

**THE DARLINGTON BOROUGH COUNCIL
(DARLINGTON STATION GATEWAY) COMPULSORY PURCHASE
ORDER 2021**

STATEMENT OF REASONS

25th January 2021

Statement of Reasons

of

Darlington Borough Council

for the making of a Compulsory Purchase Order under section 226(1)(a) of the Town
and Country Planning Act 1990 and the Acquisition of Land Act 1981

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STATEMENT OF REASONS

1.0 INTRODUCTION

1.1 For several years infrastructure at Darlington Station has been known to exacerbate problems with railway capacity and resilience, and to inhibit future rail service improvements. The issues relate to the effectiveness of connections, and the limited potential for new national services and/or the ability to consider more frequent local services. A holistic approach to infrastructure improvements has been the subject of a masterplan for the station area since 2016; including the aspiration for a modern 'rail gateway', the meeting of future demands for national, regional and local passenger rail services as well as freight, including, a new station building on the east side of the East Coast Main Line ('ECML').

1.2 The solution is a comprehensive scheme with three key elements:

- (a) The Station Gateway, which provides a new access and design envelope (comprising a new multi-storey car park, a multi-modal interchange to the east of the Station, enhancement of the Station portico, an improved interchange to the west of the Station, and alterations to the current approach to the Station from Parkgate);
- (b) Station Enhancements, consisting of enhancements to the fabric of the existing Station, including a new Station building and footbridge; and
- (c) Operational Rail development, including improvements to the track approaching the station and new platforms at the Station.

1.3 Darlington Borough Council (here referred to as 'the Authority') resolved in principle to pursue compulsory powers in support of the Station Gateway element on 4 February 2020. On 12 January 2021 the Authority then further resolved to make the Darlington Borough Council (Darlington Station Gateway) Compulsory Purchase Order 2021 ('the Order') to secure relevant land interests.

1.4 The Order Land is shown on the Order Map and described in the Schedule to the Order. The land to be acquired pursuant to the Order is referred to in this Statement as the 'Order Land'.

1.5 The Order is made under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) to facilitate the carrying out of development, redevelopment and improvement of land. The Order Land will after acquisition become vested in the Authority.

1.6 The Station Enhancements and Operational Rail elements of the comprehensive scheme are within existing Network Rail owned land and buildings.

1.7 The Station Gateway is the first element of the comprehensive scheme and will facilitate that scheme, but can be delivered independently of the Station Enhancements and Operational Rail improvements. The location of the new facilities which comprise the Station Gateway element can be seen at Appendix 1 to this Statement (Block Plan: Location of the Scheme). The Station Enhancements and Operational Rail improvements are unlikely to be delivered without the creation of the Station Gateway.

1.8 When constructed, Operational Rail upgrades and Station Enhancements will become the responsibility of Network Rail and the Station Facility Owner (SFO), whilst the Authority will become responsible for the majority of the components of the Station Gateway.

1.9 The comprehensive scheme is the project of three main parties, Network Rail, Tees Valley Combined Authority ('TVCA') and the Authority. A collaboration agreement between TVCA and the Authority sets out the governance arrangements for delivery of the Station Gateway. Delivery of the Station Gateway rests with a Project Board established by those parties, and general management sits with The Project Delivery Group, as advised by individual Development Steering Groups, established under the governance structure, to advance collaborative working and report on: Engineering and Design Interface; Land Assembly, Planning & Consents; Passenger/Customer Experience; Financial Legal & Governance; and Communications.

1.10 The Order Map identifies in pink the land proposed to be acquired, in numbered plots. Individual plot boundaries and numbers on the Order Map correspond with those in the first column of the Schedule to the Order. Known interests are set against the corresponding plot numbers in Table 1. Table 2 of the Schedule contains details of interests or rights other than freeholds, leases and tenancies etc., known to exist and which are likely in the opinion of the Authority to be affected by the Order.

1.11 The Order will be submitted to the Secretary of State for Housing, Communities and Local Government, for confirmation pursuant to the Acquisition of Land Act 1981. If confirmed by the Secretary of State, the Order will enable the Authority to acquire the Order Land compulsorily.

1.12 This Statement of Reasons explains the Authority's reasons for making the Order, and in particular why, in the Authority's opinion, there is a compelling case in the public interest to do so, bearing in mind the clear need for/benefits of the Station Gateway and other elements of the Scheme, planning and heritage policy, highways and transport issues, and human rights considerations. However, this Statement of Reasons does not contain the full case of the Authority should consideration of the Order before confirmation include a hearing, inquiry or written representations procedure.

2.0 SCHEME COMPONENTS AND ENABLING POWERS

Scheme Characteristics

2.1 Following production of the masterplan and consultation in 2016, the preferred option for the comprehensive scheme included the following:

- A new station building, with multi-modal connections, to service the new platforms;
- Provision for Bishop Auckland services to use the current platform 4, operating independently (conflict free) in the future, if desired;
- A new accessible footbridge linking the new platforms and station building with the remainder of the existing station;
- A new transport interchange and MSCP adjacent to the new station building, serving rail users and potentially, adjacent developments;
- Access improvements for pedestrians and cyclists from Parkgate;
- Enhancement to the portico and transport interchange facilities on the western side of the station;
- Two new platforms on the east side to accommodate existing and future Tees Valley local services;
- The track between these platforms and Darlington South Junction designed to ensure the local services can operate independently from the ECML, removing current capacity and reliability issues at Darlington South Junction; and
- Another new platform adjacent to the Up Goods Line, to be used by southbound intercity, HS2 and NPR services calling at Darlington – this would remove need to cross the ECML Down Main Line (north) at Darlington North junction, allowing all Down (northbound) intercity services to use the current platform 1, giving a much faster, unconflicted approach and departure in both directions, saving valuable time on the ECML.

2.2 The Station Gateway comprises the following components.

Station Gateway

Darlington Station Gateway (the “Scheme”) is a strategic project which aims to transform the access to and function of an expanded mainline station by developing land immediately to the east and west of the existing station. This will be achieved through;

- i. The creation and integration of a multi-modal interchange and new multi-storey car park,

- ii. The promotion of sustainable travel through priority enhancements for pedestrians and cyclists,
- iii. The creation of gateway approaches and public realm that reflect the economic ambitions of Darlington and the wider Tees Valley region

(See Appendix 2, Block Plan: Proposed Facilities)

2.3 Section 226(1)(a) of the Town and Country Planning Act 1990 empowers the Authority to acquire compulsorily land that the Authority considers will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land, where the Authority thinks that the development, redevelopment or improvement in question is likely to contribute to the achievement of any one or more of the following objects:

- (a) the promotion or improvement of the economic well-being of the Authority's area;
- (b) the promotion or improvement of the social well-being of the Authority's area; and
- (c) the promotion or improvement of the environmental well-being of the Authority's area.

2.4 The acquisition of the Order Land pursuant to section 226(1)(a) is intended to facilitate the Gateway element of the comprehensive scheme (considered in this Statement to be the Scheme for CPO purposes), and also considers that the completion of the Gateway will facilitate the comprehensive scheme.

