taken) for the purposes specified in column (3) of that Schedule.

(6) In constructing the scheduled works, the promoter may, regardless of any enactment that provides otherwise, do either or both of the following—

(a) use such parts of the original viaduct as it may require for purposes of the authorised works; and

(b) take down and remove such parts of the original viaduct as the promoter does not require.

(7) The following enactments do not apply to anything done under or in pursuance of this Order—

(a) section 109 of the Water Resources Act 1991(a);

(b) section 23 of the Land Drainage Act 1991(b);

(c) Part 4 of the Eels (England and Wales) Regulations 2009(e); and

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(a) 1991 c. 57.
(b) 1991 c. 59.
(c) S.I. 2009/3344
(d) any byelaws made under the above enactments.

(8) Paragraph (7) is subject to Schedule 16 (for the protection of the Environment Agency).

(9) In this article “the original viaduct” means that part of the existing viaduct at Leeds railway station carrying the railways of Network Rail into the station.

**Power to deviate**

5.—(1) In constructing or maintaining any of the scheduled works, the promoter may subject to paragraph (2)—

(a) deviate laterally from the lines or situations shown on the deposited plans to the extent of the limits of deviation for that work; and

(b) deviate vertically from the levels shown on the deposited sections—

(i) to any extent not exceeding 2 metres upwards; or

(ii) to any extent not exceeding 2 metres downwards.

(2) Notwithstanding paragraph (1)(b), the promoter may deviate vertically from the levels shown on the deposited sections to any extent downwards in respect of the vertical piles supporting Work No. 1.

**Streets**

**Power to execute street works**

6.—(1) The promoter may, for the purposes of the authorised works, enter upon so much of any of the streets specified in Schedule 3 (streets subject to street works) as is within the Order limits and may—

(a) break up or open the street, or any sewer, drain or tunnel under it, or tunnel or bore under the street;

(b) place and maintain apparatus in the street or change its position; and

(c) execute any works required for or incidental to any works referred to in sub-paragraphs (a) and (b).

(2) This article is subject to paragraph 3 of Schedule 12 (provisions relating to statutory undertakers etc.).

(3) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

**Power to alter layout, etc., of streets**

7.—(1) The promoter may alter the layout of, and carry out other ancillary works in the street specified in column (1) of Schedule 4 (street subject to alteration of layout) in the manner specified in relation to that street in column (2) of that Schedule.

(2) Without limiting the scope of the specific powers conferred by article 4 (power to construct and maintain works) or paragraph (1) but subject to paragraph (3) the promoter may, for the purpose of constructing, maintaining or using the authorised works, alter the layout of the street specified in column (1) of Schedule 4 and the layout of any street having a junction with such a street; and, without limiting the scope of that power, the promoter may-

(a) increase the width of the carriageway of the street by reducing the width of any kerb, footway, or verge within the street;

(b) alter the level or increase the width of any such kerb, footway, or verge;

(c) reduce the width of the carriageway of the street by forming a reserved area in the street or by carrying out other works for the purpose of regulating the passage of vehicles along the street;

(d) carry out works for the provision, alteration or removal of parking places and loading bays;
(e) carry out traffic calming works which are of a description prescribed in regulation 3 of the Highways (Traffic Calming) Regulations 1999(a) and which are carried out in compliance with those Regulations; and

(f) carry out works to the carriageway of the street for the purpose of deterring or preventing vehicles from passing along the street.

(3) The powers in paragraph (2) must not be exercised without the consent of the street authority, but such consent is not to be unreasonably withheld.

### Stopping up of streets

8.—(1) Subject to the provisions of this article, the promoter may, in connection with the construction of the authorised works, stop up the street specified in columns (1) and (2) of Schedule 5 (street to be stopped up for which a substitute to be provided) to the extent specified, in column (3) of that Schedule.

(2) The street specified in columns (1) and (2) of Schedule 5 (being a street to be stopped up for which a substitute is to be provided) must not be wholly or partly stopped up under this article unless—

(a) the new street to be substituted for it, which is specified in column (4) of that Schedule, has been completed to the reasonable satisfaction of the street authority and is open for use; or

(b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and then maintained by the promoter, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(3) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) This article is subject to paragraph 2 of Schedule 12 (provisions relating to statutory undertakers etc.).

### Temporary stopping up of streets

9.—(1) The promoter, during and for the purposes of the execution of the authorised works, may temporarily stop up, alter or divert any street and may for any reasonable time—

(a) divert the traffic from the street; and

(b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The promoter must provide reasonable access for pedestrians going to or from premises abutting a street affected by the exercise of the powers conferred by this article if there would otherwise be no such access.

(3) Without limitation on the scope of paragraph (1), the promoter may exercise the powers conferred by this article in relation to the streets specified in columns (1) and (2) of Schedule 6 (streets to be temporarily stopped up) to the extent specified in column (3) of that Schedule.

(4) The promoter must not exercise the powers conferred by this article—

(a) in relation to any street specified as mentioned in paragraph (3) without first consulting the street authority; and

(b) in relation to any other street without the consent of the street authority which may attach reasonable conditions to any consent, but such consent must not be unreasonably withheld.

(a) S.I. 1999/1026
Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Any street subject to the exercise of the powers conferred by paragraph (1) may be used as a temporary working site for the purposes of the construction of the authorised works and the promoter may erect on any street such temporary works including temporary buildings and storage facilities as the promoter considers convenient and necessary.

(7) In Schedule 6 (temporary stopping up of streets)—

“Granary Wharf Piazza” means the lands numbered 105, 106, 109, 110, 111, 112, 117 and 118 on the deposited plans.

Access to works

10. The promoter may, for the purposes of the authorised works—

(a) form and lay out means of access, or improve existing means of access, in the locations specified in columns (1) and (2) of Schedule 7 (access to works) at or about the points marked “A” on the deposited plans; and

(b) form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the promoter reasonably requires for the purposes of the authorised works, as may be approved by the highway authority, but such approval must not be unreasonably withheld.

Construction and maintenance of new or altered streets

11.—(1) Any street (other than any part of Work No. 1 and 1A) to be constructed under this Order must be completed to the reasonable satisfaction of the highway authority and must be maintained by and at the expense of the promoter for a period of 12 months from its completion and from the expiry of that period by and at the expense of the highway authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must, when completed to the reasonable satisfaction of the street authority, be maintained by and at the expense of the promoter for a period of 12 months from its completion and from the expiry of that period by and at the expense of the street authority.

(3) In any action against the promoter in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (regardless of any other defence or the application of the law relating to contributory negligence) to prove that the promoter had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(4) For the purposes of a defence under paragraph (3), the court must in particular have regard to the following matters—

(a) the character of the street and the traffic which was reasonably to be expected to use it;

(b) the standard of maintenance appropriate for a street of that character and used by such traffic;

(c) the state of repair in which a reasonable person would have expected to find the street;

(d) whether the promoter knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street;

(e) where the promoter could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the promoter had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the promoter had given the competent person proper
instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

Agreements with street authorities

12.—(1) A street authority and the promoter may enter into agreements with respect to—
   (a) the construction of any new street (including any structure carrying the street over or under a railway) under the powers conferred by this Order;
   (b) the maintenance of the structure of any bridge or tunnel carrying a street over or under a railway;
   (c) any stopping up, alteration or diversion of a street under the powers conferred by this Order; or
   (d) the execution in the street of any of the works referred to in article 6(1) (power to execute street works).

(2) Such an agreement may, without limitation on the scope of paragraph (1)—
   (a) make provision for the street authority to carry out any function under this Order which relates to the street in question; and
   (b) contain such terms as to payment and otherwise as the parties consider appropriate.

Supplemental powers

Discharge of water

13.—(1) The promoter may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction, operation or maintenance of the authorised works and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the exercise of the powers conferred by paragraph (1) to connect to or use a public sewer or drain is to be determined as if it were a dispute under section 106 of the Water Industry Act 1991(a).

(3) The promoter must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.

(4) The promoter must not make any opening into any public sewer or drain except—
   (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and
   (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The promoter must not, in the exercise of the powers conferred by this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The promoter must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010(b).

(8) If a person who receives an application for consent or approval fails to notify the promoter of a decision within 28 days of receiving an application for consent under paragraph (3) or approval under paragraph (4)(a) that person is deemed to have granted consent or given approval, as the case may be.

(a) 1991 c. 56.
(b) S.I. 2010/675.
In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to the Environment Agency, a local authority or a sewerage undertaker; and

(b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991(a) have the same meaning as in that Act.

Protective works to buildings, roads and apparatus of a statutory undertaker

14.—(1) Subject to the following provisions of this article, the promoter may at its own expense and from time to time carry out such protective works to—

(a) any building; or

(b) any road; or

(c) any apparatus of a statutory undertaker,

lying within the Order limits as the promoter considers to be necessary or expedient.

(2) Protective works may be carried out—

(a) at any time before or during the construction in the vicinity of the building, road or apparatus of any part of the authorised works; or

(b) after the completion of the construction of that part of the authorised works in the vicinity of the building, road or apparatus at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the promoter may, subject to paragraph (5), enter and survey any building, go onto and survey any road or access and survey any apparatus falling within paragraph (1) and any land within the curtilage of the building or in which the apparatus is located.

(4) For the purpose of carrying out protective works under this article to a building, road or apparatus the promoter may—

(a) enter the building, go onto the road or access the apparatus and any land within the curtilage of the building or in which the apparatus is located; and

(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building (but outside its curtilage), or adjacent to the road or land in which apparatus is located, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

(a) a right under paragraph (1) to carry out protective works to a building, road or apparatus;

(b) a right under paragraph (3) to enter a building, go onto a road or access apparatus and land within the curtilage of the building or in which the apparatus is located;

(c) a right under paragraph (4)(a) to enter a building, go onto a road or access apparatus and land within the curtilage of the building or in which the apparatus is located; or

(d) a right under paragraph (4)(b) to enter land,

the promoter must, except in the case of emergency, serve on the owners and occupiers of the building or land or owner of the road or the apparatus not less than 14 days’ notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land or owners of the road or the apparatus concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the
building or land, go onto a road or access apparatus to be referred to arbitration under article 51 (arbitration).

(7) The promoter must compensate the owners and occupiers of any building or land or owners of the road or the apparatus in relation to which the powers conferred by this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(8) Where—

(a) protective works are carried out under this article to a building or road or apparatus falling within paragraph (1); and

(b) within the period of 5 years beginning with the day on which the part of the authorised works constructed in the vicinity of the building, road or apparatus is first opened for use it appears that the protective works are inadequate to protect the building, road or apparatus against damage caused by the construction or operation of that part of the authorised works,

the promoter must compensate the owners and occupiers of the building or road or apparatus for any loss or damage sustained by them.

(9) Without affecting article 50 (no double recovery) nothing in this article relieves the promoter from any liability to pay compensation under section 10(2) of the 1965 Act.

(10) Any compensation payable under paragraph (7) or (8) is to be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) In this article—

“protective works” in relation to a building, road or apparatus means—

(a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building, road or apparatus by the construction, maintenance or operation of the authorised works; and

(b) any works the purpose of which is to remedy any damage which has been caused to the building, road or apparatus by the construction, maintenance or operation of the authorised works,

“road” includes any structures supporting the road.

Power to survey and investigate land

15.—(1) The promoter may for the purposes of this Order—

(a) survey or investigate any land shown within the Order limits or which may be affected by the authorised works;

(b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions as the promoter thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;

(c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on the land;

(d) place on, leave on and remove from the land apparatus for use in connection with the surveying and investigation of land and making of trial holes; and

(e) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (d).

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1), unless at least 7 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the promoter—

(a) must, if so required, before or after entering the land produce written evidence of authority to do so; and
(b) may take onto the land such vehicles and equipment as are necessary to carry out the
survey or investigation or to make the trial holes.

(4) No trial holes are to be made under this article—
(a) in a carriageway or footway without the consent of the highway authority; or
(b) in a private street without the consent of the street authority,
but such consent must not be unreasonably withheld.

(5) The promoter must compensate the owners and occupiers of the land for any loss or damage
arising by reason of the exercise of the powers conferred by this article, such compensation to be

(6) Nothing in this article overrides the requirement for scheduled monument consent under the
Ancient Monuments and Archaeological Areas Act 1979 (a).

(7) If either a highway authority or a street authority fails to notify the promoter of its decision
within 14 days of receiving an application for consent under paragraph (4), that authority shall be
deemed to have granted consent.

Navigation

Temporary closure of, and works in the Aire and Calder Navigation

16. — (1) The promoter may, in connection with the construction of the authorised works—
(a) temporarily interfere with the relevant part of the waterway by constructing or
maintaining caissons, cofferdams or other temporary works at any point within the
relevant part of the waterway as the promoter considers necessary or expedient;
(b) temporarily moor or anchor barges or other vessels or craft in the relevant part of the
waterway;
(c) load or unload into and from such barges, other vessels or craft as are referred to in sub-
paragraph (b) equipment, machinery, soil and any other materials;
(d) temporarily close to navigation the relevant part of the waterway; and
(e) temporarily remove the water from the relevant part of the waterway that is so interfered
with or closed.

(2) During the period of any closure referred to in paragraph (1)(d), all rights of navigation and
other rights relating to, and any obligations of the Board to manage, the relevant part of the
waterway so closed are to be suspended and unenforceable against the Board.

(3) The power conferred by paragraph (1) must be exercised in a way which secures—
(a) that no more of the relevant part of the waterway is closed to navigation at any time than
is necessary in the circumstances; and
(b) that, if complete closure to navigation of the relevant part of the waterway becomes
necessary, reasonable steps are taken to secure that the period of closure is kept to a
minimum and that the minimum obstruction, delay or interference is caused to vessels or
craft which may be using or intending to use the part so closed.

Extinguishment of navigation rights etc. in the Aire and Calder Navigation

17. — (1) Without limitation on the scope of section 105(5) and (6) of the Transport Act 1968(b)
any rights of navigation over the relevant part of the waterway whether public or private and
however arising are extinguished to the extent that such rights are adversely affected by reason of
the construction, use and maintenance of the authorised works.

(a) 1979 c. 46.
(b) 1968 c. 73.
(2) The promoter must pay compensation to any person who suffers damage or loss by reason of the extinguishment of rights of navigation by virtue of paragraph (1) and any question as to the amount of compensation so paid is to be determined by the tribunal.

Navigation etc. in vicinity of scheduled works

18.—(1) Any person who, other than in an emergency or with some other reasonable cause—
(a) moors a vessel to any part of the scheduled works without the consent of the promoter;
(b) allows any vessel to drift in the vicinity of the scheduled works, except for the purpose of passing through the lock gates or waiting to do so; or
(c) moors a vessel in the vicinity of the scheduled works so as to cause an obstruction to the access to or egress from any part of the scheduled works,
is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In this article—
“in the vicinity of the scheduled works” means on or in that part of the relevant waterway within the limits of deviation; and
“lock gates” means the lock gates to the entrance to the Leeds and Liverpool Canal and shown marked by the point “X” on the deposited plans.

Removal of vessels

19.—(1) Whenever any vessel is sunk, stranded or abandoned within the relevant part of the waterway, or without lawful authority left or moored within the relevant part of the waterway, the promoter may, after giving (except in an emergency) not less than 21 days’ written notice to the owner of the vessel, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, raise, remove, store or otherwise dispose of the vessel.

(2) Subject to paragraph (3), the power in paragraph (1) is not exercisable by the promoter if—
(a) it is within the powers of the Board to deal with the vessel and the Board decide to do so; and
(b) the promoter, having given not less than 28 days’ written notice to the Board, is informed by the Board within that time that the Board intends to act and it does act within a reasonable time afterwards.

(3) The promoter’s powers under paragraph (1), may be exercised by the promoter in an emergency without prior notice to the Board provided that the Board are informed of the action as soon as possible afterwards.

(4) Any notice given by the promoter under paragraph (1) must—
(a) identify the vessel in respect of which the notice is served and its approximate location;
(b) state that if the owner fails to raise and remove the vessel before the expiry of the period specified in the notice, the promoter may raise and remove the vessel and recover all expenses reasonably incurred in doing so; and
(c) indicate that there is a right to refer the matter to arbitration under article 20 (arbitration in respect of removal of vessels).

(5) The promoter may recover from the owner of any such vessel all expenses reasonably incurred by the promoter in respect of the raising, removal, storage or disposal of the vessel or in raising, removing, storing or disposing of any goods raised or removed from the vessel.

(6) In any proceedings by the promoter against a person served with a notice under paragraph (1) for the recovery of any expenses which the promoter is entitled to recover from that person under paragraph (5), it is not open to that person to raise any question which could have been raised on a referral to arbitration under article 51 (arbitration).
(7) Subject to paragraph (8), if any vessel to which paragraph (1) applies is not within 6 weeks of its removal by the promoter, proved to the promoter’s satisfaction to belong to any claimant, the vessel shall together with any such goods vest in the promoter.

(8) If within 12 months of its removal a claim is made to the vessel by a person who subsequently proves to the satisfaction of the promoter that the person was the owner of the vessel, or has become the owner since the vessel was sunk, stranded, abandoned, left or moored as mentioned in paragraph (1), then the promoter must—

(a) if the vessel is unsold, permit that person to retake it with any goods on the vessel upon payment of the expenses referred to in paragraph (5); or
(b) if the vessel and the goods on the vessel have been sold, pay to that person the amount of the proceeds of such sale after deducting the said expenses, and in case such proceeds are insufficient to reimburse the promoter those expenses the deficiency may be recovered from that person by the promoter.

(9) In this article—

(a) “goods” means articles and property of every description found on any vessel to which paragraph (1) applies; and
(b) an “owner”, in relation to any vessel sunk, stranded, abandoned, left or moored as mentioned in paragraph (1), means as the case may be, either—
(i) the owner of the vessel at the time of its sinking, stranding, abandonment, leaving or mooring; or
(ii) a person who has become the owner of a vessel since the sinking, stranding abandonment, leaving or mooring of the vessel referred to in paragraph (1).

Arbitration in respect of removal of vessels

20.—(1) Any person served with a notice by the promoter under article 19 (removal of vessels) may, within 21 days of service of the notice, serve a counter-notice on the promoter disputing the notice and stating that—

(a) the vessel is not sunk, stranded or abandoned in the relevant part of the waterway; or
(b) there has been some informality, defect or error in, or in connection with, the notice, and any dispute under this article must be determined in accordance with article 51 (arbitration).

(2) If and so far as a dispute under this article is based on the ground of some informality, defect or error in, or in connection with, the notice, the arbitrator must dismiss the dispute if he is satisfied that the informality, defect or error was not a material one.

(3) On the hearing of the dispute the arbitrator may confirm or set aside the notice.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Power to acquire land

21.—(1) The promoter may acquire compulsorily—

(a) so much of the land shown on the deposited plans within the limits of deviation as land to be acquired compulsorily and described in the book of reference as may be required for the purposes of the authorised works; and
(b) so much of the land specified in columns (1) and (2) of Schedule 2 (acquisition of certain lands for ancillary works) (being land shown on the deposited plans and described in the book of reference) as may be required for the purpose specified in relation to that land in column (3) of that Schedule,
and may use any land so acquired for those purposes or for any other purposes that are ancillary to the promoter’s statutory undertaking.

(2) This article is subject to articles 25 (new rights only to be acquired in certain lands) and article 27 (temporary use of land for construction of works).

**Application of Part 1 of the 1965 Act**

22.—(1) Part 1 of the 1965 Act, in so far as not modified by or inconsistent with the provisions of this Order, applies to the acquisition of land under this Order—

(a) as it applies to a compulsory purchase to which the 1981 Act applies; and

(b) as if this Order were a compulsory purchase order under that Act.

(2) Part 1 of the 1965 Act, as applied by paragraph (1), has effect as if section 4 (which provides a time limit for compulsory purchase of land) and paragraph 3(3) of Schedule 3 (which makes provision as to the giving of bonds) were omitted.

**Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

23.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981(a) applies as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as applied by paragraph (1), has effect with the following modifications.

(3) In section 3 (preliminary notices) for subsection (1) there is substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order the acquiring authority must include the particulars specified in subsection (3) in a notice which is—

(a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and

(b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “((1)(b)” there is substituted “(1)” and after “given” there is inserted “and published”.

(5) In that section, for subsections (5) and (6) there is substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

(a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or

(b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

(a) in subsection (1), after “publication” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and

(b) subsection (2) is omitted.

(7) In section 7 (constructive notice to treat) in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” are omitted.

(8) References to the 1965 Act are construed as references to that Act as applied to the acquisition of land under article 21 (power to acquire land).

**Power to acquire new rights**

24.—(1) The promoter may acquire compulsorily—

(a) 1981 c. 66.
(a) such easements or other rights over any land referred to in paragraph (1)(a) or (b) of article 21 (power to acquire land), or

(b) impose restrictive covenants affecting any such land referred to in paragraph (1)(a) of article 21,

as may be required for any purpose for which that land may be acquired under that provision, by creating them as well as by acquiring easements or other rights already in existence.

(2) Schedule 8 (modification of compensation and compulsory purchase enactments for creation of new rights or imposition of restrictive covenants) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant.

(3) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 8), where the promoter acquires a right or the benefit of a restrictive covenant over land under paragraph (1) the promoter is not required to acquire a greater interest in that land.

New rights only to be acquired in certain lands

25.—(1) In the case of the land specified in Schedule 9 (acquisition of new rights only) the promoter’s powers of compulsory acquisition under article 21 (power to acquire land) shall be limited to the acquisition of such easements or other new rights in the land as it may require for the purposes of—

(a) the acquisition of rights over land to provide station access; and

(b) the creation and acquisition of easements or other rights over land for the purpose of or in connection with the construction or maintenance of the authorised works including the passage of persons or vehicles (with or without materials, plant and machinery) over that land for the purposes of the authorised works or for purposes ancillary to the authorised works.

(2) Where the promoter acquires easements or other new rights in the land specified in Schedule 9, article 24 (power to acquire new rights) shall apply as it applies to the acquisition of a new right under that article.

(3) In this article “station access” means the provision of pedestrian access to train passengers and visitors to Leeds Railway Station to and from the scheduled works from Wharf Approach in the City of Leeds.

Rights under or over streets

26.—(1) The promoter may enter upon and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised works and may use the subsoil or air-space for those purposes or any other purpose ancillary to its railway undertaking.

(2) Subject to paragraph (4), the power under paragraph (1) may be exercised in relation to a street without the promoter being required to acquire any part of the street or any easement or right in the street.

(3) Subject to paragraph (5), any person who is an owner or occupier of land in respect of which the power of appropriation conferred by paragraph (1) is exercised without the promoter acquiring any part of that person’s interest in the land, and who suffers loss by the exercise of that power, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) Paragraph (2) does not apply in relation to—

(a) any subway or underground building; or

(b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.
(5) Compensation is not payable under paragraph (3) to any person who is an undertaker to whom section 85 of the 1991 Act applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary possession of land

Temporary use of land for construction of works

27.—(1) The promoter may, in connection with the carrying out of the authorised works—

(a) enter upon and take temporary possession of—

(i) the land specified in columns (1) and (2) of Schedule 10 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the authorised works specified in column (4) of that Schedule; and

(ii) any other land within the Order limits in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981;

(b) remove any buildings and vegetation from that land;

(c) construct temporary works (including the provision of means of access) and buildings on that land; and

(d) construct any permanent works or any other permanent mitigation works specified in relation to that land in column (3) of Schedule 10.

(2) Not less than 14 days before entering upon and taking temporary possession of land under this article the promoter shall serve notice of the intended entry on the owners and occupiers of the land.

(3) Without limitation on the scope of paragraph (1)(a)(i) the power exercisable under paragraph (1)(a)(i) in respect of the lands shown within the limits of land to be temporarily used for the oversailing of equipment is to be limited to the temporary occupation and use of the designated air-space for the purposes of the operation of a crane through the designated air-space in connection with the construction of the authorised works.

(4) The promoter may not, without the agreement of the owners of the land, remain in possession of any land under this article—

(a) in the case of land specified in columns (1) and (2) of Schedule 10, after the end of the period of one year beginning with the date of completion of the work specified in relation to that land in column (4) of Schedule 10; or

(b) in the case of land referred to in paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless the promoter has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in relation to that land.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the promoter must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the promoter is not to be required to replace a building removed under this article.

(6) The promoter must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(8) Without affecting article 50 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect
of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) The powers of compulsory acquisition of land conferred by this Order do not apply in relation to the land referred to in paragraph (1)(a)(i).

(10) Where the promoter takes possession of land under this article, the promoter is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 23(1) (application of Part 1 of the 1965 Act).

(12) In this article “designated air-space” means so much of the air-space as is comprised in the air-space directly above the highest point of the building currently located on the land specified in paragraph (3) but, subject to paragraph (13), must not be below a level 54 metres above the level of the highway of Little Neville Street at the date of the coming into effect of this Order.

(13) In the assembly and disassembly by the promoter of a crane within the airspace above the lands numbered 158 on the deposited plans, the designated air-space shall not be below a level 15 metres above the level of the highway of Little Neville Street.

(14) Paragraph (13) only applies to the assembly and disassembly of the and once operational it may only operate within the designated airspace as provided for in paragraph (12).

Temporary use of land for maintenance of works

28.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any of the scheduled works, the promoter may—

(a) enter upon and take temporary possession of any land within the limits of deviation if such possession is reasonably required for the purpose of maintaining the work or any ancillary works connected with it or securing the safe operation of any such work; and

(b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the promoter to take temporary possession of—

(a) any house or garden belonging to a house; or

(b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the promoter must serve notice of the intended entry on the owners and occupiers of the land.

(4) The promoter may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of works for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the promoter must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The promoter must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

(8) Without affecting article 50 (no double recovery), nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the promoter takes possession of land under this article, the promoter is not required to acquire the land or any interest in it.
Section 13 of the 1965 Act applies to the temporary use of land pursuant to this article to the same extent as it applies to the acquisition of land under this Order by virtue of article 22(1) (application of Part 1 of the 1965 Act).

In this article “the maintenance period”, in relation to a scheduled work, means the period of 5 years beginning with the date on which the work is opened for use.

Compensation

Disregard of certain interests and improvements

29.—(1) In assessing the compensation payable to any person on the acquisition from that person of any land under this Order, the tribunal must not take into account—

(a) any interest in land; or

(b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

Set-off for enhancement in value of retained land

30.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil) under article 24 (power to acquire new rights) and article 25 (new rights only to be acquired in certain lands), the tribunal must set-off against the value of the rights so acquired—

(a) any increase in the value of the land over which the new rights are required; and

(b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised works.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

Supplementary

Acquisition of part of certain properties

31.—(1) This article applies instead of section 8(1) of the 1965 Act (as applied by article 22 (application of Part 1 of the 1965 Act)) in any case where—

(a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and

(b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the promoter a counter-notice objecting to the sale of the land...
subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner must sell only the land subject to the notice to treat is, unless the promoter agrees to take the land subject to the counter-notice, to be referred to the tribunal.

(5) If on such a reference the tribunal determine that the land subject to the notice to treat can be taken—
   (a) without material detriment to the remainder of the land subject to the counter-notice; or
   (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determine that only part of the land subject to the notice to treat can be taken—
   (a) without material detriment to the remainder of the land subject to the counter-notice; or
   (b) in the case of part of land consisting of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determine that—
   (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
   (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the promoter is authorised to acquire compulsorily under this Order.

(8) If the promoter agrees to take the land subject to the counter-notice, or if the tribunal determine that—
   (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
   (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the promoter is authorised to acquire compulsorily under this Order.

(9) In any case where by virtue of a determination by the tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the promoter may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and if it does so must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the promoter must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.
Extinction or suspension of private rights of way

32.—(1) Subject to article 17 (extinguishment of navigation rights etc. in the Aire and Calder Navigation) and paragraph (6), all private rights of way over land subject to compulsory acquisition under this Order are extinguished—

(a) as from the date of acquisition of the land by the promoter, whether compulsorily or by agreement; or

(b) on the date of entry on the land by the promoter under section 11(1) of the 1965 Act, whichever is the sooner.

(2) Subject to paragraph (6), in respect of land owned by the promoter and required for the purposes of this Order, all private rights of way are extinguished on the appropriation of the land for any of those purposes by the promoter.

(3) Subject to paragraph (6), all private rights of way over land of which the promoter takes temporary possession under this Order are suspended and unenforceable for as long as the promoter remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers etc.) or paragraph 2 of Schedule 11 (provisions relating to statutory undertaker etc.) applies.

(6) Paragraphs (1), (2) and (3) have effect subject to—

(a) any notice given by the promoter before the completion of the acquisition of the land, the promoter’s appropriation of it, the promoter’s entry onto it or the promoter’s taking temporary possession of it that any or all of those paragraphs do not apply to any right of way specified in the notice; and

(b) any agreement made (whether before or after any of the events mentioned in sub-paragraph (a) and before or after the coming into force of this Order) which makes reference to this article between the promoter and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is mentioned in sub-paragraph (6)(b) is expressed to have effect also for the benefit of those deriving title from or under the person in or to whom the right of way in question is vested or belongs, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Time limit for exercise of powers of acquisition

33.—(1) After the end of the period of 5 years beginning with the day on which this Order comes into force—

(a) no notice to treat is to be served under Part 1 of the 1965 Act as applied to the acquisition of land by article 22 (application of Part 1 of the 1965 Act); and

(b) no declaration is to be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981(a), as applied by article 23 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The powers conferred by article 27 (temporary use of land for construction of works) cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the promoter remaining in possession of land after the end of that period, if the land was entered and possession of it was taken before the end of that period.

(a) 1981 c. 66.
PART 4
MISCELLANEOUS AND GENERAL

Planning permission and supplementary matters

34. Planning permission which is deemed by a direction under section 90(2A) of the 1990 Act to be granted in relation to the authorised works (or any of them) is to be treated as specific planning permission for the purposes of section 264(3)(a) of that Act (cases in which land is to be treated as operational land for the purposes of that Act).

Power to lop trees overhanging the authorised works

35.—(1) The promoter may fell or lop any tree or shrub near any part of the authorised works, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

(a) from obstructing or interfering with the construction, maintenance or operation of the authorised works or any apparatus used on the authorised works; or

(b) from constituting a danger to passengers or other persons using the authorised works.

(2) In exercising the powers conferred by paragraph (1), the promoter must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

Application of landlord and tenant law

36.—(1) This article applies to—

(a) any agreement for leasing to any person the whole or any part of the authorised works or the right to operate the same; and

(b) any agreement entered into by the promoter with any person for the construction, maintenance, use or operation of the authorised works, or any part of them,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

(a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

(b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or

(c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Obstruction of construction of authorised works

37. Any person who, without reasonable excuse—

(a) obstructs any person acting under the authority of the promoter in setting out the lines of the scheduled works or in constructing any authorised work; or

(b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the promoter,
is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Traffic signs

38.—(1) The promoter may, for the purposes of, or in connection with the construction or operation of, the authorised works, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) (general provisions as to traffic signs) of the 1984 Act or of a character authorised by the Secretary of State on any street specified in column (1) of Schedule 4 (Streets subject to alteration of layout) or which gives access to such a street, or on any street in connection with any instrument made under article 39 (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The promoter-
   (a) must consult with the traffic authority as to the placing of signs; and
   (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 (powers and duties of highway authorities as to placing of traffic signs) of the 1984 Act, must enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to the promoter as to traffic signs under this article; and the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street referred to in paragraph (1) must consult with the promoter as to the placing of any traffic signs which may affect the authorised works.

(5) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

Traffic regulation

39.—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the street concerned is situated, which consent must not be unreasonably withheld, the promoter may, for the purposes of the authorised works—
   (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Parts 1 and 2 of Schedule 11 (traffic regulation) on those streets specified in column (2) and along the lengths and between the points specified in column (3) of that Part of that Schedule;
   (b) make provision as to the direction of vehicular traffic in the manner specified in Part 3 of Schedule 11 on the streets specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule; and
   (c) permit or prohibit vehicular access in the manner specified in Part 4 of Schedule 11 to those streets specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in column (3) of that Part of that Schedule.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the street concerned is situated, which consent must not be unreasonably withheld, the promoter may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised works—
   (a) revoke, amend or suspend the whole or in part any Order made, or having effect as if made, under the 1984 Act;
(b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any street;
(c) authorise the use as a parking place of any street;
(d) restrict the speed of vehicles along a street;
(e) make provision as to the direction or priority of vehicular traffic on any street; and
(f) permit or prohibit vehicular access to any street,
either at all times or at times, on days or during such periods as may be specified by the promoter.

(3) The powers conferred by paragraphs (1) and (2) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised works for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (1) or (2) may have effect both before and after the expiry of that period.

(4) The promoter must consult the chief officer of police and the traffic authority in whose area the street is situated before complying with the provisions of paragraph (5).

(5) The promoter must not exercise the powers conferred by paragraph (1) or (2) unless it has—
(a) given not less than—
(i) 12 weeks’ notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
(ii) 4 weeks’ notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,
to the chief officer of police and to the traffic authority in whose area the street is situated; and
(b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the promoter’s intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the promoter’s intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the promoter under paragraph (1) or (2)—
(a) has effect as if duly made by, as the case may be—
(i) the traffic authority in whose area the street is situated, as a traffic regulation order under the 1984 Act; or
(ii) the local authority in whose area the street is situated, as an order under section 32 of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 11) to which the prohibition, restriction or other provision is subject; and

(b) be deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(a) (road traffic contraventions subject to civil enforcement).

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the promoter from time to time by subsequent exercise of the powers of paragraph (2) within a period of 24 months from the opening of the authorised works for public use.

(8) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

Defence to proceedings in respect of statutory nuisance

40.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(a) (summary proceedings by person aggrieved by statutory nuisances) in relation to a

(a) 2004 c. 18.
nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows—

(a) that the nuisance relates to premises used by the promoter for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to authorised works; and

(b) that the nuisance is attributable to the carrying out of authorised works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65, of the Control of Pollution Act 1974; or

(c) that the nuisance is a consequence of the operation of the authorised works and that it cannot reasonably be avoided.

(2) The following provisions of the Control of Pollution Act 1974, namely—

(a) section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990); and

(b) section 65(8) (corresponding provision in relation to consent for registered noise level to be exceeded),
do not apply where the consent relates to the use of premises by the promoter for the purposes of or in connection with the exercise of the powers conferred by this Order with respect to works.

(3) The provisions of this article do not affect the application to the authorised works of section 122 of the Railways Act 1993 (statutory authority as a defence to actions in nuisance, etc.) or any rule of common law having similar effect.

Trespass

41.—(1) Any person who trespasses on any part of the land occupied by the promoter for the purposes of constructing the scheduled works is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person is to be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass on such land was clearly exhibited and maintained in close proximity to all such land occupied by the promoter.

Disclosure of confidential information

42. A person who—

(a) enters a factory, workshop or workplace in pursuance of the provisions of article 14 (protective works to buildings, roads or apparatus of a statutory undertaker) or article 15 (power to survey and investigate land); and

(b) discloses to any person any information obtained pursuant to sub-paragraph (a) and relating to any manufacturing process or trade secret,
is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless the disclosure is made in the course of that person's performance of a duty in connection with the purposes for which the person was authorised to enter the land.

Statutory undertakers etc.

43. The provisions of Schedule 12 (provisions relating to statutory undertaker etc.) have effect.

(a) 1990 c. 43.
(b) 1974 c. 40.
(e) 1993 c. 43. As amended by the Transport Act 2000 (c. 38) and the Railways Act 2005 (c. 14).
For the protection of specified undertakers

44. The provisions of Schedule 13 (for the protection of specified undertakers) have effect.

For the protection of operators of electronic communications code networks

45. The provisions of Schedule 14 (for the protection of operators of electronic communications code networks) have effect.

For the protection of the British Waterways Board

46. The provisions of Schedule 15 (for the protection of the British Waterways Board) have effect.

For the protection of the Environment Agency

47. The provisions of Schedule 16 (for the protection of the Environment Agency) have effect.

Certification of plans etc.

48. The promoter must, as soon as practicable after the making of this Order, submit copies of the book of reference, the deposited plans and the deposited sections to the Secretary of State for certification that they are, respectively, true copies of the book of reference, the deposited plans and the deposited sections referred to in this Order; and a document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

49.—(1) A notice or other document required or authorised to be served for the purposes of this Order may be served—
(a) by post; or
(b) with the consent of the recipient and subject to paragraphs (6) to (8) by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978(a) as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph (1) is, if that person has given an address for service, that address, and otherwise—
(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
(b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—
(a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(a) 1978 c. 30.
(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled where the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission either in writing or by electronic transmission.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or any part of that notice or other document the sender must provide such a copy as soon as reasonably practicable.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

(a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and

(b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

No double recovery

50. Compensation is not payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law.

Arbitration

51. Any difference under any provision of this Order, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Signed by authority of the Secretary of State

Name
Head of the Transport and Works Act Orders Unit
Department for Transport

Date
SCHEDULES

SCHEDULE 1

In the City of Leeds—

Work No. 1 - A new station entrance building to the south side of Leeds Railway Station incorporating a pedestrian access bridge across the Aire and Calder Navigation and supported on reinforced concrete piles located in the bed of the Aire and Calder Navigation and including escalators and lifts commencing on the west side of the Aire and Calder Navigation at reference point 429872 (easting) and 833155 (northing) and extending in a north westerly direction and terminating on the east side of the Aire and Calder Navigation at reference point 429828 (easting), 433142 (northing).

Work No. 1A - A ramped pedestrian footbridge linking Work No. 1 with, and forming a pedestrian access along Dark Neville Street including the removal of the existing pedestrian footbridge commencing at reference point 429866 (easting) and 433168 (northing) and terminating at reference point 429822 (easting) and 433141 (northing).

