New Footbridge at Lady Ann Level Crossing, Batley

Planning, Design & Access Statement

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1. Introduction

1.1 This Planning, Design & Access Statement supports the submission of an application for planning permission for a new footbridge and associated infrastructure over the Manchester to Leeds railway line at Rutland Road/Howley Street in Batley. The current Lady Ann Level Crossing at this location (MDL 1/35) is to be closed in order to facilitate the modernisation of the railway line between Manchester and Leeds, as part of the Trans-Pennine Route Upgrade (TRU) Programme. To ensure inclusive access continues to be provided over the railway line, a new Equality Act compliant footbridge is planned to the south of the current Crossing.

1.2 Network Rail (NR) usually invokes the Prior Approval process under Part 18 to Schedule 2 of the Town & County Planning (General Permitted Development) Order 2015 for new or replacement bridges. However, in this instance, because of the need to consider related safety issues associated with closing the Crossing, the planning permission route (under the Town and Country Planning Act) is considered the appropriate consent in this case.

1.3 The following plans and documents are submitted in support of this application:

Title	Reference
Proposed General Arrangement	151667-TSA-41-MDL1-DRG-C-ST-043261
Proposed Embankment Cross Sections	151667-TSA-41-MDL1-DRG-C-ST-043262
Proposed Details	151667-TSA-41-MDL1-DRG-C-ST-043263
Proposed Works at Disused Embankment	151667-TSA-41-MDL1-DRG-C-ST-043264
Footbridge Cross Sections	151667-TSA-41-MDL1-DRG-C-ST-043265
Location Plan	151667-TSA-41-MDL1-DRG-C-ST-043266
Plan Showing Diversion Routes	151667-TSA-41-MDL1-DRG-C-ST-043267
Lady Ann Footbridge Indicative Visuals Key Plan	151667-TSA-00-TRU-CNT-W-LP-000306
Lady Ann Footbridge Indicative Visual 1	151667-TSA-00-TRU-CNT-W-LP-000300
Lady Ann Footbridge Indicative Visual 2	151667-TSA-00-TRU-CNT-W-LP-000301
Lady Ann Footbridge Indicative Visual 3	151667-TSA-00-TRU-CNT-W-LP-000302
Lady Ann Footbridge Indicative Visual 4	151667-TSA-00-TRU-CNT-W-LP-000304
Lady Ann Footbridge Indicative Visual 5	151667-TSA-00-TRU-CNT-W-LP-000305
Lady Ann Crossing Ecological Constraints Report (Phase 1 Report)	151667-TSA-00-TRU-REP-W-EN-000880

Lady Ann Phase 1 Habitat Map	151667-TSA-00-TRU-REP-W-EN-000882
Arboricultural Constraints Plan	151667-TSA-00-TRU-REP-W-EN-000883
Lady Ann Arboricultural Impact Assessment (AIA)	151667-TSA-00-TRU-REP-W-EN-000882-02
AIA Appendix B: Tree Protection Plan	15642-163-WIE-ZZ-XX-DR-V-77-006
Indicative Ecological Landscaping Plan	151667-TSA-00-TRU-REP-W-EN-001112
Indicative Construction Traffic Management Plan	151667-TSA-00-TRU-CNT-W-LP-000298
Earthwork Condition Report	151667-TSA-41-MDL1-REP-W-GE-030001
Lady Ann Earthworks Inspection Plan	151667-TSA-00-TRU-CNT-W-LP-000307

2. Background

2.1 The Trans-Pennine Route Upgrade (TRU) programme is a rail enhancement programme established to increase capacity and improve reliability/journey times between Manchester Victoria and York, via Huddersfield and Leeds. Enhancements between Manchester and Leeds will be delivered by the TRU West of Leeds Alliance ('TRU West').

2.2 The West of Leeds element of the TRU programme is split into various geographical zones with Project W4 (of which the application will be part) running from Dewsbury Station to the Leeds Central boundary, as shown in Figure 1 below:

Figure 1: Trans-Pennine Route Upgrade Route W4 Overview (Source: ProjectMapper, 12 February 2021)

2.3 NR is proposing the following track and civils works around and to the north of Batley Station:

- Signalling;
- Various civils works;
- Electrification;
- Telecoms; and
- Works to the section of railway line from the northern edge of Batley to the northern end of Morley Tunnel (trackworks).

2.4 Approximately 900 metres to the north of Batley Station is the Lady Ann Level Crossing, which crosses over two tracks of the MDL1 line (Manchester-Leeds). It is at the same location as MDL1/33 (a disused bridge (which used to carry the Batley-Bradford railway line over the Trans-Pennine route until closure in 1964) with only the abutments still standing). The Crossing currently provides access over the line from Rutland Road/Stoney Lane on the west to Howley Street/Primrose Hill on the east. The location of the Crossing is shown by the blue circle in Figure 2:

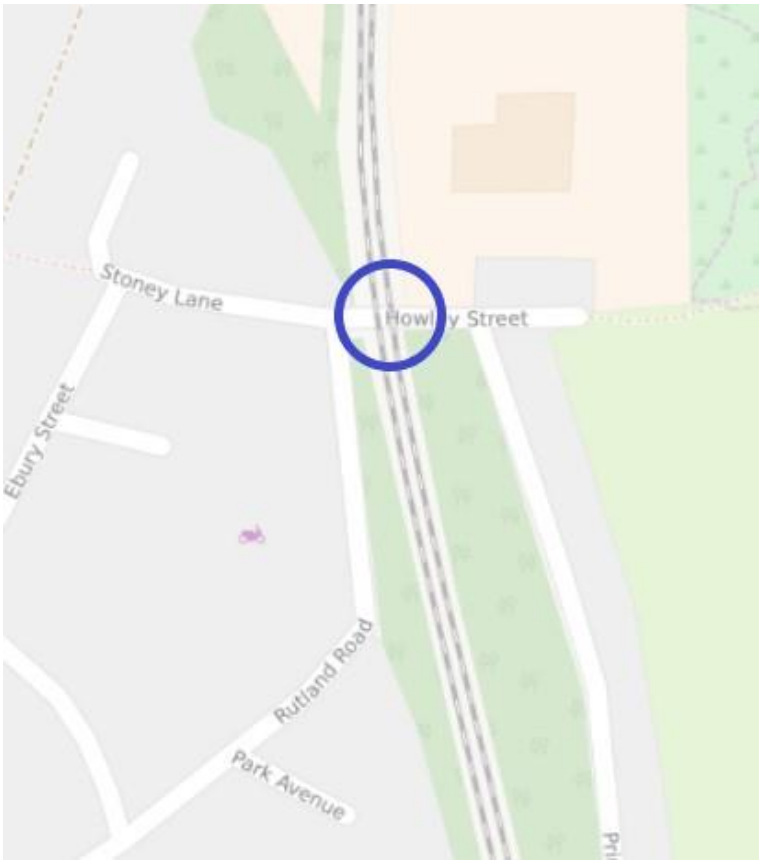

Figure 2: Location of Batley Lady Ann Level Crossing (as indicated by the blue circle) (Source: ProjectMapper, 5 February 2021)

2.5 Lady Ann level crossing is currently a Manned Gated Crossing (MGC), with gates for vehicular use and a segregated footway with lockable wicket gates. Both sets of gates are controlled by the Signaller in the signal box located adjacent to the crossing. The vehicular and pedestrian gates at the crossing are normally locked and therefore closed to the public. The pedestrian gates are controlled from the signal box on a 24-hour basis and are unlocked as a pedestrian approaches the Crossing if the Signaller deems there is sufficient time to enable them to cross safely.

2.6 Level crossings represent one of the principal public safety risks on the railway. It is NR policy to seek removal of level crossings wherever possible for safety reasons. In addition, the modernisation of the railway line, as described in paragraph 2.3, means that the crossing needs to be closed and removed. This is because the signalling, which is currently operated from the signal box at the level crossing, will be taken over by the York Rail Operating Centre as part of the TRU programme. Therefore there will be no Signaller situated at the crossing to operate it. As the upgrade will introduce faster, longer and a greater number of trains along the route, including the introduction of 25,000 volts of Overhead Line Equipment (OLE), this would increase the risk at the crossing to an unacceptable level with no means of making the current crossing sufficiently safe. The potential for an additional 97 houses in the vicinity (see paragraph 3.4) would also unduly increase risk to public use.

2.7 There are only two landowners who have (or may be able to claim) agricultural vehicular rights over the Crossing. None of the residential properties on Howley Street have private rights of access to their properties by using the Crossing.

2.8 There is a Public Right of Way (PROW – BAT/20/20) over the Crossing. This is a footpath only.

2.9 In order to facilitate the closure, it is proposed that NR will acquire the existing private vehicular rights over the Crossing (negotiations are underway) and divert the PROW over a new footbridge. This will enable the retention of an accessible and improved route across the railway, allowing pedestrians to continue to cross safely.

3. The Site and Surrounding Area

3.1 The location of the proposed new footbridge ('the Site') is to the south of the existing crossing, as shown on the 'Location Plan' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043266) submitted with this application. The Site area is 0.351 hectares.

3.2 The railway line passes through a cutting in the embankment of the disused Batley-Bradford railway line, which runs north west-south east, and the Crossing is sited in this cutting. There is a large abutment (the remaining part of the long-demolished railway bridge) to the south east of the crossing, facing onto Howley Street.

3.3 The west side of the Crossing is predominantly residential. The north east becomes more rural in character and there are some residential properties to the south east of the Crossing on the eastern side of Primrose Hill. The south eastern boundary of the Upper Batley Conservation Area runs adjacent to the railway corridor along Rutland Road.

3.4 Land to the north and east of the Crossing is designated as Green Belt and continuing south along the railway corridor is the Kirklees Wildlife Habitat Network. There is a Housing Allocation (HS74), shown in orange, to the east of the Crossing. This site has an indicative capacity of 97 dwellings.

4. The Proposal

4.1 The proposed footbridge and associated stepped and ramped accesses will be to the south of the current Crossing and will sit within the existing railway cutting, within NR-owned land. The footbridge will provide stepped access as well as accessible, non-stepped access from both Rutland Road on the west of the railway line and Howley Street/Primrose Hill on the east.

4.2 To accommodate the proposed ramps and steps, the disused embankment between Primrose Hill and the railway corridor will be reduced in height and regraded, and the abutment and wingwall at Howley Street will also be reduced in height (see 'Proposed Embankment Cross Sections', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043262 and 'Proposed Works at Disused Embankment', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043264').

4.3 In order to close the Crossing to pedestrians a new section of stone wall will be constructed on Rutland Road where there is currently a manned gated access to the Crossing (see 'Proposed General Arrangement', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261). As the proposed section of wall will form part of the boundary of the Upper Batley Conservation Area, it will require planning permission and thus is included in this application.

4.4 The proposed footbridge, stepped and ramped accesses, embankment and abutment works and new section of wall on Rutland Road are hereafter referred to as 'the proposed Development'.

4.5 As the ramps, steps and deck of footbridge will be set into the cutting, visual impact will be minimised, as shown on the 'Proposed Embankment Cross Sections' submitted with this application.

4.6 The design of the proposed Development is discussed in further detail in Section 6.

5. Planning Policy

Local Planning Policy

5.1 The relevant policies of the development plan (Kirklees Local Plan Strategy and Policies, adopted 2019) by which the application should be judged are set out below, with a commentary as to how the proposal meets the policy.