2.5 The Authority has considered the advice contained in the DHCLG Guidance (2019).

The Authority is satisfied that section 226(1)(a) is the appropriate enabling power to rely upon pursuant to paragraphs 93-106 (Tier 2 Enabling Powers) of the DHCLG Guidance (2019). The Scheme is pursued by the Authority as the undertaker and facilitator of a range of functions, including the demolition of buildings, the provision of a multi-storey car park, and the improvement/provision of other buildings and structures (for example a canopy over part of the new Station Building).

2.6 The Authority recognises that a compulsory purchase order should only be made if there is a compelling case in the public interest which justifies the interference with the human rights of those with interests in the Order Land. The land assembly strategy pursued by the Authority (and approved by the TVCA/DBC Project Board) promotes acquisition by agreement where possible and the pursuit of a Compulsory Purchase Order from Summer 2020 onwards for land interests that could not be acquired by private treaty.

2.7 The Scheme will bring economic, social and environmental benefits to the Borough, as well as to the Tees Valley Region. The Station Gateway has a high likelihood of being delivered if the Order Land can be acquired. There are no 'in

principle' reasons why planning permission cannot be granted, and financial provision for the Gateway is secure.

3.0 THE ORDER LAND

3.1 The Order Land (as shown on the Order Map) is in two parts, one to the east side and one to the west side of the Station, all operational station land being owned by Network Rail Infrastructure Limited (in some instances subject to leases). The eastern part of the Order Land is bounded by Parkgate and St. John's Place to the north and north-east, by Neasham Road to the east, Garbutt Square to the south and Adelaide Street and the Station to the west. The western part of the Order Land is bounded to the east by the listed Station Building and other land owned by Network Rail, to the south by Park Lane and Darlington Farmer's Auction Market site, and to the west by 2 Waverley Terrace, Back Lane, Victoria Road, Pensbury Street, and The Coachman Hotel.

3.2 The map to the Order (the 'Order Map') depicts in pink the Order Land, a total of 45 plots. If it transpires before formal making of the Order that rights only, or possession short of acquiring any land interest in any plot, that plot will be made clear within the Order (by specifying the same in the Order, and amending the Order Map as appropriate).

3.3 Individual numbers on the Order Map correspond with those in first column of the Schedule to the Order. These plots are in a variety of uses, including retail, office, infrastructure, some residential, and parking uses.

3.4 The Schedule to the Order describes in detail the land to be acquired, including its extent, orientation, and area.

3.5 All of the Order Land is required for the provision of the Gateway and the construction of its constituent structures (Appendix 3: Plan: Scheme Overlay, showing land within the Order). The completion of the Gateway will facilitate the Station Enhancements and Railway Improvements; however, as stated above, it is considered that 'the Scheme' for CPO purposes is the provision of the Gateway and its ancillary elements, as described in section 7 of this Statement.

4.0 INTERESTS IN AND OVER THE ORDER LAND

4.1 Substantial efforts have been made by officers and the Authority's agents to identify owners of the Order Land. These efforts have included searches and enquiries of owners and occupiers, visits to properties (consistent with Covid-19 regulations and guidance) and using statutory requisitions where appropriate. A variety of freehold and leasehold interests, tenant rights and rights of occupiers and mortgagees, together with other rights and the benefit of covenants, are revealed.

Land Interest Questionnaires (LIQs) are usually sent out under cover of a section 16 notice (section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976)

making it a statutory obligation to return the LIQ within 15 days. Aware of the sensitive nature of property negotiations/CPO, the re-prioritisation of Council business, and stresses of Covid-19 on residents and local businesses, a review of this work was undertaken. This review resulted in the section 16 notice being removed from LIQs and returns being made on a voluntary basis (Covid-19 Decision notice 200327 Darlington Station Land Assembly). To complement this approach, once the first national lockdown ended and many businesses reopened, a reminder letter was sent and telephone follow-ups carried out.)

4.2 Further efforts to identify owners will continue to be made after the making of the Order, consistent with the Land Assembly Strategy.

4.3 The Authority and Network Rail have freehold title and other interests in or, as the case may be, over one or more plots within the Order Land. Whereas the extent to which any interest or right is sought to be acquired by the Authority will always depend on what is necessary for the Authority to acquire for the Scheme, in the case of land owned already owned by the Authority or Network Rail, those interests are included in the Order primarily so that leaseholds and tenancies that cannot otherwise be easily terminated may be acquired, and so that rights and covenants adverse to the Scheme may be overridden.

4.4 Neighbouring landowners, including the Authority and Network Rail, may have the benefit of rights, easements and/or covenants affecting one or more plots within the Order Land. Such rights and/or covenants as are claimed or seem apparent to the Authority following diligent enquiry are listed in Table 2 of the Schedule to the Order.

4.5 The streets, roads and footways currently adopted as publicly maintainable by the Authority are shown hatched brown on plans at Appendices 3 and 7.

4.6 The benefits of securing freehold title land to the Order Land will also permit full public dedication by the Authority of the rights required for new paths, parking areas, footways and other access to the Scheme. The location of these new and/or improved roads, footways, concourses, parking areas, and accesses are shown in outline form on the layout map at Appendix 3, with preliminary details shown on the plans at Appendices 4, 5a and 7 with respect to proposals on Neasham Road ('Gateway East'), and on the plan at Appendix 6 with respect to proposals at the Victoria Road entrance ('Gateway West').

5.0 SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

Special Category Land

5.1 The Authority believes it has identified all rights of statutory undertakers affected by the Order, and where the proposed development will interfere with any existing utilities or services in or around the vicinity of the Order Land the Authority will enter into alternative wayleave agreements to protect or, if necessary, relocate the rights and apparatus so affected.

5.2 Any land part of the Order Land belonging to Network Rail and held by them as operational land is afforded additional protection from compulsory acquisition by section 16 of the Acquisition of Land Act 1981 (as amended). Where such land is included in the Order, in addition to the right to object, the statutory undertaker may make representations to the appropriate minister (the Secretary of State for Transport), in which case the special category land in question is subject to certification procedure by that minister. Such land is found within Order plots 15, 26, 31, 36, 42. There is no other special category land known to the Authority to lie within the Order Land.

Protected Assets

5.3 'Bank Top Railway Station (Main Building)' is listed as a building of special architectural or historic interest, on the relevant statutory list (National Heritage List number 1310079). The building is listed grade II*. However, the building is not within the Order Land. It is located immediately adjacent to the eastern side of that part of the Order Land on Victoria Road (see the overlay plan at Appendix 3; a copy of the Historic England map identifying the listing can be seen at Appendix 9 44). Moreover, none of the works constituting the Gateway Scheme (where those works lie outside the Order Land) will have physical impacts on the listed building.

5.4 No land within the Order Land is therefore affected by any special consideration as a protected asset, either as

- a listed building, an unlisted building within a conservation area, or a building subject to a building preservation notice; or
- a scheduled monument, or a registered park or battlefield.

