

Prepared on behalf of

**The Acquiring Authority
Darlington Borough Council**

**Town and Country Planning Act 1990
Section 247**

Department for Transport - National Transport Casework Team

**PROPOSED STOPPING UP OF HIGHWAY AT DARLINGTON STATION GATEWAY,
ALBERT STREET, DARLINGTON DL1 4AD
OS GRID REFERENCE: E: 429610 N: 514216**

REFERENCE NUMBER: NATTRAN/NE/S247/4865

**Darlington Station Gateway MSCP and Public Realm Works
Land off Neasham Road,
Bank Top, Darlington
Appendices to
Proof Of Evidence
David Colley B.Eng, MCIHT**

Control Sheet

CLIENT: Darlington Borough Council


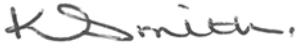

PROJECT TITLE: Darlington Station Gateway MSCP and Public Realm Works
Land Off Neasham Road
Darlington Station
Bank Top,
Darlington







REPORT TITLE: Proof of Evidence for S247 Stopping up Application

PROJECT REFERENCE: 300601

DOCUMENT NUMBER: 002

STATUS: Draft

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	02	13/12/2021	Draft	Preparation of Draft S247 Proof	By	
					Check	
					Approve	
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This document has been prepared in accordance with procedure OP/P02 of the Fairhurst Quality and Environmental Management System

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Appendices

APPENDIX DC-SUO 1

Extract of Committee Minutes

APPENDIX DC-SUO 2

S247 Application form and plan (SGMSCP-FHT-Z0-SL-DR-H-00012 P04 – Stopping-up Plan)

APPENDIX DC-SUO 3

Copy of the notice, draft order and stopping-up plan

APPENDIX DC-SUO 4

Copy of three Objections

Northern Gas Networks

Virgin

Marsh Howe Ltd

APPENDIX DC-SUO 5

Inquiry Notice and Letter dated 1 December 2021

APPENDIX DC-SUO 6

SGMSCP-FHT-Z0-SL-DR-H-00005 P06 – Areas of Highway to be Stopped – up and Created

SGMSCP-FHT-Z0-SL-DR-H-00012 P05 – Stopping Up Plan

APPENDIX DC-SUO 7

Copy of Planning Decision Notice 21/00688/DC

APPENDIX DC-SUO 1
Extract of Committee Minutes

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 25 JANUARY 2021**

CABINET

Tuesday, 12 January 2021

PRESENT – Councillors Mrs H Scott (Chair), Clarke, Dulston, Johnson, Keir, Marshall, Mills and K Nicholson

INVITEES – Councillors Curry, Harker, Snedker and Tait

ALSO IN ATTENDANCE – Councillors Wallis

C75 DECLARATIONS OF INTEREST.

In respect of Minute C80(1) below, Councillor Harker declared an interest as he was on the Governing Body of Darlington Federation of Nursery Schools.

**C76 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE
GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of minutes C84 and C85 below representations were made by a Member in attendance at the meeting and in respect of Minutes C77, C83, C84 and C85 written representations were received from members of the public.

**C77 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON
TUESDAY 8 DECEMBER 2020.**

Submitted – The Minutes (previously circulated) of the Meeting of this Cabinet held on 8 December 2020.

In respect of Minute C68(3), the Leader reported, in response to questions raised by the Parkland Heritage Network, that the proposed changes to the Tree and Woodland Strategy 2021/31 had been made and approved and any development would accord with this Strategy in support of the Climate Change Programme.

RESOLVED – That the Minutes be approved.

REASON – They represent an accurate record of the meeting.

C78 MATTERS REFERRED TO CABINET

There were no matters referred back for re-consideration to this meeting.

C79 ISSUES ARISING FROM SCRUTINY COMMITTEE

There were no issues arising from Scrutiny considered at this meeting.

C80 KEY DECISIONS:-

(1) MAINTAINED SCHOOLS CAPITAL PROGRAMME - SUMMER 2021

The Cabinet Member with the Children and Young People Portfolio introduced the report of the Interim Director of Children and Adults Services (previously circulated) requesting that consideration be given to the proposed maintained schools' capital programme for summer 2021 (also previously circulated) and to the release of the capital funds in relation to that programme.

The submitted report stated that the School Condition Allocation (SCA) funding was £207,882, to undertake a programme of works across the maintained schools in Darlington during summer 2021; all works had been identified as a priority for completion as part of a survey of the schools concerned; the surveys covered condition, electrical and mechanical; the 2020/21 Devolved Formula Capital (DFC) was £42,275; this funding was a formula-based grant provided to all maintained schools to help support their ongoing capital needs; and that all projects would be managed in line with the Corporate Capital Process procedures.

RESOLVED – (a) That the total School Condition Allocation of £207,882, be released, and the proposed prioritised capital programme for maintained schools, as detailed in the submitted report, be agreed.

(b) That the 2020/21 Devolved Formula Capital (DFC) of £42,275, be released.

DELEGATIONS - That the Director of Children and Adult Services be granted delegated authority to manage the authorisation of this funding.

REASONS – (a) The release of the funds will enable capital investment to be undertaken in the areas identified with the greatest need, in terms of asset management priorities.

(b) Detailed planning to identify priorities has been undertaken which ensures effective use of all investment.

(2) TENANCY POLICY 2020/25

The Cabinet Member with the Health and Housing Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the updated Tenancy Policy 2020/25 (also previously circulated) in respect of the Council's housing stock.

The submitted report stated that the current Tenancy Policy required updating to ensure that Housing Services made best use of the Council owned stock; target Council housing for those in most need; and to ensure that properties continued to meet resident's needs.

It was reported that the Tenant's Board had been consulted and supported the changes; an Equality Impact Assessment had been completed; and that the Policy had been considered by the Health and Housing Scrutiny Committee on 21 October 2020 and no amendments were recommended to be made to the Policy at that

meeting.

Particular reference was made at the meeting to whether the policy covered the health and well-being of its tenants and nuisance tenants. Reference was also made at the meeting to the implications of the changes to flexible tenancies and, in particular, on those tenants that were currently on flexible tenancies, and how tenants moved from flexible tenancies to permanent tenancies. The Cabinet Member with the Health and Housing Portfolio responded thereon.

RESOLVED - That the Tenancy Policy 2020/25, as appended to the submitted report, be approved.

REASON - (a) To make best use of the Council's housing stock.

(b) To maximise security of tenure.

(3) PROPOSED DARLINGTON BOROUGH COUNCIL (DARLINGTON STATION GATEWAY) COMPULSORY PURCHASE ORDER

The Cabinet Member with the Economy Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to making and pursuing the confirmation of a Compulsory Purchase Order (CPO) to facilitate the acquisition of land immediately to the east and west of Darlington Station, under section 226(1)(a) of the Town and Country Planning Act 1990 to allow the creation of a multi-storey car-park, multi-modal transport interchanges and new public realm.

The submitted report stated that the Gateway was a strategic project which aimed 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 through the creation and integration of a multi-modal interchange and new multi-storey car park; promotion of sustainable travel through priority enhancements for pedestrians and cyclists; and the creation of gateway approaches and public realm that reflect the economic ambitions of Darlington and the wider Tees Valley region.

It was reported that the scheme and supporting land assembly strategy would deliver transport and regeneration improvements that built on wider regeneration initiatives in the area to better connect the station with the Town Centre and Central Park Enterprise Zone; Section 226(1)(a) of the Town and Country Planning Act 1990 empowered the Council, to acquire compulsorily, land in its area where it could demonstrate that the acquisition would facilitate the carrying out of development, redevelopment or improvement on or in relation to the land; and that the Council must not use this power unless it also showed that the development, redevelopment or improvement was likely to contribute to the achievement of any one or more of the following objectives, namely the promotion or improvement of the economic well-being of the Council's area, the promotion or improvement of the social well-being of the Council's area or the promotion or improvement of the environmental well-being of the Council's area.

Particular reference was made at the meeting to the Compulsory Purchase Order process and the impact of that process on the residents and business owners

affected. The Cabinet Member with the Economy Portfolio responded thereon.

RESOLVED - (a) That Compulsory Purchase Order (CPO) be made under the powers conferred by Section 226 (1) (a) of the Town and Country Planning Act 1990 to acquire all land to the east and west of Darlington Station as shown on the Order Map (the 'Order Land') attached at Addendum 1.1 to the submitted report, the interests in which are described in the Schedule of Interests, attached at Addendum 1.2 (Part III) of the submitted report.

(b) That the Assistant Director - Law and Governance be authorised to make the CPO for the Order Land, and to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including:

- (i) finalising the attached Statement of Reasons, attached at Addendum 2 of the submitted report;
- (ii) finalising (including making amendments to) the Order Schedule and/or the Order Map, provided that any increase in the extent of the Order Land so amended shall be less than a substantial change to the Order taken as a whole; and in the case of some plots provided that if considered appropriate rights and/or temporary possession may be required as an alternative to acquisition;
- (iii) serving notices of the making of the CPO on all persons entitled to such notice and placing all necessary notices in the press and on/around the Order Land;
- (iv) to submit the CPO to the Secretary of State for confirmation as soon as possible following the making of the CPO;
- (v) where there are no objections, to confirm the CPO by the Council if authorised to do so by the Secretary of State; and
- (vi) where the CPO is confirmed by the Secretary of State to publicise such confirmation and serve all necessary notices of the confirmation.

(c) That the CPO becomes operative, the Assistant Director – Law and Governance, be hereby authorised to execute one or more General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, or, as the case may be, to acquire interests pursuant to the Notice to Treat procedure, and to serve all necessary documents and notices as required after as well as before the vesting or acquisition of the Order Land in/by the Council (including, in either instance, related to the payment of appropriate compensation).

(d) That the Director of Economic Growth and Neighbourhood Services, in consultation with the Assistant Director - Law and Governance be authorised to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote and/or support the promotion or confirmation of the CPO including the preparation of and giving of evidence at any public inquiry, hearing or for determination on written representations, and the costs of any inspector, appearances, advocacy and advice relating thereto.

(e) That the Director of Economic Growth and Neighbourhood Services be authorised to take all necessary steps to negotiate agreements with land owners and owners of affected interests, and terms for the withdrawal of objections (including

representations of statutory undertakers) to the compulsory purchase order including where appropriate, seeking exclusion of land from the compulsory purchase order and to agree, contest and pay claims for compensation of any kind as appropriate, (terms agreed to be reported for information on the Schedule of Transactions).

