



Report to the Secretary of State for Transport and the Secretary of State for Levelling Up, Housing & Communities

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an Inspector appointed by the Secretaries of State

Date: 10 March 2022

TRANSPORT AND WORKS ACT 1992
TOWN AND COUNTRY PLANNING ACT 1990
ACQUISITION OF LAND ACT 1981

NORTHUMBERLAND COUNTY COUNCIL
THE NORTHUMBERLAND LINE ORDER 202[]

Inquiry opened on 9 November 2021

Inspections were carried out on 9 November, 1, 8, 9, 15 & 16 December 2021

File Ref: DPI/P2935/21/19

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List of abbreviations

ALCRM	All level crossing risk model
CCTV	Close circuit television
CD	Core document
CEMP	Construction environmental management plan
CTMP	Construction traffic management plan
DfT	Department for Transport
EIA	Environmental impact assessment
FBC	Full business case
LHA	Local highway authority
LPA	Local planning authority
MHCLG	Ministry of Housing, Communities & Local Government
NCC	Northumberland County Council
Nexus	The trading name of the Tyne and Wear Passenger Transport Executive
NPPF	National Planning Policy Framework
NR	Network Rail
OBC	Outline business case
TWA	Transport and Works Act

Case details

File Ref: DPI/P2935/21/19

The Northumberland Line Order 202[]

- The Order would be made under sections 1 and 5 of the Transport and Works Act 1992.
- The deemed planning permission would be granted by a Direction under section 90(2A) of the Town and Country Planning Act 1990.
- The application for the Order and a request for a direction that deemed planning be granted permission were made by Northumberland County Council on 26 May 2021.
- The Order would confer powers on Northumberland County Council to acquire compulsorily land and rights in land, to use land temporarily, to close level crossings, and to stop up and divert highways, and carry out works in connection with development required to re-introduce passenger rail services to the existing railway between Ashington and Newcastle-upon Tyne.
- There were 23 objections to the Order remaining at the close of the inquiry.
- The application for a certificate concerning the acquisition of the freehold or rights over four plots was made by Northumberland County Council on 18 May 2021.
- The inquiry sat for nine days: 9-12, 16-19 & 30 November 2021.

Summary of Recommendations: That the Order be made with modifications, that deemed planning permission be granted subject to conditions, and that a section 19 certificate be granted.

1. Procedural Matters

- 1.1 I was appointed by the Secretary of State for Transport and the Secretary of State for Housing, Communities & Local Government, to report to them on the proposed TWA Order, the request for deemed planning permission, and the application for a section 19 certificate concerning open space. Following the Prime Minister's announcement that the MHCLG would be renamed the Department for Levelling Up, Housing and Communities, I shall now report to the Secretary of State for Transport and the Secretary of State for Levelling Up, Housing & Communities.
- 1.2 The applications for a TWA Order and for deemed planning permission will be determined by the Secretary of State for Transport. Permanent powers are sought over four plots covered by the draft Order which are identified as open space. Special parliamentary procedures apply to the compulsorily acquisition of such land, unless the Secretary of State for Levelling Up, Housing & Communities has certified that certain tests have been met. On 18 May 2021, NCC applied for certificates in respect of plots 116, 245, 247 and 281a¹. The applications for these certificates will be determined by the Secretary of State for Levelling-Up, Housing & Communities.
- 1.3 The draft Order is part of the Northumberland Line Scheme (the Scheme), which aims to reintroduce passenger train services to the railway. Although the Applicant for the Order is NCC, and the four plots subject to the application for open space certificates are in Northumberland, the Scheme also includes land acquisition and works within the adjacent area of North Tyneside Council. North Tyneside Council supports the Scheme, of which the Order application forms part².

¹ Document APP-W3-3, appendix B.

² See CD APP-15, paragraph 2.3.

- 1.4 At the beginning of the inquiry, the Applicant submitted revised versions of the following documents: the draft Order (CD APP-01-1), the explanatory memorandum (CD APP-02-1), the book of reference (CD APP-12-1), the land and works plans (CD APP-10-1), and the rights of way plans (CD APP-11-1). These changes were put forward as a result of refinements to the design of the scheme, in response to amendments agreed with objectors, and as corrections to the original documents³. Several of the proposed modifications to the Order had been anticipated in the Applicant's statement of case (CD APP-44) and were referred to at the pre-inquiry meeting.
- 1.5 Further revised versions of the draft Order (CD APP-01-3) and the explanatory memorandum (CD APP-02-3) include amendments in relation to the wayleave leases and protective provisions for the benefit of Nexus. A revised version of sheet 13 of the land and work plans (CD APP-10-2) corrected the omission of plot 144a at Lysdon Farm, and the book of reference was revised accordingly (CD APP-12-3). Subsequently a further version of the land and works plans (CD APP-10-3) was submitted: this simply reinstated the notations concerning new or altered means of access which had been omitted from revision 1.
- 1.6 The proposed modifications would not materially alter the scope of the proposed Order, but would avoid the acquisition of some parcels of land, and they were raised at the inquiry. I am satisfied that no prejudice would be caused to any parties' interests by consideration of the proposed modifications, and I have taken them into account in this report. References to articles are made using the numbers used in the revised and not the original versions of the draft Order⁴.
- 1.7 A pre-inquiry meeting was held on 21 September 2021 to consider arrangements for the management of the case, including the submission of documents. There was no discussion of the merits of any parties' cases at the meeting. A note of the meeting was circulated to interested parties (Document GEN/03).
- 1.8 Immediately before the last sitting day of the inquiry, the Applicant submitted a note relating to matters which had arisen in connection with Northumberland Park Station and the adjacent housing at Fenwick Close (Document INQ-34). The inquiry into the proposed Order was adjourned on 30 November 2021, after closing submissions had been heard, to allow an opportunity for those objectors who had made representations in relation to Fenwick Close/ Northumberland Park station to respond to the Applicant's note, and for the Applicant to make any final comments. A response to the note was received from Fenwick Close Residents (Fenwick Close Management Company – Document INQ-39) followed by final comments from the Applicant (Document INQ-40), and the inquiry was closed in writing on 10 December 2021 (Document INQ-41).
- 1.9 On 7 September 2021, the DfT and the MHCLG issued a statement of matters pursuant to Rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 (Document GEN/01). The statement sets out the matters about which the Secretaries of State particularly wish to be informed for the purposes of their

³ The changes are listed in CD APP-46, Schedule of Proposed Changes to the Application Documents.

⁴ Revised version 1 of the draft Order removes the original article 8, and most articles are re-numbered.

consideration of the applications for the Order, deemed planning permission and an open space certificate.

1.10 In relation to the applications for the TWA Order and deemed planning permission, these matters are:

- 1) The aims and objectives of, and the need for, the proposed Northumberland Line (the Scheme).
- 2) The main alternative options considered by NCC, and the reasons for choosing the preferred option set out in the Order.
- 3) The likely impact of the scheme on local businesses, residents and visitors. Consideration under this heading should include:
 - a) The impacts on access to and from the Asda store in Blyth for customers and deliveries and the operation of the drive-through coffee shop.
 - b) Impacts of the scheme and its construction on the local road networks, parking and communal gardens.
 - c) Location of the proposed underpass at Ashington, and its impact on any anti-social behaviour.
 - d) The impact of the scheme on sheltered accommodation for the elderly.
 - e) The impact of the scheme on development proposals in the area, including housing and care homes.
- 4) The effects of the scheme on statutory undertakers, statutory utilities and other utility providers, and their ability to carry out their undertakings effectively, safely and in compliance with any statutory or contractual obligations and the protective provisions afforded to them.
- 5) The adequacy of the environmental statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006. This should include consideration of:
 - a) The impacts of noise and vibration during operation and construction.
 - b) The removal of trees and shrubbery and its impact on local wildlife and birds.
- 6) Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG *Guidance on the Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of compulsion* published on 29 October 2015 (as amended on 28 February 2018⁵):
 - a) Whether there is a compelling case in the public interest to justify conferring on NR powers to compulsorily acquire and use land for the purposes of the scheme.

⁵ The Guidance on compulsory purchase process and The Crichel Down Rules was revised in July 2019. It is this current version of the guidance which I have taken into account in considering the application.

- b) Whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act).
 - c) Whether there are likely to be any impediments to NCC exercising the powers contained within the Order, including the availability of funding.
 - d) Whether all the land and rights over land which NCC has applied for is necessary to implement the scheme.
- 7) The conditions proposed to be attached to the deemed planning permission for the scheme.
- 8) Whether all statutory procedural requirements have been complied with.
- 9) Any other matters which may be raised at the inquiry which may be important and relevant to the Secretary of State's decision.
- 1.11 In relation to the application for an open space certificate, the matter is:
- 10) That it is appropriate for the Secretary of State for Levelling Up, Housing & Communities to grant a certificate for the compulsory purchase of open space land under section 19 of the Acquisition of Land Act 1981.
- 1.12 It is clear from matter 1 that references to the Scheme in the statement of matters are to the Northumberland Line Scheme as a whole, and I have prepared the report on this basis.
- 1.13 Insofar as matter 5 is concerned, no environmental statement was submitted with the application. The Applicant had requested a screening decision under Rule 7 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. Taking into account consultation responses, information supplied with the request, and factors, including that the majority of the works required for the scheme would be authorised by specific planning permissions or through the utilisation of permitted development rights, the Secretary of State for Transport's decision (CD APP-08) was that an environmental impact assessment was not required. Insofar as matter 6(a) is concerned, article 14(1) would give power to acquire land to NCC, although article 27 provides for this power to be transferred to NR.
- 1.14 A total of 29 objections to the proposed Order were received by the DfT by the expiry date, together with 25 supporting responses and four other representations⁶. Seven objections had been withdrawn by the close of the inquiry. Of the remaining 22 original objections, 14 were from statutory objectors. An additional written representation was received by the Department after the inquiry had opened (REP-06), and Councillor Ball spoke at the inquiry, objecting to the proposal for an underpass to replace Hospital Crossing in

⁶ The response from McLagan Investments was initially identified as a representation by the Department, with the reference number REP-04. It is clear from the content that this representation includes an objection to the Order, and I have considered it as such, under reference OBJ-29. A response on behalf of Viscount Ridley, the Honourable Matthew White Ridley, and Plessey Checks Farming Ltd had been identified as a single objection (OBJ-13). It became apparent during the inquiry that two objections were involved: one from Viscount Ridley encompassing the objection in the name of the Honourable Matthew White Ridley (OBJ-13), and a separate objection from Plessey Checks Farming Ltd (OBJ-28).

Ashington (OBJ-30). No new issues were raised by these additional representations, and I do not consider that any injustice would be caused by taking them into account.

- 1.15 In the book of reference (CD APP-12-3), plots 269, 269a and 269b are referred to as being to the west of Sleekburn House. These plots are clearly shown on sheet 20 of the land and works plans (CD-APP-10-1) to the north-east of Sleekburn House, and Bernicia Group, which owns Sleekburn House and submitted an objection to the application, was aware of their location. I do not consider that any prejudice would be caused by a modification to the Order to correct this error.
- 1.16 This report contains a description of the land covered by the application and its surroundings, and outlines the key provisions of the Order with the context of the overall scheme. There follows the gist of the representations of the parties, and my conclusions and recommendations. Lists of appearances and documents submitted after the inquiry opened, together with proofs of evidence and statements are appended. These and other documents are available on the inquiry website, which can be accessed at <https://gateleyhamer-pi.com/en-gb/northumberland-line/library-documents/core-documents/>.
- 1.17 Planning evidence on behalf of the Applicant had been prepared by Mr M Russell of SLC Property. Mr Russell was unable to attend the inquiry, and his evidence was adopted and presented to the inquiry by his colleague, Ms Healey⁷.

2. The Order lands and surroundings

- 2.1 The Northumberland Line Scheme concerns the existing railway between Benton North Junction on the East Coast Main Line (to the north of Newcastle-upon-Tyne) and Ashington, a distance of about 23km⁸. The greater part of the route is within Northumberland, but at its southern end the line runs through North Tyneside.
- 2.2 Benton North Junction is within the built-up area extending outwards from Newcastle. From here the Northumberland Line runs to the north-east alongside the Tyne and Wear Metro light railway. Beyond Northumberland Park Station, the line heads north, passing through areas of countryside and the settlements of Backworth, Seghill, Seaton Delaval, New Hartley, Blyth, Bedlington Station and Ashington: the railway continues beyond Ashington to Lynemouth.
- 2.3 The line has a long single-track section between the passing loop at Benton North Junction and Newsham at the southern edge of Blyth: the remainder of the line comprises a double track⁹. It is currently used for freight services: biomass is brought from the Port of Tyne to Lynemouth Power Station with up to four return train paths per day, and alumina powder is carried from Fort William, via Bedlington, to North Blyth on up to three round trips in a week¹⁰.

⁷ Ms Healey's introductory statement (Document APP-W4-4) explains her adoption of Mr Russell's proof of evidence.

⁸ Document APP-W1-1, para 5.3. Figure 1 shows the extent of the line. The length of the route is given in paragraph 12 of Document INQ-17.

⁹ The sections of single and double track are shown in the schematic existing layout in appendix C of Document APP-W2-3.

¹⁰ Document APP-44, para 5.45. Document INQ-27 (para 18) explains that the transport of coal referred to in Document APP-44 has ceased.

- 2.4 Passenger trains formerly ran on the line, and disused station infrastructure at Ashington and Bedlington Station is included within the Order lands. There are 23 level crossings along the line¹¹ and several underbridges. The book of reference includes plots in a variety of uses along and adjacent to the railway.

3. The Northumberland Line Scheme

The overall scheme

- 3.1 The Scheme involves the reintroduction of passenger services between Newcastle and Ashington, whilst retaining freight services on the Northumberland Line. Trains would run on the East Coast Main Line between Newcastle Central Station and Benton North junction, and from there along the Northumberland Line to Ashington. A frequency of two trains per hour in each direction is proposed¹². No changes to infrastructure or systems are necessary on the East Coast Main Line to accommodate the passenger services, where trains would call at the existing Manors Station. Interchange with the Metro light rail system would be available at Newcastle Central and Northumberland Park¹³, facilitating travel by public transport throughout Tyne and Wear. The time for the journey of 30km between Newcastle Central and Ashington would be about 35 minutes¹⁴.
- 3.2 No new consent is required to run passenger trains on the Northumberland Line, with statutory authority existing in section 86 of the Railway Clauses Consolidation Act 1845, which is incorporated into the local acts authorising the Blyth and Tyne Railway¹⁵. However, a range of works are required along the line, for which the consenting regime includes specific planning permissions and permitted development, in addition to matters covered by the proposed TWA Order.

Planning permissions

- 3.3 Planning applications have been submitted for six stations, a separate car park at Bedlington, and a footbridge and two underpasses to replace pedestrian level crossings. The planning application for Newsham station includes a road bridge to replace the existing level crossing on the A1061, and that for Bebside station includes a pedestrian and cycle bridge across the A189 from a point close to the access road to the Asda store. The position in respect of these applications at the date of the inquiry is given in the table¹⁶, below. Conditions on the planning permissions granted cover noise and vibration mitigation, tree protection, and measures to safeguard wildlife.

¹¹ The level crossings are listed in table 3 of Document APP-W2-1.

¹² Document APP-W1-1, para 5.1.2.

¹³ Document APP-W2-1, para 3.34.

¹⁴ See Document INQ-17, para 13, and Document APP-W2-1, table 1.

¹⁵ Document INQ-29-1, para 8.2.

¹⁶ Details of the planning applications are given in table 3 and paras 6.3-6.61 of Document APP-W4-1. The subsequent decision notices for Seaton Delaval station and Bedlington station and car park are at Documents INQ-15-3, INQ-13-2 and INQ-14-2.

Development	Land & works plan ¹⁷	Status
Northumberland Park station	2	Permission 14 September 2021
Seaton Delaval station	9	Permission 9 November 2021
Newsham station, Blyth	14, 15	Awaiting determination
Bebside station, Blyth	19	Awaiting determination
Bedlington station	20	Permission 10 November 2021
Bedlington car park	20	Permission 9 November 2021
Ashington station	24	Permission 7 September 2021
Chase Meadows footbridge, Blyth	18	Permission 9 June 2021
Palmersville Dairy underpass, Longbenton	1	Awaiting determination
Hospital crossing underpass, Ashington	24	Awaiting determination, pause requested

Permitted development

3.4 Certain works within the existing route of the railway are able to be carried out using permitted development rights. To enable the frequency of two passenger trains per hour, whilst retaining the freight paths, it is intended to extend the double track to the south of Newsham, provide a passing loop at Seghill, and rehabilitate the Furnace Way sidings at Bedlington to provide a run-round loop for freight traffic. Other works which would be undertaken as permitted development include track improvements for speed upgrades, level crossing and associated signalling and power supply upgrades, and the replacement and strengthening of existing structures¹⁸. The replacement of the underbridges at Sharnford Close in Backworth, Feather Bed Lane south of Seghill, and Lysdon Farm to the north of New Hartley requires the prior approval of detailed plans and specifications. Prior approval was granted in respect of the Sharnford Close and Feather Bed Lane underbridges in September 2021, and an application for

¹⁷ See land and works overlay plans in Document INQ-08.

¹⁸ CD APP-44, table 1, and Document APP-W2-1, para 3.61.

prior approval for the Lysdon Farm underbridge was programmed for submission in October 2021¹⁹.

The TWA Order

3.5 The proposed Order includes several main elements²⁰. It would provide for the acquisition of land, and rights over land, and for the temporary use of land, in connection with the operation and construction of works involved in the Northumberland Line Scheme. Five level crossings are proposed for closure, and nine of those to be retained would be upgraded²¹. Several highway closures and new lengths of highway would be included in the Order: these include the diversion of the A1061 onto an overbridge at Newsham and the diversion of public footpaths as a consequence of level crossing closures and the replacement of underbridges. Ancillary works including the construction of new footpaths, parking bays at four level crossings, and temporary work sites and haul roads would be authorised²². Deemed planning permission is sought for these works. Certain sections of the Northumberland Line are subject to wayleave leases²³. Under article 34, the obligation to pay rent for the leases with Lord Hastings and The Northumberland Estate would cease, and compensation for this loss would be payable.

4. The Policy Context

The Development Plan

- 4.1 In Northumberland, the Development Plan includes the Blyth Valley Borough Local Development Framework Core Strategy, Blyth Valley Development Control Policies Development Plan Document, and the saved policies of the Wansbeck District Local Plan, all adopted in 2007. These documents are included within the Northumberland Consolidated Planning Policy Framework (CD APP-29).
- 4.2 Policy A3 of the Blyth Valley Core Strategy supports the re-introduction of passenger services on the Ashington, Blyth and Tyne railway line. Policy REG3 provides for a mixed-use development at the Blyth Estuary, taking into account accessibility by a range of transport modes and other considerations, and Policy REG5 supports the creation and expansion of business clusters, provided, amongst other requirements, that they can be properly accessed by all sustainable means of transport. In the Blyth Valley Development Control Policies Development Plan Document, Policy DC1 includes requirements that development proposals should have no adverse impact on wildlife and natural habitats and the amenities of nearby residents.
- 4.3 Similarly, Policy T1 of the Wansbeck District Local Plan supports the re-introduction of passenger services on the line: it also safeguards land which

¹⁹ Document APP-W4-1, para 6.67. The locations of the three underbridges can be seen on land and works overlay plans 4, 6 & 13.

²⁰ CD APP-44, table 1.

