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13 February 2018

Dear Sirs

TRANSPORT AND WORKS ACT 1992 – APPLICATION FOR THE PROPOSED NETWORK RAIL (HOPE VALLEY CAPACITY) ORDER AND DEEMED PLANNING PERMISSION

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the report of the Inspector, Mr I Jenkins BSc CEng MICE MCIWEM who held a public local inquiry between 10 and 25 May 2016 into the application made by your clients, Network Rail Infrastructure Limited (“NR”) on 25 September 2015 for:

- (a) the Network Rail (Hope Valley Capacity) Order (“the Order”), to be made under sections 1 and 5 of the Transport and Works Act 1992 (“TWA”); and
- (b) a direction as to deemed planning permission for the development provided for in the Order, to be given under section 90(2A) of the Town and Country Planning Act 1990 (“the planning direction”).

2. The Order and planning direction, if made, would authorise NR to construct, operate and maintain new passing facilities and associated railway infrastructure on the Manchester to Sheffield Hope Valley route between Bamford and Hathersage and at Dore. It would comprise two packages of works, one at Bamford (“the Bamford Package”) and one at Dore (“the Dore Package”). The Bamford Package includes the Bamford Loop which would be around 1,062 metres long and adjacent to the existing railway. To facilitate the loop, associated works would be required including the replacement of the Hathersage West foot crossing with a footbridge. The Dore Package includes the extension of the Dore South curve and associated works along with capacity improvements to the Dore & Totley Station, including the creation of a second track through the station. The Order would also authorise the compulsory acquisition and the temporary use of land for the purposes of the works and confer powers in connection with the construction, operation and maintenance of the works. In this letter the proposals are referred to as “the scheme”.

3. Enclosed with this letter is a copy of the Inspector's report. His conclusions are set out in section 7 of the report, and his recommendation is at section 8. All paragraph references, unless otherwise stated, are to the Inspector's report ("IR").

4. In making this application, NR complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ("the 2006 Rules"). This included serving copies of the application and the accompanying documents on the persons specified in the 2006 Rules and making the documents available for public inspection. As also required by the 2006 Rules, NR displayed and published notices giving information about the application and how to make representations and served notice on those whose rights over land would be extinguished under the Order.

Summary of Inspector's recommendations

5. The Inspector recommended that the Order should not be made and the planning direction should not be given (IR 8.1). In his reasoning for the recommendation, the Inspector noted that CLH Pipeline Systems Ltd ("CLH") set out an objection, that the Order, if made, would include works within an easement for an oil pipeline which would require consent from CLH under the terms of Part 4 of the Energy Act 2013 (IR 7.10.5). This consent had not been granted at the close of the Inquiry and the Inspector considered that there was reason to believe that a necessary consent may be refused, impeding NR's ability to exercise powers contained within the Order and release the public benefits associated with in. The Inspector therefore concluded that the purposes for which the Order would be made would not sufficiently justify interfering with the human rights of those with an interest in the land affected (IR 7.10.7 and 7.10.14).

Summary of Secretary of State's decision

6. For the reasons given in this letter, **the Secretary of State has decided to make this Order and that the planning direction should be given, subject to the conditions set out in Annex 1 to this letter.** The Secretary of State could not find a requirement that indicated that CLH's consent was necessary under the Energy Act 2013 but is content that following the close of the Inquiry, CLH withdrew its objection on 7 March 2017 following an agreement between NR and CLH. The Secretary of State is therefore content that this has overcome the only impediment identified by the Inspector above. The Secretary of State notes that the Inspector considered that if this impediment was removed (as is now the case) that on balance the public benefits associated with the Order would outweigh the private loss of those people with an interest in the land and the interference with their human rights would not be disproportionate. Therefore, the purposes for which the Order would be made would sufficiently justify interfering with the human rights of those with an interest in the land affected (IR 7.10.13). The Secretary of State agrees with this conclusion.

Secretary of State's consideration

7. Careful consideration has been given to all the arguments put forward by, or on behalf of, the parties. The Secretary of State's consideration of the Inspector's report is set out in the following paragraphs.

