

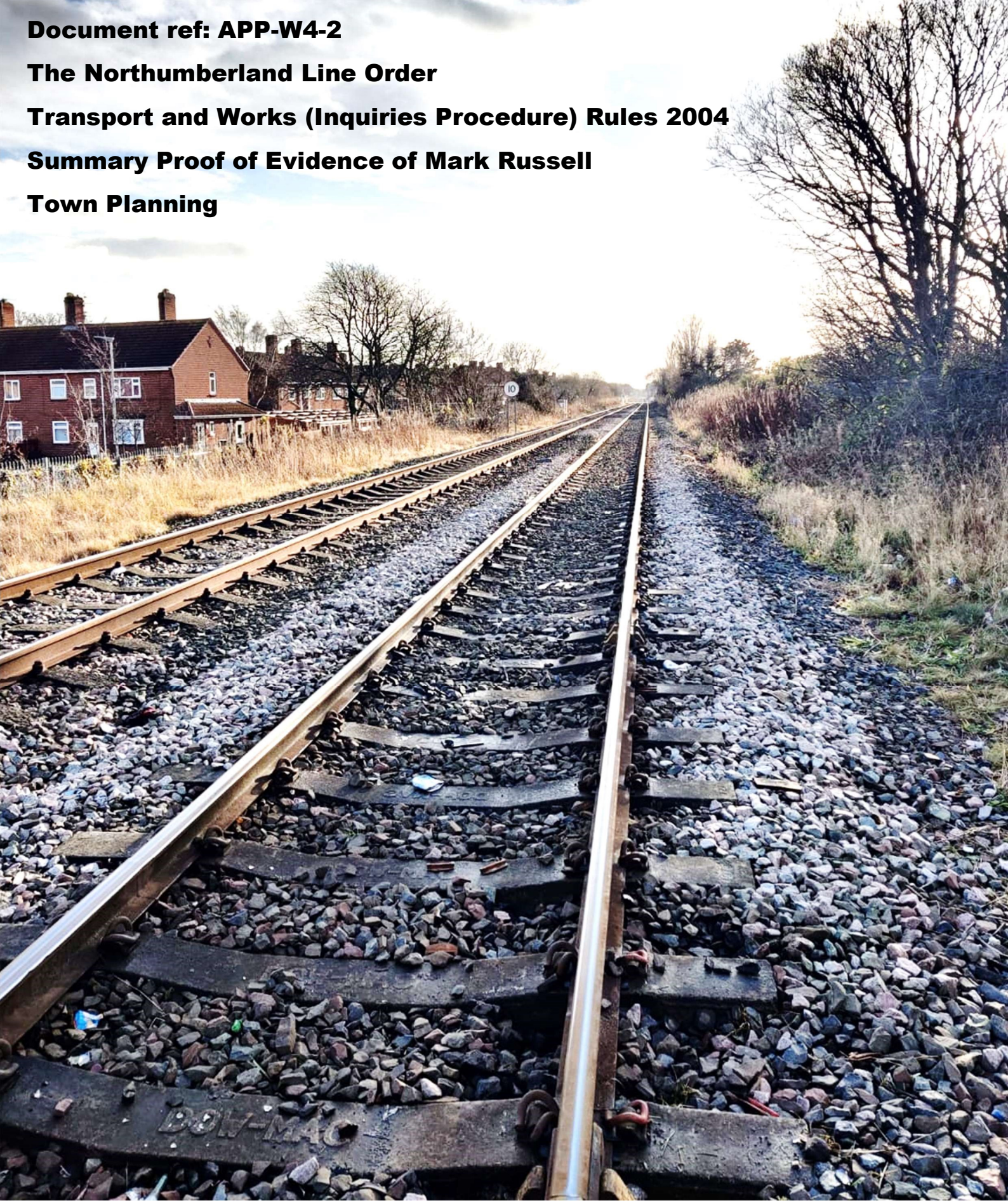
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**The Northumberland Line Order**

**Transport and Works (Inquiries Procedure) Rules 2004**

**Summary Proof of Evidence of Mark Russell**

**Town Planning**



**Northumberland**  
County Council



**NORTHUMBERLAND COUNTY COUNCIL**

**NORTHUMBERLAND LINE**

**MARK RUSSELL**

**SUMMARY PROOF OF EVIDENCE - TOWN PLANNING**

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## 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. I am a Senior Associate Planner for SLC Property ("SLC Property").
- 1.2 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