²¹ Table 3 in Document APP-W2-1 summarises the proposals for level crossings. It identifies Red Row Bridge and Bomarsund for closure, but the private rights exist in favour of NCC and these crossings are not proposed for closure by means of the Order.

²² The works for which a direction for deemed planning permission is sought are listed in paragraph 5 of CD APP-14. Plans of the parking bays at Seghill, Hartley, Bebside and Green Lane level crossings are at Document APP-W4-5.

²³ Paragraph 5.1 and table 9 of Document APP-W3-1 explain the ownership structure of the line, which, by reference to the table, is illustrated on the plan at appendix A of Document APP-W3-3. The sections of the line covered by the wayleave leases referred to in article 34(1) are shown on the plan at appendix CC25 of Document OBJ-12/21-3.

may be required for associated facilities such as stations, bus stops and car parks, making specific mention of Ashington Town Centre as a location for such sites. Other policies in the Local Plan seek to protect trees (GP6) and biodiversity (GP13), avoid significant harm due to noise (GP25), set out criteria for care homes (H10), and provide for a zone of economic opportunity at Cambois (EMP3).

- 4.4 The Development Plan in North Tyneside includes the North Tyneside Local Plan (CD APP-31), adopted in 2017. In the Local Plan, Policy S7.3 refers to an objective to deliver a modal shift to more sustainable modes of transport. Part 1 of the policy is concerned with public transport, and, amongst other measures, refers to safeguarding of the Ashington, Blyth and Tyne railway between Seghill and Benton, and support for potential sites for new stations. Policies DM5.5 and DM5.9 protect the biodiversity value of land and trees respectively.

The emerging Northumberland Local Plan

- 4.5 NCC is preparing the Northumberland Local Plan (CD APP-30). Following consultation on main modifications, the Inspector's report is awaited, at this stage in the process, no more than moderate weight can be given to the emerging Plan. Policy TRA 5 makes specific mention of the Northumberland Line Scheme. Development which would prevent the re-introduction of passenger services along with associated facilities, or which would potentially prejudice the operation of stations, including Ashington, will not be supported. Policy ECN 2 allocates land at Blyth Estuary as a strategic employment area. Residential care accommodation is recognised in Policy HOU 11 as a component of provision to meet the needs of older people and vulnerable needs groups. However, paragraph 7.62 points out that no new provision for care home accommodation is specifically sought in the Plan, due to the number of vacancies in existing homes and the construction of a large new home. Policy QOP 2 seeks to safeguard the amenity of residents, Policy QOP 4 seeks to preserve trees and green infrastructure wherever possible, and Policy ENV 2 seeks net gains in biodiversity.

Transport Policies

- 4.6 The Northumberland Local Transport Plan (CD APP-32), adopted in 2011, sets out NCC's objectives for transport over the period 2011-2026. Re-opening of the Ashington, Blyth and Tyne railway to passenger services is identified as a principal element of the rail strategy to be implemented over the period of the Plan²⁴. It is also identified as a priority in the Metro and Local Rail Strategy produced by the North East Combined Authority, because of its potential to regenerate South-East Northumberland by providing connections to a wide range of jobs, services and training²⁵. The Strategic Transport Plan, published by Transport for the North in 2019 (CD APP-37), is a broader document covering the North of England. It makes the point that rail is one of the most effective ways to improve access opportunities for people in the North, and puts

²⁴ CD APP-32, para 6.36.

²⁵ Appendix O in Document APP-W4-3, para 7.4.1.

forward the re-instatement of passenger services on the Northumberland Line as one of its proposed enhancements to rail travel²⁶.

Other policy documents

4.7 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Chapter 9 includes policies which are concerned with the promotion of sustainable transport: paragraph 104 makes clear that opportunities to promote public transport use should be identified and pursued. Planning decisions should minimise impacts on biodiversity and provide net gains (paragraph 174(d)). At a local level, the Northumberland Economic Strategy 2019-2024 (CD APP-35) sets out a series of priorities for delivering economic development. One of the key deliverables for Priority 5 *Connect the county* is investment in high quality passenger transport, including the re-opening of the Northumberland to Newcastle rail line to passengers.

5. The Case for Northumberland County Council

The material points are:

Introduction

5.1 The Northumberland Line Scheme is designed to stimulate economic activity, create job opportunities and improve transport links across South-East Northumberland. The role of the Order in authorising the Scheme is limited but essential. Most of the works have been or will be authorised through the planning system, and the TWA Order would not authorise these works.

The aims, objectives and need for the Scheme

5.2 South-East Northumberland has undergone significant economic decline since the 1980s, when the key industries upon which the region relied – ship building and mining – collapsed²⁷. The region now has high levels of unemployment and deep pockets of social deprivation. Much of this is concentrated along the Northumberland Line corridor, particularly around the north of the line in the towns of Ashington, Bedlington and Blyth and in communities along the River Tyne including North Shields, Wallsend and Byker²⁸. Data from the 2011 census demonstrates that residents in Wansbeck, an area that is reasonably representative of the wider region, have poorer average health, educational and housing outcomes than residents of the North-East and England as a whole²⁹. Whereas unemployment in Tynedale, which has a railway with good connections into Tyne and Wear, was 4.1%, in Wansbeck the proportion was higher at 9.5%³⁰. The need for regeneration is pressing.

5.3 Poor public transport connectivity compounds these problems³¹. There are good highway links from the region to North Tyneside and Newcastle, but the network is congested in peak periods and journey times can be unreliable. A

²⁶ See pages 94 & 101 of CD APP-37.

²⁷ CD APP-44, para 6.1.

²⁸ Document APP-W1-1, para 3.1.

²⁹ Document APP-W1-1, para 3.2.

³⁰ Outline Business Case, APP-40-0, section 2.3.4.

³¹ CD APP-44, para 6.3.

comprehensive bus network connects South-East Northumberland with Tyne and Wear, yet journey times can be long and unpredictable, and services are often congested³². Cramlington and Morpeth have rail services, but residents in other South-East Northumberland towns such as Ashington and Blyth lack access to train links. The region lacks a reliable, affordable and comprehensive public transport network which would connect its communities to the economic hubs of Tyne and Wear³³. A lack of available services, long journey times and high public transport costs mean that public transport is not a viable option for many people³⁴. This has led to higher private car usage than the national average and a significant outflow of commuters from Northumberland³⁵, which has resulted in congestion on the road network into Tyne and Wear. The region's poor transport connectivity not only restricts the potential for residents of South-East Northumberland to access employment, education, and leisure opportunities, it also reduces the attractiveness of the region as an area in which to invest³⁶. This part of the County has experienced under delivery of housing compared to allocations, and some large housing sites have stalled³⁷. The situation will be exacerbated if these problems are not addressed, and poor transport connectivity will affect the ability to attract inward investment³⁸.

- 5.4 There are significant business clusters across the region. In Blyth, Northumberland Energy Park has the potential to create 10,000 new jobs, and the British Volt Gigafactory has recently received planning consent³⁹. There are also economic assets in the Tyne and Wear conurbation, for example at Cobalt Business Park where firms have experienced difficulty in attracting employees due to connectivity issues⁴⁰.
- 5.5 Three objectives have been established in the OBC⁴¹, derived from the economic, social and transport problems identified. These are:
- i) To facilitate economic activity, employment growth and the delivery of housing sites within South-East Northumberland and the wider region.
 - ii) To create mode shift from car to public transport to improve local air quality and reduced highway congestion at key bottlenecks on the highway network between South-East Northumberland, North Tyneside and Newcastle.
 - iii) To improve public transport accessibility for commuting, retail and leisure trips between South-East Northumberland, North Tyneside and Newcastle.
- 5.6 The benefits of the Scheme are reflected in public support: over 1,000 responses were received during the consultation period and, of these, 92% were supportive⁴². Furthermore, no objector at the inquiry took issue with the Scheme's overall benefits. The Scheme has the potential to transform the

³² Document APP-W1-1, para 3.4.4.

³³ CD APP-44, para 6.6.

³⁴ Document APP-W1-1, para 3.4.5.

³⁵ CD APP-40-0, para 3.3.

³⁶ Document APP-W1-1, para 3.3.

³⁷ CD APP-40-0, section 2.3.1.

³⁸ Document APP-W1-1, para 3.6.3.

³⁹ Document APP-W1-1, para 3.10.

⁴⁰ Document APP-W1-1, para 5.16.

⁴¹ CD APP-40-0, section 2.6.

⁴² CD APP-04, para 3.28.

economic landscape of South-East Northumberland. It will help residents to access existing employment opportunities in business clusters along the Northumberland Line corridor, for example at the Northumberland Energy Park in Blyth and in the Tyne and Wear conurbation⁴³. At Ashington the Scheme would support growth plans, including proposals for the North-East Quarter and Wansbeck Square⁴⁴. It will also improve access to, and incentivise the expansion of, new employment and training opportunities across the region, particularly in the growing renewable, advanced manufacturing and robotics sectors. The economic benefits would also extend to the surrounding areas.

- 5.7 Though covid has changed working patterns to some extent, transport infrastructure remains one of the most important ways to promote economic activity, increase access to education and leisure opportunities, and reduce reliance on environmentally unfriendly modes of transport. By stimulating economic activity and providing access to higher skilled jobs, rail schemes such as the present proposal can significantly address social deprivation⁴⁵.
- 5.8 The Scheme would also address social isolation by connecting people with cultural and historic centres and by creating new opportunities for travel. Bus services typically take about twice as long as travelling by car: the journey between Ashington and Newcastle takes about 35 minutes by car but 64 minutes by bus, from Blyth the journey times are 30 and 65 minutes respectively⁴⁶. The Applicant's strategic transport witness explained that public transport is unlikely to be used for commuting where journey times would exceed an hour⁴⁷. Once the rail service is operational, the train journey time from Ashington to Newcastle would be about 35 minutes and about 27 minutes from Blyth Bebside⁴⁸. This would open up employment, education and leisure opportunities and enhance the profile of the region as an attractive place to live and visit.
- 5.9 The Scheme would bring considerable environmental benefits. It will use an existing line, resulting in relatively limited construction works. In terms of its effects, the Scheme would secure a 4% modal shift from car to public transport within the Northumberland Line corridor (increasing to 7% when considering trips travelling directly into Newcastle)⁴⁹. This would improve local air quality and reduce congestion on the highway network, which is particularly significant at the A19/ A189 junction.
- 5.10 Several objectors have queried why the Scheme would open with diesel trains. The cost of electrification of the line is prohibitive. Battery operated trains will be used in the future, but it is not possible to procure them for the start of operations⁵⁰. They are expected to be operational from 2026⁵¹. The temporary use of diesel trains will allow advantage to be taken of existing funding opportunities and ensure the Scheme can start delivering its benefits (including its environmental benefits) without delay.

⁴³ Document APP-W-1, paras 3.10 & 3.11.

⁴⁴ Document APP-W1-3, appendix A, section 4.1.

⁴⁵ See the Statement of Aims, CD APP-03, particularly para 3.4.

⁴⁶ Outline Business Case, CD APP-40-0, table 2-8.

⁴⁷ In oral evidence at the inquiry.

⁴⁸ Document APP-W2-1, table 1.

⁴⁹ Document INQ-17, paras 21 & 22.

⁵⁰ Document APP-W2-1, para 3.42.

⁵¹ Document APP-W1-1, para 5.1.5.

5.11 The business case for the Scheme has been examined through the preparation of the OBC and work towards the FBC. In considering the benefit-to-cost ratio, the Scheme is assessed as delivering very high value for money. It is predicted to generate 1.45 million return journeys by 2028 and would have a benefit-to-cost ratio of around 4:1 when wider economic benefits are included⁵².

Alternatives

5.12 Alternatives have been considered as part of the development of the Scheme. The South East Northumberland Public Transport Corridor Study of 2011 considered a list of options against objectives of improving accessibility, public transport and road safety, whilst reducing the environmental impacts associated with travel. Four interventions were considered worthy of more detailed appraisal: improvements to express bus services, personal travel planning at large employment sites, re-opening the Northumberland Line to passengers, and extending the Metro system⁵³. From that further consideration, personal transport planning was seen as complementary to other schemes, and given peak hour highway capacity constraints, improvements to bus services would not achieve the required journey time benefits. Extension of the Metro would require electrification of the railway, and this option has the disadvantages of a lack of capacity over the core network and longer journey times into Newcastle. Accordingly, the heavy rail option of the Northumberland Line scheme was taken forward⁵⁴.

5.13 Detailed consideration was given to possible locations for stations on the line. The disused stations at Ashington and Bedlington are both in central locations with a good 15 minutes walking catchment area and accessibility by bus services⁵⁵. Stations would be opened in these locations. Consideration was given to a station at Woodhorn, to the north-east of Ashington, but the increase in journey time would have required one or more additional trains to achieve the half-hourly frequency of service, and this option was discounted⁵⁶.

5.14 A number of locations to the north and south of the A193 were considered for a station at Blyth Bebside. That selected would have vehicular access sufficiently to the west of the railway to avoid the risk of vehicles backing-up over the level crossing on the A193, and land in this location was available for sale⁵⁷. At Newsham, sites to the north of the A1061 were discounted due to constraints limiting the provision of parking and making access by car difficult. The proposed station would be built on largely open land to the south of the A1061 where these problems would be avoided, and a bridge would replace the level crossing avoiding the risk to safety of traffic backing up there⁵⁸.

5.15 Eight possible station locations were considered for the stretch of line through New Hartley, Seaton Delaval and Seghill. Seaton Delaval is the largest settlement in the Seaton Valley and there are proposals for significant housing

⁵² Document APP-W1-1, paras 6.4, 6.9 & 6.11.

⁵³ CD APP-39, section 7.5.

⁵⁴ Document APP-W1-1, paras 4.5-4.11.

⁵⁵ Document APP-W1-3, appendix A, sections 4 & 5.

⁵⁶ Document APP-W1-1, para 5.9.

⁵⁷ Document APP-W2-1, paras 3.15-3.19.

⁵⁸ Document APP-W1-3, appendix A, section 7; Document APP-W2-1, paras 3.22-3.28.

development here. The chosen location at Seaton Delaval to the south of the A192 has the potential to provide more space for parking⁵⁹.

- 5.16 The new station at Northumberland Park would involve the construction of a platform immediately to the north-west of the Metro station with its island platform. Use of the Metro station by the Northumberland Line would require the blending of two signalling systems, and the train control systems for the railways would need to be linked. Where heavy and light rail trains share the same section of track, separation by double-blocking signalling sections is used because of the lower crashworthiness standards of light rail trains. That has adverse implications for journey time. The position would be further complicated by Northumberland Line trains travelling in both directions on the shared line, requiring more separation time⁶⁰.
- 5.17 The pedestrian level crossings at Hospital crossing in Ashington and Palmersville Dairy in North Tyneside are proposed to be replaced by underpasses. Alternatives in relation to Hospital crossing are referred to below (paras 5.42 & 5.43). At Palmersville Dairy an underpass below the Metro line is immediately to the north of the Northumberland Line level crossing. Construction of a footbridge would involve pedestrians negotiating a much greater vertical distance than from provision of an underpass. Inclusion of a cycleway, which would be required by the LPA, would necessitate long and expensive ramps: moreover, the LPA advised that planning permission for that option would be unlikely to be forthcoming⁶¹.

Funding and impediments

- 5.18 The Scheme is very advanced in terms of funding. The anticipated final cost is £161.92 million, of which almost £90 million has already been committed by the DfT, NCC and NR. A funding request for the residual amount was expected to be included in the FBC, and the Scheme has the support of partners within the North-East, including the North-East Joint Transport Committee⁶². The FBC would be reviewed by the DfT. The Scheme would generate a benefit-cost ratio of 3.82 to 4.12 indicating high value for money⁶³ and that there would be no funding impediment. Although submissions were made on behalf of Malhotra that there was uncertainty about the source of funding, its witnesses did not argue that there were funding impediments⁶⁴.
- 5.19 There is no suggestion that there is any other impediment to the Scheme. Some of the works still require planning permission, but the compliance of each proposal with the development plan has been considered, together with any other material considerations, and it is considered that there is no impediment to the grant of those permissions.

The policy position

- 5.20 The social, economic and environmental benefits support the NPPF's presumption in favour of sustainable development and its support for sustainable

⁵⁹ Document APP-W1-3, appendix A, section 8; Document APP-W2-1, paras 3.30-3.33.

⁶⁰ Document APP-W2-1, paras 6.45-6.53.

⁶¹ Document APP-W2-1, paras 3.114 & 3.115.

⁶² Document APP-W1-1, para 7.7.

⁶³ CD APP-40, section 4.6.1.

⁶⁴ In answers given in cross-examination at the inquiry.

transport. The Scheme also accords with the National Policy Statement for National Networks (CD APP-27), which sets out the Government's strategic objectives for national networks, because it would support national and local economic activity, facilitate growth and create jobs, support the delivery of environmental goals, and join up communities.

- 5.21 At the regional level, the Scheme furthers strategic transport plans. The North East Transport Plan provides support for the re-introduction of passenger services on the Northumberland Line to widen access to jobs, grow the economy and reduce social deprivation. Similarly, Transport for the North's Strategic Transport Plan emphasises the importance of more efficient, reliable and sustainable rail journeys in growing the Northern Powerhouse.
- 5.22 The Scheme complies with local planning policies, transport policies and economic strategy. The detailed planning case has been accepted in the context of the planning permissions already obtained. The emerging Northumberland Local Plan also provides clear support for the Scheme, including through the safeguarding provision in Policy TRA 5. This reflects the support for and safeguarding of the Scheme in the Wansbeck District Local Plan. The North Tyneside Local Plan requires future transport provision to consider economic and housing growth. The Northumberland Local Transport Plan considers current problems with public transport to be a reason for supporting rail travel, before identifying the re-introduction of passenger services on the Northumberland Line as a principal element of its rail strategy. And the Northumberland Economic Strategy highlights the Scheme as a key means of improving connectivity in the region and delivering industrial growth, identifying it as a major priority.

The compelling case: general submission

- 5.23 The Scheme will deliver major social, economic and environmental benefits. It is firmly supported by national, regional and local policy. The powers of compulsion contained in the Order are required to deliver these benefits. For the same reasons, the purposes for which the compulsory acquisition powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected. The measures are both necessary to achieve the aims of the Scheme and proportionate to those aims.

Consultation and compliance with statutory requirements

- 5.24 The proposals have been subject to consultation both in the context of the proposals for the Order, and in respect of the specific planning applications. The consultation processes have occurred, in part, over periods when movement and social contact has been restricted as a result of the pandemic. However, there have been multiple opportunities for views to be expressed and there has been no shortage of engagement with the proposals.

Environmental effects

- 5.25 The main works comprised in the Scheme are the subject of planning permissions (or pending planning applications) determined by the relevant LPAs (NCC and North Tyneside Council). The permissions granted contain controls to ensure that the development would be acceptable in planning terms. NCC has also ensured that the Scheme as whole has been screened for the purposes of

EIA, and the conclusion is that the Scheme does not comprise EIA development. The Secretary of State has reached the same conclusion in respect of the Order proposals.