Aims and Need for the Scheme

8. The Secretary of State notes that NR's key aim of the scheme is to increase capacity for the operation of railway services between Manchester and Sheffield on the Hope Valley route. This route is used by slow moving freight trains which constrain the number of passenger trains that can use the route. The passing facilities between Bamford and Hathersage ("Bamford Loop") and at Dore would provide the ability for passenger trains on the route to overtake the slower moving freight trains.

9. The scheme forms part of NR's Northern Hub Programme. This programme is intended to provide a more reliable, flexible network that allows for faster and more frequent and longer trains. The Northern Hub Programme is based on an Indicative Train Service Specification ("ITSS"). The current level of service on the route is two fast passenger trains per hour and one stopping train every two hours. The scheme would allow that level of service to rise to three fast trains per hour and one stopping train each hour.

10. The Secretary of State notes objectors' observations that NR cannot guarantee the service levels set out in the ITSS, which is a matter for the Department of Transport through franchise agreements with the train operating companies. The Inspector noted that NR consider that the aim of the scheme is to provide the infrastructure necessary to enable the operation of the ITSS (IR 7.2.9). The Secretary of State agrees with this conclusion.

Impact on the Local Economy

11. The Secretary of State notes the Inspector's comments that the improved service levels would make access to the National Park easier from the major cities and this would be likely to boost visitor numbers and as a result the local economy (IR 7.2.16). He agrees with the Inspector that the scheme would be likely to have a positive impact on the local economy overall (IR 7.2.17).

Other Matters

12. The Secretary of State notes objectors' suggestions that the length of the Bamford Loop should be reduced to cater for trains up to 520 metres long, which are more likely to run on the route rather than the 640 metre long trains (IR 7.2.22). He notes that whilst the line is not used by trains as long as 640 metres at present, NR has emphasised the importance of creating a flexible network capable of meeting the future needs of its customers. The Secretary of State agrees with the Inspector that the absence of a firm forecast of market need does not justify the further reduction in the capacity of the Loop (IR 7.2.24). The Inspector further noted that NR has reduced the specification for freight standage on the curve to 520 metres, thereby avoiding any direct impact on the West Lane over-bridge (IR 7.2.25).

Main alternative options considered

13. The Secretary of State notes that a number of alternative options had been considered by NR in the context of the current proposed scheme. These are detailed at IR 7.3.3-20. He agrees with the Inspector at IR 7.3.21 that having considered the cost of, and the scope for, developing elsewhere outside the designated area (including outside of the

National Park) or meeting the need for the scheme in some other way, none of the identified alternatives are likely to be preferable to the scheme.

Adequacy of the Environmental Statement

14. The Secretary of State agrees with the Inspector that the Environmental Statement (“ES”) submitted with the Order application is adequate with reference to the requirements of the 2006 Rules (IR 7.4.4). The Secretary of State confirms that he has complied with the requirements of paragraphs (a) to (c) of section 14(3A) of the TWA relating to the consideration of the ES.

Likely impact of constructing and operating the scheme on residents, business and the environment

Noise, vibration, air quality including the impact of increased train services on residential properties

15. The Secretary of State notes that a number of concerns were raised with regards to noise. The Inspector’s consideration of this matter is set out in IR 7.5.1 – 7.5.14. The Secretary of State notes that one of the key concerns raised by objectors relates to the impact of the Bamford Loop when operational. The Secretary of State notes the points made on the assessment methodology and the potential impact of operational noise to three properties facing towards the Loop. The Inspector considered that the noise impact would be sufficient to justify the offer of a package of sound insulation measures to the residents of these properties (IR 7.5.9). The Secretary of State agrees with the Inspector that subject to the provision of the identified mitigation measure, noise from the operation of the Bamford Loop would be unlikely to have an unacceptable effect on the living conditions of local residents, consistent with the aims of the National Planning Policy Framework (7.5.11). The Secretary of State has amended the Planning Direction to ensure that this mitigation is detailed in the noise and vibration management plan as part of the Code of Construction Practice (“CoCP”),

16. The Secretary of State notes that based on the review of modelling results for the Bamford Loop when operational, the noise levels experienced in the gardens of a small number of dwellings would be likely to exceed the level at which WHO guidelines indicate that serious annoyance may result. However, the Secretary of State notes that the noise levels at these properties are likely to be either close to or above these guidelines already. The Secretary of State concurs with the Inspector that these dwellings are already likely to be acclimatised to the noise and gives limited weight to its impact (IR 7.5.10).