5.2 **Policy LP19 Strategic Transport Infrastructure** is the most important policy relevant to the application**.** It sets out the importance of the ability to move goods and people given the district's strategic position on the national motorway and rail networks, and sets out that the aim is to '*achieve a balanced and integrated transport network which makes the most efficient and effective use of road, rail and public transport'.*

Part 2 of the policy states that: 'P*roposals will be encouraged where they assist to bring forward strategic transport infrastructure where possible, particularly where they would directly benefit from these schemes'*.

In the reasoned justification specific mention is made of Network Rail's commitment to the electrification of the Trans-Pennine route.

The proposed Development would accord with this policy because the closure of the Lady Ann level crossing is crucial to facilitating the Trans-Pennine Route Upgrade from Manchester to Leeds, and the proposed footbridge will ensure that a PROW can still be provided across the railway in this location. The Trans-Pennine Route Upgrade improvements will enhance rail connectivity between the North West and Yorkshire & the Humber, as well as the North East and beyond to Scotland. The proposed Development is one of a series of planned/proposed rail improvement schemes along the Trans-Pennine corridor. The Scheme will make an important and necessary contribution to the Government's overall transport strategy, which is to maximise the benefits of a robust and reliable railway network.

5.3 **LP23 Core Walking and Cycling Network.** The Council's Local Plan Policies Map (adopted 2019) shows a proposed core cycling and walking route running north-south along the disused railway embankment to the east of the Site.

The proposed Development would provide a more accessible option to cross the railway as people would no longer have to wait at the level crossing, which may encourage people to use this route. It could also link to potential new rights of way, and thus could help the Council to realise the aim of creating a new walking route in line with the Policies Map designation.

5.4 **LP24 Design** sets out that '*good design should be at the core of all proposals in the district*'. Part (a) of the policy states that proposals should promote good design by ensuring '*the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.* Part (i) requires the retention of valuable or important trees and the planting of new trees and landscaping, where appropriate, to maximise visual amenity and environmental benefits.

The proposed Development aligns with this policy because its location and siting within the railway cutting will help to minimise visual impact, along with the use of holly green coloured steel, which will help the footbridge to blend into the vegetated setting of the cutting.

In terms of part (a), the access to the footbridge from Rutland Road has been designed to replicate the gate piers found on the opposite side of Rutland Road, which is in the Upper Batley Conservation Area. This ensures the element of the proposed Development which can be seen from Rutland Road respects the heritage of the local area. In addition, the new section of stone wall on Rutland Road, to replace the current level crossing gates, strengthens and reflects the character of the boundary of the Upper Batley Conservation Area.

In response to part (i), there will be some loss of vegetation in order to facilitate the reduction and regrading of the embankment. As explained in paragraphs 7.14 to 7.21, the vegetation to be lost is not considered to be valuable or important as it does not comprise any veteran trees, trees covered by Tree Protection Orders (TPOs) or designated Ancient Woodland. However, to compensate for the loss of vegetation, the regraded embankment will be sown with wildflower seed mix to provide ecological benefits whilst it revegetates naturally over a period of 1-2 years (see paragraphs 7.22 to 7.25).

5.5 **LP30 Biodiversity & Geodiversity** sets out that the council will '*seek to protect and enhance the biodiversity and geodiversity of Kirklees, including…the Kirklees Wildlife Habitat Network'*. It also states that development proposals are required to '*safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term'*.

The Kirklees Wildlife Habitat Network runs through the Site on the east side of the railway. In this location, it runs through operational railway land where NR has the authority to carry out maintenance of vegetation to ensure the safe operation of the railway. The

Network is not a formally designated site, and given the small area that will be affected, the proposed Development is not considered to result in impacts on the wider Network as the relatively small area of planting to be removed will not prevent species from using this corridor.

Although this area will need to be de-vegetated to facilitate the works, it will be replanted to mitigate the loss (see paragraphs 7.22 to 7.25).

5.6 **LP33 Trees** states that '*proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks'.* The policy also requires that development proposals '*comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction*'. Developers are required to submit a detailed mitigation scheme where tree loss is deemed to be acceptable.

Trees are covered in detail in paragraphs 7.14 to 7.21 but in summary, no valuable or important trees were identified within the Site. The indicative Ecological Landscaping Plan submitted with this application sets out how the loss of trees will be mitigated, taking account of the Wildlife Habitat Network. The proposed approach also reflects NR's requirements for a safe operational railway.

5.7 **LP35 Historic environment** sets out that '*Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development*'. Consideration should also be given to ensuring that '*proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets*', and that '*proposals within Conservation Areas conserve those elements which contribute to their significance*'.

As explained under Policy LP24 the proposed Development reflects the historic character of the Upper Batley Conservation Area through the design of both the means of closure of the level crossing, and the inclusion of pilasters similar to those found in the local area.

5.8 **LP47 Healthy, active and safe lifestyles** sets out that healthy, active and safe lifestyles will be enabled by increasing opportunities for walking, cycling and encouraging more sustainable travel choices (part (e)).

The proposed Development supports this part of the policy by maintaining an existing walking route, allowing people to continue to choose a sustainable mode of travel within Upper Batley and linking into the wider footpath network.

National Planning Policy

5.9 The relevant policies of the National Planning Policy Framework (NPPF) by which the application should be judged are set out below, with a commentary as to how the proposal meets the policy.

5.10 The NPPF was first published by the Department for Communities and Local Government (DCLG) in 2012, and was most recently updated in July 2021.

5.11 **Paragraph 11** of the NPPF states that, at the heart of the Framework, is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where there are no development plan policies, or relevant polices are out of date, granting permission unless:
    - The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the polices in the NPPF taken as a whole.

It is considered that the proposed Development accords with both the relevant NPPF policies and the relevant local planning policies (see paragraphs 5.1 to 5.8).

5.12 **Chapter 9 (Promoting sustainable transport)** states that transport issues should be considered in development proposals so that '*opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised*', and '*opportunities to promote walking, cycling and public transport use are identified and pursued*' (paragraph 104).

