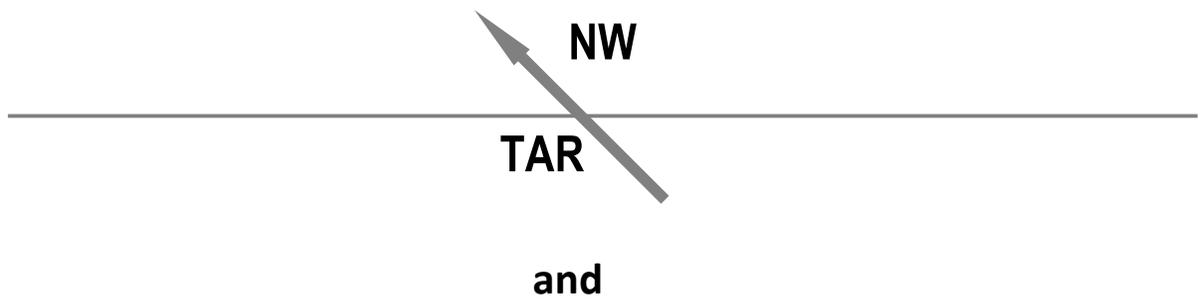


**Statement of Case by**  
**The Alliance**  
**comprising**  
**the North West Transport Roundtable**



**for the**  
**MERSEY GATEWAY PROJECT**  
**PUBLIC INQUIRY**

**March 2009**

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## INTRODUCTION

**The North West Transport Activists Roundtable (NW TAR)** and **Friends of the Earth (FOE)** have come together to form '**The Alliance**' to object to the **Mersey Gateway Project** which is being promoted by **Halton Borough Council**. This project is to be considered at joint Public Local Inquiries commencing at the Stobart Stadium, Halton on May 19<sup>th</sup> 2009.

The applications to be considered, which make up the Mersey Gateway Project, 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 **A553 (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").

The **NW TAR** is an umbrella organisation which operates under the auspices of the **Campaign for Better Transport** (formerly Transport 2000) that represents organisations and individuals who believe in sustainable transport and better land use and which focuses on regional and sub-regional transport and planning policy work. The Regional Transport Roundtables were founded in the late 1990s with the support of Regional Government Offices and pump-priming funding by the then Countryside Agency (now Natural England).

**FOE** was formed nearly 40 years ago. It is both a charity and a limited company and it operates internationally. Its aim is a healthy planet and a good life for everyone on it. It stands for three 'big ideas': (1) *There is a tomorrow*. This means living within the limits of the natural world. (2) *Everyone gets a fair share*. Everyone, everywhere, now and tomorrow, deserves to have a good life. (3) *Change the rules*. We need to change the rules so that the economy works for people and the environment, not pit one against the other.

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## RECENT LEGISLATION & CURRENT GOVERNMENT THINKING

Since the **Mersey Gateway Project** was submitted to the Department for Transport (DfT) in June 2008 and approved at a Halton B.C. Planning Committee meeting in July 2008, the 'bar' relating to government sustainability requirements has been raised considerably. The **Climate Change Act** has received Royal Assent and the Department for Transport (DfT) has consulted upon its latest command document, '**Delivering a Sustainable Transport System' (DaSTS)**, published Nov. 2008, (which followed on from '**Towards a Sustainable Transport System' (TaSTS)** of 2007). All emphasise the need to significantly reduce harmful emissions.

The Climate Change Act, which became law in November 2008, requires a reduction in greenhouse gas (GhG) emissions across the UK of 80% on 1990 levels by 2050. DaSTS calls for CO2 reductions to be core to all transport packages and the **Guidance on LTP 3**, published by the DfT in December 2008, requires the development of sustainable transport systems and a significant contribution by transport to GhG emissions.

All follow on from the **Stern Review**<sup>1</sup>, which warned that the economy would suffer if due cognisance was not taken of environmental factors and climate change. The **Eddington Study**<sup>2</sup> endorsed Stern's findings, acknowledged the big contribution made by transport to GhG emissions, and their impact on economic growth, and warned that transport would need to rise to this challenge. It also concluded that another key challenge was to improve the performance of the existing transport network (Key Findings & Recommendations, p. 5).

And these legal frameworks, command documents, guidance and seminal reports all sit within the UK's **Guiding Principles of Sustainable Development** which are:

- Living within environmental limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Using sound science responsibly and
- Promoting good governance

All emerging plans and projects need to adhere to the legal requirements, government guidelines and strategies and the **North West Regional Spatial Strategy** adopted in 2008 and ideally to follow best practice. And, on the subject of best practice, the DfT has already accepted the cumulative value of small scale measures and 'smart' choices or soft measures.

<sup>1</sup> Stern Review on the Economics of Climate Change, October 2006

<sup>2</sup> Eddington Transport Study, December 2008

## OUT-MODED THINKING BY THE PROPONENTS OF THE MERSEY GATEWAY

The North West Transport Roundtable (NW TAR) and Friends of the Earth (FOE) contend that the thinking which has led to the Mersey Gateway project being progressed is out-dated and bears little relationship to today's sustainability agenda. Proposals to restrict some traffic capacity on the existing Silver Jubilee Bridge and make better provision on it for cyclists and walkers have been very much an after-thought and would not prevent an overall escalation in the volume of traffic passing through Halton. The fact of the matter is that, even if the traffic on the Silver Jubilee Bridge decreased from its present levels in the short term, (and along with it there was some decrease in emissions in the immediate vicinity of that bridge), providing such a large amount of new highway capacity would lead to a significant increases in traffic and greenhouse gas emissions in the Borough per se.

The seminal 1994 report *'Trunk Roads and the Generation of Traffic'* by the government's independent advisers, the Standing Advisory Committee on Trunk Road Assessment, proved that providing extra highway capacity generates more traffic. The proposal here is to provide a very great deal of extra road capacity both across the River Mersey and on the approach roads to it notwithstanding any access roads necessary to any new developments.

Both the last (Conservative) government and the present (Labour) one have accepted that we cannot build our way out of our present transport problems. The Integrated Transport White Paper of 1997, *'A New Deal for Transport: Better for Everyone'*, said:

*"There is now a consensus for radical change in transport policy. The previous Government's Green Paper paved the way with recognition that we need to improve public transport and reduce dependence on the car. Businesses, unions, environmental organisations and individuals throughout Britain share that analysis".* (Foreword by Secretary of State for the DETR, John Prescott).

And also:

*"People know we cannot build our way out of congestion with new roads. The previous Government, too, came to see the problems – the growth in road traffic was at the heart of its national debate on transport. Its subsequent Green Paper 'Transport: The Way Forward' highlighted the dilemma of road transport – on the one hand the advantages it can bring but, on the other, the environmental damage it causes. Change was proposed – a new approach to transport policy that was not led by road building".* (Chapter 1).

Halton BC's desire to build an extra road bridge was formulated long before climate change was a big issue or the traffic generation case was proved, but its thinking has not moved on.

## UNCERTAINTIES AND UNSUSTAINABILITY

The plans which are before the public inquiry pay little heed to environmental capacity and are simply not sustainable. They do not meet the government's or the region's statutory and recommended environmental criteria, their impact on achieving modal shift away from private motor vehicles is likely to be very modest and localised as there is no accompanying 'big bang' in public transport improvements (eg. there is no guarantee light rail would ever be delivered on the bridge as originally promised and no short-term plans to dramatically up-grade and extend the Runcorn Busway) and the plans do nothing to reduce the need to travel – a key component of both national and regional policy. In fact, serious questions need to be posed about the robustness of the exploration of alternatives to building more road capacity (a requirement of the transport appraisal process) and how up-to-date these are. For instance, has an up-dated appraisal of better public transport alternatives been carried out since the **Local Transport Act** came into being in November 2008? This opens up a variety of possible new ways of working in relation to bus services, taxi buses, mini-buses and community transport. Flexible, demand responsive services should be explored to the full, particularly for deprived urban areas. It is essential also to develop high quality school bus services. One in five of vehicles on the roads in the peak traffic times are related to school traffic. In addition, much greater priority needs to be focused on travel planning. Modal shift away from private motor vehicles is the only sustainable way forward.

Additionally, there can there be no assumption economic benefits will accrue to the local area. The government accepted the report by SACTRA (since re-enforced by other findings) which demonstrated that, in a mature economy such as that which exists in the UK, there is no automatic connection between economic benefits and major new infrastructure and in fact new roads can suck a workforce away from an area just as easily as bring new investment to it<sup>3</sup>. It could prove to be the case with this project that massive amounts of minerals and aggregates are used in the building of it, decades of industrial waste are disturbed from on land and in the river - causing unnecessary health risks and detrimental environmental impacts upstream and downstream, air quality overall deteriorates, any traffic benefits are short lived and hoped-for inward investment and new jobs do not materialise. It is hard to see why employers would chose to locate near bridges they would have to pay to use.

<sup>3</sup> *'Transport & the Economy'*, Standing Advisory Committee on Trunk Road Assessment 1999  
[www.dft.gov.uk/pgr/economics/sactra/transportandtheeconomyfullre3148](http://www.dft.gov.uk/pgr/economics/sactra/transportandtheeconomyfullre3148)

*'Decoupling the Environmental Impacts of Transport from Economic Growth'*, OECD 2006  
[www.oecd.org/document/7/0,3343,en\\_2649\\_34363\\_37676487\\_1\\_1\\_1\\_1.00.html](http://www.oecd.org/document/7/0,3343,en_2649_34363_37676487_1_1_1_1.00.html)

Scottish Executive 2006 *'Decoupling the link between economic growth, transport growth and carbon emissions in Scotland'*, The Centre for Transport Policy, The Robert Gordon University.  
[www.scotland.gov.uk/Resource/Doc/935/0042647.pdf](http://www.scotland.gov.uk/Resource/Doc/935/0042647.pdf)

## CLIMATE CHANGE THREAT TO HEALTH

In February 2007 the Intergovernmental Panel on Climate Change reported that average temperatures could increase by as much as 6.4° C by the end of the century if emissions of GhGs continue to rise, with a rise of 4° C most likely. An average global temperature rise of 4° would wipe out hundreds of species, bring food and water shortages and cause flooding that would displace millions of people. In March 2007 the Royal Commission on Environmental Pollution reported that air pollution is responsible for 24,000 premature deaths in Britain every year. The same month, the World Wildlife Fund (WWF) for Nature reported that some of the world's largest and best known rivers were at risk of drying up as a result of climate change, pollution and bad planning. Their report stated that the world was facing a massive freshwater crisis which had the potential to be every bit as devastating as climate change. It emphasised that the conservation of rivers and wetlands and water flow security must be seen as part and parcel of national security, health and economic success.

The Chartered Institute of Environmental Health (CIEH) added some significant contributions to these debates last year. They said that local authorities will:

*“fail in their duty to protect the health and wellbeing of the communities they serve unless they move efforts to address climate change to the top of their agenda”.*

(CIEH press release, October 2<sup>nd</sup>, 2008).

This comment followed the release of a report by leading European NGOs which stated that 25 billion Euros of health costs could be saved every year in Europe if the European Union opted for stronger climate change policies. The report, commissioned by the Health and Environmental Alliance (HEAL) Climate Action Network and WWF, analysed health benefits which could be brought about by reduced climate change pollution. Estimates were based on economic evaluations of loss of life and health, working days lost and hospital costs.

The CIEH followed on with the launch of a landmark document entitled '*Climate Change, Public Health & Health Inequalities*'. Commenting on it, chief executive Graham Jukes, said:

*“We believe that human health must be at the heart of action on climate change. It must be embedded in the political debate, in strategies to change how we live and how we plan for the future”.* (CIEH press release, November 2008).

And then, further to this, the CIEH held a conference entitled '*An Unhealthy Climate – a call for action and changing behaviour*' at which they prophesied that the adverse effects of climate change will hit the UK hard, with increasing food prices pushing more people into food poverty. According to their principal policy officer, Jenny Morris, *“The effects will be felt inequitably, with the poorest in society suffering most”.* (CIEH press release, Nov. 2008).

Also last year the UK Public Health Association issued a *“Call to Action”* in its report '*Climates and Change: The Urgent Need to Connect Health & Sustainable Development*. It called for *“joined up action”* to develop and implement policies and strategies *“to tackle the threat to human health posed by climate change and unsustainable development”.*

Halton B.C. would appear to be flying in the face of these appeals/ warnings with its actions.

## THE LATEST CLIMATE CHANGE PREDICTIONS

Television and radio news programmes on Thursday March 12<sup>th</sup> 2009 carried major stories on dire climate change warnings from leading scientists following the end of an international climate change summit in Copenhagen. Amongst those interviewed was Lord Stern who produced the Stern Review, for the UK government, who said he now believed he had seriously under-estimated the speed that climate change was taking place and the economic effect it would have. In his review, Lord Stern had said the cost of climate change would be 20% of gross domestic product by the end of the century. He said he had now revised his calculations upwards by 50%. The following day, national newspapers were full of the story. The 'Daily Telegraph' front page lead story on Friday March 13<sup>th</sup> was:

### ***“Scientists: act now or face climate change catastrophe”***

The article by the paper's science correspondent, Richard Alleyne, said:

*“The world's leading scientists issued a desperate plea to politicians to act on climate change yesterday, amid warnings that without action the world faces decades of social unrest and war.*

*In what was described as a watershed moment, more than 2,500 leading environmental experts agreed a statement that called on governments to act before the planet becomes an unrecognisable – and, in places, impossible place to live.*

*At an emergency climate change summit in Copenhagen, scientists agreed that 'worst case' scenarios were already becoming reality and that, unless dramatic action was taken soon, 'dangerous climate change' was imminent.*

*In a strongly worded message that, unusually for academics, appealed directly to politicians, they said there was 'no excuse for inaction' and that 'weak and ineffective governments must stand up to big business and vested interests'.*

*Steps should be 'vigorously and widely implemented', they said, to reduce greenhouse gases. Failure to do so would result in 'significant risk' of 'irreversible climatic shifts', the statement added.*

*The plea came as Lord Stern, the former chief economist of the World Bank, whose report two years ago drew attention to the possible results of global warming, told the conference that unless politicians grasped the gravity of the situation, it would be devastating.*

*Increases in average temperatures of six degrees by the end of the century were an increasing possibility and would produce conditions not seen on earth for more than 30 million years, he said.....*

*....The Copenhagen conference is intended to publicise the latest research on climate change ahead of December's meeting of world leaders. The United Nations Climate Change Conference, which will also be held in Copenhagen, aims to draft an up-dated Kyoto-style agreement on reducing emissions. Under the Kyoto deal, developed nations have to cut emissions of greenhouse gases by 5.2% below 1990 levels by 2008-2012”.*

The statement was issued on behalf of 2,500 scientists from 80 countries.