5.5 There is one protected tree within the Order Land, located at the corner of Park Lane and Waverley Terrace. The tree is proposed to be removed as part of the Scheme. It has been assessed this year (2020) and is considered a suitable candidate for replacement by alternative planting in the immediate locality.

5.6 No part of the Order Land is within a Conservation Area.

5.7 There is no land within the Order Land that:

- is owned by another local authority;
- is Crown land;
- is owned by the National Trust;

or which forms part of a common, village green, open space land or fuel or field garden allotment.

6.0 NEGOTIATIONS FOR ACQUISITION OF THE ORDER LAND

6.1 The Station Enhancements element of the wider, comprehensive project will be provided within existing Network Rail-owned land and buildings. However, to deliver the Station Gateway, land on both the east and west side of the Station needs to be acquired by the Authority.

6.2 The Land Assembly Strategy agreed between TVCA and DBC promotes acquisition by agreement where possible and the pursuit of a Compulsory Purchase Order (CPO) from Summer 2020 for the land interests that cannot be acquired by private treaty. The intention is to complete the Station Gateway element by 2023, so that the MSCP is available to accommodate relocated existing parking provision in order for the Station Enhancements and Operational Railway improvements to be delivered (see section 9 of this Statement). During the construction of the Gateway the Authority will provide facilities for public parking at its cleared, nearby Cattle Market site, so that parking displaced from the Station can be fully accommodated.

6.3 There have been substantial negotiations for the acquisition of the Order Land. In February 2020 The Authority endorsed a land assembly strategy which promotes a comprehensive approach to site acquisition with acquisition by agreement, underpinned by Compulsory Purchase Powers.

6.4 All owners and tenants have been advised in writing that the scheme budget will fund their reasonable legal costs in acquiring their interest by agreement in line with the agreed Council fee policy (updated March 2020).

6.5 Upon contact with the Authority, potentially affected land owners were advised, as a first step, to engage independent legal advisors or agents to represent their interests. Where accommodated by the property owner, an Estates Officer has inspected the property and prepared an offer to the owner via their legal advisor/agent.

6.6 Agents have been appointed by the Authority to lead the negotiations on five specialist acquisitions, two of which now have agreed Heads of Terms and are progressing to completion in early 2021.

6.7 Officers of the Authority are actively continuing negotiations for acquisition of all outstanding interests. Notwithstanding this, due to the number of interests that remain to be purchased, and the resistance of some parties to negotiation, resort to compulsory powers is likely.

7.0 STATION GATEWAY

7.1 The Station Gateway will see the development of improved Transport Interchanges either side of the station, on Neasham Road, and Victoria Road (see Appendix 3: Plan: Scheme Overlay).

7.2 The Neasham Road Interchange will eventually also accommodate the new Station Building for local platforms of the Tees Valley line and south bound national services (as part of the Station Enhancements, 7.3, below).

The Neasham Road (East) Gateway comprises:

(a) A new Multi-Storey car park to provide additional parking capacity to meet an anticipated growth in rail passenger number; to cater for loss of parking in other parts of the station; and as enabling work to facilitate the land (primarily existing car parking) being made available for the new station building;

(b) Extending from the first 1.5 storeys of the west side and north west corner of the MSCP structure, a new “station shell” sufficient for the new station, serving two bay platforms and the through line platform to meet future local and national rail enhancements;

(c) A new multi-modal interchange with high quality public realm that links to enhanced highways and an improved connection to Central Park;

(d) Drop off and pick-up facilities; and

(e) Improved Pedestrian and Cycling facilities benefiting from links to Central Park and the Town Centre.

(See Appendix 4: Plan: Proposed MSCP and Interchange)

The Victoria Road (West) Gateway comprises:

(a) The re-alignment of the highway and creation of a multi-modal interchange with high quality public realm that links and enhances the connection to Town Centre;

(b) Improved pedestrian and cycling facilities made possible by a Network Rail commitment to remove all motorised vehicle traffic and parking within the portico to create a safer pedestrian environment;

(c) Better bus interchange facilities; and

(d) New drop-off and pick-up facilities.

(See Appendix 6: Plan: Proposed Improvements Gateway West)

7.3 The Network Rail and DfT approved Station Enhancements will comprise: construction of the new station building on the Neasham Road Interchange site; new Platforms to serve the Tees Valley line, with associated rail connections; a new bridge and access facilities from the new station building to the Portico which will improve access for all users; enhancements to the existing subway; enhancements within the existing station building; further rationalisation of the parking arrangements; and maintaining provision and enabling works for potential new national rail and platforms.

Highways and Access

7.4 In relation to highways and public rights of way, an overlay of existing adopted highways in relation to the CPO boundaries can be seen at Appendix 3: Scheme Overlay. The plan at Appendix 4 (Proposed MSCP and Interchange) shows the location of significant changes on the eastern side of the Station, on and around Neasham Road, including new visibility splays, relocation of the signalised crossing and bus-stop, and traffic proposals on St. John's Crescent.

Existing adopted highways, proposed highway stopping-ups, and new dedications/adoption are shown the Appendix 7: Plan: Highways Adoptions and Proposals Gateway East.

7.5 The Gateway promises significant improvements to access by many modes of transport, but these improvements, and the benefits of the comprehensive scheme, cannot always be realised without clear and definitive rights over the Station Gateway site (including the Order Land), such as would allow dedication to public use.

The MSCP

7.6 The proposals envisage all of the existing car parking associated with Darlington Station (except for disabled parking) being relocated to the MSCP, including parking within the station building and passenger parking accessed via Parkgate, as well as parking at the western station portico. This will assist in the provision of proposed improvements for pedestrian movements around the station and provision of other passenger facilities at the station (see Appendix 4, and Appendix 5a: Plan: MSCP Site, Option 2D).

7.7 The car parking strategy at the station allows for some retention of parking for rail staff accessed from the Parkgate ramp together with taxi drop-off / pick-up. The layout of the station drop-off / pick-up area integrates with the newly constructed Parkgate foot and cycle bridge that connects with the Central Park redevelopment area to the north of Parkgate / Yarm Road and east of the railway line.

7.8 Interchange between bus and rail will be via facilities on Neasham Road. A new bus layby for north bound services is proposed along with the relocation of an existing southbound bus stop (see Appendix 4). Existing bus stops on Parkgate are to be retained and new bus stop locations on Park Lane / Victoria Road adjacent to the western portico are proposed. These are incorporated within highway improvements at the junction of Park Lane / Victoria Road together with a new access to retained external parking adjacent to the western portico (see Appendix 6: Plan: Proposed Improvements Gateway West).

7.9 Currently being assessed is a net increase in parking spaces for the MSCP which could accommodate approximately 683 spaces. There are circa 400 spaces on the

existing Garbutt Square and Albert Street car parks, the MSCP providing a net increase of about 283 spaces less any relocations from the Parkgate ramp and western portico (estimated at 71 spaces), thereby resulting in a total net increase of approximately 234 spaces.