- 2.1 My evidence covers the town planning and environmental aspects associated with the Scheme.
- 2.2 In particular, it provides:
- 2.2.1 an overview of the consenting strategy for the Scheme;
  - 2.2.2 an overview of key national and local policies which are relevant to the Scheme and how it accords with them;
  - 2.2.3 an overview of the elements of the Scheme which are the subject of planning applications to the local planning authorities and an update on the status of those planning applications;
  - 2.2.4 a description of those elements of development which are proposed to be authorised by the Order [APP-01] and the case for the deemed planning permission [APP-14] requested alongside the Application;
  - 2.2.5 an overview of environmental impacts;
  - 2.2.6 an overview of the permanent stoppings up of highways proposed to be authorised by the Order; and
  - 2.2.7 responses to 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].
- 2.3 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:
- 2.3.1 Matter 3(b): Impacts of the scheme and its construction on the local road networks, parking, and communal gardens. See sections 6 and 9 of my proof.
  - 2.3.2 Matter 3(c): Location of the proposed underpass at Ashington and its impact on any anti-social behaviour. See sections 6 and 9 of my proof.
  - 2.3.3 Matter 5(a): The impacts of noise and vibration during operation and construction. See sections 6 and 9 of my proof.

- 2.3.4 Matter 5(b): The removal of trees and shrubbery and its impact on local wildlife and birds. See sections 6 and 9 of my proof.
- 2.3.5 Matter 7: The conditions proposed to be attached to the deemed planning permission for the scheme. See section 8 of my proof .

### 3. **CONSENTING STRATEGY FOR THE SCHEME**

3.1 The proposed Northumberland Line Order [APP-01] forms one part of the consenting strategy for the delivery of the Scheme.

3.2 The consenting strategy for the Scheme, and the role of the Order within it, is summarised in my proof as follows:

3.2.1 **The Order** (if made) will authorise:

- (a) The acquisition of land, and rights over land, and to use land temporarily in connection with the works required to construct and operate the Scheme;
- (b) The diversion and extinguishment of public rights of way (PRoWs), primarily in connection with the closure of level crossings required to facilitate the Scheme; and
- (c) Powers to carry out ancillary works including the construction of new footpaths, parking bays, and temporary worksites and haul roads required during construction.
- (d) The Application also seeks deemed planning permission under s. 90(2A) of the Town and Country Planning Act 1990 for the works authorised by the Order.

3.2.2 **Planning permissions** under the Town and Country Planning Act 1990 are being sought for:

- (a) six new railway stations and associated facilities (Ashington, Bedlington, Blyth Bebside, Newsham, Seaton Delaval and Northumberland Park).
- (b) other railway structures works (Chase Meadows footbridge, Palmersville Dairy underpass and Hospital underpass).

3.2.3 **Permitted development rights** will be used for:

- (a) Track improvements for line speed upgrades; installation of new track to reduce the extent of single- track sections between Newcastle and Ashington.
- (b) Level crossing upgrades and associated signalling and power supply upgrades to facilitate the above track and level crossing changes.
- (c) Replacement and strengthening of existing structures, and any necessary earthworks.
- (d) 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.

#### 4. POLICY CONTEXT

- 4.1 I am satisfied that the objectives of the Scheme are consistent with and strongly align with relevant national policy, including the National Planning Policy Framework [APP-28] and the National Policy Statement for National Networks [APP-27] (December 2014).
- 4.2 In addition, I am satisfied that the objectives of the Scheme are consistent with and strongly align with relevant local policies, including the development plans of Northumberland County Council and North Tyneside Council and other strategic local policies, such as the local transport plans.
- 4.3 Accordingly, these policies support the case for the Order, given its purpose to facilitate the delivery of the Scheme.

#### 5. PLANNING PERMISSIONS

##### Planning applications

- 5.1 The construction of the six new stations required for the Scheme, 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.

Application	Details	Status
<b>Northumberland Park Station</b>  (PA: 21/00299/FUL)	The application was submitted to NTC on 29 January 2021, and validated on 3 March 2021. The application was approved by delegated decision on the 14 <sup>th</sup> September 2021.	Permission granted by delegated decision 14 <sup>th</sup> September
<b>Seaton Delaval Station</b>  (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 <sup>nd</sup> November 2021.	Awaiting determination.
<b>Newsham Station</b>  (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 <sup>th</sup> September and was validated by NCC on the 24 <sup>th</sup> September 2021.	Awaiting determination.
<b>Bebside Station</b>  (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 <sup>th</sup> December to manage and re-consult on these changes.	Awaiting determination.
<b>Bedlington Station</b>	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	Awaiting determination.