SCHEDULE 2

ACQUISITION OF CERTAIN LANDS FOR ANCILLARY WORKS

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Number of land shown on the deposited plans</th>
<th>(3) Purpose for which land may be acquired or used</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Leeds</td>
<td>103, 104, 105, 106, 109 and 110.</td>
<td>Provision of construction and maintenance access, station access and working sites.</td>
</tr>
<tr>
<td>111</td>
<td>Provision of construction and maintenance access, station access, a working site and oversailing of equipment</td>
<td></td>
</tr>
<tr>
<td>146, 147 and 148</td>
<td>Provision of construction and maintenance access, access to Leeds Railway Station, a working site, oversailing of equipment and landscaping.</td>
<td></td>
</tr>
</tbody>
</table>
**SCHEDULE 3**

**STREETS SUBJECT TO STREET WORKS**

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Street subject to street works</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Leeds</td>
<td>Little Neville Street</td>
</tr>
<tr>
<td></td>
<td>Water Lane</td>
</tr>
<tr>
<td></td>
<td>Meadow Lane</td>
</tr>
<tr>
<td></td>
<td>Private footways adjoining Waterman Place</td>
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</tbody>
</table>

**SCHEDULE 4**

**STREET SUBJECT TO ALTERATION OF LAYOUT**

**Key to Schedule 4**

<table>
<thead>
<tr>
<th>RS</th>
<th>Realignment of street</th>
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</thead>
<tbody>
<tr>
<td>PA</td>
<td>Alteration of level of carriageway</td>
</tr>
</tbody>
</table>

**STREET SUBJECT TO ALTERATION OF LAYOUT**

<table>
<thead>
<tr>
<th>(1) Street subject to alteration of layout</th>
<th>(2) Description of alteration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Neville Street</td>
<td>RS, PA</td>
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</table>

**SCHEDULE 5**

**STREET TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED**

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Street to be stopped up</th>
<th>(3) Extent of stopping up</th>
<th>(4) New street to be substituted</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Leeds</td>
<td>Pedestrian footbridge spanning the Aire</td>
<td>Within limits of deviation for the</td>
<td>Work No. 1A</td>
</tr>
</tbody>
</table>
and Calder Navigation in Dark Neville Street.

### SCHEDULE 6

**STREETS TO BE TEMPORARILY STOPPED UP**

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Street to be temporarily stopped up</th>
<th>(3) Extent of temporary stopping up</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Leeds</td>
<td>Little Neville Street</td>
<td>Within Order limits</td>
</tr>
<tr>
<td></td>
<td>Dark Neville Street</td>
<td>Within Order limits</td>
</tr>
<tr>
<td></td>
<td>Neville Street</td>
<td>Within Order limits</td>
</tr>
<tr>
<td></td>
<td>Footbridge over Aire and Calder Navigation at Waterman’s Place</td>
<td>Within Order limits</td>
</tr>
<tr>
<td></td>
<td>Meadow Lane</td>
<td>Within Order limits</td>
</tr>
<tr>
<td></td>
<td>Water Lane</td>
<td>Within Order limits</td>
</tr>
<tr>
<td></td>
<td>Granary Wharf Piazza</td>
<td>Within Order limits</td>
</tr>
</tbody>
</table>

### SCHEDULE 7

**ACCESS TO WORKS**

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Description of access</th>
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</thead>
<tbody>
<tr>
<td>City of Leeds</td>
<td>Meadow Lane</td>
</tr>
<tr>
<td></td>
<td>Water Lane</td>
</tr>
<tr>
<td></td>
<td>Little Neville Street</td>
</tr>
</tbody>
</table>
SCHEDULE 8

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS OR IMPOSITION OF RESTRICTIVE COVENANTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply with the necessary modifications as respects compensation in the case of a compulsory acquisition under this Order of a right by the creation of a new right, and in the case of the imposition of a restrictive covenant, as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(a) for the words “land is acquired or taken” there are substituted the words “a right or restrictive covenant over land is purchased from or imposed on”;

(b) for the words “acquired or taken from him” there are substituted the words “over which the right is exercisable or the restrictive covenant enforceable”.

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

(a) for the words “land is acquired or taken” there are substituted the words “a right or restrictive covenant over land is purchased from or imposed on”; and

(b) for the words “acquired or taken from him” there are substituted the words “over which the right is exercisable or the restrictive covenant enforceable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

(a) for the word “part” in paragraphs (a) and (b) there are substituted the words “a right over or restrictive covenant affecting land consisting”; and

(b) for the word “severance” there are substituted the words “right over or restrictive covenant affecting the whole of the house, building or manufactory or of the house and the park or garden”; and

(c) for the words “part proposed” there are substituted the words “right or restrictive covenant proposed”; and

(d) for the words “part is” there are substituted the words “right or restrictive covenant is”.

Application of the 1965 Act

3.—(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are to be read (according to the requirements of the particular context) as referring to, or as including references to—

(a) the right acquired or to be acquired or the restrictive covenant imposed or to be imposed; or

(b) the land over which the right is or is to be exercisable or the restrictive covenant is or is to be enforceable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or in relation to the imposition of a restrictive covenant, with the modifications specified in the following provisions of this Schedule.

(a) 1973 c. 26.
4. For section 7 of the 1965 Act (measure of compensation in case of severance) there is substituted the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the restrictive covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

5. For section 8 of the 1965 Act (other provisions as to divided land) there is substituted the following—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over, or a restrictive covenant affecting, land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

(a) a question of disputed compensation in respect of the purchase of the right or the imposition of the restrictive covenant would apart from this section fall to be determined by the Upper Tribunal (“the tribunal”); and

(b) before the tribunal has determined that question, the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that interest, and—

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or

(ii) where that land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs,

the Leeds Railway Station (Southern Entrance) Order 201[XX] (“the Order”), in relation to that person, ceases to authorise the purchase of the right and is deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section is to be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

(a) section 9(4) (failure by owners to convey);

(b) paragraph 10(3) of Schedule 1 (owners under incapacity);

(c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and

(d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

(a) S.I. 201[XX][XXX].
are modified so as to secure that, as against persons with interests in the land which are expressed
to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive
covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) is modified so as to secure that, as from the date
on which the acquiring authority has served notice to treat in respect of any right or restrictive
covenant, it has power, exercisable in the equivalent circumstances and subject to the equivalent
conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant
(which is deemed for this purpose to have been created on the date of service of the notice); and
sections 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction)
of the 1965 Act are modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will etc.) applies with the
modifications necessary to secure that persons with such interests in land as are mentioned in that
section are compensated in a manner corresponding to that in which they would be compensated
on a compulsory acquisition under this Order of that land, but taking into account only the extent
(if any) of such interference with such an interest as is actually caused, or likely to be caused, by
the exercise of the right or the enforcement of the restrictive covenant in question.

9. Section 22 of the 1965 Act (interests omitted from purchase) is modified so as to enable the
acquiring authority, in circumstances corresponding to those referred to in that section, to continue
to be entitled to exercise the right acquired or to enforce the restrictive covenant imposed, subject
to compliance with that section as respects compensation.

### SCHEDULE 9

**ACQUISITION OF NEW RIGHTS ONLY**

<table>
<thead>
<tr>
<th>(1) Location</th>
<th>(2) Number of land shown on the deposited plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the City of Leeds</td>
<td>103, 104, 105, 106, 109, 110, 111</td>
</tr>
</tbody>
</table>

### SCHEDULE 10

**LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN**

<table>
<thead>
<tr>
<th>(1) Area</th>
<th>(2) Number of land shown on the deposited plans</th>
<th>(3) Purpose for which temporary possession may be taken</th>
<th>(4) Authorised work</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Leeds</td>
<td>101, 102, 107, 108</td>
<td>Working site and construction access</td>
<td>The scheduled works</td>
</tr>
<tr>
<td></td>
<td>112</td>
<td>Working site, construction access and oversailing of equipment</td>
<td>The scheduled works</td>
</tr>
<tr>
<td></td>
<td>113, 114, 119, 130, 138, 152, 156, 158</td>
<td>Oversailing of equipment</td>
<td>The scheduled works</td>
</tr>
<tr>
<td></td>
<td>115, 120, 123, 124, 125, 126, 127, 128, 131, 137, 142, 143,</td>
<td>Working site, construction access and oversailing of equipment</td>
<td>The scheduled works</td>
</tr>
<tr>
<td>(1) Area</td>
<td>(2) Number of land shown on the deposited plans</td>
<td>(3) Purpose for which temporary possession may be taken</td>
<td>(4) Authorised work</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>144, 145, 153 and 154</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>149, 150 and 151</td>
<td>Working site, construction access, landscaping and oversailing of equipment</td>
<td>The scheduled works</td>
<td></td>
</tr>
<tr>
<td>155 and 157</td>
<td>Temporary traffic management and oversailing of equipment</td>
<td>The scheduled works</td>
<td></td>
</tr>
<tr>
<td>122</td>
<td>Construction access, temporary construction moorings and oversailing of equipment</td>
<td>The scheduled works</td>
<td></td>
</tr>
<tr>
<td>201</td>
<td>Temporary construction moorings</td>
<td>The development and use of a construction working site at Water Lane and Meadow Lane</td>
<td></td>
</tr>
<tr>
<td>202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213 and 214</td>
<td>Working site and construction access</td>
<td>The development and use of a construction working site at Water Lane and Meadow Lane</td>
<td></td>
</tr>
</tbody>
</table>

**SCHEDULE 11**  
**TRAFFIC REGULATION**

**Interpretation**

In column (1) of each of the tables below, the number before the forward slash refers to the relevant sheet number of the traffic regulation and rights of way plans, and the number after the forward slash refers to the relevant traffic regulation reference number shown on that sheet. In the event of there being any discrepancy between a provision in this Schedule and the illustration of that provision shown on the traffic regulation and rights of way plans, this Schedule prevails.

**PART 1**

**STOPPING, WAITING, LOADING OR UNLOADING**

(1) No waiting at any time

<table>
<thead>
<tr>
<th>(1) No.</th>
<th>(2) Road</th>
<th>(3) Extent</th>
<th>(4) Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Wharf Approach</td>
<td>West side from its</td>
<td>To maintain vehicular</td>
</tr>
<tr>
<td>No.</td>
<td>Road</td>
<td>Extent</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
<td>---------------</td>
<td>------------------------------------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>junction with the Granary Wharf car park in a northerly direction for a distance of 32 metres.</td>
<td>flow.</td>
</tr>
<tr>
<td>1.2</td>
<td>Wharf Approach</td>
<td>Southwest side from its junction with the Granary Wharf car park to its junction with Water Lane, a distance of 109m</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.3</td>
<td>Wharf Approach</td>
<td>Northeast side from its junction with Water Lane in a north-westerly direction for 20 metres</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.4</td>
<td>Wharf Approach</td>
<td>Northeast side from a point 26 metres northwest of its junction with Water Lane in a north-westerly direction for a distance of 65m</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.5</td>
<td>Wharf Approach</td>
<td>East side from its junction with Canal Wharf in a northerly direction for 11 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.6</td>
<td>Canal Wharf</td>
<td>North side from its junction with Wharf Approach in an easterly direction for a distance of 93 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.7</td>
<td>Canal Wharf</td>
<td>South side from its junction with Wharf Approach in an easterly direction for a distance of 110 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.8</td>
<td>Canal Wharf</td>
<td>North side from a point 92 metres east of its junction with Wharf Approach in a north-easterly direction for 3 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.9</td>
<td>Canal Wharf</td>
<td>North side from a point 98 metres east</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>No.</td>
<td>Road</td>
<td>Extent</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
<td>---------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>1.10</td>
<td>Canal Wharf</td>
<td>of its junction with Wharf Approach in a north-westerly direction for 3 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.11</td>
<td>Canal Wharf</td>
<td>South side from a point 108 metres southeast of its junction with Wharf Approach in a south-easterly direction for 6 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.12</td>
<td>Canal Wharf</td>
<td>South side from a point 115 metres east of its junction with Wharf Approach in a south-westerly direction for 6 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.13</td>
<td>Canal Wharf</td>
<td>North side from a point 98 metres east of its junction with Wharf Approach in a south-easterly direction for 70 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.14</td>
<td>Canal Wharf</td>
<td>South side from a point 115 metres east of its junction with Wharf Approach in a south-easterly direction to its junction with Water Lane, a distance of 77m</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.15</td>
<td>Canal Wharf</td>
<td>Northeast side from a point 163 metres east of its junction with Wharf Approach in a south-easterly direction for 6 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>1.16</td>
<td>Wharf Approach</td>
<td>Northeast side from its junction with Water Lane in a north-westerly direction for 28 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
</tbody>
</table>
## PART 2

### PARKING PLACES

<table>
<thead>
<tr>
<th>No.</th>
<th>Road</th>
<th>Extent</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Wharf Approach</td>
<td>West side from its junction with the Granary Wharf car park in a northerly direction for a distance of 32 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.2</td>
<td>Wharf Approach</td>
<td>Southwest side from its junction with the Granary Wharf car park to its junction with Water Lane, a distance of 109m</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.3</td>
<td>Wharf Approach</td>
<td>Northeast side from its junction with Water Lane in a north-westerly direction for 20 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.4</td>
<td>Wharf Approach</td>
<td>Northeast side from a point 26 metres northwest of its junction with Water Lane in a north-westerly direction for a distance of 65m</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.5</td>
<td>Wharf Approach</td>
<td>East side from its junction with Canal Wharf in a northerly direction for 8 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.6</td>
<td>Intentionally left blank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.7</td>
<td>Intentionally left blank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.8</td>
<td>Canal Wharf</td>
<td>Northeast side from a point 92 metres southeast of its junction with Wharf Approach in a north-easterly direction for 3 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.9</td>
<td>Canal Wharf</td>
<td>North side from a point 98 metres southeast of its junction with Wharf Approach in a north-</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>No.</td>
<td>Road</td>
<td>Extent</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>2.10</td>
<td>Canal Wharf</td>
<td>South side from a point 108 metres southeast of its junction with Wharf Approach in a south-easterly direction for 6 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.11</td>
<td>Canal Wharf</td>
<td>South side from a point 115 metres southeast of its junction with Wharf Approach in a south-westerly direction for 8 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.12</td>
<td>Intentionally left blank.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.13</td>
<td>Intentionally left blank.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.14</td>
<td>Canal Wharf</td>
<td>Northeast side from a point 167 metres east of its junction with Wharf Approach in a south-easterly direction for 6 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.15</td>
<td>Canal Wharf</td>
<td>Northeast side from its junction with Water Lane in a north-westerly direction for 28 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
<tr>
<td>2.16</td>
<td>Wharf Approach</td>
<td>East side from its junction with Canal Wharf in a southerly direction for 48 metres.</td>
<td>To maintain vehicular flow.</td>
</tr>
</tbody>
</table>

**PART 3**

**DIRECTION OF TRAFFIC**

(3) *Prescribed movement*


PART 4

VEHICULAR ACCESS

(4) Prohibition of driving

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2) Road</th>
<th>(3) Extent</th>
<th>(4) Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Little Neville Street</td>
<td>Prohibition of driving between 7am and 10pm except for access to off-street premises, for loading/unloading by goods vehicles between 10am and 4pm, and 7pm and 7am from a point 12 metres south of its junction with Dark Neville Street and to its junction with Neville Street.</td>
<td>To prevent private vehicles, taxis and private hire vehicles from picking-up or dropping-off passengers to the Leeds Station Southern Entrance.</td>
</tr>
</tbody>
</table>

SCHEDULE 12

Articles 6, 8 and 43

PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

Apparatus of statutory undertaker etc. on land acquired

1.—(1) Sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertaker etc. and power of statutory undertaker etc. to remove or re-site apparatus) apply in relation to any land acquired or appropriated by the promoter under this Order subject to the following provisions of this paragraph; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1), references to the appropriate Minister are references to the Secretary of State.

(3) Where any apparatus of public utility undertaker or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the promoter compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) does not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that paragraph, any person who is—

(a) the owner or occupier of premises the drains of which communicated with that sewer; or
(b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the promoter compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, do not have effect in relation to apparatus as respects which paragraph 2, or Part 3 of the 1991 Act, applies.

(6) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003(a); and

“public utility undertakers” has the same meaning as in the 1980 Act.

Apparatus of statutory undertakers etc. in stopped up streets

2.—(1) Where a street is stopped up under this Order any statutory utility whose apparatus is under, in, upon, along or across the street has the same powers and rights in respect of that apparatus, subject to the provisions of this paragraph, as if this Order had not been made.

(2) Where a street is stopped up under this Order any statutory utility whose apparatus is under, in, upon, over, along or across the street may, and if reasonably requested to do so by the promoter must—

(a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the utility may reasonably determine and have power to place it; or

(b) provide other apparatus in substitution for the existing apparatus and place it in that other position.

(3) Subject to the following provisions of this paragraph, the promoter must pay to any statutory utility an amount equal to the cost reasonably incurred by the utility in or in connection with—

(a) the execution of the relocation works required in consequence of the stopping up of the street; and

(b) the doing of any other work or thing rendered necessary by the execution of the relocation works.

(4) If in the course of the execution of relocation works under sub-paragraph (2)—

(a) apparatus of a better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter, or, in default of agreement, is not determined by arbitration to be necessary, then, if it involves cost in the execution of the relocation works exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory utility by virtue of sub-paragraph (3) is to be reduced by the amount of that excess.

(5) For the purposes of sub-paragraph (4)—

(a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and

(a) 2003 c. 21.
(b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(6) An amount which apart from this sub-paragraph would be payable to a statutory utility in respect of works by virtue of sub-paragraph (3) (and having regard, where relevant, to sub-paragraph (4)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the utility any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

(7) Sub-paragraphs (3) to (6) do not apply where the authorised works constitute major transport works for the purposes of Part 3 of the 1991 Act, but instead—

(a) the allowable costs of the relocation works are to be determined in accordance with section 85 of that Act (sharing of cost of necessary measures) and any regulations for the time being having effect under that section; and

(b) the allowable costs are to be borne by the promoter and the statutory utility in such proportions as may be prescribed by any such regulations.

(8) In this paragraph—

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“relocation works” means work executed, or apparatus provided, under sub-paragraph (2); and

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in paragraph 1(6).

Railway and navigation undertakings

3.—(1) Subject to the following provisions of this paragraph, the powers under article 6 (power to execute street works) to break up or open a street are not exercisable where the street, not being a highway maintainable at public expense (within the meaning of the 1980 Act)—

(a) is under the control or management of, or is maintainable by, railway or tramway undertaker or a navigation authority; or

(b) forms part of a level crossing belonging to any such undertakers or to such an authority or to any other person,

except with the consent of the undertakers or authority or, as the case may be, of the person to whom the level crossing belongs.

(2) Sub-paragraph (1) does not apply to the carrying out under this Order of emergency works, within the meaning of Part 3 of the 1991 Act.

(3) A consent given for the purpose of sub-paragraph (1) may be made subject to such reasonable conditions as may be specified by the person giving it but must not be unreasonably withheld.

(4) In this paragraph “navigation authority” means any person who has a duty or power under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock.

SCHEDULE 13

FOR THE PROTECTION OF SPECIFIED UNDERTAKERS

1.—(1) The following provisions, unless otherwise agreed in writing between the promoter and the undertakers concerned, have effect.

(2) The provisions of Schedule 12 (provisions relating to statutory undertakers etc.), in so far as they relate to the removal of apparatus, do not apply in relation to apparatus to which this Schedule applies.
2.—(1) In this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)) belonging to or maintained by that undertaker;

(b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;

(c) in the case of a water undertaker, any mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and

(d) in the case of a sewerage undertaker—

(i) any drain or works vested in the undertaker under the Water Industry Act 1991(b); and

(ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act, and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in”, in a context referring to apparatus or alternative apparatus in land, includes a reference to apparatus or alternative apparatus under, over or upon land; and

“undertaker” means—

(e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;

(f) a gas transporter within the meaning of Part 1 of the Gas Act 1986(c);

(g) a water undertaker within the meaning of the Water Industry Act 1991; and

(h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991, for the area of the authorised works, and in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained.

3. This Schedule does not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

4.—(1) Where any street is stopped up under article 8 (stopping up of streets), any undertaker whose apparatus is in the street has the same powers and rights in respect of that apparatus as it enjoyed immediately before the stopping up, but nothing in this paragraph affects any right of the promoter or of the undertaker to require the removal of that apparatus under paragraph 6(2) or the power of the promoter to carry out works under paragraph 8.

(2) The promoter must give not less than 28 days’ notice in writing of its intention to stop up any street under article 8 to any undertaker whose apparatus is in that street.

5. Regardless of any provision in this Order or anything shown on the deposited plans the promoter must not acquire any apparatus other than by agreement.

---

(a) 1989 c. 29.
(b) 1991 c. 56.
(c) 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by section 76 of the Utilities Act 2000 (c. 27).
6.—(1) If, in the exercise of the powers conferred by this Order, the promoter acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Schedule and any right of an undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the promoter requires the removal of any apparatus placed in that land, it must give to the undertaker in question written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus) the promoter must, subject to sub-paragraph (3), afford to the undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the promoter and for the subsequent maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the promoter, or the promoter is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker in question must, on receipt of a written notice to that effect from the promoter, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the promoter under this Schedule is to be constructed in such manner and in such line or situation as may be agreed between the undertaker in question and the promoter or in default of agreement settled by arbitration in accordance with article 51 (arbitration).

(5) The undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 51, and after the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the promoter to be removed under the provisions of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the promoter gives notice in writing to the undertaker in question that it desires itself to execute any work to which this sub-paragraph applies, that work, instead of being executed by the undertaker, must be executed by the promoter without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the undertaker.

(7) Sub-paragraph (6) applies to any part of any work necessary in connection with construction of alternative apparatus, or the removal of apparatus required to be removed, as will take place in any land of the promoter.

(8) Nothing in sub-paragraph (6) authorises the promoter to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

7.—(1) Where, in accordance with the provisions of this Schedule, the promoter affords to an undertaker facilities and rights for the construction and maintenance in land of the promoter of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the promoter and the undertaker in question or in default of agreement settled by arbitration in accordance with article 51 (arbitration).

(2) In settling those terms and conditions in respect of the alternative apparatus to be constructed in or along any railway, the arbitrator must—

(a) give effect to all reasonable requirements of the promoter for ensuring the safety and efficient operation of the railway and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the promoter or the traffic on the railway; and
(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed in or along the railway for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the promoter in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the promoter to that undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

8.—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 6(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the promoter under paragraph 6(2), the promoter must submit to the undertaker in question a plan, section and description of the works to be executed.

(2) Those works are to be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and an officer of the undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by the undertaker under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If an undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 6 and 7 apply as if the removal of the apparatus had been required by the promoter under paragraph 6(2).

(5) Nothing in this paragraph precludes the promoter from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description under sub-paragraph (1) are submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The promoter is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

9.—(1) Subject to the following provisions of this paragraph, the promoter must repay to an undertaker the reasonable expenses incurred by that undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 6(2).

(2) The value of any apparatus removed under the provisions of this Schedule is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Schedule—

(a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or

(b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was, and the placing of apparatus of that type or capacity or those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter or, in default of agreement, is not determined by arbitration in accordance with article 51 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Schedule
exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker in question by virtue of sub-paragraph (1), is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

(a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as placing of apparatus of greater dimensions than those of the existing apparatus; and

(b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to an undertaker in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

10.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any of the works referred to in paragraph 6(2), any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of an undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any undertaker, the promoter must—

(a) bear and pay the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and

(b) make reasonable compensation to that undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an undertaker, its officers, servants, contractors or agents.

(3) An undertaker must give the promoter reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of the promoter, which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

SCHEDULE 14

FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

1.—(1) The provisions of this Schedule, unless otherwise agreed in writing between the promoter and the operator, have effect.

(2) In this Schedule—

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system are to be construed in accordance with paragraph 1(3A) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communication code;
“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act(a);

“electronic communications code network” means—

(a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
(b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act; and

“operator” means the operator of an electronic communications code network.

2. The temporary stopping up or diversion of any street under article 9 (temporary stopping up of streets) does not affect any right of the operator under paragraph 9 of the electronic communications code to maintain any apparatus which, at the time of the stopping up or diversion, is in that street.

3.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised works or their construction, or of any subsidence resulting from any of those works—

(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works), or other property of an operator; or

(b) there is any interruption in the supply of the service provided by an operator, the promoter must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and must—

(i) make reasonable compensation to an operator for loss sustained by it; and

(ii) indemnify an operator against claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by, an operator by reason, or in consequence of, any such damage or interruption.

(2) Sub-paragraph (1) does not apply to—

(a) any apparatus in respect of which the relations between the promoter and an operator are regulated by the provisions of Part 3 of the 1991 Act; or

(b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised works.

(3) Nothing in sub-paragraph (1) imposes any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(4) The operator must give the promoter reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand may be made without the consent of the promoter which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(5) Any difference arising between the promoter and the operator under this Schedule is to be referred to and settled by arbitration under article 51 (arbitration).

(a) See section 106.
SCHEDULE 15

FOR THE PROTECTION OF THE BRITISH WATERWAYS BOARD

1. — (1) The following provisions of this Schedule, unless otherwise agreed in writing between the promoter and the Board, have effect.

(2) In this Schedule—

“construction”, in relation to any specified work or protective work, includes—

(a) the execution and placing of that work; and

(b) any replacing, relaying, removal, alteration, renewal, maintenance, repair or reconstruction of that work as may be carried out during the period of 12 months from the completion of the work;

and “construct” and “constructed” have corresponding meanings;

“detriment” means any damage to the relevant part of the waterway or any other property of the Board and, without limitation on the scope of that meaning, includes—

(a) the erosion of the bed or banks of the relevant part of the waterway, or the impairment of the stability of any works, lands or premises forming part of the relevant part of the waterway;

(b) the silting of the relevant part of the waterway or the deposit of materials in it so as to permanently damage the relevant part of the waterway;

(c) the pollution of the relevant part of the waterway;

(d) any permanent alteration in the water level of the relevant part of the waterway, or permanent interference with the supply of water to it, or drainage of water from it; and

(e) any permanent harm to the ecology of the relevant part of the waterway (including any permanent adverse impact on any site of special scientific interest comprised in the relevant part of the waterway).

“the engineer” means an engineer appointed by the Board for the purpose in question;

“plans” includes sections, designs, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction) and programmes;

“protective work” means a work which is reasonably necessary to be carried out before the commencement of construction of any specified work to prevent detriment;

“specified work” means so much of any of the authorised works as is situated upon, across under, over or within 15 metres of, or may directly and physically affect, the relevant part of the waterway.

2. The promoter must not under the powers conferred by this Order acquire compulsorily any land of the Board or any easement or other right over such land, other than such land or easements or other rights over such land, as is reasonably necessary for, or in connection with, the construction, maintenance or operation of the authorised works.

3. — (1) The promoter must not in the exercise of the powers conferred by this Order permanently obstruct or interfere with pedestrian or vehicular access to the relevant part of the waterway unless such permanent obstruction or interference with such access is with the consent of the Board.

(2) Nothing in article 13 (discharge of water) authorises the promoter—

(a) to discharge any water directly or indirectly into the relevant part of the waterway; or

(b) to carry out any works to, or make any opening in, or otherwise interfere with, the relevant part of the waterway (including the banks and bed thereof),

except with the consent of the Board and in accordance with plans approved by, and under the supervision (if given) of, the engineer.
(3) The promoter must not exercise the powers conferred by article 14 (protective works to buildings, roads and apparatus of a statutory undertaker) in relation to any building forming part of the relevant part of the waterway, or situated on land or property of the Board forming part of the relevant part of the waterway, unless such exercise is with the consent of the Board.

(4) The promoter must not exercise the powers conferred by article 15 (power to survey and investigate land) or the powers conferred by section 11(3) of the 1965 Act in relation to the relevant part of the waterway unless such exercise is with the consent of the Board.

(5) The promoter must not exercise the powers conferred by section 271 or 272 of the 1990 Act, as applied by Schedule 12 to this Order, so as to permanently divert any right of access to the relevant part of the waterway, but any such right of access may be permanently diverted with the consent of the Board.

(6) The consent of the Board under any of sub-paragraphs (1), (3), (4) and (5) and the approval of plans under sub-paragraph (2) must not be unreasonably withheld or delayed but may be given subject to reasonable conditions which in the case of article 13 (discharge of water) may include conditions—

(a) specifying the maximum volume of water which may be discharged in any period; and

(b) authorising the Board on giving reasonable notice (except in an emergency, when the Board may require immediate suspension) to the promoter to require the promoter to suspend the discharge of water or reduce the flow of water where this is necessary by reason of any operational requirement of the Board and where a reasonable alternative is available to enable the promoter to discharge the water in question during the period of the suspension.

4. The promoter must not use any land or property of the Board forming part of the relevant part of the waterway for the passage or siting of vehicles, plant or machinery employed in the construction of the specified work other than—

(a) with the consent in writing of the engineer whose consent must not be unreasonably withheld; and

(b) subject to compliance with such reasonable requirements as the engineer may from time to time specify—

(i) for the prevention of detriment; or

(ii) in order to avoid or reduce any inconvenience to the Board, its officers and agents and all other persons lawfully on such land or property.

5. If in consequence of or in connection with the exercise of the powers of this Order any part of a way over land forming part of the relevant part of the waterway or any public right of way giving access to the relevant part of the waterway (“the closed section”) is temporarily closed to persons on foot or on cycles and there is no way which provides a reasonable alternative, the promoter must to the reasonable satisfaction of the Board, provide in substitution as sufficient and convenient a way as is reasonably practicable between the points of commencement and termination of the closed section for such time as the closure continues.

6. Where so required by the engineer the promoter must, to the reasonable satisfaction of the engineer, fence off any specified work or protective work or take such other steps as the engineer may require to be taken for the purpose of separating a specified work or a protective work from the relevant part of the waterway, whether on a temporary or permanent basis or both.

7.—(1) Before the commencement of the initial construction of any part of the specified works and again following completion of the specified works the promoter must bear the reasonable costs of the carrying out, by a qualified surveyor or engineer (“the surveyor”) to be approved by the Board and the promoter, of surveys (“the surveys”) of so much of the relevant part of the waterway and of any land and existing works of the promoter which may provide support for the relevant part of the waterway as will or may be affected by the specified works.

(2) For the purposes of the surveys the promoter must—
(a) on being given reasonable notice (save in case of emergency, when immediate access must be afforded) afford reasonable facilities to the surveyor for access to the site of the specified works and to any land and existing works of the promoter which may provide support for the relevant part of the waterway as will or may be affected by the specified works; and

(b) supply the surveyor as soon as reasonably practicable with all such information as he may reasonably require with regard to such land and existing works of the promoter and to the specified works or the method of their construction.

(3) The reasonable costs of the surveys must include the costs of any dewatering or reduction of the water level of any part of the relevant part of the waterway (where reasonably required) which may be effected to facilitate the carrying out of the surveys and the provisions of this Schedule apply with all necessary modifications to any such dewatering or reduction in the water level as though the same were specified works.

(4) Copies of the reports of the surveys must be provided to both the Board and the promoter.

8. — (1) The promoter must, before commencing construction of any specified work, including any temporary works, supply to the Board proper and sufficient plans of that work and such further particulars available to it as the Board may within 14 days of the submission of the plans reasonably require for the approval of the engineer and must not commence such construction of any specified work until plans of that work have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) shall not be unreasonably withheld or delayed, and if within 56 days after such plans (including any other particulars reasonably required under sub-paragraph (1)) have been supplied to the Board the engineer has not intimated disapproval of those plans and the grounds of disapproval the engineer is deemed to have approved the plans as submitted.

(3) When signifying his approval of the plans the engineer may specify—

(a) any protective work (whether temporary or permanent); and

(b) such other requirements as may be reasonably necessary to prevent detriment,

and such protective work must be constructed by the Board or (if the Board so desires) by the promoter with all reasonable dispatch and the promoter must not commence the construction of any specified work until the engineer has notified the promoter that the protective work has been completed to the engineer’s reasonable satisfaction.

9. Without affecting its obligations under the provisions of this Schedule the promoter must consult the Board on—

(a) the design and appearance of the specified works, including the materials to be used for their construction; and

(b) the environmental effects of the specified works;

and must have regard to such views as may be expressed by the Board, to the extent that these accord with the requirements of the local planning authority in response to such consultation pursuant, in particular, to the requirements imposed on the Board by section 22 (general environmental and recreational duties) of the British Waterways Act 1995(a) and to the interest of the Board in preserving and enhancing the environment of the relevant part of the waterway.

10. The promoter must give to the engineer 56 days’ notice of its intention to commence the construction of any of the specified works or protective works, or, in the case of repair carried out in an emergency, such notice as may be reasonably practicable so that, in particular, the Board may where appropriate arrange for the publication of notices bringing those works to the attention of users of the relevant part of the waterway.

(a) 1995 c. i.
11. The promoter must provide and maintain at its own expense in the vicinity of any specified works or protective work such temporary lighting and such signal lights for the control of navigation as the engineer may reasonably require during the construction or failure of the specified work or protective work.

12.—(1) Any specified works must, when commenced, be constructed—

(a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled in accordance with this Schedule and with any requirements made under paragraph 8(3)(b);

(b) under the supervision (if given) and, in the case of any specified work which directly and physically affects the relevant part of the waterway, to the reasonable satisfaction of the engineer;

(c) in such manner as to cause as little detriment as is reasonably practicable; and

(d) in such manner as to cause as little inconvenience as is reasonably practicable to the Board, its officers and agents and all other persons lawfully using the relevant part of the waterway.

13.—(1) Any pile, stump or other obstruction which becomes exposed in consequence of the construction of a specified work must be removed by the promoter or, if it is not reasonably practicable to remove it, must be cut off at such level below the bed of the relevant part of the waterway as the Board may direct.

(2) If the promoter fails to remove any such pile, stump or other obstruction within 28 days after receipt of written notice from the Board requiring the removal, the Board may carry out the removal and recover its costs from the promoter.

14. The promoter must not in the course of constructing any specified work or protective work or otherwise in connection with the works do or permit anything which may result in the pollution of the relevant part of the waterway or the deposit of materials in it and must take such steps as the engineer may reasonably require to avoid or make good any breach of its obligations under this paragraph; but this provision does not prevent the promoter from carrying out works within the relevant part of the waterway.

15.—(1) The promoter must at all times on being given reasonable notice allow reasonable facilities to the engineer for access to any specified work during its construction; but such facilities for access are subject to the promoter’s reasonable requirements for ensuring the safety of the railway and of the engineer and other persons working on the railway.

(2) The promoter must supply the engineer with all such information as the engineer may reasonably require with regard to any specified work or the method of constructing it.

16.—(1) If during the construction of a specified work or during a period of 24 months after the completion of a specified work any alterations or additions, either permanent or temporary, to the relevant part of the waterway are reasonably necessary in consequence of the construction of the specified work in order to avoid detriment, and the Board gives to the promoter reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the promoter must pay to the Board the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by the Board in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If the cost of maintaining, working or renewing the relevant part of the waterway is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the promoter to the Board under this paragraph.

17.—(1) The promoter must, upon completion of any part of any permanent specified work, remove as soon as practicable any temporary works constructed and materials for temporary works placed in, on, over or under the relevant part of the waterway in connection with that part of the specified work.
(2) All temporary works must be removed to the reasonable satisfaction of the engineer, and in the construction, maintenance and removal of such works the promoter must not cause unavoidable detriment.

18. If at any time after the completion of a specified work, not being a work vested in the Board, the Board gives notice to the promoter informing it that the state of maintenance of the work appears to be such that the work is causing, or is likely to cause, detriment, the promoter must, on receipt of such notice, take such steps as may be reasonably necessary to put the work in such state of maintenance as not to cause such detriment.

19. Any additional expenses which the Board may reasonably incur in maintaining the relevant part of the waterway under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days’ previous notice of the commencement of such maintenance has been given to the promoter, be repaid by the promoter to the Board.

20. The promoter must repay to the Board all fees, costs, charges and expenses reasonably incurred by the Board—

(a) in constructing any protective works under the provisions of paragraph 8(3)(a) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;

(b) in respect of the approval by the engineer of plans submitted by the promoter and the supervision by the engineer of the construction or repair of any specified work and any protective work;

(c) in respect of the employment during the period of the initial construction of any specified work or protective work of any inspectors, watchkeepers and other persons whom it is reasonably necessary to appoint for inspecting, watching and lighting any part of the relevant part of the waterway and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of the specified work or any protective work; and

(d) in bringing the specified work or any protective work to the notice of users of the relevant part of the waterway.

21.—(1) If any detriment is caused by the construction or failure of any specified work or protective work, the promoter (if so required by the Board) must make good such detriment and must pay to the Board all reasonable expenses to which the Board may be put, and compensation for any loss which the Board may sustain, in making good or otherwise by reason of the detriment.

(2) The promoter is responsible for and must make good to the Board all costs, charges, damages, expenses and losses not otherwise provided for in this Schedule which may be occasioned to or reasonably incurred by the Board—

(a) by reason of the construction of any specified work or a protective work or the failure thereof; or

(b) by reason of any act or omission of the promoter or of any person in its employ or of its contractors or others whilst engaged upon the construction of any specified work or of a protective work,

and subject to sub-paragraph (4) the promoter must effectively indemnify and hold harmless the Board from and against all claims and demands arising out of any of the matters referred to in paragraphs (a) and (b).

(3) The fact that any act or thing may have been done by the Board on behalf of the promoter or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer’s supervision or in accordance with any directions or awards of an arbitrator does not (if it was done without negligence on the part of the Board or of any person in its employ or of its contractors or agents) excuse the promoter from any liability under the provisions of this paragraph.
(4) The Board must give the promoter reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand is to be made without the prior consent of the promoter.

22. Where under any provision of this Schedule the Board or the promoter (as the case may be) is entitled to a capitalised sum, it must provide such details of the formula by which the sum is calculated as may reasonably be requested by the party required to pay the sum.

23. Except as provided by this Order, nothing in this Order is to prejudice or derogate from the estates, rights, interests, privileges, liberties or franchises of the Board or alter or diminish any power, authority or jurisdiction vested in the Board at the making of this Order.

24. Any difference arising between the promoter and the Board under this Schedule (other than a difference as to the meaning or construction of this Schedule) is to be referred to and settled by arbitration in accordance with article 51 (arbitration)

SCHEDULE 16

FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

1.—(1) The following provisions of this Schedule, unless otherwise agreed in writing between the promoter and the Agency, have effect.

(2) In this Schedule—

“the Agency” means the Environment Agency;

“construction” includes execution, placing, altering, replacing, relaying and removal and “construct” and “constructed” are construed accordingly;

“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring;

“the fishery” means the relevant part of the waterway containing fish and the spawn, habitat or food of such fish;

“plans” includes sections, drawings, specifications and method statements; and

“specified work” means so much of any work or operation authorised by this Order as is in, on, under or within 16 metres of a drainage work or is otherwise likely to—

(a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;

(b) affect the flow, purity or quality of water in any watercourse or other surface waters or ground water;

(c) cause obstruction to the free passage of fish or damage to any fishery; or

(d) affect the conservation, distribution or use of water resources.

2.—(1) Before beginning to construct any specified work, the promoter must submit to the Agency plans of the specified work and such further particulars available to it as the Agency may within 28 days of the submission of the plans reasonably require.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the Agency, or determined under paragraph 13.

(3) Any approval of the Agency required under this paragraph—

(a) must not be unreasonably withheld;

(b) shall be deemed to have been given if it is neither given nor refused within 2 months of the submission of the plans for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal; and
may be given subject to such reasonable requirements as the Agency may make for the protection of any drainage work or the fishery or for the protection of water resources, or for the prevention of flooding or pollution or in the discharge of its environmental duties.

