A19 / A1058 COAST ROAD
JUNCTION IMPROVEMENT SCHEME

The A19 / A1058 Coast Road (Junction Improvement)
Development Consent Order 201[ ]

STATEMENT OF REASONS

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<tr>
<th align="left">Planning Act 2008</th>
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<tr>
<td align="left">The Infrastructure Planning</td>
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<td align="left">(Applications: Prescribed Forms and Procedure) Regulations 2009</td>
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<tr>
<th>Regulation Number</th>
<th>Regulation 5(2)(h)</th>
<th>Planning Inspectorate Reference</th>
<th>TR010017</th>
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<tr>
<td>Application Document Reference</td>
<td>TR010017 / 4.1</td>
<td>Author</td>
<td>Highways Agency England and WSP Parsons Brinckerhoff</td>
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1. Introduction

1.1 This Statement of Reasons (“this Statement”) relates to an application (“the Application”) made by the Highways Agency England (“the Applicant”) to the Planning Inspectorate under Section 37 of the Planning Act 2008 as amended by the Localism Act 2011 (“the Act”).

1.2 The Application is for an order granting development consent (the “DCO”). The draft DCO is referred to as “The A19 / A1058 Coast Road (Junction Improvement Development Consent Order 201[ ]”). The made DCO would grant powers to construct a new section of highway and make improvements to the existing A19 trunk road in North Tyneside between the A19 / A193 Wallsend and A19 / A191 Holystone Junctions, and would include improvements to the A19 / A1058 Coast Road Junction. The proposed development is referred to in this Statement as “the Scheme”.

1.3 The Scheme proposes to improve congestion at the A19/A1058 Coast Road junction by realigning the A19, to pass under the existing grade separated junction. The objectives of the Scheme are:

- To reduce congestion, increase capacity and improve journey times;
- To improve road safety for both road users and the local community;
- To support regeneration in Tyne & Wear and Northumberland; and
- To seek to reduce severance by maintaining or improving facilities for pedestrians and cyclists travelling along the route.

1.4 The Scheme involves the following key elements.

- The realignment of the A19 under the existing A19 roundabout;
- The construction of slip roads to allow the A19 / A1058 Coast Road Junction to retain its ability to cater for all traffic movements;
- The construction of three new single span structures to allow the A1058 Coast Road and A19 roundabout to cross over the realigned A19;
- Lengths of retaining walls to minimise landtake requirements of the Scheme;
- Retained / enhanced non-motorised user (“NMU”) facilities;
- Widening of Middle Engine Railway Bridge to accommodate the A19 north facing slip roads; and
- New infrastructure / street furniture associated with the Scheme works identified above including central reserve concrete barrier, drainage, pavement, road lighting, traffic signals, traffic signs, road markings, and CCTV.

1.5 A more detailed description of the Scheme is provided in Section 2 below.
1.6 The Scheme is a Nationally Significant Infrastructure Project (NSIP) under Section 14 of the Act (as amended within the Highways and Railways (Nationally Significant Infrastructure Project) Order 2013), whereby the Scheme comprises the construction and / or alteration of a highway where the speed limit for any class of vehicle is expected to be 50 mph or greater, the area of development exceeds 12.5 hectares (ha) and the Secretary of State is the highway authority. The Applicant is therefore applying for a DCO to authorise the construction, operation and maintenance of the Scheme.

1.7 This Statement has been prepared in compliance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the APFP 2009”) and the Planning Act Guidance: Guidance related to procedures for compulsory acquisition produced by the Department for Communities and Local Government, September 2013 (“the Guidance”). The Statement is required because the DCO would authorise the compulsory acquisition of interests or rights in land as well as confer on the Applicant the additional powers described in Section 3 of this Statement.

1.8 This Statement forms part of a suite of documents accompanying the Application and should be read alongside and is informed by the other Application documents. The Applicant has submitted the following documents relating to the compulsory acquisition powers sought as part of the Scheme:

- This Statement;
- A statement to explain how the DCO will be funded (“the Funding Statement”) (Application Document Reference TR010017 / 4.2);
- Plans showing the land over which it is proposed to exercise compulsory acquisition powers and rights to use land (“the Land Plans”) (Application Document Reference TR010017 / 2.2); and
- A book of reference (“the Book of Reference”) containing details of the land subject to compulsory acquisition powers, including the names and addresses of all known parties who may have an interest in the land and be affected by the proposed acquisition (Application Document Reference TR010017 / 4.3).

1.9 The land to which this Statement relates (“the Land”) is described in more detail in Section 4 of this Statement.

1.10 The Applicant considers that there is a compelling case in the public interest for the inclusion of compulsory acquisition powers to secure the outstanding land and property interests which are required to enable the construction, operation and maintenance of the Scheme. The grounds for seeking compulsory acquisition are set out in Section 6 of this Statement.
2. Description of the Scheme

2.1 The Scheme is a junction improvement that involves placing the A19 under the existing A19/A1058 Coast Road junction in a cutting to provide a free flowing link. This will remove A19 through traffic from the A19 roundabout thereby relieving congestion and increasing capacity at the junction. As a result journey times will also improve for those using the A19 and the roundabout. The main aspects are detailed below. Where relevant, references have been provided to the relevant Works within the authorised development as listed within Schedule 1 of the Development Consent Order (Application Document Reference TR010017 / 3.1).

2.2 A new section of A19 dual carriageway will be constructed under the existing A19 / A1058 Coast Road junction (Work No. 1j), with two new structures to carry the existing A19 roundabout over the lowered A19 (Work No 1c and Work No. 1d). South of the existing A19 roundabout the A19 will be moved to the east of the existing alignment, to enable the alignment design of this free flowing link to be compliant with the DMRB for a 50 mph speed limit whilst at the same time minimising the permanent land take required for the Scheme.

2.3 The open cut underpass construction will necessitate replacement of the majority of the embankment within the central island of the A19 roundabout, which currently supports the A1058 Coast Road. It is proposed to provide a new structure to convey the A1058 Coast Road over the A19 (Work No. 1a and Work No. 1b) and retain the two existing structures that support the A1058 Coast Road over the A19 roundabout.

2.4 The existing roundabout junction will be retained with slip roads connecting the A19 roundabout to the realigned A19 (Work No. 1e to Work No. 1h inclusive) and the existing A1058 Coast Road. New traffic signal control measures and revised lane destinations on the circulatory carriageway will be provided, which will improve capacity and safety for all users (Work No. 1p).

2.5 To allow the signalised roundabout junction to operate more efficiently The Silverlink carriageway is to be widened to three lanes over a 40m length on the approach to the traffic signals (Work No. 1l).

2.6 Due to the close proximity of the A19 / A1058 Coast Road Junction with the A19 / A193 Wallsend Junction, an auxiliary lane has been provided adjacent to both north and southbound carriageways, which effectively connects the adjacent slip roads and in so doing provides a lane gain / lane drop arrangement in both north and southbound directions (Work No. 1n). The auxiliary lane will mitigate against the risks associated with the hazard of weaving traffic, which is a safety concern where junctions are closely spaced.

