

**THE TRANSPORT AND WORKS ACT 1992**

**THE HIGHWAYS ACT 1980**

**THE ACQUISITION OF LAND ACT 1981**

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**STATEMENT OF AIMS AND REASONS**

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The River Mersey (Mersey Gateway Bridge) Order

The Halton Borough Council (Mersey Gateway - Queensway) Compulsory Purchase Order 2008

The Halton Borough Council (Mersey Gateway - Central Expressway) Compulsory Purchase Order  
2008

The Halton Borough Council (A533 Queensway) Side Roads Order 2008

The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008

The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order

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## THE TRANSPORT AND WORKS ACT 1992

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### STATEMENT OF AIMS AND REASONS

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#### 1. PURPOSE OF THIS DOCUMENT

- 1.1 This document relates to the Mersey Gateway Project, a proposal for (*inter alia*) a new road crossing of the River Mersey, together with wider improvements to the highway network in Runcorn and Widnes ("**Project**"). The Project is explained in greater detail below.
- 1.2 This document has been prepared in support of the application ("**TWA Application**") made by Halton Borough Council ("**Council**") for an Order under Section 3 of the Transport and Works Act 1992, called the River Mersey (Mersey Gateway Bridge) Order ("**proposed Order**"). This document is submitted in accordance with Rule 10(2)(c) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.
- 1.3 This document also constitutes the Council's Statement of Reasons in support of the following orders made by the Council:
  - 1.3.1 The Halton Borough Council (Mersey Gateway - Queensway) Compulsory Purchase Order 2008;
  - 1.3.2 The Halton Borough Council (Mersey Gateway - Central Expressway) Compulsory Purchase Order 2008;
  - 1.3.3 The Halton Borough Council (A533 Queensway) Side Roads Order 2008;  
and
  - 1.3.4 The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008.

In this Statement these orders are together referred to as the "**Associated Compulsory Purchase Orders**" and the "**Associated Side Roads Orders**" respectively (and together the "**Associated Orders**").

- 1.4 The Council is also proposing to make a road user charging order pursuant to the Transport Act 2000. This will impose charges for the use of certain highways, including the A533 Silver Jubilee Bridge and certain roads leading to that bridge. The Council is required to consult in relation to such proposals by Section 170 of the Transport Act 2000. Accordingly, this Statement is intended to inform consultees and the public of the Council's proposals in respect of the proposed A533 (Silver Jubilee Bridge) Road User Charging Scheme Order ("**proposed Charging Order**").
- 1.5 Certain applications for planning permission, listed building consent and a request for a direction that planning permission be deemed to be granted are also being made by the Council in relation to the Project.

## **2. INTRODUCTION**

- 2.1 On 23 April 2008 Halton Borough Council ("**Council**") resolved to promote the proposed Order. It has applied to the Secretary of State for Transport ("**Secretary of State**") under the Transport and Works Act 1992 ("**TWA**").
- 2.2 The Order is being promoted by the Council pursuant to Section 3 of the TWA to authorise the construction of a new bridge over the River Mersey and associated works (being a new road bridge) which interfere with public rights of navigation on the River Mersey, in the St Helen's Canal, the Manchester Ship Canal and the Bridgewater Canal, permanent and temporary changes to the highway network in the Borough of Halton, the imposition of tolls for the use of the new bridge and compulsory acquisition of land and rights for the Scheme. The land and interests to be compulsorily acquired pursuant to the Order ("**Order Land**") are more fully described in part 3A of this Statement and are identified in the Book of Reference and shown on the Land Plans that accompany the Application.
- 2.3 The Council has made the Associated Compulsory Purchase Orders and the Associated Side Roads Orders and will submit them to the Secretary of State for confirmation. The Associated Orders were made pursuant to the Council's resolution on 23 April 2008.

- 2.4 The Associated Compulsory Purchase Orders have been made pursuant to Sections 239, 240, 246 and 249 of the Highways Act 1980 (as amended) ("**1980 Act**") in relation to the acquisition of existing land and interests as more fully described in part 3B of this Statement and as identified in the schedules to each of the Associated Orders and the maps respectively referred to in the Associated Orders ("**Associated Order Land**").
- 2.5 The Associated Side Roads Orders have been made pursuant to section 14 of the 1980 Act in order to secure powers to make alterations to the existing highway network as part of the Project. These alterations will include improvements to highways, the stopping up of highways and the construction of new highways.
- 2.6 The Council considers that the grant of the powers sought in the proposed Order, the confirmation of the Associated Compulsory Purchase Orders and the Associated Side Roads Orders, and the construction of the Project, will deliver improved transport links and greater accessibility enabling regeneration, environmental improvements and an improvement to the Merseyside sub-Regional transport network.
- 2.7 The Council believes that there is a compelling case in the public interest for the making of the proposed Order and the Associated Compulsory Purchase Orders and the Associated Side Roads Orders to grant the powers and to secure the Order Land and the Associated Order Land for the purpose of implementing the Project, which will help deliver the new crossing over the River Mersey and associated infrastructure..
- 2.8 The Council has published a draft scheme order pursuant to Part 3 of the Transport Act 2000 ("**Road User Charging Order**"). The Road User Charging Order will assist the delivery of the Scheme by providing for the imposition of charges for the use of the A533 Silver Jubilee Bridge by vehicles. These charges will be analogous to tolls . This will enable and assist the delivery of the Project within funding limits agreed with central government.
- 2.9 There is a pressing need for a new crossing of the River Mersey in Halton. The existing Silver Jubilee Bridge ("**SJB**") is at the heart of Halton's transport network connecting its communities either side of the River Mersey. It is part of the informal strategic network linking the inter-urban M56 and the M62 and recognised by the DfT as one of today's congestion pinch-points. It is significant in providing a level of network resilience as the only major crossing of the Mersey between the M6 Thelwall

and the Mersey Tunnels. It provides access to the 'ports' of Liverpool and Manchester and access to freight terminals.