17. The Secretary of State notes the Inspector’s comment in relation to noise associated with the construction of the Bamford Loop and that a number of properties may experience significant observed adverse effect levels of noise during construction (IR 7.5.12). The Secretary of State agrees with the Inspector that the impact would be temporary and in light of the proposed approach to further mitigation measures which would be secured as part of the CoCP approval process, its impact is unlikely to have an unacceptable impact (IR 7.5.14). The Secretary of State further notes that the ES confirms that vibration is not expected to have any significant effect during either construction or operation of the Bamford Loop (IR 7.5.15).

18. With regards to the Dore Package, the Secretary of State notes the Inspector's conclusions that NR's assessment indicates that, taking account of mitigation measures incorporated within the design, no significant adverse noise or vibration effects are predicted either during the construction or the operational phase and that the Inspector has not been provided with any compelling evidence to the contrary (IR 7.5.16). The Secretary of State agrees with this conclusion.

19. The Secretary of State notes that even though it was not considered that the Bamford or Dore Packages would have a significant effect on air quality and this was therefore scoped out of the EIA, following concerns raised by objectors, an air quality assessment was commissioned for operation of the Bamford Loop. The assessment confirmed that it would not have a significant detrimental impact on air quality and the Inspector concluded that there was no compelling evidence that a different conclusion would be justified for either the Dore Package or Bamford Loop (IR 7.5.17). The Secretary of State has no reason to disagree with this conclusion.

20. The Secretary of State agrees with the Inspector's conclusions that, subject to the mitigation described above, the scheme and the increased train services expected to follow would be unlikely to have an unacceptable effect on the living conditions of local residents or others, with particular reference to noise, dust, fumes and vibration (IR 7.5.18).

Impact of changes to station facilities and rail service provision (including station parking)

21. The Secretary of State notes objections to the new facilities being planned for the Dore & Totley Station. The Secretary of State observes that the proposed station modifications have been designed in accordance with normal NR standards and agrees with the Inspector that criticisms of the proposed station modifications lack merit (IR 7.5.21). The Secretary of State also notes that whilst a number of details have yet to be finalised he agrees with the Inspector that there is no need to require independent review/approval of those details (IR 7.5.23). On the proposed design at Dore & Totley Station, the Secretary of State concurs with the Inspector that the proposed structures at the station, although of a modern design, would be sufficiently in keeping with the existing building so as not to harm the character or appearance of the station or its surroundings (IR 7.5.24).

22. On parking provisions at Dore & Totley station, the Secretary of State notes the planned reduction in capacity for a 38 week period and full closure during 4 possession periods. The Secretary of State notes that NR expect to provide alternative temporary parking facilities for this period, the details of which will be set out as part of the Traffic Management Plan within the CoCP which is a requirement of the planning direction. The Secretary of State agrees with the Inspector that the effects of the scheme on station parking, which would be temporary, would be acceptable (IR 7.5.27).

Impacts on means of access to properties

23. The Secretary of State notes that during construction to extend the width of the bridge (MAS/25) to accommodate the proposed Bamford Loop, access to two properties that lead from the A6187 would be impacted (IR 7.5.29). He notes that whilst the widening is under construction NR has indicated that a temporary alternative access to those properties would be provided through shared ownership of a construction haul road. The

Secretary of State accepts the Inspector's conclusions that the effects of the scheme on means of access to properties, which would be temporary, would be acceptable (7.5.33).

Impacts on pedestrians using the proposed footpaths to be temporarily stopped up or diverted, the level crossing to be closed, including impacts on access to Dore & Topley and Bamford Stations

24. The Secretary of State agrees with the Inspector for the reasons given that the proposed works would not have a material detrimental effect on the convenience of pedestrians travelling to and from Dore & Topley Station and Bamford Station (IR 7.5.34-38).

25. The Secretary of State notes that the scheme involves the closure of the Hathersage West level crossing and the provision of a new footbridge over the railway lines. This would maintain the relatively short and direct route between Hathersage and the countryside on the southern side of the A6187. The Secretary of State notes the arguments by a number of residents that there is no need to construct a rail crossing (IR 7.5.41) and the alternative proposal is to build a new pedestrian bridge alongside the existing road bridge on Jaggars Lane (IR 7.5.42). The Secretary of State accepts the Inspector's conclusions that the replacement of the Hathersage west level crossing with the proposed new footbridge would be acceptable and that the alternatives proposed are neither worthy of further investigation nor to be preferred (IR 7.5.45).

