



Report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government

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Highways Act 1980
Acquisition of Land Act 1981
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas Act) 1990
Transport Act 2000
Transport and Works Act 1992

Halton Borough Council

THE MERSEY GATEWAY PROJECT

The River Mersey (Mersey Gateway Bridge) Order 200[]
The Halton Borough Council (The Mersey Gateway – Central Expressway)
Compulsory Purchase Order 2008
The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008
The Halton Borough Council (The Mersey Gateway – Queensway)
Compulsory Purchase Order 2008
The Halton Borough Council (A533 Queensway) Side Roads Order 2008
The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008
Central Expressway Planning Application
Silver Jubilee Bridge Planning Application
Silver Jubilee Bridge Listed Building Application
Exchange Land Certificate Application

Dates of Inquiries

19 May to 25 June & 28 July 2009

Accompanied Site Inspections

15 May, 18 & 23 June 2009 & 27 July 2009

DfT Reference

TWA/08/APP/05

GONW References

APP/D0650/V/08/2095069, APP/D0650/V/08/2095113, & APP/D0650/V/08/2095114

GONE References

DN5046/55/7/18, DN5046/55/7/19, DN5046/60/1/28 & DN5046/60/1/29

GOL Reference

0030051023

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CASE DETAILS

Purpose

- If confirmed, made, or approved, the orders and applications for the Mersey Gateway Project would authorise the construction of a new crossing of the River Mersey between Widnes and Runcorn, improvements to related highways and tolling of the proposed bridge together with tolling and de-linking of the existing Silver Jubilee Bridge.

1. **The River Mersey (Mersey Gateway Bridge) Order 200[]** (the 'TWA Order')

- An application for the Order to be made under sections 3(1)(b) and 5 of the Transport and Works Act 1992 (the 1992 Act) was submitted under section 6 of that Act to the Secretary of State for Transport by Halton Borough Council (the Promoter) on 30 May 2008.
- If made, the Order would authorise the Promoter to construct, maintain and operate a new crossing over the River Mersey and related works pursuant to the above sections of the 1992 Act. It would authorise not only the works required for the bridge itself but also those required for the construction of toll plazas, connecting viaducts, highways and bridges, including the improvement, alteration or stopping-up of existing highways. It would also authorise the demolition of industrial buildings and structures and the compulsory purchase of land, property and rights required for the construction and operation of the Project. In addition, the Order would provide for the collection of a range of tolls for use of the bridge, indexed by category of vehicle.
- The Promoter also requested the Secretary of State to direct that planning permission for the works authorised by the Order be deemed to be granted, pursuant to section 90(2A) of the Town and Country Planning Act 1990 (the '1990 Act').

Summary of Recommendations:

- **that the Order be modified and made; and**
- **that planning permission be deemed to be granted subject to conditions.**

2. **The Halton Borough Council (The Mersey Gateway - Central Expressway) Compulsory Purchase Order 2008** (the 'Central Expressway CPO')

- The Order was made on 30 May 2008 under sections 239, 240, 246 and 249 of the Highways Act 1980; and, Parts II and III of Schedule 2 to the Acquisition of Land Act 1981.
- If confirmed, the Order would authorise the compulsory

acquisition of land and rights for the purposes of construction and the improvement of highways in the area of the A533 Central Expressway in Runcorn immediately to the south of that covered by the TWA Order and extending to the south-west of the junction of the A557 Weston Point Expressway with the Weston Link and Runcorn Busway.

Summary of Recommendation:

- **that the Order be modified and confirmed.**
-

3. The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008 (the '*Central Expressway SRO*')

- The Order was made on 30 May 2008 under section 14 of the Highways Act 1980.
- If confirmed, the Order would authorise the improvement, stopping-up and construction of highways in the area of the A533 Central Expressway in Runcorn immediately to the south of the Bridgewater Junction and extending to the south-west of the junction of the A557 Weston Point Expressway with the Weston Link and Runcorn Busway.

Summary of Recommendation:

- **that the Order be modified and confirmed.**
-

4. The Halton Borough Council (The Mersey Gateway - Queensway) Compulsory Purchase Order 2008 (the '*Queensway CPO*')

- The Order was made on 30 May 2008 under sections 239, 240, 246 and 249 of the Highways Act 1980; and, Parts II and III of Schedule 2 to the Acquisition of Land Act 1981.
- If confirmed, the Order would authorise the compulsory acquisition and use of land and rights for the purposes of construction and improvement of highways in the area of the A533 Queensway, to the north of the Silver Jubilee Bridge in Widnes, the provision of new means of access to premises, and mitigation of the adverse effects of highways or their use on their surroundings.

Summary of Recommendation:

- **that the Order be modified and confirmed.**
-

5. The Halton Borough Council (A533 Queensway) Side Roads Order 2008 (the '*Queensway SRO*')

- The Order was made on 30 May 2008 under section 14 of the Highways Act 1980.
- If confirmed, the Order would authorise the improvement,

stopping-up and construction of highways in the area of the A533 Queensway, to the north of the Silver Jubilee Bridge in Widnes. This would cover the highways between that bridge and the Garston to Timperley Freight Line not covered by the TWA Order.

Summary of Recommendation:

- **that the Order be modified and confirmed.**
-

6. The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 (the '*RUCO*')

- The Order was made by the Halton Borough Council in exercise of the powers conferred on it by section 168 of the Transport Act 2000 (the 2000 Act), on 5 December 2008.
- If confirmed, the Order would authorise the Council to make charging schemes for imposing charges in respect of the Silver Jubilee Bridge for which the Council, as the charging authority within the meaning of the Transport Act 2000 (the '*2000 Act*'), is the local traffic authority.

Summary of Recommendation:

- **that the Order be modified and confirmed.**
-

7. The Planning Application for the Central Expressway

- This is an application, under the Town and Country Planning Act 1990, for full planning permission for engineering operations and related highway infrastructure works.
- The application was made by the Promoter on 31 March 2008 and was called-in by the Secretary of State on 30 September 2008.
- The application site comprises part of the existing highway network within Runcorn, including the A533 Central Expressway from a point south of its junction with the A533 Bridgewater Expressway and the A558 Daresbury Expressway, the Central Expressway/Lodge Lane Junction and the Central Expressway/Weston Link Junction up to and including Junction 12 of the M56 Motorway.

Summary of Recommendation:

- **that the application be approved, subject to conditions.**
-

8. Planning Application for the Silver Jubilee Bridge and its Approaches

- This is an application, under the Town and Country Planning Act 1990, for full planning permission for engineering operations and related highway infrastructure works.

- The application was made by the Promoter on 31 March 2008 and was called-in by the Secretary of State on 30 September 2008.
- The application site comprises the A533 south from Ditton Junction in Widnes, the Silver Jubilee Bridge into Runcorn and up to and including the on-slip road from the Weston Point Expressway and off-slip road to the Bridgewater Expressway.

Summary of Recommendation:

- **that the application be approved, subject to conditions.**
-

9. The Listed Building Application for the Silver Jubilee Bridge

- This is an application, under the Planning (Listed Buildings and Conservation Areas) Act 1990, for Listed Building Consent for works to the Silver Jubilee Bridge arising from the provision of the proposed Mersey Gateway Bridge.
- The application was made by the Promoter on 31 March 2008 and called-in by the Secretary of State on 30 September 2008.
- The works would comprise planing of the existing Silver Jubilee Bridge; surface and waterproofing treatment; new kerblines; surfacing of new footpaths and cycle paths; new road markings to reflect the realigned road; new road signage to reflect the realigned road layout; and works to close off the existing walkway.

Summary of Recommendation:

- **that the application be approved, subject to conditions.**
-

10. The Exchange Land Certificate

- An Application for an Exchange Land Certificate was made by the Promoter under section 19(1)(a) of the Acquisition of Land Act 1981.
- The application concerns open space land on the north side of the St Helens Canal in Widnes.
- A Notice of Intention to issue a Certificate was published by the Secretary of State on 4 June 2009.

Summary of Recommendation:

- **that a Certificate be issued.**

1 PREAMBLE

1.1 I have been appointed by the Secretaries of State for Transport and for Communities and Local Government to hold concurrent Public Local Inquiries into Orders and Applications to promote the Mersey Gateway Project as described in the Case Details, and to report with conclusions and recommendations. I have been assisted in this task by Planning Officers from the Planning Inspectorate who undertook an analysis of objections and representations, and by the Assistant Inspector who sat with me throughout the Inquiries and has participated in the production of this report.

1.2 A Pre-Inquiries Meeting was held on 24 March 2009 with regard to administrative arrangements for the inquiries¹.

1.3 Concurrent Inquiries into the following Orders and Applications were opened on 19 May 2009 into:

- A draft Transport and Works Act Order;
- Two Compulsory Purchase Orders;
- Two Side Roads Orders;
- A Road User Charging Scheme Order;
- Two Called-In Planning Applications; and
- A Called-In Listed Building Application.

1.4 The Inquiries were closed on 25 June 2009 with the exception of the one in connection with the draft Transport and Works Act Order, which was adjourned until 28 July 2009 to conjoin it with an Inquiry into:

- A Notice of Intention to issue an Exchange Land Certificate².

1.5 The Inquiries sat on a total of 20 days in the Stobart Stadium in Widnes. In addition, an evening session was held in Runcorn Town Hall on 3 June 2009 when, in addition to the Promoter, over 100 people attended and spoke, mainly objecting to the Project's implications for local residents, though some spoke in support of the proposals.

1.6 In the event, the single objector to the Notice of Intention to issue the Exchange Land Certificate did not appear at the resumed Inquiry and after hearing closing submissions on that matter, I closed the Inquiries on 28 July.

1.7 At the opening of the Inquiries (and to the extent necessary, subsequently) Halton Borough Council (HBC), as the Promoter, confirmed its compliance with the appropriate statutory formalities³ and by the end of the Inquiries the numbers of outstanding objections and representations were as follows⁴:

1 D/1

2 Two applications were made for the issue of exchange land certificates, one on the south side of the Mersey (Runcorn Open Space) and one on the north side (Widnes Open Space). The Secretary of State has indicated an intention to issue certificates in both cases. No objection has been made to the former intention, it is not before the Inquiries and a certificate can be issued. An objection was received in respect of the latter intention, the issue is before the Inquiries and is reported accordingly.

3 HBC/0/4

4 Inspector's Note: There is a degree of subjectivity in categorising the objections and representations eg

Statutory Objections

- 22 statutory objections⁵
 - 19 to the TWA Order
 - 1 to the TWA Order and the RUCO
 - 1 to the RUCO

Non-Statutory Objections

- 903 non-statutory objections⁶
 - 85 to the TWA Order
 - 34 to the Central Expressway CPO
 - 39 to the Central Expressway SRO
 - 6 to the Queensway CPO
 - 19 to the Queensway SRO
 - 330 to the Central Expressway Planning Application
 - 303 to the Queensway Planning Application⁷
 - 20 to the Listed Building Application
 - 67 to the RUCO
 - 1 to the Exchange Land Certificate Application

Supporting or Neutral Representations

- 25 relating to various Orders and Applications⁸

1.8 It is necessary to distinguish between *objections* and *objectors*, as also between *supporters* and those who simply made fairly neutral *representations*. Because of the multiplicity of objectors, objections and representations, each respondent was ascribed a *Party No* by the Council, totalling some 570 in all⁹.

1.9 The main grounds of objection are that the Project would:

- not be needed because of the likely rise in the cost of fossil fuels and the need to address the implications of climate change;
- not be financially viable and would not justify the projected cost;
- not justify the proposed compulsory purchase measures;
- have an unacceptable environmental impact on people living close to Runcorn's Central Expressway;
- undermine local businesses and result in economic hardship, social hardship and community severance as a result of toll charges for vehicles using the Silver Jubilee Bridge; and
- conflict with national planning policies and would not be supported by the RSS for the North West.

representations often support the Project but make observations, suggestions or objections about tolls and some representations contain adverse observations

5 Of the objections duly made by 45 objectors initially, those made by 23 objectors were subsequently withdrawn.

6 Of the objections duly made by 436 objectors initially, those made by 23 objectors were subsequently withdrawn

7 One objection comprises a petition with 85 signatories

8 Some supporters of the Project object to tolling

9 D/11

1.10 Three supporters and 16 non-statutory objectors appeared at the Inquiries. There were no appearances by statutory objectors.

1.11 The Inquiries were characterised by the untimely submission of evidence in contravention of the Inquiries Procedure Rules¹⁰ and the timetables agreed at the PIM¹¹, which governed their conduct. Late evidence was accepted and considered where reasonable and thanks are due to those parties who bore the inconvenience of making this possible. Very late evidence was rejected in fairness to all parties and may remain to be considered by the Secretaries of State alongside this report and its conclusions.

1.12 Various submissions were made at the PIM and during the Inquiries and are addressed as necessary within this report¹². These were firstly, by two non-statutory objectors (The Alliance and Professor Andrew Basden) who questioned the adequacy of the Environmental Statement¹³. However, I ruled that, as expanded and supplemented during the course of the Inquiries, there would be sufficient environmental information for considered decisions to be made¹⁴. All the environmental information has been fully taken into account in this report.

1.13 Secondly, the absence of an Appropriate Assessment under article 6(3) and (4) of the EC Habitats Directive 92/43/EEC was challenged at the Inquiries by The Alliance, but I ruled that there appeared to be no need for one on the basis of the evidence relating to significant effects and that it was for the Secretaries of State, as the decision-makers, to ensure that an appropriate assessment was made, if necessary¹⁵. And thirdly, the legality of tolling was questioned by another non-statutory objector, the National Alliance Against Tolls.

1.14 In addition to site inspections made in the company of the Promoter and objectors before and during the Inquiries¹⁶, the Assistant Inspector and I also made unaccompanied inspections (from public vantage points) of areas referred to in evidence before, during and immediately after the Inquiries.

1.15 Where appropriate, abbreviations, acronyms and mnemonics have been used within the report¹⁷. The Promoter is generally referred to as such, or occasionally as Halton Borough Council (HBC), or the Council as the context dictates. Metric measurements are used throughout, save for miles per hour in relation to vehicular speed and height in feet for aviation safeguarding purposes.

1.16 Finally, thanks are due in no small measure to our very able Programme Officer who managed the production and distribution of

10 Transport and Works (Inquiries Procedure) Rules 2004

11 D/1

12 The Alliance & Professor Basden

13 CD/14

14 D/1 & D/6

15 D/6

16 D/2, D/3, D/5 & HBC/0/65: Plans, Photographs and Lists relating to accompanied site inspections

17 Glossary

documents and the appearances at the Inquiries efficiently, effectively and with a very deft touch.

2 STATEMENTS OF MATTERS

2.1.1 There are two Statements of Matters on which Ministers wish to be informed. One was issued by the Secretary of State for Transport and relates to the six Orders. The other was issued by the Secretary of State for Communities and Local Government and relates to the three called-in applications. For ease of reference they are reproduced here because parties to the Inquiries address them specifically and the Conclusions to this report are structured around them.

Matters on which the Secretary of State for Transport wishes to be informed¹⁸

2.2.1 These matters concern:

- making of **The River Mersey (Mersey Gateway Bridge) Order 200[]** (the draft '*TWA Order*');
- direction of **deemed planning permission** for works provided for in the TWA Order;
- confirmation of **The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008** (the '*RUCO*');
- confirmation of **The Halton Borough Council (A533 Queensway) Side Roads Order 2008** and **The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008** (the '*Side Roads Orders*');
- confirmation of **The Halton Borough Council (The Mersey Gateway – Queensway) Compulsory Purchase Order 2008** and **The Halton Borough Council (The Mersey Gateway – Central Expressway) Compulsory Purchase Order 2008** (the '*CPOs*').

2.2.2 The following are matters about which the Secretary of State for Transport particularly wishes to be informed:

- 1 The aims and objectives of, and the need for, the proposed Mersey Gateway Project.
- 2 The justification for the Council's proposals, including:
 - a. the extent to which they are consistent with national, regional and local planning, transport and environmental policies;
 - b. the anticipated transportation, regeneration, environmental and socio-economic benefits of the Project; and
 - c. the main alternatives considered by the Council for the proposals, and the reasons why these were rejected in favour of the chosen proposals.
- 3 The likely impact on the environment of constructing and operating the Mersey Gateway Bridge and its approach roads, including:

18 CD/320

- a. noise and vibration, having regard to PPG24: Noise;
- b. landscape and other visual impacts;
- c. effects on the hydrodynamic and sedimentary regime of the Mersey Estuary, including impacts on the walls of the Manchester Ship Canal and the clay cliffs at the end of the Liverpool John Lennon Airport;
- d. the effects of the proposals on flood risk;
- e. impacts on air and water quality, including the risk of contamination resulting from the disturbance of former industrial sites, having regard to PPS23: Pollution;
- f. the effects of the handling, storage, treatment, transportation and disposal of waste materials, having regard to PPS10: Waste;
- g. the extent to which the proposed development is consistent with Government policies in PPG2: Green Belts, especially whether the development is considered appropriate under the provisions of PPG2 and, if not, whether there are any very special circumstances sufficient to overcome the presumption against such development; and
- h. the extent to which the proposed development is consistent with Government policies in PPG17: Open Space, with particular reference to the loss of green space and to the Council's proposals for replacing any open space to be compulsorily acquired for the purposes of the Project.

4 The likely impacts of constructing and operating the Mersey Gateway Bridge and its approach roads on flora and fauna having regard to PPS9: Biodiversity and Geological Conservation, including whether implementation of the Project is likely to damage or destroy a breeding site or resting place of any species protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (the *1994 Regulations*); and, if so, whether appropriate mitigation measures have been designed and a licence applied for by the Council under the 1994 Regulations.

5 In relation to the Mersey Estuary Special Protection Area and Ramsar site (a *European site* under the 1994 Regulations):

- a. whether construction of the Mersey Gateway Bridge (either alone or in combination with other plans or projects) is likely to have an adverse effect on the integrity of the site, having regard to the conservation objectives of the site and to the manner in which the Project is proposed to be carried out by the Council, including any proposed conditions or restrictions to which the draft TWA Order and deemed planning permission would be subject; and, if so¹⁹,

¹⁹ The information described at matter 5 is required to enable the Secretary of State to carry out an

- b. whether there are any alternatives to the Council's proposals which are capable of achieving the objectives of the Project, which are feasible and which would have less adverse impact on the integrity of the site or no such impact;
- c. whether the Council's proposals are necessary for imperative reasons of overriding public interest; and
- d. what compensatory measures are proposed by the Council to maintain the overall coherence of the Natura 2000 network.

6 The likely impact of constructing and operating the Mersey Gateway Bridge and its approach roads on businesses and residents and traffic, including:

- a. impacts on the continuity and viability of businesses affected by the Project;
- b. impacts on access to premises;
- c. the effects of implementing the proposals on traffic using the wider road network;
- d. effects of altered traffic levels on residents adjacent to the existing road network;
- e. the effects of implementing the proposals on public transport services;
- f. the effects of closing or diverting the streets as detailed in Schedules 3 and 4 to the draft TWA Order;
- g. impacts on commercial and recreational users of the River Mersey, St Helens Canal, the Manchester Ship Canal and the Bridgewater Canal, including the proposals temporarily to close waterways to navigation during construction and proposed powers to restrict navigation and mooring of vessels in the vicinity of the new bridge;
- h. impacts on aircraft using Liverpool John Lennon Airport and its controlled airspace;
- i. the effects of the proposals on utility companies;
- j. the effects of the proposals on the Garston to Timperley freight railway line; and
- k. impacts on wildfowling on the banks of the River Mersey.

7 The measures proposed by the promoters for mitigating any

appropriate assessment for the purposes of regulations 48 and 49 of the Conservation (Natural Habitats, &c.) Regulations 1994 (SI No 2716). Unless it can be clearly established through the evidence presented to the inquiry that construction of the Mersey Gateway Bridge would not have an adverse impact on the integrity of the Mersey Estuary Special Protection Area and Ramsar site, the Secretary of State will need to be informed about the matters described at 5 b, c & d to enable him to fulfil the requirements of the 1994 Regulations in respect of appropriate assessment.

adverse impacts of the Project, including:

- a. the proposed Construction Environmental Management Plan and Construction Transportation Management Plan;
- b. any measures to avoid, reduce or remedy any major adverse environmental impacts of the Project;
- c. any measure to avoid, reduce or remedy any other significant adverse environmental impacts of the Project;
- d. whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation;
- e. any measures proposed to alleviate the effects of the Project on residents and businesses, including statutory undertakers; and
- f. whether, in relation to any public right of way to be stopped up under the draft TWA Order, an alternative right of way has been or will be provided, or the provision of an alternative right of way is not required.

8 The conditions proposed to be attached to deemed planning permission for the development provided for in the draft TWA Order, if given, and in particular whether those conditions meet the tests of DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

9 The proposals for funding the cost of the Project and whether the Project is reasonably capable of attracting the necessary funding.

10 The case for charging tolls for use of the Mersey Gateway Bridge and for introducing charges for use of the Silver Jubilee Bridge, including:

- a. the arrangements in the draft TWA Order and the RUCO for setting and varying the level of tolls and charges, toll ranges, and the classifications of vehicles subject to tolls and charges; and
- b. the effects of tolling on private and commercial road users and the local economy.

11 The justification for the particular proposals in the Side Roads Orders, including:

- a. whether the provisions are acceptable in their treatment of those highways or private means of access to premises proposed for stopping up or to be provided as new, as a result of the prospective construction or improvement of the classified road works on the northern and southern approaches to the Mersey Gateway Bridge;
- b. whether any alternative routes for highways proposed for stopping up are reasonably convenient; and

- c. where private means of access are to be stopped up, whether access to the premises is reasonably required, or whether another reasonably convenient alternative is available or would be provided.

12 In relation to the draft TWA Order and the CPOs, whether there is a compelling case in the public interest for conferring on the Council powers compulsorily to acquire and use land for the purposes of the Project, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23 (including whether the Council has demonstrated there to be a reasonable prospect of the Project going ahead without being blocked by financial or other impediment); and whether all of the land over which the promoters have applied for such powers is required in order to secure implementation of the Project.

13 Whether there is a reasonable prospect that the Council will secure the consent of the Crown Estate and the Duchy of Lancaster to the acquisition of the land on the banks of the River Mersey needed for construction of the bridge.

14 The adequacy of the Environmental Statement submitted with the applications for the Orders and whether the statutory procedural requirements have been complied with.

15 The purpose and effect of any substantive changes proposed by the Council to the draft TWA Order, the RUCO, the Side Roads Orders and the CPOs and whether anyone whose interests are likely to be affected by such changes has been notified.

Matters on which the Secretary of State for Communities and Local Government wishes to be informed²⁰

2.3.1 These matters concern:

- **Planning Application 08/00200/FULEIA;**
- **Planning Application 08/00201/FULEIA; and**
- **Listed Building Consent Application 08/00211/HBCLBC.**

2.3.2 The following points set out the matters about which the Secretary of State particularly wishes to be informed for the purposes of consideration of the applications:

- a. whether the proposed development accords with the development plan for the area (in this instance the emerging replacement RSS for the North West and Halton Unitary Development Plan), having regard to the provisions of Section 38(6) of the planning and Compulsory Purchase Act 2004;

²⁰ CD/320A

- b. whether the applications accord with the provisions of Planning Policy Statement 1: Delivering Sustainable Development and whether it would accord with the Key Planning Objectives set out in PPS1 Supplement: Planning and Climate change
- c. the extent to which the proposed development is consistent with Government Policies in PPG2: Green belts, especially whether the development is considered appropriate under the provisions of PPG2;
- d. the extent to which the proposed development is consistent with Government policies in PPG17: Open Space, with particular regard to the loss of green space;
- e. whether the applications have fully taken into consideration the requirements of PPS9: Biodiversity and Geological Conservation, especially given the nature and extent of land identified and protected under local designations, and whether the application accord with PPS10: Waste;
- f. whether the applications accord with PPG13: Transport. In particular, whether they promote more sustainable transport choices and reduce the need to travel by private transport;
- g. whether the applications will have a significant impact on features of archaeological and heritage importance, listed buildings and conservation areas in relation to the provisions of PPG15: Planning and the Historic Environment and PPG16: Archaeology and Planning;
- h. whether the applications have fully taken into consideration the requirements of PPS23: Pollution and PPG24: Noise, with particular regard to the reduction in air quality and the impact of noise and vibration;
- i. whether any permission or consent which may be granted should be subject to any conditions and, if so, the form they should take; and
- j. any other relevant matters.

3 THE PROJECT AND ITS ENVIRONS

3.1 Introduction

3.1.1 The Mersey Gateway Project comprises proposals for a new tolled bridge across the River Mersey, together with the reconfiguration, de-linking (paragraph 3.8.1) and tolling of the existing Silver Jubilee Bridge in the Runcorn Gap, between Widnes and Runcorn on the River Mersey. Widnes and Runcorn lie some 23.5km east of Liverpool city centre, 15km west of the M6 Thelwall Viaduct over the Mersey and 45km west of Manchester city centre. The Project would connect the A562 from Liverpool with the M56 Junction 12 to the south of Runcorn²¹.

3.2 Widnes

3.2.1 The urban area of Widnes stands on relatively low-lying land on the north side of the River Mersey. New industrial areas and the remnants of old industries lie between Widnes and the river. Primary distributor routes by-pass the town to the east and south-west, but although grade separated junctions have generally been provided to connect to the district and local distributor roads, the system does not have segregated pedestrian, cycle and local bus traffic.

3.2.2 On the urban periphery to the north-west of Widnes lies St Michael's Golf Course, which is dissected by Speke Road. It comprises 30 hectares of reclaimed land from old chemical waste tips but is currently closed because of high levels of soil contamination. To the south-east of the golf course and west of the town lies Ditton Junction (the junction of the A562 and A533), and industrial units on Ditton Road. Access to the southbound carriageway of the A533 Queensway, leading to the Silver Jubilee Bridge, from this area is via Desoto Road East.

3.2.3 The Garston to Timperley freight railway line, running between Liverpool and Warrington, passes through the southern outskirts of Widnes, to the south of Ditton Junction. To the south-east of the freight line is an industrial area on the northern banks of the River Mersey, comprising industrial units on Waterloo Road. Beyond it lies the Catalyst Trade Park, which extends east to the western corner of the ThermPhos Chemical Works on Earle Road.

3.2.4 The St Helens Canal (also known as the Sankey Canal) lies on the southern side of Widnes to the north of the River. It is not navigable to most craft beyond approximately the first kilometre of its length from the Mersey due to the presence of a low footbridge but still contains water and is used for recreation, with the towpath providing the route for the Trans-Pennine Trail for equestrians, cyclists (as part of the National Cycle Network) and walkers. The Trail generally follows the north bank of the River, and the waters around West Bank and Spike Island before following the towpath of the St Helens Canal to Fiddlers Ferry Power Station, on the northern side of the River immediately to the east of the town.

21 CD/7 Route Plan on page 6 of the Design and Access Statement Volume 2: Supplementary Annex (Illustrations)

3.2.5 Liverpool John Lennon Airport lies some 8km to the west of the town.

3.3 Cross-River Connections between Widnes and Runcorn

3.3.1 Widnes and Runcorn are connected at the Runcorn Gap by the Silver Jubilee Bridge (for pedestrians, cyclists and vehicles) and the Aethelflaeda Railway Bridge. These structures are Grade II and II* listed buildings respectively. The SJB consists of four narrow lanes with no hard shoulder and a narrow, exposed pedestrian walkway is provided on the upstream side of the bridge. Cyclists use either the traffic lanes or dismount and use the pedestrian walkway.

3.3.2 The railway line between Liverpool and London passes north-south through Widnes and Runcorn, which is served by a station in Runcorn Old Town.

3.4 Runcorn

3.4.1 The urban area of Runcorn lies on the south side of the Mersey, and comprises old and new towns. The old town of Runcorn lies immediately to the south of the Manchester Ship Canal, near the southern end of the Silver Jubilee Bridge. The *New Town* has extended the urban area as far as the M56 motorway (about 4km to the south), and enjoys an essentially circular system of high-standard primary distributor roads (expressways), connecting to district and local distributor roads. Purpose-built Busways are provided for local bus services, grade-separated where they cross the expressways. Pedestrian and cycle traffic is segregated from the expressways using greenways²².

3.4.2 About 2km east of the Silver Jubilee Bridge and immediately south of the River Mersey lie the Astmoor Saltmarsh and the Wigg Island Community Park, beyond which runs the Manchester Ship Canal. Modern industrial units are located on the Astmoor Industrial Estate (between the Manchester Ship Canal and the New Town) in the north, at Preston Brook and Daresbury in the south-east. Heavy chemical industry dominates the western side of the town, particularly at Weston Point. Immediately to the south of the Astmoor Industrial Estate is the Bridgewater Canal and to the south of it are the Daresbury and Central Expressways.

3.4.3 The A533 Central Expressway runs southwards from the Bridgewater Junction for some 2km to the Lodge Lane Junction, where it veers to the south-west as the A5126 Weston Link to connect with the A557 Weston Point Expressway at the Weston Link Junction. At Lodge Lane Junction, the A533 Southern Expressway branches off to the south-east towards the Murdishaw area near the M56 Junction 11.

3.4.4 The Central Expressway runs through the residential areas of Warrington Road, Halton Brow, Halton Lea, and Halton Lodge and Heath, within which are located various social facilities, including such as schools,

²² The greenways are a network of largely car-free off-road routes connecting to facilities, public transport interchanges and open spaces in and around the urban area and to the countryside; for shared use by people of all abilities on foot, bike or horseback for commuting, play or leisure

allotments, playing fields and, in Halton Lee, a major shopping centre. The Beechwood Estate lies immediately to the south of the Lodge Lane Junction which, having only one access via a road bridge over a railway has an emergency egress to the Southern Expressway through a gate in the *noise* fencing.

3.4.5 The A557 Weston Point Expressway runs around the western and southern sides of Runcorn to the M56 at Junction 12. Immediately to the west of this expressway lie heavy chemical industries, including the Ineos Chlor site near Weston Point. At its northern end the Weston Point Expressway connects with the A533 Queensway from the Silver Jubilee Bridge and the A533 Bridgewater Expressway which continues east through the old town to the Bridgewater Junction, beyond which it becomes the A558 Daresbury Expressway which in turn, connects via the A56 and Junction 11 of the M56 Junction, to Warrington.

3.4.6 To the south of the M56 Junction 12, the expressway system is linked to the A56 from Warrington via Junction 11 to the north-east. The A56 passes through the village of Sutton Weaver via a low railway bridge and a 2-lane swing bridge, and runs south-westwards to Chester via Frodsham, where a railway line links Frodsham Junction with Higher Runcorn and Dukesfield.

3.5 The Mersey Estuary

3.5.1 The Estuary is sited on the north-west coast of England, north and east of the Dee Estuary. It extends from Liverpool at the mouth, to the tidal limit at Howley Weir (Warrington), some 46km upstream and has four components, namely the Outer Mersey (New Brighton to the seaward extent of the Training Walls); the Narrows (Dingle Point to New Brighton); the Middle Mersey (Hale Head to Dingle Point); and the Upper Mersey (Howley Weir to Hale Head). It is a wide expanse of tidal water, sand banks and mud flats flanked mainly by saltmarsh, except in the vicinity of the Runcorn Gap, where the Estuary is narrowed by a rocky sandstone outcrop.

3.5.2 There are a number of Local Wildlife Sites (LWS) and Local Nature Reserves (LNR) in the Upper Mersey Estuary and Halton. These are designated primarily for wildfowl and waders but also because of the saltmarsh and associated intertidal habitats that are located upstream of the SJB. Immediately downstream of the SJB in the Middle Mersey Estuary there are four sites with designations for nature conservation purposes including the Mersey Estuary Site of Special Scientific Interest (SSSI), the Mersey Estuary Ramsar Site, the Mersey Estuary Special Protection Area (SPA) for Birds and the Mersey Estuary European Marine Site. The Ramsar Site, SPA and European Marine Site form part of a network of sites that are collectively known as Natura 2000. The SSSI citation includes mention of wildfowl, intertidal sand, mudflats and saltmarshes and the Ramsar Site protects wetlands.

3.5.3 On the north bank of the Estuary is an area of saltmarsh known as Widnes Warth and, on the south bank, is an area of saltmarsh known as Astmoor Saltmarsh. The Astmoor Saltmarsh is bordered by the Estuary and the Manchester Ship Canal. Wigg Island is also located on the edge of the Estuary abutting the Astmoor Saltmarsh. These areas, along with the Estuary

habitats between them, are designated as a LWS. Wigg Island is also designated as a LNR and contains Wigg Island Community Park.

3.5.4 The Upper Mersey Estuary is also designated as an Area of Special Landscape Value (SLV) of local significance in the borough, with Spike Island and Wigg Island designated as Important Landscape Features due to their value as public open space, nature conservation interest and industrial heritage significance.

3.6 Canals and Heritage

3.6.1 The Manchester Ship Canal runs along the southern bank of the Estuary. It is 56km long and flows between Eastham in Wirral and Salford in Greater Manchester. The Ship Canal provides deep water access for shipping from the Irish Sea via the Estuary to Manchester and accommodates sea-going vessels.

3.6.2 A small section of the disused Runcorn to Latchford Canal (known as the *Latchford Canal*) is located to the north of the Manchester Ship Canal on Wigg Island. This canal allowed navigation between Runcorn and Manchester until it was replaced by the construction of the Manchester Ship Canal. Large sections of the Latchford Canal were used as part of the construction of the Manchester Ship Canal leaving spurs where the Manchester Ship Canal deviated. A spur of this canal remains within the Wigg Island Community Park, which was one of the cuts dug as part of the Mersey and Irwell Navigation that originally allowed navigation between Runcorn and Manchester. The Mersey and Irwell Navigation used new cuts to *straighten* the line of the canal on its route from the Upper Mersey Estuary to Manchester.

3.6.3 The Bridgewater Canal begins near the centre of Runcorn Old Town and runs eastwards alongside the Bridgewater and Daresbury Expressways. It is a 65km long, broad-beam canal linking Runcorn to Leigh in Lancashire, with a spur to Castlefield in Manchester and is used mainly as a cruising waterway.

3.6.4 Within Widnes and Runcorn, there are many heritage features, including one scheduled Ancient Monument, 47 Listed Buildings, 4 Conservation Areas and 125 sites of heritage interest (including older industrial buildings and industrial archaeological features), all of which would lie within 500 metres of the Project.

3.7 The Main Route across the Proposed Bridge²³

3.7.1 Starting at the north-western end, to the west of Widnes and to the east of the St Michael's Road underpass, the main route to the proposed Mersey Gateway Bridge (the proposed bridge) would start at grade from a tie-in to the existing dual 2-lane A562 Speke Road, which approaches Widnes from Liverpool to the west.

3.7.2 To accommodate the mainline toll plazas and the slip roads for those wishing to leave the route and avoid the toll plazas, it would then

23 CD/14 Chapter 4 Figure 4.2

diverge to the south from that alignment to cross the disused St Michael's Golf Course before climbing and passing over the modified Ditton Junction at about the height of the existing A533 Queensway flyover. It would continue eastwards on embankment across land occupied by industrial units on Ditton Road. After crossing over the Garston to Timperley rail freight line and the existing A557 Widnes Eastern Bypass (via a multi-span viaduct), it would pass over the Catalyst Trade Park and the western corner of the Thermphos Chemical Works. A junction with the A557 (the Widnes Loops Junction) would be constructed in this area.

3.7.3 The route would then continue to climb to the south-east over Bowers Brook and the St Helens Canal and along a viaduct over the Widnes Warth Saltmarsh as a dual 3-lane carriageway, reaching a height above ground level of about 20 metres, before swinging to the south-east to cross the river on the proposed bridge, about 2km east of the Silver Jubilee Bridge (ie about half way between that bridge and the Fiddler's Ferry power station). It would then run along a second viaduct over the Astmoor Saltmarsh and Wigg Island Community Park, at a height of about 23 metres, whilst turning south to pass over the Manchester Ship Canal (at about 33 metres above normal water level) and the Astmoor Industrial Estate.

3.7.4 Beyond this point, the route would continue on embankment to connect into the existing road network in Runcorn at the Junction of the Bridgewater and Central Expressways with the A558 Daresbury Expressway (the *Bridgewater Junction*). From this point, it would revert to a dual 2-lane arrangement along the line of the existing Central Expressway and would remain at about the existing height AOD, although some increase in heights would be involved in the modifications to the Lodge Lane Junction. Thereafter, the route would continue largely at grade along the Weston Link and the Weston Point Expressway to the M56 Junction 12, to which modifications would be made.

3.8 The Route over the existing Silver Jubilee Bridge

3.8.1 The Silver Jubilee Bridge lies immediately to the east of the Aethelflaeda (railway) Bridge and would be de-linked from the strategic network north of the Mersey by stopping-up a 600-metre length of the A533 Queensway (leading to Speke Road and thence to Liverpool) south of the Garston to Timperley Rail Freight Line bridge. However, from the southern end of the Silver Jubilee Bridge, the connections to the A557 Weston Point and A533 Bridgewater/Daresbury Expressways around Runcorn would remain.

3.9 The Proposed Works

3.9.1 The Project would involve the following works:

- construction of a 1,000-metre long cable-stayed bridge, consisting of four spans over the Mersey supported by three single towers, in the river with an independent deck on either side of the towers; each deck would consist of a 3-lane carriageway without hard shoulders, below which would be a second deck capable of carrying a light rail or alternative transport system;
- incorporation of the proposed bridge into the existing road network via

a 550-metre viaduct across the Widnes Warth Saltmarsh to the north and a 580-metre viaduct over the Astmoor Saltmarsh, Wigg Island, the Manchester Ship Canal and part of the Astmoor Industrial Estate to the south (giving a total span, including the bridge, of 2.13km);

- landscaping around the proposed bridge and other works;
- changes to the Silver Jubilee Bridge, including a reduction from a single 4-lane to a single 2-lane carriageway, with the remainder dedicated to pedestrians and cyclists, and the de-linking works;
- the provision of infrastructure to support the collection of tolls for use of the proposed bridge and the existing Silver Jubilee Bridge; and
- improvement of local highways and integration of the Project with other public transport, cycle and pedestrian links in the vicinity.

3.9.2 Highway improvements would include changes to the Central Expressway to accommodate increased traffic, to afford compliance with current geometric standards and to manage its interface with the proposed bridge. These improvements would be undertaken generally within the existing highway boundary.

3.9.3 Modifications to the Central Expressway would restrict connections for cross-river traffic using the proposed bridge to the Bridgewater and Lodge Lane Junctions to avoid the currently available restricted merging and weaving distances. This would be achieved by converting the existing hard shoulders and merge/diverge lanes into distributor lanes with no direct connection for mainline traffic at the Halton Brow and Halton Lea Junctions.

3.9.4 Modifications would be made to three of the four existing footbridges over the Central Expressway, the southernmost being relocated slightly to the north. The existing busway bridge would be replaced with structure similar to the southern footbridge but with a wider deck to carry the highway loading; the replacement bridge would be installed just to the south of the existing one. The Lodge Lane Junction would also be modified to change the priority of traffic flow from the Southern Expressway to the Weston Link. These works would involve constructing a single-span bridge at the junction, along with modifications to the earthworks and highway alignment.

3.9.5 The Weston Link Junction would also be modified to change the priority of traffic flow from the northbound to the southbound section of the Weston Point Expressway. These works would use most of the existing junction layout. An equestrian bridge and ramps would be provided to maintain the existing bridleway.

3.9.6 At the southern section of the main route, the existing roundabout to the north of the M56 Junction 12 would be modified to include a signal-controlled link directly across the centre of the existing roundabout for the main line of the new highway, leaving the outer roundabout segments for local turning traffic and for eastbound access to the M56 Junction 12.

3.9.7 Parapets and *noise* fencing would be provided to mitigate noise levels for dwellings alongside the Central Expressway, particularly in the Warrington Road and Lodge Lane Junction areas.

3.9.8 The Project's Opening Year would be 2015, with a Design Year of 2030.

4 STATUTORY & POLICY FRAMEWORK

4.1 Statutes

4.1.1 Powers are being sought under various statutes for the implementation of the Mersey Gateway Project.

4.1.2 The following powers are being sought for construction of the proposed bridge under The Transport and Works Act 1992²⁴, namely:

- An Order under s3(1)(b) of the Act, which includes powers to:
 - *construct and maintain works, including the power to deviate from plans within prescribed limits;*
 - *construct, maintain and stop up new, existing or altered streets;*
 - *use the Astmoor Busway for construction of the authorised works;*
 - *discharge water into rivers or sewers;*
 - *undertake works to protect buildings;*
 - *survey and investigate land within the Order limits;*
 - *interfere with navigation works;*
 - *acquire compulsorily land or rights required for the Project;*
 - *extend or extinguish private rights of way;*
 - *close the crossing or restrict its use by certain classes of vehicle or person;*
 - *make byelaws;*
 - *charge tolls; and*
 - *enter into concession agreements and lease or transfer the undertaking.*

4.1.3 Also, under s90(2A) of the Town and Country Planning Act 1990, a direction that deemed planning permission be granted for the development authorised by the TWA Order.

4.1.4 The following powers are being sought in connection with Compulsory Purchase Orders for the Queensway²⁵ and the Central Expressway²⁶ highway works, which connect with the existing Silver Jubilee Bridge and the proposed bridge, namely:

- Highways Act 1980
 - s239 *acquisition of land for the construction of a highway*
 - s240 *acquisition of land for, or for use in connection with, the construction of a highway and acquisition of land in exchange for open space*
 - s246 *acquisition of land for the purpose of mitigating any adverse effect which the existence or use of the proposed highway will have on its surroundings*
 - s249 *acquisition of land for the use of drainage purposes which may be outside the limits of the highway as described*

24 CD/10

25 CD/28 & 29

26 CD/26 & 27

4.1.5 The following powers are being sought in connection with Side Road Orders for the A533 Central Expressway²⁷ and the A533 Queensway²⁸, namely:

- Highways Act 1980
 - s14 *stop up, improve and construct lengths of highway*

4.1.6 The following statutory provision is relevant to a decision on the Application, dated 27 April 2009²⁹, for the issue of an Exchange Land Certificate for the open space comprising land adjacent to St Helens Canal in Widnes used for public recreation, and the notice of the intention to issue a certificate dated 11 June 2009, namely:

- Acquisition of Land Act 1981
 - s19 In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that there has been or will be given in exchange for such land, other land, *not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attached to the land purchased.*

4.1.7 The following powers are being sought in connection with the Silver Jubilee Bridge, namely a Road User Charging Scheme Order 2008³⁰:

- Transport Act 2000
 - Part III *powers to make a charging scheme*

4.1.8 The following applications for full planning permission require determination, namely:

- An application for works lying within Runcorn, comprising improvements to the Central Expressway, Weston Link, the Weston Point Expressway and Junction 12 of the M56 motorway, dated 31 March 2008³¹; and
- An application for works lying within Widnes comprising modifications of the northern approaches to the Silver Jubilee Bridge, dated 31 March 2008³², under:
- The Town and Country Planning Act 1990

27 CDs 30 & 31

28 CDs 32 & 33

29 HBC/0/35 paragraph 2.2.3: On 17 February 2009 an application was also made for the issue of a certificate for the open space forming part of the Wigg Island Community Park in Runcorn and no objection was made to the notice dated 2 April 2009 that it was intended to give a certificate.

30 CD/22

31 CD/2

32 CD/1

- s70 (2); and
- The Planning and Compulsory Purchase Act 2004
 - s38(6)

4.1.9 The following application for the listed building consent, dated 31 March 2008³³, requires to be determined, namely for works to the Silver Jubilee Bridge comprising:

- Planing of the existing SJB deck surfacing;
- Surfacing and waterproofing treatment;
- New kerblines;
- Surfacing of the new footpaths and cycle paths;
- New Road markings to reflect the realigned road layout;
- New Road signage to reflect the realigned road layout; and
- Works to close off the existing walkway; under
- The Planning (Listed Buildings and Conservation Areas) Act 1990
 - S16

4.2 European Directives & Regulations

4.2.1 Relevant European legislation informing decision-making will specifically include the following:

- EC Freshwater Fish Directive 78/659/EEC³⁴
- EC EEI Directive of 2 April 1979 on the Conservation of Wild Birds 79/409/EEC³⁵
- EC Groundwater Directive. Protection of Groundwater against Pollution Caused by Certain Dangerous Substances 80/68/EEC³⁶
- EC Urban Wastewater Treatment Directive 91/271/EEC³⁷
- EC Habitats Directive 92/43/EEC³⁸
- EC Water Framework Directive 2000/60/EC³⁹
- EC Council Regulation No 1100/2007 of 18 September 2007 Establishing Measures for the Recovery of the Stock of European Eel⁴⁰

4.3 National Planning Policy Framework

4.3.1 Relevant national planning policy documents informing decision-making will specifically include the following:

- ODPM Circular 06/2004⁴¹ Compulsory Purchase, the tests in which are:
 - i. *There should be a compelling case in the public interest, that sufficiently justifies interfering with the human rights of those with an interest in the land affected;*

33 CD/4
 34 CD/54
 35 CD/55
 36 CD/56
 37 CD/57
 38 CD/58
 39 CD/60
 40 CD/61
 41 CD/75

- ii. *The acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire;*
 - iii. *Sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order and to implement the scheme; and*
 - iv. *There should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.*
- DoE Circular 11/95, with its six tests for conditions in planning permissions:
 - i. *necessary;*
 - ii. *relevant to planning;*
 - iii. *relevant to the development to be permitted;*
 - iv. *enforceable;*
 - v. *precise; and*
 - vi. *reasonable in all other respects.*
 - PPS1 Sustainable Development (2005)⁴²
 - PPS1 Supplement: Climate Change (2007)⁴³
 - PPG2 Green Belts (1995)⁴⁴
 - PPS9 Biodiversity and Geological Conservation (2005)⁴⁵
 - PPS10 Waste (2006)⁴⁶
 - PPG13 Transport (2001)⁴⁷
 - PPG15 Historic Environment (1994)⁴⁸
 - PPG16 Archaeology (1990)⁴⁹
 - PPG17 Open Space (2002)⁵⁰
 - PPS23 Pollution Control (2004)⁵¹
 - PPG24 Noise (1994)⁵²

4.4 Other National Policy Guidance

4.4.1 The following guidance also has some relevance for decision-making:

- Nature Conservancy Council (1989) Guidelines for selection of Biological SSSIs⁵³
- Transport White Paper 1998⁵⁴
- New Approach to Appraisal DfT, 1998⁵⁵
- Department for Transport, From Workhorse to Thoroughbred, 1999⁵⁶

42 CD/62

43 CD/63

44 CD/68

45 CD/64

46 CD/65

47 CD/69

48 CD/70

49 CD/71

50 CD/72

51 CD/66

52 CD/73

53 CD/77

54 CD/79

55 CD/78

56 CD/81

- Transport Ten Year Plan 2000⁵⁷
- Department for Transport, Tomorrow's Roads: Safer for Everyone 2000⁵⁸.
- The Guidelines for Landscape Character Assessment 2002 Countryside Agency and Scottish Natural Heritage⁵⁹
- Department for Health, Choosing Health in Halton, 2004⁶⁰
- Department for Transport, Walking and Cycling- an Action Plan, 2004⁶¹
- Department for Transport - Transport White Paper *The Future of Transport* 2004⁶²
- Department for Transport, Transport Assessment Guidance 2005⁶³
- Department for Transport, Transport, Wider Economic Benefits and Impacts on GDP 2006⁶⁴
- Office of the Deputy Prime Minister, Defra & English Nature: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice (March 2006)⁶⁵
- Department for Transport – The Eddington Transport Study 2006⁶⁶
- Defra, 2006. Circular 01/2006. Environmental Protection Act 1990: Part 2A – Contaminated Land⁶⁷
- The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007) published by Defra in Partnership with the Scottish Executive, Welsh Assembly Government and Department of the Environment Northern Ireland⁶⁸
- Transport White Paper *Towards a Sustainable Transport System* ⁶⁹ (2007)⁷⁰
- Department for Transport, Guidance on Transport Assessment, May 2007
- Department for Transport, A Sustainable Future for Cycling, 2008⁷¹
- Defra, 2008, Guidance on the legal Definition of Contaminated land [*Recent update discussing outcome of the past two years' review of the guidance and the definition of SPOSH*]
- UK Biodiversity Partnership's Biodiversity Action Plan (BAP)⁷²

57 CD/82
58 CD/83
59 CD/84
60 CD/85
61 CD/86
62 CD/87
63 CD/88
64 CD/89
65 CD/90
66 CD/91
67 CD/92
68 CD/93
69 CD/94
70 CD/95
71 CD/96
72 CD/98

4.5 Regional Policy Framework

4.5.1 The key regional policy document for decision-making will be the:

- Regional Spatial Strategy for the North West (September 2008) including the Regional Transport Study (2003)^{73 74}

Also relevant will be:

- North West Regional Economic Strategy (2006)⁷⁵
- North West Regional Authority, Regional Transport Strategy⁷⁶
- Liverpool City Region Development Plan (The Mersey Partnership) 2005⁷⁷
- The Sustainable Cheshire Forum, 2005. Cheshire Environmental Action Plan 2005-2020⁷⁸
- Merseyside Sub-regional Action Plan (TMP,2005)⁷⁹
- Merseyside Local Transport Plan (2006)⁸⁰
- Liverpool City Regional Economic Projections and Prospects (TMP,2007)⁸¹
- Mersey Gateway Draft Sustainable Transport Strategy, April 2008⁸².

4.6 Local Policy Framework

4.6.1 The key local planning policy document for decision-making will be:

- Halton Borough Council (2005) Unitary Development Plan⁸³

4.6.2 Also relevant will be:

- Halton Borough Council (2006) Final Local Transport Plan 2006/07 – 2010/11⁸⁴
- Merseyside Authorities, Local Transport Plan 2006-2011⁸⁵
- Major Scheme Appraisal submission to DfT⁸⁶
- Halton Borough Council (2008) State of the Borough Report⁸⁷
- Mersey Gateway Relocation Strategy 2008⁸⁸

4.6.3 Supporting documents will also include:

- Halton Borough Council (1999). Biodiversity Audit of Halton 1999. Cheshire Ecological Services Ltd⁸⁹.

73 CD/100

74 The RSS replaced RPG13 (CD/99)

75 CD/104

76 CD/100

77 CD/101

78 CD/102

79 CD/103

80 CD/105

81 CD/106

82 CD/108

83 CD/115

84 CD/119

85 CD/124

86 CD/131

87 CD/126

88 CD/128

89 CD/112

- Halton Biodiversity Steering Group (2002-2003). Halton's Biodiversity Action Plan: A framework for local Biodiversity Conservation. Halton Borough Council, Widnes⁹⁰.
- Halton Economic and Tourism Strategy – *Halton: Gateway to prosperity* (HBC, 2005)⁹¹.
- Halton Strategic Partnership (2006) A Community Strategy for a Sustainable Halton 2006-2011 Making it happen in Halton⁹²
- Halton Borough Council Corporate Plan (HBC,2006)⁹³
- Cheshire County Council, Local Transport Plan 2006-2011⁹⁴
- Warrington Borough Council, Local Transport Plan 2006-2011⁹⁵
- Halton Wildlife sites Partnership 2007. Halton Local Wildlife and Geology Sites: Guidelines for Designation⁹⁶
- GVA Grimley (2008) Mersey Gateway Regeneration Strategy⁹⁷
- Report to Mersey Gateway Executive Board 19 May 2008⁹⁸
- HBC Asset Management Plan (AMP) programme⁹⁹
- Halton Borough Council (2003) State of the Borough Report¹⁰⁰
- Halton Borough Council Local Transport Plan 2 July 2005¹⁰¹

4.7 The Development Plan

4.7.1 Finally and for the avoidance of doubt, the development plan comprises the:

- Regional Spatial Strategy for the North West (September 2008); and
- Halton Borough Council (2005) Unitary Development Plan.

90 CD/113
91 CD/116
92 CD/120
93 CD/121
94 CD/122
95 CD/123
96 CD/125
97 CD/127
98 CD/129
99 CD/130
100 CD/114
101 CD/117

5 CASE FOR THE PROMOTER

Here follow the material points edited from Opening and Closing Submissions, Proofs of Evidence and Rebuttals (which may have been amended as a result of cross-examination), Oral Evidence, Documents and Written Representations, with appropriate cross-references:

5.1 Introduction

5.1.1 The Promoter of the Project is Halton Borough Council. The powers and permissions sought for the Project comprise a Transport and Works Act Order, two Compulsory Purchase Orders, two Side Roads Orders, two Planning Applications, a Listed Building application, a Road User Charging Scheme Order and two Applications for Certificates under s19 of the Acquisition of Land Act 1981¹⁰².

5.2 Current Conditions

5.2.1 In considering the case for the Project the question is whether present conditions should be allowed to persist or whether they should be improved, because the existing situation, its characteristics and its likely continuance are all material considerations which should be afforded great weight. Current conditions are generally regarded as less than ideal.

Local Economy and Social Deprivation

5.2.2 Runcorn and Widnes, which largely constitute the Borough of Halton¹⁰³, have a common heritage in the chemical industry but that industry has suffered significant contraction¹⁰⁴, leading to a considerable rise in worklessness¹⁰⁵. Within Halton there are areas where high levels of worklessness, a low enterprise culture and low skill levels persist. The area in which the Project is located has high levels of deprivation¹⁰⁶. Eight Lower Super Output Areas¹⁰⁷ are within England's 4% most deprived; 27% of Halton's children live in poverty¹⁰⁸. Halton has an above average number of people with no qualifications¹⁰⁹. Life expectancy for males and females is lower than the national average¹¹⁰.

5.2.3 Poor transport acts as a significant barrier in terms of access to work, learning, healthcare and food shops, as well as access to social, cultural and sporting activities¹¹¹. The virtuous cycle of success and the vicious cycle of decline identified in Government research¹¹² are notable not only for the pattern of interrelationships, but also because the sole

102 Inspector's Note: Only one of these s19 applications is before the Inquiries because of an objection to the Notice of Intention to Issue a Certificate; there is no objection to the Notice in respect of the other application

103 CD/182 paragraph 2.2.1

104 HBC/1/1P paragraph 3.1.2 & 3.1.3

105 Inspector's Note: Worklessness is taken to mean economically inactive people of working age who are not working, not in full-time education or training & are not actively seeking work

106 HBC/1/1P paragraph 3.1.6, HBC/10/1P paragraphs 6.2 & 6.30, HBC/9/1P paragraph 4.4.5 & HBC/9/2A Appendix 2

107 HBC/10/1P paragraph 5.1

108 HBC/1/1P paragraph 3.1.6 & Section 6

109 HBC/1/1P paragraph 6.29

110 HBC/10/1P paragraph 6.34

111 HBC/10/1, paragraphs 4.14-4.25 & CD/270

112 CD/252

external input is a healthy labour market or weak local economies, respectively.

5.2.4 Poor transport compounds the factors associated with deprivation, making it harder to facilitate cycles of success, and has significant adverse implications for everyday life. A principal problem associated with finding or keeping work relates to mobility. The Government's Social Exclusion Unit has concluded that poor transport is a barrier, perceived and actual, to people looking for and keeping work¹¹³. It also limits opportunities for those not in or seeking work¹¹⁴.

5.2.5 Social research into current attitudes about movement in the Borough¹¹⁵ suggests that the Silver Jubilee Bridge acts as a barrier to daily activities (including getting to and from work) and that public transport, walking or cycling are not considered viable alternatives to driving across the river¹¹⁶. And these perceptions are reinforced by evidence at the Inquiries. The perception that traffic congestion is a constraint to economic growth is also shared by the Regional Spatial Strategy¹¹⁷, which requires this to be addressed to reduce the productivity gap. Furthermore, congestion is a regional and sub-regional priority (as was highlighted in the conclusions of the Eddington Report¹¹⁸), identifying the Silver Jubilee Bridge link as a bottleneck.

5.2.6 The Council's aim, as set out in its *Vision Statement*, contained in the Halton Sustainable Community Strategy¹¹⁹ and the Halton Corporate Plan¹²⁰ is that:

Halton will be a thriving and vibrant Borough where people can learn and develop their skills, enjoy a good quality of life with good health; a high quality urban environment; the opportunity for all to fulfil their potential; greater wealth and equality; sustained by a thriving business community and with safer, stronger and more attractive neighbourhoods¹²¹

5.2.7 The Mersey Gateway Project is Halton's top priority in this transformational programme, being seen as the catalyst for future social, economic and environmental regeneration¹²². Human interaction, which depends on being able to move about, is the key to regeneration.

Congestion, Accessibility and Constraints on Development

5.2.8 There is a close relationship between the ability or inability to move around and the opportunities to reduce worklessness, and thereby tackle deprivation. The greatest barrier to movement in Halton is the River

113 HBC/10/1P paragraph 4.7

114 HBC/10/1P paragraph 4.12

115 HBC/10/1P paragraphs 6.13-6.27

116 HBC/10/1P paragraph 6.27

117 CD/109 Policy TR4

118 CD/91

119 CD/120

120 CD/121

121 HBC1/1P paragraph 4.1.1

122 HBC1/1P paragraph 4.13

Mersey. Currently, there is only a railway bridge and the Silver Jubilee Bridge and that is insufficient.

5.2.9 A road distance of 55km separates the Mersey Tunnels¹²³ to the west from the M6 to the east. The Warrington bridges over the Mersey and other waterways to the east are old and some are swing bridges¹²⁴. Other than the Silver Jubilee Bridge, there is no road link across the Mersey west of Warrington until the Mersey Tunnels¹²⁵. The Silver Jubilee Bridge is a key link in the local and regional network. It links the M56 to the south with the M62 to the north, as well as providing a route between the key regional centres of Liverpool and Manchester.

5.2.10 The expressway system in Runcorn was intended to cater for through and local traffic, but the Silver Jubilee Bridge was constructed and opened in 1961 to provide a locally convenient route and it is different in character from the expressway network.

5.2.11 Traffic demand across the existing crossings of the River Mersey has been studied in detail¹²⁶, leading to a key conclusion that the crossings serve different travel markets¹²⁷, and that the Silver Jubilee Bridge has already reached peak capacity¹²⁸. As the Silver Jubilee Bridge market is local and regional in seeking to provide cross river access for the widest range of trip purposes, this capacity limit is a constraint on Halton's and Liverpool City Region's aspirations for regeneration, economy, competitiveness and productivity, with reduced reliability and increased delay¹²⁹. This is expressly recognised in the Unitary Development Plan¹³⁰, which talks of there being a major brake on the economy¹³¹.

5.2.12 The consequences¹³², in traffic terms for the Project's opening year (2015) and design year (2030) and on a *do minimum* basis (ie leaving the current conditions unchanged) demonstrate that without the Project, the capacity restrictions in the network distort the traffic demand/supply relationship to the extent that traffic is forced to use more distant crossings, with increased travel costs, diversion or suppression¹³³.

5.2.13 Peak traffic growth at the Silver Jubilee Bridge is shown, on this prediction, to be zero. This is not because there is no increase in demand; it is simply that the peak capacity has already been reached and there is no room for growth. The Silver Jubilee Bridge carries peak traffic second only to the M6 over the Thelwall Viaduct, but has no capacity for traffic growth in peak periods¹³⁴. Rather, the growth in traffic is shifted physically and temporally.

123 HBC/8/1P paragraph 6.9

124 HBC/8/1P Section 6

125 HBC/8/1P paragraphs 6.6-6.7

126 HBC/8/1P Sections 8 & 9

127 HBC/8/1P paragraph 9.20

128 HBC/8/1P paragraph 8.6(a)

129 HBC/8/1P paragraphs 9.20 & 8.6(a)

130 CD/115

131 CD/115 page12-23, CD/182 & CD/182 1.1.3

132 CD/197 & HBC/8/1P Sections 8-11

133 HBC/8/1P paragraph 10.2

134 HBC/8/1P paragraphs 9.18(a) & 10.16

5.2.14 Given the shortage and geographical spread of available river crossings, this means that there is a significant diversion of traffic away from the desire line of a central crossing¹³⁵, increasing journey lengths and total emissions, contrary to government policy¹³⁶. It also means that the Silver Jubilee Bridge and the surrounding network experience peak spreading (ie the hours either side and between peaks begin to see similar traffic levels as those seen in the peak hours themselves)¹³⁷. This is predicted to extend to much of the working day, with increasing journey times, worsening reliability and vehicles - including public transport - being significantly disadvantaged¹³⁸.

5.2.15 The Silver Jubilee Bridge dominates the Borough and the surrounding area¹³⁹. Its economic importance as a crossing of the Mersey is crucial. This view is supported by the findings of the M56 Corridor Scoping Study¹⁴⁰ (which in turn informed the Regional Spatial Strategy¹⁴¹) and the Eddington Report¹⁴², both of which specifically noted the Silver Jubilee Bridge as an example of a transport pinch point that holds back economic activity¹⁴³.

5.2.16 This has various economic consequences¹⁴⁴ and particularly for employment. The number of jobs in Halton decreased between 1998 and 2007 by just under 1% whereas, regionally and nationally, employment has increased by more than 9%¹⁴⁵. The existing situation on the Silver Jubilee Bridge is linked to Merseyside's failure to attract particular potential investments¹⁴⁶ and its current and expected levels of congestion are a significant deleterious feature in the operation and planning of business in Halton and the wider region¹⁴⁷.

Public Transport Links across the Mersey

5.2.17 Locally, all bus, rail, road, walking and cycling networks have to cross the Mersey on either the Silver Jubilee Bridge or the adjacent railway bridge. Neither the existing fixed rail infrastructure nor the more flexible bus network can provide for the wide geographical spread of trips needing to use the Silver Jubilee Bridge. Nor can these crossings increase their modal share sufficiently to provide adequate network resilience¹⁴⁸.

5.2.18 Rail is fixed by the nature of its infrastructure. Although the proposed bridge design accommodates the potential for future light rail, conventional heavy rail is not a practical mode for local cross-river trips¹⁴⁹.

135 HBC/8/1P paragraphs 10.13-23

136 CD/69

137 HBC/8/1P paragraphs 10.25-28

138 HBC/8/1P paragraph 10.31

139 HBC/1/1P paragraph 3.1.12

140 CD/310

141 CD/109

142 CD/91 Figure 2.7 on page 80

143 HBC/9/1P paragraphs 4.5.3-5

144 CD/200

145 HBC/9/1P Section 4

146 HBC/9/1P paragraph 4.6.5

147 HBC/9/1P Section 5.1

148 HBC/8/1P Section 7

149 HBC/8/1P Section 7.1 & paragraph 7.5

For local purposes, the practical public transport mode is the bus network¹⁵⁰, which is comparatively well developed in Halton¹⁵¹, although despite the majority of the population living within 400m of a bus stop, only 7.12% of journeys to work are undertaken by bus¹⁵².

5.2.19 The Silver Jubilee Bridge places significant constraints on the bus network as a result of:

- constrained and narrow approaches causing delay;
- delays and difficulties for buses merging with other traffic;
- incidents such as collisions and breakdowns causing unreliability;
- substandard lane widths necessitating care and producing delay;
- the need to cross the Mersey frequently; and
- expenditure on ensuring reliability at peak times diverting resources from elsewhere.

5.2.20 Given the importance to any properly integrated public transport system in Halton for crossing the Mersey, the difficulties presented by the Silver Jubilee Bridge in restricting the operation of the bus network are substantial. But the public transport constraints could be reduced or removed.

5.2.21 Capacity constraints at the Silver Jubilee Bridge lead to ever increasing levels of congestion, causing additional delay to public transport, increasing costs and reducing the attractiveness of travelling by bus. Anecdotal evidence from objectors confirms this. Furthermore, these largely physical constraints are irremediable without demand management measures which, unless accompanied by new road capacity elsewhere, would reduce capacity still further – with very considerable effects on congestion and network operation reinforced as a result¹⁵³.

5.2.22 The impact of poor and unreliable public transport on the most vulnerable in society is disproportionately great, and a significant barrier to economic and social improvement¹⁵⁴.

Cycling and Walking Links

5.2.23 Halton has an extensive footpath and cycleway network, including long distance cycle routes¹⁵⁵. However, despite being a largely urban area, only 2.03% of journeys to work are by cycle¹⁵⁶ and 10% on foot¹⁵⁷. Travel between Runcorn and Widnes by foot or cycle involves crossing the Mersey and that can only be done by using the Silver Jubilee Bridge.

5.2.24 Some people do walk, but the route for pedestrians is unpleasant because it is so dominated by motorised traffic that pedestrians are adversely affected¹⁵⁸. Even objectors refer to concerns about the present

150 HBC/8/1P Section 7.2

151 CD/108

152 HBC/8/1P paragraphs 7.8 & 7.9 & CD/182 paragraph 2.10.1

153 HBC/8/12R

154 HBC/10/1P Section 6, paragraphs 6.13-6.27 & 12.57 & HBC/9/1P Section 5.2

155 CD/182 paragraph 2.17.5

156 CD/182 paragraph 7.16

157 CD/182 paragraph 2.11.27

158 CD/182 paragraph 2.12.1

condition of the bridge and its safety, indicating that, if walking across the bridge is unpleasant, cycling is even worse. As the 2004 White Paper *The Future of Transport*¹⁵⁹ states, concerns about safety deter many people from walking or cycling. Thus, in line with Government objectives and policy for sustainable development¹⁶⁰ and a sustainable transport system, links need to be significantly enhanced.

Environment

5.2.25 There is a degraded environment in Halton. The area is heavily contaminated, placing significant constraints on beneficial development and environmental management¹⁶¹ or, at the very least, render it less attractive. In particular, high traffic levels and congestion result in the air quality and noise environment currently experienced.

5.2.26 The *do minimum* scenario largely perpetuates those disadvantages. The ecological and general environmental conditions would remain stable but would not improve. Conversely, with increased traffic and congestion the noise environment would progressively get worse. While traffic contribution to atmospheric pollutants would decline due to predicted reductions in emissions per vehicle, there would be more vehicles creating that pollution¹⁶².

Resilience of Highway Network and Civil Contingencies Planning

5.2.27 Halton's planning for civil contingencies is materially affected by the Silver Jubilee Bridge. Incidents can be aggravated by the bridge's deficiencies. Consequently, the Borough Council and other essential services are obliged to have two centres lest, in the event of an emergency, the Silver Jubilee Bridge would not be available for emergency services¹⁶³.

5.2.28 Even without a civil emergency, the lack of resilience in the network caused by the Silver Jubilee Bridge is a cause of considerable concern¹⁶⁴. Reliance on a single road link across the Mersey affects the daily lives of residents and the planning for civil contingencies¹⁶⁵. Whenever the bridge ceases to be available, for whatever reason, there are serious problems for people simply going about their business¹⁶⁶.

5.2.29 Moreover, random incidents and planned events occur on the motorway network and on the highway network further afield. These may require the use of the Silver Jubilee Bridge instead of the M6 Thelwall Viaduct, and this produces or exacerbates congestion at the bridge. In addition, simple changes in traffic flows, such as on Bank Holidays, place a burden on the bridge with which it cannot cope¹⁶⁷.

5.2.30 In summary:

159 CD/87

160 CD/62 & Supplement, CD/63 & CD/69

161 HBC/17/1P paragraph 9.46, HBC/15/1P paragraph 14.2.3 & HBC/3/1P paragraph 8.21

162 HBC/11/1P Section 7.3

163 HBC/1/1P paragraph 3.1.13

164 HBC/8/1P Section 11 & paragraph 12.14

165 CD/109 Policy W1

166 HBC/1/1P paragraph 3.1.13

167 HBC/8/1P paragraph 12.14

- there are areas of deprivation and worklessness within the Borough of Halton and further afield;
- the transport network and the particular characteristics of crossing the Mersey have limiting effects on regeneration, and on social and economic life;
- frequent congestion on the Silver Jubilee Bridge has adverse consequences for the reliability of journey times and poor public transport;
- walking and cycling is particularly badly provided for in cross-river trips;
- this is an area of degraded environment, whose physical, social and economic regeneration has been a long-standing policy aspiration and could be facilitated by providing a further crossing of the Mersey;
- the transport network is ill-equipped to cope with its own emergencies, apart from more general civic contingency planning; and
- all or most of these unsatisfactory conditions are predicted to get worse, either comparatively or absolutely, unless a way can be found to relieve the Silver Jubilee Bridge.

5.2.31 Continuation of the present circumstance is unacceptable and action must be taken. That is the Promoter's conclusion¹⁶⁸; it is also the conclusion of the Regional Spatial Strategy, the Local Transport Plan and the Regional Economic Strategy. It is the conclusion reached by the neighbouring local authorities, including Warrington and all those of the city region of Liverpool¹⁶⁹. It is the conclusion of the supporters of the Project, as residents and businesses¹⁷⁰. It is even the conclusion of many of the objectors to the Project¹⁷¹.

5.3 Aims and Objectives of and Need for the Project

Project Aims and Objectives

5.3.1 The Council has developed seven objectives for the Project, designed to encompass the current problems¹⁷². They aim to ensure that any solution proposed to the problem presented by the current configuration of the transport network tackles the adverse consequences. They are to¹⁷³:

- relieve the congested Silver Jubilee Bridge, thereby removing the constraint on local and regional development and better provide for local transport;
- apply minimum toll and road user charges to the Mersey Gateway Bridge and the Silver Jubilee Bridge consistent with the level required to satisfy the affordability constraints;
- improve accessibility to maximise local development and regional economic growth opportunities;
- improve local air quality and enhance the general urban environment;
- improve public transport links across the River Mersey;

168 HBC/1/1P Section 5.2

169 HBC/0/10

170 HBC/0/10 & HBC/0/32

171 eg Great Sankey Parish Council, Sutton Parish Council, NAAT, Mr Cooke & WRRRA

172 CD/320 paragraph 1, HBC/1/1P Section 5, HBC/8/1P Section 5

173 HBC/1/1P Section 5.3

- encourage the increased use of cycling and walking; and
- restore effective network resilience for road transport across the River Mersey.

5.3.2 Doing nothing (the *do minimum* scenario) being unsustainable and undesirable, would achieve nothing and would be unacceptable¹⁷⁴.

The Need for the Project¹⁷⁵

5.3.3 The need for the Project stems from the problems faced by Halton and the region. A significant factor in these problems is the lack of freedom to move about. The current road network is hampering that freedom and, without the Project, would increasingly hamper it in the future.

5.3.4 Significant problems face sustainable non-car modes, particularly reliable public transport, but also walking and cycling, as well as the degraded physical environment and the social and employment problems facing Halton. Furthermore, the road network has insufficient resilience to cope with incidents of a transport or civil contingency nature.

5.3.5 These problems create the need for the Project. The Silver Jubilee Bridge is no longer an adequate means of crossing the Mersey; there is a pressing need to relieve it and allow it to undertake a local role. It should have a flow suited to its original design capacity and the environment and nature of its approach roads, with the facilitation of improved public transport and other non-car modes. But at the same time, a new bridge should be provided as an effective and reliable alternative for the traffic needing to cross the Mersey.

5.3.6 The Project would not only meet the needs of Halton and the Region but would also provide the opportunity to provide an iconic piece of infrastructure, being more than just a bridge¹⁷⁶. It would thus have, practically and as a matter of perception, significant regenerative benefits.

174 HBC/2/1P Section 11

175 CD/320 paragraph 2, HBC/1/1P, HBC/2/1P, HBC/8/1P Section 12, HBC/9/1P, HBC/3/1P, HBC/6/1P paragraph 7.5 & HBC/0/18

176 HBC/6/2A Sections 6-8

5.4 Justification for the Project¹⁷⁷

Consistency with National, Regional and Local Planning, Transport and Environmental Policies¹⁷⁸

5.4.1 The proposals have strong planning policy support¹⁷⁹.

5.4.2 The development plan comprises the Regional Spatial Strategy (RSS)¹⁸⁰, adopted in September 2008, and the Halton Unitary Development Plan (UDP)¹⁸¹, adopted in April 2005.

5.4.3 Policy RT10 of the replaced RSS¹⁸² (March 2003) expressly identified the Project as a scheme of regional significance. Policy RT10 of the newly adopted RSS does not list schemes, but provides criteria against which they are assessed. However, that should not be taken to lessen the strategic policy support for the Project. The RSS states that those projects for which funding has already been secured are to be identified in an Implementation Plan, which has not yet been published. The Mersey Gateway Project falls into this category and is expected to be in the Plan, as can be deduced from the JMP¹⁸³ and Atkins Reports¹⁸⁴ commissioned by the North West Regional Assembly and GONW respectively, which would, in due course, inform the Implementation Plan¹⁸⁵. The Project thus complies with RSS Policy RT10¹⁸⁶.

5.4.4 The Regional Economic Strategy calls for the proposed crossing and exists to guide development¹⁸⁷, while the RSS demands a first rate infrastructure and the best possible links to other parts of the UK¹⁸⁸; and its Policy W1 calls for safe, reliable and effective operation of the transport network¹⁸⁹.

5.4.5 The UDP also expressly supports the Project. Policy S14 states that: *a scheme for a new crossing of the River Mersey, east of the existing Silver Jubilee Bridge will be promoted...*¹⁹⁰ and the supporting text cross-refers to a plan from the Halton Local Transport Plan (LTP)¹⁹¹ which very clearly identifies prospective and particular locations¹⁹² with which the Project's design accords. Although not part of the development plan, the LTP recognises the Project as Priority 1 (the highest priority) to deliver significant journey time savings for cross-river traffic, and to facilitate the sustainable movement of local traffic across the Silver Jubilee Bridge¹⁹³.

177 CD/320 paragraph 2

178 CD/320 paragraph 2a & CD/320A paragraphs 4a, b & f

179 HBC/3/1P & 2A

180 CD/109

181 CD/115

182 CD/99

183 CD/184

184 CD/185

185 HBC/3/1P paragraphs 6.9-6.14

186 HBC/3/1P pages 63-68

187 CD/109 paragraph 3.3

188 CD/109 paragraph 2.8

189 CD/109 Section 6, page 42

190 CD/115

191 CD/117

192 HBC/3/1P page 31

193 HBC/3/1P paragraph 4.7

5.4.6 The Regional Economic Strategy (RES)¹⁹⁴ also identifies the second Mersey crossing as a major transport infrastructure investment whose benefits would include the relief of congestion, support for two strategic regional sites, and improving reliability of access to Liverpool John Lennon Airport and the Liverpool City Region; and it identifies the crossing as one of a number of regional transport priorities.

5.4.7 Development control policies are generally consistent with, and would promote the achievement of, the overarching, strategic development plan policies¹⁹⁵. Some conflict with those policies has been identified¹⁹⁶ but it is a tribute to the careful design of this large Project and its mitigation, that it is very limited. It is principally with Policies GE1 and S21 (Green Belt), GE6 (Greenspace), GE7 (Proposed Greenspace), RG1, RG2, RG3 and RG6 (Action Areas), PR1 and TP19 (Air Quality), PR2 (Noise) and BE4-BE15 (Heritage) and the limited conflict has to be seen in the context of the alternative *do minimum* scenario where the ultimate harm could be worse. The adverse impacts are discussed in dealing with the relative interests.

5.4.8 A review of the planning benefits that would be delivered by the Project covering transportation, regeneration, social, and achievement of the Project Objectives reveals that it would^{197 198}:

- accord with the development plan when taken as a whole¹⁹⁹;
- accord with the key principles of the over-arching planning policy PPS1²⁰⁰ and with the provisions of the PPS1 Climate Change Supplement²⁰¹;
- accord with and promote sustainable transport policies including PPG13²⁰²; and
- generally comply with and promote the relevant strategic planning policies, albeit with limited policy conflict, but materially outweighed by many policy-compliant benefits of the Project²⁰³.

Transportation, Regeneration, Environmental and Socio-Economic Benefits of the Project²⁰⁴

Congestion and Transportation Benefits

5.4.9 The Project would neither cause widespread trip re-assignment nor induce a large number of trips across the wider study area^{205 206}, but would have notable effects on that traffic which would otherwise cross the Silver Jubilee Bridge. With the *Most likely toll* scenario²⁰⁷, there would be

194 CD/104

195 HBC/3/1P Section 3, paragraphs 6.16-6.43 & Section 8

196 HBC/3/1P paragraph 8.62

197 HBC/3/1P Section 7

198 HBC/3/1P Section 9

199 HBD/3/1P paragraphs 9.9 & 9.61-9.66

200 HBC/3/1P paragraph 9.11

201 HBC/3/1P paragraph 9.13 & CD/182 paragraph 3.1.30

202 HBC/3/1P paragraphs 9.36-9.42

203 HBC/3/1P Section 10

204 CD/320 paragraph 2b, HBC/2/1P, HBC/8/1P Section 16, HBC/9/1P Sections 4, 6, 7 & 8, HBC/10/1P Section 10, HBC/16/1P Section 7, HBC/17/1P Section 9 & HBC/18/1P Section 3

205 HBC/8/1P, Section 15 & HBC/8/2A Appendix 7

206 HBC/8/1P paragraph 15.6

207 HBC/8/1P paragraph 15.1 & HBC/2/1P paragraphs 9.4.5-9

a diversion or suppression of some 21% of traffic that would otherwise be seeking to use the Silver Jubilee Bridge, equating to some 20,000 trips not crossing the Mersey in 2015, with a less dramatic effect by 2030²⁰⁸. The volume of traffic being carried by the Silver Jubilee Bridge would be reduced by about 80%²⁰⁹.

