

CITY OF SUNDERLAND

THE HIGHWAYS ACT 1980 AND THE ACQUISITION OF LAND ACT 1981

THE SUNDERLAND CITY COUNCIL (A1290 DUALLING INTERNATIONAL DRIVE TO
A19 DOWNHILL LANE JUNCTION) COMPULSORY PURCHASE ORDER 2022

And

THE SUNDERLAND CITY COUNCIL (A1290 DUALLING INTERNATIONAL DRIVE TO
A19 DOWNHILL LANE JUNCTION) (CLASSIFIED ROAD) (SIDE ROADS) ORDER
2022

STATEMENT OF REASONS

1 Introduction

1.1 This statement aims to set out the reasons for making:

- I. The Sunderland City Council (A1290 Dualling International Drive to A19 Downhill Lane Junction) Compulsory Purchase Order 2022 (the CPO) and explains why the Council is seeking to acquire land compulsorily.
- II. The Sunderland City Council (A1290 Dualling International Drive to A19 Downhill Lane Junction) (Classified Road) Side Roads Order 2022].

2 The A1290

- 2.1 The A1290 is located within the administrative area of Sunderland City Council.
- 2.2 The A1290 Dualling Scheme consists of dualling the existing classified road which sits in its own highway corridor amidst an increasingly industrial landscape. This section describes the A1290 as it exists today. A description of the proposed improvement works follows in section 6.
- 2.3 The A1290 comprises a single carriageway tarmac road with relatively open aspect on both sides to the east and west; the route is relatively flat with limited gradient changes. A pavement runs along its eastern side; bus stops are located on either side.
- 2.4 The surroundings are generally a mix of agricultural land and industrial/commercial uses.
- 2.5 As the road runs north and approaches the Downhill Lane junction, fields exist to the east and west which are currently largely in arable use. The Downhill Lane junction is currently subject to construction works by National Highways.
- 2.6 To the immediate east are areas of agricultural land. Further to the east is the A19 corridor (a tarmac dual carriageway) with areas of the Town End Farm residential estate beyond. The A1290 is approximately 400 metres at its closest point to the Town End Farm estate.
- 2.7 The North East Land Sea and Air Museum ('NELSAM') and the Three Horseshoes pub is located approximately 100 metres to the east/south-east of the site boundary. An area of vacant land previously occupied by Numbers 1 to 5 Usworth Cottages and the Chalet also sit to the east of the site.
- 2.8 To the immediate south of the A1290 is the Nissan car manufacturing plant complex (beyond the A1290 and Washington Road).
- 2.9 To the west of the A1290 are industrial buildings of IAMP ONE running along the western side of the road. International Drive, which has recently been constructed, provides the internal spine road through IAMP ONE. A line of electricity pylons currently runs along the western side of the road carrying a 275kV high voltage overhead power line.

3 The surrounding highway network

- 3.1 A1290 connects to the A19 to the east which provides a north-south strategic route through North East England and south to York. To the south, the A1290 connects to the A1231, via the A195 (which in turn connects to the A1(M)), and to the A182. The A1231 provides a connection between Central Sunderland to the east and Washington and the A1(M) to the west. The A19 connects to the A184 to the north at Testo's junction. The A184 provides a connection between Fulwell to the east and Gateshead and Newcastle to the west.

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- 3.2 International Drive provides the new spine road through IAMP ONE. It has northern and southern junctions which connect to the A1290.
- 3.3 Follingsby Lane runs from the A1290 through to the A194(M) to the north west. The eastern end has recently become a NMU only route as part of the IAMP ONE development. As the road continues westward, it provides access to a limited number of residential buildings and small businesses before it reaches the Follingsby Park Industrial Estate.

4 The Order Land

- 4.1 The Order Land is shown edged red on the Order Map.
- 4.2 The Order Land consists of:
- Agricultural land in private ownership to the east of the existing A1290;
 - Land to either side of the A1290 that is in the ownership of IAMP LLP for the purposes of developing IAMP;
 - Land within the A1290 corridor that is in the ownership of Sunderland City Council as existing highway;
 - Land that is in the ownership of National Highways either as existing highway or as part of the A19 Downhill Lane Junction Improvements Scheme; and
 - Land in unknown ownership.
- 4.3 No residential or other properties will require demolition.
- 4.4 The majority of the Order Land is within the control of the Council or IAMP LLP, but has been included in the CPO to demonstrate deliverability.
- 4.4.1 [Note: LLP to confirm land ownership for ecological mitigation. LLP to provide highway case for A1290 ahead of spine road north of the Don]

5 International Advanced Manufacturing Park

- 5.1 The Order Land lies within an area of land being developed as the International Advanced Manufacturing Park ("IAMP").
- 5.2 IAMP
- 5.3 The IAMP involves building a world-class location for automotive and advanced manufacturing businesses on land to the north of Nissan Motor Manufacturing (UK). Overall, the IAMP development will provide up to 392,000sqm of floorspace (around 4.2 million sqft) and will deliver around 7,600 jobs. IAMP includes improved transport connections for vehicles, walkers, horse riders and cyclists, whilst a significant area of land will be used to provide a range of ecological and landscape enhancement measures.
- 5.4 The planning policy context for IAMP is explained in section 10 below.
- 5.5 IAMP LLP
- 5.6 IAMP LLP is a joint venture formed by South Tyneside Council and Sunderland City Council for purposes of promoting and delivering the IAMP.