7.10 Access (entry / exit) to the MSCP will be from Neasham Road based on the existing Garbutt Square junction and a new access point to the pick-up / drop-off area and for bus replacement services during disruption to train services. At these times the pick-up / drop-off area would be closed to passengers and the bus replacement services managed for the benefit of passengers and the public.

7.11 The creation of the space for the MSCP building, station facilities and station pick-up / drop-off area will require acquisition of land in addition to that already used for the station including properties served from Adelaide Street, St John's Place, Albert Street, Princes Street, Victoria Street and Garbutt Square. Parts of these streets will be closed as highway and will include improvements to Garbutt Square.

7.12 To accommodate the MSCP building, station facilities and station pick-up / drop-off area there will be a requirement for improvements along Neasham Road. The initial appraisal of the likely improvements that will be required is as follows.

- Provision of a new bus layby (north bound) on Neasham Road
- Relocation of the existing nearby southbound bus stop
- Relocation of an existing signalised pedestrian crossing
- Amendments to part of an existing retaining wall on the west side of Neasham Road
- Implementation of traffic management measures (waiting restrictions, closure of on-street resident parking bays and prohibition of certain traffic movements on St John's Crescent)
- Closure of existing side streets and property access points on the west side of Neasham Road
- The introduction of a new access for the pick-up / drop-off area.

7.13 The drawings at Appendices 4, 5a and 5b (Plan: MSCP Level 00-01 Option 2D), together indicate the key components of the above in preliminary design format. However, it should be acknowledged that the designs will be developed further as the Transport Assessment and incorporated NMU movement plan are progressed. The scope of the Transport Assessment can be seen at Appendix 840: Transport Assessment Scoping Document.

7.14 The implementation of the highway improvements along Neasham Road and affecting the existing highway would be subject to agreement under section 278 of the Highways Act 1980, and would be designed and constructed to meet with the requirements of the Local Highway Authority (the Authority).

7.15 The Transport Scoping Report document informs the assessment of the traffic and transportation matters with respect to the Gateway and Station Enhancements, and in particular the Multi-story Car Park (MSCP) building (including station concourse), together with ancillary external infrastructure including an access (entry and exit) to the MSCP building.

7.16 A detailed Transport Assessment, to support the planning application for the Gateway, is being prepared in conjunction with advice from Local Highway Authority.

7.17 The Transport Assessment will include a specific Non-Motorised User (NMU) movement plan which will provide an assessment of the existing and proposed walking, cycling and public transport access arrangements. It will also include an appraisal of passenger interchange between modes as well as vehicular access and car parking.

7.18 With regard to vehicular access the Transport Assessment being prepared to support the planning application for the proposed MSCP, associated station facilities and external infrastructure allows for the assessment of the following junctions:

- B6280 Parkgate/Neasham Road/Yarm Road junction;
- Neasham Road/Garbutt Square junction;
- B6280 Parkgate / A167 (south) / Stonebridge / A167 (north) signalised junction;
- B6280 Yarm Road (west) / John Williams Boulevard / B6280 Yarm Road (east) signalised junction;
- B6280 Yarm Road (west) / Hundens Lane / B6280 Yarm Road (east) / Ridsdale Street signalised junction; and
- Access to the station pick-up / drop-off area.

The Transport Assessment will, therefore, fully assess the effects of the proposed MSCP, associated station facilities and external infrastructure, and discussions have taken place to inform the scope and nature of the proposed improvements along Neasham Road to facilitate access to the station by all modes of transport.

Heritage Assets

7.19 Much of the main structure of Darlington Station including many of the internal walls, the outer walls of the station building, the train shed and station building roofs, and the railway lines which run both into and past the station are considered to be of exceptional significance meaning they are “aspects which are seminal to understanding the place, which if lost or substantially harmed, would destroy or greatly compromise its significance”. The platforms and many of the internal spaces within the station buildings are considered to be of considerable significance meaning they are “aspects which go a long way to help understand the place, and which, if lost or substantially harmed, would notably diminish the significance but not destroy it”.

7.20 Construction activities on the Order Land will affect the setting of the grade II* listed station building and the setting of the grade II listed St John’s Church, and so the potential to affect the significance of the listed buildings in question. A sensitive approach will be taken to the design to ensure that the significance of these (and any other) listed assets is not harmed.

7.21 The west side (Victoria Road) of the station is characterised by the red brick clock tower and portico whereas the east side offers the opportunity for a more contemporary design with the new MSCP and new station becoming key features split from the existing station footprint by the ECML. Design and Build contract procurement

is expected to facilitate both the required degree of interconnectivity with the MSCP and a cohesive architectural vernacular across the entire station site.

7.22 There are opportunities to improve the setting of the existing listed buildings. A number of poorly executed design decisions in the 1970s are considered to currently detract from the character of the station building. The Station Gateway and Station Enhancement have the potential to replace many of these negative features. Similarly, public realm improvements have the potential to make a more sympathetic environment around the listed assets.

7.23 Any Listed Building Consent application required for the works to the grade II* listed station building, will be progressed in tandem with a planning Application for the new station building (as part of the Station Enhancements), not the planning application for the Gateway element. Both listed building consent applications and planning applications will be made in consideration of the requirements of NPPF policy referred to in section 8 of this Statement and applicable local plan policy.

8.0 JUSTIFICATION FOR MAKING THE ORDER

8.1 DHCLG Guidance (2019), paragraph 2 advises that:

“Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest.

The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures.”*

8.2 The guidance goes on to say, as an overarching consideration, that:

“A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on

Human Rights and, in the case of a dwelling, Article 8 of the Convention.” (Paragraph 12, DHCLG Guidance)

8.3 In this context the Authority has therefore paid particular attention to the following issues:

- Whether the purpose for which the land is being acquired fits in with the adopted *planning policy framework* for the area (considered in this section (8));
- The extent to which the Scheme would contribute to the *achievement of the promotion and/or improvement of the economic, social or environmental well-being* of the Authority's area (considered in this section (8));
- The *financial viability of the Scheme*, general funding intentions and the timing of available funding (considered in the next section (9));
- Whether the purposes for which the proposed Order Land is to be acquired could reasonably be *achieved by any other means* (considered in this section (8));
- Any *impediments to implementation* and whether the Scheme has a reasonable prospect of going ahead (considered in the next section (9)).

The Authority's consideration of the Human Rights effects of making the Order, in the context of the above considerations, are considered in **section 10**.

Planning Policy Framework

8.4 Local planning policy is contained in the Darlington Core Strategy, saved policies from the mainly superseded 1997 (revised 2001) Local Plan, and the emerging, Darlington Local Plan (draft 2016, consultation closed 2018).

8.5 The emerging local plan policy is currently of limited weight in the determination of decisions on planning applications. However, the Plan, is expected to identify strategic development locations as part of a growth agenda to deliver up to 10,000 dwellings and 6,000 new jobs over the Plan period.