The proposed Development is needed to facilitate the development of railway infrastructure between Manchester and Leeds, upgrading the route using new transport technology to ensure a better service. The proposed Development itself directly promotes walking by providing a new high quality, safe pedestrian access to ensure people can still cross the railway in Upper Batley.

5.13 **Chapter 12 (achieving well-designed places)** sets out the importance that Government attaches to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 130 states that planning policies and decisions should aim to ensure that developments:

- '*will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*'.

The proposed Development will add to the quality of the area and be visually attractive, as it has been designed to sit within the railway cutting and will incorporate appropriate and effective landscaping. The design responds to the local character and sense of place by incorporating new pilasters to reflect those found in the local area, and a new section of stone wall will be created on Rutland Road to replace the current level crossing gates, which will strengthen the character of the boundary of the Upper Batley Conservation Area.

In addition, the proposed Development will provide a safe, inclusive and accessible route across the railway, which will promote health and well-being by encouraging active travel. By providing both stepped and ramped access, the new footbridge will be highly accessible. The footbridge, ramps and steps will be lit for safety reasons which will also help to make this new route attractive to users.

5.14 **Paragraph 131** of chapter 10 states that '*trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change*'. The paragraph also sets out that applicants and local planning authorities should work with highways and tree officer to ensure that the right trees and planted in the right places, that are compatible with highways standards and the needs of different users.

Although de-vegetation of the embankment is required to allow it to be lowered for the footbridge, ramps and steps to be constructed. Mitigation planting will be implemented. An indicative Ecological Landscaping Plan has been submitted with this application (see paragraphs 7.22 to 7.25).

5.15 **Paragraph 207** of chapter 16 identifies that '*not all elements of a Conservation Area will necessarily contribute to its significance*'. The paragraph also sets out that loss of a building or other element which makes a positive contribution to the significance of a Conservation Area should be assessed, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area, to

determine whether this constitutes substantial (under paragraph 200) or less than substantial (under paragraph 201) harm to the significance of the Conservation Area.

The design responds to the boundary of the Conservation Area through the design of the intervention within the wall along Rutland Road, which seeks to reflect the character of the Conservation Area. Neither Rutland Road, the boundary wall, nor the railway itself is identified in the Upper Batley Conservation Area Appraisal as making a positive contribution to the significance of the Conservation Area.

6. Design and Access

6.1 Indicative images of the footbridge, ramps and steps are provided in the 'Lady Ann Footbridge Indicative Visuals 1, 2, 3, 4 and 5' (document references: 151667-TSA-00-TRU-CNT-W-LP-000300 to 305). The locations of the viewpoints these visuals positioned from are shown on the 'Lady Ann Indicative Visuals Key Plan' (document reference: 151667-TSA-00-TRU-CNT-W-LP-000306).

Footbridge

6.2 The 'Proposed General Arrangement' of the proposed Development is shown on drawing 151667-TSA-41-MDL1-DRG-C-ST-043261 submitted with this application. As shown on the drawing, the footbridge will span Rutland Road on the west to the disused railway embankment on the east, with access to Howley Street via either steps or ramps on the railway side of the embankment.

6.3 Access from the west will be created by puncturing a hole in the stone wall which is currently to the rear of the pavement on Rutland Road, at the point where Rutland Road curves west away from the railway. This will create a level access, so no steps or ramps are required on the western side of the footbridge. This access has been designed to reflect the local character of the Upper Batley Conservation Area, with the inclusion of stone pilasters to tie in with the gate piers found along this part of Rutland Road (see 'Proposed General Arrangement', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261).

6.4 The footbridge will be a of a modern design typical of the railway, consistent with other new bridges on the network and representing a continuing theme of specific architectural design well suited to a semi-rural environment (see 'Lady Ann Footbridge Indicative Visuals 1-5', document references: 151667-TSA-00-TRU-CNT-W-LP-000300 to 305). However, the proximity of the Upper Batley Conservation Area has been reflected in the design, with particular attention paid to the footbridge access from Rutland Road (see paragraph 6.3). NR is conscious of the need to balance good design with the required safety standards which govern the height of parapets over electrified lines as well as the need for solid panels to bridges over OLE.

6.5 It is proposed that the footbridge will be constructed from steel with an anti-corrosion coating and will be painted Holly Green (BS14C39) as is standard for rail bridges in rural and semi-rural locations. Standard NR compliant anti-slip surfacing will be applied to all foot surfaces of the footbridge.

6.6 The proposed footbridge comprises two spans. The western span will be between Rutland Road and a pier 4.5 metres from the rail, located in the Down Cess[1] (towards Leeds) between the eastern and western spans. It will be approximately 11.6 metres long (see 'Proposed General Arrangement' – drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261 and 'Footbridge Cross Sections' – drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043265). The eastern span will cross both tracks between the pier and the eastern embankment, and will be approximately 27.8 metres long. The pier will be in the form of a circular hollow section (CHS) support column of 660 millimetres diameter.

6.7 The deck of the footbridge will be constructed from steel. Details of the proposed handrails are shown on 'Proposed Details' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043263). The parapets will be 1.8 metres high across the whole span of the bridge (see 'Footbridge Cross Sections', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043265).

6.8 The clearance from the rail level to the underside of the bridge has allowance for OLE with approximately 6.3 metres from the level of the rail to the soffit of the bridge on the Down side (i.e. the railway track towards Leeds).

Ramps

6.9 Ramped access to the footbridge from the east side will be via a footway approximately 200 metres long, which travels south from the access point at Howley Street before looping around to the north along the rail-side of the existing eastern embankment of the railway cutting (see 'Proposed General Arrangement' – drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261 and 'Lady Ann Footbridge Indicative Visuals 1 and 3 – document references: 151667-TSA-00-TRU-CNT-W-LP-000300 and 302). This design will ensure that privacy to the houses along Primrose Hill is maintained.