(f) That the Assistant Director – Law and Governance, in consultation with the Director of Economic Growth and Neighbourhood Services be authorised to grant alternative rights or regrant extinguished rights in respect of land acquired from statutory undertakers and Network Rail in or over the Order Land as he deems necessary to secure confirmation of the CPO or the perfecting of title at any time to land within the CPO; and in relation to rights of persons other than statutory undertakers the Directors acting as above be authorised where necessary to prevent extinguishment by:

- (i) making a Direction under section 236(3) of the Town & Country Planning Act 1990; and/or
- (ii) entering into an agreement with affected parties, with or without TVCA, as appropriate.

(g) That the Director of Economic Growth and Neighbourhood Services be authorised in relation to the Scheme to promote, confirm, make operational and secure all reasonably required dedications, closures (temporary or permanent), stopping-ups, diversions, re-arrangements, improvements, variations, creations or extinguishments, whether by order, direction, notice, declaration, grant, or agreement, of highways, car parks, bus-stops, taxi ranks, parking/loading bays, private means of access, streets, bridges, tunnels, walkways, footways, routes for cycles and roads (including signs, markings, apparatus and structures related thereto) under the provisions of the Highways Act 1980, the Road Traffic Regulation Act 1984, parts IX and X of the Town and Country Planning Act 1990, the New Roads and Street Works Act 1991, the Transport Act 2000, and/or the Traffic Management Act 2004, or any order regulations or rules made pursuant to any of those Acts.

(h) That the Assistant Director - Law and Governance be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all the other actions necessary to give effect to these recommendations.

(i) That in the event that structural changes alter titles or responsibilities, the Head of Paid Service be authorised to vary the delegations to the most appropriate postholder.

REASONS - (a) The acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land and will bring economic, social and environmental benefits to the Borough, as well as to the Tees Valley Region.

(b) The Scheme has a high likelihood of being delivered if the Order Land can be acquired. Implementation of the Scheme and realising the benefits of the Scheme are dependent on acquiring the Order Land. The Council has no other way of acquiring good title to all of the interests in the land required for the Scheme in a reasonable timeframe.

(c) There are no reasons in principle why planning permission cannot be granted, and there is a significant funding approval for the Gateway from TVCA. The Department for Transport has committed significant development funding and established the wider scheme on the Department's Rail Network Enhancements Pipeline. Bearing these factors and the need for the Gateway in the context of the wider Scheme, there is a clear and compelling case in the public interest to acquire the Order Land.

(4) CENTRAL PARK - HYBRID BUSINESS INNOVATION CENTRE AND LANDSCAPING WORKS

The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) updating Members on the progress being made on Central Park and requesting that consideration be given to the detailed design and construction (subject to planning) of the Hybrid Business Innovation Centre (HBIC), a business incubator comprising of offices and clean workspaces, known as Business Growth Hub 2, and the remediation and landscaping of Central Park and servicing of the remaining development plots.

The submitted report outlined the decisions made at the Executive Decision-making session held in April 2020; stated that the Council had secured additional funding via the 'Getting Building' fund (one of only three awards in the Tees Valley); an increased funding award from European Regional Development Fund (ERDF), had been verbally agreed, taking the available project funding package to £11,237,855; and that as a result, on the proviso that ERDF approval was forthcoming, the Council were in a position to deliver this exciting project that included the submission of planning and, if approved, construction of the Hybrid Business Innovation Centre, procurement of an incoming operator to manage the centre and provide business support to the new businesses and undertake a range of landscaping and remedial works across Central Park.

It was reported that following the success of Business Central on Central Park, the Council, with the benefit of external funding would now realise its plan to create additional business incubation / managed workspace accommodation and serviced plots in a quality environment in readiness for occupation by new companies including Small to Medium Sized Enterprise businesses (SMEs); a demand study had been undertaken that confirmed the demand and need for such incubation / managed accommodation within the Tees Valley region; the Covid 19 pandemic had made attracting occupants for business space more challenging, so this timely opportunity to significantly uplift the whole Park and offer quality serviced plots was ever-more important; Central Park remained a key part of the Council's economic strategy moving forward and should be viewed through the lens of a medium to long term priority; the HBIC would accommodate 2,370 square metres of business space; the final internal configuration would be arrived at through discussions with the future operator; and outlined the actions required to progress the project.

Discussion ensued at the meeting on the jobs that would be created by the project; if those jobs would be for local people; and whether, in the current economic climate, it was the right time to be progressing the project. The Cabinet Member with the Economy Portfolio and the Director of Economic Growth and Neighbourhood Services responded thereon.

therein.

REASONS – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction

C88 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C89 SUPPLEMENTARY ITEM(S) (IF ANY) WHICH IN THE OPINION OF THE CHAIR OF THIS COMMITTEE ARE OF AN URGENT NATURE AND CAN BE DISCUSSED AT THIS MEETING.

(1) NORTHERN POWERGRID INVESTMENT IN DARLINGTON

With the prior approval of the Leader to the matter being treated as urgent in order to inform Members at the earliest possible date, the Cabinet Member with the Local Services Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) advising Members of a significant investment programme by Northern Powergrid (NPg) in the central and northern parts of Darlington.

The submitted report stated that NPg were commencing a £9m investment programme to provide extra capacity to meet the town's future needs, but also to improve reliability and resilience for existing customers; the upgrade would also ready the network as more people move to electric vehicle technology; outlined the key features of the programme; the communications, engagement and project management programme; and outlined the social legacy and community investment initiatives planned as part of the programme.

RESOLVED – That the report be noted.

REASON - To ensure members are aware of the programme and have the information to manage and direct any issues in their wards.

**DECISIONS DATED –
FRIDAY 15 JANUARY 2021**

APPENDIX DC-SUO 2

***S247 Application form and plan (SGMSCP-FHT-Z0-SL-DR-H-00012 P04 –
Stopping-up Plan)***



Department
for Transport

Stopping Up and Diversion of Highways

Orders using Sections 247 and 248 of the Town and Country
Planning Act 1990 and applications made under S253 as amended
by the Growth & Infrastructure Act 2013.

TCPA 247 (1/15)

Please read the guidance notes and ensure all necessary enclosures accompany this form. If any documentation is missing or the form is incomplete your application will be delayed.

A – Names and Addresses

Please give:

The applicant's full name, address and postcode

(See guidance notes)

Contact Name

Telephone Number

E-mail

Mr Richard Storey

Darlington Borough Council

Town Hall,

Darlington DL1 5QT

Richard.storey@darlington.gov.uk

The developer's full name, address and postcode (if not the applicant)

Contact Name

Telephone Number

E-mail

The name, address and postcode of the council which is the Highway Authority for the highway(s) concerned

Darlington Borough Council

Town Hall

Feethams

Darlington DL1 5QT

The name, address and postcode of the council which is the Planning Authority for the highway(s) concerned

Darlington Borough Council

Town Hall

Feethams

Darlington DL1 5QT

The name of the parish or town council and the name, addresses, postcode and telephone number of its clerk (if none, put 'none')

Contact Name

E-mail

N/A

Name, address and postcode of the nearest local public office (such as a library, post office or local authority offices) where the public may inspect the order and deposited plan during normal opening hours (See guidance notes)

Contact Name

Telephone Number

E-mail

Dolphin Centre Leisure Centre
Horse Market, Darlington DL1 5RP

Richard Storey

07967368815

Richard.storey@darlington.gov.uk

B – The Development

Describe briefly why the closure/diversion is necessitated by the development. Please attach any statements justifying this stopping up or diversion, either as an appendix or as a covering letter.

In order to facilitate the development of a station building with concourse, multi storey car park (MSCP), transport interchange, public realm and highways works on land to the east of Darlington Station (Adelaide Street, St. John's Place, Neasham Road, Garbutt Square, Victoria Street, Princes Street and Albert Street) demolition of existing properties and stopping up of affected highways is required.

Is there a related compulsory purchase order, or other statutory action? Yes
If yes, please provide details, including the Order name, its current status and details of any public inquiries that have been arranged.

Link: [Darlington Borough Council - Darlington Station Gateway compulsory purchase order 2021](#)

Objection period ended 19th March 2021. Latest update from PINS was that it was awaiting allocation to an inspector. The council is awaiting the 'relevant date' letter. There are 8 objections to the CPO and a Public Inquiry is anticipated.

C – The Planning Permission

- Has planning permission been granted for this development? Yes ☐ If yes complete section C
No ☒ If no go to section D
- What is the date of the Planning Permission Decision Notice?
- What is the type of Planning Permission?
- What is the Planning Permission Decision Notice reference?
- On what date is development on the highway expected to start?

Please also provide a copy of the approved site layout plans

D – Applications without agreed planning permission (using S253 of TCPA)

- Date the Planning Application was made?
- Date the Planning Application was validated (if known)?
- What is the Planning Application reference number (if known)?
- or the date on which the local authority or statutory undertaker applied to a government department for deemed planning permission under section 90 of the Act or section 2 of the Opencast Coal Act 1958
- or the date on which an application was referred to the Secretary of State under section 77 of the Act
- or the date on which an appeal was made to the Secretary of State under section 78 of the Act

- Have you had any discussions with the Highway Authority regarding the areas to be stopped up? If yes, please provide any correspondence you have received. Yes

Please also provide a copy of the application form and proposed site layout plans submitted to the Local Planning Authority (as attached)

- SGMSCP-NAP-Z1-00-DR-A-00010-P5_Site Plan
- SGMSCP-NAP-Z1-ZZ-DR-A-00001-P2_Location Plan
- Section D - Planning Application Form

E – Highway to be stopped up or diverted

- Please reference against plan - SGMSCP-FHT-Z0-SL-DR-H-00012 P04

- Is it:

All purpose highway	<input checked="" type="checkbox"/>
Carriageway	<input checked="" type="checkbox"/>
Footway	<input checked="" type="checkbox"/>
Highway verge	<input checked="" type="checkbox"/>

bridleway	<input type="checkbox"/>
footpath	<input type="checkbox"/>
cycle track	<input type="checkbox"/>

- The names, addresses, postcode and the easting and northing grid reference of the place(s) where the highway(s) is/are situated and classification (if any)?

