

Okehampton Interchange Railway Station at Okehampton Business Park Report of the Director of Climate Change, Environment and Transport

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1) Recommendation

That the Cabinet be asked:

- (a) pursuant to s.122 of the Local Government Act 1972, to approve the appropriation of land at Okehampton Business Park such that it be held for planning purposes under s226(1)(a) of the Town and Country Planning Act 1990;
- (b) to delegate to the Director of Climate Change, Environment and Transport power to negotiate and authorise compensation payments and agreements which may be required pursuant to s.122 of the Local Government Act 1972 as a result of the appropriation of the land.
- (c) to approve the construction of a new railway station with walking, cycling and public transport improvements and a station car park at Okehampton Business Park within the Levelling Up Fund cost envelope of £14.95m, subject to securing the necessary planning consent and resolution of recommendations a) and b) of this report;
- (d) the Director of Climate Change, Environment and Transport, in consultation with the relevant Cabinet Member and Local Member, be given delegated authority to make minor amendments to the scheme design.

2) Introduction

This report seeks to obtain the necessary approvals to deliver a new railway station, with step-free access, improved cycle links, bus stop infrastructure and a car park with EV charging points and disabled parking bays at Okehampton Business Park. The project will be funded through the Government's Levelling Up Fund programme, with match funding from Devon County Council and West Devon Borough Council. These contributions were confirmed by Cabinet at its 11th May 2022 meeting. The report also seeks approval for the appropriation of land for planning purposes, with delegated powers to the Director of Climate Change, Environment and Transport to negotiate and authorise any compensation payments, which may be required.

3) Proposal

3.1 The Context

A new railway station is proposed at Okehampton Business Park on the east side of the town (see Figure 1). It builds upon the success of the Dartmoor Line reopening in November 2021, which runs hourly frequency trains daily between Okehampton, Crediton and Exeter and has seen patronage far exceed business case predictions in its business case with over 250,000 passengers using the line in its first year. The Levelling Up Fund Business Case submission anticipates opening year demand of approximately 164,000 passengers using the new Interchange station.

Map produced by Devon & Cornwall Rail Partnership
(www.dartmoorline.com)

