

STATEMENT OF EVIDENCE

of

Richard McIntosh Farr BSc FRICS

On behalf of

MALHOTRA GROUP PLC

In respect of

**THE TRANSPORT AND WORKS ACT 1990 – TWA0/157. PLOTS 323 AND 324 THE
NORTHUMBERLAND LINE ORDER.**

<u>CONTENTS</u>	Page
1. QUALIFICATIONS AND EXPERIENCE	3-4
2. RELEVANT INTERESTS WITHIN THE BOUNDARY OF THE ORDER	4
3. GROUNDS FOR OBJECTION TO THE INCLUSION OF PLOTS 323 AND 324 IN THE TRANSPORT AND WORKS ACT ORDER	4-5
4. PROVISION OF CAR PARKING IN A NO SCHEME WORLD	5
5. EXISTING CARPARKS IN A SCHEME WORLD	5-6
6. INCONSISTENCIES IDENTIFIED IN THE ACQUIRING AUTHORITY'S CAR PARKING DEMAND ASSESSMENTS OF THE PROPOSED STATION CARPARK	7-8
7. PAGE 95 – DEMAND FORECASTING	9
8. PAGE 99 ACOM TRANSPORT ASSESSMENT	9-10
9. CADENZA TRANSPORT CONSULTING NORTHUMBERLAND LINE CONVERSION – THE ENGINEERING JUSTIFICATION FOR USING THE MALHOTRA LINE 24 SEPTEMBER 2021	10-12
10. SUMMARY	12-13
11. STATEMENT OF TRUTH	13
12. DECLARATION	13

APPENDIX TO CONTENTS AND ATTACHMENTS

1. CV CURRICULUM VITAE
2. CADENZA TRANSPORT CONSULTING NORTHUMBERLAND LINE CONVERSION – THE ENGINEERING JUSTIFICATION FOR USING THE MALHOTRA LAND 24 SEPTEMBER 2021

1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Richard McIntosh Farr.
- 1.2 I am a Bachelor of Science degree in General Practice Surveying and was elected Professional Member of the Royal Institution of Chartered Surveyors in 1984 and Fellow in 1995.
- 1.3 I joined Sanderson Townend & Gilbert in 1982 and was elected a Partner in 1990. I am a Shareholding Partner of Sanderson Weatherall, a member of the Executive Board, Head of Newcastle Upon Tyne office and national head of compulsory purchase.
- 1.4 I am a Founder Member of the Compulsory Purchase Association and Professional Member of the Chartered Institute of Arbitrators.
- 1.5 I have worked in the North of England for 39 years providing Valuation and Property tax advice to both the Private and Public Sector.
- 1.6 During the last 20 years, approximately 50% of my professional time has been devoted to valuation, appraisal and negotiation arising from urban regeneration, infrastructure projects and the use of compulsory purchase powers. I have undertaken development appraisals, budgeting exercises and negotiated many hundreds of claims consequential to the use of compulsory purchase powers. I am or have been personally involved in the following schemes:
 - 1.6.1 Sunderland Strategic Transport Corridor, Phase II & III.
 - 1.6.2 Warrington Western Link.
 - 1.6.3 Darlington Station Gateway Compulsory Purchase Order 2021.
 - 1.6.4 The A19/A1058 Development Consent Order 2016 – Northumbrian Police and 8 additional claimants.
 - 1.6.5 The Mersey Gateway – Vertu Plc.
 - 1.6.6 London Borough of Southwark (Land Surrounding Peckham Rise Station) Compulsory Purchase Order 2016.
 - 1.6.7 South Tees Development Corporation (Land at the former Redcar Steelworks Redcar) Compulsory Purchase Order 2019.
 - 1.6.8 Sunnyside, Sunderland – Sunderland Regeneration Partnership.

- 1.6.9 Central Park, Darlington – Tees Valley Regeneration/Darlington Borough Council.
- 1.6.10 Thornaby Town Centre – Stockton Borough Council.
- 1.6.11 Durham Tees Valley Airport – Tees Valley Regeneration.
- 1.6.12 Eldon Square Extension – Newcastle City Council and CSC Shopping Centres.
- 1.6.13 360 Vision, South Shields – South Tyneside Council.
- 1.7 My Curriculum Vitae is appended in Appendix 1.
- 1.8 My Statement of Truth and Declaration are at the end of the Proof of Evidence at sections 12/13.

2.0 RELEVANT INTERESTS WITHIN THE BOUNDARY OF THE ORDER

Number on Plan	Extent and Description of the Land or Property	Freehold Owners	Tenants / Occupiers
323	152m ² of hedgerow situated to the west of John Street, Ashington, Northumberland	Malhotra Commercial Property Ltd	Unoccupied
324	4,652m ² of grass and scrubland situated to the east of Kenilworth, Ashington, Northumberland	Malhotra Commercial Property Ltd	Unoccupied

- 2.1 Malhotra Commercial Properties Ltd is part of Malhotra Plc with interest in the care sector, leisure and property.
- 2.2 The Objector's site (Plots 323 and 324) was occupied by the former Essendene Care Home until its demolition in approximately 2008.
- 2.3 Malhotra Commercial Property Ltd intend to redevelop the site for the provision of a 70-bedroom care home.
- 2.4 The land if incorporated in the scheme shall be used to supplement the existing surface car parking, in part to support the proposed station and in part to support the town centre.

