

Northumberland Line

Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

Rule 10(6)

Request for Direction Under Section 90(2a) of the Town and Country Planning Act 1990



Northumberland
County Council

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006

THE NORTHUMBERLAND LINE ORDER 202[*]

**REQUEST FOR DIRECTION UNDER SECTION 90(2A) OF THE TOWN AND COUNTRY
PLANNING ACT 1990**

To: The Secretary of State for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

1. Northumberland County Council ("**NCC**") requests, pursuant to rule 10(6) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (the "**2006 Rules**"), a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 ("**the 1990 Act**") that planning permission be deemed to be granted for the development sought to be authorised by the above mentioned Order now being applied for within the various limits provided for in the draft Order and the accompanying plans.
2. The proposed Order relates to the 'Northumberland Line' project which will re-introduce passenger rail services to the existing railway line between Ashington in the County of Northumberland and Newcastle.
3. The majority of development required in connection with the project is proposed to be permitted by planning permissions granted under the 1990 Act by the relevant local planning authorities (NCC and North Tyneside Council) or by way of 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015. These works include the construction of six new stations at Ashington, Bedlington, Blyth Bebside, Newsham, Seaton Delaval and Northumberland Park, new crossings over and beneath the railway, and works to the railway apparatus within the railway corridor.
4. The proposed Order authorises a range of matters to facilitate the delivery of the project including the compulsory acquisition of land and rights, temporary use of land for construction works, closure of level crossings and the diversion and closure of public rights of way, and a limited range of ancillary works.
5. The following ancillary works authorised by the proposed Order comprise works that are or may be development requiring planning permission under section 57(1) of the 1990 Act:

Proposals

Draft Order article

Works to provide public rights of way

Article 3(a)(i)

Works to provide temporary diversions to public rights of way

Article 3(a)(ii)

Works to provide parking bays for vehicles, including the alteration of any adjacent street

Article 3(b)

Works required to (i) erect and construct temporary worksites, including lay down and storage areas, offices and other buildings, yards, slab, cranes, plant and machinery, apparatus, fencing, and other works and conveniences; and (ii) provide temporary haul roads Article 3(c)

Works to facilitate the carrying out of surveys and investigations on land Article 4

Works to facilitate the discharge of water Article 5

Works to trees Article 6

Works to form and lay out (or alter or improve) means of access Article 12

Street works Article 13

6. NCC's interest in the proposed development is as the promoter of the project with overall responsibility for ensuring its delivery.
7. Notice to property owners and occupiers affected by the Order will be given by way of service of notices in accordance with Rule 15 of the 2006 Rules and other publicity required by those Rules.
8. The direction sought is one of deemed planning permission to be granted for the works specified in paragraph 5 above and, in response to rule 10(6)(c) of the above-mentioned rules, with some details in respect of siting, design and layout of highway works, and details relating to measures for mitigating environmental and transport impacts during construction being reserved for subsequent approval by the local planning authority, to the extent and in the manner set out in conditions to the direction. Attached as **Appendix 1** to this request are draft conditions which the applicant wishes to propose.

Dated: 26 May 2021

Pinsent Masons LLP
30 Crown Place
Earl Street
London
EC2A 4ES

Solicitors and Parliamentary Agents
For Northumberland County Council

APPENDIX 1

TOWN AND COUNTRY PLANNING ACT 1990

NORTHUMBERLAND LINE ORDER

DRAFT/CONDITIONS ATTACHED TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION DATED []

In these conditions unless the context otherwise requires:

"the development" means the development authorised by the Order;

"the local planning authority" means Northumberland County Council and North Tyneside Council in relation to development in their respective areas; and

"the Order" means the Northumberland Line Order 202[X].

Time Limit

1. The Development shall commence before the expiration of 5 years from the date that the Order comes into force.

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

Highways

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

Reason: To ensure highway safety

Construction Environment Management Plan (CEMP)

3. No part of the development shall commence until a CEMP has been submitted to and approved in writing by the local planning authority in relation to that part of the development. The CEMP should include measures to manage the effects of the development including those relating to; lighting, noise, vibration, air quality, biodiversity, surface drainage, soils, ground conditions, wastes, heritage assets, and visual impact, and liaison with stakeholders who may be directly affected by the works, unless otherwise agreed in writing by the local planning authority. The development should be undertaken in accordance with the approved CEMP for that part unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the appropriate management of construction impacts

Construction Transport Management Plan (CTMP)

4. No part of the development shall commence until a CTMP has been submitted to and approved in writing by the local planning authority in relation to that part of the development. Unless otherwise agreed in writing by the local planning authority, the CTMP should include:

- (a) Details of construction access routes including; access and egress points onto the public highway, visibility splays, construction specifications, width, radii, fencing and gates;
- (b) Prohibited routes and any time restrictions for construction traffic;
- (c) A signage strategy for each construction access route
- (d) Traffic control measures for each construction access route (including details of traffic signal installations);
- (e) Measures to control mud and dust from construction traffic;
- (f) Measures to control parking of any construction site vehicles along the public highway;
- (g) Provision and arrangements for parking for site operatives and managing the impact on the highway network; and
- (h) Provision and arrangements for turning, loading, and unloading of construction traffic.

The development should be undertaken in accordance with the approved CTMP for that part unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the appropriate management of construction impacts