

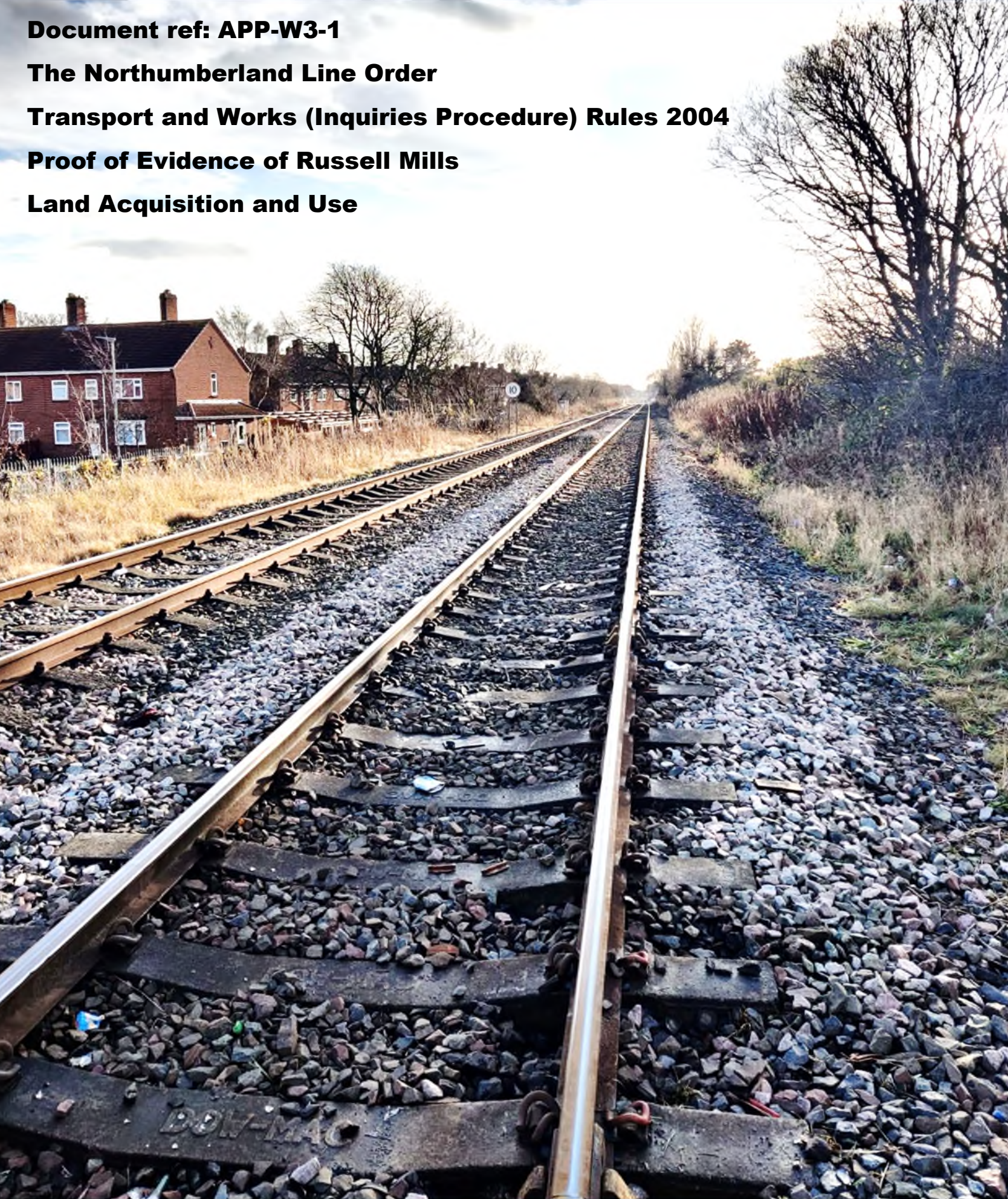
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The Northumberland Line Order

Transport and Works (Inquiries Procedure) Rules 2004

Proof of Evidence of Russell Mills

Land Acquisition and Use



Northumberland
County Council

NORTHUMBERLAND COUNTY COUNCIL
NORTHUMBERLAND LINE ORDER
RUSSELL MILLS – PROOF OF EVIDENCE
LAND ACQUISITION AND USE

CONTENTS

1.	Introduction	2
2.	Scope of evidence	2
3.	NCC's Approach to Land Acquisition and Use.....	3
4.	Powers Sought by NCC.....	3
5.	Railway Corridor Ownership.....	8
6.	Compensation Provisions.....	9
7.	Communication and Engagement.....	11
8.	Human Rights.....	11
9.	Temporary Closures of Footpaths Associated with Worksites	12
10.	Open space.....	13
11.	Landowner Objections	14
12.	Witness Declaration.....	26

LIST OF TABLES

Table 1: Stations – permanent acquisition of land	4
Table 2: Structures – permanent acquisition of land.....	5
Table 3: Stations – permanent acquisition of rights over land	5
Table 4: Structures – permanent acquisition of rights over land.....	5
Table 5: Stations – temporary use of land for construction purposes.....	6
Table 6: Structures – temporary use of land for construction purposes	6
Table 7: Stations - temporary use of land for access purposes.....	7
Table 8: Structures - temporary use of land for access purposes	7
Table 9: Railway Corridor Ownership.....	8
Table 10: Landowner objection from Catherine Hopkins	14
Table 11: Landowner objection from Northern PowerGrid.....	15
Table 12: Landowner objection from Lord Hastings.....	15
Table 13: Landowner objection from Blagdon Estates.....	16
Table 14: Landowner objection from Anne Hopwood	17
Table 15: Landowner objection from John and Lynda Clough.....	17
Table 16: Landowner objection from Chris Scorer.....	19
Table 17: Landowner objection from BDW / Barratt Homes	20
Table 18: Landowner objection from Nexus.....	20
Table 19: Landowner objection from Northumberland Estates	21
Table 20: Landowner Objection from Malhotra Commercial Properties	23
Table 21: Landowner Objection from John Watson	23
Table 22: Landowner objection from Bernicia Group.....	24
Table 23: Landowner objection from Malcolm and Kaye Doyle.....	24
Table 24: Landowner objection from McLagan Investments Ltd (ASDA)	25

1. INTRODUCTION

- 1.1 My name is Russell Mills. I am employed by SLC Property as Head of Acquisition & Development. SLC Property (SLC) is a specialist infrastructure property consultancy which has offices in Birmingham and Newcastle.
- 1.2 I am a member of The Royal Institution of Chartered Surveyors (RICS) having qualified in 2006. I attended the BSc Planning & Development course at Nottingham Trent University.
- 1.3 Prior to my current role I held the position of Associate Partner in the Infrastructure and Energy team at Carter Jonas and prior to that the role of Senior Surveyor in the Property Services team at Network Rail.
- 1.4 Since 2014 I have been involved in land acquisitions on behalf of Network Rail, HS2 and more latterly for Northumberland County Council (NCC) on the Northumberland Line Project. Other projects that I have been involved in include Great Northern/Great Eastern (GNGE), Midland Mainline Electrification, Buxton Freight Extension and East Coast Mainline Power Supply Upgrade.
- 1.5 I have been involved in the Northumberland Line project (the Scheme) for two years having led on the land and property elements of the scheme from an early stage. This role has included supporting objection management and negotiating with affected landowners.
- 1.6 Where I have not undertaken discussions personally with landowners, I have been kept fully informed by colleagues at SLC and NCC's consultants Aecom and Pinsent Masons LLP. Where SLC have engaged in direct discussions and I have not been involved, colleagues have reported details of the meetings to me. Where appropriate NCC's consultants have provided me with notes of meetings and correspondence when relevant.