Albert Street, DL1 4AD	E: 429610	N: 514216
Adelaide Street	E: 429540	N: 514216
St John's Place, DL1 4AB	E: 429604	N: 514253
Princess Street,	E: 429571	N: 514211
Victoria Street,	E: 429616	N: 514182
Garbutt Square, DL1 4DR	E: 429615	N: 514130

- Description of each section:

Please ensure you provide a full description of each area to be stopped up.

	Max Length (metres)	Max Width (metres)	Terminal Points	
			From	To
1 Albert Street	65	15	A: E: 429610 N: 514216	B: E: 429545 N: 514218
2 Adelaide Street	97	9	C: E: 429540 N: 514216	D: E: 429550 N: 514311
3 St John's Place	76	15	E: E: 429604 N: 514253	F: E: 429556 N: 514303
4 Princess Street	48	10	G: E: 429571 N: 514211	H: E: 429572 N: 514163
5 Victoria Street	41	14	I: E: 429616 N: 514182	J: E: 429576 N: 514171
6 Garbutt Square	44	17	K: E: 429615 N: 514130	L: E: 429572 N: 514126

(continue on a separate sheet if necessary)

Is the highway to be stopped up currently obstructed even temporarily? No

If yes, please give details of the obstruction and any permission granted for the obstruction

F – Land ownership

- Who owns the highway to be stopped up and the land on each side of each area being stopped up?
Please provide their full name and address and e-mail, as these will be contacted during the consultation stage.

1	Please refer to Appendix B and Plan Ref: Darlington Bank Top Station Draft CPO Plan v6.0
2	
3	
4	

(continue on a separate sheet if necessary)

G – New Highway to be provided (if any)

- Is it: All purpose highway ☐ Bridleway ☐ Footpath ☐ Cycle Track ☐
If so, will the new highway include:-
Carriageway ☐
Footway ☐
Highway verge ☐

- Has the highway authority agreed to maintain the new highway? Yes

If "No" Who will maintain the new highway

- Who owns the land to be dedicated as new highway?

N/A

- If the applicant will not own or control the land to be dedicated, has the landowner's consent been given to the proposed dedication? Yes/No

H – Highway to be improved (if any)

- Is it: All purpose highway ☒ X ☐ bridleway ☐ footpath ☐ cycle track ☐
Are the improvements to take place on the
Carriageway ☒ X
Footway ☒ X
Highway verge ☒ X

- What is its name and classification number (if any)?

Garbutt Square

Neasham Road – C38a

- Describe the improvement briefly.

Garbutt Sq – All purpose road with improvements to the carriageway and footway on the northern side of the retained section of Garbutt Sq

Neasham Road - All purpose road with improvements to the carriageway and footway on the western side of Neasham Road to create a bus layby and shared footway / cycleway.

I – Section 248 Orders

Please provide a description of the main highway to which the order relates for which planning permission has been granted.

N/A

J – Undertaking and declaration

In submitting this form (electronically or otherwise) I declare that:

- I understand that I have no authority to stop up or divert a highway until the notice announcing that the Secretary of State has made an order is published. Not only is it an offence to obstruct or interfere with a highway before this is done, but this may also make it impossible for the Secretary of State to make an order.
- Except to the extent authorised by or under some other statutory provision, the highway(s) to be stopped up or diverted is/are in no way obstructed and is/are fully available for use until the order comes into operation.
- All the information given in this form is, to the best of my knowledge and belief, true and accurate.
- I apply for an order to authorise the stopping up or diversion of the highway(s) described above and give permission to the Department for Transport to reproduce the stopping up plan submitted with this application for use with any Order that is issued.

Applicant signature



Date 10/09/2021

Data Protection Policy

The personal data you provide is purely for the use of this application. Your information will be kept securely within DfT and destroyed within 5 years after the form has been processed. Your personal information will not be shared with anyone else.

Further details on DfT's privacy policy can be found at www.gov.uk/dft/privacy-policy.

Once signed and dated this form (together with all the necessary enclosures as listed in the guidance notes) should be sent to:

nationalcasework@dft.gov.uk

or by hard copy to:

The National Transport Casework Team
Department for Transport
Tyneside House

Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Once your application is received, our written communication to you will be via e-mail; If you have a 'junk' filter on your e-mail account, it is recommended that you add nationalcasework@dft.gov.uk (or the domain @dft.gov.uk) to your contacts or 'safe senders' list.

If you have specific pre-application queries, we would be happy to answer these by e-mail or by telephone on 020 7944 4115 or 4262

Guidance Notes

To be read before completing the application form for stopping up or diversion orders. These do not need to be returned with the application form.

Section A:

Where requested, please provide full contact names and details. These greatly assist us in directing our queries and public documents to the appropriate person.

The applicant is the person with whom day-to-day contact should be made and who will respond to our queries and address any objections received. If an agent is appointed for this, their details should be provided on a covering letter.

Local Public Office – It is advantageous to have discussed the depositing of plans at the office prior to providing their details. This will reduce the potential of plans not being displayed appropriately. This is of particular importance if the local public office is a large organisation, such as a council,

Section B:

We do not require full statements of reasons/feasibility studies, just a brief outline on why the highway closure is needed.

Section C:

Please provide a copy of the planning decision notice and associated approved plans including the site layout.

Section D:

Please provide a copy of the planning application and associated plans showing the proposed site layout. Copies of any correspondence with the Highway Authority should also be included.

Section E:

Highway definitions:

'Highway' is defined in common law as a way over which all members of the public have the right to pass and repass. Their use of the way must be as of right and not on sufferance or by licence. Highways may be classified as follows:

'all-purpose highway' - may be used by all classes of traffic, including all motor vehicles, vehicles drawn by animals, pedal cycles and animals being ridden, led or driven:

'carriageway' - forming all, or part of, a highway (other than a cycle track) over which the public have a right of way for the passage of vehicles;

'footway' - a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only (i.e. a pavement alongside a road)

'footpath' - a highway where the public have a right of way on foot only and where no carriageway is present;

'bridleway' - a highway over which the public have rights of way on foot, bicycle and on horseback, or when leading horses, with or without a right to drive any sort of animal along that highway. There is no other right of way on a bridleway.

'cycle track' - constituting or comprised in a highway, over which the public have a right of way on pedal cycles, with or without a right of way on foot. There is no other right of way on a cycle track.

We also do not just look at the adopted highways, but all highways which may have attracted highway rights. These areas should be considered in any stopping up Order. If they are not, then the application may attract objections.

It is essential that measurements are accurately described in the order schedule. The measurements described must be reflected in the plans submitted and must be measured in linear metres rather than m².

Section F:

When considering Land Ownership, any Lessee interests should be taken into account.

Sections G & H:

It should be noted that generally, 'new' highways are generally those which are new to the network and 'improvements' include widening or realignment of an existing highway.

Section I:

A description of the main highway to which the order relates for which planning permission has been granted/sought.

Plans required with ALL applications:

A copy of the approved (or proposed) site layout plan with the site boundary edged red and the existing highway boundary, within the site, edged blue;

An up to date plan(s) A3 or A4 size based on Ordnance Survey and *ideally* drawn to a scale of 1:1250 or 1:500 showing the area to be stopped up (see additional notes below).

Plans should also be dark enough to be photocopied.

All plans must clearly show a north point, preferably prepared so that North is shown parallel with the vertical side of the plan.

It should be possible to scale the measurements from the approved plan and the order plan and for both to agree.

Maps provided electronically must be in pdf format and state clearly what size they should be printed.

You will also be required to print documents for display.

Please do not send copies of the elevation plans.

Please contact the National Transport Casework Team if your plans are larger than A3.

There are no fees payable.

Guidance Notes

Stopping up plans:

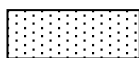
Should show existing buildings and highway(s) clearly labelled. It is also important that sufficient of the surrounding area appears on the plan to enable the location to be easily identified.

The plans should be marked as follows:

Any highway (all-purpose highways, footpaths or bridleway) to be stopped up or diverted should be shown by zebra hatching or edged black;



Any new highway (all-purpose highways) pursuant to the order should be shown by stipple.



Any existing highway to be improved pursuant to the order should be shown by cross hatching over the affected length. Improvements include any widening or realignment.



New footpaths, bridleways or cycle tracks to be provided.



The terminal points of the lengths of highway proposed to be stopped up or diverted must be clear on the plans, if appropriate using labelled reference points.

Highways such as footpaths and bridleways must be identified in the order in words, such as 'the footpath / bridleway leading to North Street from West Road'. Sufficient information should be given on the plans to enable an adequate description to be prepared.

It is essential that measurements are accurately described in the order schedule; measurements must be to scale and shown in linear metres and not in square metres. The measurements shown on the application form should therefore match the area(s) being stopped up on the stopping up plan.

Check List

Items to be submitted with ALL applications.

- ☐ An existing highway layout plan showing the highway to be stopped up or diverted, including any new highways to be maintained at the public expense or any improvements.
- ☐ A copy of the approved (or proposed) site layout plan with the site boundary edged red and the existing highway boundary, within the site, edged blue
- ☐ A copy of any Compulsory Purchase Order (if applicable).



If you already have planning decision, you also need to provide:

- ☐ A copy of the planning permission decision notice.
- ☐ A copy of the site layout plan(s) as approved by the above planning permission.

If you have yet to receive your planning decision you also need to provide:

- ☐ A copy of the site layout plan(s) proposal as submitted with the planning application.
- ☐ A copy of the planning application and any highway authority correspondence.



-  Area to be stopped up
-  Area to be new highway

P04	Area adjacent to bridge amended	AA	09.09.21	DJC
P03	Coordinate Points added	AA	06.09.21	DJC
P02	Stopping up areas amended	AA	03.09.21	DJC
Rev	Amendment	Drawn	Date	Checked



sanderson

associates

(consulting engineers) ltd

Highways | Traffic | Transportation | Water

T 01924 844080 mail@sandersonassociates.co.uk
F 01924 844081 www.sandersonassociates.co.uk

Project Name

Gateway MSCP
Darlington Railway Station

Drawing Title

Stopping Up Plan

Scale 1:1250	Drawn By AA
Drawing Size A3	Checked By DJC
Date August 2021	Approved By DJC
Drawing Number SGMSCP-FHT-Z0-SL-DR-H-00012	Rev P04

APPENDIX DC-SUO 3

Copy of the notice, draft order and stopping-up plan

PUBLIC NOTICE

DEPARTMENT FOR TRANSPORT

TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of a length and part width of Garbutt Square, the whole of Victoria Street, Princes Street, Albert Street, Adelaide Street and a length and part width of St John's Place at Darlington in the Borough of Darlington.