3.0 GROUNDS FOR OBJECTION TO THE INCLUSION OF PLOTS 323 AND 324 IN THE TRANSPORT AND WORKS ACT ORDER

- 3.1 The Objector supports the strategic aims of the scheme and wishes to see south east Northumberland and Ashington prosper acknowledging the benefits listed at paragraph 3.4 of the NCC's Statement of Aims.

- 3.2** Plots 323 and 324 are peripheral to the scheme and should not be included in the Compulsory Purchase Order as the land is not necessary to achieve the aims of the scheme and in many respects its inclusion contradicts the objectives of the scheme.

4.0 PROVISION OF CAR PARKING IN A NO SCHEME WORLD

4.1 The Station Yard Carpark, Kenilworth Road, Ashington (As Existing)

- 4.1.1** The existing Station Yard Carpark provides a total of 122 spaces.
- 4.1.2** The existing carpark is operated by the County Council having 23 long stay spaces (more than 2 hours), 2 electric charging spaces, 7 disabled spaces and 81 short stay spaces (less than 2 hours).
- 4.1.3** Review of Google Street View in April 2017 and May 2018 revealed the car park to be almost full suggesting that in a pre-Covid world the car park was been well used.
- 4.1.4** The carpark appears to attract users going to the town centre though this may be because there is a maximum 2 hour stay on 81 spaces forcing those who work in the town centre to use other carparks.

5.0 EXISTING CARPARKS WITHIN 0.3 MILES OF STATION YARD.

5.1 Public Car Parks

Operator	Name	Distance from station (miles)	Capacity (VO)	Subject to charge	Operational notes
Northumberland County Council	Cricket Club	0.04	29 spaces	Free	All day (8am-6pm Monday to Saturday)
Northumberland County Council	John Street	0.04	83 spaces	Free	All day (8am-6pm Monday to Saturday)
Northumberland County Council	Dairy House	0.07	38 spaces	Free	All day (8am-6pm Monday to Saturday)
Northumberland County Council	Park Road	0.22	40 spaces	Free	All day (8am-6pm Monday to Saturday)
Northumberland County Council	Haldane Street	0.13	20 spaces	Free	All day (8am-6pm Monday to Saturday)
Northumberland County Council	A.L.C (Peoples Park)	0.28	175 spaces	Free	All day (8am-6pm Monday to Saturday)

Northumberland County Council	Woodhorn Road	0.31	147 spaces	Free	All day (8am-6pm Monday to Saturday)
Total			532 spaces		

5.2 Private Car Parks

Operator	Name	Distance from station (miles)	Capacity (VO)	Subject to charge	Operational notes
Asda	Asda Car Park Lytonville Terrace	0.14	400 spaces	Customer only	3 hours maximum stay
Lidl	Lidl Car Park High Hirst Farm	0.36	118 spaces	Customer only	1.5 hours maximum stay
Smart Parking	Pound Stretcher Woodhorn Road	0.25	84 spaces		1.5 hours maximum stay
Total			602 spaces		

*Number of spaces taken from Valuation Office Rating Assessments other than Park Road and A.L.C (Peoples Park) where figures have been taken from https://en.parkopedia.co.uk/parking/carpark/a_l_c_peoples_park/he63/ashington/?arriving=202110061300&leaving=202110061500

Description	Total number of spaces pre scheme	Percentage Change
Station carpark	120	
Public parking	532	
Private parking	602	
Total	1,254	

Description	Total number of spaces in a scheme world including Objector's land	Percentage Change
Station carpark	270	
Public parking	532	
Private parking	602	
Total	1,404	11% increase

Description	Total number of spaces in a scheme world excluding the Objector's land	Percentage Change
Station carpark	150	
Public parking	532	
Private parking	602	
Total	1,284	9% increase

6.0 INCONSISTENCIES IDENTIFIED IN THE ACQUIRING AUTHORITY'S CAR PARKING DEMAND ASSESSMENTS OF THE PROPOSED STATION CARPARK