(4) The Agency must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

3. Without limitation on the scope of paragraph 2, the requirements which the Agency may make under that paragraph include conditions requiring the promoter at its own expense to construct such protective works, whether temporary or permanent, during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

(a) to safeguard any drainage work against damage; or
(b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased,

by reason of any specified work.

4.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the Agency under paragraph 3, must be constructed—

(a) without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Schedule; and
(b) to the reasonable satisfaction of the Agency,

and an officer of the Agency is entitled to watch and inspect the construction of such works.

(2) The promoter must give to the Agency not less than 14 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its completion not later than 7 days after the date on which it is brought into use.

(3) If any part of a specified work or any protective work required by the Agency is constructed otherwise than in accordance with the requirements of this Schedule, the Agency may by notice in writing require the promoter at the promoter's own expense to comply with the requirements of this Schedule or (if the promoter so elects and the Agency in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the Agency reasonably requires.

(4) Subject to sub-paragraph (5) and paragraph 8, if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon the promoter, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the Agency may execute the works specified in the notice and any expenditure incurred by it in so doing is recoverable from the promoter.

(5) In the event of any dispute as to whether sub-paragraph (3) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the Agency must not except in emergency exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined.

5.—(1) Subject to the provisions of this Schedule and except to the extent that the Agency or another person is liable to maintain any such work and is not precluded by the exercise of the powers conferred by this Order from so doing, the promoter must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation or on land held by the promoter for the purposes of or in connection with the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any such drainage work which the promoter is liable to maintain is not maintained to the reasonable satisfaction of the Agency, the Agency may by notice in writing require the promoter to repair and restore the work, or any part of such work, or (if the promoter so elects and the
Agency in writing consents, such consent not to be unreasonably withheld or delayed), to remove
the work and restore the site to its former condition, to such extent and within such limits as the
Agency reasonably requires.

(3) Subject to paragraph 8, if, within a reasonable period being not less than 28 days beginning
with the date on which a notice in respect of any drainage work is served under sub-paragraph (2)
on the promoter, the promoter has failed to begin taking steps to comply with the reasonable
requirements of the notice and has not subsequently made reasonably expeditious progress
towards their implementation, the Agency may do what is necessary for such compliance and may
recover any expenditure reasonably incurred by it in so doing from the promoter.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served
under sub-paragraph (2), the Agency must not except in a case of emergency exercise the powers
conferred by sub-paragraph (3) until the dispute has been finally determined.

6. Subject to paragraph 8, if by reason of the construction of any specified work or of the failure
of any such work the efficiency of any drainage work for flood defence purposes is impaired, or
that drainage work is otherwise damaged, such impairment or damage must be made good by the
promoter to the reasonable satisfaction of the Agency and if the promoter fails to do so, the
Agency may make good the impairment or damage and recover from the promoter the expense
reasonably incurred by it in doing so.

7.—(1) The promoter must take all such measures as may be reasonably practicable to prevent
any interruption of the free passage of fish in the fishery during the construction of any specified
work.

(2) If by reason of—
   (a) the construction of any specified work; or
   (b) the failure of any such work,
damage to the fishery is caused, or the Agency has reason to expect that such damage may be
caused, the Agency may serve notice on the promoter requiring it to take such steps as may be
reasonably practicable to make good the damage, or, as the case may be, to protect the fishery
against such damage.

(3) Subject to paragraph 8, if within such time as may be reasonably practicable for that purpose
after the receipt of written notice from the Agency of any damage or expected damage to a fishery,
the promoter fails to take such steps as are described in sub-paragraph (2), the Agency may take
those steps and may recover from the promoter the expense reasonably incurred by it in doing so.

(4) Subject to paragraph 8, in any case where immediate action by the Agency is reasonably
required in order to secure that the risk of damage to the fishery is avoided or reduced, the Agency
may take such steps as are reasonable for the purpose, and may recover from the promoter the
reasonable cost of so doing provided that notice specifying those steps is served on the promoter
as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps
specified in the notice.

8. Nothing in paragraphs 4(4), 5(3), 6, 7(3) and (4) authorises the Agency to execute works on
or affecting the authorised works.

9. The promoter must indemnify the Agency in respect of all costs, charges and expenses which
the Agency may reasonably incur or have to pay or which it may sustain—
   (a) in the examination or approval of plans under this Schedule; and
   (b) in the inspection of the construction of the specified works or any protective works
required by the Agency under this Schedule.

10.—(1) Without affecting the other provisions of this Schedule, the promoter must indemnify
the Agency from all claims, demands, proceedings, costs, damages, expenses or loss, which may
be made or taken against, recovered from, or incurred by, the Agency by reason of—
   (a) any damage to any drainage work so as to impair its efficiency for the purposes of flood
defence;
(b) any damage to the fishery;
(c) any raising or lowering of the water table in land adjoining the authorised works or any sewers, drains and watercourses;
(d) any flooding or increased flooding of any such lands; or
(e) inadequate water quality in any watercourse or other surface waters or in any groundwater,

which is caused by the construction of any of the specified works or any act or omission of the promoter, its contractors, agents or employees whilst engaged upon the work.

(2) The Agency must give to the promoter reasonable notice of any such claim or demand and no settlement or compromise may be made without the agreement of the promoter which agreement must not be unreasonably withheld or delayed.

11. The fact that any work or thing has been executed or done by the promoter in accordance with a plan approved or deemed to be approved by the Agency, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the promoter from any liability under the provisions of this Schedule.

12. For the purposes of Chapter 2 of Part 2 of the Water Resources Act 1991(a) (abstraction and impounding of water), section 109 of that Act (as to structures in, over or under watercourses) and Part 4 of the Eels (England and Wales) Regulations 2009 (passage of eels)(b) as applying to the construction of any specified work, any consent or approval given or deemed to be given by the Agency under this Schedule with respect to such construction is deemed also to constitute a licence under that Chapter to obstruct or impede the flow of inland waters at that point by means of impounding works, to constitute a consent or approval under section 109 and to discharge any liability on the promoter to carry out anything under Regulation 14 of Part 4 of the Eels (England and Wales) Regulations 2009, as the case may be.

13. Any dispute arising between the promoter and the Agency under this Schedule, if the parties agree, is to be determined by arbitration under article 51 (arbitration), but otherwise is to be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly on a reference to them by the promoter or the Agency, after notice in writing by one to the other.

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(a) 1991 c.57.
(b) S.I. 2009/3344
EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises West Yorkshire Passenger Transport Executive (Metro) and Network Rail Infrastructure Limited together (referred to in this Order as the promoter) to construct and operate an extension of Leeds Railway Station consisting of a new station entrance constructed over the Aire and Calder Navigation to the south of Leeds Railway Station. For these purposes the Order confers powers, compulsorily or by agreement, to acquire land and rights in land to use land. The Order also contains a number of protective provisions for the benefit of the protected undertakers.

The Order also makes provision for miscellaneous ancillary matters including the power to execute street works, extinguish rights of navigation in part of the Aire and Calder Navigation, the temporary stopping up of part of the Aire and Calder Navigation, the carrying out of alterations to the highway and the introduction of measures to regulate the traffic on streets in the vicinity of the proposed works.

A copy of the works and land plans, the Book of Reference, and the Traffic Regulation and Rights of Way plan mentioned in this Order and certified in accordance with article 48 (certification of plans, etc.) of this Order, may be inspected free of charge during working hours of the offices of Metro at [ ] and at the offices of Network Rail Infrastructure Limited at [ ].
201[X] No. [X]

TRANSPORT AND WORKS, ENGLAND

TRANSPORT ENGLAND

The Leeds Railway Station (Southern Entrance) Order 201[X]

Made - - - - 201[X]

Coming into force - - 201[X]

EVERSHEDS LLP
One Wood Street
London EC2V 7WS

Solicitors and Parliamentary Agents
THE LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER

Explanatory Memorandum

This memorandum explains the purpose and effect of each article and schedule in the draft Order, as required by Rule 10(2)(b) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

Application for the Order has been made by West Yorkshire Passenger Transport Executive and Network Rail Infrastructure Limited ("the promoter"). The Order would confer powers on the promoter to construct a new station entrance on the southern boundary of Leeds Railway Station. The new entrance will be constructed on piers sunk into the bed of the Aire and Calder Navigation.

The Order authorises the acquisition and use of land for the purposes of the works and confers powers in connection with the construction and operation of the new station entrance.

The draft Order is based on the Transport and Works (Model Clauses for Railways and Tramways) Order 2006 ("the model clauses"), but on occasion it departs from them. Where there is a significant departure from the model clauses, an explanation is provided below.

PART 1
PRELIMINARY

Preliminary provisions

Article 1 (Citation and commencement) provides for the commencement and citation of the Order.

Article 2 (Interpretation) contains provisions for the interpretation of words and phrases used in the Order.

Article 3 (Application of the 1991 Act) provides for the application of the New Roads and Street Works Act 1991. Article 3(2) is not a Model Clause but is well precedented eg the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation)

1 S.I. 2006/1466.
3 1991 c.22.
Order 2007\(^4\). The effect of the amendment is to increase the number of provisions contained in the New Road and Street Works Act 1991 which are not to have effect in relation to the powers exercisable under the terms of this Order.

**PART 2**

**WORKS PROVISIONS**

**Principal Powers**

*Article 4 (Power to construct and maintain works)* authorises the construction and maintenance of the principal works proposed (“the scheduled works”) which are described in Schedule 1 to the Order and shown on the plans and sections deposited in connection with the application. Article 4(3) and (4) authorises the construction of the works described in Schedules 2, 9 and 10. Article 4 also provides for the construction and maintenance of works necessary or expedient for the purposes of the authorised works. These ancillary works are specified in paragraph (4) and include, in an extension to the model clauses, descriptions of types of works which it is envisaged are likely to be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works. The carrying out or maintenance of works outside the limits of deviation may be done only on land which is within the Order limits.

Article 4 also makes provision for the disapplication of certain provisions relating to the construction of works in that part of the Aire and Calder Navigation identified within the limits shown on the deposited plans. Each of the enactments listed under article 4(7) make provision for consenting mechanisms to be established for particular work proposals. The promoter considers that it is unnecessary for separate consents to be obtained in circumstances where this Order confers all necessary powers to construct and maintain works in and above the Aire and Calder Navigation. Article 4(7) is subject to a schedule of protective provisions inserted into Schedule 16 of the Order for the protection of the Environment Agency and paragraph 12 provides that a consent or approval given or deemed to be given by the Environment Agency under Schedule 16 shall be deemed to constitute a licence or approval for the purposes of each of those enactments listed in article 4(7) of the Order.

Article 4 enables the promoter to carry out and maintain (within the limits of deviation for the scheduled works or the limits of land to be acquired or used) landscaping and other works to mitigate the effects of construction, maintenance or operation as well as works which are for the benefit or protection of land. Such provision is commonly included in Orders authorising railways, for instance in article 5 of the Network Rail (Thameslink 2000) Order 2006\(^5\).

*Article 5 (Power to deviate)* provides for limits within which the promoter can deviate in the construction and maintenance of the proposed works.

*Streets*

*Article 6 (Power to execute street works)* confers authority on the promoter to interfere with, and execute works in or under, specified streets within the limits of deviation for the scheduled works and the limits of land to be acquired or used for the purposes of the other works proposed to be authorised by the Order. This article also authorises the promoter to place apparatus in streets for the purposes of or in connection with the construction, maintenance and use of the works. This provision is not included within the

\(^4\) S.I. 2007/2297.

\(^5\) S.I. 2006/3117.
model clauses but a precedent is provided by article 7 of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007.

**Article 7** *(Power to alter layout, etc, of streets)* would permit the promoter to alter the layout of streets in order to accommodate the authorised works. This article provides for (i) the altering of the width of any kerb, footway or verge within the relevant streets and (ii) the carrying out of works for the provision, alteration or removal of parking place, loading bays, and (iii) traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999 and which are carried out in compliance with those regulations. These provisions are required in order adequately to carry out required works in specified streets and is precedent in article 7 of the Nottingham Express Transit System Order 2009. Alterations proposed to be carried out under article 7(1) and which are specified in Schedule 4 to the Order do not require the consent of the local traffic authority. Alterations proposed to be carried out under article 7(2) require the consent of the local traffic authority.

**Article 8** *(Stopping up of streets)* provides for the permanent stopping up of certain streets identified in Schedule 5. Article 8(2) prevents any stopping up of those streets identified in Schedule 5 unless one of the conditions specified in article 8(2) applies. Article 8(3) provides for the payment of compensation.

**Article 9** *(Temporary stopping up of streets)* provides for the temporary stopping up of streets. Where the street is specified in Schedule 6, the promoter must consult the relevant street authority. If the promoter wishes temporarily to stop up streets which are not so specified in Schedule 6, it will need to obtain the consent of the relevant street authority. A street authority which fails to respond to an application for consent within 28 days of the application being made is deemed to have given its consent.

**Article 10** *(Access to works)* confers the power to form and lay out means of access or to improve means of access to streets within the limits of deviation for the scheduled works and the limits of land to be acquired or used at the points marked on the deposited plans. Such power may be exercised without the approval of the highway authority. In respect of locations within the limits of deviation, but which are not marked on the deposited plans, the promoter’s exercise of powers to provide or improve existing access must be approved by the highway authority, such approval not to be unreasonably withheld.

**Article 11** *(Construction and maintenance of new or altered streets)* makes provision for any new highway (other than any streets which are intended to be private streets to be completed to the reasonable satisfaction of the highway authority and unless otherwise agreed, for its maintenance by the promoter for a period of 12 months. It further provides that in relation to a street alteration or diversion, either of which must also be completed to the street authority’s satisfaction, the altered or diverted part of the street only shall be maintained by the promoter for a period of 12 months unless otherwise agreed.

**Article 12** *(Agreements with street authorities)* authorises the promoter to enter into agreements with street authorities relating to the construction of new streets, works in or affecting streets and the stopping up, alteration and diversion of streets.

**Supplemental Powers**

**Article 13** *(Discharge of water)* enables the promoter to discharge water into any watercourse, public sewer or drain in connection with the construction and maintenance of the proposed works with the approval and (if provided) superintendence of the
authority to which the watercourse, public sewer or drain belongs (such approval not to be unreasonably withheld) and subject to other conditions. A relevant authority which fails to respond to an application for consent within 28 days of the application being made is deemed to have given its consent.

**Article 14 (Protective works to buildings, roads or apparatus of a statutory undertaker)** permits the promoter to carry out certain protective works before, during or after construction of the authorised works (up to a period of 5 years after that part of the authorised works is opened for use) to buildings, roads or apparatus of a statutory undertaker which may be affected by the works. Provision is made for certain restrictions and the payment of compensation. This article is not in the same form as the model clause but is based upon article 20 of the draft Chiltern Railways (Bicester to Oxford Improvements) Order.

**Article 15 (Power to survey and investigate land)** confers upon the promoter power to survey and investigate land and to make trial holes after notifying the owners and occupiers of land. It includes provision for payment of compensation. Approval (which may not be unreasonably withheld) for the making of trial holes is required, in the case of a carriageway or footway from the highway authority, or in the case of a private street, from the street authority. A highway or street authority which fails to respond to an application for consent within 14 days of the application being made is deemed to have given its consent.

**Article 16 (Temporary closure of, and works in the Aire and Calder Navigation)** confers upon the promoter power to temporarily close and dewater part of the Aire and Calder Navigation within the Order limits for the purposes of the construction of the authorised works. This provision is not within the model clauses but follows provisions such as article 18 of the Network Rail (West Coast Mainline Order) Order 20037.

**Article 17 (Extinguishment of navigation rights etc. in the Aire and Calder Navigation)** extinguishes public and private rights of navigation within that part of the Aire and Calder Navigation which is adversely affected by the construction, use and maintenance of the proposed works. Paragraph (2) makes provision for the payment of compensation. This provision is based upon precedents such as article 36 of the Barking Barrage Order 1995.

**Article 18 (Navigation etc. in vicinity of scheduled works)** establishes a defined protective zone in the vicinity of the schedule works to protect the structure and integrity of the building comprised within the schedule works. Paragraph (2) creates an offence punishable by fine not exceeding Level 3 on the Standard Scale. This provision is based upon precedents such as article 36 of the Barking Barrage Order 1995.

**Article 19 (Removal of vessels)** confers power upon the promoter by notice to remove vessels which are sunk, stranded or abandoned or otherwise left in parts of the Aire and Calder Navigation. Paragraph (1) also authorises the promoter to remove, store or dispose of any vessel so found. Paragraph (2) provides that the exercise of the power conferred by paragraph (1) is subject to the taking of such action by the British Waterways Board to the extent that they are empowered so to do to deal with any sunken, stranded or abandoned vessels. Paragraph (3) makes provision for removal in an emergency. Paragraph (4) makes provision for the notification of the owner of a vessel with regard to the proposed removal, storage or disposal of a vessel. Paragraph (5) makes provision for the promoter to recover costs from the owner of any such vessel associated with recovering and disposing of a vessel. This provision is based upon precedents such as article 37 of the Barking Barrage Order 1995.

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7 S.I. 2003/1075.
Article 20 (Arbitration in respect of removal of vessels) provides for any person served with a notice by the promoter under article 19(1) to dispute that notice by reference to an arbitration conducted under article 51 of the Order (Arbitration).

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Part 3 of the Order contains provisions for the compulsory acquisition of land and rights in land and for the temporary possession of land for the purposes of, or in connection with, the authorised works. It further provides for the payment of compensation.

Article 21 (Power to acquire land) confers on the promoter powers of compulsory acquisition of land within the limits of deviation and identified on the deposited plans and described in the book of reference, for or in connection with the authorised works. It also authorises the compulsory acquisition of land specified in Schedule 2 for the purpose specified in that Schedule. It also provides for any land so acquired to be used for other purposes connected with or ancillary to the promoters statutory undertaking.


Article 23 (Application of the Compulsory Purchase (Vesting Declarations) Act 1981) provides for the Order to apply as if it were a compulsory purchase order for the purposes of the Compulsory Purchase (Vesting Declarations) Act 1981 and provides for that Act to have effect subject to certain modifications. It gives the promoter the option to acquire land by this method rather than through the notice to treat procedure.

Article 24 (Power to acquire new rights) makes ancillary provision where rights over land are required. In an extension to the model clauses, article 25 enables the promoter to impose restrictive covenants over land within the limits of deviation rather than acquiring it. The provision is made because the promoter may need to impose restrictions for the protection of the scheduled works in respect of development that may be carried out on land near to the scheduled works. Schedule 8, which is introduced by article 25, makes modifications of relevant enactments concerning compensation and compulsory powers in relation to such acquisitions.

Article 25 (New rights only to be acquired in certain lands) provides for the promoter only to acquired specified rights over certain land identified in Schedule 9 to the Order. Article 25(1)(a) and (b) identify the purposes for which the powers may be exercised.

Article 26 (Rights under or over streets) permits the promoter to appropriate and use a street within the limits of deviation for the scheduled works and the limits of land to be acquired or used without being required to acquire any part of the street or any easement or right in it. Provision is made for the payment of compensation.

Temporary possession of land

Article 27 (Temporary use of land for construction of works) enables the promoter, in connection with the carrying out of the authorised works, to take temporary possession of (i) land listed in Schedule 9 and (ii) land within the scope of paragraph (1)(a)(ii) which is subject to compulsory acquisition under the Order provided the compulsory acquisition

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8 1965 c.56.
9 1981 c.66.
process has not begun in relation to it. Paragraph (1)(a)(ii) is an addition to the model clauses. It follows the approach adopted in a number of recent Orders (eg article 26 of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007\textsuperscript{10}. It allows greater flexibility in the event that following detailed design of the works it is decided that only temporary occupation rather than permanent acquisition of land is required. In respect of certain specified plots of land the power of temporary occupation and use is limited to the airspace above the buildings located on the land to allow for crane oversailing, required in connection with the construction of the station building. This is provided for in article 27(3) of the Order.

**Article 28** (Temporary use of land for maintenance of works) provides for the promoter to take temporary possession of the land within the Order limits (other than that consisting of a house, garden or occupied building) for the purpose of maintaining the authorised or ancillary works in the five years following the opening of the railway. The promoter may construct temporary works and buildings on such land if they are reasonably required for the maintenance of the authorised or ancillary works.

*Compensation*

**Article 29** (Disregard of certain interests and improvements) provides that in assessing the compensation payable in respect of compulsory acquisition the Upper Tribunal shall disregard any interest in land or any enhancement of an interest in land caused by improvements which they are satisfied were created or undertaken with a view to obtaining compensation or increased compensation.

**Article 30** (Set-off for enhancement in value of retained land) provides that, in assessing the compensation payable to any person in respect of the acquisition of any land or new rights over land, the Upper Tribunal shall set off against the value of the land any increase in value of any contiguous or adjacent land belonging to that person arising out of the construction of the authorised works.

*Supplementary*

**Article 31** (Acquisition of part of certain properties) provides an alternative procedure where the promoter acquire compulsorily part only of certain types of properties subject to the right of the owner to require the whole of the property to be acquired, if part cannot be taken without material detriment to the remainder. This replaces section 8(1) of the Compulsory Purchase Act 1965.

**Article 32** (Extinction or suspension of private rights of way) provides for the extinguishment of private rights of way over land compulsorily acquired, and the suspension of private rights of way in respect of land temporarily occupied and for payment of compensation.

In addition to the provisions of the model clauses, paragraph (6) of this article provides for the promoter to exclude the application of any or all of the provisions of this article and to enter into agreements making contrary provision. Such provision has precedent, for example article 30 of the Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2012. That precedent has been adapted so that restrictions on powers to extinguish or suspend private rights of way in agreements are only effective if such agreements are made in contemplation of the Order.

**Article 33** Time limit for exercise of powers of acquisition) imposes a time limit of five years from the coming into force of this Order for the exercise of powers of compulsory acquisition.

\textsuperscript{10} S.I. 2007/2297.
acquisition of land and the temporary occupation of land under article 27 (temporary use of land for construction of works).

PART 4
MISCELLANEOUS AND GENERAL

Article 34 (Planning permission and supplementary matters) modifies planning legislation in respect of the application of Tree Preservation Orders and as to the treatment of land as operational land.

Article 35 (Power to lop trees overhanging the authorised works) enables the promoter to fell or lop trees and shrubs for the purposes of preventing obstruction or interference with the authorised works and danger to passengers and users. Provision is included for compensation.

Article 36 (Application of landlord and tenant law) overrides the application of landlord and tenant law insofar as it may prejudice agreements for the operation etc., of the authorised works.

Article 37 (Obstruction of construction of authorised works) makes it a criminal offence without reasonable cause to obstruct the construction of the authorised works and to interfere with the promoter’s apparatus.

Article 38 (Traffic signs) authorises the promoter to place and maintain traffic signs for the purposes of the authorised works and makes provision requiring the promoter to consult with and to enter into arrangements with the traffic authority for this purpose. It also modifies the Road Traffic Regulation Act 1984 to have application to the authorised works. This article is based upon a precedented provision contained in article 49 of the Nottingham Express Transit System Order 2009.

Article 39 (Traffic regulation) authorises the promoter to prohibit, restrict the parking or waiting of vehicles in those parts of those streets specified in Schedule 11 to the Order and to introduce other controls on specified streets. The article also authorises the revocation of any traffic regulation order in force in so far as it is inconsistent with any such prohibition or restriction. The power is subject to the consent of the relevant traffic authority and the giving of notice prior to exercising the powers in accordance with paragraph (5). This article is based upon a precedented provision contained in article 50 of the Nottingham Express Transit System Order 2009.

Article 40 (Defence to proceedings in respect of statutory nuisance) provides the promoter with a defence to a claim in statutory nuisance brought under section 82(1) of the Environmental Protection Act 1990 if it can show that works are being carried out in accordance with a notice served under section 60, or a consent given under section 61 or 65 of the Control of Pollution Act 1974, or that the nuisance complained of is a consequence of the operation of the works authorised by the Order and that it cannot reasonable be avoided. Article 41 of the Network Rail (Hitchin (Cambridge Junction)) Order 2011 is a precedent.

Article 41 (Trespass) makes it a criminal offence for anyone to trespass on any land being occupied by the promoter for the purpose of constructing the new station entrance. This article does not follow the corresponding model clause which extends the offence to the authorised railway. Once constructed the station building will be subject to Network

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11 1990 c.43.
12 1974 c.40.
13 S.I. 2011/1072.
Rail’s byelaws. Accordingly, the article can be confined to the land used for the construction of the scheduled works.

**Article 42 (Disclosure of confidential information)** makes disclosure of certain confidential information obtained upon entry to certain premises under article 14 or article 15 a criminal offence.

**Article 43 (Statutory undertakers etc.)** introduces Schedule 11 to the Order which contains specific safeguards for statutory undertakers.

**Article 44 (For the protection of specified undertakers)** introduces Schedule 12 which contains detailed protection for gas, electricity, water and sewerage undertakers in relation to the authorised works.

**Article 45 (For the protection of operators of electronic communications code networks)** introduces Schedule 13 which contains detailed protection for the operators of electronic communications code networks in relation to the authorised works.

**Article 46 (For the protection of the British Waterways Board)** introduces Schedule 14 which contains detailed protection for the British Waterways Board in relation to the authorised works.

**Article 47 (For protection of the Environment Agency)** introduces Schedule 15 which contains detailed protection for the Environment Agency in relation to the authorised works.

**Article 48 (Certification of plans etc.)** requires the promoter to submit the book of reference, the deposited plans, and the deposited sections to the Secretary of State for certification after the making of this Order.

**Article 49 Service of notices** makes provision as to the service of notices or other documents for the purposes of the Order.

**Article 50 (No double recovery)** prevents compensation being payable in respect of the same matter both under the Order and under any other enactment, contract or rule of law.

**Article 51 (Arbitration)** makes provision for differences arising under any provision of this Order to be determined by arbitration.
DEPARTMENT FOR TRANSPORT
2012
Rule 10(2)(b)

Transport and Works Act 1992

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

THE LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER

Explanatory Memorandum

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Solicitors and Parliamentary Agents
CONCISE STATEMENT OF AIMS
UNDER RULE 10(2)(c)

Introduction
The purpose of this application is to provide the West Yorkshire Passenger Transport Executive with the powers to authorise the construction of a new Leeds station southern entrance. Leeds Station is located on a brick viaduct in the centre of the city. The line is served by local and national services from the east and west of the station.

Brief Description of the Proposals
Leeds Station is the second busiest station outside London, used by circa 36 million passengers a year. It is owned and managed by Network Rail. The area to the south of the station has seen substantial growth and regeneration over the past 10 years. Major new office accommodation such as Bridgewater Place has been created, as well as new residential and leisure facilities including the Mint Hotel. The new developments have created demand for a new entrance from the railway station linking directly with the new developments to the south of Leeds. Up to 20% of Leeds Rail station passengers would benefit from the new entrance.

The Leeds Station Southern Entrance scheme comprises a concourse deck over the Aire and Calder Navigation within a visually iconic enclosed building. Open link span bridges will provide direct stepped access from this concourse to the east and west banks of the river. The concourse also extends back through the span of the station viaduct to link with a further bridge running parallel to Dark Neville Street and this access point provides step free access. From the concourse, access to the station footbridge is provided by steps, escalators and lift. At the station footbridge level the widened bridge provides an upper concourse with customer information screens, potential ticket office, ticket vending machines and automated ticket barriers. Once built, the asset will be owned by Network Rail.

An outline design (GRIP4) was completed in May 2009 and Full Planning Permission was granted in May 2010. In February 2011, the DfT re-awarded LSSE „Programme Entry Approval“, the first stage in the Government’s Major Scheme approval process. In May 2011, Metro approved the third Local Transport Plan (LTP3), which included the approval of funding for the LSSE development costs.
Use of Transport and Works Act Order

In June 2011, the Department for Transport (“DfT”) confirmed that in order to authorise the construction and maintenance of the scheme, an application could be submitted for an order under the Transport and Works Act 1992 (“the 1992 Act”). Accordingly, an application has been prepared to be submitted to the Secretary of State for an order under sections 1 and 3 of the 1992 Act.

An order is required under sections 1 and 3 of the 1992 Act to authorise:-

a) The construction and maintenance of a new station entrance at Leeds Railway Station;

b) The carrying out of works in the Aire and Calder Navigation adjacent to the southern boundary of Leeds Railway Station and associated with a) above;

c) The carrying out of other works and the exercise of powers required in connection with or ancillary to the matters set out in items a) and b) above; and

d) The acquisition of land and rights over land required in connection with items a), b) and c) above.

The application is being promoted jointly by Metro and Network Rail Infrastructure Limited. In addition, a request for a direction as to deemed planning permission will also be submitted to the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990. An application for conservation area consent is also being submitted in respect of works proposed to be undertaken at Water Lane, Leeds as part of the overall scheme.

It is intended that an application for an order will be submitted to the Secretary of State in Spring 2012.

Key Objectives

The following scheme objectives were derived as part of the major scheme business case application for funding. They are the current scheme objectives.

- Improve access to Leeds by sustainable means;
- Maximise growth of the Leeds economy by enhancing its competitive position and facilitating future employment and population growth;
- Support and facilitate the sustainable growth of Leeds, in particular to the South, recognising the importance of its city centre to the future economy of the Leeds City Region;
- To minimise journey times accessing Leeds Station to/from the south;
- To meet existing and future passenger flow requirements to the south of Leeds Station; and
- To ensure the current passenger flows within the station are maintained or improved.
Transport and Works Act 1992

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

THE LEEDS STATION (SOUTHERN ENTRANCE) ORDER

Concise Statement of Aims (required by Rule 10(2)(c))

West Yorkshire Passenger Transport Executive
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Leeds LS1 2DE

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90 York Way
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London EC2V 7WS

Solicitors and Parliamentary Agents
THE TRANSPORT AND WORKS ACT 1992

THE TRANSPORT AND WORKS (APPLICATION AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006

THE LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER

STATEMENT OF CONSULTATION UNDER RULE 10(2) (d)
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1. **Introduction**

1.1 The West Yorkshire Passenger Transport Executive (WYPTE) and Network Rail Infrastructure Limited (Network Rail) are making an application to the Secretary of State for a draft Order under the Transport and Works Act 1992 to provide powers for the introduction of a new southern entrance to the Leeds Station.

2. **Brief description of the scheme**

2.1 Leeds Station is located on a brick viaduct crossing the River Aire in the centre of the city. The Station is served by local and national rail services from the east and west of the station.

2.2 Leeds Station is the second busiest station in England outside London, used by circa 36million passengers a year. It is owned and managed by Network Rail. The area to the south of the station has seen substantial growth and regeneration over the past 10 years. Major new office developments such as Bridgewater Place have been created, as well as new residential and leisure facilities including the Double Tree by Hilton Hotel. The new developments have created demand for a new entrance from the railway station linking directly with the new developments to the south of Leeds. Around 20% of Leeds Rail station passengers would benefit from the new entrance.

2.3 The Leeds Station Southern Entrance (LSSE) scheme comprises a concourse deck over the River Aire within a visually iconic enclosed building. Open link span bridges will provide direct stepped access from this concourse to the east and west banks of the river. The concourse also extends back through the span of the station viaduct to link with a further bridge running parallel to Dark Neville Street and this access point provides step free access. From the concourse, access to the station footbridge is provided by steps, escalators and a lift. At the
station footbridge level the widened bridge provides an upper concourse with customer information screens, potential ticket office, ticket vending machines and automated ticket barriers.

2.4 LSSE is jointly promoted by Metro and Network Rail. Once built the asset will be owned and operated by Network Rail.

3. **The Need for consultation**

3.1 Metro and Network Rail have undertaken consultations about the scheme to ensure that all those who have a view on the proposals have had the opportunity to express their views. Stakeholder groups were contacted at an early stage and every effort has been made to continue to build and maintain dialogue throughout the development of the scheme.

3.2 The principal objectives of consultation with stakeholders and consultees were to:

- Make information readily available and shared with those who might be affected by or interested in proposals;
- Give stakeholders the opportunity to comment;
- Give members of the general public the opportunity to comment;
- Gather feedback from comments received for consideration in final design proposals where improvements may be incorporated; and
- Create an environment for continuing engagement.

3.3 The consultation for LSSE has been undertaken in two distinct stages:

- Stage One – pre DfT Programme Entry Approval; and
- Stage Two – post DfT Programme Entry Approval.

**FIGURE 1 – Overview of Consultation for LSSE**

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- Stage One Consultation
- Submission of Planning Application
- Submission of Major Scheme Business Case
- DfT Programme Entry Approval
- Project Paused
- DfT Programme Entry Re-Approval
- Prioritised in West Yorkshire Local Transport Plan 3
- Stage Two Consultation
- Submission of TWAO
4. **Stage One Consultation – 2009**

4.1 Stage one consultation was undertaken by Metro and Network Rail during summer 2009. The purpose of the consultation was to inform local residents, businesses and user groups about the scheme and to ensure that the widest possible audience was consulted and engaged with to provide feedback on the proposals for a new southern station entrance.

4.2 To support the 2009 consultation process, Metro developed a project webpage on Metro’s website (www.wymetro.com/lsse). This has continued to be updated regularly during the development of the scheme. It includes the following information:

- Scheme overview;
- Details of the scheme and consultation material; including full scheme plans;
- FAQ’s (Frequently Asked Questions); and
- Links to other useful documents.

4.3 The website also provides a ‘live’ source of feedback which could be used by stakeholders to register their views, opinions and concerns about the proposals and to ask specific LSSE related questions.

4.4 In order to consult with as many as possible of Leeds station passengers, exhibitions were held at a prominent location on the main concourse spread over the following days during August 2009:

- Friday 14th August 2009 (all day) – Leeds Rail Station;
- Saturday 15th August 2009 (am) – Leeds Rail Station;
- Monday 17th August 2009 (am) – Leeds Rail Station;
- Monday 24th August 2009 (pm) – Leeds Rail Station; and
- Tuesday 25th August 2009 (am) – Leeds Rail Station.

4.5 Posters were on display throughout the station during the consultation period, promoting the exhibition dates, the dedicated web site, and detailing how feedback could be provided. The poster remained in place for information during September and in to October.

4.6 Local radio and television interviews were undertaken with representatives of the sponsoring Promoters (West Yorkshire Passenger Transport Authority and Network Rail) on the day of the launch of the consultation period. Press coverage was maximised on the launch day followed by a later article in the local press on the 27th August 2009. Coverage of the proposals was provided in both trade and industry related magazines.

4.7 Representatives of Metro and Network Rail were on hand to answer any questions; the public display had a specially designed board and a ‘walk-through’ video presentation using CGI graphics.

4.8 Over the course of the 5 days, over 7,000 information leaflets were distributed. Some 250 people responded to the consultation process through various available media. The consultation response period remained open until 7th
September, although all responses received before 21\textsuperscript{st} September were captured in the final analysis.

4.9 The feedback from the consultation event indicated that 96\% of the respondents (206) supported the LSSE proposals, and 4\% (9) respondents were not supportive of the proposals. In breaking down the content of the responses some 147 (68\%) of the respondents were positive and had no specific concerns with a further 59 respondents (28\%) supportive, but with concerns that they wished to be considered by the team. The remaining 9 (4\%) were against the proposals.

4.10 Of the positive comments received, there were four key themes:
- 43 comments received highlighted a positive economic impact on the commercial and residential district of the south of the station;
- 37 commented on the architectural merits of the proposals;
- 36 mentioned the journey time savings and improved accessibility; and
- 34 commented on the benefits of reduced congestion around the existing concourse and entrances.

4.11 The main concerns focused on the project design, with the following themes:
- 12 commented that they disliked the architectural design;
- 6 commented on the colour of the tiles; and
- 12 commented that they felt the scheme was over-engineered for what was needed.

4.12 There were some respondents who raised issues and concerns related to wider matters in relation to Leeds Station and the surrounding area, covering such matters as the existing station concourse and infrastructure, the existing ticketing barrier and existing footpaths from the station.

4.13 The feedback received during this period of consultation was used to support the Major Scheme Business Case and the Planning Application.

**Wider Stakeholder Consultation 2009**

4.14 During 2009 the following consultation also took place with key stakeholders:
1. Local Politicians / Local Authority
2. Property Owners / Occupiers
3. Local Businesses
4. Key Stakeholders
5. Environmental Bodies
6. Transport Interests

4.15 These areas are each described in turn below.

**Consultation with Local Politicians / Local Authority**

4.16 Leeds City Council (LCC) played an active consultative role in the development of LSSE through representation on the Project Board.

4.17 As part of the planning process a presentation was given to members of LCC’s Planning Group on 13\textsuperscript{th} August 2009. A planning application for LSSE was
submitted to LCC in October 2009 and the project was subsequently granted planning permission in May 2010.

4.18 Prior to the public exhibitions in August 2009, a letter was sent to Ward members (City and Hunslet ward) advising them of the consultation programme and offering briefings if required.

4.19 LCC were consulted through the development of the Major Scheme Business Case and demonstrated their strong support for the project, in writing, highlighting that early delivery of the scheme was a major priority for the City and the City Centre.

Consultation with Property Owners / Occupiers

4.20 Prior to the wider consultation process described above, a letter was sent to all residents in the Blue Apartments, inviting them to a presentation and consultation event on the 5th August 2009, being held at Leeds Station. The location of the Blue Apartments is shown below.

4.21 A second letter was sent to the owners of the Blue Apartments, via the Management Company detailing the dates and times of the wider public consultation at Leeds Station. This also included information on the scheme as well as a link to the website and telephone number for further information.

4.22 A follow-up press release was sent to residents to remind people of the final days of the consultation period and exhibition and their opportunity to comment.

Figure 2: Location of Blue Apartments

Consultation with local Businesses

4.23 A letter sent to all known businesses and others with a potential interest in the proposal within a 250m radius to the south of the station.
Consultation with key stakeholders
4.24 Presentations were given to key stakeholders and investment groups including the Holbeck Urban Village Partnership Board, Holbeck Urban Village Developer Forum and ISIS, a development company associated with the British Waterways Board.

Consultation with Disability Groups
4.25 Presentations were given to the Leeds Involvement Project Disability Reference Group and the Leeds Station Access Group.

Consultation with Environmental Bodies
4.26 Consultation with the Environment Agency (EA) identified a need to develop the scheme to comply with future proposals for flood defences in Leeds City Centre. This resulted in the structure being designed so it is raised above the EA’s specified flooding level.

Consultation with Transport Interests
4.27 Network Rail and Northern Rail provided letters of support for the Major Scheme Business Case for LSSE.
5. **Stage Two Consultation - 2011/2012**

5.1 Following the Department for Transport’s confirmation of Programme Entry Approval for the scheme in February 2011, Metro and Network Rail formed a Project Team to prepare a Transport and Works Act Order (TWAO) application.

