

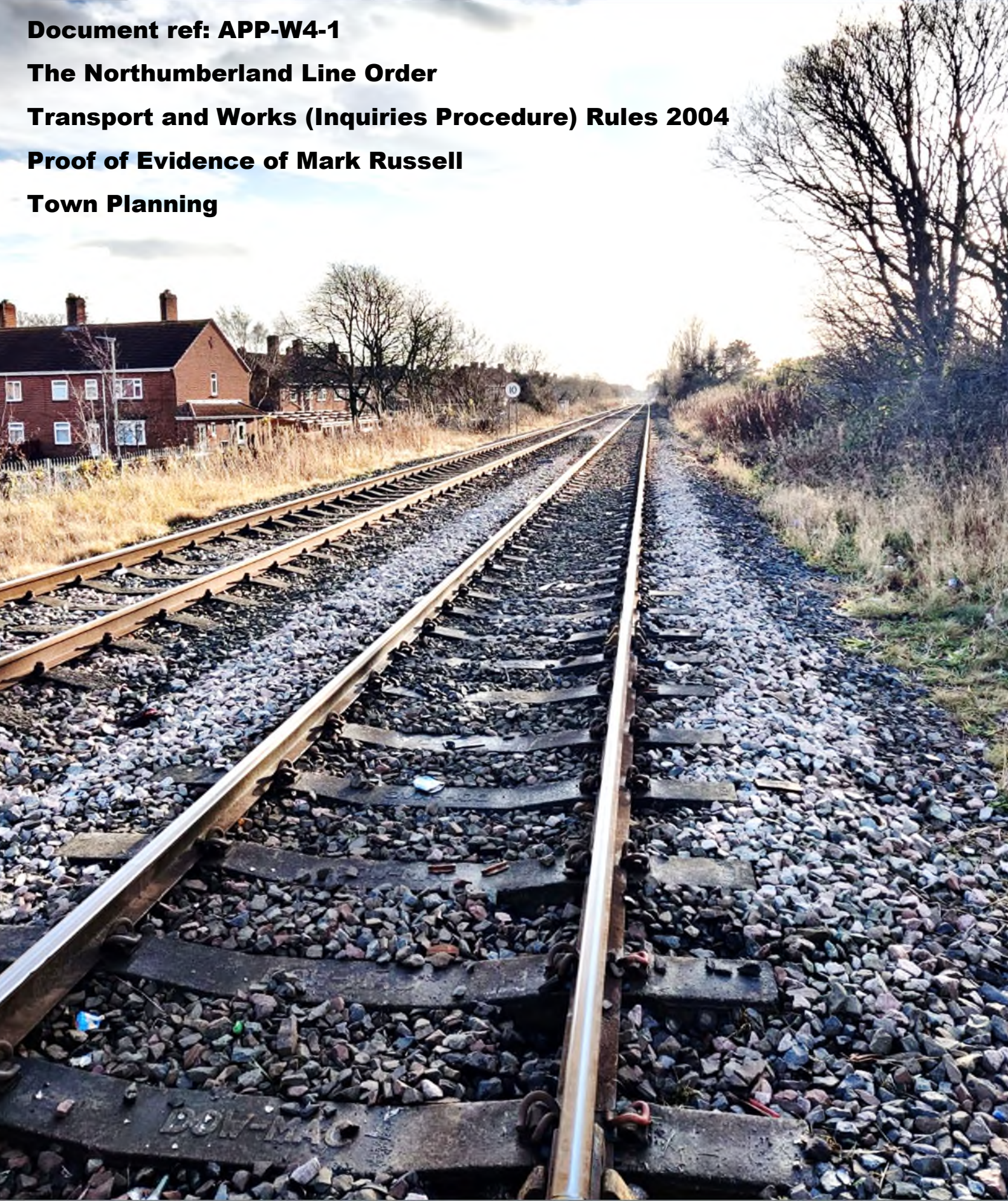
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The Northumberland Line Order

Transport and Works (Inquiries Procedure) Rules 2004

Proof of Evidence of Mark Russell

Town Planning



Northumberland
County Council

NORTHUMBERLAND COUNTY COUNCIL

NORTHUMBERLAND LINE ORDER

MARK RUSSELL

PROOF OF EVIDENCE - TOWN PLANNING

CONTENTS

1.	Introduction	2
2.	Scope of Evidence	2
3.	The Scheme	4
4.	Consenting Strategy for the Scheme.....	5
5.	Policy Context	6
6.	Planning Applications	16
7.	Development Authorised by the Order	31
8.	Request for Deemed Planning Permission and Draft Conditions	37
9.	Environmental Impacts	39
10.	Stopping up of highways/prows under the order	44
11.	Response to objections	45
12.	Witness Declaration.....	48

LIST OF TABLES

Table 1: Matters covered in this proof	3
Table 2: The consenting strategy for the Scheme, and the role of the Order within it.....	6
Table 3: Status of planning applications related to the Scheme	16

LIST OF FIGURES

Figure 1: Ashington Station Layout	18
Figure 2: Bedlington Station Layout	19
Figure 3: Blyth Bebside Station Layout	22
Figure 4: Newsham Station Layout	23
Figure 5: Seaton Delaval Station Layout.....	25
Figure 6: Hospital Level Crossing	26
Figure 7: Plan and Isometric view of new underpass	27
Figure 8: Northumberland Park Station.....	29
Figure 9: Plan showing the parking bay location at Seghill level crossing.....	33
Figure 10: Plan of Seghill level crossing	33
Figure 11: Plan showing the parking bay location at Hartley level crossing	34
Figure 12: Plan of Hartley level crossing.....	34
Figure 13: Plan showing the land over which rights will be acquired at Bebside level crossing.	35
Figure 14: Plan of Bebside level crossing	35
Figure 15: Plan below shows the parking bay location at Green Lane level crossing	36
Figure 16: Plan of Green Lane level crossing	36

1. INTRODUCTION

- 1.1 My name is Mark Russell. I hold a Master of Arts with Honours Degree in Town and Country Planning from Heriot-Watt University, Edinburgh. I have been a chartered member of the Royal Town Planning Institute ("RTPI") since 2000. The evidence which I have prepared and provided in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution, the RTPI. I confirm that the opinions expressed are my true and professional opinions.
- 1.2 I am a Senior Associate Planner for SLC Property ("SLC Property").
- 1.3 I have previously held various positions within both the public and private sector including Lead Officer at Fife Council and Associate Director at RPS Group and more latterly I was Principal Advisor to Homes for Scotland, Edinburgh.
- 1.4 As a Local Government Planner and a Chartered Town Planner in private practice I have experience of advising on a range of planning application types.
- 1.5 I have experience of giving evidence at Examinations in Public and public inquiries on matters relating to development.
- 1.6 I give evidence to this Inquiry on behalf of Northumberland County Council. In July 2021 after the submission of the TWAO application, I took over from my colleague due to his ill-health. Primarily my role is to support the project team in matters relating to town and country planning, including supporting the preparation and progression of the various planning applications that have been submitted to the local planning authorities for various components of the Scheme.

2. SCOPE OF EVIDENCE

Overview

- 2.1 This evidence covers the town planning and environmental aspects associated with the Scheme.
- 2.2 I provide an overview of the key national and local policies which are relevant to the Scheme and how it accords with them. I also provide an overview of the elements of the Scheme which are the subject of planning applications to the local planning authorities. I explain the current status of each application and, for those applications which are not yet determined I describe how these comply with both national and local planning policy. I conclude accordingly that these do not present an impediment to the delivery of the Scheme overall.
- 2.3 I also describe those elements of development which are proposed to be authorised by the Order [APP-01] and set out the case for the deemed planning permission [APP-14] requested alongside the Application. I have considered relevant policies at the national and local levels, both adopted and emerging, in so far as they relate to the Application and the Scheme as a whole.
- 2.4 I address in my evidence the key matters that objectors raise in so far as they relate to planning policy and land use considerations, along with the proposed draft conditions that accompany the request for Deemed Planning Permission [APP-14].
- 2.5 My evidence addresses planning matters including:
- Approach to consents for the Scheme

- Planning policy context
- Relationship between the Order, planning applications and permitted development rights
- Request for deemed planning permission and planning conditions
- Environmental impacts
- Stopping up of highways/public rights of way
- Objections on planning grounds

2.6 My evidence deals with the following matters listed in the Secretary of State's Statement of Matters in so far as they relate to the town planning and environmental aspects of the Scheme:

Table 1: Matters covered in this proof

No.	Matter	Section of evidence
3(b)	Impacts of the scheme and its construction on the local road networks, parking, and communal gardens.	Sections 6 and 9
3(c)	Location of the proposed underpass at Ashington and its impact on any anti-social behaviour.	Sections 6 and 9
5(a)	The impacts of noise and vibration during operation and construction.	Sections 6 and 9
5(b)	The removal of trees and shrubbery and its impact on local wildlife and birds.	Sections 6 and 9
7	The conditions proposed to be attached to the deemed planning permission for the scheme.	Section 8

2.7 My proof covers matters which relate to the Scheme as a whole, as well as aspects which relate only to matters which are proposed to be authorised by the Order. Throughout the proof, where I am referring to the Northumberland Line project as a whole I use the term 'the Scheme'. Whereas I use the term 'the Order Scheme' when referring specifically to those matters which are proposed to be authorised by the Order.

Structure of Evidence

2.8 The remainder of my evidence is laid out as follows:

- Section 3 describes the Scheme
- Section 4 describes the consenting strategy for the Scheme
- Section 5 describes the planning policy context for the Scheme as a whole
- Section 6 describes the planning applications/permissions and permitted development rights
- Section 7 describes the development proposed to be authorised by the Order

- Section 8 describes the request for deemed planning permission and the proposed planning conditions
- Section 9 describes environmental impacts
- Section 10 describes the permanent stopping up of highways/public rights of way proposed to be authorised by the Order
- Section 11 describes and responds to the objections on planning grounds

3. THE SCHEME

- 3.1 The railway between Ashington and Newcastle was used to provide both passenger and freight services until the Beeching cuts in the 1960s. Since then, freight trains have continued to use the line, primarily serving Lynemouth Power Station. The absence of passenger railway services serving South East Northumberland has contributed to congestion on the highway network. For many residents without a car, bus travel is the only viable form of alternative transport. Highway congestion, infrequent and poor public transport and long journey times have contributed to poor local employment opportunities and the economic decline of the area.
- 3.2 The reintroduction of passenger services along the line has been an aspiration of Northumberland County Council (NCC) for many years. As a result of being awarded development funding from the DfT, the council has been working alongside partners since 2018 to design a scheme which protects the line for the essential freight services whilst upgrading the line for passenger services.
- 3.3 The Scheme is a priority of both NCC and North Tyneside Council and is supported by a number of key project partners, including the Department for Transport (DfT), Network Rail, Transport for the North (TfN) and Nexus.
- 3.4 The Scheme will provide six new railway stations, new grade separated crossings (footbridges and underpasses) and a range of other infrastructure and system upgrades to support the introduction of a passenger service to those stations. The six stations will be:
- 3.4.1 Ashington
 - 3.4.2 Bedlington
 - 3.4.3 Newsham
 - 3.4.4 Blyth Bebside
 - 3.4.5 Seaton Delaval
 - 3.4.6 Northumberland Park
- 3.5 Passenger services will run as a shuttle between Ashington and Newcastle Central, adopting the East Coast Main Line (ECML) between Benton North junction and Newcastle Central where no changes are necessary to the infrastructure or systems. Julian Sindall's proof of evidence [APP-W2-1] provides a full description of the Scheme.
- 3.6 Stuart McNaughton's proof [APP W1-1] sets out the aims and objectives of the Northumberland Line, which aims to stimulate and support economic growth, regeneration and community development in Northumberland by providing new and improved transport links for local residents, businesses and visitors.

3.7 In summary, the Scheme seeks to:

- 3.7.1 Encourage inward investment to Southeast Northumberland, notably at key sites in Ashington and Blyth. Improving accessibility will provide an incentive for businesses to relocate and invest in the local area. This will support the delivery of growth in sectors such as renewable energy, offshore oil and gas and engineering.
- 3.7.2 Increase employment and education opportunities for local residents, by improving journey times to such key employment sites at Port of Blyth, Ashington, Cobalt Business Park, Quorum and Newcastle City Centre.
- 3.7.3 Support Northumberland's growing tourism economy by improving access to key sites such as Seaton Delaval Hall and Woodhorn Museum.
- 3.7.4 Support the region's aspirations for population and economic growth. By improving the accessibility by public transport, the railway stations will increase the desirability of the adjacent settlements as a place to live, notably for those of working age.
- 3.7.5 Contribute to the reduction of greenhouse gas emissions by encouraging a sub-modal shift to active travel.
- 3.7.6 Reduce congestion on the local road network by providing an attractive alternative to travelling by private vehicle.
- 3.7.7 Encourage onward active travel. This includes exploring the opportunity for integrated ticketing with the Tyne and Wear Metro system, providing suitable cycle parking and integrating the stations with local footways and Public Rights of Way.