5.4.10 The very significant reduction in traffic flows on the Silver Jubilee Bridge would be made possible only by providing additional, alternative and preferable capacity on the proposed bridge. In addition, by placing a price on cross-river trips, the tolling regime would deter significant additional induced trips²¹⁰, while beneficially altering the composition, by journey purpose, of the trips which are undertaken²¹¹. The necessary movements that generate borough-wide and regional prosperity would be facilitated, while the Silver Jubilee Bridge would be able to return to its local role as a convenient and reliable local crossing between Widnes and Runcorn for modes that include public transport, cyclists and pedestrians²¹².

5.4.11 In addition to the transport assessment, looking at traffic movements and congestion levels on the network, a transport economic assessment has been undertaken²¹³, using the Government's prescribed methodology²¹⁴, to see whether the Project would meet certain economic criteria. It provides an objective, monetised assessment of the value of the Project to users and to society and an assessment of the Value for Money²¹⁵. It shows that both would be beneficial. The benefits would include time savings, reductions in the costs incurred in operating vehicles, fewer accidents and benefits in terms of carbon emissions²¹⁶. These benefits would derive largely from the fact that congestion would manifestly be lessened²¹⁷.

5.4.12 Net consumer user benefits would amount to £7.5m; net business user benefits would amount to some £222m; accident savings would be £41m; and carbon savings £9m. Taking into account the Net Present Value of £217m, the Benefit/Cost Ratio would be 3.97²¹⁸, representing High Value for Money²¹⁹.

5.4.13 However, these monetised transport benefits would not exhaust the transport benefits accruing from the Project²²⁰. Additional benefits would include improved facilities for pedestrians and cyclists along, and connecting to, the Silver Jubilee Bridge and improvements in bus time reliability, reduced costs caused by delays due to maintenance and transport benefits arising from improved network resilience²²¹.

208 HBC/8/1P paragraphs 15.8-23

209 CD/8A paragraph 6.13

210 HBC/8/1P paragraph 15.99 & 15.103

211 HBC/8/1P paragraph 15.101

212 HBC/8/1P paragraph 15.105-6

213 CD/167

214 CD/192 & HBC/8/1P Section 16

215 HBC/8/1P paragraph 16.2

216 HBC/8/1P paragraph 16.19

217 HBC/8/1P paragraph 16.18

218 HBC/8/1P tables 16.1 & 16.2, & paragraphs 16.2035

219 HBC/8/1P paragraph 16.36

220 HBC/9/1P

221 HBC/8/1P paragraphs 16.37-38

Social and Economic Development

5.4.14 The Wider Economic Impact Report²²² also leads to the conclusion that the Project would have beneficial economic effects. These would be²²³:

- business efficiency with net value benefits of some £222m;
- business investment and innovation, including for example 5,000 new jobs at the 3MG Multimodal Gateway site in Widnes²²⁴;
- cluster and agglomeration effects increasing GDP by some £67m;
- enhancing the labour market;
- improving competition;
- enhancing opportunities for international trade;
- assisting a more globally active market for the area; and
- an overall improvement in GDP of £373m at 2009 prices.

5.4.15 These economic benefits would be translated into direct and indirect job creation, directly created in the construction and operational phases, and further indirect jobs during the construction phase. The 39-month construction phase would result in some 3,700 person-years of additional employment (370 permanent full-time equivalent jobs) being created²²⁵. In addition, 470 local additional full-time equivalent jobs would indirectly be created²²⁶. Direct operational jobs are expected to be in the order of 98²²⁷.

5.4.16 However, these job numbers would be dwarfed by the job creation expected as a result of the wider economic effect of the Project, locally and regionally. It is estimated that the Project, assisted by the related Mersey Gateway Regeneration Strategy²²⁸, would facilitate the creation of some 4,640 jobs from direct employment, inward investment and regeneration effects²²⁹. Among the more deprived Regeneration Area²³⁰ residents, employment opportunities are expected to increase by 2,967 jobs²³¹, with an overall net benefit within the Regeneration Areas of 1,233 jobs²³².

5.4.17 Theoretically, the beneficial economic effects of building an additional crossing would be reduced by the imposition of tolls but the conditions attached to central Government funding are such that without tolling there would be no Project. And two further points need to be considered. First, the Sustainable Transport Strategy²³³ would ensure that the positive effects are maximised²³⁴ and, secondly, the very existence of a tolling regime would provide a useful mechanism for ensuring that efficient use is made of the available road space.

222 CD/200

223 HBC/9/1P Section 7 & paragraph 9.4

224 CD/200 Figure 3.8 & paragraphs 7.3.5-7.3.8

225 HBC/9/1P paragraph 6.1.3

226 HBC/9/1P paragraph 6.1.1

227 HBC/9/1P paragraph 8.3.13

228 CD/127

229 HBC/9/1P paragraph 8.3.34

230 HBC/9/1P paragraph 8.2.3

231 HBC/9/1P paragraph 8.3.4

232 HBC/9/1P Table 8.5 on page 61

233 CD/182

234 HBC/9/1P paragraph 9.1

5.4.18 The Project would also support the development of regional strategic sites and would improve the reliability of access to such important sites as Liverpool John Lennon Airport.

5.4.19 There is substantial business support for the Project. Overall, around 84% of Halton businesses and 78% of the non-Halton businesses surveyed identified congestion during peak periods on the A557 and the Silver Jubilee Bridge as a problem. Over 80% of the businesses interviewed supported the proposal for the Project, with 46% indicating strong support²³⁵. This includes such notable local employers as Stobarts and Ineos Chlor Vinyl, but also others, such as the Mersey Maritime Group, the Federation of Small Businesses of Merseyside, Cheshire West and Chester Council, the North Wales Business Club and the Liverpool Chamber of Commerce, together with the public sector partners who seek to foster economic growth²³⁶.

5.4.20 Given the close connection between worklessness, social deprivation and cycles of decline, these enhanced employment opportunities would bring significant enhancement in the socio-economic lot of Halton and the region. Benefits would be felt during the construction and, more especially, the operational phases²³⁷.

5.4.21 Job opportunities, together with training, and increased accessibility and improved public transport would have the potential to develop the conditions for a healthy labour market *crucial to preventing cycles of decline in areas of deprivation and instead facilitating cycles of success*²³⁸, reflecting the importance of reducing worklessness. The Project would be a vital piece in the regeneration picture and thus have the potential to provide associated positive social outcomes for people living in Halton²³⁹.

5.4.22 In addition to increases in economic (and hence social) opportunities, other significant social advantages would be provided by the Project, including improved noise and air quality environment, improved health and well-being, improved accessibility to facilities for education, retail, health and social purposes²⁴⁰.

5.4.23 Significant economic benefits would therefore flow from the implementation of the Project, while considerable social and socio-economic benefits would also result.

Public Transport and Alternative Modes

5.4.24 As well as providing for managed capacity for private cars and HGVs, the Project would provide considerable benefits for public transport in the area. The proposed tolling regime would provide at least £500,000 per annum in public transport support²⁴¹, which amounts to almost twice the existing expenditure. But the benefits should not simply be equated to the financial support for public transport and it needs to be attractive to be used.

235 HBC/9/1P page 64

236 HBC/0/10

237 HBC/10/1P paragraphs 11.4-11.20 & Section 12.

238 HBC/10/1P paragraph 12.21

239 HBC/10/1P

240 HBC/10/1P paragraphs 12.23-12.63

241 HBC/2/1P & CD/1820

5.4.25 The Mersey Gateway Sustainable Transport Strategy is wholly dependent on the Project for its delivery²⁴². It has been developed alongside the Project not only to provide the overarching integrated transport strategy within which the Project sits²⁴³, but also so that its contents, particularly for public transport, can be implemented as part of the Project itself²⁴⁴. The central vision of a network of travel measures would be achieved through an integrated package of measures, designed to meet objectives that include:

- increased accessibility for the most deprived wards in Halton;
- reduced reliance on carbon-intensive transport modes;
- delivery of high quality sustainable transport opportunities through development and regeneration;
- improved modal share by more sustainable modes;
- further development of new strategic high quality sustainable transport links and corridors utilising the opportunities of the Project; and
- mitigating the possible effect of tolls on the vulnerable by providing attractive alternatives to private cross-river travel²⁴⁵.

5.4.26 The Project is directly and indirectly vital to the delivery of these objectives. Removal of congestion and other infrastructure improvements would be of considerable advantage in making buses, walking and cycling attractive alternatives for cross-river travel. The Project would offer the opportunity for a step change in the quality of sustainable transport available to residents²⁴⁶ of Halton and beyond²⁴⁷, achieved by a threefold mechanism:

- the provision of space on the Silver Jubilee Bridge and its approaches for public transport, walking and cycling;
- the relief of congestion, in turn restoring journey time reliability; and
- using the funding generated by the tolling regime for public transport²⁴⁸.

5.4.27 Without the Project none of these elements could be delivered and the residents of Halton would have only increasingly unattractive alternatives to private cross-river trips. But with the capacity freed on the Silver Jubilee Bridge, the Improvement Themes contained in the Sustainable Transport Strategy could be realised, including development of the Halton Rapid Transport Network²⁴⁹, a bus-based network linking residential and employment opportunities on either side of the Mersey²⁵⁰. This would be a springboard for a host of sustainable transport improvements designed to achieve a real and lasting shift away from the dependence on the private car²⁵¹.

242 CD/182

243 CD/115 policy S14 CD/182 complies with that policy

244 HBC/8/1P paragraph 14.10

245 HBC/8/1P paragraph 14.13

246 HBC/8/1P, paragraph 14.31

247 HBC/2/18R

248 HBC/8/1P paragraph 14.32

249 CD/182 Improvement Themes 1 & 2

250 HBC/8/1P map on page 76

251 HBC/8/1P paragraphs 14.30-14.77

5.4.28 The Project is expected to result in a shift of 8,500 person-trips per day for car-owning households transferring from private to public transport and for non-car owning households, there would be a significant improvement in their opportunities for travel²⁵².

5.4.29 Thus, the Project is a necessary facilitator of the improvement in public transport, cycling and walking within the Borough of Halton.

Air Quality and Climate Change

5.4.30 The effect on air quality would be one of the benefits of the Project²⁵³. More properties would experience a reduction in pollutants with the Project than would suffer an increase and those who would experience an increase would remain well below Air Quality Objectives²⁵⁴. And in terms of climate change, CO₂ emissions would also be materially assisted by the Project because with the Project in place the Borough would experience a demonstrably smaller level of generated CO₂²⁵⁵.

Noise

5.4.31 The Project would be beneficial in respect of noise because²⁵⁶:

- by careful design and mitigation, more properties would experience a reduction in noise levels than would experience an increase;
- the reductions would be material and beneficial; and
- Such increases as are predicted would be imperceptible.

Ecology

5.4.32 The Project would pass through areas of some ecological interest and most significantly, the Upper Mersey Estuary Local Wildlife Site (LWS)²⁵⁷. However, the inevitable impact of the proposed bridge would be mitigated principally by a management scheme in respect of the currently ungrazed saltmarshes²⁵⁸.

5.4.33 The effect of this mitigation would result in the Project being of overall net benefit to the nature conservation interests of the area.

Network Resilience

5.4.34 The Project would create resilience in the transport network which would be unavailable without a new crossing.

5.4.35 A second crossing would allow necessary maintenance to be carried out on the Silver Jubilee Bridge and provide the capacity to cope with unforeseen incidents on it. The better wind tolerance of the proposed new bridge would allow it to be open under conditions when the Silver Jubilee Bridge currently has to be closed. The proposed bridge, with six lanes, would be able to cope with its own maintenance regime and with the majority of

252 HBC/8/1P paragraph 15.85

253 HBC/11/1P & 2A

254 HBC/11/2A

255 HBC/0/55B Section 6(iii) pages 63-65

256 HBC/12/1P & 2A

257 HBC/14/1P page 11 Figure 1

258 HBC/0/55B Section 6(ix)(b) & (c) pages 76-83

any unforeseen incidents. The twin deck arrangement would further reduce the likelihood of total closure to traffic in both directions, whilst the Silver Jubilee Bridge would also provide residual capacity²⁵⁹.

5.4.36 Having the capacity provided by the proposed bridge would also bring the necessary resilience to cope with incidents on the M6 or Mersey Tunnels that might require traffic to be diverted. Furthermore, a second crossing would provide for more certainty in planning for civil contingencies and would enhance the ability of the Borough Council and the emergency services to manage such incidents as might arise. It is significant that all relevant emergency services have indicated their support for the Project²⁶⁰.

The Silver Jubilee Bridge

5.4.37 The overall effect of the Project on the listed Silver Jubilee Bridge would be benign. It would have a restorative effect by removing 80% of the traffic that the bridge presently carries²⁶¹. The bridge was not designed to carry such traffic volumes or to have the four lanes necessary to accommodate it.

5.4.38 For historic bridges, PPG 15 suggests that remedial measures can be cost-effective and authorities are encouraged to retain and restore old structures for use by pedestrians and cyclists²⁶². The whole bridge deck would remain an open area, the reduction in traffic would be beneficial for its longevity, while proper and useful pedestrian and cycling facilities would be provided²⁶³. Moreover, the Silver Jubilee Bridge and the adjacent listed Aethelflaeda Railway Bridge²⁶⁴ would continue to contribute to the local context²⁶⁵.

An Icon for the Regeneration of Halton

5.4.39 The Project is intended to produce more than just a bridge. It would be an integrated package of measures, intended to deliver a series of wide-reaching objectives. But the greatest impact on the public consciousness could be the new Mersey Gateway Bridge itself. Indeed, that very structure is intended to be more than just a bridge. Commissioned and designed to be an iconic structure, it would become a badge of Halton, and a sign of and a catalyst for its regeneration²⁶⁶.

Main Alternatives Considered and Rejected²⁶⁷

5.4.40 The process of examining alternative options effectively started in 1994, following the Department of Transport's decision (DfT's predecessor) that a new crossing should be promoted locally²⁶⁸. A series of studies was

259 HBC/2/1P paragraph 11.8.3

260 HBC/0/10

261 HBC/7/1P paragraph 11.30

262 CD/8A pages 33-34.

263 CD/6 paragraph 6.11.5

264 HBC/0/50

265 CD/8A page 67, paragraphs 6.11 6.13.

266 HBC/1/1P & HBC/6/1P

267 CD/320 paragraph 2c HBC/2/1P Sections 2-7 & 13

268 HBC/8/1P paragraph 3.2.2, CD/14 Chapter 5

commissioned between 1994 and 2008 and a number of options were explored²⁶⁹.

5.4.41 The Stage 1 Assessment (1997) considered nine routes²⁷⁰. The Stage 2 Assessment (1999)²⁷¹ refined these to three basic routes. Significant consultation was undertaken²⁷² and numerous further studies were undertaken between 1997 and 2000²⁷³, including in 1999, a Review of Options, which examined five more detailed possibilities²⁷⁴; and in 2000 an Integrated Transport Solution study was undertaken²⁷⁵.

5.4.42 The Report of Works 2 (2003)²⁷⁶, considered a number of alternatives to a new crossing. These included park and ride, conventional rail, light rail, high occupancy vehicle lanes and buses. None of these was considered, individually or in combination, to provide a sufficient reduction in car journeys across the Silver Jubilee Bridge²⁷⁷. A number of routes for an additional crossing including a tunnel were considered, but the Report of Works 2 records that a new crossing east of the Silver Jubilee Bridge would be the best overall solution²⁷⁸.

5.4.43 Further route consideration was undertaken in 2005²⁷⁹. In addition, following Programme Entry in March 2006, a Public Transit Options Study²⁸⁰ was undertaken, investigating tram-train, light rail/tramway, bus rapid transit, high level bus priority and medium level bus priority to be considered as complementary to the Project. It assisted in the production of the Mersey Gateway Sustainable Transport Strategy²⁸¹.

5.4.44 Objectors have suggested a bridge or crossing to the west of the Silver Jubilee Bridge and the Aethelflaeda Railway Bridge, but this would not be feasible because of the existence of the Special Protection Area in that location. Some objectors²⁸² have suggested that the Silver Jubilee Bridge be subject to only a modest or token²⁸³ toll and that no other step should be taken²⁸⁴. But that would be impractical²⁸⁵. Congestion would be unlikely to be significantly affected by a token toll and network resilience would not be restored. Thus, the objectives would not be addressed by tolling the Silver Jubilee Bridge alone, a proposition expressly considered and rejected by the Halton Borough Council at an earlier stage of the process²⁸⁶.

269 HBC/2/1P Sections 4-7

270 CD/204, HBC/2/1P Figure 5.1 on page 20 & paragraphs 5.2.5-5.2.7

271 CD/205, HBC/2/1P, paragraphs 5.2.8-5.2.11

272 HBC/2/1P Section 4.5

273 HBC/2/1P table 5.1 page 18

274 CD/208 & HBC/2/1P Figure 5.2 page 23

275 CD/209

276 CD/211

277 HBC/2/1P paragraph 6.3.2

278 HBC/2/1P Section 4.2

279 HBC/2/1P Sections 7.3 & CD/213, CD/214 & CD/215

280 CD/212

281 CD/182

282 The Alliance & Professor Basden

283 ALL/0/3 page 6

284 ALL/2/1P & AB/0/1P

285 HBC/8/12R

286 HBC/2/2A Appendix 4

5.5 Tolls and Road User Charges²⁸⁷

Introduction and Mechanism

5.5.1 Financial constraints are such that the Government has stated that the proposed bridge could proceed only if tolled²⁸⁸. Tolling of the proposed bridge and the Silver Jubilee Bridge would not only secure the funding of the Project, but would also have very significant transportation and environmental benefits in managing traffic demand. Furthermore, it would also provide funds for, and secure improvements to, public transport²⁸⁹.

5.5.2 The proposed bridge would be tolled using powers under the Transport and Works Act 1992, whereas the Silver Jubilee Bridge would be subject to a road user charging scheme under the Transport Act 2000. But there would be no difference between the tolls for the two bridges in practice and consequently, the term 'tolls' is used for both bridges.

5.5.3 The design of the Project makes provision for toll booths and toll plazas, which would be able to function manually and automatically. It might be possible to use 'open road tolling' as and when legislation and technology develops²⁹⁰.

5.5.4 The initial tolls should be similar to those payable on the existing Mersey Tunnels²⁹¹. This is what has come to be known as the *most likely toll* option, used as the central case for the traffic models and the assessments that depend on that modelling. At present prices, modelling of the *most likely toll* Option has used an indicative toll of £1.40 in each direction for cars, rising to £5.60 for the heaviest HGVs²⁹². However, the Orders provide for indexed²⁹³ ranges, by category, to provide flexibility. Amongst other advantages of this approach, it would enable the meeting of the second Project Objective, as set out in paragraph 5.3.1²⁹⁴.

5.5.5 Exemptions would be prescribed for buses and for HM Forces, emergency, and for disabled persons and maintenance vehicles²⁹⁵. Dedicated approach lanes would be reserved for buses on the Silver Jubilee Bridge²⁹⁶. Discounts and concessions would be made available to frequent users and local people²⁹⁷ and that is reflected in the wording of the Orders²⁹⁸, although the precise level of discounting cannot precede negotiations with potential concessionaires²⁹⁹.

287 CD/320 paragraph 10, HBC1/1P & HBC/2/1P

288 HBC/2/1P paragraph 8.1.4

289 CD/182 & HBC/2/5R

290 HBC/2/1P paragraph 9.3.1

291 HBC/2/1P paragraph 9.4.5

292 HBC/2/1P page 53

293 HBC/2/1P paragraph 9.4.14

294 HBC/2/1P paragraphs 9.4.8-9.4.11

295 CD/222, CD/223, HBC/0/44A & HBC/0/45A

296 CD/223 Article 41(2), HBC/0/45A Article 41(2), CD/222 Article 4(2), HBC/0/44A, HBC/0/25, HBC/1/1P paragraph 5.3.16 & Section 6

297 HBC/2/1P paragraphs 9.4.17 & 9.4.18

298 HBC/0/25

299 XX Nicholson by Spruce, Day 8 pm

Ability to attract the Necessary Funding³⁰⁰

5.5.6 As required by the Government, the Project would be funded through a combination of the toll revenues and PFI Credits³⁰¹ and the costs are set out in the following table³⁰²:

Projection of Project Cost in Outturn Terms (excl VAT)	(£)
Whole Project capital cost (January 2007 prices)	390m
Design development increases March 2007	41m
Estimated inflation to outturn prices (2012-2015)	147m
Construction and land risk allowance for purposes of TWA Order	26m
Total Project Cost up to Road opening	604m

5.5.7 A financial analysis has been carried out by KPMG, based on the cost and revenue forecasts of the Project, the level of public sector support and the costs of financing. The details cannot be revealed at this stage because they are commercially sensitive, but the Project is capable of attracting sufficient private investment and can be successfully financed commercially³⁰³. Despite the current pressures on the global economy, there is a market appetite for this sort of project and specifically for the Project³⁰⁴. It is therefore capable of being successfully financed³⁰⁵ and there is no danger of the Project being approved but not being capable of being carried into effect.

Terms of the Orders³⁰⁶

5.5.8 Drafting of the Orders has drawn on various models³⁰⁷. They would achieve the object by providing for the necessary works with the least possible interference with others. They include no end-date for tolling to provide the option of continuing to levy tolls beyond the 30-year point, by which time the proposed bridge would have been paid for³⁰⁸. Efforts have been made to accommodate the concerns of others by including protective provisions as necessary.

300 CD/320 paragraph 9, HBC/4/1P, HBC/2/1P Section 9 & paragraph's 11.3 & 12.2

301 HBC/4/1P Section 2.1

302 HBC/2/1P paragraph 8.3.1

303 HBC/4/1P Section 3.2

304 HBC/4/1P Section 4

305 HBC/4/1P paragraph 5.3

306 CD/320 paragraph 10a, CD/222, CD/223, HBC/0/5, HBC/0/6, HBC/0/26 & HBC/0/40, 43, 44, 44A, 45, 45A & 46

307 River Tyne Tunnels & Dartford Crossings Orders

308 XX Nicholson by Basden, Day 8

Effects of Tolls on Users³⁰⁹

5.5.9 Tolls have been recorded as a cost to business and other users when undertaking the TUBA analysis but there is still a 'High Value for Money' Benefit/Cost Ratio, as explained in paragraph 5.4.12. The benefits to the economy, and the predicted additional employment generation as a result, take into account the fact that tolls would be levied; and in traffic congestion terms, lower tolls or no tolls would cause disbenefits compared with the Project's *most likely toll* scenario³¹⁰. Similarly, the social benefits that would flow from the increased economic opportunities and the ability to move more freely take full cognisance of the fact that tolls would be levied³¹¹.

5.5.10 Clearly, there would be disadvantages to the less well off, in having to pay to cross the river - a fact reflected in the social research undertaken for the Project³¹². However, the balance of advantage would still lie firmly with the provision of the Project as its economic and social benefits would far outweigh the disadvantage of making drivers pay tolls to cross the increasingly congested and unreliable Silver Jubilee Bridge.

5.5.11 The importance of a properly-framed discounting scheme to mitigate the most acute impacts of tolling on local residents (including those living outside the Borough) and frequent users is fully recognised³¹³. In addition, a very significant advantage of the Project would be the step change to public transport identified above. An additional £500k per year would become available from toll income (written into the concessionaire contract) to supplement the £700k currently spent on public transport³¹⁴. This would help the most vulnerable who have no access to a car as well as those for whom public transport is a more financially attractive proposition than car use³¹⁵.

5.5.12 There could be no Project without tolls, so the choice is between the Project, with all its advantages but with tolls and an un-tolled Silver Jubilee Bridge, free but increasingly unavailable through congestion, devoid of reliable public transport, in an area of continuing and unrelieved deprivation, with the problems enduring and exacerbated. Without tolls on the SJB, traffic would not be encouraged to transfer to the proposed bridge and whilst local residents would prefer that no tolls should be imposed, they would prefer limited tolls to maintenance of the status quo³¹⁶.

309 CD/320 paragraph 10b, HBC/8/1P Sections 15 & 16, HBC/9/2A Appendix 3, HBC/10/1P, HBC/10/2A Section 12 & Appendix 7

310 HBC/8/1P Section 15 & HBC/8/2A Appendix 7

311 HBC/10/1P Section 12 & HBC/10/2A Appendix 7

312 HBC/10/1P

313 XX Nicholson by Mrs Spruce, Day 8 pm

314 XX Nicholson by Mr Buchan, Day 13

315 Or 'sustainably'

316 XX Nicholson by Cooke, Day 5

5.6 Environmental Impacts³¹⁷

Noise and Vibration³¹⁸

5.6.1 Other than during piling on Wigg Island, when the effect would be high negative in parts, the potential construction phase noise effects on receptors would be none (ie no receptors), low or moderate adverse³¹⁹.

5.6.2 Construction impacts could be mitigated by managing the process. The contractor would be subject to the Control of Pollution Act 1974³²⁰ and a Noise and Vibration Management Plan (NVMP), implemented as part of the Construction Environmental Management Plan (CEMP) which would cover noise and vibration limits and hours of working³²¹.

5.6.3 Four schools would be within 100 metres of the proposed construction zones - Woodside Primary School, Cavendish School, Bridge School and West Bank Primary School. Cavendish School is predicted to have a low negative impact due to the construction activities around the area. Bridge School and West Bank Primary School are predicted to have a moderate negative impact; however, it would be on a temporary basis. Woodside Primary School³²² is predicted to have a moderate to high impact³²³. However, the activities would not operate continuously and would be regulated by the NVMP, and the overall impact would be unlikely to be more than moderate. But where possible within the construction programme, noisy works near to the school would be scheduled preferentially during school holiday periods to minimise the impact.

5.6.4 Although vibration during some construction activities, such as piling, might be perceptible at some nearby residential locations, it is not expected to cause any significant adverse effects and would not result in any damage to buildings. Vibration impacts would be unlikely to be experienced in the operational phase^{324, 325}.

5.6.5 During the operational phase, DMRB methodology for calculating traffic noise³²⁶ shows not only that there would be some areas where there would be an increase in traffic, and hence an increase in traffic noise, but also that there would be large areas where there would be a significant reduction in traffic noise. These comparisons are with the *do minimum* scenario for 2015 and 2030. Furthermore, in that scenario, 100% of dwellings in the study area would experience an increase in traffic noise, whereas with the Project, only 64% would experience an increase, while 34% would experience a decrease and 2% would experience no change³²⁷. Some commercial/industrial areas and Wigg Island would, however, experience

317 CD/320 paragraph 3, HBC/6/1P Sections 8 & 9

318 CD/320 paragraph 3a, CD/230A paragraph 4h, HBC/12/1P, HBC/3/1P paragraphs 4.35-4.37 & 9.65

319 HBC/12/1P paragraphs 6.2-6.16

320 CD/172

321 HBC/12/1P paragraphs 8.3 & 8.4 & HBC/5/7N

322 HBC/12/2A Figure A.5

323 HBC/5/7N, HBC/5/10N, HBC/5/7N

324 CD/14 paragraph 17.5.29

325 CD/140 Volume 11, Section 3, Part 7, Annex 2, paragraph A2.26

326 HBC/12/1P paragraph's 6.17-6.27 & HBC/12/2A Appendix A

327 HBC/12/1P paragraph 6.17

moderate to major negative impacts³²⁸. By and large, however, noise impacts would be kept to the minimum by a comprehensive system of noise barriers which have been incorporated into the design of the Project, although there are about 22 dwellings which might suffer a more severe impact that could qualify for sound insulation³²⁹.

5.6.6 A characteristic of the Project is that those experiencing a benefit (ie a comparative reduction) would experience a greater degree of benefit than the degree of disbenefit suffered by others. With the exception of some commercial property, the maximum disbenefit would not exceed 3dB(A) (the lowest perceivable level of change), while the benefits predominantly range from 6 to 7dB(A)^{330 331 332}.

5.6.7 The noise environment would generally be improved by the Project. Any localised noise increases would be off-set by a greater extent and degree by noise reduction elsewhere; no unacceptable specific noise impacts are predicted³³³. Thus, the Project would comply with development plan policy in this regard³³⁴.

5.6.8 Consequently, potential noise and vibration do not weigh against the Project but on the contrary, the benefits derived from the Project would include improvements to the noise climate experienced by more receptors than those who would have an imperceptible increase.

Landscape and Visual Impacts³³⁵

5.6.9 Few objections relate to this aspect of the case^{336 337}.

5.6.10 The assessment, following DMRB advice but drawing also on the Institute of Environmental Assessment's Guidelines for Landscape and Visual Assessment (GLVIA)³³⁸, looked at landscape changes and visual changes³³⁹. For landscape impacts, the study area was divided into a 30km Wider Study Area, a 2km Intermediate Study Area and a 500m Local Study Area³⁴⁰.

5.6.11 At the level of the Wider Study Area, the results show that the Project would be beneficial for landscape impact and visual impact³⁴¹. The proposed bridge would fit in the wider landscape as an elegant and iconic design that could be seen in its proper setting³⁴². At the level of the Intermediate Study Area, the results for the landscape and the visual impacts would be positive when viewed from the north of the Estuary but moderately

328 HBC/12/1P paragraph 6.21

329 HBC/12/1P paragraphs 8.6-8 & Section 9

330 HBC/12/1P Table 6.4, Table 6.5, paragraph 6.23 & paragraphs 6.25-6.27

331 All decibel levels used in this report are based on the A Scale.

332 HBC/12/2A Appendix 1 Figures A.7 (2015) & A.8 (2030)

333 HBC/12/1P paragraph 11.8

334 CD/115 policy PR2, HBC/3/1P paragraph's 8.49-8.54

335 CD/320 paragraph 3b

336 HBC/7/1P & 2A & CD/14 Chapter 12

337 HBC/7/2A Appendix 3, HBC/0/22 & HBC/0/32 tab 42

338 HBC/7/1P paragraphs 1.13 & 1.14

339 HBC/7/1P Section 3

340 HBC/7/1P paragraphs 3.27-3.34, HBC/7/2A Figure 1.0, 2.0 & 3.0 of Appendix 1

341 HBC/7/1P Section 7

342 CD/8A paragraph 6.10

negative from the south³⁴³. This represents the sensitivity of Wigg Island which is a designated country park and the removal of planting which would open up unattractive views currently hidden. Inevitably, there are those who would see the bridge as an intrusion, and those who would welcome it as a symbol of the regeneration of the area and as a high quality, aesthetically pleasing structure in its own right³⁴⁴ at a location where a bridge might reasonably be expected³⁴⁵.

5.6.12 At the most immediate level, the Local Study Area (ie 500m from the Project), the magnitude of change would be high and the receptors sensitive³⁴⁶. Furthermore, although some would still welcome the appearance of the Project, at this distance the visual change should be recorded as negative. Even so, there are some receptors whose visual environment would be improved by the Project in the Opening Year³⁴⁷. Furthermore, the negative results in that year would be mitigated as planting matured and by the Design Year, planting would allow more receptors to receive benefit rather than harm, and a lesser degree of impact even where some harm remained³⁴⁸.

5.6.13 The proposals would be sympathetic to their surroundings³⁴⁹; and, in line with the Project design objectives³⁵⁰, the landscape and visual resource of the area would be capable of accommodating a development of this nature; and the proposals are generally in accordance with, and would assist delivery of, the relevant national, regional and local policies³⁵¹.

5.6.14 The landscape and visual implications do not therefore weigh against the Project and the wider landscape would enjoy a positive improvement from the construction of a highly impressive and iconic bridge.

Estuarine Matters³⁵²

5.6.15 The assessment of the effect on the hydrodynamic and sedimentary regime of the Mersey Estuary³⁵³ concentrates on a study area stretching from the Runcorn Gap upstream to Fiddler's Ferry³⁵⁴, although the full extent of the modelled area runs right out to the mouth of the Mersey³⁵⁵. This study area was chosen as it is the area in which distinguishable alterations as a result of the Project could be observed³⁵⁶. The baseline assessment³⁵⁷ shows that the Mersey has a highly dynamic and strongly tidal estuary, where the natural cycles of change are of far greater magnitude than anything that might occur as a result of building the bridge³⁵⁸.

343 HBC/7/1P Section 8

344 HBC/7/1P paragraph 8.31

345 HBC/7/1P paragraph 7.4

346 HBC/7/1P Section 9

347 HBC/7/1P page 72 Table 10

348 HBC/7/1P page 72 Table 1

349 HBC/7/1P paragraphs 9.35-9.41

350 HBC/7/1P paragraphs 9.35-9.41

351 HBC/3/1P paragraphs 8.55-8.57

352 CD/320 paragraph 3c

353 HBC/13/1P & 2A & CD/115 Chapter 7

354 HBC/13/1P paragraph 3.1.1

355 CD/14 Chapter 7

356 HBC/13/4N

357 HBC/13/1P Section 3

358 HBC/13/1P paragraphs 3.3.8-9

5.6.16 Through careful modelling³⁵⁹, the effect of the imposition of the bridge has been assessed³⁶⁰, covering the construction and the operational phases as well as extreme climatic conditions. Some very small changes would occur in water levels and phasing of tides³⁶¹. However, these are significantly less than could be measured in practice, and well within the natural variation of everyday tides³⁶². Currents and bed shear stress (ie the force applied over an area of the river bed as a result of tidal flows)³⁶³ would also increase very slightly, with lesser effects in the operational phase³⁶⁴.

5.6.17 There would be localised scouring of the river bed at the base of the cofferdams (water-tight cylinders for construction of the towers) and once these are removed, the towers themselves³⁶⁵, but the magnitude of the changes would be so small in the context of the naturally dynamic, hydrodynamic and geomorphological regimes that no measurable impacts are predicted other than at the base of the towers themselves³⁶⁶.

5.6.18 There would be only limited scour at the towers, with alternating tides backfilling much of the scoured void and creating an equilibrium³⁶⁷. There is no evidence that the currently chaotic channel positions would become fixed to the towers, or that there would be any adverse impact to the system during either the construction or operational phases³⁶⁸.

5.6.19 As regards the effect of the Project on the walls of the Manchester Ship Canal and the clay cliffs at the Liverpool John Lennon Airport^{369 370}, none of the model tests undertaken showed any adverse effects during the construction phase (worst case) extending as far downstream as the clay cliffs at the end of Liverpool John Lennon Airport. There are no objections and the owners of the Manchester Ship Canal and the Airport attended the Inquiries in support of the Project³⁷¹.

5.6.20 The hydrodynamic and geomorphological regimes of the Mersey Estuary would not therefore be compromised by the Project and ought not to weigh as matters against approval or represent a reason for refusal.

359 HBC/13/1P Section 4

360 HBC/13/1P Section 5

361 HBC/13/1P paragraphs 5.2.2-.5.2.5

362 HBC/13/1P paragraph 5.2.6

363 HBC/13/2A Appendix 2

364 HBC/13/1P paragraphs 5.2.7-5.2.20

365 HBC/13/1P 5.3.5-5.3.6 & 5.3.11-5.3-12

366 HBC/13/1P paragraph 8.1.5

367 HBC/13/1P paragraph 5.3.1

368 HBC/13/1P paragraph 7.2.1(c) & (d)

369 CD/320 paragraph 3 (c)

370 HBC/13/1P paragraphs 5.3.6 & 5.3.2, Party No 103 OBJ/64, HBC/0/30, HBC/0/32 tab 35 REP/1, CD/291 & HBC/0/38A

371 PH/0/1P

Flood Risk³⁷²

5.6.21 There would be no risk of flooding³⁷³ and the Environment Agency has withdrawn its objection³⁷⁴. Flooding is not therefore an issue which should weigh against the Project.

Air and Water Quality³⁷⁵**Air Quality**³⁷⁶

5.6.22 Air quality is a matter of considerable concern to local residents. However, consideration of the comparative numbers of residential properties on various routes and the increased length of route suggested by objectors seriously undermine the objections³⁷⁷.

5.6.23 During construction, the key pollutants would be NO₂ and PM₁₀, derived principally from vehicle exhausts³⁷⁸, and dust, which in the Halton area has the potential to transfer contaminants³⁷⁹. In each case, mitigation is proposed³⁸⁰, secured through the Construction Environmental Management Plan (CEMP)³⁸¹ the Construction Traffic Management Plan (CTMP), the Remediation Strategy and the Waste Management Plan³⁸², all of which would be secured by conditions³⁸³. Following mitigation, the effects of construction would be low at most receptors³⁸⁴.

5.6.24 For operational effects, the key pollutants are those associated with vehicle emissions, chiefly NO₂ and PM₁₀. Having established the existing situation using the standard methodology, the most recent government prediction guidance has been used for the predictions of future pollution levels, with and without the Project³⁸⁵. This modelling was based on the predicted traffic flows derived from the traffic model³⁸⁶ and the *most likely* toll scenario in 2015³⁸⁷. Significant numbers of receptors would see a low to moderate positive benefit, with a smaller number having a high significance of benefit. By contrast, there would be receptors experiencing a low negative impact, but only one receptor recorded as a high negative impact³⁸⁸ and all receptors are well under the Air Quality Strategy (AQS) Objectives although there is an exception in respect of the Warrington Air Quality Monitoring Area (AQMA), which is predicted to exceed the objectives for NO₂ in the *do minimum* and *do something* scenarios³⁸⁹.

372 CD/320 paragraph 3d

373 HBC/13/1P paragraphs 5.2.3-4 & 5.2.13;

374 Party No 001 (OBJ/40) & HBC/0/32 tab 43

375 CD/320 paragraph 3e & CD/320A paragraph 4h

376 HBC/11/1P Sections 5 & 6

377 HBC/2/12R Appendix 4

378 HBC/2/12R Sections 5.5 & 7

379 HBC/11/1P Section 5.3 & HBC/17/1P Sections 7 & 8

380 HBC/11/1P Sections 5.4, 5.6 & 5.8

381 CD/291 & HBC/0/38A

382 CD/291

383 HBC/11/1P paragraph 5.11.2

384 HBC/11/1P paragraphs 5.11.4 – 6 & Section 7.4

385 HBC/11/1P paragraph 6.1.4

386 HBC/11/1P Section 6

387 HBC/11/2A Figures 14, 15, 16 & 18

388 Receptor 147, Speke Road

389 HBC/11/2A Appendix 3 figures 18 & 14

5.6.25 By way of sensitivity tests, the *Low toll*, *High toll* and *No toll* scenarios³⁹⁰ have been assessed³⁹¹. The results of these assessments³⁹² are that in the *No toll* or *Low toll* scenarios, due to increased traffic levels generally, the benefits (ie reduced pollution levels) would be reduced while the disbenefits (ie increased pollution) would be increased compared with the *Most likely toll*. In the *High toll* scenario, there would be reduced traffic within the Project, but increased diversion into Warrington to avoid the tolls. This would have the effect of causing some increased concentrations in the Warrington Air Quality Management Area³⁹³.

5.6.26 The CO₂ levels with and without the Project have also been assessed. These show a 13,666 tonnes per annum reduction in CO₂ compared with the *do minimum* at 2015 and an 8,288 tonnes CO₂ reduction at 2030³⁹⁴. There might be some localised increases in pollutants with the Project compared with *do minimum*, but they would not breach Objectives and would be more than outweighed by the more widespread reduction in pollutant levels elsewhere. It is significant that the Project would produce an improvement in CO₂ emissions for the smaller studied (DMRB) area and approximately 68% of the improvement over a wider (TUBA) area in 2015³⁹⁵.

5.6.27 The proposals would therefore comply with development plan policies³⁹⁶. Furthermore, the Project would assist the climate change agenda by resulting in significant overall reductions in tonnes of CO₂ released into the atmosphere and air quality is therefore a consideration which weighs in favour of the Project.

*Water Quality*³⁹⁷

5.6.28 Each of the water bodies of relevance has been considered, and its existing condition established³⁹⁸. Each is described in terms of the EA's General Quality Assessment (GQA)³⁹⁹. The potential impacts of the Project have also been assessed⁴⁰⁰ (again, for each relevant water body), the proposed design and mitigation described⁴⁰¹ and a view formed on the residual effects⁴⁰².

5.6.29 There would be no adverse effect on the water quality of these water bodies and there would be benefits to them by closing off pathways of pollutants or run-off from certain roads⁴⁰³. Consequently, by careful design and mitigation, the topic of water quality is a matter that weighs in favour of the Project.

390 HBC/2/1P paragraphs 9.4.8 & 9.4.9

391 HBC/11/1P Section 8.2

392 HBC/11/2A

393 HBC/11/1P paragraph 8.2.24

394 HBC/11/2A Appendix 2 Table 12

395 XX Brown by Buchan & XX Buchan by Straker, Day 13

396 CD/109 policy EQ2, CD/115 policies PR1 & TP19, HBC/3/1P paragraphs 8.42-48

397 HBC/16/1P, CD/14 chapter 8 & HBC/17/1P

398 HBC/17/1P Section 4

399 HBC/17/1P paragraph 3.2.2(a)

400 HBC/17/1P Section 5

401 HBC/17/1P Section 6

402 HBC/17/1P Section 8

403 HBC/17/1P Section 7

Waste⁴⁰⁴

5.6.30 Given the low sensitivity end use, contamination in the ground should be left in place wherever possible.

5.6.31 Waste management⁴⁰⁵ is a matter which would form an important part of the Construction Environmental Management Plan (CEMP)⁴⁰⁶, which would involve the production of a Site Waste Management Plan. This alone would contribute to the overall sustainability of the Project, and it would thereby comply with PPS10⁴⁰⁷.

5.6.32 None of this is disputed.

Green Belt⁴⁰⁸

5.6.33 The Green Belt is an acknowledged national and local policy of development restraint⁴⁰⁹. The UDP Proposals Map⁴¹⁰ shows that the only area of Green Belt affected by the Project would be Wigg Island/Astmoor saltmarsh, bounded by the Estuary to the north and the Manchester Ship Canal to the south. Here, the bridge would oversail at a high level⁴¹¹ on piers which would be sited on Green Belt land.

5.6.34 Having regard to the Green Belt purposes which the land performs, the effect on those purposes and on the openness of the Green Belt, and the impact on the visual amenity of the Green Belt^{412 413 414}, there would be limited harm. Nevertheless, although the Project would not represent appropriate development⁴¹⁵ in the Green Belt, there are very special circumstances which would clearly outweigh the harm by reason of inappropriateness and any other harm⁴¹⁶. Firstly, the Project would be an outworking of development plan proposals, which require the construction of a bridge over a part of the Green Belt⁴¹⁷; secondly, the limited harm to the Green Belt would be no more than need be caused; and finally, the resultant benefits in transportation, regeneration, social and strategic terms, which enjoy wide support including that of statutory bodies. The inevitability of development in the Green Belt is underwritten by the support from public bodies and others for the Project⁴¹⁸.

404 CD/320 paragraph 3f & CD/320A paragraph 4e

405 HBC/17/1P Section 10, HBC/11/1P paragraphs 5.3.25-5.4.3, HBC/3/1P paragraphs 9.31-9.35

406 CD/291, HBC/0/38A

407 HBC/3/1P paragraphs 9.34 & 9.35

408 CD/320 paragraph 3g & CD/320A paragraph 4c

409 CD/68 & CD/115 policy GE29

410 HBC/3/1P page 92

411 HBC/0/8 A3 bundle, Flag 3, plan 6 Drawing B4027/4/H/100/205B

412 HBC/3/1P paragraphs 8.7-8.9

413 HBC/7/1P paragraphs 13.2-13.5

414 CD/68 paragraph 3.15 & HBC/3/1P paragraphs 8.10-8.15.

415 CD/68 paragraph 3.4

416 CD/68 paragraph 3.2

417 HBC/3/1P page 31 & CD/115 Policy S14

418 HBC/0/10: eg North West Regional Development Agency, The Mersey Passenger Transport Authority & Executive, Morbaine Limited & Halton Housing Trust

Open Space

5.6.35 This topic has two components. The first is the impact of the Project on the existing open space⁴¹⁹, and the policy compliance or otherwise of the proposals. The second concerns the replacement for open space which is being compulsorily acquired; this is dealt with in Section 5.13.

5.6.36 There would be loss to, or effect upon, greenspace or proposed greenspace designated under Policy GE6 and GE7 of the Halton UDP^{420 421}. The greenspace is at St Michael's Golf Course⁴²², where a temporary land-take of 7.72ha would be followed by a permanent land-take of 2.4ha, 0.14ha at Widnes Warth saltmarsh, three small parcels (under 0.1ha) of highway embankments or verge and (proposed) 0.12ha at Wigg Island.

5.6.37 Thus, in all cases, the conflict with policy would be limited and Policy GE6 has exceptional provisions which allow development as proposed⁴²³. This conclusion has not been challenged, which reinforces the conclusion that Open Space is not a matter which materially weighs against the Project.

Ecology, the Middle Mersey and the SPA⁴²⁴

Effect on Aquatic Ecology

5.6.38 The evidence on this matter⁴²⁵ draws on the Environmental Statement⁴²⁶, in the Aquatic Ecology section⁴²⁷ itself and on the Water Quality and Contamination sections⁴²⁸. Desktop studies, surveys and sampling were conducted in spring, summer and autumn, with the majority over a period of 4-5 years⁴²⁹ to provide the baseline conditions, against which to judge any predicted changes.

5.6.39 Construction effects⁴³⁰ would include the pile driving process with its potential for noise and vibration⁴³¹, but with mitigation⁴³² its effect on flora and fauna would be reduced to low significance⁴³³.

5.6.40 Construction and the presence of the proposed bridge would also bring the prospect of sedimentary disturbance, scour, sediment suspension and deposition and potential pollutant release⁴³⁴. Again however, mitigation measures coupled with the highly mobile and dynamic nature of the estuarine conditions mean that there would be insignificant or low effect and

419 CD/115 & HBC/2/1P paragraphs 4.62-4.66 picture 13
 420 CD/115, CD/320 paragraph 3h & CD/320A paragraph 4d
 421 HBC/3/1P paragraphs 8.20-8.31, 9.17-9.22 & 9.69-9.72.
 422 HBC/3/1P paragraph 8.21
 423 HBC/3/1P paragraphs 9.17-9.22 & 9.69-9.72
 424 CD/320 paragraphs 4 & 5 & CD/320A paragraph 4e (part)
 425 HBC/18/1P & 2A & CD/14 Chapter 11
 426 CD/14
 427 CD/14 chapter 11
 428 CD/14 chapters 8 & 14
 429 HBC/18/1P Section 4.2
 430 HBC/18/1P Section 6.2
 431 HBC/18/1P paragraphs 6.2.1-9
 432 HBC/18/1P paragraphs 7.2
 433 HBC/18/1P paragraphs 6.3.28 & 7.2.6
 434 HBC/18/1P paragraphs 6.2.13-37, 6.3.1-4

no adverse impact on the integrity of the SPA^{435 436} and a monitoring regime would assure the effectiveness of the measures⁴³⁷.

5.6.41 So in the absence of challenge it can safely be concluded that the interests of aquatic ecology are sufficiently protected.

Effect on Avian Ecology

5.6.42 An assessment has been made of the effects on avian ecology, and in particular the effect of the proposed new bridge on the Upper Mersey Local Wildlife Site and the potential effect on the Middle Mersey SPA⁴³⁸.

5.6.43 The proposed bridge lies within the Upper Mersey Estuary, a tidal section of the Mersey, which lies upstream of the Runcorn Gap (ie the narrows between Widnes and Runcorn). Part of the area affected by the Project is designated as a local wildlife site (LWS). Downstream of the Runcorn Gap and upstream of Dingle Point⁴³⁹ lie mudflats and channels of the tidal Middle Mersey Estuary, beyond which is the Outer Mersey, permanently inundated and connecting to the Irish Sea. The Middle Mersey is designated a SSSI and the intertidal areas are also designated as an SPA.

5.6.44 There are strict obligations on the assessment of any effects that development may have on an SPA⁴⁴⁰, including the undertaking of an appropriate assessment by the decision-maker unless the likelihood of a significant effect can be excluded⁴⁴¹. The proximity of the Upper Mersey LWS to the Middle Mersey SPA and the fact that both are contiguous estuarine habitats has thus led to a highly precautionary approach to the assessment of impact.

5.6.45 The SPA and its bird interest have been extensively studied⁴⁴². Furthermore, as the Project lies wholly outside the SPA, its own effects have been considered in respect of bird populations⁴⁴³ and whether any of the populations affected or potentially affected are those of, or part of those of, the SPA⁴⁴⁴.

5.6.46 Significant effects on the SPA can be excluded because there is no connectivity between the Upper and Middle Mersey Estuaries in terms of bird populations and no functional relationship⁴⁴⁵. Nevertheless, the Project has been subject to a *shadow appropriate assessment*⁴⁴⁶, which accords in every respect with the process through which the decision-makers would have to go, were they to conclude that one were necessary⁴⁴⁷. Thus, even if an appropriate assessment were considered necessary, the evidence would lead

435 HBC/18/1P paragraphs 7.2.7-13

436 HBC/18/1P paragraph 8.1.2

437 HBC/18/1P paragraph 7.4.20

438 HBC/14/1P & 2A, HBC/14/1P paragraph 1.2.2 & Figure 1 on page 11

439 HBC/14/1P Figure 1

440 CD/48 & CD/49

441 HBC/0/9, paragraphs 4-12

442 HBC/14/1P Section 5

443 HBC/14/1P Section 7

444 HBC/14/1P Section 6

445 HBC/14/1P paragraphs 6.4.1 & 11.1.1 & Section 10

446 HBC/14/1P paragraphs 11.2.1-14

447 Oldfield in reply to Inspector on Day 4

to the conclusion that the integrity of the European Site would not be adversely affected by the Project⁴⁴⁸.

5.6.47 As a further precautionary measure, the Upper Mersey LWS, which is not an SPA, has been considered; firstly, whether it has avian interest to justify a higher designation (which it does not)⁴⁴⁹; and secondly, as if it were an SPA. The Project and its effects have therefore been reviewed to see whether the likelihood of a significant effect on the Upper Mersey can be excluded⁴⁵⁰.

5.6.48 There would be no significant adverse effect on the integrity of the Upper Estuary and there would be the potential to improve the ecological condition of the saltmarshes, thereby providing a benefit to the bird species that use them⁴⁵¹. This outcome would result from the conversion of some 28.5ha of un-grazed to a managed and grazed saltmarsh⁴⁵².

5.6.49 There would be some adverse effect on bird populations in the Upper Estuary from the construction and the operational phases of the Project. This has been carefully assessed by first establishing a good understanding of current conditions⁴⁵³ and establishing a projection for these populations into the future without the Project⁴⁵⁴, and then considering the effects of the Project in terms of habitat loss and disturbance⁴⁵⁵. Distribution maps, overlaid with the route of the Project⁴⁵⁶, show the locations of recorded individuals of important bird species. A 300m disturbance line has been adopted as a 'worst case' for construction. Not all effects would be equal within that area, but it gives a maximum area and quantification of impact⁴⁵⁷.

5.6.50 For an assessment of the operational effects, a 200m zone of disturbance has been adopted⁴⁵⁸. This reflects the different nature of the activities involved between construction and operation, as well as the known phenomenon of habituation (a simple form of learning, in which an animal after a period of exposure to a stimulus, stops responding). The number of recorded birds of species of particular importance is then shown within that zone to give an idea of the scale of the populations potentially exposed to disturbance⁴⁵⁹. It does not mean that these species would necessarily be displaced.

5.6.51 The affected zone would be some 17.8% of the estuarine habitat in the Upper Mersey Estuary, being 28.5ha of saltmarsh and 37.5ha of intertidal mud and sands⁴⁶⁰. The saltmarsh, however, is currently in an unfavourable condition with dense vegetation rendering it unsuitable for a

448 HBC/14/1P paragraph 11.2.14

449 HBC/14/1P Section 3

450 HBC/14/1P paragraphs 11.3.1-11.3.12

451 HBC/14/1P especially paragraphs 11.3.7-8 & 11.3.10

452 HBC/14/1P Section 9.4, especially paragraph 9.4.3

453 HBC/14/1P Section 3

454 HBC/14/1P Section 4

455 HBC/14/1P Section 7 & CD/14 Section 10.17

456 HBC/14/1P Figures 3-9 (pages 52-56)

457 HBC/14/1P paragraph 7.1.18 & tables 7-9, pages 49-50

458 HBC/14/1P paragraph 7.3.13 & Appendix 3

459 HBC/14/1P Tables 10 & 11 pages 68-69

460 HBC/14/1P paragraph 7.3.23

number of important species⁴⁶¹. This enables the mitigation of any adverse effect, whilst providing a potential benefit.

5.6.52 The mitigation proposals⁴⁶² would offer the opportunity for the saltmarsh contained within the 200-300m zone⁴⁶³ to be given beneficial management, importantly by the introduction of grazing and cutting⁴⁶⁴. This would be secured through the Environmental Management Plan⁴⁶⁵ and the COPE⁴⁶⁶ and is intended to be managed by a charitable trust⁴⁶⁷.

5.6.53 With mitigation⁴⁶⁸, there would be steady or increased populations compared with the no-bridge scenario and the effect of the Project on the avian interests of the Mersey would certainly not be adverse and is expected to be positive. It is significant that Natural England has expressed itself as content with the Project and has withdrawn its objection⁴⁶⁹.

Effect on Terrestrial Ecology

5.6.54 The evidence on this matter is extensive and can be divided, essentially, into estuarine and non-estuarine matters⁴⁷⁰ in which the effects on the habitats of the Upper Mersey and in particular on the saltmarsh and intertidal zones, have been carefully studied⁴⁷¹, as also the implications of the Project for the protected sites in the Middle Mersey⁴⁷².

5.6.55 Turning first to the SPA, its habitats are in favourable condition for birds and the Project would have no significant effect upon its integrity, having regard to the construction of the proposed bridge or any associated pollution, or its operation⁴⁷³.

5.6.56 The design of the proposed bridge would minimise the physical loss of habitat⁴⁷⁴ and its shading would inhibit but not prevent the recolonisation of plants below⁴⁷⁵. By contrast, the mitigation proposals in respect of avian interest would provide a considerable opportunity for benefit to the habitats concerned and the species (avian and non-avian) dependent upon them through grazing of the saltmarsh⁴⁷⁶. By comparison with the current unfavourable condition of the un-grazed saltmarsh⁴⁷⁷, manifest improvements to the habitat for the dependent species would be achieved by altering the management regime⁴⁷⁸. The mitigation proposed would result in a very positive extension to the network of nature reserves in Halton⁴⁷⁹.

461 See eg HBC/14/1P 7.3.28, HBC/15/1P Section 3.1-3.3.3, 3.7, 6.5-6.6 & HBC/15/2A Appendix 3

462 HBC/14/1P Section 9 & CD/14 Chapter 10.19

463 HBC/14/1P paragraph 9.2.1 & see *ibid* 9.4.2.

464 HBC/14/1P paragraphs 9.2.3 & 9.4.1(1)-(13) & HBC/15/2A Figures 16 & 17 & Appendices 8 & 9

465 HBC/14/1P paragraph 9.7.2

466 CD/291 HBC/0/38A

467 HBC/14/1P paragraph 9.8.2

468 HBC/14/1P, paragraph 9.4.4(1)-(9) & table 12 page 92

469 HBC/0/22 & HBC/0/32 tab 42

470 HBC/15/1P, HBC/15/2A & CD/14 Chapter 10

471 HBC/15/1P Section 6 & CD/14 Section 10.17

472 HBC/15/1P Section 7

473 HBC/15/1P Section 7 & paragraph 18.10

474 HBC/13/1P paragraphs 5.3.1, 3, 7 & 9, HBC/5/1P paragraph 8.4.3 & HBC/14/1P paragraph 9.3.2

475 HBC/15/1P paragraph 10.3.2

476 HBC/15/1P paragraph 1.3.1.2

477 HBC/15/1P Section 3, photo 2 & Section 4

478 HBC/15/1P Section 6.5 compare photos 4 & 5

479 HBC/15/1P Section 8

5.6.57 The non-estuarine evidence⁴⁸⁰ describes the range of local habitats of importance and protected species. Thus, Wigg Island Local Nature Reserve (LNR) and Local Wildlife Site (LWS), St Helens Canal LWS and Manchester Ship Canal Bank LWS have all been assessed as to baseline conditions, potential effect before mitigation, mitigation and, thence, with appropriate monitoring, residual effect⁴⁸¹. The mitigation would be secured through the Biodiversity Management Plan (BDMP) as part of the COPE⁴⁸². For Wigg Island, the residual effect would be negligible low or of low significance⁴⁸³. For the other two sites, there would be no residual impact⁴⁸⁴

5.6.58 As regards protected species, there are great crested newts⁴⁸⁵, bats⁴⁸⁶ and water voles⁴⁸⁷. Again, through mitigation and monitoring secured through the BDMP as part of the COPE adverse residual effects would be avoided⁴⁸⁸ and for great crested newts there would be substantive and beneficial residual effects⁴⁸⁹. There would also be opportunities for substantive improvement in habitats adjacent to the proposed works at Wigg Island, St Michael's Golf Course and generally along the highway embankments and cuttings⁴⁹⁰. Required mitigation licences for bats and great crested newts would be sought in due course from Natural England⁴⁹¹.

5.6.59 The Project would thus have no material adverse effect on protected habitats or species of nature conservation importance and would have a beneficial effect on the terrestrial ecology of the area, specifically in respect of the grazed saltmarsh proposals and of the improved prospects for the great crested newt.

Historic Environment⁴⁹²

5.6.60 The Environmental Statement includes a comprehensive assessment of the potential impact of the Project on the historic environment⁴⁹³. Archaeological remains and industrial archaeological features have been identified and assessed, and ground works for the Project would be preceded or accompanied by appropriate investigations⁴⁹⁴.

5.6.61 Although the study area⁴⁹⁵ extends some 500m either side of the works⁴⁹⁶ and contains 47 listed buildings and a Scheduled Ancient Monument, only one listed building would physically be affected by the proposals. This is

480 HBC/15/1P, Part B

481 HBC/15/1P Sections 9-11 & CD/14 Chapter 10

482 CD/291

483 HBC/15/1P paragraph 9.5.5

484 HBC/15/1P paragraphs 10.5.3 & 11.5.2

485 HBC/15/1P Section 12 & CD/14 Section 10.13

486 HBC/15/1P Section 13 & CD/14 Section 10.12

487 HBC/15/1P Section 14

488 HBC/15/1P paragraph 13.5.2 & 14.5.2

489 HBC/15/1P paragraph 12.5.3

490 HBC/15/1P Section 15 & CD/14 chapter 10

491 CD/14 Chapter 10 paragraphs 10.20.62 & 10.19.146 & HBC/15/1P paragraphs 12.1.2, 12.4.3, 13.4.5 & 13.5.2

492 CD/320A paragraph 4g

493 CD/14 Chapter 13 & HBC/7/1P Section 11 & 8.58-8.61, 9.45-9.51

494 CD/14 Section 13.4 & HBC/7/1P Section 11

495 CD/14 Chapter 13

496 HBC/7/1P paragraph 11.2

the Silver Jubilee Bridge itself (Grade II), which would be improved and Listed Building Consent is sought for the works⁴⁹⁷.

5.6.62 The effect on the settings of listed buildings and the effect on conservation areas have been assessed in terms of importance and magnitude of impact⁴⁹⁸; and the effects would be *low or not significant*.

5.6.63 A representation in respect of the application for Listed Building Consent has been received from English Heritage⁴⁹⁹ but no objection and it is possible to conclude that the Project would have no unacceptable impact on the historic environment.

COPE and CEMP⁵⁰⁰

5.6.64 COPE stands for the Construction and Operation Code of Practice for Environmental Management. CEMP stands for the Construction Environmental Management Plan. The COPE contains the requirement to deliver the terms of the CEMP⁵⁰¹.

5.6.65 The version of the COPE which was set before the Inquiries at the outset⁵⁰² was revised as a result of negotiations with objectors including the Environment Agency, Natural England, the Acting Conservator for the River Mersey, Peel Holdings and Halton Friends of the Earth⁵⁰³. The revised version of the COPE⁵⁰⁴ would be secured by planning conditions attached to the planning direction and the two planning permissions (as discussed in section 10.7), a final version being required prior to commencement of works⁵⁰⁵.

5.6.66 The COPE contains requirements for environmental project management and mitigation. It would also be necessary to produce a series of subsidiary documents including the CEMP, a remediation strategy and the hydrodynamic monitoring plan for the local planning authority's subsequent approval. Once each was approved, these documents would have the force of planning conditions.

497 CD/4, HBC0/17 & HBC/0/17A

498 HBC/7/1P page 88 Table 13

499 Party No 5

500 CD/320 paragraph 7a & HBC/5/1P Section 7

501 HBC/5/1P Section 7

502 CD/291

503 HBC/0/38A & HBC/0/53

504 HBC/0/38B

505 HBC/0/7A & HBC/0/7C

5.7 Impact on Businesses, Residents and Traffic⁵⁰⁶

Continuity and Viability of Businesses⁵⁰⁷

5.7.1 Halton Borough Council takes this matter very seriously and has gone to strenuous efforts to minimise the adverse effects upon, and disruption to, existing businesses that would result from the Project. A Relocation Strategy has been formulated and is already being carried through with different solutions for different enterprises^{508 509}. The objectives of this strategy can be achieved in part by relocating businesses and, where it is appropriate, purchasing businesses in advance of the exercise of any compulsory purchase powers and offering assistance for relocation based on the guidance provided in Circular 06/2004.

5.7.2 The very few business objections still being pursued reflect the efforts in managing and mitigating impacts on existing businesses and the overwhelming voice of business favours the Project⁵¹⁰. Although there would inevitably be some disruption to and interference with existing businesses, given the care taken and the existence of the statutory Compensation Code, the impact on existing businesses should not frustrate the Project.

5.7.3 The viability and continuity of businesses generally depends on a number of matters, including travel and transport. The Project would be of great strategic importance to the economic performance of Liverpool City Region and the wider North West⁵¹¹. For example, at least one business's location was chosen having regard to the promotion of further highway improvements across the Mersey in the Widnes/Runcorn area⁵¹². It is on that economic performance that, ultimately, the viability and continuity of businesses will depend.

Access to Premises⁵¹³

5.7.4 No accesses to premises would be stopped up. However, where access to sites and premises during construction would be affected, mitigation would be put in place to ensure that continuous access and egress is maintained to cause the least disruption⁵¹⁴.

5.7.5 The draft TWA Order requires pedestrian access to premises to be maintained during construction⁵¹⁵. Where loss is suffered, it would be compensated. Similarly, any permanent effect upon premises would be compensated under the statutory Compensation Code. The same would apply with the Side Road Orders, though they would result in reconfiguring

506 CD/320 paragraph 6, HBC/5/1P, HBC/8/1P Section 15, HBC/9/1P Section 5 & paragraph 6.2, HBC/10/1P Sections 11 & 12 & HBC/19/1P paragraphs 6.17 & 18

507 CD/320 paragraph 6a & HBC/19/1 especially Section 6

508 CD/128

509 HBC/19/1P Appendix 1

510 HBC/0/10 & HBC/0/43

511 PH/0/1P

512 Party No 482

513 CD/320 paragraph 6b

514 HBC/19/1P paragraphs 6.17 & 18

515 CD/223 Article 9, HBC/0/45A Article 9

slip roads etc, rather than changes to roads directly serving multiple premises.

5.7.6 Negotiations with businesses have included the provision of technical solutions to accommodate and maintain access to business premises, during the construction and the operational periods⁵¹⁶ and that has led to the withdrawal of a number of statutory objections⁵¹⁷.

Effect on Traffic using the Highway⁵¹⁸

5.7.7 The Project would not cause widespread re-assignment of traffic, or induce large numbers of additional trips across the sub-region⁵¹⁹. The impact of the Project on total trips across the Mersey and on each of the other crossings for a typical weekday would generally be local to Halton⁵²⁰. This does not mean that the Project would not be regionally important, rather that a large proportion of the very large number of trips within the extensive modelled area does not use the Silver Jubilee Bridge at present and would not find it or the proposed bridge appropriate for their trip⁵²¹.

5.7.8 Some traffic could be expected to use adjacent crossings, namely the Mersey Queensway Tunnel and those in Warrington, but the impact would be minor during peak periods⁵²². By contrast, the alternative of a new crossing without tolls would generate significant additional traffic, contrary to transport policy⁵²³.

Effect of Traffic on Residents⁵²⁴

5.7.9 The proposed bridge would be connected to the high standard expressway system and provide for an alternative to the Silver Jubilee Bridge, but it would not open up or encourage the development of new traffic routes through residential areas.

5.7.10 The principal increase in traffic effect close to residential areas⁵²⁵ would be experienced along the Central Expressway in Runcorn, where the proposed bridge would connect with the expressway system to the east of the existing Silver Jubilee Bridge. The Central Expressway has sufficient capacity to cater for the expected traffic, would not be operating at its limits and would retain spare capacity⁵²⁶, subject to proposed improvements, largely within the highway boundaries. Any increase in traffic on the Central Expressway, would have to be balanced against the decrease in traffic on the route that is currently used to gain access to the Silver Jubilee Bridge, namely the Weston Point Expressway. And fewer properties adjacent to the

516 HBC/19/1P paragraphs 6.17-6.19

517 HBC/0/32 tabs 44, 25 & 29: Party No 101 (OBJ/61), Party No 63 (OBJ/20), Party No (OBJ/7) respectively

518 CD/320, paragraph 6c

519 HBC/8/1P Section 15 & HBC/8/2A

520 HBC/8/1P paragraph 18.38, HBC/8/5R & HBC/8/6R

521 HBC/8/1P paragraph 15.70

522 HBC/8/1P paragraph 18.39

523 HBC/8/1P paragraph 18.38

524 CD/320 paragraph 6d

525 HBC/2/12R

526 HBC/2/12R paragraphs 2.1-4.4

Central Expressway would be affected by traffic than the number currently affected via the Weston Point Expressway⁵²⁷.

5.7.11 Alterations in traffic patterns predicted through the traffic models similarly have positive and negative implications for residents in terms of noise and air quality. The positive would outweigh the negative and the balance of benefit and disbenefit would clearly favour the Project.

Public Transport⁵²⁸

5.7.12 The Project would have no effect on rail services operating on the mainline or local networks.

5.7.13 The COPE would require the bus routes to remain open while the works are being implemented⁵²⁹ and a construction traffic management plan would be required by planning condition⁵³⁰. In Widnes and Runcorn, Halton's core bus network is generally separate from the expressway system⁵³¹. The only place where the two networks currently come together is over the Silver Jubilee Bridge; elsewhere, the local bus network crosses the expressway system on grade-separated structures.

5.7.14 Consequently, the impact on bus services during construction would be minimal and all routes would be kept open. As far as the Silver Jubilee Bridge is concerned, the physical works could not be undertaken until the proposed bridge was open⁵³². It would reduce traffic on the Silver Jubilee Bridge⁵³³ and thus provide the capacity for the works while maintaining bus services.

Road and Footpath Diversions⁵³⁴

5.7.15 The streets which would be closed or diverted are listed in Schedules 3 and 4 of the draft Transport and Works Order⁵³⁵ and their closure or diversion are needed for the Project.

5.7.16 Only one street (a public footpath) would be diverted, around the boundary of the works at the Widnes Loops. There would be some permanent closures, but only where the road or footpath would no longer be required or to amend priorities. There would be some temporary closures for safe construction in the immediate vicinity of those streets⁵³⁶.

Users of Navigation Rights⁵³⁷

5.7.17 The proposed bridge and associated structures would have the potential to interfere, temporarily or permanently, albeit in a limited way, with navigation. However, considerable care has been taken to avoid any

527 HBC/2/12R paragraphs 5.1-5.3

528 CD/320 paragraph 6e

529 CD/291 HBC/0/38A

530 HBC/0/7A HBC/0/7C

531 CD/182 Figures 2.3 & 2.4

532 HBC/0/31

533 CD/8A paragraph 6.13

534 CD/320 paragraph 6f

535 CD/223 & HBC/0/45A

536 HBC/5/1P Sections 5-9

537 CD/320 paragraph 6g & CD/14 Chapter 18.

impacts of concern and the need to maintain adequate headroom over the Mersey Estuary, the Manchester Ship Canal, the St Helens Canal and the Bridgewater Canal has been a significant factor in the design of the Project⁵³⁸.

5.7.18 Peel Holdings, owners of the Manchester Ship Canal and the Bridgewater Canal, have withdrawn their objection and appeared at the Inquiries to support the Project. Outstanding objections are either without foundation, or are addressed by protective provisions within the TWA Order or by conditions⁵³⁹.

Effect on Aircraft⁵⁴⁰

5.7.19 The Project would have no adverse effect on air traffic. The proposed bridge would be some 9km from Liverpool John Lennon Airport and would lie under the approach flight path from the east. The CAA requirement is that the airspace down to 150 metres AOD must be kept clear of obstruction and the bridge has therefore been designed so that, even allowing for the cranes used during construction of the towers, no part would intrude into this airspace⁵⁴¹ and further protection would be provided through planning conditions. Liverpool John Lennon Airport (as part of Peel Holdings) is a supporter of the Project.

Effect on Utility Companies⁵⁴²

5.7.20 Following the inclusion of protective provisions for United Utilities Water plc within the TWA Order, the Company's objection has been withdrawn⁵⁴³ and there are no outstanding objections from utility companies.

Effect on Garston to Timperley Rail Freight Line⁵⁴⁴

5.7.21 The Garston to Timperley Rail Freight Line is crossed by the westerly approach to the proposed bridge, between the main toll plazas and the Widnes Loops⁵⁴⁵ where a single-span bridge is proposed⁵⁴⁶. Although an objection was received from Network Rail⁵⁴⁷, protective provisions have been included in the TWA Order⁵⁴⁸ and the objection has been withdrawn.

Impact on Wildfowling⁵⁴⁹

5.7.22 Crown and Duchy wildfowling rights are currently exercised in the Upper Mersey by Halton & District Wildfowlers⁵⁵⁰, on whose behalf the British Association for Shooting and Conservation (BASC) raised an objection⁵⁵¹.

538 HBC/6/1P paragraph 8.3.4 & 8.4 & HBC/6/2A Appendix 1

539 HBC/0/43

540 CD/320 paragraph 6h, HBC/6/2A appendix 1

541 HBC/6/1P paragraph.8.5, HBC/6/2A Appendix 1 Section 2 & HBC/0/7A

542 CD/320 paragraph 6i, HBC/5/1P Section 11, HBC/5/2A Appendix 9, HBC/19/1P paragraphs 3.10-11 & HBC/19/2A Appendix 4

543 HBC/0/56 & 56A

544 CD/320 paragraph 6j

545 HBC/5/1P Section 6.3

546 Drawing B4027/4/B/PL/200

547 Party No (OBJ/110) & HBC/0/32 tab 39

548 CD/223 & HBC/0/45A

549 CD/320 paragraph 6k & HBC/19/1P paragraphs 3.12-3.21

550 Party No 048 (OBJ/25)

551 Party No (OBJ/23) & HBC/0/32 tab 49

5.7.23 During construction, wildfowling would be prohibited within 300m of the works. During operation, wildfowling would be prohibited within 200m of the works, at least for the first six years during which monitoring of bird numbers would take place⁵⁵². Consequently, wildfowling rights have to be acquired. During construction, the area concerned would be approximately 18.8ha (out of 134.5ha) on the southern bank and a strip of 0.9km (out of 3.1km) on the northern bank; during the operational phase, the figures would be 14.05ha and 0.63km, respectively⁵⁵³.

5.7.24 BASC and/or the Halton & District Wildfowlers, whose considerable knowledge of habitat and species management is recognised and valued, could be involved in the management of the proposed mitigation area, there remains the possibility of the resumption of shooting after the 6 year monitoring period⁵⁵⁴ and consequently the objection has been withdrawn.

5.7.25 Thus, the Project strikes the right balance between the interests of avian mitigation and the legitimate interests of the wildfowlers in this part of the Mersey.

5.8 Alternative Rights of Way to those Stopped up under the TWA Order⁵⁵⁵

5.8.1 The public rights of way networks within the Borough principally cater for walking and cycling, and are extensive⁵⁵⁶ although there are areas where improvements are required. Cross-river facilities are poor, including limited access to the Silver Jubilee Bridge; cyclists have no formal facilities on the bridge and share a sub-standard, cantilevered, route on the eastern side of the bridge. The improved public rights of way infrastructure that the Project would provide would encourage the increased use of cycling and walking, making them viable alternatives to use of the car⁵⁵⁷.

5.8.2 Rights of Way to be stopped up are set out in Schedule 3 of the draft Transport and Works Act Order⁵⁵⁸. Schedule 3, Part 1 covers those for which a substitute is to be provided and Part 2 covers those where no substitute is to be provided. Rights of way temporarily to be stopped up are set out in Schedule 4 of the Order.

5.8.3 Temporary closures are associated with the works for safety reasons. Permanent closures concern situations where the proposed highway would have to take the priority. Wherever possible, substitutes have been provided⁵⁵⁹.

5.8.4 The proposed stopping ups, diversions and substitutions are reasonable and appropriate and, in the absence of any statutory or specific objection, could therefore be confirmed.

552 HBC/14/2A appendix 6 & HBC/14/1P paragraph 9.4.1(5)

553 HBC/19/1P paragraphs 3.12-3.21

554 HBC/19/1P paragraphs 3.19-3.21, HBC/19/4R & HBC/8/13R

555 CD/320 paragraph 7f & HBC/5/1P Sections 5-9

556 HBC/5/2A, Appendix 11 plan

557 HBC/5/1P, Section 6.10

558 CD/223 & HBC/0/45A

559 Drawing B4027/4/TWA/100/20-24 TWA Rights of Way Plans, CD/21, HBC/0/35 (Revised Rights of Way Plan).

5.9 Justification of Side Roads Orders⁵⁶⁰

5.9.1 In designing the works that would be facilitated by the Side Road Orders⁵⁶¹, care has been taken to ensure that during the construction and operation of the Project another reasonably convenient route would be available, or would be provided, before any highway would be stopped up. As can be seen from paragraphs 5.7.4-6, no means of access to premises would be stopped up unless no access to the premises were reasonably required, or another, reasonably convenient, means of access to the premises would be available or would be provided in pursuance of the Orders.

5.9.2 Subject to the changes in Order terms referred to in Section 5.14, it would be expedient to make the Side Roads Orders.

5.10 Compelling Case for Compulsory Purchase⁵⁶²

5.10.1 Given the multiplicity of land ownership, it would be necessary to acquire some of the land by compulsion, although successful efforts have been made to acquire the land by agreement and negotiations are continuing⁵⁶³. The fact that so few statutory objectors have pursued objections in respect of land-take is noteworthy and none appeared at the inquiries.

5.10.2 All the land sought to be acquired would be necessary for the delivery required for the Project⁵⁶⁴ and there is a compelling case in the public interest for the exercise of compulsory purchase powers.

5.11 Crown and Duchy Interests⁵⁶⁵

5.11.1 The Crown Estate and the Duchy of Lancaster have indicated a willingness, in principle, to agree to the acquisition of the necessary interests⁵⁶⁶. Neither is an objector to the Project on its merits, the Crown Estate has indicated its support for the Project as a whole⁵⁶⁷ and negotiations continue. Subject to agreeing terms, the necessary interests could be acquired from the Crown and Duchy of Lancaster.

5.12 Adequacy of Environmental Statement⁵⁶⁸

5.12.1 The adequacy of the Environmental Statement is a matter for the decision-makers. Had it been thought that there were inadequacies in the contents of an environmental statement, then a request for further information could have been made⁵⁶⁹. No such request has been made. The necessary environmental information for the decision-makers includes also consultative responses and the proceedings of the inquiries.

560 CD/320 paragraph.11

561 HBC/5/1P

562 CD/320 paragraph 12

563 HBC/19/1P paragraphs 3.01-3.07 & Section 4, HBC/19/2A Appendix 5 & HBC/19/1P paragraph 4.10

564 HBC/19/1P at 3.01-3.07 & HBC/5/2A Appendix 3

565 CD/320 paragraph 13

566 HBC/19/1P paragraph's 3.08-3.09

567 HBC/19/2A Appendix 2

568 CD/320 paragraph 14

569 CD/175 Regulation 19, or Rule 17 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

5.12.2 The contents of the Environmental Statement⁵⁷⁰ are adequate and appropriate. The Alliance's allegations of inadequacy⁵⁷¹ have been responded to by the Promoter⁵⁷². The Environmental Statement is an adequate exposition of the likely effects on the environment, as required by legislation.

5.13 Open Space - Section 19 Certificates⁵⁷³

5.13.1 Certain parcels of land that would be acquired are defined as open space within the meaning of s19 of the Acquisition of Land Act 1981. Consequently, applications were made for two certificates, namely the Runcorn Application and the Widnes Application under the same section of that Act.

5.13.2 Article 20 of the TWA Order⁵⁷⁴ would give the Promoter powers of compulsory purchase over the land shown on the land plans within the limits of land to be acquired or used and described in the Book of Reference⁵⁷⁵. Certain of these land parcels (Parcels 176, 177, part of 178, part of 179, part of 180, part of 181, part of 198, part of 199, part of 236 and part of 241) fall within the definition of open space contained in section 19 of the Acquisition of Land Act 1981 because this definition includes land used for the purposes of public recreation. These parcels are, in the main, open grassed areas used for informal public recreation such as walking and dog walking, although Parcel 181 also includes an area of dense woodland. Parcels 236 and 241 are within the Wigg Island Community Park⁵⁷⁶.

5.13.3 In respect of the Runcorn Application, the Secretary of State for Communities and Local Government has indicated the intention to issue a certificate, being satisfied that appropriate exchange land would be provided for construction and no exchange land would be necessary for operation⁵⁷⁷. No objection has been received and the Certificate can therefore be issued.