5.2 To support the TWAO submission, substantial further consultation has been undertaken, both in terms of wider public consultation along with specific targeted stakeholder consultation. Stage Two consultation commenced in April 2011 and continued through to submission of the TWAO. A flow chart detailing the Stage Two consultation can be found in Appendix 1.

5.3 In order to identify those parties who would be potentially affected by the scheme the initial Order Limits (as detailed in Figure 3) covered a wide area as the construction approach had not been determined. In addition, face to face and telephone consultations with the principal landowners and businesses likely to be affected by the proposals have taken place.

**Figure 4 – Initial Limits of Deviation**

5.4 As part of the TWAO preparation period, a consultation hotline (Freephone 0800 988 4615) and project email address lsse@wypte.gov.uk were set up to allow consultees to register their views, opinions and concerns about the proposals. The project webpage www.wymetro.com/lsse also provided information about the scheme and provided the facility for consultees to register their views and ask questions about the project.

5.5 During December 2011, three exhibitions were held:
- Monday 5\textsuperscript{th} December 2011 (am) – Leeds Rail Station
- Tuesday 6\textsuperscript{th} December 2011 (pm) – Leeds Rail Station
5.6 The exhibitions were advertised on Metro's website (www.wymetro.com) and through Metro's existing electronic networks including Facebook, Twitter and Metro Messenger (a free e-mail service that provides subscribers with important travel news).

5.7 The events were staffed by representatives of Metro, Network Rail and external advisor Ardent. A visual display was used to provide an overview of the scheme (Appendix 2). A consultation leaflet and frequently asked questions document were available to attendees and passengers using the rail station (Appendix 3). Over the 3 days, circa 7,000 information leaflets were distributed. Some 375 people responded to the consultation process through various available media.

5.8 The conclusions of the consultation event indicated that 89% of the respondents (331) supported the LSSE proposals and 11% (41) of the respondents were not supportive of the proposals. The main reasons for supporting the proposals included:

- Journey time savings and improved accessibility;
- Reducing congestion around the existing concourses and entrances; and
- Positive impact on businesses and residents in South Leeds.

5.9 The reasons for respondents not supporting the scheme were on the grounds that:

- It was a waste of money;
- The funding should be used to improve existing infrastructure and / or provide additional rolling stock;
- The architectural design; and
- Effect on adjacent property

5.10 Some respondents raised issues and concerns relating to wider matters in relation to Leeds Station and the surrounding area, such as the existing station concourse and the existing ticketing barrier.

5.11 The feedback received from consultation was used to support the specification of the scheme within the TWAO submission.

Wider Stakeholder Consultation – pre TWAO submission

5.12 During 2011/12, the following consultation also took place with key stakeholders:

1. Consultation with Local Politicians / Local Authority;
2. Consultation with Property Owners / Occupiers;
3. Consultation with local Businesses;
4. Consultation with Environmental Bodies;
5. Consultation with Transport Interests; and

5.13 These areas are each described in turn below. A table detailing TWAO Consultation meetings can be found in Appendix 5.
Consultation with Local Politicians / Local Authority

5.14 Throughout the development of the LSSE proposals regular liaison has taken place with Leeds City Council Members. This has included provision of written updates for Ward Members. There has been continued dialogue with the local MP throughout the development of the project.

5.15 The LSSE proposals have also been regularly reported to Councillors through appropriate formal channels including the Inner South Area Committee and the Integrated Transport Authority. Most recently reports were submitted to the September 2011 and March 2012 Area Committees explaining the TWAO process. These public open meetings have been used as a forum to provide feedback and to consider any specific local issues or areas of concern.

5.16 The Leader of Leeds City Council has also been involved in the project and has attended site visits to discuss key aspects of the scheme. A number of meetings have taken place with various departments within Leeds City Council in late 2011 and early 2012 to develop and discuss specific areas of the TWAO submission including:

- Transport Policy (Highways Development Control, Road Safety, Urban Traffic Management and Control, Sustainable Transport, Environmental Studies)
- Highways Services (Traffic Engineering)
- Technical Services (Flood Risk Management)
- Planning (Planning (Central Area Team), Accessibility)
- Sustainable Development (Ecology, Urban Design, Conservation, Sustainability)
- Economic Policy and Programmes
- Forward Planning and Implementation.

Consultation with Property Owners / Occupiers

5.17 Substantial consultation has taken place with locally affected property owners and occupiers affected by the scheme. Formal written correspondence includes:

- A land referencing exercise was carried out in September 2011. This included sending letters to all of those then thought to be affected by the scheme asking for land ownership details, describing the scheme and including a FAQ document. This was the first instance that Metro had written to property owners / occupiers in Waterman’s Place and Candle House as the apartments were not constructed during the summer 2009 consultation. The buildings were not occupied at that date.
- Following the land referencing process, a letter was sent to all property owners and occupiers in the vicinity of the scheme to inform them of the proposals, including the intention to submit a TWAO, and offering further information and clarification as required. A Frequently Asked Questions document accompanied this letter. A number of residents in the Blue Apartments stated that they had not received this letter, therefore this letter was resent.
- Once the Order Limits had been confirmed, a letter detailing the scheme, a further Land Referencing exercise was carried out. This letter again
included a Request for Information' form, Frequently Asked Questions and project contact details. The managing agent of the Blue Apartments issued the letters to Blue Apartments owners who had not been revealed by the Land Referencing exercise.

- A further Request for Information' form was issued by Ardent direct to those owners/occupiers that did not respond to the first two Request for Information forms.
- A further letter was sent to all property owners and occupiers to provide them with a summary of the TWAO process and constructability assessment. Owners and occupiers were offered the opportunity for one-to-one meetings as required, following earlier meetings with the residents associations.

5.18 Metro and Network Rail have also attended and presented at a number of residents association meetings for the Blue, Waterman's Place and Candle House Apartments. Figure 4 illustrates the location of these apartment blocks relative to LSSE. Meetings have included:

- Waterman's Place Residents - 13th October 2011
- Waterman's Place Residents - 13th December 2011
- Blue Apartments Residents - 5th January 2012
- Blue, Waterman's and Candle House - 8 February 2012

Figure 5: Location of apartments close to LSSE

5.19 Residents were advised of the TWAO process during these meetings and were encouraged to contact the Project Team to discuss their concerns in detail. A number of local residents highlighted issues associated with the scheme proposals. The issues raised have informed the specification of the TWAO submission. On-going dialogue continues with local residents. Both Metro and Network Rail are keen to work with local residents to deliver the scheme. Further face-to-face meetings have been offered to discuss the impact of the scheme with local residents. Concerns from local residents have included (but are not limited to):

- Noise, vibration and dust disturbance during construction;
- Hours of construction;
- Hours of LSSE operation;
Overnight working;
Reduction in quality of residents lives;
Impact on local businesses;
Increase in footfall in the local area and resulting safety implications; and
Concern about being overlooked by LSSE.

5.20 The TWAO includes land associated with requirement for a compound site, which is downstream from the location of LSSE. Materials from the compound will be barged to site. An area of land adjacent to 2 Water Lane has been identified as a suitable loading point (see Figure 5). The following correspondence has been sent to all property owners and occupiers at 2 Water Lane:

- A letter informing them of the scheme and the proposal to submit a TWAO, which included a Frequently Asked Questions document and project contact details;
- A pack containing a letter detailing the scheme, a ‘Request for Information’ form, a Frequently Asked Questions document and project contact details; and
- A further letter with a summary of the TWAO process and constructability assessment. Owners and occupiers were offered the opportunity for one-to-one meetings as required.

Figure 6: LSSE Compound Location

Consultation with local Businesses

5.21 There has been on-going consultation with local businesses within the Order Limits and this has included:

- A letter informing them of the scheme and the proposal to submit a TWAO, which included a Frequently Asked Questions document and project contact details;
- A pack containing a letter detailing the scheme, a ‘Request for Information’ form, a Frequently Asked Questions document and project contact details; and
- A further letter with a summary of the TWAO process and constructability assessment. Businesses were offered the opportunity for one-to-one meetings as required.

5.22 A letter was also sent to all local businesses on Canal Wharf / Wharf Approach to inform them about the scheme and proposed changes to the Traffic Regulation
Orders. Businesses were encouraged to contact the Project Team to discuss the proposals in more detail as required.

5.23 Throughout the development of the TWA Order application, face to face and telephone consultations have taken place with principal landowners and businesses likely to be affected by the scheme. The meetings were tailored to meet the requirements/impacts of LSSE on the affected party. Typically meetings have covered the scheme in general, proposed highway alterations, constructability and the TWAO process. Face to face meetings have taken place with:

- ISIS Waterside Regeneration;
- Golf Bar;
- Hilton Hotel;
- Double Tree by Hilton Hotel (formerly known as Mint Hotel);
- UKi Partnerships; and
- Other commercial property owners.

Consultation with Disability Groups

5.24 Consultation with Disability Groups has been undertaken through Leeds City Council’s Access Team. Discussions are also being arranged with Leeds Rail Station Access Group. Details of the scheme were also sent to the Disabled Persons Transport Advisory Committee.

Consultation with Environmental Bodies

5.25 In accordance with the relevant Regulations, an Environmental Impact Assessment Scoping Report for the Scheme was published in November 2011. The report was sent to the Environment Agency, English Heritage, Natural England, British Waterways and Leeds City Council.

5.26 Meetings were held with Leeds City Council and the Environment Agency to discuss the scope of the environmental assessment and, at particular locations, to examine the scope for environmental mitigation measures.

5.27 A number of meetings have been held with the Environment Agency (EA) to discuss LSSE in the context of the City’s flood alleviation scheme.

Consultation with Transport Interests

5.28 Throughout the preparation of the TWA Order application, Metro and Network Rail have worked closely to ensure all internal directorates within each organisation are aware and consulted with on the scheme. In addition consultation has taken place with the Department for Transport. A letter was sent to all train operating companies to inform them of the scheme.

Consultation with Statutory Consultees

5.29 As recommended by the Department for Transport’s A Guide to TWA Procedures and in compliance with Rule 10(2) (d), Metro has consulted all those named in Schedules 5 and 6 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 who are entitled, in this instance, to receive a copy of the documents associated with the application, or
notice that the application has been made. These consultations are listed in Appendix 4.

Statements of Support

5.30 Letters of support (Appendix 6) were received for the scheme from the following organisations to support the Best and Final Offer submitted to the Department for Transport in December 2010:

- Leeds City Council; and
- Northern Rail

5.31 Statements of support include:

- Theresa Villiers (October 2011) – “Despite the urgent need to tackle the deficit, targeted investment to support growth remains a Government priority. A southern entrance at Leeds Station will greatly improve access to an existing area of regeneration that has already transformed the immediate station surroundings, and promises to add an iconic new structure to this key gateway to the city. I look forward to seeing this project develop.”

- Councillor James Lewis (LCC) (October 2011) – “Leeds Station is at the heart of the city and the city region. Passenger numbers using this busy station are growing and set to rise even further, and providing a second access at the southern side of the station will ease congestion for people using the existing entrances”. “This new entrance, whose striking design was well-received design by people during consultation, will encourage business, residential and leisure growth south of the river.”

- George Osborne (October 2011) – “We will build a new southern entrance for Leeds station, creating a faster and more accessible route to the south of the city centre.”
6. **Consultation after submission of the TWA application**

6.1 Metro and Network Rail will continue to engage with stakeholders after submission of the TWAO and will respond to all objections and representations made to the Secretary of State. It is in all parties interests to make every effort to try to remove objections made to the application. The promoters aim will be to minimise the number of sustained objections received.
Appendices:

Appendix 1 – Stage Two Consultation Flow Chart
Appendix 2 – Stage Two Consultation – Visual Display
Appendix 3 – Stage Two Consultation – Leaflet and Frequently Asked Questions
Appendix 4 – Schedule 5 and 6 Consultees
Appendix 5 – TWAO Consultation Meetings (post February 2011)
Appendix 6 – Letters of support
APPENDIX 2 – Stage Two Consultation Visual Display
APPENDIX 3 – Stage Two Consultation – Leaflet and Frequently Asked Question

Your views

Do you support a new Southern Entrance to Leeds Rail Station? Yes ☐ No ☐

Would you use a new Southern Entrance to Leeds Rail Station? Yes ☐ No ☐

Here’s what I think about the proposed scheme

Name:
E-mail Address:
Postal Address:

For contact information please see overleaf

Please tick this box if you would like to be kept informed of developments on the LSSE scheme ☐

Please tick this box if you would like to sign up for Messenger, Metro’s free email update service for public transport news ☐

How do I get involved?

You can provide your feedback

• Online – at www.wymetro.com/lsse
• By e-mail – to lsse@wypa.gov.uk
• By hand – You can return the form to one of the passenger information kiosks at Leeds Station (on the south concourse near Marks and Spencer or on the footbridge, opposite Starbucks).
• Or by post – Leeds Station Southern Entrance, Metro, 40-50 Wellington Street, Leeds, LS1 2DE

If you would like further information about the scheme please call Paul Clarke on 0800 988 4615.
Leeds Station Southern Entrance
Better access to your station

Leeds Station Southern Entrance (LSE) is a new pedestrian entrance being planned for Leeds Rail Station.

The new entrance will give direct access from the River Aire and Granary Wharf areas south of Leeds into Leeds Rail Station. Every day, thousands of passengers will save time by using the new entrance to get to the city centres fast-developing south side.

Inside, a new lift, escalator and stairs will take passengers up to a new concourse at the end of the current western footbridge, providing step-free access to all platforms.

The new entrance will be fitted with customer information screens, a public address system, CCTV and include ticket vending machines so that passengers can buy their rail tickets.

What will it look like?
The new entrance’s curved design minimizes its size while at the same time making it modern, accessible and attractive.

Who is developing the new entrance?
Metro is working with Network Rail to deliver LSE. The £14.2m scheme has secured £12.2m from DfT, £1.5m from West Yorkshire’s Local Transport Plan and £0.5m from Leeds City Council.

Will it be manned?
The new entrance will have ticket barriers and staff at the top, at the footbridge entrance/exit.

Can I get a ticket from this entrance?
Yes, ticket vending machines will be available at this entrance.

How will people find LSE?
It will be well signed on all pedestrian routes nearby and within Leeds Rail Station.

Will it be noisy once open?
Metro is working closely with the designers during the detailed design stage to ensure that the new entrance has sufficient sound insulation.

What will happen next?
The next stage is to obtain the legal powers to construct the new entrance. These powers will be sought through a ‘Transport and Works Act Order’ and a formal application for these legal powers is due to be submitted in spring 2012.

If all the necessary approvals are obtained, construction is planned to commence in summer 2013 with the new entrance being open in summer 2014. We want your comments on the proposals before we submit the Transport and Works Act Order.

Why does it take so long?
Because we need to get all the necessary approvals in place and various agreements with nearby landowners before we can begin.

How can I have my say on the scheme?
Please complete this leaflet or get in contact using the details provided overleaf,
or visit www.wymetro.com/lse
Leeds Station Southern Entrance (LSSE)
Frequently Asked Questions

Who is Promoting the LSSE Project?
Metro and Network Rail are working in partnership to deliver the LSSE project.

What is the Leeds Station Southern Entrance Project?
LSSE will provide a new fully accessible entrance which will greatly improve pedestrian access between Leeds city rail station and the south of Leeds.

Why is LSSE being developed?
The new entrance will provide passenger travelling time savings to the south of Leeds for businesses and residents.

Where, precisely, will it be located?
The entrance will take pedestrians from the southern end of the western footbridge in Leeds Station (above platform 15, 16 and 17) to either side of the River Aire at ground level.

Access and egress from the new entrance will be well signed, safe and provide a secure route to and from the station.

How many people are expected to use it?
We anticipate that approximately 10% of Leeds rail station passengers a day will use the new southern entrance.

We are currently undertaking further pedestrian movement surveys and expect this anticipated usage to steadily increase to about 20% of the daily passengers eventually using the new entrance.

What facilities will be provided?
The exact facilities to be provided will be finalised as the scheme progresses. However, it is anticipated that the scheme will include:
- Escalators;
- A lift;
- Stairway;
- CCTV;
- Travel Information; and
- Ticket barriers.

It is intended that LSSE will be fully DDA compliant.

How much will LSSE cost?
The total cost of the scheme is anticipated to be £14.2m. The project has secured £12.2m from Central Government, £1.5m from West Yorkshire’s Local Transport Plan and £0.5m from Leeds City Council.
When will construction of LSSE begin?
It is envisaged that construction will commence in Summer 2013.

When will LSSE be open?
It is envisaged that LSSE will be open in Summer 2014.

What stage is the LSSE scheme currently at?
LSSE obtained full planning permission in May 2010 and DfT Programme Entry Approval, the first stage in the Government’s approval process, in February 2011.

Metro intends to submit a Transport and Works Act Order Application in Spring 2012.

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<th>Milestone</th>
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<tr>
<td>Transport and Works Act Order Application</td>
<td>Spring 2012</td>
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<td>Public Inquiry</td>
<td>Summer 2012</td>
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<td>Secretary of State decision on Transport and Works Act Order</td>
<td>Late 2012/ Early 2013</td>
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<tr>
<td>Selection of preferred tenderers (subject to confirmation of the TWA Order)</td>
<td>Spring 2013</td>
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<tr>
<td>DfT Full Approval</td>
<td>Spring 2013</td>
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<tr>
<td>Start of Construction</td>
<td>Summer 2013</td>
</tr>
<tr>
<td>Start of Operation</td>
<td>Summer 2014</td>
</tr>
</tbody>
</table>

What is a Transport and Works Act Order?
A TWA Order is an order made under the Transport and Works Act 1992, granting the necessary planning powers to construct a transport scheme and to acquire and use land for its construction compulsorily.

A TWA Order is made following an application to the Secretary of State for Transport, who will decide whether to grant permission for a scheme to go ahead with or without conditions, or reject it, usually following a public inquiry.

If the Secretary of State approves the LSSE Order, Metro will be granted compulsory purchase powers and the necessary powers to build and operate the proposed scheme by the TWA Order.

Contact us
E-mail: lsew@wyptegov.uk
Postal: Wellington House
40-50 Wellington Street
Leeds
LS1 2DE

Or telephone Paul Clarke on 0800 988 4615
### APPENDIX 4
THE TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006
SCHEDULE 5
THOSE TO BE SERVED WITH A COPY OF THE APPLICATION AND DOCUMENTS

<table>
<thead>
<tr>
<th>(1) Authority sought for -</th>
<th>(2) Documents to be deposited with -</th>
<th>(3) Consultation</th>
<th>(4) Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Works affecting the foreshore below mean high water spring tides, or tidal waters, or the bed of, or the subsoil beneath, tidal waters.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>
| 2. Works affecting the banks or the bed of, or the subsoil beneath, a river. | Environment Agency | Meetings in July, September, October 2011, January 2012  
September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.  
November 2011 - Scoping Report provided. | On-going discussions regarding constructability and flood alleviation.  
Scoping response provided. |
| 3. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway comprised in the undertaking of the British Waterways Board or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving the Undertaking. | British Waterways Board  
Inland Waterways Amenity Advisory Council  
Inland Waterways Association | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.  
November 2011 - Scoping Report provided.  
September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | On-going discussions regarding constructability and flood alleviation.  
Scoping response provided.  
No response received to-date. |
<table>
<thead>
<tr>
<th>Organization</th>
<th>Submission Details</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Association of Boat Owners</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter Acknowledged.</td>
</tr>
<tr>
<td>Inland Waterways Association</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
</tr>
<tr>
<td>National Association of Boat Owners</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter Acknowledged.</td>
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<tr>
<td>6. Works involving tunnelling or excavation deeper than 3 metres below the surface of the land, other than for piling or making soil tests.</td>
<td>Environment Agency</td>
<td>Meetings in July, September, October 2011, January 2012 September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. November 2011 - Scoping Report provided. On-going discussions regarding constructability and flood alleviation.</td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td>7. Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act 1964(a).</td>
<td>Not applicable.</td>
<td>Not applicable. Not applicable.</td>
</tr>
<tr>
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</tr>
<tr>
<td>8. Works affecting a site protected under the Protection of Wrecks Act 1973(b).</td>
<td>Not applicable.</td>
<td>Not applicable. Not applicable.</td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td>9. Works affecting, or involving the stopping-up or diversion</td>
<td>Leeds City Council</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of On-going discussions.</td>
</tr>
</tbody>
</table>
of, a street, or affecting a proposed highway. Submission of TWAO. November 2011 - Scoping Report provided. Scoping response received.

| 10. The stopping-up or diversion of a footpath, a bridleway, a byway or a cycle track. | Auto-Cycle Union | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | No response received to-date. |
| British Horse Society | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | The Scheme does not affect the British Horse Society. |
| Byways and Bridleways Trust | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | No response received to-date. |
| Open Spaces Society | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | No response received to-date. |
| Ramblers’ Association | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | Response received – generally in favour of scheme. Made comments about signage and Dark Neville Street. |
| British Driving Society | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | No response received to-date. |
| Cyclists’ Touring Club | September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | No response received to-date. |

| 11. The construction of a transport system involving the placing of equipment in or over a street. | Not applicable. | Not applicable. | Not applicable. |
| 12. Works affecting land in, on | BT Openreach | October 2011 – Metro sent letter | No response received to-date. |
or over which is installed the apparatus, equipment or street furniture of a statutory undertaker.

<table>
<thead>
<tr>
<th>Company</th>
<th>Date</th>
<th>Details</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easynet Telecom Ltd</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
</tr>
<tr>
<td>FibreSpan Ltd</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
</tr>
<tr>
<td>GEO Network</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
</tr>
<tr>
<td>Independent Pipelines Ltd</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
</tr>
<tr>
<td>Neos Network</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
</tr>
<tr>
<td>Telefónica UK Limited (O2)</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
</tr>
<tr>
<td>Cable and Wireless</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
</tr>
<tr>
<td>Envoy</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
</tr>
<tr>
<td>Gamma Telecom</td>
<td>October 2011</td>
<td>Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>20/10/2011 - Gamma Telecom confirmed that they have no owned apparatus within the search area.</td>
</tr>
<tr>
<td>Global Crossing (UK)</td>
<td>October 2011</td>
<td>Metro sent letter</td>
<td>No response received to-date.</td>
</tr>
<tr>
<td>Company</td>
<td>Details</td>
<td>Response</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
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<td></td>
</tr>
<tr>
<td>Kcom PLC</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
<td></td>
</tr>
<tr>
<td>National Grid Company</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
<td></td>
</tr>
<tr>
<td>Northern Gas Networks</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
<td></td>
</tr>
<tr>
<td>Spectrum Interactive</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
<td></td>
</tr>
<tr>
<td>Teliasonera</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
<td></td>
</tr>
<tr>
<td>Verizon Business</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged. Verizon have requested only a Grid Reference and map.</td>
<td></td>
</tr>
<tr>
<td>Vodaphone</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
<td></td>
</tr>
<tr>
<td>Yorkshire Water (Mains)</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
<td></td>
</tr>
<tr>
<td>United Utilities</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
<td></td>
</tr>
<tr>
<td>Virgin Media Ltd</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
<td></td>
</tr>
<tr>
<td>13. Works in an area of coal working notified to the local planning authority by the British Coal Corporation or the Coal Authority.</td>
<td>Coal Authority</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
</tr>
<tr>
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</tr>
<tr>
<td>14. Works affecting: (i) a building listed under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(a); (ii) an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979(b); or (iii) Any archaeological site.</td>
<td>English Heritage</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. November 2011 - Scoping Report provided.</td>
<td>Scoping response received.</td>
</tr>
<tr>
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</tr>
<tr>
<td>17. Works affecting: (i) a site of special scientific interest of which notification has been given or has effect as if given under section 28(1) of the Wildlife and Countryside Act 1981(b); (ii) an area within 2 kilometres of such a site of special scientific interest and of which notification has been given to the local planning authority; or (iii) Land declared to be a national nature reserve under</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Application 1</td>
<td>Application 2</td>
</tr>
<tr>
<td>---------</td>
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<td>---------------</td>
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</tr>
<tr>
<td>18.</td>
<td>Works affecting a National Park or an Area of Outstanding Natural Beauty.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>19.</td>
<td>Works which are either: (i) within 3 kilometres of Windsor Castle, Windsor Great Park or Windsor Home Park; or (ii) within 800 metres of any other royal Palace or royal park and which are likely to affect the amenity or security of that palace or park.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>20.</td>
<td>Works which are within 250 metres of land which: (i) is, or has been within 30 years immediately prior to the date of the application, used for the deposit of refuse or waste; or (ii) Has been notified to the local planning authority by the waste regulation or disposal authority for the relevant area.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>21.</td>
<td>The carrying-out of an</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Operation</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
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</tr>
<tr>
<td>Operation requiring hazardous substances consent under the Planning (Hazardous Substances) Act 1990(c).</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>22. Works not in accordance with a development plan and which either— (i) involve the loss of not less than 20 hectares of agricultural land of grades 1, 2 and 3a (in aggregate); or (ii) Taken with the other associated works cumulatively involve the loss of not less than 20 hectares of such land.</td>
<td></td>
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</tr>
<tr>
<td>23. (i) Works which would affect the operation of any existing railway passenger or tramway services provided under statutory powers; or (ii) the construction of a new railway for the provision of public passenger transport, or of a new tramway.</td>
<td>Passenger Focus</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>13/10/11 – Response received – no concerns or objections raised.</td>
</tr>
<tr>
<td>24. Works to construct, alter or demolish a transport system or to carry out works ancillary to its operation or works consequential upon its abandonment or demolition.</td>
<td>The Office of Rail Regulation</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response received to-date.</td>
</tr>
<tr>
<td>25. Works to construct new railways to which any</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>
regulatory provisions in the Railways Act 1993(c) would apply or provisions to amend existing powers in relation to railways subject to such regulation.

<p>| | | |</p>
<table>
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</thead>
<tbody>
<tr>
<td><strong>26.</strong> The right for a person providing transport services to use a transport system belonging to another.</td>
<td>Not Applicable.</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td><strong>27.</strong> Works affecting land in which there is a Crown interest.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>28.</strong> Works to be carried out in Greater London.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>
### SCHEDULE 6
**THOSE TO BE SERVED WITH NOTICE OF THE APPLICATION**

<table>
<thead>
<tr>
<th>(1) Authority sought for -</th>
<th>(2) Those to be served -</th>
<th>(3) Consultation</th>
<th>(4) Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Works affecting the foreshore below mean high water spring tides, tidal waters or the bed of, or subsoil beneath, tidal waters (except where the land affected by the works falls within category 17 of Schedule 5 to these Rules).</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>2. Works affecting the banks or the bed of, or the subsoil beneath, a river.</td>
<td>The Crown Estate Commissioners</td>
<td>October 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response to-date.</td>
</tr>
<tr>
<td>3. Works affecting the banks or the bed of, or the subsoil beneath, an inland waterway, a canal or inland navigation, or any of the reservoirs, feeders, sluices, locks, lifts, drains and other works comprised in or serving that inland waterway, canal or inland navigation.</td>
<td>Leeds and Liverpool Canal Society.</td>
<td>November 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>18/11/11 – Response received – no concerns or objections raised.</td>
</tr>
<tr>
<td>4. Works affecting an area under the control of a harbour authority as defined in section 57(1) of the Harbours Act</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
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<tr>
<td>1964(a).</td>
<td></td>
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<tr>
<td>5. Works which would, or would apart from the making of an order, require a consent to the discharge of matter into waters or onto land under Chapter 2 of Part 3 of the Water Resources Act 1991(b).</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>6. Works likely to affect the volume or character of traffic entering or leaving—(i) a special road or trunk road; (ii) any other classified road.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>7. The construction of a transport system involving the placing of equipment in or over a street (except a level crossing).</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>8. Works affecting any land on which there is a theatre as defined in section 5 of the Theatres Trust Act 1976(c).</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>9. The modification, exclusion, amendment, repeal or revocation of a provision of an Act of Parliament or statutory instrument conferring protection or benefit upon any person (whether in his capacity as the owner of designated land or otherwise) specifically</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
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</tr>
<tr>
<td><strong>10. The compulsory purchase of ecclesiastical property (as defined in section 12(3) of the Acquisition of Land Act 1981(a)).</strong></td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>11. Works in Greater London or a metropolitan county.</strong></td>
<td>West Yorkshire Police</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response to date.</td>
</tr>
<tr>
<td></td>
<td>West Yorkshire Fire and Rescue Service</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>Letter acknowledged.</td>
</tr>
<tr>
<td></td>
<td>Yorkshire Ambulance Service NHS Trust</td>
<td>September 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO.</td>
<td>No response to date.</td>
</tr>
<tr>
<td><strong>12. The right to monitor, survey or investigate land (including any right to make trial holes in land).</strong></td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>13. Works or traffic management measures that would affect services provided by a universal service provider in connection with the provision of a universal postal service and relating to the delivery or collection of letters.</strong></td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>14. Works in an area of coal working notified to the local</strong></td>
<td>Not applicable.</td>
<td>Not applicable.</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>
15. Works for which an environmental impact assessment is required.

| Planning Authority | Design Council | November 2011 – Metro sent letter outlining the scheme and advising of submission of TWAO. | Response received. Suggested contacting Yorkshire and Humber design review panel. |

16. The compulsory acquisition of land, or the right to use land, or the carrying out of protective works to buildings.

| Planning Authority | Included in landowner consultation letters | Included in landowner consultation letters | Included in landowner consultation letters |
## APPENDIX 5
TWAO Consultation Meetings (post February 2011)

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Consultation Meetings Held</th>
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</thead>
<tbody>
<tr>
<td>ISIS</td>
<td>20(^{th}) April 2011</td>
</tr>
<tr>
<td>Mint Hotel (now known as Double Tree by Hilton)</td>
<td>20(^{th}) April 2011</td>
</tr>
<tr>
<td>Hilton Hotel</td>
<td>6(^{th}) July 2011</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>22(^{nd}) July 2011</td>
</tr>
<tr>
<td>Inner South Area Committee (Chair’s Brief)</td>
<td>5(^{th}) September 2011</td>
</tr>
<tr>
<td>Resident from Blue Apartments</td>
<td>15(^{th}) September 2011</td>
</tr>
<tr>
<td>Inner South Area Committee</td>
<td>21(^{st}) September 2011</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>26(^{th}) September 2011</td>
</tr>
<tr>
<td>West Yorkshire Integrated Transport Authority Members</td>
<td>28(^{th}) September 2011</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>10(^{th}) October 2011</td>
</tr>
<tr>
<td>Waterman’s Place Residents</td>
<td>13(^{th}) October 2011</td>
</tr>
<tr>
<td>ISIS</td>
<td>26(^{th}) October 2011</td>
</tr>
<tr>
<td>ISIS</td>
<td>8(^{th}) November 2011</td>
</tr>
<tr>
<td>Network Rail</td>
<td>17(^{th}) November 2011</td>
</tr>
<tr>
<td>Highways Department</td>
<td>18(^{th}) November 2011</td>
</tr>
<tr>
<td>Highways Department</td>
<td>18(^{th}) November 2011</td>
</tr>
<tr>
<td>Hilton Hotel</td>
<td>24(^{th}) November 2011</td>
</tr>
<tr>
<td>Golf Bar</td>
<td>28(^{th}) November 2011</td>
</tr>
<tr>
<td>ISIS</td>
<td>13(^{th}) December 2011</td>
</tr>
<tr>
<td>Waterman’s Place Residents</td>
<td>13(^{th}) December 2011</td>
</tr>
<tr>
<td>UKi Partnerships</td>
<td>14(^{th}) December 2011</td>
</tr>
<tr>
<td>Highways Department</td>
<td>15(^{th}) December 2011</td>
</tr>
<tr>
<td>Blue Apartments Residents</td>
<td>5(^{th}) January 2012</td>
</tr>
<tr>
<td>Highways Department</td>
<td>17(^{th}) January 2012</td>
</tr>
<tr>
<td>British Waterways</td>
<td>24(^{th}) January 2012</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>30(^{th}) January 2012</td>
</tr>
<tr>
<td>ISIS</td>
<td>8(^{th}) February 2012</td>
</tr>
<tr>
<td>Inner South Area Committee (Chair’s Brief)</td>
<td>5th March 2012</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Inner South Area Committee</td>
<td>21st March 2012</td>
</tr>
<tr>
<td>Hilton Hotel</td>
<td>2nd May 2012</td>
</tr>
</tbody>
</table>
Dear David

LEEDS STATION SOUTHERN ENTRANCE MAJOR SCHEME

I am writing to convey the City Council's strong support for the proposals to provide a new Southern Entrance for pedestrians to Leeds rail station and to endorse the submission of a Major Scheme Business Case to the Department for Transport.

Early delivery of this scheme is a major transport priority for the City and the City Centre. The scheme will directly connect to the rapidly expanding and regenerating area of the City Centre that exists to the south of the rail station, especially the area of Holbeck Urban Village. Significant benefits in terms of time, convenience and quality of journey will accrue to passengers and pedestrians accessing the station by the provision of this scheme.

The City Council has actively participated in the development and promotion of this scheme and looks forward to continuing this collaboration with Metro, Network Rail and Yorkshire Forward to secure the timely implementation of this scheme and the delivery of the much needed improvements for rail users.

Yours sincerely

[Signature]

Gary Bartlett
Chief Officer Highways and Transportation
Dear Jeff,

**Leeds Station Southern Entrance Project**

I am writing in response to the proposed project regarding Leeds Station Southern entrance and to give our support to the venture.

Leeds station has seen a significant investment in infrastructure since 2000 to provide more capacity and improve operational areas and platforms. Northern have supplemented this with our own scheme to provide automatic barriers in 2008 and the public shopping areas have also seen considerable improvement.

This has had the effect of boosting passenger numbers to record levels to and from the station, with upwards of 25000 passengers being channelled through the current barrier in the peaks.

Unlike many mainline stations Leeds currently only has the single passenger exit and this has had the effect of causing congestion through the main entrance, particularly at busy times. We feel with additional developments planned for the station through the RUS/HLOS programmes and the continuing rise in passenger numbers, it is vital we fully support this complementary Regional Funding Allocation scheme to provide an alternative entrance/exit.

Passenger numbers are projected to rise further over the next ten years and it is important we plan now to provide the essential infrastructure to manage this and continue the success of this important station.

The proposals to provide Leeds Station with a southern entrance would we believe go a long way towards achieving this and have our support.

Yours sincerely,

Steve Butcher
Area East Director
List of consents, permissions or licences under other enactments (required by Rule 10(2)(f))

1. The following consents, permissions and licences required under other enactments are being sought at the date of the application:

   A. Deemed Planning Permission
      From whom sought: Secretary of State for Transport.
      Date of application: 15 May 2012
      Reference number: None currently given.

   B. Application under the Planning (Listed Buildings and Conservation Areas) Act 1990 for Conservation Area Consent
      Relevant enactment Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
      From whom sought Leeds City Council.
      Date of application 15 May 2012
      Reference number None currently available.

2. Except as indicated above, no consent, permission or licence required under another enactment for the purpose of the powers sought in the application has been obtained or refused at the date of the application.

3. Applications for any other necessary consents, permissions and licences will be made at the appropriate time.
THE LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER

List of consents, permissions or licences under other enactments (required by Rule 10(2)(f))

West Yorkshire Passenger Transport Executive
40-50 Wellington Street
Leeds LS1 2DE

Network Rail Infrastructure Limited
Kings Place
90 York Way
London N1 9AG

Eversheds LLP
One Wood Street
London EC2V 7WS

Solicitors and Parliamentary Agents
It is hereby declared as follows:

The West Yorkshire Passenger Transport Executive is a Passenger Transport Executive established under the Transport Act 1968 and is exercising its powers under section 20 of the Transport and Works Act 1992 as having effect by virtue of section 10(1)(xxix) of the Transport Act 1968.

Network Rail Infrastructure Limited is a company limited by guarantee and registered in England and Wales under number 02904587.
THE LEEDS STATION (SOUTHERN ENTRANCE) ORDER

Declaration of Status (required by Rule 10(2)(e)

West Yorkshire Passenger Transport Executive
40 -50 Wellington Street
Leeds LS1 2DE

Network Rail Infrastructure Limited
Kings Place
90 York Way
London N1 9AG

Eversheds LLP
One Wood Street
London EC2V 7WS

Solicitors and Parliamentary Agents
The cost of implementing the works sought to be authorised by the proposed Order, including the costs of acquiring land which is or may be blighted land within the meaning of section 149 of the Town and Country Act 1990, will be met by funding secured through the Department for Transport and contributions from the West Yorkshire Passenger Transport Executive, Leeds City Council and Network Rail.

Provision has been made in the West Yorkshire Passenger Transport Executive’s Capital Programme to support the project through the Transport and Works Act 1992 procedures to the point of the Secretary of State for the Transport’s decision.

Contributions from private sector sources likely to benefit from the implementation of the proposed Order will also be secured through obligations contained in agreements negotiated with developers payment of section 106 of the Town and Country Planning Act 1990.
Transport and Works Act 1992

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

THE LEEDS STATION (SOUTHERN ENTRANCE) ORDER

Applicant’s Proposals for Funding (required by Rule 10(3)(a))

West Yorkshire Passenger Transport Executive
40 -50 Wellington Street
Leeds LS1 2DE

Network Rail Infrastructure Limited
Kings Place
90 York Way
London N1 9AG

Eversheds LLP
One Wood Street
London  EC2V 7WS

Solicitors and Parliamentary Agents
The Leeds Railway Station (Southern Entrance) Order

Planning Statement
Report 296480RPT08

May 2012

Metro & Network Rail

Metro
Wellington House
40 - 50 Wellington Street
Leeds
LS1 2DE

Network Rail
Hudson House
Station Rise
York
YO1 6HT
The Leeds Railway Station (Southern Entrance) Order
Planning Statement

Issue and revision record

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This document is issued for the party which commissioned it and for specific purposes connected with the above-captioned project only. It should not be relied upon by any other party or used for any other purpose.