## INITIAL COMMENTS ON SECRETARY OF STATE FOR TRANSPORT'S MATTERS

The Secretary of State for Transport has identified some 15 'matters', based on evidence presented to date, about which he would particularly like to be informed. The Alliance's initial comments on these, at this Statement of Case stage, are as follows:

### 1. The aims and objectives of, and the need for, the proposed Mersey Gateway Project.

Halton Borough Council maintain that the main objectives are to:

- Relieve congestion across the Silver Jubilee Bridge and provide an alternative route during maintenance
- Encourage and enable local and regional development
- Provide a viable and alternative route to the Silver Jubilee Bridge
- Maximise development opportunities
- Improve public transport links across the river
- Encourage the increased use of the Silver Jubilee Bridge for cyclists
- Promote network resilience

It should be noted that not one of these aims directly link across to the key spatial principles that underpin the Regional Spatial Strategy (RSS) and the Regional Transport Strategy (RTS). Policy DP 1 of the extant North West of England Plan, RSS to 2021 requires the following:

- Promote sustainable communities
- Promote sustainable economic development
- Make the best use of existing resources and infrastructure
- Manage travel demand, reduce the need to travel and increase accessibility
- Marry opportunity and need
- Promote environmental quality
- Mainstreaming rural issues
- Reduce emissions and adapt to climate change

The use of the key word '*sustainable*' should be noted in RSS principles one and two. The Alliance would contend that the project would not meet sustainability tests. As far as the third principle is concerned, building a four-lane 2.3 km. road bridge across the River Mersey and expanding existing highway capacity either side of it is clearly not making best use of that which exists at present. Nor would it '*reduce the need to travel*' as required by principle four. Ironically, principle no. five is the one which the Mersey Gateway project comes closest to meeting – but for the wrong reasons. Having high quality road space in place would make it easier for Halton residents to out-commute to find jobs and it would assist long distance commuting through Halton. The physical construction of the bridge raises many serious environmental concerns and therefore principle six is not met. Principle seven is irrelevant for this project and principle eight is clearly going to be contravened.

**2. The justification for the Council's proposals, including:**

- a) the extent to which they are consistent with national, regional and local planning, transport and environmental policies;**
- b) the anticipated transportation, regeneration, environmental and socio-economic benefits of the project and**
- c) the main alternatives considered by the Council for the proposals and the reasons why these were rejected in favour of the chosen proposals**

- a) Earlier in this document under *'Recent Legislation and Government Thinking'* the Alliance set out a range of recent national and regional policies with which the project does not comply. To this we would add *'Action for Sustainability'*, the region's sustainability framework, which is supposed to sit on a par with the Regional Spatial and the Regional Economic Strategies, and also the North West Climate Change Action Plan. We would also point to the NW TAR document *'Non Compliance with the Regional Spatial Strategy'*, dated December 2008 (see Appendix 1).
- b) The Alliance have not had sight of the project's transportation model and therefore cannot comment on it at this stage. The anticipated regeneration benefits will be tackled separately for the Alliance in a proof of evidence by Professor Alan Wenban-Smith. This will address the following issues:
  - The extent to which Wider Economic Benefits (WEBs) from agglomeration are likely to arise in the particular circumstances of Merseyside and the appropriateness of the methods used by consultants on behalf of the promoters to estimate such effects
  - The extent to which such benefits represent additional economic activity/add to GDP
  - Whether the Regeneration Areas defined for the purpose of the EIR are appropriate in terms of regional economic policy relevance and DfT guidance
  - Whether sufficient precautions have been taken to avoid double counting between transport benefits, WEBs and regeneration benefits
  - Whether there could be countervailing economic disbenefits from dispersion of economic activity as a result of wider locational choices enabled by MGB (the two-way road effect predicted by the new economic geography).

An early sustainability appraisal which the Alliance saw admitted the likelihood of environmental disbenefits. The hydrodynamics paper lodged by Halton B.C. conceded that the bridge's support stanchions in the river could have an effect on the flow of it but the Alliance have not seen any environmental model which extends to the reach of the tides, ie. upstream as far as Warrington and downstream as far as the Mersey Estuary. If no thorough investigation of this scale has been carried out, then we would question how anyone is expected to judge the full potential environmental benefits and disbenefits. As far as socio-economic benefits are concerned, many claims are being made about employment prospects as a result of perceived local economic benefits. These are tackled in Professor Wenban-Smith's paper. We would merely point out in this submission that deprived communities on either side of the river are to be expected to pay to access each other.

- c) The alternatives do not appear to have been scrutinised in the way which WebTag requires and nor do they appear to have been revisited recently since the Local Transport Act was enacted.

**3. The likely impact on the environment of constructing and operating the Mersey Gateway Bridge and its approach roads.**

The environmental NGO sector is in no financial position to be able to carry out investigative environmental work itself. It is reliant on environmental assessments by the promoters and others and on them being placed in the public domain. We should point out that, as the AST and background worksheets have still not been published, the environmental analysis which is a part of it is still unknown to us. Consequently, subject to seeing further evidence yet to be set before the inquiry, we can merely point to: NW TAR's submission on the Planning Statement, June 2008 (Appendix 2), the NW TAR/ CPRE submission on the Environmental Statement, July 2008 (Appendix 3) and to Halton FOE's Statement of Case of Nov. 2008 (Appendix 4).

**4. The likely impacts of constructing and operating the Mersey Gateway Bridge and its approach roads on flora and fauna, etc....**

Our response to this is the same as for question 3.

**5. In relation to the Mersey Estuary Special Protection Area and Ramsar site, etc ...**

Our response to this is the same as for question 3.

**6. The likely impacts of constructing and operating the Mersey Gateway Bridge and its approach roads on businesses, residents and traffic, etc.....**

The Alliance notes that the Mersey Gateway's e-newsletter circulated earlier this month (March 2009) makes a number of claims relating to the project's traffic model. As the Alliance have not yet seen the traffic model nor the Appraisal Summary Table and the back-<sup>4</sup> As stated under '*Recent Legislation*' earlier on, this is now 80% below 1990 levels by 2050.

**7. The measures proposed by the promoters for mitigating any adverse impacts of the project etc ...**

The Alliance are unconvinced that adequate mitigation will be possible in view of the scale of the project proposed and the contaminated condition of the river and some of the land which would be affected, one part of which we note is designated as being radioactive.

**8. The conditions proposed to be attached, etc ...**

The conditions must seek to impose the highest possible standards of operation and on-going testing on land and in the water in order for public safety to be assured and the least possible environmental damage to be wrought.

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

It is a moot point as to whether any franchisee/concessionaire would be prepared to underwrite this hugely expensive project, particularly in view of promises made by the promoters, Halton B.C., that they will be looking for special rates for local people.

**10. The case for charging tolls for the use of the Mersey Bridge and for introducing charges for use of the Silver Jubilee Bridge, etc ...**

The Alliance would like to re-emphasise a point here which NW TAR has made previously. It is that if a concessionaire (as in the case of the M6 Toll) wishes to price off HGVs, they will.

**11 , 12, 13 & 15.** At this stage the Alliance chooses not to comment on these questions.

**14. The adequacy of the Environmental Statement submitted with the applications for the Orders and degree of compliance with the statutory procedural requirements**

The Alliance do not believe the environmental preparatory work and the Environmental Statement were adequate (see App. 3). It is a serious anomaly and of deep concern to them that only the immediate area of the River Mersey appears to have been the subject of detailed investigations and modelling. The River Mersey is very tidal with the tides reaching in from the Estuary and up to Warrington and back each day. Bearing in mind the serious levels of pollution which exist due to decades of chemical working and dumping in the Mersey, including mustard gas production during the World Wars, this is totally inadequate. The lower reaches of the Mersey have many special designations and must be protected.

Another major failing in the environmental case so far presented is the inadequacy with which climate change has been tackled. Earlier in this document we highlighted the connection between climate change and health – an issue of particular importance in an area such as Halton, which suffers from such poor health inequalities, but climate change has other impacts as well, including flooding, that have not been properly addressed either. Also, RSS Policy DP 9 ‘*Reduce Emissions & Adapt to Climate Change*’ (now statutory) says:

*“As an urgent regional priority, plans strategies, proposals, schemes and investment decisions should:*

- *Contribute to reductions in the region’s carbon dioxide emissions from all sources including ... buildings and transport in line with national targets<sup>4</sup> .. .*
- *Take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions*
- *Identify, assess and apply measures to ensure effective adaptation to likely environmental, social and economic impacts of climate change*

<sup>4</sup> As stated under ‘Recent Legislation’ on page 4, this is now 80% below 1990 levels by 2050.

.... *Policy makers should use the North West Integrated Appraisal Toolkit as a basis to assess and strengthen the climate change mitigation*".

[NB The toolkit has not been applied].

As far as the statutory procedural requirements are concerned, both NW TAR and FOE have had issues with the timings of various stages of the procedures and the non-release of information. For instance, the *Wider Economic Impact Report* (dated February 13<sup>th</sup> 2009) was not published until two weeks before the closing date for the Statement of Case. It suddenly appeared as part of an electronic newsletter circulated at lunchtime on March 2<sup>nd</sup>, 2009. The same e-newsletter claimed that the project's traffic model predicted some local journey times could be reduced by up to almost 40% in peak periods by 2030, that there would be an average saving of about nine minutes on the journey from the Stobart Stadium to Frodsham area and savings of seven minutes on the journeys from Daresbury to Liverpool John Lennon Airport and from Preston Brook to Green Oaks Shopping Centre. However, there was no supporting information provided to verify these claims.

Also, it is quite extraordinary to have reached the Statement of Case stage for a project such as this, with the pre-inquiry meeting only a week away, and for the Appraisal Summary Table not to have been released. NW TAR asked for and were promised this by the project director, along with the background worksheets, a year ago. Reminders appeared to fall on deaf ears. The information has never been forthcoming. Without it, and the release of the traffic modelling information, it is not possible to prepare a rebuttal. Even if these were released now, it would not allow sufficient time before the proofs of evidence are due to prepare an opposition case. The conduct of the promoters in this case is wholly unsatisfactory.

**The Alliance urgently require the following to be made available:**

- 1. The NATA appraisal summary table and the background worksheets to it**
- 2. Full disclosure on the calculation of user time saving (TUBA). We require a breakdown between business, journey to work and leisure user benefits with indications of the proportions of time savings and**
- 3. The workings of the promoter's calculation of agglomeration WEBs**

# **APPENDIX 1**

**Submission on**

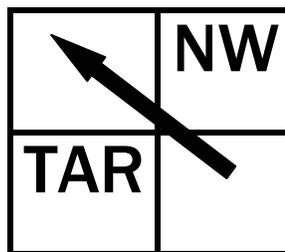
**NON-COMPLIANCE OF**

**THE MERSEY GATEWAY PROJECT**

**with the North West Regional Spatial Strategy**

**by**

**North West Transport Roundtable**



**December 2008**

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## **INTRODUCTORY COMMENTS**

Since Halton MBC prepared its planning and Transport & Works Act applications for the Mersey Gateway project, the North West Regional Spatial Strategy has been published. It was issued by Government Office for the North West on September 30<sup>th</sup>, 2008.

The North West Transport Activists Roundtable (NW TAR) contend that this project does not comply with significant parts of the RSS, which is part of the Development Plan.

## **THE VISION**

The Vision aims to deliver sustainable development ... which will contribute to the reduction of carbon dioxide and other greenhouse gas emissions by 2021. The Mersey Gateway project would not achieve either. The development plans being canvassed by Halton MBC are the antithesis of sustainability and a new road bridge would merely encourage more road traffic and therefore more harmful emissions.

## **OUR REGION**

The north-south crossing of the River Mersey in Halton is not part of a Trans European Route Network. Consequently it is difficult to understand how an environmentally damaging scheme costing almost £1 bn. can be justified. Nor are any of the problems identified in the transport paragraph in this RSS section (2.11) relevant to this crossing.

Building a massive new road bridge would not deliver sustainable economic growth and there is no guarantee it would tackle the social inclusion problems of the area. Most notably, the plan to build the Mersey Gateway is at odds with the environmental aims as outlined in para. 2.16, ie: *“From an environmental point of view, it is important to not only develop the North West as a better place to live, but also to make a more substantial contribution to national and global targets and initiatives.... We must also deal with dereliction, improve air and water quality; manage the fabric of towns and cities and sensitive coastal and rural landscapes; protect wildlife, increase tree cover and find more sustainable ways of dealing with waste”.*

### **Liverpool City Region**

Halton is not part of the key focus for economic activity in the Liverpool City Region – the regional centre is. In fact, it is not even mentioned in paras. 2.22 and 2.23.

### **Rural and coastal areas**

What is mentioned in this part of the RSS is the importance of conserving estuaries which are internationally renowned for their bird life (para. 2.29).

## POLICY CONTEXT

The most important national strategy with which the Regional Spatial Strategy is required to align is the UK Sustainable Development Strategy. NW TAR contend that the Mersey Gateway project does not concur with the national strategy's priorities for climate change, natural resource protection and enhancement of sustainable communities (para. 3.1). It also fails to concur with the region's own sustainable development framework, 'Action for Sustainability' which – in planning terms - is supposed to be treated on a par with the Regional Spatial Strategy and the Regional Economic Strategy.

## SPATIAL PRINCIPLES

The primary RSS policy is DP1 on Spatial Principles. These underpin the entire strategy. NW TAR maintain that the Mersey Gateway would definitely fail to meet the following:

- promote **sustainable** communities
- promote **sustainable** economic development
- make the best use of **existing** resources and infrastructure
- **manage** travel demand, **reduce** the need to travel
- **promote** environmental quality
- **reduce** emissions and adapt to climate change

## REGIONAL SPATIAL FRAMEWORK

Policy RDF1 on spatial priorities lists priorities for growth in the region. Runcorn and Widnes are both regarded as a third priority, along with a host of other named towns and cities. The policy says *"in the third and fourth priorities development should be focused in and around the centres of the towns and cities. Development elsewhere may be acceptable if it satisfies other policies, notably DP1 to 9. Emphasis should be placed on addressing regeneration and housing market renewal and restructuring"*.

This policy is described as *"the cornerstone of RSS"* from which decisions will flow on development, investment and regeneration. It should be noted that NW TAR supports the need to invest in and regenerate Runcorn and Widnes. However, it does not believe that building a new road bridge between them with all the environmental downsides associated with it - and placing a charge on the use of the new bridge (and the continued use of the old one) - is the way to do it. Halton MBC are maintaining that providing the bridge would bring investment and regeneration to Runcorn and Widnes. This is an enormous assumption and 'leap of faith' to make. (It did not happen with Hull and the Humber Bridge). We also believe the Mersey Gateway would fail to satisfy policies DP1 to 9. (DP 5 is 'Reducing the Need to Travel'). It is for Halton MBC to prove beyond reasonable doubt that the bridge would achieve what they say it will.

## **THE COAST**

NW TAR contend that key aspects of Policy RDF 3 on The Coast would be flouted if the Mersey Gateway were built, notably:

- **enhance** the economic importance of the coast and the regeneration of coastal communities **in ways that safeguard, restore or enhance and make sustainable use of the natural, built and cultural heritage assets of the North West Coast ...”**
- **protect** the functional integrity of bays, **estuaries and the inter-tidal areas ... “**
- **promote the conservation and enhancement of** cultural, historical and **natural environmental assets**, including land and seascapes

(See our response to the Environmental Statement).

## **LOCATIONS FOR REGIONALLY SIGNIFICANT ECONOMIC DEVELOPMENT**

Halton is not mentioned in Policy W2 – Locations for Regionally Significant Economic Development - yet the promoters of the Mersey Gateway scheme claim that significant economic development would be attracted to Halton if the new bridge were built, even though business would have to pay to use both the new bridge and the existing one. This logic defies good business sense. Why locate where extra charges are imposed?

## **RETAIL DEVELOPMENT**

Halton is not mentioned in Policy W5 on retail development.