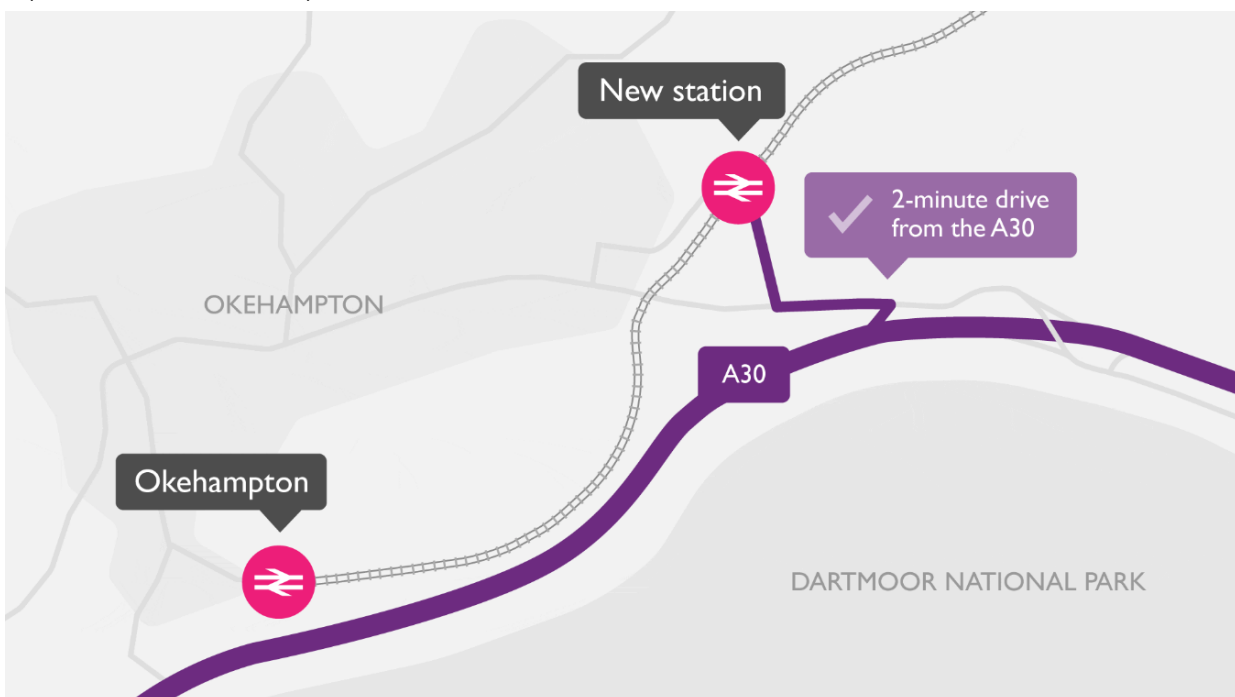


Figure 1: location of new railway station

The new station will serve the eastern side of the town where much of the residential growth and employment land is located. Better cycle links are planned, with a local bus service integrated with the new rail station improving travel choices and connectivity to Exeter and the wider rail network for education, retail, leisure and work journeys. As a key interchange, close to the A30 junction, it will also serve the wider rural catchment of West Devon, Torridge and North Cornwall which are outside reasonable walking or cycling distance or have limited options to use public transport. The station is expected to reduce vehicle kilometres travelled and therefore have a positive impact on carbon emissions. It will also reduce the number of car journeys travelling through the town centre to access the existing 'Town' station, easing congestion and improving the pedestrian environment.

3.1 The Scheme

The scheme itself (shown in Appendix 1) will be approximately 2.2km east of Okehampton Town Station and will provide a single, 100m long, 3.3m wide platform offering an hourly

frequency service to Crediton and Exeter in one direction and an hourly frequency to Okehampton Town Station in the other.

The station will be unstaffed but will meet GWR’s new station requirements with appropriate furniture and public information points to offer an inclusive, accessible experience for passengers. Step-free pedestrian access can be gained either from Hameldown Road or from Okehampton Business Park via a lift and a bridge, which will connect to a new c.200-space car park. The car park will include 5% disabled parking bays and 10% electric vehicle charging points. The car park and part of the bridge are located on land currently owned by DCC and shown edged blue on the plan at Appendix 3 (“the Site”).

For local connectivity, there will be a series of cycle improvements to provide attractive routes to the station from nearby residential areas on the east of the town, including a pedestrian and cycle crossing on Hameldown Road (see Appendix 2). A new Toucan crossing on Exeter Road will also improve access to / from the station as well as walking and cycling leisure opportunities to the Dartmoor Way. Conveniently located, sheltered cycle parking will be provided on both sides of the station (in the car park and in close proximity to the platform). A bus shelter will be conveniently located immediately outside the station on Hameldown Road. To provide a fully integrated multi-modal transport offer, it is proposed that the following services will be extended to Okehampton Interchange Station:

Service No	Key locations served	Frequency (per day)	Town Route
6	Bude – Holsworthy – Okehampton	8-10 journeys	Via Exeter Road
6A	Exeter – Okehampton	5-6 journeys	Via Crediton Road / Kellands Lane
118	Tavistock – Okehampton	5-6 journeys	Via town centre and Exeter Road

The existing 306 service between Launceston and Okehampton, which has 4 journeys per day will continue to operate to Okehampton Town Station.

The proposed station works will be submitted by Network Rail to the local planning authority (West Devon Borough Council) under a prior approval application under Part 18 of the General Permitted Development Order (GPDO). Network Rail and their supply chain, supported by Devon County Council has committed to produce a number of supporting technical reports (i.e. flood risk, lighting, noise, landscaping, ecology and transport) to support the prior approval application alongside the design drawings and plans. The required ecology surveys have been completed and Devon County Council will be separately submitting a Dormice Licence to Natural England to enable works to commence later in the year.

3.3 Appropriation of Land

The Site identified for the station car park forms part of Okehampton Business Park. This report seeks appropriation of the Site so that it can be used as a car park and bridge to support bringing the railway station development forward in line with aspirations of the Plymouth and South Devon Local Plan and the Levelling Up Fund programme.

Devon County Council acquired Okehampton Business Park from the Rural Development Agency (RDA) in 2011 in order to bring forward a Business Park on the site and aid economic growth in Okehampton. The Council exercised its powers under s.120 of the Local Government Act 1972 in order to acquire the land, however the precise statutory power pursuant to which the land was acquired and is currently held is not revealed by Council records. The Site forms part of the Business Park and at the time the Site was acquired it was intended to be used for commercial development. The Site is currently allocated in the Local Plan for employment use so it is assumed that the Site was acquired by DCC for employment purposes. The Local Plan does however reference the need to support and not prejudice the provision of a new railway station on the Site.

Since acquiring the land for Okehampton Business Park, all plots with the exception of plot C shown on Appendix 4 have been sold on for employment use to enable the establishment of a Business Park within the site. Plot C was most recently developed by the County Council to increase Special Education Needs school places to serve the educational need in the area - the Promise School opened in September 2022. The masterplan identifies that the remaining land, being the Site, is not planned for further development other than the provision of a rail station and associated car parking.