Application	Details	Status
<b>(PA: 21/01106/CCD)</b>	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 <sup>nd</sup> November at strategic planning committee.	
<b>Bedlington Liddle's Street Car Park (PA: 21/03060/CCD)</b>	The application was validated on 10 <sup>th</sup> 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 <sup>nd</sup> November at strategic planning committee.	Awaiting determination.
<b>Ashington Station (PA: 21/00387/CCD)</b>	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
<b>Chase Meadows Footbridge (PA: 21/00388/CCD)</b>	The application was approved by NCC subject to conditions on 9 June 2021.	Permission granted by strategic planning committee 9 June 2021.
<b>Palmersville Dairy underpass</b>	The planning application was submitted on the 8 October and awaits validation by the Council.	Awaiting determination.
<b>Hospital Crossing underpass (PA: 21/03780/CCD)</b>	The planning application was submitted in September 2021 and was validated on the 24 <sup>th</sup> September 2021.	Awaiting determination.

- 5.2 For those planning applications not yet determined, I conclude that they are in accordance with the development plan and I am not aware of any material considerations which would suggest planning permission should not be granted.
- 5.3 A full consideration of how the planning applications accord with the development plan are included in the Planning Statements that formed part of the application submission (Appendices C to G, Appendix L and Appendix Q of my Proof of Evidence [APP-W4-1]) and I agree with the conclusions set out therein.
- 5.4 In respect of Hospital Crossing, 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.
- 5.5 Julian Sindall's evidence (APP-W2-1) provides more information about the design of the underpass.

#### Permitted Development Rights

5.6 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.

5.7 The works carried out as permitted development for the Scheme include:

- 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.
- strengthening of existing structures including the works to underbridges 35, 36 and 42, and any necessary earthworks.

## 6. DEVELOPMENT AUTHORISED BY THE ORDER

6.1 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**

6.2 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.

6.3 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.

6.4 I consider the specific locations where these powers would be exercised in section 6 of my Proof of Evidence [APP-W4-1]. 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**

6.5 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.

### **Haul roads and temporary worksites**

- 6.6 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. 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.
- 6.7 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 rail corridor or adjacent site compounds and material stores to transport plant, materials and staff.

## **7. REQUEST FOR DEEMED PLANNING PERMISSION AND DRAFT CONDITIONS**

- 7.1 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.
- 7.2 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).
- 7.3 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.
- 7.4 I am content that the proposed conditions are suitable in the context of the nature and scope of development authorised by the Order, provide suitable and appropriate controls and that they meet the criteria in paragraph 56 of the NPPF.

## **8. ENVIRONMENTAL IMPACTS**

- 8.1 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.

### Environmental impacts arising from the Order Scheme

- 8.2 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.
- 8.3 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. 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.



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

- 8.4 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.
- 8.5 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.
- 8.6 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. 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.
- 8.7 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.
- 8.8 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

- 8.9 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 in section 8 of my Proof of Evidence [APP-W4-1]. These, specifically, are contained in Matters 3 and 5.

**Matter 3**

- 8.10 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. Julian Sindall's Proof of Evidence (APP-W2-1) provides further commentary on both matters 3(b) and 3(c).

**Matter 5**

Noise and Vibration

- 8.11 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.
- 8.12 Turning to the Scheme as a whole, 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. 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.

- 8.13 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.
- 8.14 For the purposes of the Outline Business Case [APP-40], AECOM undertook an initial noise appraisal based upon the Transport Analysis Guidance (WebTAG). The outcome of the appraisal estimated that 6,374 properties could experience a noise level increase with 192 properties experiencing a noise level decrease. 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.
- 8.15 Some properties are estimated to experience a significant decrease in noise compared to the current situation.
- 8.16 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.

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

- 8.17 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. STOPPING UP OF HIGHWAYS/PROWS UNDER THE ORDER**

*Level crossings*

- 9.1 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 have been completed and are open for use.
- 9.2 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*

- 9.3 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:
- 9.3.1 those identified as requiring closure as a result of the separate planning applications being pursued at Ashington, Newsham and Bedlington; or
- 9.3.2 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).
- 9.4 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.

- 9.5 I consider the specific details of the proposed permanent stoppings up in section 9 of my Proof of Evidence [APP-W4-1].

## 10. RESPONSE TO OBJECTIONS

- 10.1 I consider and respond to each of the objections which relate to planning and other matters covered by my evidence in section 10 of my Proof of Evidence [APP-W4-1].

### Impact on development proposals

- 10.2 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.
- 10.3 **Response** - 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 summarised above.

### Impact of the loss of trees

- 10.4 Owners and residents of properties at Fenwick Close have submitted objections in part on the basis of the proposed removal 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.
- 10.5 **Response** – A number of trees will need to be removed as result of the works at Northumberland Park station. 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. 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.

### Location of the underpass proposed to replace Hospital Level Crossing

- 10.6 Local residents near to the proposed underpass have objected to the Order based on the potential for anti-social behaviour associated with the underpass.
- 10.7 **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. Darren Lord's evidence [APP-W5-1] explains the risk assessments which led to the conclusion that the existing level crossing should be closed. Julian Sindall's evidence sets out the options considered and the reasons for selecting the underpass solution included in the Scheme.