4. **CONSENTING STRATEGY FOR THE SCHEME**

- 4.1 The proposed Northumberland Line Order [APP-01] forms one part of the consenting strategy for the delivery of the Scheme.
- 4.2 The majority of the works required for the Scheme, including construction of the six new stations, will be authorised by separate planning permissions that are being sought from NCC or North Tyneside Council as the local planning authorities.
- 4.3 The Scheme also includes some works which, because of their nature and location within the existing route of the railway, can be constructed using permitted development rights available to Network Rail as a railway undertaker under the Town and Country Planning (General Permitted Development) (England) Order 2015 [APP-21]. This permitted development covers works which are typically undertaken by Network Rail when upgrading or maintaining the railway.
- 4.4 The Order [APP-01] will provide a range of supplementary powers to facilitate delivery of Scheme. In particular, the Order will:
 - 4.4.1 provide powers for the compulsory acquisition of land and rights over land;
 - 4.4.2 provide powers to use of land temporarily for the purposes of constructing the works which have been authorised by planning permissions or under permitted development rights;
 - 4.4.3 authorise the closure of level crossings and associated extinguishments and diversions of public rights of way; and

- 4.4.4 authorise ancillary works including the construction of new footpaths, parking bays, and temporary worksites and haul roads required during construction.

- 4.5 The consenting strategy for the Scheme, and the role of the Order within it, is summarised in the table below:

Table 2: The consenting strategy for the Scheme, and the role of the Order within it

REGIME	WORKS/MATTERS AUTHORISED
The Order	<ul style="list-style-type: none"> Acquisition of land, and rights over land, and to use land temporarily in connection with the works required to construct and operate the Scheme. Diversion and extinguishment of public rights of way (PRoWs), primarily in connection with the closure of level crossings required to facilitate the Scheme. Powers to carry out ancillary works including the construction of new footpaths, parking bays, and temporary worksites and haul roads required during construction. Deemed planning permission under s. 90(2A) of the TCPA 1990 for the works authorised by the Order.
Planning Permission	<ul style="list-style-type: none"> Planning permission under the TCPA 1990 from the relevant local planning authorities in relation to: <ul style="list-style-type: none"> six new railway stations and associated facilities (Ashington, Bedlington, Blyth Bebside, Newsham, Seaton Delaval and Northumberland Park). other railway structures works (Chase Meadows footbridge, Palmersville Dairy underpass and Hospital underpass).
Permitted Development	<ul style="list-style-type: none"> Track improvements for line speed upgrades; installation of new track to reduce the extent of single-track sections between Newcastle and Ashington. Level crossing upgrades and associated signalling and power supply upgrades to facilitate the above track and level crossing changes. Replacement and strengthening of existing structures, and any necessary earthworks. Certain works within the railway corridor to existing underbridges will require prior approvals from the local planning authority, including works to underbridges EJM35, 36 and 42.

5. POLICY CONTEXT

- 5.1 This section sets out the main national and local planning and other policies and guidance documents that are relevant to the Scheme and explains how the Scheme is compliant with these policies. The planning applications for the stations and other

structures will be determined in accordance with the policies which make up the relevant development plan. The policies described in this section are also relevant to the elements of development which are the subject of the request for deemed planning permission [APP-14]

- 5.2 I am familiar with the policy framework in so far as it relates to the Scheme and I have set out below my assessment of how the objectives of the Scheme are consistent or otherwise with the National Planning Policy Framework [APP-28] and local planning policies and other strategic policies.

National Planning Policy

- 5.3 At a national level the National Planning Policy Framework (NPPF) [APP-28] sets out the Government's planning policies and how these are expected to be applied.

- 5.4 **Paragraph 7** of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

- 5.5 **Paragraph 8** of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

5.5.1 an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

5.5.2 a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

5.5.3 an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.6 **Paragraph 10** states that a presumption in favour of sustainable development is at the heart of the NPPF and the implications of this for decision making are set out in paragraph 11.

- 5.7 **Paragraph 104** states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

5.7.1 the potential impacts of development on transport networks can be addressed;

5.7.2 opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

- 5.7.3 opportunities to promote walking, cycling and public transport use are identified and pursued;
 - 5.7.4 the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - 5.7.5 patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 5.8 **Paragraph 126** states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Compliance with the NPPF

- 5.9 The Scheme as a whole will deliver economic, social and environmental benefits which will support the planning system in fulfilling its fundamental purpose to contribute to the achievement of sustainable development thereby complying with paragraph 7 of the NPPF. I consider there are significant economic benefits relating to the Scheme. This is further expanded upon on in Stuart McNaughton's proof of evidence [APP-W1-1]. Having regard to this, I therefore consider there is strong case for the Order, given its key role in support the delivery the Scheme.
- 5.10 Through paragraphs 7 and 8 in particular, the NPPF [APP-28], sets out what sustainable development means in practice for the planning system in England and provides the basis for planning decisions. The Framework states that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The Scheme achieves the principles of sustainable development by:
- 5.10.1 promoting an environmentally friendly form of transport that is aimed at minimising the use of the private car, reducing congestion and maximising usage of non-car modes;
 - 5.10.2 promoting social inclusion through the provision of safe, affordable and highly accessible public transport facilities; and
 - 5.10.3 supporting the local economy through construction-related employment and providing improved access and connectivity throughout the northeast conurbation.
- 5.11 I consider the Scheme will facilitate increased access for residents and local people to employment and training opportunities throughout the Northeast. The provision of passenger rail services at this location, including specialist provision for mobility impaired and disabled users, may also encourage employers to locate in this part of Northumberland, given its improved accessibility and connectivity to the wider Northeast conurbation.
- 5.12 The Scheme will provide a convenient multimodal transport interchange which integrates the train services and railway station with buses, cycling, walking, private cars and taxis. Additionally, it is my opinion that the Scheme will facilitate movement within the wider Northeast conurbation, improving access to employment opportunities for local people.

- 5.13 I consider that the significant investment, which the Scheme represents, into new and upgraded transport infrastructure will attract private sector investment into the North East generally, enhance economic vitality and encourage further economic growth in Northumberland.
- 5.14 I consider the Scheme will deliver significant social benefits which are consistent with the objective of sustainable development set out paragraph 7 of the NPPF. The Scheme will improve journey times for residents, local people and those wishing to travel from the proposed stations to destinations further afield including Newcastle City Centre. It will also increase the ability of residents and local people to gain access to employment and training opportunities further afield within the Northeast conurbation.
- 5.15 The establishment of six stations will support a consequential modal shift which will assist in turn improving air quality in those areas. Moreover, I am satisfied that the Scheme will reduce dependence on the private car for residents and local people, and in so doing it will reduce carbon emissions.

National Policy Statement for National Networks (December 2014)

- 5.16 The National Networks National Policy Statement (NNNPS) is also relevant to the Scheme. Whilst the purpose of the NNNPS [APP-27] is primarily to form the policy basis for decisions on road and rail Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008, paragraph 1.4 makes clear that it may be a 'material consideration' in decision-making on planning applications. It therefore has material weight and is relevant to the Scheme.
- 5.17 Of particular note is the Government's overarching policy on rail networks. Section 2 of the NNNPS sets out the Government's strategic objectives for national networks in England, namely: "The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:
- 5.17.1 Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.
 - 5.17.2 Networks which support and improve journey quality, reliability and safety.
 - 5.17.3 Networks which support the delivery of environmental goals and the move to a low carbon economy.
- 5.18 The NNNPS also, in section 2, makes clear the policy support for national networks to support local economic growth and regeneration, particularly in the most disadvantaged areas, to help rebalance the economy. Paragraphs 2.28 to 2.41 of the NNNPS set out the need for development of the national rail network, focussing on, amongst other things, economic and environmental development.
- 5.19 The NNNPS sets out the need for and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of nationally significant infrastructure projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the Secretary of State.
- 5.20 It is recognised at paragraph 2.28 of the NNNPS that railways are a vital part of the country's transport infrastructure. In the context of the Government's vision for the transport system as a driver of economic growth and social development, the railway must:
- 5.20.1 offer a safe and reliable route to work;
 - 5.20.2 facilitate increases in both business and leisure travel;

- 5.20.3 support regional and local public transport to connect communities with public services, with workplaces and with each other, and
- 5.20.4 provide for the transport of freight across the country, and to and from ports, in order to help meet environmental goals and improve quality of life.
- 5.21 Paragraph 2.37 of the NNNPS states that the Government's policy in the short to medium term is to improve the capacity, capability, reliability and resilience of the rail network at key locations for both passenger and freight movements to reflect growth in demand, reduce crowding, improve journey times, maintain or improve operational performance and facilitate modal shift from road to rail. Paragraph 2.38 goes on to confirm that the rail network is predominantly a mixed traffic network and the provision of capacity for both freight and passenger services is core to the network.
- 5.22 Paragraph 2.38 states that the maintenance of a competitive and sustainable economy against a background of continued economic globalisation will mean there is a need to support measures that deliver step change improvements in capacity and connectivity between key centres, by speeding up journey times and encouraging further modal shift to rail.
- 5.23 In terms of the environment, the NNNPS states at paragraph 2.40 that modal shift from road and aviation to rail can help reduce transport's carbon emissions, as well as providing wider transport and economic benefits. For these reasons, the Government seeks to accommodate an increase in rail travel and rail freight where it is practical and affordable by providing for extra capacity.
- 5.24 Given the benefits the Scheme is expected to realise, it clearly accords with the strategic national policies set out in the NNNPS.

Northumberland Development Plan

- 5.25 Northumberland County Council was established as a unitary authority on 1st April 2009 following Local Government Reorganisation. It replaced the former County Council and six District/ Borough Councils of Alnwick, Berwick, Blyth Valley, Castle Morpeth, Tynedale and Wansbeck.
- 5.26 The former Northumberland local planning authorities had produced their own Development Plans to guide development within their administrative boundaries, which include:
 - 5.26.1 The saved Policy S5 of the Northumberland County and National Park Joint Structure Plan Alteration (February 2005);
 - 5.26.2 The Core Strategies of the former Local Authorities of Alnwick (2007), Blyth Valley (2007), and Tynedale (2007) and the Blyth Valley Development Control Policies DPD (2007); and
 - 5.26.3 The saved Local Plan policies (under the Secretary of State's Direction) of the (Wansbeck District Local Plan (2007).
- 5.27 Policies contained within those documents that have been 'saved' under the Planning and Compulsory Purchase Act 2004 will remain in force and will continue to provide the basis for planning decisions until replaced by subsequent Development Plan Documents.
- 5.28 These documents, together with any made Neighbourhood Plans, have been brought together to form the 'Northumberland Consolidated Planning Policy Framework' [APP-29].

- 5.29 The NPPF is a material planning consideration here. The closer the policies in the Development Plan to the policies in the NPPF, the greater the weight that can be given to the development plan policies.

Northumberland Local Plan Draft 2019

- 5.30 Northumberland County Council is focusing on the preparation of a Local Plan for Northumberland. The Northumberland Local Plan (including its Infrastructure Delivery Plan [APP-33]) was submitted to the Secretary of State on 29th May 2019 and is currently undergoing independent examination. The appointed Inspectors concluded that while the draft plan as submitted was not sound, it is likely that it can be made sound by modifications.
- 5.31 A public consultation on the proposed main modifications to the Local Plan took place over a period of 8 weeks between Wednesday 9 June 2021 and Wednesday 4 August 2021. The comments received in responses to the public consultation on the proposed main modifications to the Local Plan have now been passed to the Inspectors, along with the comments that were received on a number of supporting documents and additional evidence documents.
- 5.32 The Northumberland Local Plan will:
- 5.32.1 set the strategic planning policies of the Council;
 - 5.32.2 provide the planning principles, including detailed development management policies to guide future development and planning decisions in Northumberland to 2036;
 - 5.32.3 set the general scale and distribution of new development which is required to meet Northumberland's needs to 2036;
 - 5.32.4 include strategic allocations as well as detailed land allocations and designations; and
 - 5.32.5 include site specific proposals for the development, protection and conservation of land.
- 5.33 Once adopted, the Northumberland Local Plan will supersede those existing development plan documents which collectively comprise the 'Northumberland Consolidated Planning Policy Framework'. It is therefore considered that relevant policies can be given moderate weight presently and can be given increasing weight as the Plan moves towards adoption.
- 5.34 The Strategic Objectives of the Northumberland Local Plan have been developed to deliver key objectives such as economy and jobs, homes, environment, connections, community and health and well-being and climate change. the overriding and overarching aim is to deliver sustainable economic growth whilst conserving and enhancing Northumberland's distinctive and valued natural, historic and built environment. The strategic objectives as set out above are interlinked and not shown in particular order.
- 5.35 I consider having regard to the overall strategic objectives of the local plan that the Scheme as a whole aligns with these objectives and will help NCC achieve these.
- 5.36 I consider that the draft Northumberland Local Plan [APP-30], including the proposed modifications, express strong support for the Scheme as a key priority. There are a number of policies applicable to the Scheme as a whole. I have considered the most important of these below.

