

## THE NORTHUMBERLAND LINE ORDER 202[\*]

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### STATEMENT OF COMMON GROUND

#### BETWEEN THE APPLICANT AND NORTHUMBERLAND COUNTY COUNCIL (IN ITS CAPACITY AS LOCAL PLANNING AUTHORITY AND LOCAL HIGHWAY AUTHORITY)

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#### 1. INTRODUCTION

- 1.1 This Statement of Common Ground (**SoCG**) has been prepared in relation to Northumberland County Council's (**NCC**) application to the Secretary of State for an Order under the Transport and Works Act 1992 (**the 1992 Act**) to authorise various matters in connection with the proposed Northumberland Line scheme (**the Scheme**).
- 1.2 The Order (if made) would authorise the following matters which are relevant to NCC in its capacity as local highway authority and local planning authority:
- 1.2.1 the closure of various level crossings;
  - 1.2.2 the permanent stopping up (and, in places, diversion) of public rights of way;
  - 1.2.3 the temporary closure of public rights of way;
  - 1.2.4 the permanent stopping up of sections of vehicular highways; and
  - 1.2.5 various ancillary works, including the construction of new footpaths, parking bays and temporary worksites and haul roads during construction of the Scheme.
- 1.3 The Order would authorise these matters at various locations within the County of Northumberland, for which NCC is both local highway authority under the Highways Act 1980 and local planning authority under the Town and Country Planning Act 1990. NCC, in these separate capacities, submitted a representation to the Secretary of State in relation to the proposed Order on 8 July 2021.
- 1.4 The application for the Order also includes a request for a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission be deemed to be granted for the works authorised by the Order.
- 1.5 This SoCG sets out the issues which are either (a) agreed; or (b) under discussion between the parties in relation to the matters which are proposed to be authorised by the Order. Updated versions of this Statement of Common Ground will be submitted to the inquiry as further matters are agreed between the parties.
- 1.6 In this SoCG:
- 1.6.1 NCC in its capacity as applicant for the Order is referred to as '**the Applicant**';
  - 1.6.2 NCC in its capacity as local highway authority is referred to as '**the LHA**'; and

1.6.3 NCC in its capacity as local planning authority is referred to as '**the LPA**'.

## 2. **MATTERS UNDER DISCUSSION – HIGHWAYS**

2.1 The Applicant and the LHA are in discussions as to the precise areas of highway to be stopped up at Newsham and Bedlington under the Order, which are linked to separate on-going discussions on the detail of the proposed new highway alignments at these locations that will be permitted under the relevant planning permissions.

2.2 In addition, the LHA reserves its position more generally where any proposed highway interventions contained in the Order (including level crossing closures) are linked to proposals that will be, or are, the subject of a planning application that is yet to be determined (e.g. in addition to the above, the proposed Hospital underpass) and will consider the detail of the proposed work as part of determining the relevant application. Updated versions of this Statement of Common Ground will be submitted to the inquiry, as these matters are concluded.

2.3 Any agreed amendments to the proposals on the Rights of Way Plans will be reflected in revised plans that will be submitted to the inquiry.

## 3. **MATTERS AGREED – HIGHWAYS**

3.1 **The following matters are agreed between the Applicant and the LHA:**

### Consultation and engagement

3.2 **IT IS AGREED** that NCC has engaged with the LHA throughout the development of the Scheme as a whole and the proposals for the Order, allowing the LHA to provide comments to inform the final proposals.

3.3 **IT IS AGREED** that, in relation to consultation with the LHA, NCC has complied with the statutory requirements for consultation under the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

### Updates to the Order

3.4 **IT IS AGREED** that the draft Order contains some typographical errors which will be corrected by the Applicant, including:

3.4.1 reference to a footbridge in Schedule 1 in relation to Hospital – this should be an underpass; and

3.4.2 references in Schedule 4 to rights of way Backworth 2 and 13 being in the County of Northumberland are incorrect – they are located in North Tyneside.

### Level and accommodation crossings

3.5 **IT IS AGREED** that the LHA supports the proposed closure of the following level crossings (and stopping up of related public rights of way across the railway):

3.5.1 Chase Meadows; and

3.5.2 Lysdon Farm.

3.6 **IT IS AGREED**, subject to the matters stated as being under discussion above, that the LHA considers the diverted rights of way proposed by NCC in relation to the above level crossing closures are suitable and convenient for existing users of the crossings having regard, in particular, to section 5(6) of the 1992 Act.

3.7 **IT IS AGREED** that the LHA supports the proposed closure of the following private accommodation crossings:

3.7.1 Bomarsund user-worked crossing; and

3.7.2 Red Row Bridge.

3.8 The rights at the above crossings are owned by NCC and the LHA supports NCC in entering into a deed of release with Network Rail to surrender the rights of NCC at each crossing.

3.9 **IT IS AGREED** that the provisions in article 7 (closure of level crossings) of the Order that govern the level crossing closures are appropriate, particularly having regard to the fact that any replacement highway across the railway must be in place to the reasonable satisfaction of the LHA prior to any existing public rights of way across the railway being extinguished.

Permanent stopping up of streets

3.10 **IT IS AGREED**, subject to the matters stated as being under discussion above, that the LHA has no objection to the streets proposed to be permanently stopped up by the Order, as set out in Parts 1 and 2 of Schedule 4 (streets to be stopped up) to the Order and shown on the Rights of Way Plans that accompanied the application for the Order. The LHA is content for the Order powers to be used to stop up specific sections of highway to allow the implementation of planning permissions permitting works required for the Scheme at Newsham, Ashington and Bedlington.