2.7 Facilities for NMUs will be further enhanced at the junction as an integral part of the junction improvement. A combined footway / cycleway is proposed around the central
island of the A19 roundabout. This provision replicates the existing arrangement at the A19 Roundabout with the footway / cycleway around the central island connecting to NMU facilities on the A1058 Coast Road north facing on / off slip roads, A19 northbound off slip road and A19 southbound on slip road via a number of controlled crossing points (Work No. 1p).

2.8 A combined footway / cycleway is proposed to be provided between the A19 / A1058 Coast Road Junction and the A19 / A193 Wallsend Junction adjacent to the A19 northbound carriageway (Work No. 1q) and adjacent to the A19 southbound on slip road (Work No. 1r), linking the bus stop on the A1058 Coast Road westbound off slip road and the access to the Tyne Tunnel Trading Estate. The proposal adjacent to the northbound carriageway is an improvement to an existing facility, that adjacent to the A19 southbound on slip being a new provision.

2.9 Two new structures will be provided to convey NMUs over the A1058 Coast Road north facing slip roads (Work No. 1i), thereby removing the requirement for them to cross the slip roads at grade.

2.10 Structural modifications to Middle Engine Railway Bridge (Work No. 1k), a structure that conveys the A19 over bridleway BH9, will be required to facilitate the A19 north facing slip roads.

2.11 Concrete repair works will be required to the existing A1058 structures that support the A1058 Coast Road over the A19 roundabout (Work No. 1s). Additionally, it is envisaged that re-waterproofing / resurfacing of the Middle Engine Lane, Middle Engine Railway and the existing A1058 structures will be undertaken (Work No. 1o).

2.12 The Scheme also proposes various utility diversions (Work Nos. 2a, 2b and 2d to 2h inclusive), which are described in Section 4 of this Statement.
3. Scope of Compulsory Acquisition

3.1 Section 122 of the Act provides that an Order granting development consent may include provision authorising the “compulsory acquisition of land” if certain conditions are met. Regulation 5(2)(h) of the APFP 2009 requires a statement of reasons for including the compulsory acquisition of land or an interest in or right over land in a DCO.

3.2 In addition to the outright acquisition of land or interest in or rights over land contained in article 18 of the DCO, other compulsory powers are sought in the DCO which similarly relate to land and which may or will interfere with property right and interests. In each case those with an interest in the land or holding rights in land would be entitled to compensation.

3.3 These additional powers referred to in paragraph 3.2 include the following:

- **Article 21 Compulsory acquisition of rights**

  This article allows for the acquisition of rights over land as may be required for any purpose for which land is compulsorily acquired under article 18.

  In respect of the land listed in column 1 of Schedule 5, article 21(2) restricts the purpose for which such rights may be acquired to the purpose listed in column 2 of that schedule.

- **Article 22 Private rights over land**

  Article 22 provides for the extinguishment of private rights:

  a) over land subject to compulsory outright acquisitions (article 22(1));

  b) over land subject to the compulsory acquisition of rights, or subject to the imposition of restrictive covenants, to the extent that continuing the existing rights would be inconsistent with the right acquired or restrictive covenant imposed (article 22(2));

  c) over land belonging to the Applicant and which activity authorised by the DCO would interfere with or breach (article 22(3)).

  With regard to land of which the Applicant may take temporary possession under the DCO, article 22(4) provides that all private rights over that land will be suspended and unenforceable for as long as the Applicant is in possession of it.

- **Article 24 Acquisition of subsoil or airspace only**

  Article 24 allows the Applicant to acquire only the subsoil under or airspace over any land over which it has powers of compulsory purchase under article 18, for the same purposes for which it may acquire the whole of the land under that article.
Article 26 Rights under or over streets

Article 26 allows the Applicant where required for the construction of the Scheme to use the subsoil or airspace under or over any street. The powers would not extend to a subway or underground building or to cellars or similar structures forming part of a building fronting the street (article 26(3) but nonetheless would interfere with property rights.

Article 27 Temporary use–possession of land for carrying out the authorised development

Article 27 would enable the Applicant to take temporary possession of the land specified in columns 1 and 2 of Schedule 7 to the DCO, and any other land included within the limits of deviation so long as the Applicant has not made a declaration to vest the land in itself or entered the land following a notice of entry in advance of acquisition. Article 27(1)(b)-(d) would enable the Applicant to:

a) remove buildings and vegetation from the land;
b) construct temporary works (including accesses) and buildings on the land; and
c) construct permanent works specified in column 3 in Schedule 7 to the DCO, and other mitigation works.

The period for temporary possession would be subject to time limits under article 27(3). Unless the owner of the land agreed, the Applicant could not remain in possession:

a) as regards any land specified in columns 1 and 3 of Schedule 7 to the DCO, for more than a year after completing that part of the Scheme specified in relation to that land in column 4 of Schedule 7; and
b) as regards any other land within the limits of deviation, for more than a year after completing the work for which temporary possession was taken (unless before the end of that period the Applicant has made a vesting declaration or served notice of entry).

Article 27(4) provides that before giving up possession of any land the Applicant would be obliged to remove all temporary works and restore the land to the owner’s reasonable satisfaction. This would not require the replacement of a building removed under this article, the restoration of land on which permanent works have been constructed, the removal of ground strengthening works or the removal of any measures installed over or around statutory undertakers apparatus to protect that apparatus.

Article 28 Temporary use–possession of land for maintaining the authorised development
Article 28 would enable the Applicant to take temporary possession of any land within the limits of land to be acquired or used, which is reasonably required for the purpose of maintaining the Scheme, at any time during the maintenance period (i.e. five years from the date on which that part of the authorised development is open for use).

Article 28(1)(b) would allow the Applicant to construct temporary works and buildings on the land, so far as reasonably necessary for maintenance works.

The Applicant would not be able to take temporary possession of a house, or a garden belonging to a house, or any other occupied building (article 28(2)).

The Applicant may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the Scheme for which possession was taken (article 28(4)).

Before giving up possession of land of which temporary possession has been taken under this article, the Applicant would be required to remove all temporary works and restore the land to the owner's reasonable satisfaction (article 28(5)).

3.4 The DCO also confers other rights and powers on the Applicant that may interfere with property rights and private interests. These additional powers are:

- Article 12 Permanent stopping up and restriction of use of streets
- Article 11 Temporary stopping up and restriction of use of streets

3.5 Any person suffering a loss due to the exercise of the foregoing compulsory acquisition of rights and powers may be entitled to compensation. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
4. Description of Land Subject to the Compulsory Acquisition

4.1 This section describes the Land which is to be subject to the compulsory acquisition powers. The Land is shown on the Land Plan(s) (Application Document Reference TR010017 / 2.2) and the works and land uses are represented on the Works Plans (Application Document Reference TR010017 / 2.3). In addition to this Statement, short textual descriptions of each numbered plot on the land plan(s) and details of ownership are in the Book of Reference (Application Document Reference TR010017 / 4.3).

4.2 The DCO application boundary encloses 27.624.8 hectares. The Scheme requires the freehold acquisition of 2.0 hectares of land, the temporary acquisition of 7.851 hectares and the temporary acquisition of land with permanent rights over 0.4086 hectares. In addition, there are 47.416.84 hectares of existing highway within the Scheme boundary.

4.3 A full description of the land together with key features and characteristics of the surrounding landscape can be found in Section 6 in Volume 2 of the Environmental Assessment Report (Application Document Reference TR010017 / 6.2).