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- 5.7 The IAMP is being delivered by IAMP LLP in conjunction with its development partner HBDL. HBDL has an established track record of delivering commercial development on a comparable scale to the Proposed Development. IAMP LLP and HBDL entered into an agreement on 30 November 2018 which sets out the terms of their relationship. However, HBDL has no responsibility for delivering the A1290 Improvement Scheme.

5.8 [Sunderland City Council](#)

- 5.9 Sunderland City Council ("Council") has made the CPO and SRO in its capacity as highway authority.
- 5.10 The Council will adopt the completed A1290 Dualling Scheme. During construction, the Council will undertake a daily supervisory role to ensure the works are completed in accordance with the approved design and industry standards.
- 5.11 The Council will drawdown funds for the A1290 Dualling Scheme with agreement from the NELEP along with Local Authority (SCC and STC) capital funding contributions.
- 5.12 The Council will report quarterly to NELEP on progress and funding drawdown is undertaken as part of Quarterly Monitoring Reports (QMR's) which are a requirement of the grant funding agreements.
- 5.13 The Council is also the local planning authority for the area in which the A1290 lies. [The Council has a governance structure in place which ensures that planning and highway officers act impartially when considering applications from IAMP LLP or HBDL.]

6 [Description of the A1290 Dualling Scheme](#)

- 6.1.1 The A1290 Dualling Scheme consists of the dualling of the A1290 and includes the following:
- 6.1.1.1 Partial improvement/widening of an existing single carriageway road by dualling of the A1290 (at least 2 lanes in either direction, occasionally widening locally to provide flared three lane approaches to junctions) between the A19/A1290 Downhill Lane Junction and the southern access into IAMP ONE from International Drive. The carriageway will tie-in with the A19 Downhill Lane Junction to the north and run southwards before tapering back to a single carriageway near West Moor Farm.
- 6.1.1.2 Northbound and southbound carriageways will be separated by a central reservation.
- 6.1.1.3 A shared use 3m wide footway/cycleway is to be provided along the eastern side of the road. This will connect with the new Non-Motorised User (NMU) provision at A19 Downhill Lane junction being provided as part of the Downhill Lane Junction National Highways scheme
- 6.1.1.4 New junctions to be created on the A1290 to provide access to IAMP ONE that will be signal controlled and include pedestrian crossing provisions with refuge islands as necessary. A new Pegasus crossing will be installed on the A1290 in the vicinity of Usworth Cottages. A new Pegasus crossing facility is being implemented at this location as part of the A19 Downhill Lane junction improvement works and will be amended to reflect the widening of the A1290. This provision is located to lead to/from the downgraded section of Follingsby Lane within IAMP ONE.
- 6.1.1.5 Street lighting will be provided on both sides of the carriageway.

7 Enabling Powers

7.1 CPO

7.2 The CPO is made under the following section of the Highways Act 1980:

- 7.2.1 Section 239 (to construct a new highway or improve an existing highway)
- 7.2.2 Section 240 (to carry out works authorised under section 14, create new means of access and to use land in connection with the construction or improvement of a highway) and
- 7.2.3 246 (to mitigate the adverse effects of construction or improving a highway on its surroundings) as extended by and supplemented by Section 250 (to create new rights) and 260 (clearance of title) of that Act.

7.3 Sections 239(1), 240, 246, 250 and 260 of the Highways Act 1980 will be employed to acquire the necessary land and rights to construct and maintain the scheme.

7.4 In addition the Council has taken full account of the Government's *Guidance on Compulsory Purchase process and the Crichel Down Rules* (July 2019) in making the Order.

7.5 SRO

7.6 The SRO is made under sections 14 and 125 of the Highways Act 1980. Section 14 of the Act authorises the Council in relation to a classified road:-

- 7.7 to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of the road or is or will be otherwise affected by the construction or improvement of the road; and
- 7.8 to construct a new highway for purposes concerned with any such alteration as aforesaid or for any other purpose connected with the road or its construction and to close after such period as may be specified in the Order any new highway so constructed for temporary purposes.
- 7.9 Section 125 of the Act provides that any order made by the Council under section 14 may authorise the Council to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of the classified road, or forming the site of any works authorised by the order and to provide a reasonably convenient new means of access to any such premises (unless no access to the premises is reasonably required).
- 7.10 The purpose of the SRO is to enable the Council to stop up existing highways, stop up private means of access, carry out improvements to existing highways and construct new highways.