2. SCOPE OF EVIDENCE

- 2.1 My evidence will address the property aspects of the Order and will cover the following:
 - 2.1.1 NCC's approach to and justification for the acquisition of land;
 - 2.1.2 a description of the powers related to land acquisition and use included in the draft Order [APP-01], and the effect that the exercise of these powers would have on landowners, occupiers and users of rights of way;
 - 2.1.3 a review of the scope for those landowners affected by the land powers in the Order to claim compensation;
 - 2.1.4 a description of NCC's efforts to reach agreement with landowners and occupiers who have objected to the Order; and
 - 2.1.5 responses to objections by landowners.
- 2.2 My evidence addresses in full or in part the following matters identified in the Statement of Matters issued by the Secretary of State:
 - 2.2.1 Matter 3(a): the impacts on access to and from the Asda store in Blyth for customers and deliveries and the operation of the drive thru coffee shop.
 - 2.2.2 Matter 3(d): impact of the scheme on sheltered accommodation for the elderly.

- 2.2.3 Matter 6(a): whether there is a compelling case in the public interest to justify conferring powers to compulsorily acquire and use land for the purposes of the scheme.
- 2.2.4 Matter 6(b): whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to Human Rights Act).
- 2.2.5 Matter 6(c): whether there are likely to be any impediments to NCC exercising the powers contained within the Order, including the availability of funding.
- 2.2.6 Matter 6(d): whether all the land and rights over land which NCC has applied for is necessary to implement the scheme.
- 2.2.7 Matter 10: that it is appropriate for the Secretary of State for the Ministry of Housing, Communities and Local Government to grant a certificate for the compulsory purchase of Open Space Land under Section 19 of the Acquisition of Land Act 1981.

3. NCC'S APPROACH TO LAND ACQUISITION AND USE

- 3.1 NCC has acted in accordance with Ministry of Housing, Communities and Local Government (MHCLG) guidance on Compulsory Purchase [APP-26] in formulating its proposals for powers of compulsory acquisition in the Order.
- 3.2 NCC has sought to minimise the land required in the Order and the engineering design and consultation processes have been undertaken to ensure the land identified for compulsory acquisition is that which is required for the successful delivery of the Scheme. The land requirements have also been further reduced since the Application through refinement of design and through negotiation with affected landowners. Details of the parcels of land which are proposed to be removed from the Order or reduced in size are set out in the Schedule of Proposed Changes to the Draft Order [APP-INQ-2].
- 3.3 The Scheme requires land and rights that are currently outside the control of NCC and Network Rail (NR). NCC is therefore seeking powers of compulsory acquisition to ensure it can secure the land interests required for the Scheme in a timely and efficient manner. If the Order is made, these powers would guarantee all the land required for the Scheme could be acquired in a suitable timescale and that individual landowners could not hold up the Scheme through a refusal to sell or grant rights over interests. The powers will help to ensure there are no impediments to the delivery of the Scheme. In practice, it would be impossible to assemble all the necessary land interests in a reasonable timescale without the use of, or the possibility of recourse to, such compulsory purchase powers.
- 3.4 All known affected parties who own, lease or occupy land required for the Scheme have been contacted by NCC with a view to seeking a negotiated agreement for the acquisition, either on a temporary or permanent basis, of their land. The time between confirming the land requirements for the Scheme and the submission of the Application was particularly short in comparison to the typical timescales for a project of this sort. However, negotiations with landowners have been pursued from the earliest suitable opportunity and will continue.

4. POWERS SOUGHT BY NCC

- 4.1 The Order, if made, will confer on NCC the power to compulsorily acquire land, or rights over land, required to construct and operate the Scheme. The Order will also confer powers on NCC to temporarily occupy and use land for the purposes of constructing the Scheme.

- 4.2 A large proportion of the works required for the Scheme will be undertaken on land that is currently in the freehold ownership of either NCC or Network Rail (for example, within the existing rail corridor). No powers over that land are required to be included within the Order. However, several plots of land currently within private ownership are required for the Scheme, either on a permanent or temporary basis – it is those plots that are proposed to be subject to powers within the Order.
- 4.3 The powers sought in the draft Order [APP-01] in relation to land fall into the following categories:
- 4.3.1 permanent acquisition of land (article 15);
 - 4.3.2 permanent acquisition of rights over land (article 18);
 - 4.3.3 permanent acquisition of airspace or subsoil (article 19);
 - 4.3.4 temporary use of land for construction purposes (article 20);
 - 4.3.5 temporary use of land for access purposes (article 21); and
 - 4.3.6 extinguishment or suspension of rights over land (article 24).
- 4.4 The draft Order at article 35 also makes provision to modify certain wayleave leases which have been granted to Network Rail as successor to the original railway company which constructed and operated the railway. The wayleave leases are described in section 5 of this proof, and the proposed modifications are explained in the Statement of James Holroyd which is included as Appendix D.
- 4.5 Article 25 of the draft Order discharge two plots of land identified as ‘open space’ from all rights, trusts and incidents to which they are currently subject.
- 4.6 The land over which powers are sought in the draft Order is shown on the Land and Works Plans [APP-10] and listed in the Book of Reference [APP-12] that accompanied the application for the Order. The disparate nature of the plots shown on those plans is indicative of the fact that existing land of NCC and Network Rail will be used for the Scheme which is not shown on the Land and Works Plans. All references to plots in this document are to be read in conjunction with those plans. The plots are colour-coded to denote the nature of the power(s) sought over them.
- 4.7 All areas of land subject to powers in the draft Order are necessary for the Scheme and no land will be acquired permanently, or used temporarily, unless essential to facilitate the Scheme. In respect of all land proposed to be subject to Order powers, NCC is seeking to secure the relevant land by negotiation and agreement with affected landowners. As such, the powers in the Order would only be exercised where it is not possible or practicable to reach agreement.