6.10 The ramps are proposed to be 2.15 metres wide and will have a fall of 1:15. The ramps will have 2.15 metre long landings for every 5 metres of ramp. The last approximately 44 metres of the ramp that joins Howley Street will have a fall of 1:30 to the access point which is located at the existing level crossing.

6.11 The total diversion via the ramped access, relative to using the existing crossing, will be 335 metres including the ramps and footway, as shown on the 'Plan Showing Diversion Routes' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043267).

Steps

6.12 Stepped access will be provided to the north of the footbridge (see 'Proposed General Arrangement', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261). The staircase

[1] Network Rail defines 'cess' as 'the area either side of the railway immediately off the ballast shoulder. This usually provides a safe area for authorised workers to stand when trains approach.' Jargon Buster | Safety Central (networkrail.co.uk). The Down Cess is on the side of the railway on which trains travel towards Leeds. The Up Cess is towards Huddersfield.

will comprise three flights of nine steps each, having approximate goings of 300mm and risers of 172mm.

6.13 The total diversion length (relative to using the existing Crossing) will be 255 metres when using the stepped access (see 'Plan Showing Diversion Routes', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043267).

Drainage

6.14 The proposed drainage details are shown on 'Proposed Details' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043263). The proposed drainage includes installation of a new French drain (150mm pipe) adjacent to the ramp along the embankment toe with a connection to the existing Yorkshire Water Chamber located at Howley Street.

6.15 Three catchpits/inspection chambers are proposed for the drainage run located at the low mileage end and one on the northern side of the proposed staircase, with the final chamber being at the end of the run.

6.16 A one metre channel drain is proposed at the bottom of the staircase to catch the runoff. A carrier pipe will carry the drainage to the inspection chamber located just north of the staircase.

Lighting

6.17 It is proposed that the footbridge, steps and ramps will all be lit for safety reasons. A detailed lighting scheme will be developed at the next design stage, and the design will address both safety and environment in accordance with the Railway Industry Standard: RIS7702. For any lighting to be adopted by Kirklees Council, relevant safety standards and any additional design guidance provided by the Council will also be taken into account. The final design will also minimise any impact upon residential amenity, particularly for properties along Rutland Road. It will also ensure minimal overspill to reduced environmental impacts, particularly on the Kirklees Wildlife Habitat Network.

Works to disused embankment, abutment and wingwall

6.18 To accommodate the proposed ramps and steps on the east side of the railway, it will be necessary to reduce the height of the disused embankment between the railway and Primrose Hill, and to lower the abutment and wingwall which front on to Howley Street.

6.19 The existing and proposed heights of the embankment are shown on 'Proposed Embankment Cross Sections' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043262). The proposed heights are indicative, pending further detailed design work to establish precise heights.

6.20 The drawing shows that the embankment is currently approximately 80 metres high at Section 1, rising to approximately 82 metres at Section 6, and approximately 83 metres at Section 10 (see 'Proposed General Arrangement', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261 for location of Sections).

6.21 As shown on the Embankment Cross Sections, the embankment is proposed to be gradually reduced in height from Section 7 where it is currently approximately 83 metres in height, to the northern end where it fronts on to Howley Street. At this point (see Section 11 on 'Proposed Works at Disused Abutment', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043264) it will be approximately 78 metres in height following the proposed works.

6.22 Both the wingwall adjacent to the track on the eastern side of the railway corridor and about two thirds of the adjacent abutment will be removed to ground level. The remaining part of the abutment and the wingwall adjacent to Howley Street will be reduced in level to allow for the regraded embankment and access ramp to the footbridge but retaining the screening effect of the structure for houses on Howley Street. The remaining abutment and wingwall will be the same height as the regraded embankment, which will be approximately 72 metres. Details of the proposed works to the abutment and wingwall are shown on 'Proposed Works at Disused Abutment' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043264).

6.23 Anchors will be installed to ensure the stability of the reduced structure. The proposed anchor arrangement and indicative anchor heads are shown on 'Proposed Works at Disused Abutment' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043264).

Closure of the Lady Ann level crossing

6.24 In order to close the level crossing to all users, the current access gates will be removed on both sides. On the western (Rutland Road) side, the stone wall at the back of the pavement on the eastern side of the road will be extended north across the former crossing as shown indicatively in the modified photo on the 'Proposed General Arrangement' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261).

6.25 A new gated pedestrian access will be created in the current wall at the corner of Rutland Road and Stoney Lane, to provide access for NR operational purposes only. The gate will not provide any public access across the railway. The proposed gate is also shown on the modified photo on the 'Proposed General Arrangement' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261). Stone taken from the wall to create the new gated access will be used in extending the wall across the former access to the level crossing.

6.26 On the eastern (Primrose Hill) side of the crossing, the former level crossing will be closed off by security fencing of 2.4 metre in height as shown on the 'Proposed General Arrangement' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261). It is proposed that the details of this security fencing be the subject of a planning condition.

7. Key Planning Considerations

Principle of Development

7.1 As explained in the Background and Need for the Proposed Development section, the Crossing needs to be closed to allow the necessary works to modernise the railway line consistent with key policy LP19 Strategic Transport Infrastructure in the Kirklees Local Plan

Strategy and Policies (see paragraph 5.2). However, to ensure there will still be an accessible crossing over the railway line, a new footbridge is proposed, and the current PROW over the Crossing will be diverted over this bridge.

7.2 The location of the proposed Development has been chosen following assessment of a number of different options. It is considered to provide the best solution in terms of accessibility (by minimising the length of the PROW diversion), and in reducing visual impact, as it can be sited within the railway cutting (see 'Lady Ann Indicative Visuals 4 and 5', document references: 151667-TSA-00-TRU-CNT-W-LP-000304 and 305).