Document Title and Date Produced	Number of spaces	Methodology used
ACOM Transport Assessment - January 2020 (most recent revision 2021)	<ul style="list-style-type: none"> Existing car park has 113 spaces. 80-180 spaces required as result of demand forecasting (pg 96) 103-186 spaces in the estimated car park size (excludes existing car park) (pg 97) Maximum spaces required in 186 (pg 99) 299 would be the ideal however not enough space (pg 99) 275 car parking spaces is the final plan (pg 99). 	Spreadsheet-based mode-choice model (Appendix C of the Outline Business Case which is unavailable). Based on Morpeth station and uses highest available figures.
Cadenza Transport Consulting - Issue date 24 September 2021	<ul style="list-style-type: none"> Existing car park has 122 spaces. 308 spaces would be the ideal (122+186). Covid adjusted interim demand forecast to be 99 spaces in 2028. Approximately 270 spaces, providing 100% of 2039 demand for North Line and 69% of pre-Covid High Street demand. Even with the Malhotra land only 270 spaces can be delivered (pg 3). 	Uses the Outline Business Case, which has been previously established not to have the correct appendices available. Quotes DfT TAG, most recent publication of that document which is now over 2 years old and is due to be updated in Autumn 2021 but is not available as at 6 October 2021.
Business rates assessment as prepared by the Valuation Office	<ul style="list-style-type: none"> States a total of 163 spaces. (pre-existing car park). <p>Car Park Wansbeck Square & Station Yard, Kenilworth Road, Ashington, Northumberland, NE63 8ND.</p>	

* The page numbers are drawn from a PDF version of the ACOM Report as not all pages or paragraphs are numbered.

- 6.1** As at September 2021 there are 120 car parking spaces within the existing space and yard south carpark which appears to have increased from 113 in 2018.
- 6.2** The Transport Assessment (page 99) recommended 275 spaces based on an existing carpark of 113 spaces. The existing carpark provides 120 spaces.
- 6.3** The maximum number of carparking spaces from the demand forecast for the railway is 186 by 2039 spaces giving a maximum number of spaces required of 299 spaces however, this is not physically possible to accommodate even including the objectors land.

- 6.4** Cadenza Transport Consulting in their document of September 2021 (Appendix 2) reduced the interim demand to 99 spaces by 2028 in accordance with DfT Guidance for impacts from the Covid pandemic on rail demands.
- 6.5** Acom Transport Assessment (page 97) refers to demand requirement between 103 and 180 spaces generated by the new railway line.
- 6.6** If the Objector's land was excluded from the scheme the design team estimate that a carpark of 150 spaces could be built but then go on to reduce this figure to 130 spaces.
- 6.7** The design team assume that of the 150 spaces in the new station carpark, excluding the Objector's land, 61 spaces will be used by non-station users visiting the adjacent town centre.
- 6.8** It appears that no consideration has been given to :
- 6.8.1** Surplus capacity in adjacent car parks serving the town centre (Table/para number 5.1 & 5.2).
- 6.8.2** The implementation of carparking management at the station car park and public car parks serving the town centre to promote use by users of the railway and to exclude those working in or visiting the town centre.
- 6.9** The provision of carparking serving Ashington town centre is not an objective of the Northumberland Line. It is asserted that if a carparking strategy was implemented to reduce or exclude the 63 cars which are anticipated to use the new station carpark for journeys not associated with the station the capacity of 150 cars created by the new station car park would be adequate for the purposes of the railway.
- 6.10** The DfT Covid adjusted interim demand forecasts are in the order of 99 spaces required by the railway by 2028. This leads to a surplus of 51 spaces or 34% of capacity if a policy were implemented which relocated the cars destined for the town centre.
- 6.11** There is a cost saving to the scheme arising from not acquiring the Objector's land or building the extension to the new carpark. These monies could be used in part to implement a carparking strategy and improvement to the existing public car parks owned by the authority on the fringe of the town centre. There is no evidence to suggest that this option has been considered.

7.0 PAGE 95 – DEMAND FORECASTING

- 7.1** The modelling is highly sensitive to the adopted assumptions and variation of input and has been prepared using pre Covid 19 data.
- 7.2** The carpark estimation modelling described at page 95 and the assumptions adopted are incorrect. Specifically, the use of data drawn from existing stations is flawed as it fails to have regard to the characteristics and use of the proposed stations and the fact that Ashington is a terminus station.

8.0 PAGE 99 ACOM TRANSPORT ASSESSMENT

- 8.1** The authority has implemented their powers of compulsory acquisition based on evidence which their consultants clearly state is a worst-case scenario and could well be an exaggeration of demand. The use of the “worst case value” is not justifiable as grounds for implementing powers of compulsory acquisition.
- 8.2** The authority’s consultants acknowledge that the car park should only be progressed by reference to the worst-case values if the land to accommodate it is available and budget exists. There is no recommendation by the consultants that the objector’s plots are essential to the scheme.
- 8.3** The authority has confused demand for the car park arising from use/management of the existing Station Carpark as a predominantly short stay facility serving the town centre and dedicated users of the Northumberland Line.
- 8.4** The authority operates 652 car parking spaces (inclusive of station yard) within 0.3 miles of the station yard. No data has been provided by the authority as to surplus capacity available in the other car parks operated by them on the fringe of the town centre.
- 8.5** The authority has not demonstrated how the proposed station car park will be managed to promote long stay use designed to complement the railway and exclude short stay congestion caused by town centre users. It is reasonable to assume that the two-hour limit on the majority of spaces in the existing Station Yard car park was introduced to discourage long stay parking by those working in the town centre. It is not clear if this has been factored into the demand studies prepared by the authority. How will this be discouraged in a scheme world?
- 8.6** The authority is asked to demonstrate what improvements are to be introduced to the public transport links to the proposed station how these may reduce demand for parking at the station

and how the cost of these improvements will be met from the budget to facilitate the increased traffic generated by the construction of the station.