If made, the Order would authorise the stopping up only to enable development to be carried out should planning permission be granted by Darlington Borough Council. The Secretary of State gives notice of the draft Order under Section 253 (1) of the 1990 Act.

Copies of the draft Order and relevant plan will be available for inspection during normal opening hours at Dolphin Centre Leisure Centre, Horse Market, Darlington, DL1 5RP in the 28 days commencing on 8 October 2021, and may be obtained, free of charge, from the addresses stated below quoting NATTRAN/NE/S247/4865.

Any person may object to the making of the proposed order by stating their reasons in writing to the Secretary of State at nationalcasework@dft.gov.uk or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on **5 November 2021**. You are advised that your personal data and correspondence will be passed to the applicant/agent to enable your objection to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your objection.



G Patrick, Casework Manager

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (NORTH EAST) (NO.) ORDER 202

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990, ("the Act").

1. The Secretary of State authorises the stopping up of the highways described in the Schedule to this Order and shown on the plan numbered NATTRAN/NE/S247/4865, to enable development to be carried out in accordance with the planning permission granted by Darlington Borough Council, under reference
2. Darlington Borough Council shall provide new highways as proposed and detailed in the approved planning permission, development plans and associated legal agreements.
3. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.
4. This Order shall come into force on the

Signed by authority of
the Secretary of State
202

DAVE CANDLISH
An Official in the
National Transport Casework Team
Department for Transport

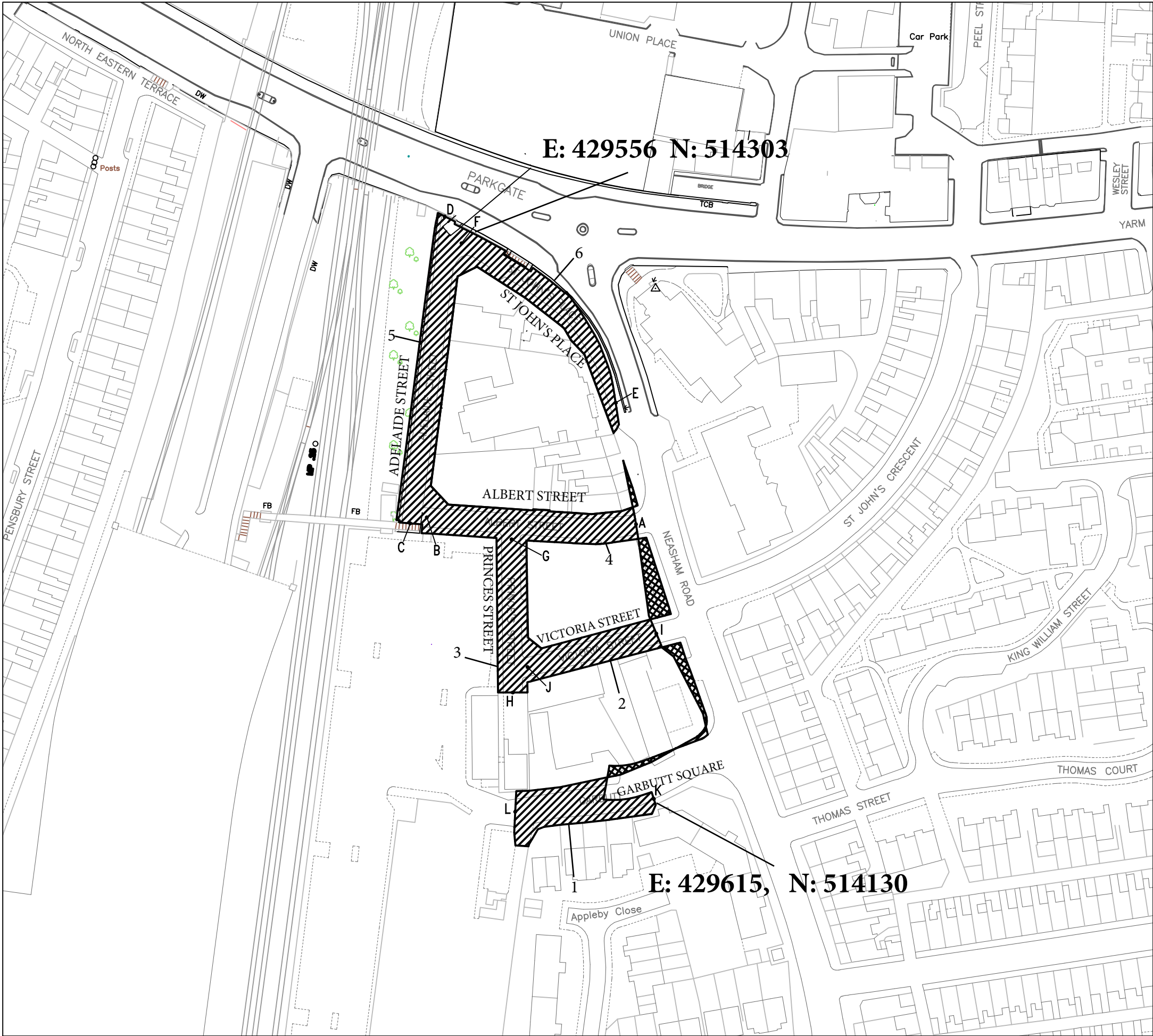
THE SCHEDULE

Description of highways to be stopped up


The highways to be stopped up are at Darlington in the Borough of Darlington, shown on the plan and are:-

1. A length and part width of Garbutt Square. It commences from grid reference E: 429615, N: 514130 extending in a westerly direction for a distance of 44 metres and having a maximum width of 17 metres (marked 1 on the plan).
2. The whole of Victoria Street (marked 2 on the plan).
3. The whole of Princes Street (marked 3 on the plan).
4. The whole of Albert Street (marked 4 on the plan).
5. The whole of Adelaide Street (marked 5 on the plan).
6. A length and part width of St John's Place. It commences from grid reference E: 429556, N: 514303 extending in a south easterly direction for a distance of 76 metres and having a maximum width of 15 metres (marked 6 on the plan).

HIGHWAYS AT DARLINGTON IN THE BOROUGH OF DARLINGTON



Key Scale 1:1250 @ A3

Highways to be
stopped up 

Proposed new
highways 

National Transport Casework
Team

Department for Transport

Plan No:
NATTRAN/NE/S247/4865

Signed by Authority of the
Secretary of State

on.....2021

Signature.....

DAVE CANDLISH
An Official in the
National Transport Casework Team
Department for Transport

APPENDIX DC-SUO 4

Copy of three Objections

Northern Gas Networks

Virgin

Marsh Howe Ltd

Who are Northern Gas Networks?

We look after the 37,000km of gas mains in your area. We don't own the gas but it's our job to transport it safely to you.

Department For Transport
Skinnerburn Road
NEWCASTLE UPON TYNE
NE4 7AR

29 September 2021

Want to talk?

If you have any questions our
Customer Care Team will be able to help:

0800 040 7766

 customercare@northerngas.co.uk

 northerngasnetworks.co.uk

Your Reference -
1400009344

Customer Reference -
NE/4865

We object to your order

Date 28th September 2021

Save text

Dear Sir/Madam,

Thank you for sending your notice dated 28th September 2021.

We have enclosed a plan showing our plant in the area of HIGHWAY AT DARLINGTON STATION GATEWAY, ALBERT STREET, DARLI. We object to the order on the grounds that the protection given to our plant may be diminished by the works you intend to carry out, under **Paragraph 4, Schedule 12, Part II of the Town and Country Planning Act 1990.**

We are willing to reconsider

If the person or authority taking possession of the land sends us **written agreement** that they will

If you'd like this information in Braille, large print or another language, please call us.

 @NGNGas  facebook.com/northerngasnetworks

Northern Gas Networks Limited is registered in England and Wales, no. 5167070.
Registered office: 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU

**we are
the network**

enter into a Deed of Grant to protect our plant, we will withdraw our objection to the Order.

If you have any questions please call us on 0800 040 77 66 and choose option 5.

Kind regards

NGN Before You Dig Team

If you'd like this information in Braille, large print or another language, please call us.