8.6 In preparing the new Local Plan, a Strategic Framework has been developed that sets out the Vision, Aims and Objectives for planning new development in Darlington. This Framework highlights the importance of capitalising on Darlington's excellent existing transport connections to the national strategic network and that the Local Plan should seek improvements to regional connectivity across the Borough.

8.7 The Core Strategy contains the following policies especially relevant to the Scheme:

Policy CS2: Achieving High Quality, Sustainable Design.

Policy CS7 The Town Centre: seeks to safeguard and enhance Darlington centre's vitality by promoting its role as a sub-regional centre for the western part of the Tees Valley City Region.

Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

Paragraph 9.5 of the Core Strategy repeats the long-standing recognition of the necessity of improvements to the Darlington-Saltburn railway line in underpinning economic growth in the Tees Valley.

The Gateway element, together with the wider project, will be designed to be in accordance with the policies above, and as such is expected to be in compliance with the Darlington Core Strategy.

8.8 The Gateway, together with the wider project, is also considered to be compliant with national policy contained in the National Planning Policy Framework (NPPF).

8.8.1 Of particular relevance are the policies contained in the following paragraphs of the NPPF.

– Promoting sustainable transport: paragraph 103 requires that the planning system should support opportunities to maximise sustainable transport solutions and this should be taken into account in both plan-making and decision-making.

– When considering development proposals, the decision taker should ensure that appropriate opportunities to promote sustainable transport modes have been taken up (paragraph 108).

– Improving Air Quality: Paragraph 181, states that opportunities to improve air quality or mitigate impacts should be identified, such as through travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) and Clean Air Zones (CAZs) are consistent with the local air quality action plan. All planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.

– Conserving and enhancing the historic environment, paragraph 189, states that applicants must describe their significance of any heritage assets affected. Where a proposed development includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require an appropriate desk-based assessment, or where necessary a field evaluation. Paragraphs 194 provides that any harm to the significance of a designated heritage asset (including harm to the asset from development within its setting) require clear and convincing justification. In the case of grade II* listed assets substantial harm should be “wholly exceptional”. Paragraph 195 provides that development that threatens substantial harm should be refused consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Less than substantial harm should be weighed against the public benefits of the proposal (paragraph 196).

8.8.2 It is considered that the development of the Gateway in the setting of listed buildings will not cause harm (either substantial or less than substantial) to any of those buildings. Moreover, paragraph 192 of the NPPF is relevant to the development where it provides:

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Promotion and/or Improvement of the Economic, Social and Environmental well-being

8.9 The project of which the Gateway forms a key and facilitating element will bring economic, social and environmental benefits to Darlington and the wider Tees Valley; the proposals represent sustainable development, with many local, regional and strategic benefits. As such, the development should attract the presumption in favour of sustainable development.

The strategic benefits of the wider Project are:

- Support for the economic growth objectives of the Northern Powerhouse and the Tees Valley City Region
- Improvement in east-west passenger and freight connectivity to the City Region Strategic Centres and Enterprise Zone sites
- Better value for money from the rail network
- Ensuring that the East Coast, Trans-Pennine, Durham Coast and Tees Valley rail networks can cater for expected future growth in both passenger and freight demand

Local and Regional benefits are:

- An improved gateway to Darlington and the Tees Valley
- High quality, integrated and sustainable local services
- A station and surrounding area that are accessible and safe for everyone
- Improved access to employment opportunities through low carbon transport choices
- Ensuring that Tees Valley's principal rail gateways are ready for major projects such as HS2 and NPR

Victoria Road

8.10 Specific local/neighbourhood benefits include improving Victoria Road. Victoria Road links the station to the Town Centre. The views of residents, businesses and stakeholders have been considered in the development of a street improvement scheme (separate from the Gateway) to be completed in early 2021.

The Rethinking Victoria Road project, funded by a grant from TVCA's Sustainable Access to Employment Fund and the council's local transport budget, is part of a wider aim to regenerate the areas around the station ahead of the planned Station Gateway and wider station improvements scheme.

The Victoria Road scheme will see the layout of Victoria Road, between St Cuthbert's Way and Hargreave Terrace changed to create more space for pedestrians as well as facilities for cyclists. Traffic lights at the junction of Clifton Road and a 20mph speed limit will also be introduced.

Alongside similar safety enhancements the same palette of materials and detailing is proposed for the Victoria Road (West) Gateway proposals which will complete the route to the station portico frontage and its comprehensive improvement

In September 2019 Darlington was also one of 100 places in the UK invited to develop proposals for the £3.6bn Towns Fund. At the end of October 2020 Darlington was successful in being allocated a Town Deal of £22.3M, one of the first 7 places in the Country to achieve this, with Heads of Terms being agreed with Government soon after. The Towns Fund programme is therefore progressing into the next stage of project development, with the Authority's ambition, as laid out within the Town Investment Plan, to facilitate enhancement of the gateway from Bank Top Station, into and through the town centre, and up the North Road gateway.

8.11 Darlington's economic strategy is underpinned by its accessibility to national, regional and local transport networks. Its location on the ECML, adjacent to both the A1(M) and A66(T) and its proximity to Teesside International Airport provide easy access to the North East as well as to major conurbations including Leeds, Manchester and London

8.12 However, Darlington Station is not currently fulfilling its potential due to capacity issues and a lack of appropriate facilities. This adversely impacts on both mainline services and those local services which either terminate or cross the mainline at Darlington. The station itself is not necessarily a suitable gateway to the City Region, with a lack of retail facilities compared to other similar stations across the network and accessibility and connections issues that do not necessarily provide safe, high quality links between the station and the surrounding area. Railway stations can play an important role in the promotion of an area, given that they often provide the first impression to visitors. The Authority is convinced that the passenger experience and the facilities offered by the Station should be representative of the economic ambitions of the Borough and the wider Tees Valley City Region. This is considered to be particularly important given the enhanced role that Darlington Station will play in welcoming visitors to the area as part of the 2025 bicentennial celebrations.

8.13 Local benefits include increased connectivity of the Station to Central Park, Darlington's Enterprise Zone. Rail connectivity is important generally for both business and education with many businesses and education facilities clustering around rail stations, and business and education uses are a feature of Central Park.

Quantifiable Benefits

8.14 It is the benefits of the comprehensive scheme, rather than the Gateway, which are most readily quantifiable. The economic benefits comprise: -

- Journey Time Benefits, leading to User Benefits, Non-User Benefits and Revenue Benefits;
- Reliability and reduced Rail Delay Payment Benefits; and
- Wider Economic Impacts arising from Darlington being better served by train services so, for example, attracting and retaining businesses and jobs more effectively.

Based on these considerations, the overall Present Value of Benefits (PVB) for the preferred option is £283.86 million (2010 prices). (Outline Business Case, Section 3.4.5, page 61).

Social benefits are expected from greater access to travel for all users of different abilities, and environmental benefits, for example the provision of modern, high quality facilities within an improved public realm, that will benefit both local residents and users.