## **HEALTH, SPORT, RECREATION & EDUCATION SERVICES PROVISION**

RSS Policy L1 emphasises the importance of easy access to health, sport, recreation and education services provision but the fact of the matter is that, in deprived communities such as those which exist in Halton, they would be disadvantaged by having to pay to cross the river to access these services. There is no guarantee the franchisee will offer exceptions or lower rates for local people. Mersey Travel would challenge if they did.

## **INTEGRATED TRANSPORT NETWORKS**

Policy RT1 – Integrated Transport Networks – requires that *“Transport problems and issues in the region should be examined on a multi-modal basis to develop sustainable, integrated and accessible solutions for all users”* and also *“Plans and strategies should seek to make best use of existing infrastructure”*. The Mersey Gateway, formerly the New Mersey Crossing, was always envisaged as a road crossing, although an unadopted version included light rail on a second tier. Alternatives have been summarily dismissed.

## **MANAGING TRAVEL DEMAND**

The policy on Managing Travel Demand – RT2 – requires that transport authorities should work with the Highways Agency on any proposals that affect trunk roads and *“In particular efforts should be aimed at reducing the proportion of car-borne commuting and education trips made during peak periods and tackling the most congested parts of the motorway network including the M6, M56, M60 and M62”*. It should be noted that, although the Highways Agency have been consulted by Halton MBC and the Halton plans reach to junction 12 on the M56, the Highways Agency claim to have no plans of their own to amend this junction or alter the M56. Also, the scheme proposals do not include a plan to reduce peak hour traffic. In fact any plans to reduce traffic on the new bridge would be counter to it being an attractive economic proposition to a franchisee.

Policy RT2 also requires that *“Plans and strategies will need to be specific to the nature and scale of the problems identified, set clear objectives and specify what is being proposed, why it is necessary and what the impacts will be”*. The question needs to be posed – have they in fact done this as exhaustively as they should in respect of impacts on the M56 of creating a new strategic route from Cheshire to Liverpool?

This policy also places an obligation on transport authorities to *“seek to reduce private car use through the introduction of ‘smarter choices’ and other incentives to change travel behaviour which should be developed alongside public transport, cycling and pedestrian networks and service improvements”*. In effect, the smarter choices agenda is one on which Halton MBC is particularly weak.

## **NATURAL ENVIRONMENT**

The Mersey Gateway scheme does not concur with the key requirement in Policy EM1 (B) on the Natural Environment which is: *“Plans, strategies, proposals and schemes should secure a ‘step-change’ increase in the region’s biodiversity resources by contributing to the delivery of national, regional and local biodiversity objectives and targets for maintaining extent, achieving condition, restoring and expanding habitats and species populations. This should be done through protecting, enhancing, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources, including statutory and local wildlife sites, and encouraging the conservation and expansion of the ecological fabric elsewhere”*. In its response to the Environmental Statement, NW TAR drew attention to the limited area of the River Mersey which had been examined as part of the research work for this project. It was nowhere near adequate to provide sufficient information and to meet the necessary requirements.

## **REMIEDIATING CONTAMINATED LAND**

The problems of remediating contaminated land (Policy EM2) are very acute in Halton, which has been the centre of the region’s chemical industry for decades. Part of this project involves using the most contaminated land for the toll booth areas.

## **INTEGRATED WATER MANAGEMENT**

Policy EM5 on Integrated Water Management requires compliance – amongst other things - with the EU Water Framework Directive, River Basin Management Plans, Catchment Flood Management Plans and the Regional Flood Risk Appraisal. NW TAR explained in their response to the Environmental Statements that part of Widnes is in the flood plain and that they had serious concerns about compliance with these issues.

### **LIVERPOOL CITY REGION**

Whilst some of the statements in the Liverpool City Region policies undoubtedly sweep up issues in Halton, it is interesting to note that Halton is not named and neither is the Mersey Gateway. However, Policy LCR1 does specifically require the protection of *“existing environmental assets in line with DP7 and EM1, in particular sites of international importance for nature conservation such as Mersey Estuary”*.

As indicated in its response to the Environmental Statement, NW TAR is deeply perturbed by potential impacts of the Mersey Gateway on the sites downstream of international and national importance.

### **CONCLUSIONS**

There are sufficient instances of non-compliance with the recently adopted RSS for there to be grave doubt about the validity of progressing with the Mersey Gateway scheme. It is an enormously costly project in monetary and environmental terms and claimed economic and social benefits are very fragile.

The RSS is a statutory document and schemes and plans must comply with it. Inadequate evidence appears to exist to show that the benefits of the scheme to Halton would outweigh the environmental and social disbenefits and make it acceptable for it to go ahead in spite of the many areas where it is out of alignment with national strategies and the RSS. It should not be approved.

## **Appendix 2**

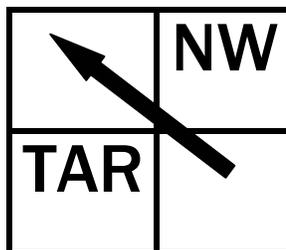
**Submission on/ rebuttal to**

**The Planning Statement for**

**THE MERSEY GATEWAY PROJECT**

**on behalf of**

**North West Transport Roundtable**



**June 2008**

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## INTRODUCTORY COMMENTS

The Mersey Gateway project, formerly known as the New Mersey Crossing, is a hugely ambitious and enormously costly one with impacts stretching many miles away terrestrially, aquatically and atmospherically. It should not go ahead unless there is incontrovertible evidence it is sustainable, good value for money and does not disadvantage the environment, communities or quality of life. It is all too easy to be carried along with enthusiasms for iconic projects like bridges spanning mighty waterways, but economic claims for them must be founded in reality. There are in fact many reasons to question optimistic expectations for this bridge. What could it actually achieve?

In effect, the scheme is no more nor less than another very expensive road scheme which would:

- do nothing to reduce traffic overall or reduce traffic growth in the medium to long term
- do nothing to encourage modal shift for people or freight
- do nothing to reduce the need to travel or address dependence on oil
- do nothing to reduce CO2 emissions or help climate change
- do nothing to foster more sustainable lifestyles
- do nothing to improve the marine or estuarine water environment
- do nothing for the ecology of the wider area
- do nothing to contribute to living within environmental limits

Yet all of these are key governmental aims.

Nor are there any guarantees that the project would deliver substantial benefits for the large socially-deprived local communities of Halton – for their long-term health, worklessness or their ability to travel. And whilst some areas, might have improved air quality in the short term, other areas would suffer worse air quality in the short term and all areas affected by through traffic in particular would suffer worse air quality in the long term, more noise and visual intrusion.

Seminal works by the Standing Advisory Committee on Trunk Road Assessment (SACTRA) have shown that providing more highway capacity generates more traffic (Trunk Roads and the Generation of Traffic, 1994) and that there is no automatic connection - in a mature economy such as that which exists in the UK - between the provision of new highway capacity and economic prosperity (Transport and the Economy, 1998). Yet this scheme appears to fall into both of the key traps SACTRA identified. Added to which, it is difficult to see how charging two deprived communities living either side of the River Mersey to connect to each other is going to benefit either of them. Meanwhile they would lose or have violated important urban green spaces.

In addition, the business case for this project appears to be at best unusual and at worst convoluted. The promoters maintain that because a charging regime would be introduced for both the new bridge and the existing Silver Jubilee Bridge, traffic would be significantly suppressed for some considerable time after the opening of the new bridge. Yet it is the income from the tolls which would pay for the project. So the payback would be an unpardonable amount of time in coming? How is this a good investment?

Very importantly, in order to build the new bridge, seriously polluted areas of land and stretches of the river which have been subjected to decades of industrial dumping would be disturbed, with un-quantifiable consequences for human health, the river environment, biodiversity and wildlife upstream and downstream. The environment of the estuary, which has special designations, would be placed under serious threat and so would green belt and areas susceptible to flooding whilst vast quantities of aggregates and minerals would be used. This is a very poor scheme.

# THE PLANNING STATEMENT

## 2. Background Detail

It is all too apparent that this scheme has not been developed as a result of methodically following the Department for Transport's WebTAG procedures. As is admitted in para. 2.19, *"The provision of a second road crossing of the river Mersey has been a long held aspiration of Halton Borough Council"*.

An in-depth analysis of the problems and objectives was not carried out as a starting point before aspirations for a new road bridge were developed. Nor was there an exhaustive exploration of all the options as required by WebTAG. If travel plans and demand management initiatives had been pursued in great depth, they would have revealed that, cumulatively, a series of smart choices rigorously applied can have a significant effect on travel behaviour – as research conducted for the Department for Transport has shown (eg. *'Making Smarter Choices Work'*, DfT 2004, and *'Less Traffic Where People Live'*, Transport 2000 Trust and University of Westminster, 2003). And new rail infrastructure was not even considered – only rail service improvements. All the other nine 'alternatives' quoted were road-based ones and most of them, including the 'option' chosen pander to the 'philosophy of predict and provide' (para. 2.22).

The majority of the analytical effort expended has quite clearly been on deciding which alignment the new road bridge should take (para. 2.24) and then, post hoc, drawing up the strategic objectives to support the case for the one chosen (paras. 2.20 & 2.29). This is not the order of events required by WebTAG.

Equally anomalous is the description of the Silver Jubilee Bridge as *"a social and economic constraint"* (para. 2.19) and yet the proposal is to toll this bridge – as well as the new one – once the new one is built and open for business. It is not explained how this charging scheme would be instrumental in helping to lift social and economic constraints.

## 3. Project Description

The project description gives little impression of the sheer scale of works which would be involved, let alone disruption and nuisance during construction and it makes no mention of physical constraints.

There is the briefest reference to the need for a new single span bridge as part of the Central Expressway works (para. 3.9, point no. 4) and, very briefly, to the need for *"general earthworks, kerb-alignment, embankments and retaining structures"* (para. 3.14). A better project description would have been one which included explanations of what roads might be stopped up permanently or temporarily, where traffic flows would be affected during construction and one which gave numbers of dwellings and commercial and industrial businesses which would be affected permanently and temporarily. As it stands, stakeholders attempting to get to grips with these facts and figures are expected to work out this information for themselves from maps provided. This is poor practice.

## 4. Planning Policy Framework

Paras. 4.1 and 4.3 reference the extant Regional Spatial Strategy. Para. 4.3, point no. 1, is somewhat disingenuous in its description of the Mersey Gateway Project, implying it is listed as a regional priority for transport investment, this being the policy heading. It is in fact listed in Table 10.1 as a regionally significant transport study (p. 137, RPG 13).

### Mersey Gateway Bridge

Para. 4.3, point no. 2 refers to Draft RSS Policy RT8. That policy, it should be noted, gives top priority to improving transport safety and security, second to maintaining existing transport networks and assets and third priority to making best use of existing transport networks and assets. It is only the fourth priority which is “*targeted investment*” (p.44). Also, the modifications stage of RSS featured, as a crucial over-arching Development Principle, ‘*Reducing the Need to Travel*’. And, in line with the EIP Panel’s recommendations, it gave greater priority to climate change than the Draft RSS did (ref. R3.7, p.3, Sec. of State’s Proposed Changes to Draft RSS, March 2008).

The fact that the UDP contains a commitment to pursue a new crossing east of the Silver Jubilee Bridge and the Local Transport Plan identifies it as a top priority is to be expected; local politicians have supported the idea of a new bridge for some time. But this does not make it a sustainable scheme or guarantee it will achieve all they hope for (paras. 4.3-4.5 inc., p.17 & para. 4.36, p.25).

Paras. 4.6 and 4.38 imply a pre-eminence for the second Mersey Crossing in the Regional Economic Strategy which does not in fact exist. Halton is barely featured and whilst the second Mersey Crossing is listed as the 65<sup>th</sup> ‘transformational action’, its delivery is seen as a “*challenge*” for the Liverpool City Region (p.16, RES, 2006).

### Transportation

Para. 4.27 is disingenuous in its description of the three key aims of the government’s latest transport strategy document ‘*Towards a Sustainable Transport System: Supporting Economic Growth in a Low Carbon World*’. It refers only to the Eddington Study when in fact this “*discussion document*”, as the Secretary of State describes it in the foreword, also relates equally to the Stern Review. The Mersey Gateway Planning Statement describes the first aim as: “*..how the Government is responding to the recommendations made in the Eddington study to improve transport’s contribution to economic growth and productivity*” and then stops at that point, failing to add as the document itself does: “***and how it is ensuring that transport will play its part in delivering the overall level of reductions in carbon emissions recommended by the Stern Review of the Economics of Climate Change***” (Executive Summary, p. 7).

The Planning Statement then goes on to quote extensively from the Eddington Study (paras. 4.28-4.31, inc). But it fails to balance its quotes about economic growth, as the discussion document does, with references to the Stern Review and the need to reduce CO2 emissions. Rod Eddington himself recognised these. One of Rod Eddington’s ‘Key Findings and Recommendations’ was: “*emissions from the transport sector are a significant and growing contributor (around a quarter in 2004) to the UK’s overall greenhouse gas emissions .... Those emissions impact on long term economic growth by contributing to global climate change. Transport will therefore need to play an important role in an economy-wide response to that challenge. To do so, it is essential, both from an economic and environmental perspective, that the environmental impacts of transport are fully reflected in decision-making*”. (Key finding no. 5, page 5, Eddington Transport Study, December 2006).

## Sustainable Development

The last sentence of the 'Sustainable Development' section (para. 4.46) cross-references with the government's sustainability strategy, apparently questioning the degree of concurrence with it. It does well to do so because that strategy flags up the increasing stress people put on resources, including water, land and air. There is no similar acknowledgement with regard to the regional sustainable development framework which the RSS EIP Panel said must be given more credence. The Mersey Gateway Project in fact conflicts with many aspirations in both the UK's sustainability strategy and the region's 'Action for Sustainability' (AfS) framework. It is worth noting, when AfS was consulted upon, regional stakeholders' most popular theme was 'reducing the need to travel'.

## Green Belt

Paras. 4.47-4.55, and paras. 5.12 to 5.21, inc., flag up national Green Belt policy and an area of Green Belt on the north of the river - Wigg Island - admitting it would be severely compromised by the Mersey Gateway project. However, extraordinarily, there is no mention at all of the North Cheshire Green Belt boundary that would be compromised if junction 12 of the M56 motorway is made larger as is required as a part of the planning permissions. The areas to the west, south and east of junction 12 are all in Cheshire Green Belt. It would be further impacted if the M56 were widened in line with Halton's preference in order to accommodate anticipated extra traffic flows. [See Appendix 1].

## Air Quality

Paras. 4.56-4.59, inc., inadequately address the subject of 'Air Quality', taking into account the UK Air Quality Archive maps [See Appendix 2], and fail to mention Annex 1 to PPS 23, although they do appear to support calls by the environmental NGO sector for a full health impact assessment.

It should be noted that the North Western extremity of the scheme at Speke Road, Widnes, where the toll booths would be situated at or above ground level, is downwind of Liverpool John Lennon Airport which is already an area suffering poor air quality, and downwind of where the toll booths would be situated for the Silver Jubilee Bridge. Also, whereas currently this area is green fields, providing a green lung and a necessary natural drainage system for the area, it would become a vast expanse of hard surfacing in order to provide for at least eight toll booths. Here vehicles in their thousands would be slowing down and accelerating away, adding hugely to the noxious emissions created by traffic doing the same thing at the Silver Jubilee toll booths and aircraft and other traffic in the area. All these extra emissions would travel eastwards with the prevailing wind over the remainder of Widnes and Runcorn, driving down the air quality of the two towns.