Permanent acquisition of land

- 4.8 A power of permanent acquisition is included in the draft Order in relation to land that is required for the Scheme’s permanent structures (such as at the proposed new station sites), or for other purposes on an on-going basis. Plots where such powers have been included in the draft Order are as follows:

Stations

Table 1: Stations – permanent acquisition of land

Purpose	Plots
Northumberland Park Station	042, 043, 046, 047, 048, 049, 056, 057
Seaton Delaval Station and Car Park	127, 128, 129, 131, 132, 132a, 133, 134, 135

Purpose	Plots
Newsham Station and Car Park	173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198
Bebside Station and Car Park	241, 242, 243, 244, 248, 249
Bedlington Station	267, 268, 269, 270, 271, 272, 273, 274, 282, 283, 284, 285, 286, 287, 288, 294, 293
Ashington Station and Car Park	321, 322, 323, 324, 325, 326, 327, 329, 330

Structures

Table 2: Structures – permanent acquisition of land

Purpose	Plots
Palmersville Dairy underpass	003, 004, 005, 006, 007, 007a, 017a, 018, 018a, 020, 021, 022, 023
Underbridge 35	082a, 084
Underbridge 36	100b, 102a, 103, 104, 105, 106
Chase Meadows footbridge	218, 220, 223a, 227, 228, 229
Bebside Footbridge	248, 251, 254, 255, 256
Hospital Crossing	314, 315, 316, 317, 318, 319a, 319b, 319d

- 4.9 Sites have been selected for permanent acquisition following assessment by design and land acquisition/consents leads for the project. Publicly-owned land has been prioritised for use wherever possible. Private third-party land has only been considered where no other suitable alternative location for the required infrastructure is available.

Permanent acquisition of rights over land

- 4.10 Powers to permanently acquire rights over land are sought in the draft Order where land does not need to be acquired outright – for example a right of access for maintenance purposes on an on-going basis. Plots where such powers have been included in the draft Order are as follows:

Stations

Table 3: Stations – permanent acquisition of rights over land

Purpose	Plots
Northumberland Park Station	055, 060, 061, 062, 064
Seaton Delaval Station Drainage	125
Bebside Station and Car Park	241a, 242a, 243a
Ashington Station and Car Park	331, 331a, 331b, 331c

Structures

Table 4: Structures – permanent acquisition of rights over land

Purpose	Plots
Palmersville Dairy underpass	012, 012a, 013, 014, 015, 016
Chase Meadows Footbridge	236
Bebside Footbridge	250

- 4.11 Sites have been selected for permanent rights following assessment by design and land acquisition/consents leads for the project, and in liaison with Network Rail where

perpetual access is required for inspection and maintenance purposes. Suitable publicly-owned land has been prioritised for use wherever possible. Private third-party land has only been considered where no suitable alternatives to access the required infrastructure is available.

Temporary use of land for construction purposes

- 4.12 Powers to use land temporarily for the purposes of construction are included in the draft Order.
- 4.13 Land is required for a number of temporary worksites to facilitate the permanent works in various locations. The worksites will include, amongst other things, laydown and storage areas, site offices and accommodation facilities. Plots where such powers have been included in the draft Order are as follows:

Stations

Table 5: Stations – temporary use of land for construction purposes

Purpose	Plots
Northumberland Park Station	040, 050, 051
Seaton Delaval Station Car Park and Drainage	126, 130
Newsham Station and Car Park	199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214
Bedlington Station	260, 261, 289, 290, 291, 292, 295
Ashington Station and Car Park	320

Structures

Table 6: Structures - temporary use of land for construction purposes

Purpose	Plots
Palmersville Dairy underpass	001, 001a, 002, 008, 009, 010, 017, 017b, 019, 019a
Underbridge 35	077, 080, 080a, 081, 081a, 082, 082b, 083, 086, 087, 090
Underbridge 36	100a, 101, 102, 103a, 104a, 105a, 106a, 106c, 106d
Chase Meadows footbridge	217, 217a, 219, 223, 223b, 224, 233, 234, 237, 237a, 237b, 238
Bebside footbridge	252, 253, 253a, 257a
Hospital Crossing	312, 313, 319, 319a

- 4.14 Sites for temporary use for construction purposes have been selected following an assessment by design and land acquisition/consents leads for the project in conjunction with Early Contractor Involvement (ECI) advice provided by Morgan Sindall. The results of that assessment were subsequently refined through discussions with Central Rail Systems Alliance (CRSA).

Temporary use of land for access purposes

- 4.15 Powers to use land temporarily for access purposes are required to facilitate the construction of the Scheme. This is a 'lesser' power compared to the power of temporary possession described above and is sought over land where exclusive possession is not

required during construction (e.g. for the purposes of providing a worksite) and where permanent rights are not required for the purposes of the maintenance and operation of the Scheme. The power principally applies to existing private tracks or roads which will be used by vehicles during the construction of the works.

- 4.16 NCC is taking the approach of ‘separating’ out these two categories of temporary powers so as to ensure that no ‘greater’ powers over land are sought than is absolutely necessary to facilitate construction of the Scheme. Plots where the power of access have been included in the draft Order are as follows:

Stations

Table 7: Stations - temporary use of land for access purposes

Purpose	Plots
Northumberland Park Station	024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039

Structures

Table 8: Structures - temporary use of land for access purposes

Purpose	Plots
Underbridge 35	092
Underbridge 36	097, 098, 099, 100, 106b, 107, 108, 109, 110, 111, 112
Chase Meadows Footbridge	238a, 239, 240
Bebside Footbridge	257

- 4.17 Sites for temporary use for construction access have been selected following an assessment by design and land acquisition/consents leads for the project in conjunction with Early Contractor Involvement (ECI) advice provided by Morgan Sindall. The results of that assessment were subsequently refined through discussions with Central Rail Systems Alliance (CRSA).
- 4.18 NCC has taken care not to exclude existing owners of rights from using existing access routes wherever feasible, hence the approach to include plots for temporary access rather than temporary possession wherever possible.
- 4.19 The extent of land included in the Application has been reviewed in light of the ongoing refinement of the design and as a result of negotiations with landowners. Consequently, a number of plots are now proposed to be removed from the Order or reduced in size. Details of the proposed changes are set out in the Schedule of Proposed Changes to the Draft Order that has been submitted to the inquiry [APP-INQ-2].

Network Rail Requirements

- 4.20 Section 14 of the Statement of Case [APP-44] sets out how the Scheme will be delivered. Based on this, Network Rail will require certain land and rights that are subject to powers of compulsory acquisition in the Order to be vested in it on a permanent basis for operational purposes. In addition, Network Rail requires land that is subject to powers of temporary use to facilitate works that it will be responsible for carrying out as part of the Scheme.
- 4.21 Article 29 of the draft Order [APP-01] provides that NCC and Network Rail may enter into agreements in relation to the Scheme, including pertaining to the exercise by Network Rail of powers in the Order relating to compulsory acquisition and temporary possession or use of land.