8 Authority to make the Orders

8.1 On 27 September 2021 the Council's Cabinet resolved to

- 8.1.1 Authorise the Development Director (Residential), in consultation with the Leader of the Council, the Cabinet Secretary and the Executive Director of Corporate Services, to acquire such land and/or rights by agreement as may be needed to allow the delivery of the Scheme on such terms as considered appropriate.
- 8.1.2 Approve in principle, the potential use of Compulsory Purchase Order (CPO) powers pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 to facilitate the delivery of the Scheme;

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- 8.1.3 Authorise the Development Director (Residential) to undertake a detailed land referencing exercise in respect of the Scheme land and take all preparatory steps required to prepare for the potential CPO referred to above;
- 8.1.4 Authorise the Development Director (Residential), in consultation with the Cabinet Secretary and the Executive Director of Corporate Services, to agree the terms of, and enter into, appropriate indemnification arrangements with IAMP LLP in respect of the costs of the proposed CPO process and
- 8.1.5 Agree to receive a further report in due course in respect of the proposed making of the CPO once the land referencing exercise is complete and the draft order and the accompanying statement of reasons has been prepared.
- 8.2 On [22 March] 2022 the Council's Cabinet authorised the making of the Sunderland City Council (A1290 Improvements) Compulsory Purchase Order 2022 [and [Side Roads Order].

9 Need for the A1290 Dualling Scheme

- 9.1 The A1290 Dualling Scheme is required for the following reasons.

9.2 Road safety

- 9.3 During periods of congestion, most notably during a Nissan shift change, extensive queuing occurs along the A1290 in both directions. The extent of traffic queuing on the A1290 frequently leads to operational issues on the surrounding road network, most notably the A19 Downhill Lane junction. When queues on the A1290 southbound impact the operations at the A19 Downhill Lane junction, traffic extends along the slip roads – this becomes a road safety issue when the queue extends beyond the slip road and onto the A19 mainline flows.
- 9.4 Whilst the recent National Highways improvement measures at the A19 Downhill Lane junction provide additional capacity, the retention of the A1290 as a single carriageway will not address a key contributing factor to constraint and traffic flows.
- 9.5 The proposed widening of the A1290 to become a dual carriageway will significantly contribute to road safety, not least by providing additional network capacity but also storage capacity for queueing traffic, thereby reducing queues towards the A19.

9.6 Capacity – existing development

- 9.7 The IAMP ONE development is required to adhere to a Highways Operational Management Plan (HOMP), which includes limitations on the operational hours for occupiers, specifically, that shift operations must be offset by at least an hour from those of Nissan.
- 9.8 The intention of the HOMP is to address the capacity and road safety issues outlined above, by ensuring that current peak periods are not exacerbated by IAMP related traffic.
- 9.9 Notwithstanding the additional network capacity provided by the A19 Downhill Lane junction improvements, the widening of the A1290 to become a dual carriageway will provide significant capacity locally and contribute toward the technical evidence base and justification for a relaxation of the shift pattern restrictions within the HOMP for IAMP ONE occupiers.

9.10 Capacity – future development

- 9.11 The Transport Assessment for the IAMP ONE development demonstrated that no further network capacity was available without notable mitigation.

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- 9.12 The A19 Downhill Lane Junction improvements have since come forward and provide additional capacity at this key node into IAMP and Nissan. However, the A19 Downhill Lane junction improvements alone do not provide sufficient capacity for the full IAMP aspirations to come forward, as identified in the IAMP AAP.
- 9.13 The widening of the A1290 to become dual carriageway is required to deliver capacity to enable the next phase of IAMP – the Northern Employment Area, for which the Application has been submitted.

10 Policy Context

10.1 The Adopted and Emerging Development Plan

- 10.2 The adopted and emerging development plans for the two local planning authorities are provided in the following table.

| Local Planning Authority | Adopted Development Plan | Emerging Development Plan |
|--------------------------|--|---|
| Both Local Authorities | <ul style="list-style-type: none"> • International Advanced Manufacturing Park Area Action Plan (AAP) (November 2017) | |
| Sunderland City Council | <ul style="list-style-type: none"> • Sunderland Core Strategy and Development Plan 2015-2033 (CSDP) (January 2020) • Saved Policies of the Sunderland Unitary Development Plan (UDP) (September 1998) and UDP Alteration No.2 (Central Sunderland) (September 2007)* | <ul style="list-style-type: none"> • Sunderland Draft Allocations and Designations Plan (December 2020); |
| South Tyneside Council | <ul style="list-style-type: none"> • South Tyneside Local Development Framework Development Management Policies (DMP) (December 2011) • South Tyneside Local Development Framework Core Strategy (CS) (June 2007) • South Tyneside Local Development Framework Site-Specific Allocations (April 2012)** | <ul style="list-style-type: none"> • The South Tyneside draft Regulation 18 Local Plan is currently in preparation |

* Only certain saved policies of the Sunderland UDP are relevant. A significant number of policies have been deleted as they have been superseded by the CSDP or the IAMP AAP. The UDP Alteration No. 2 relates to central Sunderland and so is not relevant to the IAMP.

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** The South Tyneside Site Specific Allocations covers the remaining non-AAP parts of the borough and hence is not relevant to the IAMP.