- 5.26 The development which is the subject of the application for deemed planning permission is limited in nature and the environmental effects would be limited⁶⁵. Proposed conditions address the noise impacts of construction and propose measures to protect where possible ecological interests and trees and planting⁶⁶. In terms of operational noise, the impact of noise at the proposed stations has been addressed in the context of the planning applications. Each of the stations in Northumberland would have sufficient parking space to meet the expected demand, for which there would be no charge. The Order would authorise some limited works within the highway in connection with new or altered means of access: a suggested condition in connection with the request for a direction for deemed planning permission would require that the prior approval of the LPA be obtained for the design of any such works. Another condition is suggested to mitigate the impact of construction traffic⁶⁷.
- 5.27 The operation of the railway is not authorised by the Scheme, but it is acknowledged that along the route, there would be some noise impact due to intensification of use of the railway. A significant increase in noise of 9-12dB is anticipated at 32 properties around Holywell and Seaton Delaval due to speed changes⁶⁸. Traffic on the railway can change, and there is no requirement for compensation or mitigation in this circumstance.
- 5.28 Risk assessments, taking into account collective and individual risks, for the level crossings show that Palmersville Dairy, Hospital crossing and Newsham would all move to the high-risk category due to the increase in trains. At Lysdon Farm an alternative route is available, and at Chase Meadows the higher line speed would make the crossing non-compliant in terms of sighting distance⁶⁹.

Objections to the Order

Ashington station car park

- 5.29 Ashington Station would be located at the site of the former station because there are significant centres of population and employment surrounding the site⁷⁰. Its central location and proximity to the bus interchange would enable rail users to access the station by sustainable modes of transport.
- 5.30 Plots 323 and 324, which are owned by Malhotra, need to be compulsorily acquired in order to provide a car park for Ashington Station. The purpose of the redesigned car park is to both meet demand for the railway, and to replace spaces which would be lost to the footprint of the station and related infrastructure. The car park would be located adjacent to the station so that it can comply with the relevant NR standards and NCC requirements for accessible parking, drop-off, cycling, and maintenance access provision. The technical

⁶⁵ Documents CD APP-44, section 11, and Document APP-W4-1, para 9.3-9.6.

⁶⁶ CD APP-14, appendix 1.

⁶⁷ Document APP-W2-1, para 5.4.

⁶⁸ Document APP-4-1, para 9.26.

⁶⁹ Document APP-W5-1, paras 20.7.1, 31.8.1, 42.7.1, 53.8.1 & 64.8.1.

⁷⁰ Document APP-W1-1, para 5.11.

justification for acquiring plots 323 and 324 is that, without it, a new car park at grade is likely to be full within the first four years of operation⁷¹. Retrofitting a second level would involve additional cost and cause considerable disruption. The alternative of constructing a multi-storey car park would be considerably more expensive⁷².

- 5.31 Planning permission has been granted for a car park (as part of the station), and the layout shows that the Malhotra land would provide not only parking spaces, but also landscaping, pedestrian accesses, and circulation space⁷³. Condition 15 of the permission prevents development commencing until the Malhotra land has been acquired⁷⁴.
- 5.32 It would not be the case that one of the purposes of the acquisition of Malhotra's land would be to provide parking spaces for the town centre. The land adjacent to the proposed station is currently used as a car park with 122 spaces that serves the town centre⁷⁵. NCC simply proposes to retain those spaces while providing new spaces for rail users. The Malhotra land is not shown on the proposals map of the Wansbeck District Local Plan as allocated for the Scheme, but nor is any other land save for the route of the existing train line. Whilst the site of the proposed car park is not specifically safeguarded in Policy T1, it is reasonable to assume that the policy has a wider safeguarding capability given that car parking infrastructure is not shown at any of the other safeguarded locations⁷⁶. In relation to Policy TRA 5 of the emerging Local Plan, the policy intends that development which has the potential to prejudice the reintroduction of passenger services, along with supporting infrastructure will not be supported. The terms of the planning permission make clear that this land is required for infrastructure connected with the Scheme.
- 5.33 The proposed alternative use of the Malhotra land is as a care home. However, the emerging Local Plan states that whilst there will be some demand for care home accommodation, no new provision is specifically sought, as there are around 300 bed-space vacancies in the County's 115 care homes, plus a large new care home under construction⁷⁷. Moreover, there would be no disadvantage to Malhotra to locate the care home elsewhere. In planning terms, the use of the land in connection with the delivery of the Scheme is to be preferred.
- 5.34 The delay to Malhotra's planning application has been neither excessive nor deliberate. The Lead Local Flood Authority raised an objection pending the provision of further information, which Malhotra provided in October 2021, and this situation had prevented the LPA from determining the application.
- 5.35 NCC has provided sufficient information about the total capacity of other car parks in the town centre, and the proposed management measures at Ashington Station car park. There are 529 public spaces and 611 private spaces in the town centre⁷⁸. NCC would oversee the management of the car park. It would

⁷¹ Document APP-W2-1, para 6.5.

⁷² Document APP-W2-1, para 6.9.

⁷³ The approved site plan is Document INQ-12.

⁷⁴ Document APP-W4-3, appendix I.

⁷⁵ Document INQ-04, appendix A, para 3.

⁷⁶ Document APP-W4-1, para 11.8.

⁷⁷ CD APP-30, para 7.62.

⁷⁸ Document INQ-07.

comply with NR's standard design principles, include CCTV monitoring, and be free of charge (as is standard practice across NCC car parks) for at least the first 12 months of use.

- 5.36 NCC has provided sufficient data, adjusted to address the impact of the covid-19 pandemic, to justify why demand for the Scheme is forecast to be at such a level as to require the use of plots 323 and 324. The first step involved establishing demand for the line. To this end, a hierarchical model was used to determine the extent to which people would use different modes of transport between defined zones, which was sense-checked through a benchmarking process. The model was updated throughout the process, with the last iteration being produced in 2021. The projected number of weekday passengers at Ashington in the FBC model is 853 in 2039, the final forecast year when demand is expected to flatten out, in line with guidance for rail schemes⁷⁹. That figure is adjusted to 700 in the covid sensitivity version of the model. The number of trains each day is not required for demand forecasting because the model works on the peak and interpeak service frequencies. It is also unnecessary to know the length of the trains because the model is not capacity constrained. Accordingly, there is no deficiency in the demand forecast modelling for the car park.
- 5.37 The model then translates demand at Ashington Station into demand for the car park. It necessarily relies on a number of assumptions, such as zones in which residents could be expected to walk or drive to the station, and then provides a range of car park spaces that is likely to be required. In the FBC, the range of demand is calculated to be 104-188 spaces by 2039, with a selected value of 137 spaces. In the covid sensitivity test version, the range of demand is calculated as 86-155 spaces, with a single selected value based on consideration of demand conversion factors of 113 spaces⁸⁰. Totals of 259 and 235 spaces would be required to meet the selected demand and replacement of existing spaces in the FBC and covid adjusted scenarios respectively: the figures would be higher if account were taken of maximum demand. The approved scheme would provide for up to 270 spaces. The LHA took the view that the level of parking would provide an appropriate balance between under and over provision⁸¹.
- 5.38 Without the Malhotra land, some 130 to 150 spaces could be provided⁸². The shortfall is clear. With 61 (50% of the existing number) spaces retained for town centre use, 89 at most would be available for the Northumberland Line. Since the covid adjusted interim demand for the railway is forecast as 99 spaces by 2028, a multi-storey car park would be required within the first four years of operation. That would not only produce fewer spaces (246) than the proposed car park, but would cost about £5.3 million (£3.2 million more than the £2.1 million required to build sideways and acquire the Malhotra site)⁸³. The possible effects of under-provision would be to restrict rail demand, reduce the attractiveness of Ashington town centre as a shopping and leisure destination, and cause parking problems in the surrounding area.

⁷⁹ Document APP-W2-3, appendix B, paras 2.5, 2.8, 2.11 & 2.12 and table 1.

⁸⁰ Document APP-W2-3, appendix B, paras 2.17, 2.21, 2.2.22 & 2.25, and table 6.

⁸¹ Document APP-W4-3, appendix H, para 2.5 & 7.14.

⁸² Document INQ-04, appendix A, para 5.

⁸³ Document APP-W2-3, appendix A, para 11.

- 5.39 Recent survey activity has been in anticipation of construction, not to establish the suitability of the Malhotra land for a surface level car park. Such survey work does not go to the principle of the use of the land for car parking.
- 5.40 The conduct of the negotiations concerning plots 323 and 324 has been appropriate, and there is no issue with the Crichel Down rules⁸⁴. NCC made two offers to Malhotra based on a valuation of the land⁸⁵ and offering a premium for an early sale. However, at the inquiry, Malhotra's valuation witness explained that the Objector did not wish to sell the land at any acceptable price to NCC. The negotiations were consequently destined to fail.

Hospital Crossing, Ashington

- 5.41 Hospital Crossing provides a footpath link between predominantly residential areas: that to the west contains two schools and the crossing is used regularly by school children. A census conducted for the safety risk assessment recorded a daily average of 113 children and 290 adults using the crossing⁸⁶. There is no substantive objection to the closure of Hospital Crossing. That is not surprising given that it appears to be a magnet for anti-social behaviour. The crossing is heavily used by school children. The effect of introducing more frequent and faster trains would be that the crossing will move to an ALCRM score of C2 (A being the highest score for individual risk, and 1 the highest score for collective risk). In a national ranking of crossings by risk, this crossing would be ranked 4th in terms of risk out of 2,412 crossings of this type in the country⁸⁷. Such an increase in risk should be avoided if possible, and closure would be the appropriate solution.
- 5.42 There is concern about replacing the crossing with a bridge due to its likely visual effects. The bridge would have to be of considerable scale, including ramps of about 180m length, extending about 90m to the north of the bridge span. It is also unclear how a bridge structure would better address concerns about anti-social behaviour. An underpass was proposed as the best option to cross the railway, and concerns about anti-social behaviour and crime have been addressed in its design, which includes a wide passageway of 5m, good lighting, chamfered corners, four exits, CCTV, and public art⁸⁸.
- 5.43 Nonetheless, in the light of the extent of objections to the underpass, the Applicant has agreed to reconsider options for the crossing. These considerations will include closure without the provision of an alternative crossing, and the provision of a bridge in a different location, closer to the proposed station at Ashington. If an alternative approach is found to be workable, the Applicant and NR will pursue such an alternative through other statutory means⁸⁹. If no such alternative is possible, then the LPA will be asked to determine the planning application on the basis that it is the only appropriate means of achieving the closure of the crossing and, with it, the delivery of the Scheme⁹⁰. The distances to the next crossing points at Wansbeck Square to the

⁸⁴ In the Guidance on compulsory purchase process and The Crichel Down Rules, July 2019.

⁸⁵ Document APP-W3-3, appendix C, Malhotra schedule.

⁸⁶ Document APP-W2-1, para 3.88.

⁸⁷ Document APP-W5-1, para 31.6.3.

⁸⁸ Document APP-W2-1, para 3.99.

⁸⁹ Document INQ-17, paras 21 & 22.

⁹⁰ Article 7(3) provides that the closure will not take place until the replacement crossing is provided.

north and Green Lane to the south are about 423m and 500m respectively. In the absence of a replacement, the distance on a nominal route between Ashington Academy to the west of the line and the area of Ashington to the north-east would increase from about 1.7km to about 1.96km⁹¹.

Bedlington Station

5.44 At Bedlington station a new platform is proposed on the south-west side of the line⁹², which would involve the acquisition of a strip of adjacent land and temporary possession of another strip to enable fencing to be erected. The extent of land to be taken from Mrs Hopwood (OBJ/15 – plot 272) has been reduced, and this appears to have satisfied the Objector, although formal confirmation has not been received. The Bernicia Group provides sheltered housing at Sleekburn House (OBJ/25), adjacent to the railway. Land acquisition would be reduced, including a strip of no more than 1.7m deep along the northern part of the garden. The Group's concerns about the construction and operational noise effects of the station development have been addressed by mitigation measures, including an acoustic fence and a construction noise and vibration management plan⁹³, and Bernicia has withdrawn its objection⁹⁴.

Northumberland Park Station

5.45 Parts of the parking area at the adjacent residential development of Fenwick Close would be required as a work site during construction of the station at Northumberland Park (plot 50), and the proposal would result in the loss of trees between the dwellings and the railway. The overall construction period is expected to last for about 13 months⁹⁵, and work would be managed in accordance with a CEMP which is secured by the planning permission. The key provisions of the outline CEMP submitted in support of the planning application include community engagement, a CTMP, procedures concerning noise and vibration, and measures to reduce the impact on the landscape in relation to tree removal and replacement planting⁹⁶. The report on the planning application acknowledged that there would be limited scope for replacement planting on site and there would be a loss in biodiversity value. That would be addressed by off-site mitigation leading to a biodiversity net gain. Construction noise has been addressed through the imposition of condition 5 on the planning permission which requires the submission and approval of a detailed construction noise and vibration assessment. Where entitled, residents of Fenwick Close will be able to claim compensation for losses relating to the construction works. Whilst the construction of Northumberland Park station will undoubtedly bring some measure of disruption, those effects will be mitigated: the outline CEMP requires the contractor to prepare a procedure for community liaison⁹⁷. No parking space is included in the proposal, which would rely on the nearby multi-storey car park⁹⁸. The impacts have been considered by the LPA

⁹¹ Document INQ-17, paras 18 & 19.

⁹² The layout of Bedlington station is shown in figure 2 in Document APP-W4-1, and on sheet 20 of the overlay plans in Document INQ-08.

⁹³ Document APP-W2-1, paras 6.19-6.24, and CD APP-45, pages 22 & 23.

⁹⁴ Document OBJ-25-1.

⁹⁵ Document INQ-34, annex 1.

⁹⁶ The outline CEMP is at Document INQ-19. Condition 3 of the planning permission (appendix B in Document APP-W4-3) requires approval of a detailed CEMP and construction method statement before development commences.

⁹⁷ Document INQ-34, para 2.2.

⁹⁸ Document APP-W4-3, appendix A, page 31.

and found to be acceptable, and compensation would be payable in connection with the temporary possession of land for construction⁹⁹.

- 5.46 The interface between the Scheme and the Metro system, operated by Nexus, at Northumberland Park and further to the south-west at Palmersville Dairy has been the subject of a holding objection by Nexus (OBJ-20). The Applicant has now agreed protective provisions with Nexus which ensure that an interface agreement will be concluded with Nexus prior to the works being implemented. Nexus has confirmed that it is satisfied with these arrangements¹⁰⁰.
- 5.47 Northumberland Estates raised an objection (OBJ-21) in respect of its interest in Algernon Drive Bridge, from which access would be taken to the new station. The Applicant, NR and Nexus have agreed that the maintenance liability would be shared between NR and Nexus, that the works will be carried out to an appropriate standard, and that appropriate insurance cover will be in place. In those circumstances there should be no separate concern for Northumberland Estates.

Article 34

- 5.48 Part of the existing railway operates under wayleave leases, over land owned by others. These legal agreements date from the mid-nineteenth century. Article 34 would remove the obligation to pay rent for the leases, and compensation for this loss would be payable. Objections to article 34, which is concerned with the wayleave provisions, have been made by Lord Hastings and Northumberland Estates.
- 5.49 The wayleave leases contain rent provisions which are predicated on the original primary purpose of the railway to serve coal mines. Thus a formula exists to calculate a rent for the transport of coal and coal products. If less than £500 per year in rent is received for such products, then a further rent of 2% of the gross receipts from transporting other goods or passengers is required to be paid¹⁰¹. These provisions are antithetical to the operation of the modern railway. Neither freight nor passengers are accounted for in respect of the mile of land they cross. Freight statistics cannot be readily extracted to identify what has passed over the land. Passenger fares are not received by the owner and operator of the railway, but by the train operating company.
- 5.50 The rent provisions of the wayleaves have proved contentious¹⁰². This has resulted in Northumberland Estates twice threatening to terminate the wayleaves in a dispute over rent, including after this application for the Order was made with a demand for almost £600,000¹⁰³. Provisions which have this effect are inappropriate. In an attempt to address this concern, the Objectors have offered an undertaking not to attempt to exercise the powers of re-entry in the wayleaves, but no formal agreement has been offered or given. Whilst the suggestion of re-entry has been withdrawn, it may return.

⁹⁹ Document APP-W3-1, paras 6.7 & 6.8.

¹⁰⁰ Documents INQ-35-1 & 2.

¹⁰¹ The rent provisions are summarised in Document APP-W3-3, appendix D, para 3.1. the wayleave leases are at appendices CC07-CC09 of Document OBJ/12-3 (OBJ/21-3).

¹⁰² Document APP-W3-3, appendix D, para 4.10.

¹⁰³ Document APP-W3-3, appendix D of appendix D.

- 5.51 Without article 34, rents will have to be calculated each year depending on usage of the railway, the Objectors will command increased rents as a direct consequence of the expenditure of public money on the introduction of passenger services, and they would potentially be able to take proceedings which may put the operation of the railway at risk in the event of disputes.
- 5.52 Contact about the Scheme was initiated with Lord Hastings in September 2019 and with the Northumberland Estate in July 2019¹⁰⁴, but it is acknowledged by the Applicant that engagement on the question of the wayleaves prior to the application was poor. However, the decision to deal with the wayleaves in this way was taken shortly before the application had to be made to continue on the ambitious timetable for the delivery of the Scheme. It is regrettable that more was not done to work with the landowners prior to submission. Nonetheless, the objections pursued are fundamental ones: the landowners are flatly resistant to interference with their rents.
- 5.53 The landowners argue that the rent can be settled by agreement or by arbitration if necessary, but that would deal with only part of the problems identified (above, para 5.51). The landowners go on to argue that the compensation provisions would result in some unfairness. They contend that it is inappropriate to apply provisions of the Compensation Code because no land is to be taken. The obvious reason for making this argument is to seek to do better than the Compensation Code would permit. However, as their witness agreed in cross-examination, the landowners should be compensated on the principle of equivalence: their position should not be better, and not be worse, because of the Scheme. That means it is necessary to ensure that any compensation provided is not increased because of the Scheme.
- 5.54 The Scheme is to be funded with public money with no contribution from the landowners, so it would be contrary to the public interest for the landowners to profit from it. Yet that is what would happen if their objection is upheld and either article 34 is removed altogether, or it is reworded to remove the 'no scheme' assumption. The solution in article 34 strikes an appropriate balance between the interests of the landowners and the public purse. The landowners will receive a single capitalised payment in respect of the rents which they will no longer receive. That payment will not be inflated by the Scheme; rather clause 3 provides that any increase in rent as a consequence of the Scheme will be disregarded. The form of article 34 in the latest version of the draft Order (CD APP-01-3) includes clause 4 which requires any enhancement in value of adjacent land to be off-set from compensation. NR has confirmed that it is content for clause 4 to be removed from article 34¹⁰⁵.

Other locations

- 5.55 No other specific locations affected by the Order were the subject of representations at the inquiry. An agreement has been reached with Mr & Mrs Doyle (OBJ/26), and once executed their objection will be withdrawn. The objections from Viscount Ridley (OBJ/13) and Plessey Checks Farming (OBJ/28) have been withdrawn. The impact on the Asda supermarket and drive-through coffee shop, the subject of the objection from McLagan Investments (OBJ/29)

¹⁰⁴ Appendix C in Document APP-W3-3 provides schedules of landowner engagement.

¹⁰⁵ Document INQ-27, para 34.

has been addressed through the removal of plot 257a from the proposal. McLagan also owns plots 256 and 257. Plots 251 (adjacent to the A189) and 254-256 (adjacent to the store access road) are required for construction of the bridge to Bebside station, and temporary access is required over plot 257 (a length of the access road)¹⁰⁶.