- 4.22 For proportionate flexibility, NCC has included provision in the draft Order, at article 28, that powers in the Order can be transferred to Network Rail, in order that they can be exercised for its benefit. The power in article 28 provides that the Order powers can be transferred to any party, but it is only a transfer to Network Rail, under an agreement under article 29, that does not require the prior consent of the Secretary of State. This is in recognition of Network Rail's statutory status and functions in connection with the railway network.
- 4.23 The works required for the Scheme will be divided into the 'Stations Package' and 'Rail Corridor Package' and allocated accordingly. The delivery of the scheme is addressed in more detail in Stuart McNaughton's proof of evidence [APP-W1-1].
- 4.24 NCC will transfer compulsory acquisition powers contained in the Order to NR over the Rail Corridor Package Land, where necessary. NR will then be responsible for securing access and acquisition of the Rail Corridor Package Land.
- 4.25 In respect of specified plots, a land strategy/agreement will provide for the transfer to NR of the temporary possession power pursuant to article 28 of the Order (power to transfer benefit of the order). NR will then be responsible for exercising the temporary possession power and for any associated compensation liability in respect of those plots.
- 4.26 The freehold of any land on which stations are built (including infrastructure such as platforms, bridges and access ramps) will be transferred to Network Rail upon completion of construction of the new or upgraded infrastructure. This also applies to the Chase Meadows structure which will be built by NCC as part of the Stations Package.

5. RAILWAY CORRIDOR OWNERSHIP

- 5.1 The ownership of the Northumberland Line railway corridor has an unusual structure in that around 2/5's of the entire length is held in private freehold ownership – see Table 1. The mileage references referred to in the table are shown on the plan at Appendix A.

Table 9: Railway Corridor Ownership

Party	NR Tenure	Start Mileage	Finish Mileage
Duke of Northumberland	Leasehold	BNE 1 m 1377 yds	EJM 7m 0002 yds
Duke of Northumberland	Leasehold	EJM 7m 0002 yds	EJM 8m 1539 yds
NR	Freehold	EJM 8m 1539 yds	EJM 9m 1365 yds
Lord Hastings	Leasehold	EJM 9m 1365 yds	EJM 12m 0290 yds
NR	Freehold	EJM 12m 0290 yds	EJM 13m 0347 yds
Lord Hastings	Leasehold	EJM 13m 0347 yds	EJM 14m 0366 yds
NR	Freehold	EJM 14m 0366 yds	BWC 1m 1441 yds
Welbeck Estate	Leasehold	BWC 1m 1441 yds	BWC 3m 0006 yds
NR	Freehold	BWC 3m 0006 yds	BWC 3m 0200 yds

- 5.2 Two sections of the line are owned by the Duke of Northumberland. NR has rights to operate and maintain the railway over those two sections by virtue of wayleave leases which were entered into by the Duke and the original railway company in the 19th century at the time local Acts of Parliament were passed to authorise the railway. These wayleave leases have 1000-year terms commencing in 1853 and 1867 respectively. The wayleaves relate to two contiguous sections of the line from Benton Junction to just south of Seghill. Copies of the wayleaves have been provided to the inquiry in the form of appendices to the Statement of Case submitted by the Northumberland Estates.
- 5.3 A further two sections of line are owned by Lord Hastings with the first located between Seaton Delaval and just south of Newsham with the second located between Newsham and just south of Bebside. As above, Network Rail has rights to operate and maintain the railway over the first section by virtue of a wayleave lease dated 20 May 1853 with documentation for the second section being unavailable at the time of writing.

6. **COMPENSATION PROVISIONS**

- 6.1 The draft Order [APP-01], through articles 16 and 17, applies Part 1 of the Compulsory Purchase Act 1965 and the Acquisition of Land Act 1981 which has the effect of requiring NCC to pay compensation to qualifying parties that have land acquired, or rights imposed on their land, under the Order. Such compensation will be determined in accordance with the 'Compensation Code' which is a combination of statutory provisions in a number of enactments and legal precedents established through case law.
- 6.2 The compensation provisions in the Order vary depending upon the nature of the powers and the interests of rights being acquired or extinguished. The provisions are summarised below.

Permanent acquisition of land

- 6.3 Landowners whose land is acquired under the power in article 15 (power to acquire land) of the draft Order will be entitled to compensation in accordance in compensation code. In summary the Code provides for the recovery of loss of the value of the interest taken, severance and injurious affection and disturbance losses where they can be proven. In addition, the Code provides for the advance payment of compensation thereby ensuring the landowner is not out of pocket in the event land interests are acquired.

Permanent acquisition of rights over land

- 6.4 Article 18 of the draft Order provides NCC with the power to permanently acquire new rights over the land to which article 15 applies. In the case of the land specified in Schedule 6 to the Order, the power general power of acquisition is limited to the acquisition of rights only.
- 6.5 Compensation would effectively be on the same basis as if the land had been acquired permanently, that is on the basis of the value of the interest acquired and loss due to injurious affection.
- 6.6 Schedule 7 to the Order provides that section 7 of the Compulsory Purchase Act 1965 (which sets out the compensation payable for severance of land) applies in a modified form in the case of acquisition of such new rights. Paragraph 3(2) of that Schedule sets out that the measure of compensation to be applied is not only the extent to which the value of the land has been depreciated by the acquisition of the new rights, but also to any damage sustained by the owner due to the taking of the right or injurious affection arising from the exercise of the powers in the Order. A number of other heads of claim are also recoverable including reasonable surveyor's fees and interest.

Temporary possession of land for construction

- 6.7 Article 20 of the draft Order provides that NCC may take temporary possession of land in connection with the construction of the Scheme. This provision is different to that where permanent rights are taken or where land is acquired because in exercising temporary powers NCC is not required to take a legal interest in the land.
- 6.8 NCC must pay compensation for any loss or damage arising from the exercise of the powers in article 20.
- 6.9 If the parties cannot agree the amount of any compensation to be paid the dispute will be referred to the Lands Chamber of the Upper Tribunal. In all cases where land is required to be used by NCC on a temporary basis such land will be returned to the landowner within the time limits set out in articles 20. Before giving up temporary possession of such land NCC must restore the land to the reasonable satisfaction of the owners of that land in accordance with the provisions contained in either article 20(4).

Temporary use of land for access

- 6.10 Article 21 of the draft Order provides that NCC may use any of the land specified in Schedule 9 for the purposes of access in connection with the construction of the Scheme.
- 6.11 NCC must pay compensation for any loss or damage arising from the exercise of the powers in article 21.

Powers to extinguish or suspend private rights

- 6.12 Where private rights are suspended or extinguished by the Order (under articles 7, 8, 9, 10, 15, 18, 19, 20, 21 or 24) the Order provides for that affected landowners may claim compensation. Disputed compensation claims would be referred to the Upper Chamber for determination. A claim will be based on a diminution in the value of the land without the right in place.

New public rights of way (PRoW) over land

- 6.13 The Order provides for new PRoWs to be created over land. Article 11(4) makes express provision for compensation to be paid for depreciation in the value of the interest in land or for damage suffered by being disturbed in the enjoyment of the land by applying the provisions of section 28 of the Highways Act 1980 (which provides for compensation for landowners affected by a public path creation order) apply to the present Order.
- 6.14 The provisions are restricted to claiming for loss incurred on the land across which the path crosses rather than general loss to the interest which is affected by the land as the landowner retains the land subject to the imposition of the new PRoW.

Additional rights of entry onto land

- 6.15 The Order provides that NCC may enter onto land for the purposes of carrying out surveys (article 4) and for felling or lopping trees (article 6). In both the circumstances where overhanging trees are lopped or land is accessed for survey work the Order provides for NCC to pay compensation for loss or damage arising from the exercise of the powers.