10.3 IAMP Area Action Plan

10.4 The International Advanced Manufacturing Park Area Action Plan ('AAP') provides the planning policy framework for the comprehensive development of approximately 392,000 sqm of floorspace for uses relating to the Automotive and Advanced Manufacturing sectors. This is to be delivered on 150 hectares of land, with 110 hectares of adjacent land safeguarded for ecological and landscape mitigation. The AAP was jointly adopted by both the Council and South Tyneside Council on 30 November 2017.

10.5 The AAP's vision for the IAMP is:

"A nationally important and internationally respected location for advanced manufacturing and European-scale supply chain industries. A planned and sustainable employment location that maximises links with Nissan and other high value automotive industries as well as the local infrastructure assets, including the ports, airports and road infrastructure." (para. 2.6)

10.6 The AAP states that the type of place which the Council want to create is:

"an attractive working environment that creates the conditions in which businesses can establish and thrive and where people choose to work. A unique opportunity for increased job and business creation and the promotion of regional prosperity whilst taking advantage of natural assets and green infrastructure including the River Don corridor." (para. 27)

10.7 The following AAP Policies are considered relevant to the development proposals:

Policy S1: Spatial Strategy for Comprehensive Development – sets out the strategy for the comprehensive development of the IAMP for the principal uses associated with the automotive and advanced manufacturing businesses and states that this will be delivered by:

- 1 *"Revising the Green Belt boundary to release 150ha of land from the Green Belt.*
- 2 *Allocating approximately 150ha of land for the development of principal uses (as defined in Policy S2) in the Employment Areas.*
- 3 *Designating approximately 110ha of land as an Ecological and Landscape Mitigation Area to provide for mitigation and/or compensation of the ecological and landscape impacts of the IAMP development.*
- 4 *Requiring Masterplans, Design Codes and Phasing Plans to be submitted which demonstrate how development:*
 - i *will meet the objectives of the AAP and will not prejudice comprehensive development of the IAMP;*
 - ii *ensures the proposed development is designed and orientated to relate well to the existing employment area and Enterprise Zone and established infrastructure;*
 - iii *contributes fully to the delivery of the IAMP as a project of national significance;*
 - iv *contributes fully, in a proportionate and timely manner, towards providing the infrastructure identified in the IDP;*
 - v *contributes fully, in a proportionate and timely manner, to providing for the mitigation required for the IAMP, including environmental mitigation; and*
 - vi *is capable of being implemented without breaching the provisions of the Planning Act 2008."*

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Policy S2: Land Uses supports the IAMP AAP objectives to build on the area's international reputation in the automotive industry; support Nissan; and attract European-scale 'supersuppliers' linked to the automotive industry. This policy states:

b Development of the Employment Areas must be for the Principal Uses of production, supply chain and distribution activities directly related to the Automotive and Advanced Manufacturing sectors, as defined in paragraphs 86-87, and related Supporting Uses; and

c To ensure premises are retained for their original permitted use in the long term, the DCO must contain requirements to that effect, or otherwise the Councils may consider making a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to that effect.

Policy S3: Scale and Quantum of Principal and Supporting Employment Uses –

states that consent will be granted for up to 392,000sqm of space consisting of:

- i 356,000sqm of employment space for the Principal B1(c), B2 and B8 classes; and
- ii up to 36,000sqm of employment space for Supporting B1(a) and B1(b) class uses, only where this is related to the Principal Uses defined in Policy S2.

The site is subject to the following allocations and designations on the IAMP AAP Policies Map, shown on Figure 4.1 of this Statement:

- The land for the proposed employment development comprises all the land allocated as the Northern Employment Area, with one plot lying within the land allocated as the Southern Employment Area;
- The land between the two Employment Areas is designated as ELMA under Policies EN1 and EN2, as well as Green Belt under Policy S1. The land which surrounds the Northern Employment Area outside the application boundary is also designated as Green Belt;
- A buffer of land between the Northern Employment Area and the A19 is designated as ELMA and as a landscape buffer under Policy EN1. This land is also designated as Green Belt;
- Land along the River Don corridor is designated as a Local Wildlife Site under Policy EN2;
- The following highways improvements are identified for delivery under Policy T1:
 - upgrading of the A1290 to increase its capacity;
 - a new bridge over the River Don to allow access to the Northern Employment Area; and
 - new distributor roads within the IAMP to accommodate the movement of all users.

