
Core Document
CD3.5

**THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (PITSMOOR-WINCOBANK-
TEMPLEBOROUGH 275 KV CABLE REPLACEMENT SCHEME) COMPULSORY
PURCHASE ORDER 2023 (“the Order)**

**OBJ10 - OBJECTION OF SOUTH YORKSHIRE MAYORAL COMBINED AUTHORITY
 (“SYMCA”) CONCERNING PLOTS 5-01, 5-01a, 5-19, 5-24 AND 5-40**

STATEMENT OF EVIDENCE of Patrick Gannon – on behalf of SYMCA

1. INTRODUCTION/QUALIFICATIONS

I am Patrick Gannon, Tram Concession Manager at SYMCA. I have held this post for 2 years; prior to this I was the Light Rail Engineering Manager, joining SYMCA in 2021. I am responsible for safety, assets and service delivery of the South Yorkshire Supertram system (“Supertram”). Supertram is a 29km light rail transportation system operating within South Yorkshire, owned by SYMCA. I am a Chartered Civil Engineer.

2. SUMMARY OF OBJECTIONS

Plots 5-01,5-01a

SYMCA is the freehold owner of this land which comprises a public footpath giving access from Tyler Street to Meadowhall railway station and an area of scrub land. There is an existing legal easement between SYMCA and the promoter enabling cable decommissioning and the ability to either remove the cables or retain them. The promoter has advised that there may be a requirement to instal cable drainage pits at certain locations. Terms of a new easement to meet these needs have been agreed and completion is imminent.

Plots 5-19, 5-24, 5-40

These plots include land occupied by SYMCA and is land either upon which Supertram operates or where it is in close proximity to it. SYMCA needs to ensure that the operation, safety and integrity of Supertram is sufficiently protected during the proposed construction phase and in the future with regards access and maintenance.

3. EVIDENCE

Legal background

- 3.1 Supertram was constructed and operates in accordance with the South Yorkshire Light Rail Transit Acts of 1988, 1989, 1990 and 1993 which empowered South Yorkshire Passenger Transport Executive to develop and operate Supertram.
- 3.2 Pursuant to the South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023 the South Yorkshire Passenger Transport Executive was dissolved and all of its functions, property, rights and liabilities were transferred to SYMCA. By virtue of Article 5 of the 2023 Order, SYMCA is the owner of Supertram and together with the operator has overall responsibility for its day to day operation.
- 3.3 At the time of submission of objections to the CPO the operator of Supertram was South Yorkshire Supertram Limited T/A Stagecoach Supertram under a Concession Agreement which expired on 21st March 2024. By an Operating Agreement of 21st March 2024 the management and operation of Supertram is now undertaken by South Yorkshire Future Trams Limited (SYFTL).

Summary of Supertram operation

- 3.4 South Yorkshire Supertram is the region’s fast, frequent, zero-carbon mass transit system allowing people to access jobs, homes, education, leisure and retail destinations. The system comprises 32 vehicles, 29km of twin track with electrified overhead line equipment, 50 tram stops, 12 substations and various other civils, signalling and communications assets. The system has an annual patronage of c.8.4m

journeys (2022/23) with continued growth in patronage following the coronavirus pandemic. The service operates 364 days of the year between the hours of 05:00am and 01:00am. The system has an annual turnover of c. £15,000,000.