- 2.10 The SJB was originally opened in 1961 with one lane in each direction and an opening year traffic flow of under 10,000 vehicles per day. The bridge was modified in 1977 to provide for two lanes in each direction. However, these were sub standard (having a total width of just 12.2m) and lacking in any central divide or current day spacing. The bridge today typically carries circa 80,000 vehicles per day and at peak summer time has been in excess of 93,000 per day. Practical capacity is exceeded for four hours each day. The bridge has poor facilities for pedestrians, which are rarely used, and no discrete provision for cyclists. Prolonged periods of congestion regularly occur, which affect both regional and local traffic crossing the Mersey Estuary as well as causing knock-on network effects for local traffic in both Widnes and Runcorn and further afield.
- 2.11 The only link between the M62 (linking Merseyside to Manchester and beyond) and the M56 (linking North Wales with Manchester) via the SJB is the only strategic alternative to the M6 motorway, via Thelwall Viaduct, which serves the Liverpool City Region. The present traffic flows lead to routine congestion, delays, safety hazards, poor regional road resilience to accidents and other incidents, difficulties in maintenance and unreliable journey times. These failings have an adverse effect on the Borough of Halton, undermine the Liverpool City Region's connectivity with the rest of the United Kingdom's road transport links, and mean that the local community suffers a degraded environment and quality of life. The breakdown in transport connectivity and access is considered to be a threat to the economic prosperity of the sub-region.
- 2.12 The Council considers that there is a compelling case in the public interest to make the proposed Order, the Associated Orders and the Road User Charging Order to enable the implementation of the Scheme which will provide effective connectivity for the sub-region, reduce congestion in the Borough and enable economic growth.

### **3. LOCATION AND DESCRIPTION OF THE ORDER LAND AND THE ASSOCIATED ORDER LAND**

#### **3A. *Order Land***

- 3.1 The Order Land extends from Speke Road, North West of Widnes in a south-easterly direction to cross the St Helen's Canal. It then runs southwards across Widnes Warth, the River Mersey, Wigg Island, Astmoor Saltmarsh, Astmoor, the existing Bridgewater Junction, terminating at a location on the Central Expressway south of the existing Bridgewater Junction at Halton Brow.
- 3.2 The western extent of the proposed main alignment of the Project contained within the Order Land will be located in Widnes, on the A562 Speke Road to Liverpool, to the west of the existing Ditton Roundabout Junction (Junction of A562 and A533). The alignment will then head south-eastwards along the line of, and to the south of, Speke Road towards the Ditton Junction. It will then progress, via an embankment, across land currently occupied by industrial units along Ditton Road and over the Garston to Timperley rail freight line, before crossing the alignment of the existing A557 Widnes Eastern Bypass (via a multi-span viaduct), the Catalyst Trade Park and the western corner of the ThermPhos Chemical Works.
- 3.3 A new junction (the "Widnes Loops Junction") will be formed with the A557 at this location. The alignment will then continue south eastward over the St Helens Canal, Widnes Warth Saltmarsh, the River Mersey, Astmoor Saltmarsh and Wigg Island, before turning south over the Manchester Ship Canal and Astmoor Industrial Estate. The alignment will then connect into the existing road network in Runcorn at the Junction of the A533 Bridgewater and Central Expressways with the A558 Daresbury Expressway (the Bridgewater Junction). The route then crosses the Bridgewater Canal, extending along the alignment of the existing Central Expressway to the Halton Brow Junction.
- 3.4 The total area of land intended to be subject to powers of compulsory acquisition pursuant to the Proposed Order is 157.81 hectares. Of this, 67.4 Hectares lie within the limits of deviation for the project on which the main works for the Project should be constructed and 90.41 hectare lie within the limit of land to be acquired or used, which is where subsidiary works, construction areas, landscaping and other matters will be carried out.

**3B. Associated Order Land**

*The Halton Borough Council (Mersey Gateway - Central Expressway) Compulsory Purchase Order 2008*

- 3.5 The route of the Project extends Southwards from a location at Halton Brow Junction abutting the limit of the proposed Order Land. It runs along the line of the Central Expressway and continues south along the Central Expressway (A533) to reach the junction of the Central and Southern Expressways known as the Lodge Lane Junction.
- 3.6 From Lodge Lane Junction the alignment follows the Weston Link to reach the Weston Link Junction. Thence, it extends along the Weston Point Expressway and will finally join the M56 Motorway at Junction 12.
- 3.7 The land included in this order comprises approximately 7.7 hectares shown on the Order Map for this order. It comprises existing highways forming parts of the A533 Central Expressway, Halton Brow, Boston Avenue, Calvers, Runcorn Spur Road, the A5126 Weston Link and the A577 Weston Point Expressway, together with various footpaths, grassland and shrubland all south of the Bridgewater Junction and west of the M56 motorway at Rock Savage.

*The Halton Borough Council (Mersey Gateway - Queensway) Compulsory Purchase Order 2008*

- 3.8 The land to be acquired for the Project pursuant to this Associated Order begins at a location abutting and overlapping with the proposed Order Land just south of the Garston to Timplerley Freight Line, running in a southerly direction along the alignment of the A533 Queensway as far as the edge of the River Mersey and the Silver Jubilee Bridge.
- 3.9 The land included in this order comprises approximately 5.6 hectares shown on the Order Map for this order. It comprises existing highway land incorporating parts of the A533 Queensway, the Widnes Eastern Bypass, Hutchinson Street, MacDermott Street, Dock Road, Desoto Road East, Desoto Road West and Wandsworth Way, together with areas of industrial land, and buildings, hardstanding and paved storage areas all situated south of the Garston to Timperley freight line and north of the existing SJB.



#### **4. LOCATION AND DESCRIPTION OF THE SIDE ROADS ORDER WORKS**

4.1 As explained above, the Project includes alterations to the existing highway network in the Borough of Halton and two side roads orders have been made by the Council to secure the necessary powers.

4.2 The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008, if confirmed by the Secretary of State, will authorise the Council to:

4.2.1 carry out improvements to the Central Expressway (A533), Boston Avenue, Halton Brow, Calvers, the Runcorn Busway, Weston Point Expressway (A557), various footpaths and bridleway (including raising, lowering or otherwise altering);

4.2.2 stop up lengths of the slip roads to the Central Expressway (A533), Calvers, the Runcorn Busway, slip roads to the Southern Expressway, Weston Point Expressway, various footpaths including Brook Place South Footbridge; and

4.2.3 construct new highways,

all on or in the vicinity of the route of the A533 classified road known as A533 Central Expressway, A5126 Weston Link and A577 Weston Point Expressway and all as shown on the site plans accompanying the order.

4.3 The Halton Borough Council (A533 Queensway) Side Roads Order 2008, if confirmed by the Secretary of State, will authorise the Council to:

4.3.1 carry out improvements to Queensway (A533) and Desoto Road West (including raising, lowering or otherwise altering);

4.3.2 stop up lengths of Queensway (A533) and Desoto Road East; and

4.3.3 construct a new highway,

all on or in the vicinity of the route of the A533 classified road known as Queensway and all as shown on the site plans accompanying the order.