A summary of other relevant IAMP AAP policies is as follows:

Policy D1 (Masterplan Design) – provides the design concept and masterplan objectives for IAMP; to encourage a compact, permeable development which is attractive to future occupiers and flexible enough to accommodate a range of businesses. This includes maximising the interface with Nissan;

• **Policy D2 (Public Realm)** – provides the key principles for addressing the key public realm elements of the masterplan to deliver a scheme with a sense of place and which creates its own unity identity;

• **Policy T1 (Highway Infrastructure)** – this policy states that development proposals must be accompanied by a Transport Assessment and Travel Plan; and that consent will not be granted for development which adversely affects highway safety, comprises the delivery

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of highway improvements or prejudices the comprehensive development and delivery of the IAMP;

- **Policy T2 (Walking, Cycling and Horse Riding)** – the aspiration is for the IAMP to be an attractive sustainable multi-modal environment. To promote walking, cycling and horse riding, development must (A. i) ensure that any junction / highway measures and any new roads are designed to safely integrate potential pedestrian and cycle movements and reflect desire lines; (A. ii) consider the needs of all types of users; (A. iii) include appropriate cycling facilities; (A. iv) incorporate opportunities for new cycle routes and signage; and (A. v) provide for improved connections along Follingsby Lane, which will be restricted to use for local access. Policy T2 (B) states that safe access to the open space within the IAMP will be ensured for horse riding through the provision of bridleways linked to the wider bridleway network. Policy T2 (C) states that where new routes abut agricultural land, appropriate measures to deter public access to agricultural land must be incorporated. Paragraph 124 of the supporting text states that bridleways will be provided to enhance access to the open space within the IAMP for recreational horse riders;

- **Policy T3 (Public Transport)** – requires the provision of enhanced bus services and associated facilities, including bus priority measures on the key routes entering the IAMP; adequate provision for buses on the proposed new bridges over the A19 and over the River Don; new bus stops and improved waiting facilities within the IAMP AAP area; and new traffic signal installations incorporating facilities to enable priority for buses;

- **Policy IN1 (Infrastructure Provision)** – requires the delivery of infrastructure to meet the needs of the development for electricity, gas, water and telecommunications. A new electricity sub-station may be required. The provision of low carbon and renewable energy systems should be explored;

- **Policy IN2 (Flood Risk and Drainage)** – This policy states that a new bridge will be required over the River Don, the design of which requires a Flood Risk Assessment and Water Framework Directive Assessment, and surface water drainage strategy to address drainage and flood risk, including SuDS provision. Evidence is required that there is sufficient capacity, both on and off-site, in the foul sewer network to support the development;

- **Policy EN1 (Landscape)** – this policy seeks to minimise the impact of the IAMP on the landscape character and visual amenity. Development proposals must (A. i) minimise the visibility of the development from the A19 and maintaining an appropriate landscape buffer; (A. ii) use design and landscaping measures to reduce the impact of development along public rights of way; and (A. iii) incorporate a landscape buffer around the development edges to integrate the development with the surrounding countryside and provide defensible boundaries for the Green Belt. The designated ELMA is to provide the focus for necessary landscape impact mitigation, in addition to landscaping within the allocated employment areas;

- **Policy EN2 (Ecology)** – this policy sets out the principles to protect and enhance the ecological value of the IAMP and to encourage development based on sound sustainability principles;

- **Policy EN3 (Green Infrastructure)** – this policy sets out the principles for the creation

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of Green Infrastructure, including retaining and enhancing existing mature trees, woodland and hedgerows around the edges of the development, the creation of green linkages along main roads and inclusion of informal open spaces to provide recreational and wildlife benefits and green links between habitats;

- **Policy EN4 (Amenity)** – this policy takes account of amenity considerations including noise, traffic, odours and dust during the construction and operational phases of the IAMP and includes a requirement for a Construction Environmental Management Plan;

- **Policy Del1 (Phasing and Implementation)** – this policy seeks a Phasing Strategy with any application for proposed development; and

- **Policy Del2 (Securing Mitigation)** - this policy advises on securing mitigation

10.8 The A1290 Improvement Scheme is a key element of the road infrastructure required for the comprehensive development of IAMP, in accordance with Policy T1.

10.9 [Note: Policy section to be focussed on highway need case with reference to Interim Position Statement and potentially SCC IDP]

11 Planning position

11.1 This section explains the planning position in relation to the A1290 Dualling Scheme and aims to demonstrate that there should be no planning impediments to the CPO and SRO being confirmed.

11.2 IAMP ONE

11.3 IAMP ONE has planning permission for up to 166,518sqm (Gross Internal Area) of floorspace for advanced manufacturing and automotive uses.

11.4 To date, three bespoke manufacturing buildings have been completed, of which two are occupied by Nissan's suppliers (SNOP (21,856sqm) and Faltec (12,000sqm₂)). The third building (11,470.80sqm) has been fitted out as a Nightingale hospital on a temporary basis in response to Covid-19 but has planning permission for automotive and advanced manufacturing uses. In late January 2021 the hospital opened for use as a mass vaccine centre.

11.5 The internal spine road (known as International Drive) has also been completed, whilst the IAMP ONE ELMA has been created.

11.6 In October 2021, detailed planning permission was granted for a battery plant in the south western corner of IAMP ONE. The manufacturing plant, which is to be brought forward by Envision AESC UK Ltd, will be able to produce batteries for over 100,000 electric vehicles every year. It is anticipated that development will commence in 2022, with the first batteries being produced from 2024.

11.7 [Note: To be expanded to include summary of (1) A1290 improvements by IAMP ONE so far (2) narrative on HOMP restrictions]

11.8 IAMP TWO

11.9 IAMP TWO is currently the subject of a direction made by the Secretary of State under section 35 of the Planning Act 2008 (the 2008 Act) that it is a project of national significance (the Direction).