@NGNgas



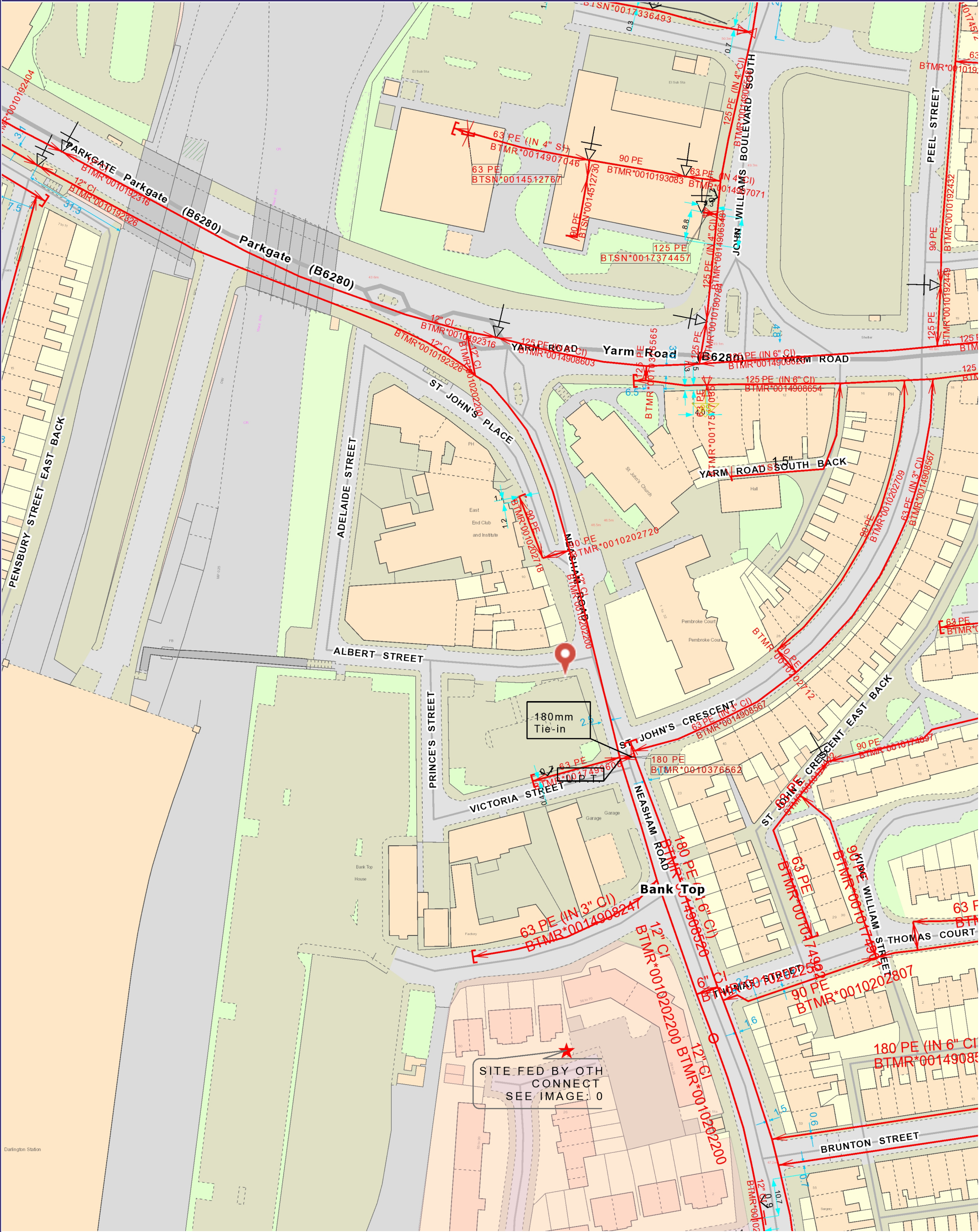
facebook.com/northerngasnetworks

Northern Gas Networks Limited is registered in England and Wales, no. 5167070.
Registered office: 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU



**we are
the network**

HIGHWAY AT DARLINGTON STATION GATEWAY, ALBERT STREET, DARLINGTON DL1 4AD



Legend

Pipes

- Intermediate Pressure
- Medium Pressure
- Low Pressure

Transmission Pipe

- Regional High Pressure

Asset Protection

- Cathodic
- Slabbed
- Sleeved

Network Plant

- Flow Stop - Open
- Flow Stop - Closed
- Valve - Open
- Valve - Closed
- Transmission Valve - Open
- Transmission Valve - Closed

Network Asset

- CP Point
- Dip Point
- Drain Point
- End Closure
- Flow Measure
- Gas Conditioner
- Governor
- MEG Point
- Meter
- OMR
- Oiling Point

Network Asset (continued)

- Pig Trap
- Pipe Joint
- Pressure Measurement
- Purge Point
- Reducer
- Stand Pipe
- Syphon
- Tee
- Test Point

Non-Network Asset

- Outlet
- Inlet
- Depth of Cover
- Crossover Connection
- Change in Material
- Change in Diameter

NTS

- IGT Area
- IGT Site
- Infilt Site
- LPG Site
- OMR's
- Contact Zone
- Environment
- SAM
- SSI

Disclaimer Information

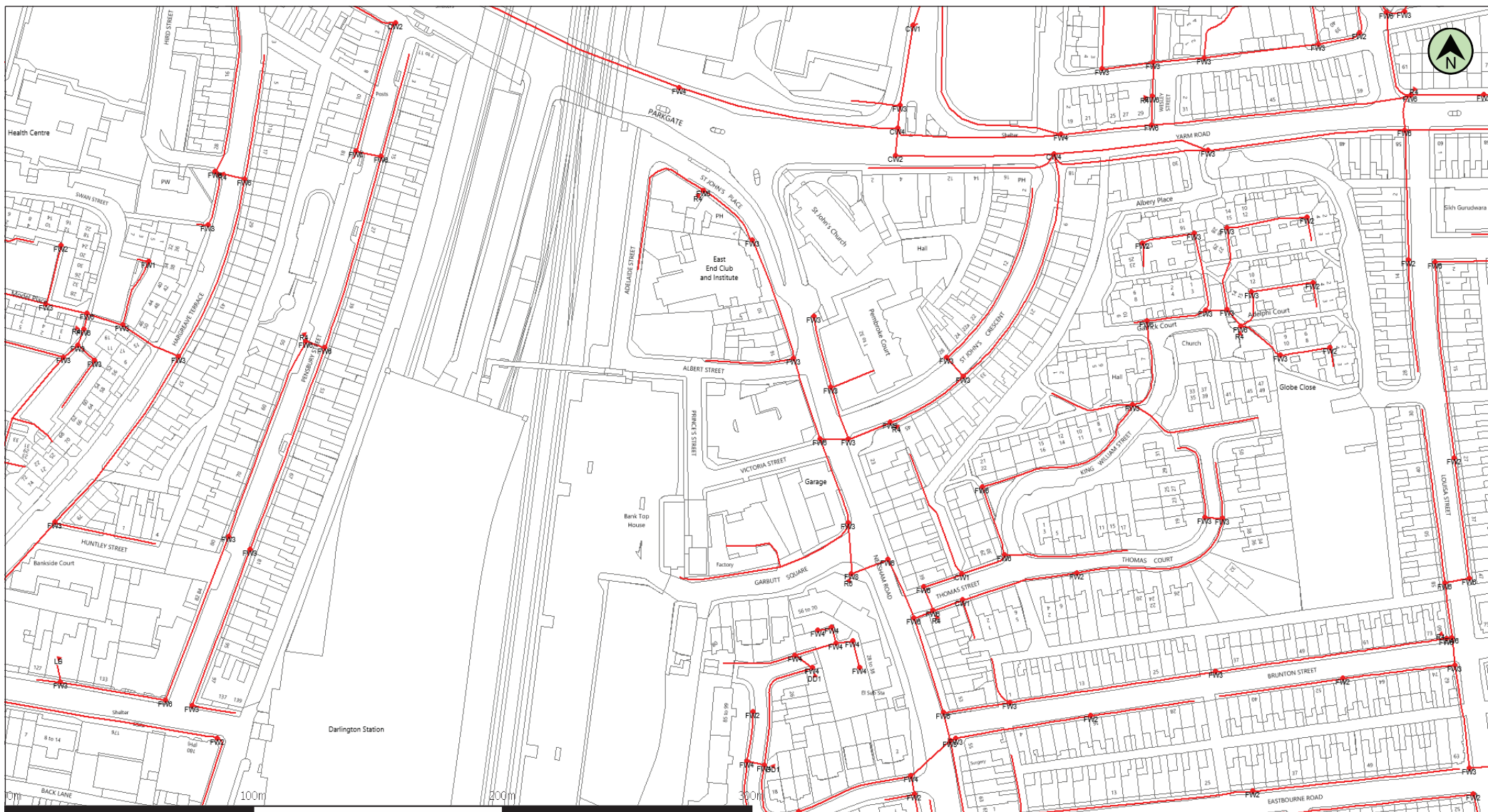
This plan shows those pipes owned by Northern Gas Networks or the relevant Gas Distribution Network in their roles as Licensed Gas Transporters (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, the relevant Gas Distribution Network, or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue. This plan is reproduced or based on the OS map by Northern Gas Networks, with the sanction of the controller of HM Stationary Office. Crown Copyright Reserved.

User ID Jennie Adams

Date 29/09/2021

Grid Ref 429588 / 514228

Northern Gas Networks



(c) Crown copyright and database rights 2021 Ordnance Survey 100019209

Date: 01/10/21

Scale: 1:2165

Map Centre: 429594,514199

Data updated: 01/08/21

Telecoms Plan A4

Important Information - please read The purpose of this plan is to identify Virgin Media apparatus. We have tried to make it as accurate as possible but we cannot warrant its accuracy. In addition, we caution that within Virgin Media apparatus there may be instances where mains voltage power cables have been placed inside green, rather than black ducting. Further details can be found using the "Affected Postcodes.pdf", which can be downloaded from this website. Therefore, you must not rely solely on this plan if you are carrying out any excavation or other works in the vicinity of Virgin Media apparatus. The actual position of any underground service must be verified by cable detection equipment, etc. and established on site before any mechanical plant is used. Accordingly, unless it is due to the negligence of Virgin Media, its employees or agents, Virgin Media will not have any liability for any omissions or inaccuracies in the plan or for any loss or damage caused or arising from the use of and/or any reliance on this plan. This plan is produced by Virgin Media Limited (c) Crown copyright and database rights 2021 Ordnance Survey 100019209.

Duct, Trench



Chamber / Pole



Cabinet



akbar.rashid@virginmedia.co.uk

VM.1188888

AFFECTED





Agreement allowing access to property to install or maintain electronic communications apparatus

This agreement is made under the electronic communications code set out in schedule 3A to the Communications Act 2003 (as amended and as may be further amended, modified, replaced or brought back into effect) ('the code').

This agreement is between us, Virgin Media Limited (company number 2591237) whose registered office is at 500 Brook Drive, Reading, RG2 6UU, an operator (as defined in the code), and you, the owner of the property (or properties) ('the property') listed in annex one of this agreement (and anyone who takes over the property or properties from you).

Your full name:.....

Your Address:.....

.....

We may need your written permission to allow us to install, operate and maintain electronic communications and media apparatus (as defined in the code) ('the apparatus'), which forms part of our electronic communications network.

Owner's declaration

If you do need written permission, I grant you the rights listed in clause 2 below, on the terms and conditions stated below for the property (or properties) listed in annex one of this agreement.

Your signature:.....

Signed:

Stewart Kirkpatrick, Head of Wayleave, for and on behalf of Virgin Media Limited

Date:

Standard Terms and Conditions

- 1) You confirm that you are the freehold owner of the property, or you lease the property under a lease for a term of a year or more and that you are entitled to grant these rights.

