

ALL/1/1P

Theme: Case for the Project

Proof of Evidence by

Lillian Burns

for the

MERSEY GATEWAY PROJECT

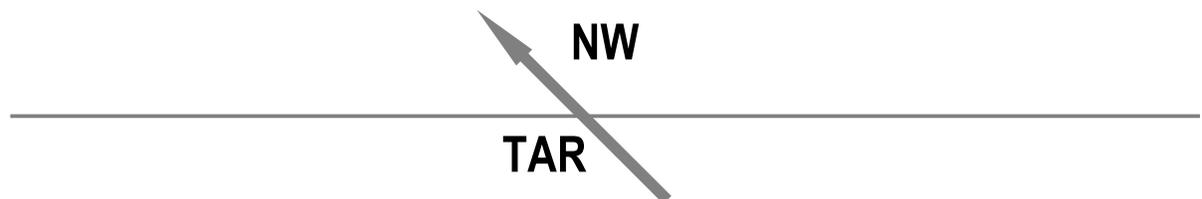
PUBLIC INQUIRY

on behalf of

The Alliance

comprising

the North West Transport Roundtable



and



April 2009

This proof of evidence relates to the implications of the following applications and proposed orders:

1. Planning application for full planning permission for works lying within Runcorn comprising improvements to the Central Expressway, Weston Link, the Weston Point Expressway and junction 12 of the M56 motorway, dated 31 March 2008.

Appeal references: APP/D0650/V/08/1203385/2095113 and
APP/D0650/V/1203384/2095069

2. Planning application for full planning permission for works lying within Widnes comprising modifications of the northern approaches to the Silver Jubilee Bridge. Dated 31 March 2008.

Appeal reference: APP/D0650/V/08/1203386/2095114

3. Listed Building Consent Application for modifications to the Silver Jubilee Bridge, dated 31 March 2008.

4. The River Mersey (Mersey Gateway Bridge) Order (application under section 6 of the Transport and Works Act 1992 to the Secretary of State for Transport for an order under section 3(1)(b) of that Act).

Reference: TWA/08/APP/05

5. The A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008.

6. The Halton Borough Council (Mersey Gateway – Queensway) Compulsory Purchase Order 2008.

7. The Halton Borough Council (Mersey Gateway – Central Expressway) Compulsory Purchase Order 2008.

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

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

1

INTRODUCTION

Personal Details

- 1.1 My name is Lillian Burns. I am a journalist by training. As part of my Proficiency Certificate in Journalism, I received some formal instruction in law, planning and local government. In 1990 I returned to education for two years, graduating with an HND in Business and Finance. As part of that course, I took modules in law and economics. However, planning has been a particular interest of mine since I was a general news reporter on a local newspaper in the 1980s, covering local authority planning committee work and planning inquiries. About 12 years ago I became a full time volunteer focusing on planning and transport policy work on behalf of the NGO environmental sector. Since then I have availed myself of every opportunity to study and practice planning. I have taken part in several planning appeals, inquiries and examinations in public (EIPs), including two into Regional Spatial Strategies.
- 1.2 A former Vice Chairman and trustee of the Cheshire Branch of the Campaign to Protect Rural England (CPRE), I am the transport spokesperson for their North West Regional Group. Since 1997 I have worked closely with CPRE National Office and its Regional Policy Officers, inputting to external and internal policy work and documents and I have represented CPRE on the Highways Agency's (HA's) Northern Environmental Committee since its formation 10 years ago.
- 1.3 The North West Transport Activists Roundtable (NW TAR) was founded in 1998. I was the NW TAR representative for over three years on the government's multi-modal study into the M6 corridor (MIDMAN). More recently, as NW TAR Convenor, (a post I have held for several years), I have served on a number of regional bodies, including the Regional Transport Advisory Group (a grouping of mainly local authority officers) and on various special project steering groups, representing the environmental and sustainable transport point of view.
- 1.4 Through both CPRE and NW TAR I am a member of North West Environment Link (NWEL) and, when the North West Regional Assembly was in existence, I represented NWEL on the Assembly's Planning, Environment and Transport Key Priority Group. I now represent Voluntary Sector North West on the Regional Transport Group of 4NW, the Leaders' Forum that has succeeded the Assembly.
- 1.5 I am also a Parish Councillor active at the County and regional level.