Before proposals for development of a station car park with a connecting accessible bridge on the Site can be progressed, it is necessary for the County Council to ensure that it holds the Site for a purpose which is consistent with its intended development and which would allow that development to proceed. Given the lack of certainty as to the statutory power pursuant to which Okehampton Business Park was acquired and the fact that it appears that it was acquired and is held for development for employment purposes, it is considered that appropriation of the Site to a purpose which is consistent with the proposed development and so as to allow that development to proceed is required. This is the same process that was followed for the development of the Promise School on plot C.

Okehampton Business Park is subject to a restrictive covenant which, if it remains enforceable, could prevent development of the Site for the station car park and associated bridge without the consent of the party/parties with the benefit of that covenant. The covenant was attached to Okehampton Business Park when it was sold to the RDA and it may remain enforceable against the Council as the current owner. The Covenant requires that Okehampton Business Park be used only for uses falling within B1 B2 or B8 of the Schedule to the Town and County Planning (Use Classes) Order 1987 or as a site for an electricity sub-station to supply electricity to the Property. Use of the Site as a railway station car park would be in breach of this Covenant as it falls outside of the specified Use Classes.

The potential for this covenant to be enforced so as to prevent the development proceeding is relevant to the identification of the holding power to which the Site is to be appropriated.

Under s.226 of the Town and Country Planning Act 1990 the Council has power to acquire land for "planning purposes" which include where it thinks that the acquisition "will facilitate the carrying out of development/re-development or improvement on or in relation to the land". The Council can also appropriate land which it already holds to such a planning purpose. However, before acquiring or appropriating land for such a purpose the Council must also be satisfied that the development will contribute to the achievement of one or more of the following well-being objectives, namely the promotion or improvement of

economic, social and environmental well-being of the area. Where land is appropriated to planning purposes, and subject to meeting other requirements set out in s.203 of the Housing and Planning Act 2016, the land can be developed notwithstanding that to do so would interfere with a restrictive covenant which affects the land.

Before land can be appropriated from one purpose to another, the requirements of s.122 of the Local Government Act 1972 must be met, namely that the Council must be satisfied that the land is no longer required for the purpose for which it is presently held and that the Council can acquire by agreement land for the purpose to which the land is to be appropriated.

These requirements can be met in relation to the proposed railway station car park use, with further detailed consideration explained in section 8 legal considerations.

4) Options / Alternatives

To not pursue the appropriation of the land for planning purposes has the potential for the restrictive covenant on the land to be enforced, which would prevent the development from proceeding. With strong support for the station (see section 5) and funding secured through the Government's Levelling Up Fund programme, seeking approval to appropriate the land minimises the risk of the station's delivery being prevented or the cost of delivery increasing.

During the works on the Dartmoor Line, Devon County Council commissioned Network Rail to undertake feasibility work to consider alternative options for the station design. This considered the need to serve access from both sides of the railway and delivering a minimum viable product – a station pared down to minimal complexity and cost to deliver the project objectives and fulfilling the core functions for passengers that will use it. This work concluded that a platform on the Hameldown Road (up side) of the railway would offer the best solution due to the curvature of the track and some of the topographical constraints on the Okehampton Business Park side of the railway. Alternative options with ramps instead of a lift to minimise cost were considered; however, latest railway design standards do not support this approach.

5) Consultations

The adopted Plymouth and South Devon Local Plan was subject to a full statutory consultation process with opportunities for stakeholders and members of the public to comment on land use proposals in Okehampton. Through this process there was support for the development of a rail station on the east of the town as part of the TTV13 allocation (see Figure 2). Specifically, Policy TTV13 states that development on the land should provide for the following:

“Support and not prejudice the provision of a new railway station and associated facilities in the east of the town and the potential to reintroduce a full rail passenger service from Okehampton”.