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The Leeds Railway Station (Southern Entrance) Order Planning Statement

Appendices

Appendix A. Copy of Planning Decision Notice 09/04625/FU
Abbreviations

BGS  British Geological Society
BREEAM  Building Research Establishment Environmental Assessment Method
DDA  Disability Discrimination Act
DETR  Department for Environment, Transport and the Regions
DfT  Department for Transport
EA  Environment Agency
ECML  East Coast Main Line
EIA  Environmental Impact Assessment
EMP  Environmental Management Plan
ES  Environmental Statement
FRA  Flood Risk Assessment
GRIP  Governance for Railway Investment Projects
ha  Hectares
LCC  Leeds City Council
LCM  Lower Coal Measures
LDF  Local Development Framework
LPA  Local Planning Authority
LSOA  Lower Super Output Areas
LSSE  Leeds Station Southern Entrance
m  metres
Metro  West Yorkshire Passenger Transport Executive
MS  Main Statement
MSBC  Major Scheme Business Case
NPPF  National Planning Policy Framework
NTS  Non-technical Summary
PPG  Planning Policy Guidance
PPS  Planning Policy Statement
RSS  Regional Spatial Strategy
SFRA  Strategic Flood Risk Assessment
SPD  Supplementary Planning Document
SPG  Supplementary Planning Guidance
The Leeds Railway Station (Southern Entrance) Order Planning Statement

**TRO**  
Traffic Regulation Orders

**TWA**  
Transport and Works Act

**TWAO**  
Transport and Works Act Order

**UDP**  
Unitary Development Plan
1. Introduction

1.1 Background

In October 2009, a planning application for the Leeds Southern Entrance (LSSE) project (reference: 09/04625/FU) was submitted to Leeds City Council (LCC) and permission was granted in May 2010, subject to a number of planning conditions. In June 2011, the Department for Transport (“DfT”) confirmed that in order to authorise the construction and maintenance of the scheme, an application could be submitted for an order under the Transport and Works Act 1992 (“the 1992 Act”). Accordingly, an application has been prepared to be submitted to the Secretary of State for an order under sections 1 and 3 of the 1992 Act.

An order is required under sections 1 and 3 of the 1992 Act to authorise:

a) the construction and maintenance of a new station entrance at Leeds Railway Station;

b) the carrying out of works in the Aire and Calder Navigation adjacent to the southern boundary of Leeds Railway Station and associated with a) above;

c) the carrying out of other works and the exercise of powers required in connection with or ancillary to the matters set out in items a) and b) above; and

d) the acquisition of land and rights over land required in connection with items a), b) and c) above.

The application is being promoted jointly by Metro and Network Rail Infrastructure Limited. In addition, a request for a direction as to deemed planning permission will also be submitted to the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990. An application for conservation area consent is also being submitted in respect of works proposed to be undertaken at Water Lane, Leeds as part of the overall scheme.

It is intended that an application for an order will be submitted to the Secretary of State in Spring 2012.

This Planning Statement has been prepared by Mott MacDonald Limited (“the Agent’) and submitted in support of a TWAO for the Leeds Station Southern Entrance (LSSE), a proposed new entrance to/from the south side of Leeds City Station. The TWAO will be submitted by Metro and Network Rail (‘the Applicant’).

A joint Planning, Design and Access Statement was produced by Bauman Lyons Architects for the previous planning application in 2009. The design and surroundings have remained relatively unchanged since the construction of the Blue Apartments (2004) and Waterman’s Place (2009) prior to submission of this planning application (approved in May 2010); therefore the previous report, where relevant, has formed the basis for this updated Planning Statement.

The purpose of this statement is to explain and justify the Scheme in planning terms, also bringing together the findings from supporting documents. It looks at the policy justification for the proposals and their impact on the surrounding area, setting out mitigation measures where appropriate.

Chapter 1 provides an introduction to the Scheme.

Chapter 2 describes the site and surroundings and sets out the planning history of the site.

Chapter 3 provides details of the proposed Scheme.
Chapter 4 summarises the relevant national, regional, sub-regional and local policy context. Chapter 5 presents the case for the Scheme and assesses the material planning considerations. Chapter 6 sets out the conclusions.

1.2 Outline of the LSSE Scheme

The LSSE Scheme is situated directly south of the Leeds City Station viaduct (known locally as the Dark Arches) which spans the River Aire. Leeds City Station is one of Network Rail’s busiest stations, serving the City centre of Leeds in West Yorkshire, with local, regional and inter-city rail services. The Dark Arches form a barrier to movement in this vicinity which means that all passengers currently have to enter the station from the north. The Scheme will provide an access to the station from the south and in doing so contribute to the on-going regeneration of south Leeds. At the same time it will ease current passenger movement to and within the station.

The objectives of the LSSE project are as follows:
- To improve access to Leeds Station by sustainable means;
- To maximise growth of the Leeds economy by enhancing its competitive position and facilitating its future employment and population growth;
- To support and facilitate the sustainable growth of Leeds, in particular to the south, recognising the importance of its city centre to the future economy of the Leeds City Region;
- To minimise journey times accessing Leeds Station to/from the south;
- To meet existing and future passenger flow requirements to the south of Leeds Station; and
- To ensure the current passenger flows within the station are maintained or improved.

1.3 Requirements for planning permission

An Environmental Impact Assessment Statement (EIA) of the Scheme has been undertaken in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. This covers the following topics:
- Air Quality;
- Ecology;
- Geology and Soils;
- Historic Environment;
- Noise and Vibration;
- Townscape and Visual Amenity;
- Traffic and Access; and
- Water Resources.

In addition other supporting documents include:
- Design and Access Statement RPT09;
- Statement of Community Involvement (prepared by Metro);
- Constructability Review (prepared by Carillion on behalf of Network Rail);
- Scheme Location and Design Rationale RPT18;
- Traffic Access and Urban Realm RPT22;
- Climate Change Management Assessment: RPT23;
- Energy Demand Assessment RPT05;
- Code of Construction Practice RPT06;
- Sustainability Appraisal RPT07;
- Heritage Statement RPT04; and
- Transport Statement RPT10.
Drawings (from consultant Aecom) comprise:
- Site Location Plan: 60092600/000 Rev O
- Existing Ground Level: 60092600/030 Rev O
- Existing Bridge Level: 60092600/031 Rev O
- Ground Level plan: 60092600/001 Rev D
- Platform Level Plan: 60092600/003 Rev C
- Bridge level plan: 60092600/004 Rev C1
- Roof Level Plan: 60092600/005 Rev A
- Section AA Plan: 60092600/010 Rev C
- East Elevation Plan: 60092600/022 Rev B
- South Elevation Plan: 60092600.020 Rev O
- West Elevation Plan: 60092600021 Rev B
- Improvements to Little Neville Street: by 296480/SKE/014 Rev P1 Little Neville Street / Dark Neville Street Public Realm Proposals – Option 2.

Proposed conditions to be attached to the Order have been submitted to the Secretary of State with this application.

The Design and Access Statement (RPT09) includes relevant design and access policies which are therefore not repeated in this Statement. It also includes an assessment of the pre-application consultation that has taken place and resulting amendments to the construction process and design.

In addition to the planning application, an application for Conservation Area Consent has been submitted for dismantling and reinstatement of an arch and wall in Water Lane, in connection with a barge loading area to be used during construction.
2. Site and surroundings

2.1 Area

The total site area which is contained within the TWAO application limits is 2.02 hectares (ha). This includes a separate site to the east of 0.38ha on Water Lane that has been reserved for temporary access for barge loading/unloading and storage during construction.

The proposed development site is situated immediately south of Leeds City Station in Leeds City centre. The main shopping and business area lies to the north of the station, whereas the area to the south is used mostly for residential apartments, businesses and offices.

2.2 The site

The Dark Arches are an extensive brick railway viaduct which straddles the River Aire and which transects much of the City centre in the local vicinity. The River Aire is a predominant feature of the site, which flows in an approximately north-south direction beneath the site and under the Dark Arches. South of the viaduct the waterway becomes the Aire and Calder Navigation and flows in an easterly direction. The Leeds and Liverpool Canal joins the Aire and Calder Navigation to the south of the proposed site.

Cutting through the Dark Arches north of the site is Dark Neville Street, the easterly section of which is used for parking. Watermans Place, a modern 15 storey residential block partially fronting the river is situated to the west of the site and forms part of Granary Wharf (the ISIS development) - a mixed development with shops, hotels and restaurants.

The Blue Apartments are located on the eastern bank of the river, to the rear of which is Little Neville Street and the Hilton Hotel. The Blue Apartments are a 16 storey high residential block, with a ground floor retail use that has been fitted out as a golf shop and virtual driving range. This includes a private deck which cantilevers over the east river wall.

Both sets of residential apartments are within 4m of the river wall and there is no public footpath on the eastern bank. The ground floor deck to the Blue Apartments removes the possibility of a future walkway along the east bank of the River Aire. On the western bank there is a footpath which also provides service access to plant rooms and refuse stores.

The Water Lane site to be used for loading/unloading barges, is bounded to the north and west by the Aire and Calder Navigation, to the south by a multi-storey and surface car park and to the east by former warehouse buildings and Meadow Lane. The site includes an area of car parking, a stone arch and low wall remaining from a previous warehouse building, scrub land over the remains of basements and a canal tow path.

2.3 Access

The site is not readily accessible from the major road network. Limited road and pedestrian access to the east of the site is provided by Little Neville Street and Dark Neville Street (a private road). These link eastwards to Neville Street which is the main north south route in this vicinity running northwards past the station and connecting to a wide area in the south of Leeds. There is also a vehicular access from the southwest to Granary Wharf via Canal Wharf and Wharf Approach.
Pedestrian crossing points of the River Aire are provided by Dark Neville Street, a pedestrian bridge built some 30m downstream of the site and a crossing further south where the canal joins the river.

Leeds City Station is one of Network Rail’s seventeen managed stations, serving the City centre of Leeds in West Yorkshire, with local, regional and inter-city rail services. At present, it hosts 100,000 passengers per day. As well as serving the dense network of local railway stations around the hub of Leeds, the station is located on the busy east-west Trans-Pennine rail route and on the Doncaster branch of the East Coast Main Line (ECML), linking Scotland to London Kings Cross.

The main station entrance is situated on New Station Street for pedestrians, cyclists, buses and taxis. Additional entrances are located on Wellington Street for pedestrians only and off Princes Square adjacent to the station car parking and drop off areas. Passengers wanting to access or exit the station from the south of the railway currently have no alternative to the existing indirect route via the main entrance on the north side of the station, the ‘Rotunda’ steps and through the Neville Street underpass beneath the station.

### 2.4 Designations

The proposed LSSE site is located on the northern boundary of the Canal Wharf Conservation Area. There are a number of other heritage assets within the locality; these include: the river lock and retaining walls to the River Aire (Grade II* Listed); Canal Wharf (Grade II* Listed); Victoria Bridge (Grade II Listed) and Dark Arches over the River Aire (a locally designated heritage asset). In addition, the barge loading/unloading site to the east is located within the Leeds City Centre Conservation Area and is next to a Grade II listed building.

### 2.5 Site History

A copy of the decision notice (May 2010) relating to the previous application to LCC for LSSE (reference: 09/04625/FU) is included in Appendix A of this Planning Statement. By this date the Blue Apartments to the east were already built and Waterman’s Apartments in Granary Wharf to the west were under construction.
3. The Proposed Development

3.1 Alternative locations for LSSE

A report has been produced justifying the choice of location for the proposed LSSE and design rationale (Mott MacDonald RPT 18). This states that Corus was commissioned by Network Rail to undertake a feasibility study for the location of LSSE, which first reported in 2006. This considered eight options at five different locations for a southern entrance to the station.

- **River Aire (Granary Wharf area)**
  - Option 1 – Western river bank connecting to the Western Footbridge
  - Option 2 – Western river bank connecting to Platform 16
  - Option 3 – Eastern river bank off Little Neville Street connecting to Platform 16

- **Sovereign Place (Sovereign Street)**
  - Option 4 – Connecting to Platform 16
  - Option 5 – Utilising existing station under-croft and punching up through onto Platform 8

- **Victoria Bridge (Granary Wharf area)**
  - Option 6 – Elevated walkway from the station Western Footbridge to Victoria Bridge

- **Dark Arches/ station under-croft (Granary Wharf area)**
  - Option 7 – Reopening former subways to Platforms 9, 11, 12, 13, and 15

- **Granary Wharf (Granary Wharf area)**
  - Option 8 – Extension to Platform 17 with access in the vicinity of Wharf Approach

These options were then progressed through four Network Rail design stages known as Governance to Railway Investment Project (GRIP) stages. During the course of this exercise a location on the west side of Neville Street with access to both sides of the river and connecting to the Western Footbridge was selected. The Sovereign Place options which linked to the eastern end of the station were rejected early on, on the basis that there were shorter existing routes to the station and the east end of the station was remote from train stopping points. The solution also offered poor value for money particularly as there would be disruption to the station during construction. Other locations were felt to be too remote or impractical.

Following the initial stages, options to the south of the Dark Arches were then further assessed, those being rejected were felt to impact adversely on the Conservation Area or cause visual intrusion for nearby apartments. In addition one site off Little Neville Street was considered to be too constrained to operate satisfactorily in future. A further refinement was introduced to minimise the impact on third parties, which resulted in the development of the final option, which is described in more detail in Section 3.2 below.

3.2 Description of LSSE Scheme

The LSSE Scheme will include a concourse comprising three levels located over the river within a visually iconic enclosed building. Open link span bridges will provide direct stepped access to the lower concourse level from the east and west banks of the River Aire. The lower concourse also extends back through the span of the station viaduct to a further open footbridge running parallel to Dark Neville Street. The difference in levels between the footway in Dark Neville Street and the bridges will be accommodated by ramps as well as steps. There is also a balcony at ground level to be used for maintenance.
Access to upper levels is provided by stairs, two escalators and two lifts. The first level of the concourse provides potential emergency access to platforms. The upper level links to the existing western footbridge which crosses platforms 15, 16 and 17 and is to be widened to accommodate ticketing facilities. The Scheme is accompanied by pedestrianisation proposals (except for local access) for Little Neville Street to the east.

The main enclosure takes the form of an arched canopy clad with gold coloured roofing, framing a glazed panel on the south elevation. The canopy rises but also tapers to a point at its northern end, where it joins the existing roof of the station. In addition to the glazed southern façade, the eastern elevation steps back to allow for a glazed lift shaft facing south. There is a narrower slot facing north on the western façade and glazed slots on either side of the structure, adjacent to the arches.

Further details of the proposals are provided in the Design and Access Statement.

3.3 Construction and Phasing of the Proposed Development

It is anticipated that construction will take around 62 weeks and unless otherwise agreed in writing by the Local Planning Authority, construction can only take place between 07:30hrs to 19:00hrs Monday to Friday and 08:00hrs to 18:00hrs Saturday. Construction will not normally take place overnight, on Sundays, Bank Holidays, Christmas Day or Good Friday; unless it is necessary to do so for reasons of safety to personnel or in order to satisfy the operational requirements of Leeds Station.

The site has a number of constraints affecting construction. In addition to working over water, there is limited storage space for materials around the site and immediate access is via minor roads (Little Neville Street or Granary Wharf) close to relatively tall apartment blocks and hotels.

Two alternative locations, one the west bank for a mobile crane and one on the east bank for a tower crane are being investigated and this will require further consideration.

The primary route to the site for materials will be along the Aire and Calder Navigation by barge from the loading/unloading area on Water Lane, to the east of the main site. These will be moored adjacent to the banks for unloading by crane or fixed into position in the river itself.
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The current proposal is for the main office and welfare facility to be located to the west of the site adjacent
to the railway; this is 5m above the ground level of Granary Wharf and will require cabins to be lifted into
place from below; also new steps for operatives. Parking for staff will be negotiated with local providers.
Alternative options for office facilities, possibly within an empty office block, will continue to be investigated.

A small satellite area is also proposed at the end of Little Neville Street (depending on the location of the
tower crane). Access to the works site in the early stages of construction will be by a small boat or series of
pontoons/platforms, from each bank. As construction work progresses up to platform level, there will be a
need for access for small plant from Platform 17 which requires an access point to be created through the
wall of the station building.

At all times the safety of the public will be a prime consideration with solid hoardings and clear directions
where diversions are required.
4. Planning Policy Framework

4.1 Introduction

This chapter identifies the planning policies at national, regional and local levels that are pertinent to the proposed development. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Policies on design and access are included in the Design and Access Statement.

4.2 National Planning Policy Framework

On 27 March 2012, the Government published the National Planning Policy Framework ("NPPF") with immediate and wide-ranging effect. It replaces practically all planning policy statements (PPS) and planning policy guides (PPG). Of relevance to the LSSE proposals PPS10 regarding waste remains, pending a separate framework document covering waste and a technical guidance note has been published to accompany the NPPF on flood risk and minerals.

The framework is designed to promote the Government's Localism Agenda with an emphasis on policies which reflect local priorities. A key change to previous guidance is a presumption in favour of sustainable development which balances economic, social and environmental factors. This therefore provides a more pro-active approach than before where the default answer to development is 'yes', except where this would compromise key sustainable development principles.

Of relevance to the LSSE proposals, the framework seeks to build a strong and competitive economy and ensure the vitality of town centres. This includes addressing potential barriers to investment - such as a poor environment and lack of infrastructure.

The strategy states that transport policies have an important role to play in facilitating sustainable development while also contributing to wider sustainable and health objectives. In particular plans should ensure that developments that generate significant movement should be located where the need to travel is minimised.

The framework aims to protect and enhance the environment through high quality design and conservation of the historic environment (elaborated on further in the Design and Access Statement) and by conserving and enhancing biodiversity. It states that planning has a key role to play in providing resilience to the impacts of climate change such as flooding (with requirements for a Flood Risk Assessment in areas which are vulnerable to flooding) and delivery of low carbon energy. Further policies encourage reuse of land that has been previously developed.

To prevent unacceptable risks from pollution and land instability, it states that decisions should ensure that the proposed site is suitable for its new use. Development should also mitigate and reduce to a minimum, adverse impact on health and quality of life arising from noise and ensure compliance with EU values for pollutants taking into account the presence of Air Quality Management Areas (AQMA).
4.3 Regional Policy Context

Although it is the Government’s intention to abolish Regional Spatial Strategies (RSS) outside Greater London, the Yorkshire and Humber Plan (May 2008) is the current RSS for the region, which encompasses the City of Leeds. The weight to be given to the RSS in planning terms should be interpreted in this context.

Policies relevant to the proposed development have been considered and are set out below:

**Policy YH1: Overall approach and key spatial priorities:** Plans, strategies, investment decisions and programmes should aim to:
- transform economic, environmental and social conditions in the Regeneration Priority Areas;
- manage and spread the benefits of continued growth of the Leeds economy as a European centre of financial and business services;
- protect and enhance the region’s environmental resources;
- avoid exacerbating environmental threats to the region and reduce the region’s exposure to those threats;
- avoid increasing flood risk, and manage land and river catchments for flood mitigation; and
- ensure that transport management and investment support and help deliver the spatial strategy.

**Policy YH2: Climate change and resource use:** Plans, strategies, investment decisions and programmes should help to reduce greenhouse gas emissions in the region in 2016 by 20-25% (compared to 1990 levels) with further reductions thereafter by:
- increasing population, development and activity in cities and towns;
- encouraging better energy, resource, and water efficient buildings;
- minimising resource demands from development;
- reducing traffic growth through appropriate location of development, demand management, and improving public transport and facilities for walking and cycling; and
- encouraging redevelopment of previously developed land.

**Policy LCR1: Leeds City Region sub area policy:** Plans, strategies, investment decisions and programmes for the Leeds City Region should:
- develop the role of Leeds as a Regional City, by accommodating significant growth in jobs and homes and continuing to improve the city centre’s offer of high order shops and services;
- support the roles of Leeds as major engines of the regional economy;
- enhance the historic value of the City Region’s historic towns;
- use the opportunities provided by increased development in urban areas to maximise renewable energy generation and energy efficiency;
- ensure that strategic patterns of development maximise the opportunities to use non car modes of transport and reduce the overall need to travel;
- focus most development on the Regional Cities of Bradford and Leeds and the Sub Regional Cities and Towns; and
- manage flood risk in line with policy ENV1 in all parts of Leeds City Region at risk from flooding.

**Policy LCR2: Regionally significant investment priorities for Leeds City Region:** In order to deliver transformation and change in the City Region through economic development, renewal and growth, and improved green infrastructure, accessibility, public and private sector investment will be targeted to improve public transport, particularly to Leeds City centre, to enhance the ease of movement and improve access to jobs within the City Region.
Policy ENV1: Development and Flood Risk: The Region will manage flood risk pro-actively by reducing the causes of flooding to existing and future development and avoid development in high flood risk areas where possible.

Policy ENV8: Biodiversity: The Region will safeguard and enhance biodiversity and geological heritage, and ensure that the natural environment functions as an integrated network of habitats. Plans, strategies, investment decisions and programmes should aim to maintain and enhance, restore or add to distinctive elements of the natural environment in line with international, national, regional, sub regional and local importance for biodiversity.

Policy E2: Town centre and major facilities: Plans, strategies, investment decisions and programmes should strengthen the role and performance of existing city and town centres. The centres of Regional Cities and Sub Regional Cities and Towns should be the focus for offices, retail, leisure, entertainment, arts, culture, tourism and more intensive sport and recreation across the region. Development, environmental enhancements and accessibility improvements, should take place to create a distinctive, attractive and vibrant sense of place and identity for each centre.

Policy T9: Transport investment and management priorities: Plans, strategies, investment decisions and programmes should take forward and secure delivery of the transport investment and management priorities of regional significance. Proposals should fully explore opportunities to make the best use of existing infrastructure by improving management and maintenance before recommending investment in new infrastructure and should be based on a multimodal approach.

4.4 Local Policy Context

4.4.1 The Leeds City Council Unitary Development Plan (2001 reviewed 2006)

The Leeds City Council Unitary Development Plan (UDP) was adopted in 2001 and reviewed in 2006. The Review forms an 'alteration' to the 2001 plan rather than a 'replacement'. The UDP is the current Development Plan for the City Council.

A number of policies in the UDP were 'saved' under the Planning and Compulsory Purchase Act. These will ensure that there is continuity in planning policy until the Core Strategy for the Council supersedes that planning policy contained in the Local Plan. As such, the UDP provides a framework for all new developments and is used as a basis for making decisions regarding land use and planning applications.

Policies relevant to the proposed development are outlined below.

Policy SG1 (Land Use Coordination of Aspirations) The UDP should use the mechanism of land-use planning to help coordinate the aims and aspirations of the Council's strategic initiatives, with the intent of improving the quality of life for all the residents of Leeds and those who use the city.

Policy SG4 (Pursuit of Sustainable Development) seeks to apply the principles of sustainability in implementing the UDP in order that development will meet the needs of the present without compromising the ability of future generations to meet their own needs;

Policy SA1 (Environment) seeks to secure the highest possible quality of the environment throughout the District, by protecting existing good environment, conserving and enhancing where there is scope for improvement, including initiating the renewal and restoration of areas of poor environment.
Policy SA2 (Transport) seeks to encourage development in locations that will reduce the need for travel, promote the use of public transport and other sustainable modes, reduce the journey lengths of those trips which are made by car, whilst promoting safe travel, economic development and protection of the environment.

Policy SA4 (Local Economy) seeks to promote and strengthen the economic base of Leeds by co-ordination of the provision of necessary infrastructure.

Policy SA6 (Leisure & Tourism) seeks to encourage the provision of facilities for leisure activities, and to promote tourist visits to Leeds, in ways which secure positive benefits for all sections of the community.

Policy SA7 (Urban Regeneration) seeks to promote the physical and economic regeneration of urban land and buildings within the urban areas, taking account of the needs and aspirations of local communities.

Policy SA9 (Aspirations for the City Centre) seeks to promote the development of a City Centre which supports the aspiration of Leeds to become one of the principal cities of Europe, maintaining and enhancing the distinctive character which the Centre already possesses.

Policy SP3 (Development Location Strategy): New development should be concentrated within or adjoining the main urban areas and settlements on sites that are well-served by public transport, in order to maximise the potential of existing and proposed infrastructure.

Policy SP4 (Transport Priorities): Priority in the introduction of new transport infrastructure is given to supporting public transport.

Policy SP8 (City Centre Policy): The role of the City centre will be enhanced by the following:
- a planned approach to the expansion of Centre uses within a defined city centre boundary;
- an environmental strategy concerned with improving urban design;
- transport improvements within the Council's Transport Strategy.

Policy GP5 (Requirements of Development Proposals): Development proposals should resolve detailed planning considerations (including access, drainage, contamination, stability, landscaping and design). Proposals should seek to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life and to promote energy conservation and the prevention of crime.

GP11 (Sustainable Design Principles): Where applicable development must ensure that it meets sustainable design principles.

Policy N38b (Planning Applications and Flood Risk Assessments): A planning application should be accompanied by a Flood Risk Assessment where consultations with the Council or the Environment Agency have identified a need for an Assessment, or where there is other clear evidence that a proposal is likely to be affected by flooding, or could increase the risk of flooding elsewhere.

Policy N49 (Nature Conservation): Development will not normally be permitted, which threatens significant net depletion or impoverishment of the District's wildlife or habitat resources, geological features or landforms. The design of new development (including any landscaping) should minimise its potential adverse impact.

Policy N51 (Nature Conservation & Enhancement): The design of new development, (including any landscaping) should (wherever possible) enhance existing wildlife habitats and provide new areas for
wildlife as opportunities arise. Where new development is proposed adjacent to an area of existing nature conservation interest, a buffer zone will be required.

Policy T1 (Transport Investment Policy): Transport investment will be directed towards the following:

- improving the quality and provision made for alternative modes to the car and lorry – by improving facilities for public transport and other sustainable modes including walking and cycling, promoting best practice for transport freight distribution and facilitating greater use of rail and waterways for freight movement;
- promoting social inclusion – by improving facilities for people with impaired mobility, improving access for people from deprived communities and securing personal safety for transport users; and
- encouraging the greater integration between travel modes through support for better interchange between and within travel modes and measures which broaden the range and opportunity for journeys to be made by public transport.

4.4.2 Submission Core Strategy February 2012

The UDP will gradually be replaced by the Local Development Framework (LDF) of which the Core Strategy is the principal document. The proposed Core Strategy was agreed by Members for public consultation in February 2012. It will then go to Examination in Public later in the year, with the intention of it being adopted in 2013. It is therefore of some materiality to the application.

The Submission Core Strategy is based around a number of themes, as follows:

- Leeds (A Distinctive Place): The Core Strategy supports sustainable and high quality design that protects and enhances those elements which contribute to the distinct identity of the City;
- Shaping the Future: The Core Strategy seeks to deliver a sustainable, diverse and competitive economy in Leeds;
- Managing Environmental Resources: Development should protect and enhance biodiversity as part of any development and should seek to promote sustainable development. In particular, flood risk issues should be addressed as part of any proposed development; and
- A Well-Connected City: The Core Strategy is supportive of the delivery of an integrated transport strategy, which includes a range of transport infrastructure improvements.

4.5 Additional Policy Documents

In addition to the UDP, there are a number of Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) as well as Strategies adopted by the City Council, which are relevant to the proposed development. These documents provide a more detailed explanation of how strategic policies of the Unitary Development Plan might be practically implemented. The content of these documents should be given weight in considering development proposals. Those documents relevant to the proposed development are summarised below.

4.5.1 Leeds Waterfront Strategy 2002 & 2006

The Leeds Waterfront Strategy was adopted in 2002 and was the subject of a partial review in 2006. The Strategy encompasses approximately 6.5km of the river and canal corridor running through central Leeds, formed by the Aire & Calder Navigation and the Leeds and Liverpool Canal. The proposed development falls within the study area. The Waterfront Strategy identifies opportunities for regeneration and enhancement in the study area Biodiversity & Waterfront Development.
The Biodiversity and Waterfront Development SPD provides a framework to inform, guide and assess new development on sites adjacent to rivers, canals and becks in Leeds to ensure that biodiversity issues are duly considered and addressed. The SPD was adopted in September 2006 and forms part of the LDF suite of documents.

The document promotes and seeks to achieve the following objectives:

- to provide guidance on the ecological design of developments within waterway corridors;
- to provide guidance on the conservation of protected and important species;
- to identify opportunities for habitat enhancement, creation and restoration; and
- to encourage appropriate long term habitat management.

4.5.2 Holbeck Urban Village Planning Framework 2006

The Holbeck Urban Village (HUV) Revised Planning Framework was adopted in February 2006. It sets out the planning and design framework for the regeneration of this historically important area which includes many buildings in poor condition, underutilised and with many gap sites. This includes creating new opportunities for employment, living and leisure including a new creative quarter based on new media and digital technologies. It also seeks to improve connectivity between the city centre and communities of Beeston Hill and Holbeck.

4.5.3 My Journey West Yorkshire, West Yorkshire Local Transport Plan (2011 – 2026)

This Plan sets out a vision for transport in West Yorkshire over the next 15 years, ‘to ensure [the] transport system connects people and places in ways that support the economy, the environment and quality of life’. The most relevant of these three objectives is the aim to improve connectivity to support economic activity and growth in West Yorkshire and the Leeds City Region. Specifically, the ‘Enhancements’ programme, a major priority for the next three years, refers directly to plans for a new entrance to Leeds City Station as one of the main projects that will spur on the objectives of this plan.

4.5.4 Leeds City Region Local Enterprise Partnership Plan – ‘Realising the Potential’ 2011

This report sets out various strategic priorities to be addressed in order to fulfil the LEP aim for Leeds to become ‘A world-leading dynamic and sustainable low carbon economy that balances economic growth with a high quality of life for everyone.’ The first priority is the most relevant to this project, and focuses on creating the environment for growth which includes establishing the physical infrastructure to connect business and workforce to opportunities and to each other.

4.5.5 Leeds City Region DaSTS Connectivity Study, Phase 1: 2010

The goal of this report is to support economic competitiveness and growth. It suggests that one way of doping this is to reduce productive time lost through delays in transport, improve access and connectivity to labour markets in key business centres.
5. Case for the Proposed Scheme

5.1 Need for the LSSE Scheme

The railway viaduct (Dark Arches) in the centre of Leeds impedes traffic and pedestrian circulation into the City centre, the only significant road link in the vicinity of the station being Neville Street. The existing main station entrances are located to the north of the viaduct, primarily feeding City Square and the City centre beyond. Passengers wanting to access or exit the station from the south of the railway currently have no alternative to the existing indirect route through the Neville Street underpass beneath the station and up to the main station entrance on New Station Street via the ‘Rotunda’ steps. If they cannot use steps they must take an even more circuitous route around the front of the station.

Current connections are inadequate and inappropriate for the high volume of pedestrian journeys made along Neville Street every day. The recent refurbishment of the underpass on Neville Street will improve the quality of the experience but a direct southern access to the station will reduce travel time and considerably increase connectivity.

Leeds station is used by around 100,000 passengers per day, with this figure expected to continue growing by around 6% over the next decade and by over 60% over the next twenty years. Much of this growth is expected to come from the south of the City. With many new developments and regenerated areas completed (and others planned) to the south of the railway, especially Holbeck Urban Village and Granary Wharf, there is an urgent need to develop a new entrance which encompasses the approaches from the southern area of the city directly into the station.

The existing station layout has only a single major entrance/exit from the platforms via the north side of the station. Recently, the manned ticket booths have been replaced with automated ticket barriers.

As passenger growth is projected to continue, future enhancements to the passenger through flow capacity will be required. The proposed southern entrance will route passengers away from the existing main entrance/exit and directly to their destinations to the south of the station. This will not only save time for the users of the new entrance, but will relieve some of the peak hour congestion at the existing entrance/exit to the north.

A Major Scheme Business Case (MSBC) was submitted to the DfT in November 2009 and successfully gained Programme Entry status for LSSE. The scheme was re-endorsed as a regional priority on 23 October 2009 by the Yorkshire and Humber Joint Regional Board. Further evidence was presented in an updated business case in mid 2010 as part of the government’s Comprehensive Spending Review process, and revised funding confirmed in February 2011 allowing the scheme to progress. As outlined in the MSBC, implementing the LSSE proposals will contribute towards the objectives of local, regional and Central Government.

5.2 Benefits of the Proposed Development

The key benefits of the scheme include:

- A new, pedestrian entrance to the station, which incorporates lifts, escalators and stairs to provide passenger access to the current western footbridge within the station from ground level either side of the River Aire. The proposals also include CCTV, help points, ticket machines and passenger information screens;
It is estimated that 22-24% of passengers (approximately 20,000 passengers per day) using Leeds station would use the proposed southern entrance;

On average, it is estimated that each of these passengers would benefit from an estimated time saving of 133 seconds for each trip to or from the station;

Passenger generation of 2.5% (approximately 500 additional passengers per day) is estimated as a result of the scheme. This would result in additional revenue that would more than offset the additional maintenance and station operating costs resulting from the new entrance;

Recent work undertaken as part of the ‘Transport for Leeds’ programme of studies has estimated that jobs in the City Centre as a whole will increase from around 102,000 in 2009 to 108,000 (+8%) in 2018 and 118,000 (+16%) in 2030. Most new jobs are likely to be located in the expanding southern part of the city centre

The proposed LSSE will also be of benefit to businesses in the south of the City centre, assisting visitors and helping to attract staff. This is likely to improve their ability to attract the best workforce.

It will provide encouragement for new businesses to set up in the area

modal shift from car to rail is estimated to result in a reduction in car driver trips equal to 26% of the additional generated trips (approximately 130 car driver trips per day). This modal shift would contribute towards a reduction in road traffic accidents, improvements in local air quality and a reduction in greenhouse gas emissions.

The principle of the proposed development has already been established by the grant of planning application 09/04625/FU, which was approved by LCC in May 2010. The LSSE scheme is critical to the continuing regeneration of the south of the City centre and the proposed scheme will support policies YH1, LCR1 and LCR2 of the Yorkshire & Humber RSS; and policies SA4, SA9 and SP4 of the adopted UDP.
6. Environmental Impact of the Scheme

6.1 Townscape and Design

This Section draws on the Design & Access Statement (Mott MacDonald RPT09) and Townscape and Visual Amenity Technical Appendix (Mott MacDonald RPT11). The extent of the visual envelope defines the spatial scope of the study area, which includes open views towards the Tower Works across the Holbeck Urban Village and has a number of listed buildings and two Conservation Areas.

Recommended incorporated mitigation during construction includes management of light pollution, a traffic management plan and footpaths/cycleways to be kept open where possible. In addition, hoardings are to be kept free of graffiti and dust and litter controlled. Working areas will be reinstated once the development is complete and public realm improvements are proposed for the barge loading/unloading site in Water Lane.

The report finds that although the crane will be visible above the station, the overall significance of effect is negligible, given the urban surroundings. Nor is it envisaged that increased construction traffic will affect the tranquillity of any open spaces, including the Water Lane site. The listed canal walls and lock will be unaffected by the works. Moreover the movement of materials along the river will be in keeping with historical context of the character area.

Permeability and access to the public realm between the DoubleTree Hotel and Watermans Place will be affected by the works. Other elements of the construction works however can be accommodated within the existing activity levels in the area. When completed LSSE will change the setting of the Dark Arches but this is not felt to have a significant effect (see section 6.2).

In light of the above, it is considered that national regional and local policies are addressed; in particular the NPPF and policies SA1, N12, N13 and CC3 of the UDP

6.2 Historic Environment

This Section draws on the Historic Environment Technical Appendix (Mott MacDonald RPT13) and the separate Heritage Statement (Mott MacDonald RPT04) produced at the request of LCC. The area examined is within a 500m radius of the site boundary. The following heritage assets were identified within this area as being potentially visually impacted by the construction works and/or LSSE:

- Canal Wharf Conservation Area;
- Leeds City Centre Conservation Area;
- Holbeck Conservation Area;
- River lock and retaining walls to the River Aire, Grade II* Listed Building (MM2);
- Canal Wharf, Grade II* Listed Building (MM10);
- Victoria Bridge, Grade II Listed building (MM15); and
- Dark Arches over the River Aire, Heritage Asset (MM25 and MM30).

No archaeological features are affected by the Scheme.

The study finds that there will be a limited amount of direct physical impact on the structure of the ‘Dark Arches’ caused by the construction. However this is deemed to be low adverse, given that the asset is only of local heritage importance and the effect is not felt to be significant.
Once completed, the effect of LSSE on the character of the Conservation Area is felt to be insignificant given that the site is surrounded by buildings of modern appearance and although it will change the setting of the Dark Arches, the high quality, striking design of the proposed LSSE has been assessed as an improvement, resulting in a minor beneficial effect overall.

The main effect on heritage is at the Water Lane site which lies within the Leeds City Centre Conservation Area. The preparation of the proposed barge loading/unloading area here will involve the demolition of an entrance archway and wall, together with levelling of the site to the rear. The arch is not listed although the adjacent buildings, which contain similar features, are listed as Grade II. The dismantling during the construction period is deemed to have a moderate adverse effect. However since the intention is to re-erect the arch and low wall after the development is completed, the long term effect will not be significant.

It is therefore considered that the LSSE proposals satisfy national, regional and local policy - particularly the NPPF, policy ENV9 of the RSS; and policies N18a, N19, N20 and CC5 of the UDP.

### 6.3 Air Quality

Technical Appendix (Mott MacDonald RPT19) deals with air quality. For the construction phase, Network Rail's own guidelines are to be incorporated into the Environmental Management Plan (EMP). These include requirements for the control of dust and other emissions, with appropriate training for staff. Other specific site mitigation measures will include use of barriers around dusty areas; a ban on bonfires and a layout which ensures that dusty materials are stored away from residents.

In addition measures will be introduced to control construction traffic and ensure that areas are kept clean with any runoff contained. On site dust creating activities will be minimised and dampened down where necessary and stockpiles for any length of time will be avoided. With these measures in place, also taking into account the temporary nature of the construction phase, air quality effects are concluded to be ‘temporary minor adverse’.

In the event that measures are introduced to control external traffic in Little Neville Street, the report states that no further mitigation is required during operation. It is therefore considered that the proposals satisfy the NPPF.

### 6.4 Geology and soils

This Section draws on the findings of the Geology and Soils Technical Appendix (RPT016). It discusses the constraints which could be imposed on the project with regards to the existing ground conditions, including assessment of contaminated land. The site is underlain by alluvium and the Pennine Lower Coal Measures (LCM) formation.

Incorporated mitigation includes a detailed ground investigation to be undertaken by the contractor, which will build upon the desk study already undertaken and a piling risk assessment in accordance with accepted guidelines. A gas risk assessment is also to be undertaken given the presence of coal. In addition the cofferdam will be designed, constructed and deconstructed using best practice methodology with suitable fill materials and work will be carried out in accordance with good construction practice and an EMP.

Given the nature of the project there is likely to be only a small volume of materials generated by these works and only a very small opportunity for its re-use, resulting in a negligible adverse effect. To construct the piers, piling will be undertaken into the aquifer, which could create new pollution pathways and which
could disturb contaminated sediments within the watercourse. Groundwater is also sensitive to direct spillages from liquid contaminants stored on site. This will result in a slight adverse effect.

The risk to workers from dust generation from soils during earthworks and the associated risk that this may be contaminated, is considered to be low, as is risk of migration of land gas from the underlying coal measures, via piles or services. In both cases the effects are slight adverse.