Role in Project

- 1.6 For part of the public inquiry into the Mersey Gateway, I hope to be allowed by the inspector to adopt the role of advocate on behalf of 'The Alliance', the combined grouping of the North West Transport Roundtable (NW TAR) and Friends of the Earth (FOE) which has come together to object to the Mersey Gateway Project. However, in this instance I am presenting evidence that is intended to challenge some of the premises on which the project is based.
- 1.7 By way of explanation, the **NW TAR** component of 'The Alliance' is an umbrella organisation, one of eight regional roundtables which operate under the auspices of the **Campaign for Better Transport** (formerly Transport 2000). It represents organisations and individuals who believe in sustainable transport, better land use and healthier lives and focuses primarily on regional and sub-regional transport and planning policy work, although sometimes inputting to national consultations. 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).
- 1.8 **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.

Scope of Evidence

- 1.9 This proof of evidence is intended to point up some of the shortcomings in Halton B.C's basic case for the Mersey Gateway Project and some of the contradictions. It applies to theme number one as identified by the inspector. It is intended to be complementary to the technical proof of Keith Buchan, one of The Alliance's expert witnesses. In essence, this is a rebuttal to the proofs of evidence presented to the inquiry on behalf of Halton B.C. by its Chief Executive, David Parr, (a corporate proof), by the project director/ sponsor, Steve Nicholson, and by the planning witness, John Brooks of GVA Grimley.

Evidence of David Parr, Halton BC Chief Executive (HBC/1/1P)

- 2.1 At the beginning of his evidence, Mr. Parr very fleetingly alludes to the contaminated legacy which Halton has been left with as a result of it being a focus for the chemical industry for over a century (para. 3.1.2) but glosses over the current condition of large areas of land and the river and attempts to quickly turn the fact that the chemical industry is still a key component of Halton into a positive attribute. It is not appropriate to gloss over the contamination issue.
- 2.2 A more accurate picture of the present state of affairs can be gleaned by referring to the evidence of Nigel Cossons, Halton BC's witness on contamination of soils, sediments and groundwater. Key elements are:-
- (i) In inquiry document HBC/17/1P, Mr. Cossons explains that 'galligu', a by product of the production of soda ash, contaminated with metals, was used as landfill and spread over large areas of Widnes. He says:

*"Of particular note .. is the presence of 'galligu' in Widnes. This material was a by-product of the Le Blanc process, used to produce soda ash (sodium carbonate) which was an important compound in the early alkali industry. **Huge quantities (some estimates are up to 10 million tonnes) of 'galligu' were tipped** across parts of the Study area **in an uncontrolled manner**. Frequently, this material was used to level the land and fill in ditches and watercourses in areas that were subsequently used for further industrial expansion and development. **The 'galligu' was contaminated by elements and compounds arising from the raw materials and the process itself**. Contaminants included metals which were present in the pyrites used as one of the raw materials and sulphides and sulphates which arose from the reactions in the process. Under the action of rain water on exposed 'galligu' the sulphides gave rise to hydrogen sulphide gas and its characteristic smell of rotten eggs"* (para. 7.18, p. 34). [NB. Highlighting by the author of this document].

He goes on to explain in paras. 7.24 & 7.25 that '**galligu**' has been found in "**made ground**" in areas **A, C and I** (see his fig. MBC/17/2A/002 in his appendices (HBC/17/2A), (ie. in the northern part of the project area).

- (ii) Under '*Soil Contamination – Human Health Commercial/Industrial Generic Assessment Criteria*', Mr. Cossons reports:

"Elevated concentrations of contaminants, exceeding the generic assessment criteria were recorded in both Widnes and, to a lesser extent, in Runcorn" (para. 7.42, p. 40) and he goes on:

*"In Widnes, exceedances were noted in the made ground, alluvium and the upper layers of the glacial deposits. The principal contaminants were **arsenic, lead and sulphates** which were commonly encountered in the made ground and probably relate at least in part to historic chemical waste disposal (galligu). Locally, **exceedances of the assessment criteria for petroleum hydrocarbons** (Area B2) and **semi volatile and volatile organic compounds** (Area C) were encountered. **Asbestos** was encountered in two samples **from depth** at St. Michaels Golf Course in Area A.*

*Only localised exceedances were noted in Runcorn and these were all associated with made ground. These comprised **lead and sulphate** together with two samples where **asbestos** was present"* (paras 7.43 & 4).