5.13.4 In respect of the Widnes Application, the Secretary of State has also indicated the intention to issue a Certificate, being satisfied that the exchange land is appropriate⁵⁷⁸.

5.13.5 The proposals for the replacement open space have no significant ecological implications. In respect of the landscape and visual impacts, the maturing landscape proposals for the area to the west and to the east of the proposed bridge structure have the potential to provide an area of open grassed amenity space with elements of structural planting of better quality than that which currently exists. The area of replacement open space beneath the proposed bridge would be subject to a landscape condition which would ensure that this area would provide open space of at least equal and

570 CD/14

571 ALL/0/5 concluding bullet points

572 HBC/0/14

573 CD/320 paragraph 3h

574 HBC/0/35 Section 1

575 CD/19

576 HBC/0/35 & HBC/0/35 paragraph 1.4

577 HBC/0/35 Section 2 & Appendix 1 Sections 3 & 4

578 HBC/0/35, Section 5 & Appendix 2

arguably higher amenity value to the users of the existing open space and the public, than does the existing open space⁵⁷⁹.

5.13.6 These intentions were duly advertised and an objection by Redman Heenan Properties Ltd was received in respect of the Widnes application. The Promoter's response to this objection is dealt with in Section 7.17, the conclusion being that the Certificate in respect of the Widnes Open Space should also be issued.

5.14 Changes in Order Terms⁵⁸⁰

5.14.1 By virtue of section 13 of the Transport and Works Act 1992, the Secretary of State is empowered to modify a proposed Order before making it, so long as the order is still giving effect to the proposals. These modifications are not artificially limited in size or scope. Section 169 of the Transport Act 2000 enables a Charging Scheme to be confirmed with or without modifications. Once again, there is no artificial limitation to the size or scope of the modifications.

5.14.2 By reference to section 13(4) of the TWA it is clear that modifications can be substantial and can make a change in the proposals. This is because, if there is a substantial change in the proposals, the Secretary of State by s13(4) has to notify anyone he thinks affected, although he does not have to re-open any inquiry. Hence, it is clear by the language of the Act that modifications are not artificially limited in size or scope, although it is not suggested that anything put forward during the Inquiries constitutes a substantial change.

5.14.3 The draft TWA Order and the Road User Charging Scheme Order have been developed⁵⁸¹ during the inquiries and have changed from the versions applied for or made⁵⁸². The changes have resulted from discussions with the policy arm of the Department for Transport, statutory objectors (eg Network Rail and others who secured amendments such as protective provisions) and lay objectors such as Mr. Cooke⁵⁸³; and some changes are the product of reviews to ensure that the document is properly drafted.

5.14.4 The changes proposed are necessary, sufficient and appropriate, have the agreement of the relevant parties and should be incorporated as modifications without further advertisement.

579 HBC/0/35 Sections 6 & 7 & Appendix 3, 4 & 5

580 CD/320 paragraph 15

581 HBC/0/45A & HBC/0/44A

582 CD/223 & CD/222

583 Objector No 45, Party No 114

5.15 Conditions and Formalities⁵⁸⁴

5.15.1 Draft conditions were included in the original applications for planning permission and planning direction⁵⁸⁵ and have been developed during the inquiries⁵⁸⁶. The proposed conditions comply with the tests in DoE Circular 11/95.

5.15.2 All the necessary statutory formalities have been fulfilled⁵⁸⁷. Some concern has been expressed regarding the adequacy of public consultation, but as is evident from the Statement of Community Involvement⁵⁸⁸, consultation during the development of the Project has been extensive. Selection of the preferred route took place only after general consultation with residents. Following the Project gaining Programme Entry status in 2006, a second phase of consultations was undertaken. Further leaflets were distributed to residents and businesses in Runcorn and Widnes in 2008, a leaflet addressing concerns about the Central Expressway was distributed and an additional exhibition for residents of the Central Expressway area was held in July 2008.

5.16 The Orders

The River Mersey (Mersey Gateway Bridge) Order 200[] [the 'TWA Order']

5.16.1 The Department for Transport has suggested that a number of changes should be made to the draft Order before it could be made by the Secretary of State⁵⁸⁹. These modifications, together with other suggestions made during the Inquiries, have been incorporated into the Order⁵⁹⁰ and it should now be modified and made⁵⁹¹.

5.16.2 As a consequence of agreements made with Peel Holdings Group, Widnes Skip & Reclaim and Thermphos plc, changes need to be made to the applications plans⁵⁹².

5.16.3 Planning permission should be deemed to have been granted by the Order⁵⁹³.

The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 [the RUCO]

5.16.4 The Department for Transport has advised that confirmation would be subject to minor amendments being made to the Order. These modifications, together with other suggestions made during the inquiries,

584 CD/320 paragraph 8 & paragraph 14(part) & CD/320A paragraph 4i

585 CD/224

586 HBC/0/7C

587 HBC/0/4

588 CD/8

589 CD/10 (redrafted at CD/223), CD/9 & CD/21

590 HBC/0/5 & HBC/0/45

591 HBC/0/45A

592 HBC/0/46: Drawings B4027/4/SK/423, 442 & 446

593 CD/20

have been incorporated into the Order⁵⁹⁴ and it can now be modified and confirmed⁵⁹⁵.

The Halton Borough Council Compulsory Purchase and Side Roads Orders⁵⁹⁶

5.16.5 The Government Office for the North East has advised⁵⁹⁷ that the Orders are considered to be in an acceptable form and capable of confirmation, subject to minor modifications being made to the Queensway SRO, the Queensway CPO and the Central Expressway SRO; and that is acceptable. Also, in response to a request from the owner of Plot 205, part of that plot should be excluded from the Central Expressway CPO.

5.16.6 The Schedule to the Central Expressway CPO would also need to be modified to reflect the proposed reduction of 1,670 square metres by replacing the Plot 205 area measurement, originally shown as 10,754 square metres, with a reduced area measurement of 9,084 square metres.

5.17 Conclusions

5.17.1 The evidence adduced at the Inquiries reveals that:

- the present position is unacceptable and will worsen with time;
- the appropriate objectives have been established;
- the objectives cannot be met other than by the proposed crossing;
- the relatively few adverse impacts do not outweigh the considerable benefits of the Project; and
- there is a compelling case in the public interest for the use of compulsory purchase powers to acquire the necessary land or rights.

5.17.2 Consequently, the Orders should be made and/or confirmed, the Applications granted and the Certificates issued so that the Project may be allowed to proceed.

594 HBC/0/6 & HBC/0/44

595 HBC/0/44

596 HBC/0/42

597 HBC/0/42 DfT (Local Authority Orders) letter dated 15 May 2009

6 CASES OF THE SUPPORTERS

Here follow the material points edited from Proofs of Evidence (which may have been amended as a result of cross-examination), Oral Evidence, Documents, Core Documents and Written Representations, with appropriate cross-references:

SUPPORT OFFERED AT THE INQUIRIES (in order of appearance)

6.1 Derek Twigg [Party No 468]

Member of Parliament for the Halton Constituency

6.1.1 Reliance on a single link across the Mersey at Halton has a major impact on the lives of constituents, as demonstrated by complaints about congestion on the Silver Jubilee Bridge and the need for a second crossing. Local businesses have expressed concerns about the impact of having only one crossing in the Borough in terms of the cost of congestion and time wasted queuing to cross the Silver Jubilee Bridge. Concerns have also been expressed about the negative impact of a single crossing on the emergency services and civil contingency planning⁵⁹⁸.

6.1.2 The congestion along the approach to the Silver Jubilee Bridge generates vehicle emissions which have an impact on the health of people living close to it.

6.1.3 The Project is crucial to future economic growth both within Halton and the sub-region. Over the last 25 years, Halton has suffered from the decline of its traditional industries. A second crossing would support local and regionally significant developments within Halton which offer great hope for the Borough. It would also provide the opportunity to improve public transport, introduce cycle lanes and provide better pedestrian access.

6.1.4 The Silver Jubilee Bridge is important for access to Liverpool John Lennon Airport and is also used by many constituents travelling from Widnes to Manchester Airport. Provision of a second crossing is both crucial to the North West's future economic growth and ensuring that Halton continues to be a major transport hub within the region.

6.1.5 The Project is supported, although it would be preferable to have toll-free bridges or significant discounts, particularly for Halton residents.

6.2 Cheshire West and Chester Council [Party No 497]

6.2.1 Cheshire West and Chester is a recently formed borough which lies to the south of Runcorn and stretches to the east and west on the south bank of the Mersey. It comprises several towns including Ellesmere Port, Neston, Winsford, Northwich, Malpas, Frodsham and Chester⁵⁹⁹.

6.2.2 The Mersey Gateway Project is supported in principle because it would bring significant benefits to West Cheshire and the wider region including improved accessibility, regeneration and benefits to the wider economy.

598 DT/01P
599 CWC/01P

6.2.3 When support for the Project was first offered, there was concern about the proposal to charge for crossing the Silver Jubilee Bridge. However, there is a need for a robust financial case to support the Project and residual concerns over possible detrimental effects of a charging regime should not be construed as comprising a fundamental objection to the Project. Tolloed crossings would be preferable to relying upon only one crossing.

6.3 The Peel Group [Party No 103]

6.3.1 The Peel Group is a major national property development, investment, infrastructure and transportation company⁶⁰⁰. It has a particularly strong presence in the North West and although it originally objected, it now supports the Project.

6.3.2 The Peel Airports division of the business includes Liverpool John Lennon Airport. Peel Ports was the second largest port company in the UK. Its interests include the Port of Liverpool (Mersey Docks and Harbour Company) and Manchester (Manchester Ship Canal Company)⁶⁰¹. Peel Holdings supports the Project on behalf of these interests because it is of great strategic importance to the economic performance and growth of the Liverpool City region and the wider North West; and early delivery of the Project is encouraged⁶⁰².

6.3.3 Surface transport links to ports and airports are crucial to economic performance at both the national level and the regional context⁶⁰³. The Project would benefit Liverpool John Lennon Airport by improving journey times and reliability for the significant number of passengers originating from or with destinations in Cheshire, North Wales and the South of the region. The Project would also benefit freight movements to and from the Port of Liverpool. In addition, the Project would promote development in Speke Garston, a community that requires further regeneration and would enhance the attractiveness of Liverpool International Business Park and other developments in South Liverpool to potential occupiers.

6.3.4 The Project is in accordance with a number of key policies in the North West Regional Economic Strategy (2006)⁶⁰⁴. It would support Transformational Actions 72 (to grow Manchester and Liverpool John Lennon Airports) and 73 (to grow the Port of Liverpool). Similarly, the Project would support the delivery of Policy LCR1 in the North West RSS (2008) which refers to *developing the roles of Liverpool John Lennon Airport and the Mersey Ports – especially the Port of Liverpool as the only Port of national significance for deep sea trade*⁶⁰⁵. Furthermore, the Project would also be in line with recommendations in the Eddington Transport Study (2006)⁶⁰⁶.

600 PH/0/1P paragraph 1.3

601 PH/0/1P paragraph 1.5

602 PH/0/1P paragraph 4.1

603 PH/0/1P page 10 pages 3, 4 & 10

604 CD/104

605 CD/99

606 PH/0/1P

SUPPORT NOT OFFERED AT THE INQUIRIES⁶⁰⁷**6.4 Mike Hall MP** [Party No 499]**Member of Parliament for the Weaver Vale Constituency**

6.4.1 The existing highway infrastructure in Halton, north and south of the River Mersey, is good. There are direct links to the M56, M62 and the M6. There are good links to the West Coast Main Line, Liverpool John Lennon Airport and Manchester Airport. There is an excellent road network in Runcorn and recent improvements to the road network in Widnes have made a real difference to local accessibility. The major issue is congestion on the Silver Jubilee Bridge⁶⁰⁸.

6.4.2 A second crossing would make a real contribution to the Borough of Halton and would provide the North West Region with a strategic north-south transport link, significantly enhancing the local and regional transport links. It would tackle congestion and provide opportunities for development and regeneration; and contribute to an improvement in air quality. Public transport would also benefit greatly from the new Mersey Gateway.

6.4.3 The proposed route of the Mersey Gateway Bridge is the best route across the Mersey creating minimal, if any, impact on the ecology of the River Mersey. The design of the proposed Bridge is iconic and would help to improve the image of the Borough.

6.4.4 The Project is supported, although a charging scheme enabling local residents to use the proposed Mersey Gateway Bridge and the Silver Jubilee Bridge free of charge or at significantly discounted rates would be welcomed.

6.5 North West Regional Development Agency [Party No 7]

6.5.1 The Project deserves support on the basis of its potential economic, regeneration and transportation benefits for Halton, the wider Merseyside and Cheshire sub-regions and the region as a whole. These benefits are relevant to the Matters the Secretaries of State wish to be informed about.

6.5.2 The Project would contribute towards the delivery of the Regional Economic Strategy (RES) for the North West. The RES has a number of priority actions which are fundamental to delivering its vision. Transformational Action 65 prioritises the development of a second Mersey Crossing. This Action would relieve congestion, support two strategic regional sites and improve reliability of access to Liverpool John Lennon Airport as well as improving linkages within the Liverpool City region.

6.5.3 Furthermore, Transformational Actions 8 (develop higher value activity, improve productivity and identify growth opportunities), 16 (support major research and knowledge nuclei), 64 (improve access to Liverpool City

607 These supporters planned to appear at the Inquiries and as a consequence HBC prepared rebuttals in anticipation of their appearance, but they did not appear.

608 MH/01WR

Centre), 66 (reduce congestion), 72 (grow Manchester and Liverpool John Lennon Airports), 73 (grow the Port of Liverpool), 80 (deliver the Strategic Regional Sites) are relevant to the Project⁶⁰⁹. In addition to that, the delivery of the Project is also relevant to Transformational Actions 26, 43 and 53 which cover improving skills and employment opportunities in Halton⁶¹⁰.

6.5.4 RSS Policy RT10 (Priorities for Transport Management and Investment) in association with the emerging RSS Implementation Plan and the Regional Funding Allocation's (RFA) £83m allocations for the Project (between 2009/10 and 2015/16) further illustrate the level of strategic support for the delivery of the Project⁶¹¹. The Project is also in line with the emerging single integrated regional strategy which brings together the RSS and the RES.

6.5.5 For these reasons, the Agency fully supports the Project.

6.6 Knowsley Metropolitan Borough Council [Party No 93]

6.6.1 The Council has been a member of the Mersey Crossing Group since its inception and has been involved in the early development stages of the Project. The Project is fully endorsed, as is the aim of providing effective road connections to the Liverpool City Region. It would have economic, social and environmental benefits for Knowsley and the wider sub-region.

6.6.2 The Borough of Knowsley lies adjacent to the north-eastern boundary of Halton between St Helens and Liverpool. It has direct road links into Halton and is severely disadvantaged when there is an incident on the Silver Jubilee Bridge. The existing Silver Jubilee Bridge carries traffic volumes far in excess of its designed capacity, leading to regular service breakdowns on the Bridge which has had a negative impact on travel and on the economy of the area.

6.6.3 Whilst the need for tolling the Mersey Gateway Bridge and the reasons for tolling the Silver Jubilee Bridge are understood and supported, the tolls should be consistent with those at the Mersey Tunnels and should be set at a level which would not discourage use of the bridges.

6.6.4 With regard to the proposals for works to the existing highway network, there are some residual concerns⁶¹². First, in view of the Highway Agency's major improvement scheme for Junction 6 of the M62, it is incorrect to state that it operates within capacity; the improvement was scheduled for completion in October 2008 and the improved Junction should be featured in any modelling work. Second, an operational assessment of the improved junction should be undertaken; and third, an operational assessment of the A562/A5300 junction should be undertaken, given that it currently operates over capacity in the peak periods.

609 Party No 7

610 Party No 7

611 Party No 7

612 Party No 93

SUPPORT OFFERED IN WRITING⁶¹³

6.7.1 Of the 37 written representations received in support of the Project, six of the representations were amplified at the Inquiries or in statements submitted to the Inquiries, and they are reported above. The remaining representations in support of the Project were from local residents, organisations, businesses and public bodies. Most of these representations highlight the justifications for and the benefits of the Project already identified in the preceding paragraphs within this Chapter.

6.7.2 Some representations made additional points which illustrate the broad extent of the justifications for and the benefits of the Project, as reported in Chapter 5. In terms of transport, the Project is an important priority for the sub-region in the Local Transport Plan for Merseyside 2006-2011⁶¹⁴; it would relieve pressure on the Thelwall Viaduct⁶¹⁵; and reduce the impact and disruptions caused by future maintenance work on the Silver Jubilee Bridge⁶¹⁶.

6.7.3 In the broader context, the Project would promote regeneration, inward investment, productivity, competitiveness and access to key employment sites⁶¹⁷; improve emergency services response times⁶¹⁸; improve residents general wellbeing⁶¹⁹; generate local employment opportunities that help to retain areas young people⁶²⁰; as well as supporting the delivery of sub-regional investment plans and strategies such as the adopted Mersey Gateway Sustainable Transport Strategy and the emerging Mersey Gateway Regeneration Strategy⁶²¹.

6.7.4 Additionally, organisations, bodies and individuals with direct interests in issues that are relevant to the Project (eg consultees), underlined the following benefits of the Project:

- It is supported by the Regional Economic Strategy;
- It would play an important role in local and regional economic development;
- It would improve employment opportunities in the area;
- It would provide better access to regional employment sites, businesses, infrastructure, population centres and relieve existing congestion;
- Improved facilities for public transport, walking and cycling on the SJB; and
- Improved traffic flow would benefit commuting and reduce vehicle emissions, and emergency service response times.

613 Party Nos: 7, 20, 38, 56, 92, 93, 98, 99, 113, 122, 138, 139, 145, 468, 482, 483, 493, 495, 497, 499, 501, 502, 504, 524, 525, 526, 527, 529, 530, 532, 533, 534, 535, 536, 555, & 563.

614 Party Nos 56 (Wirral Council) & 99 (Merseytravel)

615 Party No 38 (Cheshire Constabulary)

616 Party No 501 (Councillor Paul Kennedy)

617 Party Nos 98 (Sefton Council), 138 (Liverpool City Council) & 145 (The Mersey Partnership)

618 Party No 122 (Cheshire Fire and Rescue Services)

619 Party No 113 (Halton & St Helens NHS Primary Care Trust)

620 Party No 535 (Councillor Phil Harris)

621 Party No 536 (Councillor Tony McDermott)

6.7.5 Finally, in offering support, Cheshire County Council underlined the need for mitigation in respect of natural and historic environment and waste management measures identified in the ES.

7 CASES OF THE STATUTORY OBJECTORS

Here follow the material points edited from Opening and Closing Submissions, Proofs of Evidence and Rebuttals (which may have been amended as a result of cross-examination), Documents and Written Representations, with appropriate cross-references:

7.0.1 The outstanding statutory objections were originally made in respect of the draft TWA Order's compulsory purchase provisions. There are no statutory objections remaining in respect of the Compulsory Purchase or Side Road Orders and there were no statutory objections in respect of the Road User Scheme Charging Order, although there are outstanding non-statutory objections in respect of all the Orders (reported in Chapter 8).

7.0.2 Unusually, but for ease of understanding, there is some combination of reporting statutory and non-statutory objections because of the statutory objectors:

- One also objects to the published intention to issue an Exchange Land Certificate⁶²²;
- Two withdrew (one wholly and the other in part⁶²³), but one subsequently re-instated the objection in relation to the tolling of the proposed bridge under TWA powers and of the SJB under the RUCO⁶²⁴; and the other maintains an objection to the tolling on the same basis⁶²⁵; and
- One, although initially identified as statutory, may not be so⁶²⁶.

7.0.3 Each objector has a unique Party No allocated by HBC, as also an Objection Number allocated by DfT where the objection was originally addressed there, none appeared at the Inquiries, their objections are reported in alphabetical order and the Responses of HBC are often supported by further detail in the Promoter's Case in Chapter 5.

7.0.4 Except where qualified in describing the nature of each objection, the details of ownership, tenancy, occupation or rights accord with the TWA Order's Book of Reference⁶²⁷.

7.1 Alma Products Limited [Objector No 125, Party No 286]

7.1.1 Alma Products occupies, as a tenant, the first floor of Unit 2 Lancer Court, Chadwick Road, Astmoor Industrial Estate, Runcorn (TWA Parcel 281) and objects to compulsory acquisition⁶²⁸.

7.1.2 There is no compelling case in the public interest for compulsory purchase. Any need for a new crossing of the River Mersey would not outweigh the interests of all of those who would be affected by the proposed Order and the scale of the proposed compulsory purchase goes beyond that which would reasonably be required to construct the new crossing.

622 Redman Heenan Properties Limited

623 Anglo Plant Hire Limited & Widnes Skip and Reclaim Limited (in part)

624 Anglo Plant Hire Limited

625 Widnes Skip and Reclaim Limited

626 BDICCTV

627 CD/19

628 Party No 286: Real Estate letter of 5 November 2008

Response of Halton Borough Council

7.1.3 The Project could not be delivered without inclusion of this unit, which would be required for the south-bound carriageway and off-slip from the Astmoor viaduct at the Bridgewater Junction.

7.1.4 The need for a new crossing of the River Mersey and the objectives of the Project are explained in Section 5.3. The Relocation Strategy makes provision for purchasing the businesses in advance of compulsory acquisition⁶²⁹. Negotiations with Alma Products Limited are underway⁶³⁰.

7.1.5 The objection is unfounded.

7.2 Anglo Plant Hire Limited [Objector No 2, Party No 31]

7.2.1 Anglo Plant Hire partly owns TWA Parcel 25, consisting of grass verge, footway and subsoil south of Ditton Road and occupies Parcel 27, consisting of the access to the forecourt and entrance to an industrial site south of Ditton Road. The objection to the compulsory purchase implications of the TWA Order was withdrawn, but a subsequent objection was made to the tolling of the existing and proposed bridges⁶³¹.

7.2.2 This would be the first time in the UK that a charge could be levied on a previously free crossing. The proposals would effectively split Halton in two and make access to hospitals and recreation facilities more difficult.

7.2.3 By de-linking⁶³² the Silver Jubilee Bridge, reducing it to single lanes and imposing a toll, the Project would drain money from the local economy, reduce the disposable income available to support businesses and employment and push Halton further into decline. The costs to businesses would increase by £31,000 per year. Tolling would deter existing businesses from remaining in, and new businesses from moving into, Halton.

7.2.4 A better and cheaper alternative would be to build the new bridge adjacent to and in line with the Silver Jubilee Bridge, retaining that bridge to cater for accidents, maintenance, etc and making minimal changes to the local road network without de-linking.

Response of Halton Borough Council

7.2.5 Notwithstanding the narrow focus of the objection, the land would be required for highway realignment at the Ditton Junction – Ditton Road accesses, verge, maintenance strip and footway/landscaping.

7.2.6 The focus on the Silver Jubilee Bridge as a local bridge, together with substantial improvements in public transport, cycling and walking, would provide the potential to unite the two sides of the Borough. Furthermore, the step change to public transport would be a particular advantage to the most

629 CD/128

630 HBC/19/2A Appendix 1

631 Party No 31: Paper

632 HBC/2/1P paragraphs 9.1.2 and 9.6.1

vulnerable who have no access to a car at all and who need to cross the Silver Jubilee Bridge to reach hospital or recreational facilities, as well as to those for whom public transport is a more financially attractive proposition than car use⁶³³.

7.2.7 For the full benefits of the Project to be realised, it would be necessary for traffic to be transferred from the Silver Jubilee Bridge to the new bridge. This could not be achieved without the de-linking of the Silver Jubilee Bridge⁶³⁴. The Wider Economic Impact Report shows a net benefit to businesses and demonstrates that the Project would deliver significant regeneration benefits⁶³⁵.

7.2.8 To build a new bridge alongside the existing Silver Jubilee Bridge would not allow the separation of local and strategic traffic⁶³⁶ and, like the other alternative proposals examined, either individually or in combination, the proposed alternative would not achieve the objectives of the Project, as explained in paragraph 5.3.1.

7.2.9 The objection is unfounded.

7.3 Appleton Commercial Engineering Limited [Objector No 9, Party No 40]

7.3.1 Appleton occupies, as a tenant, TWA Parcels 161 (access road and paved areas), 163 (industrial land including buildings, offices, paved areas, car parking and access ways), 174 (industrial land including a building) and 175 (industrial land including a warehouse, buildings, offices, paved areas and car parking), each one of which forms part of the Catalyst Trade Park. The Company objects to compulsory acquisition of its interests because it would cause major disruption to the Widnes depot and to the Company as a whole, and relocation would create considerable upheaval⁶³⁷.

Response of Halton Borough Council

7.3.2 The parcels would be required for the construction of the Widnes Loops Junction and the provision of open space.

7.3.3 Negotiations with the Company continue to minimise disruption and loss where reasonably practicable but the lease on these properties is due to expire in September 2010 so it is anticipated that the Company could vacate before the land was required⁶³⁸. Any losses suffered by the Company would be assessed in accordance with the statutory Compensation Code⁶³⁹.

7.4 Arven Chemicals Limited [Objector No 56, Party No 79]

7.4.1 The objection is to the compulsory acquisition of land and property the Company owns and occupies in the Astmoor Industrial Estate

633 HBC/8/1P paragraph 14.31

634 HBC/2/2A response to Party No 4

635 CD/200 Section 8

636 HBC/8/1P paragraphs 13.9-13.16

637 Party No 40: Letter of 26 June 2008

638 HBC/19/2A Appendix 1

639 HBC/19/2A Appendix 5 page 48

(TWA Parcels 271 & 272), which together comprise an industrial unit and parking area known as Unit 12 Goddard Road, Astmoor Industrial Estate⁶⁴⁰.

7.4.2 The approach to the proposed bridge would force a significant number of businesses, including Arven, to vacate their premises and relocate, putting the businesses at risk. The Project would have an adverse effect on the business and relocation would disrupt productivity, with a risk of extinguishing the business and putting employment at risk.

7.4.3 Suitable alternative accommodation is likely to be more expensive and less suitable for Arven's needs. The Company has not been able to identify any accommodation suitable for the production and storage of hazardous chemicals to which they could relocate.

7.4.4 Moreover, adequate funding might not be available for the Project and without pre-committed funding, there could be no justification for businesses being blighted as is now the case.

7.4.5 Finally, the Project would result in increased costs for traffic crossing the Mersey and potential losses in profits and, although the assumptions of future traffic growth appear to be flawed, there would be additional delays and congestion.

Response of Halton Borough Council

7.4.6 The parcels would be required to allow access to construct the Astmoor Viaduct and the southbound off-slip at the Bridgewater Junction.

7.4.7 A number of locations for the proposed bridge were considered. The position now proposed was chosen because it would provide the best overall location taking into account the costs, benefits and impacts of the proposals, as explained in paragraphs 5.4.40-44⁶⁴¹.

7.4.8 The business would not be difficult to relocate. As the current Arven premises are not regulated by the Control of Major Accident Hazards Regulations (COMAH), it is reasonable to assume that planning permission would be granted for a suitably located alternative industrial site. The cost of moving and reinstatement would be an allowable expense that could be addressed under the statutory Compensation Code. Correspondence began in November 2006 and formal discussions in August 2008. The Company has yet to demonstrate specific requirements that would necessitate early relocation, but negotiations are continuing in parallel with the compulsory purchase process⁶⁴².

7.4.9 As explained at paragraphs 5.5.6 & 7, the Project can be adequately funded and the objector's fears concerning traffic are also unfounded as explained in paragraphs 5.4.9-23⁶⁴³.

7.4.10 The objection is without foundation.

640 AC/0/1WR

641 HBC/2/1P & CD/14 Chapter 5 Figure 1

642 HBC/19/5R, HBC/2/2A Appendix 1, HBC/4/1P Section 2 & 3, HBC/5/2A and HBC/9/2A Appendix 3

643 HBC/8/1P

7.5 BDICCTV [Objector No 81, Party No 112]

7.5.1 The Company occupies facilities at the Waterloo Centre, Widnes. These include TWA Parcels Plots 153 (land used as a car parking area), 154 (commercial building and forecourt) and 156 (car park), all at the Waterloo Centre, Waterloo Road, although the Company was not in occupation when the Book of Reference was compiled.

7.5.2 There was inadequate opportunity to object to the TWA Order and insufficient information was provided⁶⁴⁴.

Response of Halton Borough Council

7.5.3 The Waterloo Centre would be closed during the construction period, but would be available thereafter.

7.5.4 BDICCTV is not a statutory objector. The company was a tenant in the building on monthly licence and is no longer in occupation. Nevertheless, the necessary documentation has now been supplied to the Company⁶⁴⁵.

7.5.5 There is no substance in this objection.

7.6 Bold Nu-Tec Insulation Projects & Services Limited [Objector No 1, Party No 30]

7.6.1 The objection is to the compulsory acquisition of land and premises the Company occupies at the Catalyst Trade Park, Widnes. This comprises TWA Parcels 161 (access road and paved areas), 174 (industrial land, including a building and paved area) and 175 (industrial land, including warehouse, buildings, offices, paved areas and car park) each of which forms part of the Catalyst Trade Park⁶⁴⁶.

7.6.2 The proposed works and the benefit to be derived from them would not justify the compulsory acquisition of the interests and would result in the loss of at least 12 jobs.

Response of Halton Borough Council

7.6.3 The parcels would be required for construction of the Widnes Loops Junction on-slip and off-slip, verges, embankments and provision of open space.

7.6.4 Bearing in mind the economic, social and environmental improvements that would be delivered by the Project, there would be a compelling case in the public interest to acquire the Company's interest⁶⁴⁷. As the Wider Economic Impact Report demonstrates, and notwithstanding the 12 jobs allegedly at risk, the Project would deliver significant regeneration benefits⁶⁴⁸. The general effect of the Project on employment is described in paragraphs 5.4.14-23.

644 Party No 112 BDICCTV letter 16 July 2008

645 HBC/19/2A Appendix 5 page 58

646 Party No 30 Statement of Case attached to letter of 18 June 2008

647 CD/75 paragraph 17

648 CD/200 Section 8

7.6.5 The Relocation Strategy⁶⁴⁹ would provide the objector with an opportunity to continue its business activities and an offer has been made to relocate the business. Were relocation to occur, there need be no job losses⁶⁵⁰.

7.6.6 The Project has evolved over at least a decade, a range of policy and engineering options have been considered⁶⁵¹ and a full environmental assessment has been carried out, as set out in Section 5.6.

7.6.7 The objection is unfounded.

7.7 S Evans and Sons Limited [Objector No 72, Party No 108]

7.7.1 The objection is to the acquisition of land and buildings owned and occupied by the Company on Ditton Road, Widnes. This comprises TWA Parcels 76 and 77 (industrial sites and buildings), 78 (electricity sub-station within a reclamation area and scrap yard), 79 (industrial site used as a reclamation area and scrap yard) and 80 (industrial site, buildings and storage area used as a reclamation area and scrap yard), all of which are located south of Ditton Road⁶⁵².

7.7.2 There is insufficient evidence to support the claim that there is a compelling case in the public interest for compulsory acquisition of the objector's interest. The Promoter's evidence is unbalanced and fails to identify the drawbacks of the Project. Some 118 businesses would be affected; although not all would be closed down, some certainly would with the loss of up to 1,200 associated jobs.

7.7.3 The claimed benefits are dubious. The net total of new jobs would be a tiny proportion of the existing workforce and hardly the significant benefit to employment claimed. Furthermore, reduced congestion and fuel costs would be off-set by the additional toll costs and, contrary to the Promoter's assertions, greater use of public transport, cycling and walking is unlikely to be encouraged by the Project⁶⁵³.

7.7.4 Hitherto, businesses and residents have enjoyed free use of the Silver Jubilee Bridge. Out of a turnover of around £400k a year, the Project would cost the Company around £50k in tolls and additional costs on this scale could make the business unviable.

7.7.5 From a policy perspective, closing down the region's main recycler of waste metals would be contrary to the main aims of the Halton UDP. Indeed, the Project would not fit in with the adopted planning framework generally and it is not true that the Project is supported at all levels of policy, both national and local⁶⁵⁴. Although there is firm policy support for a new bridge in principle, it does not support the Project as now proposed and no land is allocated in the development plan for its construction. Moreover, the Project would involve inappropriate *development within the Green Belt and*

649 CD/128 paragraph 6.2.4

650 HBC/19/2A, Appendix 5, page 4

651 CD/14

652 SE/0/1WR & Party No 108 McDyre letter of 17 July 2008

653 HBC/3/1P

654 CD/12 paragraph 6.1

the assertion that the perception of openness to those at ground level would be largely unaffected is disingenuous.

7.7.6 There are too many unknown costs to demonstrate whether the Project would be viable or not. It is doubtful whether the cost has been properly calculated in terms of land acquisition, construction and toll income, or that the value of businesses has been fully understood. The Humber Bridge experience shows the financial risks involved and, if there are any miscalculations in the budgeting for this Project, the adverse consequences could be significant.

7.7.7 The Promoter appears not to have taken into account either the importance and capital value of the company or the cost of site acquisition and closure of the business in estimating the cost of the Project. Although serious negotiations are underway and agreement in principle to relocation has been reached, there is a significant unresolved issue relating to the length of the period during which the Company would occupy the land on a lease before they were granted full freehold.

Response of Halton Borough Council

7.7.8 The land and buildings would be required for highway realignment at Ditton Junction, for construction of the mainline carriageways and sections of the Ditton Road on-slip and off-slip, and to provide new accesses for construction⁶⁵⁵.

7.7.9 Bearing in mind the economic, social and environmental improvements that would be delivered by the Project, there would be a compelling case in the public interest⁶⁵⁶ to acquire the Company's land. The drawbacks of the Project have been fully acknowledged⁶⁵⁷. However, of the 118 businesses identified as potentially being lost:

- 11 are landowners/investors with no operational activity or staff affected by the Mersey Gateway proposals;
- 12 would have only access issues during or following construction and would be able to continue to operate from their sites;
- 9 would be able to continue operations on their sites without being relocated as only a small proportion of their land/property would be acquired; the balance of their land/property would not be any less useful;
- 8 have either moved or ceased trading; and
- 78 would need to be relocated and agreement has already been reached with two (negotiations and legal formalities with a number of others are nearing completion in accordance with the Mersey Gateway Relocation Strategy^{658 659}).

655 HBC/19/2A plan at Appendix 4

656 CD/75 paragraph 17

657 HBC/9/1P & HBC/10/1P

658 CD/128

659 HBC/19/7R paragraph 2.06

7.7.10 The socio-economic impact assessment shows that the relocation strategy would be sufficient to address the problem of the potential loss of businesses, as explained in paragraphs 5.4.14-23. In addition, the Project would result in a range of positive impacts on economic performance, resulting in an overall increase in Gross Domestic Product and a positive impact on employment within the Regeneration Areas⁶⁶⁰. Overall, the Project is expected to have a strongly positive Net Present Value, as explained in paragraph 5.4.12.

7.7.11 The concerns of local residents and businesses, especially those of tolling, were acknowledged and investigated as part of the socio-economic assessment of the Project⁶⁶¹. It informed the Wider Economic Impact Report (WEIR)⁶⁶², the analyses for which were based on generalised cost data from the transport model, which includes an allowance for tolls. The investigation was carried out using Government guidance for such research. The potential toll costs and turnover quoted by the objector are inaccurate, as paragraphs 5.5.1-5 confirm⁶⁶³. The concerns of local businesses and residents have been fully taken into account by the Promoter.

7.7.12 As regards policy, it is not unusual in large development proposals for individual development policies to pull in different directions⁶⁶⁴. The Project would be inappropriate development in the Green Belt, but taking into account the height of the bridge, the minimal amount of built development (restricted to the pier structures) and the sheer expanse of the wider estuarial setting suggest that the primary perception at ground level would remain one of openness; and the existing estuarial setting of Wigg Island and Astmoor Saltmarsh would not change materially⁶⁶⁵. More importantly, there are very special circumstances for permitting Green Belt development, exceptionally as explained in paragraphs 5.6.33 & 34.

7.7.13 As explained at paragraphs 5.5.6-7, the Project can be adequately funded.

7.7.14 The single outstanding negotiation issue is the basis on which the Promoter is prepared to dispose of the relocation site and negotiations continue⁶⁶⁶.

7.7.15 The objection has no substance.

660 HBC/9/10R & CD/200

661 CD/216 & CD/159

662 CD/200

663 HBC/10/8R

664 HBC/3/6R paragraph 2.1

665 HBC/6/R paragraphs 4.1 & 2

666 HBC/19/7R paragraphs 2.10-2.17

7.8 Fairview Windows Limited [Objection No 5, Party No 34]

7.8.1 The objection⁶⁶⁷ is to acquisition of a yard and storage area to the rear of Todd Buildings, Ditton Road, adjacent to the Garston to Timperley Rail Freight Line, which the Company leases in Widnes (TWA Parcel 83).

Response of Halton Borough Council

7.8.2 The land would be required for the construction of the rail freight line bridge and permanent embankment to support the southbound mainline carriageway. Mitigation proposals have been offered and could be secured by agreement. Negotiations continue⁶⁶⁸.

7.8.3 There is no foundation for the objection.

7.9 Florite Fittings & Fabrication [Objection No 42, Party No 118]

7.9.1 The objection is to the compulsory acquisition of the industrial unit and hardstanding areas situated in Davy Road that the Company occupies, as a tenant, on the Astmoor Industrial Estate, Runcorn (TWA Parcels 293 and 294)⁶⁶⁹.

7.9.2 There is no compelling case in the public interest to purchase the premises compulsorily. Any need for a new crossing of the River Mersey would not outweigh the interests of all of those who would be affected by the proposed Order. Moreover, the scale of compulsory purchase would go beyond that which would reasonably be required to construct the new crossing.

Response of Halton Borough Council

7.9.3 The parcels would be required for construction of the Astmoor Viaduct and northbound/southbound on and off-slips to and from the Bridgewater Junction, and for access to the associated works.

7.9.4 The Project could not be delivered without the inclusion of the land identified within the Order⁶⁷⁰. Bearing in mind the economic, social and environmental improvements that would be delivered by the Project, there would be a compelling case in the public interest⁶⁷¹ to acquire the Company's premises and negotiations continue⁶⁷².

7.9.5 The objection lacks any substance.

7.10 Gussion Transport Limited & Widnes Tank Container Services Limited [Objection No 73, Party No 109]

7.10.1 The objection is to the compulsory acquisition of land and buildings owned by the Company in Widnes, comprising TWA Parcels 69 (land used as a lorry park to the rear of the transport depot) and 70 (a transport

667 Party No 34: Morgan Williams letter of 18 June 2008

668 HBC/10/2A page 44

669 Party No 118 Letter of 14 July 2008

670 HBC/5/1P

671 CD/75 paragraph 17

672 HBC/19/2A Appendix 5 pages 59 and 60 & HBC/5/2A Appendix 9

depot, including buildings and car park areas), both located south of Ditton Road⁶⁷³.

7.10.2 At a time of such intense economic uncertainty, with increased levels of Government debt, expenditure on the Project would not be in the public interest. No justification has been provided to demonstrate that the considerable cost of the development would be balanced by an appropriate level of economic growth to the sub-region. And no financial data has been supplied to show the extent to which the imposition of charges would enable the delivery of the Project within funding limits.

7.10.3 It is unclear whether the costs of diverting electricity, gas, water, sewerage and telecommunication mains along Ditton Road have been properly costed but the Promoter has certainly made no provision for any contamination clean up that may be required. The cost of the Project would therefore exceed significantly the predicted amount. Furthermore, given that a concession agreement with a private sector concessionaire for the design, construction, finance and operation of the required works are not yet in place, the financial figures can at best be only guesses.

7.10.4 The design of the Project could be successfully altered to avoid Gussion's land, with a greater use of the existing road infrastructure. This would reduce the land-take, the impact on local businesses and the cost of the overall development.

7.10.5 The amenity of the local area would be harmed by the Project. The Promoter has not shown that satisfactory levels of greenspace, at least equal in size and amenity value, would be provided by the development. Moreover, the Project would be an inappropriate development, harmful to the Green Belt. The very special circumstances required for a departure from Green Belt policy would not exist in relation to the proposed bridge and the harm caused would clearly not be outweighed by other considerations.

7.10.6 It is unclear how the construction of another bridge, with the consequential increase in traffic flows, would improve local air quality and enhance the general urban environment. Furthermore, the Project would not address the major source of poor air quality north of the river.

7.10.7 Compulsory acquisition would be an infringement of Gussion's human rights. The balance has not been struck between the individual rights and the wider public interest. Principally, this is due to the Promoter not having demonstrated that the Project would be in the wider public interest.

Response of Halton Borough Council

7.10.8 The land and buildings would be required for construction of new highway, on and off-slips and toll plaza at Ditton Road and for demolition of an existing sub-station.

7.10.9 The need and justification for the Project is described in Section 5.3 and as explained in paragraphs 5.5.6 & 7, the Project would be financially

673 Party No 109: Roger Hanna & Co letter of 15 July 2008

viable and has been costed to a level appropriate to this stage in its evolution⁶⁷⁴.

7.10.10 For the full benefits of the Project to be realised, it would be necessary to transfer traffic from the Silver Jubilee Bridge to the proposed bridge. This could not be achieved without the imposition of tolls on the Silver Jubilee Bridge⁶⁷⁵. The imposition of tolls on the new bridge is necessary to secure funds for its construction.

7.10.11 There is a significant allowance for the treatment of contaminated lands and/or disposal of contaminated material in the Project's cost estimates. An estimate for diversion or protection of services has been obtained from all utility companies with plant or equipment affected by the works and these figures have also been included within the cost estimates for the Project. Moreover, a wide range of routing options has been considered⁶⁷⁶.

7.10.12 The impact of the Project on the Green Belt is dealt with in paragraphs 5.6.33 & 34, where very special circumstances are identified that would justify the proposals exceptionally. Where required, any open space lost as a result of the proposed construction works would be replaced, as explained in paragraphs 5.6.35-37.

7.10.13 The air quality assessment shows that although pollutant levels would increase where traffic is predicted to increase (eg along the Central Expressway), other areas in Widnes and Runcorn would experience improved air quality, especially in the Silver Jubilee Bridge and Weston Point Expressway areas, and in Runcorn centre. In Widnes, the effects of the Project are predicted overall to be *not significant*⁶⁷⁷.

7.10.14 The economic, social and environmental improvements that the Project would deliver would justify the interference with the human rights involved in the compulsory acquisition of Gussion's land⁶⁷⁸.

7.10.15 A relocation offer has been made and a response is awaited, but the objection is unfounded.

7.11 Halton Scaffolding Limited [Objection No 41, Party No 91]

7.11.1 The objection is to the compulsory acquisition of the land leased by the Company (TWA Parcel 81), consisting of land to the rear of Todd Buildings, Ditton Road (adjacent to the Garston to Timperley Rail Freight Line), which would have a detrimental effect on the business⁶⁷⁹.

674 HBC/2/1P Section 8.3

675 HBC/8/1P

676 HBC/2/1P

677 CD/14 Figures 19.30 to 19.32 & HBC/11/2A Appendix 2 Tables 9, 10 and 11

678 HBC/19/2A Appendix 5 pages 41 and 42

679 Party No 91 Morgan Williams Commercial LLP letter of 11 July 2008

Response of Halton Borough Council

7.11.2 The land would be required for construction of a rail freight line bridge and the permanent embankment to support the southbound mainline carriageway.

7.11.3 An acquisition agreement has been secured, the necessary legal documents are being prepared and negotiations continue otherwise, but the objection nevertheless lacks foundation⁶⁸⁰.

7.12 Inspection Consultants Limited [Objection No 43, Party No 119]

7.12.1 The objection⁶⁸¹ is to the compulsory acquisition of land and buildings the Company occupies in Davy Road within the Astmoor Industrial Centre, Runcorn, comprising TWA Parcels 293 and 294 (industrial unit and hardstanding areas) and 296 (industrial unit, footpath and part of the Davy Road highway).

7.12.2 There is not a compelling case in the public interest to purchase Inspection Consultants' interest compulsorily. Any need for another crossing of the River Mersey would not outweigh the interests of all of those who would be affected by the proposed Order. Furthermore, the scale of compulsory purchase goes beyond that which would reasonably be required to construct it.

Response of Halton Borough Council

7.12.3 The parcels would be required for construction of the Astmoor Viaduct and northbound/southbound on and off-slips to and from the Bridgewater Junction, and for access to the associated works. Parcels 294 and 296 are within the limit of deviation and would be directly below the northbound on-slip to the Astmoor viaduct at the Bridgewater Junction and the Viaduct itself⁶⁸². Parcel 293 would be needed temporarily for access to the associated construction works.

7.12.4 Bearing in mind the economic, social and environmental improvements that would be delivered by the Project, there would be a compelling case in the public interest to acquire the Company's land⁶⁸³. Negotiations continue.

7.12.5 The objection is unfounded.

7.13 Landmarc Properties Limited [Objection No 60, Party No 100]

7.13.1 The objection⁶⁸⁴ is to the compulsory acquisition of the company's land and buildings in the Astmoor Industrial Site, Runcorn (TWA Parcels 293-296 on which are located industrial units, hardstanding areas, an electricity sub-station, a footpath and part of the Davy Road highway), the freehold

680 HBC/19/2A page 53

681 Party No 119 Letter of 14 July 2008

682 HBC/0/45A Section 2 page 6

683 HBC/19/2A Appendix 5 pages 61-62

684 Party No 100 Letter of 11 November 2008

interest in which it acquired from Mardale Plus Pipes Limited in February 2008 (Section 7.14). Statutory formalities have not been observed because the company was not informed that the interests would be subject to compulsory purchase.

7.13.2 The Project would constrain future development of the site. Furthermore, its commercial viability has not been demonstrated. Any delivery failure would have significant consequences. Until future plans are defined and implemented, the effects would be:

- an inability either to sell or to lease premises for anything other than short term commitments;
- difficulties in raising finances against the site over which the threat of compulsory purchase exists;
- an inability to invest in new technologies or new plant and equipment or to improve equipment whilst the threat of compulsory purchase exists; and
- future uncertainty, which would have a major effect on staff morale and create management difficulties.

7.13.3 Insufficient information has been made available regarding the detailed design of the Project to assess the potential impact upon Landmarc's business.

Response of Halton Borough Council

7.13.4 The interests would be required for construction of the Astmoor Viaduct and the northbound/southbound on and off-slips to and from the Bridgewater Junction, and for access to the associated works.

7.13.5 Although it is now evident that the acquisition of the property for the Project was clearly indicated in sales particulars, Landmarc Properties' interest in the land was not registered at the time the TWA Book of Reference associated with the TWA Application was compiled⁶⁸⁵. However, information was supplied in September 2008. There has therefore been no breach of statutory obligations toward Landmarc Properties Limited. Even if any irregularities have occurred, the objector has not suffered any detriment as a result and has been able to object to the application.

7.13.6 Detailed traffic and financial modelling reveals that, subject to reasonable assumptions as to traffic levels and at toll levels approximating to those charged for use of the existing Mersey Tunnels, the Project would be financially viable⁶⁸⁶.

7.13.7 The objection is unfounded.

7.14 Mardale Plus Pipes Limited [Objector No 44, Party No 120]

7.14.1 The objection is to the compulsory acquisition of the land and buildings the Company now leases from Landmarc Property Limited in the

685 HBC/19/2A pages 34-37
686 HBC/4/1P

Astmoor Industrial Site, Runcorn, comprising TWA Parcels 293 and 294 (industrial unit and hardstanding areas) and 296 (industrial unit, footpath and part of the Davy Road highway)⁶⁸⁷.

7.14.2 There is no compelling case in the public interest to purchase compulsorily this land and any need for another crossing of the River Mersey would not outweigh the interests of all of those who would be affected by the proposed Order⁶⁸⁸. Furthermore, the scale of compulsory purchase goes beyond that which would be reasonably required to construct the new crossing.

Response of Halton Borough Council

7.14.3 The parcels would be required for construction of the Astmoor Viaduct and northbound/southbound on and off-slips to and from the Bridgewater Junction, and for access to the associated works. Parcels 294 and 296 are within the limit of deviation and are directly below the northbound on-slip to the Astmoor viaduct at the Bridgewater Junction and the viaduct itself⁶⁸⁹. Parcel 293 would be needed temporarily for access to the associated construction works.

7.14.4 Bearing in mind the economic, social and environmental improvements that would be delivered by the Project, there would be a compelling case in the public interest to acquire the Company's holdings and negotiations continue⁶⁹⁰.

7.14.5 The objection is unfounded.

7.15 NSL Limited (formerly NCP Services Limited) [Objector No 54, Party No 69]

7.15.1 The objection is to the compulsory acquisition of the land leased by the Company to the east of Barn Street, Widnes (TWA Parcels 168-172)⁶⁹¹. Compulsory acquisition is not essential, either in furtherance of public policy, or in the public interest. The scale and scope of the powers sought go beyond those which might reasonably be required to achieve the implementation of the Project and would be contrary to the public interest. Furthermore the use of compulsory purchase powers is premature.

7.15.2 No adequate phasing proposals have been promulgated to demonstrate that the plans are capable of implementation without significant damage to the local infrastructure.

7.15.3 Insufficient consideration has been given to whether the balance of NSL's land could continue to be used without suffering material detriment and the provisions of Circular 06/2004 have not been properly followed or satisfied in relation to the proposed Order.

687 Party No 120 Letter of 14 July 2009 Letter of 14 July 2009

688 CD/2 Section 2.9

689 HBC/0/45A Section 2 page 6

690 HBC/19/2A Appendix 5 pages 63-64

691 Party No 69 Letter to SoFS for Transport, dated 16 July 2008

7.15.4 Insufficient evidence has been provided to show that there is adequate funding available for the Project and to guarantee delivery of it to justify the potential disturbance and damage to the local economic environment through blight.

Response of Halton Borough Council

7.15.5 The land would be required for construction of the Widnes Loops Junction carriageway and embankment.

7.15.6 The Silver Jubilee Bridge is the only major crossing of the Mersey and is often congested. When maintenance work is required to the existing bridge, this congestion intensifies. It is therefore in the public interest to provide a second crossing, both to improve connectivity in the region and also to provide cycleways and footways to encourage alternative means of transport. The proposed crossing would therefore be in the public interest⁶⁹².

7.15.7 The Transport and Works Act powers are the most appropriate for this Project. Significant work has been undertaken to identify the land requirements for the bridge and associated highway works. The full extent of the land proposed to be acquired would be necessary.

7.15.8 Negotiations continue and at the appropriate time when the various necessary Orders and consents have been obtained, the acquisition of the freehold interest in that part of the land required for the proposed Project would be concluded in accordance with the statutory Code of Compensation. But the balance of the land would be no less useful or valuable so relocation would be inappropriate. Nevertheless, the advice in Circular 06/2004 has been properly followed for acquiring land and relocating businesses where necessary. The Relocation Strategy⁶⁹³ incorporates the Circular's guidance⁶⁹⁴.

7.15.9 Phasing plans for the Project are being prepared and the financial viability of the Project is explained in paragraphs 5.5.6-7.

7.15.10 The objection is without foundation.

7.16 Polemarch Industrial Limited and Mr S G A Walker [Objector No 126, Party No 480]

7.16.1 The objection⁶⁹⁵ is to the compulsory acquisition of the land and buildings the objectors lease on the Astmoor Industrial Estate, Runcorn (TWA Parcel 286-288, 290), comprising a warehouse unit, car park and industrial units, containing Halton Brook, highway and subsoil at Davey Road.

7.16.2 The scale and scope of the powers sought go beyond those which might be reasonably required to achieve the implementation of the Project. There is insufficient evidence to demonstrate that it would be reasonably necessary to acquire the property for the purposes of the Project. Moreover, insufficient attempts have been made to acquire the interests by negotiation

692 CD/12 Section 2

693 CD/128

694 HBC/19/2A Appendix 5 on page 7

695 Party No 480 Edmund Kirby letter of 6 April 2009

in advance of the Order and for that reason it would not be possible for the acquiring authority to demonstrate that it genuinely needs compulsory purchase powers. Polemarch has a significant investment in these premises and proper regard has not been paid to the true socio-economic costs of relocation.

7.16.3 The proposals make assumptions about the ongoing growth of vehicular traffic and unlimited oil supplies which are fundamentally flawed in an economy which will have to adapt to radically reducing oil consumption, reduced road use mileages and other constraints. Furthermore, there is inadequate evidence that adequate funding would be available for the Project to justify disturbing an important employment-generating manufacturing business. The associated blight would be wholly unreasonable.

7.16.4 Tolling proposals for the existing and proposed bridges are ill-founded and inappropriate and would direct traffic to other free crossings of the Mersey at significant public and social cost.

7.16.5 The provisions set out in Circular 06/2004 have not been properly followed or satisfied and the compulsory acquisition of Polemarch's interests would interfere with their Human Rights.

Response of Halton Borough Council

7.16.6 The land and buildings would be required for access to and construction of the Astmoor Viaduct, mainline carriageways and northbound on-slip from the Bridgewater Junction.

7.16.7 The Project could not be delivered without the inclusion of the land identified within the TWA Order. Moreover, the economic benefits that the Project would deliver are substantial. It would be more than just a bridge - the regional economic strategy identifies Mersey Gateway as a transformational Project. It would be the catalyst that would connect communities and lead regeneration and investment throughout Halton and the north-west⁶⁹⁶. Bearing in mind the economic, social and environmental improvements that would be delivered, there would be a compelling case in the public interest to acquire the Company's premises^{697 698}.

7.16.8 Negotiations with the Company, in accordance with Circular 06/2004 guidance, have continued in parallel with the compulsory purchase process and are now well-advanced^{699 700}.

7.16.9 The Project has been the subject of lengthy development over at least a decade. In that time, a range of policy and engineering options have been considered for its construction⁷⁰¹. The chosen route would be the best option for the Project, conferring the most material benefits with insufficient disadvantages to outweigh those benefits.

696 HBC/9/1P

697 CD/75 paragraph 17

698 HBC/19/2A Appendix 5 pages 65-66

699 CD/75 paragraphs 24 and 25

700 HBC/19/2A

701 CD/14 Chapter 5

7.16.10 The evidence on traffic can be found at paragraphs 5.7.7 & 8 and takes account of the government's policy in relation to changing fuel costs and traffic growth⁷⁰².

7.16.11 As explained at paragraphs 5.5.6 & 7, the Project can be adequately funded⁷⁰³. Also as explained at paragraph 5.5.12, for the full benefits of the Project to be realised it would be necessary for traffic to transfer to the proposed bridge and that could not be achieved without the imposition of tolls on the Silver Jubilee Bridge⁷⁰⁴.

7.16.12 In the context of paragraph 17 of Circular 06/2004⁷⁰⁵ and bearing in mind the economic, social and environmental improvements that the Project would deliver, there is a compelling case in the public interest to justify the interference with the human rights of the Company consequent upon the acquisition of its premises. In accordance with the guidance of the Circular, attempts have been made to acquire interests by negotiation before embarking on the compulsory purchase process and negotiations are continuing in parallel with it.

7.16.13 The objectors are not in occupation of the property, hold it as an investment and relocation would not be relevant⁷⁰⁶.

7.16.14 The objection is unfounded.

7.17 Redman Heenan Properties Limited [Objector No 6, Party No 35]

7.17.1 The company owns the land in TWA Parcels 162, 163, 165, 166, 173, 178 and 181; it also leases TWA Parcels 161, 164, 167, 174 and 175, comprising industrial land, including buildings, offices, paved areas, car parking, access way and an electricity sub-station in the Catalyst Trading Park, Widnes.

7.17.2 The objection is twofold, partly:

- statutory to the omission of three areas of land from the proposed TWA Order⁷⁰⁷; and
- non-statutory to the Application for an Exchange Land Certificate to be issued under s19(1)(a) of the Acquisition of Land Act 1981⁷⁰⁸.

7.17.3 Beginning with the TWA Order, if only the identified plots were to be acquired, three remaining areas of land in Redman Heenan's holding would be incapable of any meaningful form of development and they should therefore also be acquired⁷⁰⁹.

702 HBC/8/1P

703 HBC/1/1P, HBC/2/1P & HBC/4/1P

704 HBC/8/1P

705 CD/75

706 HBC/19/2A page 66 point 10

707 Party No 35 - DWF LLP letter of 2 December 2008

708 RH/0/1WR and DWF LLP letter of 2 December 2008 on Party No 35

709 Party No 35 Ownership Plan

7.17.4 Turning to the Exchange Land Certificate, the Widnes Open Space lies on the north side of the St Helens Canal to the south of Widnes, and is attractive, green and pleasant. The proposed replacement open space would be inferior. It would be located farther east, partly beneath the proposed bridge, which would be supported on concrete pillars; it would be linear, less expansive than the existing open space and would form part of an urban park, being predominantly a hard landscaped area. It would have significantly less amenity value than has the existing space, would be subject to intrusive noise and pollution and would not be equally advantageous to the public, as required by s19 of the Acquisition of Land Act 1981.

7.17.5 The existing open space presents no problems in its upkeep or maintenance. If the main landholding were to be acquired as proposed in the TWA Order, the Company would be left with an isolated area of open space which would be very difficult to manage and maintain. The Company has significant concerns as to how it would manage the health and safety and public liability implications of owning an area to which the public would have access when it would, as a consequence of the proposed Order, be an absentee owner.

Response of Halton Borough Council

7.17.6 The parcels would be required for construction of the mainline carriageways, Victoria Road viaduct, and the Widnes Loops Junction on and off-slips, verges and embankments, and for the provision of open space and replacement open space⁷¹⁰. Only the required land is being compulsorily acquired as explained in paragraph 5.10.2.

7.17.7 The Widnes Open Space comprises TWA Parcels 176 and 177 and parts of 178, 179, 180, 181, 198 and 199. The land is mainly grassland, with an area of dense woodland in Parcel 181⁷¹¹ and the total area is some 14,420 square metres⁷¹². Redman Heenan is the owner of Parcels 163, 178 and 181, amounting to 11,169 square metres⁷¹³; the remainder is owned by Halton Borough Council and Marsh Maintenance Limited⁷¹⁴.

7.17.8 The existing Widnes Open Space would be replaced by exchange land, amounting to some 14,465 square metres (of which 7,875 square metres is existing open space returned to that use) together with 6,590 square metres of land not currently open space that would be put to that use^{715 716}.

7.17.9 The element of the exchange land which would vest in Redman Heenan extends to some 11,169 square metres and comprises Parcel 178, the majority of Parcel 181 and part of Parcel 163⁷¹⁷. Parcels 178 and 181 are

710 HBC/0/65

711 HBC/0/35 Appendix 2

712 HBC/3/7Sup paragraph 2.3

713 HBC/0/57

714 HBC//0/57 paragraph 16

715 HBC/0/45A Article 26

716 HBC/3/7Sup paragraph 2.9

717 HBC/0/47 Parcel E2

currently open space (owned by Redman Heenan). Parcel 178 and the remainder of Parcel 181 would be returned to that use^{718 719}.

7.17.10 A planning condition⁷²⁰ would provide for the balance and mix of treatments to be determined at the appropriate time to secure the provision of open space no less advantageous to the user and the public⁷²¹. Article 26 to the TWA Order would provide that the Mersey Gateway Bridge could not be brought into use before the exchange land was laid out to the satisfaction of the local planning authority⁷²².

7.17.11 The statutory tests are satisfied because the exchange land is no less in area and would be equally advantageous to the users of the open space and to the public⁷²³. The intention to give the s19 certificate has been published and only this objection stands in the way^{724 725}. There are no legal or technical impediments⁷²⁶. There has been no objection from the other land owners or from any users or from any members of the public⁷²⁷. The objector had the opportunity to attend the Inquiry, which was specifically adjourned to a date to hear the objection to the Widnes Open Space Application, but the objector declined to appear and submitted no further evidence⁷²⁸.

7.17.12 Unlike the exchange open space as proposed to be laid out, the amenity afforded by the existing open space includes dense woodland which accommodates *high anti-social behaviour*⁷²⁹. This woodland is in Parcel 181, which is currently owned by Redman Heenan and would be returned to them as open space exchange land in an improved condition. Its removal would come as a *real benefit regarding crime prevention and improved public safety*⁷³⁰, affecting the woodland itself and the attractiveness and usability of the rest of the existing open space. The appropriate part of the exchange land must be vested in Redman Heenan and its upkeep could only be easier in future as a consequence of the woodland removal⁷³¹.

7.17.13 The proposals would thus be compliant with public policy⁷³² and there would be⁷³³:

- no material loss of tranquillity;
- no loss of expansiveness (indeed the replacement both is, and would feel, larger);

718 HBC/0/57 paragraphs 14-15 and 18-19
 719 HBC/7/5Sup & HBC/0/35
 720 TWA No 41 as proposed
 721 HBC/0/57 Section 5 paragraph 5.16
 722 HBC/0/45A
 723 HBC/3/7Sup
 724 HBC/0/57 paragraph 5
 725 HBC/7/5SUP & HBC/3/7SUP
 726 HBC/0/57, HBC/0/35 & HBC/0/58
 727 HBC/0/57 paragraphs 8 and 16
 728 HBC/0/57 paragraph 7-12 & HBC/7/5Sup
 729 HBC/7/5Sup Appendix 2
 730 HBC/7/5Sup Appendix 2
 731 HBC/0/35, HBC/0/57 & HBC/0/58
 732 HBC/3/7Sup
 733 HBC/3/7Sup Section 6

- no loss of attractiveness or quality (the replacement is equally or more attractive);
- no sense of isolation (the proposal would improve linkages); and
- a predominance of open space, albeit in an urban park setting⁷³⁴.

7.17.14 Both aspects of the objection are unfounded and a certificate under section 19(1)(a) of the Acquisition of Land Act 1981 should now be given in respect of the Widnes Open Space.

7.18 Selwood Group Limited [Objector No 38, Party No 82]

7.18.1 The objection is to the compulsory acquisition of land leased at the West Bank Dock Estate, Widnes (TWA Parcel 106)⁷³⁵.

7.18.2 The whole of the yard space is required and a suitable alternative site of similar, or preferably larger, size within the locality would be required for relocation.

Response of Halton Borough Council

7.18.3 The land would be required to allow the demolition of the existing Widnes Southern Bypass and embankment⁷³⁶. The business can be relocated to another site and negotiations are underway, although the Company may be reviewing its operational requirements^{737 738}.

7.18.4 This objection lacks any substance.

7.19 Severn Unival Limited [Objector No 63, Party No 102]

7.19.1 The objection is to the compulsory acquisition of land and buildings occupied by the Company on the Catalyst Trade Park, Widnes, comprising TWA Parcels 161 (access road and paved areas), 163 (industrial land including buildings, offices and paved areas, car parking and access areas), 174 (industrial land, including a building and paved area) and 175 (industrial land, including a warehouse, buildings, offices, paved areas and car park)⁷³⁹.

7.19.2 Severn Unival is one of the leading UK valve operations and maintenance companies. Because of the cyclical nature of the business, to have to vacate the site (particularly during the spring, summer or autumn) would be extremely disruptive. Lack of certainty about the timing of the loss would lead to unnecessary disruption, risk of loss of long-term contracts, risk of loss of business continuity and a risk of incurring double overheads. Even if allowed to vacate during the winter months, six months notice would be required. The draft agreement for the purchase of the Company's leasehold interest, as offered by the Promoter, is unreasonable as its terms do not resolve the Company's concerns.

734 HBC/3/7SUP Section 6 and paragraph 7.3

735 Party No 82 Letter of 10 July 2009

736 HBC/5/2A Appendix 3

737 HBC/19/2A pages 51 and 52

738 HBC/19/2A Appendix 1

739 SU/O/1WR

7.19.3 Compulsory acquisition would unlawfully interfere with the Company's property rights in contravention of the Human Rights Act 1998 and, in particular, Article 1 of the First Protocol of the European Convention of Human Rights.

Response of Halton Borough Council

7.19.4 The interests would be required for construction of the mainline carriageways, the Widnes Loops Junction on and off-slips and on-slip toll plaza, verges and embankments, and for the provision of open space and replacement open space.

7.19.5 Reasonable endeavours would be made to assist in meeting the Company's timescale. Were relocation impossible during the winter months, the costs of additional disruption would be addressed in accordance with the Compensation Code. However, the objectives of the Order could not be achieved whilst at the same time meeting the desire for certainty beyond that to which there is statutory entitlement. Negotiations continue with a view to identifying alternative premises in Widnes which would facilitate staff retention⁷⁴⁰.

7.19.6 The economic, social and environmental improvements that the Project would deliver would justify the interference with the human rights involved in the compulsory acquisition.

7.19.7 The objection is unfounded.

7.20 Solutia UK Limited [Objector No 80, Party No 90]

7.20.1 The objection is to the compulsory acquisition of land and buildings the Company owns in Chadwick Road on the Astmoor Industrial Estate, Runcorn, comprising TWA Parcels 302 and 303 (industrial unit and car park) and 304 (electricity sub-station)⁷⁴¹.

7.20.2 The route which has been chosen for the proposed crossing is not supported by the development plan, emerging local policies or national planning policies. Moreover, the Environmental Statement and other documentation supporting the Project fail to demonstrate, when all material social, economic and environmental considerations are taken into account, that the route of the proposed crossing is the best alternative and that the Order should be confirmed to authorise a crossing following that route. Authorisation would thus be premature because the Project would prejudice the outcome of the emerging Local Development Framework (LDF) and, in any event, the Project would not be deliverable in financial and/or land use terms.

7.20.3 The impact of the Project on the Astmoor Industrial Estate, and the warehouse has not been fully considered, and no account has been taken of:

- the sensitivity of the company's operations to factors such dust and vibration;

740 HBC/19/8R

741 CP/0/1WR & Party No 90 Olswang LLP letter, dated 18 July 2008

- the difficulties of relocation; and
- the fact that the premises would be incapable of economic use, with the consequence that the UK business could face extinguishment.

7.20.4 No real attempt has been made to ascertain whether the Company's aims could be achieved by other means, contrary to Government guidance on the use of compulsory purchase powers and consequently:

- the powers sought are excessive and would constitute a serious and disproportionate interference with Solutia's rights, including those under the Human Rights Act 1998; and
- a compelling case in the public interest has not been established for confirmation of the Order.

Response of Halton Borough Council

7.20.5 The Parcels would be required for construction of the Astmoor Viaduct and southbound off-slip to the Bridgewater Junction, and for landscaping.

7.20.6 The Project has been the subject of lengthy development over at least a decade. In that time, a range of policy and engineering options has been considered for its construction, as set out in the Environmental Statement⁷⁴². The conclusion is that the route would confer the most material benefits, and would have insufficient disadvantages to outweigh those benefits as explained in paragraphs 5.4.9-39.

7.20.7 The Project would be in accordance with the development plan when taken as a whole and there are no material considerations of sufficient weight to permit determination of the proposals otherwise, as explained in paragraph 5.4.8. As explained at paragraphs 5.5.6 & 7, the Project can be adequately funded⁷⁴³.

7.20.8 Proposals for acquisition in advance of compulsory purchase and relocation are at an advanced stage and negotiations continue⁷⁴⁴.

7.20.9 The objection is unfounded.

7.21 Unitrunk Limited [Objector No 127, Party No 481]

7.21.1 The objection was originally submitted by Vantrunk, a wholly-owned subsidiary of Unitrunk, and is to the compulsory acquisition of the Company's land and buildings in Goddards Road on the Astmoor Industrial Estate, Runcorn, comprising TWA Parcels 252, 253 and 255 (industrial land, including units and hardstanding) and 254 (electricity sub-station)⁷⁴⁵.

7.21.2 The scale and scope of the powers sought go beyond those which might reasonably be required to achieve the implementation of the Project.

⁷⁴² CD/14 Chapter 5

⁷⁴³ HBC/1/1P, HBC/2/1P & HBC/4/1P

⁷⁴⁴ HBC/19/9R paragraphs 2.05 to 2.08

⁷⁴⁵ UH/0/1WR & Party No 481 Derrick Wade Waters letter of 16 June 2009

It is not reasonably necessary to acquire Unitrunk's land for the purposes of the Project. A different location for the proposed bridge would avoid the need to acquire the land.

7.21.3 The plans for the business have been blighted by the Project for many years. The company has made a significant investment in these premises and no proper regard has been had to the true socio-economic costs of relocation. Due to the complex, specialist and expensive nature of its plant and machinery, and because of the need for continuity of production, new equipment would need to be ordered and commissioned, with a long run-in period before relocation. The cost of relocation would thus be high. Moreover, specialist staff would find alternative employment difficult to secure were compulsory acquisition to result in extinguishment of the Company.

7.21.4 The proposals make assumptions about the ongoing growth of vehicular traffic and unlimited oil supplies which are fundamentally flawed in an economy which will have to adapt to radically reducing oil consumption, reduced road-use mileages and other constraints.

7.21.5 Adequate funding would not be available for the Project, sufficient to justify disturbing a significant employment-generating and important manufacturing business and creating the associated blight. Furthermore, tolling proposals for existing and proposed bridges are ill-founded and inappropriate and would direct traffic to other free crossings of the Mersey at significant public and social cost.

7.21.6 The provisions set out in Circular 06/2004 have not been properly followed or satisfied and compulsory acquisition would breach the company's Human Rights.

Response of Halton Borough Council

7.21.7 The parcels would be required for access to, and construction of, the Southern Approach and Astmoor Viaducts, for construction of the proposed bridge south abutment. The chosen route would be the best option for the Project⁷⁴⁶ and the Project could not be delivered without the inclusion of the land identified within the TWA Order.

7.21.8 The Company has continued to invest in the Runcorn operation in the knowledge of the Project, rather than been subject to blight as alleged. The objection was made some eight months after the closing date for objections suggesting that, although the Company was aware of the Project, its decision to object was not motivated by its effects⁷⁴⁷.

7.21.9 Attempts to acquire the interests required for the Project by private treaty were commenced in February 2008 in accordance with the Relocation Strategy, and in some cases earlier. There is no reason to believe that Unitrunk's current business would be difficult or problematic to relocate. The cost of moving and reinstatement of plant and machinery on relocation would be an allowable expense and might form part of a disturbance claim

746 CD/14 Chapter 5
747 HBC/19/6R

for compensation in accordance with the provisions of the statutory Compensation Code and there is no reason why the need for relocation should preclude compulsory acquisition. Negotiations continue⁷⁴⁸.

7.21.10 The evidence on traffic can be found at 5.7.7 & 8 and takes account of the government's policy in relation to changing fuel costs. Moreover, the Project can be adequately funded⁷⁴⁹ and tolling explanations can be found at 5.5.1-5. For the full benefits of the Project to be realised, it is necessary for traffic to transfer from the Silver Jubilee Bridge to the proposed bridge and that could not be achieved without the imposition of tolls on the Silver Jubilee Bridge⁷⁵⁰.

7.21.11 Having regard to paragraph 17 of Circular 06/2004 and given the economic, social and environmental improvements that the Project would deliver, there is a compelling case to acquire the company's land that would justify the interference with the company's human rights.

7.21.12 The objection is unfounded.

7.22 Widnes Skip and Reclaim Limited [Objector No 52, Party No 73]

7.22.1 Although the company's objection to the compulsory acquisition of land it owns at Ditton Road, Widnes (TWA Parcels 22, 23 and 24) has been partially withdrawn, it maintains its objection to tolling of the proposed bridge under TWA powers and of the SJB as a consequence of the Road User Charging Scheme Order^{751 752}.

7.22.2 The company uses the Silver Jubilee Bridge to service its substantial client base south of the river Mersey. The charging of tolls would impose an additional burden and, even with concessionary rates, the frequency of use would result in substantially increased transport costs, jeopardising the company's future viability. Even if confirmed, the Order should be modified to minimise its effects on the company's business by exempting it from tolls.

Response of Halton Borough Council

7.22.3 At an estimated cost of £604m and with the increasing call on public finances where tax revenues are falling, the Government has made it clear that tolling is the only way it would support the delivery of Mersey Gateway⁷⁵³. The Project would be affordable only if tolling were introduced⁷⁵⁴.

7.22.4 It would not be fair to exempt an individual company from tolls, or to offer a concession on an individual basis. HBC has resolved to prioritise discounts for frequent users and local residents, which should mitigate the impact of tolls both on businesses and employees who cross the river

748 HBC/19/6R

749 HBC/1/1P, HBC/2/1P & HBC/4/1P

750 HBC/8/1P

751 Party No 73, WSR/0/1WR & WSR/0/2WR

752 WSR/0/1WR, WSR/0/2WR and Party No 73 Aaron & Partners LLP letter of 16 July 2008

753 HBC/1/1P paragraph 5.2.7

754 HBC/2/20R Appendix 1

frequently⁷⁵⁵. Exact toll levels (and discounts/concessions) have not been specified at this stage to preserve scope for negotiation with prospective concessionaires to achieve the best possible deal for the public purse⁷⁵⁶.

7.22.5 None of the matters raised by the Objector alters the case for the Project or would justify varying of the terms of the Order.

The objection is unfounded.

755 HBC/1/1P, Section 6 & HBC/2/1P Section 9.4

756 HBC/2/20R Aaron & Partners LLP letter of 16 July 2008, WSR/0/1WR and WSR/0/2WR

8 CASES OF THE NON-STATUTORY OBJECTORS

Here follow the material points edited from Opening and Closing Submissions, Proofs of Evidence and Rebuttals (which may have been amended as a result of cross-examination), Oral Evidence, Documents and Written Representations, with appropriate cross-references:

8.0 All representations have a unique Party No allocated by HBC and objectors also have an Objection Number allocated by DfT where the objection was originally addressed there. The Responses of HBC are often supported by references to further details in the Promoter's Case in Chapter 5.

OBJECTIONS & REPRESENTATIONS PURSUED AT THE INQUIRIES

(in order of appearance)

8.1 Mr Paul Cooke [Party No 114]

8.1.1 It is the funding of the Project which is objectionable and specifically tolling.

8.1.2 A high toll charge could result in negative impacts on employment, commerce, education, shopping and access to health; consequently, the toll charges would need to be set at a reasonable level. Once a toll had been set, it is not clear whether a significant increase in tolls beyond those authorised would be subject to public consultation and independent scrutiny.

8.1.3 The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 is in effect *congestion charging* and should be subject to a democratic vote to decide whether it should be implemented.

8.1.4 It is not clear what all the risks involved in dealing with the *affordability constraint*⁷⁵⁷ are; who would be responsible for what level of risk; and whether the Council would build the Bridge at any cost. Similarly, it is not clear from the proposals how a withdrawal of Government subsidy would be addressed.

8.1.5 There is sufficient information for HBC to set out general toll ranges; the various discount options and the supporting research for tolls and discounts. The proposed tolling scheme would be linked to the cost of the Project so it could not equate with the charges at the Mersey Tunnel. The discounts would have to be scaled back to ensure the delivery of the Project. Moreover, it is not clear how the toll charges would relate to the Project costs or the justification for the extra 1% in the indexation factor⁷⁵⁸. The charging scheme should be open to possible changes in future.

8.1.6 The economic appraisal of the Project is over a 60 year period (2015 – 2074)⁷⁵⁹, which would exclude the last 7 years of the Silver Jubilee Bridge's asset life (120 years, 1961 - 2081). It is unclear whether the costs for maintaining the proposed bridge's cables have been included. Given the

757 HBC/1/1P Objective 2 and paragraphs 5.3.9-5.3.17

758 PC/0/01 paragraph 6.01, HBC/0/44A Section 8 & HBC/0/05 Schedule 11 Section 2(2)

759 CD/196

current recession, sensitivity analysis should be carried out for the Project (including variation in RPI values).

8.1.7 It seems likely that the users of the Bridges and the Council would be locked into paying for any increase in Project costs.

Response of Halton Borough Council

8.1.8 The Project could only be delivered with the support of toll revenue from both the SJB and the proposed bridge⁷⁶⁰, so the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 has to be an integral part of the Project. A referendum could be held only within Halton's administrative boundary and that would disenfranchise the large number of people living outside the boundary who have an interest in the Project. But consultation has been undertaken over many years leading up to the Inquiries, which also offer an opportunity for interested parties and organisations to express their views. The statutory process for seeking approval for the Project is the most appropriate for testing the case for the Project.

8.1.9 Routine toll or charge increases would not be subject to objection procedures to better ensure the smooth running of the operation. Extraordinary increases in toll ranges would be subject to objection procedures and a public inquiry in the event of an objection being made⁷⁶¹. Paragraph 8(2) of Schedule 11 to the draft TWA Order would require a consultation report to be put on deposit where a toll range revision is proposed.

8.1.10 A fundamental requirement of delivering the Project would be to ensure that the Project remained within the funding parameters agreed with the Government. There is clarity about the funding constraints and how they would be managed and reviewed with DfT, leading up to the stage when a contract would be agreed with the private sector⁷⁶². It is essential to harness the private sector's financial capacity and risk management competence to successfully deliver the Project in accordance with the *best value* obligations⁷⁶³. There is an active market for tolled road crossings; furthermore, that market is familiar with commercial risk transfer envisaged in the procurement of the Project⁷⁶⁴.

8.1.11 The level of funding support secured alongside toll charges similar to those charged at the Mersey Tunnel and the flexibility for managing the toll charges within the parameters set by the Orders, are all measures designed to ensure the Project is affordable on the established terms. Commercial due diligence undertaken by bidders and their financial backers alongside the commercial viability analysis carried out by HBC when evaluating bids would ensure that the contractual arrangements are robust.