- 8.7** It is not clear from the evidence submitted by the authority as to whether the transport assessments in respect of the highways network following the opening of the station have been completed and whether it has been proven that the highway network is fit for purpose without improvement.

9.0 CADENZA TRANSPORT CONSULTING NORTHUMBERLAND LINE CONVERSION – THE ENGINEERING JUSTIFICATION FOR USING THE MALHOTRA LAND 24 SEPTEMBER 2021 (APPENDIX 2)

9.1 Demand for Parking Spaces at Ashington Station

- 9.1.1 *“The Project Team has asserted that the highest demand case is for 186 spaces for users of the railway in 2039, 15 years from the proposed open date”. “Demand for parking spaces has been reviewed in the interim to 99 spaces in 2028 in accordance with the DfT Guidance for impacts from the Covid pandemic on rail demand”.*

Without using the Objector’s land, it is possible to create 150 spaces in the New Station Carpark. No consideration has been given to the exclusion or relocation of vehicles using the car park in connection with Ashington Town Centre.

- 9.1.2 *“The 2039 modelled demand for rail user of 186 plus 122 town centre users cannot be fully accommodated on a single level even including the Malhotra land. The Design Team has provided a preliminary optimistic assessment that circa 150 spaces could be available within the remaining site area (though a more realistic assessment is closer to 130 spaces)”.*

It is remarkable that the Design Team cannot model the carpark to less than a tolerance of 20 spaces.

- 9.1.3 *“A spot survey on the day of the pre-Inquiry meeting on Tuesday 21 September 2021 showed a maximum of 70 cars parked on the existing station carpark representing 57% of total capacity”.*

There is a parking management policy in place at the existing Station Carpark which limits the stay to a maximum of 2 hours for in excess of 80 of the parking spaces. The current parking strategy bears no resemblance to that which should be implemented were the car park being used to serve a railway station and such historic evidence is of no assistance.

- 9.1.4 *“If a car park of no more than 150 spaces could be provided that would leave at most 89 spaces for Northumberland Line use”.*

There is no reflection or acceptance that the carparking management strategy can be changed and that there is no spare capacity within the 1,284 spaces which total the overall carparking resource for the town centre and the proposed station.

- 9.1.5 *“If parking demand for the town centre approached pre-Covid levels, there would be very few parking spaces available to meet rail demand”.*

No consideration appears to have been given to a carparking management strategy which could distinguish between rail traffic and town centre traffic. It is not proven that the existing town centre car parks are at capacity even in a pre-Covid world.

9.2 Grade Expansion Option

- 9.2.1 *“The cost differential is significant at more than £3 million to avoid using the Malhotra land or, worse, retrofit a second deck to a popular carpark no more than four years after the Northumberland Line is operational”.*

The cost difference is assumed to be calculated on a purely financial model, no account has been taken of the cost benefit/loss of a care home to the community and the local economy. In addition, no consideration appears to have been taken with regard to the ability to use existing underutilised carparking elsewhere in the town centre together with carpark management to create capacity.

- 9.2.2 *“The proposed solution using the Malhotra land would be expected to provide suitable capacity for at least the first 15 years of operation and represents prudent and proportionate use of powers and funds”.*

An Acquiring Authority should not use its powers of compulsory acquisition unless there is a reasonable prospect that the powers will deliver benefit to the community and there is a recognised and identified end user. The demand studies in support of the Acquiring Authority case do not conclusively prove this.

- 9.2.3 *“The need for the Malhotra land has been confirmed by the recent grant of planning permission”.*

The grant of planning permission conditional on the construction of the station carpark may be regarded as a self-fulfilling prophecy insofar as the planning authority and the acquiring authority are one and the same. The Northumberland Line is not

fundamentally undermined by removal of the Malhotra land from the order insofar as a variation to the planning permission may be sought once a more suitable solution to the provision of parking at Ashington Station is identified.

10.0 SUMMARY

- 10.1** A CPO should only be made where there is a compelling case in the public interest and the acquiring authority must be able to demonstrate that there are sufficient compelling reasons for the powers to be sought at this time. The authority have failed in this duty of proof.
- 10.2** The acquiring authority have not demonstrated conclusively that there is demand for the quantum of car parking proposed as part of Ashington Station. This is critical to understanding whether there is a compelling case to acquire the Objector's site, but evidence is currently lacking.
- 10.3** The inclusion of Plots 323 & 324 in the order fails the test that a balance has to be struck between the competing interests of those whose rights have been affected and the community as a whole. The acquiring authority have failed to demonstrate such a balance when including Plots 323 & 324 in the order and have disregarded the proposed use as a care home together with the inward investment employment and provision of amenity which this will bring.
- 10.4** It is stated in the authority's evidence that it is possible to achieve the density of car parking estimated to be required by adopting an engineered solution without the inclusion of plots 323 & 324.
- 10.5** The exclusion of plots 323 & 324 would neither prevent the scheme nor bring with it congestion at Ashington Station and it has been included by the consultants as one of a number of options to a lack of capacity which is not proven to exist.
- 10.6** Over the short term, the Objector would be open to negotiations regarding the use of all or part of their site for part of the construction of the Northumberland Line project..
- 10.7** In light of the above Malhotra Commercial Properties Ltd maintained their fundamental objection to the compulsory purchase order.
- 10.8** The authority has not proved demand for parking. There is a probability that the plots will be found to be surplus and the authority shall dispose of the land. The Objector has the right to buy the plots back under the Crichel Down Rules however, the purchase must be at market value in a "scheme world". The Objector will receive compensation equivalent to market value