- 2) You grant us the right to install, operate, keep and inspect the apparatus on, over or under the property and to carry out work on the property that is necessary to install, operate, maintain, adjust, inspect, alter, add to, connect to, replace, repair, upgrade or remove the apparatus and use the apparatus, and to enter the property and access the apparatus for these purposes, in addition to any other rights granted under the code.
- 3) You grant us the right to interfere and obstruct any means of access to the property.
- 4) You grant us the right to lop or cut back or ask you to lop or cut back any tree or vegetation that interferes with the apparatus.
- 5) We will take all reasonable precautions to reduce as far as possible any physical damage when carrying out our rights under this agreement, and will repair, to your reasonable satisfaction, any physical damage we cause to the property at our own cost.
- 6) We will cover you against liability for all third-party claims, costs, proceedings and damages ('claims') arising out of us failing to keep to this agreement or being negligent in carrying out our rights under this agreement as long as you tell us about any claim as soon as possible, do not agree or settle any claim without first getting written permission from us or our insurers (which will not be unreasonably withheld or delayed), make reasonable efforts to reduce your losses, and allow us to defend the claim in your name. We will cover the cost of defending the claim.
- 7) Our liability to you under or in connection with this agreement will be limited to £10,000,000 (ten million pounds), and does not include any liability for any indirect or consequential loss (including loss of profits, business, revenue, contracts or anticipated savings). We do not restrict or limit our liability to you for death or personal injury caused by our negligence.
- 8) The apparatus will always remain our property (both while this agreement is in force and after it ends).
- 9) You must not knowingly do or allow anyone else to do anything which causes damage or is likely to damage or interfere with the apparatus.
- 10) You must give us at least six months' written notice if you plan to carry out any work which may result in removing or adjusting the apparatus
- 11) If you want to terminate this agreement, you must give us at least 18 months' written notice stating why. We have the right to serve a counter notice within 3 months' of receiving your notice to terminate, and can also apply to the court within 3 months of serving our counter notice to request that we can continue to exercise our rights under this agreement and the code.
- 12) This agreement is binding. You cannot cancel, amend or alter it without our written permission, except as stated in the code.
- 13) This agreement will remain in force from the date written above for the whole period during which we are an operator (as defined in the code).
- 14) Any notice you or we give under this agreement must be in writing and will be considered to have been given to the other if it is delivered by hand or sent by ordinary first-class post and addressed to the registered office of the other party. Any notice you send to us must be sent to our registered office and marked for the attention

of Legal Affairs. Notice delivered by hand will be effective immediately and notice sent by post will be effective 2 days after posting.

- 15) Nothing in this agreement will prevent or restrict you from altering, developing or redeveloping any buildings, property or land (you must still keep to clause 10 above and any restrictions stated in the code).
- 16) We may transfer or share the benefit of this agreement and any rights it provides with any person who the code applies to under the Communications Act 2003 (as amended, modified, replaced or brought back into effect). Where we refer to 'us', 'our' or 'we' in this agreement, this also includes anyone we transfer the rights to or share the benefits with.
- 17) You and we agree that this agreement does not create a relationship of landlord and tenant.
- 18) This agreement is governed by laws of England and Wales.
- 19) You and we agree to submit to the exclusive jurisdiction of the courts of England as regards any disputes or claims arising out of this agreement.
- 20) Unless we tell you otherwise and except as stated in the code, nothing in this agreement will give any person any rights under the Contracts (Rights of Third Parties) Act 1999.
- 21) In the event of any inconsistency between this Agreement and any provision of the code, the code will prevail.

Annex one

(Please list the property or properties)

PROPOSED STOPPING UP OF HIGHWAY AT DARLINGTON STATION GATEWAY, ALBERT STREET, DARLINGTON DL1 4AD



National Transport Casework Team
2nd Floor Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle-upon-Tyne
NE4 7YH

Virgin Media
Unit 1 to 12 and Link
Mayfair Business Park
Bradford
BD4 8PW

01/10/2021

Your Ref: NATTRAN/NE/S247/4865

Our Ref: VM.1188888

Dear Casework Team,

OBJECTION – STOPPING UP OF HIGHWAY AT DARLINGTON STATION GATEWAY,
ALBERT STREET, DARLINGTON DL1 4AD

Thank you for your recent email informing us of the proposed stopping up of the Highway.

I write to advise you that Virgin Media has electronic communications apparatus located within the Highway to be stopped up if the Order is made.

Virgin Media Limited has rights in respect of its apparatus in, on or under the Highway pursuant to section 334 of the Highways Act 1980 (as amended by the Telecommunications Act 1984, Schedule 4, paragraph 76(4)) and paragraph 21 of Schedule 2 of the Telecommunications Act 1984 (as amended by schedule 3 to the Communications Act 2003) (the "code").

Virgin Media Limited wishes to retain its apparatus in, on or under the Highway and wishes to apply for a Wayleave Agreement to protect its apparatus and vehicular access thereto in future.

I enclose a plan showing highlighted the position our apparatus. I would be obliged if you would arrange for the applicant to contact us so a Wayleave Agreement can be completed and signed on behalf of the owner.



However, should it transpire that our apparatus requires relocating, due to development and demolishment, then please advise the applicant to contact our Network Alterations Centre on diversionary@virginmedia.co.uk or write to Network Alterations Centre, Virgin Media, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL or telephone 0800 408 0088 where the cost to relocate our apparatus will be provided.

With this in mind, we wish to register an objection to the making of this order and we will only remove this objection once the applicant has informed us which option they wish to pursue regarding our network.

I trust that this is in order and I look forward to hearing back on this matter in due course. In the meantime should you require any further information please do not hesitate to contact me.

Yours sincerely

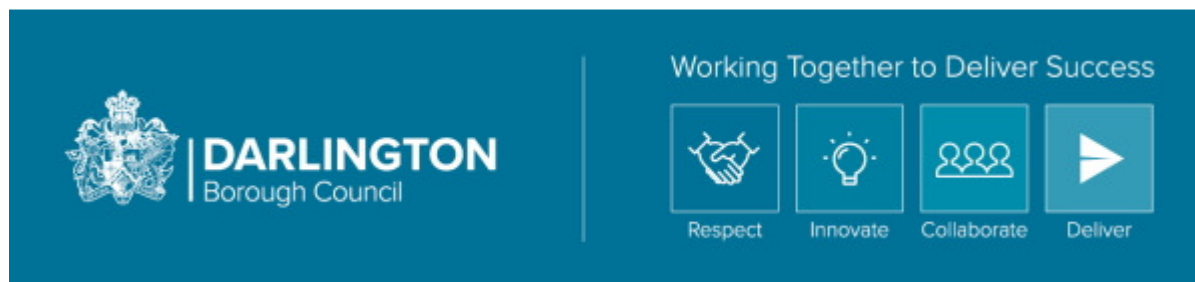
Ryan Hudson
Plant Enquiries Team Manager
Virgin Media
Email: Ryan.Hudson@Virginmedia.co.uk
Tel: 02037063279

Mob: 07967368815 5

5

E5 ail: Richard.S5or5y@darli5g5o5.gov.5k 5

www.darli5g5o5.gov.5k 5



-----Original Message----- 5

From : Nil Crass <N5il.Crass@df5gov.5k> 5

S5 : 09 Nov5 b5r 2021 11:46 5

To: Richard S5or5y <Richard.S5or5y@darli5g5o5.gov.5k> 5

S5bj5c5: FW: propos5d s5oppi5g 5p of Highway 5

5

D5ar Richard 5

5

Pl5as5 fi5d a5 ach5d / 5 clos5d a5 obj5c5o5 w5 hav5 r5c5iv5d 5o 5h5s5 s5oppi5g 5p proposals, fro5 Marsh How5 5 L5d. 5

5

I wo5ld b5 gra5 f5l if yo5 [or yo5r cli5] co5ld g5 i5 5o5ch wi5h 5h5 obj5c5or dir5c5y 5o disc5ss 5h5ir co5c5r5s a5d 5 k5 p 5s i5for5 d of a5y progr5ss. If 5 a5 rs ar5 r5solvd 5o 5h5ir sa5sfac5o5, 5h5y will 5 d 5o co5fir5 5o 5s 5ha55 h5y 5o lo5g5r obj5c5. 5

5

Pl5as5 also b5 awar5 5ha5if a s5oppi5g 5p Ord5r b5co5 s 5h5 s5bj5c5 of a P5blic l5q5iry (PI), all corr5spo5d5 c5 is 5 pass5d 5o 5h5 PI l5sp5c5or a5d 5 ay b5 p5blicly availabl5 5o a5yo5 wi5h a5 i5 r5s5i5 5h5 PI. 5

5

Ki5d r5gards 5

5

N5il Crass 5

Na5o5al Tra5spor5Cas5work T5a5 5

5

N5il Crass 5

Cas5work Offic5r, Na5o5al Tra5spor5Cas5work T5a5 5

5

D5par5 for Tra5spor55

Gro5 d Flr, Ty5 sid5 Ho5s5 Ski5 rb5r5 Road N5wcas55 B5si5 ss Park, N5wcas55 Upo5 Ty5 , NE4 7AR 5

5

07812 482760 5

5

Pl5as5 o5 ha5i a5 o c5rr5 ly co5 ac5abl5 by 5 l pho5 5

5

-----Original Message----- 5

From : Jo5a5ha5 Marsh <jo5a5ha5c5_arsh@iclo5d.co5> 5

S5 : 05 Nov5 b5r 2021 16:25 5

To: NATIONALCASEWORK <NATIONALCASEWORK@df5gov.5k> 5

S5bj5c5: R5: propos5d s5oppi5g 5p of Highway 5

5

Tow5 a5d Co5 ry Pla5 i5g Ac51990 - S5c5o5 247 Propo5d S5oppi5g 5p of Highway a5Darli5g5o5 S5a5o5 Ga5 way, Alb5r5S5r5 , Darli5g5o5 DL1 4AD OS Grid R5f5r5 c5: E; 429610 N: 514216 5

5

R5gardi5g 5h5 abov5 5o5c5 w5 obj5c55o 5h5 o5 5h5 gro5 ds 5ha5if w5 hav5 5o5co5cl5d5d 5h5 p5rchas5 of o5r si5 , 5
his wo5ld b5 5o 5h5 d5 r5 of 5h5 op5ra5o5 of o5r pay a5d display car park, a5d wo5ld 5ff5c5v5ly clos5 wha5is 5
a5 5xis55g car park. 5
5
R5gards, 5
5
5
5
Jo5a5ha5 Marsh 5
Dir5c5or 5
Marsh How5 L5d. 5
5

This 5 ail has origi5a5 d fro5 5x5 r5al so5rc5s a5d has b5 sca5 d by DfT's 5 ail sca5 i5g s5rvic5. 5

5

***** 5

Th5 i5for5 a5o5 i5 5h5 5 ail 5 ay b5 co5fid5 ial or o5h5rwi5 pro5 c5 d by law. If yo5 r5c5iv5d i5i5 5rror, pl5as5 l5
s k5ow by r5 r5 5-5 ail a5d 5h5 d5l5 i5i5 dia5 ly, wi5ho5 pri5 i5g or passi5g i5o5 5o a5ybody 5ls5. 5
l5co5 i5g a5d o5 goi5g 5-5 ail 5 ssag5s ar5 ro5 i5 ly 5 o5i5or5d for co5 plia5c5 wi5h o5r policy o5 5h5 5s5 of 5
l5c5ro5ic co5 ica5o5s a5d for o5h5r lawf5l p5rpos5s. 5

DISCLAIMER

1. Any opinions or statements expressed in this e mail are those of the individual and not necessarily those of Darlington Borough Council.