8.1.12 The Project would be delivered within the agreed funding limits

760 HBC/2/8R paragraph 2.1 & HBC/1/1P paragraphs 5.3.9-10

761 HBC/2/8R paragraphs 8.2-8.10

762 HBC/2/1P paragraphs 8.1.3-5

763 HBC/2/1P paragraphs 12.1.4-5

764 HBC/4/1P paragraph 4.1.5 & Section 5.2

whilst seeking to keep toll levels low and maximising toll discounts for local residents and frequent users⁷⁶⁵. In view of the financial analysis, there can be confidence that the Project would be deliverable with toll charges similar to those applied at the Mersey Tunnels, coupled with the financial support agreed with the Government⁷⁶⁶. The TWA Order and the SJB Road User Charging Scheme Order set out a statement of the proposed toll ranges for each vehicle classification and the regulatory framework for increasing the toll ranges over time. The toll ranges, proposals for controlling toll increases and the merits of the toll ranges in supporting the procurement of the Project have been fully explained⁷⁶⁷.

8.1.13 The high and regular use of the Mersey Tunnels demonstrates that toll levels at the lower end of the proposed toll range for each vehicle classification would be accepted by drivers and transport providers. In addition to revenue from tolling, HBC has received £123m in PFI Credits to subsidise the remaining Project costs over the 30 year period of the proposed concession⁷⁶⁸.

8.1.14 In terms of the indexation factor, the toll ranges would be permitted to increase at an annual rate equivalent to the Retail Price Index (excluding mortgage interest rates) plus 1%. The 1% reflects a common arrangement for regulating public transport fares where the cost of service delivery is linked to wage inflation, which on average approximates to 1% above price inflation per annum.

8.1.15 The tolling Orders provide the flexibility, in the form of the proposed tolling ranges and general discretion for the operation of a discount scheme that would be used to establish the best value offer from the private sector during the procurement. At present, it is not in HBC's interest or that of potential bridge users to fix discount arrangements⁷⁶⁹. The classes and types of vehicles to be exempt from tolling would be aligned with government policy on tolling exemptions; furthermore, public transport would also be exempt from tolling for both bridges⁷⁷⁰.

8.1.16 The cost benefit analysis includes the capital maintenance costs for both the proposed bridge and the SJB assessed over a 60 year period commencing from 2015⁷⁷¹.

8.1.17 There is no substance in these objections.

8.2 Great Sankey Parish Council [Party No 95]

8.2.1 The Parish of Great Sankey lies to the west of Warrington, approximately 6km to the north-east of Widnes along the A562, which dissects Great Sankey from east to west and connects it with the A57 (Widnes-Manchester). Although an improved crossing enjoys full support and is essential for the economic prosperity of the region, the funding

765 HBC/1/1P Section 6 & HBC/2/2A Appendix 4 Page 106

766 HBC/4/1P Section 3.2

767 HBC/2/1P Section 9.4, HBC4/4/1P paragraph 3.2.2 & CD/23

768 HBC/2/8R paragraph 5.1

769 HBC/2/1P Section 12

770 HBC/1/1P Section 6

771 HBC/8/1P

proposals involving the tolling of the Silver Jubilee Bridge and the proposed Mersey Gateway Bridge are unacceptable.

8.2.2 There is no objection to tolling in principle but there is concern about the proposed tolling regime, which could affect the success of the development at the substantial Omega prime regeneration site in Great Sankey as a significant number of its employees are forecasted to commute from south of the River Mersey. Toll charges at the proposed bridge and the SJB at peak times, would lead to an increase in road traffic through Great Sankey heading for the un-tolled crossings in Warrington, which would exacerbate the existing traffic-related problems along the A57 and in Great Sankey, including congestion, CO₂ emissions and LGV movements. If the Silver Jubilee Bridge were closed, there would be grid-lock in Warrington.

8.2.3 Finally, tolls would decrease economic activity in the Parish, Warrington and the North West in general⁷⁷².

Response of Halton Borough Council

8.2.4 The objections are unfounded.

8.2.5 The Project would improve access to health care services by reducing congestion and improving the reliability of travel across the river. Registered disabled drivers would be exempt from tolls and discounts would be sought by the Council for frequent users. Furthermore, other health services are more accessible from Great Sankey via the free crossings in Warrington⁷⁷³. But it is unlikely that the Project would have a significant impact on the development at the Omega site which is in a prominent location alongside the M62. The 2002 AMION economic appraisal commissioned by English Partnerships for the development at the Omega site indicated that the Project could have a positive impact on the development⁷⁷⁴.

8.2.6 Traffic forecasts indicate that the maximum transfer of traffic to the Warrington crossings would be 4% across a typical day and 3% during peak hours for the opening year. By 2030, the peak hour transfer of traffic is forecast to be 1% (less than 200 vehicles), demonstrating that there would be little impact of diverted traffic going through Great Sankey. There is sufficient capacity on the highway network in and around Warrington for the forecasted amount of transferred traffic and the toll strategy would be aimed at making the tolled crossings more attractive than the crossings in Warrington⁷⁷⁵.

8.2.7 The claim about increased HGV movements is unfounded. HGVs may be more likely to use the tolled crossings as the drivers would not be directly liable for the cost of crossing. Similarly, the claims about CO₂ emissions are misguided as the evidence suggests carbon savings as a result of the Project⁷⁷⁶.

772 GSPC/0/1P

773 HBC/10/5R

774 HBC/9/5R

775 HBC/8/5R

776 HBC/8/1P Table 16.6 and HBC/5R

8.2.8 The proposed toll range does not preclude the possibility of tolls which would be lower than those of the Mersey Tunnels. The Council would also seek to use its discretion to apply discounts to some categories of users including local residents, frequent users and public transport. Economically, tolling would reduce lower value trips involving the crossings, whilst higher value trips over the crossings would be likely to increase⁷⁷⁷.

8.2.9 There would be little impact of traffic through Great Sankey as a result of the Project. In Warrington, forecasts indicate that pollutant concentrations would exceed the NO₂ objective; however, the forecasted concentrations are marginally lower than that forecasted for the *do minimum* scenario. It is also estimated that there would be a reduction in carbon and CO₂ emissions following the development of the Project⁷⁷⁸.

8.2.10 In terms of the impact of tolling on economic activity in the wider area, the 2003 and 2004 AMION economic impact studies indicate that the Project would have wider economic benefits⁷⁷⁹.

8.3 Councillor Leslie Ford [Party No 42]

8.3.1 The Project is supported, but tolling the Silver Jubilee Bridge is not⁷⁸⁰.

8.3.2 In July 2006 Vale Royal Borough Council objected to the proposed A533 (Silver Jubilee Bridge) Road User Charging Scheme Order. In June 2008 however, Vale Royal submitted representations fully supporting the proposals for a new crossing and the associated works and this was reaffirmed in July 2008. Both representations considered that the proposals would improve transport links between west Cheshire and Merseyside. In April 2009, Vale Royal Borough Council became part of Cheshire West and Chester Council (Party 497) who support the Project, but it is the former objection which is still pursued in an individual capacity.

8.3.3 The proposal raises concerns about the economic performance of North Cheshire and the wider North West region, protection of environmental quality and the effectiveness of facilities to serve local communities.

8.3.4 Another road crossing could improve the national and regional road network, but the original business case for the Project made no reference to the proposals being dependent upon the introduction of charges for use of the SJB. The SJB was constructed with public funds and its maintenance should be paid for by public funds. A charge would challenge local residents and businesses to relocate or incur a tax on bridge users. Inadequate exemptions and/or discounts for local businesses and residents have been considered. Relating the charges proposed for the SJB to the Mersey Tunnels tolls is inappropriate as the relationships between Wirral and Liverpool are very different from that of Runcorn, Widnes and their environs.

8.3.5 To rely on tolling the SJB to pay for the proposed bridge or to generate general revenue for Halton Borough Council would be inappropriate,

777 HBC/8/5R

778 HBC/11/1P and HBC/11/5R

779 HBC/9/5R

780 LF/0/1P

because it would be a tax which would be unfairly imposed on part of the community. Furthermore, it would be inappropriate to rely on the introduction of charges on the SJB to deter avoidance of a toll on the proposed Mersey Gateway Bridge because:

- deterrence could be achieved through traffic management and/or physical carriageway modifications;
- the M6 Thelwall Viaduct would continue to provide a free means of crossing;
- the proposed bridge would not be a practicable alternative for crossings with a very localised origin and destination; and
- road users should have a choice of a free or tolled crossing similar to the M6 Toll road and the M6 itself.

8.3.6 If charges for using the SJB were to be introduced, there should be a scheme of exemption and/or substantial discounts for local residents and for local businesses.

Response of Halton Borough Council

8.3.7 These objections are addressed by the responses to other objections.

8.4 The National Alliance Against Tolls [Party No 78]

8.4.1 Formed in 2004, NAAT is opposed to tolls on roads, tunnels, bridges and other forms of river crossing; it had its origins in opposing the Mersey Tunnel tolls.

8.4.2 Opposition to the Project arises principally from the proposals to toll both proposed and existing bridges across the Mersey. The fact that relatively few others appear to share these concerns reflects a lack of awareness of the tolling proposals as a consequence of shortcomings in the consultative process and/or an understandable unfamiliarity with a complex and bewildering consenting regime. Additionally, it is significant that many of those who support the Project seem to know little about the proposed tolls and of those who do, opposition to tolling is common.

8.4.3 Tolls are an unpopular form of regressive taxation, taking no account of the ability to pay or the characteristics of the vehicle. Moreover, they are random in their application as most citizens are unaffected unless there is a tolled facility in the vicinity, as in Merseyside; and they have perverse effects in creating rather than relieving congestion. It is ironic that tolls are being promoted on Merseyside while tolls are being abandoned on crossings in other parts of the country.

8.4.4 The implications of the Project are particularly unacceptable because they would involve tolling the existing, toll-free Silver Jubilee Bridge (SJB) connecting Widnes and Runcorn. It would be unusual, if not unique, to be unable to move freely from one major part of a Borough to another without incurring a toll and it would be equally unusual to have one bridge tolled to protect a tolled alternative.

8.4.5 Moreover, the levels of the proposed tolls are unclear, as are the discounts proposed for local users. The legality of tolling the proposed bridge

and discounting is dubious and it is unreasonable to specify only a range for the proposed tolls⁷⁸¹. Discounts would require agreement between the Promoter and the toll concessionaire, but they could be amongst the most expensive in the United Kingdom as the cost of the Project has risen substantially since its inception⁷⁸². Moreover, a tolled bridge would be bound to be more expensive to construct and maintain than an un-tolled one, if only because of the need for toll plazas.

8.4.6 Furthermore, although the incidence of new Private Finance Initiative (PFI) projects has dwindled, PFI remains a very expensive way of providing a public asset⁷⁸³; Treasury support is limited to the cost of land acquisition, together with PFI credit over 30 years which would be offset by value added tax (VAT) levied on tolls⁷⁸⁴. Ongoing research reveals that PFI financing would add substantially to the overall cost of the Project. For the Dartford Crossing and the Skye Bridge, the total cost of finance over 16 years was double the construction costs. The M6 Toll Road confirms that where traffic flows are less than predicted, the taxpayer makes up the shortfall and that is confirmed by international experience.

8.4.7 It is difficult to quantify the implications of these case studies for the Project because of an absence of transparency in the Promoter's evidence. However, it appears that tolls would have to be greater than those at the Mersey Tunnels and such a means of financing the Project would be grossly unfair on road users.

8.4.8 The vehicular capacity of the SJB would be substantially reduced, partly as a result of the introduction of toll booths and partly as a result of the reduction in lanes from four to two; and the overall effect of the Project as a whole would be to reduce the total volume of cross-river traffic over both existing and proposed bridges. That would have adverse implications of increased traffic seeking to avoid tolls by using the un-tolled crossings upstream in Warrington, the M6 Thelwall Viaduct and other parts of the highway network. Time savings as a result of freer vehicular movement would not therefore be realised, contrary to the Promoter's claims. Conversely, the consequences would be economically and socially adverse for the region generally and the Borough in particular⁷⁸⁵.

8.4.9 The Gross Added Value (GAV) of the Project would be negative and the Benefit/Cost Ratio (BCR) would be less than predicted. It is claimed that the Project could result in over 4,000 new jobs but the supporting evidence for this assertion is obscure and, strangely, the estimate has risen since the proposal to impose tolls on the existing and proposed crossings⁷⁸⁶. Moreover, it is unclear whether such jobs would be created in Halton or elsewhere.

8.4.10 When crossing the river in a southerly direction by way of the SJB, existing through traffic currently joins the Weston or Daresbury

781 NAAT/1/1P paragraphs 52-70

782 NAAT/1/2A

783 NAAT/3/1P paragraph 2

784 NAAT/0/9

785 NAAT/1/P paragraph 159

786 NAAT/1/1P paragraph 145

Expressways to reach more distant destinations, much of it via the M56. These routes are largely on the periphery of Runcorn's residential areas but, as a consequence of the proposals, through traffic (and other traffic displaced from the SJB) would be routed over the proposed bridge and along the Central Expressway. It runs through the heart of Runcorn and substantial numbers of dwellings would experience further noise and pollution as a consequence of the additional, bridge-related traffic and the works necessary to accommodate it, including carriageway widening or realignment, junction alterations and the associated loss of mature landscaping. Meantime property is blighted by the prospect of the Project and the disruption associated with its construction.

8.4.11 Furthermore, there are alternatives to the Project. Apart from doing nothing at all, tolls could be abandoned in the Mersey Tunnels and northbound traffic on the M6 heading for Liverpool John Lennon Airport could be encouraged to use the M62 rather than signing the route via the M56. Both positive alternatives would reduce the volume of traffic on the SJB, as would an improvement in cross-river public transport. In addition, if another bridge were really necessary, it would be better located west of the existing SJB, linking the M62 and the M57 to the north of the Mersey via the Knowsley Expressway (A5300) with the M56 to the south.

8.4.12 For all the foregoing reasons the Project should not be permitted, Orders should neither be made nor confirmed, and planning and listed building applications should be refused.

Response of Halton Borough Council

8.4.13 Proposals for the imposition of tolls and their rate of increase in line with price inflation have been comprehensively considered and approved by the Council; the proposal is that they should rise by a maximum of the Retail Price Index (RPI) + 1%, though normally only by RPI⁷⁸⁷. They need not rise with wage inflation which has generally been greater than price inflation. Moreover, it is important that there should be some flexibility in toll levels and discounts to take account of inflation and other uncertainties⁷⁸⁸. The commercial viability of the Project is based on the *most likely* toll scenario, which is similar to the Mersey Tunnels tolls⁷⁸⁹, as opposed to high and *low toll* scenarios⁷⁹⁰ and any gain from the concession to HBC would be used to enhance discounts and/or public transport⁷⁹¹.

8.4.14 Whilst tolls may not be universally popular, there is an adequate legal foundation for their appropriate imposition and there is no foundation for questioning their legality⁷⁹². Firstly, it would be necessary to toll both existing and proposed bridges so that they could operate as a single river crossing because without tolling the existing bridge, traffic would not divert to the proposed bridge and the Project would not achieve its objectives. Secondly, the opportunity offered by the Local Transport Act 2008 for HBC to

787 HBC/4/5R paragraph 3.14

788 HBC/4/5R paragraph 3.16

789 CD/197

790 HBC/8/1P & HBC/4/5R paragraph 3.9

791 HBC/4/5R paragraph 3.30

792 HBC/0/15

promote road charging on its own account, arose after the RUCO had been made and it was simply more efficient to proceed under the original statutory provisions, rather than have concurrent inquiries reporting to the Council and to the Secretaries of State.

8.4.15 Thirdly, as regards toll discounts, both the RUCO and the TWA Order make specific provisions, which could not be endorsed by the Secretary of State for Transport if unlawful. And finally, there is no scope for a private bill as there is provision under the TWA to toll the proposed bridge and although a range of tolls is unprecedented, it is neither unhelpful nor unlawful; and the TWA is an appropriate means of promoting a bridge that would interfere with rights of navigation⁷⁹³.

8.4.16 As regards the Project costs, there is (perhaps understandably) confusion as a result of different cost formats used at different stages in the evolution of the Project. It is conceded that the cost of the Project would be largely the same whether or not tolls were employed and that a tolled bridge would be more expensive to construct than an un-tolled one because of the associated tolling infrastructure. If there were no tolls, the *whole life* cost would fall to be met by the Government whereas toll revenues would reduce that liability⁷⁹⁴. Direct Government funding for the whole Project has not been offered and remains unlikely⁷⁹⁵, but it would be available via £123m of PFI credits⁷⁹⁶.

8.4.17 So far as the Private Finance Initiative (PFI) dimension goes, the Project assets would be owned by HBC and operated by a private sector organisation on its behalf. The operator would need fully to comply with appropriate legislative requirements. The relative costs of PFI and conventionally procured projects have to be assessed on a *whole life* basis against H M Treasury (HMT) guidelines. There is ample evidence of PFI projects being delivered on time and within budget, and that the PFI model represents good value for money.

8.4.18 A current M25 PFI project is oversubscribed with commercial offers, notwithstanding the prevailing economic climate; comparisons with overseas projects are inappropriate because of differing political, economic and fiscal considerations. And that demonstrates that the attributes of other projects should be considered on their own merits⁷⁹⁷. As to transparency, the detailed relationship between HBC and an appointed concessionaire would be set out in due course⁷⁹⁸.

8.4.19 The PFI procurement model is well established and robust, according to HMT, National Audit Office (NAO) and the House of Commons Public Accounts Committee (HoCPAC) reviews. There are usually additional cash costs but there is also a transfer of risk from public to private sector and the provision of long-term service. In this Project, PFI offers good value for money in comparison with conventional procurement and total forecast

793 HBC/0/15 & HBC/2/2A/1 & 4

794 HBC/2/5R

795 HBC/4/5R

796 HBC/4/5R paragraph 3.13

797 HBC/4/5R paragraph 3.43

798 HBC/4/4R

revenues should exceed costs on the basis of toll levels similar to the Mersey Tunnels. Toll revenues have been predicted on the basis of professional, credible traffic modelling and derived directly from a variable demand traffic model which assesses willingness to pay tolls in the light of alternative traffic options⁷⁹⁹.

8.4.20 PFI projects are routinely structured so that any VAT paid should be fully recoverable⁸⁰⁰. As to the levying of VAT on prospective tolls, a private sector partner would operate the crossings and collect toll revenue on behalf of HBC which would be the principal for toll transactions and thus the appropriate HMRC revenue criteria would be met for the avoidance of VAT liability⁸⁰¹. And as regards transparency, the financial assessment of a project should not be made publicly available ahead of procurement exercise, subject only to providing sufficient information for the decision-makers on these Orders and applications.

8.4.21 Turning to the effect of tolls, the Project would result in around 80% of traffic transferring to the proposed bridge from the SJB and its resulting traffic could be accommodated on the reconfigured structure⁸⁰². It would not significantly transfer to the Mersey Tunnels or the Warrington crossings because they serve different markets⁸⁰³. If network congestion increased over time and the real cost of travel decreased (and such effects are predicted) the impact of the Project would become more benign, neither attracting nor generating significant numbers of additional trips, nor causing significant behavioural changes in response to tolling. But if the proposed crossing were not tolled it would generate significant additional car-borne traffic, contrary to current policy objectives⁸⁰⁴.

8.4.22 The Project would result in transport and wider economic benefits⁸⁰⁵. The predicted job creation results from careful analysis that is not obscure⁸⁰⁶. There would be none without tolled bridges and there would be no additional costs. The Project would reduce travel times generally and travel to work times particularly, and increase journey reliability⁸⁰⁷. Moreover, the Mersey Gateway Sustainable Transport Strategy (STS) would provide improved, additional public transport and discounted tolling would enhance it⁸⁰⁸; and as for the community, there would be discounts for local residents and frequent users, coupled with substantial improvements in public transport, cycling and walking opportunities⁸⁰⁹.

8.4.23 The Project would result in a positive NPV and an overall increase in GDP, coupled with a positive impact on employment within regeneration areas⁸¹⁰. Whilst tolls might have some adverse impacts on local people,

799 HBC/8/1P & CD/197
 800 HBC/4/5R paragraph 3.20
 801 HBC/0/40
 802 HBC/2/6R
 803 HBC/8/1A/7
 804 HBC/8/2A/10
 805 HBC/8/1P & HBC/9/1P
 806 HBC/9/4R Section 2
 807 HBC/9/2A/3
 808 CD/182
 809 HBC/10/2A/7
 810 CD/200

these could be offset by the resultant effects of the Mersey Gateway Sustainable Transport and Regeneration Strategy⁸¹¹, via toll discounts, better public transport, and enhanced walking and cycling facilities. It is difficult to deduce that there is any simplistic link between tolling and deprivation, which is higher in Liverpool with tolled tunnels and lower in Halton with an un-tolled bridge⁸¹². Furthermore, the economic value for money test does not depend upon the financial model; it depends on inputs to the TUBA analysis, the DfT value for money calculation⁸¹³ which clearly shows a robustly positive BCR of 3.97⁸¹⁴.

8.4.24 The proposed highway layout is intended to direct traffic appropriately in the light of its intended destination and has no implication for the commercial attractiveness of the Project, bearing in mind that the concessionaire would collect the tolls on both crossings⁸¹⁵. It would take the most direct route through Runcorn using the existing expressway system. The environmental implications for residents in the town and elsewhere are contained; and any minor adverse implications would be offset by the benefits of the Project over the environmental deterioration that would result from the *do minimum* scenario⁸¹⁶. And finally, the alternative, western route was ruled out on cost and environmental grounds at a much earlier stage, particularly in the light of potential effects on the SPA⁸¹⁷.

8.4.25 So for all of the foregoing reasons, there is no substance in these objections and the Project should be appropriately consented.

8.5 **Professor Andrew Basden** [Party No 132]

8.5.1 The Project is misconceived. It would not significantly or sustainably solve the major problems identified by the Promoter and it would therefore be wrong to commit a large sum to its creation⁸¹⁸.

8.5.2 The Climate Change Act 2008 commits the UK to an 80% reduction in climate change emissions (CCEs) by 2050. Road use needs to reduce; it is not enough to rely on better technology. An 80% reduction in CCEs requires at least a halving of traffic volumes and requires more than infrastructure⁸¹⁹.

8.5.3 The Promoter's CCE calculations and traffic forecasts are inadequate. Even with the *most likely* tolls, traffic volumes would initially rise more than estimated by the Promoter so that the Project would work against this Act's intention. And if these calculations were to be accepted, building infrastructure at great cost, which would (at best) provide only a minor reduction in CCEs and at a time when climate change is at the highest level of Government policy, there is no serious attempt in the Environmental

811 CD182 & CD/183

812 HBC/9/4R & HBC/10/4R & CD/200

813 HBC/4/5R paragraph 3.17

814 HBC/8/1P paragraph 16.35

815 HBC/4/5R paragraph 3.21

816 Chapter 5 Section 5.6

817 HBC/2/5R & HBC/14/1P

818 Party 132 Letter to Secretary of State dated 9 November 2008

819 AB/0/1P, Section 1.1

Statement to address the issue of climate change⁸²⁰.

8.5.4 The Project would thus fail to fulfil national policy relating to climate change⁸²¹.

8.5.5 It is likely that, once Government, business and the public recognise the need for lifestyle change, traffic volumes will reduce, making the Project unnecessary. By 2030, or at least by 2040, measures to reduce CCEs can be expected to have become more effective than they are now. If this were to occur, cross-river traffic would be likely to reduce from its current 84,000 vehicles per day, by as much as 50%. If this were so, then even without the proposed new bridge, the Silver Jubilee Bridge would no longer be congested and the proposed bridge would not therefore be needed⁸²².

8.5.6 The Project would not solve the problems that have been cited in its justification and would fail to meet its objectives. As far as public transport is concerned, only buses that cross the Mersey would benefit from reductions in delays and unreliability; trains and other buses would not. There would be only a minor reduction in journey times. The Promoter has failed to explain how the problem of unreliability would be solved; solutions would depend on the Silver Jubilee Bridge sub-project (ie de-linking and reconfiguration) remaining intact⁸²³.

8.5.7 Walking and cycling could be encouraged without the Project by exactly the same measures as are necessary even with the Project (eg by marketing etc). The cycling objective would be dependent on the Silver Jubilee Bridge sub-project. Increased walking would be unlikely owing to the length of the bridge and the associated exposure to the elements.

8.5.8 Little sustainable regeneration to reduce deprivation would be achieved by the Project, except temporarily, because it would not address the real problems and would divert resources from addressing them.

8.5.9 As far as network resilience is concerned, incidents are rare. Civil contingency would better be addressed by other means because the proposed bridge would be of little benefit if closed.

8.5.10 Insufficient consideration has been given to non-crossing alternatives to solve the problems that supposedly indicate a need for the Project⁸²⁴. While some alternatives are mentioned in the TWA application, some are not and should have been considered, including:

- removal of the unnecessary signs on the M6 directing traffic over the Silver Jubilee Bridge;
- marketing campaigns;
- the use of light rail over the existing rail bridge; and
- school travel plans.

820 AB/0/1P, Section 1.6

821 AB/0/2A

822 AB/0/1P, Section 1.4

823 AB/0/3S, Section 2

824 AB/0/3S Section 3

8.5.11 Even those alternatives that have been included have not been considered adequately:

- the minor increase predicted for cycling ignores the impact of good marketing and awareness campaigns;
- the possibility of attaching a cycleway to the Silver Jubilee Bridge has not been considered;
- the reasons for rejecting the travel plans relating to the Halton Travel Plan Network are weak;
- the reason for rejecting selective access by vehicle tagging is disingenuous; and
- the potential for rail service improvement has been underestimated, especially the possibility of Halton Curve services being fully reinstated (linking Frodsham and Halton railway stations), which could generate 500 new jobs for a mere £20 million⁸²⁵.

8.5.12 The possibility of combining several non-crossing alternatives does not seem to have been considered. Dismissal of alternatives seems to have been informed by an assumption that an alternative could not be considered unless it could be shown to address all trips and situations. Alternatives should have been seen as parts of a more integrated basket of measures in which each could make a contribution.

8.5.13 The Environmental Statement is inadequate in that it does not⁸²⁶:

- sufficiently identify, describe and assess the direct and indirect effects of the Project on climate or the indirect effects on the local area;
- consider the main alternatives adequately; and
- give sufficient consideration to the wider extent of the impact on traffic flows or noise levels.

8.5.14 Furthermore, there appears to be an error in Table 16.28 of the Environmental Statement concerning traffic figures to the east of Junction 12 on the M56 and that makes it deficient.

Response of Halton Borough Council

8.5.15 The Project is not a road pricing scheme with an objective of reducing demand but the proposed tolls would dampen demand. It would not therefore be offering an expansion in capacity and would not be in conflict with the Climate Change Act 2008^{827 828}.

8.5.16 The traffic model output uses the latest guidance relating to behavioural responses to travel costs and it is not true to say that traffic would rise more than predicted⁸²⁹. Were the crossings not tolled, this would be the case⁸³⁰.

8.5.17 The CCE calculations arise from the TUBA (Transport Users

825 AB/0/2A

826 AB/0/1P Section 4, pages 39-42

827 CD/229

828 HBC/8/7R, paragraphs 4 and 22

829 HBC/8/7R paragraphs 4-6

830 HBC/8/7R paragraph 6 & HBC/8/2A Appendix 7, Tables A7.3 & 4

Benefit Appraisal) analysis, which shows reduced carbon emissions over the period with the Project in place compared to that without it⁸³¹. The calculations within TUBA are based on current Government guidance relating to evolving technology and vehicle emissions. It is these effects that drive the carbon savings within TUBA, along with reductions in congestion⁸³².

8.5.18 The TUBA results are based on the whole traffic model area, which is larger than the air quality study area. The results are consistent with the DMRB Regional Spreadsheet model in terms of showing reductions in carbon emissions with the Project in place. Although there was no WebTAG greenhouse sub-objective at the time the Environmental Statement was prepared, carbon emissions for each year can be extracted from the TUBA analysis. WebTAG guidance has therefore been followed⁸³³.

8.5.19 Based on currently available tools for the assessment of carbon emissions (DMRB and TUBA), emissions of carbon and carbon dioxide have been shown to reduce as a result of the operation of the Project in the opening year (2015), 2030 and over the 60 Year appraisal period. The Project would therefore assist in reducing the North West Region's contribution to climate change emissions from road transport⁸³⁴.

8.5.20 The proposed bridge would enable the Borough Council to develop an integrated and sustainable transport system, and reduce the future reliance on carbon intensive models of travel, including the promotion of greater use of public transport, walking and cycling options.

8.5.21 As shown by the M6 Toll Road, when properly managed the provision of infrastructure does not necessarily lead to increased road use. By introducing pricing and implementing the Mersey Gateway Sustainable Transport Strategy⁸³⁵, the Project would be able to achieve a level of demand management, by mode and cost, impossible with the existing Silver Jubilee Bridge.

8.5.22 Potential reductions in CCEs that might occur in the future even without the Project are speculative. Current DfT guidance has been used to produce a *do minimum* forecast with which the Project can be compared. It would not be appropriate to produce a *do minimum* forecast on a speculative basis. The Eddington Study emphasises that transport investment should focus on the most congested routes, emphasising public transport, inter-urban routes, ports and airports⁸³⁶. The Project is one of the few available to meet these criteria⁸³⁷.

8.5.23 Similarly, while it is unacceptable to ignore the policy context of climate change, assessing the effects of the Project must conform to current Government guidance on such assessments. The purpose of the Project is not to offer emission reduction pathways but to achieve the Project Objectives, as explained in paragraph 5.3.1.

831 See HBC/8/1P (Table 16.6) & CD/192

832 HBC/8/7R paragraph 8

833 HBC/8/7R paragraphs 23 to 26

834 HBC/11/7R, paragraph 3.6

835 CD/182

836 CD/94, page, 10 paragraph 18

837 HBC/8/7R paragraphs 15 to 19

8.5.24 Signage on the M6 is a matter for the Highways Agency, which would take a view on the matter only after the Project had been approved in its final form. Whilst re-routing might well encourage some drivers who were unfamiliar with the network to avoid the Silver Jubilee Bridge, that would be a small proportion of total traffic; and it is unrealistic to suggest that the 40% of traffic that has neither origin nor destination in Halton⁸³⁸ could be significantly reduced by signing. Drivers travel on whatever route best suits them, based on their individual view of travel cost at the time they travel. In any case, the current signed route to Liverpool John Lennon Airport (for traffic on the M6 coming from the south via the M56) is the shortest and produces the lowest carbon emission in free-flow conditions⁸³⁹.

8.5.25 As for marketing campaigns and light rail, the promotion of public transport and other sustainable modes was presented in the Sustainable Transport Study⁸⁴⁰ and a discussion of transit options was presented in the Mersey Gateway First Stage Public Transport Options Study⁸⁴¹.

8.5.26 Travel planning can have a reducing effect on traffic but the evidence is not conclusive on the level of relief afforded. Travel planning is very case specific. Trips across the Silver Jubilee Bridge are unlikely to be a suitable focus for Halton's School Travel Plan and they would be unlikely to affect traffic flow across the bridge greatly⁸⁴².

8.5.27 The assessed potential for cycling across the Silver Jubilee Bridge, based on actual levels of cycling across Halton, is conservative. If the objector is correct on this point, the benefits of improved conditions on the bridge as a result of the project would be even greater⁸⁴³.

8.5.28 Tolls would be levied for using the bridges by means of toll barriers, but because only 20% of vehicles using the proposed bridge would be locally based, tagging through number plate recognition by means of cameras would not be feasible⁸⁴⁴.

8.5.29 Whilst restarting use of the Halton Curve could make a contribution to reducing demand for the Silver Jubilee Bridge, existing users of the bridge would change to rail only if the origins and destinations of their trips were able to be reasonably served by such an improved service⁸⁴⁵.

8.5.30 As for the need to consider a basket of measures, the Mersey Gateway Sustainable Transport Study would secure its funding from the Project and would promote alternative modes and travel choice; and Halton Borough Council has begun this process through the Local Transport Plans⁸⁴⁶.

8.5.31 The Environmental Statement is not inadequate. Greenhouse gas emissions are addressed in Chapter 19. Calculation of the emissions of carbon and carbon dioxide during the Project's construction phase has not

838 HBC/8/7R paragraph 31

839 HBC/8/7R, paragraphs 29-31

840 CD/182

841 CD/212

842 HBC/8/79, paragraph 34 and 36

843 HBC/8/7R, paragraph 35

844 CD/14 paragraph 5.7.21

845 HBC/8/7R paragraphs 39 & 40

846 HBC/8/7R, paragraphs 41 and 42

been undertaken due the temporary and variable nature of construction activities and the level of detail required to perform these calculations which would depend on type of plant, frequency of use, fuel use, and identified locations of sites for supplies, source materials and wastes. Mitigation measures, which would reduce fuel use and exhaust emissions from construction traffic and non-road mobile machinery, would be provided within the COPE⁸⁴⁷.

8.5.32 However, the operational effects of the Project on carbon and carbon dioxide emissions from road traffic (for the *Most Likely* toll scenario) are assessed using the DMRB Regional Spreadsheet modelling tool⁸⁴⁸. Emissions would not be increased as a result of the Project.

8.5.33 Alternatives are addressed in Chapter 5 of the Environmental Statement.

8.5.34 Consideration of noise is in Chapter 17 of the Environmental Statement. By studying areas within 300m of the Project with at least a 1dB(A) predicted change in noise level, determined by including roads where traffic flows increased by 25% or reduced by 20% due to the Project. The methodology is fully consistent with the Design Manual for Roads and Bridges 1994, which was applicable at the time. The assessment area has subsequently been expanded to 600m from the Project in line with the latest revision to DMRB 2008⁸⁴⁹. Thus, the wider noise impacts of the Project have been adequately assessed in line with the appropriate guidance.

8.5.35 Traffic flows on the section of the M56 (east of Junction 12) would not increase; they would actually reduce, albeit only very slightly⁸⁵⁰. Whilst it is correct that the traffic figures in Table 16.28 of the Environmental Statement do not tally, the comparison is incorrect. The model reflects actual conditions in reflecting queuing in the model, meaning that flows in and out of a junction or a link within the modelled hour may not be equal due to the presence of queued traffic. The model has been calibrated and validated in accordance with Government guidance and has been independently reviewed by the DfT⁸⁵¹.

8.6 Sutton Parish Council [Party No 117]

8.6.1 The Parish of Sutton lies to the south of Runcorn and is bounded by Halton to the north, and the Parishes of Aston to the south-east and Frodsham to the south-west. Sutton Weaver is a key settlement within the Parish.

847 CD/291 & HBC/11/1P Section 5.6

848 HBC/11/1P Section 7.7, 16.4.7 of HBC/8/1P paragraph 16.4.7 & HBC/0/11

849 CD/140

850 AB/0/1P paragraph 4.3.2b

851 CD/197 & CD/193

8.6.2 Construction vehicles would cause considerable disruption for a large number of people living in Halton and Sutton Weaver and the Project could lead to an increase in the level of noise along the A56 and near the M56.

8.6.3 Moreover, the Project would attract additional traffic on the A56 (which runs through Sutton Weaver) heading for the M56. Vehicles should be deterred from using the A56 as a rat run by using the traffic lights at Sutton Weaver Swing Bridge to restrict the number of vehicles passing through Junction 12 to and from Sutton Weaver; and by introducing traffic calming measures in the village and a vehicle weight restriction. Also, tolls would exacerbate traffic problems in the Parish as motorists might choose to use the A56/M6/M62 network, or even the A56/Warrington Town Centre to avoid them. It is unclear whether people living just outside Halton's boundary, such as the residents of Sutton Weaver, would benefit from any discounted rates.

8.6.4 The justification for the proposed crossing, including the forecasts for future road usage has been undermined by a reduction in car and taxi use in 2007, the rising cost of using motor vehicles and a lifestyle shift away from travelling by car. Instead of expanding the use of the Central Expressway, the Daresbury Expressway to and from Junction 11 of the M56 and Weston Expressway to and from Junction 12 would be better placed, on health grounds, to carry the traffic from the proposed bridge.

8.6.5 Finally, the various applications relating to the Project should have been unified. The piecemeal approach to submitting applications was wrong as approving one application could encourage approval of other applications, such as a new Junction 11A on the M56.

8.6.6 There is no objection to the proposed crossing in principle but the Project should not be allowed to proceed as proposed⁸⁵².

Response of Halton Borough Council

8.6.7 The objections are unfounded.

8.6.8 Construction activities related to the Project would generate comparatively low numbers of vehicles which would not cause a significant increase in either traffic flows or noise levels and HGVs could be controlled through the Construction Management Plan.

8.6.9 There is no evidence within the forecasting work for the Project of diversion or traffic transfer from the M56 to the A56. With the exception of a slight increase in morning peak traffic, the Project would result in a general reduction in traffic through Sutton Weaver. Traffic management proposals for deterring the use of the A56 as a rat run are not within the Council's responsibilities. A monitoring programme would be introduced before and after the Project is implemented to monitor impacts. Neighbouring authorities would be consulted as part of the monitoring programme which

852 SPC/0/2A

would seek to identify traffic management needs⁸⁵³.

8.6.10 The impact of the Project on the A56 through Sutton Weaver was assessed using a bespoke, fully-specified traffic model covering a large area extending from Liverpool to Manchester. The forecast impact of the Project on the highway network was reported in detail; nevertheless, it is impossible to report on every link in the highway. Assessment of the impact revealed that:

- daily traffic through Sutton Weaver would be likely to decrease by 400-500 vehicles;
- evening peak period traffic would be likely to decrease by 300-400 vehicles, whilst morning peak period traffic would be likely to increase by 100 vehicles;
- there was no evidence to show that traffic would transfer from the M56 to the A56; and
- vehicles would be unlikely to access the A56 to Frodsham via Junction 11 of the M56 and pass through Sutton Weaver⁸⁵⁴.

8.6.11 The noise model for the Project predicts that noise levels for housing near the M56 motorway would be in the 70-75db(A) range as an $L_{A10,18hr}$ value. This is a comparatively high level of noise but is typical for noise levels near to a busy motorway. The increases in noise level for the Sutton area, both in 2015 and 2030, are predicted to be less than 1db(A). The minimum change in noise level detectable for the average person is 3db(A); thus, the predicted change in the Sutton area as a result of the Project would be insignificant and undetectable by the average person⁸⁵⁵.

8.6.12 The assessment of the Project's potential impact on air quality covers the areas where there is a forecasted change in annual average traffic flows. Consequently, no further potential air impact assessment is necessary for areas such as the A56 through Frodsham and Helsby, where no traffic increase is predicted. The air quality assessment covers Sutton Weaver in view of the small changes in road traffic flows and its close proximity to the M56⁸⁵⁶. The effects of the Project upon air quality concentrations would be negligible overall and concentrations of NO₂ and PM₁₀ are predicted to be well below the Government's Air Quality Objectives for NO₂ and PM₁₀.

8.6.13 Peak hour traffic across the Mersey would grow between 2006 and 2015 by 10%; however, peak hour traffic on the SJB has reached capacity. This acts as a constraint on the goals of Halton and the Liverpool City region. The Project would provide capacity in the road network. In the broader context, the Project would also: relieve congestion on the region's road network; improve network resilience; and contribute to an improvement in provisions for public transport, cyclists and pedestrians⁸⁵⁷. In the absence of the Project, journey times would increase, whilst traffic conditions on the SJB and journey reliability would worsen⁸⁵⁸.

853 HBC/8/6R

854 HBC/8/6R, paragraph 4

855 HBC/12/5R

856 HBC/11/2A Appendix AQ3 figures 4, 14, 15, 17 & 18

857 HBC/8/1P Sections 8, 9 & 11

858 HBC/8/1P Section 10

8.6.14 The assessments of the alternatives have been wide-ranging and subject to scrutiny by DfT, concluding that the proposed Project and its proposed alignment would be the optimum solution⁸⁵⁹.

8.6.15 Finally, so far as tolls are concerned, modifications are proposed to the TWA Order and the RUCO to clarify the scope for discounting⁸⁶⁰.

8.7 Warrington Road Residents' Association (WRRRA) [Party No 479]

8.7.1 The Warrington Road Residents' Association represents residents of Warrington Road, Halton Brow, Brookfield Avenue and immediately surrounding areas⁸⁶¹.

8.7.2 Increased traffic using the Central Expressway as a consequence of the Project would result in nearby residents being subjected to unacceptable levels of noise and air pollution. There is also an issue with the effect of the Project on townscape/landscape and with the effect of introducing tolls for the Silver Jubilee Bridge on the economically disadvantaged⁸⁶².

8.7.3 The Project would have a very significant effect on traffic flows in and around Runcorn. Over 85% of the 80,000 vehicles presently crossing the Silver Jubilee Bridge would be diverted, emergency services would have difficulty in crossing the Central Expressway and when accidents occurred the residents would suffer from gridlock⁸⁶³.

8.7.4 This situation is in contrast to that of Alderley Edge bypass which, to avoid only 12,000 vehicles having to pass through the town each day, was approved in 2008 at a cost of £51 million.

8.7.5 The primary routes should be either the Daresbury Expressway for traffic bound for the M56 east or the Weston Point Expressway for those making for the M56 west. This would avoid the need to demolish/rebuild parts of the Central Expressway, which are perfectly maintained and fully functioning roads. It would be a greener, cleaner, healthier and safer option; it would also be the cheapest. There might be a hidden agenda behind the Project to make the Central Expressway part of a route from the proposed bridge to a new M56 Junction 11a, as was the earlier intention for the Project.

8.7.6 Inadequate measures would be available to protect residents from the effects of increased noise and air pollution from NO₂ and PM₁₀ particulates⁸⁶⁴.

8.7.7 In addition to the number of heavy goods vehicles using the Central Expressway during construction, those coming from and going to the recently approved Ineos Chlor energy from waste combined heat and power

859 HBC/8/1P Section 13

860 HBC/0/25

861 WRRRA/0/2A appendix 11

862 WRRRA/0/1P Section 6

863 HBC/2/12R appendix 1

864 WRRRA/0/1P Section 5.9

generating station is a particular concern. The traffic flows quoted by the Promoter were counted in 2006, before the proposals were approved⁸⁶⁵.

8.7.8 Tolling would have a negative impact in discouraging residents from travelling from one side of the Borough to the other for business purposes or to visit friends, families and facilities. The main effects would be experienced by the elderly, people on low incomes, the unemployed, local businesses (especially small firms) and people accessing education and health facilities⁸⁶⁶.

8.7.9 Trees are being prematurely felled in preparation for the Project. Notwithstanding the proposed mitigation measures, if the Project were to go ahead, there would be no foliage, shrubbery or trees until 2015 at the earliest. Even then, little further screening would be provided and the situation would be much the same as in the Opening Year.

8.7.10 The Astmoor Viaduct would be visually intrusive to those living in Warrington Road. The Bridgewater Junction would be an eyesore and the new highway arrangements would bring the residents into very close contact with the road.

8.7.11 Local residents use Wigg Island and feel extremely worried about the detrimental effects of the Project. The island is an important landscape feature and community park with a strong emphasis on enjoyment and appreciation of the nature conservation interest of the estuary. The negative impact associated with the Project would conflict with policies designed to protect open areas. Moreover, the loss of open space during construction of the Project is a source of particular concern to local residents⁸⁶⁷.

8.7.12 Consultation has been inadequate and there has been a lack of direct communication with residents.

Response of Halton Borough Council

8.7.13 The objections are unfounded.

8.7.14 The selection of the preferred route was based primarily not on cost but on its likely success in attracting traffic from the Silver Jubilee Bridge with minimum environmental disbenefits⁸⁶⁸.

8.7.15 It is not true that 85% of the 80,000 vehicles presently crossing the Silver Jubilee Bridge would be diverted to the Central Expressway. The Project would result in only 58,150 vehicles (Annual Average Weekday Traffic [AAWT]) using the Central Expressway in 2015 and 68,850 in 2030. The proportion of traffic crossing the Mersey and travelling to or from the Central Expressway would be 59% during peak periods⁸⁶⁹. Without the Project, the number of vehicles using the Silver Jubilee Bridge in 2015 is forecast to be 94,286 AAWT⁸⁷⁰.

865 WRRRA/0/1P Section 6.18

866 WRRRA/0/1P, Sections 6.8.and.6.9

867 WRRRA/0/1P, Sections 6.10-6.16

868 HBC/2/12R Appendix 1

869 CD/197 & HBC/2/12R Appendix 3

870 CD/197 Table 8.1

8.7.16 The number of properties within 200 metres of the carriageway centreline of the alternative route to the M56 Junction 12 via the Weston Point Expressway is only slightly higher than the Central Expressway route⁸⁷¹.

8.7.17 Given the design of the junctions and bridges, there is no reason why emergency vehicles should have any greater problems in getting to their destinations than at present or that any community severance would be caused by the Project.

8.7.18 As the link analysis of southbound traffic crossing the Mersey in the design year shows, without the proposed bridge the majority of traffic heading eastbound for the M56 would be using the Daresbury Expressway and not the Central Expressway anyway, so the former route cannot be considered as an *alternative route*⁸⁷². As far as westbound traffic is concerned, the route from the Bridgewater junction at the southern end of the proposed new bridge to the M56 Junction 12 via the Central Expressway is 4.1km; via the Weston Point Expressway it is 8.8km and requires drivers to negotiate two signal-controlled junctions. It would not be possible to divert traffic onto the Weston Point Expressway without physically preventing traffic from joining the Central Expressway because it is a shorter and quicker, and therefore more attractive, route⁸⁷³. The additional journey length would be 4.7km, involving between about 3.6 and 4.2 minutes (depending on whether traffic lights are green or red) rather than *just over 2 minutes* suggested by the WRR⁸⁷⁴.

8.7.19 Were traffic to be physically diverted along the Weston Point Expressway, an additional 61,180 miles would be driven southbound each day, with additional CO₂ emissions and accidents. Similar effects could be expected for northbound traffic. This equates to about 9,754 tonnes of CO₂ and 12 Personal Injury Accidents (2-way) annually. By comparison, the Project would have the benefit of reducing carbon emissions in 2030 by about 4,802 tonnes⁸⁷⁵, so the alternative suggested routing would turn a benefit into a disbenefit. Thus, forced use of the alternative route would reduce the wider economic benefits of the Project and therefore its Value for Money⁸⁷⁶.

8.7.20 The Alderley Edge example is not comparable with the Project⁸⁷⁷. The comparative lengths of the existing and new routes at Alderley Edge are similar so that the bypass would not involve a distance penalty. Furthermore, the existing route involves crossing a number of at-grade junctions as it passes through the town and outskirts. Unlike the suggested alternative, it would therefore result in time savings.

8.7.21 The noise environment would generally be improved by the Project. Any localised noise increases would be off-set by noise reduction

871 HBC/2/12R Appendix 4

872 HBC/2/12R Appendix 2

873 HBC/2/12R Section 3

874 HBC/2/12R Section 3

875 CD/289 Appendix 4

876 HBC/2/12R Section 3

877 HBC/2/12R Figure 1

elsewhere, as explained in paragraphs 5.6.5 & 7. Eligibility for noise insulation would be subject to qualification under the Noise Insulation Regulations.

8.7.22 Turning to air quality, although pollution levels in the design year (2015) would increase as a result of the Project, even on Warrington Road, the national Air Quality Objectives for NO₂ and PM₁₀ would be met. For example, the highest predicted annual mean NO₂ concentration on that road would be 28.2ug/m³ with the Project in place (compared with 24.6ug/m³ for the *do minimum* scenario), which is well below the Air Quality Objective of 40ug/m³. Surveys of NO₂ levels have been, and are currently being, undertaken at residential and locations close to the Central Expressway⁸⁷⁸.

8.7.23 During construction, appropriate monitoring sites would be selected and agreed with local residents. Residential locations within the most sensitive areas (including the Central Expressway) have already been selected.

8.7.24 HGV loads associated with the construction of the Bridgewater Junction would be managed to cause the minimum disruption to normal traffic. The incinerator would result in only 24 trips along the Central Expressway per day – an insignificant number in relation to the number of vehicles likely to be using that road each day.

8.7.25 The disadvantages of tolling are acknowledged. However, these must be set against the fact that business travel would increase as a result of the Project⁸⁷⁹. Whilst all users other than disabled drivers and drivers of other specified vehicles would have to pay, other measures would be put in place to reduce the negative effects, such as:

- increased destination choice with the implementation of the Mersey Gateway Regeneration Strategy;
- improved public transport, cycling and walking facilities, supported by the Mersey Gateway Sustainable Transport Strategy; and
- a framework of discounts through which the Borough Council would seek to maximise discounts for frequent users and local residents.

8.7.26 The aim of achieving the required level of foliage screening by the Design Year (2030) is normal *good practice*. The removal of trees adjacent to Warrington Road was not connected with the Project but part of maintenance by the Highways Authority necessitated by disease⁸⁸⁰.

8.7.27 The Astmoor viaduct, being at the same level as the Central Expressway, would be unlikely to be visible to residents along the Expressway, especially as the vegetation recovers. The Bridgewater Junction would recover its character once the landscaping matured and, as the new road arrangements would remain within the existing highway boundary near Warrington Road, residents would not be much closer to the road than at present.

878 HBC/11/8R Appendix 5 Figure 1

879 HBC/10/6R

880 HBC/7/4R

8.7.28 The loss of open space during construction is acknowledged. However, this would effectively be restored once construction was complete and the proposed mitigation would be beneficial in the long term. The potential for adverse landscape and visual impact on Wigg Island is also acknowledged but this could be offset by the quality of mitigation and the bridge design.

8.7.29 Consultation with residents has been extensive, as explained in Section 5.15⁸⁸¹.

8.8 Mr Michael Gelling [Party No 128]

8.8.1 The Project is opposed because it would undermine efforts to improve the quality of life for local residents, destroying the heart of Runcorn and the wider community⁸⁸².

8.8.2 Much progress has been made in bringing together Widnes and Runcorn and to develop Halton Borough as one community in spite of their lying on opposite banks of the River Mersey. Although the Silver Jubilee Bridge has played little part in this, it has helped movement across the river. The Project would undo this progress made and destroy the community and families by dividing them. The proposals make little reference to tackling social and economic inclusion issues such as high unemployment, poor health, a low skills base and low pay.

8.8.3 Halton has some of the most deprived areas in the country. The residents of Halton should not be required to pay to move around the Borough to access public services and events. This would be the only local authority area where residents are charged to move around. A toll would be a disincentive for organisations to remain in the area. It would also have a negative impact on the sustainability of voluntary, community and not for profit organisations as well as social enterprises such as the Community Credit Union that support the community. The proposals do not address how such organisations would be assisted with regard to a toll.

8.8.4 Local residents including those who do not use the proposed bridge would have to fund the repayment for building the bridge. In effect, the Borough's residents are being required to subsidise the whole region without being consulted. This would be particularly burdensome for the disadvantaged and those most in need within the Borough.

8.8.5 It would also add to the noise currently generated by air traffic associated with Liverpool John Lennon Airport, rail traffic from the West Coast Main Line and the other rail lines, and the M56 motorway. There are doubts about the effectiveness of mitigating noise by planting trees alongside the affected areas. Local residents should be compensated for the interference, noise, disturbance, loss of property value and other inconvenience that would be caused by the Project.

8.8.6 In view of its capacity and reliability, the proposed bridge would not discourage further traffic through the Borough. Instead, it would lead to

881 HBC/2/12R Section 7
882 MG/0/1P

an increase in regional, national and international traffic passing through the Borough including traffic from the Merseyside area going through Runcorn to join the M56 at Junction 11, immediately to the east of Murdishaw.

8.8.7 An alternative crossing could be to connect the M57/M62 link road between Huyton and Halewood to the M56. This would have no effect on the settled community, a reduced impact on the environment and still allow the Silver Jubilee Bridge to become a local crossing.

8.8.8 Finally, public consultation for the Project has been inadequate. The views of local residents have not been appropriately represented by the Council.

Response of Halton Borough Council

8.8.9 In terms of the impact of the Project on the community, the Council has resolved that public transport would be exempt from tolling and discounts would be maximised for local residents and frequent users⁸⁸³. These measures would be of benefit to the community as car ownership within the Borough is generally low⁸⁸⁴, although vehicles displaying a current disabled person's badge would be exempt from tolling and charges. In addition, the Project would make journeys across the river easier by improving cycling and pedestrian facilities on the SJB and introducing an additional link across the River. The proposed crossing arrangements would improve cross-river unity and stimulate economic regeneration across the Borough⁸⁸⁵. There is no evidence to support the asserted impact of the Project on third sector organisations⁸⁸⁶.

8.8.10 The projected traffic flows at 2015 (Opening Year) and 2030 (Design Year) illustrate that the levels of traffic through Halton would decrease as a result of the Project⁸⁸⁷.

8.8.11 The Wider Economic Impact Report (WEIR) found that the Project would have a positive impact on employment within the Regeneration Areas, resulting in some 1,233 net additional jobs⁸⁸⁸. The Project would retain businesses in the area and generate business growth and development⁸⁸⁹.

8.8.12 The proposed approach to tolling would deter some trips by car; however, it would generally make car trips across the river more reliable and quicker and make public transport a viable alternative to the car by enabling the implementation of the Sustainable Transport Strategy⁸⁹⁰. This would increase opportunities for local people by improving journey times for appointments, work and education.

8.8.13 In terms of budgeting arrangements for the Project, the Council's annual budget proposals are consulted on via the Council's Executive Board, the six Policy and Performance Boards and the seven Area Forums. The

883 HBC/1/1P Section 6

884 HBC/10/2A Appendix 4 Figure 20.13

885 HBC/10/2A Appendix 7 page 29 & HBC/1/1P paragraphs 6.1-7

886 HBC/02/02A Appendix 1

887 HBC/8/1P Section 15 & HBC/02/02A Appendix 1

888 HBC/9/6R paragraphs 2.1-2

889 Party 534

890 HBC10/1P paragraph 13.5

meetings of the boards, the Council and the forums are held in public. In recent years, the Council has also consulted Halton 2000 (a local residents group) and Halton Chamber of Commerce.

8.8.14 The potential increases in noise levels as a result of the Project would be limited to less than 3db(A) with appropriate noise mitigation. The minimum difference in noise levels detectable by the average person is a change of 3db(A); therefore, although the Project would cause an increase in noise levels in some areas, it would be undetectable by the average person⁸⁹¹. Some areas would experience a reduction in existing noise levels as a result of the Project. There would be a tree planting programme; however, primary noise control measures would be achieved by the construction of roadside barriers⁸⁹².

8.8.15 The summer 2007 pre-application consultation plans included a suggested east-facing link to the M56 between Junctions 11 and 12. This was not progressed because of concerns raised by the residents of neighbouring areas and the traffic assessment for the Project which found that the suggested junction was not required. Any future proposal to introduce a junction at the suggested location would need to be subject to a separate statutory and consultation process and considered on its own merits⁸⁹³.

8.8.16 The suggested western alternative route was assessed by the Department for Transport and ruled out on cost and environmental grounds as it would have to be built through statutorily protected sites in the Middle Mersey Estuary⁸⁹⁴.

8.8.17 The Statement of Community Involvement for the Mersey Gateway sets out the extent of the consultation undertaken by the Council⁸⁹⁵. Between 2002 and 2006, consultation was undertaken in three stages and the public was fully involved⁸⁹⁶.

8.8.18 These objections are unfounded.

8.9 The Alliance⁸⁹⁷ [Party No 2, Objector No 77]

Introduction

8.9.1 The Alliance comprises the North West Transport Activists Roundtable in association with Friends of the Earth. The former umbrella organisation was founded 10 years ago and is one of a number of regional bodies operating under the auspices of the Campaign for Better Transport (formerly Transport 2000), with a strong belief in sustainable transport. Friends of the Earth have been in existence for almost 40 years and are well known for environmental campaigning. In the absence of funding for inquiry

891 HBC/12/2A Figures A.7-8

892 HBC/12/2A Figures A.2

893 HBC/2/9R, Section 2

894 CD/14 Section 5.3 & HBC/14/1P figure 1

895 CD/8

896 HBC/2/9R, Section 8

897 Inspector's Note: Because of the lateness of their production and the unavailability of relevant witnesses, some Documents relating to The Alliance's Case and the Promoter's Rebuttals were not subject to cross-examination, namely ALL/3/5Sup, HBC/8/16R, HBC/8/17R, HBC/9/11R & HBC/8/15N

participation, The Alliance's attainment of Rule 6 status and its appearance at the Inquiries is a testament to the strength of its opposition to the Project, although to some extent its case represents a rebuttal of the Promoter's⁸⁹⁸.

8.9.2 The notion of another Mersey crossing between Runcorn and Widnes has been around for a long time, but so too has the knowledge that increased highway capacity ultimately leads to more traffic and rising CO₂ emissions. The social, economic and health problems of the Borough are acknowledged, but the Project does not represent a solution and major infrastructure should not be constructed in polluted and protected environments without exhaustively testing a wide range of alternatives. The function which the Project would serve is unclear; it would not support or represent a major strategic route or a trunk road; and the economic case is, at best, weak. Moreover, such support as there is for the Project is not local and expressions of local opinion are generally negative.

8.9.3 The specific objections to the Project are now addressed in terms of DfT's Statement of Matters for TWA, Compulsory Purchase, Side Roads and Road User Charging Orders; and DCLG's for the called-in planning and listed building applications. Only Matters of relevance to the objections are addressed.

DfT Matters 1-15

Matter 1: Need

8.9.4 Of the identified objectives for the Project⁸⁹⁹, it would meet few:

- Congestion on the Silver Jubilee Bridge would not be relieved because there is no realistic *do minimum* scenario and all options have not been tested eg the imposition of varying levels of modest tolls on the SJB which would fund bridge improvements to better accommodate walking and cycling; the case for the application of minimal tolls on existing and proposed bridges, consistent with affordability, is unproven; only one tolling option has been modelled⁹⁰⁰ and the varying toll rates proposed are unclear⁹⁰¹;
- Accessibility would not be improved for the maximisation of growth opportunities; forecasts have not been properly modelled and only a very small *profit* would be generated before 2030, its scale being influenced by discounting⁹⁰²;
- Local air quality and the general urban environment would not be improved and the Project would not meet national or regional climate change targets⁹⁰³;
- Public transport links across the Mersey would be improved but that could be achieved by other means because the Sustainable Transport Strategy⁹⁰⁴ could be funded by modest tolls on the SJB; moreover the £500,000 proposed for the STS is very small;

898 ALL/1/1P paragraph 1.9 & HBC/2/2A Appendix 2

899 HBC/1/1P Section 5

900 ALL/3/1P paragraph 3.4

901 HBC/a/1P paragraphs 5.3.14 & 16 & ALL/0/7

902 ALL/3/3Sup & ALL/3/5Sup

903 ALL/2/2P paragraph 4.11

904 CD/182

- Cycling and walking would be encouraged but another income stream would finance better facilities on both sides of the SJB; and
- Network resilience would be improved through the provision of the proposed bridge, but the benefits are exaggerated and the main beneficiaries would be long distance business users; reducing the need to travel would also improve network resilience.

Matter 2: Justification

8.9.5 The Project is insufficiently justified because:

- Virtually all the net benefits would arise after 2030 and could be undermined by tolling discounts;
- The net number of new jobs would be modest and expensive, namely about 1200 jobs for £604m⁹⁰⁵;
- Regeneration claims for the wider sub-region are over-stated;
- The Sustainable Transport Strategy is vague, uncosted and has not been included in economic calculations;
- The Treasury Green Book and DfT appraisal guidance⁹⁰⁶ have not been followed, and a range of options for achieving local and national objectives has not been generated and tested, so value for money cannot be proved; nor has a traffic model been employed to test such a range;
- The implications of the Climate Change Act 2008⁹⁰⁷ have largely been ignored;
- The assumptions underlying the hydrology modelling make the results unreliable;
- The health impact assessment is insufficiently focused on local characteristics and thus inadequate⁹⁰⁸; and
- There is conflict with the development plan and especially the aspirations of the RSS for a reduction in travel.

8.9.6 So far as policy consistency is concerned, the Project does not conflict at the local level, but there is conflict with the RSS (CLG Matter a below) and there is therefore conflict with the development plan as a whole. There is substantial conflict with the national planning policy framework, notably with PPS1 (CLG Matter b below), but also with other national policies including Transport White Papers, *Delivering a Sustainable Transport System* and those relating to climate change.

8.9.7 There are serious traffic and economic modelling flaws in the Promoter's case and as regards the former, the Promoter concedes some uncertainty around regeneration benefits and an unconventional approach⁹⁰⁹. Transport efficiency, wider economic and regeneration benefits are substantially overstated⁹¹⁰.

8.9.8 As regards transport efficiency benefits, despite (or perhaps

905 CD/200 paragraph 8.3.33 and Tables 8.5 & 8.6 and HBC/9/1P paragraph 8.3.14 & Tables 8.2 & 8.3

906 ALL/1/1P paragraph 3.5, ALL/0/4 & ALL/3/1A Appendix 1 & WebTAG

907 CD/229

908 CD/195 & ALL/1/1P paragraph 3.8

909 XX Pauling by Wenban-Smith Day 12

910 ALL/3/1P paragraph 4.1

because of) the lack of compliance with HMT and DfT guidance⁹¹¹, an inappropriate model was used resulting in an over-estimation of savings and an under-estimation of toll values. The difference between the estimated value of time savings and tolls paid is relatively small and sensitive to changes in assumptions, namely that:

- there would be zero traffic growth from 2030 onwards;
- tolls would remain constant throughout the appraisal period; and
- tolls would be the same on the SJB (HBC owned) and the proposed Mersey Gateway Bridge where a concessionaire would set charges or at least be involved with HBC in the process⁹¹².

8.9.9 Predictions of wider economic benefits are based on dubious assumptions. Those for regeneration benefits relate to an inappropriate area in terms of WebTAG guidance and the use of unrealistic assumptions, resulting in an overly optimistic result.

8.9.10 A series of sensitivity tests should have been undertaken, but there was only one and it did not comply with the Treasury Green Book or DfT criteria including WebTAG⁹¹³. There has been inadequate assessment of problems as opposed to symptoms. Moreover, where benefits would accrue from the Project, they would be enjoyed by distant interests, far away from Widnes and Runcorn.

8.9.11 The Appraisal Summary Table (AST) has shortcomings in respect of the Benefit/Cost Ratio (BCR). BCRs for road charging schemes are difficult to compare with conventional highway schemes and that is why changes to DfT guidance are proposed⁹¹⁴. Had the NATA Refresh approach been used, the resultant BCR would have been -6.1 and thus negative, although such BCRs are recognised as *essentially meaningless*. Another recommended approach could have produced a BCR of 1.51 which is just within the *medium value for money* category. Consequently, the calculated Net Present Value (NPV) for the Project is not robust⁹¹⁵.

8.9.12 Consideration of alternatives is fundamental to the transport appraisal process, but no detailed study of alternatives has been undertaken⁹¹⁶. The only serious consideration⁹¹⁷ has been of alternative alignments for an additional crossing; there has been little or no consideration of combined options, demand management and different tolling regimes⁹¹⁷. Public transport alternatives have not been explored and could have included full reinstatement of the Halton Curve between Frodsham and Halton railway stations, and developing a station at Widnes on the West Coast Mainline. It is, however, accepted that tolling the SJB alone would not meet all the Project's objectives.

Matters 3 & 4: Physical Impact

911 ALL/2/1P paragraph 3.9

912 ALL/3/1P

913 ALL/0/4, ALL/2/1P paragraph 4.6, ALL/3/1P paragraphs 3.23 & 3.24

914 ALL/2/3SUP Section 3 & ALL/2/4A Appendix 2

915 ALL/3/1P paragraphs 3.16-22

916 CD/211 paragraph 8.2 & ALL/2/1P paragraph 2 & Section 4

917 ALL/2/1P Sections 3 & 4

8.9.13 The impact of the Project would be unacceptable.

8.9.14 There would be adverse noise and visual impacts as a consequence of the works associated with the Central Expressway, which during construction and thereafter, would have adverse health implications for local residents. There would be similar implications as a result of additional greenhouse gas emissions. Instead of reducing carbon emissions by 19% between 2005 and 2020 as claimed, there would be an increase of 26-27% as a result of the project⁹¹⁸. The predicted reduction is based on a comparison with the *do minimum* scenario, but that would increase emissions and such an increase would not fit with national or regional policies. The Appraisal Summary Table (AST) should reflect that⁹¹⁹. Furthermore, the AST has other shortcomings in respect of social distribution analysis and the Benefit/Cost Ratio (BCR). And using the New Approach to Appraisal could result in a different outcome⁹²⁰.

8.9.15 The Project's impact would be particularly unacceptable on the River Mersey. The incoming tide reaches Warrington which is flood-prone and the proposed bridge stanchions might cause the Mersey's strong flow to surge. There would be disturbance of contamination as a result of construction of bridge stanchions, which would involve cofferdams being in place around them for some three years and their diameter would be approximately three times larger (<30m)⁹²¹.

8.9.16 The river has been used as a convenient waste disposal system for the local chemical industry over many years and as a consequence, river banks and silts support trapped contaminants which would be disturbed by the construction activities associated with the Project, including piling in particular that could so easily result in the release of toxic sediments. Mustard gas was produced locally during both World Wars and one of the by-products of the local soda ash industry was galligu, which was generated in great quantities and liberally distributed as a waste product around the Borough⁹²².

8.9.17 It is accepted that an embargo on development would be inappropriate and that development on contaminated land is inevitable. But at the very least, the precautionary principle should be applied and it is significant that the Rapid Health Impact Assessment⁹²³ did not address the potential release of pollutants. The Mersey Estuary is already classified as *heavily modified* by the Environment Agency⁹²⁴ and no better rated than the adjacent Manchester Ship Canal. The chemical status of groundwater for the whole of the Borough is *poor* and the only coastal water body in the North West that has *good ecological potential* is Liverpool Bay. So any additional pollution from the Mersey would put that status at risk.

Matter 5: SPA & Ramsar Site

918 ALL/2/2P paragraph 4.10

919 ALL/2/2P paragraph 4.6 & 4.10 & ALL/2/3Sup paragraph 4.3, CD/198, 288 & 289

920 ALL/2/1P paragraph 3.2 & ALL/2/2P Section 3

921 XX Hunt by Burns, Day 11

922 HBC/17/1P paragraph 7.18

923 CD/194

924 CD/273 & CD/274

8.9.18 There are very serious concerns about the adverse impact of the Project on the SPA and the Ramsar site, which is why rulings were sought on the adequacy of the Environmental Statement and the need for Appropriate Assessment, as explained in paragraphs 1.12 & 13 and 8.9.25 & 26.

8.9.19 As regards hydrology, the physical modelling confined itself to the Upper Mersey ie upstream of the SJB, whereas the SPA and Ramsar Site are downstream⁹²⁵. Furthermore, the modellers complained that their work was rushed and that must cast doubt upon its reliability. But no model could accurately replicate the real effects of a very dynamic tidal river like the Mersey and it is therefore inadvisable, at best, to rely on hydrology modelling to conclude that there would be no adverse effects on protected sites.

Matter 6: Other Impacts

8.9.20 The principal concern here would be the behaviour of HGVs which would be unlikely to use the proposed bridge as a consequence of the tolls. The M6 Toll Road provides a good example; hauliers avoid using it if they can and this behaviour would undermine the economic case for the Project.

Matter 7: Mitigation Measures

8.9.21 The inadequacy of the Promoter's evidence suggests that this matter cannot properly be addressed, at least in terms of hydrology, contamination, climate change or emissions and public health.

Matter 8: Conditions

8.9.22 Conditions are necessary and should be imposed. Many are proposed by the Promoter⁹²⁶. But there is scope for their reinforcement in relation to noise and vibration, biodiversity, flooding, mitigation of adverse impacts on schools, air quality, hydrology, public health and other matters⁹²⁷.

Matter 9: Funding

8.9.23 It must be doubtful whether the Project could be adequately funded. The promoter concedes that 98% of its net benefits would accrue after 2030⁹²⁸ and if lower tolls than those originally envisaged were employed, the payback would be even later⁹²⁹.

Matter 10: Tolls

8.9.24 Tolls, as such, are not necessarily inappropriate and there may be a case for modest tolls on the SJB to suppress through traffic with appropriate concessions, but charging users a full market price on both existing and proposed bridges would be inappropriate in a deprived area such as Halton. The former option could have economic and environmental benefits but has not been modelled.

Matter 14: Adequacy of Environmental Statement & Statutory Formalities

925 CD/160
 926 HBC/0/34
 927 ALL/0/08
 928 ALL/3/3Sup Table 1
 929 HBC/0/25

8.9.25 The ES is inadequate. Assessment of the Project was not carried out at the appropriate stage of the process and it may not have been executed wholly in accordance with European Directive 2001/42/EC. Reasonable alternatives and significant effects do not appear to have been assiduously addressed; only alternative routes or alignments have been assessed with little regard to rail opportunities (contrary to WebTAG's advice). There has been no assessment in relation to potential effects on human beings or on climate change; and subsequent research has not been the subject of Strategic Environmental Assessment⁹³⁰.

8.9.26 Additionally, having regard to European Directive 92/43/EEC, the Project's effect on natural habitats, wild flora and fauna within the SPA and the Ramsar site should have been the subject of an Appropriate Assessment. The investigative work undertaken in support of the Project should have embraced the whole Mersey Estuary, including designated sites downstream. Inadequate information is available for an Appropriate Assessment to be concluded and should there be any doubt about that, the '*precautionary principle*' should be observed in favour of such an assessment.

Matter 15: Substantive Changes to Orders

8.9.27 There is one substantive change that undermines much that has gone before. Changes are proposed to both TWA and RUC Orders allowing for flexible and frequent user toll rates to be introduced on existing or proposed bridges⁹³¹. These changes affect the potential impact of tolls and have implications for all the economic, transport and other impact assessments undertaken by the Parties. But because they have been made late in the day⁹³², their implications are largely unknown, though it appears that income would be reduced, net income would be deferred, the Benefit/Cost Ratio would be lowered, more congestion might result and if so, CO₂ emissions would be increased. Additionally, there would be regeneration implications because discounted toll rates would be available to bridge users from farther afield and the benefit of any local '*advantages*' would be reduced⁹³³.

DCLG Matters

Matter a: Development Plan

8.9.28 Whilst there is no significant conflict with the local component of the development plan (the UDP) there is conflict with the vision of the RSS and its Policies DP1, EM1(B), EM2, EM5, L1, RDF1, RDF3, RT2 and W2 dealing amongst other things, with spatial principles, the coast, economic development, health, travel demand, natural environment, contaminated land and water management⁹³⁴.

930 ALL/0/3

931 HBC/0/25

932 Inspector's Note: HBC/0/25 (Order Amendments) was produced in response to the concerns of objectors and a question from the Assistant Inspector and, although available for testing through cross-examination, I allowed The Alliance (with the agreement of the Promoter) to rebut it with a supplementary proof of evidence (ALL/3/5Sup) whose author was not available for cross-examination.

933 ALL/3/5Sup

934 ALL1/1P paragraph 4.3

Matter b: PPS1

8.9.29 The Project does not comply with PPS1, notably the first two key principles set out in paragraph 13 and the sustainable development advice in paragraphs 14-26⁹³⁵.

Matter c: PPG2 (Green Belt)

8.9.30 Because the need for the Project has not been made out there can be no exceptional circumstances that would justify the proposed bridge over-flying the Green Belt and thus reducing its openness.

Matter e: PPS9 (Biodiversity & Geology)

8.9.31 The Project conflicts with the provisions of PPS9 for the reasons set out in paragraphs 8.9.13-19.

Matter f: PPG13 (Transport)

8.9.32 The Project conflicts with the provisions of PPG13 insofar as it would not reduce the need to travel.

Matter g: PPG15 & PPG16 (Heritage & Archaeology)

8.9.33 The setting of both the SJB and the adjacent Aethelflaeda railway bridge would be adversely affected by the proposed bridge, which would overwhelm them in scale.

Matter h: PPS23 & PPS24 (Pollution & Noise etc)

8.9.34 The Project would pay little regard to the 'precautionary principle' and whilst national minimum standards might be met, there is a good case for greater protection against noise and emissions to air.

Matter i: Conditions

8.9.35 Albeit in the context of the TWA Order, conditions are addressed at paragraph 8.9.22 and many of these would be applicable to the called-in applications.

Matter j: Other Relevant Matters

8.9.36 It is regrettable that the Promoter has not given more consideration to climate change issues and that there has not been more scope to test such matters.

Conclusion

8.9.37 This Project does not offer 'a bridge to prosperity' as it has been represented thus far. It would be a 'bridge too far' and should not be consented.

935 ALL/1/1P paragraphs 4.4-4.6

Response of Halton Borough Council

8.9.38 There is no substance to the objections from The Alliance and, save for the contributions to conditions on planning permissions over which decision-makers will exercise discretion, the objections should otherwise be discounted.

DfT Matters

Matter 1: Need

8.9.39 There is an identified need which arises from the problems faced, including the shortcomings of the existing transport network, deprivation and worklessness, and a degraded physical environment. Congestion of the SJB would be relieved, tolls would be effective and their likely range is clear, accessibility would be greatly improved, local air quality would be improved in places and not seriously worsened elsewhere, and regional climate change targets would be met. The Project would deliver each of the identified objectives and thereby address these needs⁹³⁶.

Matter 2: Justification

8.9.40 Appraisal of the Project's *do minimum* implications conforms with Government Guidance in the form of WebTAG and The Alliance's assertion to the contrary is based upon a narrow interpretation of the guidance. As a transport-specific tool, WebTAG is more appropriate than the Treasury Green Book. The STS is still being developed and its precise relationship with the Project must await appropriate consenting and concessionary negotiations⁹³⁷.

8.9.41 As regards the direct impact of time savings, the model used is not a conventional one, but is a fully specified variable demand model consistent with DfT advice. The reliability of time savings as a measure of direct impact have not been over-estimated and all evaluations of traffic costs and benefits have been undertaken with strict regard to current DfT guidelines. That 98% of net benefits of the Project would accrue after 2030 ignores the wider picture; the benefits accrue before 2030 in the proportions of 31% for time savings and 45% for vehicle operating costs.

8.9.42 A LUTI model would be inappropriate as there is an established pattern of cross-river traffic and the Project would not increase traffic characteristics above the *do minimum* scenario levels. The NPV, like the CBA, is subject to DfT approval and the Promoter has no discretion about the methodology used. Moreover, sensitivity tests are consistent with WebTAG guidance⁹³⁸. It is accepted that Social Distribution Analysis would be helpful in identifying the scope for mitigating the effects of tolls on lower income households. Social Distribution Analysis would be undertaken as part of the development of the STS, but the STS has not been modelled as it has only recently been approved and that does affect the results in the AST. However, there is no case for recalibrating the BCR sensitivity test. The BCR is sound and complies with DfT guidance. And as to the NATA Refresh BCR,

936 HBC/2/1P paragraph 14.3 & HBC/2/2A

937 HBC/8/9R

938 HBC/8/10R

it would be 1.77 and well within the medium value for money range⁹³⁹.

8.9.43 Conversion of time savings into non-transport impacts (eg potential regeneration) is supported by the Liverpool City Region Development Plan and by the North West Regional Development Agency who support the Project for the improvement in access which it would afford to strategic sites. The estimates of wider economic benefits are cautious, but reasonable and robust, based on DfT guidance where appropriate. The definition of regeneration areas is broadly in line with WebTAG guidance, as is the conservative prediction of benefits to them. It is possible that the benefits might be less than predicted. But the estimate is prudent and reasonable; and the benefits might actually be greater⁹⁴⁰.

8.9.44 Time savings would result in regeneration benefits and the potential contribution of the Project has been widely recognised in the region because it would improve access to a number of strategic sites. Criticisms of the WEIR are unfounded and references to the Thames Gateway IR's comments on business surveys need to be seen in context; the TG surveys involved very much smaller populations than the MG ones. Regeneration Areas (RAs) have been properly defined with regard to WebTAG advice and have been acknowledged by DfT in the past; and as for the Project's benefits for RAs, they have also been properly identified in line with WebTAG advice. Finally, the overall balance between costs and benefits inevitably involves a degree of uncertainty and that is why a spread of 986-1849 net jobs is predicated⁹⁴¹.

Matters 3 & 4: Physical Impact

8.9.45 The noise implications of the Project are addressed in detail elsewhere. However, the effects would be beneficial in that more properties would experience a reduction in noise levels than would experience an increase, the reductions would be beneficial and the increases would be imperceptible⁹⁴².

8.9.46 The effect on air quality would be beneficial⁹⁴³ in that more properties would experience a reduction in pollutants with the Project than would suffer an increase and those who would experience an increase would remain well below air quality objectives⁹⁴⁴. And in terms of climate change, CO₂ emissions would also be materially reduced by the impact of the Project.

8.9.47 The study area for emissions includes roads in Runcorn, Widnes, Warrington and Great Sankey, but comprises a smaller network than that covered by the TUBA model which provides the 60 Year Appraisal of greenhouse gas emissions⁹⁴⁵. The Project would produce an improvement in CO₂ emissions for the smaller studied (DMRB) area and approximately 68% of the improvement over a wider (TUBA) area in 2015⁹⁴⁶. CO₂ levels with

939 HBC/8/13R

940 HBC/9/7R

941 HBC/9/7R

942 HBC/12/1P & HBC/12/2A

943 HBC/11/1P & HBC/11/2A

944 HBC/11/2A

945 HBC/11/10N

946 XX Brown by Buchan & XX Buchan by Straker, Day 13

and without the Project have been assessed and show a 13,666 tonnes per annum reduction in CO₂ compared with the *do minimum* at 2015 and an 8,288 tonnes CO₂ reduction at 2030⁹⁴⁷. There might be some localised increases in pollutants with the Project compared with *do minimum*, but they would not breach Objectives and would be more than outweighed by the more widespread reduction in pollutant levels elsewhere.