- 5.37 Policy TRA 5 is key here. In summary, this Policy states that development which would prevent the reintroduction of passenger rail services on the Northumberland Line along with associated stations, facilities and access to them from adjacent highways, and continued rail freight use of the Northumberland Line, its associated branch lines (including the branch line from Bedlington to Morpeth via Choppington, the Butterwell line north of Ashington and the line from Woodhorn to Newbiggin-by-the-Sea) and supporting infrastructure will not be supported.
- 5.38 In considering this policy against the Scheme as a whole I cannot find any conflict with it. The sites that are identified within this Policy have and will be the subject of planning applications as set out in section 6 of my proof. Additionally, the Scheme will improve public safety at level crossings, which is compliant with the second part of the policy which states that measures to improve public safety at level crossings will be supported through planning permission to the satisfaction of the Local Planning Authority.
- 5.39 Policy STP2 is relevant. This states in summary that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work pro-actively with applicants to seek to find solutions that mean proposals that improve the economic, social and environmental conditions in the area can be approved wherever possible.
- 5.40 The Scheme as a whole represents a sustainable development and therefore I consider that it is compliant with the policy. The Scheme will promote the use of rail services as an alternative to the private car and will assist in alleviating congestion on the local highway network and improving local air quality.
- 5.41 The Scheme will deliver economic, social and environmental benefits and thereby support the planning system in fulfilling its purpose: to contribute to the achievement of sustainable development. The economic benefits of the scheme include:
- 5.41.1 The Scheme will facilitate increased access for residents and local people to employment and training opportunities throughout Northumberland, North Tyneside and Newcastle City Centre.
 - 5.41.2 The Scheme will provide a convenient multimodal transport interchange which integrates the train services and railway station with buses, cycling, walking, private cars and taxis through the implementation of the planning permissions for the stations and other associated works.
 - 5.41.3 The Scheme will help to alleviate congestion on the local highway networks, presenting a potential cost saving in journey times for staff and visitors to local businesses and those travelling further afield, supporting economic growth in Northumberland and the North East more widely.
- 5.42 The social benefits of the Scheme include:
- 5.42.1 The Scheme will improve journey times for residents, local people and those wishing to travel from the new stations to destinations further afield.
 - 5.42.2 The Scheme will increase the ability of residents and local people to gain access to employment and training opportunities;
 - 5.42.3 The Scheme will contribute to building strong, vibrant and healthy communities by encouraging social inclusion, improving the accessibility of local services and the use of sustainable travel modes.
- 5.43 The environmental benefits of the Scheme include:

- 5.43.1 The Scheme, particularly the proposed stations, will make it simpler and more convenient to use and access public transport.
- 5.43.2 The Scheme will help decrease dependence on the private car for residents and local people, in so doing it will reduce carbon emissions.
- 5.44 In conclusion, the Scheme is wholly in compliance with Policy STP2.
- 5.45 Policy STP3 states that In applying the presumption in favour of sustainable development in Northumberland and to deliver against economic, social and environmental objectives, development proposals will be expected to deliver across the range of the economic, social and environmental factors, and adhere to the following principles where appropriate; contribute to building a strong, responsive and competitive economy across Northumberland, minimise their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; support and provide opportunities to improve health, social and cultural wellbeing for all, demonstrate high quality sustainable design which is accessible to all, and which respects and enhances the local distinctiveness of the natural, historic and built environment and be accessible by, or be able to be made accessible by public transport.
- 5.46 The Scheme will assist in reducing reliance on the private car, encouraging use of more sustainable modes of travel including walking and cycling and has been designed based on a sound understanding of the sites, adjacent land uses and the requirements of key stakeholders including Network Rail, the local planning authority and the local highway authority.
- 5.47 The Scheme incorporates appropriate and proportionate improvements to the local highway, including improved pedestrian crossing arrangements, to ensure that the opportunities to encourage pedestrian and cyclist access to and from the station have been taken. I consider that the Scheme represents a sustainable development and is therefore in compliance with this Policy.
- 5.48 Policy STP4 states that development proposals should mitigate climate change and contribute to meeting nationally-binding targets to reduce greenhouse gas emissions. Support will be given to development proposals that help mitigate climate change and consideration will be given to how proposals, through their location, layout and pattern of development, reduce the need to travel for both people and goods, and encourage sustainable modes of transport, including walking, cycling and the use of public transport.
- 5.49 The Scheme will be able to assist in encouraging the use of more sustainable modes of travel, reducing reliance on the private car and will likely be able to help with reducing carbon and greenhouse gas emissions; improving local air quality together with assisting the council in meeting its climate change objectives.
- 5.50 The Scheme as a whole and in particular the new stations are located in accessible and sustainable locations, adjacent to existing housing and other development and will incorporate measures to encourage walking and cycling, as well as rail services. I consider the Scheme is consistent with Policy STP4.

North Tyneside Local Plan

- 5.51 The North Tyneside Local Plan [APP-31] was adopted on 20th July 2017 and sets out the Council's policies and proposals to guide planning decisions and establishes the framework for the sustainable growth and development of North Tyneside up to 2032.
- 5.52 The North Tyneside Local Plan is adopted and up-to-date, and is in conformity with the National Planning Policy Framework. The policies contained within the Local Plan can therefore be given full weight here.

- 5.53 The Local Plan covers matters including the number of new homes that are needed and where they should be located; the amount and proposed location of new employment land; protection and improvement of important open areas and provision of new ones; provision of new infrastructure and improvement of town centres and community facilities in the Borough.
- 5.54 In this section I have had regard to those policies that are strategic in nature and give support to the Scheme as a whole.
- 5.55 Policy S1.1: Spatial Strategy for Sustainable Development states that in order to ensure North Tyneside's requirements for homes and jobs can be met with adequate provision of infrastructure, and in a manner that enables improvements to quality of life, reduces the need to travel and responds to the challenges of climate change, the Spatial Strategy identifies that urban areas will be the focus for the new employment, housing and retail development.
- 5.56 The Scheme is a strategic priority of both national and local government and could therefore reasonably be considered to constitute 'essential infrastructure'.
- 5.57 The stations and the other works required that form part of the Scheme are located in accessible locations, adjacent existing housing and other development and are therefore considered to be sustainable locations. The Scheme has been designed to integrate with existing and adjacent public transport infrastructure. I consider the Scheme complies with Policy S1.1.
- 5.58 Policy S2.1 supports proposals which will make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside.
- 5.59 The Scheme as a whole will provide a more sustainable modes of travel, reducing reliance on the private car. Such a modal shift is likely to assist in reducing congestion on the local highway network, resulting in improved journey times and time cost savings for local businesses. I cannot find any conflict with Policy S2.1 of the North Tyneside Local Plan.
- 5.60 Policy S7.3 aims to deliver a modal shift to more sustainable modes of transport, including emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond.
- 5.61 The policy identifies the Ashington, Blyth and Tyne Railway as a potential for future investment, and as such a station site at Northumberland Park is safeguarded.
- 5.62 The Scheme where applicable includes the provision of measures to encourage walking and cycling to and from the station and immediate interchange opportunities with the Metro. The Scheme would promote greater use of sustainable transport modes, encouraging rail travel for car users for either all or part of their journey to destinations including Northumberland, North Tyneside and Newcastle City Centre; helping to reduce the growth and reliance on car borne journeys.
- 5.63 I consider that the Scheme is in compliance with Policy S7.3.
- 5.64 Policy DM1.3 reiterates the position of the NPPF that there will be a presumption in favour of planning applications that support the delivery of sustainable development.
- 5.65 The Scheme is a sustainable transport project which will deliver a range of economic, social and environmental benefits; supporting the fundamental objectives of the planning system as set out in the National Planning Policy Framework. The Scheme can therefore be considered to represent a sustainable development and wholly compliant with this Policy.

NECA Transport Manifesto

- 5.66 The '20-year Transport Manifesto' (produced by the North East Combined Authority') (Appendix P of this proof) has a vision to provide 'provide affordable, attractive, reliable, safe, healthy transport choices for businesses, residents and visitors whilst enhancing the environment' The strategy identifies local rail and metro as a way to drive economic growth.
- 5.67 Although the Scheme is not specifically identified, the strategy identifies the upgrading of freight-only sections to passenger use as an objective.

Northumberland Local Transport Plan LTP3 2011

- 5.68 The Northumberland Local Transport Plan 2011 – 2026 [APP-32] was adopted on 4th April 2011 as an interim strategy which will be refreshed following the council's adoption of the Northumberland Sustainable Community Strategy and the Northumberland Local Plan.

- 5.69 The LTP3 identifies at paragraph 3.68 that:

Of particular issue to South East Northumberland is the time it takes to travel into the neighbouring authorities of Tyne & Wear, a key source of employment for residents of Northumberland, and the cost associated with these journeys. For example, public transport journey times from Blyth and Ashington to Newcastle City Centre can take in excess of 40 minutes with a weekly bus pass costing between £15 and £20."

- 5.70 To address such issues, the Northumberland LTP3 recognises that rail travel will have an increasingly important role in tackling congestion and supporting Northumberland's sustainable economic growth and prosperity.

- 5.71 Paragraph 6.29 of the LTP3 states that:

"The County Council is committed to addressing rail issues in Northumberland through improved partnership working with a wide range of stakeholders. These include rail passengers and representative organisations, the Department for Transport, local authorities and regional partners, Network Rail, rail operators and regulatory bodies."

- 5.72 Paragraph 6.33 also notes that the lack of available car parking at stations severely restricts passenger growth and demand for rail travel.

- 5.73 Paragraph 6.36 states that re-opening of the Ashington, Blyth and Tyne line to passenger services is one of the principal elements of the new rail strategy to be implemented in partnership with Network Rail and local rail operators over the period of the third LTP.

- 5.74 The Scheme will directly support the aims of the LTP3, to improve and encourage use of rails services in order to assist in reducing the economic, social and environmental impacts resulting from the highway congestion and journey time delays across South East Northumberland.

Transport for the North Strategic Transport Plan

- 5.75 Transport for the North published a Strategic Transport Plan in 2019 [APP-37] which outlines the ambitions for the growth of the Northern Powerhouse until 2050. The plan identifies the importance of encouraging a modal shift towards rail in meeting transport objectives for the region. This includes contributing to meeting commitments to reduce greenhouse gas emissions and driving towards the inclusive growth agenda.

- 5.76 The Plan considers that 'To realise the benefits of agglomeration and economic mass, the North requires faster, more efficient, reliable and sustainable journeys on the road and rail networks.'

- 5.77 The aims and objectives of Transport for the North align with the principles of the Scheme. The Scheme seeks to improve connectivity in South East Northumberland, which contributes to the aim that: ‘improvements should ensure that all areas of opportunity are connected, and that communities are not disconnected and further isolated.

Northumberland Economic Strategy

- 5.78 The Northumberland Economic Strategy (2018) 2019 - 2024 [APP-35] was formally approved by the Council’s cabinet in December 2018. The Council’s ambition as set out in the strategy is to deliver inclusive, industrial growth to support a more productive, prosperous economy.
- 5.79 Priority 5 of the Economic Strategy states that one of the key deliverables to better connect the county is to: “Invest in high quality passenger transport including the reopening of the Northumberland to Newcastle rail line to passengers.”
- 5.80 The Scheme will directly support the delivery of Priority 5.

Nexus Metro and local rail strategy

- 5.81 The Nexus Metro and Local Rail Strategy (Appendix O of this proof), produced in conjunction with the North East Combined Authority, sets out the proposals for the improved integration between local rail and Metro services, and the potential to exploit under-used and disused railway assets and alignments across the North East region.
- 5.82 The Metro and Local Rail Strategy identifies that the restoration of passenger rail services to the Blyth, Bedlington and Ashington areas is a strategic priority for the NECA because of the significant regenerative benefits of the scheme.

Conclusions

- 5.83 I am satisfied that the objectives of the Scheme are consistent with National Planning Policy Framework [APP-28]. I am also satisfied that the objectives of the Scheme are consistent with and strongly align with the National Policy Statement for National Networks [APP-27] (December 2014), and the other strategic policies I have identified above. Accordingly, these policies support the case for the Order, given its purpose to facilitate the delivery of the Scheme.

6. PLANNING APPLICATIONS

- 6.1 The construction of the six new stations, Hospital underpass, Palmersville Dairy underpass and Chase Meadows footbridge will be (or have been) authorised by separate planning permissions which are being sought from NCC or North Tyneside Council as the local planning authorities. The current status of the planning applications is summarised in the table below.
- 6.2 It should be noted that at the time of the Application, it was envisaged two planning applications would be submitted at Newsham (one dealing with the station and ancillary works, one dealing with flood compensation works). However, subsequently it has been decided to combine these into one planning application. In addition, a planning application not previously identified has been submitted for a car park associated with Bedlington station.

Table 3: Status of planning applications related to the Scheme

Application	Details	Status
Northumberland Park Station	The application was submitted to NTC on 29 January 2021, and validated on 3 March 2021. The application	Permission granted by delegated

Application	Details	Status
(PA: 21/00299/FUL)	was approved by delegated decision on the 14 th September 2021.	decision 14 th September
Seaton Delaval Station (PA: 21/02253/CCD)	The application was submitted to NCC on 28 May 2021, and validated on 7 June 2021. The statutory consultation period expired on 28 June 2021 and the application is expected to be determined at strategic planning committee on 2 nd November 2021.	Awaiting determination.
Newsham Station (PA: 21/0370/CCD)	Submission of the application to NCC was delayed to resolve objections raised by residents and to determine the extent of area required for flood compensation storage. The application was submitted on 17 th September and was validated by NCC on the 24 th September 2021.	Awaiting determination.
Bebside Station (PA: 21/00878/CCD)	The application was validated by NCC on 5 March 2021 and has been the subject of statutory consultation. Ten objections and 2 comments of support were made in respect of the application. Revisions to the proposed highway layout have been requested NCC Highways and consequently an extension of time has been agreed to 7 th December to manage and re-consult on these changes.	Awaiting determination.
Bedlington Station (PA: 21/01106/CCD)	The application was validated by NCC on 18 March 2021 and has been the subject of statutory consultation. Thirty-six objections were made in respect of the application. As a result of the objections, the proposed car park on a site of designated protected open space was removed from the application. A separate application (see below) was submitted to provide for the anticipated car parking demand associated with the scheme. The revised application has been received positively by Blyth Parish Council and it is understood the revisions address the majority of objections previously received. The application is expected to be determined on 2 nd November at strategic planning committee.	Awaiting determination.
Bedlington Liddle's Street Car Park (PA: 21/03060/CCD)	The application was validated on 10 th August 2021. No public objections have been received. There is an outstanding objection from the Coal Authority which is expected to be resolved shortly. The application is expected to be determined on 2 nd November at strategic planning committee.	Awaiting determination.
Ashington Station (PA: 21/00387/CCD)	The application was validated by NCC on 24 February 2021. The application was unanimously approved at the Strategic Planning Committee - Tuesday, 7th September, 2021.	Permission granted by strategic planning committee 7 September 2021
Chase Meadows Footbridge (PA: 21/00388/CCD)	The application was approved by NCC subject to conditions on 9 June 2021.	Permission granted by strategic planning committee 9 June 2021.