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- 11.10 IAMP LLP has applied to the Secretary of State for Levelling Up, Housing and Communities for that direction to be revoked, in order that IAMP TWO may be consented through the Town and Country Planning Act 1990.

11.11 [Hybrid planning application](#)

- 11.12 IAMP LLP submitted a hybrid planning application for development within IAMP TWO, including the Scheme, in December 2021 ("**Application**"). The description of development is as follows:

'Hybrid planning application including demolition works, erection of industrial units (up to 168,000sqm) (Gross Internal Area) for light industrial, general industrial and storage & distribution uses (Class B1(c), B2 and B8)) with ancillary office and research & development floorspace (Class B1(a) and B1(b) with internal accesses, parking, service yards and landscaping, and associated infrastructure, earthworks, landscaping and all incidental works (Outline, All Matters Reserved); and dualling of the A1290 between the A19/A1290 Downhill Lane Junction and the southern access from International Drive, provision of new access road including a new bridge over the River Don, electricity sub-stations, pumping station, drainage, and associated infrastructure, earthworks, landscaping and all incidental works (Detailed).'

- 11.13 The detailed part of the Application relates to the dualling of the A1290 and creation of a northern spine road from the A1290 to the northern industrial area. The spine road does not form part of the A1290 Dualling Scheme for the purposes of the CPO or SRO.
- 11.14 The Application was informed by [informal] consultation with key statutory bodies and the community and is supported by an Environmental Statement and other relevant documents.
- 11.15 The Application extends across Sunderland and South Tyneside. Accordingly, it was submitted to both local planning authorities. The Application will be validated once the Direction has been revoked.
- 11.16 It is reasonable to assume from the recent planning history for IAMP that, once validated, representations will be made on the Application by third parties. In that event, the Council would expect IAMP LLP to engage with the relevant parties to attempt to resolve material issues and enable objections to be withdrawn.
- 11.17 A decision on the Application is expected in Spring 2022. We are not aware of any reason why planning permission for the A1290 Improvement Scheme should not be granted.
- 11.18 In the event that planning permission is granted, [discharge consents, ecological consents and waste management licences] will be applied for during the detailed preparation for construction of the scheme. Initial discussions have taken place with relevant statutory bodies and the Council is unaware of any material considerations which would lead to a refusal of any consent. [Note: LLP to confirm relevant consents in broad terms]

12 [Funding position](#)

12.1 [IAMP generally](#)

- 12.2 SCC and STC have allocated or secured £102m of funding for the delivery of IAMP which has been agreed as set out in the table below:

| Funding source | Amount | Commentary |
|----------------|--------|------------|
|----------------|--------|------------|

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| | | |
|--|--------|---|
| Local Growth Fund | £41.2 | Approved by Government and the North East Local Enterprise Partnership |
| City Deal | £5m | Approved by Government in 2014 – project development, feasibility and land acquisitions |
| Sunderland City Council and South Tyneside Council | £22m | Borrowing to support project delivery. Allocated within both Councils' Capital Programme for 2017/18 onwards, approved by both Full Councils. |
| EZ Business Rates Borrowing | £33.8m | Capital contribution provided by Sunderland and South Tyneside Councils funded through Enterprise Zone business rates. |
| Total | £102m | |

- 12.3 The NELEP administers the Local Growth Fund received from Government which includes circa £42m to contribute towards infrastructure works at IAMP alongside the funding provided through the Enterprise Zone business rates. These sources of funding will be applied to deliver the A1290 Improvement Scheme.

12.4 A1290 Dualling Scheme

- 12.4.1 The estimated cost of the A1290 Dualling Scheme is £11m. This total includes all scheme preparation, development, design and management costs, road construction costs, together with the costs for land acquisition and statutory utility diversion works. It also includes an amount for inflation and a risk allowance.

- 12.4.2 The cost of the A1290 Dualling Scheme will be borne by IAMP LLP by drawing down funding from the sources identified above.

- 12.5 The scheme is fully funded and therefore deliverable.

12.6 Land acquisition

- 12.6.1 STC and SCC have each approved the sum of £11 million in their respective capital programmes as a contribution towards the overall IAMP project cost, including the Proposed Development.

- 12.6.2 Elements of the funding provided by Government also contribute to the land acquisition costs associated with the IAMP infrastructure, including the A1290 Improvement Scheme.

13 Need for the Orders

13.1 Need for the Compulsory Purchase Order

- 13.1.1 The Council has given careful consideration to the reasons as to why it is necessary to include the land and new rights shown on the CPO Plans.

- 13.1.2 The A1290 Dualling Scheme will contribute to the achievement of comprehensive development at IAMP by increasing the capacity and safety of the highway network and improving accessibility to the area.