8.15 This estimate of benefits will be refined as more development work is undertaken, however, it is already clear that the Scheme proposals, and more particularly the Railway Improvements facilitated by the Station Gateway, will provide “High” value for money, based on the categories set out in the DfT Value for Money Framework. *“The analysis to date provides confidence that even with further refinement, there is considered to be enough headroom to ensure this remains the case”* (Outline Business Case, page 82).

Other means of achieving the purpose of the CPO

8.16 The Gateway Scheme has a complex land requirement. Not only does the proposal require two distinct parcels of land located either side of the station, these parcels contain a significant number of plots, in a wide range of ownerships, tenures and uses, and are located in a busy urban area with a long history of commercial and public services activity.

8.17 The land requirement must also be secured within a short timeframe if the currently available funding opportunities are to be utilized. There has been a fortunate convergence of interest of the Authority, TVCA and Network Rail in improving the station at this time, working towards the completion of an improved station by the 2025 bicentenary.

8.18 Bearing the above factors in mind, it is considered that alternatives to compulsory acquisition of land interests – voluntary acquisition by private treaty – although successful to a degree (see section 6) will not alone secure the land requirement in a reasonable timeframe, and probably not at all.

8.19 The requirement for dedication to public use of significant parts of the Order Land also implies the acquisition of unfettered freehold interests. And in many cases, including the construction of buildings and facilities close to land boundaries, rights in land of third parties need to be acquired (as well as overridden), so that development can proceed.

8.20 It appears to the Authority that there are no powers not involving acquisition of land that alone can provide sufficient basis and scope to facilitate all of the works and construction for the Gateway. For example, traffic orders under the Road Traffic Act 1984, and closures, creations, diversions, and stopping-ups, under the Highways Act 1980, and/or part X of the Town and Country Planning Act 1990 could (and will) provide a legal basis for some elements of the Gateway, but not those substantial elements that at their most basic require development and dedication of land.

8.21 The impact on the human rights of those likely to be affected by the proposed Order is considered in section 10 below. The conclusion of that consideration, as summarised at paragraph 10.17 is that the above matters favour the making of the Order. The considerable public benefits to be derived from implementation of the Scheme outweigh any possible harm caused by interference with the human rights of those likely to be affected by the compulsory purchase. The Authority considers that the interference with those rights is prescribed by law (S.226(1) (a) of the Town and Country Planning Act 1990); is pursuant to a legitimate aim; is necessary in a democratic society and is proportional to the proposed outcome.

8.22 The impact of the Scheme in the context of the Equalities Act 2010 is considered in section 11 below.

8.23 In consideration of all of the above, and the financial viability and deliverability of the Scheme, the Authority's view is that a compelling case exists in the public interest to justify the making of the Order for the acquisition of the Order Land.

9.0 DELIVERABILITY

9.1 The Station Gateway benefits from £25m funding already approved by TVCA Cabinet, part of which has already been committed and drawn on to further design and land acquisition. TVCA and the Authority are currently engaged in ascertaining the precise final budget required to deliver the Gateway. The confirmation to deliver the comprehensive scheme is anticipated to be forthcoming in 2021.

9.2 The Gateway element is managed by officers of TVCA and DBC and the cost of acquisitions, qualifying costs associated with the sites and dedicated resources which DBC allocates to the project will be funded by TVCA.

9.3 In developing the comprehensive scheme, TVCA has considered whether separate delivery routes and contracts for each element of the scheme (or a combination of the elements) would secure better value for money, allow a phased approach to delivery and minimise risk. The conclusion from this assessment was that

the most effective and efficient route to delivery would be to separate out the scheme into three elements:

Station Gateway – new MSCP incorporating the new station shell and multi-modal interchange to the east, the enhancement to the portico and improved interchange to the west, and any amendments to the current approach from Parkgate.

Station Enhancements – the new station fit-out and accessible footbridge, together with any internal changes to the existing station required to provide the latter and improvements to the Portico and subway; and

Operational Railway – the track improvements and new east side platforms (both local and through services);

9.4 Dividing the comprehensive scheme into these three elements for the purpose of the delivery of from the OBC onwards was also considered to align with the suggested funding sources and availability. It also recognises that the MSCP in needs to be completed first given the proposed location of the new platforms and station building.

9.5 It is expected that the Operational Railway and Station Enhancements elements of the comprehensive scheme will align with Network Rail's Guide to Railway Investment Projects (GRIP) process – the accepted approach to the planning, delivery and management of rail projects. The GRIP process comprises a standard project lifecycle, standard project deliverables, project control processes and governance arrangements. (Outline Business Case, 94)

Funding Arrangements and Financial Case

9.6 Base overrun costs for the comprehensive scheme (adjusted for risk and inflation) are £105m. Costs were estimated at Q1 2020 factor prices, as set out in detail in the Financial Case. These estimates include all costs associated with scheme preparation and construction. The costs presented in the Financial Case include real cost adjustments to allow for inflation and an allowance for risk, in the form of a quantified risk assessment (QRA). (Outline Business Case, 56)

9.7 However, some additions and amendment in design and increased allowances for further risk provision and contingencies have necessitated upwards revision of cost estimates.

These increased costs are considered proportionate and affordable in relation to the issues identified in the Strategic Case and the predicted benefits of the scheme assessed in the Economic Case. The scheme cost has been derived in a robust way using information from current and recently completed projects. The works have also been quantified, based on the current scheme designs.

9.8 The costs of maintaining the proposed new infrastructure at Darlington station are likely to be broadly neutral due to the fact the amount of maintainable assets is not expected to change significantly (Outline Business Case, 89). However, an allowance for additional operating and maintenance costs has been included in the Economic Case, at a rate of 1% of the base capital costs for the first 20 years after opening and 2% of the base capital costs thereafter.

9.9 At the time of preparing the OBC, the full capital cost of the MSCP was included. However, there is potential to remove this should a suitable revenue sharing arrangement be agreed at a later date.

9.10 Funding for the then estimated cost of the Gateway (£25m) was agreed at the TVCA Cabinet meeting in November 2018 and later confirmed as part of the agreement to the Tees Valley Investment Plan in January 2019. The funding has already been applied by the Authority to develop the Scheme to this point.

9.11 As the project has developed elements of the project and the scope are changing to ensure the best solution can be delivered within the constraints and requirements identified by all parties. The scope of the Gateway has changed to include some of the main rail station elements and as such partners are refining the project budget for finalisation through the Department for Transport's Rail Enhancement Pipeline process. It is anticipated the costs associated with any changes will be reflected in an amended funding agreement with TVCA.

Management of the Scheme

9.12 Given the complexity of the comprehensive scheme, it is expected that it will be included in Network Rail's National Project Assurance Review (PAR) Programme. It should be noted that the PAR has been implemented with the agreement of the DfT's Infrastructure Projects Authority and regular monitoring reports are submitted to the DfT.