Application	Details	Status
Palmersville Dairy underpass	The planning application was submitted on the 8 October and awaits validation by the Council.	Awaiting determination.
Hospital Crossing underpass (PA: 21/03780/CCD)	The planning application was submitted in September 2021 and was validated on the 24 th September 2021.	Awaiting determination.

Planning Applications – Northumberland County Council

6.3 I set out below a description of each of the planning applications. For applications which have yet to be determined, this includes a commentary on policy compliance.

Ashington Station

6.4 The planning application reference 21/00387/CCD, was approved at the Strategic Planning Committee - Tuesday, 7th September, 2021. The Planning Committee decision notice (Appendix I) and Planning Committee report (Appendix H) are provided as appendices to this proof of evidence.

Description of proposed works

6.5 Construction of a new single platform railway station including pedestrian lift, new highway access; modifications to existing highways including pedestrian footways; provision of parking for cars, electric vehicles, motorcycles, cycles, and taxis and other associated works including new crossings for pedestrians and cyclists. Construction of facilities ancillary to the station including, lighting, soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.

Figure 1: Ashington Station Layout



- 6.7 **Progress of application** – the application was validated by NCC on 18 March 2021 and has been the subject of statutory consultation. Thirty-six objections were made in respect of the application. As a result of the objections, the proposed car park on a site of designated protected open space was removed from the application. A separate application (see below) was submitted to provide for the anticipated car parking demand associated with the scheme.
- 6.8 The revised application has been received positively by Blyth Parish Council and it is understood the revisions address the majority of objections previously received. The application is expected to be determined on 2nd November at strategic planning committee.
- 6.9 **Planning Policy Compliance** – A full consideration of how the planning application accords with the development plan is included in the Planning Statement that formed part of the application submission (Appendix F to this proof) and I agree with its conclusions.
- 6.10 In summary, the proposed development will support the Scheme which provides a viable alternative to the private car, encouraging use of a more sustainable mode of travel and assisting in delivering air quality and other improvements. The Scheme is specifically supported by the policies within the Northumberland Development Plan in particular policy GP1, T1 (Wansbeck District Local Plan) Policy STP1, STP8 TRA5 (Northumberland Local Plan Regulation 19 Draft).
- 6.11 Having regard to other relevant development plan policies, the proposals will:
- 6.11.1 provide a high-quality, sustainable station that is well integrated within its surroundings, is sensitive to any heritage assets in the vicinity and which takes opportunities to encourage walking and cycling both to and from the station;
 - 6.11.2 provide appropriate access to all users;
 - 6.11.3 provide health and wellbeing improvements, including by facilitating improved access to leisure facilities;
 - 6.11.4 ensure safe and convenient access to the station is provided for all users – pedestrians, cyclists and motorists;
 - 6.11.5 have full regard to various environmental constraints (including flood risk and ground conditions) and include appropriate measures to mitigate any adverse impacts; and
 - 6.11.6 provide a catalyst for inward investment in the area.
- 6.12 I am aware of the objection from Sleekburn House, which is adjacent to the site and I understand that discussions between Bernicia and the Applicant are ongoing. It is proposed that appropriate mitigation during the construction and operational phases of the development will be secured through the provision of suitably worded conditions in respect of noise mitigation, landscaping and the requirement for a Construction Environmental Management Plan (CEMP).
- 6.13 I conclude that the planning application is in accordance with the development plan and am not aware of any material considerations which would suggest planning permission should not be granted.

Bedlington Liddle's Street Application

Description of Proposed Works

- 6.14 By way of background, Ravensworth Street car parking proposals were included within the Bedlington Station planning application to provide for parking associated with the proposed railway station at Bedlington. This element of the proposal was formally withdrawn in July 2021. In parallel to this withdrawal a separate planning application for the construction of parking for cars, electric vehicles, and other associated works, modifications to existing highways including pedestrian footways and new highways access' on site adjacent to Liddle's Street, Bedlington Station to serve Bedlington railway station as set out above.

Planning Policy Compliance

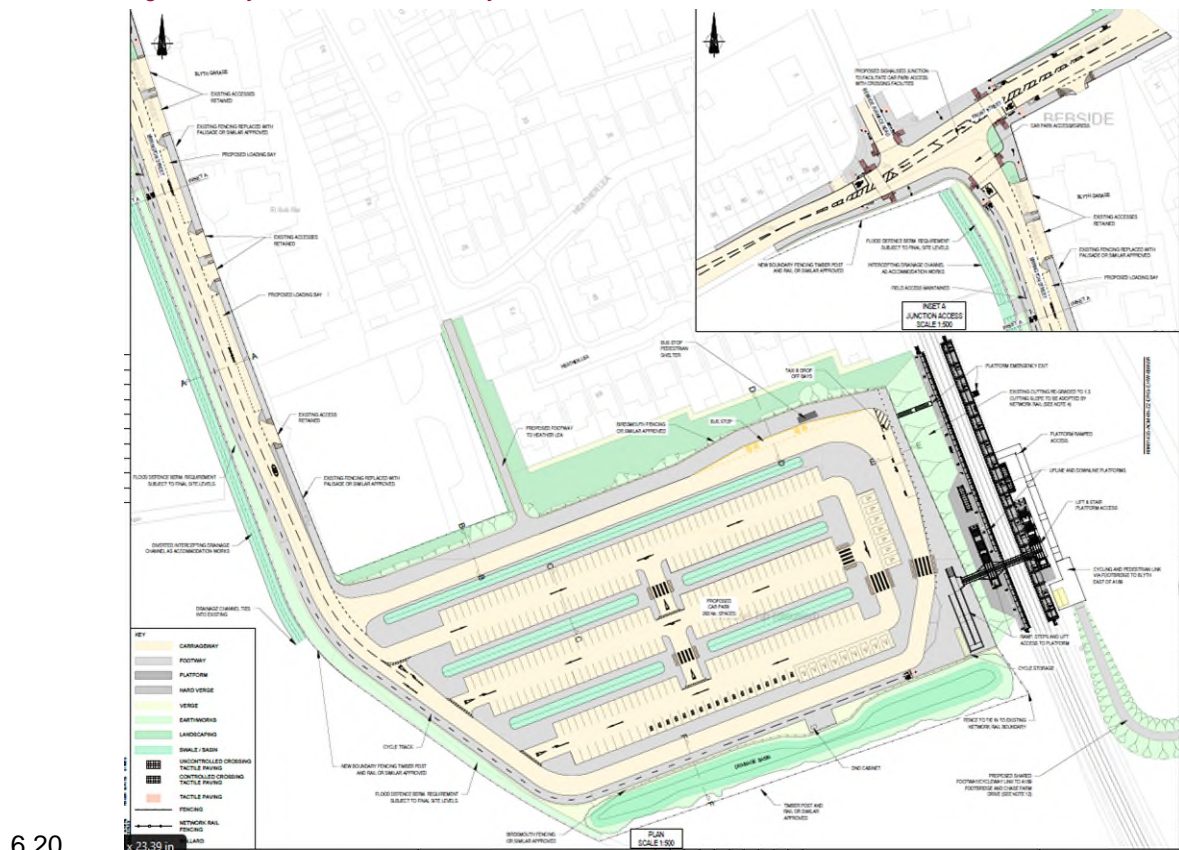
- 6.15 A full consideration of how the planning application accords with the development plan is included in the Planning Statement that formed part of the application submission (Appendix G to this proof) and I agree with its conclusions.
- 6.16 There are no site-specific policy constraints and land use designations that pertain to the site of the proposed development in either the adopted Wansbeck District Local Plan or the Emerging Northumberland Local Plan.
- 6.17 The Planning Statement submitted in support of Bedlington Station planning application provides a detailed planning policy assessment. As a result of the removal of the car park on Ravensworth Street, the policies relating to open space contained within the Adopted Wansbeck Local Plan (Policy REC1) and Emerging Northumberland Local Plan (INF5) are no longer engaged.
- 6.18 I conclude that the planning application is in accordance with the development plan and am not aware of any material considerations which would suggest planning permission should not be granted.

Blyth Bebside Station

Description of proposed works

- 6.19 Construction of a two platform railway station including: pedestrian lifts, stepped and ramped pedestrian access, upgrade of existing highway junction to provide signalised access to station; modifications to highways including pedestrian footways; provision of parking for buses, cars, electric vehicles, motorcycles, cycles, and taxis; works to public rights of way; construction of a pedestrian and cycle bridge, facilities ancillary to the station including, lighting, soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.

Figure 3: Blyth Bebside Station Layout



6.20

6.21 The planning application was submitted in March 2021. It is anticipated that it will be determined on 2nd November 2021.

6.22 A full consideration of how the planning application accords with the development plan is included in the Planning Statement that formed part of the application submission (Appendix E of this proof) and I agree with its conclusions.

6.23 The same considerations that I have set out above in relation to Bedlington station also apply to the proposals for Blyth Bebside station. It is my opinion that for the reasons given above the proposed railway station and overall Scheme accords with the development plan.

6.24 The proposed Station and the wider Scheme that it supports will deliver economic, social and environmental benefits, including the potential for the development to act as a catalyst for further investment and wider regeneration within Blyth Bebside and the South East Northumberland more widely.

6.25 I therefore conclude that the planning application is in accordance with the development plan and am not aware of any material considerations which suggest that planning permission should not be granted.

Chase Meadows footbridge

6.26 The Chase Meadows footbridge planning application was approved on the 8 June 2021 by the Strategic Planning Committee. The Planning Committee decision notice (Appendix K) and Committee Report (Appendix J) are appendices to this proof.

Newsham Station

Description of proposed works

- 6.27 Construction of a two-platform railway station including: pedestrian lifts, stepped pedestrian access, new highway accesses; construction of overbridge with shared footway and cycleway. Modifications to existing highways including new roundabouts and realignment of local roads and construction of new access roads from the highway; provision of parking for buses, cars, electric vehicles, motorcycles, cycles, and taxis; works to public rights of way. Construction of facilities ancillary to the station including, lighting, soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works (including flood compensation and mitigation works).

Figure 4: Newsham Station Layout





- 6.28 The planning application was submitted on 17th September and validated on the 24th September. The statutory consultation expiry date is the 19th October
- 6.29 A full consideration of how the planning application accords with the development plan is included in the Planning Statement that formed part of the application submission (Appendix D of this proof) and I agree with its conclusions.
- 6.30 As I have set out above in relation to Bedlington and Blyth, the same considerations apply to the Newsham station. It is my opinion that for the reasons given above the proposed railway station accords with the development plan.
- 6.31 It is acknowledged that the site is within the green belt shown within both the emerging and adopted local plans. I consider that the various exceptions to the protections afforded to green belt land in planning policy apply here. Paragraph 150 of the NPPF acknowledges that certain other forms of development are not inappropriate in the green belt, which includes local transport infrastructure which can demonstrate a requirement for a green belt location such as this.
- 6.32 Moreover, even if the development is regarded as “inappropriate development” in the green belt, the strategic case for the scheme amounts to “very special circumstances” which would justify the grant of permission. I am mindful of paragraph 148 of the NPPF which states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. ‘Very special circumstances’ will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. I consider that the harm would be clearly outweighed in this case.
- 6.33 Mr Sindall’s Proof of Evidence (APP-W2-1) describes how the site location was selected (including the alternative sites that were considered), having regard to the green belt.
- 6.34 I have considered the fact that Newsham Station is within the green belt but I cannot find conflict with those policies as set out above. The economic, social and environmental benefits that will be delivered as a result of the proposed development, including the potential for the development to act as a catalyst for further investment and wider regeneration within Newsham and the South East Northumberland more widely. In my opinion this means the proposal is compliant with those policies of the emerging and local plans and the NPPF.

6.35 I therefore conclude that the planning application is in accordance with the development plan and I do not consider there are any material considerations to indicate that planning permission should not be granted.

Seaton Delaval Station

Description of works

6.36 Construction of a new single platform railway station including new highway access and signalised junction; modifications to existing highways including pedestrian footways, provision of parking for cars, electric vehicles, motorcycles, cycles, and taxis; works to public rights of way. Construction of: facilities ancillary to the station including, lighting, soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.

Figure 5: Seaton Delaval Station Layout



6.37 The planning application was submitted in May 2021. It is anticipated that the application will be determined on 2nd November 2021.

6.38 A full consideration of how the planning application accords with the development plan is included in the Planning Statement that formed part of the application submission (Appendix C of this proof) and I agree with its conclusions.

6.39 As I have set out above in relation to Bedlington, Blyth Bebside and Newsham, the same considerations apply to Seaton Delaval. I am aware that a small section of the site is located within the green belt in both the emerging and adopted local plan. I still consider though that the provision of local transport infrastructure and the significant public benefits that will arise from the development, ensure that any limited harm is significantly and justifiably outweighed in this instance, applying the tests considered above.