Location

4.4 The location of the Scheme is shown on Application Document Reference TR010017 / 2.1. The Scheme is located within the administrative area of North Tyneside Council (NTC) at approximate National Grid Reference (NGR) 432223, 568400, centred on the middle of the junction.

Existing Land Use

4.5 The land included within the DCO application boundary is predominantly designated as existing highway, however there are several areas of land outside the existing highway boundary that are required for construction, or in connection with the construction, of the Scheme. The areas along with their existing land use are listed below:

- The land to the northwest of the junction is located in an area of retail/commercial development and includes land within: a police headquarters and B&Q and includes shrubbery thicket and trees and a length of Bridleway BH9;
- The land to the northeast of the junction is located in an area of retail, leisure and commercial developments and includes land within: the site of the Travel Lodge Hotel (vacant), which is now owned by the Crown Estate; and shrubbery,
thicket, trees, hard standing, permissive footpath, car parks, private road and a length of Bridleway BH9;

- The land to the southeast of the junction is located in an area of light industrial development and includes land within: the Vroom Car Retail Park, rough grassland and private roads.

4.6 No areas of common land are present within the Development Consent Order.

4.7 No land included within the Application is Green Belt land.

**Surrounding Area**

4.8 The land surrounding the A19/A1058 Coast Road junction is dominated by built form of varying type, scale and appearance and can be described through four distinct quadrants as follows:

- The area to the northwest of the junction which is predominantly residential with some retail / commercial development and a police headquarters;
- The area to the southwest of the junction which is predominantly residential, with the Silverdale School;
- Retail, leisure and commercial developments are located to the northeast of the existing junction, the majority being associated with the Silverlink Retail Park, with residential development beyond; and
- Light industrial developments, including small factories and warehousing are located to the southeast of the junction, with residential development beyond.

**Public Rights of Way**

4.9 Section 11 in Volume 2 of the Environmental Assessment Report (Application Document Reference TR010017 / 6.2) describes the effects of the Scheme on people and communities and includes a description of the existing public rights of way (PROW) network. Existing PROW and any alterations proposed as part of the Scheme are shown on the Rights of Way and Access Plans (Application Document Reference TR010017 / 2.4).

4.10 There is one PROW that crosses the Scheme, which is a public footpath / cycleway / bridleway (BH9) situated approximately 400 m north of the existing A19 / A1058 Coast Road junction, which runs along an old rail route. The existing A19 passes over bridleway BH9 via the Middle Engine Railway Bridge.

4.11 There are two designated cycle routes within the Scheme. One is a traffic free footway / cycleway, designated as a Sustrans Local Route, which runs along the eastbound A1058 Coast Road connecting with a local cycle network; and the second along part of the public footpath/bridleway (BH9).
4.12 In addition, there is an existing footway adjacent to the A19 northbound carriageway that connects the A19 / A1058 Coast Road junction with the A19 / A193 Wallsend junction to the south.

**Statutory Utility Services**

4.13 A number of existing statutory utility services are located within the DCO application boundary that are affected by the Scheme. These statutory utilities are summarised below and have been defined as specific Works within the authorised development as listed within Schedule 1 of the Development Consent Order (Application Document Reference TR010017 / 3.1). Locations can be seen on the Works Plans (Application Document Reference TR010017 / 2.3).

- Work No.2a – the diversion of Northern Gas Network medium pressure main through the new bridge constructed to carry the southern section of the A19 Roundabout over the A19 cutting.

- Work No.2b – the construction of a new potable water main for Northumbrian Water Limited along Middle Engine Lane and Middle Engine Railway bridleway (BH9).

- Work No. 2c – *not used*, the construction of a pumping station and a new foul sewer linking the pumping station with an existing foul sewer on The Silverlink for Northumbrian Water Limited within the site of the Travel Lodge Hotel (vacant). This site is now owned by the Crown Estate.

- Work No. 2d – the diversion of BT Openreach cables through the new bridge constructed to carry the northern section of the A19 Roundabout over the A19 cutting.

- Work No. 2e – the diversion of Northern Powergrid high voltage cables through the new bridge constructed to carry the A1058 Coast Road over the A19 cutting.

- Work No. 2f – the diversion of Northern Gas Network intermediate pressure mains within the verges of the A19 southbound on slip road and off slip road.

- Work No. 2g – the diversion of a Northern Gas Network medium pressure main within the verge of the A19 southbound on slip road.

- Work No. 2h – the diversion of Northern Powergrid low voltage cables within the Silverlink.
5. Purpose for which the Compulsory Acquisition Powers are Sought

5.1 The purpose of the acquisition powers is to enable the Applicant to construct the proposed Scheme set out in the DCO and in Section 1 of this Statement.

5.2 The specific purposes for which each parcel of Land subject to compulsory acquisition powers are required are set out in the tables below. The first column of the tables refers to the work numbers shown on the Works Plans (Application Document Reference TR010017 / 2.3) and described in Schedule 1 of the DCO. The second column of these tables use the parcel numbers shown on the Land Plans (Application Document Reference TR010017 / 2.2) and used in the Book of Reference (Application Document Reference TR010017 / 4.3).

5.3 Table 2.1 lists all of the land that is to be acquired outright. The purpose for acquiring the land referred to in Table 2.1 below is to enable the Applicant to construct on that land, the permanent works and to do the other things specified in Table 2.1, comprised in the Scheme. The exception to this as noted in the Book of Reference is that those interests owned by the Council of the Borough of North Tyneside, the North East Combined Authority and Tyne & Wear Passenger Transport Executive are not being acquired, where they are the owners or reputed owners of the land under the highway and interests owned by the Crown Estate in respect of plot 3/11, where they are the owners or reputed owners of the land.

5.4 Schedule 5 of the DCO lists the Land over which specific rights are to be acquired or created. This information is also shown in Table 2.2 below. The rights to be acquired or created are necessary for the purposes of constructing the works, to carry out construction and maintenance thereafter.

5.5 Schedule 7 of the DCO lists the Land of which the Applicant requires to take temporary possession. This information is also shown in Table 2.3 below. The specific purposes for which this Land will be used are stated in the schedule. The purpose of using such land is to provide essential works sites, compounds, storage areas and space to carry out utility diversions. The use of this land is essential to the construction works that form part of the Scheme.