in a no scheme world but must pay market value in a scheme world which is likely to have increased due to the presence of the transport hub simply to allow them to build the long planned care home facility.

11.0 STATEMENT OF TRUTH

11.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

12.0 DECLARATION

12.1 In preparing this Proof of Evidence, I confirm that:


12.1.1 Insofar as the facts stated in this Proof of Evidence are within my own knowledge, I have made clear which facts they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.

12.2 My Proof of Evidence includes all the facts which are regarded to be relevant to the opinions which I have expressed, and I have drawn to the attention of the Inspector any matters which would affect the validity of those opinions.

12.3 I understand that my duty to the inquiry overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in preparing my evidence and will continue to comply with that duty as required.

12.4 I am not instructed under any conditional fee arrangement; and

12.5 This evidence complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in Surveyors acting as expert witness: RICS Practice Statement and Guidance Note (4th Edition).

Signed

R.M. Farr

Dated 12 October 2021

Richard Farr

Chartered Surveyor

Partner – Compulsory Purchase and Valuation

Richard.farr@sw.co.uk

07901710684



Fellow of The Royal Institution of Chartered Surveyors, RICS Registered Valuer and Member of the Chartered Institute of Arbitrators, Founder Member of The Compulsory Purchase Association Member of the Rating Surveyors Association

Graduated in 1982 with a degree in general practice surveying from Newcastle upon Tyne Polytechnic (now University of Northumbria). Gained professional qualification in 1984. During his time as an under-graduate, Richard trained in the Rating Department of G L Hearn. He subsequently trained as a graduate surveyor with Sanderson Townend & Gilbert.

Richard has specialised in Compulsory Purchase for in excess of 25 years, advising Acquiring Authorities, developers and claimants on all aspects of compulsory purchase and valuation associated with infrastructure and regeneration. He has extensive experience in giving strategic advice to acquiring authorities and presenting Expert Evidence at Public Inquiry and Upper Tribunal. He is involved in all aspects of delivering infrastructure and regeneration schemes including land acquisition budgeting, development agreements and appraisals, commercial deliverability and settlement of compensation claims.

RECENT CASES: ACTING FOR ACQUIRING AUTHORITY

Sunderland Strategic Transport Corridor – New Wear Bridge CPO 2009, 2011 and 2017 under the Highways Act 1980:

Acting for Sunderland City Council, Richard has been involved with the £200m scheme since its inception when he prepared Budgets and assisted in route selection, the preparation of the draft order, appeared as expert witness at the public inquiries, project managed the acquisition programme settling numerous compensation claims in advance of the order being made. He prepared project board reports, updated the budgets, set the timetable for the GVD to correspond with the letting of the construction contract, managed possession of the interests, authorised advance payments in accordance with L.C.A.73 S52, received compensation claims and negotiated settlements. Claims were received under the L.C.A.61 S5 rules 2, 5 & 6 including statutory extinguishment of a medical practice and scrap yard, relocation of a CCTV monitoring facility, Church Commissioners land and riverbed.

There were also 'special category' landowners including 'the Crown' who owned part of the riverbed where the bridge structure would be constructed, Network Rail and Nexus all of whom cannot be CPO'd and hence the property interests had to be acquired by agreement. Richard secured a number of Objection withdrawals in advance of the Public Inquiry and worked closely with the Council's Counsel to agree strategy on how to deal with the live Objections at the Public Inquiry. The CPO for the bridge was confirmed and the bridge was opened in 2018.



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Richard was reappointed for Phase 3 and has continued his role as Project Leader. provided strategic advice and land acquisition budgets for the 3Km new highway linking the Northern Spire Bridge with Sunderland City Centre. Claimants include a shipyard with dry docks and cranes, allotments, scrapyards, a residential development site, a print works, a concrete lintel manufacturer a tarmac batching plant as well as land which forms part of the car parks for a retail park where PC World, Halfords and Morrison's are Tenants. The Crown also has drainage rights over the land. The Order was confirmed following a public inquiry during which Richard appeared as the council's expert. The order was confirmed without alteration, powers have been implemented and the road is due to open in autumn 2021. Richard is in negotiations with all of the claimants which are at various stages. The project is ongoing and L.C.A. 73 Part 1 claims are anticipated upon use of the structure.

