



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

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An Inspector appointed by the
Secretary of State for Transport and the
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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

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.**
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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.**
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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.**
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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. The 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.**
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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.**
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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.**

COMMENTARY

1. Concurrent Inquiries into the following orders and applications were opened on 19 May 2009 and closed on 28 July 2009:
 - 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;
 - A Called-In Listed Building Application; and
 - A Notice of Intention to issue an Exchange Land Certificate.
2. The report of the inquiries was dated 13 January 2010 and contained the gist of the cases for and against making, confirming or approving the orders and applications, together with my conclusions and recommendations. Clarification was subsequently sought by the Department for Transport and the Department for Communities and Local Government on three matters arising from the report of the inquiries, namely
 - Amendments to planning conditions;
 - Adoption of local discount schemes; and
 - The stopping up of a footpath in Widnes.
3. This supplementary report addresses the three matters by way of advice and further recommendations.
4. During the inquiries (on 24 June 2009) a session was held in which the terms of the orders and proposed planning conditions were considered in detail. Apart from the Promoter, one objector was present for part of the session, namely The Alliance who also proposed conditions. The purpose of the session was to ensure that the reason for and the purpose of each of the proposed conditions was understood and to that end, both parties explained their proposed conditions in such detail as I required at the time. It was explained that were adoption of any or all of the proposed conditions to be recommended, I would follow the normal practice of redrafting as necessary to ensure compliance with the tests of DoE Circular 11/95. The parties did not take issue with that approach and the Promoter positively welcomed it. Specific amendments were neither offered nor discussed.
5. In drafting the report of the inquiries I concluded that of the proposed conditions considered worthy of adoption, many required redrafting to comply with the Circular's tests. In doing so I recommended deleting the need to seek consent from the Local Planning Authority in consultation with another body such as the Environment Agency because, to my mind, that would effectively require the consent of a third party in contravention of paragraph 38 of the Circular.
6. I also gave further detailed consideration to five of the Promoter's proposed conditions in paragraphs 10.7.9-12 of the report and recommended redrafting four. Three of these rewordings relate to apparent typographical errors and are uncontroversial; if any redrafting

were inappropriate it could be corrected by an application under section 73 of the Town and Country Planning Act 1990. The fourth relates to ensuring consistency in the commencement dates of the four permissions for which consent is sought. That seems to me entirely logical and, having regard to all of the evidence at the inquiries, would neither disadvantage the Promoter nor any objector.

7. As regards a local discount scheme for tolls on the existing and proposed bridges, there is an inconsistency in the drafting of the final versions of the Transport and Works Act and Road User Charging Scheme Orders, specifically as between article 41(12) of the former and paragraph 4(12) of Schedule 1 of the latter. Only the former refers to 'within the Borough of Halton'. That reference is important to ensure the Project's objectives are achieved and the RUCO should therefore be modified so as to ensure consistency with the TWA Order.
8. When considering the terms of the TWA Order in the report of the inquiries, in paragraph 10.1.6 I recommended a correction of Schedule 3 of the Order to ensure consistency with the Order's Rights of Way Plans in relation to the stopping up of a short length of footpath in Widnes. But the proposed wording was insufficiently clear and to effect the correction I now propose that the textual amendments should properly be:
 - to delete the reference to point PS12 in column (3) of Part 1 of Schedule 3 to the TWA Order (since Part 1 deals with streets for which a substitute is to be provided while, as I noted, there is to be no replacement route to point PS12); and
 - to insert a new entry into Part 2 of Schedule 3 describing the length of footpath extending 63 metres southwards from point PS12 which is to be stopped up without replacement.

RECOMMENDATIONS

Having regard to the recommendations made in the report of the inquiries, I propose the following further recommendations:

9. I recommend that the following Order be further modified as suggested in paragraph 8 of this supplementary report and thereafter made:
 - The River Mersey (Mersey Gateway Bridge) Order 200[]
10. I recommend that the following Order be further modified as suggested in paragraph 7 of this supplementary report and thereafter confirmed:
 - The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order

Alan T Gray

Inspector