

David Cooper- Opening Statement

Northumberland CPO Inquiry

My client generally welcomes the reintroduction of passenger services between Ashington and Newcastle Central and supports the overall development of The Northumberland Line, including the six new railway stations. My client and his firm have been staples of a Northeast success story for the past 30 years and of all people, understands the power of economic activity to create self-sustaining and positive effects in employment and the associated multiplier effect of having economic activity grow and not be curtailed by a lack of government infrastructure, particularly transport. We are then ad idem with the applicant, that this part of Northumberland is in dire need for good transport infrastructure and good quality social housing and social care.

This Inquiry is here exclusively to test the applicant's assertions that a CPO is required to implement their recently consented scheme (10 September 2021), on land at Station Yard Car Park, Station Road, Ashington ('the application site') (reference: 21/00387/CCD). My client's argument is clear, no evidence has been presented by NCC that my client's plots of land (323 & 324) are required in order to implement the applicant's recent consent. The CPO process is quite clear in its obligations, it is a prerequisite that the applicant has to do a sufficient amount of due diligence and research in order that it can prove that exceptional powers are used to curtail a landowner of his or her normal rights and economic activity associated with their land ownership. The applicant has clearly and seemingly purposefully failed in this fundamental requirement. Instead, they have produced an aspirational document at our client's expense, which is not evidenced as required by legislation. No arguments have been made that our client's sites are required in terms of facilitating the new Ashington to Newcastle train service. The applicant makes sweeping generalised statements like: " *Rejuvenate a economic deprived area which has poor connectivity and high social deprivation.*" No data has been put forward to specifically make the case for our site to be needed in order to facilitate the purported greater good of Northumberland.

Climate considerations are very important, particularly at present as Cop26 is currently highlighting. Government policy has been to encourage a greener and more sustainable society. It is not at all apparent that encouraging carbon polluting diesel trains fulfil this function; but more importantly from my client's point of view, how providing car parking, which encourages travel by car can possibly be part of a sustainable and greener process. No one knows what capacity is needed in any event. Why other car parks cannot be used, if they are needed? There is no specific explanation of the monies that are available and how this proposal is the best way of spending whatever that money is that is available. We should not be encouraging people to use the motor car which is precisely what this proposal on my client's side seems to suggest.

I can see nowhere where the Inspector can balance the comparable benefits and burdens of requiring our station car park. Just an assertion that a hopeful 35-minute journey from Ashington to Newcastle could “*open up employment, education and leisure opportunities to people who would not otherwise have them*”. This fluffy approach does not tell us how this new trainline would lead to greater economic activity in the area. No detail is given as to how often the trains would travel (beyond twice an hour) and what the capacity of the trains are. I can find no information which tells me how the Ashington Car Park is to be paid for or managed or maintained as. The car park, clearly, is not just going to be for people that only travel on the railway, so what else is it there for and how does it encourage the use of public transport? The applicant seems to be curiously apathetic to these obvious and searching questions that need to be asked, in order to paint an accurate picture of the legal hurdle required to enact the CPO powers.

The applicant is silent as to the cost of acquiring the development land, nor did they provide any evidence to support the fact that it is purportedly cheaper to acquire our land, than it is to build a multi-storey car park elsewhere in the vicinity. Moreover, no evidence was provided to show that they could not find another car park elsewhere. No reports are provided providing any evidence of the existing utilisation of the existing car parks along the route. The conclusion drawn is that the applicant has decided that my client's site is required as point in principle and then worked backwards to design a scheme accordingly. It is not for the CPO process to start looking years in advance to what might or might not be needed in four or many other years hence. It is what is needed today, and, from the applicant's evidence, no further car park is needed today.

My client has submitted a planning application reference 20/04423/OUT to use the sites as a care home. I note that the application has still not been determined despite having been submitted in December 2020. The applicants make the assertion that the Care Home could go to many other locations (subject to planning), but here is no mention of where? Moreover, there is no mention of what is wrong with this location and there is no mention of why the same Authorities delayed dealing with our application, when it was in well before the application for the railway? This leaves a bad taste and suggests that the applicants have contrived to delay our clients' applications for their own ends. The construction of the care home represents £8.4 million of inward investment to the community and will create job certainty during the construction period and 25 permanent jobs.