- 6.40 For the reasons given above I consider that the proposed railway station and overall Scheme accords with the relevant development plan.
- 6.41 Economic, social and environmental benefits will be delivered as a result of the proposed development, including the potential for the development to act as a catalyst for further investment and wider regeneration within Blyth Bebside and the South East Northumberland more widely.
- 6.42 I therefore conclude that the planning application is in accordance with the development plan and there are no material considerations which indicate that planning permission should not be granted.

Hospital Footpath Crossing

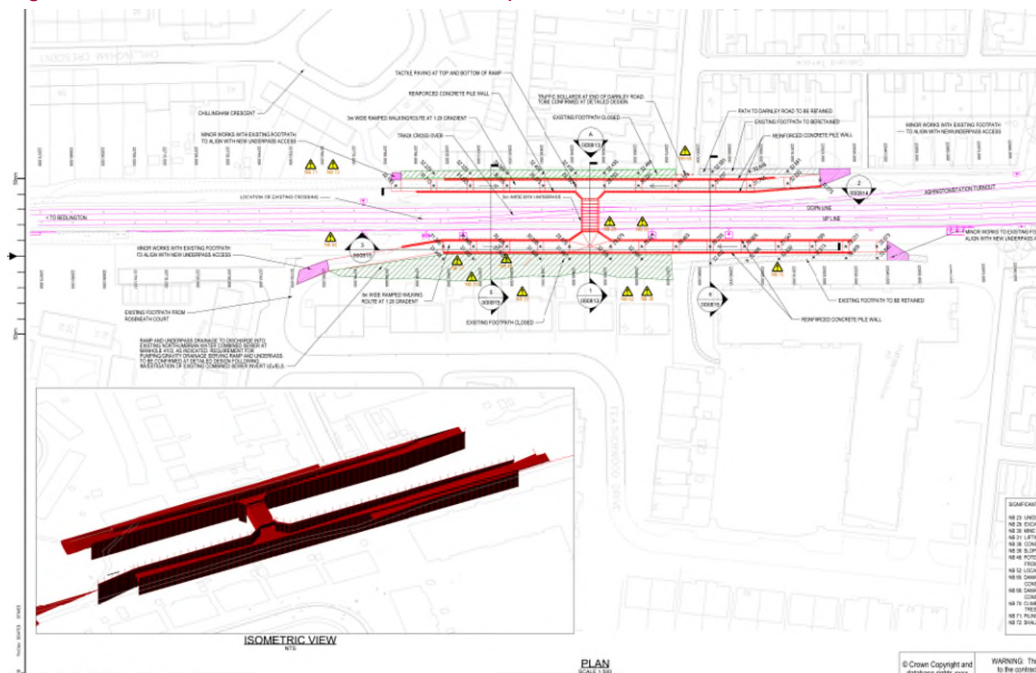
Description of Proposed Works

- 6.43 Construction of a new covered pedestrian underpass to replace existing level crossing, including works to public rights of way. Construction of soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.
- 6.44 The site of the existing level crossing is located approximately 200 metres to the south of the proposed new station at Ashington.
- 6.45 The railway corridor is bound to the east by residential properties on Featherwood Drive and Roseneath Court. The railway corridor is bound to the west by residential properties on Chillingham Crescent, Darnley Road and Oakland Terrace.
- 6.46 The level crossing is accessed to the west via a designated Public Right of Way (600/019) from Darnley Road and Public Right of Way (600/100) from Chillingham Crescent. The existing level crossing is accessed to the east from via Public Right of Way (600/100) from Roseneath Court.

Figure 6: Hospital Level Crossing



Figure 7: Plan and Isometric view of new underpass



The application was validated on 24th September 2021. The statutory consultation period is currently open and will close on the 20th October.

- 6.47 A full consideration of how the planning application accords with the development plan is included in the Planning Statement that formed part of the application submission (Appendix L of this proof) and I agree with its conclusions.
- 6.48 The development plan in respect of the application site comprises the saved Local Plan policies (under the Secretary of State's Direction) of the Wansbeck District Local Plan (2007).
- 6.49 In summary, having regard to the relevant development plan policies, the proposals will:
- 6.49.1 Fulfil an identified and justified need, by improving safety for users (see the proof of evidence of Darren Lord (APP-W5-1)), and therefore development on previously developed sites and buildings within settlement limits is appropriate.
 - 6.49.2 Encourage safe and convenient access for residents to the local Public Right of Way network, will be fully accessible to those with reduced mobility and provides improved provision for pedestrians and cyclists compared with the existing crossing;
 - 6.49.3 Be designed based on a detailed understanding and appraisal of those features of the local area that contribute to landscape character and distinctiveness and have full regard to various environmental constraints (including flood risk and ground conditions) and include appropriate measures to mitigate any adverse impacts.
 - 6.49.4 Not give rise to any operational noise impacts that might adversely affect any residents within the immediate area.
- 6.50 I acknowledge the concerns raised in respect of the potential for anti-social behaviour and crime associated with the underpass. I understand that the proposed layout, lighting, CCTV camera provision and landscaping proposals have been based on detailed responses received from residents, businesses, local authority officers, local

politicians and other stakeholders in the period prior to submission of the planning application.

6.51 The underpass will be carefully designed to discourage anti-social behaviour and improve safety. This will include:

6.51.1 good quality lighting;

6.51.2 designing the structure to be wider and higher than a standard underpass, to create a sense of space;

6.51.3 installing pedestrian guard rails; and

6.51.4 limiting the length of the underpass to minimise the amount of time users spend in it.

6.52 Julian Sindall's evidence (APP-W2-1) provides more information about the design of the underpass. Additionally, the planning statement (Appendix L of this proof) accompanying the planning application sets out those details relating to CCTV and lighting will be subject to further details to be submitted to NCC and agreed prior to implementation of the development.

6.53 A consultation response was received from the Public Right of Way officer on the 6th October. They have advised that they support the proposals and consider the underpass would improve provision for pedestrians, persons of reduced mobility and cyclists compared with the existing level crossing.

6.54 I therefore conclude that the planning application is in accordance with the development plan and that material considerations do not indicate planning permission should not be granted. As such,

Palmersville Dairy Underpass

6.55 The application relating to the Palmersville Dairy underpass was submitted on 8 October 2021 and has not yet been validated by the local planning authority.

6.56 The proposed development includes the construction of 3-metre-wide shared pedestrian and cycle box underpass, works to re-align existing footpath with access to proposed underpass and the use of a temporary compound and haulage road for the storage of materials associated with the works to the proposed underpass area of landscaping and planting.

6.57 A full consideration of how the planning application accords with the development plan is included in the Planning Statement that formed part of the application submission (Appendix Q of this Proof) and I agree with its conclusions.

6.58 In summary, having regard to the relevant development plan policies, the proposals will:

6.58.1 support the Scheme, which will deliver economic, social and environmental benefits;

6.58.2 comprise sustainable development and is appropriately located and scaled;

6.58.3 encourage safe and convenient access to the public right of way network, helping to reduce reliance on the private car;

6.58.4 be designed based on a detailed understanding and appraisal of those features of the local area that contribute to landscape character and distinctiveness and have full regard to various environmental constraints

(including flood risk and ground conditions) and include appropriate measures to mitigate any adverse impacts; and

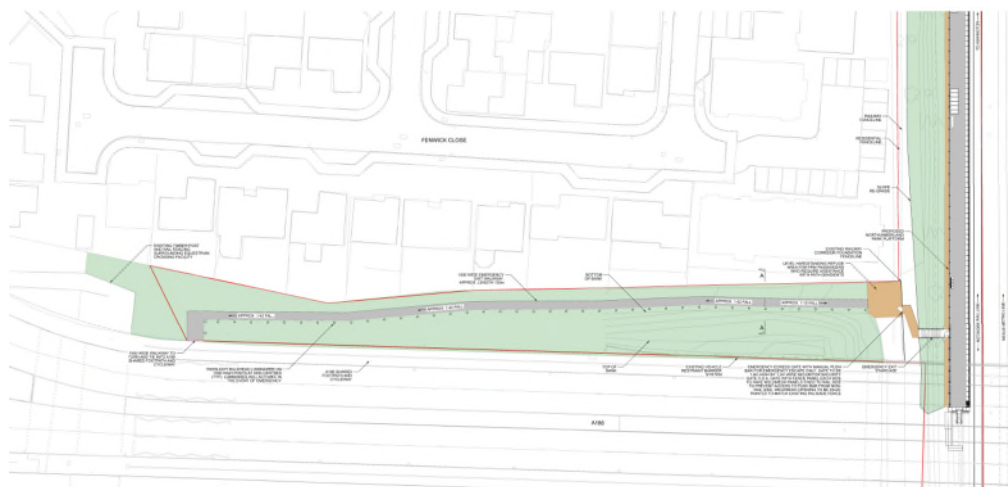
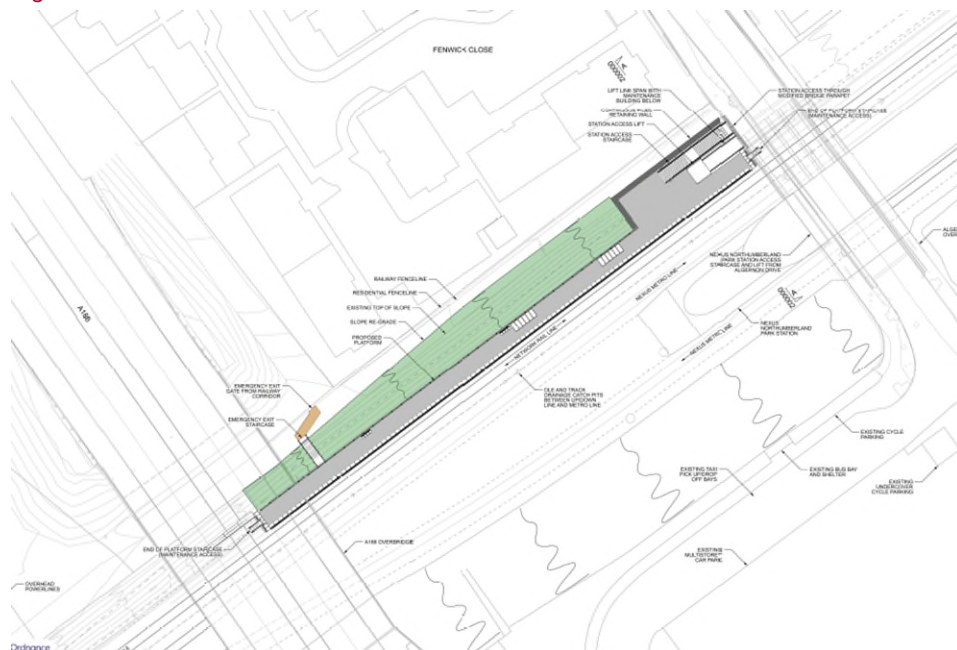
6.58.5 incorporate proposals to deliver biodiversity net gain.

6.59 I therefore conclude that the planning application is in accordance with the development plan and material considerations do not indicate that planning permission should not be granted.

Northumberland Park Station

6.60 The proposed development comprises the construction of a new single platform railway station including: retaining wall, pedestrian lift, staircase and access from Algernon Road; modifications to existing bridge parapet. Construction of: facilities ancillary to the station including, lighting, soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.

Figure 8: Northumberland Park Station



6.61 The planning application was submitted to North Tyneside Council in January 2021. The application was approved on 14th September 2021. The delegated decision notice and Officer's report can be seen in Appendices A and B of this proof.

Permitted Development Rights

- 6.62 In addition to the development which is the subject of the planning applications described above, the Scheme includes works within the railway corridor which, because of their nature and location within the existing railway, can be constructed using permitted development rights under Class A of Part 8 or Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, (GPDO) [APP-21]. This permitted development covers works which are typically undertaken by Network Rail when upgrading or maintaining the railway.
- 6.63 Part 8, Class A covers development by railway undertakers on their operational land, required in connection with the movement of traffic by rail, subject to specified exclusions.
- 6.64 Part 18 Class A covers development authorised by –
- 6.64.1 a local or private Act of Parliament,
 - 6.64.2 an order approved by both Houses of Parliament, or
 - 6.64.3 an order under section 14 or section 16 of the harbours Act 1964 (order for securing harbour efficiency etc, and orders conferring powers for improvement, constructions etc of harbours),
- which designates specifically the nature of the development authorised and the land upon which it may be carried out. Prior approval of the detailed plans and specifications is required from the local planning authority for certain elements of development specified in Part 18.
- 6.65 The relevant local Acts for the Scheme are identified and defined as ‘the enabling Acts’ in article 2(1) of the draft Order [APP-01].
- 6.66 The works carried out as permitted development for the Scheme include:
- 6.66.1 track improvements for line speed upgrades;
 - 6.66.2 installation of new track to reduce the extent of single-track sections between Newcastle and Ashington;
 - 6.66.3 level crossing upgrades and associated signalling and power supply upgrades to facilitate the above track and level crossing changes.
 - 6.66.4 strengthening of existing structures including the works to underbridges 35, 36 and 42, and any necessary earthworks.

Prior Approvals

- 6.67 As noted above, for certain elements of permitted development specified in Part 18 the developer is required to obtain prior approval from the local planning authority to the detailed plans and specifications. The following proposed works to underbridges 35, 36 and 42 require such prior approvals:
- 6.67.1 Underbridge 35: works to demolish existing underpass and construct new bridge structure, including earth retention and required drainage. The application for prior approval was submitted on 27th July 2021 to North Tyneside Council as the LPA. The application was approved on 21st September (Appendix M of this Proof).
 - 6.67.2 Underbridge 36: works to demolish existing underbridge and construct a new box underpass, including earth retention. The application for prior approval

was submitted on 27th July 2021 to North Tyneside Council as the LPA. The application was approved on 21st September (Appendix N of this Proof).