5.6 Several land plots are required to be used temporarily possessed and with rights to be provided also. Such plots feature in both Tables 2.2 and 2.3 below. The land referred to in Table 2.2 below is to be used temporarily possessed and with rights to be provided to construct, access and maintain aspects of the permanent works, and to undertake the other matters specified in Table 2.2, comprised in the Scheme. The land referred to in Table 2.3 below is to be used temporarily possessed for the provision of a site construction compound, temporary storage of materials, access to the site construction compound and to construct the Works, and to undertake the other matters specified in Table 2.3, comprised in the Scheme.
### Table 2.1: Land to be Acquired

<table>
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<tr>
<th>Work No. reference and the purpose for which the land may be acquired</th>
<th>No. on Land Plan</th>
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</thead>
<tbody>
<tr>
<td><strong>Work No.1a</strong> – the construction of one half of a new bridge to carry the westbound A1058 Coast Road over the A19 cutting.</td>
<td>Land Plot 3/3x.</td>
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<tr>
<td><strong>Work No.1b</strong> – the construction of one half of a new bridge to carry the eastbound A1058 Coast Road over the A19 cutting.</td>
<td>Land Plot 3/3x.</td>
</tr>
<tr>
<td><strong>Work No.1c</strong> – the construction of a new bridge to carry the southern section of the A19 Roundabout over the A19 cutting.</td>
<td>Land Plot 2/3b.</td>
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<tr>
<td><strong>Work No.1d</strong> – the construction of a new bridge to carry the northern section of the A19 Roundabout over the A19 cutting.</td>
<td>Land Plot 3/3q.</td>
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<tr>
<td><strong>Work No.1e</strong> – the construction of a new southbound on-slip road to the south of the A19 / A1058 Coast Road junction.</td>
<td>Land Plots 1/1, 1/2, 2/4, 2/5, 2/6, 3/6a to 3/6h inclusive.</td>
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<tr>
<td><strong>Work No.1f</strong> – the construction of a new northbound A19 off-slip road to the south of the A19 / A1058 Coast Road junction predominantly through utilisation of the existing A19 northbound carriageway.</td>
<td>Land Plots 1/2, 2/3, 2/3a, 2/3b.</td>
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<tr>
<td><strong>Work No.1g</strong> – the construction of a new northbound A19 on-slip road to the north of the A19 / A1058 Coast Road junction.</td>
<td>Land Plots 3/3q, 3/3ab, 3/3ac, 3/8, 3/9, 3/13.</td>
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<tr>
<td><strong>Work No.1h (Part)</strong> – the construction of a new southbound A19 off-slip road to the north of the A19 / A1058 Coast Road junction.</td>
<td>Land Plots 3/3p, 3/3q, 3/3aa, 3/3ac, 3/11, 3/12a.</td>
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<td><strong>Work No.1i</strong> – the construction of 2 new shared-use bridges over the eastbound A1058 Coast Road off-slip road and on-slip road to connect the existing footway / cycleways to the east and west of the junction to the footway / cycleway on the A1058 Coast Road through the A19 / A1058 Coast Road junction.</td>
<td>Land Plots 3/3k, 3/3q, 3/3r, 3/3s, 3/3t, 3/3u, 3/3v, 3/3w, 3/3x, 3/13a.</td>
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<tr>
<td><strong>Work No.1j</strong> – the construction of a new section of A19 dual carriageway under the existing A19 / A1058 Coast Road junction.</td>
<td>Land Plots 2/3, 2/3b, 2/4, 2/5, 2/6, 3/3q, 3/3x, 3/6a to 3/6h inclusive, 3/8, 3/11, 3/12a, 3/13.</td>
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<tr>
<td><strong>Work No.1k (Part)</strong> – the widening of Middle Engine Lane Railway Bridge to the north of the A19 / A1058 Coast Road junction.</td>
<td>Land Plots 3/3d, 3/3a, 3/3ab.</td>
</tr>
<tr>
<td>Work No. reference and the purpose for which the land may be acquired</td>
<td>No. on Land Plan</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
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<tr>
<td><strong>Work No.1l</strong> – the widening of the Silverlink on the north-east of the A19 / A1058 Coast Road Junction to provide an additional southbound lane on the immediate approach to the A19 Roundabout.</td>
<td>Land Plots 3/3g, 3/3j, 3/3k, 3/3m, 3/3n, 3/3q</td>
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<td><strong>Work No.1m</strong> – Works on the A19 to tie in the proposed works at the southern extent of the Scheme with the existing highway layout.</td>
<td>Land Plots 1/1, 1/2, 2/3</td>
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<tr>
<td><strong>Work No.1n</strong> – The construction of a revised road cross section on the A19 that includes for an auxiliary lane in addition to two lanes on the A19 mainline in both north and southbound directions.</td>
<td>1/2, 2/3, 2/3a, 2/3b, 2/4, 2/5</td>
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<td><strong>Work No.1o</strong> – Works on the A19 to tie in the proposed works at the northern extent of the Scheme with the existing highway layout.</td>
<td>3/3ac</td>
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<td><strong>Work No.1p</strong> – The construction of a new traffic signal installation incorporating MOVA and enhanced non-motorised user facilities at the A19 Roundabout.</td>
<td>2/3b, 3/3q, 3/3r, 3/3x, 3/3u</td>
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<td><strong>Work No.1q</strong> – A combined footway / cycleway between the A19/A1058 Coast Road junction and the A19/A193 Wallsend junction adjacent to the A19 Northbound carriageway.</td>
<td>1/2, 2/3, 2/3a, 2/3b</td>
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<td><strong>Work No.1r</strong> – A combined footway / cycleway adjacent to the A19 southbound on-slip road linking the bus stop on the A1058 Coast Road Westbound off-slip road and the access to the Tyne Tunnel Trading Estate.</td>
<td>2/5, 2/6, 3/3u, 3/6a to, 3/6h inclusive</td>
</tr>
<tr>
<td><strong>Work No.1s</strong> – Concrete repair works to the existing A1058 structures that support the A1058 Coast Road over the A19 Roundabout.</td>
<td>3/3x</td>
</tr>
<tr>
<td><strong>Work No.2a</strong> – the diversion of Northern Gas Network medium pressure main through the new bridge constructed to carry the southern section of the A19 Roundabout over the A19 cutting.</td>
<td>Land Plots 2/3b, 3/3r, 3/3u.</td>
</tr>
<tr>
<td><strong>Work No.2b (Part)</strong> – the construction of a new potable water main for Northumbrian Water Limited along Middle Engine Lane and Middle Engine Railway bridleway.</td>
<td>Land Plots 3/3d, 3/3aa, 3/3ab</td>
</tr>
<tr>
<td><strong>Work No. 2c (Part)</strong> – the construction of a pumping station and a new foul sewer linking the pumping station with an existing foul sewer on the Silverlink for Northumbrian Water Limited.</td>
<td>Land Plots 3/3g</td>
</tr>
</tbody>
</table>
## Table 2.2: Land to be Used Temporarily Possessed and/or Land in which Rights to be Acquired Permanently

<table>
<thead>
<tr>
<th>Work No. reference and the purpose for which the land may be acquired</th>
<th>No. on Land Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work No. 2d</strong> – the diversion of BT Openreach cables through the new bridge constructed to carry the northern section of the A19 Roundabout over the A19 cutting.</td>
<td>Land Plots 3/3k, 3/3q, 3/3r, 3/3u, 3/13a</td>
</tr>
<tr>
<td><strong>Work No. 2e</strong> – the diversion of Northern Powergrid high voltage cables through the new bridge constructed to carry the A1058 Coast Road over the A19 cutting</td>
<td>Land Plots 3/3g, 3/3i–3/3j, 3/3k, 3/3n, 3/3q, 3/3r, 3/3s, 3/3t, 3/3u, 3/3x</td>
</tr>
<tr>
<td><strong>Work No. 2f</strong> – the diversion of Northern Gas Network intermediate pressure mains within the verges of the A19 southbound on-slip road and off-slip road.</td>
<td>Land Plots 2/3, 2/4, 2/5, 2/6, 3/6a to 3/6h inclusive.</td>
</tr>
<tr>
<td><strong>Work No. 2g</strong> – the diversion of a Northern Gas Network medium pressure main within the verge of the A19 southbound on-slip road.</td>
<td>Land Plots 2/3, 2/4, 2/5, 2/6, 3/6a to 3/6h inclusive.</td>
</tr>
<tr>
<td><strong>Work No. 2h</strong> – the diversion of Northern Powergrid low voltage cables within the Silverlink.</td>
<td>Land Plots 3/3g, 3/3i–3/3j, 3/3m, 3/3n</td>
</tr>
</tbody>
</table>