3.11 **IT IS AGREED** that, having regard to section 5(6) of the 1992 Act, the LHA has no objection to the proposed new streets to be created in substitution for the streets to be permanently stopped up, as listed in Part 1 of Schedule 4 to the Order and shown on the Rights of Way Plans that accompanied the application for the Order. In particular, the LHA is content that the detail for the proposed substitute streets in Newsham will be confirmed as part of the planning permission for the new station and do not need to be set out as part of the Order proposals.

3.12 **IT IS AGREED** that, having regard to section 5(6) of the 1992 Act, the LHA is content that no substitute streets are required in relation to the streets to be permanently stopped up as listed in Part 2 of Schedule 4 to the Order.

3.13 **IT IS AGREED** that the provisions in article 9 (stopping up of streets) of the Order that govern the permanent stopping up of streets are appropriate, particularly having regard to the fact that any replacement highway must be in place to the reasonable satisfaction of the LHA prior to any existing public rights of way being extinguished.

Temporary stopping up of streets

3.14 **IT IS AGREED** that the LHA has no objection to the streets proposed to be temporarily stopped up by the Order, as set out in Schedule 5 to the Order (and shown on the Rights of Way Plans that accompanied the Applicant's application for the Order) and that the Order also provides for the stopping up of any other street, subject to the below.

3.15 **IT IS AGREED** that the provisions in article 10 of the Order that govern the temporary stopping up of streets are appropriate, particularly having regard to the fact that:

3.15.1 before any street listed in Schedule 5 to the Order is temporarily stopped up, the Applicant must consult with the LHA; and

3.15.2 before any other street is temporarily stopped up, the Applicant must obtain the approval of the LHA.

- 3.16 **IT IS AGREED** that the Applicant will discuss any proposed temporary diversions of public rights of way with the LHA as part of any consultation or approval process under article 10 of the Order.

Creation and maintenance of new highways

- 3.17 **IT IS AGREED** that, having regard article 11 (creation and maintenance of new highways) of the Order, the LHA has no objection to the proposed arrangements for the creation and maintenance of new highways under the Order (excluding those to be constructed in accordance with a planning permission at Newsham), namely that:

3.17.1 any new highway created under the Order must be completed to the reasonable satisfaction of the LHA;

3.17.2 that new highway must be maintained by the Applicant at its expense for a period of 12 months from its completion; and

3.17.3 from the end of that period, the LHA maintains that highway at its expense.

- 3.18 **IT IS AGREED** that the LHA is content with the proposed designations of the highways to be created under the Order as specified in Schedules 2 and 4 to the Order.

Means of access

- 3.19 **IT IS AGREED** that the LHA has no objection to the powers contained in article 12 (means of access) of the Order, namely that:

3.19.1 new means of access can be formed and laid out at the locations marked with an 'A' on the Land and Works Plans that accompanied the Applicant's application for the Order; and

3.19.2 other new means of access can be formed and laid out, with the approval of the LHA.

- 3.20 **IT IS AGREED** that the Applicant and the LHA will discuss the extent to which any new means of access formed and laid out under article 12 are required to be reinstated following the completion of construction of the Scheme.

Street works

- 3.21 **IT IS AGREED** that the LHA has no objection to the street works powers contained in article 13 (street works) of the Order noting that works carried out under that provision require the consent of the street authority.

Arrangements for seeking approvals under the Order

- 3.22 **IT IS AGREED** that the Applicant and the LHA will discuss and agree suitable arrangements for the timely submission of details for approval (and, as necessary, consultation) as required under the Order, particularly having regard to the deemed discharge provisions contained in article 32 of the Order.

**4. MATTERS AGREED – PLANNING**

- 4.1 **The following matters are agreed between the Applicant and the LPA:**

Consultation and engagement

- 4.2 **IT IS AGREED** that NCC has engaged with the LPA throughout the development of the Scheme as a whole and the proposals for the Order, allowing the LPA to provide comments to inform the final proposals.

- 4.3 **IT IS AGREED** that, in relation to consultation with the LPA, NCC has complied with the statutory requirements for consultation under the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

Works authorised by the Order

- 4.4 **IT IS AGREED** that the LPA has no objection in principle to the works proposed to be authorised by the Order as listed in article 3 (power to construct and maintain works), namely:
- 4.4.1 works to public rights of way;
  - 4.4.2 the construction of parking bays at level crossings; and
  - 4.4.3 the construction of temporary worksites and temporary haul roads.
- 4.5 However, where any such works are linked to proposals that will be the subject of a planning application (e.g. the proposed Hospital underpass and Newsham Station) the LPA reserves its position and will consider the detail of the proposed work when determining the relevant application.
- 4.6 **IT IS AGREED** that the LPA has no objection in principle to any other matters that are proposed to be authorised by the Order that could constitute 'development' for the purposes of the Town and Country Planning Act 1990.
- 4.7 **IT IS AGREED** that, in light of the above, the LPA has no objection in principle to the Applicant's request to the Secretary of State for deemed planning permission.
- 4.8 **IT IS AGREED** that the Applicant shared the draft conditions attached to the request for deemed planning permission with the LPA prior to the application for the Order being submitted and that the LPA is content with the conditions as currently drafted.



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Name: Stuart McNaughton, Strategic Transport Manager

On behalf of NCC as Applicant

Date: 20.10.21



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Name: Rob Murfin, Interim Executive Director of Planning and Local Services

On behalf of NCC as Local Highway Authority and Local Planning Authority

Date: 19.10.21