## Noise Quality

Paras. 4.60 to 4.2, inc., attempt to virtually dismiss the topic of noise by stating: "*there are no specific development plan policies in relation to noise against which the Project should be assessed*". This is a derisory way to treat this subject which the World Health Organisation rate so highly when it is patently obvious that both construction work and subsequent new traffic flows would have a serious impact on noise levels. Noise is as much a health issue as is air pollution and this was recognised in the government review of national performance indicators which took place in 2007. Notably, neither the DEFRA noise maps nor the CPRE tranquillity map for the North West appear to have been taken account of. It is quite evident that even before the Runcorn Expressway is widened, huge toll booth areas are built in Widnes and more overall traffic is drawn through the whole Borough that it already suffers from high levels of noise pollution. [See Appendix 3].

## Water Quality

Paras. 4.63 and 4.64 again fail to mention Annex 1 (or Annex 2) to PPS 23. There is no reference to the Water Framework Directive, no reference to the Draft Marine Bill, no reference to the statutory role of the Mersey Conservator and no reference to EU water standards and regulations.

## Built and Historic Environment

Para. 4.67 appears to acknowledge the likelihood that a massive new bridge would have impacts on the two other listed structures which cross the River Mersey in the vicinity but there are no specific references to other listed structures and English Heritage's up-dated position paper of '*Climate Change and the Historic Environment*' is not referenced.

## Natural Environment

Paras. 4.69 to 4.71, inc., recognise the necessity to conduct an Appropriate Assessment but one does not appear to have been carried out.

Para. 4.73 acknowledges that developments which affect SSSIs should not normally take place but fails to give adequate weight in para. 4.76 to the risk to the SSSI which exists in the estuary as a result of work being carried out in such a polluted part of the river.

## Biodiversity and Nature Conservation/ Waste

The paras. on Biodiversity and Nature Conservation (paras. 4.77-4.79, inc.) and on waste (paras. 4.80 and 4.81) fail to mention the environmental sustainability indicators which are a part of the National Performance Indicators.

## Open Space

Para. 4.84 tacitly admits that the Mersey Gateway project would lead to the loss of significant open space. It would also lead to the loss of large areas of terrain that can soak up water in an area which is partially susceptible to flooding.

## Flood Risk

Paras. 4.85 to 4.89, inc., quote extensively from PPS 25 but fail to flag up the flood risk map in the Secretary of State's proposed changes to Draft RSS. In fact, part of south Widnes which would be affected by the Mersey Gateway Project is in a flood plain, as is Warrington upstream. [See Appendix 4].

## Economic Development

Paras. 4.90 & 4.91 quote extensively from the RSS in respect of Economic Development, but it should be noted that the extant RSS is in fact a quite well balanced document and the RSS EIP Panel were critical of the emerging RSS for being too unbalanced in favour of economic issues. Regeneration strategies are predicated on delivery of the scheme (paras. 4.9 & 4.97) but the connection is tenuous. The Standing Advisory Committee on Trunk Road Assessment (SACTRA) pointed out in their report *Transport and the Economy* published a decade ago that roads work in two ways and can just as easily suck a workforce away from an area as bring employment opportunities to it. They warned that, in a mature economy, there is no automatic connection between building new transport infrastructure and an improved economy. It is unclear why regeneration projects could not take place any way.

## Local Development Framework

Southern Widnes SPD: Para. 9.94 refers to aspirations to release land in southern Widnes as part of the Mersey Gateway Project for a regeneration project but, here again, there is no reference to the fact that part of the area is in flood plain. There is also no guarantee that this will happen. And there is also no reference to the levels of pollution on the land in question.

## Regeneration Strategy

Land contamination is not tackled, despite this being a hugely contaminated area. [See Appendices 5 & 6]. There is no explanation why a significant regeneration strategy could not be undertaken without the bridge and no 'Plan B' if aspirations fail to materialise.

## 5. Planning Appraisal

Para. 5.3 points out the need to conduct a planning balance exercise, weighing compliance against harm. It is highly questionable whether due weight has been afforded to potential harm.

### Accordance with the Development Plan

Para. 5.5 argues that "*considerable weight*" can be given to the emerging RSS because of how well advanced it is. If this is the case, then it should be noted that the proposed 'Vision' is: "*By 2021 we will see a region that has acted to deliver **sustainable development**, leading to a higher quality of life for all, and **reduced social, economic and environmental disparities**. Development will be seen in a global context and **the region will contribute reduction of carbon dioxide and other greenhouse gas emissions**" (P.36, Secretary of State's proposed changes to draft RSS). This prompts the question, how can a new expanse of highway, plus significantly expanded existing highway, extra traffic, extra overall greenhouse gas emissions, development on contaminated land and on flood plain and a charging scheme which will disadvantage the poor contribute to greater sustainability, remove social disadvantages and help climate change?*

The proposed changes go on from there to give greater weight to sustainability and climate change than the Draft RSS did, in accordance with the Examination in Public Panel Report.

Under 'Policy Context' the proposed changes list 'Sustainable Development' first and declare: "*A key test of how successful RSS – and the North West itself – is in achieving its ambitions will be the extent to which spatial development in the region adopts the principles of sustainable development. These are set out, in the UK Sustainable Development Strategy, as being to achieve the twin goals of living within environmental limits and ensuring a strong, healthy and just society, by means of achieving a sustainable economy, promoting good governance and using sound science responsibly. Four shared priorities for UK action flow from this:*

- *sustainable production and consumption*
- *climate change and energy*
- *natural resource protection and environmental enhancement*
- *sustainable communities*

*These are reflected and developed in the ten regional priorities set out in 'Action for Sustainability', the region's sustainable development framework, revised in 2004 and supported by an Integrated Appraisal Toolkit". (P.47 & 48)*

The 'Spatial Principles' then follow on from this lead, beginning with Development Plan Policy 1: *"The following principles underpin RSS (incorporating RTS).*

*Other regional, sub-regional and local plans and strategies and all individual proposals, schemes and investment decisions should adhere to these principles. All may be applicable to development management in particular circumstances:*

- ***promote sustainable communities***
- ***promote sustainable economic development***
- ***make the best use of existing resources and infrastructure***
- ***manage travel demand, reduce the need to travel and increase accessibility***
- ***marry opportunity and need***
- ***promote environmental quality***
- ***mainstream rural issues***
- ***reduce emissions and adapt to climate change"***

The Development Plan policies which follow on from DP 1 seek to re-enforce these principles.

Consequently, it is not appropriate to claim the Development Plan expressly supports the Mersey Gateway Project *"in its proposed form"* (para. 5.7). Apart from anything else, the extent of the works associated with the project were unknown at the time the RSS was being drawn up.

#### Conflict with the Development Plan

Conflict is admitted in a number of local (Halton UDP) policy areas – ie. Green Belt, greenspace, potential greenspace designation, action areas, air quality, noise and heritage policies - but not in many others, notably RSS policies as defined in the Secretary of State's Proposed Changes to the Draft RSS of March 2008.

The Mersey Gateway Project contravenes the emerging RSS in several areas:-

- Halton is not named in emerging Policy W2 as a 'Location for regionally significant economic development' and yet part of the case for the project is that it would promote development/ regeneration of a scale which would be regionally significant.
- The amount of land envisaged for employment land as a spin-off from the project appears to be greater than that which is incorporated into Table 6.1 of the emerging RSS, but it is difficult to tell. Greater clarity is called for here.
- Also, it should be noted that Halton is not listed in emerging Policy W5 as an area identified for comparison retailing facilities.
- In addition, Halton is neither a Housing Market Renewal Area nor an area specifically identified for development in the emerging RSS. In fact, it is featured as an area of 'Environmental Constraint' due to the special designations afforded to the Mersey estuary.
- The Mersey Gateway Project proposal is totally contrary to emerging Policy RT2 on Managing Travel Demand
- The proposal also conflicts with Policy EM1 – the Integrated Enhancement and Protection of the Region's Environmental Assets – and with Policy EM3 on Green Infrastructure. It is also doubtful whether it complies with EM2 on the Remediation of Contaminated Land.

- Certainly the proposal fails to comply with EM5 on Integrated Water Management which, amongst other things, requires compliance with Catchment Flood Management Plans and with Regional Flood Risk Appraisal. The Mersey Estuary Catchment Flood Management Plan of 2008, produced by the Environment Agency, states that the whole of the Widnes area is at risk from localised groundwater rebound and the whole area is at risk from fluvial flooding in the long term. Further up-stream at Warrington, flood risk is considered so bad as to be described as “*unacceptable*”. Downstream, if there are knock-on effects – of constructing this major piece of infrastructure out on the lower part of the estuary and out into the bay, then there would also be a conflict with Policy RDF 3 on the coast.

Consequently, it is appropriate to re-iterate that the Development Plan, which includes the RSS, is not supported by the Mersey Gateway Project.

## 6. Listed Building Considerations

Para. 6.7 of the Planning Statement quotes the four key issues from the ‘Listed Building Control’ section of PPG 15 on Planning and the Historic Environment, although it fails to add “*including other listed buildings*” to the fourth. It should be noted that the same section of the same national planning guidance covers ‘Called in applications’. Para. 3.21 says: “*Cases are likely to be called in where the Secretary of State considers that the proposals raise issues of exceptional significance or controversy*”.

Whilst the tabled alterations to the Silver Jubilee Bridge would make it more usable for walkers and cyclists than it currently is, and that in itself is a good thing, those alterations are only proposed as part of a much bigger and controversial scheme which is one of “*exceptional significance*” and which is “*controversial*”. The scheme in its entirety should therefore be called in.

The Planning Statement also argues (in para. 6.19) that the work on the Silver Jubilee Bridge itself would meet the policy test of preserving the listed building, its setting and its features. The fact that its design and that of the proposed new bridge bear no resemblance to each other and are in stark contrast is not addressed. It could be argued that the modern design of the new bridge would make the existing one look particularly dated and unattractive. It would therefore fall foul of the requirement in para. 5.1, ie: “*In developing policies and projects it is essential therefore, that local highway and planning authorities take full account of the wider costs of transport choices, including impact on the historic environment*”.

A key aspect of PPG 15 is not touched upon at all in the Planning Statement – the Transport and Traffic Management Section.

Para. 5.1 says: *The Government’s commitment to sustainable development entails greater integration of transport with other aspects of land-use planning in order to reduce the need for travel, to moderate future traffic growth and to minimise the environmental impacts of transport*”. The Mersey Gateway project in its entirety is completely at odds with the government’s aspirations as expressed here. It is also at odds with advice on new traffic routes in PPG 15. Para. 5.4 says: “*When contemplating a new route, authorities should consider whether the need for it, and any impact on the environment, might be obviated by an alternative package of measures ..... New roads should not be built just to facilitate more commuting ....*”.

Consequently, the Mersey Gateway Project contravenes PPG 15. Planning permissions should be refused. If they are not, the scheme should be called in for consideration by the Secretary of State.

## **7. Planning Benefits**

The claimed planning benefits do not stand up to scrutiny and neither do the social ones, bearing in mind that two socially-deprived communities would have to pay to connect to one another.

There can be no guarantee that the claimed regeneration benefits would materialise for Halton and there are many likely downsides to the project, including induced traffic, more noise and more CO2 emissions – particularly in the medium to long term – and with those negative impacts would come poorer health, a poorer quality of life.

The full impacts of disturbing land and water-based pollutants during construction is not fully understood and long term rising sea levels and flood risks do not appear to have been taken into account – either in the immediate vicinity or upstream or downstream. The north side of the river is partially in a flood plain and there are areas with special designations, along with the wildlife that depend on them, likely to be deleteriously impacted.

## **8. Summary Against General Development Plan Policy**

The Mersey Gateway Project runs contrary to many aspects of both the extant and the emerging Regional Spatial Strategy, notably key Development Principles, its sustainable development aims and its requirement to reduce the need to travel, manage traffic better and make better use of existing infrastructure and natural resources.

Consequently, planning applications associated with it should be refused. If they are not, the scheme should be called in for consideration by the Secretary of State.

The Environmental Statement is tackled in a separate document to this.

## **APPENDIX 3**

**Submission on/ rebuttal to**

**The Environmental Statement for**

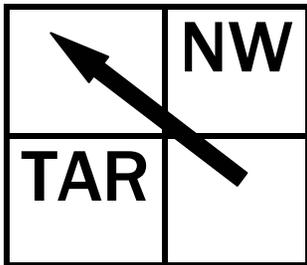
**THE MERSEY GATEWAY PROJECT**

**on behalf of**

**North West Transport Roundtable**

**&**

**CPRE North West Regional Group**



Campaign to Protect  
Rural England  
NORTH WEST

**July 2008**

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# VOLUME 1

## CHAPTER 1 - INTRODUCTION

The Environmental Statement relates to the entire Mersey Gateway project being promoted by Halton Borough Council, ie. to the application under the Transport & Works Act for the new bridge and access roads immediately adjacent to it, to the planning applications for highway works more distant from the new bridge and close to the Silver Jubilee Bridge (SJB), to the listed building consent and planning application for alterations to the SJB, to compulsory purchase orders, to the order allowing tolls on both bridges and to a large toll booth area north of the river.

Paragraph 1.2.2 only recognises the four parishes of Daresbury, Hale, Moore and Preston Brook. There is no mention of the Sandymoor in Halton – which would be affected by the project. It is not clear why this should be the case. It would appear the local authority are unaware it is parished (?)

The existence of the railway bridge is mentioned, but it is not clarified until Chapter 9 that it is not possible to catch a train from Runcorn to a point accessible from central Widnes or vice versa. From a sustainability perspective, it would have been much more to the credit of Halton B.C. had it proposed the immediate construction of a railway station accessible for the majority of Widnes residents, (policy RG1 in the UDP allows for the opening of one before 2016 but it is not a priority), a complete overhaul of the Runcorn Guided Busway System and other public transport measures rather than an elaborate road proposal that runs contrary to strategies to save the planet.

Rather than focusing on traffic growth over the existing Silver Jubilee Bridge (para. 1.2.3), the introduction to the Environmental Statement would have been more honest had it addressed the shortfalls in school and public transport provision and tabled solutions aimed at reducing traffic growth – not one which would undoubtedly generate more traffic. Instead it quotes the fact that the scheme is identified as a '*Transformational Project*' in the Regional Economic Strategy. It is worth noting, there are some **122** 'transformational actions' identified by the North West Development Agency in the extant RES, published in 2006, and it was not a requirement that they had to meet a rigorous set of sustainability criteria in order to be included on this extensive 'wish list'.

### Strategic Objectives

Para. 1.3.3 sets out the project's strategic objectives. However, as the analysis below reveals, these are either: contradictory to claims and promises made elsewhere, misleading, unrealistic or can only be achieved at an environmental and social 'cost' not compatible with current thinking.

The strategic objectives and the counter arguments to them, in order, are:

**Objective (a)**                    *"To relieve the congested Silver Jubilee Bridge, thereby removing a constraint on local and regional development and better provide for local transport needs".*

**Counter arguments:**    (i) There are numerous measures which can be adopted for reducing road traffic, ranging from providing good quality public transport to introducing a raft of 'smart choices' that cumulatively can have a significant impact.

(ii) Where is the proof that the current situation is a constraint? Could it be that businesses just do not wish to locate in Halton – whatever the traffic situation on the existing bridge or elsewhere?