- (iii) With construction workers in mind, the point about **exceedances in a wide range of contaminants – "metals, hydrocarbons, semi volatile organic compounds and volatile organic compounds"** is made again in para. 7.50 in relation to significant parts of Widnes which would be affected by the construction and in parts of Runcorn where there is 'made' ground, where **polycyclic aromatic hydrocarbons** have also been found (para. 7.52). Meanwhile, **arsenic** is recorded as being present in Area C - the Catalyst Trade Park Area (para. 7.52, p.42).

[NB Highlighting by the author of this document]

A listing of all the other places in Mr. Cossons' proof where contamination is known about and there are causes for concern is supplied in Appendix 1 to this proof.

2.3 Mr. Parr's proof refers to the health inequalities that exist in the Borough, highlighting a University of Lancaster report and extracts from the Index of Multiple Deprivation of 2007, compiled by Halton B.C., not the full version of the *English Indices of Multiple Deprivation* published by the Department for Communities (www.communities.gov.uk/document/communities/pdf/733520.pdf) Mar 2008. Referring first to the University of Lancaster report, '*Understanding the Factors Affecting Health in Halton*' (CD 219) he reports that it concluded "*the Borough's poor health is predominantly a result of lifestyle (ie.poor diet, smoking, alcohol intake and lack of exercise)*". It did, but it also made a number of other salutary and highly relevant comments, namely:

- (i) "*SMRs (standardised mortality ratios) in Halton are especially high for cancers, coronary heart diseases, stroke, suicide and infant mortality. The SMR for all causes for Halton (1998-2000) was 20% higher than for England and Wales as a whole*" (first 'Health Care' bullet point, p.5).
- (ii) "*Pollution levels in Halton and the four comparator boroughs have decreased substantially over the past decade, but when compared to the other areas studies, Halton still experiences a heavier total pollution load and, especially, a heavier load of air pollution*" (first bullet point, 'Environmental Factors', p.5).
- (iii) "*It is difficult to determine whether particulates fall below current standards due to the lack of appropriate background data for Halton*" (third 'Environmental Factors' bullet point, p.6).
- (iv) "*The close proximity of housing to potentially contaminated land may be significant. Wind-blown dust, recreational activity and general day-to-day movement in the immediate vicinity could result in health risks to the local population*" (sixth 'Environmental Factors' bullet, p.6).
- (v) "*At present only a very limited amount of information is available from intrusive surveys of contaminated land in Halton*" (seventh bullet, p.6).
- (vi) "*The research has also highlighted significant variations in both air pollution and contaminated land within Halton....Finally, it is recommended that the 'precautionary principle' should be adopted with respect to potential pollution. All reasonable efforts should be made to work with industry and other organisations and to develop a sustainable transport policy, to further reduce levels of pollution as the long term effects on health of exposure to even low levels of pollution are not well understood*" (ninth 'Environmental Factors' bullet, p.6).

2.4 It is also worth noting here a particular health statistic revealed in the Sustainability Appraisal Scoping Report of the Draft Regional Strategy which the North West Development Agency consulted on in March and early April this year. According to Annex B – Baseline Data Review – Halton has the lowest life expectancy at birth in the North West Region (78.6 years). The average for the North West is 80.4 years and for England it is 81.5 years (pages 839 & 840). The SA report was prepared jointly by Bridge Economics and Ursus Consulting.