## **5. THE MERSEY GATEWAY PROJECT**

The Scheme will provide a second crossing on the River Mersey and ancillary works. The Scheme will cover the following construction areas:

### **Area A - Main Toll Plaza**

- 5.1 The Main Toll Plaza provides the location of where tolls will be collected for crossing the New Bridge. As the Project must provide for barrier tolling technology it is necessary to provide an area sufficiently large for vehicles to slow, wait and pass through barriers without having a detrimental effect on traffic flows. Toll plazas are situated on the north side of the River Mersey only, because this minimises land-take, allows concentration of necessary resources and means that this type of work can be restricted in the extent and location of any of its effects. The toll plaza will require approximately four hectares of land to accommodate the northbound and southbound tollbooths and will be at or just above existing ground level. No major earthworks are envisaged because the land at this location is already relatively flat. Where the Toll Plaza is above ground then fill will be imported. Tolling structures will be required, which are likely to comprise canopies providing sufficient headroom over tollbooths and their equipment for normal traffic use.
- 5.2 Extended link roads to the north and south of the Main Toll Plaza carriageway that bypass the tollbooths will be provided to allow access from Speke Road to Ditton Junction for vehicles not wishing to use the New Bridge. The northern edge of the north link road will coincide with the northern edge of the existing southbound carriageway of Speke Road.
- 5.3 Stewards Brook and a public footpath pass beneath the existing Speke Road to the west of the proposed tolling areas. This brook is contained within a culvert which will need to be extended in length to the south to accommodate the increased width of the carriageway at that location. The public footpath will be diverted around St Michaels Road. Balancing ponds may be formed to the south of the new carriageway on either side of Stewards Brook to control the drainage water outfall flow rate into the brook.

## **Area B - Ditton Junction to Freight Line**

- 5.4 Ditton Junction is proposed to be changed from a roundabout to a signal-controlled junction. The new carriageway will increase in level on an embankment as it approaches the new grade separated junction and will be taken over the new ground level link, between Ditton Road and Moor Lane South, on a new, two span bridge.
- 5.5 The southbound on-slip and the northbound off-slip will also feature toll collection facilities.
- 5.6 An embankment of up to 9m high will be formed. This crosses land currently occupied by industrial buildings and a scrap metal yard and it is assumed that these areas will require treatment (owing to contamination) prior to construction of the embankment.
- 5.7 Ditton Road is a long established corridor for statutory undertakers' apparatus and many of these will need to be diverted to accommodate the revised highway alignment. These will include diversions of electricity, gas, water, sewage and telecommunications mains.

## **Area C - Freight Line to St Helens Canal**

- 5.8 The following new structures and earthworks will be required in this section of the works:
  - 5.8.1 The Freight Line Bridge - a single-span bridge over the Garston to Timperley Rail Freight Line.
  - 5.8.2 Victoria Road Viaduct - a high level, multi-span viaduct connecting the Freight Line Bridge to the edge of the Widnes Loops Junction including the crossing of Victoria Road.
  - 5.8.3 Two bridges over the new Widnes Loops Junction carriageways.
  - 5.8.4 Embankments carrying the new carriageway at high level.
  - 5.8.5 A bridge to carry the Widnes Loops Junction southbound on-slip over itself.
  - 5.8.6 Toll plazas connecting the Mersey Gateway to the Widnes Eastern Bypass.

- 5.8.7 The St Helens Canal Bridge - the high level bridge crossing the potential development corridor to the north of the St Helens Canal and the crossing of the St Helens Canal itself, which would then land on the north abutment of the Mersey Gateway Bridge.
- 5.9 This area forms the link between the New Bridge and the existing A557 Widnes Eastern Bypass that connects with Junction 7 of the M62 to the north. It will be formed primarily by substantial earthworks. The new road between the Freight Line and the Widnes Loops Junction will be carried on a multi-span reinforced concrete structure. The structures within the Widnes Loops Junction will either be portal or box structures in reinforced concrete constructed within the earthworks.
- 5.10 The new carriageway will be taken over the St Helens Canal on a new, reinforced concrete structure, integral with the north abutment of the New Bridge. It will be formed at a height sufficient to permit a further structure to be constructed under it to carry a future light rapid transit system (or similar) at a level to match the possible running surface within the New Bridge and still preserve the required headroom of 5m for craft that may at some future time use the canal.
- 5.11 During construction of the New Bridge, it is expected that the St Helens Canal area will form the main reception/transition area for the main bridge units that will form the decks. As such, it is assumed that it will be necessary temporarily to infill the canal (maintaining its drainage water transfer function) to provide a working area. On completion, the canal will be reinstated with some minor changes to the alignment. A corridor for the Trans-Pennine Trail cycle and footpath will be maintained throughout the works.
- 5.12 Upon completion of the Scheme a landscaping scheme will link the new earthworks with the leisure facilities offered by Spike Island, the St Helens Canal and the Trans-Pennine Trail.

#### **Area D - Mersey Gateway Bridge**

- 5.13 The new bridge will have a total length of around 2.13km from abutment to abutment. The new bridge will consist of approximately 550m of approach spans from the north abutment to the edge of Widnes Warth Saltmarsh, and 580m from the edge of Astmoor Saltmarsh, over part of Wigg Island, over the Manchester Ship Canal and onto the south abutment within the Astmoor Industrial Estate. The new bridge over

the Estuary itself will consist of 1,000m of cable-stayed bridge, consisting of up to four spans supported by three towers. The towers will be circular with a diameter of about 10m at water level, but will taper and include architectural features throughout their height.

- 5.14 Typical span lengths of the approach viaducts are 70-100m with an overall deck depth of around 6m. Both approach viaducts are twin, separate structures supported on their own independent substructure. There will be a total of up to 30 piers on the saltmarshes. Each pier will be of reinforced concrete of about 2m by 5m and the height would vary between 12m (north) and 23m (south) to suit the vertical profile of the deck.
- 5.15 The three towers of the cable-stayed spans are assumed to be concrete below deck level and steel above. The overall height of the towers will be around 120 -140m above the River level. The decks of the cable-stayed spans will be twin parallel decks, similar in form to the approach viaducts, connected at positions of cable stay attachment. The cable stays are arranged in pairs in a harp (i.e. parallel) configuration.

#### **Area E - Astmoor Viaduct**

- 5.16 The new carriageway crosses the Astmoor Industrial Estate at a height of approximately 24m above existing ground level. The area will need to be cleared of existing light industrial buildings. On completion of the works, the area below the viaduct may very well be available for future development.
- 5.17 The area between the south abutment of the New Bridge and Bridgewater Junction will comprise a high-level, multi-span viaduct called Astmoor Viaduct. This will cross the existing industrial park at considerable height, linking the high level crossing of the Manchester Ship Canal with the new crossing of Bridgewater Junction.
- 5.18 This elevated structure will vary in width up to a maximum of 60m before the southbound slip road splits off onto a separate alignment. The structure splits again at the point where the northbound on-slip road merges with the main line. The main line of the New Bridge will remain at high level while the two slip roads will reduce in level to the south to allow the slip roads to tie in with the roundabout at Bridgewater Junction.