- 5.56 Northern Power Grid (OBJ/11) failed to engage with the Applicant until a late stage, writing on 26 November 2021 to say that they were dissatisfied with the protective provisions in the Order¹⁰⁷. There has been no prior opportunity to engage with this Objector on this point. It is maintained that the protective provisions, which are in the standard form for utility companies, are appropriate. The Applicant will engage further with Northern Power Grid to seek to resolve its objection after the close of the inquiry. The Applicant is aware of the concern raised by National Grid in respect of high voltage overhead lines near underbridge 36. It is proposed to drive rather than crane the new bridge into position, and information on this approach has been provided to National Grid¹⁰⁸.
- 5.57 Agreement has been reached with Nexus (OBJ/20), including in terms of protective provisions which are included in the latest draft Order. The objection is expected to be withdrawn.

The application for deemed planning permission

- 5.58 There are no objections to the application for deemed planning permission (above, para 3.5). In the absence of any objections and the clear need for these works to enable the delivery of the Scheme, deemed planning permission should be granted.

Open space

- 5.59 Some of the land affected by the Order is open space¹⁰⁹. Plot 116 would be acquired to provide a parking bay at Seghill level crossing and plot 247 to enable the installation of line-side apparatus at Bebside. A permanent right is sought over plot 245 to allow parking in connection with Bebside level crossing, and a permanent right of way across plot 281a to create an emergency egress route from Bedlington station. In the latter case the land would remain available for use as open space. None of the plots exceeds 250 square yards and the giving of other land in exchange is, therefore, unnecessary. The relevant certificate has been sought from the Secretary of State for Levelling Up, Housing and Communities. No objections have been made in respect of the applications for those certificates, and accordingly they should be granted.

Conclusion

- 5.60 The benefits of the Scheme are clear and compelling. This Order will allow those benefits to be realised by turning the train line into an asset to serve the community of South-East Northumberland. The objections to the Order are limited and have been addressed in full. The use of land and rights to secure the benefits of the Scheme is fully justified.

¹⁰⁶ Document INQ-30, pages 165 & 166.

¹⁰⁷ Document INQ-36.

¹⁰⁸ Document APP-W2-1, para 6.58.

¹⁰⁹ Document APP-W3-3, appendix B.

6. Supporting Representations

- 6.1 A total of 25 written representations were submitted in support of the application. The material points of their cases follow.

North East Local Enterprise Partnership (SUP/05)

- 6.2 The reintroduction of passenger services to the Northumberland Line is a project highlighted in the Partnership's Strategic Economic Plan to improve connectivity in the North-East. It would enable residents to better access employment and training opportunities, and would serve key regional developments at the Port of Blyth and Northumberland Energy Park which have the potential to create a large number of new jobs in advanced manufacturing and renewable energy. The Scheme would support sustainability and decarbonisation ambitions, and it would help to reduce congestion and improve air quality on key transport corridors by moving people from cars to public transport.

Advance Northumberland Ltd (SUP/13)

- 6.3 Advance Northumberland Ltd is the regeneration and economic development company for Northumberland. The Scheme would significantly improve connectivity between areas of under-employment and growing labour market areas, and would improve access to education facilities, and boost tourism. It would also assist with the regeneration of Ashington town centre, support inward investment, especially in the renewables sector, and relieve pressure on the road network.

North East Joint Transport Committee (SUP/14)

- 6.4 The Committee represents the interests of the North of Tyne Combined Authority and the North East Combined Authority on transport matters. The Scheme is a key project for the region, which will make a significant contribution in the following areas. It would help to achieve a carbon neutral North-East by providing an alternative to car commuting. The use of public transport increases the level of physical activity, promoting a healthier North-East. Communities along the line would be linked into the wider public transport network, including the Metro. The new services would improve access from towns such as Ashington and Blyth to employment hubs like Newcastle, and provide new opportunities for education and tourism. Careful design and thoughtful operation would result in a safe and secure network.

North of Tyne Combined Authority (SUP/18)

- 6.5 The Scheme would strengthen the region by accelerating investment along the length of the line, with economic benefits and employment and training opportunities. It would support the delivery of significant growth in sectors such as renewable energy, health and life sciences, off-shore and engineering. Access would be improved from towns such as Ashington and Blyth to employment hubs like Newcastle, and the Scheme would help to reduce congestion and improve air quality on key transport corridors.

Newcastle City Council (SUP/19)

- 6.6 The improved connectivity provided by passenger services on the Northumberland Line would bring social and economic benefits to residents,

commuters, visitor and businesses in Northumberland and the wider region. The Scheme would also help to reduce congestion, lower carbon emissions and improve air quality on key transport corridors. It would contribute to a number of objectives of the City Council.

The Dales School, Blyth (SUP/20)

6.7 It is important that there is a rail network that connects up the whole of Northumberland providing children with special educational needs or disabilities opportunities to travel. The Scheme would also improve access for employment and education, help to deliver population and economic growth, and reduce congestion and improve air quality on key transport corridors.

Network Rail (SUP/22)

6.8 NR has been working closely with NCC on the Scheme. The Scheme would improve connectivity, and bring social and economic benefits to the region, helping to deliver population and economic growth. Schedule 10 of the draft Order contains protective provisions which would ensure that the Scheme would not compromise the safety and integrity of the railway. These provisions should be included in the made Order.

Northern Trains Ltd (SUP/23)

6.9 The Scheme would improve access for employment and education, help to deliver population and economic growth, including support for sectors such as renewable energy, off-shore oil and gas, and engineering. It would also improve tourism, and reduce congestion and improve air quality on key transport corridors.

Offshore Renewable Energy Catapult (SUP/24)

6.10 Offshore Renewable Energy Catapult operates a National Renewable Energy Centre in Blyth. Improved connectivity provided by the Northumberland Line Scheme would bring social and economic benefits to Northumberland and the wider region. It would also improve the organisation's links with universities.

Highbridge Business Park Ltd (SUP/25)

6.11 Highbridge Business Park is the developer of Cobalt Business Park in North Tyneside. Employment has the potential to increase from about 14,000 to over 18,000 people. That increase would only be achieved if occupiers can continue to attract staff and potential recruits can access the park easily. Providing the new rail route would improve access to employment for staff, and assist with recruiting and retaining employees. It would also increase the mode share of public transport and reduce congestion.

Representations from individuals (SUP/01-04, 06-12, 15-17, 21)

6.12 The written representations from individuals who support the Scheme make similar points. The Scheme would improve access for employment and education, help to deliver population and economic growth, including support for sectors such as renewable energy, off-shore oil and gas, and engineering. It would also improve tourism, and reduce congestion and improve air quality on key transport corridors.

7. Objections the subject of inquiry appearances

7.1 The material points of the cases for the Objectors follow.

Mr G Harding (OBJ/1) – Hospital Crossing, Ashington

- 7.2 Mr Harding lives close to the pedestrian level crossing known as Hospital Crossing and to the site of the proposed replacement underpass. He supports the reopening of the line to passenger services, but the underpass is opposed. The design is unattractive: part of the structure would project above the railway, and it would be dominant from the street. There is anti-social behaviour associated with the existing crossing, with motorbikes driven across it and objects thrown at houses. Problems would occur at the underpass, which would amplify noise levels. The underpass would be in a secluded location, and would lead to a fear of crime and anti-social behaviour amongst residents. He also has a concern about access to maintain the hedge and fence at the side of his property.
- 7.3 His preferred option would be to close the right of way over the crossing. There are alternative routes to the north and south, which would not add greatly to journey times. If an underpass had to go ahead, it would be preferable closer to the station where it is more open, although a bridge would be a better option. The proposal would have a considerable impact on residents, but only a minimum level of consultation was carried out.

Lord Hastings (OBJ/12) and Northumberland Estates (OBJ/21) – Wayleave leases

Introduction

- 7.4 Lord Hastings and Northumberland Estates presented a joint case at the inquiry. Neither party objects in principle to the Northumberland Line proposals. Both welcomed the broad objectives of the Scheme insofar as it seeks to promote economic regeneration in Northumberland and the wider region. The focus of their concern is the modification of existing agreements to abrogate rental payments by compulsion through article 34 of the proposed Order. These rental payments were agreed in exchange for the rights to construct and operate a railway on the Objectors' land.

The agreements

- 7.5 The agreements were entered into with principal landowners at the time the Northumberland Line was constructed in the 1850s. They were for up to 1,000 year terms and so clearly intended to last. It was inevitable that there would be changes over precisely how the railway would operate over such a long period. Northumberland Estates is a party to two of these agreements, the first dated 10 May 1853, which was subsequently varied by way of a grant of alteration on 29 July 1867, and the second dated 30 July 1867. Lord Hastings is a party to the third wayleave agreement, dated 20 May 1853.
- 7.6 The three agreements grant rights to add to an existing railway line, along with full rights of way over the railway line for the purposes of running freight and passenger trains. In return, the agreements reserved payment of: (i) a rent based on the amount of coal (and coal products) transported, and (ii) (where the coal-based rent does not exceed a minimum amount in any year from the

collieries to the north of Seaton Delaval Estate) a rent for passenger trains and trains transporting cattle or other goods, such rent to be 2% of all charges paid to the grantee in respect of such trains. The calculation of the rents is not in itself complex. Some of the language may be quaint and the arrangements may be unusual on the network, but the reality is that it remains a workable commercial agreement.

- 7.7 There is no material disagreement in relation to the interpretation of the provisions, and the Applicant has accepted that limb (i) concerning coal and coal products is no longer applicable, and that track access charges in respect of freight and passengers can be calculated and adjusted in respect of limb (ii) ¹¹⁰. The Objectors consider that NR wishes to avoid the inconvenience of the need to make annual calculations and, in doing so, making a manual adjustment. But that is no basis on which to found a case for interference with rights by compulsion. NR is responsible for making the rental payments and for complying with the obligations to provide the relevant information. It is in the provision of the information that problems in relation to rental payments have arisen.
- 7.8 The agreements include a power of forfeiture for failure to comply with their terms. Correspondence on behalf of the Estate referring to the use of this power was sent due to frustration in connection with resolving rental payments¹¹¹. If the issue between the parties were simply to be the amount of rent to be paid, rather than a failure or refusal to pay an agreed rent at all, the Estate's and Lord Hastings' remedy would be to invoke the arbitration proceedings within the agreements rather than claim forfeiture or seek an injunction, and secondly, the Objectors are willing to forgo this power in the event that article 34 is removed from the draft Order, and undertake to the Secretary of State and NR to do so. Difficulties have been encountered in arranging discussions about the future of the wayleave leases¹¹².

Article 34 – whether there is a compelling case

- 7.9 Article 34 is a compulsory interference in a proprietary right, and the compelling case in the public interest applied to compulsory acquisition of land is apposite¹¹³. Moreover, because it is an interference with proprietary rights, it engages article 1 of the First Protocol of the European Convention on Human Rights (as incorporated into UK law by the Human Rights Act 1998) and so must be justified and proportionate.
- 7.10 There is no compelling case for the inclusion of article 34 nor any justification or proportionality in the context of human rights for the following reasons:
- (i) Article 34 was only included late in the day, at the request of NR¹¹⁴, and it is not an integral part of the Scheme.
 - (ii) Article 34 has not been approached as a last resort.

¹¹⁰ Reference was made to Document INQ-27 and the oral evidence of the Applicant's wayleaves witness.

¹¹¹ Letters dated 30 September 2018 and 9 July 2021 from Ward Hadaway are included in appendices C and D of appendix D of Document APP-W3-3. The reason for sending the letters was given in oral evidence by the Objectors' witness.

¹¹² Document APP-W3-3, appendix D in appendix D.

¹¹³ Document OBJ-12-1, para 3.10.

¹¹⁴ Accepted by the Applicant's property witness during cross-examination.

- (iii) The Agreements contain arbitration provisions, which should be the first port of call in a disagreement.
- (iv) The original rationale for article 34 did not stand up to scrutiny in cross-examination of the Applicant's witness.
- (v) The more recent justification in relation to forfeiture is not relevant where the Objectors are prepared to give an undertaking.
- (vi) There is no viability point. Compensation would be paid as an alternative to rent and this has not been identified as a Scheme cost¹¹⁵.

7.11 The Applicant states that it would be wrong to compensate for passenger use where that use is enabled by the wider Scheme works. But it has not been suggested that the same applies to freight which is wholly unrelated to the Scheme, and article 34 seek to abrogate payments for freight traffic.

Article 34 -form

- 7.12 The Objectors argued that there should be no conflation of the contentions in support of the proposed abrogation of rent with the form of article 34. The question of whether there should be incorporation of the no-scheme principle in the wording of article 34 is not put forward as in itself a justification for the interference. The earlier reference in article 34 to the Land Compensation Act 1961 has been removed, as the 1961 Act only applies in the event of compulsory acquisition. Reference to the Lands Chamber has also been removed and replaced with a reference to arbitration. Network Rail also now propose that article 34(4), which sought to import the set-off provisions, albeit in a varied form, be removed¹¹⁶. The issue as to form therefore relates to whether article 34(3) is appropriate.
- 7.13 Article 34(3) would import a small component of the Compensation Code, which is inappropriate. It is lifted from part of section 6A of the Land Compensation Act 1961 which only applies to compulsory acquisition of land, and not to other forms of loss including disturbance, temporary possession or injurious affection.
- 7.14 Article 34(3) presumes that the Scheme remains in place, but no value is to be attached to it; it therefore does not permit the valuation process to assume cancellation of the Scheme, or anything that might flow from that. This selective approach could lead to a worse position for the Objectors than if the land to which the wayleaves relate had been compulsorily required. For example, without the cancellation assumption, any prospect of there being an increase in rail freight in the absence of passenger services would not be taken into account.
- 7.15 Import of any part of the Compensation Code is not appropriate. There would be no compulsory acquisition of land, but rather a reliance on the agreements to implement the Scheme. That is entirely distinct from compulsory purchase of land, where the pre-existing rights are extinguished. Whilst the principle of equivalence should apply, the question needs to be asked: equivalent to what? article 34(3) is not being applied to land acquisition but to an existing commercial

¹¹⁵ Document INQ-28, para 45.

¹¹⁶ Document INQ-27, para 34.

agreement which provides for payment irrespective of other interventions. article 34, as drafted, attempts to remove the principle of equivalence from the valuation of the loss, by effectively treating the abrogation as compulsory purchase, whereas it should be a straightforward exercise in capitalisation. Effectively, article 34(3) involves rewriting these commercial agreements to suit NR. Whilst in isolation any savings to the public purse may be in the public interest, it is not a proper approach to valuation and does not arise as a result of the Scheme but as a result of commercial agreements that were entered into some time ago.

- 7.16 The wayleaves granted in respect of the Welbeck Estate are not subject to article 34. These are in the same form as those which were before the inquiry. The reason given for not abrogating this agreement is that there have been no demands for rent, although that does not absolve NR of the requirement to pay rent.
- 7.17 If article 34 were to remain, the version suggested by the Objectors should be preferred, resulting from the deletion of paragraphs 34(3) and 34(4)¹¹⁷.

Other matters

- 7.18 Plots 76 and 95a have been removed from the revised book of reference¹¹⁸. Plots 102a, 103, 103a, 104, 104a, 105, 105a and 106 have been modified in the revised book of reference, but only by removing the name of the freeholders from the relevant column. It was agreed with the Applicant's acquisitions witness that this modification is insufficient to achieve its purpose and that the freeholders' interest should be expressly excluded from the description of the interest being acquired in the book of reference.
- 7.19 Whilst the extent of plot 64 has been cut back on the updated land and works plans¹¹⁹, the revised book of reference retains the multi-storey car park in the description of the interest and the area to be acquired remains the same: this should be amended as agreed.
- 7.20 It is understood that an agreement has been reached between NR and Nexus under which they agree to share liability for the new structure at Algernon Drive Bridge. That would address the Estate's concern on this matter.

Owners and residents of Fenwick Close (OBJ/16) – Northumberland Park station

- 7.21 The group represents the owners and residents of the apartments at the south-east end of Fenwick Close, adjacent to the railway line and the existing Metro station. Work on the bank to build the platform for the new Northumberland Line station would be close to the apartments, and concerns include subsidence, damage, and building insurance liability. The use of heavy plant machinery, and lorries would cause traffic disruption, health and safety risks, noise, mess, general disruption and potential damage to the one road in and out of the estate. The estate is saturated with vehicle parking since Nexus closed all but the ground floor of the nearby multi-storey car park.

¹¹⁷ Document OBJ-12-2, para 3.32.

¹¹⁸ At the inquiry this was a reference to revision 1 of the book of reference. The subsequent submission of revision 2 (Document APP-12-3) maintains this omission.

¹¹⁹ Sheet 2 in Document APP-10-1.

- 7.22 The proposal to drill test boreholes close to flats should be reconsidered due to disruption and vibration, the relocation of six parking spaces for an indeterminate period, the prospect of damage to the buildings, and the effect on insurance liability. Owners are very concerned about the potential effect of construction works on the value of their properties, and whether they will be able to sell or rent flats. A specific compensation scheme should be available.
- 7.23 The removal of trees and shrubbery from the bank adjacent to the apartments would destroy natural habitat for a variety of wildlife. This area also provides a natural protective buffer to the existing railway lines, helping to deaden noise, and acts as a shield from the multi-story car park on the opposite side.
- 7.24 The proposal to construct an emergency escape path for passengers at the west end of the platform, would open up this area and have a direct impact on residents. The development is already subject to vandalism, and this path would facilitate access for anti-social behaviour. There is a relatively steep incline, and the removal of a substantial amount of land in close proximity to a building is considered to be a risk.
- 7.25 It is understood that the new service would use Class 158 diesel trains. Although battery operated trains are intended to be introduced in about four years after the line has opened, they are still in development and there is no firm guarantee about the timescale for their introduction. This is extremely disappointing: air quality is of major concern.

Mr C Scorer (OBJ/18) – Northumberland Park station

- 7.26 Mr Scorer owns a property on Fenwick Close. There is concern about noise and disturbance from the construction work, and from trains running close to the property exacerbated by the loss of trees. The possible offer of replacement parking spaces in the multi-storey car park would expose cars to greater risk of vandalism, damage and theft. There would also be a damaging impact on wildlife and the green environment of the property. It is estimated that the proposals would result in a 20-25% drop in the value of the property, and adding in reduced rental value could result in a loss approaching £50,000. Reference was made to consultation letters not being delivered, reducing the time and opportunity for owners to understand the proposals. Moreover the material is extensive and complex, and is difficult to contest without legal representation, and there is concern about funding bias in reports that were produced on behalf of the Applicant. If funding were available to residents to commission reports, it may be possible to show that the outcomes are independent.

Malhotra Commercial Properties Ltd (OBJ/22) – Plots 323 & 324, Ashington

- 7.27 Malhotra owns plots 323 & 324, which are currently unused and lie to the south of Station Yard car park in Ashington. An outline planning application was submitted in 2020 for the construction of a 58 bed care home and an associated 12 bedroom specialist unit on this land¹²⁰. The Objector generally welcomes the reintroduction of the passenger service between Ashington and Newcastle Central, subject only to its land being omitted from the Order on the basis that

¹²⁰ Document OBJ/22-2, para 4.29.

inclusion is not necessary and has no compelling reason, there is no certainty as to financial viability and there is no good reason for taking away human rights having regard to the aspirations in relation to parking at the station. Over the short term though, Malhotra would be open to negotiations for the use of all or part of its site in connection with the Northumberland Line Scheme¹²¹.