(iii) There is no automatic connection between providing major transport infrastructure and economic success (SACTRA: 'Transport and the Economy', 1998). Consequently, there is no guarantee that by removing this perceived constraint there would be a boom in the local economy.

(iv) According to Halton BC's own figures, only 20% of the traffic that uses the Silver Jubilee Bridge is local. However, that local element is made up of communities either side of the river that rank highly in the social deprivation indices. How can it be objectively argued that charging deprived communities to connect to each other – when they don't have to pay now – will “provide for local transport needs”?

**Objective (b)** *“To apply toll and road user charges to both the New Bridge and the SJB consistent with the level required to satisfy viability constraints”.*

**Counter arguments:** (i) If imposing toll/road user charges had been described as an essential requirement in order to finance the bridge, it would have been understand-able. But to describe imposing a charging regime as a strategic objective is somewhat strange if not perverse. Charging users of the existing bridge and the new one is surely a side effect – a necessary requisite of the fact this project would be privately financed. Prospective financial backers will want to see a profitable return on their investment as quickly as possible. From a purely financial perspective, both bridges would have to be tolled. If one were not, the majority of traffic would inevitably use the free one.

(ii) Similarly, if the complex task of setting charges had been described as a challenge, this would have been logical, but to class it as a strategic objective is unfathomable. This point aside, there is a complex dilemma to be solved and it is very difficult to see how it can be. Communities on either side of the river in Halton rank very highly in the deprivation indices. Currently they can connect to each other for free. If a new bridge is provided under a private finance agreement, they will have to pay to connect to each other. Whether or not it proves possible to introduce a reduced rate for local residents, this disadvantages them very significantly.

**Objective (c)** *“To improve accessibility in order to maximise local development and regional economic growth opportunities”.*

**Counter arguments:** (i) There appears to be an assumption that only by improving accessibility by road will development opportunities be maximised. This approach is contrary to Department for Transport's sustainable transport philosophy which is to “promote initiatives that can reduce congestion, improve local environments and encourage healthier lifestyles”.

(ii) There also appears to be an assumption that improving access would bring investment to Halton, whereas SACTRA's 'Transport and the Economy' showed that providing new highway infrastructure was just as likely to suck a workforce away from an area as bring business to it.

(iii) In the case of the Thames Gateway Bridge, Transport for London claimed: *“the overall aim of the scheme is to improve accessibility to and within the Thames Gateway area and to support the regeneration of East London”*. The counter argument made by Prof. John Whitelegg on behalf of opponents to that scheme applies here also. He pointed out that regeneration means reversing a cycle of deprivation. It involves not only improving access to, and take up of, jobs for local residents but also improvements to their housing, safety and physical environment. Opponents persuaded the inspector at the public inquiry into that scheme that there was no convincing logic and cause-effect process that begins with a new bridge and ends with people in disadvantaged communities getting suitable jobs.

**Objective (d)** *“To improve local air quality and enhance the general urban environment”*.

**Counter arguments:** (i) The plan is that the Silver Jubilee Bridge would *“ be tolled from booths constructed on the existing infrastructure”* (para. 2.4.4). The new bridge would be tolled from a huge toll plaza on the Widnes side. In both cases traffic would be forced to slow or stop and then accelerate again, thereby creating high volumes of greenhouse gas emissions. This would nullify any positive effects of reduced traffic on the SJB. Meanwhile, there would be far greater volumes of traffic using the widened Runcorn Expressway (to access/ egress the new bridge) which would have lost its mature planting that absorbs some emissions (para. 2.2.12). The air quality in many areas, therefore, would be poor. The project would not meet this objective.

(ii) The urban environment would be poorer in the vicinity of the approach roads to the new bridge not only due to reduced air quality, but also due to traffic noise, odour and the visual impairment of expanded existing roads. Community severance either side of the ‘improved’ access roads would be increased and it is questionable how creating extra through-traffic would meet cross-government agendas of creating safer, greener communities.

**Objective (e)** *“To improve public transport links across the river”*.

**Counter arguments:** (i) It is not currently part of the project to significantly increase and improve public transport provision overall. There is no proposal to improve cross-river rail provision and, although the promoting authority maintains that the new bridge would be constructed in a manner which would allow for the addition of light rail in due course, there are no plans to install light rail. It would be more accurate therefore for Halton BC to claim that the intention is to provide some improvement to cross-river bus services.

(ii) The actual proposal is to increase the overall amount of highway space, (despite reducing carriageway provision on the SJB). Consequently, there would be more road space for buses to run on. But there would also be more road space for other vehicles to run on as well and, as there is no intention to extend Runcorn’s guided busway system across either of the bridges, if and when traffic does build up after a few years of usage, the local buses could be fighting for their share of road space with strategic traffic, including HGVs .

**Objective (f)**                    *“To encourage the increased use of cycling and walking”.*

**Counter arguments:** (i) The plan being promoted by Halton BC involves removing a carriageway for motorised vehicles in each direction on the existing SJB. This space would then be dedicated to cyclists and walkers – providing, they claim, a more attractive environment for them than they currently have. It may well prove to be more amenable to cyclists, but there is no plan to introduce a bike hire scheme and many of the local communities are deprived ones. From the perspective of walkers, the distances involved (including access roads) is considerable, the conditions are very exposed and it should be noted that Halton’s obesity rating is amongst the highest in the UK.

(ii) There is no guarantee whatsoever that in due course the reclaimed carriageway would not be converted back again for traffic use as traffic volumes increase over years to come.

**Objective (g)**                    *“To restore effective network resilience for transport across the R. Mersey”.*

**Counter arguments:** (i) This argument is out-moded in the extreme because it relies on the philosophy of ‘predict and provide’ which has been totally discredited. The transport white and green papers of the last decade have all repeated the now commonly-understood position that it is not possible to build a way out of transport problems. The proposition also totally flies in the face of national and regional sustainability strategies and increasing concerns in various governmental levels and amongst statutory and NGO environmental organisations about environmental capacity.

(ii) The DfT’s Web TAG requires that all options other than road building must be exhaustively explored first. It is questionable as to how exhaustively other options have been appraised to find other solutions to “*network resilience*” problems and, in addition, the impacts or rapidly rising oil prices and oil, scarcity have not been factored into future projections. If they had been, the case would be very different.

## **Financing**

Para. 1.3.4 attempts to outline the financial case for constructing a new cross river bridge. This is particularly difficult to comprehend. At best the logic is tortuous. At worst it is convoluted.

The financial reasoning fails to stand up to scrutiny because Halton Borough Council argues:

On the one hand there is an existing need for extra highway capacity across the river but also, if business is to be encouraged to re-locate in Halton, it will require better access than currently exists. The answer, they maintain, is another road bridge.

On the other the proposal is to charge the businesses Halton B.C. wants to attract to the area every time they cross the river and reduce the highway capacity and easy access to the existing bridge (which, it should be noted, would boost traffic flows on the new one).

Halton B.C. maintains that the fact both bridges would be tolled would have a dampening effect on traffic demands for them. Traffic growth patterns, they claim, would not follow the norm.

Where in the calculations, therefore, does the extra traffic generated by the new businesses fit?

This conundrum is further complicated by promises made by local politicians to local residents (which they are in no position to make as they would not be the concessionaires) that there would be a special user rate for Halton residents. But, if in fact the overall usership of the existing bridge were to be drastically reduced by the highway alterations proposed, (thereby minimising income from it), the usership of the new one was very slow to pick up and the charging regime for both in any event was to include no charges for buses and concessions for local residents and other special user categories, then – in a world of hard economics - it is unlikely any concessionaire would be interested in picking up this project and running with it. The payback would be over too long a period to make the proposition economically interesting.

Another key factor in the financial stakes is the position being taken by MerseyTravel, a key player in the Liverpool City Region of which Halton is a part. They are pressing hard for the tolls on the Halton bridges to match those of the two Mersey tunnels which they control – the Kingsway and the Queensway tunnels. From a charging point of view they neither wish to see an advantage nor a disadvantage to any of the four crossing points (the two tunnels and two bridges) because they believe if there were any either way, it would be disadvantageous. They particularly do not want to see special rates offered in Halton to local residents because special rates are not available for the Mersey Tunnels. MerseyTravel have already sounded a warning shot across Halton B.C.'s bows to the effect that they would be prepared to take legal action if necessary to ensure that a level playing field exists all round. However, it will be interesting to observe, if the project comes about, what stance the concessionaire for the new bridge takes on HGVs. They may well decide to behave in the same manner as the concessionaire has for the M6 Toll Road and impose a higher charge on them in order to reduce maintenance costs. So, it is not beyond the realms of possibility that there would be one rate for HGVs for the tunnels and the Silver Jubilee Bridge, but a different one for the Mersey Gateway bridge.

To summarise:

- private finance initiatives have to be lucrative to those risking the capital
- businesses are unlikely to move to an area where there are costs they do not need to incur (ie. the tolls for crossing the river)
- the local population with its low income and poor health would be worse off
- There would be no special rates for local people because neither the concessionaire nor MerseyTravel would countenance it
- There may be a price penalty imposed by the Mersey Gateway concessionaire on HGVs which would have knock-on effects on the Silver Jubilee Bridge, the Mersey tunnels and the local populations that suffer from poorer air quality as a result

## CHAPTER 2 – THE MERSEY GATEWAY PROJECT

### Project Background

Para. 2.1.2 refers to the work of the Mersey Crossing Study set up in 1991 by the Department of Transport (DOT). The study concluded that there would be capacity problems on the Runcorn-Widnes Bridge in the future but, in trying to find a position for a new road crossing, came to the conclusion that all options “pose difficult questions of environmental effect on the Mersey Estuary and/ or urban areas” (para. 3.6, letter from Deputy Director, North West Management Division, DOT to the Minister of Transport, Feb. 28<sup>th</sup>, 1994). Similarly it found problems “of operational and economic performance” (same reference) relating to a new road bridge. In other words, economic benefits were outweighed by environmental disbenefits. The study report argued: “since it [a new bridge] was of no strategic importance to the north west, a second crossing should not be paid for out of public expenditure” (Mike Hall, M.P. for Weaver Vale, speaking in the House of Commons).

Although, therefore, the ‘Runcorn Gap’ may have been identified as “the optimum river crossing”, from the point of view of picking up the most traffic, (para.2.1.2), it needs to be appreciated that the publication of the Mersey Crossing Study Report and the subsequent decision by the local highway authority to promote a new crossing on the ‘preferred route’ were events which took place prior to the publication of SACTRA’s 1994 report ‘Transport and the Generation of Traffic’. This seminal report, proving conclusively that the provision of more highway capacity leads to more traffic, was first accepted by the Conservative government, who published a Green Paper in 1996 indicating a change in previous government thinking as a result of it, and then by the Labour Government who published the Integrated Transport White Paper of 1998. From that point on until today, the official government position has been that road building must only be considered as the last possible option to solving transport problems.

### Route Description

The scale of the entire project should not be underestimated. This is not just about building a modest bridge. It would be a high level structure carrying six lanes of traffic (ie. almost equivalent to motorway standard) across a major waterway on stilts that would be driven into a polluted river bed. It is also about further elevated structures and significant road widening. Other major infra-structure works include a new viaduct to carry a freight rail line, plus other rail and road bridges on large areas of land north and south of the river – and spreading over considerable distances.

The toll booth plaza area would be very land-hungry because, as para. 2.2.6 explains, it would be necessary to provide adequate space for the traffic to slow, wait and pass through barriers without having a detrimental effect on traffic flows. However, this action of pausing and then accelerating by the traffic would create a very high volume of noxious emissions. Not only this, but the land on which the toll booth area would be located and many other areas of land required for the project are particularly badly contaminated (paras. 2.2.8, 2.2.14, etc).

In view of the level and spread of contamination and the potential level of air pollution, the reference in para. 2.2.24 to “leisure facilities offered by Spike Island” are particularly alarming.

Whilst many of the works over land affect industrial or commercial property, derelict or open areas, some would impact detrimentally on residential properties. There is no allusion to this here. Nor does the route description reveal the fact that through-traffic would be taken on a longer route than it currently is, resulting in more air pollution and greater fuel consumption.

## **Construction Phase**

It is notable that, despite widespread land and water contamination and the fact that some domestic properties and many everyday lives would be seriously impacted during the long construction phase, there is no intention to impose statutory requirements as to the building techniques which should be used (para. 2.3.4). This is both irresponsible and reprehensible. The construction workers themselves would be at some considerable risk and there are a number of flags with regard to this in Chapter 14. However, this aspect is not even mentioned here.

## **Landscaping**

Wild grass planting is envisaged on contaminated land around the toll booth area and dense tree planting is promised in other areas, but there would be many, many places where the grade-separated nature of the new build would mean it could not be screened. In fact, it is envisaged that there would be some redevelopment beneath a new viaduct at Astmoor Industrial Estate. Air pollution, noise pollution and odour from traffic are not mentioned. It would appear, therefore, that these issues in this location are considered to be of no consequence.

It is admitted that significant quantities of existing mature tree and shrub cover would be lost throughout the Central Expressway corridor (para. 2.4.12) to allow for its expansion. The promised '*acoustic barriers*' would hardly provide the same visual amenity and they would certainly not provide the important function of absorbing carbon in an urban environment.

## **Tolling and Road User Charging**

This section explains how the financing of the scheme would work but fails to point out some subtle but important points.

Whatever earnest intentions might be being voiced at the early planning stage of the scheme by its promoters with regard to the charging regime, in the end it would be a matter for the concessionaire. They may refuse to offer a special rate for local residents on the grounds that it would make the enterprise uneconomic, or they may only do so for a limited period only, and they could - if they so wished - price HGVs off the new bridge. This happened on the M6 Toll Road, as objectors predicted it would. Private financiers of roads do not want to encourage or carry too many heavy vehicles. They damage the road surface and this puts up maintenance costs.

It could well be the case that a much higher fee would be applied to HGVs using the new bridge than would be applied to those using the Silver Jubilee Bridge. If this happened, even if it meant these vehicles had to take a more tortuous route to access and egress the old bridge, they would use it - with all the environmental consequences that would bring.

There is a strong implication that charging mechanisms would be used to manage demand but, in fact, the capacity of the new bridge (six full size carriageways) would be enormous and the cost of building it would be enormous. The concessionaire would not implement measures which would dent the income and profits from the venture.

## **Tolling Infrastructure**

There is a passing reference to administration and staff welfare facilities adjacent to the toll booth plaza for the new bridge (para. 2.6.3). This is not an issue to be considered lightly in view of the siting of the toll booths for the new bridge on badly contaminated land. If the project should go ahead, the health and safety of those working in this area must be paramount.

## CHAPTER 3 – CONTENT & APPROACH TO THE ENVIRONMENTAL IMPACT ASSESSMENT

### EIA process

The earlier part of this chapter simply catalogues the statutory requirements of an environmental impact assessment (EIA) and an Appropriate Assessment required for the purposes of the Habitats Regulations. It then goes on to list the environmental receptors and admits:

*“Although generally construction effects tend to be temporary in nature and operational effects permanent, it is acknowledged that both temporary and permanent effects can occur during either phase of development” (para. 3.3.11).*

### Scoping

Crucially, it should be noted that the approach taken to the ‘do minimum’ option is virtually a ‘do nothing’ scenario. Para. 3.3.13 says:

*“The do minimum scenario is an extension of the current baseline, extrapolated to present the situation in a future year, taking account of routine and essential works to maintain network performance and accommodate National Road Traffic Forecast growth, but excluding substantive capital works”. [NB our underlining].*

In other words, this is not a fair comparison with the ‘do something’ scenario which involves a massive enterprise by anyone’s judgement and hugely substantive capital works.