Concrete structures may be at risk from aggressive materials in the ground (such as sulphates) which can be present both naturally and via man made action. In this case the risk is felt to be low giving a negligible adverse effect.

It is therefore considered that the LSSE proposals more than satisfy national, regional and local policies, in particular the NPPF and policy GP5 of the UDP.

6.5 Ecology and Nature Conservation

This summary draws on the Mott MacDonald Ecology Technical Appendix (RPT014). The report finds that the adjacent area has a relatively low ecological value. Incorporated mitigation during construction will include standard pollution measures, avoidance of disturbance of nests, controlled lighting in relation to otters, birds and bats. EA guidelines will also be followed to prevent disturbance to otters.

In terms of construction effects, the loss of vegetation or effects of dust deposition on vegetation and insect food sources for birds and bats, will be negligible. There may be a slight adverse loss of a small number of nest sites, although given the urban location, construction noise and vibration should have no effect on breeding birds, which are of local importance for conservation.

Pipistrelle bats have been recorded as feeding near the LSSE site; however as no roosts have been found, it is considered unlikely that construction noise, vibration and lighting will cause any disturbance to roosting bats - resulting in a temporary, slight adverse effect. It is recommended however that this situation be monitored.

Any disturbance to otters will be temporary and slight adverse in nature. Established overland routes for otters will be maintained and disruption to otters’ travel along the River Aire will also be temporary in nature and have a slight adverse effect.

Incorporated mitigation at the operational stage will include directional lighting. However increased lighting and activity around the LSSE, once the facility is open, will inevitably make it even less suitable for breeding birds than it is at present. It is considered that these effects will be of negligible magnitude.

There will be a slight adverse, permanent effect on foraging bats. Operational lighting and increased human activity will also reduce the LSSE site’s suitability for otters. This will result in a slight adverse, permanent effect for otters using the LSSE area to travel along the River Aire, although suitable planting should provide cover.

During operation there will also be no net loss of habitats in any adjacent landscaped areas and species selected will include native species. No effects on any designated sites are predicted to occur as a result of the operation of LSSE.

Given the previous disturbance to this area from recent developments in the area, it is not likely that construction works at LSSE will have any substantial effect on this site. In this light it is considered that the
LSSE proposals will satisfy national, regional and local policies, in particular the NPPF, RSS policy ENV8, UDP policies N49 and N51.

6.6 Water Resources

The Water Resources Technical Appendix (Mott MacDonald RPT017) addresses the potential for a reduction in the value and function of water features due to changes in hydrogeology, hydrology or water quality. Receptors are identified as surface waters and drainage patterns; aquifers and groundwater abstractions; and spatial scope is taken as within 250m of the site.

Comments relating to water resources were received from the Environment Agency (EA) British Waterways (BW) and LCC. These bodies had no fundamental objection to the Scheme but requested that further information should be submitted and agreed prior to the commencement of development.

During the construction phase, good construction practices will be followed and documented within the EMP. When the facility is in operation, good maintenance practices will be followed and appropriate procedures for preventing pollution adopted, during regular cleaning. In particular the building Operation and Maintenance (OM) manual will outline measures to prevent pollutants (e.g. window cleaning chemicals, particulates and litter) being washed or swept into the River Aire.

The report states that the proposed pile foundations located directly beneath the LSSE piers in the River Aire are very limited in area and should not create a significant barrier to groundwater flow. It concludes that provided mitigation measures are implemented effectively during the construction and operational phases, the Scheme will not have any significant effects on water resources.

Therefore in this respect, national, regional and local policies are satisfied - in particular the NPPF, RSS policy YH1 and UDP policy SE1.

6.7 Socio-economic impacts

Technical appendix (Mott MacDonald RPT012) describes the socio-economic effects of the LSSE Scheme. The impact area is defined as the Lower Super Output Area and stretches from the Cathedral north of the station to Holbeck in the southwest, the Calls and South Leeds Commercial Areas to the east and southeast respectively.

Incorporated mitigation during construction will include retention of public walkways as far as is possible. Pedestrian areas will be well lit and care will be taken not to direct lighting towards residential properties. Safety of residents will be ensured by hoardings around all construction areas. It is also intended that there should be ongoing engagement with the community and with the station manager. Workers are likely to park well away from the site. In addition access to residential and commercial properties will be maintained and most materials will be transported by barge to avoid disruption to residents.

The development of LSSE will create temporary employment over the 62 week construction period. It is forecast that, at the construction peak, approximately 100 staff and operatives will be employed. It is also likely that that some labour resources will be drawn from the local area.

Despite best efforts there will inevitably be some disturbance to local residents and workers during construction, from traffic, noise and visual intrusion. This will mainly affect the Blue Apartments but may also affect Watermans Place and has been estimated to be moderate adverse.
Residents, local workers and some commuters may also be temporarily affected by severance when the Dark Neville Street footbridge is removed, however pedestrians will be diverted on to the vehicular bridge (which will be closed to vehicles) and located adjacent to the footbridge. There could be more noise and minor disturbance in Granary Wharf early in the morning, as workers take the route from the compound to the site. The magnitude of effect in however is deemed to be minor adverse. The effect of construction traffic will also be minor adverse.

The socio-economic beneficial effects of the Scheme during operation are largely set out in Chapter 5. These include shorter and easier journeys for commuters using the station, decreasing journey times for employees and customers of local business and better connectivity for those living or working to the area. In addition, the new entrance will link directly to the Cycle Network Route 66, improving access to bicycles. These effects are seen to be moderate beneficial. In terms of indirect effects the increased footfall round the south of the station also has the potential to attract new business to the area and further encourage inward investment and regeneration.

The report also suggest supplementary mitigation in the form of extra lighting, CCTV or phone help points, to ensure any personal safety concerns are addressed. With these measures in place it is considered that the LSSE proposals more than satisfy national, regional and local policies, in particular the NPPF, RSS policies LCR1 and LCR2 and UDP policies SA4 and SA6.

6.8 Noise and vibration

The spatial extent of Noise and Vibration Technical Appendix (Mott MacDonald RPT20) assessment includes all locations where construction impacts generated by activities or movement are likely to directly affect sensitive receptors. The proposed LSSE is situated in an urban area where the noise climate is dominated by transient sources associated with railway operations at Leeds City Station, particularly from train movements and the Public Address and Voice Alarm (PA/VA) system. Rushing water in the River Aire and road traffic on Neville Street are steadier, more continuous sources of noise.

The study anticipates that six 18-hour railway possessions will be required for the construction of the footbridge extension over the station. This will involve night-time and weekend working, typically Saturday night to Sunday afternoon. Generally however, working hours will be restricted. Other incorporated mitigation includes good construction practice to reduce any noise created. There will be ongoing contact with LCC and with residents (Network Rail runs a 24 hour helpline available to residents to report any disturbance). In addition noisy activities will be limited to the daytime where possible.

Construction noise affecting Blue Apartment occupants is expected to have a slight or moderate adverse effect during the daytime and a slight adverse effect on the occasions when there is night-time working. Construction works affecting Waterman Place residents are also expected to have a slight or moderate adverse effect during the daytime, but neutral effects during night works;

Noise from construction affecting the Hilton Hotel guests will have neutral effects during both day and night time works. At Water Lane, construction works are expected to be limited to daytimes but there is potential for large or very large adverse effects. This due to the operation of a mobile crane in close proximity to the residential receptors;

The daytime effects on the Golf Café Bar are assessed as slight or moderate adverse with evening construction works (during possessions) expected to have neutral effects. Elsewhere the effects during both the day and night are neutral. It is considered that the significance of effects due to construction traffic will be neutral.
In assessing the significance of effects associated with construction vibration due to rotary bored piling, it is concluded that slight or moderate adverse effects are expected at the residential and commercial receptors close to the entrance site in terms of annoyance of occupiers; and rotary bored piling is expected to have neutral effects at all receptors in terms of cosmetic damage to buildings.

During operation it is not anticipated that plant or equipment within the LSSE will create any significant noise. Supplementary mitigation could include improvements to the existing PA/VA system in the station.

With mitigation in place and allowing for this tightly constrained urban site, it considered that national, regional policies are broadly satisfied - in particular the NPPF and policy GP5 of the UDP.

6.9 Flood risk

Mott MacDonald’s report RPT03 deals with flood risk. The assessment has been carried out in accordance with the Technical Guidance on the subject risk published to accompany the NPPF. As such, it incorporates the particular requirements of the Environment Agency (EA), Leeds City Council (LCC), and the Leeds Strategic Flood Risk Assessment (SFRA). It also draws on the available EA and the Leeds SFRA Flood Zone Maps and the results of hydraulic modelling undertaken previously by Faber Maunsell / Aecom.

The primary source of flood risk to, and resulting from, the proposed development, is flooding from the River Aire. The Scheme is considered to be Essential Infrastructure (flood risk vulnerability category), and will be constructed in Flood Zones 2 (medium probability), 3a (high probability) and 3b (functional floodplain), as defined by the Leeds SFRA Flood Maps. Sequential and Exception Tests have been applied, taking into account advice and recommendations from LCC and the EA and are considered to have been passed.

The LSSE will incorporate the following flood risk management measures:

- the finished floor level of the LSSE will be set to a level agreed by the EA, and therefore will provide a freeboard above the predicted 1 in 200 year plus climate change fluvial flood level;
- hydraulic modelling of the LSSE proposals demonstrate that the extended bridge piers, localised widening of the bridge piers (due to the new lift pits) and protruding escalator pits will not affect the predicted 1 in 200 year plus climate change fluvial flood levels;
- where the escalator pits protrude beneath the main deck of the LSSE, it is proposed to construct a streamlined deflector to minimise the risk of flood debris collecting against or damaging the upstream face of the pits; and
- it is recommended that the Leeds station operators register with the Environment Agency flood warning scheme, such that the LSSE may be closed in advance of any forecast extreme flood events, with safe access to the station maintained via the existing north entrances.

The residual flood risks have been assessed, and are considered to be within acceptable limits. Therefore, subject to implementation of the recommendations above it is anticipated that the proposed development should be considered acceptable from a flood risk standpoint.

With these measures in place the FRA satisfies national, regional and local policy – particularly the NPPF, RSS policy LCR1 and UDP policy N38b.
6.10 Energy Study

The Technical Appendix on Energy (Mott MacDonald RPT05) baseline model predicts a total annual energy demand of 558.84MWh/year with the two major energy uses being the escalators and lighting. An energy efficient model was also simulated; which predicted a total annual energy demand of 386.82MWh/year.

The energy efficient model predicts a significant reduction of up to 30% of the baseline model. Recommended energy efficient design strategies are high efficiency lift motors; presence detection on escalators; and lighting linked to daylight sensors. The report also discusses low or zero carbon technologies that could be suitable for the LSSE project. Potential renewable energy sources could be water turbines; photovoltaic cells; and wind turbines.

The report states that a more in depth analysis is recommended of the proposed natural ventilation system. It is also suggested that the feasibility and potential energy from piezoelectric ticket barriers could also be investigated.

6.11 Sustainability Appraisal

The Sustainability Appraisal Technical Appendix (Mott MacDonald RPT07) indicates the predicted positive and negative effects of implementing the LSSE Scheme. Examples of positive effects are accessibility to the areas south of Leeds; increased accessibility to the City centre, including education and employment opportunities, healthcare and goods; a more efficient station, improved connectivity, increased safety and security, the use of energy efficient and renewable resources.

Many of the potential negative effects will be mitigated by careful design and good construction practice, as set out in the EIA, the Network Rail Contract Requirements – Environment and Register of Consents and Commitments which it will be the Construction Contractor’s responsibility to implement.
7. Conclusion

The purpose of this Planning Statement is to explain and justify the LSSE Scheme in terms of its compliance with policy and its impact on the surrounding area. It should be read in conjunction with the Design and Access Statement which deals with design and movement topics separately.

A TWA Order is to be sought for the LSSE Scheme. This follows the granting of planning permission by LCC in May 2010, for an almost identical proposal. The LSSE Scheme is situated directly south of the Dark Arches which span the River Aire and support Leeds City Station. This is one of Network Rail’s busiest stations, serving the City centre of Leeds in West Yorkshire, with local, regional and inter-city rail services. The Dark Arches form a barrier to movement in this vicinity which means that all passengers currently have to enter the station from the north. Current connections are inadequate for the high volume of pedestrian journeys made along Neville Street every day.

Both regional and local policy seeks to develop Leeds’ role as a regional city by accommodating significant growth in jobs, homes and related services. A key plank of this aim is the expansion of City centre, specifically in areas designated for regeneration to the south of the station. The proposed LSSE will not only serve existing residents and businesses to the south of the City centre, but also assist in encouraging new development in this vicinity. It will also relieve current passenger congestion in the station at peak times and in so contribute more widely to ongoing development.

Following a thorough analysis, the site selected for the Scheme provides the best location for the southern entrance, taking into account future usage. Findings relating to the townscape and landscape assessment, are that as long as mitigation measures are incorporated into the process, visual effects at the main site and various compounds during construction will be insignificant. This and the heritage study conclude that although the setting of the Dark Arches (a local heritage asset) will change, this will represent an improvement to the present view.

Given the previous disturbance to the area from recent developments, it is not considered that works for the proposed LSSE will have any substantial effect on the ecology of this site. However, measures to protect, birds, bats and otters, will be incorporated into the design and construction process. The report also confirms that provided mitigation measures are implemented effectively during construction and operation, problems arising from contamination of the ground and water or creation of dust, will be insignificant. In addition, subject to a number of flood risk management measures, residual flood risks are considered to be within acceptable limits.

With regards to noise, the site is tightly constrained and it is inevitable even with mitigation, that there will be some adverse effects on nearby residents during construction. However the site is located in an urban area whose residents already experience transient and background noise. Again, good construction practices will be applied and this, together with restricted hours of working and ongoing communication with residents, should minimise disruption to residents. During the operational phase there should be no significant increase in noise.

The socio-economic study suggests that there could be some disruption to residents during construction by diversions or closures of footways. However this will be kept to a minimum. During construction the Scheme will provide direct and indirect employment and the long term social and economic benefits as outlined above are significant.
The energy study predicts a significant reduction in energy consumption from the baseline and it is considered that the proposals are highly sustainable when all factors are assessed.

As outlined in this document, the LSSE Scheme complies with the development plan and is also supported by other material considerations such as the NPPF.

In light of the above and taking into account the findings in the Design and Access Statement, this application is recommended to you for approval.
Appendices

Appendix A. Copy of Planning Decision Notice 09/04625/FU 31
Appendix A. Copy of Planning Decision

Notice 09/04625/FU

TOWN AND COUNTRY PLANNING ACT 1990
GRANT OF FULL PLANNING PERMISSION

Applicant Network Rail (Infrastructure) Ltd Application Number: 09/04625/FU
Agent: Network Rail - York Date Accepted: 27 October 2009
George Stephenson House
Toft Green
York
YO1 6JT Date of Decision: 13 May 2010

Proposed Development At: City Station, New Station Street, Leeds, LS1

Proposal: Addition of new southern entrance with access walkway and new footbridges to railway station

Planning permission granted in accordance with the approved plans and specifications and subject to the condition(s) set out below:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

3) No building works shall take place until details and samples of all external materials, including a mock up of the large to smaller format tiles junctions and glass to cladding junctions, have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

In the interests of visual amenity, the character and appearance of the conservation area, and the setting of the nearby listed building.

4) No building operations shall be commenced until full 1:20/1:10 details of the following have been submitted to and approved in writing by the Local Planning Authority:
   a) Details of the glass balustrade and cladding to the deck/bridge detail.
   b) Details of the leading edge and return of the canopy.
   c) Details of the glazed slots in the west elevation.
   d) Details of the roof light to cladding junction.
   e) Details of the cladding panel formats and junctions between different sizes.
f) Details of glazing systems.
The works shall be carried out in accordance with the details thereby approved, and
retained as such thereafter.
In the interests of visual amenity, the character and appearance of the conservation area,
and the setting of the nearby listed building.

5) No building works shall take place until details and samples of all surfacing materials
have been submitted to and approved in writing by the Local Planning Authority. Such
materials shall be made available on site prior to the commencement of their use, for the
inspection of the Local Planning Authority who shall be notified in writing of their
availability. The surfacing works shall be constructed from the materials thereby
approved and retained as such thereafter.
In the interests of visual amenity, the character and appearance of the conservation area,
and the setting of the nearby listed building.

6) No lighting fitment shall be installed on the site in such a way that the source of light is
directly visible from nearby residential properties.
In the interests of residential amenity.

7) Prior to the commencement of development, a scheme for the protection and
enhancement of biodiversity shall be submitted to and agreed in writing by the Local
Planning Authority. The scheme shall be based on the recommendations in the
Ecological Assessment ref.60092600/1010 dated 24 April 2009, the Bat Survey report
ref.60092600/1026 dated July 2009 and the Ecology Report Addendum dated 17
December 2009. The scheme shall include a timetable for implementation and it shall
thereafter be implemented in accordance with the agreed timetable.
In the interests of the enhancement and protection of biodiversity and the waterway.

8) Prior to the commencement of development, full construction details of the foundations
/supporting structures on the river bed shall be submitted to and approved in writing by
the Local Planning Authority. Works shall be carried out in accordance with the approved
details and retained as such thereafter.
In order to ensure that there will be no detrimental impact on the bed or banks of the River
Aire and any associated water infrastructure.

9) Prior to the commencement of development, full details of the bridge span
where it lands on the side of the navigation should be submitted to and approved in
writing by the Local Planning Authority. Works shall be carried out in accordance with the
approved details and retained as such thereafter.
In order to ensure that there will be no detrimental impact on the bed or banks of the River
Aire and any associated water infrastructure.

10) Prior to the commencement of development, full details of appropriate mitigation
measures to prevent the pollution of the waterway during construction of the approved
development shall be submitted to and approved in writing by the Local Planning
Authority. Works shall be carried out in accordance with the approved measures.
In order to prevent the contamination of the waterway and ground water from wind blow,
seepage or spillage at the site.

11) Prior to the commencement of development, full details of surface water drainage,
arrangements including means of discharging into the watercourse should be submitted
to and approved in writing by the Local Planning Authority. Works shall be carried out in
accordance with the approved details and retained as such thereafter.
In order to prevent damage to the waterway structure, protect water quality and make an
assessment of the increased volume of water entering the watercourse.

12) No development shall take place until details of measures to be taken to suppress dust
have been submitted to and approved in writing by the Local Planning Authority.
In the interests of amenity.

13) No development shall take place until a plan showing satisfactory details of provision to
be made for the storage, parking, loading and unloading of contractors' plant, equipment
and materials, and the parking of vehicles of the workforce, within the site, have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided for the duration of site works.

In the interests of the free and safe use of the highway.

14) Unless otherwise agreed in writing by the Local Planning Authority, no building operations shall take place before 0730 hours on weekdays and 0900 hours on Saturdays nor after 1900 hours on weekdays and 1800 hours on Saturdays. There shall be no operations at all on Sunday or Bank Holidays or Christmas Day or Good Friday.

In the interests of the free and safe use of the highway.

15) No development shall take place until details of the installation and/or erection of any extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design and external appearance have been submitted to and approved in writing by the Local Planning Authority. Any mechanical plant shall be positioned so as to be inaudible at the face of the nearest residential units. The development shall not be occupied until the works approved in accordance with this condition have been completed. Such works shall thereafter be retained.

In the interests of amenity and visual amenity.

16) Prior to the commencement of development, details of the arrangements to monitor the implications of the development for litter generation and litter collection in the Granary Wharf public realm, River Aire, and Canal Basin water space shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a plan of the area to be monitored, an assessment of the existing litter generation and litter collection situation (prior to the opening of the station access) and the arrangements to monitor the impact of the development for a period of one year from the first use of the station access. At the end of the monitoring period, details shall be submitted to and agreed in writing by the Local Planning Authority for the provision of any necessary mitigation measures to deal with litter, including a timetable for their implementation, arising as a direct result of the development hereby approved. The mitigation measures as approved shall be implemented and retained as such thereafter.

In the interests of amenity and the character of the surrounding area.

17) Unless otherwise agreed in writing, prior to the first use of the station access, details of the provision of the following shall be submitted to and approved in writing by the Local Planning Authority:
   a) provision of pedestrian signage to the southern access from agreed routes
   b) enhancements to CCTV coverage in Granary Wharf
   c) provision of extra litter bins in Granary Wharf
   Works in connection with the above shall be carried out prior to the first use of the station access, and retained as such thereafter.

In the interests of pedestrian connectivity, community safety, amenity and visual amenity.

18) Prior to the commencement of works, and unless otherwise agreed in writing, details of arrangements for the provision of the following off-site highways works as indicated on AECOM drawing no. 60092600/705 revision A shall be submitted to and approved in writing by the Local Planning Authority:
   a) Dropped kerbs at appropriate locations to ease mobility impaired transit from Neville Street to the entrance
   b) Re-painting of double yellow lines along Little Neville street and the lay-by
   c) Re-surfacing of the pavement on Little Neville Street where required
   d) Removal of steel gates at the arch entrance to Dark Neville Street (non-dedication plate or lockable bollards to be provided)
   e) Improvements to the footway, lighting and CCTV coverage along Dark Neville Street as far as the arch exit to Little Neville Street

In the interests of community safety, visual amenity and vehicular and pedestrian safety.
19) Prior to the commencement of development, details of facilities to be provided for the parking of cycles which belong to members of the public shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of securing the cycles and their location within the site. The approved facilities shall then be provided on site prior to the building being brought into use and thereafter retained on site.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

20) Prior to the commencement of internal fit-out works, details of internal surfaces and finishes shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

In the interests of visual amenity.

21) Development shall not commence until full construction details of the areas of the scheme to be in contact with the banks of the River Aire have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

To ensure the compatibility of the station southern access with the proposed Leeds Flood Alleviation Scheme.

22) The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment dated October 2009, and Addendum 2 dated 14 January 2010. To ensure that the development is in compliance with the Flood Risk Assessment and Addendum submitted to support the application.

23) No public announcement system shall be operated within the new station entrance until details of the operation of the system, including hours of operation and location of loudspeakers, have been submitted to and approved in writing by the Local Planning Authority. The public announcement system shall thereafter only be used in accordance with the approved details.

In the interests of residential amenity.

**Plans Schedule** - as referred to in Condition No. 2 above:-

**Plan Type Plan Reference Received**

Site Location Plan/Red Line/OS Plan 60092600/000 27.10.2009
Floor Plans 60092600/001 27.10.2009
Floor Plans 60092600/003 27.10.2009
Floor Plans 60092600/004 27.10.2009
Floor Plans 60092600/005 27.10.2009
Sections/Cross Sections 60092600/010 27.10.2009
Elevations 60092600/020 27.10.2009
Elevations 60092600/021 27.10.2009
Elevations 60092600/022 27.10.2009
Other VISUALS 27.10.2009
Other BAT SURVEY 60092600/1026July 2009 27.10.2009
Ecological Survey 60092600/1010 27.10.2009
Other DAYLIGHT STUDY 60092600/10201 27.10.2009
Other STATEMENT COMMUNITY INVOLVEMENT 27.10.2009
Other TRANSPORT ASSESSMENT 27.10.2009
Other FRA 60092600/10183 27.10.2009
Other FRA ADDENDUM 113 November 2009 13.11.2009
Ecological Survey ADDENDUM17 December 2009 05.01.2010
Other FRA ADDENDUM 214 January 2010 05.02.2010
Block Plan/Layout Plan 60092600/705A 25.02.2010
Reason(s) for granting consent:-

1) In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5 BD2 BD3 BD4 BD5 BD6 N12 N13 N19 CC3 CC5 Proposal Area Statement 31A T1 T2 T9 T10 A4
Leeds Waterfront Strategy
City Centre Urban Design Strategy
Street Design Guide
Neighbourhoods for Living
Holbeck Urban Village Revised Planning Framework

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

For information:-

1) The applicants are advised that should nuisance arise during the course of works of construction and/or demolition or any ancillary works in connection with the permission hereby granted, action to remedy or eliminate the nuisance may be taken under appropriate powers of control by Leeds City Council’s Environment Department.

2) This permission does not absolve the applicant(s) from the requirements for compliance with a Building Regulation approval, or the duty of compliance with any requirements of any Statutory Body, Public Utility or Authority, including the City Council’s Leeds Environment Department, Department of Highways and Transportation (Highways Maintenance and Main Drainage Divisions), and Department of Housing Services; the West Yorkshire Fire Officer or the Health and Safety Executive.

3) This permission does not convey or imply any authority for the applicants to enter on to land not in their ownership or control in order to carry out the development hereby approved.

4) The applicant is advised that no development should take place until a site survey has been carried out to determine the presence of such flora and fauna specially protected by the Wildlife and Countryside Act 1981, and the findings, together with details of measures to safeguard these throughout the development, should be agreed by English Nature. The site survey should identify the numbers and locations of any protected species present. The developer must obtain any necessary authorisation from English Nature in respect of the site survey and protective measure, independently of any agreement with the Local Planning Authority.

Applicants are requested to remove any site notices related to this application from outside the property to which the application relates.

296480/EVT/EMS/08/D May 2012
http://pims01/pims/lisapi.dll/open/1501229845
From 6th April the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 introduced a fee for a written request to discharge condition(s). The fee is £85 per request or £25 if the request relates to a householder application. The request needs to identify the planning application number and the condition(s) concerned, a form is available from our website www.leeds.gov.uk/planningforms titled Approval of Details Application form.

The site lies within a defined Coalfield Area. The Coal Authority have issued the following advice, which applies to any development that “breaks ground”, including any ground that may lie under existing buildings.

“The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.
The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority’s Property Search.
The Leeds Railway Station (Southern Entrance) Order

Design and Access Statement
Report 296480RPT09

May 2012
Metro & Network Rail
The Leeds Railway Station (Southern Entrance) Order

Design and Access Statement
Report 296480RPT09

May 2012

Metro & Network Rail
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This document is issued for the party which commissioned it and for specific purposes connected with the above-captioned project only. It should not be relied upon by any other party or used for any other purpose.

We accept no responsibility for the consequences of this document being relied upon by any other party, or being used for any other purpose, or containing any error or omission which is due to an error or omission in data supplied to us by other parties.

This document contains confidential information and proprietary intellectual property. It should not be shown to other parties without consent from us and from the party which commissioned it.
# The Leeds Railway Station (Southern Entrance) Order

## Design and Access Statement

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1. Introduction

1.1 Background

In October 2009, a planning application for the Leeds Southern Entrance (LSSE) project (reference: 09/04625/FU) was submitted to Leeds City Council (LCC) and permission was granted in May 2010, subject to a number of planning conditions. In June 2011, the Department for Transport ("DfT") confirmed that in order to authorise the construction and maintenance of the scheme, an application could be submitted for an order under the Transport and Works Act 1992 ("the 1992 Act"). Accordingly, an application has been prepared to be submitted to the Secretary of State for an order under sections 1 and 3 of the 1992 Act.

An order is required under sections 1 and 3 of the 1992 Act to authorise:

a) the construction and maintenance of a new station entrance at Leeds Railway Station;

b) the carrying out of works in the Aire and Calder Navigation adjacent to the southern boundary of Leeds Railway Station and associated with a) above;

c) the carrying out of other works and the exercise of powers required in connection with or ancillary to the matters set out in items a) and b) above; and

d) the acquisition of land and rights over land required in connection with items a), b) and c) above.

The application is being promoted jointly by Metro and Network Rail Infrastructure Limited. In addition, a request for a direction as to deemed planning permission will also be submitted to the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990. An application for conservation area consent is also being submitted in respect of works proposed to be undertaken at Water Lane, Leeds as part of the overall scheme.

It is intended that an application for an order will be submitted to the Secretary of State in Spring 2012.

A joint Planning, Design and Access Statement was produced by consultant Aecom for the previous planning application in 2009. The design and surroundings have remained relatively unchanged since this planning application; therefore the previous report, where relevant, has formed the basis for this updated Design and Access Statement.

Design and Access Statements are documents which explain the design thinking behind a planning application. CABE’s (former Commission for the Built Environment) publication: Design and Access Statements How to write, read and use them (2007) has been used to guide this statement. The statement will be a material consideration for the Secretary of State for Transport in determining the TWAO application.

The next chapter deals with the physical, socio-economic and policy context of the proposals. Chapter 3 describes how comments from the public and other stakeholders have been taken into account in the design. Chapters 4 and 5 evaluate design and access considerations in the light of this previous information and the conclusions are contained in Chapter 6.
1.2 Overview of the LSSE Scheme

Leeds City Station is one of Network Rail’s seventeen managed stations, serving the City centre of Leeds in West Yorkshire, with local, regional and inter-city rail services. At present, it hosts 100,000 passengers per day. As well as serving the dense network of local railway stations around the hub of Leeds, the station is located on the busy east-west Trans-Pennine rail route and on the Doncaster branch of the East Coast Main Line (ECML), linking Scotland to London Kings Cross.

The LSSE Scheme is situated immediately south of the Leeds City Station railway viaduct which spans the River Aire. The Scheme will improve access to the station from the south and contribute to the on-going regeneration of Leeds. At the same time it will help relieve passenger congestion at the main station entrance to the north.

It will include a concourse comprising three levels located over the river within a visually iconic enclosed building. Open link span bridges will provide direct stepped access to the lower concourse level from the east and west banks of the River Aire. The lower concourse also extends back through the span of the station viaduct via stepped and step free access to link with a further footbridge running parallel to Dark Neville Street. Access to upper levels is provided by steps, escalators and lifts. The first level of the concourse provides emergency access to platform 17. The upper level links to the existing western footbridge which is to be widened to accommodate ticketing facilities. The scheme is accompanied by pedestrianisation proposals (except for local access) for Little Neville Street to the east.

The objectives of the LSSE project are as follows:
- To improve access to Leeds Station by sustainable means;
- To maximise growth of the Leeds economy by enhancing its competitive position and facilitating its future employment and population growth;
- To support and facilitate the sustainable growth of Leeds, in particular to the south, recognising the importance of its city centre to the future economy of the Leeds City Region;
- To minimise journey times accessing Leeds Station to/from the south;
- To meet existing and future passenger flow requirements to the south of Leeds Station; and
- To ensure the current passenger flows within the station are maintained or improved.
2. Site and context

2.1 Physical Context

2.1.1 The area

The total site area which will be included within the TWAO application limits is 2.09 hectares (ha). This includes a separate site to the east of 0.45ha that has been reserved for temporary access and storage during construction.

The site will form an extension to Leeds City Station, which is located within Leeds City centre in proximity to the main shopping and central business area. The surrounding land is used mostly for residential apartments, businesses and offices. The extensive brick railway viaduct (known locally as the Dark Arches) which straddles the River Aire and on which the station is located, transects much of the City centre in the local vicinity.

The site also lies in close proximity to the Leeds and Liverpool Canal which influences the historic legacy and character of this area. As such, this retains a largely urban character with limited landscaping or planting. In visual terms the surroundings to the site contain a mix of ages and styles of building ranging from low rise 18th and 19th century stone warehouses to higher red brick Victorian edifices to more recent multi storey offices and blocks of flats in brick or clad in a variety of colours. There are also a number of structural features in the area which relate to the canal and river - bridges and locks as well the Dark Arches themselves.

By virtue of its links with the industrial origins of the City and its proximity to the Leeds and Liverpool Canal, the area to the south of the station lies within the Canal Wharf Conservation Area. The proposed LSSE site is therefore located on the northern boundary of this Conservation Area. There are a number of other heritage assets within the locality, these include: the river lock and retaining walls to the River Aire (Grade II* Listed); Canal Wharf (Grade II* Listed); Victoria Bridge (Grade II Listed) and Dark Arches over the River Aire (a locally designated heritage asset). In addition, the barge loading/unloading site to the east is located within the Leeds City Centre Conservation Area.

2.1.2 The site

The River Aire flows rapidly under the Dark Arches in this vicinity and together with the arches is a prominent feature in the setting of the site. The Dark Arches are constructed in red brick and rise three storeys with grey panelled walls to the station above. These are aptly named and form a brooding presence over the river. From the west, the Leeds and Liverpool Canal joins the River Aire via a listed lock structure to the south of the proposed site. Here, the waterway becomes the Aire and Calder Navigation and flows in an easterly direction.

Cutting through the Dark Arches north of the site is Dark Neville Street, which has car parking located to either side of it within the station undercroft. Watermans Place, a modern 15 storey residential block fronting the river is situated to the west of the site and forms part of Granary Wharf (the ISIS development) - a mixed development with shops, hotels and restaurants. This was being in constructed in 2009 when the first LSSE planning application was decided.

The Blue Apartments are located on the eastern bank of the river, to the rear of which is Little Neville Street and the Hilton Hotel. The Blue Apartments, which were complete in 2009, are also a relatively recent 16
storey high residential block, with a ground floor retail use that has been fitted out as a golf shop and virtual driving range. This includes a private deck which cantilevers over the east river wall.

Both sets of residential apartments are within 4m of the river wall and there is no public footpath on the eastern bank. The ground floor deck to the Blue Apartments removes the possibility of a future walkway along the east bank of the River Aire. On the western bank there is a footpath, 1.6m in width, alongside the ground floor retail unit at Watermans Place. This footpath also provides service access to plant rooms and refuse stores.

These recent developments have constrained the development potential of the site and, given the lack of space available on both east and west banks of the River Aire in this location, resulted in the choice of a structural solution within the water course.

2.1.3 **Pedestrian and vehicular access to the site**

The site is not readily accessible from the major road network. Limited road access is provided by Little Neville Street and Dark Neville Street (a private road) which link to Neville Street which is the main north-south route to the east of the site. This runs past the station to the north; to the south it crosses Victoria Bridge to access a wide area in the south of Leeds. There is also a servicing link from Neville Street across the Leeds-Liverpool Canal to Granary Wharf, via Canal Wharf and Wharf Approach to the south west.

Dark Neville Street currently provides an east-west pedestrian link. There is also a footbridge over the river (reconstructed as part of the ISIS development), situated approximately 30 metres (m) downstream of the site of the proposed new entrance and another crossing at the point where canal joins the river.

![Key Connections from the proposed new station entrance](source:image)
The LSSE Scheme is primarily intended to serve pedestrians coming from the south of the City. Figure 2.1 illustrates the immediate connection routes available to user of the entrance. The routes shown in Figure 2.1 link into a much wider network covering south Leeds. These include:

- routes to the Calls Commercial District to the east of Neville Street;
- routes to the South of Leeds and further commercial areas along Neville Street;
- routes via Canal Wharf towards Holbeck; and
- routes along the Canal towpath to the west of Leeds.

### 2.1.4 Leeds City Station – circulation and access

Leeds City Station comprises 17 platforms which serve both local and long distance operators. To the northern side of the station, six bay platforms are used mainly by services to/from the Aire & Wharfe Valleys. The bay platforms to the south-west of the station are used mainly for services to/from the Nottingham and Sheffield directions. Through services run by Cross Country serve south-west England, north-east England and Scotland. East Coast runs a frequent service between Leeds and London Kings Cross. These long distance services tend to use the central through platforms, with the southern most through platforms (15 & 16) being almost exclusively used by Trans-Pennine Express between the north-east of England, Hull, Manchester and Liverpool.

Movement between platforms within the station is concentrated on the western footbridge, which spans from platform 16/17 in the south, to platform 8 in the north. Platforms 1 to 7 do not require a bridge to allow passenger movements between them, as they are bay platforms. A smaller footbridge is located at the eastern end of the station which is not DDA compliant. This is not as frequently used by passengers due to the stopping patterns of the trains, which tend to halt towards the western end of the station and therefore closer to the main footbridge and there are no lifts or escalators to this footbridge.

The main exit from the platforms is located to the north of platform 8, which is controlled by automated ticket gates (ATG). After passing through the ATG’s, passengers exit either via the main entrance onto New Station Street, or they pass through the North Concourse and exit either to the end of Wellington Street or Princes Square. From New Station Street passengers can head towards City Square to the north, follow New Station Street onto Boar Lane or use the Rotunda steps to access areas south of the station via either Neville Street or Swinegate.

Taxi drop-offs are currently situated at the exits on New Station Street and Princes Square. A taxi rank is located outside the main exit on New Station Street, as well as five bus stops serving a number of services including a service to Leeds Bradford Airport. Vehicle drop off is at the Princes Square entrance which also provides access to the long and short stay car parks. Covered bicycle racks are situated inside the station on Platform 1 and a secure cycle storage facility is provided outside the entrance on New Station Street.

Passengers wanting to access or exit the station from the south of the railway therefore currently have no alternative to the existing indirect route via the main entrance on the north side of the station, the ‘Rotunda’ steps and through the Neville Street underpass beneath the station.

### 2.1.5 Navigational links

The Leeds Liverpool Canal and River Aire in this location are navigable by barge. It is intended that the Water Lane site to the east of the main site be reserved in the TWA Order for temporary access for unloading of materials.
2.2 Social and economic context

Much of the area immediately south, southeast and southwest of the station has an industrial and commercial past. The closing of many of these businesses has opened up an opportunity for redevelopment of the area for a variety of new uses. The Leeds City Region Transport Vision (2009) has estimated that jobs in Leeds will increase from 102,000 in 2009 to 118,000 by 2030, with most of these likely to be located in the expanding southern part of the City centre. Currently 11,000 people live within walking distance of the station and this figure is also set to rise.

Several briefs have been produced by the Council to encourage further redevelopment. These include the Leeds Waterfront area to the south (updated July 2006), Holbeck Urban Village to the south west (2006), the South Bank and Sovereign Street areas to the east (both produced in 2011).

A key plank of each of these briefs is the need for good connectivity, including better pedestrian, public transport and cycling links to the City Centre. The LSSE is seen as important project to assist in this regeneration with considerable savings in time for local businesses, commuters and visitors wanting to access the station from the south. Increased footfall in this area will also benefit nearby restaurants and shops.

In providing a shorter step free route to the station from the south, the proposals will therefore satisfy several of the key objectives for the Scheme outlined in Chapter 1, by facilitating future employment and population growth to the South of the City centre and helping to improve the City’s competitive position.

The present route from the south is tortuous and even more so for those who cannot manage steps. This therefore addresses the key objectives for the Scheme to improve access to Leeds City Station generally by sustainable means and in particular, to assist those who are elderly or disabled.

At present 100,000 passengers use Leeds station per day and this will increase over the next twenty years. The current access to the station at peak times is congested and it will be of benefit to the comfort and safety of passengers to divert some of these to an alternative entrance. It is estimated that around 22-24% of current Leeds passengers will choose to use a southern entrance and with further development to the south, this figure is set to grow. This therefore also satisfies key objectives for the Scheme to meet existing and future passenger flow requirements to the south of Leeds City Station and ensure that current passenger flows within the station are maintained or improved.