8.9.48 Regarding the River Mersey, there would be no risk of flooding⁹⁴⁸ and the Environment Agency has withdrawn its objection to the Project⁹⁴⁹. Furthermore, the hydrodynamic and geomorphological regimes of the Mersey Estuary would not be compromised by the Project⁹⁵⁰. And any disturbance of contamination from tower construction would be minor and could be adequately contained by mitigation measures⁹⁵¹. As regards contamination more generally, its very existence presents a threat to sustainable development. But a full risk assessment has been undertaken and the Project is the means by which remediation could take place for at least part of the Borough, employing mitigation measures which represent the Best Practical Techniques⁹⁵².

8.9.49 As for water quality, there would be no adverse effect and there would be benefits by closing off pathways of pollutants or run-off from certain roads⁹⁵³.

Matter 5: SPA & Ramsar Site

8.9.50 The SPA and the Ramsar site are downstream of the Silver Jubilee Bridge, but the Project would be upstream and would have no significant effect upon them that could not be addressed by suitable mitigation⁹⁵⁴.

Matter 6: Other Impacts

8.9.51 HGVs may or may not avoid the M6 Toll Road, but the circumstances of the Project are different and each tolling regime must be considered in terms of its own costs and benefits. It is significant that the Project enjoys the support of local hauliers⁹⁵⁵.

Matter 7: Mitigation Measures

8.9.52 The proposed mitigation measures are extensive and comprehensive as the design of the Project and the suggested conditions confirm.

947 HBC/11/2A Appendix 2 Table 12

948 HBC/13/1P paragraphs 5.2.3-4 and 5.2.13;

949 Party No 001 & HBC/0/32 tab 43

950 HBC/13/1P paragraph 8.1.5

951 HBC/16/2A Appendix 7

952 HBC/17/4R & HBC/17/2A Appendix 22 pages 2 & 3

953 HBC/17/1P Section 7

954 HBC/13/2A Appendix 3 & HBC/18/2A Appendix 9

955 HBC/0/10/37

Matter 8: Conditions

8.9.53 Most of the concerns of the Alliance are adequately addressed by the suggested conditions. No flooding condition is required because no exacerbation of flooding is envisaged as a consequence of the Project and the Environment Agency is unconcerned. No condition is required for the protection of otters as none have been discovered in the Upper Mersey estuary⁹⁵⁶.

Matter 9: Funding

8.9.54 The Project can be adequately funded through toll revenues and PFI Credits, as required by Government⁹⁵⁷. Whilst funding details are matters of commercial confidentiality at this stage the evidence on funding is not significantly challenged⁹⁵⁸.

Matter 10: Tolls

8.9.55 There are no specific proposals for toll discounts and only toll ranges are proposed because discount schemes could only be defined in concert with a concessionaire. However, a *low toll* test was used as a proxy for traffic and air quality assessments. Improvements to the SJB have been included in the capital cost of the Project and would be a requirement irrespective of toll levels, as would the annual financial commitment to supporting the STS⁹⁵⁹.

8.9.56 Tolling only the SJB would not provide the potential benefits and specifically not the seven objectives of the Project. Moreover, there must be very real questions about public acceptability of the notion, given that users would receive no perceivable benefit as a consequence of the imposition of a toll. It is conceded that no modelling of this alternative was undertaken, but it was considered as an alternative to the Project⁹⁶⁰ when the possibility was considered and discounted, not least because of the rôle of the SJB in the local and regional highway network and because of the already intensive maintenance régime⁹⁶¹.

Matter 14: Adequacy of the Environmental Statement

8.9.57 As regards the adequacy of the ES, it comprises only one element of the environmental information needed to reach decisions at the end of the day. The timing of its preparation was appropriate, namely before the planning applications were made. Alternatives are considered in Chapter 5 of the ES and comply with EIA requirements as set out in European Directive 2001/42/EC, while environmental effects and their significance are considered throughout the ES. A Strategic Environmental Assessment (SEA) is not required for a project, only for plans and programmes⁹⁶².

956 HBC/0/34

957 HBC/4/1P Section 2.1

958 HBC/4/1P Section 3.2

959 HBC/2/10R

960 CD/14 Appendix 5, alternatives 5.6.7

961 HBC/8/12R

962 HBC/0/9

8.9.58 As regards Appropriate Assessment (AA), that is also a matter for the decision-makers, as required by EU Directives 79/409 and 92/43, incorporated into UK law by the Conservation (Natural Habitats etc) Regulations 1994. An AA is only required where a significant effect on a European Site is likely. The Mersey Estuary SPA is located downstream of the Runcorn Gap to the west of the SJB and it is a European Site. No significant effect upon it is predicted as a consequence of the extensive surveys, studies and assessment undertaken. But on a precautionary basis, a *shadow* AA has been undertaken which confirms that with appropriate mitigation, the integrity of the protected site would not be threatened. So if the decision-makers were to decide that an AA were required, there would be sufficient information to undertake such an exercise⁹⁶³.

Matter 15: Substantial Changes to Orders

8.9.59 Changes to the Orders since made or drafted have resulted from discussions with the policy arms of DfT, objectors and others, and they have emerged during the Inquiries. They are not substantial, but are sufficient and necessary, and do not require further publication. So far as the change to discounting is concerned, it amounts to no more than a clarification of the drafted provisions⁹⁶⁴.

CLG Matters

a. Development Plan

8.9.60 The Project finds support in the RSS. Policy RT10 adopts a criteria-based approach to the provision of transportation and the Project enjoys a good fit with the criteria. There is no significant conflict with any other RSS policies and to the extent that there might be, mitigation would overcome it⁹⁶⁵.

b. PPS1

8.9.61 The elements of PPS1 highlighted by The Alliance generally relate to plan-making as opposed to development control functions, but the Project complies with the four aims of PPS1 for sustainable development, including regeneration and economic development as an element of a Sustainable Transport Strategy. Furthermore, the Project responds positively to the aims of the Supplement to PPS1, inasmuch as it would form part of a sustainable transport network which would reduce the overall need to travel, especially by car⁹⁶⁶.

c. PPG2

8.9.62 It is conceded that the Project would be inappropriate development and that there would be harm, albeit limited, to the openness of the Green Belt. But there is no practical alternative to a route which overflies the Green Belt at Wigg Island, there is compliance with the development plan as a whole and the Project would bring social and economic benefits.

963 HBC/0/9, HBC/14/1P Section 11 & CD/14 Section 10.23

964 HBC/0/25

965 HBC/3/1P, paragraph 6.7 & 15

966 HBC/3/1P, paragraphs 9.11-9.13

These therefore constitute the very special circumstances necessary to overcome the strong presumption against inappropriate development in the Green Belt⁹⁶⁷.

e. PPS9

8.9.63 Internationally and nationally important sites are nearby, including the SPA, the European marine Site, the Ramsar site and the SSSI. But the Project is upstream of these sites and would have no significant effect upon them that could not be addressed by suitable mitigation. There is therefore no conflict with PPS9⁹⁶⁸.

f. PPG13

8.9.64 There are transport benefits associated with the Project. It would promote sustainable transport choices and, having regard to the associated Sustainable Transport Strategy, would reduce the need to travel, in accordance with the aims of PPG13⁹⁶⁹.

g. PPG15

8.9.65 The Project is in accord with the advice in PPG15. There are very many cultural heritage resources within its sphere of influence, none of which would be adversely affected to any significant extent. Specifically, there would be no adverse impact on the Silver Jubilee Bridge as a result of the carriageway works or any effect upon the setting of the Aethelflaeda railway bridge⁹⁷⁰.

h. PPS23 & PPS24

8.9.66 Subject to appropriate mitigation, the advice in these Planning Policy Statements is appropriately observed by the Project⁹⁷¹.

i. Conditions

8.9.67 Comprehensive conditions are offered which pay full regard to the advice in Circular 11/95, but decision-makers have the discretion to consider any variations or additions⁹⁷².

j. Other Relevant Matters

8.9.68 Climate change issues have been fully addressed in relation to the Project⁹⁷³.

967 HBC/3/1P paragraphs 8.16 – 8.19

968 CD/14 Chapters 7, 10 & 11

969 HBC/2/1P Section 10.2 & and HBC/3/1P paragraphs 6.34 & 35

970 HBC/0/50, HBC/0/39, HBC/0/39A, HBC/0/31, HBC/7/1P paragraphs 16.28-30, HBC/7/2A & CD/14 Chapter 13

971 HBC/12/1P & HBC/17/1P

972 HBC/0/7C

973 HBC/8/1P & HBC/11/1P

8.10 Mr Mark McLaughlin [Party No 3]

8.10.1 Mr McLaughlin lives on the Halton Lodge estate, immediately to the west of the Central Expressway about 300 metres north of the Lodge Lane junction.

8.10.2 The project should not be consented, primarily because of the effects of noise and air pollution on residents living close to the Central Expressway. The noise and air quality forecasts are based on models that, by the time the proposed new bridge is opened may well be outmoded. The forecasts for the Project should be based on the Dutch model that will soon be compulsory for all EU states⁹⁷⁴.

8.10.3 Because of the bowl topography, pollution levels on the Hallwood Park Estate would be raised significantly and would be likely to cause major health problems. The design and materials of the houses on the Halton Lodge Estate would make them particularly susceptible to noise from the increased traffic⁹⁷⁵. If the Project were to go ahead, the quietest possible road surfacing should be used; for example, that used on the M6 Toll Road, which reduces noise by as much as 6db(A). Sound proofing should be provided to the residents of affected estates.

8.10.4 The Project would result in substantial increases in traffic through the most densely populated areas of Runcorn, whose residents already suffer from some of the highest levels of lung disease in the country. Some estates (Hallwood Park for instance) are in a bowl, where toxic and heavy-metal chemicals would gather and have a serious effect on residents' health. Running more traffic through Runcorn would have a severe effect on the town. No residents who live alongside the Central Expressway want this increase in traffic.

8.10.5 The site on which the proposed bridge would be built is contaminated with unknown quantities of contamination, due to leaks from World War One munitions factories. These hazards could become airborne on excavation.

8.10.6 By comparison with Alderley Edge, where a £51 million bypass to prevent some 25,000 vehicles per day passing by homes has recently been approved, the Project would result in far more vehicles passing close to homes and in an increase in the number of commercial vehicles carrying chemicals, inflammable material and toxins.

8.10.7 There is no need to re-build an already fully-functioning road network passing through an area with thousands of homes in it. An orbital route to the proposed new bridge, in the form of the Weston Point, Bridgewater and Daresbury Expressways, is already in place. These routes pass through less inhabited areas and would be safer and more suitable.

8.10.8 Alternative means of reducing traffic on the Silver Jubilee Bridge should be employed; for example:

974 Party 3 E-mail to Evans, Sian (Planning Inspectorate), 25 November 2008, sent at 13:41
975 MM/0/1P

- limiting traffic on Mondays to those vehicles with odd registration numbers and on Tuesdays to those with even numbers (as was done for the Beijing Olympics);
- directing traffic destined for Liverpool from Wales through the Mersey Tunnels and from Manchester and the M6 along the M62.

8.10.9 A spillage resulting in a 12-hour closure of the Central Expressway, illustrated the potential chaos that could result from using this road as the main access to the proposed new bridge.

8.10.10 The financial failure of other PFI schemes suggests that there must be a risk of either the Promoter or the Government having to pay the full cost of the Project. Financial predictions by the IMF cast doubt on the UK Government's guarantee of funding.

8.10.11 There is no reason why local residents, who have used the Silver Jubilee Bridge free of charge since it was built, should now be penalised by having to pay tolls. This would cut Halton in half and have a seriously adverse effect on the social aspects of life in the Borough.

8.10.12 The Lodge Lane Junction is well known for accidents, possibly due to the bend leading from the Central Expressway to the Weston Link. This bend would still be very sharp and the traffic increase would lead to a rise in accidents.

8.10.13 There is no hard evidence to show that regeneration would succeed.

8.10.14 While fully informing people from outside the area, the Promoter has failed adequately to inform those who would be most affected by the Project. Residents find it difficult to visualise how the modified Central Expressway would appear and the Promoter has given them little help in this regard⁹⁷⁶.

Response of Halton Borough Council

8.10.15 The objections are unfounded.

8.10.16 The *Dutch* model is *Harmonoise*, a noise prediction method and not a noise assessment method. Noise assessment for the Project was carried out in accordance with the principles of CRTN (*Calculation of Road Traffic Noise*⁹⁷⁷), which is the standard method used in the UK. The method considers only outdoor sound propagation and does not take into consideration the characteristics of any building (eg internal layout and wall material)⁹⁷⁸.

976 MM/0/5

977 CD/191

978 HBC/12/4R, HBC/12/1P paragraphs 6.17-6.27 & HBC/12/2A Appendix A

8.10.17 Both in 2015 and 2030, the Project would result in an insignificant increase in noise levels (about 3db(A)) around the houses on Halton Lodge Estate⁹⁷⁹. Noise barriers (and parapet walls on elevated sections such as bridges) would be constructed alongside the Central Expressway to minimise the impact due to the traffic noise⁹⁸⁰.

8.10.18 An impervious bituminous road surface has been assumed in the noise model which is the quieter of the two commonly used options. Whilst there are quieter options, they rapidly degenerate and lose their noise attenuating properties, requiring frequent resurfacing to maintain the noise reduction. In this situation, it would be preferable to use barriers to reduce noise as once they are installed they would provide a relatively permanent benefit.

8.10.19 As far as vibration is concerned, as is made clear in the DMRB, beyond 40 metres from the source, or where buildings are screened from the source, it is extremely unlikely that there would be any vibration impact through airborne or ground-borne transmission. The levels of vibration that could arise from road traffic due to the Project are therefore extremely unlikely to cause damage to buildings. There is thus no reason to believe that the concerns would arise. Any offer of insulation would be subject to the criteria clearly identified in the Noise Insulation Regulations 1975⁹⁸¹.

8.10.20 The topography of the area varies but is not considered to be significant enough to warrant a detailed consideration of the effects of terrain. Comparisons of modelling and monitoring results in this area confirm that the approach is acceptable for determining the effects of the Project on air quality concentrations. Real time analysers have already been installed by the Promoter. Quantities of NO₂ and PM₁₀ would be monitored, both during construction and once the Project was operational⁹⁸².

8.10.21 Throughout the construction phase, contaminated material and wastes would be removed. Enforceable planning conditions would be imposed, which would require a Construction Environmental Management Plan (CEMP) and a Construction Transport Management Plan (CTMP) to be submitted and agreed with the local planning authority⁹⁸³. These are incorporated into the proposed Code of Practice for Environmental Management (COPE)⁹⁸⁴. This would ensure that relevant air quality objectives were not breached. The risk of exposing local residents to contaminants would therefore be low.

8.10.22 The suggestion that the Weston Point, Bridgewater and Daresbury Expressways should be used for bridge-related traffic rather than the Central Expressway is addressed in paragraphs 8.7.18-19, the Alderley Edge Bypass in paragraph 8.7.20 and network resilience in paragraphs 5.4.34-36. Signage on the M6 is a matter for the Highways Agency but is not significant

979 HBC/12/2a Figures A.7 and A.8

980 HBC/12/2A Figure A.2

981 CD/174

982 HBC/11/4R

983 CD/302

984 CD/291

as a factor in determining the case for the Project. It is however significant that all relevant emergency services have indicated their support for the Project.

8.10.23 As explained in paragraphs 5.5.6 & 7, the Project would be financially viable. And as explained in paragraph 5.5.12, the Project could proceed only as a tolled bridge. Clearly, there would be disadvantages for some in charging for use of the Silver Jubilee Bridge but, as explained in paragraph 5.5.9 & 10, these would be far outweighed by the economic and social benefits.

8.10.24 In the 7 years 2000–2006, there have been 20 personal injury accidents recorded at the Lodge Lane Junction⁹⁸⁵. This concentration is typical of junctions generally on the expressway system. The accident record shows there were more accidents relating to weaving manoeuvres involving changing lanes and misjudgements than relating to the tight bends. In addition to improving the horizontal alignment radii, the proposed layout would also improve the existing situation by separating local traffic from through traffic early and applying current design standards to the merging and diverging layouts⁹⁸⁶. This suggests that the number of accidents would reduce.

8.10.25 The evidence that the Project would result in considerable regeneration can be found in paragraphs 5.4.14-23 and as described in Section 5.15, consultation with residents has been extensive. Cross-sections of highway proposals were made available in the Design and Access Statement⁹⁸⁷ and in the Environmental Statement⁹⁸⁸. These are engineering cross-sections and should have been perfectly adequate to provide a visualisation of the proposals. More detailed drawings and cross-sections⁹⁸⁹ of the Lodge Lane Junction were produced as part of the additional Orders Exhibition in the Halton Lodge area on 1 July 2008.

8.11 Mrs Lynne McCarrick⁹⁹⁰ [Party No 143]

8.11.1 Mrs McCarrick lives on the Beechwood estate and her home backs onto the west-bound slip of the Southern Expressway at the Lodge Lane Junction. There is no overall objection to the Project and it may bring some benefits for the local community, but there is concern about additional traffic being directed down the Central Expressway through the centre of Runcorn.

8.11.2 Bridge-bound traffic could follow existing routes around the residential areas by using the Weston Point, Bridgewater and Daresbury Expressways⁹⁹¹. Unlike many other communities, Runcorn has had the benefit of an intelligently considered, all-encompassing plan, based on socially responsible principles. The expressway network is in place and has worked well for some 40 years. The Central and Southern Expressways, which were provided for local traffic, have helped to avoid over-use of

985 HBC/5/4R Table page 2

986 HBC/5/4R paragraphs 2.6 & 2.7

987 CD/7 Volume 2, Supplementary Annex (Illustrations)

988 CD/14

989 HBC/5/4R Appendix 3

990 LM/0/0/1P

991 See HBC/2/12R Appendix 1

domestic streets and helped to preserve the safety, character and peace of the domestic surroundings. They also link to the outer-ring expressways, which were provided for through-traffic, as an efficient way to take many to and from employment and to reach the motorway network. Following the Central Expressway would not avoid residential property.

8.11.3 A major cause of the heavy congestion on the expressways is the fact that signs direct traffic Liverpool-bound on the M6 to the M56 rather than the M62. It would be wrong for the people of Runcorn to have to pay for the price of this by unnecessary traffic being routed through the town centre.

8.11.4 Proposals and desired outcomes are not always reflected in results and this phenomenon is known as the *network paradox*. As a result of accidents and other incidents, traffic on the Central Expressway would negate the objectives of improving local air quality and enhancing the general urban environment by maintaining free flow traffic conditions. Increased traffic flows on the Central Expressway would result in increased air and noise pollution, for which inadequate mitigation measures have been proposed.

8.11.5 To permanently block access at various points and remove portions of the infrastructure of the central road would be unacceptable. The provision of service roads alongside the main Central Expressway carriageway would not make the Project acceptable and reduction of the main carriageway from six lanes to four would cause congestion. The proposal to move and re-orientate portions of a bus-way at the cost of a footbridge linking living areas would have both economic and social costs. The proposed noise fencing for houses on the Beechwood estate backing onto the Southern Expressway would block the emergency egress from the estate and would be susceptible to fly-tipping.

8.11.6 There is already too much noise from the Southern Expressway. Although the proposal to create a Junction 11a on the M56 and bring traffic along the Southern Expressway to join the Central Expressway has now been abandoned, there are fears that it remains a hidden agenda.

8.11.7 Finally, there have been flaws in communications with residents.

Response of Halton Borough Council

8.11.8 The objections are unfounded.

8.11.9 Alternative solutions, such as use of the Weston Point and Daresbury Expressways have been considered but they would not on their own, or in combination, achieve the objectives of the Project⁹⁹². Use of these alternative expressways would increase carbon emissions and reduce the Project's value for money, as addressed in paragraphs 8.5.17 & 18. The number of properties within 200 metres of the carriageway centreline using the alternative route to the M56 via the Weston Point Expressway is only slightly lower than that involved in using the Central Expressway⁹⁹³.

992 CD/24

993 HBC/2/12R Appendix 4

8.11.10 Signage on the M6 is a matter for the Highways Agency but the assertion that traffic over the Mersey in Halton could be reduced significantly by signing is unrealistic, as addressed in paragraph 8.5.24.

8.11.11 The theoretical possibility of the road network paradox (also known as Braess's Paradox) arising is accepted, but standard transport modelling tools as used for the Project (eg SATURN) take full account of this possibility. If it occurred, the effect would have no significance because of the high overall road user benefits of the Project⁹⁹⁴.

8.11.12 The Project would result in considerable noise benefits for large areas. Whilst some areas would experience increases, these would be small and would be less than the minimum change detectable by the average person⁹⁹⁵.

8.11.13 With regard to the noise fencing adjacent to the Beechwood estate and the possibility of fly-tipping, such fences need to be as near the road as possible (consistent with maintaining sight lines) for maximum effect. Emergency access to the Southern Expressway through the proposed *noise* fencing would be maintained, the precise arrangements being subject to approval by the local planning authority⁹⁹⁶.

8.11.14 Predicted results from air quality modelling show that, although NO₂ and PM₁₀ concentrations would increase slightly at properties along the Central Expressway, the effect would not be significant and would be well below the Government's Air Quality Strategy Objectives.

8.11.15 The proposed modifications to the Central Expressway were introduced in 2007 in response to objections and consultation.

8.11.16 There are no plans to create a Junction 11a on the M56 and creation of such a junction does not form part of the Project.

8.11.17 Consultation with residents has been extensive, as explained in Section 5.15.

994 HBC/8/8R, paragraphs 4 12

995 HBC/12/8R

996 HBC/0/7C Central Expressway Condition No 31

OBJECTIONS NOT PURSUED AT THE INQUIRIES⁹⁹⁷
8.12 Mr Ronald Churchill [Party No 130]

8.12.1 Mr Churchill lives in the Halton Lodge area of Runcorn and his home backs onto the Lodge Lane Junction, close to an existing slip road. The impact of increased traffic using the modified junction in terms of noise, vibration and air quality, would be unacceptable⁹⁹⁸.

8.12.2 When a large lorry exits the slip road it is possible to hear the vehicle and to feel the vibration, especially at night. With higher traffic levels and the height of the slip road being increased by two metres, there would be an increase in noise and vibration at the property.

8.12.3 Poor air quality in the area is already affecting residents' health and the Project would worsen this situation. Increased noise and dust would prevent children's use of the gardens to play in.

8.12.4 Further support in addition to noise barriers should be offered to the affected residents. The prospect of the Project is already having an effect on house prices in Fenwick Lane and compulsory purchase should be considered by the Promoter.

Response of Halton Borough Council

8.12.5 The objection lacks substance.

8.12.6 The changes in the Lodge Lane Junction geometry would result in the rear face of the property being 25.4m from the nearest edge of the slip road running lane and 45m from the main carriageway. Although traffic on the main carriageway would increase from about 18,000 to 44,000 vehicles over a typical weekday, the Project would result in a reduction in vehicles using the slip road, which would carry only local traffic from the Weston Link bound for the Halton Lea roundabout. The increase in noise at the property would be only about 2dB(A), which would not be perceptible to the average person so that the property would be unlikely to qualify for noise insulation under the regulations⁹⁹⁹. The elevated road would not result in increased vibration; indeed, the reduced traffic flows on the slip road would result in reduced vibration¹⁰⁰⁰.

8.12.7 Monitoring suggests that air quality in the area is good. Although there would be a large increase in traffic flows on the main carriageway, this would result in only a small increase in air pollution in this area generally and, because the carriageway would be much further away from the Fenwick Lane properties, any change at the objector's property would be marginal. Concentrations of NO₂ and PM₁₀ would remain well below the Government's Air Quality Objectives and there need be no additional inhibition on children playing in gardens¹⁰⁰¹.

997 Inspector's Note: These objectors planned to appear at the Inquiries and as a consequence HBC prepared rebuttals, but they did not appear.

998 RC/0/1WR, RC/0/2

999 CD/174

1000 HBC/12/11R

1001 HBC/11/11R

8.12.8 Although there could be some adverse noise impact during construction, the noise barriers would be erected early in this phase, and both noise and vibration would be subject to control measures imposed as a planning condition. As far as possible, dust would be minimised by mitigation under the Construction Management and Transport Plans; the monitoring site locations are likely to include both the Lodge Lane Junction and Fenwick Lane¹⁰⁰².

8.13 Councillor Dr Jo Crotty [Party No 540]

8.13.1 Dr Crotty is a Warrington Borough Councillor but objects as a private individual. Traffic would be diverted through Warrington as a result of tolls being imposed on Mersey Gateway crossings and that would be unacceptable¹⁰⁰³.

8.13.2 Warrington is currently the nearest place geographically to Halton to cross the River Mersey by road. The two Warrington crossings are already saturated at peak times. As the Promoter's own traffic model shows, a high proportion of the 8,500 journeys per day dissipated through the wider North West would divert through Warrington as a result of the tolls. Warrington traffic would increase by 4% with a £1.40 toll or by 9% if it were set at £3.25. Although the Warrington and Halton Borough Councils are jointly committed to addressing the predicted effects, the proposed arrangements are, at best, deficient and, at worst insufficient to mitigate the increased congestion because the location of all but one of the proposed park and ride sites have yet to be decided and the benefits of such a scheme have yet to be identified.

8.13.3 The Memorandum of Understanding covering such mitigation, as proposed by the Promoter, offers few guarantees to the Warrington Borough Council because:

- there is no guarantee that the central government funding, on which the Mersey Gateway Sustainable Transport Strategy depends, would be forthcoming;
- the routes of the buses proposed under that strategy have yet to be identified; and
- it offers no specific financial commitment to the proposed park-and-ride scheme.

8.13.4 It is not clear what alternatives to mitigate the impact on Warrington were considered by the Promoter or why they were rejected. Furthermore, as the cost of the Project is rising well above the £390 million originally projected, tolls would have to rise to pay for it, diverting more traffic and increasing congestion in Warrington. Indeed, the planned increase in tolls over the years would, by itself, increase congestion in Warrington.

8.13.5 The imposition of tolls would benefit only the money-rich and time-poor; it would disadvantage those Warrington residents who need to cross the river, for example those travelling from Great Sankey to Halton

1002 HBC/12/10R
1003 JC/0/1WR, JC/0/2

Hospital. Only without tolls could the proposed new crossing contribute to the economic prosperity of the North West, provide much-needed relief for the Thelwall Viaduct and build resilience into the road network. The Government should therefore fund the whole Project.

8.13.6 Consultation has been inadequate.

Response of Halton Borough Council

8.13.7 The objection is not well founded.

8.13.8 The 8,500 journeys would be only a small proportion of the 440,000+ crossing the Mersey between the Mersey Tunnels and the M6 Thelwall Viaduct¹⁰⁰⁴ and they would not be *dissipated through the wider North West*. The number of additional crossings through Warrington would be less than 200 vehicles in the peak hours with a £1.40 toll (ie about 3%) and around 300 at the higher toll level provided for in the proposed Orders (5%)¹⁰⁰⁵.

8.13.9 The Memorandum of Understanding (MOU) between Halton and Warrington Borough Councils¹⁰⁰⁶ is designed to address the concerns raised. The aim of the park and ride schemes would be to remove traffic from the routes of concern to Warrington Borough Council and compensate for any increase in traffic due to diversion caused by tolls. The two councils would work together to provide a package of mitigation packages where required. A list of specific measures and themes to be taken forward, which includes a park-and ride site at Daresbury, is included in the adopted Sustainable Transport Strategy¹⁰⁰⁷.

8.13.10 Warrington Borough Council has been involved in the development of the Project throughout, not least as a member of the Mersey Gateway Group, and would, under the MOU, continue through the procurement and operating phases of the Project. The consultation process has been open to Warrington residents¹⁰⁰⁸.

8.13.11 The view that the Project would provide benefits for the North West Region¹⁰⁰⁹ is endorsed by the Northwest Development Agency¹⁰¹⁰. Funding options avoiding tolls were included in negotiations with Department of Transport officials and Ministers but the Government has made it clear that it would support the Project only if it were based on tolls¹⁰¹¹.

1004 CD/197 Table 8.2

1005 HBC/8/1P paragraph 15.71 & HBC/8/2A Table 7.7

1006 HBC/2/16R Appendix 1

1007 CD/182 & HBC/2/16R, Section 3

1008 HBC/2/16R, paragraph 4.1

1009 HBC/9/1P

1010 HBC/1/2A Appendix 1

1011 HBC/2/18R Appendix 1

8.14 The Halton Business Group Against Tolls [Party No 503]

8.14.1 The Group comprises 17 businesses¹⁰¹². The proposed tolling and de-linking of the Silver Jubilee Bridge would be unacceptable because deprivation would be worsened; other options have not been fully explored and the tolling proposal has been obscure¹⁰¹³.

Alternative Funding

8.14.2 By eliminating the need for toll plazas and 7.4km (4.6 miles) of new road, road works could be limited to the Bridgewater and Widnes Loops Junctions and the extent of compulsory purchase reduced. Thus, the cost of the Project could be reduced substantially. The Silver Jubilee Bridge and associated road network should be left in place, modern traffic management techniques being used to ensure smooth traffic flows and reducing traffic in any one particular area, thus reducing overall costs and the need for tolling¹⁰¹⁴.

8.14.3 A free crossing would benefit the whole region. The original Silver Jubilee Bridge was financed not only by central government but also by the Cheshire and Lancashire County Councils. Were the regional authorities to contribute, the Project might be afforded without tolling. Other funding sources should have been investigated.

8.14.4 The Promoter has rightly acknowledged that *the absence of an alternative route would result in congestion over a wide area and cross-river travel difficulties would result in services being focused separately in Runcorn and Widnes*¹⁰¹⁵. De-linking the Silver Jubilee Bridge would remove such an alternative; in the event of an accident, maintenance, etc, the new bridge would then be without an alternative and congestion would result¹⁰¹⁶.

8.14.5 As conceded by the Promoter¹⁰¹⁷, tolling would inevitably limit access to families, hospitals and recreation facilities. Services would indeed have to be focused separately in both Widnes and Runcorn as many people would not be able to afford to cross the bridges¹⁰¹⁸.

8.14.6 Tolls would cost a typical business in the region of £31,000 per annum to cross the river. Costs of this magnitude would force some businesses to relocate further to the east where such costs would not be incurred¹⁰¹⁹.

8.14.7 The Cabinet Office Code of Good Practice¹⁰²⁰ has not been followed in that consultation with local businesses on tolling (in contrast to that with wider authorities) has been inadequate. The *Statement of*

1012 HBGAT/0/1WR Section 5

1013 HBGAT/0/1WR, page 3

1014 HBGAT/0/1WR, paragraph 2.2

1015 HBC/1/3S paragraph 4.4

1016 HBGAT/0/1WR, paragraph 2.3

1017 HBC/10/35 paragraph 12.16

1018 HBGAT paragraph 2.1

1019 HB GAT/0/1WR, page 12

1020 CD/8 paragraph 2.5 Criteria 1 and 2

*Community Involvement*¹⁰²¹ shows not only how few of the 120,000 people living in the Borough had Stated Preference Surveys issued to them but also illustrates the general opposition to tolling¹⁰²². Until recently, many local businesses were not aware of the tolling proposal and it is significant that the Halton Chamber of Commerce has not sent any letter of support to the Promoter on the tolling issue¹⁰²³.

8.14.8 If DfT requested that tolling should form only *part of the investigations in funding options*, consultation with businesses should have included the option of a toll-free Silver Jubilee Bridge.

Response of Halton Borough Council

8.14.9 The objections are unfounded.

8.14.10 The difference in cost between the tolled and un-tolled options would be only £20 million at 2006 prices. However, without tolls, significantly more traffic would be crossing the Mersey and thus using the approach roads, which would need to be redesigned to take the increased flows¹⁰²⁴. Although the expressways would have sufficient capacity, the current arrangements for traffic joining or leaving the Central Expressway over short distances would not be suitable for the predicted increase. As a result, parallel distributor roads would still have to be constructed between the existing slip roads at the Halton Brow and Halton Lea junctions to improve safety for all users of the Central Expressway¹⁰²⁵.

8.14.11 The Regional Funding Allocation (RFA) for transport schemes in the whole of the North West is only around £115 million per annum. At an estimated outturn cost of £604 million¹⁰²⁶, it would be unrealistic to expect the RFA to meet the full cost of the Project. However, the Project is being supported by the DfT, which means that toll prices can be set at lower levels than would otherwise be the case¹⁰²⁷.

8.14.12 The two bridges together would provide much improved network resilience than currently exists. The new bridge would provide two 3-lane carriageways, supported on separate decks, so an accident would affect traffic in only one direction. Were an accident to close one carriageway, there would still be road capacity available to maintain traffic flow across the two bridges¹⁰²⁸.

8.14.13 The cost of tolling would be offset by the reduction in congestion on the approaches to the Silver Jubilee Bridge and by improvements to public transport, walking and cycling facilitated by the Project. Other improvements would occur as a result of the Project; the Sustainable Transport Strategy and the Project itself would play a key role in the implementation of the Mersey Gateway Regeneration Strategy¹⁰²⁹.

1021 CD/8

1022 HBGAT/0/1WR Section 4

1023 HBGAT/0/1WR, Sections 3 and 4

1024 HBC/8/1P page 89 Table 15.1

1025 HBC/1/11R, Section 2

1026 HBC/2/1P Section 8.3 Table 8.1

1027 HBC/2/11R, Section 3

1028 HBC/1/4R, Section 2

1029 HBC/10/7R

8.14.14 It would be for individual businesses to decide whether to relocate but congestion on the Silver Jubilee Bridge is already a problem for local businesses. Without the Project, journeys would become more unreliable and journey times in the inter-peak period would increase, becoming similar to those currently experienced in the morning peak. Businesses would have the most to gain from the Project. Frequent user discounts would reduce the £31,000 costs quoted by the objector¹⁰³⁰.

8.14.15 Since DfT asked, in 2003, that tolling should form part of the investigation into funding options, the construction of a new bridge without funding support from tolling has never been an option and it would have been misleading to present a toll-free option for consultation.

8.14.16 The fact that both bridges would be tolled was included in the consultation leaflet¹⁰³¹ distributed to all households in the summer of 2007¹⁰³²
¹⁰³³.

8.15 Mrs Margaret Letherby [Party No 317]

8.15.1 The noise and air pollution effects of additional traffic on the Central Expressway would be unacceptable, as would the tolling proposals¹⁰³⁴.

8.15.2 The increase in traffic would result in a major increase in noise for those living adjacent to the Central Expressway, especially when the new Ineos Chlor incinerator (of which no account is taken in the traffic forecasts) is opened. One local school would suffer an increase in noise of 9dB(A). And in an area in which the residents already suffer from poor health, air pollution would be even higher.

8.15.3 As a result of the tolling, Widnes and Runcorn would be segregated even further. Many people would no longer be able to cross the river to go to work, for example.

8.15.4 In choosing the route to and from the proposed bridge, the interests of those living near the Central Expressway have been ignored. The increase in traffic on this road would result in communities being split and local journeys taking longer. Local roads would be cut off to stop short cuts.

8.15.5 As the responses to the questionnaire distributed in June 2007 illustrate, the residents are very concerned about the implications of a new Junction 11a being provided on the M56.

8.15.6 Considerable investment in facilities has been made in Widnes, where all the jobs would be created but, because of the lack of space, Runcorn would be at a huge disadvantage and businesses would close.

8.15.7 Because of the limitations of the M56 Junction 12, traffic would divert to the A56 using the Sutton Weaver swing bridge to get to Frodsham

1030 HBC/1/4R, Section 4

1031 HBC/2/11R Appendix 1

1032 HBC/2/11R, Section 4

1033 HBC/0/10 Letters of Support

1034 Party No 317 Letter to Halton Borough Council, dated 04.07.08 & attachments.

and Helsby. However, the swing bridge would be unable to take the additional traffic and chaos would result.

8.15.8 The proposals to modify and de-link the Silver Jubilee Bridge would result in major congestion should an accident occur on the new bridge.

8.15.9 Notwithstanding the issue of leaflets and holding of public exhibitions, consultation with local residents (especially those living near the Central Expressway) on these matters has been inadequate. In particular, they have been misinformed on changes to the Project made between the public exhibitions in July 2007 and April 2008¹⁰³⁵.

Response of Halton Borough Council

8.15.10 The objection is not substantiated¹⁰³⁶.

8.15.11 The responses in paragraphs 8.7.21 & 8.12.8 regarding noise apply equally to this objection, as does the response at paragraph 8.12.7 regarding air quality and at paragraph 8.8.9 regarding the Borough being split in two. So too does the response in paragraphs 8.7.18 & 19 regarding the choice of route and at paragraph 8.11.16 regarding a possible M56 Junction 11a.

8.15.12 The Business Relocation Strategy¹⁰³⁷ has been devised to help local businesses affected by the Project. The purchase of land and relocation of several of the affected businesses has already been negotiated.

8.15.13 The responses at paragraph 8.2.6 and 8.6.9 & 10 regarding the diversion of traffic away from the Halton crossings as a result of tolling apply equally to Mrs Letherby's objection, as does the response at paragraph 8.14.12 regarding reconfiguration of the Silver Jubilee Bridge.

8.15.14 As described at Section 5.15, consultation with residents has been extensive. The form signed by the objector¹⁰³⁸ in response to the leaflet *Setting the Record Straight*, enclosed with the Promoter's letter dated 17 October 2008¹⁰³⁹, and her own evidence suggest that residents were kept fully informed as the Project progressed.

1035 ML/0/1WR
1036 HBC/2/19R
1037 CD/128
1038 HBC/2/19R Appendix 1
1039 ML/0/1WR

OBJECTIONS PURSUED IN WRITING

8.16.1 A great many objections were made in writing, mainly by local residents, many of whom live or work in the immediate area of influence of the Project. All of the written objections have been considered, analysed¹⁰⁴⁰ and addressed in the HBC Case¹⁰⁴¹. None of the written objections is of sufficient force to undermine the need for the Project or find serious fault with its design or impact.

8.16.2 Some are statutory objections and are reported in Chapter 7; some of the non-statutory objections were to be pursued at the Inquiries and are reported above. Those which remain are now set out in relation to the relevant Matters, together with a summary the HBC response:

DfT Matters

Aims and Objectives of and Need for the Project

8.17.1 Disagreement on the need for the additional crossing; and
Traffic reduction measures would reduce any need.

Response of Halton Borough Council

8.17.2 The SJB is a locally and regionally important crossing that operates over or very close to its service capacity and the demands on the bridge are expected to increase. Consequently, serious disruption would be caused when it is unavailable. Public transport would not provide an adequate alternative to address the dispersed travel patterns and diverse needs of those who use the crossing. Nor would travel demand management adequately deal with the identified need and the pressures on the wider network^{1042 1043}. Nonetheless, the Project would improve the pedestrian, public transport and cycling provision in the Borough and is part of the Sustainable Transport Strategy for the area¹⁰⁴⁴.

Environmental Impacts

8.18.1 Increased noise, disturbance and vibration during and after construction;
Dust and reduced air quality during and after construction;
Traffic impacts extending beyond the areas studied in promoting the Project;
Contribution to climate change with resultant impacts;
Health effects in a locality with high levels of lung disease;
Risk of releasing contaminants including river sediment, ground

1040 DCC/15A, DCC/20 & DCC/23

1041 Chapter 5

1042 HBC/1/1P Section 5 including paragraph 5.3.4

1043 HBC/8/1P Section 5 through to Section 12

1044 HBC/8/1P Paragraph 14.10

gases, groundwater, materials from the former mustard gas factory on Randle Island and radioactive materials elsewhere;

Loss of trees and wildlife;

Changes to the behaviour and dynamics of the estuary;

Risk of an increase in the incidence of flooding; and

Visual impact of the construction works, the resulting structures and their effect on the character and appearance of the locality.

Response of Halton Borough Council

8.18.2 PPG24 offers little guidance in respect of the development of major transport infrastructure schemes, but does indicate that development should not cause an unacceptable degree of disturbance. Although noise, disturbance and vibration would increase as a result of the construction works, most notably in the vicinity of Wigg Island, there would be planning and other controls that would address these matters. There would also be an overall reduction in road traffic noise in some areas and roadside noise barriers would be provided in certain locations adjacent to the Central Expressway¹⁰⁴⁵.

8.18.3 An air quality assessment has been carried out for the construction and operational phases of the development. It has focused on the effects of pollutants associated with traffic flows, but also addresses the release of contaminated particles and dust which is most likely to occur during the construction phase. Mitigation measures are proposed to deal with this.

8.18.4 Traffic based pollutants would be reduced in the vicinity of the SJB and the Weston Point Expressway. This would support the Council's various commitments in respect of carbon dioxide emissions. In locations close to the Central Expressway where air quality would reduce, concentrations of pollutants would nonetheless meet the objectives within the latest national Air Quality Strategy^{1046 1047}.

8.18.5 Traffic forecasts indicate that average weekly traffic flows through Sutton Weaver would not increase as a result of the development proposed. Some traffic would divert to adjacent Mersey crossings, but this would result in only a minor intensification of the vehicle movements in these locations during peak travel periods¹⁰⁴⁸.

8.18.6 There is no statutory requirement to carry out a Health Impact Assessment (HIA). A rapid HIA (rHIA) has been undertaken and whilst it did not draw an overall conclusion on the net effect of the Project, recommendations were made to mitigate adverse and maximise beneficial health effects. The recommendations are compatible with those of the EIA

1045 HBC/12/1P Section 11

1046 HBC/11/1P

1047 HBC/17/1P

1048 HBC/8/1P Section 15

and the scope of planning conditions that could apply to the Project¹⁰⁴⁹.

8.18.7 Contamination has been identified on the saltmarshes, at the landfill on Wigg Island and on land elsewhere that would be the subject of the Project. Mitigation measures have been proposed for these areas. The proposals specifically address the potential release of contaminants during the construction phase, including those within the estuary¹⁰⁵⁰. Remediation would need to be given consideration both as part of the Project and a wider Council strategy to address existing issues within the locality. Mitigation and remediation measures would be secured through condition, which is consistent with Planning Policy Statement 23 – *Planning and Pollution Control*. Remediation proposals would be subject to approval by the Council and Environment Agency¹⁰⁵¹.

8.18.8 An assessment of the potential effect of the proposal on wildlife around the new crossing point indicates that habitat creation and management of specific saltmarsh areas would more than compensate for any reduction in bird numbers in this locality due to the proposal¹⁰⁵².

8.18.9 The Council and the Mersey Conservancy have agreed provisions in respect of the matters raised by the Acting Conservator for the Mersey. These have been inserted into the TWA Order as Part 4 of Schedule 10¹⁰⁵³.

8.18.10 Modelling that included the results of single high magnitude events has indicated that natural variation in the estuary is much greater than the change predicted to be induced by the bridge tower construction. While the behaviour and dynamics of the estuary are chaotic, there is no evidence that channels would become attached to the bridge towers. No significant adverse impacts on the system and the potential for flooding are predicted¹⁰⁵⁴.

8.18.11 There would be some visual impacts from the proposed development and where existing planting were replaced it would not screen all of the development that would occur. Some individuals may consider the proposed structures to be an intrusion in their view. However, every effort has been made to produce designs and planting schemes of a quality that would have moderate to highly positive effects in many vistas^{1055 1056}.

Biodiversity

8.19.1 Potential adverse effects of the proposals on protected species and protected sites.

1049 HBC/2/2A Appendix 1
 1050 CD/14 Chapter 14
 1051 HBC/17/1P Paragraph 9.95
 1052 HBC/14/1P Paragraph 12.9
 1053 HBC/0/52 Paragraph 4
 1054 HBC/13/1P
 1055 HBC/6/1P
 1056 HBC/7/1P

Response of Halton Borough Council

8.19.2 No protected species were detected in any of the saltmarsh surveys and no Priority Species were recorded. Outside the Upper Estuary there would be effects on protected species, but these can be mitigated to ensure no residual adverse effects¹⁰⁵⁷.

8.19.3 The proposed crossing would lie within the Upper Mersey Estuary which is identified as a Local Wildlife Site (LWS) but the effects on the Upper Mersey Estuary would be small and localised. Birds would mostly be affected during construction and this would therefore be temporary in nature. Following construction existing saltmarsh areas within 200m of the proposed bridge would have reduced value for ground nesting and other birds.

8.19.4 Areas designated as a Site of Special Scientific Interest, Ramsar and Special Protection Area (SPA) are downstream within the Middle Mersey Estuary. In accordance with Planning Policy Statement 9 *Biodiversity and Geological Conservation* (PPS9), the effects have been assessed. The bird populations in these designations do not use the Upper Mersey Estuary for feeding, roosting and any other purposes to a significant extent. Therefore, the proposal is not likely to adversely affect the integrity of the designated sites within the Middle Mersey Estuary¹⁰⁵⁸.

Alternatives

8.20.1 Alternative bridge location should be considered, which might support a single span crossing and alleviate many of the potential risks to the river system;

Reconfiguration should be on industrial land rather than residential;

Alternative routing of traffic could take advantage of the existing road network to filter motorway traffic and reduce social impacts; and

The Project is focused on car use rather than improved rail, bus and park and ride facilities.

Response of Halton Borough Council

8.20.2 Over a fifteen year period a number of solutions and alternatives have been considered by the Council and others for the provision of a new River Mersey crossing in Halton. Local ground conditions and land use led to a tunnel solution being discounted at an early stage. The potential above ground crossing locations considered were approximately 3km either side of the SJB. Alternatives were assessed in respect of amongst other things their traffic, economic, environmental and engineering effects, which concluded in a preferred option to the east of the SJB.

1057 HBC/15/1P
1058 HBC/14/1P

8.20.3 Gifford were appointed Project Manager and Lead Consultant in 2001. Subsequent work gave consideration to the crossing within the context of alternative routes and methods of reducing traffic demand on the SJB. At this stage a direct link was included to the strategic road network from possible routes to the east of the SJB. In 2003 the Council and the Mersey Crossing Group decided to proceed with a preferred upstream route.

8.20.4 Potential alternatives were reviewed for the Major Scheme Appraisal (MSA) carried out for the Department for Transport. These included the options put forward by the Mersey Conservancy. The MSA indicated that suggested alternatives would not provide the linkages to the strategic road network for vehicles travelling both east and west that would be supplied by the preferred upstream route. The Project's route was considered to be the most feasible¹⁰⁵⁹.

Effects of the Project and Mitigation

- 8.21.1 Traffic links to the SJB, network flexibility and de-linking the SJB;
 Increasing road capacity, traffic and sources of traffic in areas near to and away from the Project and associated highway safety;
 Physical division of the town and access to its communities;
 Effects on public transport, footpath, cycle and bridleway provision;
 Impact on the local economy;
 Loss of existing play and amenity areas;
 Falling property values; and
 Manchester Ship Canal retaining wall could be adversely affected.

Response of Halton Borough Council

8.21.2 Current proposals are for the de-linking of the SJB from the strategic road network in Widnes. De-linking on the Runcorn side is not essential for the Project and would be the subject of a future regeneration proposal and associated consultation¹⁰⁶⁰.

8.21.3 Existing congestion associated with the SJB increases when there are lane closures on the crossing with the resulting use of alternative network routes. Traffic analyses indicate that there would be adequate capacity within the Project and the provisions made for vehicles that would merge with and leave it. The additional capacity provided by the Project would off-set any increased traffic that would result from it¹⁰⁶¹.

8.21.4 Emergency services in the locality currently rely on the SJB to cross the river. Any incident that reduces or removes existing crossing

1059 HBC/2/1P Sections 5, 6 & 7
 1060 HBC/2/1P Paragraph 9.6.3
 1061 HBC/8/2A Appendices 7 & 10

capacity has the ability to undermine an emergency response¹⁰⁶².

8.21.5 The Project would improve the pedestrian, public transport and cycling provision in the Borough and is part of the Sustainable Transport Strategy for the area¹⁰⁶³.

8.21.6 The Project is expected to have a significant impact on inward investment to the Halton and the south Liverpool areas. At a sub-regional level no overall adverse effects on the retail sector are predicted. At a local level the effect of the proposal on retail activity is very difficult to determine, although there may be some diversion of trade between Runcorn and Widnes¹⁰⁶⁴.

8.21.7 Open space at St Michael's Golf Course would be lost, but the golf course has been closed since 2004 due to chronic ground contamination. The permanent loss of 2.4ha of land to the Project would not prevent the establishment of a reconfigured 18 hole golf course at a later date. Open space would also be lost in a number of other locations and some compensatory open space provision is proposed in one area as part of the works. Any loss that would result would have minimal harm to the objectives of open space provision and therefore would not conflict with the objectives of PPG17¹⁰⁶⁵. The design of the bridge seeks to minimise the physical and visual impacts on open space in that location¹⁰⁶⁶.

Economic Viability of the Project

8.22.1 Project cost would not be met by the proposed funding mechanisms resulting in tax payers footing the bill; and

Costing should include provision for unexpected ground contamination and associated incidents.

Response of Halton Borough Council

8.22.2 There remains an active market for tolled road and crossing PFI projects despite current economic conditions. The financial analysis suggests that the Project is capable of being successfully funded. Revenues would be sufficient to repay the debt of a privately funded project within the likely terms of such lending¹⁰⁶⁷.

Tolls

8.23.1 Tolls would divide Runcorn and Widnes and reduce movements across the river; and

Tolls would place an additional financial burden on local residents and the economy.

1062 HBC/8/1P Paragraph 11.20
 1063 HBC/8/1P Paragraph 14.10
 1064 HBC/9/1P paragraph 8.3.49
 1065 HBC/3/1P Sections 4 and 9
 1066 HBC/7/1P Section 16
 1067 HBC/4/1P

Response of Halton Borough Council

8.23.2 Tolls would be a new cost, but there is a framework in place to secure benefits. The Council has resolved to seek toll discounts for local residents and frequent users of the crossings. The improved public transport, cycling and walking links would make the use of alternatives to the car to cross the river more viable and consequently affordable. These together with the use of the SJB as a local crossing would provide the potential to unite the two sides of the Borough¹⁰⁶⁸.

8.23.3 The WEIR shows a net benefit to businesses and demonstrates net additional wider economic impacts from the Project¹⁰⁶⁹. The Project was considered within the context of the existing crossings and the study indicates that the Project would deliver significant regeneration benefits. The assessment considered the possibility of companies leaving the area. Businesses would contribute along with individuals toward the payment of tolls. Nonetheless, transport modelling indicates that financial costs to businesses would be outweighed by benefits for local people. Without tolling the Project would not be built and the benefits would not be realised¹⁰⁷⁰.

Adequacy of the Environmental Statement

8.24.1 Poor and one-sided public consultation;

Does not include a Habitat Regulations Assessment screening report in a coherent form; and

Inconclusive on the timing and distribution of the potential sedimentation and estuary channel effects and appears to give little consideration to finer sediments.

Response of Halton Borough Council

8.24.2 Many consultations on the potential scheme were undertaken between 2002 and 2008. These included general and focused contact with residents' groups, local authorities, business and other stakeholders. The planning applications and Orders were taken forward in tandem with a community involvement programme. The Environmental Statement was published in March 2008 with an Addendum in May 2008. The planning application process began in March 2008. Consultations would continue through the life of the Project¹⁰⁷¹.

8.24.3 The Habitats Directive is concerned with conservation rather than the assessment of environmental information, which is addressed by an Environmental Statement. The requirements of the Habitats Directive are described in evidence to the Inquiries¹⁰⁷².

1068 HBC/10/2A
 1069 CD/200
 1070 HBC/9/1P & HBC/9/2A
 1071 HBC/2/1P Section 8
 1072 HBC/0/14

8.24.4 The Council and the Mersey Conservancy have agreed provisions including those in relation to sediment movement and deposition. These have been inserted into the TWA Order as Part 4 of Schedule 10¹⁰⁷³.

CPOs, the Crown Estate and the Duchy of Lancaster

8.25.1 No objection in principle from either, but access to Duchy land for construction would only be permitted after terms had been agreed.

Response of Halton Borough Council

8.25.2 Freehold is required for bridge supports and permanent easement is needed under the line of the bridge. Mineral and marine rights would otherwise be unaffected. Given the ongoing negotiations between the Council and these parties, there is a reasonable prospect that consent would be secured for the acquisition of the land needed for the Project¹⁰⁷⁴.

Other Matters

8.26.1 Lack of detail in respect of the actual extent of development;
Health and safety aspects of construction works eg heavy plant movements; and
Project should employ a local workforce.

Response of Halton Borough Council

8.26.2 Health and safety aspects of construction work would be adequately safeguarded by the appropriate legislation and by suggested conditions on relative consents.

DCLG Matters

PPS1 and Supplement

8.27.1 Need to reduce carbon emissions and thus address climate change; and
Need to reduce the reliance on travelling by private car.

Response of Halton Borough Council

8.27.2 The Project is road-based development that also facilitates public transport, walking and cycling provision. Tolling is seen as a means of encouraging modal change and limiting traffic growth. Policy support within the adopted UDP (2005) and the recently published RSS (2008) was formulated and endorsed within the context of national policy in respect of sustainability. Therefore the principle of the Project has been developed and tested against policy within PPG13, PPS1 and the PPS1 Supplement: *Planning and Climate Change*¹⁰⁷⁵.

1073 HBC/0/52 Paragraph 4
1074 HBC/19/1P Paragraphs 3.08 & 9
1075 HBC/3/1P

PPG2

8.28.1 Harm to the Green Belt.

Response of Halton Borough Council

8.28.2 The Project works at Astmoor Saltmarsh/Wigg Island would represent inappropriate development within the Green Belt and that would be harmful. However, the development plan requires the provision of a new crossing during the plan period and the proposal reflects one of the options included within it. Furthermore the Project would bring many benefits and together, these amount to the very special circumstances necessary to outweigh the identified harm¹⁰⁷⁶.

1076 HBC/3/1P paragraphs 8.4-19

9 OTHER WRITTEN REPRESENTATIONS

Here follow the material points edited from Proofs of Evidence and Rebuttals (which may have been amended as a result of cross-examination), Oral Evidence, Documents, Core Documents and Written Representations, with appropriate cross-references:

9.1.1 Written representations also include comments that, strictly speaking, are neither objections to nor support for the Project. They are from statutory bodies, consultees, organisations and individuals with an interest in relevant issues and include:

English Heritage [Party No 5]

- The proposed bridge and the majority of the works would not affect the setting of any Grade I or II* listed buildings.
- The proposals on the SJB would not affect the settings of the nearby Aethelflaeda Rail Bridge or the Former Transportation Bridge Power House, which are Grade II* listed.
- The toll booths, lighting gantries and associated infrastructure in proposed Area A would affect the setting of the Church of St Michael (Grade II* listed) to a limited extent, but that could be mitigated by careful attention to the design of the structures and the provision of a landscaped screen to the northern edge of the toll area.
- Several sections of road improvements (eg in proposed Areas B & H) have the potential to affect the setting of Grade II listed structures.

Liverpool John Lennon Airport [Party No 6]

- No objection to the Project.

Civil Aviation Authority [Party No 10]

- The proposed bridge would not be an aviation obstruction, but would fall within the safeguarding area for Liverpool John Lennon Airport and aviation warning lighting for the bridge would be necessary.
- If the structure were over 300 feet tall it would need to be recorded on civil aviation maps.

British Waterways Board [Party No 19]

- No objection.

Forestry Commission [Party No 24]

- Landscaping would provide an opportunity to plant black poplar trees.

CABE [Party No 37]

- The lightness of the design and the care paid to detail should be protected during the procurement process.

Freight Transport Association [Party No 71]

- The Project would be a much needed investment in infrastructure, although tolling is opposed.

Professor Christine Gosden [Party No 86]

- Medical, scientific and historical information in relation to former potentially contaminating land uses should be taken into account.

Knowsley Metropolitan Council [Party No 93]

- No objection but a number of queries in relation to the Environmental Statement.

Marine and Fisheries Agency [Party No 111]

- Construction of the proposed bridge would require a Food and Environment Protection Act (FEPA) licence from the Marine and Fisheries Agency (MFA).
- The proposed works could have negative effects on fisheries, habitats and water quality in the estuary. Due to the scale and longevity of the works further information in addition to that supplied may be required.

Westbank Boat Club [Party No 466]

- The proposed bridge should provide sufficient clearance for yachts.

Response of Halton Borough Council

9.1.2 All of the written representations have been considered and analysed¹⁰⁷⁷, and addressed in the HBC Case in Chapter 5, including the Environmental Impact Assessment issue relating to contaminated land. Notwithstanding the issues raised within some of the representations, none of them undermines the need for the Project or finds serious fault with its design or impact; and where conditions are required to address specific concerns, they are addressed in Chapter 5, Chapter 10 and Annexes 1 & 2.

1077 HBC/0/15a, HBC/0/20 & HBC/0/23

10 ORDERS & CONDITIONS

10.1 The River Mersey (Mersey Gateway Bridge) Order 200[] (the TWA Order)

10.1.1 The TWA Order would authorise construction, maintenance and operation as a tolled crossing of a 2.13km long bridge over the River Mersey between Widnes and Runcorn, about 2km to the east of the existing Silver Jubilee Bridge.

10.1.2 It would authorise not only the works required for the bridge itself but also those required for the construction of toll plazas and the connecting viaducts, highways and bridges (including those crossing over the Garston to Timperley Rail Freight Line, the St Helens, Manchester Ship, Bridgewater Canals, and over other highways), including the improvement, alteration or stopping-up of existing highways. It would also authorise the demolition of industrial buildings and structures and the compulsory purchase of land, property and rights required for the construction and operation of the Project. Finally, the Order would provide for indexed ranges of tolls, by category of vehicle, to give the Council the necessary flexibility in financing the Project.

10.1.3 The proposed development would be located wholly within the administrative area of Halton Borough Council. It is the local planning and highway authority for that area and subject to a Direction under section 90(2A) of the Town and Country Planning Act 1990, planning permission for the works authorised by the Order would be deemed to have been granted.

10.1.4 South of the river, the main effects of closing the streets identified in Schedules 3 and 4 to the Order would be to:

- divert temporarily one short length of path (not on definitive map) on Wigg Island and to stop up temporarily two short lengths of path (not on the definitive map) on either side of the Manchester Ship Canal to facilitate construction of the piers supporting the proposed Astmoor Viaduct;
- close temporarily a number of roads on the Astmoor Industrial Estate to accommodate the Astmoor Viaduct;
- stop up permanently a number of surfaced paths (not on the Definitive Map) running from the southern side of the Bridgewater Expressway and leading to parts of the Astmoor Industrial Estate that would be located under the Astmoor Viaduct;
- stop up temporarily that part of Footpath 16 Runcorn running to the north of the Bridgewater canal under the Bridgewater Junction; and
- stop up temporarily a 75m length of path running alongside the eastern edge of the slip road linking the Central and Daresbury Expressways immediately to the south of the Bridgewater Junction.

10.1.5 North of the River Mersey, the main effects of closing the streets identified in Schedules 3 and 4 to the Order would be to:

- stop up permanently the footpaths running over the St Michael's Golf Course, all of which have been closed for some years because of contamination by former chemical industries;
- close the Ditton Junction roundabout so that it can be converted to a signalled junction;
- close Lower House Lane and Dock Road immediately to the east of the Ditton Junction roundabout to accommodate the mainline and the Ditton Junction Toll Plazas;
- close the streets and parking areas forming part of the Catalyst Trade Park to accommodate the new Widnes Loops Junction and toll plazas;
- close about 650m of street at the south-western end of the A557 Widnes Eastern Bypass, as part of the proposal to de-link the Silver Jubilee Bridge from the strategic road network; and
- stop up a number of public footpaths to the south of the Garston to Timperley freight railway line, and to divert temporarily a short length of the Trans-Pennine Trail for equestrians, cyclists (as part of the National Cycle Network) and walkers, to accommodate the Widnes Loops Junction and the western end of the Widnes Viaduct over the St Helens Canal.

10.1.6 The proposed permanent stopping up of one short length of footpath, extending southwards for about 63m from point PS12 on the Order Rights of Way Plan (Sheet 2 of 5), is not reflected in the text of that item in Column (3) of Schedule 3, Part 2 dealing with Footpath Widnes 60. This should be corrected by deleting the words in Column (3) Between points PS8 and PS 10 and inserting Between points PS 8, PD 1D and PS 12 . As this length of footpath is not currently accessible and could not be reached if the remainder of Footpath Widnes 60 is stopped up as has been advertised, the impact of its stopping up would not be significant and I see no need for this modification to be advertised.

10.1.7 Following the application for the Order, DfT advised that a number of modifications should be made to the proposed Order and other minor modifications have been incorporated as a result of the Inquiries proceedings. Many of the proposed modifications correct typographical errors and outmoded language, but the others concern:

- additional advice in article 2 on interpretation;
- the Register of Vehicles exempt from tolls;
- the temporary possession of open space; and
- the addition of schedules dealing with protective provisions and with Manchester Ship Canal Acts and Orders.

10.1.8 The modifications affecting the first three areas above would add useful clarification to the Order. None of those parties involved in the protective provisions relating to the Manchester Ship Canal Acts and Orders objects to the TWA Order and the owners of the canal support the Project. In my judgement, none of the modifications would require public notification prior to the Order being made.

10.1.9 I conclude that these modifications are justified. In my judgement, none of the modifications proposed would require public

notification prior to the Order being made.

10.2 The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008 (the RUCO)

10.2.1 The RUCO would authorise the Council to impose charges in respect of the existing Silver Jubilee Bridge between Widnes and Runcorn for which the Council, as the charging authority within the meaning of the Transport Act 2000, is the local traffic authority within the meaning of the Road Traffic Regulation Act 1984.

10.2.2 The payment of charges, the classification of vehicles and vehicles exempt from charges and the level of charges under paragraphs 4 to 7 of Schedule 1 to the RUCO would equate to those reflected in article 42 of, and Schedules 11 and 12 to, the TWA Order.

10.2.3 Following submission of the RUCO for confirmation by the Secretary of State, DfT advised that a number of modifications should first be made. Other modifications have been incorporated as a result of the Inquiries proceedings. In addition to the correction of typographical errors, these concern:

- additional advice in paragraph 1 of Schedule 1 on interpretation; and
- clarification of those paragraphs dealing with details of charges to be imposed, bringing them in line with those set out in the TWA Order.

10.2.4 I conclude that the modifications now proposed by the Promoter are justified. Additionally, I see the need for another two minor modifications to correct typographical errors in the Order by amending:

- the two references in paragraph 7 sub-paragraph (8) of Schedule 1, from sub-paragraph (6) to sub-paragraph (7) ; and
- amending the word *clarifications* in the first line of the definition of class 1 vehicle within Annex 1 to Schedule 1 to read *classifications* .

10.2.5 In my judgement, none of the modifications proposed would require public notification prior to the Order being confirmed.

10.3 The Halton Borough Council (The Mersey Gateway Queensway) Compulsory Purchase Order 2008 (the Queensway CPO)

10.3.1 The Order would authorise the compulsory acquisition of land and rights for the construction and improvement of highways in the area of the A533 Queensway, to the north of the Silver Jubilee Bridge in Widnes, the provision of new means of access to premises, and mitigation of the adverse effects of highways or their use on their surroundings.

10.3.2 In response to the Promoter's request for confirmation of the Order by the Secretary of State, DfT has advised that the Order is in an acceptable form and capable of confirmation. However, confirmation would be subject to one minor modification being made, involving the deletion of text, which would unnecessarily refer to the Queensway SRO.

10.3.3 I conclude that the proposed modification is justified. In my judgement, this modification would not require public notification prior to the

Order being confirmed.

10.4 The Halton Borough Council (A533 Queensway) Side Roads Order 2008 (the Queensway SRO)

10.4.1 The Order would authorise the improvement, stopping-up and construction of highways in the area of the A533 Queensway, to the north of the Silver Jubilee Bridge in Widnes. This would cover the highways between that bridge and the Garston to Timperley Freight Line not covered by the TWA Order.

10.4.2 In response to the Promoter's request for confirmation, DfT has advised that the Order is considered to be in an acceptable form and capable of confirmation, subject to the following modifications for clarification being made:

- the definition of the A533 classified road should be modified;
- the definition of *new highways* should be added to Article 3;
- the reference to the A533 as a *Highway to be Improved* should be deleted from the schedule;
- to correct the cross hatching on the site plan and to differentiate between highways to be improved and the classified road, the word edged in red should be added to Article 1(a), and the cross hatching should be modified, in red, by depicting Desoto Road and Queensway more prominently; and
- Government Office North East details should be deleted from the site plan.

10.4.3 I conclude that the proposed modifications are justified. In my judgement, these modifications would not require public notification prior to the Order being confirmed.

10.5 The Halton Borough Council (The Mersey Gateway - Central Expressway) Compulsory Purchase Order 2008 (the Central Expressway CPO)

10.5.1 The Order would authorise the compulsory acquisition of land and rights for the construction and the improvement of highways in the area of the A533 Central Expressway in Runcorn immediately to the south of that covered by the TWA Order and extending to the south-west of the junction of the A557 Weston Point Expressway with the Weston Link and Runcorn Busway.

10.5.2 In response to the Promoter's request for confirmation, DfT has advised that that the Order is in an acceptable form and capable of confirmation. However, the Promoter subsequently agreed with ID4 Living Limited (Party No 39) that part of Plot 205 should be excluded from this Order and has recommended that the relevant Schedule and Order plan be modified accordingly.

10.5.3 I conclude that the modification now proposed by the Promoter is justified. As this modification would involve a reduction in the amount of land being acquired, it would not, in my judgement, require public notification prior to the Order being confirmed.

10.6 The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008 (the Central Expressway SRO)

10.6.1 The Order would authorise the improvement, stopping-up and construction of highways in the area of the A533 Central Expressway in Runcorn immediately to the south of the Bridgewater Junction and extending to the south-west of the junction of the A557 Weston Point Expressway with the Weston Link and Runcorn Busway.

10.6.2 In response to the Promoter's request for confirmation, DfT has advised that the Order is in an acceptable form and capable of confirmation, subject to two minor modifications:

- the classified road definition should be completed: and
- Government Office for the North East details should be deleted from the site plan.

10.6.3 I conclude that these modifications are justified. In my judgement, neither would require public notification prior to the Order being confirmed.

10.7 Conditions

10.7.1 Some 109 conditions (individual numbers/order or application in brackets) are suggested by the Promoter¹⁰⁷⁸ for use in the event that the:

- Draft TWA Order were made and deemed planning permission were granted (42);
- Central Expressway Planning Application were approved (31);
- Silver Jubilee Bridge Planning Application were approved (29); and
- Silver Jubilee Bridge Listed Building Application were approved (6).

10.7.2 The Promoter's *suggested conditions* were developed and modified during the Inquiries in response to the emerging evidence; they have the support of the Local Planning Authority and are annexed to this report. The Alliance commented on the Promoter's conditions, offered some 33 alternatives mainly relating to ecology, public health, remediation, noise, air quality, risk assessment, hydrology and morphology, road surfacing, open space, signage and tolling¹⁰⁷⁹, to which the Promoter responded¹⁰⁸⁰. The Alliance participated in an Inquiries session where the intentions and the drafting of conditions were explored¹⁰⁸¹.

10.7.3 Having regard to the advice in Circular 11/95 and PPS15 for the Listed Building Consent, my views follow and are reflected in the *proposed conditions* which are annexed to this report. The separate notions of *suggested* and *proposed* conditions should be borne in mind throughout this part of the report.

10.7.4 Turning first to the concerns of The Alliance, the general points about certainty (eg as regards hours of working), monitoring and

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enforcement are well made, worthy of acknowledgement and the proposed conditions take account of them, either as suggested by the Promoter or as now proposed. Understandable concerns regarding the perceived omissions and inadequacies of suggested conditions have been considered in the light of the Promoter's response and are now addressed in turn:

- **Noise & Vibration:** Whilst the provisions for controlling and mitigating noise and vibration developed during the course of the Inquiries, a Noise and Vibration Management Plan is provided in suggested conditions.
- **Biodiversity:** Suggested conditions specifically refer to the protected species revealed by the EIA and recorded in the ES, namely bats, birds, great crested newts and water voles. Otters were neither identified nor recorded and need no specific protection by way of a proposed condition¹⁰⁸². But if otters (or other unidentified protected species) were subsequently discovered prior to or during the construction period, then following the precautionary principle, the Promoter should be expected to act responsibly and exercise a duty of care by providing the same degree of protection as would have been provided by a condition drafted along the same lines as those relating to other protected species.
- **Flooding:** The Environment Agency does not expect the Project to exacerbate flood risk and for that reason there is no need for a Contingency Flood Action Plan to be the subject of a condition.
- **Schools:** Access arrangements during the construction period do not need to be regulated by condition; and potential noise, air pollution and general disturbance etc during the construction phase could be adequately mitigated by the proposed amendment of the COPE¹⁰⁸³.
- **Astmoor Industrial Estate Employees:** Mitigation of any adverse construction effects that might affect employees could be adequately ensured by way of the proposed COPE and CEMP conditions.

10.7.5 Other concerns of The Alliance are either adequately addressed by, or inappropriate for inclusion in, the proposed conditions, having due regard to the Promoter's response and the six tests in Circular 11/95. But for clarity, several specific concerns of The Alliance are now addressed, as above, under three main headings:

- **Prior to Construction**
 - **Quantitative Risk Assessment:** To the extent that risk assessment may be required the proposed conditions relating to the COPE and CEMP, and contaminated land would be adequate in my view.
 - **Noise Mitigation:** It is unnecessary to provide mitigation above the legal requirement, but higher provision is already suggested and I see no justification to require more.
 - **Contingency Budget:** Such a budget could not properly be required by a condition.

1082 Inspector's Note: Otters are protected by the Wildlife and Countryside Act 1981 (as amended) and are a European protected species by virtue of the EC Habitats Directive, as transposed into UK law via the Conservation (Natural Habitats etc) Regulations 1994 (as amended)

1083 HBC/0/53 paragraph 3

- During Construction
 - Environment Agency: The continuing involvement of the Agency is not properly a matter for a condition, in my view.
 - Rapid Health Impact Assessment: To the extent that any further assessment is required, it can be secured by way of the proposed COPE conditions.
 - Health Authority Sampling: The authority could not be bound by a condition and monitoring is already provided for by way of the proposed COPE conditions.
 - Quiet Road Surfacing Material: Road surfacing materials are addressed in the Conclusions, which are appropriately reflected in the proposed COPE conditions; although a condition is offered by the Promoter, I do not consider it reasonable or necessary to impose it¹⁰⁸⁴.
- During Operation
 - Testing & Monitoring: These functions are adequately ensured by proposed conditions.
 - Tolling: Conditions are not the appropriate means of regulating tolls or determining the use of toll income, or determining the method of their collection.
 - Concessionaire's Behaviour: I remain unconvinced that restrictions on the operation of the concession would be appropriate matters for inclusion in conditions.

10.7.6 The Promoter's four sets of suggested conditions are preceded by definitions which, with the exception of one, should necessarily be employed in the interests of precision and enforceability. Some of the suggested conditions are effectively standard, generally comply with the tests in the Circular and are necessary, namely those relating to drawings, phasing of development, implementation, design, external appearance and materials, and landscaping. The Alliance takes no exception to these kinds of condition and they should be imposed in the event that the Project were to be authorised, subject to some variation of wording for consistency with model conditions or for full compliance with the Circular's tests.

10.7.7 However, many of the suggested conditions employ wording such as *except with the prior approval of the local planning authority*. That would not meet the test of precision, is not normally employed except for very minor variations such as choice of plants in landscaping conditions and would appear to be inappropriate for large scale proposals of this kind, especially when there are statutory provisions for seeking amendments to approved conditions. I have therefore amended them in many cases, but left scope for more radical amendment should that be considered appropriate to avoid any further risk of uncertainty.

10.7.8 I have similarly offered extensive redrafting to ensure that the other tests are suitably reflected in the proposed conditions and in the supporting reasons, to ensure internal consistency between the four sets of

conditions and to correct minor inaccuracies. Otherwise, save for five of the suggested conditions, they are uncontroversial, necessary in the identified interests and, subject to variation of wording should be imposed.

10.7.9 The first that requires further consideration is the commencement condition (No 1 in each set) which refers to five years in the TWA Order Deemed Permission and the Central Expressway Permission; and ten years in the Silver Jubilee Bridge Permission and Listed Building Consent. A ten year term appears reasonable for a complex project. I can see no good reason for using different periods in different consents and I therefore consider that ten years ought to be used consistently in each set of conditions.

10.7.10 The second is No 5 in the TWA, Central Expressway and Silver Jubilee Bridge (Planning Permission) sets which refers to the Construction Methods Report with a reference and a date. These appear to contain typographical errors and I have corrected them. The third is No 7 in these three sets, which refers to the elements of the COPE. This also appears to be a typographical error and I have corrected it to CEMP'.

10.7.11 The fourth is No 37 in the TWA and No 27 in the Central Expressway & Silver Jubilee Bridge (Planning Permission) sets which refer to CO₂ emissions in the context of signage strategy. That is an apparently unconnected component of the condition, but I am satisfied from the evidence that signage has the ability directly to influence journey lengths and hence associated emissions. Accordingly I regard it as an appropriate component, but the reasoning should be expanded for its justification.

10.7.12 The fifth is No 38 (TWA), No 28 (Central Expressway & Jubilee Bridge Planning permissions) and No 5 (Silver Jubilee Bridge Listed Building Consent) which regulates implementation of conditions. It seems to me that implementation would be better dealt with in individual conditions, as necessary and I have deleted it.

10.7.13 The proposed conditions are annexed to the report, but for ease of understanding they are provided in two forms. The first shows variations between suggested and proposed wording of conditions, with their supporting reasons. Where the Promoter's *suggested* wording of conditions has been altered for the *proposed* conditions, deleted text has been struck through and additional text italicised. The second is in final form, incorporating proposed amendments.

11 CONCLUSIONS

Having regard to all of the foregoing considerations I have reached the following conclusions, the numbers in subscript being references to earlier paragraphs in the report from which the information is derived:

11.1 Introduction

11.1.1 There has been a long-standing ambition to provide a Second Mersey Crossing in the vicinity of Runcorn and Widnes, and the Mersey Gateway Project is the result. It has considerable support, notably from statutory consultees or public bodies, and a relative absence of objection insofar as there are only a few remaining statutory objections to only two of the five Orders; and none of the statutory objectors appeared at the Inquiries.

11.1.2 But there is considerable dissent by way of non-statutory objections and representations. Much of it is focussed on tolls and the environmental implications for local residents, but also biodiversity and climate change. All of the views have been thoroughly aired at the Inquiries and the following conclusions begin by briefly considering the present situation before addressing the Matters about which the Secretaries of State wish to be informed.

11.1.3 There are however, important points to be made about the Matters. Many DfT matters are concerned with the implications of the proposed bridge and its approach roads, but I have taken that to mean all of the road works proposed, including those associated with the Silver Jubilee Bridge. That is because much of the evidence is generic to the impact, including in relation to noise and vibration, air quality, biodiversity, pollution and waste. Some of these issues are also of concern to DCLG and consequently there is necessarily some repetition within the conclusions, as also cross-referencing, although every attempt has been made to align the considerations with the relative matter.

11.2 The Existing Situation

11.2.1 Although at least one objector considers that the existing situation should be maintained, it is generally accepted that current conditions are not ideal ^{5.2.1 & 8.4.11}.

11.2.2 Runcorn and Widnes, which comprise the Borough of Halton, have had a traditional reliance on the chemical industry which has contracted significantly. There are pockets of deprivation and worklessness within the Borough and further afield, and that is not really disputed ^{5.2.2}.

11.2.3 The transport network in and around the Borough has limiting effects on environmental regeneration and on social and economic life according to the Council. Some would dispute that, but there are also very many who would agree and it appears self-evident that poor transport links must have an adverse impact on social and economic life. Its impact on regeneration is perhaps more problematic, but such evidence as there is supports the Council's view ^{5.2.4, 5.2.7 & 8.9.5-9}.

11.2.4 The principal barrier to movement locally is the River Mersey which is crossed by rail and road bridges, the Aethelflaeda Bridge and the Silver Jubilee Bridge respectively. The Silver Jubilee Bridge is the only major crossing between the M6 to the east and the Mersey Tunnels to the west. It acts as a local and regional route, linking not only Runcorn and Widnes, but the M56 and the M62, to the south and north respectively. However, it is congested at peak periods and that has adverse consequences for the reliability of journey times and results in poor public transport provision. Moreover, its provision for walking and cycling is poor 5.2.8, 9, 17-22 & 24.

11.2.5 Halton and much of the surrounding area have a degraded environment. That is not disputed, though there are concerns that, because of the extent to which land has been contaminated in the past, disturbance by way of construction would be a matter of concern 5.2.25 & 8.9.16.

11.2.6 Finally, the transport network presents constraints in coping with emergencies and specifically, the Silver Jubilee Bridge as the only Mersey crossing within Halton, poses a challenge for civic contingency planning 5.2.27-29.

11.3 Secretary of State for Transport

11.3.0.1 The Matters about which the Secretary of State for Transport wishes to be informed relate to the Application for a Transport and Works Order, the two Compulsory Purchase Orders, the two Side Roads Orders and the Road User Scheme Charging Order are:

1. The aims and objectives of, and the need for, the proposed Mersey Gateway Project.

11.3.1.1 The Project is the Council's top priority 5.2.7. The Council has developed seven objectives for the Project and these are directed at meeting identified well-defined economic, transport, environmental and network resilience needs 5.2.30 & 5.3.1-31. The needs do not attract universal support, but the objections are broadly to the effect that there is insufficient evidence of the needs; and there is no counter-evidence to challenge need eg 7.7.2 & 8.9.4.