The ‘do minimum’ ought to have included significant investment in high quality school buses and public transport and the introduction of as many ‘smart choices’ as possible. Research adopted by the DfT has shown that, cumulatively, it is possible to cut traffic in built-up areas through the application of local transport improvements. (*‘Less Traffic Where People Live’*, Lynn Sloman, Transport for Quality of Life on behalf of Transport 2000 Trust & University of Westminster, 2003).

### Effect Assessment

Another key shortfall in the methodology employed is the approach to ‘cumulative effects’. As para. 3.3.21 explains:

*“Cumulative effects, ie. the effects of the Project in combination with other developments have been assessed as part of the EIA process through a Cumulative Effects Assessment (CEA reported on in Chapter 21)”.*

This takes into account known developments. But Halton BC have been at pains to promote development opportunities they believe the new bridge would bring and areas of land it would open up to potential investors through a variety of mechanisms including business breakfasts and a high-quality website about the project. They have marketed a bold vision of what new industrial and commercial areas might look like and of lots of new investment opportunities. However, none of this would be a reality unless the investors step forward to make these ‘opportunities’ happen.

Even more fundamental to the Environmental Statement, where are the calculations assessing the environmental impacts of these massive new commercial and industrial developments if they should materialise? Where is the evidence that the environmental capacity exists to accommodate them? The Cumulative Effects Assessment does not in fact include them.

## **CHAPTER 4 – DESCRIPTION OF STUDY AREAS**

The concise size of the study area identified for the environmental impact assessment as illustrated in appendix 4.1 is inexplicable and totally inadequate.

The tides of the River Mersey sweep inland as far as Woolston Weir in Warrington and the last tidal flooding event in Warrington took place only six years ago in February 2002. According to the Environment Agency's Draft Catchment Flood Management Plan, published in 2008, areas at significant risk of flooding include Warrington and Liverpool (Executive Summary and para. 3.4). Widnes, meanwhile, is classed as being at medium risk of flooding. That said, it should be borne in mind that the Mersey Gateway project proposes the construction of a large hard surface toll booth area in Widnes and, as mentioned in response to the previous chapter, has aspirations to attract significant extra commercial and industrial development. Built areas prevent run-off soaking into the ground and increase the risk of flooding, particularly in flood plains.

In order to construct the new bridge it would be necessary to sink support stanchions into a part of the river bed which has been subjected to decades of chemical industry dumping. Yet, despite this and the highly mobile nature of the tides, the study area neither extends up river to Warrington nor down river through the area known as 'the narrows' into the 'Outer Mersey' estuary and Liverpool Bay. Consequently, the bulk of the Special Protection Area (SPA), the Ramsar and European Marine Site and the bulk of the Mersey Estuary Site of Special Scientific Interest (SSI), are not even taken into consideration. This is quite extraordinary and, if this proposal is taken forward to a public inquiry, this lack of thoroughness in assessing wider environmental implications will be challenged there.

## **CHAPTER 5 – ALTERNATIVES**

The major discussion in this chapter is about the various road crossing alternatives (by bridge or via tunnels) which have been explored without a hint of irony that thinking has moved on since the days of the 'Roads to Prosperity' White Paper of 1987 with regard to the impacts of traffic and roads. There is no discussion about reducing the need to travel, which is a key principle in the North West Regional Spatial Strategy, (mirroring the national sustainability strategy), and no discussion of the need for planning to be taken forward in a sustainable manner.

The physical infrastructure propositions are based on the assumptions that traffic growth must be provided for, major new transport infrastructure is a good thing and if it is provided it will lead to economic benefits for the immediate area. The use of minerals and aggregates necessary to provide the new infrastructure is not even mentioned.

Travel plans are dismissed in three short paragraphs with clearly no real understanding of what can be achieved by them and particularly by personalised travel planning and the idea of providing a railway station in Widnes is dismissed simply because it would not be central. No research is published to demonstrate that a railway station in Widnes, provided with good access and adequate parking, would not be a good investment. The potential importance of the 'Halton Curve' is recognised, (and this appears in the Local Transport Plan), and this is to be commended, but the whole issue of rail is inadequately dealt with.

A key aspect of this chapter is fig. 5.18 showing areas of contamination which recognises the existence (during war time) of the Ministry of Defence's mustard gas manufacturing facility on Randle Island, a short way upstream from the position of the proposed Mersey Gateway bridge.

## **CHAPTER 6 – PLANNING POLICY**

### **Project Description**

Figure 6.1 (referred to in para. 6.2.2) highlights the scale of impact of the new bridge on Areas of Special Landscape Value, a Special Protection Area and a SINIC and it depicts how little green space there is within Runcorn and how badly what little there is would be affected by the widening of the Runcorn Expressway. It also serves to emphasise how modest the area of Green Belt is in the immediate vicinity of the new bridge and how severely that would be compromised. Similarly it graphically illustrates how the washed over area of green space that was St. Michael's Golf Course in Widnes will be impacted.

### **Planning Policy Framework**

#### **European Policy**

Only the Habitats Regulations Directive 92/43/EEC is listed here. This was in fact one of two directives relating to wildlife which the European Union recently adopted in response to its obligations under the Bern Convention. The other was 79/409/EEC (the Birds Directive). Both directives provide for the protection of animals and plant species of European importance and the habitats which support them and both should be listed here.

Also, the EU Water Framework Directive is not listed and should be. Directive 2000/60/EC was adopted in October 2000 to establish a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. River Basin Management Plans (RBMPs) are an integral part of the Water Framework Directive and as part of its obligations to produce these the Environment Agency has recently produced and consulted upon its Draft Catchment Flood Management Plan for the Mersey Estuary. This document, should therefore be regarded as an essential European policy component.

#### **National Planning Policy**

The list of national policy documents is incomplete, incorrect and well out of date.

Planning Policy Guidance Documents, listed under section (f), should include:

- PPG 4 on Industrial and Commercial Development and Small Firms
- PPG 14 on the Development of Unstable Land and
- PPG 24 on Planning and Noise

Planning Policy Statements, listed under section (g), should include:

- PPS 1 on Delivering Sustainable Development, plus the Supplement on Climate Change and
- PPS 12 on Local Spatial Planning

Note: PPS 24 has not been published yet. It is an error to state that it exists (para. 6.4.2, p. 6.7)

## **Regional Planning Policy**

The Draft Regional Spatial Strategy for the North West was not the most recent document when the Environmental Statement was lodged for public consultation as implied on page 6.7. The Report of the Panel which sat in judgement at the Examination in Public was the most recent. This included the recommendations that sustainability and climate change considerations should be embedded throughout the RSS. (NW Draft RSS, EIP Oct. 2006-Feb. 2007: Report of the Panel, March 2007).

Since then, the Secretary of State's proposed modifications have been consulted upon. They concurred with those points and with the Panel's decision to adopt "*reduce the need to travel*" and "*reduce emissions and adapt to climate change*" as two of the key spatial principles. (Secretary of State's Proposed Changes to Draft RSS, March 2008). Shortly after the close of consultation on the Mersey Gateway project, the new RSS is due to be published.

## **Local Planning Policy**

The list here is also incomplete. It should include Supplementary Planning Documents, including the one which Halton has on Open Spaces.

## **Non-Statutory National Policy Guidance**

The Environmental Statement erroneously claims that the Mersey Gateway project complies with the Integrated Transport White Paper '*A New Deal for Transport: Better for Everyone*', published in July 1998. It does not. The Integrated Transport White Paper states unequivocally at the beginning of Chapter 1 (para. 4): "*Simply building more and more roads is not the answer to traffic growth. 'Predict and provide' did not work*".

The Environmental Statement only quotes the framework statement made in the chapter on '*Better Health*'. It is apposite to also note the framework statement which appears in the chapter on '*A Better Environment*'. That explains that the White Paper also sets the framework to:

- *“reduce road traffic growth*
- *respond to the challenges of climate change*
- *minimise transport's demand for land, protected habitats and maintain the variety of wildlife*
- *limit the visual intrusion caused by transport*
- *reduce the use of non-renewable materials/ energy resources*
- *ensure environmental impacts are taken fully into account in investment decisions and the price of transport*
- *enhance public awareness of transport and environmental issues”*

Additionally, the chapter '*A Fairer More Inclusive Society*' claims the paper sets the framework to:

- *“produce better public transport and easier access to workplaces and other everyday facilities for all, especially people on low incomes[and]*
- *reduce the need to travel through better planning and technology”.*

The proposal does not meet any of the above criteria. Nor has it “robustly addressed” the potential environmental impacts of the proposal as claimed in para. 6.6.40 under the side heading of ‘*Transport Ten Year Plan 2000*’. The very limited area covered by the Environmental Statement as defined in Chapter 4 (see comments on this previously) ensures it does not.

#### **Transport White Paper ‘*The Future of Transport*’ (July 2004)**

The foreword to the second Transport White Paper was written by the (then) Prime Minister, Tony Blair. In it he says: “... we also recognise that we cannot simply build our way out of the problems we face. It would be environmentally irresponsible – and it would not work. So we must make our existing transport networks work more efficiently and in a more environmentally friendly way”.

In his preface to the same document, the (then) Secretary of State for Transport, Alistair Darling, says: “... we must be smarter than predict and provide, managing people’s need to travel and respecting our environment ..... we cannot build our way out of the problems we face”..

#### **Heritage Protection**

The Environmental Statement flags up the fact that the Heritage White Paper of 2007 tables a proposal for streamlining heritage consent. It should be noted, however, that the current Planning (Listed Buildings and Conservation Areas) Act of 1990 and PPG 15 on Planning and the Historic Environment rate significantly higher than a White Paper. Paragraph 2.16 of PPG 15 says:

*“Sections 16 and 66 of the Act require authorities considering applications for planning permission of listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building”.*

This applies to the setting of the Silver Jubilee Bridge (SJB) in particular as it is closer to the site of the proposed new bridge than the Aethelfleda Railway Bridge. The designs of the SJB and the Mersey Gateway bridge could not be more different and nor could the scale of the two. It could be argued that the SJB would be significantly diminished if the new construction was erected.

Para. 6.6.63 also briefly mentions the West Bank and Victoria Square Conservation Areas. The impacts on them, it would appear, have not been adequately addressed.

#### **Transport White Paper ‘*Towards a Sustainable Transport System*’ (October 2007)**

In commenting upon ‘*Towards a Sustainable Transport System*’, the Mersey Gateway Environmental Statement very selectively chooses a quote from it – that transport is “vital to the economy”. Rod Eddington also said: “not all transport projects will deliver growth benefits” and “‘build it and they will come’ is a dangerous approach to transport projects which attempt to regenerate areas and regions. Often the result is a two-way process in which local businesses actually lose out” (para. 1.32).

Eddington also recognises that “emissions from the transport sector are a significant and growing contributor (around a quarter in 2004) to the UK’s overall greenhouse gas emissions” (Key Findings and Recommendations, point no. 5) and he acknowledges and concurs with the findings of the Stern Review of the economics of climate change.

Most significant of all, Eddington's number one recommendation was: *"To meet the changing needs of the UK economy, Government should focus policy and sustained investment on improving the performance of existing transport networks, in those places that are important for the UK's economic success"* (para. 15, page 7).

The Environmental Statement makes the definitive statement that the Mersey Gateway project *"will serve as a catalyst towards the regeneration of Southern Widnes and Runcorn"* (paras. 6.6.79 and 6.7.17). This is a major leap of faith and there is no guarantee that this would be the case. It is not unfair to pose another key question here. Why would businesses which currently do not wish to be based in Halton change their minds because a new bridge exists which would they have to pay to use?

The fact is that, quite apart from the environmental arguments against the bridge, the economic claims make no sense. Halton is not central London. Businesses will not pay an extra charge to locate there. It should also be borne in mind that the London congestion charge only applies at certain times – as would the Manchester congestion charge if it is ever introduced – whereas the charge to use both the Halton bridged would apply 24 hours a day, seven days a week. There would be no escaping it.

## CHAPTER 7 – HYDRODYNAMICS AND ESTUARINE PROCESSES

Some of the highest storm surges in the UK are found on the West Coast in Liverpool Bay (para. 7.6.37) and the River Mersey estuary has one of the largest tidal ranges in Britain (para. 7.3.14). The 'study area' immediately around the existing Silver Jubilee Bridge and the site of the proposed new one "*is characterised by the chaotic movement of channels, sand bars and intertidal banks*"- features which change, often substantially, with each tide (para. 7.3.13). These dynamic water movements, and the material they carry with them, impact on the saltmarshes in the area, which are of great importance to wildfowl, causing them to 'advance' or 'retreat', ie experience accretion or erosion, but attempts to define a pattern are frustrated by one-off events such as a single surge tide in January 2007 which caused a loss of 800 m<sup>2</sup> over a single tide (paras. 7.4.43 – 7.4.52).

It is evident, and the Environmental Statement admits as much, that both during construction of a new bridge across it and afterwards there would be changes to the morphology and the hydro-dynamics. It is also evident that it is impossible to predict precisely what these would be and what the knock-on effects would be. Hence the statement in para. 7.1.11: "*This chapter makes no attempt to identify whether changes to the hydrodynamic regime and associated morpho-logical effects are in themselves positive or negative*". And there is a dire warning that "*were channels to become attached to a structure this would be a significant change to the character of the estuary and were they to become fixed to the edge of the saltmarsh, this would increase the rate of erosion*" (paras. 7.4.54 and 7.10.1). The advice is that both of these situations should be avoided but as the channels change all the time, it is hard to see how this can be achieved.

A huge amount of data has been collected, analysed, modeled and subjected to tests using a mini model of just the immediate part of the estuary. A range of different scenarios have been run and some modest impacts have been predicted, but –because no substantial changes to the hydro-dynamic and morphological regime are envisaged, no mitigation is proposed. However, it should be noted that the Environmental Statement contains warnings about the limitations of the model.

Also, whilst there appears to be have been some considerable attention paid to the impacts on the saltmarshes in the immediate vicinity, which is good, there has not been sufficient attention paid to other areas of the estuary which have national and international designations, nor, ironically, to the built areas of Widnes which lie within a flood plain. On the contrary, the proposal is to try and attract development to the area which includes the southern part of Widnes lying in flood plain. This is contrary to accumulated wisdom and best practice advice on this subject. By placing more hard surfaces on flood plains, there is less opportunity for the earth to absorb water and therefore there are more flood incidences and there is more potential for the flood plain area to expand. Aspirations to regenerate areas of southern Widnes in and immediately adjoining the flood plain area identified by the Environment Agency are therefore inappropriate. It is worth noting here that the mass of data relating to hydrological matters presented by the promoting authority includes very little on the crucial subject of flooding. And yet, if the wrong decisions are made, there is the potential for flooding impacts not only in Widnes – which is regarded as a medium risk category by the Environment Agency, but upstream in Warrington and downstream in Liverpool (due to the tides) which are at high risk of flooding (see next section).

It would appear that 'Best Practice in Estuarine Studies' has not been followed, as outlined by Jeremy Spearman and Tim Chester of HR Wallingford in their report of that name and there is great uncertainty about how would the river would react both during construction and once there were permanent structures in place.