- 7.28 The Objector's land would be used as part of a car park, the purpose of which is not only for the station but also shopping centre needs. It considers that this dual reason is inappropriate for a TWA Order. The Malhotra site is not allocated or safeguarded as a car park for a station in the Development Plan. The proper planning route should have been through promotion once the location was identified through a supplementary planning document in accordance with the emerging Local Plan¹²².
- 7.29 The Objector asserted that the evidence provided by the Applicant at the inquiry did not enable a proper assessment of the information which led to the conclusions reached. It is considered that figures on parking are based on questionable assumptions, and the worst case scenario is likely to greatly exaggerate demand for spaces. Information is inadequate on the cost and management arrangements for the proposed station car park, and the frequency and length of trains. Without the Objector's land 150 spaces could be provided in the new car park. No consideration appears to have been given to the exclusion of vehicles using the car park in connection with Ashington town centre, and it has not been proven that the existing town centre car parks are at capacity¹²³, although it is acknowledged that evidence from Google Street View in 2017 and 2018 showing the existing Station Yard car park almost full suggests that in a pre-covid world it was well-used¹²⁴. The demand for parking space would be determined by factors and assumptions which inform the FBC for the Scheme. That needs to be seen before any satisfactory conclusion can be drawn.
- 7.30 The site was previously occupied by a care home, and the Objector wishes to build a care home there. It has taken too long to determine the planning application, and the land is not in an area protected for green belt or environmental reasons. It is not known when any alternative sites for care homes would be available and whether there would be operators with experience to run them, whereas the Objector has considerable experience in this area. The community benefits of the care home include inward investment of about £8.4 million, 80 operational FTE jobs and a further 35 indirect FTE jobs, additional jobs in construction and the supply chain during the build period, an uplift in economic output of £17.9 million, and the generation of additional expenditure in the area and additional council tax. These benefits outweigh the provision of a car park when the general policy is to encourage people not to use their vehicles. Moreover the car park would not even be restricted to those who would use the railway.
- 7.31 The site survey of which the Objector was recently notified should have been carried out at an earlier stage. It could show that the site is unsuitable for a car

¹²¹ Document OBJ/22-1. Para 10.6.

¹²² Extract from the Publication Draft of the emerging Local Plan, appendix 2 of Document OBJ/22-2, para 9.36.

¹²³ Document OBJ-22-1, section 9.1.

¹²⁴ Document OBJ/22-1, para 4.1.3.

park or that it would be so expensive that a multi-storey option would be cheaper.

- 7.32 The Applicant has not proved the demand for parking. There is a probability that the land would be found to be surplus. As such the Objector would have the right to buy the plots back under the Crichel Down Rules. However, whereas compensation would be equivalent to market value in a no-scheme world, buy-back would be at market value in a scheme world, and is likely to have increased due to the presence of the station¹²⁵.
- 7.33 Planning permission, which is subject to conditions, has been granted for Ashington station. That is insufficient to justify compulsory acquisition. The negotiations with the Objector were not speedy, open or transparent and were stopped abruptly on the basis that there was no realistic chance of agreeing a settlement.

Councillor C Ball (OBJ/30) – Hospital crossing, Ashington and other matters

- 7.34 Reopening of the passenger railway is supported, but Councillor Ball objects to the underpass proposed to replace Hospital crossing. The Building Research Establishment briefing paper *Reducing Crime Hotspots in City Centres* states if an underpass is considered necessary it should be straight, short and as wide as possible. It should be well lit, with clear lines of sight so that pedestrians can see what is ahead. Ambiguous spaces, such as gaps and corners should be avoided as they can provide hiding places for potential offenders and can increase fear of crime¹²⁶. The proposal would not be consistent with these recommendations. A possible location would be between John Street and the Malhotra land.
- 7.35 She asserted that anti-social behaviour is a main issue in the area, and pressures on the police mean that services are stretched. The location proposed for this underpass is tucked out of the way from natural surveillance, and as such people feel it would be unsafe and without a clear escape route if they feel threatened. Many residents would use the alternative routes across the railway of Station Road or Green Lane.
- 7.36 A survey in October 2020 recorded 110 pedestrians or cyclists using Hospital crossing per day. The majority of users would be going to and from Ashington Academy. These young people walk a substantial distance to reach this crossing from the school and if the right of way was closed the short diversion to either Green Lane level crossing (which would be upgraded¹²⁷) or Wansbeck Square (where there is a bridge) would not cause delay.
- 7.37 The right of way at Hospital Crossing should be closed, removing the current issues and preventing future problems. If a replacement crossing is deemed necessary, it should be closer to the station, where there would be more footfall, and natural surveillance. If a crossing at this location is essential, a barrier or lights could be introduced, or the existing form of crossing could be retained as there is no information about incidents occurring here.

¹²⁵ Document OBJ-22-1, para 10.8.

¹²⁶ Page 10 of the briefing paper, which is in Document OBJ-30-2.

¹²⁷ Document APP-W2-1, table 3.

7.38 There is concern about the consultation exercise, in particular consideration to the digitally excluded and the display of site notices, and the inquiry process should be more user-friendly. The design of the Scheme is not satisfactory, especially at Ashington, Bedlington, Seaton Delaval and Bebside stations. Issues concerning land at Ashington and Bebside could have been better addressed if land had been acquired earlier. The bridge at Bebside should include provision for disabled access and pushchairs. Parking should remain free of charge to avoid train users parking in residential streets.

8. Objections the subject of written representations

8.1 The material points of the cases for the Objectors follow.

Mr P & Mrs P McKinney (OBJ/2), Ms C Hopkins (OBJ/8), Mr J Watson (OBJ/23) – Northumberland Park station

8.2 The Objectors own and/ or occupy property in the area of Fenwick Close, Backworth. Their objections refer to the use of land at Fenwick Close in connection with the Scheme, the proximity of construction work for the new station to their properties, the loss of trees, noise from construction work and trains on the line, the effect on wildlife, anti-social behaviour, and an expected loss of value and rental income. Mr Watson suggests that the passenger service could use the platforms of the existing Metro station, avoiding the need to build a platform for the Northumberland Line.

Ms C Gibb (OBJ/3), Ms M Symons (OBJ/4), Mr T Barker (OBJ/5), Miss N Priest (OBJ/6), Ms G Thompson (OBJ/7), Mr S Tanney (OBJ/9), Ms L A Perkins (OBJ/10) – Hospital crossing, Ashington

8.3 The Objectors are residents of Ashington. The reintroduction of passenger trains is not opposed, but they object to the replacement of Hospital Crossing by an underpass, citing concerns about anti-social behaviour. Alternatively, the underpass should be repositioned, with suggestions including the position of the level crossing or further to the south or north. Concern is also expressed about the frequency of trains, noise levels, parking in residential streets, and the extent of consultation about the Scheme.

Northern Powergrid (OBJ/11)

8.4 Northern Powergrid is concerned that the protective provisions in the draft Order are inadequate, and has engaged with NCC to negotiate an agreement on this matter.

Mrs A L Hopwood (OBJ/15) – Bedlington station

8.5 Mrs Hopwood is concerned about the loss of part of the garden of her property on Blenheim Drive, adjacent to Bedlington station.

Nexus (OBJ/20)

8.6 Nexus operates the Metro light rail network. Whilst it supports the application, the following matters should be resolved before the Order is made. At Palmersville Dairy, construction of the underpass should not cause any safety concerns for the operation of Metro trains on the adjacent line, and Nexus infrastructure should be safeguarded here, at Holystone Farm access, and

Northumberland Park Metro station. Access to the station should be available at all times.

- 8.7 Nexus and the Applicant submitted a joint statement which explained that the text of protective provisions for the benefit of Nexus had been agreed. In addition, substantial agreement had been reached on an agreement to manage the interface between the Scheme and the Metro system. The objection is to remain in place until the agreement is completed¹²⁸.

Mr M & Mrs K Doyle (OBJ/26) – Newsham station

- 8.8 Mr & Mrs Doyle own Arden House and adjacent land to the south of the A1061. They objected on the ground that all of their land was included in the Order, although it was understood that it was not all required for construction of Newsham station and associated works. Subsequently a joint position statement by the Objectors and the Applicant was submitted to the inquiry which explained that terms had been agreed for an agreement under which the Applicant would purchase the whole of the land (plot 184)¹²⁹. The objection would be withdrawn once the agreement is entered into.

National Grid Electricity Transmission PLC (OBJ/27)

- 8.9 National Grid submitted a holding objection to enable the effect of the Scheme on its apparatus to be assessed. The objection refers to interactions along the route with high voltage overhead lines.

McLagan Investments Ltd (OBJ/29) – Asda store, Bebside

- 8.10 McLagan Investments hold the freehold investments of Asda. A drive-through coffee shop was under construction on plot 257a¹³⁰, and temporary use as a work site would cause significant disruption. More suitable alternatives are available. The use of plot 256 must avoid disruption to the service yard road. Plot 257 is the access road into the store, and temporary rights of access must similarly avoid disruption.

9. Other representations

- 9.1 Five other representations have been submitted. The material points made in these representations follow.

Mr S Shrubb (REP/1) – Mares Close, Seghill

- 9.2 Mr Shrubb supports the development of the Northumberland Line, but raises some concerns about the use of Mares Close in connection with the Scheme.

British Volt (REP/2) – Blyth branch lines

- 9.3 British Volt is developing a new battery production facility at Blyth, and is considering the use of the branch lines served from the Northumberland line as part of its infrastructure. The firm welcomes the Scheme, but has requested consultation on any rights affecting users of the branch lines covered by the Order.

¹²⁸ Document INQ-35-1.

¹²⁹ Document INQ-20.

¹³⁰ The drive-through coffee shop was open for business by the date of the inquiry.

NCC (REP/3)

9.4 NCC submitted a representation in its capacity as LPA and LHA. The Scheme is fully supported. It does have the potential to impact upon highways and planning matters, and the LPA and LHA are continuing to engage with the Applicant on the detailed implications of the Order. To that end a statement of common ground with the Applicant was prepared (CD APP-48).

The Coal Authority (REP/5)

9.5 Parts of the land included within the Scheme falls within the Development High Risk Area identified by the Coal Authority. Any formal application for development within that area would need to demonstrate how risks posed by mining legacy have been considered.

Mr S Burdis (REP/6)

9.6 Reinstatement of the passenger service on the Northumberland Line is essential for recovery of the region. The Scheme should be extended to Newbiggin-by-the-Sea, which would reduce congestion and air pollution, and boost tourism and economic growth.

10. Withdrawn objections

10.1 Seven objections had been withdrawn by the close of the inquiry. Viscount Ridley (OBJ/13) and Plessey Checks Farming (OBJ/28) had reached agreement in relation to the acquisition of their land interests (plots 173, 186, 188, & 189, and plot 178 respectively)¹³¹. Watsons Haulage Ltd (OBJ/14) and Mr K & Mr P Watson (OBJ/17) withdrew their objections following confirmation that their land (plot 295) was no longer required for the Scheme¹³². BDW Trading Ltd had objected to the temporary use of plot 145, which is associated with a development of 285 dwellings at New Hartley. Concern was expressed that its use as a temporary worksite would prevent reconstruction of a right of way, interfere with the operation of a proposed swale, and create a safety risk in relation to the construction and use of an adjacent estate road. Plot 145 has been removed from the Order and the objection has been withdrawn¹³³. The holding objection from Royal Mail Group was withdrawn following the provision of more information about the proposals and the management of their effect on the highway network¹³⁴. Bernicia Group had objected to the Order in respect of the effect on its social housing at The Cheviots in Ashington, and at Sleekburn House in Bedlington. An agreement has been reached with the Applicant concerning mitigation measures in respect of noise and other effects at Sleekburn House, and in both locations the extent of land sought to be permanently acquired has been reduced: the objection has been withdrawn¹³⁵.

¹³¹ Document OBJ-13-1 & OBJ-28-1.

¹³² Documents OBJ-14-1 & OBJ-17-1.

¹³³ Document OBJ-19-1.

¹³⁴ Document OBJ-24-1.

¹³⁵ Document OBJ-25-1.

11. Inspector's Conclusions

References to earlier paragraphs in this report are in square brackets [].

11.1 I have used the statement of matters as the structure for the majority of the remainder of this report [1.10-1.13].

The aims, objectives and need for the Scheme (matter 1)

11.2 The railway line runs through South-East Northumberland, between Ashington and Newcastle. Mining was formerly an important industry in the area, but this is no longer the case. Closure of the mines has contributed to high levels of unemployment, and the area also suffers from social deprivation, particularly in towns along the northern part of the line [5.2].

11.3 Although there are good highway links between South-East Northumberland and both North Tyneside and Newcastle, passenger rail services are limited to places along the East Coast Main Line. The bus network is more extensive, but journey times are lengthy to Newcastle and destinations in North Tyneside, and reliability is adversely affected by congestion. Overall, connectivity by public transport is poor within South-East Northumberland, restricting opportunities for residents to travel to work, including to major centres of employment in Newcastle and North Tyneside, and acting as a restraint on growth within this part of the County [5.3, 5.8]. In its response to the draft Order, the developer of the major Cobalt Business Park in North Tyneside referred to the importance of improving accessibility to enable the development to achieve its potential for growth [6.11], and the North-East Local Enterprise Partnership has explained that there are key regional developments at the Port of Blyth which have the potential for substantial job creation [6.2]. Poor connectivity by public transport is also a limiting factor on the potential to travel to access education services and leisure activities.

11.4 The limitations of public transport could encourage growth in car ownership and increased use of the car for commuting to work and other journeys. That would exacerbate existing problems of congestion on the road network [5.3].

11.5 The Scheme to reintroduce passenger services to the Northumberland Line has been put forward to address the problems related to poor public transport infrastructure in the south-east part of the County, and thereby to stimulate economic activity and create job opportunities, reflected in the objectives to facilitate growth, create mode shift to public transport, and improve public transport accessibility [5.5]. The Statement of Aims covers similar ground: improving access from towns such as Ashington and Blyth to employment hubs such as Newcastle, creating new opportunities for education, providing an incentive for potential employers to locate and invest in the area, helping to deliver aspirations for population and economic growth, helping to attract visitors, reducing congestion and improving air quality on key corridors [5.7].

11.6 These objectives and aims are endorsed in many of the supporting representations to the application, including those from local authorities and organisations involved in economic development [5.6, 6.2-6.6, 6.9, 6.12].

11.7 There is widespread agreement that the Scheme would act as a catalyst to bring about positive change in economic and social conditions in South-East Northumberland. Many of the individual objectors support the re-opening of the

line for passenger services, acknowledging the benefits that would flow from the Scheme, and there were no objections made to the Order as a whole [5.6, 7.2, 7.4, 7.27, 7.34, 8.3, 8.6].

- 11.8 Certain aspects of the Scheme merit particular mention. Journeys by bus from the area along the northern part of the line to Newcastle take over an hour, and I have no reason to doubt the evidence of the Applicant's strategic transport witness that public transport is unlikely to be used for commuting where journey times would exceed an hour. It is a key function of the Scheme to reduce journey times by public transport, and journey times between Newcastle and both Ashington and Blyth by train would only take about half the time as by bus [5.8]. To significantly improve public transport connectivity with destinations in Newcastle and North Tyneside, links with the Metro light rail system are important: these would be achieved with construction of a Northumberland Line station at Northumberland Park and at Newcastle Central Station. The Scheme must also allow continued use of the line by freight traffic: the increased length of double track and rehabilitation of the Furnace Way sidings would facilitate this requirement [3.1, 3.4].
- 11.9 Implementation of the Northumberland Line Scheme involves a number of different processes, including applications for planning permission and works which fall within the scope of permitted development [3.3, 3.4]. The TWA Order would be an important contributor to the Scheme, including measures to acquire land and rights and to address safety concerns at level crossings [3.5]. Without measures included in the Order in place, it is likely that the Scheme would at least be delayed, and it may potentially be put at risk. The aims and objectives of the Scheme relate directly to the problems of economic decline, social deprivation, and poor connectivity in South-East Northumberland, and are appropriate. Policies in the Development Plan and the emerging Northumberland Local Plan, and provisions of the Local Transport Plan, the Metro and Local Rail Strategy, and the Strategic Transport Plan all support the re-introduction of passenger services on the railway for similar reasons [4.2-4.6]. I conclude that there is a need for the Northumberland Line Scheme, of which the TWA Order would be an important component, and that the Scheme has the potential to meet its objectives.

The main alternative options, and the reasons for choosing the preferred option (matter 2)

- 11.10 A range of options have been considered to improve transport connections to and from South-East Northumberland. In addition to the heavy rail solution of the Scheme, the other main proposals were improvements to bus services, extension of the Metro, and personal travel planning at large employment sites. The latter option, without any change in transport infrastructure, would be unlikely to bring about material change, and I share the view of the Applicant's strategic transport witness that it is complementary to other proposals. Express bus services may be able to reduce journey times between the northern part of the sub-region and North Tyneside and Newcastle to under one hour, but they would be affected by congestion on the highway network, and there is nothing before me to dispute the Applicant's view that improvements to this mode could not achieve sufficient benefits. The Metro is an electrified light rail system, and its extension to Ashington would require a major electrification project beyond Northumberland Park. Routing into Newcastle by means of the Metro would

also involve longer journey times than by heavy rail trains on the East Coast Main Line, and capacity issues on the Metro network would need to be resolved. Taking into account the limitations of other options, the reintroduction of passenger services on the Northumberland Line was shown to be the intervention required to best meet the objectives to facilitate growth, create mode shift to public transport, and improve public transport accessibility [5.12]. None of the objectors disputed the appropriateness of this solution.

- 11.11 In developing the Northumberland Line Scheme into the form which is supported by the proposed Order, certain alternative options were considered for station location and other infrastructure [5.13-5.15]. Important considerations were achieving good accessibility to stations on foot, by public transport and by car, with adequate space available for parking, and avoiding worsening existing highway problems. These factors supported use of the sites of the former stations at Ashington and Bedlington, and the locations of stations at Bebside, Newsham and Seaton Delaval. At Northumberland Park, shared use of the existing Metro station, as advocated by Mr Watson, would avoid the need for a new platform on the banking adjacent to Fenwick Close and would minimise the extent of construction activity on the car park and other land close to the apartments [8.2]. However, it is not common practice for light rail and heavy rail trains to share lines, since the former have lower crashworthiness standards. The additional separation time required to accommodate such an arrangement would be extended if Northumberland Line trains were using the same line in both directions [5.16]. These are weighty considerations against the shared use of the Metro station, and the proposal to construct a separate Northumberland Line platform has received planning permission. Extending the length of the overall journey to Woodhorn would require additional trains to enable the desired 30 minutes frequency to be achieved. Passengers from that area could travel to Ashington, which is not far away, and at this stage of the Scheme, I agree that it would not have been appropriate to include an additional station at Woodhorn.
- 11.12 The Order includes many plots of land which would be acquired, used temporarily, or become subject to new rights, in association with the six station sites. Land is required to develop the stations, in particular to provide for car parks, and access roads and work sites are also necessary. The identification of these plots of land in the Order derives from the preferred options for station locations.
- 11.13 Pedestrian crossings at Hospital Crossing and Palmersville Dairy are amongst those proposed to be closed on the ground of safety. In both cases their replacement with underpasses has been proposed. Due to the proximity to nearby dwellings, the alternative of a bridge in the location of Hospital Crossing was not favoured, and I appreciate that this could equally be a source of anti-social behaviour, particularly as local residents have reported objects being thrown at their properties from the direction of the railway. Consideration was also given to the location of a replacement crossing, a matter which I consider later in this report. There is considerable concern locally about the proposal for an underpass, and in consequence the Applicant has requested that consideration of the planning application is paused whilst further consideration is given to alternative options [5.41-5.43, 7.2, 7.34, 7.35, 8.3].