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- 13.1.3 In the considered opinion of the Council, the CPO is necessary to facilitate the improvement works and satisfies the statutory requirements for use of compulsory purchase pursuant to the acquisition of land powers contained in the Highways Act 1980.
- 13.1.4 Compulsory purchase of the land needed for the scheme, [with the necessary rights], will enable the redevelopment and regeneration to take place in a timely fashion. It will also secure and provide certainty for programming construction. It will thus ensure that the Council's transportation and development policy objectives can be met and will allow development of future phases of IAMP to take place as planned.
- 13.1.5 The Council therefore considers that there is a compelling case in the public interest to justify the exercise of compulsory purchase powers in order to ensure that the A1290 Improvement Scheme can proceed.
- 13.1.6 The Council is actively trying to purchase the CPO Land by agreement but should this not be possible, it seeks to acquire the land compulsorily to enable it to meet the objectives of the scheme.
- 13.1.7 All [freehold owners, lessees and occupiers] affected by the CPO have been invited to enter into discussions with the Council with a view to agreeing appropriate terms for acquisition of the land and new rights required. Full details are given below in section 15.
- 13.1.8 The Council has consequently made the CPO to secure the outstanding interests and rights required to enable implementation of the scheme necessary to achieve the Council's objectives for the area. Discussions will, however, continue with owners of relevant interests and new rights required in an endeavour to secure them by agreement wherever possible, with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Council is in accordance with Government Guidance and recognised good practice.
- 13.1.9 Provided the CPO is confirmed, the Council intends to execute a General Vesting Declaration in order to secure unencumbered title of the CPO Land.

13.2 [Need for the Side Roads Order](#)

- 13.2.1 The SRO is required to authorise the alteration of highways and private means of access that cross or enter the route of, or are otherwise affected by, the proposed improvements.
- 13.2.2 The SRO will enable the scheme to be properly linked into the existing highway network and will ensure that existing rights of access to private property [and businesses] are maintained as far as reasonable. The Order will therefore enable the scheme objectives to be met as programmed. It will provide certainty for programming and construction works.

14 [Compulsory Purchase Order Information](#)

- 14.1.1 The land included in the CPO is the land required for widening of the existing A1290 road corridor and does not relate to development plots.
- 14.1.2 The affected land will be needed for development of the road corridor assets, including carriageway, footway/cycleway, highway verge, SUDS highway drainage, streetlighting, landscaping and road signage as necessary. In addition there will be a need for temporary use of a strip of land beyond the limit of the permanent works to be used for plant movement and associated activities during the construction period.

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- 14.1.3 It includes land which will be required as title; it also includes land over which rights are required (for continuing access such as future maintenance and inspection) and land which, it is expected, will only be required for the period of construction. It is hoped that the land required temporarily during the construction period will be negotiated by agreement and hence the title will not be acquired. However, the land is included in the CPO to ensure the scheme can be constructed if negotiations are not successful.
- 14.1.4 Following construction of the scheme, if the Council wishes to dispose of any land which was required only for the period of construction, such land will be disposed of in accordance with the Crichel Down Rules.
- 14.1.5 Land is included to enable construction of the road (with its drainage outfalls) and for various future maintenance.
- 14.1.6 In broad term, and by reference to some of the larger plot numbers, a brief commentary is provided below to explain the need to include the Order Land in the CPO.

| Plot | Description of works |
|------|--|
| 1 | [Note: LLP to complete once plot plan finalised] |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |

15 Negotiations for Acquisition by Agreement

- 15.1.1 In line with the Government's 2019 CPO Guidance, and in order to secure land in accordance with the scheme programme, landowners have been approached with a view to making acquisitions by agreement.
- 15.1.2 Negotiations to acquire the land needed for IAMP began in [Month] 2016.
- 15.1.3 A considerable amount of land for IAMP has already been acquired by agreement, including the site of IAMP ONE and plots to the south east of the A1290 which have been cleared for development.
- 15.1.4 In relation to the land needed for the A1290 Improvement Scheme, land is only required from two parties: National Highways and Town End Farm Partnership. The history of engagement with each is summarised below. That summary is followed by an explanation of the position in relation to statutory undertakers, mines and minerals.

15.2 National Highways

- 15.2.1 The Council has engaged with National Highways over a number of years in relation to the need for improvements to the A1290 to support development at IAMP and the interface of the A1290 with planned improvements to the A19 Downhill Lane Junction.
- 15.2.2 IAMP LLP and National Highways have agreed in principle how IAMP will interface with the improved A19 Downhill Lane Junction. Detailed negotiations on land acquisition continue to progress.

15.3 Town End Farm Partnership

- 15.3.1 IAMP LLP has engaged with TEFPP since [2016] for the acquisition of the entirety of its freehold land within IAMP to enable the delivery of development plots and infrastructure.
- 15.3.2 Since [Month] 2021, representatives of IAMP LLP have engaged with TEFPP to discuss an early acquisition of the land needed for the A1290 Dualling Scheme. Negotiations remain in progress.

15.4 Statutory Undertakers

- 15.4.1 [Note: LLP to contribute]

15.5 Mines and Minerals

- 15.5.1 [Note: To be reviewed with Ardent]

15.6 Special Consideration affecting the Order Land

- 15.6.1 No listed buildings are directly affected by the Order. The only listed building within IAMP is the Grade II listed Hylton Grove Bridge, which is outside the Order Land.
- 15.6.2 The Order covers all outstanding land requirements for the completed scheme and the Order land does not include any ancient monuments or consecrated land and is not within a Conservation Area.