A further benefit is that the structure, which is highly unusual in its form (see section 4), will be an attraction for people walking along the river or visiting nearby facilities.

2.3 Planning Policy Context

Policies included here relate to design and access considerations and are not repeated in the Planning Statement (RPT22 Mott MacDonald, 2012).

2.3.1 National Planning Policy

The National Planning Policy Framework (NPPF) published on 27th March 2012 replaces the majority of Planning Policy Statements (PPS) and Planning Policy Guidelines (PPGs). In terms of good design it states that planning policies and decisions should ensure that developments:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
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- optimise the potential of the site to accommodate development…and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

It states that decisions should address the connections between people and places and the integration of development into the natural, historic and built environment. Equally local planning authorities should not refuse permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with existing townscape, if those concerns have been mitigated by good design. It also seeks clear and legible pedestrian routes with high quality public space.

In determining applications local planning authorities should describe the significance of any heritage assets affected including any contribution made by their setting. It states that in weighing up applications that directly or indirectly affect a non designated heritage asset, a balanced judgment will be required having regard to the scale or any harm or loss and the significance of the asset.

In terms of access, the strategy also seeks to give priority to pedestrians and cycle movements and give access to high quality public transport facilities. In this respect it seeks to create secure layouts which minimise the conflict between traffic and cyclists and pedestrians and to consider the needs of needs of people with disabilities.

2.3.2 Regional Planning Policy

The Yorkshire and Humber Plan is the current Regional Spatial Strategy (RSS) for the Yorkshire and Humber Region which encompasses the City of Leeds. The Plan was issued in May 2008 and sets out policies to guide development over the next 15 to 20 years and also embodies the Regional Transport Strategy. The government proposes to abolish RSSs but for the moment this remains a material consideration.

Policy LCR1 relates to the Leeds City Region sub area. This policy emphasises the role of the Leeds City Region in particular in terms of economic development, protecting and enhancing the environment, strategic patterns of development and a shift towards more sustainable transport modes and enhancements to connectivity.

Policy LCR2 is concerned with regionally significant investment priorities for the Leeds City Region. This policy indicates that public and private sector investment in the City Region will be targeted to deliver transformation and change through economic development, housing renewal and growth, and improved green infrastructure, community facilities and accessibility. One such target identified, is to improve public transport, particularly to Leeds city centre, to enhance the ease of movement and improve access to jobs within the City Region particularly for disadvantaged communities.

RSS policy T1 aims to facilitate a reduction in travel demand and a shift to modes with lower environmental impacts by a range of complementary measures – from land-use policies through to measures that discourage inappropriate car use, encourage the use of lower-emission vehicles and promote the highest standards of safety and personal security.

Policy T3 relates to public transport and states that the Region will safeguard, enhance and maximize the provision of public transport facilities. Development should make use of existing public transport services or provide a focus for viable new services. Wherever possible, services should be available as soon as a development commences.
Policy T5: deals with transport and tourism stating that the region will seek opportunities to improve access to all its main tourist destinations. Plans, strategies, investment decisions and programmes should enhance access to all groups in society and encourage tourist destinations and attractions to provide incentives for visitors to arrive by modes other than the private car.

Policy ENV9 seeks to safeguard and enhance the historic environment, and ensure that historical context informs decisions about development and regeneration.

The next chapters of the report will show that these objectives are met by the Scheme.

2.3.3 Local Planning Policy

2.3.3.1 Unitary Development Plan

The following policies are of particular relevance:

- Policy T1 (Transport Investment) which gives priority to improving the quality and provision made for public transport;
- Policy T2 (Transport Provisions for Development): New development should normally: be capable of being adequately served by public transport and taxi services and should ensure that necessary infrastructure for new services is included in the development; and make adequate provision for easy, safe and secure cycle use and parking.
- Policy T5 (Pedestrian & Cycle Provision): Satisfactory safe and secure access and provision for pedestrians and cyclists will be required within highway schemes and new development.
- Policy T6 ( Provision for the Disabled): Satisfactory access and provision for disabled people and other people with mobility problems will be required within new development.
- Policy T9 (Public Transport Service): An effective public transport service will be encouraged and supported where practicable to give appropriate access to employment, shops, education, health, recreation and other social and community facilities. Public transport initiatives which pursue these aims will generally be supported.
- Policy T10 (Local Rail Network Improvements): The development of the local rail network will be supported so as to maximise its potential contribution to the public transport network.
- Policy SA8 (Access for All) which seeks to ensure that all sections of the community, have safe and easy access to social and economic opportunities by maintaining and enhancing the current levels of provision in appropriate locations;
- Policy SA9 (Aspirations for the City Centre) which seeks to promote the development of a city centre which supports the aspiration of Leeds to become one of the principal cities of Europe, maintaining and enhancing the distinctive character which the Centre already possesses;
- Policy N10 (Public Rights of Way & Development): Development will not be permitted which adversely affects a public right of way, unless an alternative is provided which maintains the convenience, safety and visual amenity offered by the original right of way.

Policy N12 states that proposals for development should respect the following fundamental priorities for urban design:

- development should create a series of linked and varied spaces that are defined by buildings and landscape elements;
- the best buildings of the past should be retained. New buildings should be of good design in their own right as well as good neighbours;
- new developments should respect the character and scale of buildings and the routes that connect them;
- movement on foot and on bicycle should be encouraged;
- developments should assist people to find their way around with ease;
- developments should, where possible, be adaptable for other future uses;
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- design and inclusion of facilities should reflect the needs of elderly people and of people with disabilities and restricted mobility;
- visual interest should be encouraged throughout; and
- development should be designed so as to reduce the risk of crime.

Policy N13 (Design & New Buildings) which states that the design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings. Good contemporary design which is sympathetic or complementary to its setting will be welcomed;

Policy N19 requires new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of the area by ensuring that:
- the siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;
- detailed design of the buildings (including the roofscape) is such that the proportions of the parts relate to each other and to adjoining buildings;
- the materials used are appropriate to the area and sympathetic to adjoining buildings; and
- attention is given to the design and quality of boundary and landscape treatment.

Policy BD2 (Design & Siting of New Buildings): The design and siting of new buildings should complement and (where possible) enhance existing vistas, skylines and landmarks.

Policy BD3 (Disabled Access New Buildings): All new buildings open to the public should provide suitable access for disabled people.

Policy BD4 (Plant Equipment & Service Areas): All mechanical plant and associated pipework, lifts and other mechanical equipment and fire escape stairs should normally be contained within the envelope of the building. All service areas should be screened from view as far as possible.

Policy BD5 (Amenity & New Buildings): All new buildings should be designed with consideration given to both their own amenity and that of their surroundings. This should include usable space and satisfactory penetration of daylight and sunlight.

Policy BD6 (Alterations & Extensions): All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Policy BD14 (Floodlighting): Carefully designed floodlighting schemes will be encouraged, particularly for distinctive or important buildings.

Policy LD1 (Landscaping Schemes): Any landscape scheme should normally:
- reflect the scale and form of adjacent development and the character of the area;
- complement and avoid detraction from views, skylines and landmarks;
- provide suitable access for people with disabilities;
- provide visual interest at street level and as seen from surrounding buildings;
- protect existing vegetation, including shrubs, hedges and trees; and
- complement existing beneficial landscape, ecological or architectural features and help integrate them as part of the development.

Policy A4 (Safety & Security Provision): Development should be designed to ensure a safe and secure environment, including proper consideration of access arrangements, treatment of public areas, service and maintenance requirements, materials and lighting, including external lighting of prominent buildings and their surroundings.
Policy CC3 (City Centre Character): The identity and distinctive character of the city centre will be maintained by:

- protecting the building fabric and style which make Leeds a unique and attractive city;
- encouraging good innovative designs for new buildings and spaces; and
- upgrading the environment where necessary to complement the needs of activities which are essential to the identity, vitality and function of the city centre.

2.3.3.2 Submission Core Strategy

The proposed Core Strategy was agreed by Members for public consultation in February 2012. It will then go to examination in public later in the year, with the intention of it being adopted in 2013. It is therefore of some materiality to the application and in particular this Design and Access Statement.

The strategy is based on a number of themes which include “a well connected city”. Key issues include getting people to work, connecting to important facilities and diversion of traffic from the City centre by encouraging more people to use public transport, walk or cycle.

Policy TI & MP 1: Transport Investment and Management Priorities. This supports the delivery of an integrated transport strategy for Leeds, comprising a range of infrastructure improvements and other interventions including:

- public transport improvements for the bus and rail networks (including new rail stations where appropriate) to increase radial capacity to the city;
- transport improvements to connect to and from development areas;
- expansion of the Strategic Cycle Network to improve connectivity;
- improved facilities for pedestrians to promote safety and accessibility, particularly connectivity between the ‘Rim’ and the City Centre; and
- provision for people with impaired mobility to improve accessibility.

Policy SC8 Design, conservation and landscape. This states that all development will be expected to create excellent design that protects and enhances those elements which contribute to the distinct identity of the City. This includes taking account of landforms and historic features. In determining the form, setting and location of development account should be taken of:

- existing natural site features including ….watercourses;
- character and quality of external spaces and the wider locality;
- prominence, skylines and views;
- desire lines for new routes;
- waste and recycling storage;
- renewable energy measures;
- sustainable construction;
- crime reduction;
- flood risk mitigation; and
- car and cycle provision.

Policy SC9 Disabled Access: This policy expects all development to be accessible to users in accordance with the latest best practice guidance (unless exceptional circumstances such as listed structures are affected).

2.3.4 Additional Planning Policy Documents

In addition to the UDP, there are a number of Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) as well as Strategies adopted by the City Council, which are
relevant to design and access considerations related to the proposed development. These documents provide a more detailed explanation of how strategic policies of the Unitary Development Plan might be practically implemented. The content of these documents should be given weight in considering development proposals. Those documents relevant to the proposed development are summarised below.

2.3.4.1 Leeds Waterfront Strategy

The Leeds Waterfront Strategy was adopted in 2002 and was the subject of a partial review in 2006. The Strategy encompasses approximately 6.5km of the river and canal corridor running through central Leeds, formed by the Aire & Calder Navigation and the Leeds and Liverpool Canal. The proposed development falls within the study area.

The Waterfront Strategy identifies opportunities for regeneration and enhancement in the study area and seeks to promote good design within the study area. New buildings and features positively address the waterways as the focal point of the development. In particular, buildings should be innovative, sensitive to their particular location and respect the heights, mass and detailing of existing neighbouring buildings. Any development should seek to improve pedestrian and cycle access to/from the waterway corridor and to identify opportunities for environmental improvements to the waterway.

The Waterfront Strategy places an emphasis on promoting the conservation character of the study area. In particular, new development should acknowledge and respects historic buildings and settings through the careful conservation and integration of historic buildings and structures into new development schemes.

The Strategy identifies the view into Dark Arches as an important feature within the river corridor. As such, this view should be retained and enhanced. In addition Granary Wharf (on the southern side of Dark Arches) is identified as a key focal point/space.

2.3.4.2 Building for Tomorrow Today: Sustainable Design and Construction

This SPD was adopted in August 2011 and forms part of the LDF suite of documents. The document provides guidance for design and construction projects within Leeds and seeks to achieve rigorous levels of sustainability.

Leeds City Council encourages developments of 1,000 or more square metres to meet the ‘Excellent’ standard set by BREEAM by 2013.

The SPD seeks to support developers in realising projects that:
- reduce greenhouse gas emissions;
- successfully adapt to climate change;
- have a minimal impact on overall environmental quality; and
- provide inclusive development to all users.

The document gives guidance to developers on the following topics, based on the categories and environmental issues covered by BREEAM. Those themes that are pertinent to the proposed development are outlined below:

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1 Building Research Establishment Environmental Assessment Method (BREEAM). A BREEAM assessment uses recognised measures of performance, which are set against established benchmarks, to evaluate a building’s specification, design, construction and use. The measures used represent a broad range of categories and criteria from energy to ecology. They include aspects related to energy and water use, the internal environment (health and well-being), pollution, transport, materials, waste, ecology and management processes. (www.breeam.org)
- **Site Appraisal:** Any proposed development should consider the wider context of a site and identify the constraints and opportunities for sustainable development. A site appraisal should examine both the site and its surroundings and include an assessment of accessibility particularly public transport, walking and cycling;

- **Design Considerations:** The character of the space around buildings should define a development's quality, creating an attractive setting, relating to the wider townscape or landscape and, where possible, creating habitats;

- **Energy & CO2 Emissions:** Any proposed development should examine low-carbon technologies and include measures which seek to reduce their carbon footprint. In particular, development should promote the use of public transport and walking/cycling and week to reduce reliance on the private car;

- **Materials:** Any proposed development should consider the source of the materials and the energy used in their manufacture and transportation;

- **Surface water run-off:** The impact on the water environment should include impacts on water quality, protecting the flood capacity of watercourses and protecting such features. The site layout should seek to minimise impacts on the water environment by reducing the quantity and improving the quality of surface water run-off; and

- **Ecology:** Any proposed development should consider the enhancement and integration of biodiversity measures into development schemes, where feasible (this latter topic is dealt within the Planning Statement: ref Mott MacDonal RPT08).

The SPD identifies 10 Urban Design Principles which seek to promote sustainable and cohesive communities. These principles are set out below:

1. Investing Effectively – Recognise that good design is good business;
2. Creating Excellent New Places: Take a visionary approach;
3. Working Together: Get the team right;
4. Improving Existing Identity: Analyse and enhance the character;
5. Involving the Community: Make places for (and by) people;
6. Connecting Places: Create visual and physical links;
7. Regenerating throughout Leeds: Close the gap and move forward;
8. Managing the Investment: Look after the place;
9. Delivering Sustainable Environmental Solutions: Provide for future generations; and

Of these, Principle 9 (Delivering Sustainable Environmental Solutions) is particularly pertinent to this SPD.
3. Involvement

3.1 Stage 1 consultation - 2009 planning application

A series of consultation exercises were held in relation to the planning application for the LSSE project (reference 09/04625/FU) submitted to LCC in October 2009. These sought to ensure that the widest possible audience was consulted and encouraged to provide feedback on the proposals.

The response to the proposals in 2009 was overwhelmingly favourable with over 96% of respondents being supportive of the proposals. Of these 28% were positive but had some concerns. Positive comments were received regarding the beneficial economic impact of the Scheme, the architectural merits of the proposals, journey time savings and reduced congestion around existing concourses. Main concerns focused on the design and colour of the cladding. However twice as many respondents were positive about the design than were not.

Concerns raised by Members at the subsequent committee were addressed by further explanation of the proposals and by conditions attached to the permission. These allowed for further cycle storage and a contribution towards maintenance of Granary Wharf, in the event that this was found to be needed.

3.2 Stage 2 consultation 2011-12

Metro has produced a Statement of Consultation in accordance with Rule 10(2)(d) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. The principal objectives of consultation with stakeholders were that:

- information to be made readily available and shared with those who might be affected by or interested in proposals;
- members of the general public were given the opportunity to comment;
- other stakeholders were given the opportunity to comment;
- feedback from comments received was considered in final design proposals; and
- an environment was created for continuous engagement.

The consultation has covered a wide area affected by the proposals and has included a consultation hotline, a leaflet and three exhibitions in December 2011. Again comments from the respondents who attended the exhibitions were generally highly favourable. 89% of respondents supported the proposals the main reasons being journey time savings, reduced congestion at existing concourses and a positive impact on businesses and residents in south Leeds. Lack of support (11%) centred on cost, better uses for the money and the architectural design.

Targeted consultation was carried out with the owners and occupants of the Blue Apartments, Watermans Place and Candle House; also the Promoters have attended residents’ association meetings. In addition local businesses were contacted. Following consultation Metro and Network Rail are working with local residents and businesses to identify their issues with the construction and operation of the scheme and to identify measures to mitigate their concerns. Chief concerns in this case centred on:

- noise vibration and dust during construction;
- hours of construction;
- overnight working;
- reduction in the quality of residents’ lives;
- impact on local businesses;
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- increasing footfall in the area and resulting safety implications; and
- concern about being overlooked by the LSSE.

As a result of these comments, the Promoters have reviewed the design to ensure that the Scheme is the minimum size and shape commensurate with its use, that the elevations are “broken up” to reduce visual impact and that there will be no direct overlooking of nearby properties. CCTV surveillance is to be introduced to assist with safety concerns.

Regarding disruption from construction, the Construction Management Plan (CMP) will seek to reduce impact on residents and local businesses as far as is possible and to keep them informed as to what is happening. The delivery of materials direct to the site by barge from Water Lane, downstream of the site, will be a major benefit in this respect.

In addition to the above regular liaison has taken place with LCC Members, the local MP and with Officers from various departments in the Council. Meetings have been held with statutory consultees, including the Environment Agency, English Heritage and Natural England; and with key interest such as the British Waterways Board. As a result, the Scheme has been reviewed to help ensure that all concerns have been addressed. Comments made have also resulted in the proposals for the pedestrianisation of Little Neville Street.
4. Evaluation of the design

4.1 Evolution of the design

As a co-promoter of the scheme, the design progression of LSSE has followed Network Rail's process called “Governance for Railway Investment Projects” (GRIP) (previously known as Guide to Rail Investment Projects). GRIP is a company standard that describes how Network Rail manages and controls projects that enhance or renew the national rail network. There are eight GRIP stages as outlined below:
1. Output definition;
2. Pre-feasibility;
3. Option selection;
4. Single option development;
5. Detailed design;
6. Construction test & commission;
7. Scheme hand back; and
8. Project close out.

The design which was developed up to GRIP 4, formed the basis of the previous planning application submitted to LCC in October 2009 (reference 09/04625/FU) and the current TWAO application. A review and appraisal of the options considered up to GRIP 4 has been undertaken by Mott MacDonald (RPT 18 February 2012). This document provides a consolidated report which presents the evidence, rationale and context for how the preferred scheme location and design were reached. It sets out the basis for the preferred scheme, demonstrating to potential external scrutiny (including at any future hearing or Public Inquiry) that the most appropriate scheme was selected and developed as the basis of the TWAO application.

As discussed in Chapter 3, Metro has undertaken various consultation exercises both for the previous planning application and this TWAO application. This consultation process aimed to help ensure that all those who wished to do so had the opportunity to express their views on the proposals and every effort has been made to take these comments on board where practical to do so.

This report together with further considerations of constructability and the changing context of the site in terms of neighbouring developments, flood levels and the ability to link to Little Neville Street footbridge have resulted in a set of key design constraints on the form and layout of the structure, which are outlined in more detail below:

- Journey time savings - the financial case for the new entrance is largely based upon reduced pedestrian journey times and is outlined in the Major Scheme Business Case. This established the need to connect as directly as possible to key pedestrian routes and to the key movement routes in the station;
- River Aire and flooding - the Environment Agency has guided the finished ground floor level of the LSSE to address the predicted 1 in 200 year plus climate change fluvial flood level, allowing for the proposed Leeds Flood Alleviation Scheme. In addition structural solutions must have minimum impact on river flow; explicitly not causing an increase in flood levels. Full details of the Flood Risk for the entrance are within the Flood Risk Assessment which accompanies the TWAO application;
- Proximity of neighbouring structures - the Blue Apartments and recently constructed Waterman Place buildings are built very close to the river bank and to the viaduct restricting the opportunities for siting the building to avoid overshadowing and overlooking, as well as the available area on the banks for structural support. In addition this raises issues surrounding water quality in the River Aire as well as the general issues surrounding dust, air quality, noise and vibration during the construction phase.

296480/EVT/EMS/09/D May 2012
http://pims01/pims/lisapi.dll/open/1501230360
Consultation with the Environment Agency in relation to these issues will be undertaken as part of the TWAO process and will continue throughout the project until the construction phase is complete. Full details of the environmental mitigation measures to be applied during the construction and operation of LSSE are contained within the Environmental Statement which accompanies the TWAO application; and

- Structural loads on the viaduct - the viaduct and existing station have limited additional load bearing capacity so the new structure must be substantially supported by other means.

4.2 Use

The primary use for the site is to provide a main access point to Leeds Railway station from the south which will serve a growing demand from this direction and increase station capacity. The scheme will provide step free access to the ticketing facilities on the upper level. It also includes provision to store cycles.

As an additional benefit the Scheme also provides another bridging point across the River Aire for the residents living in and around the station. This helps to link the communities providing for a wider, larger community which can share amenities from both developments.

4.3 Amount

The quantity of development is not substantial (approximately 862m² on three floors, including vertical elements). The building is isolated spanning the River Aire so it is not using up valuable land or space which could be used for other development. The size of the development will cater satisfactorily for the increasing number of rail users expected to use this access.

4.4 Layout

The structure projects into the river supported on piers which extend from the existing arches to help avoid disruption to the flow of the river. Figures 4.1 – 4.3 show plans of each level of the Scheme. At ground level, the main structure and link under the arches to Dark Neville Street is enclosed, with doors to the new footbridge along Dark Neville Street and the two linking bridges just south of the arches.

There is stepped passageway between the Blue Apartments and the Dark Arches providing eastern access/egress to Little Neville Street and a widened urban realm plaza area. A wider passageway with steps is located in a similar position on the west bank linking to Granary Wharf.

Ramps between the arches to the east and west provide step free access. It was intended to provide a level route to the river banks from the ground floor of the LSSE; however the height of this floor has been defined by the Environment Agency’s current flood proposals, as outlined in Section 4.1, which have caused it to be raised. This has led to the introduction of further steps and ramps to negotiate the level change.

Within the main concourse also at ground level is an open deck which will allow access for its cleaning and maintenance of the glazed southern façade. A set of stairs and two lifts are located to either side of a twin bank of escalators.
Figure 4.1 Ground level LSSE Scheme

Figure 4.2 First floor LSSE Scheme
The escalators then turn back towards to station to deliver passengers to the end of the western footbridge, which will be widened to accommodate new ticketing facilities. Elements of the vertical circulation will be clearly visible on approach by foot to the building and from within the station and making the core purpose of the extension clearly legible to passengers. The design has also sought to maximise the experience of passengers arriving and leaving by offering them contrasting views out along the river towards Bridgewater Place and back into the vaults of the Dark Arches.

4.5 Appearance

4.5.1 Form

Figures 4.4 and 4.5 below provide a visual depiction of the structure viewed from the south-east and west respectively. The main enclosure takes the form of an arched hood framing a three storey glazed panel on the south elevation. This rises but also tapers to a point at its northern end, where it joins the existing roof of the station. The form of the roof complements the existing curved canopy to the station as well as the arches and vaults that form the viaduct.

In addition to the glazed southern façade, the eastern elevation steps back to allow for a glazed lift shaft facing south. There is a narrower slot facing north on the western façade and glazed slots on either side adjacent to the arches. These and the form of the roof help to separate the structure visually from adjacent structures such that it “reads” as being visually independent of these.
Separating the structural elements has allowed a clear and elegant structural solution. While stairs, lifts and escalators are supported from what is an extension of the foundation piers, the enclosing canopy is an independent, over-sailing structure that is supported by a new column located on platform 15 which
connects to new foundation piers at river level and the station roof at the back of its peak over the existing western footbridge as shown in Figure 4.6. The extension to the western footbridge is a separately supported structure which will mimic that of the existing as closely as possible, but ultimately transferring its additional loading down through the new piers where possible.

The structure creates an iconic statement flanked by the large residential blocks on the east and west banks of the River Aire buildings and will signal the entrance to the station from some distance to the south. As such it will add to the local character of the site in a positive way and become a focal point for the area.

Figure 4.6: View from Victoria Bridge

4.5.2 Materials

The entrance building and river deck will be supported by two new piers located in the channel of the River Aire. These will be aligned with the piers of the existing viaduct to minimise restriction on river flows. On the east and west river banks, piled bank-seats will provide end support to the spans. A new column will be located on platform 15 adjacent to the lift motor rooms and the existing roof support column will be strengthened.

The southern end of the extension will be supported by columns which extend down to and are supported by the two new river piers while the upper level of the escalators will be supported by the footbridge extension. Floors are of structural steelwork in-filled within-situ concrete slabs. Vertical elements are in reinforced or pre-cast concrete.

The canopy will be formed by a steel frame; it is proposed to clad the canopy in a gold coloured roofing (material to be agreed) that will patinate, weather well and reflect light without causing glare. The material
will have excellent mechanical abrasion resistance, extremely high corrosion resistance and durability as well as good stability and material rigidity. It will require minimum maintenance.

The southern elevation will be a structural glass system which maximizes views down the river and views into the entrance. This glass wall will be built on an incline in order to reduce overheating and to reflect and capture shimmering light bouncing off the River. Directional privacy and further solar control will be added by an innovative coating, consisting of small dots applied directly to the glazing. This will set up a controlled moiré (interference) pattern that will obscure views from certain directions whilst retaining them from others. This subtle effect can be also be used to display a large station logo on the glass further helping to identify the entrance from a distance.

A glass slot will run down the length of the apex of the hood bringing light into the space. Due to the exposed position of this element of glazing self cleaning glass can be used effectively. The two ‘glazed slots’ which separate the new structure from the viaduct will allow a continuous view through the structure along the viaduct.

The glazing system to the extension of the western footbridge will match that existing, albeit that the bridge widens out to meet the new structure, following the line of the hood above. Reinforced cast glass will provide the envelope between this glazing and the roof canopy, in keeping with the look of the upstand aluminium cladding used here. The smaller glazed incisions in the west facade of the canopy give glimpses from the staircase back over the station platforms whilst allowing light spill at night across the gold shingle surface of the canopy.

Similarly on the east elevation the front of the lift shaft will be glazed in the same way, also allowing views through the building to the Dark Arches and at the same time making the operation of the lift visible from a distance - further identifying the building’s function.

The southern glazing will reveal the lit entrance hall at night without affecting the adjacent apartments and the bronze shingles will reflect and catch light from the adjacent buildings. This will assist in making this entrance to the station a key arrival and departure point for the station.

4.6 Scale and massing

4.6.1 Impact on nearby properties

A series of meetings were held with LCC regarding possible effects of the structure on adjacent properties, notably the Blue Apartments and Watermans Place. As part of the continuing discussions the design has been refined to minimise the impact of the enclosure on its surroundings.

The proposed enclosure is restricted in width to be no wider that the central arch and piers in order to minimise the blockage of both views towards the arches and from Dark Neville Street out down the river. The form reduces the enclosure to the minimum required for the space to function and at the same time minimises the impact of the structure on the Blue Apartments and Watermans Place. By curving the structure in plan and section the design has endeavoured to restrict the amount of overshadowing to a minimum whilst also attempting to reflect as much light as possible into these apartments and reduce the impression of side walls in shadow.

The design of the canopy has been adapted from a simple arched form to enclose the lift shafts (which is the most critical element in terms of both width and height) but it then steps back in plan and section to enclose other less critical elements so minimising the distance to the adjacent apartments. The lift shafts are located as close as possible to the existing viaduct structure allowing for access from the bridge links
and the glazed slot. The southern most wall of the lift shaft and the point beyond which the canopy reduces in width, lines through with the north most edge of the bay window to the Blue Apartments.

It is understood that there are no minimum distance standards by which impact on residential amenity is assessed in the City centre, where the approach has always been to consider each case on its merits. However, the distance looking directly out of this main aspect window towards the structure and south along the minimum is a width of approximately 11m.

The glazed features add interest to the appearance of the structure and help to “break up” the façade to reduce any over-dominant effect. At night they will subtly spill light along the side of the façade making at appear to glow from within while delicately picking out the curvature of its form (Aecom, 2009).

4.6.2 Impact on daylight and sunlight

A daylight and sunlight analysis was undertaken by Faber Maunsell/Aecom in April 2009 to assess the likely impact of LSSE on the existing residential properties to the east of the site. With regard to daylight, 15 test panels were identified to the lower floors of residential properties immediately to the east of the site. The 15 test panels correspond to the windows of the Blue apartments located on floors 1 – 5 of the building (the ground floor does not have any windows adjacent to the site). These test panels cover the primary and secondary aspects of the apartment nearest the viaduct and only the secondary aspect of the adjacent apartment.

The analysis revealed that 11 out of 15 test panels would have daylight reduction of less than good practice guidance. The cumulative daylight impact is therefore assessed to be major adverse in accordance with the BRE guidance document ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’. This however applies to the primary aspect of only 4 apartments within the development to the east of the site and it unlikely that that the majority of test planes identified currently receive good practice daylight levels, due to inherent overshadowing from Waterman’s Apartments. The form of the LSSE Scheme has been reduced to a minimum commensurate with effective operation and the material used is a light colour to minimise the effects of loss of daylight.

Access to direct sunlight is also limited due to overshadowing from the buildings opposite. The analysis indicates the cumulative impact of the proposed development on sunlight access to the residential properties to the east of the site is likely to be minor adverse and only present late in the evening during the summer months. This would only affect the same apartments as for the daylight impacts.

4.6.3 Landscaping

Landscaping of the scheme is minimal due to the footprint of the entrance building, the fact that the site bridges the river and is surrounded by newly built residential blocks to the east and west. There is an obvious lack of street furniture throughout as the spaces are primarily used for passage and not pausing. Users of the station will wait within the confines of the station building. An uncluttered space is a necessity with this style of design and site dimensions.

Surfaces and steps to the linking bridges and footways will be formed from sandstone which will reflect the quality of the whole scheme. Bridges will also have high quality structural glass balustrades. The landscape design has been developed with long term minimal maintenance regime in mind. The materials chosen are hardwearing and will require simple maintenance, for example the sandstone steps could be pressure washed yearly.
4.7 Lighting

4.7.1 General Lighting

Lighting within the new LSSE will be provided by low glare, energy efficient luminaires and high frequency control gear, to comply with the requirements of CIBSE (Chartered Institute of Building Services Engineers) Codes of Interior Lighting. Illumination levels shall be designed and calculated in accordance with CIBSE Codes of Interior Lighting. Luminaires shall be selected to complement the architectural finishes of the building.

The detailed lighting design will be progressed during the detailed design stages of the project. A lighting scheme will be submitted under a Planning Condition that will specify the detailed lighting design. Consideration will be given to the means of lighting control and the use of automatic lighting controls. This in accordance with the requirements of the design and of the end users.

4.7.2 Emergency Lighting

A system of emergency lighting will be provided on escape routes of the building and in other critical areas to permit safe movement and escape from the building and access and egress routes at times of power outages. All luminaires will have integral self contained emergency inverter packs and integral batteries which are capable of providing the required illumination levels for a minimum of 3 hours. It is likely that the emergency lighting installation will consist of a combination of dedicated emergency luminaires, and where practical, luminaires which form part of the general lighting scheme will incorporate an emergency facility.

The emergency lighting system will be designed in accordance with BS5266 and all relevant British Standards and Codes of Practice, to satisfy the general safety of all occupants of the building.

4.7.3 Exterior lighting

The lighting of external spaces will be designed to complement the existing and proposed architectural features. Subtle lighting effects will cast light onto surfaces to make the entrance appear to softly glow at night. Low level downlighting will be used to wash pedestrian walking surfaces (such as the flanking bridges) with light in order to reduce the amount of area lighting requires, whilst meeting the required Lux levels and minimising the amount of light spill from the development. Minimising the impact on bats will also be a necessary consideration in the lighting design, particularly at lower levels.

4.8 Security

The existing CCTV system within the station shall be expanded to incorporate the new CCTV cameras that will be installed within and around the new Southern Entrance development. Sufficient CCTV cameras will be provided for general monitoring of all areas within the Southern Entrance.

The new cameras will be affixed via standard camera brackets clamped to the new / existing structure dependent on location. The method of camera mounting will be subject to a detailed survey. All new camera images on the station shall be transmitted to the station Control room to be backed-up / viewed. The ‘link’ capacity shall be assessed to ensure adequate capacity is available for the additional cameras.

The spaces are all overlooked by either the station users through the glass façade or the residential flats on both sides of the river. This passive security increases the sense of safety for users of the site.
4.9 Sustainable Design and Construction

4.9.1 Materials

Reference should be made to the full Sustainability Appraisal of the Scheme carried out by Mott MacDonald (Mott MacDonald, 2012 Report Ref 07). The development will adopt a principled approach to the specification of sustainable construction products with a view to achieving a balance between embodied energy, recycled content, longevity of product, and low emissions. The adoption and use of materials will be dependent upon factors including performance and longevity, availability, affordability and visual appropriateness.

4.9.2 Heating/Cooling/Lighting

The entrance will be developed to negate the need for any mechanical heating or cooling. The nature of the building use as a railway station, means that heating, even in winter, is not a requirement within the general concourse areas. This is consistent with the rest of the existing station.

Similarily, the remainder of the station is not cooled during the summer. However, the location of the Southern Entrance, with its’ south facing glazed facade, will make it more likely to heat up when exposed to direct sunlight. To deal with this heating effect, a passive venting system will be used. A series of open-able glazed vents in the highest section of the ridge over the existing western footbridge will ventilate the space. These operable vents are likely to require regular maintenance; therefore locating them over the existing western footbridge means that they will be readily accessible. This will utilise the ‘Stack Effect’ to regulate the temperature environment within the LSSE.

The glazed south face of the entrance will provide a heating effect while running water will provide the cooling effect. These effects combined with passive ventilation will maintain a comfortable temperature within the entrance building.

4.9.3 Renewable & Low Carbon Energy

Energy efficient strategies include high efficiency lift motors, presence detection on escalators and lighting linked to daylight sensors. In addition potential renewable energy sources could include water turbines, photovoltaic cells and wind turbines. Further information on renewable energy opportunities is explored in the Energy Demand Assessment (Mott MacDonald, 2012 Report Ref 07).

4.9.4 Drainage

There are no requirements for drainage of the new structure. Rainwater will drain into the river reducing the need for maintenance and avoiding the often weaker traditional junctions between walls and roofs. It is the intention to install a man safe system along the spine of the hood to facilitate any maintenance required.

4.10 Service and Maintenance

The unique location of the LSSE requires that special maintenance arrangements are considered at this stage of the design. The building has been designed to reduce for need for maintenance to a minimum. However when occasionally required, maintenance to the glazed front will be carried out from the ground floor deck either by a cherry picker or a vertical maintenance gantry which will be taken through the building from the linking bridges. Access to the external cladding will be achieved via an existing access way onto the station roof from the Western footbridge and maintenance of the roof will be carried out via a tracked Mansafe system running along the ridge from which it is possible to abseil. Cleaning of other glazing will be carried out by single cradle baskets or a suspended beam and gantry system.
The service and maintenance strategy is to be confirmed with the designer at the detailed design stage and with the appointed CDM co-ordinator.

4.11 Impact on heritage

The proposed LSSE is located within the northern limits of the Canal Wharf Conservation Area, which is made up of a mix of ages and styles of buildings. Although the Dark Arches is designated as a “local heritage asset” the site is flanked by two modern apartment blocks. The grey panels of the station can also be seen above the Dark Arches.

The visual effect on the Dark Arches will be the most notable. The proposed development will obscure part of the Dark Arches and therefore change their setting. Although the appearance of the LSSE will differ from that of the existing structure it will read as an independent structure which contrasts with the severity of the backdrop of Dark Arches. The Heritage Assessment (Mott MacDonald, 2012 Report Ref 13) concludes that in this context it can be said to provide an alternative but nevertheless attractive setting for this local heritage asset and, given the variety of styles in the surrounding area, to preserve the character of the Conservation Area.

It is proposed to dismantle an arch and wall at the site proposed for barge loading/unloading in Water Lane (east); this sits in the Leeds City Centre Conservation Area. These are remnants of a building which was similar to adjacent listed buildings. The arch and adjacent wall will be reinstated once the construction is completed and therefore there will no impact on the character of this Conservation Area.
5. Access

5.1 Connections

Pedestrian modelling was previously undertaken in 2006 by consultants Halcrow and reported on in the previous Transport Statement in 2009. The modelling considered generated pedestrian trips from new and proposed development within a 1km catchment area to the south of Leeds City Station. The results of the 2006 modelling should be treated with a degree of caution as development has subsequently taken place at Granary Wharf, Holbeck Urban Village and Bridgewater Place.

Key Issues from the detailed modelling work undertaken to assess the impact of the proposed southern entrance to Leeds City Station, are that:

- Modelling results indicate that between 6,500 to 7,000 pedestrians would consider leaving the station by the southern entrance during the 3hr AM peak period in 2029.
- Modelling results indicate that between 5,800 to 6,300 pedestrians would consider entering the station by the southern entrance during the 3hr PM peak period in 2029.
- Average delay times, total delay times, total distance travelled and total travel times for pedestrians in the AM peak would all decrease.
- Average delay times, total delay times, total distance travelled and total travel times for pedestrians in the PM peak would all decrease.
- Pedestrian journey times in the AM peak to and from almost all platforms and the southern network would decrease.
- Pedestrian journey times in the PM peak to and from almost all platforms and the southern network would decrease.

It is estimated that around 22-24% of current Leeds passengers will choose to use the southern entrance, once built. With further development planned in this vicinity, this figure is set to grow to 62% by 2028-9. Immediately south of the Dark Arches, the proposed linking bridges will connect to entrances off Little Neville Street and Granary Wharf. The entrance from Granary Wharf is sufficiently wide to accommodate bicycle stands. There is also a parallel connection via Dark Neville Street to Granary Wharf and Neville Street.

There are pedestrian and cycle links via Granary Waf to Riverside to the west and to the Holbeck area the south west, in this case using Water Lane, Canal Approach and Canal Wharf. Most pedestrians and cyclists from the south however, are expected to access the station from the east - either from the Calls Commercial District to the east or the South Leeds Commercial District to the southeast.

LSSE will therefore significantly increase the numbers of pedestrians and cyclists wishing to cross Neville Street, in particular towards Sovereign Street and the ASDA headquarters building. There is already provision for crossing with a pedestrian refuge further south of the junction with Little Neville Street, but it understood that a junction controlled scheme to provide a signal controlled crossing is under development by LCC in this location.

For those using LSSE from further afield, there also bus stops on Neville Street with bus routes connecting to various locations in the south of Leeds (ref Mott MacDonald, 2012 Report Ref Traffic Access and Public Realm).
5.2 Improvements to Little Neville Street

With regard to vehicular traffic, the general approach is to create an entrance aimed primarily at pedestrians and not to encourage a new vehicular drop-off point, which would affect the wider traffic flow in the centre of Leeds. The LSSE location is set away from main access roads and there are no specific measures to provide vehicular access.

To this end it is proposed to pedestrianise Little Neville route except for necessary local vehicles, by means of a Traffic Regulation Order (TRO). This will prevent the street being used as a drop off point for the station with attendant problems of turning in this relatively tight space, which would also be intimidating for pedestrians. Moreover queuing vehicles could also block legitimate access for residents and the Hilton hotel.

It should be noted that an alternative drop off point exists on the north side of the station and this is only a few minutes away for vehicles travelling from the south. The attached figure 5.1 shows the proposal for Little Neville Street.