## CHAPTER 8 – SURFACE WATER QUALITY

It is stated in this chapter that “*the River Basin Management Plan for the North West is currently being prepared and is programmed to be issued in 2009*” and that “*No information on the policies which will be contained in this plan are currently available*” (para. 8.4.6). In fact, while the Mersey Gateway Project Environmental Statement was open for consultation the *Mersey Estuary Catchment Flood Management Plan*, which will feed into the regional plan, was issued for consultation by the Environment Agency.

As alluded to in the response to the previous chapter, a major flaw in the preparatory work for the Environmental Statement is the localised nature of it. It would appear that the prime concern is the surface water quality of the main body of water in the immediate area of the proposed new bridge – not potential effects which may be caused upstream or downstream, despite the tidal nature of the estuary and despite the description of the estuary as “*one of the most contaminated in the UK*” by the Marine Biological Association in their review of the Mersey Estuary Special Protection Area (immediately to the west of the Silver Jubilee Bridge) carried out on behalf of English Nature in 2006. As paragraph 8.3.4 confirms, not even the catchment areas of Ditton Brook and Marsh Brook have been included. Yet, as the Mersey Estuary Catchment Flood Management Plan confirms, there are a number of urban areas, including Warrington and Liverpool, at risk from significant river flooding and Widnes is amongst the areas “*where flooding is considered to be an issue*” (page viii, Exec. Summary, Mersey Estuary Catchment Flood Management Plan).

This being the case - in an area that has been subjected to decades of chemical dumping - there is no way Halton Borough Council, the promoters of this Mersey Gateway project, can be certain they can comply with PPS 23, with policy EQ3 on water quality in the extant Regional Spatial Strategy (RPG 13) which, as para. 8.3.34 says, requires “*measures to improve and sustain the quality of the region’s rivers, canals and sea*” or with local policy PR5 on water quality in the UDP.

So, whilst the methodology employed for establishing water quality appears on the face of it to be reasonably thorough, it should not be forgotten that it only applied to an artificially defined and very localised area of the estuary and of the catchment area.

Within the limited area which has been analysed, it should be noted that water quality in the Stewards Brook catchment area around the former St. Michael’s Golf course (where the toll booth plaza would be located) is ‘bad’ (para. 8.5.79) and it is decreasing (para. 8.5.82). Also, sampling of Stewards Brook by the Environmental Advice Centre (EAC) on behalf of Halton Borough Council, “*has shown exceedances of arsenic*” (para. 8.5.81). It would appear that the Environment Agency stopped collecting data for Bowers Brook downstream of Albright and Wilson in 1995/6, (where the new bridge would cross) despite the fact that the water quality was recognised as being variable. Differences in the values of suspended solids over the years were as high as 1600 mg/1 at one time and down to 420 mg/1 at another (para. 8.5.8) and yet, although this was not understood, monitoring ceased. Samples of Bowers Brook taken by Giffords reported in the Environmental Statement show exceedances of carbon tetrachloride, chloroform, arsenic, copper, lead and zinc. Giffords admit that “*the volume of suspended solids in the estuary is expected to be variable as a result of the dynamic nature of the estuarine environment*” and admit “*it is not known why there is such fluctuation from one year to the next in [Bowers] brook*” and yet they go on to conclude in para. 8.5.8: “*it is not likely to be an important consideration of this part of the project*” (author’s underling). So, there is a degree of uncertainty here again.

The water quality information for the St. Helens Canal, which would be significantly impacted (and diverted) if the project went ahead, is also patchy. What there is of it shows that the dissolved oxygen standard is barely 'fair' (table 8.14), the overall GQA is 'fair' (para. 8.5.23) and copper levels were high in 1996. However, the Environmental Statement admits that the contaminant suite for the relevant monitoring station was "*limited*" and that "*other contaminants could be present within the surface water which are not reported here*" (para. 8.5.25). Yet it is clear from the Environmental Statement that some surface water from the project would find its way here.

As far as the confined study area part of the estuary itself is concerned, only United Utilities are currently listed as being registered to discharge into it. (This includes public sewage discharges). However, stating this is somewhat disingenuous as this area and the areas upstream of it have seen the discharging of vast (unknown) quantities of toxic waste from numerous chemical plants. This is reflected by the information gleaned from the Environment Agency's sampling points. The majority of samples barely made the 'fair' rating. It is also worth noting that yet again there is a gap of some years in the information available. What is noticeable is the variations in the data – no smooth curves or significant trends, particularly in relation to suspended solid concentrations.

Data for the Latchford Canal, which accepts trade discharges, is almost non-existent but what very little there is indicates that the water in it is 'poor'. The Manchester Ship Canal accepts significant amount of sewage discharges. Unsurprisingly, therefore the dissolved oxygen rating is low, ammonia content is high and the water quality is 'poor'. The Bridgewater Canal also accepts sewage discharges. However, the one EA monitoring point on it records the water quality at that point as 'fair'. No data at all is available about the quality of the water in Flood Brook although it is acknowledged that this currently receives road run-off directly into it. Interestingly, there is a confession on the part of Halton B.C. in para. 8.35.34 to the effect that the run-off from the existing Silver Jubilee Bridge is discharged directly from its deck into the estuary.

For the new Mersey Gateway bridge, the potential construction phase effects are alarming. It is recognised that the potential exists for the mobilisation of potentially contaminated sediments around Stewards Brook, Bowers Brook and the St. Helens Canal as well as in the estuary itself and this is in addition to the potential everywhere of the accidental spillage of a variety of pollutants. Some mitigation measures are proposed in respect of the more controllable areas but none for the estuary itself, even though there is an admission that contaminants would be disturbed. There is an assumption as to how scoured sediments would react (para. 8.6.20) and the conclusion is drawn that there would be high levels of dilution and dispersal (para. 8.6.27). These assumptions and conclusions, it should be recognised, are based on a model which chapter 7 warns has its limitations and a study area of only 1 km<sup>2</sup>.

There are many gaps in the base information relating to all the areas of water over which the Mersey Gateway bridge would span and there has been no composite collation at all of data relating to other areas of the estuary, despite its tidal nature. This is a very incomplete picture.

Questions need answering over whether best practice has been followed, for instance as outlined in River Basin Management III and IV (2005 & 7) from Witpress, and how much consideration has been given to important research work such as the Mersey Estuary SPA Study carried out by W. J. Langston, B. S. Chesman & G. R. Burt of the Marine Biological Association (which includes a paper on modelling the transport of cohesive & non-cohesive sediments in the Mersey Estuary by M. Hartnett, A. Berry and B. Lin) or to the research available from the NERC Open Research Archive, such as that on polycyclic aromatic sediments (PAHs) and polychlorinated biphenyls (PCBs) in sediment from the Mersey Estuary by C. H. Vane, I. Harrison & A. W. Kim (2007).

## CHAPTER 9 – LAND USE

### Relevant Legislation and Planning Policy

The Environmental Statement contends that the Mersey Gateway project concurs with national planning policy. NW TAR and CPRE would argue that it does not. In fact it falls at the first hurdle.

PPS 1 (Delivering Sustainable Development) requires that the government's four aims for sustainable development are met:

- social progress which meets the needs of everyone
- effective protection of the environment
- the prudent use of natural resources and
- the maintenance of high and stable levels of economic growth and employment.

There is a strong argument to be made that this project is more likely to suppress social progress in a deprived area because local people would be unwilling or unable to pay to cross the river as regularly and as freely as they do now at no charge. They would have to pay to use the existing bridge and they would have to pay to use the new bridge.

Neither the marine nor the land-based environment would be protected by the project as is witnessed elsewhere in this submission. Similarly, the avian environment would be impaired.

In order to build the new bridge, widen other roads and carry out numerous other associated construction jobs, enormous quantities of non-renewable resources would be required.

The driving force for this project is the claim that it would bring economic benefits and jobs to Halton. This is not a given and in fact there are many reasons to doubt this would be the case as are enumerated elsewhere in this submission.

PPS 1 also requires that:

- suitable land is made available for development in line with economic, social and environmental objective
- there should be sustainable economic development
- the natural and historic environment is protected and
- development is of a high quality which makes efficient use of resources

The fact of the matter is that much of the land identified for development is either in a flood plain or is contaminated or both or it represents important open space. Development proposed would be at a high environmental cost and therefore it would not be sustainable. There would be no protection for the natural nor the historic environments and whilst there may be some aesthetic pleasure to be gained from gazing upon an iconic bridge structure, building it would require minerals and aggregates on a grand scale.

Similarly, the project fails to meet the key planning objectives of the Supplement to PPS 1 on Climate Change. It would not *“contribute to global sustainability”*, it would not *“reduce emissions”*, it would not deliver patterns of *“sustainable transport”* or *“reduce the need to travel”*, it would not *“provide resilience to climate change and in ways that are consistent with social cohesion and inclusion”* and it would not *“tackle climate change”* or help business *“adapt to climate change”*.

### Effects Assessment

There is an extraordinary, statement in this chapter. It is para. 9.7.3 which says:

*“Whilst the effects currently being predicted for sea level rise and rainfall intensification will affect land use in the Borough, particularly for low lying land adjacent to the estuary, the timescales involved in such changes mean that it is likely that compensation for land use change will occur outside the UDP period (2005-2016) and is therefore not considered further in this Chapter”.*

Yet, elsewhere in this chapter, six Regeneration Action Areas (RAAs) are identified including Southern Widnes and Widnes Waterfront – areas which are already partially covered by the Environment Agency’s flood maps (ref. appendices A, D, E and F, appendix 8.2). This approach is not one of good practice.

There is also an anomaly in that the local UDP planning policy which covers the RAAs (RG1) makes no provision for a new major road infrastructure (para. 9.7.15).

There are statements of regret about the devastating permanent impacts which the project would have on Wigg Island, the only area of Green Belt in the immediate vicinity of it, but that is it. The same is the case for significant swathes of commercial and industrial land and the businesses on them which would have to re-locate.

There are contradictory statements as far as domestic dwellings are concerned. Para. 9.7.1 says:

*“Potential effects resulting from the project include the permanent loss of residential, commercial (including farms), industrial and other buildings”.*

However, para. 9.7.82 says:

*“The project will not lead to the loss of an residential properties”.*

Which is in fact the case?

All of these shortfalls cast serious doubt on the robustness of some of the policy work in Halton.

The impression gained is that the desperate desire to regenerate Halton is sometimes resulting in errors and sometimes overriding sound judgement. The desire to regenerate the area is understandable but it would appear that undue weight is being placed on what one major infrastructure project could deliver in its wake. On the other hand, it would appear that insufficient weight is being accorded to the potential downsides of that project. It is certainly unacceptable that potential climate change impacts are brushed aside on the basis that they may not actually have serious impacts on the ground until after the end of the period covered by the UDP.

It is also noticeable that the land use chapter avoids mentioning potential impacts on adjoining local authority areas. It should be noted that the southern tip of the project – junction 22 of the M56 is a boundary with Cheshire and with the North Cheshire Green Belt. Any impacts on the M56 would affect Cheshire.

## **CHAPTER 10 – TERRESTRIAL AND AVIAN ECOLOGY**

This is not an area in which we currently have appropriate expertise. We therefore do not wish to comment upon it at the moment, but reserve the right to do so at a later date.

## VOLUME 2

### CHAPTER 11 – AQUATIC ECOLOGY

This is another area for which we currently have no suitable levels of expertise. We therefore do not wish to comment at present but reserve the right to make comments at a future date.

### CHAPTER 12 - LANDSCAPE AND VISUAL AMENITY

It is recognised in para. 12.2.2 that the landscape effects of the new bridge with its tall towers “*would be far reaching*”.

The methodology described is fine as far as it goes but is let down by the admission in para. 12.5.32 that the assessment comprised primarily a desktop review and some on-site investigations from areas of public access. This is most disappointing as landscape is not something which can be properly analysed from a desktop exercise and it is an important consideration in the appraisal summary table which, at the time of responding to this consultation had not been released. That said, we agree with the landscape impact assessment for the wider landscape area – that it is probably ‘moderate’.

As far as the Upper Mersey is concerned, it has already been recognised earlier that Wigg Island as an area of Green Belt would be irretrievably impacted. The same applies to Wigg Island as an important landscape feature and also to Spike Island. As far as they are concerned, the impact is unarguably very high adverse and high negative.

As far as the many unattractive urban areas identified in the Environmental Statement are concerned, the distracting effect of a new bridge would undoubtedly be beneficial but how it would sit with conservation areas from which it could be viewed and listed structures is another matter. Particularly of concern is the impact the new bridge would have visually on the Silver Jubilee Bridge. The Mersey Gateway bridge is a very modernistic and streamlined design and is likely to make the SJB look extremely dated and clumsy. We therefore believe there would be a high adverse effect on this other structure and in this respect we disagree totally with the Environmental Statement which rates the impact on the SJB as being moderate beneficial.

The landscape effects of most of the remaining highway works we would rate as between moderate adverse/ negative and adverse/ negative, although there are sections of high adverse impact.

### CHAPTER 13 – CULTURAL HERITAGE

The manner in which the cultural heritage assessment was conducted - within the very limited area identified - appears to have been carried according to English Heritage guidelines and in co-operation with them. We would defer to them. However, we would question why a similar level of thorough survey work was not applied to the entire project area.

### CHAPTER 14 – CONTAMINATION OF SOILS, SEDIMENTS AND GROUNDWATER

This subject area of contamination is one of enormous importance which cannot be over-estimated in view of the history of chemical industry activity in the area. It is also a very specialised scientific one and we lack the expertise to comment as to whether or not best practice was followed in the investigations which were carried out.

We note the recording of many instances where concentrations of various noxious substances have been shown to be high and potential impacts are classed as 'significant' and there are quite a few flags about the dangers to construction workers in some areas, many though not all related to 'galligu' and arsenic (eg. para. 14.6.131). Potential risks to human health during construction are recognised as being substantial and yet, at the time of responding to this consultation, no health impact assessment had been carried out. This is a serious and lamentable omission.

There is a reference to radioactivity below the A557 expressway in 14.6.115, which is somewhat alarming and which could do with further clarification, particularly as the project includes major infrastructure works on the expressway.

It is not obvious that attempts have been made to source mustard gas or to find out more about it from the Ministry of Defence, even though its manufacture on Randle Island during the World War is recorded on one of the maps provided as part of the Environmental Statement (fig. 5.18).

Regrettably, this specialised field of contamination is one where we lack an expert knowledge base. However, we may submit comments at a later stage of the planning process.

## **CHAPTER 15 - WASTE**

It is recognised in this chapter that there would be very many transport movements generated as a result of the need to transport waste and that the impacts of waste removal could extend widely throughout the region. But the Environmental Statement admits that how it is actually handled would be the responsibility of the concessionaire.

Para. 15.3.3 says: *"It is probable that the concessionaire will interface with the local waste management industry"*. However, the fact is that the promoters of the project, Halton B.C., can only speculate as to what the concessionaire would actually do. Consequently, there appears to be little point in attempting to comment on the unknown.

## **CHAPTER 16 - TRANSPORT**

NW TAR and CPRE addressed the same national and regional transport policy points which are repeated at the beginning of this chapter in their response to the planning policy framework earlier in this submission (refer to pages 12-14 inc). We therefore do not intend to reproduce the same rebuttal comments here.