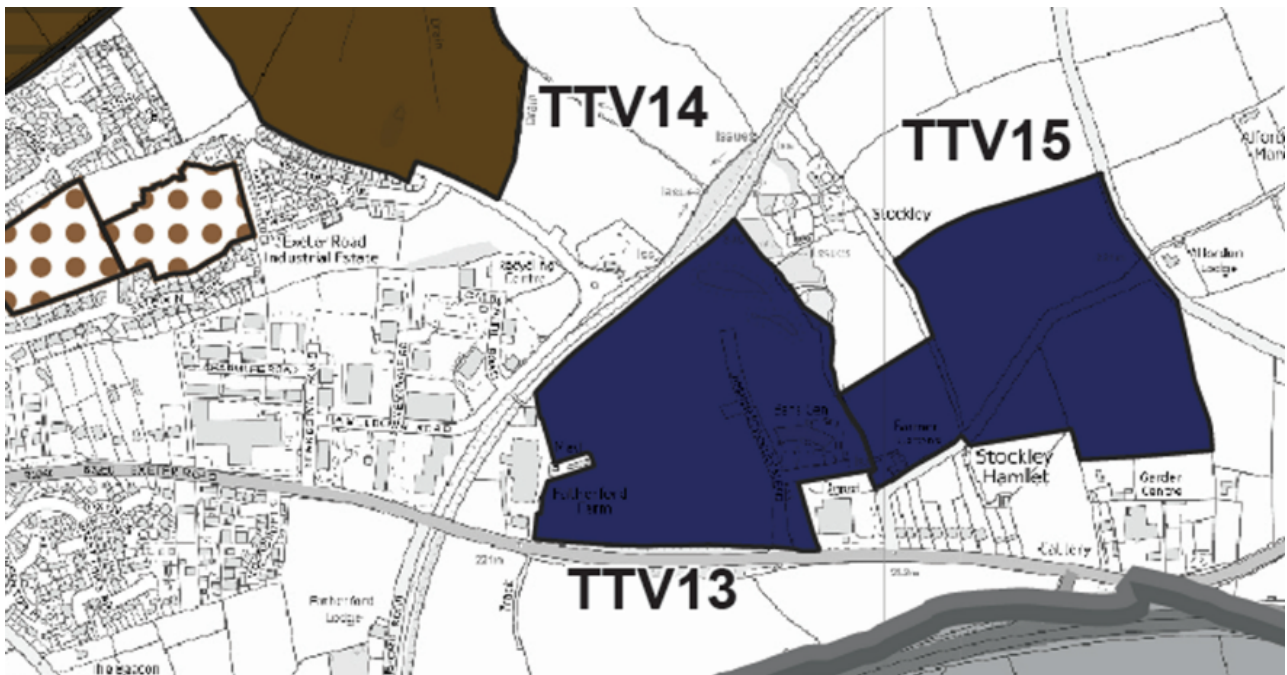


Figure 2: Plymouth and South Devon Local Plan Policy TTV13 - Land at Exeter Road, Okehampton

More recently, the Levelling Up Fund submission received letters of support from a variety of stakeholders including the local MP, Peninsula Transport Sub National Transport Body, Okehampton Town Council, Network Rail, Great Western Railway, Stagecoach and the Heart of the South West Local Enterprise Partnership. Community-based organisations including OkeRail and the Devon and Cornwall Rail Partnership also indicated strong support for the new station.

6) Strategic Plan

The table below summarises how the proposals would impact achievement of relevant Strategic Plan actions according to a seven-point scale, whereby -3 represents a large negative impact and +3 represents a large positive impact.

Strategic Plan Priority	Strategic Plan Action	Alignment
Responding to the climate emergency	Support a green recovery from COVID-19	+2 (Moderate positive)
	Prioritise sustainable travel and transport	+3 (Large positive)
	Encourage sustainable lifestyles	+3 (Large positive)
Investing in Devon's economic recovery	Secure investment in transport infrastructure to stimulate economic growth, improve accessibility, increase travel choices and improve road safety	+2 (Moderate positive)
Improving health and wellbeing	Give people greater opportunities for walking and cycling to increase their physical activity	+1 (Slight positive)
Helping communities to be safe, connected and resilient	Enable a range of transport options, including public transport	+3 (Large positive)

Being ambitious for children and young people	Make sure there are more apprenticeships and better access to employment and learning, including digital skills	+1 (Slight positive)
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There will be environmental and public health benefits achieved through the delivery of a new rail station, including associated walking and cycling improvements, which will encourage more sustainable lifestyles for all ages and abilities. People will benefit from improved safety and better connectivity through increased travel choices, unlocking future education, leisure and work opportunities for residents in Okehampton and the wider rural catchment. It is expected to reduce vehicle kilometres through mode shift, with associated carbon benefits.

From an economic recovery perspective, the new rail station could make the area a more attractive place to live and work due to improved rail connectivity and better travel choices. It has potential to encourage new businesses on adjacent Local Plan allocated employment land and it will provide increased opportunities for access to jobs locally. The station will support improved outcomes and ambitions for young people, with improved access by public transport to education and work opportunities in Exeter.

7) Financial Considerations

Devon County Council worked closely with West Devon Borough Council on round 2 of the Levelling Up Fund and secured £13.455 million grant towards the West Devon Transport Hub project, which included the new Okehampton Interchange rail station at Okehampton Business Park and associated facilities including a new car park, bus stop, cycle parking facilities and wider active travel linkages.

Devon County Council has agreed to deliver this scheme and accept the financial risk with the terms of the grant funding agreeing that any shortfall in funding, will be financed by the Local Transport Plan grant. The total approved project value is £14.95 million, of which £110,000 was land value. The funding also includes internal borrowing of £1.2 million and contributions of £120,000 from West Devon Borough Council towards the project.