2.5 Mr. Parr quotes some rankings from the Indices for Multiple Deprivation (para. 3.1.5), but his reference point is a Halton Borough Council extract from it which has been submitted as a core document to the inquiry. This does not include all the facts and figures relating to Halton. In the *English Indices of Multiple Deprivation*, which ought to be a core document, (see website ref. at beginning of previous paragraph), a map on page 50 showing the Lower layer Super Output Area (LSOA) level measure of deprivation by region, reveals that – at that level - Halton is the fourth worst in the North West after Blackpool, Blackburn and Warrington. Table 5.4 on page 87 provides the precise ratings:

Halton ranks 27th in the national 'Local Concentration' ranking,
25th in the 'Extent' Ranking,
30th in the 'Average Score',
39th in the 'Average Rank'

2.6 So, although Halton does in fact have some attractive residential areas, holds up a bit better in the IMD on the employment scale (77th) and the income scale rankings (92nd) and – as Mr. Parr alludes to – is showing some improvement, the official statistics nevertheless confirm that this is still a seriously deprived area. Yet the proposal is to charge people who live in this local authority area to travel from one part of it to another by privately-owned or commercial vehicles. Various witnesses on behalf of Halton B.C. make reference to the fact that different services and facilities exist on different sides of the river and press their case for another road bridge as a result of it. However, in doing so, they merely confirm that a significant proportion of cross-river traffic is locally generated and could be minimised through better planning and service provision. At the moment, however, many Halton residents have no option but to travel back and forth across the Silver Jubilee Bridge to meet their needs.

2.7 Mr. Parr's appendix one comprises 25 'letters of support' for the Mersey Gateway project, although it should be noted that the 25 are from a total of 17 sources. Two factors are striking about these:

- (i) Only one is from a local resident (discounting a Halton B.C. Councillor and the authority's own Chief Fire Officer and M.P.) and
- (ii) Almost all, including the M.P., emphasise that their support is due to their perception that the proposed new road bridge would be a strategic asset which would facilitate more/easier long-distance traffic movements.

Extracts from a few of the letters include the following:

- (i) *"The benefits of the Mersey Gateway project, including an improved strategic distribution of traffic through the area ... are widely acknowledged"* – one of two letters from Jeremy Taylor, Chief Executive of Cheshire County Council (the authority which first initiated the project)
- (ii) *"Our notification setting out the types of development on which the Agency wishes to be consulted ... specifically identifies the proposed new Mersey Crossing as a key strategic infrastructure project within the region ... The Agency consider that the Mersey Gateway will significantly relieve congestion, improve reliability of access to Liverpool John Lennon Airport and improve linkages with the Liverpool City Region and surrounding areas"* - one of two letters from Stephen Broomhead, Chief Executive, North West Development Agency
- (iii) *"The proposed Mersey Gateway Bridge would ... provide significant additional highway capacity at a key access route into Merseyside and, in particular, in improving surface access to John Lennon Airport and the Mersey Ports"* – one of two letters from Neil Scales, Chief Executive, Merseytravel and
- (iv) *"The benefits of the project to both Knowsley and the wider sub-region are widely recognised"* – one of three letters from Councillor Ronnie Round, Leader of Knowsley Council

2.8 Mr. Parr also presents a support letter from the chemical company Ineos Chlor without revealing that planning permission was recently granted to them to build a waste-fuelled power station in Runcorn. But, although these 'supporters' perceive the proposed new infrastructure as serving a significant strategic role, it is in fact not a strategic route. The road over the new bridge and the access roads to it are not, and are not designated to become, trunk roads.