- 5.19 The northern end of Astmoor Viaduct will land on the southern side of the south abutment of the New Bridge. The south abutment of the Astmoor Viaduct will be approximately 85m wide and will be at three levels. The abutment wall will retain the end of the embankment up to Bridgewater Junction.
- 5.20 The viaduct will be 340m long and will comprise 12 spans; 20m end spans and 30m intermediate spans. The deck will be supported by reinforced concrete plate piers, approximately 2m long by 5m wide, with four separate piers at each bent (line of support).

#### **Area F - Bridgewater Junction**

- 5.21 Like the Widnes Loops Junction, the Bridgewater Junction is a complex of structures and slip roads that provide grade separation and access to and from the Central Expressway (running north to south) and the Daresbury/Bridgewater Expressways (running east to west). The existing route through Daresbury/Bridgewater Expressway will be closed and brought into the new roundabout. A two-level interchange is proposed with east-west movements at the lower level and the new road linking to the Central Expressway at the higher level. The lower level will contain the gyratory system, linking slip road movements. The upper level structure is likely to be a five-span steel and concrete viaduct. Similar construction materials will be used for the construction of the new slip road bridges over the Bridgewater Canal. The existing bridges over the Bridgewater Canal will be removed. The existing bridges over the Daresbury/Bridgewater Expressway will be retained. The construction can be phased to coincide with routine winter closures of the canal. Retaining walls are also proposed so that adjacent slip roads at different levels to the main carriageway can be kept tight within the junction without the need for an embankment therefore limiting land take.
- 5.22 Traffic management of the existing traffic flows during the construction phase will affect construction methods and materials. A major feature of the works in this area will be the requirement for demolition of the existing structures. Otherwise, the works are essentially self-contained and can therefore be undertaken independently from the other work areas.
- 5.23 The five-span high level viaduct will be about 150m long and 27m wide. The substructure will be of piled foundations and reinforced concrete piers. The superstructure will be of prefabricated steel or pre-stressed concrete beams to allow

erection to fit in with the phased traffic management regime that will be required to maintain traffic flows during the works.

- 5.24 High abutment structures will be required at both ends of the New Bridge. The south abutment will be on the south bank of the Bridgewater Canal.
- 5.25 The two existing slip road bridges will need to be replaced with two new slip roads bridges on the new alignment of the slip road off the new roundabout. These will be single span bridges with prefabricated steel or pre-stressed concrete beams used to form the decks over the canal.
- 5.26 The existing highway alignment will be re-configured to incorporate the New Bridge and to change the priority of the existing expressways. The free flow link between the Bridgewater and Daresbury Expressways will be removed and replaced by linking into the new roundabout that will be formed at the centre of the junction.
- 5.27 The embankments between this junction and the Central Expressway will be modified for the alignment of the New Bridge and the re-aligned slip roads. This tie-in between the new carriageway and the existing Central Expressway will be at Halton Brow.

#### **Area G - Central Expressway, Lodge Lane Junction and Weston Link Junction**

- 5.28 Improvements will be required to the alignment of the Central Expressway to bring it up to current geometric standards and to manage its interface with the New Bridge. These should not involve significant earthworks and will be undertaken generally within the existing highway boundary.
- 5.29 The distance between existing junctions along the Central Expressway is too close to meet current merging and weaving standards. The current carriageway configuration will be modified so that the alignment passes through this corridor with connections only at Bridgewater Junction and Lodge Lane Junction. This will be achieved by converting the existing hard shoulders into distributor lanes with no direct connection to the New Bridge at Halton Brow and Halton Lea Junctions. The existing hard shoulders will need to be strengthened to carry full highway loading and road markings and barriers will be added to prevent merging movements.

- 5.30 Existing footbridges will be replaced and/or reconfigured. To the south of the Halton Lea Junction the existing busway bridge will be replaced with a new bridge on an altered alignment.
- 5.31 Lodge Lane Junction will be modified to change the priority of traffic flow from the Southern Expressway to the Weston Link. The junction will be modified to make provision for dual two lanes of through traffic from the Central Expressway to the Weston Link with single lane slip roads for traffic movements to and from the Southern Expressway. These works will comprise the construction of a new single span bridge, along with modifications to the earthworks and highway alignment.
- 5.32 Weston Link Junction will be modified to change the priority of traffic flow from the northbound to the southbound section of the Weston Point Expressway. These works will use most of the existing junction layout. However, a new slip road will be constructed on the north side of the existing Weston Link Slip Road to allow traffic to slip onto the New Bridge from the northern section of the Weston Point Expressway.

#### **Area H - M56 Junction 12**

- 5.33 The existing roundabout to the north of the M56 Junction 12 will 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. The works will comprise carriageway realignment and the installation of new traffic signals. A new retaining wall will be required to support the carriageway realignment on the south side of the roundabout.

#### **Area I - Silver Jubilee Bridge and Widnes De-linking**

- 5.34 The opening of the Project will result in a significant reduction in traffic flow on the SJB. This will allow the downgrading of the carriageway on the existing bridge from two lanes in each direction to a single lane in each direction. This in turn will release space on the deck of the bridge to re-introduce footways and to provide a dedicated cycle track . These works will require the re-configuration of the deck layout and will involve kerbing, re-surfacing and the provision of new road markings.
- 5.35 The substandard footway cantilevered on the eastern side of the SJB could then be closed, although its structure would be retained to support services.



- 5.36 A tolling plaza will be constructed on the existing carriageway of Queensway approximately 330m to the north of the SJB. The embankment and viaduct linking to the Widnes Eastern Bypass will be removed. The link to Ditton Junction will be downgraded to comprise just the existing slip road. The main carriageway and structures will be removed between the Queensway tollbooths and Ditton Junction.
- 5.37 The main link between the SJB and Ditton Junction (after passing through the tolling plaza) will be along the existing northbound slip road. This would be a two-lane single carriageway. A new signal controlled junction will be needed to replace the one-way off and on slips. The remainder of the existing dual carriageway to Liverpool will be closed to traffic and demolished.

## **6. PLANNING STATUS OF THE ORDER LAND AND THE ASSOCIATED ORDER LAND**

- 6.1 Development plan policy relevant to the Project and which provides the context for its assessment is set out within the Regional Spatial Strategy ("RSS") (March 2003) and the adopted Halton Unitary Development Plan<sup>1</sup>. The Project is supported at all levels of policy, from national to local policy.
- 6.2 A full and detailed schedule of the relevant policies contained within these documents is included in the Environmental Statement that accompanies the Application for the proposed Order, alongside an assessment as to how the Mersey Gateway Project affects each specific policy. It is not proposed to repeat that level of detail within this Statement. However, in order to ensure that the planning status of the land proposed to be subject to powers of compulsory acquisition for the Project is clear, a summary of the key policies on a topic basis is set out below.