- 6.67.3 Underbridge 42: works to demolish existing underbridge and construct a new underpass. The application for prior approval is programmed to be submitted in October.
- 6.68 It should be noted that Paragraph A2 of Part 18 states that prior approval is not to be refused by the local planning authority, nor are conditions to be imposed, unless they are satisfied that:
- 6.68.1 the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- 6.68.2 the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.
- 6.69 Based on my understanding of the proposed works I do not believe the local planning authority will have grounds for refusing the application for approval.

7. DEVELOPMENT AUTHORISED BY THE ORDER

- 7.1 The Order (if made) will authorise a range of works in connection with the Scheme. These works are authorised by article 3 of the draft Order [APP-01] and are described below.

Works to lay out public rights of way

- 7.2 Article 3(a) authorises such works as are required within the Order limits to provide the public rights of way associated with the level crossing closures set out in Schedule 2 (replacement and closure of level crossings) and the stoppings up of streets set out in Part 1 of Schedule 4 (streets to be stopped up) to the draft Order that are outwith the scope of the planning applications described above.
- 7.3 The provision also authorises works to provide temporary diversions associated with the exercise of the powers contained in article 10 (temporary stopping up and diversion of streets). Specifically, the provision authorises works including works to lay out any footpaths, footways, bridleway and cycle tracks, including surfacing, fencing, stiles, gates, signs, ramps and steps and other means of access.
- 7.4 Turning to specific locations where these powers would be exercised, the following works are proposed under this provision.
- 7.5 **Lysdon Farm:** The Order would authorise the closure and diversion of existing PROW (300/049). The works authorised by the Order in connection with this diversion would involve the construction of an aggregate surfaced path of 2m width. A self-closing pedestrian gate would be installed to provide access from the north, adjacent to the existing field gate.
- 7.6 **Hospital crossing:** The planning permission for the underpass (if granted) will permit the construction of the underpass and associated works to realign the existing PROW to connect to the proposed underpass. The Order authorises the associated closures and minor diversions of existing public right of way. To the extent that any works to the footpaths fell outside the planning permission for the underpass, these would be authorised by the Order.
- 7.7 **Chase Meadows:** The planning permission granted at this location will permit the construction of a footbridge and associated works to realign the existing PROW to

connect to the new footbridge. To the extent that any works to the footpaths fell outside the planning permission for the footbridge, these would be authorised by the Order.

- 7.8 **Newsham:** The planning permission for the station (if granted) will permit, amongst other things, physical works (including surfacing) associated with diversions of existing public rights of way to accommodate the station and associated works. To the extent that any works to the footpaths fell outside the planning permission for the station (e.g. to 'tie in' new footpaths to the existing network), these would be authorised by the Order.
- 7.9 **Palmersville:** The planning permission for the underpass (if granted) will permit the construction of the underpass and associated works to realign the existing PROW to connect to the proposed underpass. The Order authorises the associated closures and minor diversions of existing public right of way. To the extent that any works to the footpaths fell outside the planning permission for the underpass, these would be authorised by the Order.
- 7.10 It should also be noted that the Order authorises the closure and diversion of other rights of way (as listed in Parts 1 and 2 of Schedule 4 to the Order). The Order would authorise any works required to implement such closures and diversions as these would not (or may not) be covered by separate planning permissions.
- 7.11 Lastly, these powers (as stated) could be exercised to implement temporary diversions of public rights of way. Russell Mill's proof of evidence (APP-W3-1) outlines the approach to temporary closures of public rights of way.

Parking Bays at Level Crossings

- 7.12 Article 3(b) of the Order [APP-01] authorises the construction of parking bays for vehicles at 4 level crossings along the route of the railway. These bays will provide a safe parking area for vehicles used by Network Rail staff carrying out routine inspections and maintenance to the crossings. The Order authorises the construction of parking bays at 4 locations: (a) Seghill level crossing (b) Hartley level crossing (c) Bebside level crossing (d) Green Lane level crossing. The works involved will likely be a parking lay-by of traditional road construction together with associated kerbing and footway works. If required a drainage gully will be provided which will connect into the existing highway surface water drainage network.

Seghill level Crossing

- 7.13 The Plan below shows the parking bay location at Seghill level crossing (pink plot 116) taken from sheet 8 of the Land and Works plans [APP-10]. It is envisaged at this stage that the bay will be subject to a Traffic Regulation Order (TRO) to ensure proper use.

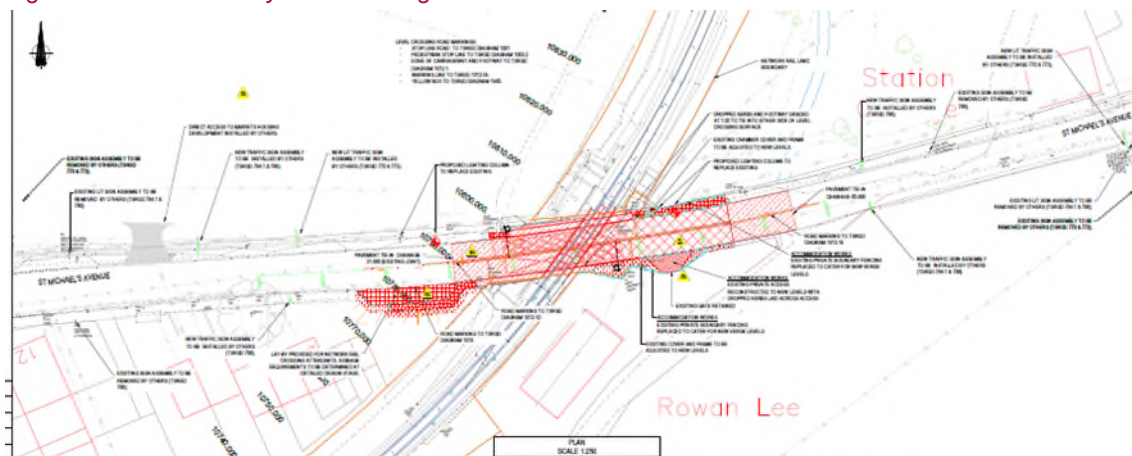


33

Figure 11: Plan showing the parking bay location at Hartley level crossing



Figure 12: Plan of Hartley level crossing



Bebside Level Crossing

- 7.15 The plan below shows the land over which rights will be acquired at Bebside level crossing, including the car parking bay location in part of plot 245, taken from sheet 19 of the Land and Works Plans [APP-10]. It is envisaged at this stage that the bay will be subject to a Traffic Regulation Order (TRO) to ensure proper use.



Figure 15: Plan below shows the parking bay location at Green Lane level crossing

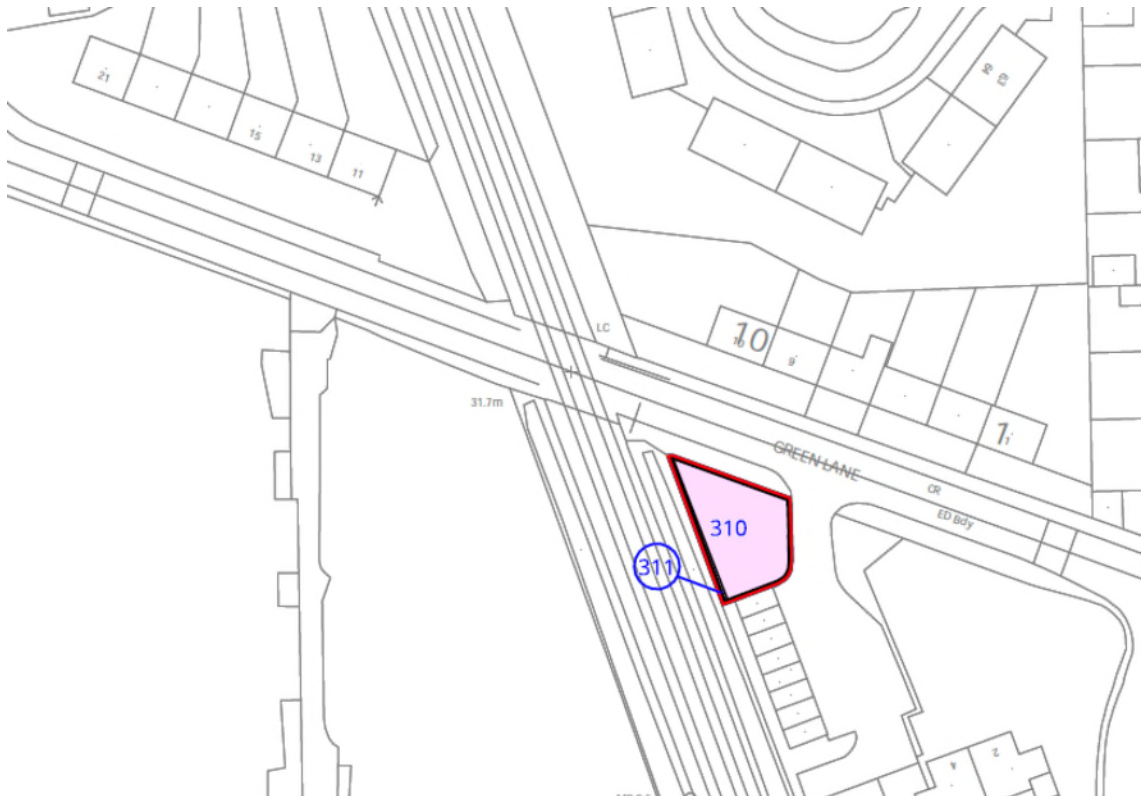
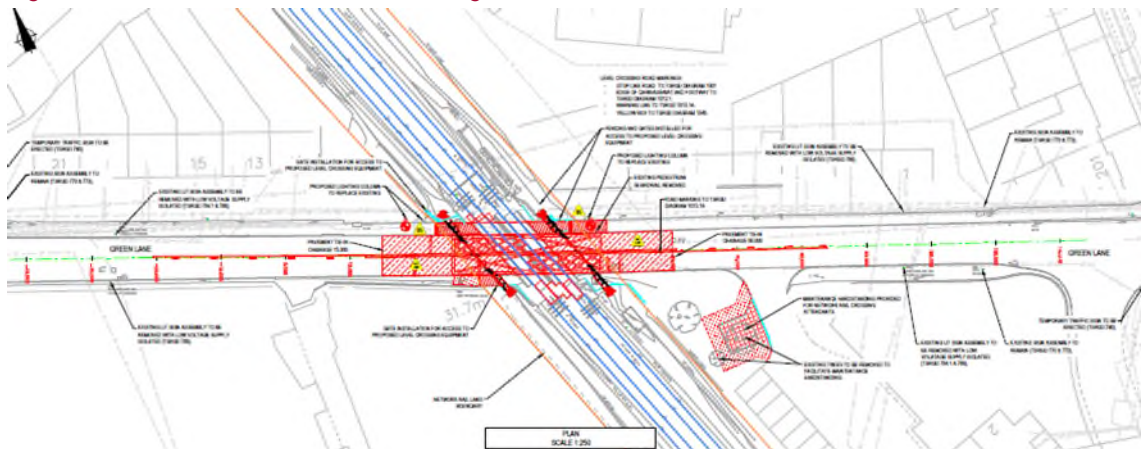


Figure 16: Plan of Green Lane level crossing



Haul roads and temporary worksites

- 7.16 Article 3(c) of the Order [APP-01] provides for the creation of a number of temporary worksites and temporary accesses along the route of the Scheme which are required to facilitate construction.
- 7.17 The temporary worksites may be established on the land parcels identified in Schedule 8 (land of which temporary possession may be taken) and Schedule 10 (temporary worksites) to the Order [APP-01]. The development associated with these sites will consist of erecting and constructing temporary worksites, including lay down and storage areas, offices and other buildings, yards, slab, cranes, plant and machinery, apparatus, fencing, and other works and conveniences.
- 7.18 The temporary haul roads may be provided on the parcels of land specified in Schedule 9 (land on which a temporary right of access may be exercised) to the Order [APP-01]. The temporary haul roads will generally be used for providing vehicular access to the

SECTION 8 REQUEST FOR DEEMED PLANNING PERMISSION AND DRAFT CONDITIONS

rail corridor or adjacent site compounds and material stores to transport plant, materials and staff. Access is required as it is not possible or indeed efficient to provide access from the rail corridor itself. This is due to the fact that either the nearest access point is too far away or there would not be enough space in the “cess” (i.e. the space adjacent to the ballast shoulder of the rail and between any adjacent lineside fence or embankment), or because the work on the rail corridor needs to be undertaken ‘outwards in’ (for example bridge reconstruction)

- 7.19 There are embankment works that need to take place at the toe of the slopes. Some of the materials to be transported need large vehicles (HGVs) which might be too big to access existing access roads or the ground conditions are such that suitably strong road foundations need to be constructed in order to provide safe access.

8. REQUEST FOR DEEMED PLANNING PERMISSION AND DRAFT CONDITIONS

- 8.1 As described in the previous section, article 3 of the draft Order [APP-01] authorises a limited range of works which are required in connection with the Scheme.