Other compensation provisions

- 6.16 Articles 22 and 23 of the draft Order make specific provision for the calculation of, covering the disregard of certain interests and setting-off any enhancements in the value of land retained by an affected landowner.

- 6.17 Article 38 of the draft Order protects NCC for paying compensation twice by ensuring that there is no double recovery. This would ensure, for example that a loss sustained by an owner could not be compensated for under provisions of both temporary and permanent land acquisition.

7. COMMUNICATION AND ENGAGEMENT

- 7.1 NCC has undertaken on-going engagement with affected landowners. Engagement with the owners of sites required for the stations commenced in August/September 2019 and more comprehensive engagement has continued as the scope of the Scheme has developed.
- 7.2 As part of the public consultation exercise on the Scheme proposals carried out between November and December 2020, NCC wrote to all landowners who own, occupy or have another legal interest in land which may be required to accommodate permanent and temporary works and which would therefore be subject to powers in the Order, with a view to reaching agreement where possible.
- 7.3 Impacted parties were sent letters explaining the background to the Scheme with a description of how their landholdings could be affected. Those that received letters were invited to contact NCC or their advisors (SLC) if they had any queries about the Scheme, how they might be affected and were provided with information on where to view the current design proposals.
- 7.4 The ability to meet in person with impacted parties was severely limited by the long-standing restrictions put in place for the Coronavirus pandemic. To overcome those difficulties, meetings that would otherwise be held face-to-face were held remotely via Zoom, MS Teams or by telephone.
- 7.5 From March 2021 to May 2021, selected impacted parties were written to again to update them where this was necessary, particularly if new parties were identified or requirements had changed following the growth in scope of the Scheme.
- 7.6 All impacted landowners were then served the requisite notices when the Order was submitted.
- 7.7 Communication has continued with landowners with a view to reaching voluntary agreements. NCC's aim is to minimise the need to exercise the compulsory acquisition powers being sought in the Order. To achieve that aim it has engaged with affected landowners to negotiate by agreement the right to acquire the necessary land interests or rights.

8. HUMAN RIGHTS

- 8.1 Article 1 of the First Protocol to the European Convention on Human Rights states that:
- 8.1.1 "Every natural or legal person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law.
- 8.1.2 The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties".

- 8.2 Article 1 is a qualified right in that no one shall be deprived of his possessions “except in the public interest and subject to the conditions provided for by law”.
- 8.3 The compulsory acquisition of land for the railway purposes specified in the Order is authorised by, and subject to, the Transport and Works Act 1992 (the 1992 Act) [APP-16]. By enacting the 1992 Act the Government has determined that, subject to procedural safeguards, it can be in the public interest that individuals be deprived of their land for railway purposes.
- 8.4 The procedural safeguards are provided by the 1992 Act and the Transport and Works (Inquiries Procedure) Rules 2004 [APP-20] which enable objections to be raised to compulsory acquisition and considered by an independent inspector. In addition, where land is authorised to be compulsorily purchased by the making of an Order under the 1992 Act, compensation will be payable under the compensation code as applied by that Order. Where disputes as to the amount of compensation arise, these may be referred for independent consideration by the Lands Chamber of the Upper Tribunal.
- 8.5 The Order is being pursued in the public interest, as is required by Article 1 of the First Protocol where compulsory acquisition of property is concerned. The public benefits associated with the Order are set out in Stuart McNaughton’s Proof of Evidence. For these reasons, the railway purposes for which the Order powers are being sought are sufficient to justify interfering with the human rights of the landowners proposed to be affected.
- 8.6 The Order, including the requirement to pay compensation, strikes a fair and proportionate balance between the private interests of the landowners and the public interest in securing the benefits of the Scheme to the national railway network. Therefore, the interference with Convention rights is justified.

9. TEMPORARY CLOSURES OF FOOTPATHS ASSOCIATED WITH WORKSITES

- 9.1 The proposed Order [APP-01], at article 10, includes a power to temporarily close streets in both Northumberland and North Tyneside. The rationale for including such a power is to allow NCC to temporarily close any street that might interfere with construction activities (or, for which it would be unsafe for the public to use during construction).
- 9.2 A number of streets that may require to be temporarily closed during construction are listed in Schedule 5 to the Order and shown as hatched blue on the Rights of Way Plans [APP-11]. These streets can only be closed by NCC under article 10 following consultation with the local highway authority, recognising that this is the responsible authority for such streets and therefore its views should be taken into account on matters such as the duration and extent of any temporary closure.
- 9.3 The streets listed in Schedule 5 and shown on the Rights of Way Plans have been identified as potentially requiring temporary closure by, primarily, reference to the location of the temporary worksites and haul roads. Following the selection of the sites for these, existing rights of way that crossed those sites (or, in certain locations led up to them) were identified and proposed to be subject to powers of temporary closure as it would not be feasible for them to remain open to the public during the use of these sites for construction.
- 9.4 In addition, other rights of way were identified as being located near to potential construction activities and therefore were also included as being subject to the power of temporary closure on a precautionary basis for safety purposes.

- 9.5 Article 10 also provides that any other street may be stopped up by NCC, but only with the consent of the local highway authority and such consent can be given subject to reasonable conditions. This provision has been included to provide NCC with maximum flexibility during construction should further temporary closures be required, but recognising that the local highway authority would need to have sufficient oversight of this given its functions.
- 9.6 The duration and extent of any temporary closures cannot be confirmed at this time and will be subject to the precise construction methodologies adopted. This will be discussed with the local highway authority prior to any closures taking effect and it is through that engagement that sufficient controls on the powers in article 10 are put in place.
- 9.7 It should be noted that the proposed Order provides that, where a street is temporarily stopped up, that street can be diverted (although there is no obligation for a diversion to be put in place). Details of any proposed temporary diversions have not been included in the Order proposals as, at this stage, there is no certainty as to where such diversions would be necessary. For example, should a temporary closure only be for a few days (or there is reasonable alternative provision already in place as part of the existing public right of way network), it would be disproportionate to provide a temporary diversion, given the requirements to lay them out safely for example.
- 9.8 Nevertheless, it is anticipated that NCC would discuss the need (and feasibility) of any temporary diversions (and indeed any other mitigations – e.g. publicity requirements) with the local highway authority as part of the consultation or approval process required prior to any temporary closure taking effect. It is likely that where any temporary diversions are concluded as being required, they could be implemented either on other land of NCC or on other land secured through the Order (either on a permanent or temporary basis).