## Table 2.2: Land to be Used Temporarily Possessed and/or Land in which Rights to be Acquired Permanently

<table>
<thead>
<tr>
<th>Work No. reference and the purpose for which the rights may be acquired</th>
<th>No. on Land Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work No. – All works</strong> - Narvik Way – Required for access to the Contractor’s site construction compound during the construction phase of the A19 / A1058 Coast Road Scheme for non-construction traffic and for construction traffic to construct the Contractor’s site construction compound.</td>
<td>Land Plot 2/7.</td>
</tr>
<tr>
<td><strong>Work No. – All works</strong> - Third Avenue – Required for access to the Contractor’s site construction compound during the construction phase of the A19 / A1058 Coast Road Scheme for non-construction traffic and for construction traffic to construct the Contractor’s site construction compound.</td>
<td>Land Plot 2/7a.</td>
</tr>
<tr>
<td><strong>Work No.1h (Part)</strong> – to construct, access and maintain a retaining wall, which forms part of the construction of a new southbound A19 off-slip road to the north of the A19 / A1058 Coast Road junction.</td>
<td>Land Plots 3/12, 3/14a.</td>
</tr>
</tbody>
</table>
### Work No. reference and the purpose for which the rights may be acquired

<table>
<thead>
<tr>
<th>Work No. reference and purpose</th>
<th>No. on Land Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work No.1h (Part)</strong> – to construct, access and maintain a retaining wall, which forms part of the construction of a new southbound A19 off-slip road to the north of the A19 / A1058 Coast Road junction.</td>
<td>Land Plots 3/11a.</td>
</tr>
<tr>
<td><strong>Work No.2b (Part)</strong> – the construction of a new potable water main for Northumbrian Water Limited along Middle Engine Lane and Middle Engine Railway bridleway.</td>
<td>Land Plots 3/3c, 4/3e, 4/3f.</td>
</tr>
<tr>
<td><strong>Work No. 2c (Part)</strong> – to construct, operate, access and maintain a pumping station and a new foul sewer linking the pumping station with an existing foul sewer on the Silverlink for Northumbrian Water Limited</td>
<td>Land Plots 3/10, 3/3h, 3/11b and 3/11d, 4/3e, 4/3f</td>
</tr>
<tr>
<td><strong>Work No. 2e (Part)</strong> – the diversion of Northern Powergrid high voltage cables through the new bridge constructed to carry the A1058 Coast Road over the A19 cutting</td>
<td>Land Plots 3/3i</td>
</tr>
<tr>
<td><strong>Work No. 2h (Part)</strong> – the diversion of Northern Powergrid low voltage cables within the Silverlink.</td>
<td>Land Plots 3/3i</td>
</tr>
</tbody>
</table>
### Table 2.3: Land to be Used Temporarily Possessed

<table>
<thead>
<tr>
<th>Purpose for which the land is to be <strong>used</strong> temporarily possessed</th>
<th>No. on Land Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work No. – All works</strong> - Required for the provision of a site construction compound to include, but not limited to, site offices, welfare facilities, parking provisions, storage of plant and material and the treatment of site generated waste.</td>
<td>Land Plot 2/4a.</td>
</tr>
<tr>
<td><strong>Work No. – All works</strong> - All works - Required for the temporary storage of material in relation to the potential for sharing of materials from the Coast Road scheme to the Testos scheme. This was because Coast Road would generate a surplus of spoil due to the cutting to accommodate the underpass, and the Testos scheme required spoil to construct the embankments to carry the flyover.</td>
<td>Land Plot 2/5a.</td>
</tr>
<tr>
<td><strong>Work No. – All works</strong> - Narvik Way - Required for access to the Contractor’s site construction compound during the construction phase of the A19 / A1058 Coast Road Scheme for non-construction traffic and for construction traffic to construct the Contractor’s site construction compound.</td>
<td>Land Plot 2/7.</td>
</tr>
<tr>
<td><strong>Work No. – All works</strong> - Third Avenue - Required for access to the Contractor’s site construction compound during the construction phase of the A19 / A1058 Coast Road Scheme for non-construction traffic and for construction traffic to construct the Contractor’s site construction compound.</td>
<td>Land Plot 2/7a.</td>
</tr>
<tr>
<td><strong>Works No. 1h (Part), 1k1 (Part) and 14-2b (Part)</strong> - Required for access to construct the Scheme, and may also be used to store materials with a low economic value such as top soil, sub base etc., in relation to the widening of Middle Engine Railway Bridge, the diversion of a Northumbrian Water Limited potable water supply and the construction of a retaining wall.</td>
<td>Land Plot 3/14.</td>
</tr>
<tr>
<td><strong>Work No. 2c (Part)</strong> - The construction of a pumping station and a new foul sewer linking the pumping station with an existing foul sewer on the Silverlink for Northumbrian Water Limited within the site of the Travel Lodge Hotel (vacant). This site is now owned by the Crown Estate.</td>
<td>Land Plots 3/11c, 3/11e and 3/11f.</td>
</tr>
</tbody>
</table>
5.7 The specific purposes of the additional acquisition powers described in paragraph 3.3 of this Statement are as follows:-

- Article 22 (private rights) ensures that existing private rights over so much of the land that is subject to outright acquisition under article 18 or acquisition of rights under article 21 are extinguished or suspended so as not to interfere with the construction and operation of the Scheme but such private rights will continue if the Applicant decides that they can be exercised without interfering with the Scheme;

- Article 24 (acquisition of subsoil or airspace only) would facilitate construction by authorising the use of the subsoil or airspace over any streets where it is required for the construction of the Scheme;

- Article 26 (rights over or under streets) would facilitate construction by authorising the use of the subsoil or airspace over any street;

- Article 27 (temporary use of land for carrying out the authorised development) ensures that appropriate work sites, working space and means of access will be available for use during the construction period and provides space for mitigation and any other permanent works;

- Article 28 (temporary use of land for maintaining the authorised development) ensures that the land is available for maintenance works during the five year maintenance period after construction.
6. Justification for Power of Compulsory Acquisition

The matters to which the decision maker must have regard

6.1 Section 122 of the Act provides that a DCO that includes compulsory acquisition powers may be granted only if the conditions in sections 122(2) and 122(3) of the Act are met. The conditions are:-

- at section 122(2), that the land is required for the development to which the DCO relates, or is required to facilitate or is incidental to the development, or is replacement land that is to be given in exchange under sections 131 and 132 of the Act; and
- at section 122(3), that there is a compelling case in the public interest for inclusion of powers of compulsory acquisition in the DCO. The decision maker must be persuaded that there is compelling evidence that the public benefits derived from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired.