### **Green belt**

- 6.3 The Project crosses Green Belt land at Wigg Island, north of Astmoor Industrial Estate.
- 6.4 PPG2 sets out the history and extent of Green Belts, and explains their purpose. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate

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<sup>1</sup> Halton Unitary Development Plan as adopted in January 2006.

development is established. The guidance confirms the five purposes of Green Belt as follows:

- 6.4.1 Checking unrestricted sprawl of large built up areas;
  - 6.4.2 Preventing neighbouring towns from merging into one another;
  - 6.4.3 Assisting in safeguarding the countryside from encroachment;
  - 6.4.4 Preserving the setting and special character of historic towns;
  - 6.4.5 Assisting in urban regeneration, by recycling of derelict land.
- 6.5 The guidance goes on to advise that following designation as Green Belt, the use of land in them has a positive role to play in achieving the following objectives:
- 6.5.1 To provide opportunities for access to the open countryside for the urban population;
  - 6.5.2 To provide opportunities for outdoor sport and outdoor recreation near urban areas;
  - 6.5.3 To retain attractive landscapes, and enhance landscapes, near to where people live;
  - 6.5.4 To improve damaged and derelict land around towns;
  - 6.5.5 To secure nature conservation interest; and
  - 6.5.6 To retain land in agricultural, forestry and related uses.
- 6.6 PPG2 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is identified as their openness. PPG2 advises that inappropriate development is, by definition, harmful to the Green Belt, and that the construction of new buildings in the Green Belt is considered to constitute inappropriate development unless it is for the following purposes:
- 6.6.1 Agriculture and Forestry;

- 6.6.2 Outdoor recreational facilities, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including and in it;
- 6.6.3 Limited extension, alteration or replacement of existing dwellings;
- 6.6.4 Limited infilling in existing villages;
- 6.6.5 Limited infilling or redevelopment of major existing developed sites identified in adopted local plans.<sup>2</sup>
- 6.7 In respect of how decision makers should consider proposals which constitute inappropriate development, the guidance states;
- “inappropriate development is, by definition, harmful to the Green Belt. It is for an applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist when the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 6.8 When any large-scale development or redevelopment of land occurs in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments or improvements), PPG2 advises that;
- “it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts,”*<sup>3</sup>
- This approach applies to all large-scale developments, irrespective of whether they are considered to constitute appropriate development in the Green Belt.
- 6.9 PPG2 also states that the visual amenities of the Green Belt “should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design”.<sup>4</sup>

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2 Para 3.4, PPG2 Green Belts (1995)

3 Para. 3.13, PPG2 Green Belts (1995)

4 Para. 3.15, PPG2 Green Belts (1995)

- 6.10 Having regard to Government guidance set out in PPG2, the Development Plan also seeks to control new development within the Green Belt by virtue of Policy GE1 of the Halton UDP. The key themes of this policy are as follows:
- 6.11 Planning permission will not be permitted for inappropriate development within the Green Belt nor for development conspicuous from the Green Belt that would harm its visual amenity by reason of siting, materials or design. Development within the Green Belt will be regarded as inappropriate development unless it constitutes permissible development in accordance with the provisions of PPG2;
- 6.12 Proposals for new development that are considered to be acceptable within the Green Belt will be required to preserve the openness of the Green Belt and minimise harm on visual amenity by means of siting, materials, and design in accordance with the purposes and objectives as expressed within PPG2.

### **Open Space**

- 6.13 PPG17 "*Planning for Open Space, Sport and Recreation*" (2002) seeks to ensure that a sufficient supply of recreational open space provision is retained and protected from development within local communities across the UK. To achieve this objective, PPG17 establishes a number of key themes.
- 6.14 In addition to PPG17, the Development Plan comprises specific policies for the protection of existing designated greenspace as follows:
- 6.14.1 Policy GE6 of the Halton UDP advises that development within the designated and proposed greenspace will not be permitted unless it is ancillary to the enjoyment of the greenspace, or in the case of designated greenspace within educational use, it is specifically required for educational purposes. Policy advises that exceptions may be made where the loss of the amenity value is adequately compensated for by virtue of the following:
- 6.14.2 Development on part of the site would fund improvements that raise the overall amenity value of the greenspace;
- 6.14.3 The developer provides a suitable replacement greenspace of at least equal size and amenity value, or significantly enhances the amenity value of nearby greenspace;

- 6.14.4 No proposal should result in a loss of amenity for local residents by forcing them to travel to a less convenient location;
- 6.14.5 In all exceptional cases, there would need to be clear and convincing reasons why development should be permitted or that loss of amenity value could be adequately compensated.
- 6.15 The proposed route alignment of the Mersey Gateway Project will incorporate areas of greenspace, open space and public rights of way both existing and proposed, in Runcorn and Widnes. Greenspaces occurring within the urban areas of the Borough are recognised as being worthy of a comparable level of protection to that of the open countryside, as classified by the Council. These areas are identified in the Book of Reference that accompanies the Application for the proposed Order and in the Associated Order Schedules.

#### **Site-specific Policies**

- 6.16 A comprehensive assessment of the Mersey Gateway Project against European National, Regional and Local planning policy is set out within chapter 6 of the Environmental Statement that accompanies the Application for the proposed Order. Particular relevance applies to strategic policy S14 of the Halton UDP which is also described at paragraph 7.9.3 below.

## **7. JUSTIFICATION FOR COMPULSORY PURCHASE POWERS**

### **Statutory Powers and guidance**

- 7.1 Sections 3, 5(1) and Schedule 1 to the Transport and Works Act 1992 confer upon the Secretary of State for Transport the power to make Orders authorising (inter alia) the construction of works that interfere with navigation; the compulsory acquisition of land and interests in land; and the imposition of tolls. The Secretary of State's guidance as to the information required for applications for orders under the TWA states that before confirming such powers, the Secretary of State will wish to be satisfied that there is a compelling case in the public interest for taking away a person's land or rights in land, and that all the land in question is required for the project in question. Circular 06/04 issued by the former Office of the Deputy Prime Minister and entitled "Compulsory Purchase and the Criche Down Rules" is the

relevant guidance as to the matters of which the Secretary of State wishes to be assured.

