

THE BOROUGH OF DARLINGTON (DARLINGTON STATION GATEWAY) CPO 2021

OBJECTION RELATING TO UNIT 43

1. An objection was made on 19 March 2021 on behalf of Paul Million and Adam Watson the freehold owners of plot 43, being 1 - 4 Park Lane and 1 Waverley Terrace, Darlington.
2. The Council as AA served evidence on 17 December 2021. This Statement is to clarify the Objectors position in light of that evidence and is to be read alongside the Objection Letter of 19 March 2021.
3. The individual objections are identified by reference to the table in Mr Adamson's proof at pages 13 & 14. The objections are now numbered 1 to 10.
4. The objectors will rely on the letter provided by Gavin Snowball BSc (Hons) MSc MTPS MSoRSA HE RSA Cert Comp, Director of Dynamic Transport Planning, in relation to highway matters.

TIMELINE

24 February 2019	Objectors informed their land is potentially affected by CPO
28 January 2021	Order Made Statement of Reasons Appendix 2 - unit 43 not required for road alignment Appendix 6 – different road scheme
12 February 2021	Formal Notice of Order served
19 March 2021	Objection duly made Objectors seek clarification on need for plot 43
June 2021	Planning Application made for Western Gateway
12 October 2021	CPO Statement of Case served
22 October 2021	Planning Permission granted for western gateway scheme
17 December 2021	Proofs of Evidence served by AA

OBJECTIONS RESOLVED

5. The Proof of Evidence of Richard Adamson sets out the objections relating to unit 43 [1-10] and the evidence to the Public Inquiry to resolve them.

Objection 1 – Outstanding objection by NR and LNER undermines expediency

6. On 2 December 2021 NR withdrew its objection to the Scheme [see RA Para 4.4.1]. On 17 December (the date on which objectors evidence should have been served) LNER withdrew its overarching objection to the Scheme. The late withdrawal of objections by the majority landowners and facilitators of the improved railway and transport interchange is to be regretted. However in the circumstances the Objectors do not pursue a general objection on the grounds of lack of expediency.

Objection 4 – Lack of planning permission for the Scheme

7. This issue was resolved by the granting of permission on 22 October 2021.

OUTSTANDING OBJECTIONS

8. Firstly the Objectors fully support the principle of upgrading Darlington Station and providing an improved transport interchange. It is accepted that this will bring benefits to Darlington and the area.

Objection 2

9. It is the lack of specific justification for the taking of plot 43 which remains at issue. The evidence of Richard Adamson is that the “specific land take was chosen to meet the identified engineering and design requirements” - §4.1.7. This is not demonstrated on the papers, as the Western Gateway was designed after the Order was made and was not granted permission until October 2021.
10. The objectors rely on the evidence of Gavin Snowball BSc (Hons) MSc MTPS MSoRSA HE RSA Cert Comp, Director of Dynamic Transport Planning. Mr Snowball has undertaken a high-level review of the scheme and evidence of David Colley and makes points which require resolution by the AA.
11. In particular Mr Snowball notes that the aim of the scheme is to improve the existing substandard junction of Park Lane and Victoria Road. However the highway scheme granted permission in October 2021 proposes to link Park Lane directly to Pensbury Terrace which misses the primary aim of the scheme. Further the tracking diagrams produced by Mr Colley show that the small radius of the proposed junction would require buses approaching from Park Lane to wait against the priority junction to allow any vehicles approaching to turn right.

12. Mr Snowball has reviewed the options to realign the existing bend in Victoria Road / Park Lane and finds that these should not have been prematurely discounted. His view is that a combination of various elements of these options could better achieve the overall aim of improving Park Lane and Victoria Road.
13. The scheme requires a turning head at the end of Waverley Terrace (which was not shown in the earlier options). Mr Colley accepts that this could be provided on the Cattle Market site but asserts that this would impact on three trees. Given the Cattle Market site is in the control of the AA this option should have been further explored before seeking compulsory acquisition of unit 43.

Objections 3 & 9

14. These objections are taken together as they relate to the claimed benefits and funding, particularly of the Western Gateway element. The letter from Network Rail supporting the scheme states that funding is in place from the Rail Network Enhancements Pipeline (RNEP) for enhancements to the track and platforms, including £8.7m of committed funding to progress design work on the project. However further funding is not guaranteed but is "anticipated" and subject to approval of the business case. It is incumbent on the AA (and its partners) to demonstrate overall funding of the project to justify the expediency of the CPO.
15. When the Order was made in 2021 the Statement of Reasons attributed funding of the Station Enhancements of the western gateway and public realm to the Towns Fund [§8.10]. An objection was made in March 2021 on the basis that the funding of this element was not proven. The funding of this does not appear to be addressed in the Statement of Case or by any of the witnesses. Therefore the AA has still not proven that funding is in place for the western gateway enhancements or that these improvements will be delivered. However the benefits of these elements are claimed as benefits arising from the CPO.

Objection 5 & 10

16. The justification for the western gateway public realm is in terms of local and neighbourhood benefits (social benefits). The Objectors case remains that these benefits are desirable as opposed to necessary and have not been quantified, as accepted by the Council in its Statement of Reasons. Jonathan Spruce asserts that the public realm improvements will increase inclusivity and perceived safety of the station and improve amenity for neighbouring occupiers [Table 5.2 Social Impact Assessment].
17. The social benefits of the overall scheme are not questioned. However the AA's evidence does not directly address the objection, that the western gateway public

realm could be delivered without taking unit 43. Therefore the *need* to include unit 43 in the CPO is not made out.

Objection 6

18. This objection is that the link between the new transport links (which are accepted as being positive for the area) and the western gateway are ill-defined. The quantitative value of the transport benefits is also accepted as set out in Table 5.2 of Jonathan Spruces evidence. However there is no detailed design for the public realm and no proven funding it is difficult to see evidence of the qualitative benefits.

Objection 7

19. The Objectors maintain that an alternative scheme, in particular a different highway design and western gateway public realm, could deliver similar benefits without the acquisition of plot 43. Richard Adamson states that this point will be addressed by Waugh, Dodd and Colley [table at 4.4.4]. However neither Mr Waugh nor Mr Dodd address this point. Mr Colley leads evidence that the current option is better and "more fully meets the primary objectives". However given the current option fails to provide any dropping off facilities on the western side (see Colley para 4.8.4) this assertion is not substantiated by evidence.

Objection 8

20. It is accepted that plot 43 is not actively in residential use and Richard Adamson is correct in his response to this point [RA §4.4.9]. The AA rely on the evidence of Mr Spruce on the outstanding human rights point and proportionality. The objectors maintain that acquisition of unit 43 will deprive them of their business interests in the remainder of the land and buildings. However it does not appear from the proof of evidence that Mr Spruce has addressed objection 8 at all.

CONCLUSION

21. On light of the above the objectors maintain that the AA has not satisfactorily demonstrated that the CPO is expedient or that the purpose for the scheme could not be achieved by an amended scheme for the Western Gateway which does not require the compulsory acquisition of Unit 43.

MISS NICOLA ALLAN
Trinity Chambers
Newcastle upon Tyne

Dated this seventh day of January 2022