6.2 In respect of the section 122(2) condition, the Guidance makes it clear (at paragraph 23 and following) that the decision maker must be in no doubt as to the purposes for which any land is to be compulsorily acquired. In particular:-

- in respect of land required for a scheme to which the development consent relates, the promoter must be able to demonstrate that the land is needed and the decision maker must be satisfied that the land to be acquired is no more than is reasonably required for the purpose of the development;
- in respect of land required to facilitate or land incidental to the proposed development, the decision maker must be satisfied that the land to be taken is no more than is reasonably necessary for facilitating or incidental to the purpose and is proportionate; and
- in respect of land that is replacement land which is to be given in exchange under sections 131 and 132 of the Act, paragraph 26 of the Guidance states that the decision maker will wish to be persuaded that the proposed compulsory acquisition is needed for replacement land and that no more land is being taken than is reasonably necessary for that purpose and proportionate.

6.3 In respect of the section 122(3) condition, the Guidance makes it clear at paragraph 27 that the decision maker must be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. The public benefit must outweigh the private loss.

6.4 Paragraphs 20 to 22 of the Guidance set out a number of general considerations that the promoter must demonstrate to the satisfaction of the decision maker in respect of justifying an order authorising compulsory acquisition. These are as follows:
that all reasonable alternatives to compulsory acquisition (including modifications to the development) have been explored;

- that the proposed interference with the rights of those with an interest in the Land is for a legitimate purpose and is necessary and proportionate;

- that the promoter has a clear idea of how the land which it is proposing to acquire will be used;

- that there is a reasonable prospect of the requisite funds becoming available; and

- that the purposes for which such powers are included are legitimate and sufficiently justify interfering with the human rights of those with an interest in the land affected.

**Requirement for the DCO Land (section 122(2))**

6.5 This section sets out the factors that the Applicant considers to demonstrate that the conditions in section 122, and the considerations set out in the Guidance are satisfied.

6.6 As described in detail in Section 5 above, the land is required (or is incidental to) for the purposes of the DCO. Without the Land the proposed Scheme cannot take place. The location of the Works on the Works Plans demonstrates that the Land on the Land Plans is needed to construct the Scheme. The need to ensure that the development can be delivered requires the acquisition of a number of property interests in so much of the land as is in third party ownership and a means of overriding existing rights and interests in or over land together with the creation of new rights over land.

6.7 Therefore, there must be certainty that these publicly funded works can be constructed, including certainty that this Land will be available. Without the powers of acquisition being compulsory, the Land might not be assembled, uncertainty as to construction will continue (including to the detriment of the affected Land Interests) and the Applicant considers that its objectives and those of the Department for Transport would not be achieved. Furthermore, the local and regional need for the Scheme, as set out in the Planning Statement (Application Document Reference TR010017 / 7.1) would not be met.

6.8 The Applicant will, wherever possible, seek to acquire the Land by agreement on terms that would allow the project to proceed within budget and within the Scheme timeframe. However, it cannot be assumed that the Applicant would successfully acquire all this Land without using compulsory acquisition powers. The Applicant therefore seeks these powers to ensure that the Scheme can proceed.

6.9 As explained in detail in the Options Report (Application Document Reference TR010017 / 5.2), and summarised below, the Applicant has explored alternative options for the Scheme and selected the most appropriate option. There is no practicable alternative route for the Scheme that would achieve the Scheme’s objectives without acquisition of third party rights and interests. The limits of the Land have been drawn as tightly as possible so as to avoid unnecessary land-take. In the event less Land is required, the Applicant would not seek to acquire all the Land.
Compensation

6.10 Compulsory acquisition powers require that the compensation paid to the land interests affected represents a fair, open market value. The rules governing compulsory acquisition require that compensation for acquisition of land or an interest in land must represent the market value as unaffected by the proposed development, together with further amounts such as occupier’s loss payments in some cases. As a result, the Applicant will be required to pay a fair, open market price for the land and rights it acquires, without taking advantage of any reduction caused by the existence of the Scheme.

6.11 In the event of compensation not being agreed a judicial process applies. Compensation disputes would be decided by the Upper Tribunal (Lands Chamber) with a right of appeal to the Court of Appeal. The same applies to compensation for loss or damage, payable in respect of the additional compulsory acquisition powers listed in Section 3 of this Statement.

6.12 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of booklets published by the Department of Communities and Local Government entitled Compulsory Purchase and Compensation listed below:

6.12.1 Booklet No 1 – Compulsory Purchase Procedure
6.12.2 Booklet No 2 – Compensation to Business Owners and Occupiers
6.12.3 Booklet No 3 – Compensation to Agricultural Owners and Occupiers
6.12.4 Booklet No 4 – Compensation to Residential Owners and Occupiers
6.12.5 Booklet No 5 – Reducing the Effect of Public Development: Mitigation Works

Funding

6.13 The Scheme will be fully funded by the Department for Transport.

Compelling Case in Public Interest (Section 122(3))

6.14 The A19 is a strategic route that provides an alternative to the A1 between North Yorkshire and Northumberland. The A1058 Coast Road provides access from Newcastle-Upon-Tyne to the coast at Tynemouth and crosses over the A19 at the junction. The junction provides access to a number of employment sites, including the Silverlink Retail Park and Cobalt Business Park. Existing problems at the junction include:
- Severe congestion during peak hours;
- Congestion at weekends associated with the Silverlink Retail Park;
- Accident rate higher than the national average.

Without the improvement, congestion and delays would increase over time at the junction.

6.15 The key objectives of the Scheme are to reduce traffic congestion, increase capacity, improve journey times and improve safety for road users and the local community. It also seeks to meet the needs of future traffic growth resulting from existing and future developments. The local community would also benefit from improved facilities for pedestrians and cyclists travelling along the A19 and A1058 Coast Road routes.

6.16 On 4 December 2013, a draft National Policy Statement (NPS) for National Road and Rail Networks was published. This document was subject to a consultation period which completed on 26 February 2014. The Scheme aligns with the Government’s policy set out at paragraph 2.22 of to the draft NPS to “reduce congestion and unreliability by focusing on improving and enhancing the existing national road network”, which will include development beyond the existing highway boundary. The need for the Scheme is also documented in national policy documents, as explained in further detail in Section 4 of the Planning Statement (Application Document Reference TR010017 / 7.1).

6.17 The development of the Scheme commenced in 2003 following the recommendation in the Tyneside Area Multi-Modal Study (TAMMS) that the A19 / A1058 Coast Road Junction be improved to relieve congestion. Fifteen options were identified and considered between 2003 and 2009 of which six options were consulted on between November 2009 and March 2010 to seek the views of local residents, businesses and other key stakeholders. Following the Public Consultation a Preferred Route Announcement was made in July 2012. Further detail on the alternative options considered is provided in the Options Report (Application Document Reference TR010017 / 5.2).

6.18 Since the Preferred Route Announcement was made, the design for the proposed Scheme has been further developed and a formal Planning Act 2008 pre-application consultation was held between November 2013 and January 2014. The approach to, and results of, these consultations are explained in detail in the Pre-application Consultation Report (Application Document Reference TR010017 / 5.1).