16 Side Roads Order Information

16.1 Side Roads

16.2 Accesses

16.3 Footpaths and Rights of Way

[Note: This section will be expanded by SCC to cover the extent of the Side Roads Orders needed in relation to:

- *Downhill Lane stopping up (at tie in to A1290).*
- *Modification to the un-named road linking Washington Road with A1290 (former access to Usworth Cottages).*
- *Modification to the junctions of International Drive and A1290.*
- *Possibly also in relation to the accessways to the National Highways installed balancing ponds from A1290]*

17 Compatibility with European Convention on Human Rights

- 17.1.1 Article 1 of the First Protocol of the European Convention on Human Rights which is embodied in domestic law by the Human Rights Act 1998 provides that “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- 17.1.2 The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

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17.1.3 Relevant parts of Article 8 of the Convention provide:-

- “(1) Everyone has the right to respect for his private and family life, his home and his correspondence;
- (2) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests ofthe economic well-being of the country...”

17.1.4 In considering the above, regard must be had to the fair balance which must be struck between the public interest of the community as a whole and private rights. In the circumstances of this case, it is considered that there is a compelling case in the public interest for making the CPO and acquiring the Order Land in order to progress the completion of the A1290 Improvements Scheme. It is considered that such public benefit outweighs any private loss and that there is a compelling case in the public interest for compulsory acquisition. There are no residential occupiers included in the CPO. The land included within the CPO is a proportionate response to the needs of the scheme.

17.1.5 Extensive consultation has taken place in relation to IAMP (including highway improvements) over a prolonged period, namely:

17.1.5.1 Two rounds of public consultation in relation to a proposed development consent order for IAMP;

17.1.5.2 Public consultation in relation to three planning applications for IAMP ONE

17.1.5.3 Public consultation in relation to the IAMP Area Action Plan

17.1.6 A further opportunity for third party engagement will be available once the current Application had been validated with the opportunity being given for affected parties and the public to make representations. In addition, the Orders will follow all applicable legislative provisions in respect of the making and confirming of side roads orders and compulsory purchase orders and the payment of compensation.

18 Public Sector Equality Duty

18.1 An Equality Assessment has been completed to assess the impact on protected groups of making the CPO and SRO. The Assessment, which accompanied the [April] 2022 Cabinet report, considered the impact upon protected groups who could be affected by the acquisition of land and rights, by the construction of the A1290 Improvement Scheme and/or by the completed scheme. Following the analysis, no major change to the Scheme was proposed.

[Note: Equality Assessment to be finalised before Cabinet]

19 Views of Government Departments

19.1 Department for Levelling Up, Homes and Communities

19.1.1 In 2015 the Secretary of State for Communities and Local Government made a direction under section 35 of the Planning Act 2008 that IAMP was a project of national significance.

19.1.2 In 2017, the Secretary of State revised that direction to allow the early delivery of IAMP ONE, whilst confirming that IAMP TWO remained a project of national significance.

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19.1.3 [Note: SCC to add details of Enterprise Zone designation]

19.2 National Highways

19.3 The A1290 Dualling Scheme includes works to tie-in to the improved A19 Downhill Lane Junction, for which National Highways obtained development consent.

19.4 IAMP LLP and the Council have discussed the principle of those works with National Highways over a substantial period of time. IAMP LLP and National Highways are in discussions on the final details of the relevant works, with a view to concluding agreements under the Highways Act 1980 enabling them to be completed. Based on historic engagement with National Highways it is the Council's understanding that the works proposed in the NEA application should not require any amendment to National Highways' development consent order for the ongoing improvements to the junction.

20 Related Orders

20.1.1 Traffic Regulation Orders (TROs) will also be required to impose traffic restrictions such as road closures, introduction or varying of speed limits, prohibition of turns (such as right turns and u-turns) and introduction of waiting or loading restrictions. Temporary TROs will be needed for the construction of the scheme to ensure the safety of the workforce, pedestrians and other road users. These will be applied for in advance of works and throughout the construction period. Permanent TROs will be made towards the end of the construction period.

20.1.2 In the exercise of its legal duties to make and implement any and all necessary TROs in connection with the A1290 Improvements Scheme, either temporarily or on a permanent basis, the Council as the Highway Authority for the Sunderland area, do not foresee any likely impediments that would prevent or hinder them being made.

21 Inspection of Documents

21.1.1 A copy of the Orders, Order Maps and this Statement of Reasons can be inspected at the Council's Offices, Reception Desk, City Hall, Plater Way, Sunderland SR1 3AA free of charge at all reasonable times and are available for inspection on the Council's website.

21.1.2 This Statement of Reasons for making the Compulsory Purchase Order and Side Roads Order is not intended to discharge the Council's statutory obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007.

21.1.3 [Note: List of documents to be relied on at inquiry to be added before finalisation]

Dated: [March] 2022