As the station will be part of Okehampton Business Park, it will need to contribute towards service charges for the wider estate. A Management Company will be responsible for landscaping, maintenance etc and there will be a nominal annual fee payable. This has been estimated at c.£5,000 per annum based on other plots and Devon County Council will seek this to be negotiated with GWR as part of the leasing arrangements for the train operating company to manage and operate the car park.

8) Legal Considerations

In order to appropriate the Site for planning purposes, the Council must be satisfied that:

1. The Site is no longer required for the purpose for which it is currently held and the purpose to which the Site is to be appropriated is one for which the Council can acquire land by agreement;
2. The appropriation facilitates the development of the Site; and

3. That development will likely contribute to the promotion and / or improvement of the economic, and/or social and / or environmental well-being of the area.

The determination as to whether land is “required” for the purpose for which it is presently held is a matter of judgement for the Council and may involve evaluating, by reference to the public interest, the relative importance of competing needs (see *R (Maries) v Merton LBC* (2014) EWHC 2689 Admin; *Dowty Boulton Paul Ltd. V Wolverhampton Corporation* (1976) CH 13).

In respect of 1, save for the school which has been covered above, Okehampton Business Park has been developed out in line with DCC’s Master Plan (see Appendix 4). When DCC acquired Okehampton Business Park in 2011 it seems the acquisition was on the basis that the whole of the site was intended for employment. However, the planning permission obtained by DCC in 2015 for the development of the Business Park made it clear that, by that time, in fact only plots marked A-G on DCC’s master plan were required to meet the employment need in that area. The Site was clearly identified in the planning application as being earmarked for use as a Railway Station Car Park making it clear that the Site has not been considered as necessary for employment purposes for some time. In addition to this, Plymouth and South Devon Local Plan identifies the Site as being important to support and not prejudice the provision of a new railway station and associated facilities. It is therefore clear that the test in 1 is satisfied and the Site is not required for employment purposes. Moreover, the Council is entitled to acquire land by agreement for planning purposes.

In respect of 3, the development of the Site as a railway station car park, connecting to a new station via a bridge to support the development of the railway station will promote and improve the social wellbeing of the area, with improved opportunities to access education, employment, retail and leisure by public transport. Furthermore, research indicates that a new station can increase land value and make the area a more attractive place to live and work due to improved rail connectivity and better travel choices. It has the potential to encourage new businesses on adjacent allocated employment land to the area and it will provide increased opportunities to attract employees to access jobs locally as well as reduce the reliance on the private car for journeys towards Exeter.

In respect of 2, the Plymouth and South Devon Local Plan identifies the need for the allocated site to support and not prejudice the provision of a new railway station and associated facilities in the east of the town and so appropriation for planning purposes will provide a clear basis for the Council to develop the Site for these purposes. Moreover, appropriation to planning purposes will operate definitively to override the restrictive covenant referred to above and which may be enforced so as to prevent the development proceeding. Therefore, subject to obtaining planning permission and meeting the other requirements set out in s.203 of the Housing and Planning Act 2016 (which it is anticipated can be met), appropriation to planning purposes will facilitate the carrying out of development on the Site for a railway station car park as part of the wider Okehampton Interchange station project, as proposed. In summary, it is considered that the legal tests which must be met for appropriation to planning purposes have been met.

Where a restriction such as a restrictive covenant is overridden through appropriation (and by operation of s.203 of the Housing and Planning Act 2016), compensation is payable to the person or persons with the benefit of the covenant pursuant to s.204 of the 2016 Act. Compensation is payable on an injurious affection basis. It is considered that the amount of

compensation which would be payable (if claimed) would be minimal and covered within the available budget. The Proposal is therefore subject to Cabinet's approval that the Site is appropriated for planning purposes as recommended in this Report.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

All environmental impact considerations associated with the recommendations of this report will be picked up through the subsequent planning process and during the design and technical work. This will include assessment of flood risk, lighting, noise, landscaping, ecology and biodiversity net gain. The site and available land is considered sufficient to provide the necessary environmental mitigation and enhancement to support the delivery of the project.

Once completed, there will be a requirement for the Station to join the Management Company for contributions towards the service charges for the business park landscape maintenance, including the Sustainable Urban Drainage System (SUDS).

10) Equality Considerations

Where relevant, in coming to a decision the Equality Act 2010 Public Sector Equality Duty requires decision makers to give due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding

in relation to the protected characteristics (age, disability, gender reassignment, marriage and civil partnership (for employment), pregnancy and maternity, race/ethnicity, religion or belief, sex and sexual orientation).

A decision maker may also consider other relevant factors such as caring responsibilities, rural isolation or socio-economic disadvantage.