11.3.1.2 Of the seven objectives, it is clear that relieving congestion on the existing Silver Jubilee Bridge has special significance because of its physical dominance of the Borough and the wider area. No single objective, or several in isolation, would represent an adequate reason for pursuing the Project. But it seems to me that taken together the seven identified objectives represent a cohesive corporate aim for the Council. Again and for the most part, the objections are simply that the Project would not meet its objectives, rather than evidence to suggest that the objectives are ill-defined or unfounded. The exception is the application of tolls to the existing Silver Jubilee Bridge and the proposed Mersey Gateway Bridge. There is substantial opposition to tolling and that is addressed under Matter 10, where I reach favourable conclusions 5.2.15 & eg 8.9.4.

11.3.1.3 Consequently, I am satisfied that the aims and objectives of the Project have been properly and appropriately defined by Halton Borough Council and am convinced of the need for it.

2. *The justification for the Council's proposals, including:*

11.3.2.1 I believe that as a consequence of the extensive research, analysis, design and consultation undertaken, the Council's proposals are fully justified for the reasons set out below.

- a) *the extent to which they are consistent with national, regional and local planning, transport and environmental policies;*

11.3.2.2 I am satisfied that the proposals are broadly consistent with national, regional and local planning, transport and environmental policies. To the extent that there would be conflict it is either minor and capable of being contained by mitigation where appropriate, or permissible exceptionally. Detailed policy considerations are addressed in succeeding paragraphs within DfT and DCLG Matters 5.4.1-8 & 5.6.37.

- b) *the anticipated transportation, regeneration, environmental and socio-economic benefits of the Project; and*

11.3.2.3 The proposals would offer transportation, regeneration, environmental and socio economic benefits, and to the extent that there would also be some disadvantages, they would be more than outweighed by the benefits.

11.3.2.4 In transportation benefits, the Project would result in a reduction in cross-river trips of some 20% at its peak, with the volume of traffic using the existing Silver Jubilee Bridge being reduced by about 80% and thus enhancing its availability for public transport, cyclists and pedestrians. Because congestion would be eased, there would be time savings, lower vehicle operating costs, fewer accidents, lower carbon emissions and enhanced network resilience. And in monetised terms, net consumer and business user benefits would amount to some £7.5m and £222m, respectively; accident savings would be £41m and carbon savings, £9m; and with a Net Present Value of £217m, the Benefit/Cost Ratio would be 3.97 representing high value for money 5.4.9, 10-13 & 35-37.

11.3.2.5 Turning to socio-economic and regeneration benefits, beneficial economic effects would translate into direct and indirect job creation, initially in the construction phase and thereafter as a result of the Project itself, well over 4,000 jobs of which over 1,200 would be within Regeneration Areas. There could be some off-setting as a result of tolling, but there would also be reinforcement through the associated Sustainable Transport Strategy, which would reinforce positive effects. Additionally, the Project would support the development of regional strategic sites and improve access to Liverpool John Lennon Airport, while the proposed bridge would represent an iconic catalyst for the regeneration of the area 5.4.14-18 & 40.

11.3.2.6 Environmental benefits would include lower CO₂ emissions and improved air quality. It is true that there would be localised increases, but these would largely be within the range of Air Quality Objectives and more

properties would experience a reduction in pollutants with than would suffer an increase. There would be a similar result for noise, with reductions exceeding increases 5.4.30 & 31.

11.3.2.7 The predicted benefits of the Project do not go unchallenged. However, doubts that the consequences would be economically and socially adverse, and that the Benefit/Cost Ratio would be less than predicted are unsupported by any convincing evidence as are similar doubts regarding transportation, socio-economic and environmental benefits. The only substantial evidence raising any significant questions about the predicted benefits is formulated on the basis that different methodologies and/or assumptions would produce different results. But the predicted benefits are almost exclusively based on the appropriate DfT guidance. So I find the alternative analysis unpersuasive and the claimed benefits well-founded 8.4.8 & 9, 8.5.3, 6 & 8, 8.9.5 & 7-14 & 8.9.39-43.

- c) *the main alternatives considered by the Council for the proposals, and the reasons why these were rejected in favour of the chosen proposals.*

11.3.2.8 The adequacy of the Council's consideration of alternatives is challenged and other alternatives are proposed as preferable.

11.3.2.9 Some argue that the notion of alternatives has been too narrowly focussed on crossing routes and should be widened to include wider socio-economic interventions 8.5.11. The postulated alternatives are simply doing nothing and/or de-tolling the Mersey Tunnels, re-routing north-bound M6 traffic heading for Liverpool John Lennon Airport via the M62, improving public transport, providing and re-instating rail links, travel plans, constructing another river crossing west of the existing rail and road bridges in the Middle Estuary, and/or subjecting the Silver Jubilee Bridge only to a modest toll and doing no more 8.4.11, 8.5.10 & 8.9.12. But in my view these arguments lack substance because such alternatives have already been carefully considered and properly discounted, or would be insufficient to have any significant effect in isolation or in combination, or are simply impractical, or unacceptable.

11.3.2.10 There has been a lengthy examination of alternatives since 1994. It began with up to nine alternative routes for another river crossing and was followed by alternatives to a crossing including improving public transport, enhancing capacity on the Silver Jubilee Bridge and combinations including park and ride facilities. That was followed by further cross-river route assessments including a tunnel rather than a bridge. And finally, in 2005, there was further route consideration and a public transit study, resulting in the Sustainable Transport Strategy which is being developed alongside the Project as the preferred alternative 5.4.41-44.

11.3.2.11 A downstream crossing to the west of the existing bridges would be environmentally unacceptable because of its juxtaposition with the SPA and the Ramsar Site and would not therefore merit further consideration, while a token toll on the SJB alone would be impractical because it would do little to relieve congestion and nothing to restore network resilience 5.4.45.

11.3.2.12 I am thus satisfied that a wide and sufficient consideration of

alternatives has been undertaken, resulting in the Project being preferred.

3. *The likely impact on the environment of constructing and operating the Mersey Gateway Bridge and its approach roads, including:*

a) *noise and vibration, having regard to PPG24: Noise;*

11.3.3.1 There are some very understandable fears that construction of major infrastructure facilities and the resultant increased traffic volumes on Runcorn's Central Expressway would give rise to unacceptable noise and vibration. Feelings run high and there are deeply-held convictions that routing additional bridge-related traffic along the Central Expressway would be harmful to health and well-being. And there are some similar concerns about noise increases as a result of additional traffic elsewhere 8.6.2, 8.7.7, 8.9.14, 8.10.4, 8.11.6, 8.12.2, 8.15.2 & 8.18.1.

11.3.3.2 Nevertheless, notwithstanding the number and weight of objections on this issue, the reality is that once constructed, the Project would have an overall benefit for noise impact. It would generate additional noise, but that needs to be considered in context. Without the Project, 100% of dwellings in the relative study area would experience an increase in noise whereas with it only 64% would, while 34% would experience a decrease. Furthermore, no unacceptable noise impacts are predicted. The maximum increase for dwellings would not exceed 3dB(A), which is the lowest perceivable level of change. Decreases would largely be between 6 and 7dB(A), but where unacceptable impacts might remain, there could be an eligibility for sound insulating dwellings 5.6.5 & 6.

11.3.3.3 Some commercial/industrial areas and Wigg Island would experience moderate and major increases. That would be regrettable, especially for the recreational enjoyment of the latter, but I realise that it would be an inescapable consequence of oversailing a quiet area by a bridge that would carry substantial traffic volumes. However, to a very significant extent the adverse impacts of traffic noise would be minimised by physical mitigation measures being incorporated within the design 5.6.5.

11.3.3.4 Impacts during the construction phase would be more significant. Whilst some receptors would experience none, others would experience low or moderate adverse effects and during piling on Wigg Island the effect would be high negative. I regard these as the inevitable consequences of constructing a major infrastructure facility, but that serves to emphasise the importance of mitigation measures. Construction activities would be subject to statutory regulation, but more importantly, would be controlled by a Noise and Vibration Management Plan (NVMP) as a component of the Construction Environment Management Plan (incorporated in conditions on planning permissions for the Project), which would limit noise, vibration and hours of working 5.6.2.

11.3.3.5 Nevertheless, four schools would be within 100m of the proposed construction activities and they would experience varying degrees of impact, from low through moderate to high and I regard that as fairly serious. It is of some comfort that the Promoter recognises the sensitivity of this impact, suggesting that it could be ameliorated by discontinuous operations and scheduling nearby construction works during school holiday periods. That

would be difficult to ensure through conditions unless the necessary working practices were incorporated within the NVMP. But it is important that they should be and the Council's attention should be drawn to this matter in any favourable decisions upon the Project, to ensure that it is 5.6.3.

11.3.3.6 As to vibration, effects would be unlikely in the Project's operational phase. They would be experienced at some residential locations as a result of construction activities, but they would not result in any damage to buildings 5.6.4.

11.3.3.7 Whilst many fears may be needless, I have considerable sympathy for the people who feel they would be adversely affected by the Project. I realise that noise and vibration could represent real irritants for those who would be exposed to changes as a result of works that they neither asked for nor wanted. I recognise that tolerance levels vary from one individual to another. And I also recognise that it may be little consolation to learn that the Project's additional traffic would be less than it might otherwise be.

11.3.3.8 However, substantial efforts would be made to minimise the generation of noise and vibration, and contain it through physical mitigation and controlled working practices; and in extreme cases, sound insulation could be employed to protect dwellings. Special road surfacing could be employed to reduce road noise. But it has a shorter life expectancy and needs to be replaced more frequently, with all the associated noise and vibration of relatively frequent highway repairs. Consequently, I am not persuaded that its use would be significantly beneficial 8.10.5 & 20.

11.3.3.9 Having regard to all of the foregoing, I find no serious conflict with PPG24. I take that view that if the balance of advantage favours the Project the adverse effects of noise and vibration should not prevent it going ahead. The adverse implications for some would be outweighed by the Project's wider benefits and the public interest.

b) landscape and other visual impacts;

11.3.3.10 There is little controversy regarding this issue. Some would see the Mersey Gateway Bridge as an intrusive feature in the wide sweep of the Upper Estuary, while some would welcome it as an aesthetically pleasing structure adding interest to the vista 5.6.12. Others are concerned about the visual implications of the construction works and the effects of the Project structures on the character and appearance of the surroundings 8.7.10-13 & 8.16.3.

11.3.3.11 But these expressions of subjective opinion should be compared with the professional assessment of landscape and visual impact at three levels. It concludes that on the wider level, the Project would be beneficial and that the proposed bridge would fit in the wider landscape as an elegant feature. On an intermediate level, landscape and visual impacts would be positive if the bridge were viewed from the north of the estuary but moderately negative when viewed from the south because of its adverse impact on Wigg Island Country Park. And at the most immediate level, the impacts would be negative in the short term, albeit that they might soften over time as a result of mitigation 5.6.10-12.

11.3.3.12 I accept the results of the assessment, which leads me to conclude that the Project would have adverse landscape and visual impacts that could not wholly be offset by mitigation. But I am conscious that such impacts would be experienced in relatively close proximity to the proposed bridge and that most views of it would be from farther away, where it would be seen as an interesting feature in the wider landscape. Moreover, it is almost inevitable that a major infrastructure project would have some adverse impact upon its immediate surroundings. Regrettable as these would be, they would be contained by mitigation measures and I do not regard them as sufficiently serious to militate against the Project with its wider visual and other benefits 8.7.30 & 31.

- c) *effects on the hydrodynamic and sedimentary regime of the Mersey Estuary, including impacts on the walls of the Manchester Ship Canal and the clay cliffs at the end of the Liverpool John Lennon Airport;*

11.3.3.13 There are fears that the hydrodynamic and sedimentary regimes of the Mersey Estuary would be affected by the construction and by the presence of the proposed bridge. But the effects would be relatively insignificant and there is no evidence of any potentially adverse impact on the canal or the cliffs. The regimes would not be fundamentally compromised and in my opinion, such limited effects should not present an obstacle to the Project 8.9.15 & 19, 8.18.1 & 5.6.16-21.

- d) *the effects of the proposals on flood risk;*

11.3.3.14 There are fears that by restricting the flow in a tidal river, the stanchions of the proposed bridge might cause surges that would result in flooding upstream in Warrington. However, the Environment Agency's objection has been withdrawn, there is no other evidence of substance and I am satisfied that there would be no risk of flooding arising from construction or operation of the Project 8.9.15, 8.18.1 & 5.6.23.

- e) *impacts on air and water quality, including the risk of contamination resulting from the disturbance of former industrial sites, having regard to PPS23: Pollution;*

11.3.3.15 Like the noise impacts of the Project, the implications for air quality deeply concern those who live alongside Runcorn's Central Expressway and other parts of the expressway system that would experience an increase in traffic. There is also strong support for the climate change agenda and associated resistance to any additional traffic-generated carbon emissions 8.5.2-4, 8.7.7, 8.9.4, 5 & 14, 8.10.6, 8.11.6, 8.12.3, 8.15.3 & 8.18.1.

11.3.3.16 As with noise, however, the results of the assessments are rather counter-intuitive. The Project's traffic would generate pollutants, namely NO₂ and PM₁₀ particles, principally from vehicles and dust. But compared with the *do minimum* scenario, more properties would actually experience a reduction in pollutants as a result of the Project than would suffer an increase and those who would experience an increase would remain well below Air Quality Objectives. Furthermore, in terms of climate change, CO₂ emissions would also be materially reduced because with the Project in place the Borough would experience a demonstrably smaller level of generated CO₂ 5.4.30.

11.3.3.17 During the construction phase mitigation measures would be provided via the Construction Environmental Management (CEMP) and Traffic Management (CTMP) Plans, together with the Remediation Strategy and the Waste Management Plan. With the appropriate mitigation in place the air quality impacts of construction would be low at most receptors 5.6.24.

11.3.3.18 In the operational phase, the most recent national guidance with the *most likely toll* scenario has been used to predict future pollution levels with and without the Project. Many receptors would experience low to moderate positive impacts and some, a positive impact of high significance. Others would experience a low negative impact and one, a high negative. But significantly, all receptors would be well within the statutory Air Quality Strategy (AQS) Objectives, which are the acceptable thresholds. *No toll* or *low toll* scenarios would increase pollution levels, which would be decreased in the *high toll* scenario. The AQS Objective for NO₂ would be marginally exceeded in Warrington with the Project operational; but the effect would also occur without it and pollution would be further increased by the *high toll* scenario. Furthermore, CO₂ levels would generally be reduced with the Project operational and any local increases would not exceed AQS Objectives 5.6.25, 26 & 27.

11.3.3.19 It therefore seems to me that understandable local fears are largely unfounded because the Project's air pollutants would be less than those generated without it, although I recognise that people would not wish to see pollution levels increased. However, it is reassuring that AQS Objectives would not generally be exceeded. Concerns about climate change are commendable but there is no implied or explicit embargo on infrastructure projects, especially when they would reduce the need to travel and result in an overall reduction in CO₂ emissions.

11.3.3.20 As for water quality, having regard to the design of the Project and the proposed mitigation measures, there would be no adverse effects on any of the relevant water bodies 5.6.29 & 30.

11.3.3.21 It is entirely responsible to be concerned about the disturbance of land contaminated by the former production of soda ash and mustard gas, and the prevalence of galligu 8.9.16 & 8.22.1. However, given that the intention is to leave contaminated land undisturbed where possible and remediate it where necessary, I am satisfied that these concerns need not prevent the Project going ahead 5.6.31 & 32.

11.3.3.22 All in all therefore, I am persuaded that there would be no conflict with PPS23.

f) *the effects of the handling, storage, treatment, transportation and disposal of waste materials, having regard to PPS10: Waste;*

11.3.3.23 I am satisfied that the advice in PPS10 would be appropriately observed. Any effects associated with the handling, storage, treatment, transportation and disposal of waste materials would be adequately contained by the CEMP's Site Waste Management Plan, for which provision is made by conditions 5.6.32 & 10.7.13-15.

- g) the extent to which the proposed development is consistent with Government policies in PPG2: Green Belts, especially whether the development is considered appropriate under the provisions of PPG2 and, if not, whether there are any very special circumstances sufficient to overcome the presumption against such development; and*

11.3.3.24 Only a very small part of the Green Belt is affected by the proposed development, namely at Wigg Island on the south side of the Mersey where the bridge would oversail, supported by piers. Both piers and bridge would constitute development, which would be inappropriate by definition. Furthermore, as a substantial structure the proposed development would detract from the openness of the Green Belt, which is its most important attribute and would thereby cause harm ^{5.6.33 & 34.}

11.3.3.25 However, the proposed bridge could not be provided without affecting this land. In my opinion, the need for and the benefits of the Project would clearly outweigh the harm by way of inappropriateness and loss of openness; and represent very special circumstances which would justify, exceptionally, permitting the inappropriate development in the Green Belt, contrary to the strong presumption expressed in PPG2.

- h) the extent to which the proposed development is consistent with Government policies in PPG17: Open Space, with particular reference to the loss of greenspace and to the Council's proposals for replacing any open space to be compulsorily acquired for the purposes of the Project.*

11.3.3.26 The Project would result in temporary and permanent losses of existing and proposed open space without replacement. There would be a significant loss of greenspace at St Michael's Golf Course to accommodate toll plaza infrastructure; a temporary loss of almost 8ha would be followed by a permanent loss of over 2ha. Additionally, smaller losses would occur at Widnes Warth Saltmarsh and Astmoor Saltmarsh/Wigg Island for bridge piers and construction areas, and in a number of incidental areas to accommodate highway infrastructure ^{5.6.36.}

11.3.3.27 It seems to me that PPG17 is concerned with maintaining the provision of open space so far as practically possible and there would therefore be some conflict. In assessing the implications, I am conscious that there is also conflict with UDP Policies GE6 and GE7. However, the former policy does permit loss of greenspace where there are sound reasons for permitting the development.

11.3.3.28 Balancing the harm against the benefit, there are sound reasons for the Project to proceed and therefore exceptional reasons for overlooking the policy conflict. Furthermore, the harm is lessened by the fact that the major loss of greenspace is at a contaminated and closed golf course, for which there are no restoration plans, but where it could be reinstated to an 18-hole facility in the event that remediation were ever undertaken.

11.3.3.29 Consequently, I am persuaded that although the Project is not wholly compliant with PPG17, the policy conflict as a result of the loss of greenspace has to be balanced against the benefits which the Project would

deliver.

11.3.3.30 Turning to the replacement of open space being compulsorily acquired, there are two areas for which an exchange land certificate is sought. One lies to the south of the river and the other to the north, known as the Runcorn and Widnes Areas, respectively. Notices of Intention to issue Exchange Land Certificates have been published for both but there is an objection in respect of the latter 7.17.2.

11.3.3.31 The existing open space which would be compulsorily acquired extends to 14,420m². It comprises grassland and dense woodland open to public access on the northern side of the St Helens Canal. The exchange land would extend to 14,465m², would also be open to public access and would also lie on the northern side of the St Helens Canal; more than half of it would be the existing acquired land returning to open space use and the balance would be farther east. The exchange land would therefore be no less in area than that being acquired and the issue is whether the exchange land would be equally advantageous to the users and to the public 5.13.5.

11.3.3.32 The existing grassland is an open, attractive canal side area, capable of being used for active and passive recreational purposes. But the dense woodland supports anti-social behaviour which is of community concern. The exchange land would comprise two elements. The first would be an improved area of existing open space. The second would lie partly under the proposed bridge and could also be used for active and passive recreational activities, although it would be less open and would inevitably have a more urban character as a consequence of at least some hard landscaping 7.17.4 & 10.

11.3.3.33 Not all of the exchange land would be the same as that being acquired. In part it would be of a different character, but it would appear to me to be equally advantageous for the users and the general public, if not more so as a consequence of the loss of the dense, intimidating woodland.

11.3.3.34 An Exchange Land Certificate can therefore be issued.

4. The likely impacts of constructing and operating the Mersey Gateway Bridge and its approach roads on flora and fauna having regard to PPS9: Biodiversity and Geological Conservation, including whether implementation of the Project is likely to damage or destroy a breeding site or resting place of any species protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (the 1994 Regulations); and, if so, whether appropriate mitigation measures have been designed and a licence applied for by the Council under the 1994 Regulations.

11.3.4.1 There is necessarily some overlap between this matter and Matter 5, but that is to ensure that both matters are comprehensively considered.

11.3.4.2 Beginning with flora and fauna, the Project would have an adverse effect, although with mitigation it would be of low significance and a monitoring regime would be maintained after construction to assure its effectiveness. Furthermore, there would be benefits for the habitats of dependent species by altering the management regime of the saltmarsh 5.6.42,

43 & 58.

11.3.4.3 Turning to estuarial habitats, none would be affected in the Middle Mersey, but there would be some effects in the Upper Mersey although they would be more than offset by avian habitat improvements through mitigation. As for non-estuarial habitats, following mitigation there would be no residual impact other than at Wigg Island where the impact would be of low significance or less. And as for protected species, there would be no residual effects for bats or water voles and there would be improvements for great crested newts; and all these would be secured and/or assured through mitigation and monitoring by way of the Biodiversity Management Plan as an element of the COPE 5.6.57-61.

11.3.4.4 Were any breeding sites or resting places damaged or destroyed, I am persuaded that mitigation would provide appropriate redress. Licences would be required for mitigation measures for protected species including bats and great crested newts. No licence has yet been applied for by the Council, but I see no reason to suppose that there would be any serious barrier to it being granted and there is nothing to suggest that it would be withheld by Natural England 5.6.58.

11.3.4.5 I am satisfied that, subject to mitigation which can be assured by way of conditions, there would be no conflict with the provisions of PPS9

5. *In relation to the Mersey Estuary Special Protection Area and Ramsar site (a European site under the 1994 Regulations):*

11.3.5.1 The Middle Mersey Estuary is protected by four nature conservation designations, two of which are the SPA for birds and the Ramsar Site for wetlands 3.5.2, which coupled with the European Marine Site contribute to the Natura 2000 Network.

- a) *whether construction of the Mersey Gateway Bridge (either alone or in combination with other plans or projects) is likely to have an adverse effect on the integrity of the site, having regard to the conservation objectives of the site and to the manner in which the Project is proposed to be carried out by the Council including any proposed conditions or restrictions to which the draft TWA Order and deemed planning permission would be subject; and, if so*

11.3.5.2 Ecological interests are particularly critical because of the existence of the SPA and the strict obligations which it places on the assessment of the Project's effects upon its integrity. Although there are strong suspicions of significant effects on the SPA, the related ecological interests have been extensively studied 8.9.18, 8.19.1, 5.6.47 & 48.

11.3.5.3 The proposed bridge would cross the Local Wildlife Site (LWS) in the Upper Estuary, upstream of the European site in the Middle Estuary, both separated by the Runcorn Gap where the Aethelflaeda and Silver Jubilee Bridges are located. Because of the proximity of the one to the other, concerns about significant effects are sincerely held and responsibly expressed. It is therefore right that the Project's effects should be closely examined. But having done so, I am not persuaded that there would be any significantly adverse effects on the integrity of the European site. There are three broad ecological considerations which have led me to that conclusion,

namely aquatic, avian and terrestrial. Elements of these considerations embrace areas and interests beyond the Middle Mersey in which the European site lies, but that is necessary to confirm the conclusion 5.6.40-61.

11.3.5.4 Beginning with aquatic ecology, there would be sedimentary disturbance, scour, sediment suspension or deposition and the potential release of pollutants in the Upper Estuary. But as a consequence of the proposed mitigation measures and subsequent monitoring, construction and operational effects would be of low significance, or insignificant, in the Upper Estuary with no adverse impact on the integrity of the SPA in the Middle Mersey Estuary 5.6.38-41.

11.3.5.5 Turning to avian ecology, there would be no significant effect on the bird population of the SPA. But reflecting the precautionary principle, a *shadow appropriate assessment* has been undertaken and the effects on the Upper Estuary have been assessed as if it also were an SPA, from which it can also be concluded that there would be no significant adverse effect upon its integrity or the SPA itself 5.6.49-51.

11.3.5.6 There would be some adverse impact on bird populations in the Upper Estuary (ie upstream of the European site) from construction and operational effects of the Project, in terms of disturbance and loss of habitat. But mitigation would involve improvement of the river saltmarshes and offer a benefit for the bird populations which they support, such that there would be steady or increased populations when compared to the situation without the Project 5.6.51, 54 & 55.

11.3.5.7 As for terrestrial ecology and its estuarial dimension, the design of the proposed bridge would minimise the physical loss of habitat and its shading would inhibit but not prevent plant recolonisation; and mitigation measures for the grazed saltmarshes would represent an overall benefit 5.6.58.

11.3.5.8 Unless the likelihood of significant effects can be excluded, the decisions-makers must execute an *appropriate assessment*. Yet I felt able to conclude, from all the environmental information, that significant effects would be unlikely and that there was no need for such an assessment to be undertaken before the Inquiries closed 1.13. That conclusion was strongly influenced by the fact that Natural England did not attend the Inquiries to pursue its objection, which was subsequently withdrawn. On further consideration, I remain of the opinion that there is no need for an assessment and this conclusion is also strongly influenced by the mitigation measures reflected in the proposed conditions 5.6.55, Section 10.7 & Annex 2.

11.3.5.9 It is particularly important to emphasise that the absence of significant effects upon the European site in the Middle Estuary depends significantly upon the efficacy of the mitigation measures upstream in the Upper Estuary. My favourable conclusion on the European site thus relies on the imposition and effective discharge of conditions, to which attention might usefully be drawn in any subsequently favourable decisions.

11.3.5.10 My conclusion therefore is that the Mersey Gateway Bridge and the associated proposals which comprise the Project would not adversely affect the integrity of the European Site.

- b) *whether there are any alternatives to the Council's proposals which are capable of achieving the objectives of the Project, which are feasible and which would have less adverse impact on the integrity of the site or no such impact;*

11.3.5.11 Alternatives to the Project are considered under Matter 2c and discounted. I am satisfied that there are therefore no alternatives which are capable of achieving the objectives, which are feasible and which would have less adverse or no impact on the integrity of the site ^{11.3.2.12}.

- c) *whether the Council's proposals are necessary for imperative reasons of overriding public interest; and*

11.3.5.12 The need for and justification of the Project have been considered and established under Matters 1 and 2, which leads me to conclude that it is necessary for imperative reasons of overriding public interest.

- d) *what compensatory measures are proposed by the Council to maintain the overall coherence of the Natura 2000 Network.*

11.3.5.13 Because there would be no significant effect on the designated sites within the Middle Mersey Estuary no compensatory measures are proposed. Nevertheless, it seems to me that the overall coherence of the Natura 2000 Network would be assured by the mitigation and monitoring measures proposed for the Upper Mersey Estuary, which would be secured by conditions ^{5.6.38-59, Section 10.7 & Annex 2}.

6. *The likely impact of constructing and operating the Mersey Gateway Bridge and its approach roads on businesses, residents and traffic, including:*

- a) *impacts on the continuity and viability of businesses affected by the Project;*

11.3.6.1 There would be impacts on businesses because of the need to acquire land and premises, although the Council takes this matter very seriously and in accordance with the advice in Circular 06/2004, arrangements to acquire by agreement are well-advanced and negotiations continue. It would still be necessary to acquire some interests by compulsion, but given the scale of the Project it is perhaps a testimony to the Council's efforts that only 20 statutory objectors remain and that none appeared at the Inquiries ^{5.10.1 & Chapter 7}.

11.3.6.2 There would be impacts on the continuity of many businesses but they could be ameliorated by the Promoter's comprehensive Relocation Strategy and to the extent that businesses would be subject to any additional costs as a result of the Project, they would be eligible for compensation under the statutory Compensation Code ^{5.7.1 & 2}.

11.3.6.3 As far as the operation of the Project is concerned, a significant implication for businesses could be the imposition of tolls. But other than assertions there is virtually no evidence, quantitative or otherwise, to suggest that these would be a threat to the viability of any business and there is convincing evidence that the Project would be of net benefit to both employment and the local business community ^{5.4.15-24}.

11.3.6.4 It is regrettable that businesses should be adversely affected in any way, but I am persuaded of the necessity in view of the wider public interest served by the Project.

b) impacts on access to premises;

11.3.6.5 No access to any premises would be stopped up, but where access to sites and premises would be temporarily affected during construction, I am satisfied that mitigation measures would ensure that continuous access and egress was maintained to minimise disruption 5.7.4 & 5.

c) the effects of implementing the proposals on traffic using the wider road network;

11.3.6.6 The Project would not result in any widespread re-assignment of traffic within the wider road network, or induce large numbers of additional trips across the sub-region and the effects would be relatively local. A large proportion of the existing trips does not use the Silver Jubilee Bridge and would not use it or the proposed bridge in future, though there would be minor implications for the upstream and downstream river crossings at peak periods 5.7.6 & 7.

11.3.6.7 I therefore conclude that the implications for the wider road network would be relatively benign.

d) the effects of altering traffic levels on residents adjacent to the existing road network;

11.3.6.8 There would be effects on residents close to the existing expressways as a consequence of traffic levels that would be altered by the Project, upwards for the Central Expressway but downwards for the Weston Point Expressway. The effects would include noise and vibration, and air quality, but the effects would be both positive and negative. Furthermore, to the extent that they were negative they would be relatively slight and would be within acceptable national thresholds 5.7.8 & 9. These effects have been addressed in the consideration of Matters 3a and 3e.

11.3.6.9 Any adverse effects are regrettable although it is perhaps inevitable that the wider public benefits of the proposals could only be obtained at some environmental cost. The residents of Warrington Road, and Halton Brow would be amongst those who would bear the brunt, so their extremely vocal and sustained opposition to the proposals is entirely understandable 8.7.2 & 8.10.2. But in my view the impact upon them would be less than they fear and although that may be little consolation to them, the containment of adverse impacts to broadly acceptable levels convinces me that these effects should not present any impediment to the proposals going ahead.

e) the effects of implementing the proposals on public transport services;

11.3.6.10 The effects on public transport services could only be beneficial, in my view.

11.3.6.11 So far as the construction phase is concerned, there would be no

impact on rail services and bus routes would remain open with minimal disruption. But when the Project became operational, the de-linking and reconfiguration of the Silver Jubilee Bridge would facilitate improved reliability and shortened journey times for buses and the proposed bridge's second deck would offer scope for light rail or other additional public transport services in the future. Moreover, the introduction of tolls would support the Sustainable Transport Strategy and should encourage some modal shift from private to public transport ^{5.7.12-14}.

- f) *the effects of closing or diverting the streets as detailed in Schedules 3 and 4 to the draft TWA Order;*

11.3.6.12 Closure or diversion of streets is only proposed where necessary for the Project. Statutory objectors are concerned primarily with compulsory acquisition or with the effects of the Project as a whole. Except for one objection to the de-linking of the Silver Jubilee Bridge, there is no specific objection to the closing or diversion of streets. Similarly, except for one objection about the generality of stopping up closing or diverting public rights of way and others about de-linking the Silver Jubilee Bridge, none of the non-statutory objections refer to the stopping up of specific streets under the TWA Order ^{Chapter 7, 7.2.2, 8.13.1 & 5.7.15}.

11.3.6.13 The impact of the proposed closures and diversions on the public generally, landowners and those holding rights over land would not be significant and the proposals, as set out in Schedules 3 and 4 to the Order, would therefore be acceptable because I am satisfied that the full extent of each of the streets identified for closure or diversion is required for the Project to proceed.

- g) *impacts on commercial and recreational users of the River Mersey, St Helens Canal, the Manchester Ship Canal and the Bridgewater Canal, including the proposals temporarily to close waterways to navigation during construction and proposed powers to restrict navigation and mooring of vessels in the vicinity of the new bridge;*

11.3.6.14 The Project and specifically the proposed bridge would have the potential to interfere with navigation rights and some objections remain. But I am satisfied that sufficient care and attention has been given to safeguarding these interests, by design of the Project or within the TWA Order or by conditions ^{5.7.17 & 18}.

- h) *impacts on aircraft using Liverpool John Lennon Airport and its controlled airspace;*

11.3.6.15 The Project would have no adverse impact. The proposed bridge would be some 9km from the airport and directly under the flight path, but the bridge and the construction works would not intrude into protected airspace or interfere with air traffic. There is no objection from the Civil Aviation Authority or the Airport and the latter supports the Project ^{5.7.18}.

- i) *the effects of the proposals on utility companies;*

11.3.6.16 Because of its scale, the Project would inevitably involve the disruption and relocation of utility services, but there are protective

provisions within Orders and no outstanding objections from utility providers
5.7.19.

- j) *the effects of the proposals on the Garston to Timperley freight railway line; and*

11.3.6.17 The line would be bridged by the westerly approach to the proposed bridge, protective provision has been made in the TWA Order and there is no outstanding objection 5.7.20.

- k) *impacts on wildfowling on the banks of the River Mersey.*

11.3.6.18 The Project would have impacts on wildfowling, which would be prohibited within 300m during construction of the proposed bridge and within 200m for at least six years after completion during which avian monitoring would be undertaken. That is the justification for compulsory acquisition of the wildfowling rights, but as a consequence of proposed mitigation measures the objection has been withdrawn and I am satisfied that the impact is proportionate, reasonable and acceptable 5.7.12-24.

7. *The measures proposed by the promoters for mitigating any adverse impacts of the Project, including:*

- a) *the proposed Construction Environmental Management Plan and Construction Transportation Management Plan;*

11.3.7.1 The Construction Environmental Management Plan (CEMP) would be contained within the Construction and Operation Code of Practice for Environmental Management (COPE), which would be preceded by and have appropriate regard to a Construction Methods Report. The CEMP would address at least ten environmental facets or implications of construction, including noise, contamination, air quality and biodiversity. The full list can be seen in proposed condition 7 for TWA, Central Expressway and Silver Jubilee Bridge permissions, which would require the CEMP as a precursor of construction 5.6.2, 5.6.23, 5.6.31, 5.6.63-65, Section 10.7 & Annexes 1 & 2.

11.3.7.2 The Construction Transport Management Plan would be required by condition 8 of the three permissions and would describe and control at least ten transport facets or implications of the construction phase including traffic management, HGV routes, emergency plans and vehicle washing 5.6.23, Section 10.7 & Annexes 1 & 2.

11.3.7.3 These Plans are indicative of the extent to which mitigation during the construction phase of the Project would be taken very seriously. I regard that as vitally important because of the wide range and sensitivity of interests that would need to be protected in the construction of this major infrastructure project. I am satisfied that both these plans are necessary and the permissions would not be recommended without conditions which embraced them. But I am also satisfied that properly observed, these plans will ensure the integrity of the relative interests.

- b) *any measures to avoid, reduce or remedy any major adverse environmental impacts of the Project;*

11.3.7.4 In my opinion the major adverse environmental impact would be

noise and vibration around Wigg Island in the construction phase of the Project. That would have to be mitigated through contract management via statutory controls, the Noise and Vibration Management Plan (which could be a condition of planning permissions) and good will on the part of the Council. But it would seriously spoil recreational enjoyment. A few dwellings would suffer permanently higher noise levels in the operational Phase of the project and they could be eligible for sound insulation ^{5.6.1-5}. Some schools would also suffer significantly and, as highlighted in addressing Matter 3a, I regard it as very important that the Promoter exercises a duty of care.

11.3.7.5 These effects are a regrettable but perhaps inevitable consequence of a major infrastructure project and it is to the credit of the Council that the care which it has taken over design and mitigation has minimised the extent of the impacts.

- c) *any measures to avoid, reduce or remedy any other significant adverse environmental impacts of the Project;*

11.3.7.6 Substantial mitigation measures are proposed, some by project design, some by other physical features and some by management and monitoring arrangements to minimise or avoid impacts concerned with noise, air and water quality, aquatic, avian and terrestrial ecology, and landscape and townscape. The positive effects of these are discussed in other matters and I regard them as generally beneficial and invariably, essential.

- d) *whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation;*

11.3.7.7 As a consequence of the design of the Project and the extensive mitigation measures, few adverse environmental impacts would remain. But some are inevitable, as revealed above.

11.3.7.8 There would be some increases in noise levels, but they would mainly be imperceptible to the human ear; some reductions in air quality, although those at residential receptors would all be within Air Quality Objectives; an indirect but marginal reduction in air quality in Warrington as a consequence of disturbed traffic patterns; a loss of greenspace, but mainly at a disused golf course on contaminated land, where a full-sized replacement could be provided on the reduced area following any remediation; a loss of tranquillity at the Wigg Island Local Nature Reserve; and there would be some loss of openness in the Green Belt.

11.3.7.9 Of these, I regard the impact on Wigg Island as probably the worst, yet although any adverse effects are regrettable, especially of a permanent kind, they are comparatively minimal in the scale of the Project, and tolerable because of its benefits and in the wider public interest.

- e) *any measures proposed to alleviate the effects of the Project on residents and businesses, including statutory undertakers, and*

11.3.7.10 Residents would benefit from sound insulation (if qualifying), while residents and businesses would benefit from noise barriers, landscaping and monitoring of air quality. Businesses directly affected would also benefit from the Relocation Strategy. And both would enjoy the benefit of toll discounting where appropriate. Efforts have been made to avoid affecting

the interests of public utilities by project design and protective provisions in Orders but where necessary, statutory compensation would address the consequences. There are no outstanding objections from statutory undertakers.

- f) *whether, in relation to any public right of way to be stopped up under the draft TWA Order, an alternative right of way has been or will be provided, or the provision of an alternative right of way is not required.*

11.3.7.11 Alternative rights of way would be provided where required.

11.3.7.12 Apart from one non-statutory objector concerned that any public right of way should be stopped up or diverted, there are no other objections in that regard 5.8.3, 8.13.1. A number of footpaths crossing the closed St Michael's Golf Course would be stopped up without replacement but because the golf course is contaminated land, alternative rights of way in that area would neither be practicable nor required 3.2.2. And having examined other public rights of way that would be permanently or temporarily stopped up, I am satisfied either that they would not be needed or that a suitable alternative would be provided 5.8.2 & 5.10.1.

8. *The conditions proposed to be attached to deemed planning permission for the development provided for in the draft TWA Order, if given, and in particular whether those conditions meet the tests of DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.*

11.3.8.1 If deemed planning permission were to be granted, it would be necessary to impose conditions which complied with the six tests in Circular 1/95. Conditions were offered and considered at the Inquiries, have been considered at length in Chapter 10 of this report and are annexed to the report. I am satisfied that all the necessary conditions have been drafted and that as now proposed, they meet the tests.

9. *The proposals for funding the cost of the Project and whether the Project is reasonably capable of attracting the necessary funding.*

11.3.9.1 The £604m cost of the Project would be funded by toll revenues and PFI Credits. However, the issue of funding is a controversial one and not simply on account of tolls. Finer details of funding arrangements are obscured by confidentiality considerations and it is hardly surprising that suspicion is aroused as to whether the financing arrangements would be robust 7.4.4, 7.10.2, 7.15.5, 7.16.3, 7.21.5, 8.9.23, 8.10.10 & 8.21.8.

11.3.9.2 However, there have to be tolls if central funding is to be secured. The need for confidentiality is self-evident ahead of a tendering process, but the funding analysis is provided by reputable accountants and the conclusion is not in any way tentative. Even in the present economic climate there is a market appetite for this type of venture and specifically for the Project 5.5.6 & 7.

11.3.9.3 Criticisms of the PFI mechanism are well-made and it is clear that the funding of some similar projects has been significantly affected by revenue streams which have differed from expectations as a result of traffic varying from predicted volumes. But that has had positive outcomes as well

as negative, reinforcing the notion that each project should be assessed on its own merits. If the predicted traffic levels for the Project are robust then the funding proposals are reinforced; and I see no reason to doubt them 8.4.6-8 & 5.4.9 & 10.

11.3.9.4 I am therefore persuaded that the Project is reasonably capable of attracting the necessary funding.

10. *The case for charging tolls for use of the Mersey Gateway Bridge and for introducing charges for use of the Silver Jubilee Bridge, including,*

- a) *the arrangements in the draft TWA Order and the RUCO for setting and varying the level of tolls and charges, toll ranges, and the classifications of vehicles subject to tolls and charges; and*

11.3.10.1 Many people oppose the RUCO, believing that the Silver Jubilee Bridge should remain un-tolled. Some also believe that neither bridge should be tolled, on the basis that the Project should be fully funded centrally and therefore object to the TWA Order. Some opposition is simply to the principle of tolling, but it is mainly based on the perceived effects. There are also suggestions that there should be a modest toll on the SJB alone and no new bridge Chapters 7 & 8.

11.3.10.2 It is clear that the Mersey Gateway Bridge could proceed only if tolled and that an un-tolled crossing would generate significant additional traffic, contrary to transport policy. Without tolling the Silver Jubilee Bridge, traffic would not use the proposed bridge and the Project would not achieve its objectives. A token toll would not do that because it would not be a sufficient barrier to movement and would not raise sufficient revenue. So I am therefore persuaded that proposed and existing bridges should be tolled 5.3.1, 5.4.44, 5.4.8, 5.5.1, 5.7.7 & 8.4.13.

11.3.10.3 The levels of tolls would be a matter for commercial judgement but would need to be sufficient to provide an adequate revenue stream to contribute to meeting the Project's costs. That is inevitable, but initially setting them at about the same as the Mersey Tunnels (the *most likely* toll) would seem sensible to dissuade traffic diversion. Relating any annual increases in toll ranges to the RPI plus 1% would reflect the need to maintain the real value of toll income and cover labour costs; and that would appear an adequate justification in my view. The proposed classification of vehicles for tolls and charges appears logical 5.5.4 & 5 & 8.4.13.

11.3.10.4 There are very few objections to the principle of ranges for charges although there are those who would prefer more certainty, not least for assessing the merits of the Project. I understand that but I am persuaded on its merits, notwithstanding the broad approach to setting toll levels; and I accept the need for flexibility.

11.3.10.5 I therefore conclude that the case for tolls and charges on the bridges is well-made and that the arrangements for setting and varying their levels would be appropriate.

- b) *the effects of tolling on private and commercial road users and the local economy.*

11.3.10.6 This is one of the most controversial issues around this Project, if not the major one. But, as stated above, I am persuaded that the case has been made for tolls, on the premise that without them there could be no second crossing of the Mersey or any improvements to the Silver Jubilee Bridge.

11.3.10.7 It is hardly surprising that very few, if any, wish to pay to cross the Mersey between Widnes and Runcorn when they can do so freely at present on the Silver Jubilee Bridge. Objections to tolls on the proposed Mersey Gateway Bridge have been relatively muted, but opposition to the imposition of charges on the Silver Jubilee Bridge has been fierce.

11.3.10.8 There could be drawbacks for private users and particularly the disadvantaged in having to pay to cross the river. Many see tolls as splitting the Borough and/or increasing the cost of essential travel for employment health, social and other purposes. On the other hand, some would prefer limited tolls to the disadvantages of the status quo and there is also a recognition that paying for the wider benefits of the Project would be eased by a discount scheme 5.5.10 & 12.

11.3.10.9 I do have some sympathy with those who see the prospect of a barrier between Halton and Widnes as a result of tolling a bridge which is presently free to use. I can understand that there would be those who would see tolls, like car parking charges, as an unacceptable imposition. But exemptions for some users and discounting for frequent and local users would at least sweeten the bitter pill; and importantly, there would be substantial benefits for users by way of less congestion, for public transport, and for pedestrians and cyclists, as a result of toll income 5.5.9 & 11.

11.3.10.10 Commercial users would also be subject to tolls. I recognise there would be undesirable on-costs for businesses, but frequent and local commercial users would also be eligible for discounts and there would be a reduction in congestion leading to improved journey reliability, which would reduce business costs. Furthermore, any additional costs would need to be balanced with the Project's net benefit to the local economy and the generation of additional employment 5.4.14-23.

11.3.10.11 I am thus persuaded that the balance of advantage lies firmly with tolls as provision of the Project with its economic, social and other benefits would outweigh the disadvantage of having to pay to cross what would otherwise be an increasingly congested and unreliable Silver Jubilee Bridge.

11. The justification for the particular proposals in the Side Roads Orders, including:

11.3.11.1 In my opinion the proposed works on the northern and southern approaches to the Silver Jubilee Bridge and on the Central Expressway would be necessary and acceptable; and the stopping up of highways required for the works would accord with terms of s14 of the Highways Act 1980.

- a) *whether the provisions are acceptable in their treatment of those highways or private means of access to premises proposed for stopping up or to be provided as new, as a result*

of the prospective construction or improvement of the classified road works on the northern and southern approaches to the Mersey Gateway Bridge;

11.3.11.2 The northern and southern approaches to the proposed bridge are embraced by the Transport and Works Act Order. The Side Road Orders are in respect of works to the northern and southern approaches to the Silver Jubilee Bridge and to the Central Expressway.

11.3.11.3 The Side Roads Orders do not require any private means of access to be stopped up and, although the works would involve some modifications to accesses, there are no statutory objections to these Orders. It is therefore necessary to consider only highways.

The Central Expressway SRO

11.3.11.4 Conversion of the existing hard shoulders and merge/diverge lanes on the Central Expressway into distributor lanes, with no direct connection for mainline traffic at the Halton Brow and Halton Lea Junctions (through the stopping up of six slip roads) ^{3.9.3 & Order Site Plan 1}, would remove much local traffic from the main carriageways and bring weaving distances up to current standards, thus improving safety.

11.3.11.5 The proposed modification of the carriageways, busways and footpaths, including the replacement of one busway bridge and one footbridge in slightly different locations, ^{3.9.4 & Order Site Plans 1A, 2, 2A, 3A, 4 & 4A} would all be necessary and no community severance would result.

11.3.11.6 I therefore conclude that the provisions of the Order would be acceptable.

The Queensway SRO

11.3.11.7 The proposed stopping up of part of the A533 Queensway and part of Desoto Road East ^{3.8.1 and the Order Site Plan} would be essential for the Silver Jubilee Bridge to be de-linked ^{7.2.7} and I therefore conclude that the provisions of the Order would be acceptable in terms of the effects on the A533 Queensway.

- b) *whether any alternative routes for highways proposed for stopping up are reasonably convenient; and*

The Central Expressway SRO

11.3.11.8 Most concerns raised by non-statutory objectors are general in nature, including the environment and general disruption during construction, and are addressed above.

11.3.11.9 Nevertheless, there are concerns that conversion of hard shoulders and merge/diverge lanes into distributor lanes, with no direct connection for mainline traffic at the Halton Brow and Halton Lea Junctions, would result in a degree of inconvenience and community severance ^{3.6.3 & 8.10.6}. Yet whilst traffic joining the mainline from either the Halton Brow or Halton Lea Junctions would have to do so via the distributor lanes and another junction, that would not involve serious inconvenience to the public

or any community severance.

11.3.11.10 I thus conclude that the alternative routes are all reasonably convenient and that no community severance would result from these changes.

The Queensway SRO

11.3.11.11 Again, most of the concerns are general in nature including tolling, although some are concerned about the proposed de-linking of Queensway from the strategic network north of the Mersey by the proposed stopping-up of highways 3.5.1 & eg 7.2.3. But de-linking is essential if congestion on the Silver Jubilee Bridge is to be avoided 7.2.7. Although the direct link to the A562 Speke Road for Liverpool would be lost and Desoto Road East would be stopped up, it seems to me that it would still be possible to reach Speke Road via the A563 and Ditton Junction, while access to Widnes via Waterloo road would be improved.

11.3.11.12 In my view, the new arrangements would be reasonably convenient to the public.

- c) *where private means of access are to be stopped up whether access to the premises is reasonably required, or whether another reasonably convenient alternative is available or would be provided.*

11.3.11.13 No private means of access would be stopped up.

12. *In relation to the draft TWA Order and the CPOs, whether there is a compelling case in the public interest for conferring on the Council powers compulsorily to acquire and use land for the purposes of the Project, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23 (including whether the Council has demonstrated there to be a reasonable prospect of the Project going ahead without being blocked by financial or other impediment); and whether all of the land over which the promoters have applied for such powers is required in order to secure implementation of the Project.*

11.3.12.1 Circular 06/2004 advises that a compulsory purchase order should only be made where there is a compelling case in the public interest that would sufficiently justify interfering with the human rights of those with an interest in the land affected; the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire; and all the necessary resources are likely to be available to achieve that end within a reasonable timescale. There should be a reasonable prospect of the scheme going ahead; it is unlikely to be blocked by any impediments to delivery; and there are no obvious reasons why planning permission might be withheld.

11.3.12.2 Because the need for the Project is justified, there is a compelling case in the public interest for compulsorily acquiring the land for the purposes of the Project. All of the land identified for compulsory purchase is required, including those parcels which are the subject of statutory objections because none of them is made out in the light of the HBC case and its responses to individual objections 5.10.2.

11.3.12.3 Whilst some of the objections relate to broader matters such as the need for or funding of the Project, they primarily relate to the disruptive effects of compulsory purchase on business enterprises and do not significantly challenge the requirement to acquire the interests for the Project. Need and funding are considered above within the framework of the Statements of Matters. The disruptive effects are very regrettable, but the Council's Relocation Strategy is designed to minimise that and it is clear that the Council is maintaining contact with affected enterprises to offer assistance. Some objections also relate to the financial implications of compulsory purchase but that is properly a matter for the statutory Compensation Code. One of the objections relates to the effect of compulsory purchase on remaining land and that too is a compensation matter.

11.3.12.4 All the required land which is not in the ownership of the Council is included within a compulsory purchase order, save for land owned by the Crown and the Duchy of Lancaster where negotiations are well in hand and there is no reason to suppose that they cannot be successfully concluded.

11.3.12.5 No dwellings are earmarked for compulsory purchase, only commercial interests; and as there is a compelling case for compulsory purchase in the public interest and no more land is being acquired than is necessary for the Project, any interference with human rights would be justified and proportionate.

11.3.12.6 The funding proposals by way of a PFI contract and tolling both bridges confirm that all the necessary resources are likely to be available to implement the Project within the proposed timescale; it is a reasonable timescale given the size of the Project and there is a reasonable prospect of it going ahead.

11.3.12.7 The Project is unlikely to be blocked by any impediments to delivery. Other consents would be needed for it to proceed, but they are in the process of being or will be obtained and there is nothing to suggest that any of these would be withheld. Nor are there any obvious reasons why planning permission might be withheld.

13. Whether there is a reasonable prospect that the Council will secure the consent of the Crown Estate and the Duchy of Lancaster to the acquisition of the land on the banks of the River Mersey needed for construction of the bridge.

11.3.13.1 I believe there is a reasonable prospect that the consent of the Crown Estate and the Duchy of Lancaster can be obtained. Neither objected to the proposals and the Crown Estate has offered support for the Project as a whole. The outstanding issue is one of agreeing terms with Halton Borough Council, about which it is confident.

14. The adequacy of the Environmental Statement submitted with the applications for the Orders and whether the statutory procedural requirements have been complied with.

11.3.14.1 In my opinion the Environmental Statement is comprehensive, thorough and adequate. Its adequacy was questioned at the PIM and at the

Inquiries, when I ruled to this effect and explained that the totality of environmental information available to the decision-makers would also include all of the evidence before the Inquiries that is now within this report 1.12. I believe that all the environmental information is sufficient to ensure properly informed decisions.

11.3.14.2 The absence of an Appropriate Assessment was also questioned and was also the subject of a ruling. On the basis of the objective and scientifically-based evidence, I remain wholly unconvinced of the need to undertake one because there would be unlikely to be any significant effect on the integrity of the SPA; and I have concluded that there would be no impact at all.

11.3.14.3 Although there is considerable disquiet about the extent of publicity undertaken in connection with the Project I am satisfied that it has been extensive and that there is compliance with the appropriate statutory formalities.

15. The purpose and effect of any substantive changes proposed by the Council to the draft TWA Order, the RUCO, the Side Roads Orders and the CPOs and whether anyone whose interests are likely to be effected by such changes has been notified.

11.3.15.1 A substantial number of changes by way of modifications are proposed for each of the Orders. For the most part these are of an administrative or corrective nature and follow consultation with the appropriate arms of DfT. Other modifications are to overcome inconsistencies between Orders or are in response to evidence adduced at the Inquiries 5.14.2, 8.9.59, 10.2.3, 10.3.2, 10.4.3, 10.5.2 & 10.6.2.

11.3.15.2 It seems to me that none of the proposed modifications would affect the interests of anyone who is not already aware of them and that there would be no need for further notification.

11.4 Secretary of State for Communities and Local Government

11.4.1 The matters which the Secretary of State for Communities and Local Government particularly wishes to be informed in relation to the called-in Planning and Listed Building Applications, are:

- a. *whether the proposed development accords with the development plan for the area (in this instance the emerging replacement RSS for the North West and Halton Unitary Development Plan), having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004;*

11.4.2 The development plan now comprises the RSS 2008 (having emerged and been approved) and the Halton UDP 2005 4.7.

11.4.3 Policy RT10 of the 2008 RSS does not specifically identify the Project and takes a criteria-based approach to transport infrastructure. But the Project essentially complies with that because it is likely to be included within an Implementation Plan. Importantly, there is no obvious conflict with its transportation provisions 5.4.3.

11.4.4 As regards other elements of the RSS, there is broad support for the Project in some strategic policies, though some conflict with others. Nevertheless, to the extent that there could be nominal conflict with spatial and environmental policies, mitigation would counterbalance it 8.9.28 & 60.

11.4.5 Turning to the UDP, Policy S14 states that another crossing of the Mersey should be provided. Whilst the line of the route is not shown on the Proposals Map, the proposed location is clear from the policy's text 5.4.5.

11.4.6 There is some conflict with other policies of the UDP, but all of the interests that the policies aim to protect are considered elsewhere in these conclusions. To the extent that there is conflict, it is relatively limited, and has to be seen in the context of the proposed mitigation measures and the alternative *do minimum* scenario where the ultimate harm could be worse. And to the extent that there is serious conflict, as in the Green Belt, there are very special circumstances, sufficient to outweigh the harm 5.4.7.

11.4.7 The Project would bring substantial benefits and consequently, it seems to me that the proposals are broadly in compliance with the development plan and certainly not unacceptably in conflict.

b. Whether the applications accord with the provisions of Planning Policy Statement 1: Delivering Sustainable Development and whether it would accord with the Key Planning Objectives set out in PPS1 Supplement: Planning and Climate Change;

11.4.8 Because the applications and the Project as a whole would offer many benefits that would promote sustainable development, including economic development, regeneration and accessibility, and would help to facilitate a Sustainable Transport Strategy, I conclude that it would be consistent with the provisions of PPS1 5.4.9.

11.4.9 Arguments to the contrary rely on a misinterpretation of the PPS's provisions and ignore the fact that the Project would further the aims of the Supplement by reducing the need to travel, especially by car 8.9.29 & 61.

c. The extent to which the proposed development is consistent with Government policies in PPG2: Green Belts, especially whether the development is considered appropriate under the provisions of PPG2;

11.4.10 No part of the Project comprising development for which permission is sought in the applications would affect the Green Belt. A small area of Green Belt land is affected by the proposed works for which consent is sought via the TWA Order and that is considered in DfT Matter 3g. My conclusion is that the Project would represent inappropriate development, contrary to the provisions of PPG2, but that there are very special circumstances which would justify it being permitted.

d. The extent to which the proposed development is consistent with Government policies in PPG17: Open Space, with particular regard to the loss of greenspace;

11.4.11 There would be some conflict with PPG17, which I have addressed in dealing with DfT Matter 3h. But to the extent that the Project would involve loss of greenspace, it would be temporary or restricted, by nature or

extent and bearing in mind the benefits, the fairly minimal adverse implications of the proposals would be acceptable 5.6.41.

- e. *Whether the applications have fully taken into consideration the requirements of PPS9: Biodiversity and Geological Conservation, especially given the nature and extent of land identified and protected under local designations, and whether the applications accord with PPS10: Waste;*

11.4.12 Issues of biodiversity are considered in DfT Matters 4 and 5 where I conclude that as a consequence of the design of the proposals and subject to appropriate mitigation, the provisions of PPS9 would be observed. The importance of suitable mitigation is reinforced by my conclusions on DfT Matters 7 and 8 and Chapter 10 regarding the importance of the Construction and Environmental Management Plan Section 10.7.

11.4.13 In my opinion the Project would accord with the advice in PPS10 on account of the proposed Site Waste Management Plan, for which provision would be made via the Construction Environmental Management Plan referred to in the proposed conditions for planning permissions 5.6.34 & Section 10.7.

- f. *Whether the applications accord with PPG13: Transport. In particular, whether they promote more sustainable transport choices and reduce the need to travel by private transport;*

11.4.14 In my view the Project would promote sustainable transport choices and reduce the need to travel, in accordance with PPG13.

11.4.15 By removing approximately 80% of the traffic currently using the Silver Jubilee Bridge, it would be able to serve an essentially local function. The reduction in traffic would facilitate improved journey times for public transport and allow for its reconfiguration, with more appropriate space for pedestrians and cyclists. Moreover, the introduction of tolls would discourage some trips and make a direct financial contribution to the Sustainable Transport Strategy. And finally, the second deck on the proposed bridge would provide scope for further cross-river public transport in the future 3.9.1.

11.4.16 Those who question the compliance with PPG13 do so in the belief that by providing more highway infrastructure the Project would not reduce the need to travel. But the Project would neither cause widespread traffic re-assignment nor induce a large number of trips over a wide area. On the contrary, when compared with the *do minimum* scenario, the Project would actually reduce the volume of traffic crossing the Mersey at the Runcorn Gap 8.32, 8.27.1 & 5.4.9.

- g. *Whether the applications will have a significant impact on features of archaeological and heritage importance, listed buildings and conservation areas in relation to the provisions of PPG15: Planning and the Historic Environment and PPG16: Archaeology and Planning;*

11.4.17 The environs of the Project support a rich heritage. A full assessment of the impact of the proposals upon them reveals relatively insignificant effects and importantly, there is no objection from English Heritage.

11.4.18 Only one listed building would be physically affected by the proposals, namely the Silver Jubilee Bridge itself, which is the subject of planning and listed building applications. The works to it are minimal in terms of its appearance and integrity, but I am satisfied that the reconfiguration of its surface coupled with the consequent reduction in vehicular traffic and congestion would be beneficial and reinforce its preservation. Moreover, greatly improved facilities for cyclists and pedestrians would allow the grandeur of the bridge to be properly appreciated. Appropriate conditions are proposed and I therefore conclude that the provisions of PPG15 are appropriately observed 5.6.65-67, Section 10.7 &

Annexes 1 & 2.

11.4.19 I am also satisfied that the provisions of PPG16 would be observed by the proposals, as a result of mitigation measures proposed in response to the archaeological assessment and included in the proposed conditions 5.6.60, Section 10.7 & Annexes 1 & 2.

h. Whether the applications have fully taken into consideration the requirements of PPS23: Pollution and PPG24: Noise, with particular regard to the reduction in air quality and the impact of noise and vibration;

11.4.20 Noise and pollution have been considered in DfT Matters 3a and 3e, where I conclude that there is no conflict with the provisions of PPS23 or PPG24.

i. Whether any permission or consent which may be granted should be subject to any conditions and, if so, the form they should take; and

11.4.21 If planning permission and/or listed building consent were to be granted, it would be necessary to impose conditions which complied with the six tests in Circular 1/95. Conditions were offered and considered at the Inquiries, have been considered at length in Chapter 10 of this report and are annexed to it Section 10.7 & Annexes 1 & 2.

j. Any other relevant matters.

11.4.22 Two s19 applications were made in connection with compulsory purchase and two notices of intention to issue an exchange land certificate were published. One was for the Runcorn Open space to the south of the river and the other was for the Widnes Open Space to the north. There was an objection in respect of the latter and that is dealt with in DfT Matter 3h.

11.4.23 There was no objection in respect of the former, it was not therefore a proper matter for the Inquiries or my consideration, I reach no conclusion and make no recommendation. However, it was addressed by the Council and the evidence confirms that it is appropriate to issue an exchange land certificate, if that has not already occurred 1.4 & 5.13.3.

11.5 Overall Conclusions

11.5.1 The concern of local people and responsible organisations for the well-being of the local economy, the quality of their environment and implications of the proposals for climate change, is commendable. Their participation in the extensive process of considering the pros and cons of the

Project has ensured that no stone has been left unturned in exhaustively considering the need for the Project and its implications, both positive and negative; and it is against that background that I have reached the following conclusions.

11.5.2 There is a need for the Project, as the existing situation confirms. There was an exhaustive examination of alternative ways of meeting that need and of routing another crossing of the Mersey, before the Project was promoted as the best means of addressing the identified need in concert with other measures which form an interdependent package of sustainability measures. Alternative solutions now postulated, cast no doubt on the appropriateness of the Project or its routing across the Mersey.

11.5.3 The Project's environmental impacts, particularly on the Mersey itself and on adjoining residential areas, would be contained by its design and by the extensive mitigation measures proposed; and where adverse impacts remained in the longer-term, they would be justified in the public interest and outweighed by wider environmental, economic and other benefits. Moreover, the Project's implications for climate change would be positive, contrary to widely held beliefs.

11.5.4 The Project conforms broadly with the development plan and national planning policy guidance. To the extent that there are policy conflicts, they are limited and where more serious, an exception would be appropriate in the light of the rigorous examination of need, alternatives, impacts and mitigation, and in the public interest. Sufficient resources are likely to be available and there are no apparent impediments to implementation.

11.5.5 So far as the TWA Order is concerned, the powers are comprehensive and necessary for the implementation of the Project. There is a compelling case in the public interest for compulsory purchase and the tests of Circular 06/2004 are met. None of the statutory or non-statutory objections is made out. A substantial number of modifications are proposed and subject to them being made, the Order should be made.

11.5.6 As for the two Compulsory Purchase Orders, there is a compelling case in the public interest for compulsory purchase and the four tests of Circular 06/2004 are met. None of the objections is made out. Minor modifications are proposed and subject to these being made, the CPOs should be confirmed.

11.5.7 Turning to the two Side Road Orders, the stopping up of highways are necessary for the implementation of the Project and accord with terms of s14 of the Highways Act 1980. None of the objections is made out. Minor modifications are proposed and subject to these being made, the SROs should be confirmed.

11.5.8 As far as the Road User Charging Scheme Order is concerned, the charges proposed are necessary to contribute to the funding of the Project and fund sustainable transport. The arrangements for collecting and varying the charges are acceptable. None of the objections is made out. Modifications are proposed and subject to these being made, the Order should be confirmed.

11.5.9 Regarding the Planning Applications, there is broad compliance with the development plan and other material considerations, where adverse in their implications, can be addressed by conditions and should not prevent approval. Permission should therefore be granted subject to conditions.

11.5.10 So far as the Listed Building Application is concerned, the proposed works would respect and enhance the Silver Jubilee Bridge and permission should be granted subject to conditions.

11.5.11 And finally, as regards the Exchange Land Certificate, the exchange land is larger than the land being acquired and equally advantageous. The terms of s19 of the Acquisition of Land Act 1980 are therefore complied with and a certificate can be issued.

11.6 Final Conclusion

11.6.1 For all the above reasons, I consider that the Orders should be modified and made or confirmed, the Applications should be granted subject to conditions and the Certificates should be issued.

12 RECOMMENDATIONS

12.1.1 I recommend that the following Order be modified as suggested in paragraph 11.5.5 of this report and thereafter made:

- The River Mersey (Mersey Gateway Bridge) Order 200[]

12.1.2 I recommend that that planning permission for the works authorised by the Order be deemed to be granted subject to the conditions set out in Annex 2, pursuant to section 90(2A) of the Town and Country Planning act 1990 (the '1990 Act').

12.1.3 I recommend that the following Orders be modified as suggested in paragraphs 11.5.6 to 11.5.8 of this report and thereafter confirmed:

- The Halton Borough Council (The Mersey Gateway - Central Expressway) Compulsory Purchase Order 2008
- The Halton Borough Council (The Mersey Gateway – Queensway) Compulsory Purchase Order 2008
- The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008
- The Halton Borough Council (A533 Queensway) Side Roads Order 2008
- The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008.

12.1.4 I recommend that the following applications be granted, subject to the conditions set out in Annex 2:

- The Planning Application for the Central Expressway
- The Planning Application for the Silver Jubilee Bridge
- The Listed Building Application for the Silver Jubilee Bridge

12.1.5 I recommend that the Certificate under section 19(1)(a) of the Acquisition of Land Act 1981 be issued in respect of the Widnes Open Space.

Alan T Gray

Inspector

APPEARANCES

The Promoter (in order of appearance)

For Halton Borough Council

Mr Timothy Straker, Queen's Counsel
and

Mr Christopher Boyle, of Counsel

They called

Mr David Parr LLB PGDip (Planning & Env) (*Corporate*)

Mr Steve Nicholson BSc CEng MICE
(*Development & Case for Project*)

Mr John Brooks BA(Hons), CTP, MRTPI
(*Planning Policy*)

Mr Richard Threlfall
(*Financial*)

Mr Mike Jones BEng(Hons) CEng MIHT
(*Engineering & Construction*)

Mr Ian Hunt CEng BSc FICE MIMStructE
(*Engineering Design Development & Navigation*)

Mr Paul Beswick BA(Hons) PGDipLA
(*Landscape, Townscape & Visual Amenity*)

Mr Alan Pauling BA Sc TPS IHT
(*Transportation*)

Mr Graham Russell BSc(Hons) Dip TP
MBA MPhil(Econ) MRTPI
(*Wider Economic Impact*)

Dr Clare Twigger-Ross MA(Hons) MSc
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(*Social Impact*)

Ms Yvonne Brown BSc(Hons)
MSc(En Man) MIEnvSc MIAQM
(*Air Quality*)

Mr Paul Freeborn FIOA MSc MIQ
(*Noise & Vibration*)

Mr Paul Norton CEng FIMarEST,
MSc(Eng) BSc(Eng)
(*Hydrodynamics & Geomorphology*)

Mr Paul Oldfield MSc BTP
(*Avian Ecology*)

Dr Ray Gemmell BSc(Hons) PhD CBiol
MIBiol MLI (Land Science Division)
(*Terrestrial Ecology*)

Dr Keith Hendry BSc(Hons) PhD FIFM
CEnv
(*Surface Water Quality*)

Mr Nigel Cossons BSc MSc CGeol CSci,
FGS MICE
(*Contamination of Soils, Sediments &
Groundwater*)

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Project Director, Halton Borough
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Partner, KPMG LLP

Associate, Gifford

Project Director, Gifford

Technical Director, Enzygo Limited

Director of Transport Planning, Gifford

Partner/Director, Amion Consulting
Limited

Associate Consultant, Collingwood
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Technical Director, Air Quality
Department, Bureau Veritas

Technical Director, Acoustics and
Vibration Department, Bureau Veritas
Principal Consultant and Head of the
Modelling Team, ABP Marine
Environmental Research Limited
Nature Conservation Officer, Halton
Borough Council

Partner, Environmental Research &
Advisory Partnership

Managing Director, APEM Ltd

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Dr Adrian E Williams BSc(Hons) MSc PhD MIFM CEnv <i>(Aquatic Ecology)</i>	Company Director & Aquatic Ecologist, APEM Ltd
Mr Alan Scarisbrick Dip(Estate Man), FRICS <i>(Land Acquisition)</i>	Senior Development Manager, Halton Borough Council

Supporting the Promoter (in order of appearance)

Mr Derek Twigg MP	Member of Parliament for the Halton Constituency
<i>For Cheshire West & Chester Council:</i> Councillor Herbert Manley	Council Member
<i>For Peel Holdings Group:</i> Mr Peter Nears BA (Hons) MSc MRTPI MILT FRSA	Strategic Planning Director, Peel Holdings Group

Objecting (Non-Statutory) (in order of appearance)

<i>For The Alliance</i> Mrs Lillian Burns HND and Mr Frank Kennedy Mrs Burns gave evidence and <i>they called</i> Prof Alan Wenban-Smith MA MSc DipTP MRTPI Mr Keith Buchan MSc MIHT MTPS	Representing: CPRE, North-West Transport Activists Roundtable & Friends of the Earth Visiting Professor of Planning, University of Birmingham Director, Metropolitan Transport Research Unit
Mr Paul Cooke	Local resident
<i>For Great Sankey Parish Council</i> Councillor Christopher Lee	Whittle Hall Community Centre, Lonsdale Close, Warrington WA5 3UA
Councillor Leslie Ford	Local resident
<i>For the National Alliance Against Tolls</i> Mr John McGoldrick Mr McGoldrick gave evidence and <i>he called</i> Mr David Loudon Dr Anne Stafford PhD MACCA	Coordinator, National Alliance Against Tolls Chairman, Mersey Tunnels Users Association Manchester University Business School

Prof Andrew Basden BSc PhD	Professor of Human Factors and Philosophy in Information Systems, University of Salford & a Local resident
<i>For Sutton Parish Council</i> Mrs Sandra Spruce	Clerk to the Parish Council
<i>For Warrington Road Residents' Association</i> Mr Martin Ramsden BSc(Hons)	Local resident
Mr Michael Gelling	Local resident
Mr Mark McLaughlin	Local resident
Mrs Lynne McCarrick	Local resident

DOCUMENTS

INQUIRIES DOCUMENTS

D/1	Notes of Pre-Inquiries Meeting on 24 March 2009
D/2	Familiarisation Tour Itinerary and Map (15 May 2009)
D/3	Itinerary for Tour of Land to be acquired by Compulsory Purchase (subject to objections) 18 June 2009
D/4	Inspector's Questions (17 June 2009)
D/5	Itinerary for Site Inspection on 23 June 2009 and Plan
D/6	Inspector's Rulings on 21 May, 2 June & 25 June 2009
D/7	List of Submitted Inquiries' Documents as at 28 July 2009
D/8	Outline Inquiries Programme
D/9	Programme as Occurred
D/10	Inspector's Questions (23 July 2009)
D/11	570 Party Folders containing all objections and representations, together with subsequent correspondence

CORE DOCUMENTS

Proposed Orders, Conditions & Application Forms	
CD/1	Planning Application Form (Silver Jubilee Bridge)
CD/2	Planning Application Form (Expressway Works)
CD/3	Certificate C
CD/4	Listed Building Application
CD/5	Listed Building Certificate
CD/6	Design and Access Statement
CD/7	Design and Access Statement Supplementary Annex
CD/8	Statement of Community Involvement
CD/8A	Planning Statement
CD/9	Application plans, etc
CD/10	The proposed River Mersey (Mersey Gateway Bridge) Order 200[]
CD/11	Explanatory Memorandum
CD/12	Statement of Aims and Reasons
CD/13	Consultation Report
CD/14	Environmental Statement/Addendum to Environmental Statement
CD/14A	Non-technical Summary
CD/15	Declaration as to the Status of the Applicant
CD/16	List of Consents, Permissions and Licences required under other enactments
CD/17	Estimate of Costs authorised by the proposed Order
CD/18	The Applicant's proposal for funding the cost of implementing the Order
CD/19	Book of Reference
CD/20	Planning Direction Document
CD/21	Bundle of TWA Works and Sections Plans
CD/22	The Proposed A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 200[]
CD/23	Explanation of Tolls and Road User Charging

CD/24	Road User Charging Key Plan
CD/25	Road User Charging Order – Plan
CD/26	Halton Borough Council (The Mersey Gateway – Central Expressway) Compulsory Purchase Order 2008
CD/27	Central Expressway CPO plans
CD/28	Halton Borough Council (The Mersey Gateway - Queensway) Compulsory Purchase Order 2008
CD/29	Queensway CPO plan
CD/30	Halton Borough Council (A533 Central Expressway) Side Roads Order 2008
CD/31	Central Expressway SRO plans
CD/32	Halton Borough Council (A533 Queensway) Side Roads Order 2008
CD/33	Queensway Side Roads Order Plan

Acts of Parliament (see also CD/171 to CD/173 & CD/229 to CD/231)

CD/34	Salmon and Freshwater Fisheries Act 1975
CD/35	Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community
CD/36	Highways Act 1980
CD/37	Wildlife and Countryside Act 1981
CD/38	Environmental Protection Act 1990
CD/39	Water Resources Act 1991
CD/40	New Roads and Street Works Act 1991
CD/41	Transport and Works Act 1992
CD/42	Clean Air Act 1993
CD/43	Environment Act 1995
CD/44	Road Traffic Reduction Act 1997
CD/45	Transport Act 2000
CD/46	Education Act 2002
CD/47	Traffic Management Act 2004

European Legislation (see also CD/174 to CD/176 and CD/232 to CD/236)

CD/48	The Environmental Protection (Duty of Care) Regulations 1991
CD/49	The Conservation (Natural Habitats, & c.) Regulations 1994. HMSO, London
CD/50	Air Quality (England) Regulations 2000
CD/51	Air Quality (England) (Amendment) Regulations 2002
CD/52	Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
CD/53	Air Quality Standards (England) Regulations 2007 – Statutory Instrument No 64
CD/54	EC Freshwater Fish Directive 78/659/EEC
CD/55	EEL Directive of 2 April 1979 on the conservation of wild birds. 79/409/EEC
CD/56	EC Groundwater Directive. Protection of Groundwater against Pollution Caused by Certain Dangerous Substances 80/68/EEC

CD/57	EC Urban Wastewater Treatment Directive 91/271/EEC
CD/58	Habitats Directive 92/43/EEC
CD/59	Not Used
CD/60	EC Water Framework Directive 2000/60/EC
CD/61	Council Regulation (EC) No 1100/2007 of 18 September 2007 Establishing Measures for the Recovery of the Stock of European Eel

National Legislation, Policy & Guidance (see also CD177 to CD/180 and CD/237 to CD/268)

CD/62	Planning Policy Statement 1: Delivering Sustainable Development (2005)
CD/63	Supplement to Planning Policy Statement 1: Planning and Climate Change (2007)
CD/64	Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
CD/65	Planning Policy Statement 10: Planning for Sustainable Waste Management (2005)
CD/66	Planning Policy Statement 23: Planning and Pollution Control (2004)
CD/67	Planning Policy Statement 25: Development and Flood Risk (2006)
CD/68	Planning Policy Guidance 2: Green Belts (1995)
CD/69	Planning Policy Guidance 13: Transport (2001)
CD/70	Planning Policy Guidance 15: Planning and the Historic Environment (1994)
CD/71	Planning Policy Guidance 16: Archaeology and Planning (1990)
CD/72	Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)
CD/73	Planning Policy Guidance 24: Planning and Noise (1994)
CD/74	Office of the Deputy Prime Minister Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their impact within the Planning System
CD/75	Office of the Deputy Prime Minister Circular 06/2004 - Compulsory Purchase and the Crichel Down Rules
CD/76	Office of the Deputy Prime Minister Circular 01/2006 - Guidance on Changes to the Development Control System
CD/77	Nature Conservancy Council 1989. Guidelines for Selection of Biological SSSIs. Nature Conservancy Council, Peterborough
CD/78	Transport White Paper 1998: A new deal for transport; better for everyone, 1998
CD/79	New Approach To Appraisal DfT, 1998
CD/80	Not Used
CD/81	Department for Transport, From Workhorse to Thoroughbred, 1999
CD/82	Department for Transport - Transport Ten Year Plan 2000
CD/83	Department for Transport, Tomorrow's Roads: safer for everyone, 2000.
CD/84	The Guidelines for Landscape Character Assessment, 2002 Countryside Agency and Scottish Natural Heritage.