Darlington Bank Top Railway Station and Regeneration Project: acting for Darlington Borough Council Richard is retained to undertake the land assembly necessary to implement the £150 million scheme. The scheme has the aim of improving pedestrian and vehicular access to the main east coast station. In 2018 Richard prepared a Land Acquisition Budget which was one of the key documents used for the successful funding application. In early 2020 the scheme was adopted and work commenced on the acquisition of property interests. Interests include a public house, a steel fabrication manufacture and a social club. It is anticipated that a compulsory purchase order will be required to complete the land assemble process and in parallel work has commenced on the preparation of the Land Referencing, draft order and statement of reasons. This scheme links in with Central Park Darlington.

Central Park, Darlington: acting for Tees Valley Regeneration and Darlington Borough Council Richard has advised since the inception of the scheme in 2002. The £100m scheme was Master planned in 2012 and is due for completion 2030. Achieved to date vacant possession of the whole 30 ha of brownfield site, construction of road infrastructure, education campus for Darlington College and Teesside University, Business Centre, National Biologics manufacturing center. and links to Darlington East Coast Main Line Station. Richard has advised Tees Valley Regeneration and Darlington Borough Council since the inception of the scheme preparing land acquisition budgets to secure funding and entering into negotiations with the claimants to acquire the property interests under the shadow of compulsory purchase powers in accordance with Circular 06/04 and subsequent guidance.

Richard negotiated agreement and compensation with Network Rail for operational railway land and redundant railway sidings. The scheme included the consideration of village green issues. Compensation was agreed for the relocation of a telecoms mast.

The land and businesses were acquired by agreement without recourse to a formal compulsory purchase order. Interests included relocation of a pork pie bakery and a veterinary surgery, the extinguishment of a public house and scrap merchants, relocation of a professional hairdressing and wholesale supply retail warehouse. The new highway (John Williams Boulevard and services are complete Richard has provided advice to the Council regarding potential claims under the Land Compensation Act 1973 Part 1 and delivered strategic advice prior to highway works commencing including noise surveys in several locations, photographic and video evidence and traffic counts.

Northumberland County Council – Blyth Town Centre CPO 2010: This regeneration scheme centred on the provision of a Morrison's superstore. Acting on behalf of the Council a development agreement was negotiated and the full site assembly process was managed from inception to settlement of compensation claims, including public inquiry. A number of roadside uses were included in scheme



City of Newcastle upon Tyne – Eldon Square CPO 2005: Acting jointly for the City and Capital Shopping Centres as compensation valuers and letting agents for the shopping centre Richard managed the CPO process including public Inquiry and settlement of compensation. The scheme included major highways works and the relocation of the main transport interchange including service yards. Interests included advertising hoardings, kiosk in the transport hub and the PTE.

The HCA – Foxcover Industrial Estate, Seaham 2014: Acting for the HCA, negotiation of compensation arising from the stopping up of a private right of access benefiting Seaham Golf Club, including consideration of certificates of appropriate alternative use.

The Redcar and Cleveland (Grange Town) Compulsory Purchase Order 2004.

Acting on behalf of Redcar and Cleveland Richard acquired over 200 residential properties of which one claim was determined by the Upper Tribunal (Lands Chamber)

N. Ikkardesler v Redcar and Cleveland. The Upper Tribunal awarded compensation as recommended in Richard's expert evidence. In the decision it was stated by Mr Paul Francis FRICS Lands Chamber member "*I am entirely satisfied that the evidence produced by Mr Farr supports his opinion of value, and I accept it*"

RECENT CASES: ACTING FOR OBJECTORS TO THE COMPULSORY PURCHASE ORDER.

The South Tees Development Corporation (Land at the Former Redcar Steel Works, Redcar) Compulsory Purchase Order 2019

The £208m scheme extends to in excess of 550 ha and has the objective of regenerating the former steelworks. Richard was appointed by Hanson UK to promote an objection to the scheme when it became apparent that Hanson Cement Mill and Hanson Concrete Batching Plant extending to a gross area of 6 ha had been included in the order. Following the preparation of technical papers for consideration by South Tees Development Corporation the boundaries of the scheme were altered and Hanson's ownership was excluded from the scheme. The Development Corporation paid all costs and entered into a framework agreement securing easements for vehicles and pedestrians and services.

Lincolnshire County Council (Station Approach Grantham) Compulsory Purchase Order 2012

Promoted by Lincolnshire County Council the £30 million scheme aimed to deliver improved pedestrian and vehicle access to the east coast railway station and promote a business Park adjacent to the station entrance. Acting for Jewson's Richard was instructed to object to the principle of the scheme. He identified fundamental shortcomings including lack of ability to deliver the scheme, unproven demand from end users and inadequate funding. He prepared expert evidence and attended the Inquiry in the role of expert and advocate. Powers were subsequently denied by the Secretary of State and the scheme was cancelled.

