THE MERSEY GATEWAY PROJECT

STATEMENT OF MATTERS

This statement relates to the public inquiries to be held concurrently into various applications made by Halton Borough Council ("the Council") to the Secretary of State for Transport in respect of the Mersey Gateway Project. The applications in question are for:

- the proposed River Mersey (Mersey Gateway Bridge) Order under the Transport and Works Act 1992 ("the draft TWA Order");

- a direction under the Town and Country Planning Act 1990 as to deemed planning permission for the development for which provision is included in the draft 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"); and

- 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").

This statement sets out the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of these applications. These matters are as follows:

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

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1 Other applications relating to this project are before the Secretary of State for Communities and Local Government for determination – see note 2 at the end of this statement.
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:

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 PPG 2: 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 greenspace 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 so,²

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, 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) the 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;

² See note 3 at the end of this statement.
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 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 RUO, the Side Roads Orders and the CPOs and whether anyone whose interests are likely to be affected by such changes has been notified.

Notes

1. It should be noted that whilst the above matters appear to the Secretary of State for Transport, from the evidence so far available, to be the principal ones that need to be addressed, this statement does not preclude the inquiry inspector
from hearing evidence on any other matters that he may consider to be relevant to consideration of the applications, including the provisions of the draft TWA Order, the RUCA, the Side Roads Orders or the CPOs. In addition, this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does it imply any particular order of importance.

2. Please note that the Government Office for the North West has also issued a statement of matters (on 30 September 2008) on behalf of the Secretary of State for Communities and Local Government. That statement relates to various applications by the Council for planning permission and listed building consent for the purposes of the Mersey Gateway Project, which are to be considered at the same inquiry as the applications referred to in this statement.

3. The information described at matter 5 is required to enable the Secretary of State to carry out an appropriate assessment for the purposes of regulations 48 and 49 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 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) and d) to enable him to fulfil the requirements of the 1994 Regulations in respect of appropriate assessment.

TWA Orders Unit

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