Ecology

7.3 An ecological assessment of land adjacent to the level crossing has been undertaken, comprising a desk study along with an Extended Phase 1 Habitat Survey and a Preliminary Bat Roost Assessment. The results are presented in the 'W4 Dewsbury to Leeds (Lady Ann Crossing) Ecological Constraints Report (August 2021)' submitted with this application. The full extent of the survey area is shown on the Phase 1 Habitat Map, which is submitted separately with this application.

7.4 The report sets out that there are no European or National nature conservation designations within two kilometres of the proposed Development. There is one Local Wildlife Site (LWS) within one kilometre of the proposed Development, which is Morley Spring Wood (Leeds) at 980 metres north of the proposed Development. No direct impacts are predicted due to the distance of the LWS from the Site, and indirect impacts can be managed through standard NR environmental control measures.

7.5 The Kirklees Wildlife Habitat Network runs through the Site on the east side of the railway. The indicative Ecological Landscaping Plan submitted with this application sets out the approach to maintaining the network within the Site. See paragraphs 7.22-7.25 for the proposed approach.

7.6 As shown on the Phase 1 Habitat Map, the survey found that the main habitat within the Site, on the embankment to the east of the railway, is semi-natural broadleaved woodland. Where the footbridge access from Rutland Road is to be created, there is some dense/scattered scrub with patches of semi-improved grassland and tall herbs. The potential impacts on trees is covered in more detail in paragraphs 7.14 to 7.21.

7.7 The report notes that the earth embankment along the railway provides sett building and foraging opportunities for badgers, however no badger setts or any other signs of badger presence were identified within the Site or adjacent (where visible).

7.8 The Preliminary Bat Roost Assessment found no trees with potential suitability for roosting bats within or adjacent to the Site, although noted the habitats along the railway provide suitable foraging and commuting habitats. Standard environmental control measures will be employed to minimise disturbance during the proposed works.

7.9 Trees and scrub habitat within the Site provide nesting opportunities for common species of birds. The presence of notable assemblages of breeding birds is considered unlikely given the type and age of habitats within the Site, and the high level of disturbance from the railway line. Habitats within the Site are largely unsuitable for significant numbers of wintering birds.

7.10 Where possible, tree felling and vegetation clearance will be undertaken outside the core bird nesting season (1 March to 31 August though it should be noted that variation in dates is possible, for example from geographical variations in climate, or due to a particularly mild winter) to avoid damage or destruction of occupied nests or harm to breeding birds. If this cannot be achieved, works within the core bird nesting season will require an inspection of vegetation (to be cleared) for breeding birds and their occupied nests by a suitably qualified ecologist no more than 24 hours prior to any works being undertaken. If any nesting birds are identified during the survey they will be left in situ for their entire nesting period and alternative approaches to the work proposed. This may include leaving an exclusion zone around the nests to avoid disturbance. All works will be undertaken in line with NR's 'Management operations during the bird breeding season' guidance where relevant.

7.11 The dense scrub in the north of the Site provides limited potential for foraging and shelter opportunities for reptiles such as slow worm. Habitats at the Site are unlikely to support any other reptile species as they do not provide sufficient basking and foraging opportunities. A Method Statement detailing working practices designed to avoid harm and/or disturbance to reptiles will be produced. This will ensure that ground clearance and excavation will be undertaken in a manner sensitive to the possible presence of common reptiles. If any reptiles are found, an ecologist will be consulted for advice about how to proceed.

7.12 No invasive non-native plants were found to be present within the Site.

7.13 NR is committed to achieving 10% biodiversity net gain to compensate for the proposed Development. Further work will be undertaken to establish where and how the compensatory measures will be provided if required, however the location is likely to be within the wider Project W4 area rather than within the Site.

Trees

7.14 An Arboricultural Impact Assessment (AIA) has been produced and is submitted in support of this application. The purpose of the AIA is to evaluate the direct and indirect effects of the proposed Development on the tree stock on and adjacent to the Site. To inform the assessment, a tree survey of the Site was undertaken in October 2020, to identify any constraints posed by existing trees where they may be impacted by the proposed works. The extent of the tree survey is shown on the Arboricultural Constraints Plan, also submitted alongside this application.

7.15 Tree stock within the Site is generally young to semi-mature and predominantly comprises a single, large linear group of young to semi-mature mixed-broadleaved native trees and

shrubs located within the existing railway corridor to the west of Primrose Hill (see tree group G3 on Arboricultural Constraints Plan). This group provides screening, habitat and landscape value within the Site. Species composition is dominated by native species with pedunculate oak, goat willow and sycamore the three most frequent species recorded within the Site. Less frequent species include hawthorn, ash, rowan, Norway maple, silver birch, cherry, elder, beech, pine, aspen and common alder.

7.16 There are no veteran trees within the Site, none of the trees are covered by Tree Protection Orders (TPOs), and there is no designed Ancient Woodland within the Site. None of the trees were classified as Category A, B or C, and no root protection areas have been identified within the Site. Two Category B trees were identified adjacent to the Site. These are part of the Upper Batley Conservation Area (see Arboricultural Constraints Plan), however these trees will not be affected by the proposed Development.

7.17 The survey found some evidence of previous de-vegetation works within the Site (as part of NR's ongoing trackside maintenance programme), specifically within the western half of the tree group adjacent to the trackside.

7.18 All of the trees within the part of G3 that is within the Site will need to be removed to facilitate the proposed development, specifically the regrading of the existing embankment and construction of the ramps and steps on the eastern side of the railway corridor.

7.19 With regard to the part removal of trees within G3, the AIA sets out that these tree works will be undertaken by a suitably qualified, experienced and insured tree works contactor with the works compliant with best practice.

7.20 In addition, tree protection measures will be required, to protect the part of G3 which is in proximity to the proposed construction work. These measures will mitigate potential above and below ground impacts and ensure the trees are retained successfully. A Construction Exclusion Zone (CEZ) will be established around the retained trees in this group, where no unauthorised access or construction operations (including Site compounds/facilities/storage of materials) are permitted, in order to protect the ground from compaction or excavation and canopies from physical damage. This will be secured by means of temporary protective fencing with weatherproof signage. The locations of the temporary protective fencing are shown on Appendix B: Tree Protection Plan accompanying the AIA.