CD/85	Department for Health, Choosing Health in Halton, 2004
CD/86	Department for Transport, Walking and Cycling – an Action Plan, 2004
CD/87	Department for Transport - Transport White Paper The Future of Transport July 2004
CD/88	Department for Transport, Transport Assessment Guidance 2005
CD/89	Department for Transport, Transport, Wider Economic Benefits and Impacts on GDP 2006
CD/90	Office of the Deputy Prime Minister, Defra & English Nature: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice (March 2006)
CD/91	Department for Transport - the Eddington Transport Study 2006
CD/92	Defra 2006. Circular 01/2006. Environmental Protection Act 1990: Part 2A - Contaminated Land
CD/93	The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007) published by Defra in partnership with the Scottish Executive, Welsh Assembly Government and Department of the Environment Northern Ireland
CD/94	Department for Transport - Transport White Paper Towards a Sustainable Transport System October 2007
CD/95	Department for Transport, Guidance on Transport Assessment, May 2007
CD/96	Department for Transport, A Sustainable Future for Cycling, 2008
CD/97	Defra 2008 Guidance on the Legal Definition of Contaminated Land [<i>Recent update discussing outcome of the past two year's review of the guidance and the definition of SPOSH</i>]
CD/98	UK Biodiversity Partnership's Biodiversity Action Plan (BAP)
Regional & Local Policy <i>Guidance (see also CD/181 to CD/185 and CD/269 to CD/274)</i>	
CD/99	Regional Spatial Strategy North West (2003)
CD/100	Regional Planning Guidance for the North West (RPG13), March 2003
CD/101	Liverpool City Region Development Plan (The Mersey Partnership (TMP), 2005)
CD/102	The sustainable Cheshire Forum, 2005. Cheshire Environmental Action Plan 2005-2020
CD/103	Action Plan for the Liverpool City Region - Merseyside Sub-Regional Partnership 7-11-07
CD/104	North West Regional Economic Strategy (2006)
CD/105	The Local Transport Plan for Merseyside 2006 – 2011 http://www.transportmerseyside.org/50/
CD/106	Liverpool City Region Economic Projections and Prospects (TMP, 2007)
CD/107	Draft Regional Spatial Strategy Proposed Changes (2008)
CD/108	Gifford, Mersey Gateway Draft Sustainable Transport Strategy, April 2008
CD/109	<i>Duplicate of CD/99</i>

CD/110	Mersey Estuary Pollution Alleviation Scheme (MEPAS): Liverpool inceptor sewers
CD/111	Countryside Commission Countryside Character Area 2 North West .
CD/112	Halton Borough Council (1999). Biodiversity Audit of Halton 1999. Cheshire Ecological Services Ltd
CD/113	Halton Biodiversity Steering Group (2002-2003). Halton's Biodiversity Action Plan: A Framework for Local Biodiversity Conservation. Halton Borough Council, Widnes.
CD/114	Halton Borough Council (2003) State of the Borough Report
CD/115	Halton Borough Council (2005) Unitary Development Plan
CD/116	Halton Economic and Tourism Strategy - 'Halton: Gateway to Prosperity' (HBC, 2005)
CD/117	Halton Borough Council, Local Transport Plan – Annual Progress Report for 2004/05, July 2005
CD/118	Not Used
CD/119	Halton Borough Council (2006) Final Local Transport Plan 2006/07 – 2010/11
CD/120	Halton Strategic Partnership (2006) A Community Strategy for a Sustainable Halton 2006 – 2011 Making it Happen in Halton
CD/121	Halton Borough Council Corporate Plan (HBC, 2006)
CD/122	Cheshire County Council, Local Transport Plan 2006 –2011
CD/123	Warrington Borough Council, Local Transport Plan 2006 – 2011.
CD/124	<i>Duplicate of CD/105</i>
CD/125	Halton Wildlife Sites Partnership 2007. Halton Local Wildlife and Geology Sites: Guidelines for Designation
CD/126	Halton Borough Council (2008) State of the Borough Report
CD/127	GVA Grimley (2008) Mersey Gateway Regeneration Strategy
CD/128	Mersey Gateway Relocation Strategy 2008
CD/129	Report to Mersey Gateway Exec Board 19 th May 2008
CD/130	HBC Asset Management Plan (AMP) Programme
CD/131	Major Scheme Appraisal submission to DfT

Design Standards & Technical Guidance (see also
CD/186 to CD/192 and CD/280 to CD/286)

CD/132	British Standards Institute, 1990. BS1377 Soils Testing for Civil Engineering Purposes.
CD/133	Highways Agency, Design Manual for Roads and Bridges (DMRB), Volume 11, June 1993 (extracts)
CD/134	British Standard: Noise and vibration control on construction and open sites; Part 1 (BS 5228: Part 1: 1997) Code of practice for basic information and procedures for noise and vibration control
CD/135	Highways Agency, 1998. Design Manual for Roads and Bridges (DMRB) Volume 11 Section 3 Part 10 Water Quality and Drainage (extracts)
CD/136	Highways Agency. Highways Specification for granular engineering fill (Manual of Contract Documents for Highway Works, Volume 1: Specification for Highway Works (as amended)). 1998

- CD/137** British Standards Institute, 1999. BS5930 Code of Practice for Site Investigations.
- CD/138** British Standards Institute, 2001. BS10175 Code of Practice for the Investigation of Potentially Contaminated Sites
- CD/139** Highways Agency Design Manual for Roads and Bridges (DMRB) Specification for Highways Works Series 600 Earthworks Volume 1 (November 2006 amendment)
- CD/140** Design Manual for Roads and Bridges 2008 - Volume 11
- CD/141** Highways Agency Interim Advice Note 61/05
- CD/142** EPUK Development Control and Planning for Air Quality
- CD/143** By Design - Urban design in the planning system: towards a better practice CABE Report 2000
- CD/144** English Nature May 2001 Mersey Estuary European Marine Site: English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats & c.) Regulations 1994, as amended
- CD/145** CIRIA Report C552, 2001. Contaminated land risk assessment - A guide to good practice
- CD/146** The Guidelines for Landscape and Visual Impact Assessment, 2nd Edition 2002 Landscape Institute and the Institute for Environmental Management and Assessment (extracts)
- CD/147** Environment Agency, 2002. Source Treatment for Dense-Non-Aqueous Phase Liquids. Technical Report P5-051/TR/01
- CD/148** Halton Borough Council & Gifford Consulting Engineers. (July 2003). Second Bridge Crossing Nature Reserve Proposals and Management Plan for the Upper Mersey Estuary. Halton Borough Council, Widnes
- CD/149** Environment Agency, 2003. Draft technical report on the Review of Fate and Transport of Selected Contaminants in the Soil Environment (P5-079/TR1)
- CD/150** Environment Agency, 2003. Research and Development (R&D) 133 Illustrated Handbook of DNAPL Transport and Fate in the Subsurface
- CD/151** MVA 2003 Stage 2 Social Research
- CD/152** MVA 2004 Quantitative research (Stated Preference)
- CD/153** Environment Agency, September 2004. CLR11 Model Procedures for the Management of Land Contamination
- CD/154** Jacobs Babtie Land and Water Remediation Ltd. 2004. Steward's Brook - Leachate Remediation Ecological Survey. Jacobs Babtie, Leeds
- CD/155** The Guidelines for Environmental Impact Assessment 2004 Institute for Environmental Management and Assessment (extracts)
- CD/156** MVA 2005 Social Impact Assessment Quality of Life Survey (Stage4)
- CD/157** MVA 2005 The Social Research Mersey Gateway Community Facilities Research Report (Stage 5)
- CD/158** Gifford. 2005. Additional Modelling. Mersey Gateway. Technical Notes. Report No. R.1241. Produced by ABPmer. 113 pp
- CD/159** MVA 2007 Design to Deliver Mersey Gateway Project - Report for the Social Impact Assessment (Stage 7)

CD/160	UCL. Environmental Fluids and Coastal Engineering, Civil, Environmental and Engineering Department. 2007. Investigation into Scour around the Proposed Mersey Gateway Crossing. Gifford GLPO 30817. 49 pp
CD/161	Health & Safety Executive, 2007. EH40/2005 Workplace Exposure Limits
CD/162	Reid Rail, Mersey Gateway First Stage Public Transport Options Study, May 2007
CD/163	GVA Grimley, Mersey Gateway Regeneration Strategy: Issues Report, October 2007
CD/164	RTPI Heritage White Paper 2007
CD/165	Environment Agency, 2008, Human health toxicological assessment of contaminants in soil, Science Report SC050021/SR2
CD/166	Environment Agency, 2008, Updated technical background to the CLEA model, Science Report SC050021/SR3
CD/167	Environment Agency, 2008, CLEA Software (Version 1.03 beta) Handbook, Science Report SC050021/SR4

Other Reports

CD/168	Halton Borough Council (Mike Curtis) (Unknown date). An Innovative and Novel Technique Used for the Remediation of Highly Contaminated Galligu Soil Within the Borough of Halton
CD/169	Halton Borough Council (Unknown date). What is Galligu? www.halton.gov.uk/content/environment/environmental health .

European Legislation (see also CD/226 to CD/228)

CD/170	Assessment of Effects of Projects on the Environment - Council Directive 1985/337/EEC as amended by Council Directive 97/11/EC
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Further Acts of Parliament (see also CD/34 to CD/47 and CD/229 to CD/231)

CD/171	Local Transport Act 2008
CD/172	Control of Pollution Act 1974
CD/173	Land Compensation Act 1973

Further Statutory Instruments (see also CD/48 to CD/61 and CD/232 to CD/236)

CD/174	The Noise Insulation Regulations 1975 SI 1975/1793 as amended by The Noise Insulation (Amendment) Regulations 1988 SI 1988/2000
CD/175	The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) SI 1999/293
CD/176	The Construction (Design and Management) Regulations 2007 SI 2007/320

Further National Legislation, Policy & Guidance (see also CD/62 to CD/98 and CD/237 to CD/268)

- CD/177** DfT Guidance on Delivering a Sustainable Transport System, Main Report and Executive Summary (November 2008)
- CD/178** DCLG Guidance on Strong and Prosperous Communities, The Local Government White Paper (October 2006)
- CD/179** DCLG Circular 02/99 - Environmental Impact Assessment
- CD/180** DfT Feasibility Study of Road Pricing in the UK, Annex A The Economic Case for Road Pricing (July 2004)

Further Regional and Local Policy and Guidance (see also CD/99 to CD/111 and CD/269 to CD/274)

- CD/181** Halton Strategic Partnership, A Local Area Agreement for Halton April 2007 – March 2010
- CD/182** Mersey Gateway Sustainable Transport Strategy, Gateway to Sustainability (February 2009)
- CD/183** Mersey Gateway Sustainable Transport Strategy, Gateway to Sustainability, Sustainability Appraisal Report (December 2008)
- CD/184** North West Regional Assembly, A Methodology for Determining Regional Transport Priorities in the North West (2006)
- CD/185** Regional Prioritisation of Major Transport Schemes, Study Report, Final Draft (Atkins, 2005)

Further Design Standards & Technical Guidance (see also CD/132 to CD/142 and CD/280 to CD/286)

- CD/186** Highways Agency Design Manual for Roads and Bridges Volume 12: Traffic Appraisal of Roads Schemes, Section 1: Traffic Appraisal Manual, Part 1: The Application of Traffic Appraisal to Trunk Roads Schemes (Incorporating Amendment No.1 dated November 1997) and Section 2: Traffic Appraisal Advice, Part 1: Traffic Appraisal in Urban Areas
- CD/187** Highways Agency, Design Manual for Roads and Bridges, Volume 13, COBA 11 User Manual (2006)
- CD/188** Defra, Development of Estuary Morphological Models. R&D Technical Report FD2107/TR.9 (2007)
- CD/189** MAFF, Modelling Estuary Morphology and Process, Final Report. MAFF Project FD1401 (2000)
- CD/190** DETR, National Road Traffic Forecasts 1997
- CD/191** Department of Transport, Welsh Office, HMSO Calculation of Road Traffic Noise, (1988)
- CD/192** DfT, Transport Users Benefit Appraisal (TUBA) Guidance and User Manual (October 2006)

Mersey Gateway Reports (see also CD/287 to CD/291)

- CD/193** Mersey Gateway Highway Model Local Model Validation Report (February 2009)
- CD/194** The Mersey Gateway Rapid Health Impact Assessment 2009 Explanatory Letter dated 16 February 2009
- CD/195** The Mersey Gateway Rapid Health Impact Assessment February 2009
- CD/196** Mersey Gateway Economic Appraisal Report (February 2009)

CD/197	Mersey Gateway Traffic Forecasting Report (February 2009)
CD/198	Mersey Gateway Appraisal Summary Table (February 2009)
CD/199	The Mersey Gateway Project, Environmental Impact Assessment, Contamination of Soils, Sediments and Groundwater Technical Annex (July 2008 Revision A)
CD/200	Mersey Gateway, Wider Economic Impact Report (Amion, January 2009)
Scheme Development & Appraisal Reports	
CD/201	Cheshire County Council, Proposed Second Runcorn-Widnes Bridge - Initial Feasibility Report (February 1978)
CD/202	DoT, Mersey Crossing Study Survey Report (April 1992)
CD/203	DoT, Mersey Crossing Study - Final Report (September 1993)
CD/204	Mersey Crossing Group, Mersey Crossing Study – Stage 1 Report (June 1997)
CD/205	Mersey Crossing Group, Stage 2 Environmental Assessment for New Mersey Crossing (March 1998)
CD/206	Economic Impact of Second Runcorn Bridge (September 1998)
CD/207	Mersey Crossing Group, New Mersey Crossing Study - Stage 2 Report (March 1999)
CD/208	Halton Borough Council, Second Mersey Crossing at Runcorn - Review of Options (June 1999)
CD/209	Halton Borough Council, Mersey Crossing Study - Integrated Transport Solution Volumes One, Two and Three (May 2000)
CD/210	Halton Borough Council, New Mersey Crossing in Halton, A Preliminary Sources Survey (Desk Study) Report of Works 1 (Gifford, November 2001)
CD/211	Halton Borough Council, New Mersey Crossing Report of Works 2 (Gifford, March 2003)
CD/212	Reid Rail Mersey Gateway First Stage Public Transit Options Study (May 2007)
CD/213	Mersey Gateway Bridge Alternatives Briefing Note to compare the single span and 3-tower bridge options (November 2005)
CD/214	Mersey Gateway Route Alternatives Briefing Note on Route 4 (November 2005)
CD/215	Mersey Gateway Supplementary Note – On-line Option (February 2005)
CD/216	New Mersey Crossing: Tolling Feasibility Study – Focus Groups Final Report (MVA, September 2004)
Other Reports (<i>see also CD/292 to CD/318</i>)	
CD/217	David Norman on behalf of CAWOS, Birds in Cheshire and Wirral, A breeding and wintering atlas (2008) (Liverpool University Press)
CD/218	Pye K, Blott S and van der Wal D, 2002. Morphological Change as a result of training banks in the Mersey Estuary, North West England. Surface Processes and Modern Environments Research Group, Department of Geology, Royal Holloway, University of London Internal Research

CD/219	Report CS14, October 2002 Burgess C., Crutchley A., Clark G., Davies G., Gatrell T., Pooley C., Stelfox., Watson N., Welshman J. & Whyatt D. (2003) Understanding the Factors Affecting Health in Halton. Lancaster University
CD/220	Sediment Erosion Threshold Measurements in the Mersey Estuary. Report prepared by: Dr P Friend, School of Ocean & Earth Sciences, Southampton Oceanography Centre, Southampton, UK
CD/221	Halton Borough Council Index of Multiple Deprivation 2007 (IMD 2007)
Proposed Orders & Conditions	
CD/222	The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008
CD/223	The River Mersey (Mersey Gateway Bridge) Order 200[] draft dated 28 January 2009
CD/224	Planning conditions to be attached to the proposed direction as to deemed planning permission for works to be authorised pursuant to the proposed River Mersey (Mersey Gateway Bridge) Order as amended at 12 December 2008
Background Documents	
CD/225	Bundle of background documents relating to the statutory processes and tolling, dating from 22 September 2004 until 13 December 2007
Further European Legislation (<i>see also CD/170</i>)	
CD/226	EC Freshwater Fish Directive (92006/44/EC)
CD/227	Directive 2008/50/EC of the European Parliament and of the Council of 21 st May 2008 on ambient air quality and cleaner air for Europe
CD/228	European Council / Parliament Directive 2006/12/EC on Waste
Further Acts of Parliament (<i>see also CD/34 to CD/47 and CD/171 to CD/173</i>)	
CD/229	Climate Change Act 2008
CD/230	Section 23 of the Land Drainage Act 1991
CD/231	Radioactive Substances Act 1993
Further Statutory Instruments (<i>see also CD/48 to CD/61 and CD/174 to CD/176</i>)	
CD/232	Statutory Instrument 1987 No 764, The Town and Country Planning (Use Classes) Order and subsequent amendments
CD/233	Contaminated Land Regulations 2006 (SI No.1380)
CD/234	Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 (SI No. 1379)
CD/235	The Radioactive Substances (Phosphatic Substances, Rare Earths, etc) Exemption Order 1962 (SI No. 1962/2648)
CD/236	The Radioactive Substances (Substances of Low Activity) Exemption (Amendment) Order 1992 (SI No. 1992/647)

Further National Legislation, Policy & Guidance (see also CD/62 to CD/98 and CD/177 to CD/180)

CD/237	Tunnel Byelaws – Mersey Tunnels
CD/238	The NATA Refresh – Summary of responses – June 2008
CD/239	Roads - Delivering Choice and Reliability (July 2008) DfT
CD/240	DfT, Trunk Roads and the Generation of Traffic, 1994
CD/241	SACTRA, DfT, Transport and the Economy, 1999
CD/242	Extracts from WebTAG Units 3.1.1, 3.4.1, 3.5.2, 3.5.6, 3.10, 3.12.2, 3.15.2 (Transportation)
CD/243	DfT, Consultation on Local Transport Plan 3 Guidance, 2008
CD/244	Environment agency Pollution and prevention guidelines, working at construction and demolition sites
CD/245	Guidelines for community Noise, world Health Organization 2000 Executive Summary
CD/246	DfT Value For Money Guidance and Explanatory note
CD/247	Analysis of the relationship between annual mean nitrogen dioxide concentration and exceedences of the 1-hour mean AQS objective. A report produced for the Department of Environment, Food and Rural Affairs, the Scottish Executive, the Welsh Assembly Government and the Department of the Environment in Northern Ireland. AEA Energy and Environment. AEAT/ENV/R2641 May 2008
CD/248	Air Quality Expert Group (2005). Particulate Matter in the United Kingdom, prepared for Defra
CD/249	Not Used
CD/250	Defra Air Quality Archive www.airquality.co.uk
CD/251	Cabinet Office (2002) Life satisfaction: the state of knowledge and its implications for government
CD/252	Prime Ministers Strategy Unit (2005) Improving the prospects of people living in areas of multiple deprivation in England
CD/253	DEFRA. 2007. Review of Inert Waste Regulation. A Discussion Paper
CD/254	Ministry of Agriculture Fisheries and Food. 1998. Code of Good Agricultural Practice for the Protection of Soil. MAFF Publications, London SW1A 2XX
CD/255	CL:AIRE 2008 The Definition of Waste: Development Industry Code of Practice
CD/256	Environment Agency, 2001. Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73
CD/257	Environment Agency. 2008. Hazardous Waste – Interpretation of the definition and classification of hazardous waste (second edition, version 2.2)
CD/258	Environment Agency. 2006. Underground, Under Threat – Groundwater Protection: Policy and Practice. Part 2 – Technical Framework
CD/259	Environment Agency. 2006. Guidance for waste destined for disposal in landfills: Interpretation of the Waste Acceptance Requirements of the Landfill (England and

	Wales) Regulations 2002 (as amended)
CD/260	Census 2001, Travel to Work Data
CD/261	European Cities Monitor, Cushman and Wakefield, 2007
CD/262	Spatial Determinants of Productivity: Analysis for the Regions of Great Britain, Rice and Venables, 2004
CD/263	Transport, Wider Economic Benefits and Impacts on GDP, DfT, 2006
CD/264	Wider economic benefits of transport improvements: link between agglomeration and productivity report, Graham D, 2006
CD/265	Environment Agency. Unknown Date. Guidance Note: Disposing of Radioactive Waste to landfill
CD/266	Communities and Local Government (2007) What works in economic development for deprived areas?
CD/267	Communities and Local Government (2008) Transforming places; changing lives – a framework for regeneration
CD/268	Communities and Local Government (2008) New Deal for Communities: A Synthesis of New Programme Wide Evidence: 2006-07 NDC National Evaluation Phase 2 Research Report 39

Further Regional & Local Policy & Guidance (see also *CD/99 to CD/111 and CD/181 to CD/185*)

CD/269	NWDA, North West Climate Change Action Plan
CD/270	Making the connections: Final report on Transport and Social Exclusion – Social Exclusion Unit February 2003
CD/271	Liverpool City Region Multi Area Agreement, January 2009, Story of Place and Employment and Skills
CD/272	Liverpool City Region – A Prospectus (January 2008)
CD/273	Annex A of draft River Basin Management plan for the North West River Basin District
CD/274	Annex I of draft River Basin Management plan for the Northwest River Basin District

Halton Borough Council Documents

CD/275	Halton Borough Council 2007. Making the most of Halton's ponds
CD/276	Halton Borough Council, Long Term Vision – Halton 2025 Keeping it All Happening
CD/277	The State of the District, Halton Data Annex December 2004, Local Futures Group
CD/278	Halton Borough Council, The State of the Borough in Halton, An Economic, Social and Environmental Audit of Halton, January 2009
CD/279	Halton Borough Council, The Local Transport Plan (LTP2) Interim Review, September 2008 (Extracts) (Social)

Further Design Standards & Technical Guidance (see also *CD/132 to CD/142 and CD/186 to CD/192*)

CD/280	Design Manual for Roads Volume 11 Section 3 Part 1 Air Quality, February 2003
CD/281	Design Manual for Roads Volume 11 Section 3 Part 1 HA

	207/07 Air Quality, May 2007
CD/282	Local Air Quality Management Technical Guidance LAQM.TG(09) February 2009, PB13081 Defra
CD/283	Defra Emissions Factors Toolkit http://www.airquality.co.uk/archive/laqm/tools.php?tool=emission
CD/284	Monitoring of Particulate Matter in Ambient Air around Waste facilities: Technical Guidance Document (Monitoring) M17, Environment Agency 2003
CD/285	Extracts from WebTAG: Units 3.6.1, 3.6.3, 3.3.12, 3.3.13 (Social)
CD/286	Extracts from WebTAG Units 2.8, 3.5.8 and 3.5.11 (Socio-Economics)

Further Mersey Gateway Reports (see also CD/193 to CD/200)

CD/287	Report on the Scoping Study for the Mersey Gateway Environmental Impact Assessment, Gifford, 2007
CD/288	Mersey Gateway Appraisal Summary Table Rev A
CD/289	Mersey Gateway Appraisal Summary Tables Worksheets
CD/290	Mersey Gateway Surface Water Quality Technical Annex
CD/291	Mersey Gateway Code of Practice for Environmental Management

Other Reports (see also CD/217 to CD/221)

CD/292	BRE Control of Dust from Construction and Demolition Activities. Vina Kukadia, Stuart Upton, David Hall. BRE Bookshop ISBN 1 86081 612 6, 2003
CD/293	Stuart Upton & Vina Kukadia (2004), Measurements of Air pollution Emissions from a Construction Site: A case Study, BRE Report No. 218417
CD/294	GLA in partnership by the Greater London Authority and London Councils (2006). The control of dust and emissions from construction and demolition – Best Practice Guidance Not Used
CD/295	Mineral Policy Statement 2: Controlling and mitigation the environmental effects of minerals extraction in England. Annex 1 Dust , ODPM 2005
CD/296	Environmental Advice Centre (EAC) 2003. Documentary Review. St Michael's Golf Course, Widnes
CD/297	Transforming disadvantaged places: Effective Strategies for places and people. Joseph Rowntree Foundation July 2008
CD/298	The benefits of providing new public transport in deprived areas. Joseph Rowntree Foundation July 2008
CD/299	ALcontrol Geochem Ltd. 2009. Chemical Test Results – Final Report. Groundwater Monitoring, Mersey Gateway, Rounds 11 & 12. Report Ref: 08/17886
CD/300	Halton Natural Environment Roundtable (2007). Halton Bird Report 2000-2004 Available as a download: www.halton.gov.uk/nature
CD/301	Not Used
CD/302	Design Manual for Roads and Bridges Volume 11, Section 3,
CD/303	

CD/304	Part 5 (Landscape Effects) 1993 Waterfowl Distribution and diet on the Mersey Estuary and Adjacent Areas, British Trust of Ornithology July 1991
CD/305	Planning Policy Statement 7 (2008)
CD/306	The Future of Air Transport White Paper (2003)
CD/307	English Partnerships Additionality Guide, September 2004
CD/308	Draft report DEFRA UK approach to its application for time extension notification to Nitrogen Dioxide Limit Value deadline February 2009
CD/309	WRc. 1999. Guidelines for Managing Water Quality Impacts Within UK European Marine Sites
CD/310	WS Atkins M56 Corridor Scoping Study September 2004
CD/311	The Mersey Partnership Liverpool Superport 2008
CD/312	LSC Strategic Review of Skills provision in the North West 2004
CD/313	Design Manual for Roads and Bridges, Volume 6 Road Geometry, Section 1 Links, Part 1 TD 9/93 (Incorporating Amendment No.1 dated February 2002) Highway Link Design
CD/314	Design Manual for Roads and Bridges, Volume 6 Road Geometry, Section 1 Links, Part 2 TD 27/05 Cross-Sections and Headrooms
CD/315	Design Manual for Roads and Bridges, Volume 6 Road Geometry, Section 2 Junctions, Part 1 TD 22/06 Layout of Grade Separated Junctions
CD/316	Design Manual for Roads and Bridges, Volume 6 Road Geometry, Section 3 Highway Features Junctions, Part 6 TA98/08 The Layout of Toll Plazas
CD/317	New Mersey Crossing Consultation - Stage One, Final Report - November 2002
CD/318	Hydrodynamics Briefing note no 3
CD/319	Scour and its Impact on Water Quality Report No MG REP EIA 026
CD/320	DfT Statement of Matters - February 2009
CD/320A	GONW Statement of Matters - 30 September 2008
CD/321	Not Used
CD/322	IBI Memo from Usha Elyatamby to Jonathan Bayliss dated 09 May 2007
CD/323	Report on the Scoping Study for the Mersey Gateway Environmental Impact Assessment, Gifford, 2004
CD/324	Setting the Record Straight leaflet dated October 2008

HALTON BOROUGH COUNCIL DOCUMENTS

Presented at the Inquiries	
HBC/0/1	Order of Appearance at the Public Inquiries
HBC/0/2	Statement of Matters - Relevant Proofs of Evidence
HBC/0/3	Opening Statement
HBC/0/4	Formalities Files 1 and 2
HBC/0/4A	Section 19 Application Acquisition of Land Act 1981 Formalities

HBC/0/5	Comparite Version of the River Mersey (Mersey Gateway Bridge) Order 200[]
HBC/0/6	Comparite Version of the A533 (Silver Jubilee Bridge) Road User Charging Scheme 2008
HBC/0/7	Schedule of Draft Planning Conditions
HBC/0/7C	Schedule of Draft Planning Conditions - 23 June 2009
HBC/0/8	A3 plans
HBC/0/9	Note to Inquiries in relation to Appropriate Assessment, Alternatives and Environmental Impact Assessment.
HBC/0/10	Bundle of letters of support
HBC/0/11	Response to request for WebTAG Guidance to be included as core documents
HBC/0/12	Response to request for additional core documents
HBC/0/13	Note on Landscape and Visual Impact
HBC/0/14	Note in Inquiries in relation to Environment Statement
HBC/0/15	Note on legal matters relating to tolling
HBC/0/16	List of application plans
HBC/0/17	List of accompanying documents to the Listed Building Consent Application (Re: 08/00325/LBC)
HBC/0/17A	Documents accompanying the Listed Building Consent Application (Re: 08/00325/LBC) - 17 June 2009
HBC/0/18	Note to Inquiries - Commission for Architecture and the Built Environment (CABE)
HBC/0/19	Proposed condition relating to Widnes replacement open space
HBC/0/20	Ongoing update - Schedule of Halton Borough Council documents - 2 June 2009
HBC/0/20H	Schedule of Halton Borough Council documents - 28 July 2009
HBC/0/21	Ongoing update - List of outstanding matters arising out of Public Inquiries - 2 June 2009
HBC/0/21F	List of outstanding matters arising out of Public Inquiries - 25 June 2009
HBC/0/22	Withdrawal of objection from Natural England
HBC/0/23	Note on publicity for evening sessions
HBC/0/24	Note on the protection of Bats and Great Crested Newts
HBC/0/25	Paper of Amendments No 1 - 10 June 2009
HBC/0/26	Extract from the Scotland's Census 2001 - Population Report, Scotland
HBC/0/27	Note on the Ineos Chlor site
HBC/0/28	Note on the Silver Jubilee Bridge amendments and delinking
HBC/0/29	Response to Statement of Concern by Ms Deni Newman on behalf of the Halton Friends of the Earth (HFOE/0/1WR)
HBC/0/30	Letter of Support from Peel Holdings (Management) Limited dated 10 June 2009
HBC/0/31	Note in relation to the measures proposed to ensure the works to the Silver Jubilee Bridge are carried out
HBC/0/32	Bundle of withdrawn objections
HBC/0/33	Note on powers of Compulsory Acquisition
HBC/0/34	Response to the statement on proposed planning conditions recommended by The Alliance (ALL/0/8)
HBC/0/35	Note on Open Space Applications

HBC/0/36	Revised Rights of Way Plan
HBC/0/37	Note on Betchworth Crescent Emergency Access
HBC/0/38A	Part 1 - Construction and Operational Code of Practice for Environmental Management
	Part 2 - Construction and Operational Code of Practice for Environmental Management Appendices and Errata Sheet
HBC/0/38B	Construction and Operational Code of Practice for Environmental Management showing all changes since the version placed on deposit
HBC/0/39	Note in response to Inspector's Questions (D/4)
HBC/0/39A	Bundle of letters in response to Inspector's Question 8 on listed building consultation/notification
HBC/0/40	Response to NAAT in relation to Department for Transport Memorandum of 16 June 2009 (NAAT/0/9)
HBC/0/41	Note in relation to raised highway plans
HBC/0/42	Note on the amendments to the Compulsory Purchase Orders and Side Roads Orders
HBC/0/43	Schedule showing all objections and how they are dealt with in evidence
HBC/0/44	Latest version of the Road Users Charging Order
HBC/0/44A	Revised clean copy of the Road Users Charging Order
HBC/0/45	Latest version of the Transport & Works Order
HBC/0/45A	Revised clean copy of the Transport & Works Order
HBC/0/46	Note on revised application plans
HBC/0/47	Note on revised plan referred to in the proposed River Mersey (Mersey Gateway Bridge) Order 200[]
HBC/0/48	Agreed statement between Halton Borough Council and Mr Paul Cooke (PC/0/1P)
HBC/0/49	Not Used
HBC/0/50	Note in relation to Listed Railway Bridge
HBC/0/51	Note in relation to road surface noise
HBC/0/52	Note in relation to objectors who have not appeared but whose objections remain extant
HBC/0/53	Addendum on additional changes to the COPE
HBC/0/54	List of Halton Borough Council's Proofs of Evidence and Expert Notes
HBC/0/54A	List of Halton Borough Council's Proofs of Evidence and Expert Notes – 21 July 2009
HBC/0/55	Closing Statement
HBC/0/55A	Closing Statement (finalised version)
HBC/0/55B	Closing Statement (finalised version with corrected footnotes)
HBC/0/56	Withdrawal of objection from United Utilities Water plc – e-mail of 25 June 2009
HBC/0/56A	Withdrawal of objection from United Utilities Water plc – letter of confirmation 1 July 2009
HBC/0/57	Note on Widnes Open Space Application Objection by Redman Heenan
HBC/0/58	Bundle of correspondence between DWF LLP (on behalf of Redman Heenan) and Halton Borough Council
HBC/0/59	Matters raised by Redman Heenan Properties Limited
HBC/0/60	Note on the proposed condition relating to Widnes

	replacement open space in relation to noise attenuation measures
HBC/0/61	Response to Inspector's Questions dated 23 July 2009
HBC/0/62	Withdrawal of objection from Royal Yachting Association – letter of 1 July 2009
HBC/0/63	Status of Objectors/Withdrawals
HBC/0/64	Closing submissions in relation to the Widnes Loops Open Space Area
HBC/0/65	Plan supplied on site visit to the Widnes Loops Open Space Area
HBC/0/66	Widnes Loops existing open space ownership plan

Proofs of Evidence, Rebuttals & Notes

Witness 1 - Mr David Parr (Project Sponsor)

HBC/1/1P	Proof of Evidence
HBC/1/2A	Appendices 1 and 2 to Proof of Evidence
HBC/1/3S	Summary Proof of Evidence
HBC/1/4R	Rebuttal to evidence submitted in writing on behalf of Halton Business Group Against Tolls (HBGAT/0/5)

Witness 2 - Mr Steve Nicholson (Project Director)

HBC/2/1P	Proof of Evidence
HBC/2/2A	Appendices 1 to 4 to Proof of Evidence
HBC/2/3S	Summary Proof of Evidence
HBC/2/4R	Rebuttal to evidence submitted by Mr Mark McLaughlin (MM/0/1P)
HBC/2/5R	Rebuttal to evidence submitted on behalf of NAAT (Witness 1 - Mr John McGoldrick) (NAAT/1/1P)
HBC/2/6R	Rebuttal to evidence submitted on behalf of NAAT (Witness 2 - Mr Dave Loudon) (NAAT/2/1P)
HBC/2/7	Not Used
HBC/2/8R	Rebuttal to evidence submitted by Mr Paul Cooke (PC/0/1P)
HBC/2/9R	Rebuttal & Appendix to Evidence submitted by Mr Michael Gelling (MG/0/1P)
HBC/2/10R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 2 - Mr Keith Buchan) (ALL/2/1P)
HBC/2/11R	Rebuttal & Appendices to Evidence submitted in writing on behalf of the Halton Business Group Against Tolls (HBGAT/0/1P)
HBC/2/12R	Rebuttal & Appendices to Evidence submitted on behalf of Warrington Road Residents' Association (WRRRA/0/1P)
HBC/2/13	Not Used
HBC/2/14N	Response to matters arising in cross-examination by NAAT on 2 June 2009
HBC/2/15	Not Used
HBC/2/16R	Rebuttal to evidence submitted in writing by Cllr Dr Jo Crotty (JC/0/1WR)
HBC/2/17R	Rebuttal to evidence submitted in writing on behalf of Halton Business Group Against Tolls (HBGAT/0/6)
HBC/2/18R	Response to evidence submitted in writing by Cllr Dr Jo Crotty (JC/0/2)

- HBC/2/19R** Response to evidence submitted in writing by Mrs Margaret Letherby (ML/0/1WR)
HBC/2/20R Response to evidence submitted in writing on behalf of Widnes Skip & Reclaim (WS/0/1WR)

Witness 3 - Mr John Brooks (Planning Policy)

- HBC/3/1P** Proof of Evidence
HBC/3/2A Appendix to Proof of Evidence
HBC/3/3S Summary Proof of Evidence
HBC/3/4R Rebuttal to Environmental Capacity Paper submitted on behalf of The Alliance (ALL/0/1)
HBC/3/5R Rebuttal to evidence submitted on behalf of The Alliance (Witness 1 - Mrs Lillian Burns) (ALL/1/1P)
HBC/3/6R Rebuttal to evidence submitted in writing on behalf of S Evans & Sons Limited (SE/0/1WR)
HBC/3/7Sup Supplementary Proof of Evidence

Witness 4 - Mr Richard Threlfall (Financial)

- HBC/4/1P** Proof of Evidence
HBC/4/2 *Not Used*
HBC/4/3S Summary Proof of Evidence
HBC/4/4R Rebuttal to evidence submitted on behalf of NAAT (Witness 1 - Mr John McGoldrick) (NAAT/1/1P)
HBC/4/5R Rebuttal to evidence submitted on behalf of NAAT (Witness 3 - Dr Anne Stafford & Professor Jean Shaoul) (NAAT/3/1P)
HBC/4/6R Rebuttal to evidence submitted on behalf of NAAT (Witness 3 - Dr Anne Stafford & Professor Jean Shaoul) (NAAT/3/3)

Witness 5 - Mr Mike Jones (Engineering & Construction)

- HBC/5/1P** Proof of Evidence
HBC/5/2A Appendices 1 to 11 to the Proof of Evidence
HBC/5/3S Summary Proof of Evidence
HBC/5/4R Rebuttal to evidence submitted by Mr Mark McLaughlin (MM/0/1P)
HBC/5/5R Rebuttal to evidence submitted on behalf of Warrington Road Residents' Association (WRRRA/0/1P)
HBC/5/6N Note on Impermeable Area, Waste and Mineral Usage
HBC/5/7N Note on Construction Noise Mitigation
HBC/5/8N Note on Construction of Busway Bridge and Lodge Lane North Footbridge
HBC/5/9N Note on Compulsory Purchase and Timings
HBC/5/10N Note on schools within 200m of works

Witness 6 - Mr Ian Hunt (Engineering Design Development & Navigation)

- HBC/6/1P** Proof of Evidence
HBC/6/2A Appendices 1 to 5 to the Proof of Evidence
HBC/6/3S Summary Proof of Evidence
HBC/6/4R Rebuttal to evidence submitted on behalf of Warrington Road Residents' Association (WRRRA/0/1P)

Witness 7 - Mr Paul Beswick (Landscape, Townscape & Visual Amenity)

HBC/7/1P	Proof of Evidence
HBC/7/2A	Appendices 1 to 3 to the Proof of Evidence
HBC/7/3S	Summary Proof of Evidence
HBC/7/4R	Rebuttal to evidence submitted on behalf of Warrington Road Residents' Association (WRRRA/0/1P)
HBC/7/5Sup	Supplementary Proof of Evidence

Witness 8 - Mr Alan Pauling (Transportation)

HBC/8/1P	Proof of Evidence
HBC/8/2A	Appendices 1 - 12 to the Proof of Evidence
HBC/8/3S	Summary Proof of Evidence
HBC/8/4R	Rebuttal to evidence submitted on behalf of NAAT (Witness 2 - Mr Dave Loudon) (NAAT/2/1)
HBC/8/5R	Rebuttal to evidence submitted on behalf of Great Sankey Parish Council (GSPC/0/1P)
HBC/8/6R	Rebuttal to evidence submitted on behalf of Sutton Parish Council (SPC/0/1P)
HBC/8/7R	Rebuttal to evidence submitted by Professor Andrew Basden (AB/0/1P)
HBC/8/8R	Rebuttal to evidence submitted by Mrs Lynne McCarrick (LM/0/1P)
HBC/8/9R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 2 - Mr Keith Buchan) (ALL/2/1P and ALL/2/2P)
HBC/8/10R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 3 - Professor Alan Wenban-Smith) (ALL/3/1P and ALL/3/3Sup)
HBC/8/11	Not Used
HBC/8/12R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 2 - Mr Keith Buchan) (ALL/2/1P and AB/0/1P)
HBC/8/13R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 2 - Mr Keith Buchan) (ALL/2/3Sup)
HBC/8/14N	Response to matters arising in cross-examination by NAAT on 2 June 2009
HBC/8/15N	Note on sensitivity tests submitted in response to matters arising in cross-examination by Professor Alan Wenban-Smith on behalf of The Alliance
HBC/8/16R	Response to matters arising in cross-examination by The Alliance (Witness 2 - Mr Keith Buchan)
HBC/8/17R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 3 - Professor Alan Wenban-Smith) (ALL/3/5Sup)

Witness 9 - Mr Graham Russell (Wider Economic Impact)

HBC/9/1P	Proof of Evidence
HBC/9/2A	Appendices 1 to 3 to the Proof of Evidence
HBC/9/3S	Summary Proof of Evidence
HBC/9/4R	Rebuttal to evidence submitted on behalf of NAAT (Witness 1 - Mr John McGoldrick) (NAAT/1/1P)
HBC/9/5R	Rebuttal to evidence submitted on behalf of Great Sankey Parish Council (GSPC/0/1P)

HBC/9/6R	Rebuttal to Evidence submitted by Mr Michael Gelling (MG/0/1P)
HBC/9/7R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 3 - Professor Alan Wenban-Smith) (ALL/3/1P)
HBC/9/8N	Note on the Questions raised by Professor Basden (AB/0/4)
HBC/9/9N	Note on the Business Questionnaire
HBC/9/10R	Rebuttal to evidence submitted in writing on behalf of S Evans & Sons Limited (SE/0/1WR)
HBC/9/11R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 3 - Professor Alan Wenban-Smith) (ALL/3/5Sup)

Witness 10 - Dr Clare Twigger-Ross (Social Impact)

HBC/10/1P	Proof of Evidence
HBC/10/2A	Appendices 1 to 17 to the Proof of Evidence
HBC/10/3S	Summary Proof of Evidence
HBC/10/4R	Rebuttal to evidence submitted on behalf of NAAT (Witness 2 - Mr Dave Loudon) (NAAT/2/1)
HBC/10/5R	Rebuttal to evidence submitted on behalf of Great Sankey Parish Council (GSPC/0/1P)
HBC/10/6R	Rebuttal to evidence submitted on behalf of Warrington Road Residents' Association (WRRRA/0/1P)
HBC/10/7R	Rebuttal to evidence submitted in writing on behalf of Halton Business Group Against Tolls (HBGAT/0/7)
HBC/10/8R	Rebuttal to evidence submitted in writing on behalf of S Evans & Sons Limited (SE/0/1WR)

Witness 11 - Ms Yvonne Brown (Air Quality)

HBC/11/1P	Proof of Evidence
HBC/11/2A	Appendices 1 to 7 to the Proof of Evidence
HBC/11/3S	Summary Proof of Evidence
HBC/11/4R	Rebuttal to evidence submitted by Mr Mark McLaughlin (MM/0/1P)
HBC/11/5R	Rebuttal to evidence submitted on behalf of Great Sankey Parish Council (GSPC/0/1P)
HBC/11/6R	Rebuttal to evidence submitted on behalf of Sutton Parish Council (SPC/0/1P)
HBC/11/7R	Rebuttal to evidence submitted by Professor Andrew Basden (AB/0/1P)
HBC/11/8R	Rebuttal to evidence submitted on behalf of Warrington Road Residents' Association (WRRRA/0/1P)
HBC/11/9N	Technical Note on 2030 NO2 Predictions
HBC/11/10N	Note on response to evidence submitted on behalf of The Alliance (Witness 2 - Mr Keith Buchan) (ALL/2/2P)
HBC/11/11R	Rebuttal to evidence submitted in writing by Mr Ronald Churchill (RC/0/1P)

Witness 12 - Mr Paul Freeborn (Noise & Vibration)

HBC/12/1P	Proof of Evidence
HBC/12/2A	Appendices A to C to the Proof of Evidence
HBC/12/3S	Summary Proof of Evidence
HBC/12/4R	Rebuttal to evidence submitted by Mr Mark McLaughlin (MM/0/1P)

HBC/12/5R	Rebuttal to evidence submitted on behalf of Sutton Parish Council (SPC/0/1P)
HBC/12/6R	Rebuttal to Evidence submitted by Mr Michael Gelling (MG/0/1P)
HBC/12/7R	Rebuttal to Evidence submitted by Professor Andrew Basden (AB/0/1P)
HBC/12/8R	Rebuttal to evidence submitted by Mrs Lynne McCarrick (LM/0/1P)
HBC/12/9R	Rebuttal to evidence submitted on behalf of Warrington Road Residents' Association (WRRRA/0/1P)
HBC/12/10R	Rebuttal to evidence submitted in writing by Mr Ronald Churchill (RC/0/1P)
HBC/12/11R	Response to evidence submitted in writing by Mr Ronald Churchill (RC/0/2)

Witness 13 - Mr Paul Norton (Hydrodynamics & Geomorphology)

HBC/13/1P	Proof of Evidence
HBC/13/2A	Appendices 1 to 8 to the Proof of Evidence
HBC/13/3S	Summary Proof of Evidence
HBC/13/4N	Note on Clarifications on Hydrodynamics Proof of Evidence (HBC/13/1P)
HBC/13/5N	Note on the representation of structures in computational models

Witness 14 - Mr Paul Oldfield (Avian Ecology)

HBC/14/1P	Proof of Evidence
HBC/14/2A	Appendices 1 to 7 to the Proof of Evidence
HBC/14/3S	Summary Proof of Evidence

Witness 15 - Dr Raymond Gemmell (Terrestrial Ecology)

HBC/15/1P	Proof of Evidence
HBC/15/2A	Appendices 1 to 14 to Proof of Evidence
HBC/15/3S	Summary Proof of Evidence
HBC/15/4N	Note on how the mitigation measures in relation to scrapes and cattle grazing will be secured

Witness 16 - Dr Keith Hendry (Surface Water Quality)

HBC/16/1P	Proof of Evidence
HBC/16/2A	Appendices 1 to 7 to the Proof of Evidence
HBC/16/3S	Summary Proof of Evidence

Witness 17 - Mr Nigel Cossons (Contamination of Soils, Sediments & Groundwater)

HBC/17/1P	Proof of Evidence
HBC/17/2A	Appendices 1 to 26 to Proof of Evidence
HBC/17/3S	Summary Proof of Evidence
HBC/17/4R	Rebuttal to evidence submitted on behalf of The Alliance (Witness 1 - Mrs Lillian Burns) (ALL/1/1P)
HBC/17/5N	Errata to Proof of Evidence
HBC/17/6S	Supplementary Proof of Evidence

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Witness 18 - Dr Adrian Williams (Aquatic Ecology)

HBC/18/1P	Proof of Evidence
HBC/18/2A	Appendices 1 to 9 to Proof of Evidence
HBC/18/3S	Summary Proof of Evidence

Witness 19 - Mr Alan Scarisbrick (Land Acquisition)

HBC/19/1P	Proof of Evidence
HBC/19/2A	Appendices 1 to 5 to Proof of Evidence
HBC/19/2A	Appendices 1 to 5 to Proof of Evidence (updated 23 June 2009)
HBC/19/3S	Summary Proof of Evidence
HBC/19/4R	Rebuttal to evidence submitted in writing on behalf of BASC (BASC/0/1WR)
HBC/19/5R	Rebuttal to evidence submitted in writing on behalf of Arven Chemicals Limited (AC/0/1WR)
HBC/19/6R	Rebuttal to evidence submitted in writing on behalf of Unitrunk Limited (UL/0/1WR)
HBC/19/7R	Rebuttal to evidence submitted in writing on behalf of S Evans & Sons Limited (SE/0/1WR)
HBC/19/8R	Rebuttal to evidence submitted in writing on behalf of Severn Unival Limited (SU/0/1WR)
HBC/19/9R	Rebuttal to evidence submitted in writing on behalf of CP Films - Solutia UK Limited (CP/0/1WR)

OTHER PARTIES' DOCUMENTS**Appearances at Inquiries: Objections/Representations****Prof Andrew Basden (Party No 132)**

AB/0/1P	Proof of Evidence
AB/0/2A	Appendices to Proof of Evidence
AB/0/3S	Summary Proof of Evidence
AB/0/4	Written questions for Halton Borough Council (Witness 9 - Mr Graham Russell)

The Alliance (Party No 478)

ALL/0/1	Paper on Environmental Capacity, April 2009
ALL/0/2	Letter from Dr Hugh Ellis dated 14 May 2009
ALL/0/3	Opening Statement
ALL/0/4	Extract (Chapter 5) of The Green Book - Appraisal & Evaluation in Central Government, HM Treasury
ALL/0/5	Contribution to the Appropriate Assessment debate
ALL/0/6	Green Belt - 3 maps, England, Cheshire & local Halton area
ALL/0/7	Halton Borough Council leaflet entitled 'A bridge to prosperity'
ALL/0/8	Proposed conditions should the project proceed
ALL/0/9	Closing Statement

Witness 1 - Ms Lillian Burns

ALL/1/1P Proof of Evidence - Case for the Project
ALL/1/2S Summary Proof of Evidence

Witness 2 - Mr Keith Buchan

ALL/2/1P Proof of Evidence - Case for Project & Traffic Models
ALL/2/2P Proof of Evidence - Environmental Aspects
ALL/2/3Sup Supplementary Proof of Evidence
ALL/2/4A Appendices to Supplementary Proof of Evidence
ALL/2/5 Errata to Proof of Evidence ALL/2/1P

Witness 3 - Professor Alan Wenban-Smith

ALL/3/1P Proof of Evidence – Economics
ALL/3/2S Summary Proof of Evidence
ALL/3/3Sup Supplementary Proof of Evidence – Economics
ALL/3/4A Appendices to Proof of Evidence
ALL/3/5Sup Supplementary Proof of Evidence No 2
ALL/3/6 Profile of User Benefits

Great Sankey Parish Council (Party No 95)

GSPC/0/1P Proof of Evidence

Cllr Leslie Ford (Party No 42)

LF/0/1P Proof of Evidence (Vale Royal Borough Council letter of 18 July 2006)

Mrs Lynne McCarrick (Party No 143)

LM/0/1P Proof of Evidence
LM/0/2A Appendix to Proof of Evidence
LM/0/3S Summary Proof of Evidence
LM/0/4A Further Appendices to Proof of Evidence

Mr Michael Gelling (Party No 128)

MG/0/1P Proof of Evidence
MG/0/2A Appendices to Proof of Evidence
MG/0/3 Questions for Mr David Parr

Mr Mark McLaughlin (Party No 3)

MM/0/1P Proof of Evidence
MM/0/2A Appendices to Proof of Evidence
MM/0/3 Inspector's Report to the Secretary of State for Transport on A34 Side Roads & Compulsory Purchase Orders
MM/0/4A Further Appendices to Proof of Evidence
MM/0/5 Opening Statement

National Alliance Against Tolls (Party No 78)

NAAT/0/1 Opening Statement
NAAT/0/2 Extract from Minutes of an Extra-Ordinary meeting of the Merseyside Passenger Transport Authority, 14 July 2008
NAAT/0/3 Not used
NAAT/0/4 New Mersey Crossing - Technical Report 13 - Economic Impact Assessment, Amion Consulting, 2003
NAAT/0/5 New Mersey Crossing - Wider Economic Impacts, Amion

	Consulting, November 2004
NAAT/0/6	Mersey Gateway Leaflet entitled 'A Bridge to Prosperity'
NAAT/0/7	Extract from Construction News, 3 June 2009
NAAT/0/8	Extract from Liverpool John Lennon Airport and AA Route Planner websites
NAAT/0/9	Letter to Mr John McGoldrick from the Department for Transport dated 16 June 2009
NAAT/0/10	Closing Statement

Witness 1 - Mr John McGoldrick

NAAT/1/1P	Proof of Evidence
NAAT/1/2A	Appendices to Proof of Evidence
NAAT/1/3S	Summary Proof of Evidence

Witness 2 - Mr Dave Loudon

NAAT/2/1P	Proof of Evidence
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Witness 3 - Dr Anne Stafford & Prof Jean Shaoul

NAAT/3/1P	Proof of Evidence
NAAT/3/2S	Summary Proof of Evidence
NAAT/3/3	Written questions for Halton Borough Council (Witness 4 - Mr Richard Threlfall) arising from document HBC/4/5R

Mr Paul Cooke (Party No 114)

PC/0/1P	Proof of Evidence
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Sutton Parish Council (Party No 141)

SPC/0/1P	Proof of Evidence (Statement of Case)
SPC/0/2A	Appendices to Proof of Evidence
SPC/0/3	Questions for Mr Paul Freeborn on Noise & Vibration matters

Warrington Road Residents' Association (Party No 479)

WRRRA/0/1P	Proof of Evidence
WRRRA/0/2A	Appendices 1 to 17 to Proof of Evidence
WRRRA/0/3S	Summary Proof of Evidence
WRRRA/0/4	Response to Mr Ian Hunt's Rebuttal (HBC/6/1P)
WRRRA/0/5	E-mail extract on funding for Warrington Road Residents' Association & Letter from Mr David Parr to councillors
WRRRA/0/6	Opening Statement

Written Representations to the Inquiries: Objections & Representations

Arven Chemicals Limited (Party No 79)

AC/0/1WR	Written representations - 27 April 2009
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British Association for Shooting & Conservation on behalf of the Halton & District Wildfowlers (Party No 48)

BASC/0/1WR	Proof of Evidence (Statement of Case) - 23 April 2009
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CP Films - Solutia UK Limited (Party No 90)

CP/0/1WR	Proof of Evidence (Objection letter dated 18 July 2008)
Halton Business Group Against Tolls (Party No 503)	
HBGAT/0/1WR	Proof of Evidence - 23 March 2009
HBGAT/0/2A	Appendix to Proof of Evidence
HBGAT/0/3S	Summary Proof of Evidence
HBGAT/0/4	Response to Rebuttal of Halton Borough Council (Witness 2 - Mr Steve Nicholson) (HBC/2/11R)
HBGAT/0/5	Written questions for Halton Borough Council (Witness 1 - Mr David Parr)
HBGAT/0/6	Written questions for Halton Borough Council (Witness 2 - Mr Steve Nicholson)
HBGAT/0/7	Written questions for Halton Borough Council (Witness 10 - Dr Clare Twigger-Ross)
Halton Friends of the Earth (Party No 12)	
HFOE/0/1WR	Statement of Concern - May 2009
HFOE/0/2A	Appendices to Statement of Concern
Cllr Jo Crotty (Party No 540)	
JC/0/1WR	Proof of Evidence
JC/0/2	Written questions for Halton Borough Council (Witness 2 - Mr Steve Nicholson)
Mrs Margaret Letherby (Party No 317)	
ML/0/1WR	Proof of Evidence with Appendices
Mr Ronald Churchill (Party No 130)	
RC/0/1WR	Proof of Evidence
RC/0/2	Written questions for Halton Borough Council (Witness 12 - Mr Paul Freeborn)
Redman Heenan Properties Limited (Party No 35)	
RH/0/1WR	Letters of 19 June 2009 and 14 July 2009
S Evans & Sons Limited (Party No 108)	
SE/0/1WR	Written Statement - May 2009
Severn Unival (Party No 102)	
SU/0/1WR	Statement of Case
Unitrunk Limited (Party No 481)	
UH/0/1WR	Proof of Evidence (Statement of Case) - May 2009
Widnes Skip and Reclaim Limited (Party No 73)	
WSR/0/1WR	Written Representations - 19 June 2009
WSR/0/2	Letter of partial withdrawal of objections - 19 June 2009
Appearances at Inquiries: Support	
Cheshire West and Chester Council (Party No 497)	
CWC/0/1P	Proof of Evidence (Cheshire West & Chester Council letter of

17 April 2009)

DT/0/1P **Mr Derek Twigg MP** (Party No 468)
Proof of Evidence

PH/0/1P **Peel Holdings (Management) Ltd** (Party No 103)
Proof of Evidence

Written presentations to the Inquiries: Support

MH/0/1WR **Mr Mike Hall MP** (Party No 499)
Proof of Evidence

GLOSSARY

AA	Appropriate Assessment
AAWT	Annual Average Weekday Traffic
AMP	Asset Management Plan
AOD	Above Ordnance Datum
AQMA	Air Quality Management Area
AQS	Air Quality Strategy
BAP	Biodiversity Action Plan
BCR	Benefit/Cost Ratio
CAA	Civil Aviation Authority
CCE	Climate Change Emissions
CEMP	Construction Environmental Management Plan
CLEA	Contaminated Land Exposure Assessment
CMR	Construction Methods Report
CO₂	Carbon dioxide
COBA	Cost/Benefit Analysis programme
COMAH	The Control of Major Accident Hazards Regulations
COPE	Construction and Operation Code of Practice for Environmental Management
CPO	Compulsory Purchase Order
CRTN	Calculation of Road Traffic Noise- advice published by DfT
CTMP	Construction Transport Management Plan
dB	Decibels
dB(A)	The decibel level measured on the A-Scale to reflect the degree of audibility in the human ear
DCLG	Department of Communities and Local Government
Defra	Department for Environment Food and Rural Affairs
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges.
DNAPL	Dense Non-Aqueous Phase Liquid
<i>do minimum</i>	Scenario without the Project in place
<i>do something</i>	Scenario with the Project in place
DPD	Development Plan Document
EA	The Environment Agency
EA GQA	Environment Agency General Quality Assessment
EIA	Environmental Impact Assessment
EiP	Examination in Public
ES	Environmental Statement
GAV	Gross Added Value
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GONE	Government Office for the North East
GONW	Government Office for the North West
GQA	General Quality Assessment
Ha	Hectare
HAT	Highest Astronomical Tide
HBC	Halton Borough Council

HGV	Heavy Goods Vehicle
High Toll	Scenario with toll levels higher than the Mersey Tunnels
HMT	Her Majesty's Treasury
HoCPAC	House of Commons Public Accounts Committee
km	Kilometre/s
LA	Local Authority
L_{A10,T}	The A-weighted sound level exceeded for 10% of the stated measurement period T.
L_{A90,T}	The A-weighted sound level exceeded for 90% of the stated measurement period T
L_{Aeq,T}	The A-weighted equivalent continuous sound pressure level, measured over a given period T
LAQM	Local Air Quality Management
LDD	Local Development Documents
LDF	Local Development Framework
LDS	Local Development Scheme
L_{eq,T}	The equivalent continuous sound pressure level, measured over a given period T
LGV	Large Goods Vehicle
LNR	Local Nature Reserve
Low Toll	Scenario with toll levels lower than at the Mersey Tunnels
LTP	Local Transport Plan
LWS	Local Wildlife Site
m	metre/s
MEPAS	Mersey Estuary Pollution Alleviation Scheme
MG	Mersey Gateway
Most Likely Toll	Scenario with toll levels similar to the Mersey Tunnels
MSA	Major Scheme Appraisal
NAO	National Audit Office
NAQS	National Air Quality Strategy
NATA	New Approach to Appraisal
Natura 2000	The European network of protected sites established under the Birds Directive and the Habitats Directive
NO₂	Nitrogen dioxide
NTS	Non-Technical Summary
NPV	Net Present Value
NVMP	Noise and Vibration Management Plan
NWDA	North West Development Agency
OD	Ordnance Datum
OS	Ordnance Survey
PFI	Private Finance Initiative
PIM	Pre-Inquiries Meeting
PM	Particulate Matter
PM₁₀	larger airborne particulate matter (<=10µm)
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement
RAMSAR	Wetland Site of International Importance listed under the Ramsar Convention (the international treaty for the conservation of wetlands, 1975)

RFA	Regional Funding Allocation
RPG	Regional Planning Guidance
RPI	Retail Prices Index
RSS	Regional Spatial Strategy
RTS	Regional Transport Strategy
RUCO	Road User Charging Scheme Order
S19	Section 19 of the Acquisition of Land Act 1991
SATURN	Simulation and Assignment of Traffic in Urban Road Networks Computer Programme
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SJB	Silver Jubilee Bridge
SOA	Super Output Area
SPA	Special Protection Area
SPD	Supplementary Planning Document
SRO	Side Roads Order
SSSI	Site of Special Scientific Interest
STS	Sustainable Transport Strategy
TA	Technical Annex
UDP	Unitary Development Plan
XX	Cross-examination

ANNEX 1 Suggested Conditions & Proposed Amendments

- TWA Order Deemed Planning Permission
- Central Expressway Planning Permission
- Silver Jubilee Bridge Planning Permission
- Silver Jubilee Bridge Listed Building Consent

THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER

PROPOSED CONDITIONS FOR DEEMED PLANNING PERMISSION

In these conditions, unless the context otherwise requires:

building means any structure or erection, above the surface of the ground, but does not include any traffic light or sign or any plant or machinery;

the COPE means the construction and operation code of practice for environmental management to be submitted in writing and approved by the local planning authority;

the development means the development authorised by the Order;

the Environmental Statement means the Environmental Statement submitted with the application for the Order on 30 May 2008;

the local planning authority means Halton Borough Council;

the Order means the River Mersey (Mersey Gateway Bridge) Order 200[];

the Planning Direction Drawings means the drawings of that description accompanying the application for the Order submitted on 30 May 2008; *and*

~~**the relevant limits** means the limits within which, under the deemed planning permission to which these conditions relate, the development may be carried out; and~~

phase means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority in accordance with condition 4.

Time Limits

1. The development hereby permitted shall be ~~commenced no later than~~ *begun* before the expiration of ~~five ten~~ years ~~beginning with~~ *from* the date that the Order comes into force.

Reason: To ensure that the development is ~~commenced~~ begun within a reasonable period of time commensurate with a development of this magnitude.

2. Written notification of the date of commencement of development and any phase thereof shall be submitted to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

Drawings

3. Prior to the commencement of the development drawings showing the final design of the development, ~~within the Order limits specified in the Order~~ shall be submitted to and approved in writing by the local planning authority ~~based upon in accordance with the Planning Direction Drawings. which shall be deemed to have been approved in writing for the purposes of this condition.~~ The development shall be carried out in accordance with the approved drawings.

Reason: To ensure the design and external appearance of any works comprised in the development do not injure ~~the amenity of the Borough of Halton~~ and the development carried out is development which was assessed approved.

Phasing of Development

4. Before the development is commenced, a phasing Strategy setting out the phases of the development shall be submitted to and approved in writing by the local planning authority. ~~Once the phasing Strategy is approved,~~ a All development shall be carried out in accordance with the approved phasing strategy, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To provide certainty as to the development programme and the associated discharge of planning conditions.

Construction Methods Report

5. Before the development is commenced, a final Construction Methods Report shall be submitted to and approved in writing ~~to~~ by the local planning authority. The final Construction Methods Report shall be such as to result in effects substantially in accordance with ~~and not materially adverse in comparison to those resulting from the~~ Construction Methods Report having reference B4027/OA/200RECDREVC and dated March ~~2009~~ 2008, except with the written approval of the local planning authority. ~~Once the final Construction Method Report is approved,~~ a All development shall be carried out in accordance with ~~this~~ *the approved report*, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that proper controls are exercised during the construction of the development.

Design, External Appearance and Materials

6. No phase of the development shall be commenced until details of the design, external appearance and facing materials of any building to be constructed within that phase have been submitted to and approved in writing by the local planning authority. *The development shall be carried out in accordance with the approved details.*

Reason: To enable proper control to be exercised over the design of the development.

Construction and Operation Code of Practice for Environmental Management

7. Prior to the commencement of development a final Construction and Operation Code of Practice for Environmental Management shall be submitted to and approved in writing by the local planning authority. Except with the written approval of the local planning authority, the final COPE shall have regard to the final Construction Methods Report and ~~otherwise be substantially in accordance with, and be such as to result in effects not materially adverse in comparison to,~~ the draft COPE having reference B4027D/COPE/RO1 and dated April 2009 (*Inquiries Document CD291*), as amended by ~~paper~~ *Inquiries Document HBC/0/53* dated 25 June 2009.

The final COPE shall include a Construction and Environmental Management Plan (CEMP). ~~As a minimum the COPE CEMP will comprise or address~~ *include* the following elements:

- (a) Site Waste and Resources Management plans;
- (b) Pollution and contingency control, including monitoring regimes;
- (c) Noise and Vibration management plan;
- (d) Contamination and remediation management;
- (e) Air quality management;
- (f) Biodiversity management;
- (g) Water and Hydrodynamics management;
- (h) Construction health and safety plan;
- (i) Hours of working; and
- (j) Community Consultation provisions.

~~The development shall thereafter be implemented and operated in accordance with the approved COPE and CEMP, unless otherwise agreed in writing by the local planning authority. The approved COPE and CEMP shall be adhered to throughout the construction period.~~

Reason: To reduce the risk of adverse impact of construction on sensitive environmental resources and to minimise disturbance to local residents.

Construction Transport Management Plan

8. Prior to the commencement of development, a detailed Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. ~~As a minimum the~~ This will include the following:

- (a) Traffic management at roads and junctions ~~likely to be~~ directly affected by construction of the development;
- (b) Emergency vehicle routes;
- (c) Bus routes and stops;
- (d) Emergency vehicle recovery;
- (e) Emergency plans;
- (f) HGV routes and bans;
- (g) Construction worker parking areas and routes;
- (h) Times of operation;
- (i) Vehicle washing; and
- (j) Construction workforce travel plan.

~~The development shall thereafter be carried out in accordance with the approved CTMP, unless otherwise agreed in writing by the local planning authority. The approved CTMP shall be adhered to throughout the construction period.~~

Reason: To ensure that adequate measures are put in place to maintain highway safety.

Travel Plan

- 9. Prior to the development being opened to traffic a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved Workplace Travel Plan ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Landscaping

- 10. Prior to the commencement of each phase of the development, a detailed landscaping scheme and associated working methodology for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall be ~~materially~~ in accordance with ~~the approach set out within~~ the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement, and shall include details of the following:

- a) Vegetation to be retained and its means of protection during construction;
- b) Existing, proposed and finished levels and contours;
- c) Earth mounding, screen bunds, vertical barriers for noise and visual attenuation, including details of height, width and location;
- d) All materials and finishes; and
- e) Soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density, such trees to include the provision of black poplars, where appropriate.

~~The development shall thereafter be implemented in accordance with the approved scheme. All landscaping shall be carried out in accordance with the approved scheme for that phase of the development.~~

Reason: To ensure the appropriate landscaping of the development.

11. If, within a period of five years from the date of planting in accordance with the approved landscaping scheme any tree is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally provided shall be planted unless written consent to any variation is provided by the local planning authority.

Reason: To ensure that the landscape treatment is brought forward and maintained in accordance with the agreed principles.

Street Furniture and Lighting

12. Prior to the commencement of each phase of the development, details shall be submitted to and approved in writing by the local planning authority for all elements of street furniture that are to be included in that phase of development. *The street furniture shall be provided in accordance with the approved details.*

Reason: To ensure that the detail is appropriate.

13. Before any permanent lighting is erected on any part of the site, a scheme for the provision of such lighting shall be submitted to and approved in writing by the local planning authority. ~~The scheme shall include proposed levels of light, and levels of light spillage outside the relevant limits. The lighting shall be provided in accordance with the approved scheme. Thereafter, no lighting shall be provided at the site other than in accordance with an approved scheme or an amended scheme approved in writing by the local planning authority.~~

Reason: To ensure that the detail is appropriate and to avoid disturbance to adjoining premises and the surrounding area from glare or excessive light spillage.

Permanent and Temporary Highway and Footpath Access

14. Before the development of each phase commences, details of the siting, design and layout of any new or altered vehicular access to the highway network (which will serve the works within that phase) and any highway junction improvements other than those shown on the Planning Direction Drawings, shall be submitted to and approved in writing by the local planning authority. *The vehicular accesses/highway junction improvements shall be provided/undertaken in accordance with the approved details.* Any works necessary to ensure highway safety shall be completed before substantive construction activity served by such works or accesses is commenced during that phase.

Reason: To ensure highway safety.

15. Prior to the commencement of each phase of the development, details of alternative access routes and/or diversions along the existing greenway, footway and cycle networks within that phase shall be submitted to and approved in writing by the local planning authority. *The alternative access routes and/or diversions shall be provided in accordance with the approved details.* The temporary and permanent closures of any street permitted by the Order shall not be implemented until the designated alternative or diversion routes are available. ~~Temporary closures shall be for no longer than is necessary to enable the works to be undertaken, unless otherwise agreed in writing by the local planning authority.~~

Reason: To enable community routes and facilities to be accessed during the construction stage of the development, and to ensure that the integrity of the footpath network is maintained.

Contaminated Land

16. Prior to the commencement of each phase of the development a method statement shall be prepared in respect of contaminated land, soils and groundwater within the development site. The statement shall address all matters as identified within Chapter 14 of the Environmental Statement. The statement shall be submitted to and approved in writing by the local planning authority ~~in consultation with the Environment Agency.~~ The development shall thereafter be undertaken in accordance with the provisions of the approved method statement ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that the identified contaminants are dealt with in an appropriate manner.

Hydrodynamics

17. All temporary works undertaken as part of this development and sited within the Upper Mersey Estuary shall be removed within three months of the end of the construction of any relevant phase.

Reason: To ensure the appropriate restoration of the Upper Mersey Estuary.

18. Morphological monitoring of the Upper Mersey Estuary shall be undertaken in accordance with the provisions of the final COPE referred to at condition 7 above. Details of a suitable Monitoring Programme shall be contained in the COPE submitted to and approved in writing by the local planning authority prior to development commencing. Monitoring shall then be undertaken in accordance with the approved Programme ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To monitor the hydrodynamic impacts of the development and to enable an appropriate assessment of the effects of the proposal to be identified.

Surface Water Quality

19. Prior to the commencement of any phase of the development affecting existing watercourses, the details of the physical techniques to be utilised to prevent pollution of water bodies caused by the accidental spillage of materials and surface run-off shall be submitted to and approved in writing by the local planning authority ~~in consultation with the Environment Agency.~~ The measures to be adopted shall be ~~substantially~~ in accordance with ~~and resulting in environmental effects not materially worse than those set out in the draft COPE referred to in condition 7 above.~~ The approved provisions shall be implemented in accordance with the approved final COPE.

Reason: To enable reasonable and proper control to be exercised over those aspects of the development which could potentially harm existing surface water.

Drainage

20. Prior to the commencement of each phase of the development details of the drainage works to be carried out in accordance with an approved drainage strategy ~~are to~~ shall be submitted to and approved in writing by the local planning authority. The ~~approved~~ works shall be implemented in accordance with the approved details.

Reason: To ensure adequate drainage provision is provided and subsequently implemented.

Terrestrial and Avian Ecology

21. Prior to the commencement of each phase of development, details of construction methods and techniques to minimise the physical impacts of development upon avian ecology, species and habitats at the following locations shall be submitted to and approved in writing by the local planning authority together with a programme for their implementation:

- a) Upper Mersey Estuary Local Wildlife Site;
- b) Middle Mersey Estuary;
- c) St. Helens Canal Local Wildlife Site;
- d) Manchester Ship Canal Local Wildlife Site; and
- e) Wigg Island Local Wildlife Site and Local Nature Reserve.

~~The development shall be carried out in accordance with the details approved in writing by the local planning authority. The approved details shall be adhered to throughout the construction period.~~

Reason: To protect and minimise the impacts of development upon existing areas of ecological value.

22. Prior to the commencement of any development, details of an ecological monitoring programme to be undertaken during site clearance and throughout the construction and operation phases of the development shall be submitted to and approved in writing by the local planning authority. Monitoring shall thereafter be undertaken in accordance with the *approved* programme ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that mitigation is effective.

23. Before any demolition commences within each phase or before any buildings or structures are to be externally altered or removed within a phase, a survey shall be undertaken ~~within the relevant limits~~ for the purpose of establishing the presence of any bats in those structures and any other likely bat roosts.

~~The survey and details of any mitigation measures shall be submitted to and approved by the local planning authority in consultation with Natural England.~~ The survey, together with any programme of mitigation measures, shall be undertaken in accordance with the relevant, *current* guidance prepared by Natural England and the Department for Environment, Food and Rural Affairs. In locations where pre-demolition mitigation measures are approved, no other works shall commence until these measures have been completed.

Reason: To ensure that any species that may be found are sufficiently protected.

24. Before the commencement of any relevant phase of development a Method Statement ~~shall be prepared~~ in respect of the impact of the development on the water vole population within that phase or otherwise likely to be affected *shall be submitted to and approved for approval* in writing by the local planning authority. The Statement shall have regard to colonisation, creation of habitats and ~~appropriate~~ necessary mitigation. ~~The development shall be carried out in accordance with the techniques identified in the approved statement.~~ *The approved statement shall be adhered to throughout the construction period.*

Reason: To ensure that the species is sufficiently protected.

25. Any clearance of vegetation undertaken as part of any phase of the development which is likely to affect bird breeding habitat ~~within the relevant limits~~ shall be undertaken outside of the bird breeding season of March to September *in any calendar year* in accordance with the provisions as set out within the Terrestrial and Avian Ecology Chapter 10 of the Environmental Statement.

Reason: To ensure that the bird population is sufficiently protected.

26. A scheme and programme ~~substantially~~ in accordance with ~~and not materially adverse in comparison to~~ the COPE for the mitigation of the effects of the Project on Wigg Island Local Nature Reserve ~~within the relevant limits~~ shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The proposed scheme and programme shall have regard to the creation of new and managed habitats and, opportunities for translocation as set out within Chapter 10 of the Environmental Statement. The scheme shall be carried out in accordance with the approved programme.

Reason: To deliver an appropriate degree of mitigation within the Local Nature Reserve.

27. Before any phase of development is commenced which will have a physical impact on the saltmarsh land at Astmoor and Widnes Warth, *as agreed with the local planning authority*, a Saltmarsh Method Statement ~~substantially~~ in accordance with ~~and resulting in environmental effects not materially adverse in comparison to~~ the Biodiversity Management Plan contained in the COPE referred to in condition 7 above (~~unless the local planning authority agrees otherwise~~) shall be prepared which shall set out the details of the following:
- a) restoration and reinstatement of the affected saltmarsh following Completion of Construction Works;
 - b) mitigation and conservation management techniques that will be employed following Completion of the Works approved under paragraph (a) above; and
 - c) measures for protection of retained and restored saltmarsh areas (fencing, monitoring methodology etc.).

~~The development shall thereafter be implemented in accordance with the approved Saltmarsh Method Statement~~ approved statement shall be adhered to throughout the construction period and the restored saltmarsh managed in accordance with ~~that the plan thereafter unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure appropriate protection of the identified saltmarsh areas.

28. A ~~proposal~~ *scheme* for the improvement of bird breeding habitat ~~within the relevant limits~~, including the creation of pools, and the conversion of ungrazed to grazed saltmarsh ~~within the relevant limits substantially~~ in accordance with the Biodiversity Management Plan contained in the COPE referred to in condition 7 above (~~unless the local planning authority agrees otherwise~~) shall be submitted to and approved in writing by the local planning authority before development commences. The ~~development shall thereafter be implemented in accordance with the approved Biodiversity Management Plan shall be adhered to throughout the construction period.~~

Reason: To secure the wider benefit to the saltmarsh areas.

Aquatic Ecology

29. Prior to the commencement of any phase of development ~~likely to which will~~ affect the River Mersey, *as agreed with the local planning authority*, aquatic ecology sampling shall be conducted within the Upper Mersey Estuary to establish whether ~~significant~~ *any* change in baseline conditions has occurred since the initial monitoring programme was completed in 2007. Details of these investigations together with an aquatic ecology management scheme, which shall include details of monitoring to be carried out during construction of the development and remedial measures to be deployed ~~where necessary during construction~~. If the aquatic ecology sampling carried out pursuant to the management scheme shows significant changes (the thresholds for which shall be specified in the management scheme) in the Upper Mersey Estuary then *any* remedial measures (~~so far as appropriate~~) approved by the local planning authority as part of the aquatic ecology management scheme shall be implemented and ~~where necessary~~ maintained thereafter.

Reason: To ensure that existing ecological habitats are protected.

Archaeology

30. Before development is commenced, a scheme for the investigation of areas of archaeological potential (as defined in Chapter 13 of the Environmental Statement) shall be submitted to and approved in writing by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced, ~~in any location where this is necessary~~; and a watching brief during construction and recording works ~~where this is necessary~~, to be carried out in accordance with professional best-practice and in consultation with the archaeological advisors approved by the local planning authority. ~~The development shall be implemented in accordance with the approved scheme.~~

Reason: To ensure adequate protection and recording of archaeological remains.

Navigation

31. Prior to the commencement of any phase of development which ~~could~~ *will* have an effect on navigation, *as agreed with the local planning authority*, signage shall be installed to notify masters of vessels to the presence of cofferdams, piled jetties and air cushioned plant within the Estuary, *in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority.*

Reason: To minimise the risk to vessels and site workers.

32. Prior to the commencement of development, the Civil Aviation Authority shall be informed of all temporary obstacles to be erected which will exceed 300 feet (91.4 metres) above ground level ~~for the purpose of communication to all pilots via Notices to Airmen (NOTAM) as Temporary Navigation Warnings.~~

Reason: To ensure aircraft safety.

33. Except in an emergency, Fiddlers Ferry Sailing Club and West Bank Boat Club shall be given notice in writing not less than 28 days prior to commencement of any maintenance works to the ~~N~~ *new-B* bridge that ~~may~~ *will* reduce navigational air clearance or result in obstructions to navigation ~~and that will affect~~ *in* the Upper Mersey Estuary.

Reason: To ensure user safety.

Construction Compounds

34. Before each phase of development is commenced, details of the location of any site construction compound for the proposed development within that phase shall be submitted to and approved in writing by the local planning authority. The details shall include a methodology setting out the proposed working arrangements and the proposals for restoration. ~~The development shall thereafter be undertaken in accordance with the approved details. The approved details shall be adhered to throughout the relevant phase of construction.~~

Reason: To avoid obstruction of the highway by delivery vehicles manoeuvring and unloading, and from on-street parking by construction workers.

35. Any temporary site compound shall be reinstated to its former condition, ~~or such condition as the local planning authority may in writing approve~~ *in accordance with a scheme to be submitted to and approved in writing by the local planning authority*, within one year of the development being opened to traffic ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure effective reinstatement of land not permanently required by the development.

Wheel Cleaning Facilities

36. Prior to the commencement of each phase of development, details of wheel washing facilities provided in accordance with the provisions of the Construction Transport Management Plan shall be ~~confirmed~~ *approved* in writing to the local planning authority. The facilities shall be *used and* maintained for the whole period of construction of the relevant phase ~~for the cleaning of wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones or other debris being carried on to the highway.~~

Reason: To prevent mud, stones or other debris being carried on to the public highway to the detriment of road safety.

Signage Strategy

37. Before development is commenced, a construction and handover signage strategy to be carried out within the Borough of Halton shall be submitted to and approved in writing by the local planning authority ~~in consultation with the Highway Authority, Department for Transport and the local highway authority.~~ The construction and handover signage strategy shall *also* have regard ~~(amongst other things)~~ to the desirability of limiting CO₂ emissions produced by traffic. The details shall include a full methodology setting out the proposed arrangements and signage types at all new junctions. The approved signage strategy shall be implemented prior to the opening to traffic of the phases of the development to which it relates.

Reason: To ensure that both during construction and operation of the development appropriate and clear signage across the borough is maintained having regard to the requirements and sustainability objectives of the Mersey Gateway Project and good highway design principles.

Implementation

- ~~38. All works or measures which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise agreed in writing by the local planning authority.~~

~~*Reason: To ensure that these works and measures are implemented as approved.*~~

St Helens Canal

39. The temporary infilling of the St Helens Canal as part of the construction of the development shall comprise no substances except inert materials. Culverts or pipes shall be maintained at all times during the period of infilling works and the period the infill is in place, ~~to the canal in order to maintain hydraulic connectivity between the two sides of the infilled area of the waterway.~~

Reason: To ensure that the appropriate materials and methods are used in order to maintain the connectivity of the waterway at St Helens Canal.

Tower Construction

40. The main bridge towers to be constructed as part of the development in the River Mersey shall have a plan form within the tidal range that is circular or a regular polygon having at least 8 sides.

Reason: To ensure that the towers for the bridge are constructed in accordance with the approved design and to limit the effects of scour in the River Mersey.