2. This e mail and any files transmitted with it are confidential and solely for the use of the intended recipient.

If you receive this in error, please do not disclose any information to anyone and notify the sender at the above address.

3. Darlington Borough Council's computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes.

4. Although we have endeavoured to ensure that this e mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

APPENDIX DC-SUO 5

Inquiry Notice and Letter dated 1 December 2021

PUBLIC NOTICE

DEPARTMENT FOR TRANSPORT

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE is hereby given that a Public Local Inquiry will be held by an Inspector appointed for the purpose by the Secretary of State for Transport into his proposal to make an Order under Section 247 of the above Act to authorise the stopping up of a length and part width of Garbutt Square, the whole of Victoria Street, Princes Street, Albert Street, Adelaide Street and a length and part width of St John's Place at Darlington in the Borough of Darlington in order to enable development to be carried as permitted by Darlington Borough Council, under reference 21/00688/DC.

THE INQUIRY will be held at Central Hall, Dolphin Centre, Horsemarket, Darlington, DL1 5RP commencing at 10:00am on 18 January 2022 and will be held in conjunction with The Darlington Borough Council (Darlington Station Gateway) Compulsory Purchase Order 2021.

Neil Crass
On behalf of the Department for Transport

NATTRAN/NE/S247/4865



Department
for Transport

Mr R Storey
Darlington Borough Council
Rm 417
Town Hall
Darlington DL1 5QT

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Your Ref:

Our Ref: NATTRAN/NE/S247/4865

Date: 1 December 2021

www.gov.uk

Email: nationalcasework@dft.gov.uk

Dear Mr Storey

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 247
PROPOSED STOPPING UP OF HIGHWAY AT PROPOSED STOPPING UP OF HIGHWAY
AT DARLINGTON STATION GATEWAY, ALBERT STREET, DARLINGTON DL1 4AD OS
GRID REFERENCE: E: 429610 N: 514216**

NOTIFICATION OF PUBLIC INQUIRY

I refer to recent correspondence in relation to the above mentioned proposed stopping up Order and the objections that have been received.

I am writing to advise you that the Secretary of State for Transport has appointed an Inspector to hold a Public Inquiry into the above proposed Order. I attach a copy of the Notice confirming the date, venue and commencement time of the Inquiry. The inquiry is expected to last 4 days.

The Notice will be published in the Northern Echo on the 28 December 2021.

A copy of your correspondence will be sent to the Inspector who is to conduct the Public Inquiry into the proposed Order.

ACTIONS FOR YOU

There are a number of actions we require you to take to ensure the legislation is followed correctly. Failure to comply with these requirements may result in a considerable delay to the inquiry.

Will you therefore please:-

- arrange for a copy of the Inquiry notice to be displayed in a prominent position at each end of the highway to be stopped up on or before **28 December 2021**. It is essential that these are in place and located in the correct position.
- complete the attached certificate once the Inquiry notices have been posted on site and return it to this office.

- send a copy of the full page from the Northern Echo, showing the Public Inquiry notice.

WRITTEN STATEMENT [OF CASE]

Although Inquiries into these types of Orders are not governed by particular Inquiry Rules, it is helpful to the Inquiry proceedings, and to avoid any potential for delays thereat, if written statements which the parties intend to rely upon to present their case are exchanged ahead of the Inquiry and a copy provided to the Inspector ahead of the Inquiry opening.

If you are going to provide an additional statement, you are requested, therefore, to provide a copy of your written statement [of case], as applicant for the Order, to this office by no later than the 20 December 2021 and at such time send a copy of that statement to the objectors.

I look forward to receiving your written statement in due course. In the meantime, should you have any questions regarding this letter, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Neil Crass', with a stylized flourish at the end.

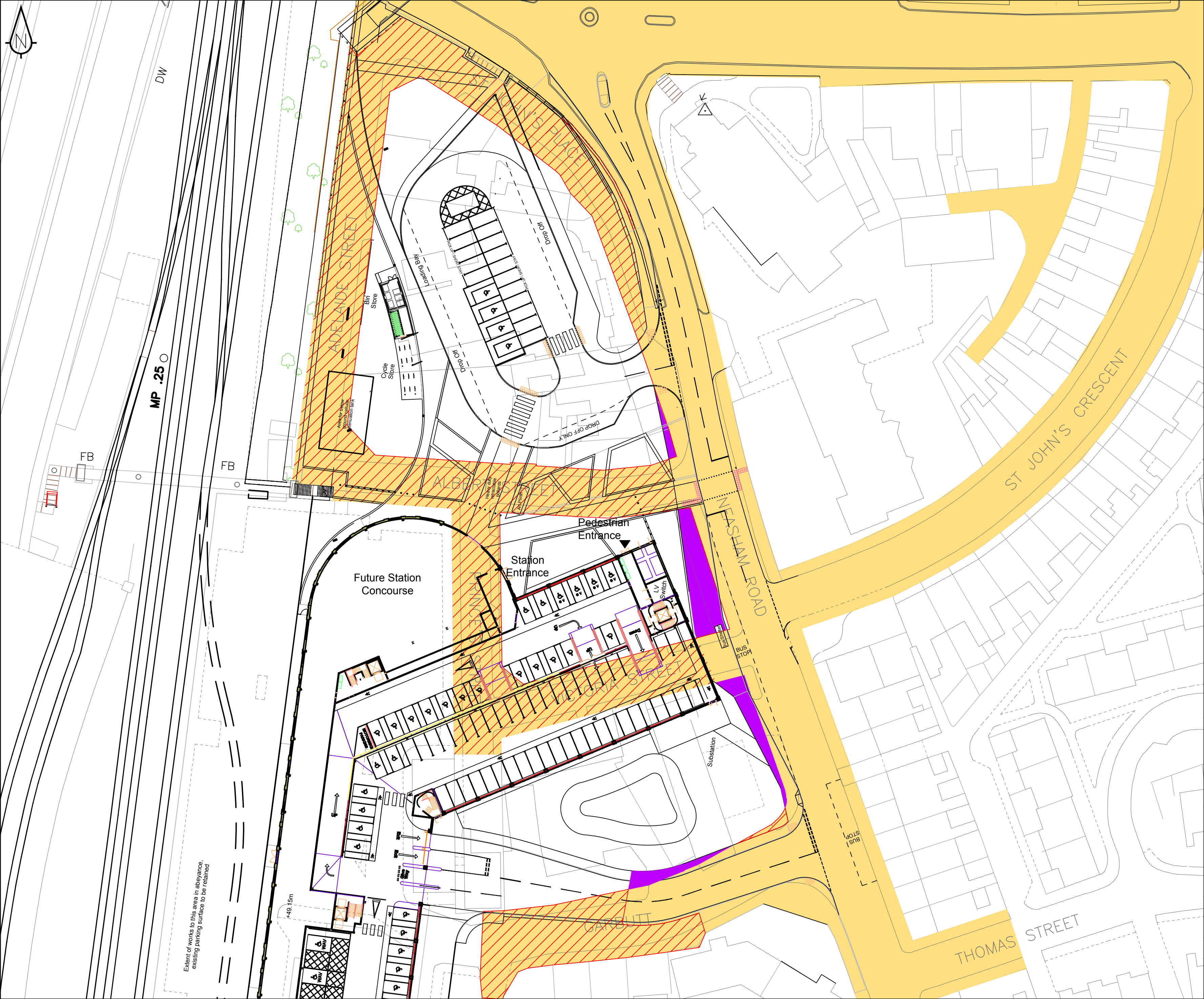
Neil Crass
National Transport Casework Team

Enc

APPENDIX DC-SUO 6

SGMSCP-FHT-Z0-SL-DR-H-00005 P06 – Areas of Highway to be Stopped – up and Created

SGMSCP-FHT-Z0-SL-DR-H-00012 P05 – Stopping Up Plan



Key

- Existing adopted highway
- Highway to be stopped up
- Area to be offered for adoption

P06	Area amended	AA	15.09.21	DJC
P05	Layout updated	AA	09.09.21	DJC
P04	Layout updated	AA	06.09.21	DJC
P03	Layout updated	AA	28.05.21	DJC
P02	Layout updated	AA	20.04.21	DJC
P01	Layout updated	AA	23.03.21	DJC

Rev	Amendment	Drawn	Date	Checked

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(consulting engineers) Ltd
Highways | Traffic | Transportation | Water
T 01924 844080 mail@sandersonassociates.co.uk
F 01924 844081 www.sandersonassociates.co.uk

Client

WILLMOTT DIXON

Project Title



Gateway MSCP
Darlington Railway Station

Drawing Title

Areas of Highway to be
Stopped-Up and Created

Scale 1:500	Drawn By AA
Drawing Size A2	Checked By KS
Date 09.12.2020	Approved By KS
Drawing Number SGMSCP-FHT-Z0-SL-DR-H-00005	Rev P06



-  Area to be stopped up
-  Area to be new highway

P05	Area adjacent to bridge amended	AA	15.09.21	DJC
P04	Area adjacent to bridge amended	AA	09.09.21	DJC
P03	Coordinate Points added	AA	06.09.21	DJC
P02	Stopping up areas amended	AA	03.09.21	DJC

Rev	Amendment	Drawn	Date	Checked
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F 01924 844081 www.sandersonassociates.co.uk

Project Name

Gateway MSCP
Darlington Railway Station

Drawing Title

Stopping Up Plan

Scale 1:1250	Drawn By AA
Drawing Size A3	Checked By DJC
Date August 2021	Approved By DJC

Drawing Number	Rev
SGMSCP-FHT-Z0-SL-DR-H-00012	P05

APPENDIX DC-SUO 7

Copy of Planning Decision Notice 21/00688/DC



Town Hall, Darlington DL1 5QT
DX 69280 Darlington 6
www.darlington.gov.uk

To: Mr Joshua Treverton
Napper Architects Ltd
3 Waterloo Square
Newcastle Upon Tyne
NE1 4DR