10. OPEN SPACE

- 10.1 The draft Order [APP-01] includes a power to compulsorily acquire the freehold land or permanent rights of way over areas of 'open space' within the meaning of the Acquisition of Land Act 1981 (the 1981 Act) at the following three locations:
- 10.1.1 Seghill level crossing: The land comprises a grassed area to the north-east of Seghill level crossing (plot number 116). The land is proposed to be acquired under the Order for the purposes of constructing a parking bay which will be used by staff when carrying out regular servicing and maintenance of the level crossing.
- 10.1.2 Bebside level crossing: The land comprises a grassed area to the south of the A193 adjacent to Bebside level crossing (plot numbers 245 & 247). The land is formed of two plots:
- (a) Plot 245 - A permanent right is required over plot 245 for the purposes of allowing parking by vehicles which will be used by staff when carrying out regular servicing and maintenance of the level crossing.
- (b) Plot 247 - Plot 247 is to be acquired under the Order for the purposes of installing railway line-side apparatus.
- 10.1.3 Bedlington Station: A permanent right of way is required over the land at Bedlington (plot number 281a) for the purpose of creating an emergency egress route from the western platform of the proposed new station.

- 10.2 A certificate in connection with these parcels is required from the Secretary of State under Section 19 and Schedule 3 of the 1981 Act before powers of acquisition can be confirmed over these parcels.
- 10.3 An application for the certificate was made to Ministry of Housing, Communities and Local Government (MHCLG) on the 18th May 2021 – see Appendix B. No objections were received to the application and Secretary of State has indicated his intention to grant the certificates.
- 10.4 I consider it is appropriate for the section 19 certificate to be made by the Secretary of State for the reasons set out in the application at Appendix B.

11. LANDOWNER OBJECTIONS

- 11.1 The following section sets out NCC's position in response to the objections to the Application which relate to land use or acquisition.

11.2 Catherine Hopkins (OBJ 08)

Table 10: Landowner objection from Catherine Hopkins

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Temporary possession of land for the construction of Northumberland Park Station	50	Catherine Hopkins is a resident at Fenwick Close, located adjacent to the proposed Northumberland Park Station. The objection relates to concern about the use of the parking spaces and the communal garden space between her property and the proposed station.	Further detail regarding the use of this land is provided in Julian Sindall's proof of evidence [APP-W2-1]. NCC has provided individual written responses to residents at Fenwick Close together with a general FAQ for concerns raised regarding works at Northumberland Park. NCC has subsequently arranged a face-to-face meeting with all residents of Fenwick Close, with the relevant contractor in attendance to explain the works required on plot 50. The meeting will take place on the 21 st of October and will provide information about the use of plot 50 and will discuss how impacts might be mitigated.

11.3 Northern Power Grid (OBJ 11)

Table 11: Landowner objection from Northern PowerGrid

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Permanent acquisition of land required for Ashington Station	322	<p>As a statutory utility, Northern Power Grid (NPG) have objected as they are duty bound to maintain and sustain electrical supply, and they have a substation, located in Ashington, affected by the Order (Plot 322).</p> <p>This objection will be held until assurances are made regarding a written guarantee that NCC will be responsible for all costs should the project affect their operations.</p>	<p>The substation is being relocated at NPG's request and does not need to be moved as part of the proposed station works. NCC's representatives met with NPG and the parties are now discussing the terms of an agreement for the relocation.</p> <p>The protective provisions included in Part 1 of Schedule 11 to the draft Order [APP-01] provide appropriate protection in relation to NPG's licence obligations.</p> <p>Further detail regarding the use of this land is provided in Julian Sindall's proof of evidence [APP-W2-1].</p>

11.4 Lord Hastings (OBJ 12)

Table 12: Landowner objection from Lord Hastings

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Temporary access for construction traffic associated with the reconstruction of underbridge 42 and earthworks required for 'Newsham Loop'	141, 141b, 152a, 156, 158, 160,	Notes the omission of a number of plans from the Order notice.	NCC has reissued the relevant TWAO notice with all necessary plans and receipt of those plans has been confirmed by the landowner's representative.
Temporary Possession of land for the reconstruction of Underbridge 42 and earthworks required for 'Newsham Loop'	140, 141a, 141c, 151, 152, 152b, 165, 166,	The landowner is willing to discuss land acquisition and land use but if the land is to be subject to compulsory powers, then they would like full knowledge over the land requirements required.	NCC and Lord Hastings are continuing negotiations for the voluntary acquisition of all land parcels and rights required. Further detail regarding the use of this land is provided in Mr Sindall's proof of evidence
Permanent acquisition of land required for Seaton Delaval Station and earthworks required for 'Newsham Loop'	127, 128, 132, 144, 144a, 150, 164, 167		Lord Hastings has confirmed that he no longer has concerns regarding land requirements for the

			<p>Scheme and his objection now remains solely on the grounds of the provisions in article 35 of the draft Order [APP-01] – This is addressed in the Statement of James Holdroyd's appended to this proof.</p>
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11.5 Blagdon Estates (OBJ 13)

Table 13: Landowner objection from Blagdon Estates

Proposed Use	Relevant Plot(s)	Objection	NCC Response
<p>Temporary acquisition of land required for construction of 'Newsham Loop'</p> <p>Permanent acquisition of land required for Newsham Station</p>	<p>168, 169, 170, 171</p> <p>173, 174, 185, 186</p>	<p>Blagdon Estate have submitted an objection on behalf of The Right Honourable Matthew White Fifth Viscount Ridley, The Hon Matthew White Ridley and Plessey Checks Farming Limited on the basis they were not served with the correct notices of the Northumberland Line TWAO, and that a copy of the notice intended for the Right Hon Matthew White Ridley was sent to an incorrect address.</p>	<p>NCC acknowledges that notices were sent to the former accountants for Blagdon Estate and to the incorrect parties for some land parcels. Amended notices were reissued in hard copy by post and electronically via email to Blagdon's registered address as soon as the issue was raised. This led to an extension of time for Blagdon to submit both their objection and also their Statement of Case.</p>
<p>Permanent acquisition of land required for Newsham Station</p>	<p>173, 174, 185, 186</p>	<p>Blagdon Estate has objected to the Order on the basis of the amount of land belonging to the Honourable Matthew White Ridley is being made subject to compulsory purchase powers.</p>	<p>The extent of land owned by The Hon Matthew White Ridley included in the Order reflected the land that was considered to be required at the date of the Application for the provision of flood attenuation works.</p> <p>A hydraulic modelling exercise has now been undertaken which has confirmed that a reduced extent of land is required for flood attenuation works in the vicinity of the proposed Newsham Station.</p> <p>NCC has now confirmed in discussions with the landowner how much land will be required for flood storage. The total land take required</p>

			<p>from the landowner for the station, car park and overbridge is 12.54 acres, significantly less than the circa 250 acres of land that was included in the Application. This reduced extent of land is reflected in the Schedule of Proposed Changes to the Order submitted to the inquiry.</p> <p>Further detail regarding the use of this land is provided in Mr Sindall's proof of evidence [APP-W2-1].</p>
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11.6 Anne Hopwood (OBJ 15)

Table 14: Landowner objection from Anne Hopwood

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Permanent acquisition of land required for the western platform at Bedlington Station	272	Mrs Anne Hopwood submitted an objection to the acquisition of part of her back garden, required as part of the works for Bedlington Station.	<p>NCC has written to Mrs Hopwood to provide assurance that following the refinement of design for Bedlington Station, the permanent land requirement has been significantly reduced.</p> <p>A 2.1m strip of land needs to be acquired in addition to a strip of 2m for temporary possession which compares to the 7.9m strip of permanent land-take previously identified in the Application.</p> <p>NCC's representatives have met with Mrs Hopwood at her property to confirm the revised land requirements. The reduced extent of land take is reflected in the Schedule of Changes to the Order submitted to the Inquiry.</p>