6.19 It is anticipated that the majority of the excavated material from the Scheme will be suitable for reuse as a fill material; of which it is anticipated that an estimated 8% will be reused on the Scheme. In addition to this an opportunity has been identified whereby it may be feasible for an estimated 80,000 cubic metres of excavated material (approximately 52%) to be disposed of at the A19 Testos Scheme with the correct permits, which is located to the south of the Scheme. This potential for sharing of materials from the Scheme to the A19 Testos scheme reflects the surplus of material from the Scheme, due to the cutting to accommodate the underpass, and
the anticipated import of material required for the A19 Testos scheme, to construct the embankments to carry the flyover. An area of land, to be used temporarily for the storage of materials for transfer to the A19 Testos Scheme, has been included in the DCO boundary to the south-east of the A19/A1058 Coast Road Junction, adjacent to the A19 southbound carriageway. If practicable, similar opportunities for reuse off-site at other development sites will be identified to minimise the volume of material to be disposed of appropriately at inert or non-hazardous landfill sites.

6.20 The Planning Statement (Application Document Reference TR010017 / 7.1) demonstrates that there is a very strong and compelling case in the public interest for the DCO to be made. It follows that there is a similarly compelling case in the public interest to include the compulsory acquisition powers being applied for, the exercise of which has been shown to be necessary and proportionate to the extent that interference with private land and rights is required.
7. Negotiations with Landowners

7.1. All owners, occupiers and others with an interest in land identified through diligent enquiry have been consulted on the proposals for the Scheme and the effect on their interest. All Land Interests are party to ongoing consultation. Detail on the pre-application consultation is provided in the Pre-application Consultation Report (Application Document Reference TR010017 / 5.1).

7.2. Detailed negotiations are ongoing with those parties set out in paragraph 7.3 below for acquisition of land and rights by agreement. However, the Applicant is under a duty to acquire land at best value and so has concluded that acquisition by agreement is unlikely to occur in relation to all the plots required or in any event within sufficient time to ensure that the programme for the construction of the Scheme is met. There is also a case where the ownership of land is unknown, where it will not be possible to acquire the interest except by way of compulsory acquisition. This land (Plot 3/10a) is adjacent to the westbound carriageway of the A1058 Coast Road to the east of the A19 / A1058 Coast Road junction. The steps taken to identify ownership included obtaining available information from HM Land Registry, making enquiries with the North Tyneside Council as well as with adjoining landowners and affixing an unknown owner and general site notice near to the extent of the plot.

7.3. The following two negotiations are currently underway:

7.3.1 Negotiations with Duke of Northumberland Estates for the temporary possession of Land Plot 2/4a for the site construction compound and permanent acquisition of Land Plot 2/4 and Plot 2/5 (refer to the Land Plans (Application Document Reference TR010017 / 2.2) and the Book of Reference (Application Document Reference TR010017 / 4.3)); and

7.3.2 Negotiations with the Crown for the acquisition, acquisition of rights and temporary possession of part of the Land as detailed in Sections 9.3, 9.4, 9.5 and 9.7-9.8 of this Statement.

7.4. These negotiations are ongoing with Duke of Northumberland Estates and it is not likely that an agreement will be completed by the close of the examination. Therefore, Plot 2/4 and Plot 2/5, for the permanent acquisition of land and Plot 2/4a for temporary possession of the site construction compound will remain in the DCO, but still at an early stage. The Applicant sees no reason for not completing the agreement with either party by the close of the examination.

7.5. The approach of making the Application for a DCO contain powers of compulsory acquisition and, in parallel, conducting negotiations to acquire Land by agreement is in accordance with the guidance provided in paragraph 39 of the Guidance.
7.6. If any party affected by the compulsory acquisition powers being sought as part of the Application wishes to discuss these land acquisition or temporary possession powers, they are advised to get in touch with the A19 A19/A1058 Coast Road Improvement Project Team, whose contact details are included within the table below.

Table 7.1: A19 A19/A1058 Coast Road Improvement Project Team Contact Details

<table>
<thead>
<tr>
<th>Client:</th>
<th>Highways Agency England</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Lateral, 8 City Walk, Leeds, LS11 9AT</td>
</tr>
<tr>
<td>Contact</td>
<td>Guy Lewis – Highways Agency England Project Manager</td>
</tr>
<tr>
<td>Tel:</td>
<td>+44 (0) 113 2835370</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:Guy.Lewis@highways.gsi.gov.uk">Guy.Lewis@highways.gsi.gov.uk</a> england.co.uk</td>
</tr>
</tbody>
</table>
8. **Human Rights**

8.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

8.2 The Decision-Maker, as a public body, is under a duty to consider whether the exercise of its powers engages the rights protected by the Convention.

8.3 The following articles of the Convention are relevant to the determination as to whether the DCO should be made so as to include powers of compulsory acquisition:

- Article 6 entitles those affected by the powers sought in a DCO to a fair and public hearing by an independent and impartial tribunal. The decision making is not independent within the meaning of Article 6.
- Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic well-being of the country;
- Article 1 of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8, any interference with possessions must be proportionate and in determining whether a particular measure is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.

8.4 The DCO has the potential to infringe the human rights of persons who own property in the Land. Such infringement is authorised by law provided:

- The statutory procedures for obtaining the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
- Any intervention with the Convention right is proportionate to the legitimate aim served.

**Compliance with the Convention and the Human rights Act 1998**

8.5 The Applicant has considered the potential infringement of convention rights in consequence of the compulsory acquisition powers including temporary possession included within the DCO. The land to be acquired for the Scheme has been kept to a minimum and the Scheme is designed to minimise interference with the peaceful
enjoyment of a person’s possessions under article 1 of the First Protocol of the Human Rights Act.
8.6 The Applicant considers that there would be very significant public benefit arising from the grant of development consent, as listed below and that this benefit can only be realised if the development consent is accompanied by the grant of powers of compulsory acquisition. The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected land owners. In summary, the benefits are:

- To address high levels of congestion and poor accident rates.
- To complement transport proposals contained in the Regional and Local Transport Authority development plans.
- To take account of and complement improvements to the local network of highways, in particular the New Tyne Crossing, Seaton Burn Pinch Point Scheme, Testos Junction Improvement Scheme, and the A1 Lobley Hill Improvement Scheme.

8.7 These significant public benefits therefore outweigh the effects of the DCO upon persons with property rights in the Land and would not be a disproportionate interference with their Article 8 and Article 1 of the First Protocol rights. In addition, those affected by compulsory acquisition powers including temporary possession will be entitled to compensation and the Applicant has the resources to pay such compensation.

8.8 In relation to Article 6, there has been an opportunity for members of the public to make representations on the application. In accordance with Part 5 of the 2008 Act, the Applicant consulted the persons set out in section 44 of the 2008 Act. This included known owners and occupiers of the Order Land and those who might make claims either under section 10 of the Compulsory Purchase Act 1965 in respect of injurious affection, or under Part 1 of the Land Compensation Act 1973. The beneficiaries of restrictive covenants and other rights overridden by the exercise of powers in the DCO would be capable of making claims under section 10 of the Compulsory Purchase Act 1965.

8.9 Furthermore, representations can be made by way of objections to the Application in response to any notice given under section 56 of the 2008 Act the examination of the application by the examining authority, any written representations procedure which the examining authority decides to hold and in particular, any compulsory acquisition hearing under section 92 of the 2008 Act.