- 3.5 The particular area of Supertram affected by the works is in the vicinity of Meadowhall, a major regional shopping and leisure destination. Meadowhall Interchange (where Supertram terminates in the area) is a major transport interchange for local buses and trains. There is also an extensive park and ride facility, with many tram users parking their car after commuting on the M1 motorway and taking the tram into Sheffield. Supertram provides a key service for those travelling between Sheffield City Centre and Meadowhall.
- 3.6 Under the Health and Safety at Work etc. Act 1974 and specifically the Railways and Other Guided Systems (Safety) Regulations 2006, SYMCA has a duty to ensure that the tramway is operated in a safe manner, ensuring that risks to passengers, staff, other road users and anyone working on or close to the network are appropriately managed and controlled. On this basis, it is imperative that the operation, safety and integrity of Supertram is sufficiently protected both during the promoter's cable decommissioning and replacement phase and in the future with regards access and maintenance.
- 3.7 There are specific requirements for parties working on or close to the tram system which must be followed to ensure works can be completed in a safe manner, avoiding risks to both the party carrying out the works and users of Supertram ('Supertram Guidelines for Working on or near the Supertram System'). These requirements have been provided to the promoter; these are based on best practice within the UK light rail industry and corroborate the Highway Authorities & Utility Committee's Code of Practice (Red Book) which warns that: *'Before carrying out works in a street with a tramway, the tramway operator and highway authority must be consulted. The tramway operator will set out safety requirements to ensure safe working and to minimise the impact of works on operation of the tramway. These requirements must be followed.'* Whilst the CPO plots concerned in this objection don't wholly comprise 'street' tramway the same principles should, in my professional view, apply and are applied by all other UK tram operators.
- 3.8 The promoter will need to agree to follow such processes during the construction period and into the future with regards access, maintenance and renewal/decommissioning. If suitable assurances and/or terms can be agreed voluntarily then this objection can be withdrawn.

Affected plots

- 3.9 There are three plots which are related to tramway operations:
 - Plot 5-19 – a stretch of land which runs adjacent to the existing tramway and associated infrastructure. It falls within the geometric parameters which define when authorisation is required as per our guidance.
 - Plot 5-24 – a parcel of land which forms part of the highway of Alsing Road. The tram crosses the highway here under a traffic light-controlled junction. It is also in the proximity of safely critical signalling which controls access from tram vehicles into a section of bi-directional track.

- Plot 5-40 – a parcel of land with the tramway infrastructure located within. This section is known as the Tinsley Chord and allows passenger vehicles to pass between the light and heavy rail network as part of the Tram-Train service. The land includes various track, overhead line and signalling assets which are safety critical to operations.

Discussions to date

- 3.10 In October 2023 SYMCA was contacted by the promoter's Consultant Land Officer, Neal Salomon, to begin discussions in relation to the lands and interests of SYMCA affected by the Order. By email of 7th December 2023, N Salomon confirmed "*we will need to remain in contact as our design develops over the coming months at those locations*".
- 3.11 A Teams meeting was held on 12th December 2023 attended by me, N Salomon, SYMCA's Senior Solicitor and SYFTL's Major Projects & Standards Co-ordinator amongst other promoter consultants to discuss the proposals and gain an understanding of any impacts for SYMCA and in particular for Supertram. In an email of 12th December N Salomon confirmed "*As discussed, we will keep in touch as our project proceeds and will keep you all copied into any correspondence.*"
- 3.12 SYMCA's Senior Solicitor subsequently forwarded a template form of 'protective agreement' to the promoter's solicitor to initiate progress. The form of agreement is based on an agreement entered into with E.ON UK PLC for installation of a pipe crossing under the tramway at Meadowhall. In the absence of any further details as to the nature of the promoter's works in the affected plots, the agreement envisaged the 'worst case scenario' in terms of impacts on Supertram in order to ensure that sufficient protections are in place. In response the promoter's solicitor indicated that many of the terms required by SYMCA were unacceptable.
- 3.13 Having received no updates and in order to avoid unnecessary work for the pending inquiry I sought further information by email and telephone of 22nd May 2024 and 4th June 2024. No further communication has been received by me from the promoter to explain the detail or extent of the proposals. A meeting was held on 10th June 2024 between SYMCA, the promoter's legal adviser and project team representatives to try and progress the form of 'protective agreement'. This has still not been agreed.
- 3.14 I have examined the promoter's Statement of Case and note the references in paragraphs 1.7.7, 2.2.4 and 2.5 to the possibility of '*trenchless solution crossing of the tramline*' and that '*the exact trenchless solution locations, depths, sections and spacing of cables is still to be finalised by the main works contractor as part of the detailed design works*'. As set out above there has been no direct communication to fully explain the nature, extent and impacts of the works proposed.

4. CONCLUSION

- 4.1 In the absence of better information relating to the nature and extent of the works it is necessary to enter into an agreement so that the operation, safety and integrity of Supertram is protected as much as possible both during the proposed cable de-commissioning and replacement phase and in the future with regards access and maintenance.
- 4.2 Given the local and strategic importance of Supertram the CPO should not be confirmed in the absence of such agreement.