Ecological and archaeological impacts

26. The Secretary of State notes that Natural England ("NE") has confirmed that the scheme would be located in close proximity to European sites afforded protection by the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitats Regulations"). The Secretary of State accepts the Inspector's and NE's view that the scheme would be unlikely to have a significant effect on any European site, either alone or in combination and can therefore be screened out from any requirement for further assessment under the Habitats Regulations (IR 6.4.3 and 7.5.46).

27. Having regard to the assessments reported in the ES and the views of NE the Secretary of State agrees with the Inspector that the effect of the scheme on ecological interests would be acceptable (IR 7.5.50). The Secretary of State also agrees with the Inspector's conclusion that the scheme would be unlikely to cause any material harm to significant historic assets (IR 7.5.51).

Impacts on Landscape and Visual Amenity

Bamford Package

28. The Secretary of State notes that the National Planning Policy Framework ("NPPF") confirms that great weight should be given to conserving landscape and scenic beauty in the National Parks. The Secretary of State agrees with the Inspector's conclusions that the proposed Bamford Loop would have a minor effect on the character and appearance of the locality and a negligible impact on the character and appearance of the Peak District National Park (IR 7.5.52 -54).

29. The Secretary of State notes that a number of objectors raised concerns about the impact of the proposed Hathersage West footbridge on the character and appearance of the landscape of the Peak District National Park. The Secretary of State also notes that in response to these concerns, a revised lower bridge was developed by NR. He notes the Inspector's view that the proposed footbridge would have a minor effect on the character and appearance of the locality and a negligible impact on the character and appearance of the Peak District National Park (IR 7.5.55-58). A number of objectors suggested that the height of the bridge could be lowered further if no headroom allowance was made for electrification of the line in the future. The Inspector noted that the reduction in headroom would be small and it would be unlikely to materially affect the visual impact of the proposed footbridge. The Secretary of State therefore agrees with the Inspector that lowering the height of the bridge would not justify the resulting loss of flexibility in the design to accommodate possible future electrification (7.5.59).

Dore Package

30 The Secretary of State notes the Inspector's view that the proposed works would have some significant adverse effects on the appearance of the locality during the construction phase but they would be temporary and mitigated to an acceptable level post-construction by landscaping. The Secretary of State agrees with the Inspector's conclusions that overall, the adverse effect of the Dore Package on the character and appearance of the locality would be minor and acceptable (IR 7.5.63).

Other Matters

31. The Secretary of State agrees with the Inspector that the impact of the traffic associated with the proposed Hathersage West footbridge on the privacy and security of residents in Holly House could be mitigated so as to be acceptable (IR 7.5.64-65). He also agrees with the Inspector that it is unlikely that the scheme would give rise to unacceptable levels of traffic in Bamford (IR 7.5.66).

32. The Secretary of State notes the approach to the works by NR in the vicinity of the pipeline owned by CLH and the Inspector's view that they would be likely to adequately safeguard the interests of CLH. (IR 7.5.67-70). As set out under paragraph 6, CLH has now withdrawn its objection to the scheme and entered into a written agreement with NR to protect its interests.

Measures for mitigating any adverse impacts of the scheme

33. Under section 14(3AA) of the TWA, the Secretary of State is required to describe the main measures to avoid, reduce and if possible, remedy the major adverse environmental effects of the scheme. In this case he considers that the main measures to mitigate the effects of the scheme are the planning conditions, set out in Annex 1 to this letter, and the CoCP.

Conditions proposed to be attached to the deemed planning permission for the scheme

34. The Secretary of State notes the changes to the revised conditions proposed by the Inspector set out in IR 7.7.2 and included in Appendix 8 to the Report. He agrees with the Inspector that the amendments to conditions 3, 4, 5 and 6 are reasonable and satisfy the six tests set out in paragraph 206 of the NPPF. The Secretary of State has also added a clarification to condition 7 to secure the package of sound insulation measures to residents potentially affected by operational noise on the Bamford Loop. He further agrees with the Inspector's opinion that the suggested amended conditions put forward by objectors at the Inquiry (IR 7.7.3-10) are not reasonable or necessary.