11.7 John and Lynda Clough (OBJ 16)

Table 15: Landowner objection from John and Lynda Clough

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Temporary possession of land for the construction of Northumberland Park Station	50	John Clough is a Director of the Fenwick Close residents' management company and he also owns a property on Fenwick Close. Mr Clough has objected on behalf of all residents and owners of Fenwick Close. Mr Clough	Detail regarding the use of this land is provided in Mr Sindall's proof of evidence [APP-W2-1].

		objects to the Order on the following grounds.	
		Many TWAO Notices were not received as they were posted in letter-boxes and signatures were not requested by the deliverer.	Due to Covid-19 restrictions, the Royal Mail's revised delivery protocol prevented physical signatures being obtained that would in normal circumstances confirm receipt of notices. Confirmation was instead provided by Royal Mail once letters had been posted in resident's letter boxes.
		Residents are unclear what the communal gardens and parking spaces/bin storage at Fenwick Close will be used for and for how long.	NCC has provided tailored written responses to residents at Fenwick Close together with a general FAQ for concerns raised regarding works at Northumberland Park. NCC has subsequently scheduled a meeting with all residents of Fenwick Close, with the relevant contractor in attendance to explain the works required on plot 50. The meeting will take place on the 21st of October and will provide information about the use of plot 50 and discuss how impacts might be mitigated.
		The removal of a substantial number of car parking spaces, albeit temporarily, will seriously affect those living in the apartments and this will have a knock-on effect to the letting of and selling of the apartments	NCC will seek to avoid the temporary loss of any car parking spaces wherever possible. Where a temporary loss of parking spaces is unavoidable NCC will seek to make alternative parking available and will liaise with residents as to the most convenient location for this.
		Owners are concerned about the value of their properties, both during and after the construction work.	NCC does not expect the temporary impacts during construction to affect property values. Any impacts during the construction period would be temporary and relatively short-lived. NCC does not anticipate that the operation of the new station will have any negative impact on property values or

			<p>the saleability of homes on Fenwick Close.</p> <p>Studies have shown that improvements in local transport infrastructure, new train services and new stations encourage investment in housing, shopping and other services.</p> <p>There is an established legal framework under Part 1 of the Land Compensation Act 1973 which provides for compensation to be paid where the value of a property is depreciated by certain factors arising from the use of certain 'public works' such as a railway.</p>
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11.8 Chris Scorer (OBJ 18)

Table 16: Landowner objection from Chris Scorer

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Temporary possession of land for the construction of Northumberland Park Station	50	Chris Scorer is the owner of a property at Fenwick Close and has submitted an objection on the following grounds:	Further detail regarding the use of this land is provided in Mr Sindall's proof of evidence [APP-W2-1].
		Order notices were not signed for and the items were randomly posted in letter boxes and also dumped on the estate and in the property bin stores.	Due to Covid-19 restrictions, the Royal Mail's revised delivery protocol prevented physical signatures being obtained that would in normal circumstances confirm receipt of TWA0 notices. Confirmation was instead provided by Royal Mail once letters had been posted in resident's letter boxes. NCC were not made aware by Royal Mail of any notices being placed in rubbish bins.
		Concern over the 'lettability' of the property due to disruption during construction and when passenger services are in operation.	NCC does not expect the temporary impacts during construction to affect property values. Any impacts during the construction period would be temporary and relatively short-lived. NCC does not anticipate that the operation of the new station will have any negative impact on property values or the saleability of homes on Fenwick Close.

			<p>Studies have shown that improvements in local transport infrastructure, new train services and new stations encourage investment in housing, shopping and other services.</p> <p>There is an established legal framework under Part 1 of the Land Compensation Act 1973 which provides for compensation to be paid where the value of a property is depreciated by certain factors arising from the use of certain 'public works' such as a railway.</p>
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11.9 BDW/Barratt Homes (OBJ 19)

Table 17: Landowner objection from BDW / Barratt Homes

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Temporary Possession of land for earthworks required for 'Newsham Loop'	145 & 146	BDW Trading Limited have submitted an objection to the scheme on the basis that the use of plot 145 would negatively impact on their consented housing scheme located at New Hartley.	NCC has confirmed in writing to BDW that the entirety of plot 145 (and plot 146) is not required to deliver the scheme and will be removed from the Order.

11.10 Nexus (OBJ 20)

Table 18: Landowner objection from Nexus

Proposed Use	Relevant Plot(s)	Objection	NCC Response
		In general Nexus is supportive of the Scheme, but has raised concerns about the impact on its infrastructure, the compulsory purchase of land/rights and temporary possession of land. The three locations for potential impact on their property/infrastructure are Palmersville Dairy, Holystone Farm and Northumberland Park Station.	NCC and Nexus are negotiating and interface agreement which will address the points raised in Nexus' objection.
Permanent acquisition of land required for Palmersville Dairy Underpass	018, 020, 023,	Nexus has requested that one sole body be responsible for maintenance of both the new underpass and existing Nexus underpass at Palmersville Dairy.	NCC is in discussions with North Tyneside Council, NR and Nexus to agree the optimum maintenance regime for Palmersville Underpass.
Temporary access for compound at	030, 031, 035,	Nexus has requested further information/assurances in	NCC and Nexus are negotiating and interface agreement which will address

Holystone Farm, required for construction of Northumberland Park Station		<p>terms of the use of Holystone Farm Access including: timeframes for temporary access.</p> <p>Assurances that access will be available for Nexus and residents at all times.</p> <p>All temporary works that require use of the bridge to be agreed with Nexus.</p> <p>There should be no parking on access road or bridge.</p> <p>Damage to access road and bridge to be repaired.</p>	the points raised in Nexus' objection.
Permanent rights required to access Northumberland Park Station from the adopted highway and temporary possession of Algernon Drive Road Bridge for construction of Northumberland Park Station	52, 55, 56, 61, 62 and 64	<p>Nexus have requested clarity relating to several land parcels</p> <p>Nexus would require the cost of maintenance of the bridge and access road to be contributed to by Northumberland County Council.</p> <p>Nexus would require load bearing restrictions to be followed.</p> <p>Any temporary works required must be agreed with Nexus.</p> <p>Damage caused by Northumberland County Council to be made good.</p> <p>Access road and bridge to be unobstructed as far as reasonably practicable but so that access to the station is available at all times.</p>	<p>NCC is liaising with Northumberland Estates, Nexus and Network Rail to determine a mutually satisfactory maintenance regime for Algernon Drive Road Bridge post construction of the station.</p> <p>NCC and Nexus are also negotiating and interface agreement which will address the points raised in Nexus' objection.</p>