Highways Agency Development Consent Order 2015 A19/A1058 Junction Improvement Scheme 2015: The £88m scheme impacted on a significant number of motor dealers. Acting for 10 landowners including Northumbria Police, and franchise dealers for Toyota, Fiat, Jeep Richard submitted an objection to the DCO prepared expert evidence and attended the Public Inquiry in the joint role of expert and advocate. Following confirmation of the order



compensation claims were prepared and subsequently agreed on the basis of three business extinguishments, one business relocation, five business disturbance claims including temporary land compensation and accommodation works to secure the police station. The compensation was settled for all claimants shortly after opening in autumn 2019 without recourse to Land Chamber.

PD Ports – Water Industries Act 1991 – Water Main Replacement: The £12m water main extension scheme 2016. Richard acted for PD Ports identified that the Powers contained in the Water Industries Act were not applicable to land owned by port authorities. Northumbrian Water were seeking to take possession of the land and wished to enter the land urgently to avoid delays in the pipe laying work and d contractor penalties. Northumbrian Water had to agree a quick solution to enter the land which resulted in Richard negotiating fixed term easements for water pipes and pipe bridges which was far from ideal for Northumbrian Water who had originally thought they could enter the land subject to the relevant notices being served without consent.

RECENT CASES: ACTING FOR CLAIMANTS.

The River Mersey (Mersey Gateway) Order (TWA Order) 2011: Acting for Vertu PLC (Bristol Street Motors) to negotiate the compensation arising from the disruption of a car franchise, convenience store and petrol filling station. Pursuing a claim in parallel under the provisions of The Transport and Works Act Article 28 and The Land Compensation Act Section 10. The case is awaiting hearing by The Upper Tribunal (Lands Chamber) at which time Richard will present expert evidence.

London Borough of Hounslow (Land to the South of Brentford High Street) Compulsory Purchase Order 2017: Providing Greggs plc with strategic advice with regard to the compulsory purchase and relocation of a branch outlet. Claim for relocation and temporary loss of business outstanding.

The London Borough of Southwark (Peckham Rye Station) Compulsory Purchase Order 2016: Acting for dental surgery servicing 3000 NHS patients to facilitate a relocation as a consequence of the regeneration of the station and surrounding area. Claim for relocation outstanding.

HS2 (London-West Midlands) 2017: Acting for a number of claimants inside the M25 affected by HS2 including a large commercial bakery and caravan site.

TRAINING:

Richard frequently presents and attends CPO focussed CPD training. As a founder member of the Compulsory Purchase Association, he takes a close interest in the development of CPO law and valuation and is willing to impart this to the Contracting Authority.





Northumberland Line Conversion

The engineering justification for using the Malhotra land

Document reference details

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V1-0	Internal Issue	J Sindall	Selected Project Team	J Sindall	17 Sep 2021
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1 Summary

This note has been prepared to set out the engineering justification for acquiring the Malhotra land for the purposes of providing car parking for the proposed new Ashington station.

Without the Malhotra land, any new car park for Ashington station is likely to be full within the first three to four years of operations. Such a failure to adequately plan for even the near future would undermine the purposes of the Northumberland Line scheme to enhance the local economy along the route and at Ashington in particular.

Developing the scheme without the Malhotra land would mean that Northumberland County Council (NCC) would be faced with considerable additional disruption and cost associated with retrofitting a second level to a congested car park leading to further loss of local economic benefit.

By contrast, developing an at grade scheme on the Malhotra land would be significantly more cost-effective and provide sufficient capacity for expected high street and Northumberland Line demand, with some headroom for additional capacity at marginal cost if the project exceeds its reasonable expectations.

2 Demand for parking spaces at Ashington station

The project team has assessed that the highest demand case is for 186 spaces for users of the railway in 2039, fifteen years from the proposed opening date. The basis for this is the rail demand forecasts that informed the Outline Business Case (OBC), that were determined using a multi-modal choice model developed in line with standard DfT Transport Appraisal Guidance (TAG), and then the application of appropriate factors to translate this into a demand for car parking spaces. Information from the OBC was used to develop the Ashington station car park layout.

Since the OBC was submitted, the scheme design has progressed through to Full Business Case (FBC) and the demand for car park spaces has been reduced in the interim to 99 spaces in 2028 in accordance with DfT guidance for impacts from the Covid pandemic on rail demand.

As at September 2021 there are currently 122 car parking spaces within the existing Station Yard South car park (up from 113 in 2018), which occupies the land used by the proposed Ashington station car park. This car park currently serves the town centre. The most recent pre pandemic Ashington parking study, commissioned by NCC in 2016, showed that maximum occupancy of 113 spaces reached 100%. As noted in the Transport Assessment accompanying the planning application, replacing those parking spaces and meeting the 2039 modelled demand would require a car park of 299 spaces previously, and now 308 spaces (122+186), which cannot be fully accommodated on a single level even including the Malhotra land.

If the project were constrained to only using the available at grade land at Ashington identified in the Order documents, but without the Malhotra land, the design team has provided a preliminary optimistic assessment that circa 150 spaces would be available within the remaining site area (though a more realistic assessment is closer to 130 spaces). This assessment is based on a station car park design that would satisfy NCC's planning requirements and Network Rail standards which include guidance for accessibility; and provide wider facilities associated with a rail station car park. These include: cycle provisions, including accessible storage to be designed in accordance with parking and cycle standards; public and taxi drop off areas; and, Network Rail maintenance access facilities.