35. The Secretary of State has also revised the preliminary works, which are excluded from the definition of "development" in certain circumstances, to ensure that no potentially significant works such as site clearance and de-vegetation can take place before approval of plans and schemes (by the relevant local planning authority) intended to regulate works likely to have adverse environmental impacts. The amendments remove site clearance, de-vegetation and remediation from permitted preliminary works, and limit the erection of contractors' work compounds and site offices to works which would not require excavation. With respect to the remaining preliminary works the Secretary of State is satisfied that in the particular circumstances of this scheme it is acceptable for these minor preparatory works to be carried out prior to the approval of the various plans and schemes. The Secretary of State has made further drafting changes in the interests of clarity and precision. This includes reasons explaining why the conditions have been set. The revised conditions which the Secretary of State intends to attach to the planning direction are set out in Annex 1 to this letter. The Secretary of State is content that the planning conditions, as amended, are relevant and necessary, and meet the six tests in paragraph 206 of the NPPF.

Consistency with national, regional and local policies

36. The Secretary of State notes that the Bamford Package includes development within the Peak District National Park and would amount to major development in a National Park. The NPPF sets out that planning permission should be refused for major development in National Parks except in exceptional circumstances and where it can be demonstrated that it is in the public interest. Consideration of major development in National Parks should include an assessment of amongst other things: the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. The Secretary of State further notes that the requirements of the NPPF are reflected in the Peak District National Park Local Development Framework Core Strategy 2011 (IR 7.8.2). The Secretary of State agrees with the Inspector's conclusion that on balance the benefits of the scheme would outweigh the harm that it would cause in the National Park and that in this case, the exceptional circumstances necessary to justify major development in a National Park exist and there is a compelling case in the public interest (7.8.8).

37. The Secretary of State notes that objections to the scheme have not been maintained by the local planning authorities and the Peak District National Park Authority accepts that the major development test set out in the NPPF would be met (IR 7.8.11). He concurs with the Inspector's findings that both the Bamford and Dore Packages accord with the relevant Development Plan, taken as a whole, relevant National and Local Transport Plans and together would amount to sustainable development in relation to which the NPPF presumes in favour (IR 7.8.10).

Purpose and effect of substantive changes to the draft Order

38. The Secretary of state notes the minor modifications made to the draft Order, including the Book of Reference set out in IR.7.9.2. He agrees with the Inspector that these modifications and changes to the planning conditions are not substantial in nature and would be unlikely to prejudice the interests of anyone (IR 7.9.4). The Secretary of State has made further amendments to the draft Order to update the compulsory acquisition provisions which reflect the coming into force of relevant parts of the Housing and Planning Act 2016. These amendments do not materially alter the effect of the Order nor make a substantial change to the proposals such as would require notification to affected persons under section 13(4) of the TWA.

Compulsory acquisition matters including funding

39. The Ministry of Housing, Communities and Local Government's (formally the Department for Communities and Local Government) Guidance on the Compulsory Purchase Process and the Crichel Down Rules 2015 indicates that the acquiring authority will need to be able to show that: all necessary funding is likely to be available within a reasonable timescale; and, the scheme is unlikely to be blocked by any physical or legal impediments to implementation, including any need for consent. The Guidance also indicates that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justifies interfering with the human rights of those with an interest in the land affected.

40. The Secretary of State notes that since the close of the Inquiry the funding position for this scheme has changed from that set out in IR 7.10.3. Funding for the scheme will now span two railway investment Periods: Control Period 5 (2014-2019) and Control Period 6 (2019-2024). The current funding envelope for enhancements in Control Period 5 has made provision for this scheme. The Secretary of State set out his priorities for the rail network for Control Period 6 in a High Level Output Specification and on 12 October 2017 published a statement of funds available for Control Period 6. This makes provision for the funding of enhancements that were deferred from Control Period 5, of which this scheme is one. The Secretary of State therefore is satisfied that this provision should be sufficient to deliver the Hope Valley scheme, provided it continues to be value for money.