- 8.2 In addition, the draft Order contains additional powers which authorise works that could constitute ‘development’ for the purposes of the Town and Country Planning Act 1990. These works are authorised by article 4 (power to survey and investigate land), article 5 (discharge of water), article 6 (felling or lopping of trees), article 12 (means of access) and article 13 (street works).

- 8.3 Alongside the Application for the Order, NCC has submitted a request to the Secretary of State for a direction under section 90(2A) of the Town and Country Planning Act 1990 for deemed planning permission for all of these works authorised by the Order [APP-14]. The request contains, at Appendix 1, a set of draft conditions proposed to be attached to the deemed planning permission if granted.

- 8.4 In considering the imposition of the conditions as set out below I have considered paragraph 56 of the NPPF [APP-28] and the PPG – Use of Planning Conditions. Paragraph 56 of the NPPF confirms that conditions need to be:

- Kept to a minimum
- Only imposed where they are necessary
- Relevant to planning and to the development to be permitted,
- Enforceable
- Precise and reasonable in all other respects.

- 8.5 The draft conditions are set out below.

- 8.6 The draft conditions were developed in consultation with NCC and NTC prior to the submission of the Application and both Councils were satisfied with these. This is demonstrated, in respect of the NCC as local planning authority, by the content of the draft Statement of Common Ground with NCC submitted to the Inspector on 28 September 2021.

Highways

No part of the development that comprises works to existing highways or works to provide new or temporary highways shall commence until details of the design, layout and construction specification of the works have been submitted to and approved in writing by the local planning authority. The development should be carried out in

accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To ensure highway safety

Construction Environment Management Plan (CEMP)

No part of the development shall commence until a CEMP has been submitted to and approved in writing by the local planning authority in relation to that part of the development. The CEMP should include measures to manage the effects of the development including those relating to; lighting, noise, vibration, air quality, biodiversity, surface drainage, soils, ground conditions, wastes, heritage assets, and visual impact, and liaison with stakeholders who may be directly affected by the works, unless otherwise agreed in writing by the local planning authority. The development should be undertaken in accordance with the approved CEMP for that part unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the appropriate management of construction impacts

Construction Transport Management Plan (CTMP)

No part of the development shall commence until a CTMP has been submitted to and approved in writing by the local planning authority in relation to that part of the development. Unless otherwise agreed in writing by the local planning authority, the CTMP should include:

- Details of construction access routes including; access and egress points onto the public highway, visibility splays, construction specifications, width, radii, fencing and gates;*
- Prohibited routes and any time restrictions for construction traffic;*
- A signage strategy for each construction access route*
- Traffic control measures for each construction access route (including details of traffic signal installations);*
- Measures to control mud and dust from construction traffic;*
- Measures to control parking of any construction site vehicles along the public highway;*
- Provision and arrangements for parking for site operatives and managing the impact on the highway network; and*
- Provision and arrangements for turning, loading, and unloading of construction traffic.*

The development should be undertaken in accordance with the approved CTMP for that part (of the development) unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the appropriate management of construction impacts

- 8.7 I consider that the conditions as set out above are appropriate. The highways condition would ensure that further details are submitted to and agreed with the local planning authority, who have local knowledge and expertise and understand the local road network so that any approved details are considered safe and fit for purpose.

- 8.8 The condition in respect of the Construction Environment Management Plan (CEMP) is important and meets the tests of paragraph 56 of the NPPF. Whilst the Scheme has been screened as not requiring an EIA it nonetheless is important to apply appropriate controls to mitigate impacts arising during the construction of the works authorised by the Order. This condition complies with paragraph 56 of the NPPF.
- 8.9 The CTMP condition is entirely reasonable, precise and enforceable. This type of condition is frequently used for larger schemes. A CTMP is an important document that will, amongst other things, outline the routing for construction vehicles to ensure only suitable routes are used. The CTMP will also detail site access plans and any restrictions on timing of vehicle movements, i.e. if in a residential area, parking restrictions or suspensions and temporary road closures for access by large or abnormal loads.
- 8.10 I am content that the proposed conditions are suitable in the context of the nature and scope of development authorised by the Order and that they meet the criteria in paragraph 56 of the NPPF.

9. ENVIRONMENTAL IMPACTS

- 9.1 Below I have set out my views on the environmental impacts associated with the Order Scheme and comment on how any environmental impacts arising from the separate planning applications would be managed. I then turn to and comment on, specifically, the environmental impacts raised in the statement of matters.
- 9.2 Of importance in this context is the fact that the Scheme has been subject to negative screening opinions from NCC [APP-042], NTC [APP-042] and the Secretary of State [APP-08]. These all confirmed that the Scheme is not likely to give rise to any significant effects on the environment. My commentary below on environmental impacts needs to be considered in light of this key fact.

Environmental impacts arising from the Order Scheme

- 9.3 As set out above, the scope of the Order was the subject of a negative EIA screening decision from the Secretary of State, confirming that the matters proposed to be authorised by the Order would not be likely to give rise to significant environmental effects. This, fundamentally, reflects the very limited extent of physical works proposed to be authorised by the Order (as described in sections 7 and 8 above) and the fact that other matters proposed to be authorised (e.g. powers of compulsory acquisition) would clearly not give rise to any environmental impacts.
- 9.4 A summary of the environmental impacts that were identified as potentially arising from the Order Scheme was included in section 11 of NCC's Statement of Case [APP-44] and in my view this does not need to be expanded on or explained further. For ease, I have reproduced that summary below:
- 9.4.1 Traffic and Transport – the temporary closure or diversions of public rights of way due to the construction compounds and laydown areas may give rise to short-term impacts on the quality of the walking environment of pedestrians, but would be of a temporary and localised nature. The creation of new means of access and proposed new parking bays have the potential to cause temporary disruption to traffic whilst the works are being carried out.
- 9.4.2 Biodiversity - The works to the access routes and temporary compound and laydown areas have the potential to disturb both species and habitats, but only in the short term with there being the potential for restoration of sites as appropriate.

- 9.4.3 Air Quality - Emissions associated with the temporary compound and laydown areas required for the Scheme may have a temporary impact on air quality. However, it is not considered the impact will be significant due to the temporary nature of these facilities. Construction activities and the associated vehicle movements have the potential to generate dust and emissions to air.
- 9.4.4 Noise and vibration - The temporary work sites will impact on adjacent noise receptors; however, the impact will be on a temporary basis. Mitigation of construction effects on sensitive receptors (species and residential properties) will be possible through the siting of the areas. Some mitigation of the noise generated by construction will be possible by limiting night-time working and working methods/equipment. However, some short-term noise and vibration effects on residential properties will be inevitable as a consequence of the necessity of undertaking engineering works.
- 9.4.5 Water resources - The number of temporary compound and laydown areas required for the Scheme may have a temporary impact on water resources. However, it is not considered the impact will be significant due to the temporary nature of these facilities.
- 9.4.6 Archaeology and heritage - The construction of temporary compounds and laydown areas may have a temporary negative impact on heritage assets. However, this impact is temporary by nature. As such, it is not anticipated the laydown areas will have an impact in the long-term.
- 9.4.7 Ground conditions - The number of temporary compound and laydown areas required for the Scheme may have a temporary impact on ground quality. However, it is not considered the impact will be significant due to the temporary nature of these facilities. Ground disturbance work will potentially take place at temporary access routes. However, these disturbances will be temporary.
- 9.4.8 Landscape and visual amenity – During construction there will be short term temporary effects and for localised areas of landscape. The introduction of lighting, hoardings, machinery, plant and equipment will have a short-term adverse effect on the landscape character and visual amenity.
- 9.4.9 Health and wellbeing - The construction of temporary compounds and laydown areas are likely to have a temporary negative impact to the health and wellbeing of residents. The laydown areas are likely impact factors which affect residential amenity including noise, air quality and traffic. However, this impact is temporary by nature. As such, it is not anticipated the laydown areas will impact on health and wellbeing long-term, and as such the impact is not significant.
- 9.5 I consider that adequate controls on impacts potentially arising from the Order Scheme would be implemented through the conditions proposed to be attached to the deemed planning permission, which I consider above in section 8.
- 9.6 In conclusion, it is my opinion that the Order Scheme would not give rise to any significant environmental impacts and this is confirmed by the Secretary of State's negative screening decision. Any environmental impacts that did arise would be adequately controlled through the planning conditions proposed to be attached to the deemed planning permission.

Environmental impacts arising from the works proposed to be authorised by separate planning permissions

- 9.7 As set out above, both NCC and NTC acting in their capacities as local planning authorities have issued negative EIA screening opinions in respect of the Scheme,

confirming that the Scheme would not be likely to give rise to significant effects on the environment.

9.8 Any environmental impacts arising from the works proposed to be authorised by the planning permissions would be considered by the local planning authority as part of the process of determining the relevant applications. To reiterate the point, these works are not proposed to be authorised by the Order and are subject to the separate conventional town and country planning regime processes.

9.9 The supporting documents for the planning applications include a number of assessments to provide evidence of the extent of the environmental impacts arising from the development in question.

9.10 It is acknowledged that the developments proposed to be authorised by the planning applications would give rise to some environmental impacts, without adequate controls in place. This includes:

9.10.1 Construction noise and air quality impacts;

9.10.2 Tree loss

9.10.3 Flooding and drainage issues;

9.10.4 Impacts on heritage assets;

9.11 However, it is anticipated (and, indeed, is the case where planning permissions have been granted) that suitable planning conditions, compliant with the NPPF policy tests, would be attached to the planning permissions, to ensure adequate controls are in place to mitigate any residual environmental impacts. For example, such planning conditions would likely include requirements relating to, amongst other things:

9.11.1 Construction management plans;

9.11.2 Mitigation planting;

9.11.3 Drainage solutions and flood compensation works;

9.11.4 Archaeological schemes of investigation;

9.12 It is then for the relevant local planning authorities to consider, having regard to those planning conditions, whether the proposed developments would give rise to unacceptable environmental impacts, particularly having regard to the policies of the development plan.

9.13 As set out above, it is my view, in respect of the planning applications that are yet to be determined, that they accord with the development plan and material considerations, including environmental impacts, do not indicate that planning permission should not be granted.

Environmental impacts identified in the Statement of Matters

9.14 In this part of my evidence, I have regard to those matters as set out in the Statement of Matters identified by the Secretary of State that relate to environmental impacts. These, specifically, are contained in matters 3 and 5 identified therein.

Matter 3

“The likely impact of the scheme on local businesses, residents and visitors Consideration under this heading should include:

(b) impacts of the scheme and its construction on the local road networks, parking, and communal gardens.

(c) location of the proposed underpass at Ashington and its impact on any anti-social behaviour.”

- 9.15 Generally, I would refer the Inspector to the earlier parts of this section 9 of the proof, particularly in respect of the potential environmental impacts arising from the Order Scheme. Fundamentally, the matters proposed to be authorised by the Order would not give rise to any significant environmental effects. Any impacts that could arise would be controlled through the planning conditions proposed to be attached to the deemed planning permission.
- 9.16 Julian Sindall's proof of evidence (APP-W2-1) provides further commentary on both matters 3(b) and 3(c). However, turning specifically to the potential for anti-social behaviour, this would be fully considered by the local planning authority as part of the process for determining the relevant planning application and I consider there to be scope to attach appropriate planning conditions to introduce controls to minimise the risk of anti-social behaviour occurring, particularly in relation to CCTV and lighting.

Matter 5

“The adequacy of the Environmental Statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006. This should include consideration of:

- *the impacts of noise and vibration during operation and construction.*
- *the removal of trees and shrubbery and its impact on local wildlife and birds”*

- 9.17 To confirm whether an Environmental Impact Assessment was required in relation to the application for the Order, NCC requested a screening direction from the Secretary of State under rule 7 of the 2006 Rules. On 3 March 2021, a negative screening decision was issued [APP8]. As such, an Environmental Impact Assessment has not been prepared to accompany the application.

Noise & vibration

- 9.18 As explained above, the Order Scheme would not give rise to any significant effects on the environment, including in respect of noise and vibration both during construction and operation. However, the conditions proposed to be attached to the deemed planning permission include a requirement to submit a Construction Environmental Management Plan (CEMP) for approval, which would include noise and vibration mitigation measures during construction.
- 9.19 Turning to the Scheme as a whole, the planning applications for Ashington Station, Bedlington Station, Blyth Station, Seaton Delaval and Northumberland Park were all accompanied by Noise Impact Assessments to consider the construction and operational noise associated with the developments in question.
- 9.20 Construction noise associated with the works at the station sites will be managed to comply with consents issued by NCC and NTC under the Control of Pollution Act 1974. The local authority also has the power under this Act to take enforcement action in relation to construction noise and therefore control these impacts. It is also expected (and is the case for those planning applications permitted) that environmental management measures, including noise mitigation, would be required under conditions placed on any planning permission granted for the station. For construction, this includes the need to submit CEMP and construction noise and vibration management plans to the local planning authority for approval. For operation, this includes

requirements to implement noise barriers where identified as being necessary in the Noise Impact Assessments and submitting station tannoy/PA details for approval.