We would comment, however, upon the reference on page 16.7 of the Environmental Statement to Draft RSS Policy RT8 - Regional Transport Policies for Investment - and the point made in para. 16.3.66, that the Mersey Gateway scheme was identified within the Regional Funding Allocation programme. We would point out that the process by which the RFA listing was compiled was a highly secretive one. There was no environmental sector representation on the forum drawn together by Government Office for the North West to decide upon the RFA recommendations – not even a statutory environmental agency.

Nor was there any representation from the voluntary sector. The specially-assembled body met behind closed doors and although there was a balanced methodology it could have used which had been evolved for a separate transport intervention priority listing being drawn up by the North West Regional Assembly, it chose instead to give double the weighting to perceived economic benefits over and above environmental and social issues. However, the process was so rushed that there was no requirement to submit evidence of economic benefits and indeed it subsequently came to light that the economic judgements were largely subjective. It was a deeply flawed process and no credence should be given to it.

We would also comment on the objectives of Halton's Local Transport Plan, flagged up in paras. 16.3.86-16.3.88 inc. The over-arching LTP 2 objective is to:

*'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'.*

This is a very tortuous sentence. The use of the word 'smart' in relation to transport is normally applied by practitioners who write transport policy to 'smart choices' or 'soft measures', ie. measures such as safe routes to school, car clubs and individual travel plans. It is about achieving as much as possible for as little as possible without having to resort to providing significant new infrastructure and yet here infrastructure is lauded in the same sentence. Apart from that, the fact that the people of Halton would have to pay to use the Mersey Gateway bridge means that it would not be inclusive and accessible, leading possibly to a reduced quality of life for the many socially deprived local residents. There is no automatic cause and effect that providing a new bridge would lead to economic growth and regeneration and there are many reasons to be wary of impacts on the environment and on human health as a result of building it.

When analysed against the over-arching objective, the Mersey Gateway does not appear to fit and the same could be said for the other four objectives. Providing new road space only ever solves congestion in the short term. Some local people would find accessibility worse because of the costs involved in using the new bridge and the existing one and whilst air quality around the old bridge in the short term might be a bit better, it would be worse around the expanded Runcorn Expressway, the new bridge and the toll booth areas. And, if the concessionaire priced HGVs off the new bridge, they might be making longer journeys, causing increases in harmful emissions elsewhere and raising the potential for more accidents through them covering more road miles.

The claim is made that the project supports key objectives identified within relevant national, regional and local policies and legislation (para. 16.3.102). NW TAR and CPRE would refute that. It does not fit at all within sustainability strategies and policies. (Refer here to our submission to the Department for Transport on the River Mersey (Mersey Gateway Bridge) Order, dated July 18<sup>th</sup> which catalogues the lack of consistency in some details).

There are a number of questionable assumptions about traffic behaviour and growth which are actually very difficult to predict in the light of the rise in fuel costs and the fact that both bridges would be tolled. Much is made of small journey-time savings and yet transport gurus deride these and have proved that many people simply travel further as result of them.

There is also an assumption that more residents would cycle and walk for short journeys. This does not appear to take into account the high obesity levels and poor health amongst the local population, nor the fact that walking over a bridge over an estuary is a very exposed thing to do which would not appeal even to many of the hardest of walkers.

As far as the issue of severance is concerned, it could be argued that this would be worse if the project went ahead due to the charging regime on the bridges and the widened roads passing through communities.

## **CHAPTER 17 – NOISE & VIBRATION**

We have no comments at this stage to make on noise and vibration but reserve the right to comment on these issues at a later date.

## **CHAPTER 18 – NAVIGATION**

We have no comments to make at this stage on navigation but reserve the right to comment on this matter at a later stage.

## **CHAPTER 19 – AIR QUALITY AND CLIMATE**

We have made some general comments about air quality and climate change earlier in this submission.

There is a lot we could say about the findings of the Royal Commission on Environmental Pollution, the Stern Review and the predictions of other august bodies and individuals but, at this stage, we would like to do no more than refer the promoters of the Mersey Gateway project to the report '*Carbon Pathways Analysis: Informing Development of a Carbon Reduction Strategy for the Transport Sector*'. They should cross-reference their thinking and their current work with this paper, published in July 2008 jointly by DEFRA, BERR and the Office of Climate Change. We reserve the right to comment further on air quality and climate change.

## **CHAPTER 20 – SOCIO-ECONOMIC IMPACT ASSESSMENT**

We would refer Halton Borough Council to the current NHS health profile for its area, produced by the Department of Health and question whether their spending priorities are right. There are a number of health indicators which are amongst the worst in the country, including life expectancy for women, which is the third worst in England and the early death rate from cancer, which is the worst in England.

With such a poor health record and so many seriously deprived areas should building a road bridge really be the top priority for the local authority?

## **CHAPTER 21 – CUMULATIVE EFFECTS**

We would comment here that the operational cumulative effects appear to be rather optimistic and we would question how these judgements were made.

See our comment on 'Cumulative Effects' under 'Effect Assessment' on page 9.

This is a subject we reserve the right to make further comments upon.

## **CHAPTER 22 – MITIGATION AND ENHANCEMENT MEASURES**

The comment is made that "*mitigation measures will be developed into a register of commitments which will be developed as negotiations continue through the planning process*". We will be keeping a weather eye on this and reserve the right to comment further.

## **CHAPTER 23 - ENVIRONMENTAL MANAGEMENT PLAN**

It is not really very satisfactory to be informed by the promoters of a scheme that the environmental management plan illustrated is merely conceptual and likely to be modified. For such a large and involved project which has been so long in the planning, we would have expected to see this further advanced.

## CONCLUSIONS

- Strategic objectives are misguided, contradictory or not objectives
- There is no evidence the SJB is a major contributor to the poor economic condition of the area
- There is no guarantee that providing a second road bridge at potentially harmful cost to the environment would bring economic growth to Halton
- A new road bridge would help local people to commute out and generate more through traffic
- The project does not meet national or regional sustainability tests
- The improved air quality argument only applies to a small part of Halton for a limited period; other parts would suffer worse air (and noise and odour) pollution and visual intrusion
- Through-traffic would have a longer journey than it currently has
- The health and social problems in Halton militate against achieving much improvement in cycling and walking and walking over the SJB in any event would be a very exposed activity
- The project is based on the out-moded philosophy of 'predict and provide'
- The project was envisaged before the 1994 seminal report which proved that providing more road space generates more traffic
- All other alternative options to road building have not been exhaustively explored/ modelled
- The 'do minimum' scenario that was explored is virtually a 'do nothing' scenario
- The economic arguments are convoluted and do not stand up. Why would businesses choose to locate in Halton knowing that by doing so they would be incurring road-charging costs?
- The concessionaire will decide on the toll regime for the new bridge. They are unlikely to find it financially acceptable to offer a special rate to local people. In any event there is a threat of legal action from MerseyTravel if there was not a level playing fields with the Mersey tunnels
- The concessionaire may decide to price HGVs off the new bridge to save maintenance costs
- The government view in the 1990s was that any economic benefits of a new road crossing would be outweighed by environmental disbenefits; the NGO environmental sector believe this
- The project would be very land hungry; it is not just about building a bridge, it is about significant other road improvements and providing a large toll booth area
- Vehicles having to stop and then accelerate at the toll boots would result in big CO2 emissions
- Much of the land involved in the project and the water courses, including the estuary are highly polluted with decades of dumped chemical industry waste which could be re-mobilised
- The area defined for the toll booth plaza in Widnes is particularly contaminated
- There is no plan to impose statutory requirements re. building techniques or waste handling, despite the level of contamination to be dealt with; this is reprehensible & irresponsible
- Best practice in some areas has fallen short, eg. the lack of a health impact assessment
- It is unknown how the very tidal and dynamic River Mersey would react to stanchions being piled into it; it could possibly cause altered flows which affect the ecology
- There are detrimental impacts on some domestic dwellings – visual intrusion/noise/severance
- The approach to cumulative effects does not appear to take into consideration the optimistic predictions which Halton B.C. are making for inward investment should the project be built
- The study area identified for the environmental impact assessment is unpardonable small; it should extend up river as far as the tides reach at Warrington and down river to Liverpool Bay
- The issues of rail and of 'smart choices'/ 'softer measures' are inadequately dealt with
- No specific research appears to have been carried out into the mustard gas production that took place on Randle Island, a short distance upstream from the Mersey Gateway site
- A rare Green Belt pocket and areas of special landscape would be decimated by the project
- The SJB, which is a listed building, would be made to look out-dated by the new bridge
- Impacts on high flood risk areas - Warrington/Liverpool - are uncertain
- Impacts on parts of Widnes which are a medium flood risk are also unknown

**THIS IS A VERY POOR SCHEME. NW TAR AND CPRE NW REGIONAL GROUP DO NOT SUPPORT IT.**

# **APPENDIX 4**

**THE MERSEY GATEWAY PROJECT**

**THE TRANSPORT AND WORKS ACT 1992**

**Mersey Gateway Planning Applications**

**Planning Application Nos. 08/00200/FULEIA & 08/00201/FULEIA**

**& Environmental Impact Assessment**

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**STATEMENT OF CASE**

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**Prepared on behalf of**

**HALTON FRIENDS OF THE EARTH**

**November 2008**

**STATEMENT OF CASE SUBMITTED IN RESPONSE TO  
MERSEY GATEWAY PROJECT - ENVIRONMENTAL STATEMENT, PLANNING  
APPLICATIONS & TWA ORDERS & APPLICATIONS**

*on behalf of Halton Friends of the Earth - November 2008*

**INTRODUCTION**

We have registered our objection to this Project because we challenge the claim that the proposed second Mersey crossing (Mersey Gateway) will relieve all congestion problems locally or bring social or economic regeneration to the borough. We also believe that, as a major road scheme it will generate unacceptable growth in traffic, contrary to Government's aims to reduce traffic and associated CO<sub>2</sub> emissions that contribute towards Climate Change. We therefore question the need for such a major scheme.

We are also concerned about the impact on the health of local residents: Halton is high on the Index of Multiple Deprivation and suffers from some of the worst health statistics in the UK. We believe that alternatives have not been sufficiently considered or implemented, and escalating costs are unacceptable at a time when there is a real need to reduce reliance on road travel – both in terms of climate change and an unstable economic climate.

Our Statement of Case addresses the Project as a whole, comprising all parts of the Planning Applications and Transport and Works Act Orders and Applications, although separate sections of the various applications will be referred to, as applicable, in our Proof of Evidence.

We have set out below the major areas of objection together with a list of the relevant documents which may be used to support our arguments and which may form part of our Proof of Evidence to be submitted at a later date. Should we wish to add any further documents we shall notify the Inspectorate and Applicants within the permitted time frame.

**1. POLICY CONTEXT**

1.1 The Project contravenes and is in direct conflict with many European, national (Governmental), regional and local policies (eg. Stern Report; Sustainable Transport; Traffic Reduction; Climate Change Bill; Community Strategy etc.)

1.2 This project potentially jeopardises the development of sustainable strategies in a number of policy areas, both in the near future and in the longer term (eg. Sustainable Transport; Regeneration Strategy; School Transport Plans etc.)

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1.3 Climate Change: we believe that the proposed Project poses a real risk to the aims of Government to reduce climate change emissions due to potential inducement of extra road journeys. Alternative transport solutions and reducing the need to travel could be far more carbon - and cost-efficient.

## **2. REGENERATION AND SOCIAL EQUITY**

2.1 Contrary to claims made in the proposal, there is no evidence to suggest that the Project will bring net social or economic benefits to Halton. Tolling the crossings may even divide the towns of Runcorn and Widnes more effectively than when in separate counties, thereby diminishing the capability of maintaining a truly Unitary status in terms of shared services, facilities, regeneration and opportunities for local people

2.2 Social exclusion will increase as many residents will be unable to afford to cross the river to access jobs, education and vital services (including Halton Hospital); accelerating costs and the need for tolling both bridges may cause increased public transport costs; many local people with disabilities are reliant on private car; local businesses (especially SMEs) rely on affordability of access across the River

2.3 We challenge the claims that a second crossing is the only way forward to relieve congestion. Alternatives have only been studied, not implemented: congestion could be reduced with some sensible thinking and at much less cost

## **3. PUBLIC HEALTH**

3.1 There has been an apparent lack of assessment and liaison with MoD with regards to Randle Island (ex-Mustard Gas facility) – the data shows there are exceedances well above permitted levels of mercury and arsenic present and unknown locations of buried unexploded ordnance (filled with mustard gas)

3.2 Impact on public health should any toxic contaminants become airborne during construction phase

3.3 Impact on public health should any erosion of sediment beds/banks bring toxic contaminants to the surface which could then become airborne

3.4 Impact on public health should any toxic contaminants be carried on flood tides or as a result of a major flood event

3.5 Possible public health implications of extra induced traffic. Reduced air quality.

Cont.

#### **4. ENVIRONMENT**

4.1 Erosion/scouring of sensitive sediment beds and banks could pose an irreversible threat to flora and fauna of whole Estuarine system and coastal areas

4.2 Impact on the Ramsar site, coastal areas and impact on bird migratory routes is unknown. Modelling cannot produce a robust conclusion and negative impacts could be irreversible

4.3 There is nothing in the proposal that states who will take the ultimate responsibility should there be an incident involving contamination either during construction or during the long term operation of the Project.

4.4 We are concerned that the impacts of sea-level rises and additional land water drainage together with a Major Structure in a highly mobile estuary (unpredictability) create an unacceptable Flood Risk factor not only locally but in the whole estuarine region.

#### **CONCLUSION**

In summary, Halton Friends of the Earth challenge the claims that:

- the Project accords with national and local planning policies
- the Project is necessary to relieve traffic congestion
- the Project will bring about social and economic benefits to the borough of Halton and its residents and businesses
- the Project will have little or no negative impact on human health
- the project will have insignificant impact on the natural environment
- the Project delivers the best possible option in terms of cost benefit

Halton Friends of the Earth reserve the right to amend or add to the case made in this Statement of Case as may be relevant to the Public Inquiry and will endeavour to notify the Inspectorate and Applicants of any additional documents prior to the Public Inquiry and within the time frame as set out in the legal requirements of the Public Inquiry.

Deni Newman

*For and on behalf of Halton Friends of the Earth*

9 November 2008

## **Supporting Documents:**

1. Transport White Paper 1998
2. Transport 10 Year Plan
3. Transport White Paper "Towards a Sustainable Transport System" 2007
4. Regional Spatial Strategy
5. Draft Regional Spatial Strategy
6. Climate Change Bill
7. First Stage Public Transport Options Study – Reid Rail
8. Regeneration Strategy – Halton Borough Council
9. Halton Access Plan – Halton Borough Council
10. Halton Community Strategy – Halton Borough Council
11. Local Transport Plan 2 – Halton Borough Council
12. Mersey Gateway Sustainable Transport Strategy (Draft) – Halton Borough Council
13. "Understanding the Factors affecting Health in Halton" – Lancaster University, 2003
14. "Cancer Incidence and Mortality in Halton PCT 1996-2001" – Merseyside and Cheshire Cancer Registry
15. Stocktake of Health and Environment Research in Halton, Medical Toxicology Unit, Guy's and St. Thomas' NHS Trust, 2005
16. Stern Report
17. Transport related Emissions and Environmental Impact – Light Rail (UK) Ltd.