- 11.14 At Palmersville Dairy the crossing solution takes into account the existing underpass below the adjacent Metro line which is on the same right of way. The alternative of a bridge would present users with a significant change in levels, and provision for a cycleway would involve a more extensive and costly structure [5.17].
- 11.15 As is the case in respect of the station sites, the acquisition of land and rights and the temporary use of land is included in the Order to facilitate the preferred options of the underpasses. These options are also the reasons for the specific rights of way diversions to Hospital crossing and Palmersville Dairy.
- 11.16 Proper consideration has been given to alternatives in assessing the approach to adopt in respect of the transport and economic problems of South-East Northumberland. The evidence indicates that the Northumberland Line Scheme has the best prospect of meeting objectives to address those problems. As the Scheme has developed, alternatives have been taken into account in selecting station sites and in the form of replacement of certain crossings identified for closure. Further consideration is being given to the solution at Hospital crossing, but otherwise I conclude that the proposals put forward are clearly justified by the reasons given. Those proposals do not form part of the Order, but they necessarily determine requirements for land, rights over land, and rights of way diversions which are included in the Order.

The likely impact of the Scheme on local businesses, residents and visitors (matter 3)

The overall impact of the Scheme

- 11.17 It is expected that the improvement in transport infrastructure and connectivity which would result from the Scheme would benefit businesses in the area, and encourage expansion. Reference was made in the OBC to growth in sectors such as offshore oil and gas, renewables, engineering and at the Port of Blyth. This view is endorsed by the North East Local Enterprise Partnership, Advance Northumberland, and Offshore Renewable Energy Catapult (the operators of the national Renewable Energy Centre in Blyth), all of whom consider that the Scheme would bring economic benefits to the area. Regeneration in the former mining town of Ashington would also be supported by the Scheme, with the position of the station in a central location facilitating access to shops, services and other local businesses [5.6, 6.2, 6.3, 6.10].
- 11.18 A major effect of the Scheme on local residents would be an improvement in accessibility to places of employment, including in Newcastle and North Tyneside. Shorter journey times, in comparison with bus services would be a key benefit, particularly to people without access to a car, and mode transfer from the car to train would ease congestion on the road network, with an indirect benefit to bus passengers. In addition to improving connectivity with regard to travel to work, the Scheme is also expected to improve the travel opportunities for leisure and training purposes. As part of the Scheme a number of level crossings will be closed. Even though the line is only used by a few trains each day at present, each level crossing presents a potential hazard, and closure would improve safety for users [3.5, 5.6-5.8].
- 11.19 Improvements in public transport connectivity would not only benefit residents, but would be an asset for visitors to this part of Northumberland. I

share the view of the Applicant that the Scheme would enhance the profile of the area as a place to visit [5.8]. As an important part of the Northumberland Line Scheme, the Order would contribute to the overall positive impact on local businesses, residents and visitors.

The Asda store and coffee shop at Blyth

11.20 A large Asda store is situated on the western side of Blyth, separated from the site proposed for Bebside station by the A189 and a strip of open land. To the south of the store building are the car park, a recently built coffee shop, a petrol filling station and the access road, which leads to both the car park and the service area. Pedestrian and cycle access to the station from the built-up area on the east side of the dual carriageway would be provided by a bridge from land adjacent to the road leading to the store [3.3, 5.55, 8.10].

11.21 The Order originally sought temporary possession of plot 257a where the coffee shop has been built. That plot has been removed from the proposal, and it is not included in the revised book of reference and land and works plan (sheet 19). The Order poses no threat to the continued operation of the coffee shop. Land close to the access road (plots 251 & 254-256) is proposed for acquisition to enable construction of the bridge to Bebside station. This comprises grassed areas with some tree cover on plot 251. Plot 256 is in the ownership of McLagan Investments which made representations in respect of the Asda store. It is not operational land, and there is nothing before me to indicate that construction work on this land would interfere with use of the adjacent access road for customers and deliveries. I have reached the same view in respect of plot 257, also owned by McLagan, where a temporary right of access in connection with construction of the bridge is sought over part of the access road [5.55, 8.10].

The local road networks, parking and communal gardens

11.22 The main impact of the Scheme on local road networks, parking and communal gardens derives from the development of the stations. These developments require planning permission, and the Order would provide powers for the acquisition and use of land to enable the stations to be provided. Permission has already been granted for the stations at Northumberland Park, Seaton Delaval, Bedlington and Ashington, with the proposals having been found to be acceptable. The applications for the stations at Newsham and Bebside had not been determined at the date of the inquiry [3.3]. The effect on communal gardens is not relevant in these locations, and I anticipate that the implications for traffic movement and parking will be taken into account as part of the consideration of the applications.

11.23 The proposals for the new stations in Northumberland include car parks. The car parks would be adjacent to the stations, and at Bedlington, where space is more limited, a second car park would be provided a short distance from the station. Parking provision has been based on the anticipated demand (I refer to the situation at Ashington in more detail below, paras 11.39-11.41), and is intended to be free, and in these circumstances it is unlikely that parking generated by the railway would occur in local roads where it could interfere with traffic movement [5.35]. At Northumberland Park no parking space is proposed due to the proximity of a multi-storey car park. I have read that there are concerns about on-street parking in this area and Fenwick Close Residents &

Owners Group have said that at present only the ground floor of the multi-storey car park is open for use [5.45, 7.21]. Nevertheless the facility exists, and there is nothing before me to indicate that any part of the car park has been permanently taken out of use.

- 11.24 The introduction of a half-hourly passenger service would result in more frequent closure of the level crossings remaining on the line. That would cause more frequent interruption to traffic movement, although it is likely that would only be noticeable on a few routes, such as the A193 at Bebside and the crossing immediately to the south of Bedlington station. On the other hand, the construction of a bridge at Newsham would enable that crossing to be closed, removing a source of congestion and the risk of conflict on the A1061, which is one of the main routes into Blyth [3.3].
- 11.25 The carrying out of works within the highway in connection with the provision of access to work sites would inevitably cause some disruption to traffic movement. That would be localised and temporary. Moreover, a condition suggested in connection with the request for deemed planning permission would provide the LPA with control over the design of such works. A separate condition requiring adherence to a CTMP would mitigate the effect of construction traffic on movement on the local highway network [5.26].
- 11.26 Just as the provision of car parks at the stations in Northumberland should avoid the occurrence of parking generated by the railway on nearby roads, equally there should be no material effect on existing car parks in places such as Ashington and Bedlington. At Northumberland Park, temporary possession of the communal parking area between the apartments on Fenwick Close and the railway is sought to provide a temporary worksite [5.45]. Reference was made to the possibility of alternative spaces being made available in the multi-storey car park, but I heard that there is concern about the possibility of vandalism to vehicles left in that location. I appreciate that concern, given that vehicles parked within the multi-storey car park could not be overlooked from Fenwick Close. In any event, even for a limited period of just over one year, alternative parking would be less convenient for occupiers than use of the existing spaces at Fenwick Close. Consequently, for the duration of the construction period, the proposal would have a detrimental effect on existing parking arrangements [7.22, 7.26].
- 11.27 Garden areas adjacent to the apartments at Fenwick Close are also included in plot 50 and are intended as part of the temporary work site during the work to construct the new station at Northumberland Park. A suggested condition would require approval of a CEMP, which is intended to manage the effects of construction activities. Whilst measures to address noise and vibration amongst other matters would mitigate the effect of construction works, the temporary loss of garden space close to their dwellings would inevitably have a detrimental effect on the living conditions of the occupiers of the apartments. The Scheme would also affect land to the south-west of Fenwick Close (plots 48 & 49) and the bank between the car park and the railway line (plot 47) [7.23, 7.24, 7.26]. These areas do not form part of the communal gardens, but they do contribute to the pleasant environment of the apartments. The land to the south-west is a grassed area with some trees which would be acquired to enable an emergency egress route to be provided from the station. There is concern that this work would encourage anti-social behaviour, but as it is an open strip of land

adjacent to the A186 and overlooked by the apartments, I consider this to be unlikely. There is a line of trees along the bank which slopes down from the car park to the railway, and the presence of these trees lessens the visual impact of the multi-storey car park from the apartments. At the inquiry, the Applicant acknowledged that trees would be lost in this location [5.45]. A condition on the planning permission for the station refers to new tree planting, but, due to the construction of the new platform, the extent of tree cover may be less than at present, and for a period of time there would be clear views across the railway to the car park. In view of the distance involved, I attach limited weight to this adverse effect on the outlook for local residents.

11.28 Communal gardens would also be affected by the Scheme at Sleekburn House, a block of sheltered accommodation for the elderly on the south-west side of Bedlington station. To enable the construction of a north-bound platform, a strip of land would be acquired from the garden on the north-east side of the building (plots 269 & 269b), and temporary possession is sought for an adjacent strip of the garden to enable replacement of the boundary fence (plot 269a) [5.44]. The extent of land sought for acquisition has been significantly reduced, and a mitigation plan has been prepared for Sleekburn House, resulting in withdrawal of the objection from Bernicia Group which provides the sheltered housing [10.1]. I do not consider that the revised proposal would have a material effect on the residents' enjoyment of the communal gardens.

11.29 To the north-east of Sleekburn House is a row of two-storey flats on Blenheim Drive. The flats do not have communal gardens, but the considerations here are similar. A strip of land would be required from the rear garden areas to provide an emergency egress route from the station (plots 270, 271, 272, 273 & 274), and temporary possession is sought over an adjacent strip (plots 270a, 271a, 272a, 273, & 274a) to enable the boundary fence to be moved. There was a single objection to loss of part of a garden, and, as at Sleekburn House, the extent of land acquisition proposed has been reduced [5.44]. I do not consider that the revised proposal would have a material effect on the residents' enjoyment of their gardens.

Location of the underpass at Ashington

11.30 An underpass is proposed to replace Hospital crossing which provides a footpath link across the railway to the south of Ashington town centre. Whilst there is no objection in principle to the closure of Hospital crossing, there is strong local opposition to the underpass which is seen as exacerbating problems of anti-social behaviour in this location [7.2, 7.34, 7.35, 8.3]. The position proposed is slightly to the north of the existing crossing, where it would be close to the side of the house at 1 Darnley Road to the west and the rear of dwellings on Featherwood Drive to the east. In this relatively secluded position, with approach ramps at right angles to the underpass itself, I appreciate that design features including a wide passageway, chamfered corners and CCTV are insufficient to allay local concerns about safety and anti-social behaviour [5.42].

11.31 There were some suggestions that, if an underpass were to be built, it should be positioned on the line of the existing crossing or further to the south or north [7.3, 8.3]. These locations would be similarly secluded to that proposed in the planning application, and I anticipate that they would give rise to the same concerns. Councillor Ball suggested that there may be the opportunity to

construct an underpass with direct approaches further to the north between the John Street car park and the Malhotra land. Bearing in mind the extent of the approach ramps proposed in the planning application, I do not consider that a direct approach could be provided on the eastern side of the railway, and an approach in line with the railway would have a greater impact on the car park. On the western side, the approach ramp would significantly encroach on the parking provision proposed there. For these reasons I do not consider that this location would be a suitable alternative for an underpass [7.34].

- 11.32 I appreciate the concerns raised about the current proposal for an underpass. On the information before me, none of the suggestions indicates a preferable location, although I appreciate that further consideration is being given to alternatives for this element of the Scheme. Suggestions were also made that Hospital crossing be closed without provision of an alternative [7.3, 7.36]. There is the opportunity to cross the railway at Wansbeck Square to the north and Green Lane to the south. These points are about 423m and 500m respectively from Hospital Crossing [5.43]. This would represent an inconvenience and a reduction in permeability of this part of Ashington, which would count against the Scheme in the event that planning permission is not granted for a replacement to Hospital Crossing. However as use of other existing crossings would not necessitate an undue diversion for pedestrians, this prospect is a factor to which I attach only limited weight.

Sheltered accommodation for the elderly

- 11.33 I have already referred to the effect of the Scheme on the extent of the communal garden at Sleekburn House (above, para 11.28). In view of the proximity of Sleekburn House to Bedlington station, noise and disturbance is a relevant consideration. Mitigation measures requiring the approval of the LPA are proposed, and these would include an acoustic fence on the boundary with the railway [5.44]. With the measures proposed in place, I do not consider that the Scheme would materially detract from the living conditions of residents at Sleekburn House.

- 11.34 The Bernicia Group also provides accommodation for the elderly at The Cheviots in Ashington, to the east of Hospital crossing and the position currently proposed for the underpass. The apartments and bungalows are separated from the railway by a grassed strip which contains a footway. It was originally proposed to acquire land almost up to the west elevation of Hatchmeadow (plot 318), the building containing the apartments, in connection with the construction of the underpass. That would have been likely to result in the loss of landscaping outside main windows of apartments, to the detriment of the outlook of residents. The extent of land sought for permanent acquisition has been reduced, and the Applicant now seeks temporary possession of plot 318 (and plots 316a-317 which Bernicia also owns)¹³⁶. Should the underpass be built in the intended position, disruption to residents from use of plot 318 would only be for a temporary period, and would cause only limited harm. Bernicia's

¹³⁶ Document INQ-30 which includes information on the nature of the powers sought does not reflect the amendment proposed in the draft Order for temporary possession of plots 314a and 316a-318 and shown on sheet 24 of the revised land and works plans. It is the latter which accompanies the draft Order and specifies the intention for the land concerned.

objection, which concerned both Sleekburn House and The Cheviots has been withdrawn [10.1].

Development proposals including housing and care homes

- 11.35 Amongst the problems faced by South-East Northumberland is poor connectivity by public transport which has acted as a restraint on growth within this part of the County (above, para 11.3). The OBC refers to difficulties in delivering residential development, reporting an under-delivery of housing in this part of the County, with some large housing sites having stalled. The improvement in public transport infrastructure offered by the Scheme, to which the Order contributes, would encourage investment, including in employment and housing development (above, paras 11.3 & 11.5) [5.5, 5.6].
- 11.36 BDW Trading is developing a site on the west side of the railway at New Hartley for 285 dwellings. The firm was concerned that the proposal for temporary possession of the southern part of plot 145 would interfere with their development, as the land is required for a footpath and a swale, and would abut an estate road. Plot 145 is not required for the Scheme and has been removed from the land and works plans. The Scheme would not, therefore, be an impediment to the completion of this major housing development, and the objection has been withdrawn [10.1].
- 11.37 The Order would authorise the acquisition of land at Ashington (plots 323 & 324) on which Malhotra has applied for planning permission to build a care home [7.27]. In accordance with the planning permission for the station, the land would be used to provide parking space, vehicle egress from the extended car park and pedestrian access to the station [5.31]. Clearly, if that part of the Scheme were to be implemented, Malhotra would not be able to provide the care home there. Although the Applicant suggested that there would be no disadvantage in the proposed care home being located elsewhere, there is nothing before me on the availability of possible alternative sites [5.33].
- 11.38 I note, however, that whilst the emerging Local Plan refers to some demand for care home accommodation, no new provision is sought due to vacancies in existing stock and the construction of a large home [4.5, 5.33]. Planning policies do, though, support the development of railway car parking in this location. Policy T1 makes clear that land required for facilities associated with the railway will be safeguarded. Although the proposals map only shows the site of the station itself as safeguarded land, it is clear from the text of the policy that land required for other purposes, including parking is to be safeguarded. Policy TRA 5 of the emerging Local Plan similarly seeks to ensure that facilities required in connection with the Northumberland Line are able to be provided. Development which would prevent such facilities will not be supported. The Objector suggested that the emerging Local Plan indicated that development sites should be identified through a development plan document [7.28]. That is not the case. A previous version of the emerging Local Plan stated that the Council may need to prepare a development plan document to deal with the Northumberland Line, and that reference has been deleted from the more recent main modifications version.
- 11.39 I turn now to consider the need for the level of parking proposed at Ashington. The Applicant has explained in detail the approach to forecasting demand for parking provision at the stations. Modelling has been updated at regular

intervals since it was first developed, and a version of the exercise undertaken for the FBC takes account of the estimated impact of covid-19. Initial assessment was of passenger demand at the originating stations. This assessment took into account the service specification and fare structure, and was benchmarked against trip rates on the Tyne Valley Line. Information on the number of trains was not needed as the model used service frequency. Similarly it was unnecessary to use the length of trains as an input since the model was not constrained in that regard. Passenger demand was then translated into a demand for parking spaces, taking into account the proportion of passengers who would travel to the station by car, the proportion who would wish to park at the station, car occupancy rates and parking space re-occupancy rates. These factors are clearly set out in the evidence of the Applicant's parking witness, and an understanding of the approach used is not dependent on the availability of the FBC for the Scheme. Outputs of the number of parking spaces are presented in the form of ranges for the OBC, the FBC and the covid 19 sensitivity models, with average and selected values also given. I am satisfied that the modelling of parking demand was a robust exercise, and no alternative assessments were before the inquiry [5.36, 5.37, 7.29].

- 11.40 The modelling forecasts maximum demands for 188 and 155 spaces for Ashington station in the FBC and covid sensitivity scenarios, whilst selected values are lower at 137 and 113 spaces respectively. The existing Station Yard car park serves the town centre and has 122 spaces [5.32]: this existing role was taken into account in designing an extended facility as part of the station proposal. Malhotra pointed to the presence of other car parks in and around the town centre. There is, however, no information on the extent of their usage, and it cannot be assumed that there would be sufficient spare capacity to accommodate cars which currently use the Station Yard. Moreover Station Yard is in an extremely central location, and its unavailability could lessen the attractiveness of the town centre to visitors.
- 11.41 The approved layout for Ashington station includes a 270 space car park. Without the Malhotra land, a maximum of 150 spaces could be provided [5.38]. That is only 28 spaces above the size of the car park in its existing form. Even if only half of the existing spaces were required for town centre uses, the number available for rail passengers would increase by no more than 61 to 89. That is just above the bottom end of the range in the covid scenario model, and markedly below the selected value of 113 spaces. The Objector has expressed the view that the car park appears to have been well-used prior to the pandemic [7.29], and I consider it unlikely that town centre demand would be so low in a post-pandemic world as to require only half the existing spaces. The information before me points to a clear need for the provision of more than 150 spaces. Use of the Malhotra land would make 148 spaces available for the station. Whilst that is a greater number than the selected value of 113 spaces, it is below the upper end range figure of 155 in the covid model, itself a reduced figure compared to the upper end output of 188 spaces from the FBC. I note that the LHA took the view that the level of parking included in the approved layout would represent an appropriate balance between under and over provision [5.37], and I have no reason to disagree with this conclusion.
- 11.42 In addition to the Malhotra land, the existing car park abuts a grassed area on Kenilworth Road. That land is included within the proposal for the extended car park, and no other opportunity to provide an extended car park to serve the

station has been drawn to my attention. The Applicant has considered the option of constructing a deck as an alternative to acquiring the Objector's land. A preliminary exercise indicates that the cost of that alternative would be over £3 million greater than the proposal to extend the car park onto the Malhotra land [5.38]. Capacity would also be lower, at 246 spaces. On the basis that the proposal would replace the existing 122 town centre spaces, that would provide only 124 spaces for the railway.