- 7.2 Sections 239, 240, 246 and 249 of the 1980 Act enable a local authority to acquire land compulsorily, subject to confirmation by the Secretary of State, where this is necessary for the construction or improvement of a highway and for mitigating adverse effects of constructing or improving highway.
- 7.3 The Department of Transport (now the Department for Transport) Circular 2/97 states that the Secretary of State requires to be satisfied that the land included in an order can be reasonably regarded as required for the purposes of the acquisition as stated in the order.
- 7.4 Office of the Deputy Prime Minister ("**ODPM**") (now the Department for Communities and Local Government) Circular 06/04 states Ministers' belief that *"compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change"* and that they *"can contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities and the promotion of business leading to improvements in quality of life"*.
- 7.5 Circular 06/04 states there must be a compelling case in the public interest for the compulsory purchase of land and other interests. The factors which the Secretary of State can be expected to consider, in deciding whether or not to confirm a compulsory purchase order, include:
- 7.5.1 whether the purpose for which the land is being acquired fits in with the adopted planning framework;
  - 7.5.2 the potential financial viability of the scheme for which the land is being acquired;
  - 7.5.3 whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

The following sub-paragraphs address the factors described at paragraph 6.5.

## **Aims of the Project**

7.6 As set out in section 2 of this Statement of Aims and Reasons, the present traffic flows on the SJB lead to routine congestion, delays, safety hazards, poor regional road resilience to accidents and other incidents, difficulties in maintenance and unreliable journey times. These service failings have an adverse effect on the Borough of Halton, undermine connectivity with the national road transport links and mean that the local community suffers a degraded environment and quality of life.

7.7 The key benefits that the Project will deliver, which underlie the aims of the proposed Order and justify making of the Associated Orders, can be summarised as follows:

7.7.1 The Project will relieve the congested Silver Jubilee Bridge, thereby removing the constraint on local and regional development and better provide for local transport needs;

*The new bridge would provide an alternative route across the River Mersey that is predicted to attract in the region of 80% of the existing traffic crossing the River by the SJB. As such, provided that both the new bridge to be authorised by the proposed Order and the SJB are subject to tolls or charges, the Project will meet this objective, allowing the redeployment of road space on the Silver Jubilee Bridge for local traffic, public transport, cycling and walking. It is necessary for both bridges to be subject to tolls or charges so that traffic is distributed between the two routes based upon appropriateness for a given journey rather than because of cost to the motorist.*

7.7.2 The Project will apply minimum toll and road user charges to both the Mersey Gateway Bridge and the Silver Jubilee Bridge consistent with the level required to satisfy these constraints;

*A viable means of funding the project in accordance has been identified. This will be by use of the Private Finance Initiative for some funding. The balance of funding will be secured by means of toll revenue. The assumption is that toll levels will be commensurate with those charged for the use of the existing Mersey Tunnels. On this basis, tolls will be affordable and comparable to other tolled crossings of the River Mersey.*

- 7.7.3 The Project will improve accessibility in order to maximise local development and regional economic growth opportunities;

*The removal of a constraint to transport - both private and public - has been assessed as having material benefits in terms of accessibility, particularly for journeys within the Borough of Halton itself and within the sub-region. In addition to the Project itself, the Council is advancing planning policy designed to seize the advantages offered by the release of land by the project and potential for de-linking of the SJB in Runcorn as well as regeneration opportunities elsewhere in the Borough.*

- 7.7.4 The Project will improve local air quality and enhance the general urban environment;

*The environmental impact assessment in respect of the Project has predicted that air quality and noise climates will improve in several locations as a result of the Project. Because the Borough of Halton suffers an environment suffering the consequences of industrial degradation the Project offers an opportunity to regenerate large areas of Runcorn and Widnes. Also, the Project will provide the opportunity and means to improve extensive areas of historic contamination within the Borough.*

- 7.7.5 The Project will improve public transport links across the River Mersey;

*At present public transport is reliant on the congested SJB. As a result of the Scheme, public transport will benefit from freer-flowing traffic conditions. Not only will the SJB be relieved as a result of the Project, but the Mersey Gateway Bridge will enable new routes to be opened up. In addition, the borough Council is developing a Sustainable Transport Strategy designed to maximise the advantages offered by the Scheme.*

- 7.7.6 The Scheme will encourage the increased use of cycling and walking; and

*The current, unattractive route between Runcorn and Widnes via the SJB will be markedly improved as a result of the Scheme. This, alongside the Sustainable Transport Strategy to which reference is made above will allow the objective to be met. The transport assessment that has fed into the environmental impact assessment relating to the Project predicted that*



*walking and cycling use of the improved Silver Jubilee Bridge will improve as a result..*

- 7.7.7 The Scheme will restore effective network resilience for transport across the River Mersey.

*Part of the problems associated with the SJB are that - as the only link between the Mersey Tunnels and M6 Thelwall Viaduct - it has a significant strategic role. When it fails in, or cannot perform this role owing to accidents, vehicle breakdowns, essential maintenance work or straightforward congestion, significant problems result. These affect the local transport network, but can extend further afield, especially should the M6 Thelwall Viaduct also be unavailable. The provision of an alternative route within the Borough of Halton and at a more strategic level will provide greatly enhanced network resilience for all those people and businesses reliant on journeys that cross the River Mersey. After the opening of the six-lane new bridge as part of the Mersey Gateway Project the number of traffic lanes crossing the River Mersey at this location will double, enhancing network resilience.*

- 7.8 The Project will provide substantial transportation, environmental and regeneration benefits. The Council considers that a compelling case exists, in the public interest, for the promotion and delivery of the project, including the acquisition of necessary land. The land required for the Project comprises a large, urban and semi-urban site in multiple ownership which is suitable for, and required, in order to secure the carrying out of the Project.

### **Policy support for the Project**

- 7.9 The Development Plan comprises specific planning policies which express in-principle support for the development of the Project, as follows:

- 7.9.1 Policy T10 of the RSS establishes general priorities for transport and management within the North West, identifying a number of major priority schemes of regional significance for the period to 2007. The Mersey Gateway Project is identified as a “Regionally Significant Transport Study” and a second crossing of the River Mersey in Halton as a “Transport Proposals of Regional Significance for delivery by 2021.”

7.9.2 Draft policy RT8 of the replacement RSS ‘due for adoption in 2008’ largely reiterates the priorities for transport investment expressed in policy T10. Within the draft policy, Table 10.2, establishes a number of regional and sub-regional priorities for major transport investment, including the Mersey Gateway Project (there referred to as New Mersey Crossing).