Covid 19 and its associated effects seem to be been ignored by the applicant. Given the existential effects to the office and the associated effects upon commuting from a diminished need for commuting, due to the advent of home working; one would have thought that we would have been furnished with reports analysing the anticipated demand changes in commuting patterns and the corresponding effects on the needs for car parking spaces. Yet the Transport Assessment used to support the planning application for Ashington Station is dated January 2020. There is no demand study prepared in a post Covid world to corroborate demand from end users for car parking?

The car parking analysis is confused. There is no detailed explanation illustrating the manner in which the demand and revenue forecasting has been undertaken. The capacity for linked or shared trips between the town centre car park and the railway

station does not appear to have been explored and, to this end, there is a possibility that provision has effectively been double counted. In addition, no clarity is provided on the pricing strategy for the new/existing car parking. Notwithstanding this, the data relied upon to undertake the demand and revenue forecast also predates the Covid 19 pandemic therefore is unreliable and does not reflect the actual use of the amenity. Further evidence is therefore required justifying the need for the proposed levels of car parking in this scale and in this location.

The authority has implemented their powers of compulsory acquisition based on evidence which their consultants clearly state is a worst-case scenario at a future point in time 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. 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. However, the lack of evidence regarding the longer term need for the site does not justify compulsory acquisition. 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. It is asserted that the inclusion of the plots in the order arises from a failure to communicate between the authority and their consultants, that there has been no attempt by the authority to work with the objector and the inclusion of the plots may be motivated by commercial gain or cost saving rather the wider objectives of the scheme. It is stated in the authority’s evidence that it is possible to achieve the density of car parking estimated to be required without the inclusion of plots 323 & 324 and their inclusion is to achieve the most cost-effective solution for the authority.

“Following a discussion between the Northumberland Line Design Team and Northumberland County Council it was agreed that the Malhotra land should be purchased subject to agreeing a suitable price.” This report was published in January 2020. The acquiring authority did not make an offer to purchase the site until 10 August 2021. This delay offends the principles set out in the Ministry of Housing, Communities and Local Government, Guidance on Compulsory Purchase Process and Crichel Down Rules July 2019.

In summary, my client intends to build a care home for the local community, indeed the site was originally a care home. It has an established need, and that need is accepted. Indeed, social care in the post covid 19 world is arguably the number one public policy issue facing this government. My client has extensive experience as a care home operator, having operated 14 operational homes and with two further sites currently undergoing construction in the surrounding area. NCC have not answered any of the fundamental questions required of them to show the purported need for my client’s sites. They have not instructed consultants to do the necessary research to answers these questions. The consultants have acted in effect in a no covid world with their analysis and conclusions. Given what they claim is the importance of my client’s land, its somewhat surprising that the applicants have only made late and cursory offers for the land. This seems to suggest that the applicants are acting as if it’s a fait accompli, given their recent planning consent and my clients planning application still in the waiting room.

This CPO application is as far as my client's site is concerned deleterious to natural justice and for those parties subject to the process. As part of this process, we are now told that no survey was done of the land that they proposed to acquire from my client. We are still in negotiation regarding that survey! How could our site be chosen, when no survey has taken place? And how could detailed planning consent be granted without this information? How do we know whether it may be suitable and what it might cost to build the car park? It is quite ridiculous that we have got the stage of having a Hearing without a survey having been taken place.

For all these reasons my client's site should be omitted from the CPO. It is unnecessary, it doesn't fulfil the statutory requirements, no meaningful negotiation has taken place and my client is adamant that he wishes to build a care home that is going to be of substantially more local and national benefit, than a car park for multipurposes, that appears to be contrary to government policy, sustainability and the way it has been dealt is Wednesday unreasonable!!

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