- 11.43 I note that the Objector would consider the use of its land for the Northumberland Line Scheme in the short term [7.27]. That suggestion would not assist in accommodating the growth in demand to 2039 [5.36], and it would not be a cost-effective use of public funds to provide a parking facility on a short-term basis. Modelling, adjusted for the anticipated effect of the pandemic, indicates that, without the Malhotra land, the demand for spaces would exceed supply by 2028 [5.38].
- 11.44 Failure to provide sufficient parking spaces at Ashington would prevent the Scheme fulfilling its potential in encouraging mode transfer from the car to the train. It would also lead to a risk that some parking could occur in nearby streets, causing inconvenience to local residents and acting as a potential threat to highway safety. I am satisfied that it is necessary to acquire the Malhotra land to achieve an appropriate size of car park, and this provision of the draft Order aligns with policy in the emerging Local Plan. Construction of the extended car park proposed as part of the Scheme would prevent the Objector's plan for a care home proceeding on the site. There are several benefits associated with the care home including new jobs and additional expenditure and economic output in the area [7.30]. These are generic benefits which would be associated with the Objector's proposal irrespective of its location, and they merit limited weight. I conclude that they do not outweigh the need for the car park proposed at Ashington station, which is an integral part of the Northumberland Line Scheme.

Statutory undertakers and utility providers (matter 4)

- 11.45 Schedule 10 of the draft Order contains protective provisions for the benefit of statutory undertakers generally, NR and Nexus. Part 1 is prepared in the standard form for statutory undertakers [5.56], and provides for the re-siting or removal of apparatus and compensation for reconnections. Royal Mail has withdrawn its objection to the application [10.1], but objections from Northern Powergrid and National Grid were outstanding when the inquiry closed. Northern Powergrid is concerned that the protective provisions are inadequate [8.4]. I note this concern, and that negotiations between Northern Powergrid and NCC have been taking place to establish an agreement. In the absence of any detailed information to the contrary, I have no reason to doubt the ability of the protective provisions to safeguard the interests of the Objector.
- 11.46 National Grid has raised a concern about interaction with high overhead power lines [8.9]. There are construction techniques which avoid the use of cranes and potential conflict with overhead lines close to the railway. The Applicant has pointed out, for example, that it is intended to construct the replacement underbridge 36 at Feather Bed Lane north of Backworth using specialist lifting equipment rather than cranes, and information about this approach has been

provided to National Grid [5.56]. The approach adopted should avoid the risk of interference with overhead lines.

11.47 The text of the protective provisions for the benefit of Nexus in Part 3 of Schedule 10 has been agreed: amongst other matters it would require the consent of Nexus to work which would affect the Metro and the construction of protective works to ensure the safety or stability of the Metro property or the safe and efficient operation of the light railway. When the inquiry closed, the Applicant and Nexus were discussing an agreement to manage the interface between the two railway systems. They reported that substantial progress had been made on such an agreement and the objection from Nexus is expected to be withdrawn when that agreement is concluded [8.7].

11.48 I conclude that, with the protective provisions of Schedule 10 and an interface agreement between NCC and Nexus in place, the Scheme would not adversely affect the operations of statutory undertakers, statutory utilities and other utility providers.

Effects in relation to noise, vibration, vegetation and wildlife (matter 5)

11.49 The major development works involved in the Scheme, including the six new stations, require specific planning permissions. Permission has been granted for the stations at Ashington, Bedlington, Seaton Delaval and Northumberland Park, and for the separate car park at Bedlington and Chase Meadows footbridge [3.3]. Conditions have been imposed on each of the permissions which would mitigate noise levels, and, with the exception of the detached car park at Bedlington, to safeguard nature conservation interests. I anticipate that these matters will also be addressed as part of the consideration of the applications for Bebside and Newsham stations, and the underpasses at Longbenton and Ashington, which were outstanding when the inquiry closed.

11.50 Objections from residents and owners of properties at Fenwick Close express concern about the loss of trees on the bank where the platform for the new Northumberland Park station would be built. Given the works proposed, there would be limited scope for replanting here, and the loss of tree cover would have an impact on biodiversity. However, replacement planting is proposed elsewhere to achieve a biodiversity net gain, secured by a planning condition [5.45].

11.51 I have already referred to the close relationship of Bedlington station to the sheltered accommodation at Sleekburn House, and the requirement for mitigation measures to address rail noise (above, para 11.33).

11.52 I turn now to the works which would be authorised by the Order. The construction and use of haul roads and work sites would inevitably have an impact due to noise and vibration on nearby sensitive receptors. Similarly, there would be disturbance to wildlife and natural habitats. These impacts would be for a relatively short period of time, and conditions requiring mitigation measures through a CEMP and CTMP are suggested in respect of a deemed planning permission [5.26].

11.53 Small parking bays are proposed adjacent to four level crossings, Green Lane in Ashington, Bebside, New Hartley, and Seghill. These are small parcels of land, predominantly under grass cover. Two trees would be removed at Green

Lane, but a larger specimen, closer to the road and in a more prominent position, would remain. The construction works for the parking bays and those involved in the formation of new lengths of footpaths would be limited in scale, and, taking into account the application of mitigation measures by means of a CEMP and CTMP, I do not consider that these works would have material adverse effects in relation to noise, vibration, vegetation and wildlife.

- 11.54 The increased use of the line would result in a significant increase in noise to a relatively small number of properties around Holywell and Seaton Delaval [5.27]. Considering the extent of the Northumberland Line, that does not amount to a significant adverse effect overall. In any event, no new consent is required to run passenger services, which are not subject to the consenting regime of the Scheme [3.2].
- 11.55 I conclude that the Northumberland Line Scheme would not have a materially detrimental effect on local amenities due to noise and vibration, nor on tree cover and biodiversity interests. Whilst the works which would be authorised by the Order would be broadly consistent with policies in the Development Plan and the emerging Northumberland Local Plan which seek to safeguard amenity and nature conservation interests [4.2-4.5], there would be conflict with Policy DC1 of the Blyth Valley Development Control Policies Development Plan Document which specifies that development proposals should have no adverse impact on wildlife and natural habitats and the amenities of nearby residents.

Article 34¹³⁷ (matter 9)

- 11.56 An unusual feature of the Northumberland Line is that not all of the railway corridor is in the ownership of NR. About 40% of the line is owned separately by Lord Hastings, the Northumberland Estate, and the Welbeck Estate [3.5, 7.16]. Wayleave leases provide for the operation of the railway, subject to the payment of rent to the landowners. The leases with Lord Hastings and the Northumberland Estate show that they were entered into in the nineteenth century when the line was established, [5.48].
- 11.57 Under article 34 the rent obligations to Lord Hastings and the Northumberland Estate would cease to have effect, for which compensation would be payable [3.5]. The Applicant argues that these historic leases, which set out a formula for the payment of rent based in the first instance on the transport of coal and coal products, are antithetical to the operation of a modern railway. That argument loses force with the omission of the Welbeck Estate from the scope of article 34.
- 11.58 The Applicant has acknowledged that engagement with the Objectors on this matter prior to the application being submitted was poor [5.52]. It was further acknowledged at the inquiry that the inclusion of article 34 was driven by NR, and that the request was made shortly before submission of the draft Order [7.10]. The Scheme itself has been in preparation for some considerable time, following consideration of options in the South East Northumberland Corridor Study of 2011 [5.12], and details of landowner engagement show that initial contact was made with Lord Hastings and the Northumberland Estate in

¹³⁷ Mr Cottage's proof of evidence and rebuttal statement in respect of this matter refer to article 35. Article 35 in the original version of the draft Order subsequently became article 34 (para 1.6 refers).

September and July 2019 respectively [5.52]. The late addition of article 34 indicates that it was not considered integral to the Scheme.

- 11.59 The Applicant had suggested that there was uncertainty about the interpretation of the rent provisions in the leases [5.49]. At the inquiry, its witness dealing specifically with the wayleave leases acknowledged that track access charges could be calculated, incorporating any necessary manual adjustments [7.7]. Moreover, if there is disagreement about the rents requested, the leases contain provision for arbitration [7.8].
- 11.60 The leases with Lord Hastings and the Northumberland Estate contain forfeiture provisions. Proceedings under these provisions could pose a threat to the operation of the railway [5.50]. Whilst action has been threatened in recent times by the Northumberland Estate, that appears to have been in response to difficulties in obtaining rental payments [7.8]. The arbitration provisions exist to deal with this situation, and the Objectors have stated their intention to give an undertaking not to use the forfeiture provisions [7.8]. With an undertaking in place, concern about forfeiture does not support article 34.
- 11.61 Viability had been raised in connection with article 34. However, there is no evidence to this effect, and if rental payments are not made provision would need to be made for compensation in their stead. That is not included as a Scheme cost [7.10]. Consequently, I find that the omission of article 34 would not call into question the delivery of the Scheme.
- 11.62 At the inquiry, the Applicant argued that it would be contrary to the public interest for the landowners to benefit, because of the rent formula, from the investment of public money in the Scheme [5.54]. That was not part of the original justification for article 34 included in the explanatory memorandum and the proof of evidence of the Applicant's witness on this subject. Moreover, article 34 only partially addresses the matter of rental payments for wayleave leases, due to the omission of reference to the Welbeck Estate, and it is not an integral part of the Scheme. The aims and objectives of the Scheme are capable of being achieved irrespective of whether rental payments continue or a capitalised sum is required instead. Moreover, the record of communication between the parties does not reveal substantive discussions concerning the future of the wayleave leases [7.8], and the inclusion of article 34 in the draft Order does not represent a last resort in addressing concerns on this matter.
- 11.63 Whilst I acknowledge that savings of rental payment could be seen to be in the public interest, there are fundamental problems with the approach to article 34. I conclude that the interference with the interests of the Objectors has not been put forward as a last resort, nor that there is a compelling case in the public interest of securing the Scheme for the inclusion of article 34 in the Order.
- 11.64 I have also considered the form of article 34, in the event that the Secretary of State decides that it should be retained in the Order. The dispute between the parties on this matter concerns paragraph 3, which would provide that in assessing the level of compensation no account should be taken of the construction or operation of the Scheme. The intention is that the landowners should not be in a better position as a result of the Scheme [5.54]. However, the clause as drafted does not include a cancellation assumption, and that could leave them in a worse position, if, for example, cancellation of the Scheme led to an increase in freight traffic on the railway [7.14]. Accordingly, if article 34 is

retained, I consider that the paragraph should be amended to require the assessment of compensation to assume cancellation of the Scheme. That would be consistent with the no-scheme principle in section 6A of the Land Compensation Act 1961. Section 6A itself applies to compulsory acquisition. Whilst that situation does not apply here, it is appropriate to apply the principle to a compulsory interference in proprietary rights.

Other matters (matter 9)

Level crossing closures

11.65 The greater frequency and higher speed of trains on the railway poses an increased risk at level crossings. Four crossings which would be in the high-risk category – Palmersville Dairy, Chase Meadows, Newsham and Hospital – are proposed for closure, as is Lysdon Farm where a readily available alternative route would enable the risk to be eliminated. The Scheme proposes that Palmersville Dairy and Hospital crossings would be replaced by underpasses, a road bridge would be constructed at Newsham and a footbridge at Chase Meadows. The proposed underpass to replace the Hospital crossing at Ashington has prompted local objections, and the Applicant is considering possible alternatives, a matter which I have referred to above (paras 11.30-11.32). There is, though, no objection to the principle of closing the crossing. Given the high risk posed by use of this uncontrolled crossing within a predominantly residential area with the line in use by passenger trains, I am in no doubt that it should be closed. Even if no alternative in the vicinity of Hospital crossing proves to be practicable, crossing points at Wansbeck Square to the north and Green Lane to the south are not far away, and the Applicant has calculated that a journey on foot between Ashington Academy to the west and the housing area to the north-east would only increase by about 260m [5.43]. At Wansbeck Square the railway is crossed by a bridge, and at Green Lane the automatic half barrier level crossing would be upgraded to include pedestrian stop lights [7.36]: both should be sufficiently safe for pedestrians to use.

Highway closures and diversions

11.66 Several sections of footpath would be stopped up permanently as a consequence of the closure of level crossings and replacement of underbridges, and replacement routes are proposed. Elsewhere temporary closures are proposed. There are concerns about the nature of the footpath approaches to the underpass proposed at Hospital crossing, which I have referred to earlier (para 11.30). Otherwise there are no objections to these components of the draft Order, which would be essential to enable development works on the railway to be implemented.

Compensation and funding bias

11.67 Several owners of properties at Fenwick Close have expressed concern about loss of value and rental income due to construction work for Northumberland Park station [7.22, 7.26, 8.2]. Compensation would be payable in connection with the temporary possession of land for construction [5.45] in addition to other provisions. Mr Scorer refers to the possibility of funding bias in relation to reports produced for the Applicant [7.26]. The Applicant is expected to demonstrate that there is a compelling case for the compulsory acquisition and

use of land in connection with the Scheme. Evidence has been provided by professionals with expertise in the matters relating to the Scheme. There is nothing before me to indicate that any of the information submitted by the Applicant or by Objectors has been compromised due to the source of funding.

Development authorised by the Order

11.68 Paragraph 5 of the request for a direction for deemed planning permission lists the works authorised by the Order which would or may require planning permission [3.5]. Parking bays are proposed in four locations for use in connection with the maintenance and inspection of level crossings. They would be modest developments on open land, typically providing two parking spaces. Works to lay out new public rights of way would provide the new sections of footpath which would be authorised by articles 8 & 10 and schedules 2 & 3 of the Order. The temporary work sites and access roads are required to enable work to take place at locations along the railway, not all of which would be easily accessible from the existing road network.

11.69 The works for which a direction for deemed planning permission has been sought are all ancillary to the Scheme, and consequently they align with the planning policies which support the reintroduction of passenger services to the Northumberland Line [4.2-4.5]. With the safeguard of the suggested planning conditions, there is nothing before me to indicate that there would be any material adverse effects from these works, and I conclude that they represent acceptable forms of development.

Planning conditions (matter 7)

11.70 The request for a direction for deemed planning permission for the works which would be authorised by the Order includes a schedule of suggested conditions¹³⁸. The numbers of the conditions in this section are those used in the schedule, and not those in Appendix 1.

11.71 Condition No 1 would require development to commence before the expiration of five years. That is longer than the usual three years period, but it would be consistent with the time limit in article 25 for the exercise of powers of acquisition and use of land.

11.72 I agree that, in the interest of highway safety, details of highway works should be submitted for approval (condition No 2). Construction works and traffic have the potential to interfere with the amenity of neighbours, for example at Fenwick Close and Sleekburn House (above, paras 11.27 & 11.33), and to adversely affect vegetation and wildlife. To mitigate these impacts, CEMPs and CTMPs are necessary (conditions Nos 3 & 4). The caveat *unless otherwise agreed in writing by the LPA* should be omitted from these conditions and condition No 2 as it would introduce uncertainty.

11.73 At the inquiry, the Applicant agreed that, in the interest of certainty, an additional condition would be appropriate to specify the plans which show the position of the proposed parking bays.

¹³⁸ CD APP-14, appendix 1.

11.74 I conclude that the above conditions would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Therefore they would accord with the tests in paragraph 56 of the NPPF.

Open space (matter 10)

11.75 Four plots included in the draft Order are open space. These are small areas of land, below the threshold at which replacement provision should be made, and in the case of plot 281a, the establishment of a permanent right of way as an emergency route from Bedlington station would not prevent its continuing use as open space [5.59]. No objections have been made to this part of the proposals [5.59], and no material harm would ensue from their inclusion in the Order, and I conclude that it would be appropriate for certificates to be granted in respect of the compulsory acquisition of plots 116 & 247 and the compulsory acquisition of rights over plots 245 & 281a.

Compliance with procedural requirements (matter 8)

11.76 NCC submitted a note concerning compliance with the notification and publicity requirements for the proposed Order (Document INQ-02). It came to the Applicant's attention that not all of the documentation had been received and the note explains that some notices were re-served. Subsequently some minor errors came to light, relating to an affidavit included as appendix 3 to the note. These errors do not call into question compliance with the statutory requirements, and NCC undertook to submit a corrected version of the note. It is expected that that document will be sent directly to the Department¹³⁹.

11.77 Mr Scorer has expressed concern that correspondence marked as registered post was not signed for, and that items were posted randomly and dumped in the area [7.26]. However, he also refers to receiving copies of documents, and there is no clear evidence that any of the interested parties at Fenwick Close failed to receive notification of the application for the Order.

11.78 Councillor Ball was critical of the nature of the consultation exercise, making mention of the way in which site notices were displayed and digital exclusion [7.38]. Notices were displayed on or close to the sites of proposed works in accordance with rules 14(6) & (7) of The Transport and Works (Applications and Objections Procedure) (England and Wales) 2006. I appreciate that site notices may be subject to interference or affected by the weather, but it is apparent from Councillor Ball's evidence that notices were displayed. The application and supporting documentation were available not only on a NCC website but also in hard copy format.

11.79 I conclude that the Applicant complied with the statutory procedural requirements relating to the application for the Order.

¹³⁹ Reference to the minor errors in appendix 3 is made in Document INQ-29-1 (para 9.1), which states that, if necessary, a corrected version will be sent to the DfT after the close of the inquiry.

Consideration against guidance on the compulsory purchase process (matter 6)

Whether there is a compelling case to compulsorily acquire and use land for the Scheme

11.80 The difficulties which South-East Northumberland faces are well-documented in the evidence submitted to the inquiry. It is an area which has suffered from economic and social deprivation, exacerbated by poor public transport connectivity [5.2, 5.3]. The Northumberland Line runs centrally through this part of the County, offering the opportunity to link more closely the settlements there and Tyneside. The Scheme, of which the Order is an integral part, would improve connectivity, whilst reducing congestion due to mode transfer from the car. It would improve access to employment, education and leisure activities, and provide support for investment in employment and residential development [5.6-5.8]. The Scheme has strong support and there were no objections to the Order as a whole. I conclude that it is important for the future success of South-East Northumberland that the Scheme proceeds, and that consequently there is a compelling case in the public interest for the powers of compulsory acquisition and use contained in the Order.

Whether the purposes for which compulsory acquisition powers are sought justify interfering with human rights

11.81 The making of the Order would authorise the compulsory acquisition of land and rights over land, and would provide powers to use land temporarily for work sites and access to enable construction to take place. It would also bring to an end the requirement to pay rent for wayleave leases [3.5]. Where agreement has not been achieved, the exercise of the powers in the Order would represent interference with the rights of natural and legal persons to the peaceful enjoyment of their possessions, under article 1 of the First Protocol to the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998.

11.82 All of the land included which would be subject to powers of acquisition or use is necessary to enable the Scheme to proceed (below, paras 11.89, 11.90). In most cases no objection has been raised to the inclusion of plots in the book of reference, and it is noteworthy that those parties which have raised objections do not oppose the principle of the Scheme [5.6].

11.83 Article 1 of the First Protocol is a qualified right where interference may be permissible in the public interest. The Scheme to reintroduce passenger services on the Northumberland Line would significantly improve connectivity in the area, and, in consequence, it would contribute to a much-needed uplift in economic and social conditions. Those benefits could only be achieved if the land required for the development works and their construction were available. Taking into account all material considerations, I conclude that interference with the rights of those persons whose property would be acquired, including Malhotra which would be unable to proceed with its plans to develop a care home on its land in Ashington [7.27], or who live close to the railway is necessary and proportionate.