9.13 The Station Enhancements will engage the national Station Change procedure, for when a development entails changes to a station lease area, physical or operational changes to a station, or changes that affect the content or drafting of Station Access Conditions and Annexes. This is a procedure governed by the regulated 'station access conditions' for each station. At franchised stations, the conditions are part of the station leases granted by Network Rail, and in the access arrangements between the train operator tenant and other train operators who use the station. Given the nature of this scheme, the regulatory requirements will also need to be satisfied by making a Station Change Proposal, securing approval of all relevant parties and registering the approved change with the ORR.

9.14 TVCA's agreed Assurance Framework secures a clear project governance structure and details of how all stages through to project development, evaluation and approval will be applied, monitored and approved. It also requires independent external evaluation and assurance on significant schemes such as this one.

9.15 DBC has significant experience of delivering significant capital projects through design and build frameworks, having recently successfully delivered:

- Feethams MSCP – 650 spaces, value of £7.5 million; completed on time in 2018, this substantial car park provides 650 parking spaces servicing vehicles visiting the adjoining proposed Feethams Leisure Complex. The project

involved a full precast concrete frame and flooring solution procured under a design and build framework contract at a cost of £7.5 million.

– Darlington Hippodrome and the Hullabaloo – refurbishment of historic theatre and creation of a new national children’s theatre; the project successfully repaired and restored Darlington’s Grade II listed Edwardian variety theatre. Involving a wholesale upgrade of public facilities to enhance the visitor experience, the theatre become physically accessible and two former shops were brought back into use. The project was delivered in 2017 via a £13 million design and build framework contract.

– Business Central – a 3,443 sq m state of the art office and conference building situated opposite the rail station on the 30-hectare Central Park Tees Valley Enterprise Zone. Completed on time in 2015, Business Central was delivered within budget at £6.6 million via a design and build framework contract.

– Feethams House – Feethams House provides high-class Grade A accommodation for small and medium-sized enterprises in key sectors. Offering circa 3,624 sq m of office space across five storeys, potentially creating around 300 new jobs in the professional services, digital and creative fields. The £8.5 million offices are jointly funded by DBC, TVCA and the European Regional Development Fund. The works were delivered via a design and build framework contract.

9.16 Based on the project plan, it is expected that a “Decision to Deliver” for the whole of the comprehensive scheme will be taken by the end of 2021, meaning that the main construction contract for the Operational Railway and Station Enhancements elements is likely to run for a period of around 30 months from Spring 2022 to the end of 2024. (OBC, 101)

9.17 As the Station Gateway element, particularly the new MSCP can, and needs to be, delivered first, the start dates will depend on the length of time to complete any CPO process required, with an overall construction period expected of around 18 months. The anticipated timeline would see construction of these elements from Autumn 2021 to Spring 2023 (subject to adjustment through the CPO process).

9.18 The Project Plan is a ‘live’ document and will be reviewed and updated regularly to provide an accurate and integrated picture of progress and dependencies for the project. The Project Manager is responsible for ensuring the plan is reviewed and updated on a monthly basis. Any changes or risks to achieving key milestone dates are brought to the Programme Board’s attention and discussed as part of the quarterly meeting cycle. All proposed revisions to the project plan are issued to the Programme Board for approval.

9.19 The costs of compulsory purchase, including the compulsory purchase order procedures and compensation payable to owners of any land interests, will be met by the Authority in accordance with its funding arrangements with TVCA.

9.20 Planning Permission will be required for the Scheme together with any other necessary consents or licences required from statutory undertakers for Scheme

infrastructure. The Authority considers that it is likely or very likely that these permissions and consents will be obtained in a form that allows the Scheme to proceed as envisaged and within the estimated budgets.

9.21 A range of orders under the Road Traffic Act 1984, stopping-ups, dedications to public highways use by the Authority, and like measures, together with directions and agreements, all under the Highways Act 1980 will be required to support the Gateway proposals. These will be processed in tandem with the progress of the land acquisition programme, and will be subject in most cases to public consultation. Currently all of the requirements may be pursued by the Authority in its capacity as local highway authority, and no insuperable obstacles are envisaged in bringing the relevant measures into operation in a timeframe consistent with the completion of the Gateway works.

9.22 Although there is operational land of Network Rail within the Order, the Authority is working closely with Network Rail in delivery of the Scheme and is therefore confident that this will not be an impediment to its delivery.

10 HUMAN RIGHTS CONSIDERATIONS

10.1 In deciding to make the Order the Authority has taken into account the provisions of the European Convention on Human Rights and the Human Rights Act 1998, and in particular section 6 of the Human Rights Act 1998, which prohibits public authorities from acting in a way which is incompatible with the European Convention.

10.2 The Authority has concluded as a result of this assessment that the making of the Order to facilitate the Scheme does not unlawfully derogate from or constitute any unlawful interference with relevant human rights protected by the Convention. These are rights under Article 1 to the First Protocol, Article 6 and Article 8, and have been considered by the Authority as they relate to the compulsory acquisition of interests in the Order Land of various adjacent landowners.

Article 1 to the First Protocol

10.3 Paragraph 12 of the DHCLG Guidance draws particular attention to the provisions of Article 1 of the First Protocol to the Convention.

The main provisions of Article 1 relevant to the current context are that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

"The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest"

10.4 Section 226(1)(a) of the 1990 Act, which authorises the Authority to acquire land compulsorily subject to the procedures contained in the Acquisition of Land Act 1981, provides lawful authority.

10.5 The Authority considers that compulsory acquisition of the Order Land is necessary given the dearth of alternatives to securing title in a timely fashion to the comprehensive interests in land required for the Scheme, and that if there is interference with rights by acquisition of the Order Land, the public benefit of the Scheme will outweigh any private loss arising from the acquisition.

10.6 This is particularly so given that Owners and persons directly affected by the Order will also be entitled to full compensation for any property acquired from them compulsorily, may have the right to compensation for other losses, and may in some instances have the benefit of rights over the public highways to be constructed, or, in the case of existing services, new rights to be agreed.

10.7 The Authority considers therefore that there will be no violation of the rights of such persons under Article 1 to the First Protocol, as the steps taken are lawful, in the public interest, and proportionate.

Article 6 of the Convention

10.8 Article 6 provides that:

"In the determination of his civil rights and obligations or of any criminal charge against him everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

10.9 The Authority notes that the statutory procedures require all those likely to be affected by the Order are notified and given an opportunity to object. If there are objections, the Secretary of State will arrange a public local inquiry (or other forum) so that objections can be heard. The legislation also provides for statutory challenge in the High Court to the decision of the Secretary of State on confirmation of the Order. Finally, if the Order is confirmed and becomes operative those persons directly affected by the Order may refer disputes over compensation for hearing at the Lands Chamber of the Upper Tribunal.

10.10 In the Authority's opinion, the steps available to landowners and other affected parties satisfy the requirements of Article 6.

Article 8 of the Convention

10.11 Where a compulsory order is made for the acquisition of property, the property in question may be a person's home. In such circumstances Article 8 of the Convention will be engaged.