8.10 Should the DCO be made, a person aggrieved may challenge the DCO by judicial review in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the 2008 Act. In relation to disputes about compensation, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), an independent tribunal.

8.11 For the above reasons, any infringement of convention rights of those whose interests are affected caused by the inclusion of powers of compulsory acquisition is in the public interest and according to national and European law, and it would be
appropriate and proportionate to make the DCO, including the grant of compulsory acquisition powers.
9. Special Considerations

Special Category Land

9.1 None of the Land to be compulsorily acquired relates to "special category land" as defined in the APFP Regulations: the land identified as forming part of a common, open space, National Trust land or fuel or field garden allotment.

9.2 Moreover, none of the Land to be compulsorily acquired relates to an ancient monument, listed building, conservation area, consecrated land or renewal area. These are the other types of land listed in Annex 2 to the Guidance as being relevant for special consideration.

Crown Land

9.3 The Applicant is seeking to acquire by agreement Crown Land defined by the following plots as shown on the Crown Land Plans (Application Document Reference TR010017 / 2.6) and as presented within Part 4 of the Book of Reference (Application Document Reference TR010017 / 4.3).

- Land Plot 3/11
  The Applicant proposes to acquire all interests other than the Crown freehold under the DCO and is seeking Crown consent under s.135(1) for this.

9.4 The Applicant is seeking to acquire by agreement rights over Crown Land defined by the following plots as shown on the Crown Land Plans (Application Document Reference TR010017 / 2.6) and as presented within Part 4 of the Book of Reference (Application Document Reference TR010017 / 4.3).

- Land Plot 3/10
- Land Plot 3/11a
- Land Plot 3/11b
- Land Plot 3/11c
- Land Plot 3/11d
- Land Plot 3/11e
- Land Plot 3/11f

9.5 The Applicant is seeking to acquire by agreement temporary possession of Crown Land defined by the following plots as shown on the Crown Land Plans (Application Document Reference TR010017 / 2.6) and as presented within Part 4 of the Book of Reference (Application Document Reference TR010017 / 4.3).

- Land Plot 3/11
- Land Plot 3/11a
- Land Plot 3/11b
- Land Plot 3/11c
- Land Plot 3/11d
- Land Plot 3/11e
- Land Plot 3/11f
9.69.5 The Applicant is seeking to acquire land under the DCO that the Crown (the Secretary of State for Transport) has an interest in defined by the following plots as shown on the Crown Land Plans (Application Document Reference TR010017 / 2.6) and as presented within Part 4 of the Book of Reference (Application Document Reference TR010017 / 4.3). The Applicant has obtained Crown consent under s.135 in this respect.

- Land Plot 1/1
- Land Plot 1/2
- Land Plot 2/3
- Land Plot 2/3b
- Land Plot 3/3ac
- Land Plot 3/3q
- Land Plot 3/3x
- Land Plot 3/14a

9.79.6 The Applicant is seeking to temporarily acquire land that the Crown has an interest in defined by the following plots as shown on the Crown Land Plans (Application Document Reference TR010017 / 2.6) and as presented within Part 4 of the Book of Reference (Application Document Reference TR010017 / 4.3).

- Land Plot 3/14

The Applicant is seeking to acquire rights of access over land that the Crown has an interest in defined by the following plot as shown on the Crown Land Plans (Application Document Reference TR010017 / 2.6) and as presented within Part 4 of the Book of Reference (Application Document Reference TR010017 / 4.3).

- Land Plot 3/14a

The Crown benefits from rights of access for the construction and maintenance of sewers, drains and pipes for the benefit of registered title TY43551 as more particularly described in a Conveyance dated 31 March 1977 as detailed in registered title TY350282 over these plots. The Applicant is seeking Crown consent under s.135(2) in this respect.

9.89.7 Section 135 of the Act states that a DCO can only include provision authorising the compulsory acquisition of an interest in Crown land if the appropriate Crown authority consents to the acquisition. The Guidance recommends that the consent is obtained at the earliest opportunity and that discussions should commence before submission. The aim should be to ensure Crown consent is in place before submission but if it is not granted by then, the applicant should give an indication of when they expect consent to be received, which should be no later than the end of the examination phase.
9.99.8 The Applicant is currently in discussions with the Crown who have indicated that they are happy to provide consent "in principle" to the acquisition and use of the Crown Land. *It is anticipated that evidence of the consent will be submitted prior to the end of the examination.*
10. Other Consents

10.1 The following will or may be required in addition to the powers sought in the DCO and any consents under the DCO:

- A permit from the Environment Agency for discharge of trade effluent to controlled water during construction, under the Environmental Permitting Regulations 2010 (EPR). This would be required for any trade effluent generated from the dewatering of excavations, which would be treated in a settlement system prior to discharge.
- Waste management permit or exemption under the Environmental Permitting (England and Wales) Regulations 2010 for the reuse of materials within the Scheme;
- Waste management permit or exemption under the Environmental Permitting (England and Wales) Regulations 2010 for the storage of excess materials prior to reuse within the Scheme; and
- Section 61 Application under the Control of Pollution Act 1974 for the control of construction noise.

10.2 These listed consents, permits and exemptions would not ordinarily be obtained at this stage of the Scheme. The Contractor would apply for them, as necessary, prior to the commencement of the relevant works.

10.3 The Applicant is in discussion with all of the above consenting bodies and does not regard the need for these other consents as a material risk to the delivery of the Scheme, as there is no reason why the consents will not be granted. They should therefore not be viewed as an impediment to the delivery of the Scheme.
11. Summary and Conclusions

11.1 This Statement explains why it is necessary, proportionate and justifiable for the DCO to contain compulsory acquisition powers relating to the land required to construct the Scheme, and why there is a compelling case in the public interest that the applicant should be granted these powers.

11.2 The land is required (or is incidental to) for the purposes of the DCO. Without the Land the proposed Scheme cannot take place. The location of the Works on the Works Plans demonstrates that the Land on the Land Plans is needed to construct the Scheme. The need to ensure that the development can be delivered requires the acquisition of a number of property interests in so much of the land as is in third party ownership and a means of overriding existing rights and interests in or over land together with the creation of new rights over land.

11.3 Section 2 describes the Scheme together with Section 4 which describes the extents and usage of the land that would be subject to compulsory acquisition and also that within the surrounding area.

11.4 Section 3 describes the scope of compulsory acquisition powers that are being sought over the land and Sections 5 and 6 provide justification for the use of these powers for land to be acquired outright, land over which permanent rights would be taken, and temporary possession of land, making reference to the relevant articles within the DCO where required.

11.5 Section 7 discusses engagement that has been undertaken with affected land owners and others with an interest in the Land, and describes why compulsory powers are sought.

11.6 Section 8 explains how an individual human rights are protected under the Human Rights Act 1998 and how the Scheme complies with this legislation.

11.7 Section 9 describes an special procedures that may be required as part of compulsory acquisition (such as the acquisition of land owned by the Crown estate, or other land designated as special category, e.g. Open Space Land).

11.8 Section 10 lists any other consents that will or may be required in addition to the powers sought in the DCO.

11.9 In conclusion, the tests in Section 122 of the Act are met and there is a compelling case in the public interest to acquire each plot of land.