11.84 I have reached a different view in respect of the wayleave leases which affect the interests of Lord Hastings and The Northumberland Estate. Although there

would be a benefit to NR in making a capitalised payment in lieu of subsequent wayleave rent, that is not essential to the implementation and success of the Scheme (above, para 11.63). As such, I conclude that the inclusion of article 34 in the Order would be disproportionate and would amount to a violation of rights of the Objectors concerned.

Whether there would be any impediments to exercising the powers in the Order

11.85 The funding for the powers contained in the Order, including acquisition and compensation and the carrying out of ancillary development is part of the total cost of the Scheme. A significant proportion of the cost of the Scheme is already committed by the DfT, NCC and NR [5.18]. Whilst Malhotra cast doubt on the certainty of the residual funding, that view was not supported by its witnesses. A request for the balance was to be included in the FBC. In view of the high value for money which the Scheme is expected to generate, I consider that it is reasonably capable of attracting the funds which are necessary for implementation.

11.86 Planning permission has been granted for four of the stations, the separate car park at Bedlington and Chase Meadows footbridge [3.3]. The proposals align with policy support for the Northumberland Line [4.2-4.7], and the Applicant argues that there is no impediment to the grant of permission for the other two stations and the underpasses at Palmersville Dairy and Ashington. There is nothing before me to indicate that that is not the case in respect of the stations and Palmersville Dairy underpass. The underpass at Ashington has attracted local opposition and a commitment by the Applicant to consider alternatives, and the possibility of no replacement for the level crossing. Should the proposal for the underpass not proceed, and no alternative be found to be appropriate, that should not represent an impediment to the Scheme since the use of other crossings would not involve an undue diversion for pedestrians. However, as article 7(3) requires that no level crossing is to be closed until the new highway specified in column (4) of schedule 2 has been completed and is open for use, it would be necessary for the reference in column (4) of schedule 2 to a new footpath across a new underpass to be deleted.

11.87 The Order would include four small areas of open space, with two subject to acquisition and two to new rights. I have reached the conclusion that it would be appropriate for the Secretary of State for Levelling Up, Housing & Communities to grant a certificate for the compulsory acquisition of the land and rights (above, para 11.75). Consequently the inclusion of these small areas of open space in the book of reference would not be an impediment to the powers which would be contained within the Order.

11.88 I conclude that there are no impediments to the exercise of the powers which would be contained within the Order, subject to the deletion of the reference in column (4) of schedule 2 in relation to the level crossing known as Hospital to a new footpath across a new underpass.

Whether all the land and rights are necessary to implement the Scheme

11.89 The Scheme involves a variety of works along the 23km length of the railway. In addition to the acquisition of land for development works, that inevitably

requires the temporary possession of a large number of plots as work sites and the use of others, including in locations which are some distance from the usual road network, to provide temporary access for construction traffic.

11.90 The extent of land and rights required for the Scheme has been reviewed, and several plots have been reduced in size or deleted from the book of reference and the land and works plans [5.44, 5.55, 7.18, 10.1]. From the information before me, I am satisfied that the land identified in the revised book of reference (CD APP-12-3) and land and works plans (CD APP-10-1 & 2) for acquisition and temporary use, and for where new rights would be acquired, is necessary to ensure the implementation of the Scheme.

Overall conclusions

11.91 South-East Northumberland has suffered from economic and social deprivation, exacerbated by poor public transport connectivity. The Northumberland Line runs centrally through this part of the County, offering the opportunity to link more closely the settlements there and Tyneside. The Scheme, of which the Order is an integral part, would improve connectivity, whilst reducing congestion due to mode transfer from the car. It would improve access to employment, education and leisure activities, and provide support for investment in employment and residential development. The Scheme is expected to generate high value for money, and I consider that it is reasonably capable of attracting the funds which are necessary for implementation.

11.92 There are a range of detailed considerations to take into account. The formation of temporary work sites and access routes would inevitably have some effect on their surroundings, such as at Fenwick Close, but CEMPs and CTMPs (which are proposed to be the subject of conditions on a deemed planning permission) would provide mitigation. There would be a particular impact from train noise at a relatively small number of properties around Holywell and Seaton Delaval, but that would not be a direct consequence of the Order. Works in the highway and the more frequent closure of level crossings would involve some interference with traffic movement.

11.93 At Ashington the Scheme would prevent Malhotra proceeding with the development of a care home on its land, which would be acquired to provide an extension to the Station Yard car park. I have found that the generic benefits of the care home do not outweigh the need for the car park proposed at Ashington station, which is an integral part of the Northumberland Line Scheme. Also in Ashington, concern has been raised about the proposal for an underpass to replace the Hospital footpath crossing. That is a matter which is the subject of a planning application, and a decision on this structure is outwith the ambit of the Order. Alternatives are to be considered, and, in any event, there are existing crossings of the railway which would not involve an undue diversion for pedestrians. Accordingly, if the underpass were not to proceed that should not represent an impediment to the Scheme: however, an amendment would be required to delete the reference in column (4) of schedule 2 to a new footpath across the underpass.

11.94 Four small areas of open space would be affected by the powers of compulsory acquisition and use. Due to their size no replacement is required, and they do not represent an impediment to the Scheme.

11.95 I am satisfied that, with the exception of article 34, the provisions of the draft Order appropriately support the Scheme. Article 34 would terminate the rental payments relating to wayleave leases on the line, but there are fundamental problems with the approach to article 34. I have found that the interference with the interests of the Objectors on this matter has not been put forward as a last resort, nor that there is a compelling case for the inclusion of article 34, having regard to the public interest of securing the Scheme.

11.96 The Order is an integral part of the consenting regime for the Scheme. The restoration of passenger services to the Northumberland Line is of considerable importance to securing improvements in public transport and contributing to an improvement in social and economic conditions in South-East Northumberland. There would be certain localised adverse effects, but these matters are clearly outweighed by the significant benefits offered by the Scheme and the Order. There are no impediments to the Applicant exercising the powers contained within the Order, and, other than in the case of article 34, the purposes for which land and rights would be acquired and the benefits of the Scheme justify interfering with the human rights of those with an interest in the land affected, under the provisions of the European Convention on Human Rights as incorporated into UK law by the Human Rights Act 1998. I conclude that there is a compelling case in the public interest for making the Order, subject to the deletion of article 34.

11.97 For similar reasons, I conclude that deemed planning permission should be granted for the development that would be authorised by the Order, subject to the conditions set out in Appendix 1.

12. Recommendations

To the Secretary of State for Transport

12.1 I recommend that:

- i) The Northumberland Line Order 202[] be made, subject to the modifications in revision 2 of the draft Order (CD APP-01-3), revision 2 of the book of reference (CD APP-12-3) itself modified by the description of plots 269, 269a and 269b as being to the north-east of Sleekburn House, the revised land and works plans (CD APP-10-3), and the revised rights of way plans (CD APP-11-1), and also subject to the deletion of article 34, the renumbering of articles 35-38 as 34-37, and the deletion of the reference to a new highway in column (4) of schedule 2 relating to the level crossing known as Hospital.
- ii) A Direction be made granting deemed planning permission for the works authorised by the Order, subject to the conditions set out in Appendix 1.

12.2 Should the Secretary of State reach a different view on the merits of article 34, I recommend that it be retained in the Order subject to the modifications in revision 2 of the draft Order (CD APP-01-3), the substitution of the suggested paragraph in Appendix 2 for paragraph (3), the deletion of paragraph (4), and the renumbering of paragraph (5) as paragraph (4).

To the Secretary of State for Levelling Up, Housing and Communities

12.3 I recommend that a certificate under section 19 and schedule 3 of the Acquisition of Land Act 1981 be granted in respect of plots 116, 245, 247 and 281a in revision 2 of the book of reference (CD APP-12-3).

Richard Clegg

INSPECTOR

APPENDIX 1: SCHEDULE OF SUGGESTED CONDITIONS

- 1) The development hereby permitted shall commence before the expiration of five years from the date that the Order comes into force.

Reason: To ensure that the development is commenced within a reasonable period of time.

- 2) The parking bays shall be laid out in accordance with the site plans refs 60601435-ACM-07-ZZ-DRG-EHW-005051 rev A01 (Green Lane), 60601435-ACM-05-ZZ-DRG-EHW-004051 rev A01 (Bebside), 60601435-ACM-04-ZZ-DRG-EHW-003051 rev A01 (Hartley), and 60601435-ACM-03-ZZ-DRG-EHW-002051 rev A01 (Seghill).

Reason: To provide certainty.

- 3) No part of the development that comprises works to existing highways or works to provide new or temporary highways shall commence until details of the design, layout and construction specification of the works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of highway safety.

- 4) No part of the development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority in relation to that part of the development. The CEMP shall include measures to manage the effects of the development including those relating to: lighting, noise, vibration, air quality, biodiversity, surface water drainage, soils, ground conditions, wastes, heritage assets, and visual impact, and arrangements for liaison with stakeholders who would be directly affected by the development. The development shall be undertaken in accordance with the approved CEMP.

Reason: To safeguard the living conditions of nearby residents, and to mitigate the effects of construction activities on nature conservation interests.

- 5) No part of the development shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority in relation to that part of the development. The CTMP shall include:

- i) Details of construction routes including: access and egress points onto the public highway, visibility splays, construction specifications, width, radii, fencing and gates.
- ii) Prohibited routes and any time restrictions for construction traffic.
- iii) A signage strategy for each construction access route.
- iv) Traffic control measures for each construction access route, including details of traffic signal installations.
- v) Measures to control mud and dust from construction traffic.

- vi) Measures to control the parking of any construction site vehicles on the public highway.
- vii) Provision and arrangements for parking for site operatives and for managing the impact on the highway network.
- viii) Provision and arrangements for turning, loading and unloading of construction traffic.

The development shall be undertaken in accordance with the approved CTMP.

Reason: To safeguard the living conditions of nearby residents, to mitigate the effects of construction activities on nature conservation interests, and in the interest of highway safety.

APPENDIX 2: SUGGESTED FORM OF ARTICLE 34(3)

(3) Network Rail must pay to the landowner compensation equating to any loss it suffers arising from the operation of paragraph (2) at the date it comes into effect, and in assessing such compensation it is to be assumed that the Northumberland Line Scheme was cancelled on the relevant valuation date.

APPENDIX 3: APPEARANCES

FOR THE APPLICANT:

Mr R Turney of Counsel	Instructed by Pinsent Masons
He called	
Mr S McNaughton BSc	Strategic Transport Manager, Northumberland
MSc MIHT CMILT	County Council
Mr J Sindall MSc(Eng)	Director, Cadenza Transport Consulting Ltd
MEng CEng FICE MAPM	
MIAM	
Mr R Mills BSc MRICS	Head of Acquisition & Development, SLC Property
Ms A Healey BA MSc	Chartered Planner, SLC Property
MRTPI	
Mr D Lord Tech IOSH	Route Level Crossing Manager, Network Rail
Mr A Coates BSc(Hons)	Regional Director, AECOM Ltd
CMILT MTPS	
Mr J Holroyd	Senior Surveyor, Network Rail

FOR FENWICK CLOSE RESIDENTS AND OWNERS (OBJ/16):

Mr J Clough	Director, Fenwick Close Management Company
Mr M Saunders	Director, Fenwick Close Management Company

FOR MALHOTRA COMMERCIAL PROPERTIES LTD (OBJ/22):

Mr D Cooper LLB(Hons) LARTPI, Solicitor	
He called	
Mr H E Emms BA(Hons)	Senior Director, Lichfields
MRTPI	
Mr R M Farr BSc FRICS	Partner, Sanderson Weatherall
MCI Arb	

FOR NORTHUMBERLAND ESTATES (OBJ/21) AND LORD HASTINGS (OBJ/12):

Mr A Tait QC & Mr M Westmoreland Smith of Counsel	
They called	
Mr C M D Cottage	Managing Director of Compensation, Ardent
BSc(Hons) MRICS	Management Ltd

OTHER PARTIES:

Mr C Scorer BALaw PGCE CELTA	Owner of property at Fenwick Close
MA(Durham) (OBJ/18)	
Mr G Harding (OBJ/1)	Resident of Ashington
Councillor C Ball (OBJ/30)	Member of the County Council for Ashington Central

APPENDIX 4: LISTS OF DOCUMENTS

Core documents submitted after the inquiry opened

APP-01-1	Draft Order, revision 1.
APP-01-2	Draft Order, comparison between original version and revision 1.
APP-01-3	Draft Order, revision 2.
APP-01-4	Draft Order, comparison between revisions 1 and 2.
APP-02-1	Explanatory memorandum, revision 1.
APP-02-2	Explanatory memorandum, comparison between original version and revision 1.
APP-02-3	Explanatory memorandum, revision 2.
APP-02-4	Explanatory memorandum, comparison between revisions 1 and 2.
APP-10-1	Land and works plans, revision 1.
APP-10-2	Land and works plans, sheet 13 revision 2.
APP-10-3	Land and works plans, revision 3.
APP-11-1	Rights of way plans, revision 1.
APP-12-1	Book of reference, revision 1.
APP-12-2	Book of reference, comparison between original version and revision 1.
APP-12-3	Book of reference, revision 2.
APP-12-4	Book of reference, comparison between revisions 1 and 2.

The Applicant's proofs of evidence

APP-W1-1	Mr McNaughton's proof of evidence.
APP-W1-3	Appendices to Mr McNaughton's proof of evidence.
APP-W1-4	Erratum sheet for Mr McNaughton's proof of evidence.
APP-W2-1	Mr Sindall's proof of evidence.
APP-W2-3	Appendices to Mr Sindall's proof of evidence.
APP-W3-1	Mr Mills' proof of evidence.
APP-W3-3	Appendices to Mr Mills' proof of evidence.
APP-W4-1	Ms Healey's proof of evidence.
APP-W4-3	Appendices to Ms Healey's proof of evidence.
APP-W4-4	Ms Healey's introductory statement.
APP-W4-5	High resolution versions of figures 10, 12, 14 & 16 in Ms Healey's proof of evidence (Seghill, Hartley, Bebside and Green Lane level crossings).
APP-W5-1	Mr Lord's proof of evidence.
APP-W5-3	Appendices to Mr Lord's proof of evidence.

Other parties' proofs of evidence and statements

OBJ/01	Mr Harding's statement.
OBJ/12-2 (OBJ/21-2)	Mr Cottage's proof of evidence on behalf of Northumberland Estates and Lord Hastings.
OBJ/12-3 (OBJ/21-3)	Appendices to Mr Cottage's proof of evidence.
OBJ/12-4 (OBJ/21-4)	Mr Cottage's rebuttal statement.

OBJ/16-1	Fenwick Close Residents' & Owners' statement.
OBJ/16-2	Mr Clough's introductory statement.
OBJ/18	Mr Scorer's statement.
OBJ/22-1	Mr Farr's proof of evidence on behalf of Malhotra Commercial Properties Ltd.
OBJ/22-2	Mr Emms' proof of evidence on behalf of Malhotra Commercial Properties Ltd.
OBJ/30-1	Councillor Ball's statement.
OBJ/30-2	Appendices to Councillor Ball's statement.

Inquiry documents

INQ-01	Mr Turney's opening submissions on behalf of the Applicant.
INQ-02	Note on compliance with notification and publicity requirements. Submitted by the Applicant.
INQ-03	Mr McNaughton's slides relating to his proof of evidence.
INQ-04	Corrigendum to Mr Sindall's proof of evidence.
INQ-05	Appendix B to Document INQ-04.
INQ-06	Aerial photograph identifying car parks in Ashington. Submitted by Mr Sindall.
INQ-07	Schedule of car parks in Ashington. Submitted by Mr Sindall.
INQ-08	Bundle of land & works plan with overlays of proposed works. Submitted by the Applicant.
INQ-09	National Infrastructure Strategy, 2000. Submitted by the Applicant.
INQ-10	Wansbeck District Local Plan. Submitted by the Applicant.
INQ-11	Letters of objection to the planning application for a care home on the Malhotra site. Submitted by the Applicant.
INQ-12	Plan of car park adjacent to Ashington station. Submitted by the Applicant.
INQ-13-1	Bedlington Station committee report. Submitted by the Applicant.
INQ-13-2	Planning permission for Bedlington station. Submitted by the Applicant.
INQ-14-1	Bedlington car park committee report. Submitted by the Applicant.
INQ-14-2	Planning permission for Bedlington car park. Submitted by the Applicant.
INQ-15-1	Seaton Delaval station committee report. Submitted by the Applicant.
INQ-15-2	Seaton Delaval station addendum committee report. Submitted by the Applicant.
INQ-15-3	Planning permission for Seaton Delaval station. Submitted by the Applicant.
INQ-16	Applicant's update on acquisitions.
INQ-17	Applicant's update to the inquiry No 2.
INQ-18	Email from Pinsent Masons to Mr Harding concerning access to the latter's hedge. Submitted by the Applicant.
INQ-19	Outline CEMP relating to Northumberland Park station. Submitted by the Applicant.

INQ-20	Joint position statement by the Applicant and Mr & Mrs Doyle concerning land at Newsham. Submitted by the Applicant.
INQ-21	Mr Cooper's opening statement on behalf of Malhotra Commercial Properties Ltd.
INQ-23	Bundle of documents concerning site surveys and car parks in Ashington. Submitted by Malhotra.
INQ-24	Note on proposed modification to article 34. Submitted by the Applicant.
INQ-25	Mr Tait's and Mr Westmoreland Smith's opening statement on behalf of Northumberland Estates and Lord Hastings.
INQ-26	Mr Cooper's closing statement on behalf of Malhotra Commercial Properties Ltd.
INQ-27	Statement of agreed facts and issues between Northumberland Estates & Lord Hastings and Northumberland County Council.
INQ-28	Mr Tait's and Mr Westmoreland Smith's closing submissions on behalf of Northumberland Estates and Lord Hastings.
INQ-29-1	Applicant's update to the inquiry No 3.
INQ-29-2	Position statement between the Applicant, the LPA and the LHA.
INQ-30	Schedule of information about purposes for which land parcels are required. Submitted by the Applicant.
INQ-34	Northumberland Park – Site Specific Note. Submitted by the Applicant.
INQ-35-1	Email dated 19 November 2021 from DLA Piper including joint statement from the Applicant and Nexus about protective provisions for Nexus.
INQ-35-2	Protective provisions agreed between the Applicant and the Tyne and Wear Passenger Transport Executive.
INQ-36	Email dated 26 November 2021 from Weightmans LLP concerning the objection from Northern Powergrid.
INQ-37-1	Site visit information. Submitted by Mr Sindall.
INQ-37-2	Schedule of land & works plans references for site visits. Submitted by Mr Sindall.
INQ-38	Mr Turney's closing submissions on behalf of the Applicant.
INQ-39	Response of Fenwick Close Management Company to Document INQ-34.
INQ-40	Applicant's response to Document INQ-39.
INQ-41	The Inspector's note, closing the inquiry.

Representation submitted after the inquiry opened

REP-06 Email dated 10 November 2021 from Mr S Burdis.

Objections withdrawn after the inquiry opened

OBJ-13-1, Letter dated 30 November 2021 from Womble Bond
OBJ-28-1 Dickinson (UK) LLP withdrawing objections from Viscount

OBJ-25-1 Ridley (OBJ/13) and Plessey Checks Farming Ltd (OBJ/28).
Letter dated 30 November 2021 from Ward Hadaway withdrawing objection from the Bernicia Group.