10.12 The article is likely to be engaged where residential property and/or the rights of access to such property are extinguished or subject to interference by the Authority.

10.13 Article 8 of the Convention provides that:

"(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

"(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others".

10.14 Article 8(1) is a qualified right. Interference with the rights afforded by Article 8(1) can be justified under Article 8(2), in appropriate cases.

10.15 Section 226(1)(a) of the 1990 Act, which authorises the Authority to acquire land compulsorily subject to the procedures contained in the Acquisition of Land Act 1981, provides lawful authority.

10.16 In the particular circumstances of this case, the Authority is also of the view that the compulsory acquisition of the Order Land will not conflict with the rights provided by Article 8(1) of the Convention, as the qualifications in Article 8(2) apply, in that interference with the protected rights are necessary in a democratic society for public safety or the economic well-being.

Proportionality and Human Rights Summary

10.17 In considering the proportionality of the action of making the Order, the Authority has amongst other things borne in mind the following considerations.

- That no more land than is required to facilitate the Scheme has been included in the Order.
- That there is no viable alternative in a foreseeable period to obtaining title to the Order Land other than by way of compulsory acquisition.
- That acquisition of title to the Order Land is necessary to facilitate the Scheme, as other legal procedures would not provide clear and secure methods of adoption of the required parts of Station Gateway.
- That the Order would be made under a statutory procedure with built-in safeguards that protect the rights of landowners and other persons.
- That acquisition of the Order Land is necessary in the interests of the social and economic well-being of the Authority's area.

– All of those persons whose rights under Article 8 of the Convention and/or under Article 1 of the First Protocol of the Convention will have an opportunity to object to the Order and to have their objection considered at a fair and public forum, in accordance with their rights under Article 6 of the Convention.

– Landowners and other persons with a property or similar interest in the Order Land will be entitled to proportionate compensation.

11 EQUALITIES CONSIDERATIONS

11.1 The Authority has considered in making the Order its duty, as a public authority, under 149 of the Equality Act 2010 ('the public sector equality duty'), in the exercise of all its functions, to have due regard to the need to:

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;

advance equality of opportunity between persons who share a "relevant protected characteristic" and persons who do not share it; and

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 DHCLG guidance (2019), paragraph 6, is that "*Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.*"

11.3 Having considered the Order and the Scheme in relation to the public sector duty, the Authority considers that the Order Land, if acquired, will facilitate safer and easier access to Station Gateway for all persons for a range of users, on foot, of whatever ability, and/or with bicycles, or motor vehicles. Once delivered, the Scheme will facilitate accessibility to the public transport network, especially the rail network, for those people without access to cars, or who are mobility impaired. The Scheme and the making of the Order are therefore expected to have a positive impact in terms of the Authority's equalities obligations, with no adverse equalities impacts being foreseen. The Authority is also fully aware of its equalities duties during the compulsory purchase process, for example with regard to access to documents, premises, and informal advice. Copies of this Statement, the Order, the Order map, notices, and other documentation as and when it is publicised, will be available for consultation on the Authority's website and (depending on Covid-19 regulations and guidance) in hard copy by post or at the Town Hall reception in Darlington.

11.4 The Authority has given consideration to whether a full Equality Analysis is advisable in relation to the impact of the making of the CPO on protected groups, and considers this is unnecessary. (The position will be monitored and reviewed as necessary during the compulsory purchase process.)

11.5 Having regard to its duty under section 149 of the Equality Act 2010, the Authority believes therefore that there is in the public interest a compelling and sufficient case for making of the Order.

12.0 SUMMARY

12.1 This Statement of Reasons explains the Authority's reasons for making the Order, and in particular why, in the Authority's opinion, there is a compelling case in the public interest to do so.

12.2 The Order is made to secure title to land currently in a range of different ownerships and tenures, which land is required to facilitate the provision of a new Gateway to Darlington Station, as the initial stage of a comprehensive scheme of station improvements. The Authority, as part of its land assembly strategy, continues to acquire land by agreement where possible, notwithstanding the making of the Order.

12.3 The Scheme is pursued by the Authority as the undertaker and facilitator of a range of functions, including the demolition of buildings, the provision of a multi-storey car park, and the improvement/provision of other buildings and structures. Consequently, the Order is made under section 226(1)(a) of the Town and Country Planning Act 1990 as the appropriate enabling power.

12.4 With regard to necessary permissions, consents, and highway matters it is considered that there are no legal impediments to the construction of the Gateway. There is a funding commitment from TVCA and a timetable for the scheme in the Department for Transport's Rail Network Enhancements Pipeline process and the decision to develop the comprehensive scheme has already been taken and funding committed. The confirmation to deliver the comprehensive scheme is anticipated to be forthcoming in 2021.

12.5 The economic, social and environmental benefits of the Gateway are shown to be significant. Taking the obvious public benefit of the Scheme into account, together with funding, timetable, and the likely lack of legal impediments, and balancing these against possible reasons for not proceeding, in particular the human rights of land owners and other persons affected, the case for the Order is considered compelling.

13. INQUIRY PROCEDURE RULES

This Statement of Reasons is not intended to be a statement of case in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007.

14. INQUIRY DOCUMENTS

The following documents may be referred to or put in evidence in the event of an inquiry.

List of Documents:

Guidance on Compulsory Purchase and the Criche! Down Rules, DHCLG 2019, and model compensation forms

<https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-criche!-down-rules-guidance>

National Planning Policy Framework, DHCLG 2018

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Policy Guidance (on-line DHCLG guidance)

Darlington Core Strategy DPD

<https://www.darlington.gov.uk/media/11443/corestrategy-dpd.pdf>

The Authority's Equality and Diversity Policy

<https://www.darlington.gov.uk/your-Authority/communities/equality-information/equality-policy/>

The Outline Business case for the Scheme (2020)

15. INSPECTION OF DOCUMENTS

A copy of the Order, Order Map, this statement and other documents may be seen at:

<https://www.darlington.gov.uk/environment-and-planning/estates-and-property/darlington-station-gateway-compulsory-purchase-order-2021/>

In the event that the Authority's website cannot be accessed for any reason copy documents can be sent by post. To request documents, contact the Authority at:

PAsupportAssistants@darlington.gov.uk or telephone 01325 405823

Appendices to this Statement of Reasons

- Appendix 1: Block Plan: Location of Scheme
- Appendix 2: Block Plan: Proposed Facilities
- Appendix 3: Plan: Scheme Overlay
- Appendix 4: Plan: Proposed MSCP & Interchange
- Appendix 5a: Plan: MSCP Option D Site Plan
- Appendix 5b: Plan: MSCP Option D Level 00-01
- Appendix 6: Plan: Proposed Improvements (Gateway West)
- Appendix 7: Plan: Highway Adoption and Proposals (Gateway East)
- Appendix 8: Transport Scoping Document
- Appendix 9: Historic England Listing map

25th January 2021

**Legal Services,
Darlington Borough Council**