41. The Secretary of State agrees with the Inspector's judgment that the benefits that would result from the proposed scheme are in the public interest; consistent with local and national policy; and the land titles and rights sought by the Order are a proportionate response to the needs of the proposals (IR 7.10.11). The Secretary of State notes the Inspector's view that the objection from CLH may have impeded NR in exercising the powers contained in the Order and this impediment would have meant that there was insufficient justification to interfere with the human rights of those with an interest in the land

affected by granting the Order (IR 7.10.14). However, now that the CLH objection has been withdrawn, the Secretary of State concurs with the Inspector that the public benefits associated with the modified Order would outweigh the private loss of those people with an interest in the land and that interference with their human rights would not be disproportionate.

Post Inquiry Correspondence

42. Following the close of the Inquiry DfT received correspondence relating to the decision timeframe. In addition further points were made by the Chairman of the Friends of Dore & Totley station. These points predominately related to the design of Dore & Totley station which the Secretary of State has addressed above in paragraph 21. Other points made were in relation to station facilities which would be a matter for NR to consider and is outside the scope of this application. The Secretary of State is therefore content that none of the correspondence received since the close of the Inquiry raises any new matters not already considered.

Secretary of State's overall conclusion and decision

43. The Secretary of State is content that following the withdrawal of the objection by CLH, the possible impediment to the scheme identified by the Inspector has been addressed. The Secretary of State considers that the scheme has clear benefits, is in the public interest and is consistent with National and Local policies. The Secretary of State recommends that the Order be made and planning permission permitted subject to the changes set out in this letter.

Notice under section 14 of the TWA

44. This letter constitutes the Secretary of State's notice of his determination to make the Order with modifications, for the purposes of section 14(1)(a) and section 14(2) of the TWA. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

Challenge to decisions

45. The circumstances in which the Secretary of State's decisions may be challenged are set out in the note attached at Annex 2 to this letter.

Distribution

46. Copies of this letter are being sent to those who appeared at the Inquiry and to all statutory objectors whose objections were referred to the Inquiry under section 11(3) of the TWA but who did not appear.

Yours faithfully

Natasha Kopala

CONDITIONS WHICH THE SECRETARY OF STATE INTENDS TO ATTACH TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION

INTERPRETATION

In the following conditions:–

“the Code of Construction Practice” means the code of construction practice to be submitted to and approved by the local planning authority under condition 7, a draft of which accompanied the Environmental Statement;

“the Dore & Totley footbridge” means the footbridge comprised within Work No.8;

“the development” means the development authorised by the Order, however in conditions 2, 4(a), 5(a) and 7(a) it does not include the following preliminary works: environmental (including archaeological) investigation, site or soil survey, erection of fencing to site boundaries, marking out of site boundaries, or, where such works do not require excavations, erection of contractors’ work compounds or site offices;

“the Environmental Statement” means the statement of environmental information submitted with the application for the Order on 25th September 2015;

“the local planning authority” means, as respects development in their respective areas, Peak District National Park Authority and Sheffield City Council;

“the Planning Design and Access Statement” means the statement of planning and design and access information submitted with the application for the Order on 25th September 2015;

“the planning direction drawings” means the drawings listed in Schedule 2 to the revised request for deemed planning permission dated 10th May 2016;

“Network Rail” means Network Rail Infrastructure Limited;

“the Order” means the Network Rail (Hope Valley Capacity) Order 2018;

“stage” means a defined section or part of the development the extent of which is shown in a scheme submitted to and approved by the local planning authority under condition 2; and references to numbered works are references to works so numbered in the Order;

Where under any of the following conditions the approval of the local planning authority or another person is required, that approval must be given in writing.

Time limit for commencement of development

1. The development must commence before the expiration of five years from the date when the Order comes into force.

Reason: *To set a reasonable time limit for the commencement of the development.*

Stages of development

2. No part of the development is to commence until a written scheme setting out all the stages of the development has been submitted to and approved by each local planning authority.

Reason: *To control the timescale for the approval of details.*

In accordance with the planning direction drawings

3. The development must be carried out in accordance with the planning direction drawings.

Reason: *To ensure compliance with the approved drawings and for the avoidance of doubt.*

Ecology

4.(a) No stage of the development is to commence until an Ecological Management Plan for that stage has been submitted to and approved by each local planning authority with responsibility for any area within the stage.