7.9.3 Strategic policy S14 of the Halton UDP states that a new crossing of the River Mersey, east of SJB, will be promoted to relieve congestion on the existing Bridge. The supporting text states that the existing severely congested SJB is considered to represent a “*constraint on the economic development of the Region, and severely restricts the development of an integrated transport strategy for Halton.*” It goes on to note that a strategic aim of Halton Borough Council’s Local Transport Plan (LTP2) and the UDP is therefore to pursue the provision of a new and sustainable crossing of the River Mersey. The policy states:

*“A scheme for a new crossing of the River Mersey east of the existing Silver Jubilee Bridge will be promoted to relieve congestion on the existing bridge as part of an integrated transport system for Halton and the wider regional transport network. Any proposed route of the new crossing will be the subject of an environmental assessment.”*

7.10 In accordance with Government transport guidance set out in PPG13, Halton Borough Council has prepared two full Local Transport Plans (LTP’s). These provide a non-statutory policy framework for the ongoing development of the local transport network. The overarching objective of LTP2 the second plan, valid to 2011, is as follows:

*“The delivery of a smart sustainable, inclusive and accessible transport system and infrastructure that seeks to improve the quality of life for people living in Halton by encouraging economic growth and regeneration, and the protection and enhancement of the historic, natural and human environment”.*

7.11 The LTP2 identifies a number of shared priorities to achieve this vision, and the development of the Mersey Gateway Project is identified as Priority 1. The LTP2 advises that the Mersey Gateway Project will lead to “*significant journey time*

*savings for cross river traffic and will enable the Silver Jubilee Bridge to cater for locally sustainable travel.”*

- 7.12 In addition to the Development Plan and LTP2, the North West Regional Economic Strategy (2006) recognises the delivery of major transport infrastructure investments within the region, including the “*Second Mersey Crossing.*” The development of the second Mersey Crossing is regarded as means of relieving congestion, and “*improving reliability of access to Liverpool Airport and improve linkages within the Liverpool City Region.*”

### **Financial viability of the Project**

- 7.13 Advisers to the Council have carried out detailed traffic and financial modelling. This reveals that subject to reasonable assumptions as to traffic levels and at toll levels approximating to those charged for the use of the existing Mersey Tunnels the Project is viable.
- 7.14 The Council proposes to enter into a concession agreement with a private sector concessionaire for the design, construction, finance and operation of the works comprised in the Project. The finance for the construction of the works will be secured in part by a direct capital grant from the Government via the Regional Funding Allocations and in part by finance secured by the private sector.
- 7.15 The funding that will be used to pay for the operating and other costs of the works and to repay private finance that will be secured in part through the Government's Private Finance Initiative, and in part through the income derived from the application of tolls/charges for the use of the river crossings in Halton.
- 7.16 In addition the proposed Charging Order and tolls levied for the use of the min bridge secured by the proposed Order would ensure the long-term viability of the Scheme. The Council considers that the Scheme is financially viable.

### **Lack of alternative options and efforts to acquire land by agreement**

- 7.17 The Council has given careful consideration to the need to include each parcel of land and required for the Project and is satisfied that the land is required in order to meet the need for the Project.

- 7.18 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 construction of the Project. These alternative options are considered in detail in Chapter 5 of the Environmental Statement that accompanies the TWA Application. The Council has concluded that this is the best option for the Project, conferring the most material benefits and insufficient disadvantages to outweigh those benefits.
- 7.19 While assembly of the land required for the Project could be sought purely by private agreement with property owners, given the number of the third party interests identified, it is unlikely that a site of this size and complexity could be successfully assembled within a reasonable timescale without the exercise of compulsory purchase powers. It is therefore considered crucial that the assembly of land for the Project is supported by powers of compulsory acquisition in order to achieve certainty of delivery. Without compulsory purchase orders, it is unlikely that the Order Land and Associated Order Land would ever be assembled to enable the Scheme to proceed.
- 7.20 No residential properties will be required for the purposes of the Project.
- 7.21 Notwithstanding the need for compulsory purchase powers the Council has sought to contact landowners with a view to advancing acquisition by agreement. The Council will continue to seek to purchase interests by agreement at the same time as promoting the Order and the Associated Compulsory Purchase Orders. The Council will ensure that all reasonable attempts are made to acquire the required land by agreement in parallel with the compulsory purchase process. This approach of seeking compulsory powers of acquisition and, in parallel, conducting negotiations to acquire land by agreement is in accordance with the guidance given in paragraph 24 of ODPM Circular 06/04.
- 7.22 The Council has put in place a relocation support service that includes monitoring the available sites for relocation. Where possible and appropriate, they will work with affected occupiers to identify and secure relocation property.

### **Compliance with the adopted planning framework**

- 7.23 The Order Land is sought to be acquired for the purpose of enabling the Scheme is fully supported by national planning guidance.

- 7.24 The Scheme accords with the policy objectives of the regional planning policy as it will contribute to delivering key aims of the Regional Spatial Strategy and emerging regional planning policy.
- 7.25 Local development plan policy also supports the Scheme. The Scheme is fully in accordance with this policy.

## **8. JUSTIFICATION FOR THE IMPOSITION OF TOLLS AND CHARGES**

- 8.1 It is proposed that the new bridge comprised in the Project will open in or about 2014. The proposed Order provides for the imposition of tolls for the use of the new bridge by vehicles. The new bridge will depend upon toll revenue to secure finance. Further, because one of the objectives of the Project is to relieve the congested Silver Jubilee Bridge, in order to ensure that an appropriate redistribution of traffic occurs it is necessary for the Silver Jubilee Bridge to be subject to a tolling regime as well. This will also enable tolls derived from vehicles crossing the Silver Jubilee Bridge to be applied to the purposes of the Project. It is proposed that the tolling regimes applicable to the Silver Jubilee Bridge resemble those applied to the new bridge as closely as possible.
- 8.2 The proposed Order is not being used to apply tolls to the Silver Jubilee Bridge. Instead the Council is promoting a road user charging scheme pursuant to the Transport Act 2000 as described above. The road user charging scheme will be secured by the Road User Charging Order.
- 8.3 The proposed road user charging scheme is due to start in 2014 to coincide with the opening of the proposed Mersey Gateway Bridge for use by the public. Halton's existing second Local Transport Plan (LTP) runs from 2006/07 to 2010/11. Therefore, the scheme is being brought forward as part of proposals to facilitate the achievement of proposals in that plan and its construction will be commenced during the currency of LTP2. However, the new bridge will not be open and tolling/charging will not be in operation until 2014 at the earliest. Therefore, the relevant LTP will be the third LTP ("LTP3") - assuming the process is retained beyond 2011. It is anticipated that LTP3 will have to be submitted to the Secretary of State for Transport for approval in due course. However, as the road user charging scheme is a central element of the Council's strategy to reduce congestion and is a component measure to support the implementation of the Project it is expected that the objectives in LTP3

will remain broadly in line with those in the existing LTP that relate to the Silver Jubilee Bridge and the Project as a whole.