11.11 Northumberland Estates (OBJ 21)

Table 19: Landowner objection from Northumberland Estates

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Permanent rights required to access Northumberland Park Station from the adopted highway & temporary possession of Algernon Drive Road Bridge for construction of Northumberland Park Station	52, 55, 56, 61, 62 and 64	<p>Northumberland Estates (NE) has specific concerns regarding the following land interests</p> <p>The future maintenance liability for Algernon Drive Road Bridge at Northumberland Park Station.</p>	NCC is liaising with NE, Nexus and NR to determine a mutually satisfactory maintenance regime for Algernon Drive Road Bridge post construction of the station.
Permanent acquisition of land for Underbridge 35 & Temporary	102, 102a, 103, 104, 104a, 105,	NE object to these plots which form part of the railway corridor close to	NCC has concluded that powers of acquisition over the

Possession of land for construction of Underbridge 35	105a, 106c, 106d -106	underbridge 35 near Backworth from being permanently acquired.	<p>Estate's interests in these plots are not required for the purpose of the works to the underpass, given the existing rights conferred by the wayleave agreements. NCC considers that (on a precautionary basis) powers over these plots are required to deal with any adverse third-party rights that may subsist.</p> <p>As such, NCC proposes that plots 102a-106 remain subject to powers of compulsory acquisition, but that the interests of the Estate in these plots are excluded from the Book of Reference such that the powers in the Order would not apply to them.</p>
Permanent Rights required to access Northumberland Park Station from the adopted highway	64	Further clarity has been requested regarding the status of rights required at the Multi Storey Car Park adjacent to Northumberland Park Station.	NCC has confirmed to NE that the power in the Order to acquire new rights of access does not need to extend to the car park building and this will now be removed from the Order.
Article 35 – proposed modification of payment provisions in wayleave leases		Objection to the provisions of article 35 of the draft Order.	This is addressed in the evidence of James Holroyd [APP W3-3 Appendix D].

11.12 **Malhotra Commercial Properties Ltd (OBJ 22)**

Table 20: Landowner Objection from Malhotra Commercial Properties

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Permanent acquisition of land required for Ashington Station car park	323 & 324	The landowner, Malhotra Commercial Properties Limited (MCPL) objects to the acquisition of plots 323 and 324 in part due to there being no meaningful engagement taking place with NCC regarding the acquisition of the site.	<p>MCPL were informed by NCC's representatives in December 2019 that their land at plots 323 and 324 may be needed for construction of Ashington Station; this was subsequently confirmed in written correspondence and follow-up telephone conversation during a public consultation exercise in November 2020.</p> <p>Further engagement has taken place, in which NCC has made a formal offer for the land and then a further counter-offer. A summary of the engagement with MCPL and other objectors can be found in Appendix C.</p> <p>Further detail regarding the justification for the use of this land is provided in the evidence of Mr Sindall [APP W2-1] and Mr Coates [APP W2-3 Appendix B].</p>

11.13 **John Watson (OBJ 23)**

Table 21: Landowner Objection from John Watson

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Temporary possession of land for the construction of Northumberland Park Station Further detail regarding the use of this land is provided in Mr Sindall's proof of evidence	50	Mr Watson is the owner of 26 Fenwick Close and has objected on the basis of a reduction in value to his property both during and after the construction work.	<p>NCC has provided tailored written responses to residents at Fenwick Close which included a general FAQ for concerns raised regarding works at Northumberland Park.</p> <p>NCC does not expect the temporary impacts during construction to affect property values. Any impacts during the construction period would be temporary and relatively short-lived.</p> <p>NCC does not anticipate that the operation of the new station will have any negative impact on property values or</p>

			<p>the saleability of homes on Fenwick Close.</p> <p>Studies have shown that improvements in local transport infrastructure, new train services and new stations encourage investment in housing, shopping and other services.</p> <p>There is an established legal framework under Part 1 of the Land Compensation Act 1973 which provides for compensation to be paid where the value of a property is depreciated by certain factors arising from the use of certain 'public works' such as a railway.</p>
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11.14 Bernicia Group (OBJ 25)

Table 22: Landowner objection from Bernicia Group

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Permanent acquisition of land required for western platform of Bedlington Station and for Hospital Underpass in Bedlington	269, 314, 319a.	Bernicia Group has submitted an objection in relation to plot 269 at Sleekburn House in Bedlington and plots 314-319a close to the Cheviots in Ashington, with the landowner concerned with the excessive nature of land take.	NCC has been working to minimise the scale of permanent land take at both locations and have written to Bernicia Group outlining where permanent land requirements have significantly reduced since the Order was submitted.
Permanent acquisition of land required for western platform of Bedlington Station	269	Bernicia Group also has concerns around the impact on Sleekburn House residents and its financial viability due to the close proximity of works at the proposed Bedlington Station site.	NCC has been actively liaising with Bernicia Group regarding Sleekburn House and are hoping to agree where measures can be employed in the building and grounds to mitigate negative impacts of the scheme. Discussions are continuing.

11.15 Malcolm and Kaye Doyle (OBJ 26)

Table 23: Landowner objection from Malcolm and Kaye Doyle

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Permanent Acquisition of land for Newsham Station	184	Sanderson Weatherall have submitted an objection on behalf of Malcolm and Kaye Doyle due to the inclusion of all of their landholding being included in the Order	Further detail regarding the use of this land is provided in Mr Sindall's proof of evidence. The Application included land to the south and east of the proposed Newsham Station, in addition to land only

		<p>Mr and Mrs Doyle believed that the construction of Newsham Station required only the top half of the land, however all of their landholding was shaded pink for permanent acquisition in the TWAO land plans.</p>	<p>required for the station, car park and overbridge, whilst a hydraulic modelling exercise was undertaken to determine how much off-site flood attenuation was required in the vicinity of the proposed Newsham Station.</p> <p>NCC has now concluded the hydraulic modelling exercise and has confirmed in discussions with Mr and Mrs Doyle that no additional land (to that required for the station, car park and overbridge) will be required for flood storage. The excess land will be removed from the Order.</p> <p>In NCC's discussions with the Doyles they have expressed their preference to relocate their residential property to their retained land south of the station, which is not required for the works. NCC has agreed to facilitate this relocation including paying for the landowner's architects and planning fees associated with the relocation, in addition to providing a new serviced access road to the new property.</p> <p>Mr and Mrs Doyle have since proposed a financial settlement whereby they vacate and dispose of the landholding in its entirety. NCC is currently discussing the terms of an agreement with the landowner.</p>
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11.16 ASDA (REP 04)

Table 24: Landowner objection from McLagan Investments Ltd (ASDA)

Proposed Use	Relevant Plot(s)	Objection	NCC Response
Permanent Acquisition of land at Blyth Temporary use of land for access	256, 257, 257a	<p>Concerns regarding the temporary use of the access road and the need to ensure access to the ASDA store.</p> <p>Plot 257a now has a coffee shop on it so should not be acquired or used.</p>	<p>The Applicant is progressing an agreement with McLagan Investments in relation to matters raised in the objection including confirming that plot 257a does not need to be</p>

			acquired for the purposes of the Scheme.
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12. WITNESS DECLARATION

12.1 I hereby declare as follows:

12.2 This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.

12.3 I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.