In progressing this particular scheme, an Impact Assessment has been prepared which has been circulated separately to Cabinet Members and also is available on the Council's website at <https://www.devon.gov.uk/impact/okehampton-interchange-station>.

11) Risk Management Considerations

Monthly Project Boards take place between Devon County Council, West Devon Borough Council, Network Rail and Great Western Railway, with separate steering groups held separately to oversee the detailed work and manage risks during the development of the project. Risks are reviewed at the Project Boards on a risk register and any issues reported quarterly to the Department for Transport in line with the requirements of the Levelling Up Fund process.

The key risk in relation to the report recommendations is initially not appropriating the land for planning purposes, which has the potential for the restrictive covenant on the land to be enforced. This would prevent the development from proceeding. The timescales of the Levelling Up Fund grant requires all funding to be spent by 2025/26, by exception. One of the key risks to delivering to these timescales is securing the necessary ecological licences by autumn 2024. The proposed approach to planning set out in this report gives the project the best opportunity to achieve these timescales.

Although the report seeks delegated powers to negotiate and authorise payments for compensation, the railway station proposals are expected to increase the value of the land and so this is considered a low financial risk to the project.

12) Reasons for Recommendations

The recommendations of this report will enable the Site to be developed for a new station car park with connecting bridge to a new Okehampton Interchange railway station at the east of the town, with associated facilities to support access for all, including walking, cycling and bus stop infrastructure. The County Council is satisfied that the appropriation of the land satisfies the legal tests and can therefore override the restrictive covenant on the land. It is included in policy TTV13 of the Plymouth and South Devon Local Plan and there is strong local support for the new railway station. Funding has been secured through the Government's Levelling Up Fund in partnership with West Devon Borough Council and the necessary governance arrangements are in place to support its future delivery in partnership with Network Rail and their supply chain.

Meg Booth

Director of Climate Change, Environment and Transport

Electoral Divisions: Okehampton Rural

Cabinet Member for Climate Change, Environment & Transport: Councillor Andrea Davis

Cabinet Member for Highway Management: Councillor Stuart Hughes

Local Government Act 1972: List of background papers

Nil

Contact for enquiries:

Name: Jamie Hlland

Telephone: 01392 383000

Address: Room 120, County Hall, Topsham Road, Exeter EX2 4QD

Appendix 1: Okehampton Interchange Station Scheme



- Legend**
1. Do not scale from this drawing.
 2. Confirmation of all survey data must be obtained from the Network Rail survey team.
 3. All coordinates are in the project grid.
 4. All dimensions are in metres unless specified otherwise.
 5. All project data files: "173238-01-WST-DAC-DRG-EMF-00001"
 6. For project data files: "173238-01-WST-DAC-DRG-EMF-00002"
 7. For Existing Ordnance Survey: "173238-01-WST-DAC-DRG-EMF-00003"
 8. For Existing Ordnance Survey: "173238-01-WST-DAC-DRG-EMF-00004"
 9. For Existing Ordnance Survey: "173238-01-WST-DAC-DRG-EMF-00005"
 10. For OS Mastermap: "000000"
 11. For British Ordnance Survey: "173238-01-WST-DAC-DRG-EMF-00006"
 12. For Existing Ordnance Survey: "173238-01-WST-DAC-DRG-EMF-00007"

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KEY TO SYMBOLS:

- PROPOSED ELEMENTS
- MODIFIED ELEMENTS
- VARIES NOT AS PER OS MASTERMAP

Rev	Issue	Description of Revision	Drawn	Checked	CRK	Appr



Authorized: _____ Signed: _____ Date: _____

Contract No: **173238**

Contract Title: **Okehampton Parkway Station**

Drawing Title: **Proposed Station Building & Carpark General Arrangement**

Region: **Wales and Western**

Contract No: **173238**

Contract Title: **Okehampton Parkway Station**

Drawing Title: **Proposed Station Building & Carpark General Arrangement**

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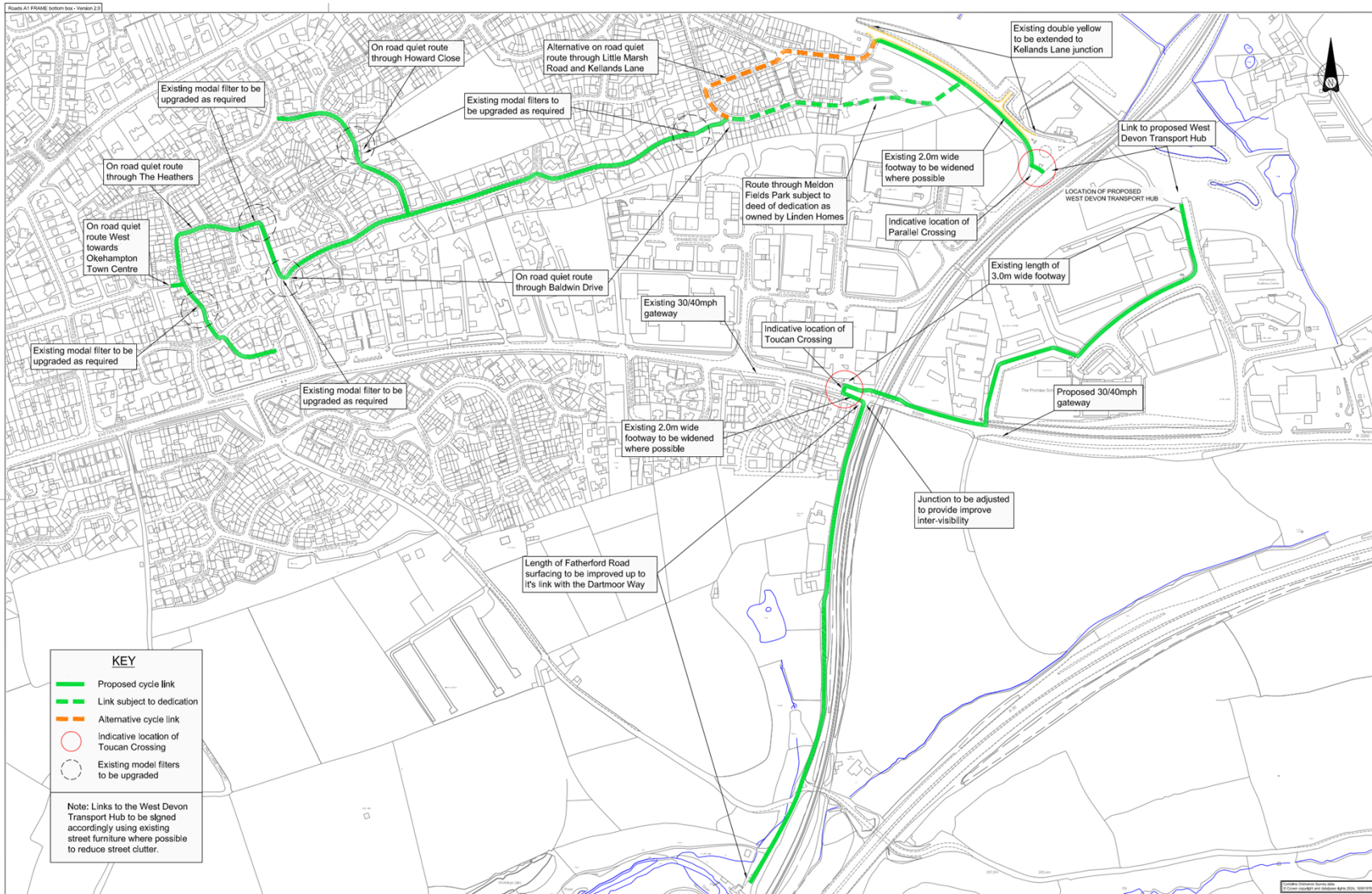
Region: **Wales and Western**

