

NORTHUMBERLAND LINE ORDER

NORTHUMBERLAND PARK

APPLICANT'S COMMENTS IN RESPONSE TO FENWICK CLOSE MANAGEMENT COMPANY

8 DECEMBER 2021

1. SUMMARY

- 1.1 This document sets out the Applicant's response to the response by the directors of the Fenwick Close management company to the Applicant's '*Site specific note relating to Northumberland Park*' [INQ-34], which was submitted to the inquiry on 29 November 2021.
- 1.2 We have provided responses to the specific questions posed by the residents. In providing these responses, the Applicant notes that the project team will be carrying out ongoing engagement and communication with the residents and owners of Fenwick Close and other properties in the vicinity of Northumberland Park. This process will be used to provide general information on the works as well as responses to the types of queries the residents have raised in response to the site-specific note.

2. CEMP PROVISIONS

- 2.1 The final CEMP and CTMP will be made available to the Fenwick Close residents prior to the commencement of construction, and the contractor has confirmed it will arrange a meeting to discuss the contents of these documents once they are published.
- 2.2 The contact details of the contractor's local liaison officer will be given to all the residents prior to construction. If contacted by a resident the liaison officer could arrange a site visit and meeting to discuss any queries or concerns. The Applicant and contractor would welcome further suggestions as to how it would be best for the liaison officer to communicate with residents.

3. NOISE

- 3.1 The Applicant would be happy to arrange a meeting with residents to discuss the mitigation and monitoring proposals relating to noise. Complaints about noise during the construction works could be made to the local liaison officer and further information about the procedure will be provided to residents.

4. MAXIMUM CONSTRUCTION TIMETABLE AND DISRUPTIVE WORKS

- 4.1 The environmental works scheduled to take place between September and November 2022 includes works that are required to satisfy the conditions of the planning permission such as the installation of bird and bat boxes and tree protection measures. The exact timing for these works will however be dependent on bird nesting periods.
- 4.2 It is anticipated that works such as piling and mine grouting will be the most disruptive. The contractor is currently working through plans to reduce the impact on local residents by modifying the sequence of works and gaining access to the site from Algernon Drive. The CTMP will contain further detail about access arrangements and more generally the CEMP and CTMP will contain details of how the impacts of the works will be mitigated to minimise the level of disruption to residents.
- 4.3 In respect of the comments raised about the nearby roads being kept clean, construction vehicle wheels will be cleaned prior to leaving the site if necessary, and roads will be swept periodically during periods of lorry use on local roads.

5. COMPENSATION

- 5.1 The Applicant notes the concerns that the Fenwick Close residents have raised relating to compensation provisions and providing the evidence required to make a claim. To address these concerns, the Applicant is offering to fund independent professional advice for the residents on their entitlement to compensation and the claims process. The funding is up to a cap of £500.
- 5.2 The offer is to help residents identify whether they have a claim and to assist them in navigating the claim process, as the Applicant appreciates this can be a daunting process for those that are unfamiliar with it. This offer has recently been communicated to the residents, and further detail will be provided by the Applicant on the practical details of accessing this advice if the offer is taken up.
- 5.3 The Applicant does not consider it would be appropriate for 'no loss' compensation to be paid to residents for the disturbance caused by the works and the temporary occupation of the land which will be authorised by the Order (if made) and will therefore have statutory authority. No such compensation is paid, for example, when statutory undertakers carry out street works outside residential properties. It is a well-established principle that compensation is payable where loss or damage has been suffered and this principle is reflected in article 19(5) of the draft Order [APP-0103].
- 5.4 The burden of proof is on the claimant to demonstrate that loss or damage has been suffered as a result of the Scheme and it is reasonable to expect suitable evidence to be provided before any payment is made. The Applicant has offered to fund independent professional advice to the residents to assist them in understanding their entitlement and the process for making any claim.

6. DIESEL TRAINS

- 6.1 The Scheme obtained negative screening opinions from North Tyneside Council, Northumberland County Council and the Secretary of State (see APP-08, APP-42 and APP-43). According, an Environmental Impact Assessment was not required.
- 6.2 An air quality assessment was undertaken as part of the planning application for Northumberland Park station (ref: 21/00299/FUL), and this assessment is available to view [here](#) on the North Tyneside Council planning portal for the application. The assessment took account of the use of diesel trains. For both the construction and operation phases of the Scheme, the air quality impacts were deemed 'not significant'.
- 6.3 The Applicant has provided evidence to the inquiry that the cost of electrification of the line is prohibitive, but battery operated trains will be part of the future of the Scheme. It is not possible to procure Battery Electric Multiple Unit trains for the start of operations. However, the Applicant expects these to be operational from 2026.

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