7.21 Further mitigation measures to be implemented, as described in the AIA, include:

- Use of the smallest possible plant in proximity to the retained trees to avoid damage to overhanging canopies
- Managing access for plant to ensure it can operate without coming into contact with the trees
- Not using retained tree as anchorages for any equipment or construction activity

Landscaping

7.22 An indicative Ecological Landscaping Plan has also been submitted alongside this application (drawing reference: '151667-TSA-00-TRU-REP-W-EN-001112'). The indicative plan shows the area of existing trees to be retained along the disused embankment, and shows that where trees are to be lost to facilitate the proposed Development, the de-vegetated area will be sown with a wildflower grass mix.

7.23 Over the 1-2 years following the de-vegetation and works to the embankment, the seed bank within the existing soil will start to regenerate so that over time this will establish an ultimately out complete the wildflower mix.

7.24 In addition, the indicative plan proposes that 11 new trees are planted at the northern end of the regraded embankment, on the corner of Howley Street and Primrose Hill. The trees to be planted would be specimen trees to provide screening, instant impact and mitigation for the tree loss. In terms of species these will be Betula pendula (silver birch) and Acer campestre (field maple). The location of these trees complies with NR's operational maintenance requirements.

7.25 The proposed approach respects the Kirklees Wildlife Habitat Network designation by providing immediate ecological benefits rather than simply waiting for the land to re-vegetate naturally, and by providing new specimen trees to mitigate the tree loss at the northern end of the embankment. However it also reflects NR's requirements for a safe operational railway.

Heritage

7.26 The Upper Batley Conservation Area is located to the west of the level crossing. As set out in the Council's Upper Batley Conservation Area Appraisal, the Conservation Area comprises the older parts and core of the village of Upper Batley and includes dwellings and farm buildings, mostly dating from the early to the mid-19th century, as well as a few large late Victorian houses and a series of 19th century terraces to the south, on or near to Grosvenor Road. The historic and architectural interest of the Conservation Area lies in its character as a rare and relatively unspoilt example of mid and late Victorian suburban ideals superimposed on a much earlier rural community, as well as the presence of the former hospital, Victorian schools and St Thomas Church, all of which are of notable architectural quality and historically reiterate the late Victorian ideals of the time of civic pride and betterment. The setting of the southern part of the Conservation Area, including in the areas around the railway and the level crossing, is noted in the Appraisal as being characterised by areas which are increasingly industrial in character.

7.27 The wall along the east side of Rutland Road forms the south-eastern boundary of the Upper Batley Conservation Area. Rutland Road is characterised by Victorian villas set back from the road, with stone walls of similar character on either side of the road. However, there is no specific mention of Rutland Road in the Upper Batley Conservation Area Appraisal and no views around Rutland Road are identified in the Appraisal as contributing

to the Conservation Area. Similarly, though the railway corridor continues to border the Conservation Area along its eastern edge, the railway is not identified as making any contribution to the character or special interest of this part of the Area. As such, it is not anticipated that there will be any impact on the Area's character or setting from the new footbridge, which would affect the special interest and character of the Conservation Area. Additionally, it is not anticipated that the proposed physical alterations to the wall along Rutland Road to accommodate an approach path/ramp for the bridge would impact on the character of the Conservation Area, nor the significance it derives from this area (see paragraph 7.26).

7.28 The design of the footbridge considers NR's operational requirements, but also ensures the works are in keeping with the surrounding area; for example, by including new pilasters at the Rutland Road entrance to the footbridge (see 'Proposed General Arrangement', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043261) and at the western side of the reduced wingwall (see 'Proposed Works at Disused Abutment', drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043264), designed to reflect the style of similar features within the walls along Rutland Road.

7.29 The design ensures that changes to the character of the boundary of the Conservation Area along Rutland Road are minimal, with the style of the intervention for the Rutland Road entrance to the footbridge and the extension of the wall to replace the current level crossing gates reflecting the character of the boundary of the Conservation Area.

7.30 The proposals would not result in any adverse impact on the special interest or character of Upper Batley Conservation Area, nor the extent to which the setting of the Conservation Area contributes to its overall significance.

7.31 There are no other designated heritage assets located in the vicinity of the Site. The nearest Listed Building is the Grade II Listed Church of St Thomas (NHLE 1134644), located approximately 150 metres to the south-west. The Listed Building would not be affected by the proposed Development.

Climate change and resource efficiency

7.32 Given the government-wide target to achieve net-zero carbon emissions by 2050 and the priority of decarbonising transport to improve air quality and health, and take urgent action on climate change, the TRU Programme supports UK Government policy to encourage electrification of railways as a means of reducing carbon emissions and provides a key opportunity to decarbonise the Manchester-York rail route. Rail travel is responsible for only 0.6% of total UK emissions, however electrification is identified as one of the primary ways in which the rail industry can contribute to the 2050 net-zero carbon emissions target, by removing diesel-only passenger trains on strategic main routes.

7.33 The introduction of bi-modal trains which are able to use electrified lines across the whole TRU Project will also provide benefits for local air quality in the areas through which the route passes.

7.34 NR considers climate change impacts and mitigation across the whole of Project W4 and will produce an Environmental and Social Management Plan (ESMP) (see paragraph 10.1).