(b) The submitted Ecological Management Plan must reflect the survey results and ecological mitigation and enhancement measures included in the Environmental Statement, in particular to accord with Chapter 7.6 and Chapter 8.6 of Volume I of the Environmental Statement and the landscape and mitigation details set out in figures C1.4 and C2.7 in Volume III of the Environmental Statement, and must include an implementation timetable.

(c) The development must be carried out in accordance with the approved Ecological Management Plan.

Reason: *To protect and enhance the quality of the natural environment.*

Landscaping

5.(a) No stage of the development is to commence until a Landscaping Scheme for that stage has been submitted to and approved by each local planning authority with responsibility for any area within the stage.

(b) The submitted Landscaping Scheme must include the landscape and mitigation details set out in figures C1.4 and C2.7 in Volume III of the Environmental Statement and

the mitigation measures set out in Annexes I and J of Volume I of the Environmental Statement and must contain details of hard landscaping, soft landscaping and lighting including:

- (i) the location, number, species, size and planting density of any proposed planting;
- (ii) the cultivation and importing of materials and other operations to ensure plant establishment;
- (iii) hard surfacing material;
- (iv) minor structures such as furniture, fencing, refuse or other storage units and signs;
- (v) lighting;
- (vi) any temporary fencing to protect existing trees adjacent to the development; and,
- (vii) implementation timetables for the works comprised in the Landscaping Scheme.

Reason: *To ensure a satisfactory external appearance in the interest of visual amenity, to ensure appropriate provision for trees is made in the landscaping scheme and to ensure that landscaping mitigation is provided in a timely manner.*

Implementation and maintenance of landscaping

6.(a) All landscaping must be carried out in accordance with the Landscaping Scheme and implementation timetable approved under condition 5.

(b) Any tree or shrub included in the approved Landscaping Scheme that, within a period of five years after planting, dies, is removed or becomes, in the opinion of the local planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted.

Reason: *To secure correct implementation.*

Code of Construction Practice

7.(a) No stage of the development is to commence until a Code of Construction Practice (“CoCP”) for that stage, including the relevant plans and programmes referred to in paragraph (b) which incorporate the means to mitigate the construction and operational impacts identified in the Environmental Statement, have been submitted to and approved by each local planning authority with responsibility for any area within the stage.

(b) Part B of the CoCP must include the following plans and programme:

- (i) an external communications programme;
- (ii) a pollution prevention and incident control plan;
- (iii) a waste management plan (including a materials management plan);
- (iv) a traffic management plan;
- (v) a nuisance management plan concerning dust, wheel washing measures, air pollution and temporary lighting; and,

(vi) a noise and vibration management plan, including construction methodology assessment and a package of sound insulation measures for residents of Lilleybrook and Cunliffe House (incorporating Cunliffe Cottage) for facades facing towards the Bamford Loop, such package to be consistent with the specifications detailed in Schedule 1 to the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996.

(c) The development must be implemented in accordance with the approved CoCP and the relevant plans and programme.

Reason: *To mitigate expected construction impacts.*

Design, appearance, materials, colour scheme of the Dore & Totley footbridge

8.(a) The design, external appearance and materials for the Dore & Totley footbridge must conform with the details for this footbridge as set out in the Planning and Design and Access Statement or with any alternative details approved by the local planning authority.

(b) No works in respect of the Dore & Totley Station footbridge are to commence until details of the following have been submitted to and approved by the local planning authority:

(i) colour scheme;

(ii) bridge deck parapet material; and,

(iii) proposed brick cladding to be applied to the lift shaft and motor room.

(c) The development must be carried out in accordance with the details approved under sub-paragraph (b).

Reason: *To control the external materials used in the footbridge and to ensure a satisfactory external appearance in the interests of visual amenity.*

END

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the ground that:

- it is not within the powers of the TWA, or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days from the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

CHALLENGES TO DEEMED PLANNING PERMISSION GIVEN IN CONNECTION WITH A TWA ORDER

There is no statutory right to challenge the validity of the Secretary of State's direction that planning permission shall be deemed to be granted for development for which provision is included in the Order. Any person who is aggrieved by the giving of the direction may, however, seek permission of the High Court to challenge the decision by judicial review.

Any person who thinks they may have grounds for challenging the decision to make the Order or the decision to give a direction as to deemed planning permission is advised to seek legal advice before taking any action.