- 9.21 It is acknowledged that, outwith the strict parameters of the planning applications, noise impacts will be experienced at receptors along the route of the Scheme as a result of intensification of use of the line through the addition of regular passenger rail services.
- 9.22 For the purposes of the Outline Business Case [APP-40], AECOM undertook an initial noise appraisal based upon the Transport Analysis Guidance (WebTAG). This guidance details the method for establishing the change in noise levels at residential properties due to proposed transportation schemes, amongst other things.
- 9.23 The outcome of the appraisal estimated that 6,374 properties could experience a noise level increase with 192 properties experiencing a noise level decrease.
- 9.24 However, it should be noted that most of the predicted noise level changes were estimated to be between 0.1 and 3.0 dB. To put this in context, I understand that it is generally accepted that changes in noise levels of 1 dB or less are imperceptible, and changes of 1 to 3 dB are not widely perceptible. For a comparison the High Speed 2 rail project defines a change of less than 3 dB as 'negligible', 3 to 5 dB as 'minor', 5 to 10 dB as 'moderate' and > 10 dB as 'major'.
- 9.25 Some properties are estimated to experience a significant decrease in noise compared to the current situation as a result of the proposed Scheme reducing the requirement for locomotives to accelerate away from Hartley Curve.
- 9.26 The highest noise level increases due to the Scheme are estimated to be between 9 to 12 dB and it is acknowledged such noise level changes are likely to be noticeable and significant. These changes are anticipated at 32 properties around Holywell and the proposed Seaton Delaval station and are due to proposed line speed changes at these locations.
- 9.27 Generally for context, I understand Network Rail has responded to comments on the intensification of the use of existing railways, and associated noise impacts, at previous public inquiries and its position has been accepted by the relevant Inspectors and the Secretary of State. In short, I understand there to be no statutory requirement for compensation or noise mitigation to be provided where noise levels might be increased by intensification of a railway line. This, as I understand it, reflects the view of successive Governments that those who purchase property near existing roads or railways, do so in the knowledge that traffic can change in composition or volume, and that it would not be right to require the relevant authorities to pay compensation solely because traffic patterns have altered in this way.

The removal of trees and shrubbery and its impact on local wildlife

- 9.28 As explained above, the Order Scheme would not give rise to any significant effects on the environment, including in respect of the tree removal and biodiversity impacts both during construction and operation.
- 9.29 Turning to the Scheme as a whole, the planning applications for Ashington Station, Bedlington Station, Blyth Station, Seaton Delaval, Northumberland Park and Hospital Crossing were all accompanied Arboricultural Impact Assessments to consider the relevant impacts associated with the developments in question. Where considered appropriate by the local planning authority, planning conditions will be attached to the relevant planning permissions (if permitted) to provide for any required mitigation (e.g. in respect of mitigation planting).
- 9.30 It should also be noted that an Ecological Impact Assessment was carried out as part of the planning application for the Northumberland Park Station development (as well as others). Specifically, this assesses whether the development at the station site

including the proposed mitigation will result in an overall gain in biodiversity of 10% which is a requirement of local plan policy. The assessment concludes that the proposed development will have an impact on the biodiversity of the site with biodiversity being lost largely due to the felling of existing plantation woodland. However, it is proposed that through replacement planting of a variety of native tree species at nearby locations (to be secured through the Palmersville Dairy underpass planning application) to support wildlife populations and an overall 10% uplift biodiversity net gain will be able to be achieved.

10. STOPPING UP OF HIGHWAYS/PROWS UNDER THE ORDER

- 10.1 In this section I will summarise the stopping up (and where relevant diversion) of the highways/PROWS that are proposed to be authorised by the Order.

Level crossings

- 10.2 The proposed Order [APP-01], at article 7, includes a power to permanently close the public level crossings listed in Schedule 2 to the Order, including the public rights of way over them, but provides that the closures cannot take effect until the relevant diversionary routes shown on the Rights of Way Plans [APP-11] have been completed and are open for use. This is with the exception of Newsham, where the precise diversions are not yet known (as the planning application has not yet been determined) and, as such, cannot be shown on the Rights of Way Plans. Given this, the necessary diversions are linked to the final design permitted under that permission by the wording in Schedule 2 to the Order but must still be put in place prior to the closure of Newsham level crossing taking effect.

- 10.3 The proofs of evidence of Darren Lord (APP-W5-1) and Julian Sindall (APP-W2-1) provide further information on the rationale for the closure of these level crossings and the diversions to be implemented.

Stopping up of streets

- 10.4 The proposed Order, at article 9, includes a further power to permanently close the streets listed in Schedule 4 to the Order and shown on the Rights of Way Plans. These streets fall into, in effect, two categories:

10.4.1 Those identified as requiring closure as a result of the separate planning applications being pursued at Ashington, Newsham and Bedlington; or

10.4.2 Those identified as requiring closure as a result of rights of way being made redundant or ineffective as a result of changes to the network elsewhere (e.g. at level crossings).

- 10.5 NCC has opted to seek to utilise the powers of the Order to effect these stoppings up and diversions to avoid the need to invoke separate procedures (e.g. under the Highways Act 1980 or Town and Country Planning Act 1990) to do so. This has clear programme benefits, which is particularly pertinent given the Scheme's designation as a Project SPEED project.

Stoppings up associated with planning applications

- 10.6 The first category of stoppings up can be more specifically described as follows:

10.6.1 Ashington – stopping up of an existing 'spur' of highway which will link to the access to the new station car park – no diversion is considered necessary in this area given the configuration of the existing public realm and proposed new station and associated car parking;

10.6.2 Newsham:

- (a) stopping up irregular sections of the A1061 to reflect the new highway alignment proposed to be put in place under the planning application – these areas cannot be stopped up until the new highway layout is in place; and
 - (b) stopping up sections of public rights of way (300/162 and 300/031) that conflict with the new proposals associated with the station – these stoppings up cannot take effect until diversionary routes permitted under the planning application are open for use;
- 10.6.3 Bedlington – stopping up irregular sections of Park Terrace to reflect the new highway alignment proposed to be put in place under the planning application.

Stoppings up elsewhere

- 10.7 The second category of stoppings up can be more specifically described as follows:
- 10.7.1 Recordable path shown on sheet 1 of the Rights of Way Plans – this section is proposed to be stopped up as it is redundant as a result of the proposed new alignment of the right of way across the railway at Palmersville Dairy;
 - 10.7.2 Recordable path shown on sheet 2 of the Rights of Way Plans – this section is proposed to be stopped up as it currently runs parallel to the railway in close proximity and is considered prudent to stop up (given there are routes in the area);
 - 10.7.3 Backworth 13 shown on sheet 2 of the Rights of Way Plans – this section of footpath is proposed to be stopped up and diverted through a new underpass/underbridge in place of underbridge 35 which is to be closed;
 - 10.7.4 Backworth 2 shown on sheet 3 of the Rights of Way Plans - this section of footpath is proposed to be stopped up and diverted through a new underpass/underbridge in place of underbridge 36 which is to be closed;
 - 10.7.5 Footpath 300/068 shown on sheet 9 of the Rights of Way Plans – this section of footpath is proposed to be stopped up, given it ends at the railway so is redundant; and
 - 10.7.6 Bridleway 300/016 shown on sheet 12 of the Rights of Way Plans – this section of bridleway is to be diverted to account for the modifications to the public rights of way network in this area as a result of the new Chase Meadows footbridge.
- 10.8 It should be noted that as the Scheme has been developed, particularly the matters to be authorised by the Order, the project team has always had consideration to section 5(6) of the Transport and Works Act 1992. In this context, I consider that (a) where alternative provision for public rights of way have been provided they are wholly appropriate; and (b) where no alternative is proposed, that is also appropriate having regard to the existing right of way network, meaning no such alternative provision is required.

11. RESPONSE TO OBJECTIONS

- 11.1 This section provides a response to each of the objections which relate to planning and other matters covered by my evidence. The table below sets out these objections.

Table 4: Add text here

Topics covered in objection	Objectors
Impact on future development proposals	Malhotra Commercial Properties Ltd (OBJ22)
Impact of the loss of trees	Directors of Fenwick Close (OBJ16) Mr J Watson (OBJ23) Pauline and Peter McKinney (OBJ02) Chris Scorer (OBJ18)
Location of the underpass proposed to replace Hospital Level Crossing	Cheryl Gibb and Graham Harding (OBJ01) Cheryl Gibb (OBJ03) Michelle Symons (OBJ04) Gemma Humble (OBJ07) Tom Barker (OBJ05) Shaun Tanney (OBJ09) Lesley Ann Perkins (OBJ10)

- 11.2 I will summarise each of the objections and provide a response to these as set out below.

Impact on development proposals

- 11.3 Malhotra Commercial Properties Limited objects to the Order on the grounds that they are developing alternative proposals (pending planning consent) to develop a new care home on plots 323 and 324 which the Scheme proposes to use to provide car parking for the new Ashington Station.
- 11.4 Malhotra assert that insufficient information and explanation has been provided to enable a proper understanding as to why this land is required for the Scheme. They suggest that alternative sites should be considered, or the use of an alternative design to reduce impacts on their land. They have also questioned whether the forecasts and assumptions which informed the car park design remain valid in light of changes to travel behaviour brought about by the Covid-19 pandemic.
- 11.5 **Response** - Malhotra has submitted a planning application for a care home on the site which has not yet been determined. I acknowledge that a care home would represent a beneficial use for the site if it could viably be delivered as the site could be reasonably described as being brownfield and within the settlement limits of Ashington.
- 11.6 I do note that the Malhotra site is not allocated for a particular land use within the current local plan the Wansbeck District Local Plan 2007 or the emerging Northumberland Local Plan 2019.

- 11.7 The Malhotra planning application is currently identified for acquisition as part of the development of Ashington Rail Station and associated car parking for the Northumberland Rail Line. The Order is seeking a power of compulsory acquisition over plots 323 and 324 to ensure that the relevant land can be secured for the purpose of providing a car park at the new Ashington railway station. Planning permission for the station and its associated car park has been granted over this land (ref: 21/00387/CCD). The planning permission requires the plots in question to be acquired, and the proposed car park to be delivered, before the station opens to passengers.
- 11.8 The location for the proposed Ashington Station aligns well with saved policy T1 of the Wansbeck District Local Plan 2007, albeit I acknowledge that the proposals map (of the said Local Plan) only depicts the proposed station as an allocation within the track bed and adjacent railway corridor.
- 11.9 I consider that the acquisition of plots 323 and 324 through the Order is justified. The location of Ashington station has in my opinion been carefully considered. The proposed location on the site of the former Ashington station is considered to be the most suitable location as it is close to the High Street and has sufficient space on either side for car parking. The evidence of Mr Sindall (APP-W2-1) and the statement of Mr Coates appended to that proof explains why this is the most suitable location for the station and the justification for the use of the Malhotra land for the proposed car park.
- 11.10 Policy TRA 5 of the emerging Northumberland Local Plan identifies Ashington as one of the locations for stations on the railway line. The emerging plan does not safeguard a specific site for the station, simply showing the station as a point in approximately the same location as the previous station. It does however seek to resist development which would prevent the reintroduction of the passenger services on the Northumberland Line including “associate stations, facilities and access to them from adjacent highways”. The proposed development of land required to be used as a car park for Ashington Station would be contrary to emerging policy TRA 5.
- 11.11 The proposed care home does not need to be in this location to deliver the benefits that Malhotra claim it would deliver, and alternative sites would be available within Ashington for this facility (subject to planning permission). Accordingly, I do not consider that there are any special characteristics of the site in question that mean that it must be available to deliver any benefits from a new care home. In planning terms, the Malhotra land has been identified as being a necessary component of the Northumberland Line scheme and the proposed alternative use would therefore conflict with the policy support for the scheme explained above.

Impact of the loss of trees

- 11.12 Owners and residents of properties at Fenwick Close have submitted objections in part on the basis of the proposed removal of trees as part of works to construct Northumberland Park station, citing the function trees serve as a noise and visual barrier to the existing Metro and multi-storey car park. Some objections also cited the adverse impacts tree and vegetation removal would have on local wildlife.
- 11.13 **Response** – A number of trees will need to be removed as result of the works at Northumberland Park station. Information about these trees is contained in the Arboricultural Impact Assessment undertaken as part of the planning application for the station works (21/00299/FUL). The assessment also sets out the mitigation measures that will be adopted to allow for the retention of significant trees or to compensate for trees that will be removed. There are ongoing discussions with the residents in regard to the trees along their southern boundary and whether there is scope to retain some of the trees.
- 11.14 The assessment concludes that the station development will have an impact on the biodiversity of the site with biodiversity being lost largely due to the felling of existing plantation woodland. However, it is proposed that through replacement planting of a

variety of native tree species at nearby locations to support wildlife populations an overall 10% uplift biodiversity net gain will be able to be achieved.

- 11.15 **Location of the underpass proposed to replace Hospital Level Crossing** – Local residents near to the proposed underpass have objected to the Order based on the potential for anti-social behaviour associated with the underpass.
- 11.16 **Response** – The existing level crossing is proposed to be closed on safety grounds to avoid the risks, associated with the increased frequency and speed running of train services on the existing railway line upon the Scheme opening. Julian Sindall comments in his proof that the increase in line speeds, and introduction of passengers onto the route automatically increases the risk profile at each of the level crossings. Darren Lord's evidence [APP-W5-1] explains the risk assessments which led to the conclusion that the existing level crossing should be closed.
- 11.17 Julian Sindall's evidence [APP-W2-1] sets out the options considered and the reasons for selecting the underpass solution included in the Scheme. The underpass has been located as close as possible to the existing level crossing, taking into account site constraints. The underpass is the subject of a separate planning permission, and it will be for the local planning authority to determine whether the proposals are acceptable in planning terms having regard to the relevant policies and other material considerations. I have explained in section 6 of my proof why I consider the underpass complies with the relevant local policies.

12. WITNESS DECLARATION

- 12.1 The evidence which I have prepared and provided in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution, the RTPI. I confirm that the opinions expressed are my true and professional opinions.