Widnes Replacement Open Space

41. Prior to commencement of that element of the development lying between the Garston to Timperley Freight Railway Line and St Helens Canal, incorporating the new Widnes Loops junction, a detailed landscaping scheme for that replacement open space shown on *Inquiries Document HBC/7/5Sup Figure drawing W4 (Revision C)* shall be submitted to and approved in writing by the local planning authority. The scheme shall reflect the overall approach set out within the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement and shall also reflect the following objectives:

- (i) design and layouts ~~will be development which~~ shall take account of public health, crime prevention and community safety considerations;
- (ii) the space should provide uncluttered open space, with pedestrian routes clearly defined by ground moulding and textured surfaces chosen to suit each particular use and function;
- (iii) the space should retain both a physical (pedestrian route) and a visual link beneath the structure of the new bridge to ensure that there is a direct connection between the elements of the space either side;
- (iv) both the structural and hard landscaping elements should be designed to avoid ~~and~~ or reduce shadowing effect;
- (v) ~~wherever possible~~ the appearance of the bridge abutment, piers and other surfaces should be softened by the use of texture and colour; and
- (vi) lighting should be provided to increase the levels of safety and the usability of the space and to make the space and its users more visible.

The scheme shall include details of the following:

- (a) existing, proposed and finished levels and contours;
- (b) all materials and finishes;
- (c) lighting of the area under St Helens Canal bridge structure; and

- (d) soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density.

All landscaping shall be carried out in accordance with the approved scheme.

~~The development shall thereafter be implemented in accordance with the approved scheme.~~ Condition 11 will apply to this landscaping scheme in the same manner as it applies to condition 10.

Reason: To ensure that the replacement open space is equally advantageous to the users of the existing open space and to the public.

Silver Jubilee Bridge Works

- 42. The roads comprised in the development shall not be opened to traffic or subject to tolls unless and until a contract has been let for the carrying out of:
 - (a) works to the A533 Silver Jubilee Bridge authorised by listed building consent granted pursuant to application reference APP/D0650/V/08/2095114; and
 - (b) the de-linking works in Widnes authorised by planning permission granted pursuant to application APP/D0650/V/1203384/2095069.

CENTRAL EXPRESSWAY PLANNING APPLICATION (08/00200/FULEIA)

PROPOSED CONDITIONS

In these conditions, unless the context otherwise requires:

the Application Plans means the drawings of that description accompanying the application submitted on 31 March 2008;

building means any structure or erection, above the surface of the ground, but does not include any traffic light or sign or any plant or machinery;

the COPE means the construction and operation code of practice for environmental management to be submitted to and approved in writing by the local planning authority;

the development means the development authorised by the Planning Permission 08/00200/FULEIA;

the Environmental Statement means the Environmental Statement submitted with the application for the Order on 30 May 2008;

the local planning authority means Halton Borough Council;

the Order means the River Mersey (Mersey Gateway Bridge) Order 200[]

the Planning Application 08/00200/FULEIA means the planning application submitted on 31 March 2008 in relation to the proposed works on the Central Expressway and thereabouts; *and*

~~**the relevant limits** means the limits within which, under planning permission 08/00200/FULEIA to which these conditions relate, and the development may be carried out; and~~

phase means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority in accordance with condition 4 and 5.

Time Limits

1. The development hereby permitted shall be ~~commenced no later than~~ *begun* before the expiration of ~~five ten~~ years ~~beginning with~~ *from* the date that the Order comes into force.

Reason: To ensure that the development is ~~commenced~~ begun within a reasonable period of time commensurate with a development of this magnitude.

2. Written notification of the date of commencement of development and any phase thereof shall be ~~sent~~ *submitted* to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

Drawings

3. Prior to the commencement of the development drawings showing the final design of the development ~~within the application site~~ shall be submitted to and approved in writing by the local planning authority ~~based upon~~ *in accordance with the accompanying plans* ~~Planning Direction Drawings (Inquiries Documents CD9 and HBC/0/16 as amended by HBC/0/46)~~ which ~~shall be deemed to~~ have been approved in writing for the purposes of this condition. The development shall be carried out in accordance with the approved ~~drawings plans~~.

Reason: To ensure the design and external appearance of any works comprised in the development do not injure ~~the amenity of the Borough of Halton~~ and the development carried out is development which was ~~assessed~~ approved.

Phasing of Development

4. Before the development is commenced, a phasing strategy setting out the phases of the development shall be submitted to and approved in writing by the local planning authority. ~~Once the phasing strategy is approved,~~ a All development shall be carried out in accordance with the approved phasing strategy, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To provide certainty as to the development programme and the associated discharge of planning conditions.

Construction Methods Report

5. Before the development is commenced, a final Construction Methods Report shall be submitted to and approved in writing ~~to~~ by the local planning authority. The final Construction Methods Report shall be ~~such as a result in effect~~ substantially in accordance with those resulting from the Construction Methods Report having reference B4027/OA/200REC/DREVC and dated March 2009, except with the written approval of the Local Planning Authority. ~~Once the final Construction Method Report is approved,~~ a All development shall be carried out in accordance with ~~this~~ *the approved report*, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that proper controls are exercised during the construction of the development.

Design, External Appearance and Materials

6. No phase of the development shall be commenced until details of the design, external appearance and facing materials of any building to be constructed within that phase have been submitted to and approved in

writing by the local planning authority. *The development shall be carried out in accordance with the approved details.*

Reason: To enable proper control to be exercised over the design of the development.

Construction and Operation Code of Practice for Environmental Management

7. Prior to the commencement of development a final Construction and Operation Code of Practice for Environmental Management shall be submitted to and approved in writing by the local planning authority. Except with the written approval of the local planning authority, the final COPE shall have regard to the final Construction Methods Report and ~~otherwise be substantially in accordance with, and be such as to result in effects not materially adverse in comparison to,~~ the draft COPE having reference B4027D/COPE/RO1 and dated April 2009 (*Inquiries Document CD291*), as amended by ~~paper~~ *Inquiries Document HBC/0/53* dated 25 June 2009.

The final COPE shall include a Construction and Environmental Management Plan (CEMP). ~~As a minimum the COPE CEMP will comprise or address~~ *include* the following elements:

- (a) Site Waste and Resources Management plans;
- (b) Pollution and contingency control, including monitoring regimes;
- (c) Noise and Vibration management plan;
- (d) Contamination and remediation management;
- (e) Air quality management;
- (f) Biodiversity management;
- (g) Water and Hydrodynamics management;
- (h) Construction health and safety plan;
- (i) Hours of working; and
- (j) Community Consultation provisions.

~~The development shall thereafter be implemented and operated in accordance with the approved COPE and CEMP, unless otherwise agreed in writing by the local planning authority. The approved COPE and CEMP shall be adhered to throughout the construction period.~~

Reason: To reduce the risk of adverse impact of construction on sensitive environmental resources and to minimise disturbance to local residents.

Construction Transport Management Plan

8. Prior to the commencement of development, a detailed Construction Transport Management Plan (CTMP) shall be submitted to and

approved in writing by the local planning authority. ~~As a minimum t~~
This will include the following:

- (a) Traffic management at roads and junctions ~~likely to be~~ directly affected by construction of the development;
- (b) Emergency vehicle routes;
- (c) Bus routes and stops;
- (d) Emergency vehicle recovery;
- (e) Emergency plans;
- (f) HGV routes and bans;
- (g) Construction worker parking areas and routes;
- (h) Times of operation;
- (i) Vehicle washing; and
- (j) Construction workforce travel plan.

~~The development shall thereafter be carried out in accordance with the approved CTMP, unless otherwise agreed in writing by the local planning authority. The approved CTMP shall be adhered to throughout the construction period.~~

Reason: To ensure that adequate measures are put in place to maintain highway safety.

Travel Plan

9. Prior to the development being opened to traffic a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved Workplace Travel Plan ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Landscaping

10. Prior to the commencement of each phase of the development, a detailed landscaping scheme and associated working methodology for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall be ~~materially~~ in accordance with ~~the approach set out within~~ the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement, and shall include details of the following:
- a) Vegetation to be retained and its means of protection during construction;
 - b) Existing, proposed and finished levels and contours;
 - c) Earth mounding, screen bunds, vertical barriers for noise and visual attenuation, including details of height, width and location;
 - d) All materials and finishes; and
 - e) Soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density, such trees to include the provision of black poplars, where appropriate.

~~The development shall thereafter be implemented in accordance with the approved scheme. All landscaping shall be carried out in accordance with the approved scheme for that phase of the development.~~

Reason: To ensure the appropriate landscaping of the development.

11. If, within a period of five years from the date of planting in accordance with the approved landscaping scheme any tree is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally provided shall be planted unless written consent to any variation is provided by the local planning authority.

Reason: To ensure that the landscape treatment is brought forward and maintained in accordance with the agreed principles.

Street Furniture and Lighting

12. Prior to the commencement of each phase of the development, details shall be submitted to and approved in writing by the local planning authority for all elements of street furniture that are to be included in that phase of development. *The street furniture shall be provided in accordance with the approved details.*

Reason: To ensure that the detail is appropriate.

13. Before any permanent lighting is erected on any part of the site, a scheme for the provision of such lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall include proposed levels of light, and levels of light spillage ~~outside the~~

~~relevant limits. The lighting shall be provided in accordance with the approved scheme. Thereafter, no lighting shall be provided at the site other than in accordance with an approved scheme or an amended scheme approved in writing by the local planning authority.~~

Reason: To ensure that the detail is appropriate and to avoid disturbance to adjoining premises and the surrounding area from glare or excessive light spillage.

Permanent and Temporary Highway and Footpath Access

14. Before the development of each phase commences, details of the siting, design and layout of any new or altered vehicular access to the highway network (which will serve the works within that phase) and any highway junction improvements other than those shown on the Application Plans, shall be submitted to and approved in writing by the local planning authority. *The vehicular accesses/highway junction improvements shall be provided/undertaken in accordance with the approved details.* Any works necessary to ensure highway safety shall be completed before substantive construction activity served by such works or accesses is commenced ~~during that phase.~~

Reason: To ensure highway safety.

15. Prior to the commencement of each phase of the development, details of alternative access routes and/or diversions along the existing greenway, footway and cycle networks within that phase shall be submitted to and approved in writing by the local planning authority. *The alternative access routes and/or diversions shall be provided in accordance with the approved details.* The temporary and permanent closures of any street permitted by the Order shall not be implemented until the designated alternative or diversion routes are available. ~~Temporary closures shall be for no longer than is necessary to enable the works to be undertaken, unless otherwise agreed in writing by the local planning authority.~~

Reason: To enable community routes and facilities to be accessed during the construction stage of the development, and to ensure that the integrity of the footpath network is maintained.

Contaminated Land

16. Prior to the commencement of each phase of the development a method statement shall be prepared in respect of contaminated land, soils and groundwater within the development site. The statement shall address all matters as identified within chapter 14 of the Environmental Statement. The statement shall be submitted to and approved in writing by the local planning authority ~~in consultation with the Environment Agency.~~ The development shall thereafter be undertaken in accordance with the provisions of the approved method statement ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that the identified contaminants are dealt with in an appropriate manner.

Drainage

17. Prior to the commencement of each phase of the development details of the drainage works to be carried out in accordance with an approved drainage strategy are to be submitted to and approved in writing by the local planning authority. The ~~approved~~ works shall be implemented in accordance with the approved details.

Reason: To ensure adequate drainage provision is provided and subsequently implemented.

Terrestrial and Avian Ecology

18. Prior to commencement of each phase of development, details of construction methods and techniques to minimise the physical impact of development upon avian ecology, species and habitats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To protect and minimise the impacts of development upon existing areas of ecological value.

19. Prior to the commencement of any development, details of an ecological monitoring programme to be undertaken during site clearance and throughout the construction and operation phases of the development shall be submitted to and approved in writing by the local planning authority. Monitoring shall thereafter be undertaken in accordance with the *approved* programme ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that mitigation is effective

20. Before any demolition commences within each phase or before any buildings or structures are to be externally altered or removed within a phase, a survey shall be undertaken ~~within the relevant limits~~ for the purpose of establishing the presence of any bats in those structures and any other likely bat roosts.

The survey and details of any mitigation measures shall be submitted to and approved by the local planning authority ~~in consultation with Natural England.~~ The survey, together with any programme of mitigation measures, shall be undertaken in accordance with the relevant guidance prepared by Natural England and the Department for Environment, Food and Rural Affairs. In locations where pre-demolition mitigation measures are approved, no other works shall commence until these measures have been completed.

Reason: To ensure that any species that may be found are sufficiently protected.

21. Any clearance of vegetation undertaken as part of any phase of the development which potentially affects bird breeding habitat shall be undertaken outside of the bird breeding season of March to September

in any calendar year in accordance with the provisions as set out within the Terrestrial and Avian Ecology chapter 10 of the Environmental Statement.

Reason: To ensure that the bird population is sufficiently protected.

Aquatic Ecology

22. Prior to the commencement of the development, a survey shall be carried out to establish whether any Great Crested Newts are present ~~within the relevant limits~~. If any Great Crested Newts are found to be present, a Method Statement shall be prepared, which sets out, in accordance with Chapter 11 of the Environmental Statement, detailed measures for mitigating the impact of the development on them. The Method Statement shall be submitted to, and approved in writing by, the local planning authority. Any mitigation measures contained in the approved Method Statement shall be implemented in accordance with a programme to be agreed in writing with the local planning authority, and maintained for the during the construction of the development (~~or as the method statement may otherwise provide~~).

Reason: To ensure that the species is sufficiently protected.

Archaeology

23. Before development is commenced, a written scheme for the investigation of areas of archaeological potential (as defined in chapter 13 of the Environmental Statement) shall be submitted to and approved in writing by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced, ~~in any location where this is necessary~~; and a watching brief during construction and recording works ~~where this is necessary~~, to be carried out in accordance with professional best-practice and in consultation with the archaeological advisors approved by the local planning authority. ~~The development shall be implemented in accordance with the approved scheme.~~

Reason: To ensure adequate protection and recording of archaeological remains.

Construction Compounds

24. Before each phase of development is commenced, details of the location of any site construction compound for the proposed development within that phase shall be submitted to and approved in writing by the local planning authority. The details shall include a methodology setting out the proposed working arrangements and the proposals for restoration. ~~The development shall thereafter be undertaken in accordance with the approved details.~~ *The approved details shall be adhered to throughout the relevant phase of construction.*

Reason: To avoid obstruction of the highway by delivery vehicles manoeuvring and unloading, and from on-street parking by construction workers.

25. Any temporary site compound shall be reinstated to its former condition, ~~or such condition as the local planning authority may in writing approve in accordance with a scheme to be submitted to and approved in writing by the local planning authority,~~ within one year of the development being opened to traffic ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure effective reinstatement of land not permanently required by the development.

Wheel Cleaning Facilities

26. Prior to the commencement of each phase of development, details of wheel washing facilities provided in accordance with the provisions of the Construction Transport Management Plan shall be ~~confirmed~~ *approved* in writing to the local planning authority. The facilities shall be *used and* maintained for the whole period of construction of the relevant phase ~~for the cleaning of wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones or other debris being carried on to the highway.~~

Reason: To prevent mud, stones or other debris being carried on to the public highway to the detriment of road safety.

Signage Strategy

27. Before development is commenced, a construction and handover signage strategy to be carried out within the Borough of Halton shall be submitted to and approved in writing by the local planning authority. The construction and handover signage strategy shall *also* have regard ~~(amongst other things)~~ to the desirability of limiting CO₂ emissions produced by traffic. The details shall include a full methodology setting out the proposed arrangements and signage types at all new junctions. The approved signage strategy shall be implemented prior to the opening to traffic of the phases of the development to which it relates.

Reason: To ensure that both during construction and operation of the development appropriate and clear signage across the borough is maintained having regard to the requirements and sustainability objectives of the Mersey Gateway Project and good highway design principles.

Implementation

- ~~28. All works or measures which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise agreed in writing by the local planning authority.~~

~~*Reason: To ensure that these works or measures are implemented as approved.*~~

M56 Junction 12

29. No development shall commence until full design and construction details of the proposed improvements to Junction 12 of the M56 shown in outline in Drawing B4027/H/SK/224 dated July 2008 (which includes details of signalisation) have been submitted to and approved in writing by the Secretary of State for Transport. The details to be submitted shall include:
- * How the scheme interface with the existing highway alignment, details of the carriageway markings and lane destinations;
 - * Full signing and lighting details;
 - * Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
 - * Independent Stages One and Two Road Safety Audits (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes; and
 - * New Approach to Appraisal (NATA)/ Project Appraisal Report (PAR) Assessment.

No part of the development shall be brought into its intended use unless and until the highway improvements as *approved shown in outline Drawing on B4027/H/SK/224 dated July 2008, and agreed in detail in accordance with this condition* have been implemented. ~~to the satisfaction of the local planning authority in consultation with the Secretary of State for Transport.~~

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion

Emergency Access

30. Prior to the commencement of the development, details of the design and provisions ~~to for maintaining~~ emergency vehicular access ~~(so far as required) in relation to any fencing to be provided at the site of the existing emergency vehicular access,~~ situated between number 7 and number 5 Rothbury Close, shall be submitted to and approved in writing by the local planning authority. ~~The development shall thereafter be implemented~~ *emergency vehicular access shall be provided* in accordance with the approved ~~design details before the development begins.~~

Reason: To ensure that the existing emergency vehicular access is and shall be maintained to Rothbury Close throughout the period of development and thereafter.

Betchworth Crescent Landscaping Scheme

31. Prior to the commencement of the development, a detailed ~~ed~~ of a landscaping scheme providing for the restriction of access between the existing boundaries of the properties directly to the rear of Betchworth Crescent and the ~~new~~ noise fencing to be constructed as part of the development, shall be submitted to and approved in writing by the local planning authority. ~~The development shall thereafter be implemented in accordance with the approved scheme. All landscaping shall be carried out in accordance with the approved details.~~

Reason: To ensure that access is restricted between any new noise fencing and physical features shall be retained and the existing properties at Betchworth Crescent in order to discourage anti-social behaviour.

SILVER JUBILEE BRIDGE PLANNING APPLICATION (08/00201/FULEIA)

PROPOSED CONDITIONS

In these conditions, unless the context otherwise requires:

the Application Plans means the drawings of that description accompanying the application submitted on 31 March 2008;

building means any structure or erection, above the surface of the ground, but does not include any traffic light or sign or any plant or machinery;

the COPE means the construction and operation code of practice for environmental management to be submitted to and approved in writing by the local planning authority;

the development means the development authorised by the Planning Permission 08/00201/FULEIA;

the Environmental Statement means the Environmental Statement submitted with the application for the Order on 30 May 2008;

the local planning authority means Halton Borough Council;

the Planning Application 08/00201/FULEIA means the planning application submitted on 31 March 2008 in relation to the proposed works area to the Silver Jubilee Bridge and thereabouts; *and*

~~**the relevant limits** means the limits within which, under planning permission 08/00201/FULEIA to which these conditions relate, the development may be carried out; and~~

phase means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority in accordance with condition 6 and 7.

Time Limits

1. The development hereby permitted shall be ~~commenced no later than~~ *begun* before the expiration of ~~five ten~~ years ~~beginning with~~ *from* the date that the Order comes into force.

Reason: To ensure that the development is ~~commenced~~ begun within a reasonable period of time and allow the proper sequencing of works comprised in the Mersey Gateway Project commensurate with a development of this magnitude.

2. Written notification of the date of commencement of development and any phase thereof shall be submitted to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

Drawings

3. Prior to the commencement of the development drawings showing the final design of the development ~~within the application site~~ shall be submitted to and approved in writing by the local planning authority ~~based upon~~ *in accordance with* the accompanying plans ~~Planning Direction Drawings (Inquiries Documents CD9 and HBC/0/16 as amended by HBC/0/46) which shall be deemed to have been approved in writing for the purposes of this condition.~~ The development shall be carried out in accordance with the approved ~~drawings plans~~.

Reason: To ensure that the design and external appearance of any works comprised in the development does not injure the amenity of the Borough of Halton and the development carried out is a development which was assessed approved.

Phasing of Development

4. Before the development is commenced, a phasing strategy setting out the phases of the development shall be submitted to and approved in writing by the local planning authority. ~~Once the phasing strategy is approved,~~ a All development shall be carried out in accordance with ~~this~~ *the approved phasing strategy*, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To provide certainty as to the development programme and the associated discharge of planning conditions.

Construction Methods Report

5. Before the development is commenced, a final Construction Methods Report shall be submitted to and approved in writing ~~to~~ by the local planning authority. The final Construction Methods Report shall be ~~such as a result in effects substantially~~ in accordance with ~~and not materially adverse in comparison with~~ those resulting from the Construction Methods Report having reference B4027/OA/2009 ~~RECDREVC~~, and dated March ~~2009~~ *2008*, except with the written approval of the local planning authority. ~~Once the final Construction Method Report is approved,~~ a All development shall be carried out in accordance with ~~this~~ *the approved report*, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that proper controls are exercised during the construction of the development.

Design, External Appearance and Materials

6. No phase of the development shall be commenced until details of the design, external appearance and facing materials of any building to be constructed within that phase have been submitted to and approved in writing by the local planning authority.

Reason: To enable proper control to be exercised over the design of the development.

Construction and Operation Code of Practice for Environmental Management

7. Prior to the commencement of development, a final Construction and Operation Code of Practice for Environmental Management shall be submitted to and approved in writing by the local planning authority. Except with the written approval of the local planning authority, the final COPE shall have regard to the final Construction Methods Report and ~~otherwise be substantially in accordance with, and be such as to result in effects not materially adverse in comparison to,~~ the draft COPE having reference B4027D/COPE/RO1 and dated April 2009 (*Inquiries Document CD291*), as amended by ~~paper~~ *Inquiries Document HBC/0/53* dated 25 June 2009.

The final COPE shall include a Construction and Environmental Management Plan (CEMP). ~~As a minimum t~~ The CEMP will ~~comprise or address~~ *include* the following elements:

- (a) Site Waste and Resources Management plans;
- (b) Pollution and contingency control, including monitoring regimes;
- (c) Noise and Vibration management plan;
- (d) Contamination and remediation management;
- (e) Air quality management;
- (f) Biodiversity management;
- (g) Water and Hydrodynamics management;
- (h) Construction health and safety plan;
- (i) Hours of working; and
- (j) Community Consultation provisions.

~~The development shall thereafter be carried out in accordance with the approved CTMP, unless otherwise agreed in writing by the local planning authority. The approved COPE and CEMP shall be adhered to throughout the construction period.~~

Reason: To reduce the risk of adverse impact of construction on sensitive environmental resources and to minimise disturbance to local residents.

Construction Transport Management Plan

8. Prior to the commencement of development, a detailed Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. ~~As a minimum t~~ This will include the following:

- (a) Traffic management at roads and junctions ~~likely to be~~ directly affected by construction of the development;
- (b) Emergency vehicle routes;
- (c) Bus routes and stops;
- (d) Emergency vehicle recovery;
- (e) Emergency plans;
- (f) HGV routes and bans;
- (g) Construction worker parking areas and routes;
- (h) Times of operation;
- (i) Vehicle washing; and
- (j) Construction Workforce Travel Plan.

~~The development shall thereafter be carried out in accordance with the approved CTMP, unless otherwise agreed in writing by the local planning authority. The approved CTMP shall be adhered to throughout the construction period.~~

Reason: To ensure that adequate measures are put in place to maintain highway safety.

Travel Plan

- 9. Prior to the development being opened to traffic a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved Workplace Travel Plan ~~unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Landscaping

- 10. Prior to the commencement of each phase of development, a detailed landscaping scheme and associated working methodology for that phase shall be submitted to and approved by the local planning authority. The scheme shall be ~~materially~~ in accordance with the ~~approach set out within~~ the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement, and shall include details of the following:

- a) Vegetation to be retained and its means of protection during construction;
- b) Existing, proposed and finished levels and contours;
- c) Earth mounding, screen bunds, vertical barriers for noise and visual attenuation, including details of height, width and location;
- d) All materials and finishes; and
- e) Soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density, such trees to include the provision of black poplars, where appropriate.

~~The development shall thereafter be implemented in accordance with the approved scheme. All landscaping shall be carried out in accordance with the approved scheme for that phase of the development.~~

Reason: To ensure the appropriate landscaping of the development.

11. If, within a period of five years from the date of planting in accordance with the approved landscaping scheme, any tree is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally provided shall be planted unless written consent to any variation is provided by the local planning authority.

Reason: To ensure that the landscape treatment is brought forward and maintained in accordance with the agreed principles.

Street Furniture and Lighting

12. Prior to the commencement of each phase of the development, details shall be submitted to and approved in writing by the local planning authority for all elements of street furniture that are to be included in that phase of the development. *The street furniture shall be provided in accordance with the approved details*

Reason: To ensure that the detail is appropriate.

13. Before any permanent lighting is erected on any part of the site, a scheme for the provision of such lighting shall be submitted to and approved in writing by the local planning authority. ~~The scheme shall include proposed levels of light, and levels of light spillage outside the relevant limits. The lighting shall be provided in accordance with the approved scheme. Thereafter, no lighting shall be provided at the site other than in accordance with the approved scheme or an amended scheme approved in writing by the local planning authority.~~

Reason: To ensure that the detail is appropriate and to avoid disturbance to adjoining premises and the surrounding area from glare or excessive light spillage.

Permanent and Temporary Highway and Footpath Access

14. Before the development of each phase commences, details of the siting, design and layout of any new or altered vehicular access to the highway network (which will serve the works within that phase) and any highway junction improvements other than those shown on the Application Plans, shall be submitted to and approved in writing by the local planning authority. *The vehicular accesses/highway junction improvements shall be provided/undertaken in accordance with the approved details.* Any works necessary to ensure highway safety shall be completed before substantive construction activity served by such works or accesses is commenced ~~during that phase.~~

Reason: To ensure highway safety.

15. Prior to the commencement of each phase of the development, details of alternative access routes and/or diversions along the existing greenway, footway and cycle networks within that phase shall be submitted to and approved in writing by the local planning authority. *The alternative access routes and/or diversions shall be provided in accordance with the approved details.* The temporary and permanent closures of any street permitted by the Order shall not be implemented until the designated alternative or diversion routes are available. ~~Temporary closures shall be for no longer than is necessary to enable the works to be undertaken, unless otherwise agreed in writing by the local planning authority.~~

Reason: To enable community routes and facilities to be accessed during the construction stage of the development, and to ensure that the integrity of the footpath network is maintained.

Contaminated Land

16. Prior to the commencement of each phase of the development a method statement shall be prepared in respect of contaminated land, soils and groundwater within the development site. The statement shall address all matters as identified within Chapter 14 of the Environmental Statement. The statement shall be submitted to and approved in writing by the local planning authority ~~in consultation with the Environment Agency.~~ The development shall thereafter be undertaken in accordance with the provisions of the approved method statement unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the identified contaminants are dealt with in an appropriate manner.

Drainage

17. Prior to the commencement of each phase of the development, details of the drainage works to be carried out in accordance with an approved drainage strategy are to be submitted to and approved in writing by the local planning authority. ~~The approved~~ works shall be implemented in accordance with the approved details.

Reason: To ensure adequate drainage provision is provided and subsequently implemented.

Terrestrial and Avian Ecology

18. Prior to the commencement of each phase of development, details of construction methods and techniques to minimise the physical impacts of development upon avian ecology, species and habitats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details ~~unless otherwise agreed in writing with the local planning authority.~~

Reason: To protect and minimise the impacts of development upon existing areas of ecological value.

19. Prior to the commencement of any development, details of an ecological monitoring programme to be undertaken during site clearance and throughout the construction and operation phases of the development shall be submitted to and approved in writing by the local planning authority. Monitoring shall thereafter be undertaken in accordance with the *approved* programme unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that mitigation is effective

20. Before any demolition commences within each phase or before any buildings or structures are to be externally altered or removed within a phase, a survey shall be undertaken within the relevant limits for the purpose of establishing the presence of any bats in those structures and any other likely bat roosts.

The survey and details of any mitigation measures shall be submitted to and approved by the local planning authority ~~in consultation with Natural England.~~ The survey, together with any programme of mitigation measures, shall be undertaken in accordance with the relevant guidance prepared by Natural England and the Department for Environment, Food and Rural Affairs. In locations where pre-demolition mitigation measures are approved, no other works shall commence until these measures have been completed.

Reason: To ensure that any species that may be found are sufficiently protected.

21. Any clearance of vegetation undertaken as part of any phase of the development which is likely to affect bird breeding habitat within the relevant limits shall be undertaken outside of the bird breeding season of March to September *in any calendar year* in accordance with the provisions as set out within the Terrestrial and Avian Ecology Chapter 10 of the Environmental Statement.

Reason: To ensure that the bird population is sufficiently protected.

Archaeology

22. Before development is commenced, a scheme for the investigation of areas of archaeological potential (as defined in Chapter 13 of the Environmental Statement) shall be submitted to and approved in writing by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced, ~~in any location where this is necessary~~; and a watching brief during construction and recording works ~~where this is necessary~~, to be carried out in accordance with professional best-practice and in consultation with the archaeological advisors approved by the local planning authority. ~~The development shall be implemented in accordance with the approved scheme.~~

Reason: To ensure adequate protection and recording of archaeological remains.

23. Prior to the carrying out of any works to Listed Buildings, *the works* will be preceded by the undertaking of Building Recording in accordance with the English Heritage standards outlined in Understanding Historic Buildings: A guide to good recording practice (2006) and shall be detailed in a Written Scheme of Investigation to be prepared in consultation with the Cheshire County Council Historic Environment Officer (Archaeology) and English Heritage.

Reason: To ensure adequate protection of listed building identified to be affected by the development.

Construction Compounds

24. Before each phase of development is commenced, details of the location of any site construction compound for the proposed development within that phase shall be submitted to and approved in writing by the local planning authority. The details shall include a full methodology setting out the proposed working arrangements and the proposals for restoration. ~~The development shall thereafter be undertaken in accordance with the approved details.~~ *The approved details shall be adhered to throughout the relevant phase of construction.*

Reason: To avoid obstruction of the highway by delivery vehicles manoeuvring and unloading, and from on-street parking by construction workers.

25. Any temporary site compound shall be reinstated to its former condition, ~~or such condition as the local planning authority may in writing approve in accordance with a scheme to be submitted to and approved in writing by the local planning authority~~, within one year of the development being opened to traffic ~~unless otherwise agreed in writing by the local planning authority~~.

Reason: To ensure effective reinstatement of land not permanently required by the development.

Wheel Cleaning Facilities

26. Prior to the commencement of each phase of development, details of wheel washing facilities provided in accordance with the provisions of the Construction Transport Management Plan shall be ~~confirmed~~ *approved* in writing to the local planning authority. The facilities shall be *used and* maintained for the whole period of construction of the relevant phase ~~for the cleaning of wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones or other debris being carried on to the highway.~~

Reason: To prevent mud, stones and other debris being carried on to the public highway to the detriment of road safety.

Signage Strategy

27. Before development is commenced, a construction and handover signage strategy for the Borough of Halton shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Agency, Department for Transport, and the local highway authority. The construction and handover signage strategy shall *also* have regard ~~(amongst other things)~~ to the desirability of limiting CO₂ emissions produced by traffic. The details shall include a full methodology setting out the proposed arrangements and signage types at all new junctions. The approved signage strategy shall be implemented prior to the opening to traffic of the phases of the development to which it relates.

Reason: To ensure that both during construction and operation of the development appropriate and clear signage across the borough is maintained having regard to the requirements and sustainability objectives of the Mersey Gateway Project and good highway design principles.

Implementation

28. ~~All works or measures which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise agreed in writing by the local planning authority.~~

Reason: ~~To ensure that these works and measures are implemented as approved.~~

Pedestrian and Cycle Way

29. During the works for the reconfiguration of the A533 Silver Jubilee Bridge authorised by this permission a route on foot and by cycle (if necessary dis-mounted) shall be *provided and* maintained *in accordance with a scheme to be submitted to and approved in writing by the local planning authority.*

Reason: To ensure that pedestrian and cycle access is maintained throughout the period that the duration of the works.

SILVER JUBILEE BRIDGE LISTED BUILDING CONSENT

PROPOSED CONDITIONS

In these conditions, unless the context otherwise requires:

the Order means the River Mersey (Mersey Gateway Bridge) Order 200[];

the development means the development authorised by the Listed Building Consent Application Ref 08/00211/HBCLBC; *and*

the local planning authority means Halton Borough Council.

Time Limits

1. The works shall be ~~commenced~~ *begun* no later than the expiration of ten years beginning with the date that the Order comes into force.

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

2. Written notification of *the date of* commencement of development and any phase thereof shall be sent to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

Design, External Appearance and Materials

3. The works shall be carried out in accordance with the drawings submitted with the Listed Building Consent Application.

Reason: To ensure that the design and external appearance of any works comprised in the development is not harmful to the character of the listed building.

4. Notwithstanding the submitted details, no works shall be commenced until details together with samples, of the:

- i) nature and texture of all surfacing materials to be used on the main carriageway, footway and cycleway;
- ii) design of proposed gating, railings or other means of preventing the use of the existing walkway; and
- iii) ~~P~~paint colour finish-

have been submitted to and approved *in writing* by the local planning authority.

Reason: To enable proper control to be exercised over the design of the development.

Implementation

5. ~~All works or measures which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise agreed in writing by the local planning authority.~~

~~*Reason: To ensure that these works or measures are implemented as approved.*~~

Pedestrian and Cycle Way

6. During the works for the reconfiguration of the A533 Silver Jubilee Bridge authorised by this consent, a route on foot and by cycle (if necessary dis-mounted) shall be *provided and maintained in accordance with a scheme to be submitted to and approved in writing by the local planning authority.*

Reason: To ensure that pedestrian and cycle access is maintained throughout the period that the duration of the works.

ANNEX 2 Proposed Conditions

- TWA Order Deemed Planning Permission
- Central Expressway Planning Permission
- Silver Jubilee Bridge Planning Permission
- Silver Jubilee Bridge Listed Building Consent

THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER

PROPOSED CONDITIONS FOR DEEMED PLANNING PERMISSION

In these conditions, unless the context otherwise requires:

building means any structure or erection, above the surface of the ground, but does not include any traffic light or sign or any plant or machinery;

the COPE means the construction and operation code of practice for environmental management to be submitted in writing and approved by the local planning authority;

the development means the development authorised by the Order;

the Environmental Statement means the Environmental Statement submitted with the application for the Order on 30 May 2008;

the local planning authority means Halton Borough Council;

the Order means the River Mersey (Mersey Gateway Bridge) Order 200[];

the Planning Direction Drawings means the drawings of that description accompanying the application for the Order submitted on 30 May 2008; and

phase means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority in accordance with condition 4.

Time Limits

1. The development hereby permitted shall be begun before the expiration of ten years from the date that the Order comes into force.

Reason: To ensure that the development is begun within a reasonable period of time commensurate with a development of this magnitude.

2. Written notification of the date of commencement of development and any phase thereof shall be submitted to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

Drawings

3. Prior to the commencement of the development drawings showing the final design of the development shall be submitted to and approved in

writing by the local planning authority in accordance with the Planning Direction Drawings. The development shall be carried out in accordance with the approved drawings.

Reason: To ensure the design and external appearance of any works comprised in the development do not injure amenity and the development carried out is development which was approved.

Phasing of Development

4. Before the development is commenced, a phasing Strategy setting out the phases of the development shall be submitted to and approved in writing by the local planning authority. All development shall be carried out in accordance with the approved phasing strategy, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To provide certainty as to the development programme and the associated discharge of planning conditions.

Construction Methods Report

5. Before the development is commenced, a final Construction Methods Report shall be submitted to and approved in writing by the local planning authority. The final Construction Methods Report shall be in accordance with the Construction Methods Report having reference B4027/OA/200REVC and dated March 2008, except with the written approval of the local planning authority. All development shall be carried out in accordance with the approved report, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that proper controls are exercised during the construction of the development.

Design, External Appearance and Materials

6. No phase of the development shall be commenced until details of the design, external appearance and facing materials of any building to be constructed within that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To enable proper control to be exercised over the design of the development.

Construction and Operation Code of Practice for Environmental Management

7. Prior to the commencement of development a final Construction and Operation Code of Practice for Environmental Management shall be submitted to and approved in writing by the local planning authority. Except with the written approval of the local planning authority, the final COPE shall have regard to the final Construction Methods Report

and be in accordance with the draft COPE having reference B4027D/COPE/RO1 and dated April 2009 (Inquiries Document CD291), as amended by Inquiries Document HBC/0/53 dated 25 June 2009.

The final COPE shall include a Construction and Environmental Management Plan (CEMP). The CEMP will include the following elements:

- (a) Site Waste and Resources Management plans;
- (b) Pollution and contingency control, including monitoring regimes;
- (c) Noise and Vibration management plan;
- (d) Contamination and remediation management;
- (e) Air quality management;
- (f) Biodiversity management;
- (g) Water and Hydrodynamics management;
- (h) Construction health and safety plan;
- (i) Hours of working; and
- (j) Community Consultation provisions.

The approved COPE and CEMP shall be adhered to throughout the construction period.

Reason: To reduce the risk of adverse impact of construction on sensitive environmental resources and to minimise disturbance to local residents.

Construction Transport Management Plan

8. Prior to the commencement of development, a detailed Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. This will include the following:
 - (a) Traffic management at roads and junctions directly affected by construction of the development;
 - (b) Emergency vehicle routes;
 - (c) Bus routes and stops;
 - (d) Emergency vehicle recovery;
 - (e) Emergency plans;
 - (f) HGV routes and bans;
 - (g) Construction worker parking areas and routes;
 - (h) Times of operation;

- (i) Vehicle washing; and
- (j) Construction workforce travel plan.

The approved CTMP shall be adhered to throughout the construction period.

Reason: To ensure that adequate measures are put in place to maintain highway safety.

Travel Plan

9. Prior to the development being opened to traffic a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved Workplace Travel Plan.

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Landscaping

10. Prior to the commencement of each phase of the development, a detailed landscaping scheme and associated working methodology for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement, and shall include details of the following:
 - a) Vegetation to be retained and its means of protection during construction;
 - b) Existing, proposed and finished levels and contours;
 - c) Earth mounding, screen bunds, vertical barriers for noise and visual attenuation, including details of height, width and location;
 - d) All materials and finishes; and
 - e) Soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density, such trees to include the provision of black poplars, where appropriate.

All landscaping shall be carried out in accordance with the approved scheme for that phase of the development.

Reason: To ensure the appropriate landscaping of the development.

11. If, within a period of five years from the date of planting in accordance with the approved landscaping scheme any tree is removed, uprooted, destroyed or dies, another tree of the same species and size as that

originally provided shall be planted unless written consent to any variation is provided by the local planning authority.

Reason: To ensure that the landscape treatment is brought forward and maintained in accordance with the agreed principles.

Street Furniture and Lighting

12. Prior to the commencement of each phase of the development, details shall be submitted to and approved in writing by the local planning authority for all elements of street furniture that are to be included in that phase of development. The street furniture shall be provided in accordance with the approved details.

Reason: To ensure that the detail is appropriate.

13. Before any permanent lighting is erected on any part of the site, a scheme for the provision of such lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be provided in accordance with the approved scheme.

Reason: To ensure that the detail is appropriate and to avoid disturbance to adjoining premises and the surrounding area from glare or excessive light spillage.

Permanent and Temporary Highway and Footpath Access

14. Before the development of each phase commences, details of the siting, design and layout of any new or altered vehicular access to the highway network (which will serve the works within that phase) and any highway junction improvements other than those shown on the Planning Direction Drawings, shall be submitted to and approved in writing by the local planning authority. The vehicular accesses/highway junction improvements shall be provided/undertaken in accordance with the approved details. Any works necessary to ensure highway safety shall be completed before construction activity served by such works or accesses is commenced.

Reason: To ensure highway safety.

15. Prior to the commencement of each phase of the development, details of alternative access routes and/or diversions along the existing greenway, footway and cycle networks within that phase shall be submitted to and approved in writing by the local planning authority. The alternative access routes and/or diversions shall be provided in accordance with the approved details. The temporary and permanent closures of any street permitted by the Order shall not be implemented until the designated alternative or diversion routes are available.

Reason: To enable community routes and facilities to be accessed during the construction stage of the development, and to ensure that the integrity of the footpath network is maintained.

Contaminated Land

16. Prior to the commencement of each phase of the development a method statement shall be prepared in respect of contaminated land, soils and groundwater within the development site. The statement shall address all matters as identified within Chapter 14 of the Environmental Statement. The statement shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the provisions of the approved method statement unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the identified contaminants are dealt with in an appropriate manner.

Hydrodynamics

17. All temporary works undertaken as part of this development and sited within the Upper Mersey Estuary shall be removed within three months of the end of the construction of any relevant phase.

Reason: To ensure the appropriate restoration of the Upper Mersey Estuary.

18. Morphological monitoring of the Upper Mersey Estuary shall be undertaken in accordance with the provisions of the final COPE referred to at condition 7 above. Details of a suitable Monitoring Programme shall be contained in the COPE submitted to and approved in writing by the local planning authority prior to development commencing. Monitoring shall then be undertaken in accordance with the approved Programme unless otherwise agreed in writing by the local planning authority.

Reason: To monitor the hydrodynamic impacts of the development and to enable an appropriate assessment of the effects of the proposal to be identified.

Surface Water Quality

19. Prior to the commencement of any phase of the development affecting existing watercourses, the details of the physical techniques to be utilised to prevent pollution of water bodies caused by the accidental spillage of materials and surface run-off shall be submitted to and approved in writing by the local planning authority. The measures to be adopted shall be in accordance with the draft COPE referred to in condition 7 above. The approved provisions shall be implemented in accordance with the approved final COPE.

Reason: To enable reasonable and proper control to be exercised over those aspects of the development which could potentially harm existing surface water.

Drainage

20. Prior to the commencement of each phase of the development details of the drainage works to be carried out in accordance with an

approved drainage strategy shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure adequate drainage provision is provided and subsequently implemented.

Terrestrial and Avian Ecology

21. Prior to the commencement of each phase of development, details of construction methods and techniques to minimise the physical impacts of development upon avian ecology, species and habitats at the following locations shall be submitted to and approved in writing by the local planning authority together with a programme for their implementation:
- a) Upper Mersey Estuary Local Wildlife Site;
 - b) Middle Mersey Estuary;
 - c) St. Helens Canal Local Wildlife Site;
 - d) Manchester Ship Canal Local Wildlife Site; and
 - e) Wigg Island Local Wildlife Site and Local Nature Reserve.

The approved details shall be adhered to throughout the construction period.

Reason: To protect and minimise the impacts of development upon existing areas of ecological value.

22. Prior to the commencement of any development, details of an ecological monitoring programme to be undertaken during site clearance and throughout the construction and operation phases of the development shall be submitted to and approved in writing by the local planning authority. Monitoring shall thereafter be undertaken in accordance with the approved programme unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that mitigation is effective.

23. Before any demolition commences within each phase or before any buildings or structures are to be externally altered or removed within a phase, a survey shall be undertaken for the purpose of establishing the presence of any bats in those structures and any other likely bat roosts.

The survey and details of any mitigation measures shall be submitted to and approved by the local planning authority. The survey, together with any programme of mitigation measures, shall be undertaken in accordance with the relevant, current guidance prepared by Natural England and the Department for Environment, Food and Rural Affairs. In locations where pre-demolition mitigation measures are approved,

no other works shall commence until these measures have been completed.

Reason: To ensure that any species that may be found are sufficiently protected.

24. Before the commencement of any relevant phase of development a Method Statement in respect of the impact of the development on the water vole population within that phase or otherwise likely to be affected shall be submitted to and approved in writing by the local planning authority. The Statement shall have regard to colonisation, creation of habitats and necessary mitigation. The approved statement shall be adhered to throughout the construction period.

Reason: To ensure that the species is sufficiently protected.

25. Any clearance of vegetation undertaken as part of any phase of the development which is likely to affect bird breeding habitat shall be undertaken outside of the bird breeding season of March to September in any calendar year in accordance with the provisions as set out within the Terrestrial and Avian Ecology Chapter 10 of the Environmental Statement.

Reason: To ensure that the bird population is sufficiently protected.

26. A scheme and programme in accordance with the COPE for the mitigation of the effects of the Project on Wigg Island Local Nature Reserve shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The proposed scheme and programme shall have regard to the creation of new and managed habitats and, opportunities for translocation as set out within Chapter 10 of the Environmental Statement. The scheme shall be carried out in accordance with the approved programme.

Reason: To deliver an appropriate degree of mitigation within the Local Nature Reserve.

27. Before any phase of development is commenced which will have a physical impact on the saltmarsh land at Astmoor and Widnes Warth, as agreed with the local planning authority, a Saltmarsh Method Statement in accordance with the Biodiversity Management Plan contained in the COPE referred to in condition 7 above shall be prepared which shall set out the details of the following:
- a) restoration and reinstatement of the affected saltmarsh following Completion of Construction Works;
 - b) mitigation and conservation management techniques that will be employed following Completion of the Works approved under paragraph (a) above; and
 - c) measures for protection of retained and restored saltmarsh areas (fencing, monitoring methodology etc.).

The approved statement shall be adhered to throughout the construction period and the restored saltmarsh managed in accordance with the plan thereafter.

Reason: To ensure appropriate protection of the identified saltmarsh areas.

28. A scheme for the improvement of bird breeding habitat, including the creation of pools, and the conversion of ungrazed to grazed saltmarsh in accordance with the Biodiversity Management Plan contained in the COPE referred to in condition 7 above shall be submitted to and approved in writing by the local planning authority before development commences. The approved Biodiversity Management Plan shall be adhered to throughout the construction period.

Reason: To secure the wider benefit to the saltmarsh areas.

Aquatic Ecology

29. Prior to the commencement of any phase of development which will affect the River Mersey, as agreed with the local planning authority, aquatic ecology sampling shall be conducted within the Upper Mersey Estuary to establish whether any change in baseline conditions has occurred since the initial monitoring programme was completed in 2007. Details of these investigations together with an aquatic ecology management scheme, which shall include details of monitoring to be carried out during construction of the development and remedial measures to be deployed during construction. If the aquatic ecology sampling carried out pursuant to the management scheme shows significant changes (the thresholds for which shall be specified in the management scheme) in the Upper Mersey Estuary then any remedial measures approved by the local planning authority as part of the aquatic ecology management scheme shall be implemented and maintained thereafter.

Reason: To ensure that existing ecological habitats are protected.

Archaeology

30. Before development is commenced, a scheme for the investigation of areas of archaeological potential (as defined in Chapter 13 of the Environmental Statement) shall be submitted to and approved in writing by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced; and a watching brief during construction and recording works to be carried out in accordance with professional best-practice and in consultation with the archaeological advisors approved by the local planning authority.

Reason: To ensure adequate protection and recording of archaeological remains.

Navigation

31. Prior to the commencement of any phase of development which will have an effect on navigation, as agreed with the local planning authority, signage shall be installed to notify masters of vessels to the presence of cofferdams, piled jetties and air cushioned plant within the Estuary, in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority.

Reason: To minimise the risk to vessels and site workers.

32. Prior to the commencement of development, the Civil Aviation Authority shall be informed of all temporary obstacles to be erected which will exceed 300 feet (91.4 metres) above ground level.

Reason: To ensure aircraft safety.

33. Except in an emergency, Fiddlers Ferry Sailing Club and West Bank Boat Club shall be given notice in writing not less than 28 days prior to commencement of any maintenance works to the new bridge that will reduce navigational air clearance or result in obstructions to navigation in the Upper Mersey Estuary.

Reason: To ensure user safety.

Construction Compounds

34. Before each phase of development is commenced, details of the location of any site construction compound for the proposed development within that phase shall be submitted to and approved in writing by the local planning authority. The details shall include a methodology setting out the proposed working arrangements and the proposals for restoration. The approved details shall be adhered to throughout the relevant phase of construction.

Reason: To avoid obstruction of the highway by delivery vehicles manoeuvring and unloading, and from on-street parking by construction workers.

35. Any temporary site compound shall be reinstated to its former condition, in accordance with a scheme to be submitted to and approved in writing by the local planning authority, within one year of the development being opened to traffic.

Reason: To ensure effective reinstatement of land not permanently required by the development.

Wheel Cleaning Facilities

36. Prior to the commencement of each phase of development, details of wheel washing facilities provided in accordance with the provisions of the Construction Transport Management Plan shall be approved in writing to the local planning authority. The facilities shall be used and maintained for the whole period of construction of the relevant phase.

Reason: To prevent mud, stones or other debris being carried on to

the public highway to the detriment of road safety.

Signage Strategy

37. Before development is commenced, a construction and handover signage strategy to be carried out within the Borough of Halton shall be submitted to and approved in writing by the local planning authority. The construction and handover signage strategy shall also have regard to the desirability of limiting CO₂ emissions produced by traffic. The details shall include a full methodology setting out the proposed arrangements and signage types at all new junctions. The approved signage strategy shall be implemented prior to the opening to traffic of the phases of the development to which it relates.

Reason: To ensure that both during construction and operation of the development appropriate and clear signage across the borough is maintained having regard to the requirements and sustainability objectives of the Mersey Gateway Project and good highway design principles.

St Helens Canal

38. The temporary infilling of the St Helens Canal as part of the construction of the development shall comprise no substances except inert materials. Culverts or pipes shall be maintained at all times during the period of infilling works and the period the infill is in place.

Reason: To ensure that the appropriate materials and methods are used in order to maintain the connectivity of the waterway at St Helens Canal.

Tower Construction

39. The main bridge towers to be constructed as part of the development in the River Mersey shall have a plan form within the tidal range that is circular or a regular polygon having at least 8 sides.

Reason: To ensure that the towers for the bridge are constructed in accordance with the approved design and to limit the effects of scour in the River Mersey.

Widnes Replacement Open Space

40. Prior to commencement of that element of the development lying between the Garston to Timperley Freight Railway Line and St Helens Canal, incorporating the new Widnes Loops junction, a detailed landscaping scheme for that replacement open space shown on Inquiries Document HBC/7/5Sup Figure W4 (Revision C) shall be submitted to and approved in writing by the local planning authority. The scheme shall reflect the overall approach set out within the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement and shall also reflect the following objectives:

- (i) design and layouts shall take account of public health, crime prevention and community safety considerations;
- (ii) the space should provide uncluttered open space, with pedestrian routes clearly defined by ground moulding and textured surfaces chosen to suit each particular use and function;
- (iii) the space should retain both a physical (pedestrian route) and a visual link beneath the structure of the new bridge to ensure that there is a direct connection between the elements of the space either side;
- (iv) both the structural and hard landscaping elements should be designed to avoid or reduce shadowing effect;
- (v) the appearance of the bridge abutment, piers and other surfaces should be softened by the use of texture and colour; and
- (vi) lighting should be provided to increase the levels of safety and the usability of the space and to make the space and its users more visible.

The scheme shall include details of the following:

- (a) existing, proposed and finished levels and contours;
- (b) all materials and finishes;
- (c) lighting of the area under St Helens Canal bridge structure; and
- (d) soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density.

All landscaping shall be carried out in accordance with the approved scheme.

Condition 11 will apply to this landscaping scheme in the same manner as it applies to condition 10.

Reason: To ensure that the replacement open space is equally advantageous to the users of the existing open space and to the public.

Silver Jubilee Bridge Works

- 41. The roads comprised in the development shall not be opened to traffic or subject to tolls unless and until a contract has been let for the carrying out of:
 - (a) works to the A533 Silver Jubilee Bridge authorised by listed building consent granted pursuant to application reference APP/D0650/V/08/2095114; and

- (b) the de-linking works in Widnes authorised by planning permission granted pursuant to application APP/D0650/V/1203384/2095069.

CENTRAL EXPRESSWAY PLANNING APPLICATION (08/00200/FULEIA)

PROPOSED CONDITIONS

In these conditions, unless the context otherwise requires:

the Application Plans means the drawings of that description accompanying the application submitted on 31 March 2008;

building means any structure or erection, above the surface of the ground, but does not include any traffic light or sign or any plant or machinery;

the COPE means the construction and operation code of practice for environmental management to be submitted to and approved in writing by the local planning authority;

the development means the development authorised by the Planning Permission 08/00200/FULEIA;

the Environmental Statement means the Environmental Statement submitted with the application for the Order on 30 May 2008;

the local planning authority means Halton Borough Council;

the Order means the River Mersey (Mersey Gateway Bridge) Order 200[]

the Planning Application 08/00200/FULEIA means the planning application submitted on 31 March 2008 in relation to the proposed works on the Central Expressway and thereabouts; and

phase means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority in accordance with condition 4 and 5.

Time Limits

1. The development hereby permitted shall be begun before the expiration of ten years from the date that the Order comes into force.

Reason: To ensure that the development is begun within a reasonable period of time commensurate with a development of this magnitude.

2. Written notification of the date of commencement of development and any phase thereof shall be submitted to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

Drawings

3. Prior to the commencement of the development drawings showing the final design of the development shall be submitted to and approved in writing by the local planning authority in accordance with the accompanying plans (Inquiries Documents CD9 and HBC/0/16 as amended by HBC/0/46) which have been approved in writing for the purposes of this condition. The development shall be carried out in accordance with the approved plans.

Reason: To ensure the design and external appearance of any works comprised in the development do not injure amenity and the development carried out is development which was approved.

Phasing of Development

4. Before the development is commenced, a phasing strategy setting out the phases of the development shall be submitted to and approved in writing by the local planning authority. All development shall be carried out in accordance with the approved phasing strategy, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To provide certainty as to the development programme and the associated discharge of planning conditions.

Construction Methods Report

5. Before the development is commenced, a final Construction Methods Report shall be submitted to and approved in writing by the local planning authority. The final Construction Methods Report shall be in accordance with those resulting from the Construction Methods Report having reference B4027/OA/200REVC and dated March 2009, except with the written approval of the Local Planning Authority. All development shall be carried out in accordance with the approved report, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that proper controls are exercised during the construction of the development.

Design, External Appearance and Materials

6. No phase of the development shall be commenced until details of the design, external appearance and facing materials of any building to be constructed within that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To enable proper control to be exercised over the design of the development.

Construction and Operation Code of Practice for Environmental Management

7. Prior to the commencement of development a final Construction and Operation Code of Practice for Environmental Management shall be submitted to and approved in writing by the local planning authority. Except with the written approval of the local planning authority, the final COPE shall have regard to the final Construction Methods Report and be in accordance with the draft COPE having reference B4027D/COPE/RO1 and dated April 2009 (Inquiries Document CD291), as amended by Inquiries Document HBC/0/53 dated 25 June 2009.

The final COPE shall include a Construction and Environmental Management Plan (CEMP). The CEMP will include the following elements:

- (a) Site Waste and Resources Management plans;
- (b) Pollution and contingency control, including monitoring regimes;
- (c) Noise and Vibration management plan;
- (d) Contamination and remediation management;
- (e) Air quality management;
- (f) Biodiversity management;
- (g) Water and Hydrodynamics management;
- (h) Construction health and safety plan;
- (i) Hours of working; and
- (j) Community Consultation provisions.

The approved COPE and CEMP shall be adhered to throughout the construction period.

Reason: To reduce the risk of adverse impact of construction on sensitive environmental resources and to minimise disturbance to local residents.

Construction Transport Management Plan

8. Prior to the commencement of development, a detailed Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. This will include the following:
- (a) Traffic management at roads and junctions directly affected by construction of the development;
 - (b) Emergency vehicle routes;
 - (c) Bus routes and stops;
 - (d) Emergency vehicle recovery;
 - (e) Emergency plans;

- (f) HGV routes and bans;
- (g) Construction worker parking areas and routes;
- (h) Times of operation;
- (i) Vehicle washing; and
- (j) Construction workforce travel plan.

The approved CTMP shall be adhered to throughout the construction period.

Reason: To ensure that adequate measures are put in place to maintain highway safety.

Travel Plan

9. Prior to the development being opened to traffic a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved Workplace Travel Plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Landscaping

10. Prior to the commencement of each phase of the development, a detailed landscaping scheme and associated working methodology for that phase shall be submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement, and shall include details of the following:
- a) Vegetation to be retained and its means of protection during construction;
 - b) Existing, proposed and finished levels and contours;
 - c) Earth mounding, screen bunds, vertical barriers for noise and visual attenuation, including details of height, width and location;
 - d) All materials and finishes; and
 - e) Soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density, such trees to include the provision of black poplars, where appropriate.

All landscaping shall be carried out in accordance with the approved scheme for that phase of the development.

Reason: To ensure the appropriate landscaping of the development.

11. If, within a period of five years from the date of planting in accordance with the approved landscaping scheme any tree is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally provided shall be planted unless written consent to any variation is provided by the local planning authority.

Reason: To ensure that the landscape treatment is brought forward and maintained in accordance with the agreed principles.

Street Furniture and Lighting

12. Prior to the commencement of each phase of the development, details shall be submitted to and approved in writing by the local planning authority for all elements of street furniture that are to be included in that phase of development. The street furniture shall be provided in accordance with the approved details.

Reason: To ensure that the detail is appropriate.

13. Before any permanent lighting is erected on any part of the site, a scheme for the provision of such lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be provided in accordance with the approved scheme.

Reason: To ensure that the detail is appropriate and to avoid disturbance to adjoining premises and the surrounding area from glare or excessive light spillage.

Permanent and Temporary Highway and Footpath Access

14. Before the development of each phase commences, details of the siting, design and layout of any new or altered vehicular access to the highway network (which will serve the works within that phase) and any highway junction improvements other than those shown on the Application Plans, shall be submitted to and approved in writing by the local planning authority. The vehicular accesses/highway junction improvements shall be provided/undertaken in accordance with the approved details. Any works necessary to ensure highway safety shall be completed before construction activity served by such works or accesses is commenced.

Reason: To ensure highway safety.

15. Prior to the commencement of each phase of the development, details of alternative access routes and/or diversions along the existing greenway, footway and cycle networks within that phase shall be submitted to and approved in writing by the local planning authority. The alternative access routes and/or diversions shall be provided in accordance with the approved details. The temporary and permanent closures of any street permitted by the Order shall not be implemented until the designated alternative or diversion routes are available.

Reason: To enable community routes and facilities to be accessed during the construction stage of the development, and to ensure that the integrity of the footpath network is maintained.

Contaminated Land

16. Prior to the commencement of each phase of the development a method statement shall be prepared in respect of contaminated land, soils and groundwater within the development site. The statement shall address all matters as identified within chapter 14 of the Environmental Statement. The statement shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the provisions of the approved method statement unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the identified contaminants are dealt with in an appropriate manner.

Drainage

17. Prior to the commencement of each phase of the development details of the drainage works to be carried out in accordance with an approved drainage strategy are to be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure adequate drainage provision is provided and subsequently implemented.

Terrestrial and Avian Ecology

18. Prior to commencement of each phase of development, details of construction methods and techniques to minimise the physical impact of development upon avian ecology, species and habitats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

Reason: To protect and minimise the impacts of development upon existing areas of ecological value.

19. Prior to the commencement of any development, details of an ecological monitoring programme to be undertaken during site clearance and throughout the construction and operation phases of the development shall be submitted to and approved in writing by the local planning authority. Monitoring shall thereafter be undertaken in accordance with the approved programme unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that mitigation is effective

20. Before any demolition commences within each phase or before any buildings or structures are to be externally altered or removed within a phase, a survey shall be undertaken for the purpose of establishing the presence of any bats in those structures and any other likely bat roosts.

The survey and details of any mitigation measures shall be submitted to and approved by the local planning authority. The survey, together with any programme of mitigation measures, shall be undertaken in accordance with the relevant guidance prepared by Natural England and the Department for Environment, Food and Rural Affairs. In locations where pre-demolition mitigation measures are approved, no other works shall commence until these measures have been completed.

Reason: To ensure that any species that may be found are sufficiently protected.

21. Any clearance of vegetation undertaken as part of any phase of the development which potentially affects bird breeding habitat shall be undertaken outside of the bird breeding season of March to September in any calendar year in accordance with the provisions as set out within the Terrestrial and Avian Ecology chapter 10 of the Environmental Statement.

Reason: To ensure that the bird population is sufficiently protected.

Aquatic Ecology

22. Prior to the commencement of the development, a survey shall be carried out to establish whether any Great Crested Newts are present. If any Great Crested Newts are found to be present, a Method Statement shall be prepared, which sets out, in accordance with Chapter 11 of the Environmental Statement, detailed measures for mitigating the impact of the development on them. The Method Statement shall be submitted to, and approved in writing by, the local planning authority. Any mitigation measures contained in the approved Method Statement shall be implemented in accordance with a programme to be agreed in writing with the local planning authority, and maintained for the duration of the construction of the development.

Reason: To ensure that the species is sufficiently protected.

Archaeology

23. Before development is commenced, a written scheme for the investigation of areas of archaeological potential (as defined in chapter 13 of the Environmental Statement) shall be submitted to and approved in writing by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced; and a watching brief during construction and recording works to be carried out in accordance with professional best-practice and in consultation

with the archaeological advisors approved by the local planning authority.

Reason: To ensure adequate protection and recording of archaeological remains.

Construction Compounds

24. Before each phase of development is commenced, details of the location of any site construction compound for the proposed development within that phase shall be submitted to and approved in writing by the local planning authority. The details shall include a methodology setting out the proposed working arrangements and the proposals for restoration. The approved details shall be adhered to throughout the relevant phase of construction.

Reason: To avoid obstruction of the highway by delivery vehicles manoeuvring and unloading, and from on-street parking by construction workers.

25. Any temporary site compound shall be reinstated to its former condition, in accordance with a scheme to be submitted to and approved in writing by the local planning authority, within one year of the development being opened to traffic unless otherwise agreed in writing by the local planning authority.

Reason: To ensure effective reinstatement of land not permanently required by the development.

Wheel Cleaning Facilities

26. Prior to the commencement of each phase of development, details of wheel washing facilities provided in accordance with the provisions of the Construction Transport Management Plan shall be approved in writing to the local planning authority. The facilities shall be used and maintained for the whole period of construction of the relevant phase.

Reason: To prevent mud, stones or other debris being carried on to the public highway to the detriment of road safety.

Signage Strategy

27. Before development is commenced, a construction and handover signage strategy to be carried out within the Borough of Halton shall be submitted to and approved in writing by the local planning authority. The construction and handover signage strategy shall also have regard to the desirability of limiting CO₂ emissions produced by traffic. The details shall include a full methodology setting out the proposed arrangements and signage types at all new junctions. The approved signage strategy shall be implemented prior to the opening to traffic of the phases of the development to which it relates.

Reason: To ensure that both during construction and operation of the development appropriate and clear signage across the borough is

maintained having regard to the requirements and sustainability objectives of the Mersey Gateway Project and good highway design principles.

M56 Junction 12

28. No development shall commence until full design and construction details of the proposed improvements to Junction 12 of the M56 shown in outline in Drawing B4027/H/SK/224 dated July 2008 (which includes details of signalisation) have been submitted to and approved in writing by the Secretary of State for Transport. The details to be submitted shall include:
- * How the scheme interface with the existing highway alignment, details of the carriageway markings and lane destinations;
 - * Full signing and lighting details;
 - * Confirmation of full compliance with current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards);
 - * Independent Stages One and Two Road Safety Audits (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and Advice Notes; and
 - * New Approach to Appraisal (NATA)/ Project Appraisal Report (PAR) Assessment.

No part of the development shall be brought into its intended use unless and until the highway improvements as approved have been implemented.

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Emergency Access

29. Prior to the commencement of the development, details of the design and provisions for maintaining emergency vehicular access in relation to any *noise* fencing to be provided at the site of the existing emergency vehicular access, situated between number 7 and number 5 Rothbury Close, shall be submitted to and approved in writing by the local planning authority. The emergency vehicular access shall be provided in accordance with the approved details before the development begins.

Reason: To ensure that the existing emergency vehicular access is and shall be maintained to Rothbury Close throughout the period of development and thereafter.

Betchworth Crescent Landscaping Scheme

30. Prior to the commencement of the development, details of a landscaping scheme providing for the restriction of access between the existing boundaries of the properties directly to the rear of Betchworth Crescent and the new *noise* fencing to be constructed as part of the development, shall be submitted to and approved in writing by the local planning authority. All landscaping shall be carried out in accordance with the approved details.

Reason: To ensure that access is restricted between any new noise fencing and physical features shall be retained and the existing properties at Betchworth Crescent in order to discourage anti-social behaviour.

SILVER JUBILEE BRIDGE PLANNING APPLICATION (08/00201/FULEIA)

PROPOSED CONDITIONS

In these conditions, unless the context otherwise requires:

the Application Plans means the drawings of that description accompanying the application submitted on 31 March 2008;

building means any structure or erection, above the surface of the ground, but does not include any traffic light or sign or any plant or machinery;

the COPE means the construction and operation code of practice for environmental management to be submitted to and approved in writing by the local planning authority;

the development means the development authorised by the Planning Permission 08/00201/FULEIA;

the Environmental Statement means the Environmental Statement submitted with the application for the Order on 30 May 2008;

the local planning authority means Halton Borough Council;

the Planning Application 08/00201/FULEIA means the planning application submitted on 31 March 2008 in relation to the proposed works area to the Silver Jubilee Bridge and thereabouts; and

phase means a defined section or part of the development, the extent of which has been submitted to and approved by the local planning authority in accordance with condition 6 and 7.

Time Limits

1. The development hereby permitted shall be begun before the expiration of ten years from the date that the Order comes into force.

Reason: To ensure that the development is begun within a reasonable period of time and allow the proper sequencing of works comprised in the Mersey Gateway Project commensurate with a development of this magnitude.

2. Written notification of the date of commencement of development and any phase thereof shall be submitted to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to

take place.

Drawings

3. Prior to the commencement of the development drawings showing the final design of the development shall be submitted to and approved in writing by the local planning authority in accordance with the accompanying plans (Inquiries Documents CD9 and HBC/0/16 as amended by HBC/0/46) which have been approved in writing for the purposes of this condition. The development shall be carried out in accordance with the approved plans.

Reason: To ensure that the design and external appearance of any works comprised in the development does not injure amenity and the development carried out is a development which was approved.

Phasing of Development

4. Before the development is commenced, a phasing strategy setting out the phases of the development shall be submitted to and approved in writing by the local planning authority. All development shall be carried out in accordance with the approved phasing strategy, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To provide certainty as to the development programme and the associated discharge of planning conditions.

Construction Methods Report

5. Before the development is commenced, a final Construction Methods Report shall be submitted to and approved in writing by the local planning authority. The final Construction Methods Report shall be in accordance with those resulting from the Construction Methods Report having reference B4027/OA/200REVC, and dated March 2008, except with the written approval of the local planning authority. All development shall be carried out in accordance with the approved report, or any subsequent revisions that have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that proper controls are exercised during the construction of the development.

Design, External Appearance and Materials

6. No phase of the development shall be commenced until details of the design, external appearance and facing materials of any building to be constructed within that phase have been submitted to and approved in writing by the local planning authority.

Reason: To enable proper control to be exercised over the design of the development.

Construction and Operation Code of Practice for Environmental

Management

7. Prior to the commencement of development a final Construction and Operation Code of Practice for Environmental Management shall be submitted to and approved in writing by the local planning authority. Except with the written approval of the local planning authority, the final COPE shall have regard to the final Construction Methods Report and be in accordance with the draft COPE having reference B4027D/COPE/RO1 and dated April 2009 (Inquiries Document CD291), as amended by Inquiries Document HBC/0/53 dated 25 June 2009.

The final COPE shall include a Construction and Environmental Management Plan (CEMP). The CEMP will include the following elements:

- (a) Site Waste and Resources Management plans;
- (b) Pollution and contingency control, including monitoring regimes;
- (c) Noise and Vibration management plan;
- (d) Contamination and remediation management;
- (e) Air quality management;
- (f) Biodiversity management;
- (g) Water and Hydrodynamics management;
- (h) Construction health and safety plan;
- (i) Hours of working; and
- (j) Community Consultation provisions.

The approved COPE and CEMP shall be adhered to throughout the construction period.

Reason: To reduce the risk of adverse impact of construction on sensitive environmental resources and to minimise disturbance to local residents.

Construction Transport Management Plan

8. Prior to the commencement of development, a detailed Construction Transport Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority. This will include the following:
- (a) Traffic management at roads and junctions directly affected by construction of the development;
 - (b) Emergency vehicle routes;
 - (c) Bus routes and stops;
 - (d) Emergency vehicle recovery;

- (e) Emergency plans;
- (f) HGV routes and bans;
- (g) Construction worker parking areas and routes;
- (h) Times of operation;
- (i) Vehicle washing; and
- (j) Construction workforce travel plan.

The approved CTMP shall be adhered to throughout the construction period.

Reason: To ensure that adequate measures are put in place to maintain highway safety.

Travel Plan

9. Prior to the development being opened to traffic a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The development shall be operated in accordance with the approved Workplace Travel Plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure so far as appropriate that the development functions in a sustainable fashion.

Landscaping

10. Prior to the commencement of each phase of development, a detailed landscaping scheme and associated working methodology for that phase shall be submitted to and approved by the local planning authority. The scheme shall be in accordance with the landscape proposals comprised in the drawings contained in Chapter 12 of the Environmental Statement, and shall include details of the following:
- a) Vegetation to be retained and its means of protection during construction;
 - b) Existing, proposed and finished levels and contours;
 - c) Earth mounding, screen bunds, vertical barriers for noise and visual attenuation, including details of height, width and location;
 - d) All materials and finishes; and
 - e) Soft landscaping including trees and shrubs to be planted, including their location, number, species, size and planting density, such trees to include the provision of black poplars, where appropriate.

All landscaping shall be carried out in accordance with the approved

scheme for that phase of the development.

Reason: To ensure the appropriate landscaping of the development.

11. If, within a period of five years from the date of planting in accordance with the approved landscaping scheme, any tree is removed, uprooted, destroyed or dies, another tree of the same species and size as that originally provided shall be planted unless written consent to any variation is provided by the local planning authority.

Reason: To ensure that the landscape treatment is brought forward and maintained in accordance with the agreed principles.

Street Furniture and Lighting

12. Prior to the commencement of each phase of the development, details shall be submitted to and approved in writing by the local planning authority for all elements of street furniture that are to be included in that phase of the development. The street furniture shall be provided in accordance with the approved details

Reason: To ensure that the detail is appropriate.

13. Before any permanent lighting is erected on any part of the site, a scheme for the provision of such lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be provided in accordance with the approved scheme.

Reason: To ensure that the detail is appropriate and to avoid disturbance to adjoining premises and the surrounding area from glare or excessive light spillage.

Permanent and Temporary Highway and Footpath Access

14. Before the development of each phase commences, details of the siting, design and layout of any new or altered vehicular access to the highway network (which will serve the works within that phase) and any highway junction improvements other than those shown on the Application Plans, shall be submitted to and approved in writing by the local planning authority. The vehicular accesses/highway junction improvements shall be provided/undertaken in accordance with the approved details. Any works necessary to ensure highway safety shall be completed before construction activity served by such works or accesses is commenced.

Reason: To ensure highway safety.

15. Prior to the commencement of each phase of the development, details of alternative access routes and/or diversions along the existing greenway, footway and cycle networks within that phase shall be submitted to and approved in writing by the local planning authority. The alternative access routes and/or diversions shall be provided in accordance with the approved details. The temporary and permanent

closures of any street permitted by the Order shall not be implemented until the designated alternative or diversion routes are available.

Reason: To enable community routes and facilities to be accessed during the construction stage of the development, and to ensure that the integrity of the footpath network is maintained.

Contaminated Land

16. Prior to the commencement of each phase of the development a method statement shall be prepared in respect of contaminated land, soils and groundwater within the development site. The statement shall address all matters as identified within Chapter 14 of the Environmental Statement. The statement shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the provisions of the approved method statement unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the identified contaminants are dealt with in an appropriate manner.

Drainage

17. Prior to the commencement of each phase of the development, details of the drainage works to be carried out in accordance with an approved drainage strategy are to be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure adequate drainage provision is provided and subsequently implemented.

Terrestrial and Avian Ecology

18. Prior to the commencement of each phase of development, details of construction methods and techniques to minimise the physical impacts of development upon avian ecology, species and habitats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect and minimise the impacts of development upon existing areas of ecological value.

19. Prior to the commencement of any development, details of an ecological monitoring programme to be undertaken during site clearance and throughout the construction and operation phases of the development shall be submitted to and approved in writing by the local planning authority. Monitoring shall thereafter be undertaken in accordance with the approved programme unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that mitigation is effective

20. Before any demolition commences within each phase or before any buildings or structures are to be externally altered or removed within a phase, a survey shall be undertaken for the purpose of establishing the presence of any bats in those structures and any other likely bat roosts.

The survey and details of any mitigation measures shall be submitted to and approved by the local planning authority. The survey, together with any programme of mitigation measures, shall be undertaken in accordance with the relevant guidance prepared by Natural England and the Department for Environment, Food and Rural Affairs. In locations where pre-demolition mitigation measures are approved, no other works shall commence until these measures have been completed.

Reason: To ensure that any species that may be found are sufficiently protected.

21. Any clearance of vegetation undertaken as part of any phase of the development which is likely to affect bird breeding habitat shall be undertaken outside of the bird breeding season of March to September in any calendar year in accordance with the provisions as set out within the Terrestrial and Avian Ecology Chapter 10 of the Environmental Statement.

Reason: To ensure that the bird population is sufficiently protected.

Archaeology

22. Before development is commenced, a scheme for the investigation of areas of archaeological potential (as defined in Chapter 13 of the Environmental Statement) shall be submitted to and approved in writing by the local planning authority. That scheme shall provide for further detailed walk-over surveys and document study; intrusive investigation before construction is commenced; and a watching brief during construction and recording works to be carried out in accordance with professional best-practice and in consultation with the archaeological advisors approved by the local planning authority.

Reason: To ensure adequate protection and recording of archaeological remains.

23. Prior to the carrying out of any works to Listed Buildings, the works will be preceded by the undertaking of Building Recording in accordance with the English Heritage standards outlined in Understanding Historic Buildings: A guide to good recording practice (2006) and shall be detailed in a Written Scheme of Investigation to be prepared in consultation with the Cheshire County Council Historic Environment Officer (Archaeology) and English Heritage.

Reason: To ensure adequate protection of listed building identified to be affected by the development.

Construction Compounds

24. Before each phase of development is commenced, details of the location of any site construction compound for the proposed development within that phase shall be submitted to and approved in writing by the local planning authority. The details shall include a full methodology setting out the proposed working arrangements and the proposals for restoration. The approved details shall be adhered to throughout the relevant phase of construction.

Reason: To avoid obstruction of the highway by delivery vehicles manoeuvring and unloading, and from on-street parking by construction workers.

25. Any temporary site compound shall be reinstated to its former condition, in accordance with a scheme to be submitted to and approved in writing by the local planning authority, within one year of the development being opened to traffic.

Reason: To ensure effective reinstatement of land not permanently required by the development.

Wheel Cleaning Facilities

26. Prior to the commencement of each phase of development, details of wheel washing facilities provided in accordance with the provisions of the Construction Transport Management Plan shall be approved in writing to the local planning authority. The facilities shall be used and maintained for the whole period of construction of the relevant phase.

Reason: To prevent mud, stones and other debris being carried on to the public highway to the detriment of road safety.

Signage Strategy

27. Before development is commenced, a construction and handover signage strategy for the Borough of Halton shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Agency, Department for Transport, and the local highway authority. The construction and handover signage strategy shall also have regard to the desirability of limiting CO₂ emissions produced by traffic. The details shall include a full methodology setting out the proposed arrangements and signage types at all new junctions. The approved signage strategy shall be implemented prior to the opening to traffic of the phases of the development to which it relates.

Reason: To ensure that both during construction and operation of the development appropriate and clear signage across the borough is maintained having regard to the requirements and sustainability objectives of the Mersey Gateway Project and good highway design principles.

Pedestrian and Cycle Way

28. During the works for the reconfiguration of the A533 Silver Jubilee Bridge authorised by this permission a route on foot and by cycle (if

necessary dis-mounted) shall be provided and maintained in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Reason: To ensure that pedestrian and cycle access is maintained throughout the period that the duration of the works.

SILVER JUBILEE BRIDGE LISTED BUILDING CONSENT

PROPOSED CONDITIONS

In these conditions, unless the context otherwise requires:

the Order means the River Mersey (Mersey Gateway Bridge) Order 200[];

the development means the development authorised by the Listed Building Consent Application Ref 08/00211/HBCLBC; and

the local planning authority means Halton Borough Council.

Time Limits

1. The works shall be begun no later than the expiration of ten years beginning with the date that the Order comes into force.

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

2. Written notification of the date of commencement of development and any phase thereof shall be sent to the local planning authority at least seven days prior to such commencement.

Reason: To allow for the appropriate monitoring of the development to take place.

Design, External Appearance and Materials

3. The works shall be carried out in accordance with the drawings submitted with the Listed Building Consent Application.

Reason: To ensure that the design and external appearance of any works comprised in the development is not harmful to the character of the listed building.

4. Notwithstanding the submitted details, no works shall be commenced until details together with samples, of the:

- i) nature and texture of all surfacing materials to be used on the main carriageway, footway and cycleway;
- ii) design of proposed gating, railings or other means of preventing the use of the existing walkway; and
- iii) paint colour finish

have been submitted to and approved in writing by the local planning authority.

Reason: To enable proper control to be exercised over the design of the development.

Pedestrian and Cycle Way

5. During the works for the reconfiguration of the A533 Silver Jubilee Bridge authorised by this consent, a route on foot and by cycle (if necessary dis-mounted) shall be provided and maintained in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

Reason: To ensure that pedestrian and cycle access is maintained throughout the period that the duration of the works.