Ref: 21/00688/DC

NOTICE OF GRANT OF PLANNING PERMISSION

Your application received 9 June 2021 on behalf of Mr Dave Winstanley Darlington Borough Council, Town Hall, Feethams, Darlington, DL1 5QT

For Demolition of existing buildings and erection of station building with concourse, multi-storey car park, transport interchange, public realm and highways works and alterations to boundary wall (Additional Bat Survey Report received 27 August 2021) at Darlington Station Gateway East,

Is hereby **granted** planning permission under Regulation 3 of the Town & Country Planning General Regulations 1992, subject to the following conditions:-

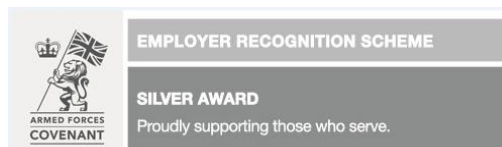
- 1 The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- a) SGMSCP-NAP-Z1-ZZ-DR-A-00001 P2 - Location Plan
- b) SGMSCP-NAP-Z1-00-DR-A-00010 P5 - Site Plan
- c) SGMSCP-NAP-Z0-XX-DR-A-90001 P6 - Landscape General Arrangement
- d) SGMSCP-NAP-Z1-00-DR-A-01000 P11 - Level 00-01
- e) SGMSCP-NAP-Z1-02-DR-A-01002 P9 - Level 02-03
- f) SGMSCP-NAP-Z1-04-DR-A-01004 P9 - Level 04-05
- g) SGMSCP-NAP-Z1-06-DR-A-01006 P9 - Level 06-07
- h) SGMSCP-NAP-Z1-08-DR-A-01008 P9 - Level 08-09
- i) SGMSCP-NAP-Z1-XX-DR-A-02000 P5 - East Elevation
- j) SGMSCP-NAP-Z1-XX-DR-A-02001 P5 - North East Elevation
- k) SGMSCP-NAP-Z1-XX-DR-A-02002 P5 - North West Elevation

continued overleaf/...



- l) SGMSCP-NAP-Z1-XX-DR-A-02003 P5 - South East Elevation
- m) SGMSCP-NAP-Z1-XX-DR-A-02004 P5 - West Elevation
- n) SGMSCP-NAP-Z1-XX-DR-A-02005 P5 - South Elevation
- o) SGMSCP-NAP-Z1-XX-DR-A-03000 P15 - GA Sections Block A
- p) SGMSCP-NAP-Z1-XX-DR-A-03001 P14- GA Sections Block B
- q) SGMSCP-NAP-Z1-XX-DR-A-03002 P6 - GA Sections Station
- r) SGMSCP-NAP-Z0-XX-DR-A-00020 P4 - Site Sections
- s) SGMSCP-FHT-Z0-SL-DR-C-00001 P5 - Proposed Drainage Layout
- t) SGMSCP-FHT-Z0-SL-DR-C-00101 P3 - S278 Works General Arrangement
- u) SGMSCP-FHT-Z0-SL-DR-H-00002 P4 - Non Motorised User Plans
- v) SGMSCP-FHT-Z0-SL-DR-H-00005 P4 - Areas of highway to be Stopped
- w) SGMSCP-FHT-Z0-SL-DR-H-00007 P4 - Proposed Access Arrangements
- x) SGMSCP-FHT-Z0-SL-DR-H-00008 P4 - Garbutt Sq. Swept Path
- y) SGMSCP-FHT-Z0-SL-DR-H-00009 P3 - Access Swept Path
- z) SGMSCP-FHT-Z0-SL-DR-H-00010 P3 - Access Arrangements Swept Path
- aa) SGMSCP-FHT-Z0-SL-DR-H-00011 P3 - Garbutt Sq. Swept Path
- bb) SGMSCP-FHT-Z0-SL-DR-H-00012 P3 - Stopping Up Plan

REASON - To ensure the development is carried out in accordance with the planning permission

- 3 No building shall be constructed above damp proof course until precise details of the materials to be used throughout the development (buildings and public realm) hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development

- 4 No building shall be constructed above damp proof course until precise details of a lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development and the wider street scene, residential amenity and to protect biodiversity.

- 5 Prior to the demolition of the stone retaining wall on Neasham Road/Parkgate, precise details of the design and materials to be used in the replacement means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development

Continued overleaf/...

- 6 No building shall be constructed above damp proof course until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include a management plan for the scheme and upon approval of such scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

- 7 No building shall be constructed above damp proof course until fully detailed highway design information has been submitted to and approved in writing by the Local Planning Authority. The information shall include the precise details of all works within the public highways and works intended for adoption by the Highways Authority. Details should include phasing of works, material specifications, surface finishes, tie-in details, construction standards/pavement makeup. Details should also include level/gradient information of all pavements and roads. Precise details of signing and lining works. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety.

- 8 No building shall be constructed above damp proof course until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority

REASON: In the interests of highway safety.

- 9 A Road Safety Audit shall be carried out for all of the highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit

REASON: In the interests of highway safety.

- 10 No building shall be constructed above damp proof course until precise details of the cycle storage building have been approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include the number of cycles, the location and design of the building, the type of cycle stan, security measures and the future maintenance of the building. The cycle stand shall be in place prior to the occupation of the building and retained thereafter.

Continued overleaf/...

The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of promoting sustainable modes of transport

- 11 No buildings shall be built above damp-proof course level, until a scheme of proposals for reducing carbon emissions has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To achieve a satisfactory form of development in the interests of climate change.

- 12 No building shall be constructed above damp proof course until precise details of the bin stores have been approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, the location and design of the stores. The bin stores shall be in place prior to the occupation of the building and retained thereafter. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the general amenity of the development

- 13 Prior to the installation of any fixed mechanical ventilation system associated with the development hereby approved the details shall be submitted to and agreed in writing with the Local Planning Authority. The ventilation system thereby agreed, shall achieve noise levels in excess of 5dB below the background noise level (LA90, T) when assessed in accordance with BS:4142. The agreed ventilation system shall thereafter be retained and maintained throughout the lifetime of the development

REASON: In the interest of safeguarding the amenities of the neighbouring properties.

- 14 Prior to the commencement of the any phase of the development, including demolition, a site specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

Continued overleaf/...

- b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites".
- c. Construction Traffic Routes, including parking areas for staff and visitors.
- d. Details of wheel washing.
- e. Road Maintenance.
- f. Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON: In the interests of highway safety and residential amenity

- 15 No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority

REASON: In the interests of highway safety and residential amenity

- 16 If piled foundations are incorporated into the development hereby approved, details of the piling method including justification for its choice, means of monitoring vibration, and groundwater risk assessment if necessary, in accordance with recognised guidance, shall be submitted and agreed in writing by the Local Planning Authority prior to works starting on site. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: In the interests of the amenity of the area

- 17 No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:
- a) Methodologies for a Historic England-style Level 2 building record prior to any conversion works or stripping out of fixtures and fittings.
 - b) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
 - c) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - d) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Continued overleaf/...

The development shall then be carried out in full accordance with the approved details.

REASON To comply with National Planning Policy Framework 2021 as the buildings are non-designated heritage assets

- 18 The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON: To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

- 19 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Layout" dated "25/01/2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6101 and upstream of 6204 and ensure that surface water flows discharge to the combined sewer at manholes 6101 and slightly upstream of manhole 6204. The surface water discharge rate at each connection point shall be restricted to 2.5l/sec. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2021

- 20 The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details.

- a) Lead Flood Authority Validation Checklist
- b) Detailed design of the surface water management system.
- c) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- e) A management plan detailing how surface water runoff from the site will be
 - a. managed during the construction phase.
- e) Details of adoption responsibilities.

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework 2021

Continued overleaf/...

- 21 The development hereby permitted shall only be carried out in complete accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 4th June 2021 and the following mitigation measures detailed within the FRA

- a. Discharge to NWL combined sewers restricted to 5l/s
- b. 708m³ of storage provided.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

- 22 The building hereby approved shall not be brought into use until: -

- a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building.
- b) Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

REASON: To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development

- 23 Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

Continued overleaf/...

- 24 Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

- 25 Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

- 26 The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

Continued overleaf/...

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

- 27 The development shall not be carried out otherwise than in complete accordance with the Tree Protection Plan and Arboricultural Method Statement contained within the document entitled "BS5837 Tree Survey - Darlington MSCP" dated December 2020 and produced by Eco North unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the visual appearance of the development

- 28 The development shall not be carried out otherwise than in complete accordance with the Mitigation and Compensation Strategy contained within the submitted document entitled "Preliminary Ecological Appraisal & Bat Roost Assessment Darlington MSCP" dated June 2021 and produced by Eco North unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity and habitats

- 29 The development shall not be carried out otherwise than in complete accordance with the Mitigation and Compensation Strategy contained within the submitted document entitled "Bat Survey Report Darlington Multi Story Car Park" dated August 2021 and produced by Eco North unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity and habitats

INFORMATIVES:

Highways

The Developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 Agreement

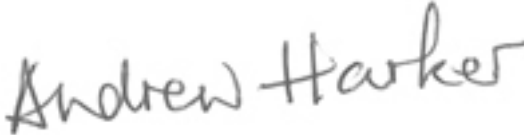
Prior to commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

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An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652) to discuss this matter.

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Engineering (contact Mr. C. Easby 01325 406707) to discuss the introduction of Traffic regulation Orders in connection to revised parking restrictions and bus stop areas.

The Developer is required to enter into an agreement under Section 59 of The Highways Act 1980 prior to commencement of the works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard The Public Highway from damage caused by any Construction Traffic serving your development. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter

Signed: 
signed on behalf of
the Head of Planning, Development and Environmental Health

Date: 29 September 2021

In arriving at this decision the Local Planning Authority has had full regard to the National Planning Policy Framework (paragraph 38).

Details of your rights of appeal against this decision and any relevant notes are attached.

PLEASE ENSURE THAT YOU HAVE ALL NECESSARY CONSENTS BEFORE COMMENCING THE DEVELOPMENT, INCLUDING ANY NECESSARY APPROVAL UNDER THE BUILDING REGULATIONS, 2010 (as amended)

THIS IS AN IMPORTANT DOCUMENT AND TOGETHER WITH ANY ACCOMPANYING PLANS, SHOULD BE PLACED WITH THE DEEDS.