A demarcated 3m wide pedestrian route /safe route is proposed along the south side of Little Neville Street. Although not part of the scheme it is suggested that this route could eventually be extended through the viaduct along the south side of Dark Neville Street to where it joins Neville Street. Further safety measures will include additional lighting, signage, tactile paving for assisting blind and visually impaired users.

Figure 5.1: Improvements to Little Neville Street

Source: Gillespies
It is intended to use a mix of highly quality surfacing including natural stone and to reuse existing basalt setts laid in a diagonal pattern. Existing bollards will be maintained in the southern portion of Little Neville Street to protect cellars. In addition there would be high quality signage, street lighting and street furniture with some planting in the widened area to the north of the street. An at grade crossing is proposed at the exit of the Little Neville Street.

### 5.3 Inclusive Access

The proposed scheme has been designed to provide inclusive access for all and to be DDA compliant. Ramped access is provided from both sides of the River Aire via the route of the existing footbridge within the Dark Arches.

Internally, 2 lifts are provided to allow access to the footbridge level and to provide some resilience should one lift be out of service. Disabled passengers who require a vehicle to continue their onward journey from the station will continue to be directed to the existing step free exit via the north concourse.

Internal and external signage will be designed to Network Rail standards to provide easy way finding and information for all, including the visually impaired. Audible announcements will be accommodated within the whole of the internal envelope of the new entrance, which will be designed to be clear and easily understood.

Both internal and external furniture, handrails and so on, will be designed to contrast with their background for ease of recognition, as well as being located so as to not impact on pedestrian flows. Help points will be incorporated at appropriate locations within the new entrance.
6. Conclusion

An application is to be made to the DfT for the LSSE Scheme under a TWAO which will build on a similar application agreed by LCC in 2010. The proposed LSSE is to be located over the River Aire immediately south of the Dark Arches, which support Leeds City Station. It will comprise a concourse on three levels, the upper level linking to the western footbridge of the station, which is to be widened to accommodate ticketing facilities. Bridges and the existing Dark Neville Street, under the arches, will provide direct stepped access to the lower concourse level from the east and west banks of the river.

The building is to be covered by a striking gold coloured canopy framing a glazed southern façade; the canopy rising and tapering to a point where it meets the roof of the station. It has been designed to appear visually independent of its surroundings and is complemented by a high quality landscaping scheme.

The present route to the station from the south is tortuous, even more so for those who cannot manage steps. The LSSE Scheme is seen by LCC as important project to assist in the regeneration of the former industrial area to south of the City Centre, with considerable savings in time for local businesses and commuters wanting to access the station from this direction. Moreover a new southern entrance will relieve some of the passenger congestion that presently exists in the main entrance at peak times.

The Scheme has been reviewed in the light of comments both from previous consultation carried out in 2009 and in relation to a recent extensive exercise, to ensure that all concerns, where practicable to do so, are met.

The lack of space in the vicinity of the site has dictated the siting of the structure over the river. Other design constraints are the proximity of neighbouring apartments, loading considerations and EA requirements regarding flood risk and disruption to the flow of water.

It is understood that there are no minimum distance standards by which impact on residential amenity is assessed in the city centre, where the approach has always been to consider each case on its merits. However, in order to protect the privacy of neighbouring apartments, the form of the proposed LSSE has been kept to a minimum commensurate with operational requirements and the facades have been broken up visually, to prevent an overdominant effect. Night time lighting will also assist with this. A substantial number of the lower level apartments in the Blue Buildings are adversely affected by the loss of daylight. However, in the existing baseline conditions the apartments are already overshadowed by Waterman’s Place and the railway viaduct.

Materials used will be robust; the building will be passively ventilated and energy efficient measures include high efficiency lift motors, presence detection on escalators and lighting linked to daylight sensors. In addition, the design also has taken into account the need for long term maintenance. The site is overlooked but there is also provision for CCTV.

The Scheme satisfies national, regional and local policies relating to design and access and addresses the overall objectives for the scheme. It lies within a Conservation Area and the Dark Arches are a local heritage asset. However, it is concluded that the proposals will provide an alternative but nevertheless attractive setting for the Dark Arches and, given the variety of styles in the surrounding area, preserve the character of the Conservation Area.

Circulation throughout will be well signposted and clear to users of the LSSE, with step free access. The current proposals take into account a potential LCC junction improvement at the Little Neville Street /
Neville Street Junction which includes amendments to the existing junction layout and provision of a new pedestrian crossing facility across Neville Street. The current LSSE proposals will be acceptable and functional without the LCC scheme, however the two schemes are complementary and the benefits for LSSE will be maximised if the LCC scheme was implemented.

It is therefore it is concluded that the LSSE will provide a functional and high quality Scheme fully satisfying design and access parameters.
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<td>103</td>
<td>42.1 Square metres Private road and footway (Wharf Approach), Leeds</td>
<td>British Waterways Board</td>
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<tr>
<td>104</td>
<td>221.8 Square metres Private road and footway (Wharf Approach), Leeds</td>
<td>CTP St James Limited</td>
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<td>CTP St James Limited</td>
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<tr>
<td>105</td>
<td>40.2 Square metres Private road and footways, bridge over Leeds and Liverpool Canal, (Wharf Approach), Leeds</td>
<td>British Waterways Board</td>
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</tbody>
</table>
## Proposed Leeds Railway Station (Southern Entrance)
### Transport and Works Act Order

**City of Leeds**

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<th>Remarks including special category land</th>
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<tbody>
<tr>
<td>106</td>
<td>60.1 Square metres Private road and footways (Wharf Approach), Leeds</td>
<td>British Waterways Board</td>
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<tr>
<td>107</td>
<td>5.5 Square metres Private road and footways (Wharf Approach), Leeds</td>
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<tr>
<td>108</td>
<td>57.2 Square metres Private road and footways (Wharf Approach), Leeds</td>
<td>Isis Waterside Regeneration (General Partner) Limited, Isis Waterside Regeneration (GP Nominee) Limited</td>
<td></td>
<td>Isis Waterside Regeneration (General Partner) Limited, Isis Waterside Regeneration (GP Nominee) Limited</td>
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<tr>
<td>109</td>
<td>1105.1 Square metres Piazza, seating areas, private road and footways, Granary Wharf, Leeds</td>
<td>Isis Waterside Regeneration (General Partner) Limited, Isis Waterside Regeneration (GP Nominee) Limited</td>
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<td>Isis Waterside Regeneration (General Partner) Limited, Isis Waterside Regeneration (GP Nominee) Limited</td>
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<td>No. on plan</td>
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<tr>
<td>110</td>
<td>472.1 Square metres Hardstanding, street and footways adjoining Mint Hotel, Granary Wharf, Leeds</td>
<td>City Inn Limited</td>
<td></td>
<td>City Inn Limited</td>
<td></td>
</tr>
</tbody>
</table>
| 111        | 705 Square metres Piazza (Graving Dock), trees, public footways, Granary Wharf, Leeds | Isis Waterside Regeneration (General Partner) Limited  
Isis Waterside Regeneration (GP Nominee) Limited |                           | Isis Waterside Regeneration (General Partner) Limited  
Isis Waterside Regeneration (GP Nominee) Limited |                                         |
| 112        | 171.9 Square metres Piazza, seating area, public footways, north of Graving Dock, Granary Wharf, Leeds | Isis Waterside Regeneration (General Partner) Limited  
Isis Waterside Regeneration (GP Nominee) Limited |                           | Isis Waterside Regeneration (General Partner) Limited  
Isis Waterside Regeneration (GP Nominee) Limited  
Ossett Brewery Taverns Limited  
Grand Ideas. Com Ltd  
Vineataly Limited |                                         |
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<th>Remarks including special category land</th>
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</thead>
<tbody>
<tr>
<td>113</td>
<td>205.9 Square metres Airspace above, Piazza, public footways, west of Waterman's Place, Granary Wharf, Leeds</td>
<td>Isis Waterside Regeneration (General Partner) Limited&lt;br&gt;Isis Waterside Regeneration (GP Nominee) Limited</td>
<td>Isis Waterside Regeneration (General Partner) Limited&lt;br&gt;Isis Waterside Regeneration (GP Nominee) Limited</td>
<td>Isis Waterside Regeneration Limited</td>
<td>Wasabi Wasabi Limited</td>
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<tr>
<td>114</td>
<td>639.7 Square metres Airspace above part of Leeds Railway Station, North of Waterman's Place, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
<td>Network Rail Infrastructure Limited</td>
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<tr>
<td>115</td>
<td>396.2 Square metres Part of Leeds Railway Station, Dark Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
<td>Isis Waterside Regeneration Limited&lt;br&gt;Isis Waterside Regeneration (General Partner) Limited&lt;br&gt;Isis Waterside Regeneration (GP Nominee) Limited</td>
<td>Isis Waterside Regeneration Limited&lt;br&gt;Isis Waterside Regeneration (General Partner) Limited&lt;br&gt;Isis Waterside Regeneration (GP Nominee) Limited</td>
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## Proposed Leeds Railway Station (Southern Entrance)
### Transport and Works Act Order

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<tbody>
<tr>
<td>116</td>
<td>448.9 Square metres Part of Leeds Railway Station adjoining the River Aire, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
<td>Isis Waterside Regeneration Limited</td>
<td>Regeneration (GP Nominee) Limited</td>
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<td></td>
<td>Isis Waterside Regeneration (General Partner) Limited</td>
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<td></td>
<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<tr>
<td>117</td>
<td>140.4 Square metres Hardstanding, private footways, adjoining Granary Wharf, Leeds</td>
<td>Isis Waterside Regeneration (General Partner) Limited</td>
<td>Isis Waterside Regeneration Limited</td>
<td></td>
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<td>Isis Waterside Regeneration (General Partner) Limited</td>
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<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<tr>
<td>118</td>
<td>12.3 Square metres Hardstanding, private footways adjoining Waterman's Place,</td>
<td>Isis Waterside Regeneration (General Partner) Limited</td>
<td>Isis Waterside Regeneration Limited</td>
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</thead>
<tbody>
<tr>
<td></td>
<td>Granary Wharf, Leeds</td>
<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<tr>
<td>119</td>
<td>1052 Square metres Airspace above premises (Waterman's Place), Granary Wharf, Leeds</td>
<td>Isis Waterside Regeneration (General Partner) Limited</td>
<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<tr>
<td>120</td>
<td>367.6 Square metres Private footways and shrubbery along River Aire, Granary Wharf, Leeds</td>
<td>Isis Waterside Regeneration (General Partner) Limited</td>
<td>Isis Waterside Regeneration (General Partner) Limited</td>
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<td></td>
<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<tr>
<td>121</td>
<td>31.2 Square metres Land being wall at River Aire, east of Waterman's Place, Granary Wharf, Leeds</td>
<td>Isis Waterside Regeneration (General Partner) Limited</td>
<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<th>Remarks including special category land</th>
</tr>
</thead>
<tbody>
<tr>
<td>122</td>
<td>1831.7 Square metres River Aire and bed thereof between walls, east of Waterman's Place, Leeds</td>
<td>British Waterways Board</td>
<td></td>
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<td>British Waterways Board</td>
</tr>
<tr>
<td>123</td>
<td>6.3 Square metres of River Aire and bed thereof and footbridge, west of Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
<td></td>
<td></td>
<td>British Waterways Board</td>
</tr>
<tr>
<td>124</td>
<td>4.4 Square metres River (River Air) and bed thereof, east of Waterman's Place, Granary Wharf, Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited</td>
<td></td>
<td>British Waterways Board</td>
</tr>
<tr>
<td>125</td>
<td>40.0 Square metres River (River Aire) and bed thereof and footbridge, east of Waterman’s Place, Granary Wharf, Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited</td>
<td></td>
<td>British Waterways Board</td>
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<tr>
<td>126</td>
<td>42.6 Square metres Hardstanding, public footways and steps west of Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
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<td>British Waterways Board</td>
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</thead>
<tbody>
<tr>
<td>127</td>
<td>108.2 Square metres Hardstanding and steps, west of Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited Golf Cafe Bars Limited</td>
<td>British Waterways Board Golf Cafe Bars Limited</td>
<td></td>
</tr>
<tr>
<td>128</td>
<td>52.2 Square metres River (River Aire) and bed thereof and footbridge, east of Waterman’s Place, Granary Wharf, Leeds</td>
<td>British Waterways Board</td>
<td></td>
<td>British Waterways Board</td>
<td></td>
</tr>
<tr>
<td>129</td>
<td>571.6 Square metres River (River Aire) and bed thereof between walls up to the base of the balcony where it overflies the plot at Granary Wharf, Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited</td>
<td>British Waterways Board</td>
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<tr>
<td>130</td>
<td>567.2 Square metres Airspace above Premises (1-3 Little Neville Street), Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited Golf Cafe Bars Limited</td>
<td>British Waterways Board Golf Cafe Bars Limited</td>
<td></td>
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<tr>
<td>131</td>
<td>84.6 Square metres Hardstanding and balcony overhanging the River Aire from the lower edge of the structure and airspace</td>
<td>British Waterways Board</td>
<td>Master Properties Limited Golf Cafe Bars Limited</td>
<td>British Waterways Board Golf Cafe Bars Limited</td>
<td></td>
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</thead>
<tbody>
<tr>
<td>132</td>
<td>above, at Granary Wharf, Leeds</td>
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<tr>
<td>133</td>
<td>575.9 Square metres River (River Aire) and bed thereof between walls at Granary Wharf, Leeds</td>
<td>British Waterways Board</td>
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<td>British Waterways Board</td>
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<tr>
<td>133</td>
<td>25.6 Square metres Hardstanding adjoining River Aire, west of Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited</td>
<td>British Waterways Board</td>
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<tr>
<td>134</td>
<td>27.0 Square metres Hardstanding adjoining River Aire, south of Leeds Railway Station, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
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<tr>
<td>135</td>
<td>6.4 Square metres Hardstanding adjoining Leeds Railway Station, west of Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
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<td>British Waterways Board</td>
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<tr>
<td>136</td>
<td>11.8 Square metres Part of Leeds Railway Station, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
<td>Isis Waterside Regeneration Limited</td>
<td>Network Rail Infrastructure Limited</td>
<td>Isis Waterside</td>
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<td>No. on plan</td>
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<tr>
<td>137</td>
<td>2.9 Square metres Part of Leeds Railway Station, Dark Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
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<tr>
<td>138</td>
<td>5255.6 Square metres Airspace above part of Leeds Railway Station, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
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<tr>
<td>139</td>
<td>420.7 Square metres Part of Leeds Railway Station, Dark Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
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<tr>
<td>140</td>
<td>96.0 Square metres Railway Arch beneath Leeds train station, Dark Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
<td>Shaukat Patel (trading as S D Group)</td>
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<td>Shaukat Patel</td>
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<tbody>
<tr>
<td>141</td>
<td>Square metres Railway Arch beneath Leeds train station, Dark Neville Street, Leeds</td>
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<td></td>
<td>(trading as S D Group)</td>
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<tr>
<td>142</td>
<td>82.8 Square metres Railway Arch beneath Leeds train station, Dark Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
<td>Shaukat Patel (trading as S D Group)</td>
<td>Network Rail Infrastructure Limited</td>
<td>Shaukat Patel (trading as S D Group)</td>
</tr>
<tr>
<td>143</td>
<td>77.1 Square metres Railway Arch beneath Leeds train station, Dark Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
<td>Shaukat Patel (trading as S D Group)</td>
<td>Network Rail Infrastructure Limited</td>
<td>Shaukat Patel (trading as S D Group)</td>
</tr>
<tr>
<td>144</td>
<td>65.0 Square metres Railway Arch beneath Leeds train station, Dark Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
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<td>Network Rail Infrastructure Limited</td>
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<tr>
<td>145</td>
<td>1395.3 Square metres Part of Leeds Railway Station, Dark Neville</td>
<td>Network Rail Infrastructure Limited</td>
<td>The Arches Car Parking Limited</td>
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<td>Network Rail Infrastructure Limited</td>
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<td>Isis Waterside Regeneration (GP Nominee) Limited</td>
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<td>Turn Key Dental Supplies Limited</td>
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<td>Shaukat Patel (trading as S D Group)</td>
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<td>Mumtaz Jaldi Jaldi Limited</td>
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<tr>
<td>146</td>
<td>45.7 Square metres Hardstanding, west of Little Neville Street, Leeds</td>
<td>Network Rail Infrastructure Limited</td>
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<td>147</td>
<td>55.1 Square metres Hardstanding west of Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
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<tr>
<td>148</td>
<td>142.0 Square metres Hardstanding west of Little Neville Street, Leeds</td>
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<tr>
<td>149</td>
<td>67.0 Square metres Hardstanding west of Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited</td>
<td>British Waterways Board</td>
<td>Golf Cafe Bars Limited</td>
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<td></td>
<td>Golf Cafe Bars Limited</td>
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<tr>
<td>150</td>
<td>8.2 Square metres Hardstanding, public footways at 3 Little Neville Street, Leeds</td>
<td>British Waterways Board</td>
<td>Master Properties Limited</td>
<td>British Waterways Board</td>
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<tr>
<td>151</td>
<td>994.1 Square metres Public highway and footways (Little Neville Street), Leeds</td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td>Leeds City Council (in respect of adopted highway)</td>
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<tr>
<td>152</td>
<td>1344.4 Square metres Airspace above Land and premises (25 Neville Street), Leeds</td>
<td>Prudential Retirement Income Limited</td>
<td>The Royal Bank of Scotland plc</td>
<td>Prudential Retirement Income Limited</td>
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<td>Green Flag Limited</td>
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<tr>
<td>153</td>
<td>789.9 Square metres Hardstanding, footways</td>
<td>Prudential Retirement Income Limited</td>
<td>The Royal Bank of Scotland plc</td>
<td>Prudential Retirement Income Limited</td>
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### Proposed Leeds Railway Station (Southern Entrance)
#### Transport and Works Act Order

**City of Leeds**

<table>
<thead>
<tr>
<th>No. on plan</th>
<th>Extent and description of the Land or property</th>
<th>Freehold owners or reputed Freehold owners</th>
<th>Lessees or reputed Lessees</th>
<th>Tenants and Occupiers</th>
<th>Remarks including special category land</th>
</tr>
</thead>
</table>
| 154         | and car park adjoining River Aire, west of Neville Street, Leeds | Green Flag Limited | The Royal Bank of Scotland plc  
Green Flag Limited  | Prudential Retirement Income Limited  
The Royal Bank of Scotland plc  
Green Flag Limited  |  |
| 155         | 47.8 Square metres  
Hardstanding, wall and grassland adjoining 25  
Neville Street, Leeds | Prudential Retirement Income Limited | The Royal Bank of Scotland plc  
Green Flag Limited  | Prudential Retirement Income Limited  
The Royal Bank of Scotland plc  
Green Flag Limited  |  |
| 156         | 1952.7 Square metres  
Public road and footways (Neville Street), Leeds | Leeds City Council (in respect of adopted highway) | Leeds City Council (in respect of adopted highway) | Leeds City Council (in respect of adopted highway) |  |
| 157         | 619.7 Square metres  
Airspace above part of Leeds Railway Station,  
Dark Neville Street, Leeds | Network Rail Infrastructure Limited | Network Rail Infrastructure Limited | Network Rail Infrastructure Limited |  |
| 158         | 456.5 Square metres  
Part of Leeds Railway Station, over public road and footway (junction of Neville Street with Dark | Network Rail Infrastructure Limited | Network Rail Infrastructure Limited | Network Rail Infrastructure Limited |  |
<table>
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<th>Tenants and Occupiers</th>
<th>Remarks including special category land</th>
</tr>
</thead>
<tbody>
<tr>
<td>158</td>
<td>Neville Street, Leeds highway)</td>
<td>Hilton Leeds City 1 Limited</td>
<td>Adda Hotels</td>
<td>Hilton Leeds City 1 Limited Hilton Leeds City 2 Limited Adda Hotels</td>
<td></td>
</tr>
<tr>
<td>159 - 200</td>
<td>Not Used.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>201</td>
<td>1316.9 Square metres River Aire and bed thereof, Water Lane, Leeds</td>
<td>British Waterways Board</td>
<td></td>
<td>British Waterways Board</td>
<td></td>
</tr>
<tr>
<td>202</td>
<td>535.2 Square metres Hardstanding, footways along the River Aire, Water Lane, Leeds</td>
<td>McLagan Investments Limited</td>
<td></td>
<td>McLagan Investments Limited</td>
<td></td>
</tr>
<tr>
<td>203</td>
<td>265.7 Square metres Hardstanding, grassland and shrubbery adjoining River Aire, Water Lane, Leeds</td>
<td>McLagan Investments Limited</td>
<td></td>
<td>McLagan Investments Limited</td>
<td></td>
</tr>
<tr>
<td>No. on plan</td>
<td>Extent and description of the Land or property</td>
<td>Freehold owners or reputed Freehold owners</td>
<td>Lessees or reputed Lessees</td>
<td>Tenants and Occupiers</td>
<td>Remarks including special category land</td>
</tr>
<tr>
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<td>-----------------------------------------</td>
</tr>
<tr>
<td>204</td>
<td>333.7 Square metres Hardstanding, public road and footways (part of Water Lane), Leeds</td>
<td>McLagan Investments Limited&lt;br&gt;Leeds City Council (in respect of adopted highway)</td>
<td></td>
<td>McLagan Investments Limited&lt;br&gt;Leeds City Council (in respect of adopted highway)</td>
<td></td>
</tr>
<tr>
<td>205</td>
<td>17.3 Square metres Hardstanding and sub-station on Water Lane, Leeds</td>
<td>McLagan Investments Limited</td>
<td>Northern Powergrid (Yorkshire) plc</td>
<td>McLagan Investments Limited&lt;br&gt;Northern Powergrid (Yorkshire) plc</td>
<td></td>
</tr>
<tr>
<td>206</td>
<td>56.3 Square metres Public footways (Water Lane), Leeds</td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
</tr>
<tr>
<td>207</td>
<td>312.7 Square metres Public road and footways, (Water Lane), Leeds</td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
</tr>
<tr>
<td>208</td>
<td>23.1 Square metres Hardstanding, Water Lane, Leeds</td>
<td>McLagan Investments Limited</td>
<td></td>
<td>McLagan Investments Limited</td>
<td></td>
</tr>
<tr>
<td>209</td>
<td>11.2 Square metres Hardstanding at the rear of premises (Old Red Lion</td>
<td>Mosshead Limited</td>
<td></td>
<td>Mosshead Limited</td>
<td></td>
</tr>
</tbody>
</table>
## Proposed Leeds Railway Station (Southern Entrance)  
**Transport and Works Act Order**  
**City of Leeds**

<table>
<thead>
<tr>
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<th>Freehold owners or reputed Freehold owners</th>
<th>Lessees or reputed Lessees</th>
<th>Tenants and Occupiers</th>
<th>Remarks including special category land</th>
</tr>
</thead>
<tbody>
<tr>
<td>210</td>
<td>82.1 Square metres Hardstanding and car park to the rear of Old Red Lion pub, Water Lane, Leeds</td>
<td>McLagan Investments Limited</td>
<td></td>
<td>McLagan Investments Limited</td>
<td></td>
</tr>
</tbody>
</table>
# Proposed Leeds Railway Station (Southern Entrance)
## Transport and Works Act Order
### City of Leeds

<table>
<thead>
<tr>
<th>No. on plan</th>
<th>Extent and description of the Land or property</th>
<th>Freehold owners or reputed Freehold owners</th>
<th>Lessees or reputed Lessees</th>
<th>Tenants and Occupiers</th>
<th>Remarks including special category land</th>
</tr>
</thead>
<tbody>
<tr>
<td>212</td>
<td>645.6 Square metres Hardstanding and car park, Water Lane, Leeds</td>
<td>McLagan Investments Limited</td>
<td></td>
<td>Michael Joseph McCarthy</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Elizabeth Clare Worsley</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Andrew Charles Vickers</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Richard Barrie Hartley</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Stephen Charles Williams</td>
<td></td>
</tr>
<tr>
<td>213</td>
<td>509.9 Square metres Public road and footways (Meadow Lane), Leeds</td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
</tr>
<tr>
<td>214</td>
<td>158.9 Square metres Public road and footways (Meadow Lane), Leeds</td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
<td>Leeds City Council (in respect of adopted highway)</td>
<td></td>
</tr>
</tbody>
</table>
LIST OF STATUTORY UNDERTAKERS AND OTHER LIKE BODIES HAVING RIGHTS ON, IN OR OVER LAND WITHIN THE LIMITS OF DEVIATION AND OF LAND TO BE ACQUIRED OR USED, SHOWN ON THE DEPOSITED PLANS.

<table>
<thead>
<tr>
<th>Undertaker</th>
<th>Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Telecommunications plc</td>
<td>in respect of telephone posts, street furniture, telephone boxes, wires, conduits, cables and other telecommunications apparatus</td>
</tr>
<tr>
<td>British Waterways Board</td>
<td>in respect of canals and beds thereof, fixtures, fittings and equipment</td>
</tr>
<tr>
<td>Northern Gas Networks Limited</td>
<td>in respect of gas mains, meters, pipes and other apparatus</td>
</tr>
<tr>
<td>Northern Powergrid (Yorkshire) plc</td>
<td>in respect of electricity substations, wires, conduits, cables and other apparatus</td>
</tr>
<tr>
<td>Verizon Global Solutions U.K. Limited</td>
<td>in respect of telecommunication wires, conduits, cables and other telecommunications apparatus</td>
</tr>
<tr>
<td>Yorkshire Water Services Limited</td>
<td>in respect of water pipes, sewers, drainage pipes, meters, and other apparatus</td>
</tr>
</tbody>
</table>
THE TRANSPORT AND WORKS ACT 1992

THE TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006

RULE 10(3)(b)(ii)

THE LEEDS RAILWAY STATION (SOUTHERN ENTRANCE) ORDER

ESTIMATE OF COSTS

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A  Infrastructure</strong></td>
<td>£</td>
</tr>
<tr>
<td>1 Deck including Substructure Glazed building</td>
<td>£1,586,369</td>
</tr>
<tr>
<td>2 Superstructure</td>
<td>£1,627,902</td>
</tr>
<tr>
<td>3 Passenger Transport</td>
<td>£1,154,775</td>
</tr>
<tr>
<td>4 Passenger Services, External Works &amp; Works to Arches</td>
<td>£661,320</td>
</tr>
<tr>
<td>5 Mechanical &amp; Electrical Plant</td>
<td>£725,792</td>
</tr>
<tr>
<td>6 Extending Station Footbridge</td>
<td>£586,948</td>
</tr>
<tr>
<td><strong>B  Overheads</strong></td>
<td>£</td>
</tr>
<tr>
<td>1 Acquisition of land and rights over land</td>
<td>£494,135</td>
</tr>
<tr>
<td>2 Preliminaries &amp; contractor indirect costs</td>
<td>£3,659,807</td>
</tr>
<tr>
<td>3 Network Rail &amp; Other costs</td>
<td>£1,162,177</td>
</tr>
<tr>
<td>4 Risk, Contingency &amp; Inflation</td>
<td>£2,348,249</td>
</tr>
<tr>
<td>5 Development costs</td>
<td>£1,847,404</td>
</tr>
</tbody>
</table>
Transport and Works Act 1992

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

THE LEEDS STATION (SOUTHERN ENTRANCE) ORDER

Estimate of Costs (required by Rule 10(3)(b)(ii))

West Yorkshire Passenger Transport Executive
40 -50 Wellington Street
Leeds LS1 2DE

Network Rail Infrastructure Limited
Kings Place
90 York Way
London N1 9AG

Eversheds LLP
One Wood Street
London EC2V 7WS

Solicitors and Parliamentary Agents
To: The Secretary of State for Transport, Zone 1/18, Great Minster House, 33 Horseferry Road, London SW1P 4 DR.

1. The West Yorkshire Passenger Transport Executive and Network Rail Infrastructure Limited hereby seek, pursuant to rule 10(6) of the above mentioned Rules, a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for the development sought to be authorised by the Order now being applied for within the various limits provided for in the draft Order and the accompanying deposited plans and sections.

2. The principal works proposed in the Order comprise a new enclosed entrance building to Leeds Railway Station, housing pedestrian footways across the River Aire, supported on reinforced concrete supports located in the bed of the River Aire incorporating an access bridge, escalators and lifts.

3. The Order also provides for the compulsory purchase of land and interests in land, the closure and diversion of public footpaths and other highways. Permission is also sought for the temporary use of land for construction, storage and access routes and related construction activities.

4. The development is located in the administrative area of Leeds City Council.

5. The applicant’s interest in the proposed development is as prospective purchaser of any land not already in the ownership of Network Rail Infrastructure Limited.

6. Notice to property owners and occupiers affected by the proposed development has been given by way of service of notices under Rule 15 of the above-mentioned Rules and other publicity required by those Rules.

7. The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

<table>
<thead>
<tr>
<th>Proposals</th>
<th>Draft Order Articles/Schedules</th>
</tr>
</thead>
<tbody>
<tr>
<td>The authorised works</td>
<td>Articles 4, 13, 14, 15, 16 and Schedule 1</td>
</tr>
<tr>
<td>Highway alterations and improvements</td>
<td>Articles 6-12, Schedules 3-7 and 11</td>
</tr>
</tbody>
</table>
Temporary use of land for construction [Articles 27 and 28, Schedule 9] and maintenance

8. Where land is being acquired permanently, the effect of this direction will be to change the use of all of the land within the boundary of the Scheduled works to railway use. Such land will become ‘operational land’ as defined in section 264(3) of the Town and Country Planning Act 1990 as provided for in Article 34(3) (planning permission and supplementary matters).

9. Further particulars of items currently identified as forming elements or possible elements of development proposed are contained in Appendix 1 to this request.

10. The direction sought is one of deemed planning permission to be granted for the whole development and each of its elements. Attached as Appendix 2 to this request pursuant to Rule 10(6)(b) are draft conditions which the applicant currently wishes to propose.

11. There also accompanies this application pursuant to rule 10(6)(d) of the above-mentioned rules a set of Planning Direction drawings showing some of the elements of development in further detail. These show the planning application boundary, which corresponds with the various limits provided in the draft order, and statutorily designated sites and areas which are to be protected, but are otherwise for illustrative purposes only.

12. An Environmental Statement and a Design and Access Statement also accompany this application.

Dated: 15 May 2012

Eversheds LLP
One Wood Street
London
EC2V 7WS

Solicitors and Parliamentary Agents
For West Yorkshire Passenger Transport Executive and Network Rail Infrastructure Limited
APPENDIX 1

ELEMENTS OF THE DEVELOPMENT

1. Formation of a new entrance building (Work No 1) to Leeds Railway Station, supported on reinforced concrete supports located in the bed of the River Aire incorporating access bridges (link bridges), escalators and lifts, commencing on the west side of the River Aire and terminating on the east side of the River Aire including the installation of associated plant, electrical and mechanical equipment, fencing and screening and any other operations necessary or expedient for the development in addition to those specifically listed below.

2. Formation of a new pedestrian footway across the River Aire (Work No 1A) on Dark Neville Street and integrated with the new entrance building to Leeds Railway Station, incorporating access ramps, landings and steps commencing on the west side of the River Aire and terminating on the east side of the River Aire.

3. Environmental works to mitigate the scheme, including landscaping works, tree, shrub and other planting and boundary treatments.

4. Miscellaneous highway operations including –

4.1 Surface works for remodelling of Little Neville Street to provide a pedestrianised area. This includes any surface works for remodelling the highway and adjacent junctions including drainage works, lighting, traffic signs, street furniture and road markings required for implementation;

4.2 Surface works for remodelling Dark Neville Street to provide a segregated pedestrian route between the Dark Neville Street Bridge and Little Neville Street. This item includes any surface works for remodelling the highway and adjacent junctions including drainage works, lighting, traffic signs, street furniture and road markings required for implementation; and

4.3 Formation of a footpath between the eastern wing of Leeds Station Southern Entrance and Little Neville Street.

5. Demolition of the fragmentary remains of an archway and low level wall located on Water Lane.

6. Alteration of the existing railway viaduct as necessary to install the new Leeds Railway Station entrance.

7. Installation of necessary plant, electrical and mechanical equipment or apparatus required for construction or operation of the new Leeds Railway Station entrance.

8. Erection of the necessary boundary fencing, lighting and signage.
9. Installation of cycle storage facilities.

10. Temporary use of land for construction, access, storage and as a worksite.

11. Any other works required for, or ancillary to, the construction, operation and maintenance of the Leeds Railway Station entrance, including maintenance access.
APPENDIX 2

CONDITIONS PROPOSED TO BE ATTACHED TO THE DIRECTION FOR DEEMED PLANNING PERMISSION

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

   Reason: Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following plans and drawings:

   a) Deposited Plans and Sections Sheet No. 1 of 2 - Location Plan
   b) Deposited Plans and Sections Sheet No. 2 of 2
   c) Traffic Regulation and Rights of Way Plan Sheet No. 1 of 1
   d) Planning Direction Drawings Sheet No. 1 of 6
   e) Planning Direction Drawings Sheet No. 2 of 6
   f) Planning Direction Drawings Sheet No. 3 of 6
   g) Planning Direction Drawings Sheet No. 4 of 6
   h) Planning Direction Drawings Sheet No. 5 of 6
   a) Planning Direction Drawings Sheet No. 6 of 6

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. No building works shall take place until details and samples of all external materials, including a mock up of the large to smaller format tiles junctions and glass to cladding junctions, have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.

   Reason: In the interests of visual amenity, the character and appearance of the conservation area, and the setting of the nearby listed building.

4. No building works shall take place until full 1:20/1:10 details of the following have been submitted to and approved in writing by the Local Planning Authority:

   a) Details of the glass balustrade and cladding to the deck/ bridge detail.
   b) Details of the leading edge and return of the canopy.
   c) Details of the glazed slots in the west elevation.
   d) Details of the roof light to cladding junction.
   e) Details of the cladding panel formats and junctions between different sizes.
   f) Details of glazing systems.

   The works shall be carried out in accordance with the details thereby approved, and retained as such thereafter.
Reason: In the interests of visual amenity, the character and appearance of the conservation area, and the setting of the nearby listed building.

5. No building works shall take place until details and samples of all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved and retained as such thereafter.

Reason: In the interests of visual amenity, the character and appearance of the conservation area, and the setting of the nearby listed building.

6. No building works shall take place until a scheme detailing the proposed lighting for the development site, including its phasing, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and thereafter retained and maintained for the lifetime of the development

Reason: In the interests of residential amenity.

7. No building works shall take place until full details of appropriate mitigation measures to prevent the pollution of the waterway during construction of the approved development have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved measures.

Reason: In order to avoid contamination or pollution of the waterway and to ensure that proper mitigation is deployed.

8. No building works shall take place until full details of surface water drainage arrangements including means of discharging into the watercourse has been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to prevent damage to the waterway structure, protect water quality and make an assessment of the increased volume of water entering the watercourse.

9. No building works shall take place until a site construction environmental management plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP may comprise one or more documents but shall contain details of:

a. The phasing of all construction works.

b. Management of on site parking in respect of vehicles of the workforce.
c. Dust, noise and vibration management.
d. Pollution control measures.
e. Temporary site illumination during the construction period.
f. Management of on site plant and machinery.

The development shall be carried out in accordance with the approved EMP as amended from time to time with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity and pollution control.

10. Unless otherwise agreed in writing by the Local Planning Authority no operations for the construction of the development shall take place;

a) before 0730 hours on weekdays and 0800 hours on Saturdays nor after 1900 hours on weekdays and 1800 hours on Saturdays; or
b) at any time on Sundays or Bank Holidays or Christmas Day or Good Friday.

Reason: In the interests of the residential amenity of the occupants of nearby properties.

11. Unless otherwise agreed in writing, prior to the first use of the station access, details of the provision of pedestrian signage to the southern access from agreed routes and CCTV coverage in the vicinity of the development shall be submitted to and approved in writing by the Local Planning Authority. Works in connection with the above shall be carried out prior to the first use of the station access, and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian connectivity and community safety

12. The highway and public realm works shown on drawing 296480-SKE-014-P3 shall be constructed before the new railway station entrance is opened to the public.

Reason: In the interests of community safety, visual amenity and vehicular and pedestrian safety.

13. No building works shall take place until details of facilities to be provided for the parking of up to 20 cycles which belong to members of the public have been submitted to and approved in writing by the Local Planning Authority. The details shall include the method of securing the cycles and their location. The approved facilities shall then be provided prior to the building being brought into use and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.
14. No public announcement system shall be operated within the new station entrance until details of the operation of the system, including hours of operation and location of loudspeakers, have been submitted to and approved in writing by the Local Planning Authority. The public announcement system shall thereafter only be used in accordance with the approved details.

Reasons: In the interests of residential amenity.

15. No building works shall take place until a Transport Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. The approved TMP shall be implemented in accordance with the timescales set out therein.

Reason: In the interests of highway safety, and in order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

16. Any works involving vegetation clearance, will be scheduled so as to avoid the bird breeding season (April-August). Should any vegetation clearance be required to take place during this period, a qualified ornithologist will check the area for nesting birds and appropriate measures will be taken to ensure they are safeguarded.

Reason: For the protection of birds during the breeding season.

17. No building works shall take place until a survey has be undertaken to identify any over land routes used by otters within any areas likely to be affected by construction activities. A scheme for the protection of such routes during construction shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved scheme shall be implemented in accordance with the timescales set out therein.

Reason: For the protection of otters and their habitat.

18. No building works shall take place until a survey has be undertaken to identify the presence of any bats that may be affected by the development or its construction. A scheme for mitigating any impact on bats shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved scheme shall be implemented in accordance with the timescales set out therein.

Reason: For the protection of bats and their habitat.

19. No building works shall take place until a ground investigation survey, risk assessment and materials management plan for soils excavation and reuse and proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the timescale therein.
Reason: In order to avoid contamination or pollution of the waterway and to ensure that proper mitigation is deployed.

20. Before any works to demolish the archway structure on the Water Lane site are undertaken a method statement for the dismantling and reinstatement of the archway shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented in accordance with the timescale therein.

Reason: to secure the reconstruction of an asset of local heritage interest.
DEPARTMENT FOR TRANSPORT  
2012

Transport and Works Act 1992

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

The Leeds Railway Station (Southern Entrance) Order 2012

Request for a Direction under section 90(2A) of the Town and Country Planning Act 1990 and conditions to be attached to the Direction

West Yorkshire Passenger Transport Executive  
40 -50 Wellington Street  
Leeds LS1 2DE

Network Rail Infrastructure Limited  
Kings Place  
90 York Way  
London N1 9AG

Eversheds LLP  
One Wood Street  
London  EC2V 7WS

Solicitors and Parliamentary Agents