Contract No: **173238-01-WST-DAC-DRG-EMF-00002**

Revision: **P01.1**

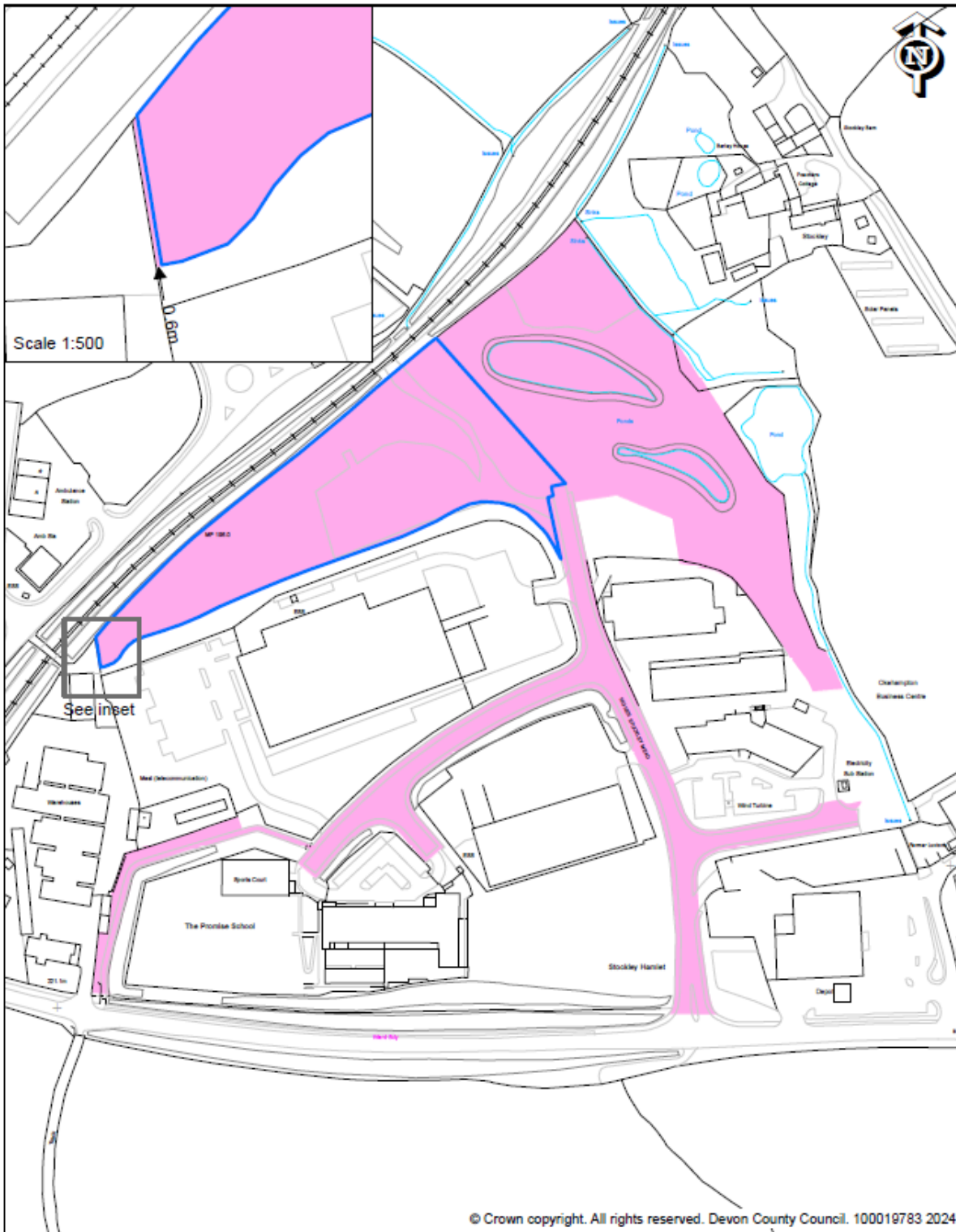
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Appendix 2: Wider Walking and Cycling Connectivity Proposals



<p>Engineering Design Group Crow Torr, Great Moor House, Bittorn Road, Exeter, EX2 7NL Tel. 0345 155 1004 customer@devon.gov.uk www.devon.gov.uk</p>	<p>JOB</p> <p>OKEHAMPTON WEST DEVON TRANSPORT HUB</p>	<p>Cabinet</p> <p>job/title/proposal</p>	<p>PROPOSED CYCLE CONNECTIONS</p>	<p>Rev</p> <p>27.02.2024</p> <p>01.05.2024</p> <p>01.05.2024</p>	<p>Drawn</p> <p>ED</p> <p>ED</p> <p>ED</p>	<p>Revisions</p> <p>01.05.2024</p> <p>01.05.2024</p> <p>01.05.2024</p>	<p>Chk</p> <p>ED</p> <p>ED</p> <p>ED</p>	<p>Do not scale from this drawing in either hard or electronic format. No responsibility is accepted where this drawing is used in circumstances other than that for which it was originally prepared and issued.</p> <p>Drawing number: C23003/ 7</p> <p>Revision: B</p> <p>Scale: 1:2000</p> <p>Sheet: A1</p>
				<p>27.02.2024</p> <p>01.05.2024</p> <p>01.05.2024</p>	<p>ED</p> <p>ED</p> <p>ED</p>	<p>01.05.2024</p> <p>01.05.2024</p> <p>01.05.2024</p>	<p>ED</p> <p>ED</p> <p>ED</p>	

Appendix 3: Land proposed (in blue) for railway station with car park



Title: Okehampton Business Park		Project: Site plan	
 South West Norse Ltd • Head office: Venture House, 1 Capital Court, Bilton Road, Newton Ind Est, Exeter, EX2 7JW  • South office: The Clay Factory, Redlake Trading Estate, Ivybridge, Devon, PL21 0SD	Scale: 1:2,500	Date: May 24	Contact:
	File/ Desc:	OS Sheet:	Telephone:
	Prep: CP	Checked:	Office: EXETER
	BIS No:	Project No: 24001	Draw No: OBPAP01

Appendix 4 Okehampton Business Park development plots completed