7.35 Resource efficiency is also considered in detail as part of the design process for projects within W4. The following table provides a summary of how resource efficiency has been considered for the proposed Development:

Issue	Design/construction response
Using less materials during design/construction	Howley Street abutment will be reduced in height and stabilised rather than rebuilt.
Optimising use of materials	The footbridge will be constructed from standard bolted steel rather than bonded components, which means it can be reused. Precast spread foundations will be used where rock is at a shallow depth.
Opportunities for reuse and recycling on site and elsewhere	Howley Street abutment will be reduced in height and stabilised rather than rebuilt. Materials excavated from new footbridge/access works will be reused elsewhere on the TRU West of Leeds project if found to be suitable. This will be undertaken under a Materials Management Plan.
Modern Methods of Construction (MMC)	Elements of the steps, deck and foundations can be manufactured off-site.

Impact on Neighbouring Uses

7.36 There are no Air Quality Management Areas or Noise Important Areas at or in the vicinity of the Site.

7.37 There are residential areas around the Crossing, which could experience negative environmental impacts during construction, in the form of particulates and increased levels of noise/vibration. Standard practice measures, in accordance with NR's Minimum Social and Environmental Requirements, should sufficiently mitigate these issues as far as is reasonably practicable.

7.38 Once the footbridge is in operation, it is not anticipated that there will be any effects on neighbouring residential areas. The bridge's location within the railway cutting will minimise visual intrusion, and lighting will be designed so as to minimise any impact upon residential amenity, particularly for properties along Rutland Road.

8. Structural Assessment

8.1 The existing and proposed ground levels are shown on the 'Proposed Embankment Cross Sections' (drawing reference: 151667-TSA-41-MDL1-DRG-C-ST-043262). These have been informed by a topographical survey of the Site. A slope stability assessment of the existing and proposed embankment will be undertaken to inform the detailed design of the regraded embankment.

8.2 Earthwork assessments of the existing embankment and cutting have been undertaken, and a site walkover was carried out in March 2021. The assessments concluded the current earthworks do not exhibit any significant defects or movement indicators, and that it is considered that the design poses a low risk to the existing earthworks. The Earthwork Condition Report (document reference: 151667-TSA-41-MDL1-REP-W-GE-030001) and a plan showing the extent of the surveys ('Lady Ann Earthworks Inspection Plan', document reference: 151667-TSA-00-TRU-CNT-W-LP-000307) are submitted with this application for information.

9. Construction Traffic Management Plan

9.1 A detailed Construction Traffic Management Plan (CTMP) will be developed as further detailed design work is undertaken, however an Indicative CTMP for the proposed Development is submitted alongside this application (document reference: 151667-TSA-00-TRU-CNT-W-LP-000298).

10. Environmental and Social Management Plan

10.1 NR will produce an Environmental and Social Management Plan (ESMP), to manage the environmental and social impacts form the proposed Development. The ESMP will be produced in late 2021/early 2022 and the proposed Development will be carried out in accordance with the measures set out in it.

11. Consultation

11.1 Early engagement with the local community included two community drop-in sessions and a letter drop, providing information on TRU and preliminary conversations about the closure of the level crossing. Two designs for a footbridge were shared with local residents in early 2020, and feedback was sought on both options. Key concerns raised were around privacy to properties on Primrose Hill, and the footbridge being an eyesore for residents on Rutland Road and for those walking through the area. This feedback was taken onboard and the project and designs teams made several alterations.

11.2 The most significant alteration to the design is that the gradually inclining ramp that will make this footbridge accessible will be sunken into the embankment alongside the railway, removing the privacy concerns for the residents of Primrose Hill. The alterations to the embankment, abutment and wing wall as discussed in paragraphs 6.18 to 6.23 are required to create enough room so that the ramps and steps on the east side are a safe distance from the railway.

11.3 Following the planning application submission, NR will continue to listen to the concerns of local residents and the local community and will work with stakeholders in the local area. As the project progresses and more detail is agreed on construction and other aspects of design, NR will look to share this with enough notice that stakeholders feel well informed, and part of the conversation.

12. Planning Conditions

12.1 NR proposes that planning conditions should be attached to a permission for the proposed Development to cover a number of elements which are subject to further detailed design work, as follows:

1. Detailed Ecological Landscaping Plan.
2. Details of pilasters on footbridge entrance on Rutland Road, and at the western side of the reduced wingwall on Howley Street.
3. Details of the new section of wall to the railway to be constructed to replace the current level crossing gates on Rutland Road.
4. Details of the new gate to be installed to allow access to the railway for maintenance at the corner of Rutland Road and Stoney Lane.
5. Details of proposed lighting to the footbridge, ramps and steps.
6. Details of fencing to Howley Street (eastern side).
7. Detailed Construction Traffic Management Plan.

13. Conclusion

13.1 This Planning, Design and Access Statement sets out that the Lady Ann Level Crossing must be closed to facilitate the modernisation of the railway line between Manchester and Leeds as part of Project W4 of the Transpennine Route Upgrade (TRU) programme. This important railway modernisation project supports the implementation of key policy LP19 of the Kirklees Local Plan.

13.2 The proposed Development is required to ensure that a Public Right of Way (PROW) can continue to be provided over the railway, enabling public access from Rutland Road on the west to Howley Street/Primrose Hill on the east. By including both stepped and ramped access, the new footbridge will be fully accessible.

13.3 In line with NR's policy to make crossing the railway as safe as possible, it is considered that the proposed Development provides the safest way to ensure public access across the railway after the Crossing is removed.

13.4 The footbridge, ramps and steps have been designed to sit within the existing railway cutting, thus minimising the visual impact of the proposed Development. To enable this, the embankment, abutment and wingwall on Primrose Hill/Howley Street will be lowered.

13.5 The proposed Development is considered to comply with all relevant national and local planning policies. The local context, including the Upper Batley Conservation Area has influenced the design, and the regraded embankment will be planted with a wildflower seed mix prior to its natural revegetation in 1-2 years. In addition, 11 new trees will be planted at the northern end of the regraded embankment. This approach will minimise landscape impact and support the Kirklees Wildlife Habitat Network.

13.6 There are no other material considerations which should preclude consent from being granted for the proposal.

A.Rivero

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