8.4 Priorities for the revenue expenditure from tolls and charges are:

- (a) paying the costs of expenses incurred in designing, constructing, managing, operating and maintaining the new bridge and in managing, operating and maintaining the Silver Jubilee Bridge or any costs associated with financing any of both;
- (b) providing such funds as are or are likely to be necessary to discharge the obligations of the Council or a concessionaire pursuant to a concession agreement;
- (c) paying the interest on, and repaying the principal of, monies borrowed in respect of the Project;
- (d) making payment into any maintenance or reserve fund provided in respect of the Silver Jubilee Bridge or the new bridge;
- (e) in making payments to the Council's general fund for the purpose of directly or indirectly facilitating the achievement of policies relating to public transport in its LTP; and
- (f) providing funds for, meeting expenses incurred in, or the cost of securing any necessary authority or consent for, and in the constructing or in securing the construction, maintenance and operation of the new bridge or in securing the maintenance and operation of the Silver Jubilee Bridge.

## **9. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND AND THE ASSOCIATED ORDER LAND**

### *Open space*

- 9.1 The proposed Order affects certain land that may be open space amounting to 4.7 hectares. It is intended either to re-provide open space affected by the project, to acquire it by agreement or to provide exchange land. The Associated Order Land does not contain open space.

### *Crown Land*

9.2 There are Crown interests within the Order Land. The Duchy of Lancaster owns mines and minerals that are located in numerous parcels throughout relevant areas. Certain parts of the affected area are also *Bona Vacantia* and the Crown has interests in the banks and bed of the River Mersey. In light of this the Council and its agents are holding discussions with the relevant Crown bodies to secure the integration of relevant areas of land within the Project and/or protection of relevant interests for the benefit of Crown bodies.

### *Statutory undertakers' land*

9.3 Where statutory undertakers' land is affected by the Project, arrangements will be made to protect, divert or remove apparatus and/or land.

### *Listed buildings and conservation areas*

9.4 One listed structure is directly affected by the Project: the SJB. The adjacent Aethelfleda Railway Bridge ("**Railway Bridge**"), lies outside the Project. It is proposed to carry out alterations to the SJB by reducing the traffic lanes from four to two. These works will not affect any of the main elements of the SJB but simply reassign areas of the vehicle carriageway so as to provide for pedestrians and cyclists. On completion of the Project the volume of traffic using the SJB will be reduced by approximately 80%, which will be of direct benefit to the physical structure of the bridge. The setting of the Railway Bridge will be affected in the short term but once there has been maturation of the improvements in landscape quality comprised in the Project the impact is considered not significant.

9.5 The West Bank Conservation Area lies outside the area of the Project. The combination of distance, existing landscape detractors and urban development restricting perception of the new bridge means that the effect on the conservation area is not significant.

## **10. HUMAN RIGHTS ACT**

### **Human Rights**

10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (the "**Convention**"). The Convention includes

provisions in the form of Articles, the aim of which is to protect the rights of the individual.

- 10.2 In resolving to make the Associated Orders the Council has carefully considered the rights of property owners under the Convention against the wider public interest.

**Article 1 of the First Protocol to the Convention**

10.2.1 This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

**Article 2**

10.2.2 This protects the right to life. It means that the likely health impacts of the Project will need to be taken into account when evaluating the proposals.

**Article 6**

10.2.3 This entitles those affected by the Project to a fair and public hearing. This includes property rights and can include opportunities to be heard in the consultation process.

**Article 8**

10.2.4 This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.

**Article 14**

10.2.5 This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

- 10.3 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning



authority. Any interference with a Convention right must be necessary and proportionate.

- 10.4 The Council is therefore required to consider whether its actions will infringe the Human Rights of anyone affected by the making of the CPO. The Council must carefully consider the balance to be struck between individual rights and the wider public interest. It is considered that any interference with the Convention rights caused by the Associated Orders will be justified in order to secure the transportation benefits, economic, social, physical and environmental regeneration that the Project will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provision of the National Compensation Code.
- 10.5 In light of the significant public benefit which would arise from the implementation of the Project, the Council has concluded that it would be appropriate to make the Associated Orders. It does not regard the Associated Orders as constituting any unlawful interference with individual property rights.
- 10.6 In addition to the publicity and consultation on the planning application, the Application for the proposed Order for the Project and the Associated Orders, all the known owners and occupiers of land within the Order Land have been contacted regarding the Scheme. Further representations can be made by way of objections to the Project in the context of any public inquiry that the Secretary of State decides to hold in connection with the Project, which it is anticipated will address all of the relevant applications and Orders that are required for its purposes, including the proposed Order and the Associated Orders. Those parties, whose interests are acquired under the Order, will be able to claim compensation under the relevant provisions of the National Compensation Code.

## **11. CONCLUSION**

11.1 In summary, the Council considers that:

11.1.1 the Project accords with national and local planning policies; in particular, policy S14 of the Borough of Halton's adopted and saved Unitary Development Plan, which supports the delivery of a new crossing of the River Mersey in conjunction with the promotion of a sustainable transport strategy. This states

*“A scheme for a new crossing of the River Mersey east of the existing Silver Jubilee Bridge will be promoted to relieve congestion on the existing bridge as part of an integrated transport system for Halton and the wider regional transport network.”*

11.1.2 having secured funding for the Project and subject to the imposition of tolls or charges for the use of the new bridge and SJB, the Project is financially viable; and

11.1.3 without compulsory purchase powers, it is unlikely that the Order Land and the Associated Order Land would be assembled by private treaty, within a reasonable time-scale and at reasonable cost which would enable the Project to proceed.

For these reasons the Council considers that the purposes of the Project could not be achieved without powers of compulsory acquisition.

11.2 The Council considers that there is a compelling case in the public interest for the acquisition of the Order Land and the Associated Order Land for the construction of the Project to secure the benefits outlined above and to protect and enhance Halton’s connectivity with the national road network in order to achieve economic growth.

## **12. LIST OF DOCUMENTS**

12.1 In the event of a public inquiry, the Council would intend to refer to or put in evidence the following documents:

1. Town and Country Planning Act 1990
2. Planning and Compulsory Purchase Act 2004
3. Planning (Listed Buildings and Conservation Areas) Act 1990
4. National Planning Policy Guidance Notes/Statements/Circulars:
  - 4.1 PPS1: Delivering Sustainable Development (2005)
  - 4.2 PPG13: Transport (2001)
  - 4.3 PPS23: Planning & Pollution Control

- 4.4 PPG24: Planning and Noise (1994)
- 4.5 Circular 06/2004: Compulsory Purchase and the Criche Down Rules
- 4.6 Circular 05/2005: Planning Obligations

- 5. Regional Planning Guidance
- 6. Local Development Plan Documents
- 7. Relevant reports and minutes of the Council relating to the Project

12.2 The Council reserves the right to introduce such additional documents as may be relevant to any Public Inquiry later held in respect of the Order and will endeavour to notify any Public Inquiry and any statutory third parties of any such documents as soon as possible prior to the opening of such Public Inquiry.