A spot survey on the day of the Pre-Inquiry Meeting, Tue 21 September 2021, showed a maximum of 70 cars parked in the car park, representing 57% of current capacity. Even taking a worse hypothetical and extremely pessimistic case that 50% of the existing spaces are no longer used due to Covid impact (which is a significantly greater impact than DfT guidance requires for the railway), that would mean c. 61 of the existing spaces were needed for town centre use in the long term.

If a car park of no more than 150 spaces could be provided, that would leave at most 89 spaces for Northumberland Line use. Since the Covid-adjusted interim demand for the Northumberland Line is forecast to be 99 spaces in 2028, this indicates that the demand would exceed capacity by ten spaces less than four years after operations begin. In the longer term, increasing railway passenger demand would obviously further outstrip supply. If parking demand for the town centre approached pre-Covid levels, there would be very few parking spaces available to meet rail demand.

It would be unacceptable for Northumberland County Council to invest in a public scheme intended to boost the local economy and to encourage car users to transfer to trains, only to find that demand exceeded capacity within three to four years, even when taking an extremely pessimistic view of the effects of Covid, and an optimistic view of the number of spaces deliverable within the land space. A more realistic view would simply mean demand exceeded capacity even earlier. Unless an adequately sized car park is delivered, the economic and transport objectives of the scheme would be undermined.

The additional space can only be delivered by more dense use of the land space, through a multi-deck car park, or by extending out onto the Malhotra land, or some combination. These options are discussed further below.

3 Decked car park option

The option of building up has been assessed by developing a preliminary station car park design including a decked structure of 80m x 32m floor area plus surface level parking for disabled spaces, circulation and drop-

off etc.. This would provide approximately 246 spaces and would only be sufficient to meet the 2039 Northumberland Line high forecast demand if demand for town centre parking were still constrained to no more than 51% of pre-covid levels eighteen years from now (noting that this level has already been exceeded in the recent survey).

The decked car park scheme cost is estimated to be approximately £5.4m, based on cost rates using the latest industry standard SPONS data. A further disadvantage of a decked car park is that it would be necessary to displace the existing car parking during construction, with attendant disruption caused.

4 At grade expansion option

The proposed solution of an at grade car park extending onto the Malhotra land could provide approximately 270 spaces, providing for either 100% of 2039 highest Northumberland Line demand and 69% of pre-Covid high street demand, or 100% of pre-Covid high street demand and 148 spaces (which would provide all of the expected Northumberland Line demand and 80% of the 2039 highest forecast demand).

The cost of building such a car park using the same SPONS source data is approximately £1.6m plus the cost of the Malhotra land. NCC's cost estimate for the Malhotra's proposed use of land is between £300k and £450k. At the upper end of this estimate, the total cost of building sideways out onto the Malhotra land becomes £2.1m.

The cost differential is significant at more than £3m to avoid using the Malhotra land or, worse, retrofitting a second deck to a popular car park no more than four years after the Northumberland Line is operational, because the additional logistics involved would make the installation even more expensive.

5 Use of part of the Malhotra land

Although it would be theoretically possible to only use part of the Malhotra land, there would come a tipping point where the remaining space were uneconomical for the proposed nursing home. We cannot assess what this tipping point would be for the Malhotra group. However, the replacement of the current spaces plus meeting the predicted 2039 railway demand would require 308 spaces, and even with the Malhotra land only 270 spaces can be delivered, there is no realistic "headroom" in the short to medium term to justify taking only part of the Malhotra land. If constrained to take only part of the Malhotra site, the project would carry the risk of still having to provide a raised deck level earlier than otherwise necessary or accept suppressed demand if either the scheme proves more popular than anticipated, or the Covid impact long term were less than anticipated.

6 Conclusion

In conclusion, the purpose of the car park at Ashington is to facilitate the economic growth of the town centre by ensuring that sufficient spaces are provided to at least replicate current capacity, and to support the take-up of the Northumberland Line by providing sufficient additional capacity to meet expected demand. It is also prudent to maintain the ability to expand in a cost-effective manner towards the high railway demand case or greater high street demand as needed.

However, the immediate need for the Malhotra land derives from the fact that, even when taking an extremely pessimistic view of the Covid impact, demand will outstrip capacity within three to four years of the Northumberland Line being operational. The proposed solution using the Malhotra land would be expected to provide suitable capacity for at least the first fifteen years of operations and represents prudent and proportionate use of powers and funds.

The need for the Malhotra land has been confirmed by the recent grant of planning permission (on 10 September 2021) for the development of the station and car park. Condition 15 requires the Malhotra land to be acquired before the development commences, and prevents the station from becoming functional for passenger rail services until the development of the car park has been completed. Accordingly, the Malhotra land has been found to be necessary, and it is required to implement the permission in accordance with its terms.