3 Evidence of Steve Nicholson, Project Director (HBC/2/1P)

- 3.1 Mr. Nicholson reveals at the outset of his proof of evidence (in para. 3.2.2) that the Department of Transport, as it was called in the early 1990s, failed to progress a new river crossing because they believed the case for a new strategic road was not made and the environmental disbenefits would outweigh the economic benefits. Consequently, the local authority and the 'Mersey Crossing Group' took over the scheme in 1994 with the aim of "*relieving the SJB [Silver Jubilee Bridge] in order to remove the constraints on accessibility across the river in Halton and to facilitate future development and economic growth in the borough and the wider sub-region*" (para. 4.2.1).
- 3.2 In essence, the two key motivating factors were a desire to 'relieve' existing road space by providing more and an assumption that by so doing there would be economic benefits. Both reasons which were historically considered adequate justifications for progressing road schemes. However, both premises have had serious doubt cast on them by two major seminal reports produced by the Standing Advisory Committee on Trunk Road Assessment (SACTRA).
- 3.3 In December 1994, the end of the year Halton took over the New Mersey Crossing project, SACTRA published '*Trunk Roads and the Generation of Traffic*' (www.dft.gov.uk/pgr/economics/rdg/nataarchivedocs/trunkroadstraffic.pdf) and in August 1999 they published '*Transport and the Economy*' (CD/241). The former proved for the first time that providing more highway capacity generates more traffic and the latter demonstrated that, in a mature economy such as that which exists in the UK, there is no automatic economic benefit from building new roads and, in any event, they can just as easily suck a workforce away from an area as bring new investment to it. The government accepted both reports and began to evolve new and more sustainable thinking in relation to transport planning as a result of them.
- 3.4 When Halton B.C. sent the government a report in 1999 claiming economic benefits for a new road bridge, they received a letter in return from the then transport minister, Glenda Jackson, in May 1999, reminding them that things had moved on, new appraisal processes had been developed and henceforth it was essential to give serious consideration to alternatives.

- 3.5 She said: *"I am sure you are aware there have been a number of significant developments in the process of assessing new transport schemes since I last met members of the Mersey Crossing Group. The Government's Transport White Paper of last July set a new agenda for transport, particularly the need to consider its wider implications. Our Roads Review, which was also published last July, heralded a new approach giving greater weight to integration and the assessment of environmental impacts, safety, regeneration and accessibility benefits in deciding whether to take forward major schemesand we have issued guidance on developing the [Local Transport] plans and on the New Approach to Appraisal (NATA)...."*
- 3.6 *If the Regional Transport Plan were to include a proposal for a new crossing, implementation would be through the relevant local transport plan for the area. The plan would have to demonstrate consistency with Government policy and show that alternatives to a bridge and not just alternative options for locations of a bridge have been examined"*. (Appendix 2, HBC/2/2A).
- 3.7 Despite this ministerial advice, Mr. Nicholson's proof demonstrates that Halton B.C. continued to focus on various road crossing options and his project description of the function of the proposed new bridge is as follows:

"The new route forms an essential link between the Merseyside area and North Wales and Cheshire" (para. 9.1.2).

This appears to be at variance from the description of *"a local crossing"* in his para. 3.2.3 and is clearly aimed at attracting and facilitating long distance, strategic traffic – a concept at odds with national and regional strategies. Planning Policy Guidance 13 on Transport has a key objective (one of only three) of *"reducing the need to travel"* (CD/69) and the adopted Regional Spatial Strategy, The North West of England Plan, has a key over-arching Spatial Principle of *"reduce the need to travel"* (CD/109). However, this matter of compliance with national transport policy and appraisal criteria in particular – including WebTAG - will be dealt with in some depth by the Alliance's two expert witnesses, Keith Buchan and Alan Wenban-Smith, in their proofs of evidence. These witnesses will also tackle the economic elements of Mr. Nicholson's proof.

- 3.8 Mr. Nicholson's Appendices (HBC/2/2A) opens with a reference to the 'Rapid Heath Impact Assessment' (CD/195) which was carried out by the Borough Council in response, he says, to many objectors' requests. Although the HIA makes some useful recommendations on best practice as to how to proceed if the project goes ahead, it fails to do some fundamental things. It does not analyse in depth the health deprivation issues in the Borough which, in view of the findings from the University of Lancaster study reported in para. 2.3 of this brief, ought to have been a 'given'. Nor does it attempt to predict worst and best case scenarios for health implications as a result of such massive infrastructure work being carried out in a heavily contaminated urban area whilst local residents attempt to carry on with their everyday lives. Nor does it tackle climate change and health, an issue The Alliance raised in its Statement of Case. The HIA, in fact, is a very generic, 'off the counter' piece of work which, in the main, could apply almost anywhere. Yet the report is quoted as an answer to some of the health concerns expressed by objectors to the project.
- 3.9 The remainder of Mr. Nicholson's Appendix no. 1 comprises selective points from letters of objection and responses to them. Judging by the referencing system, these appear to represent only a selection of the submissions made. And the latter part of his Appendix 4 comprises, in the main, a series of points of objection and responses from the Council. It is apparent there were many more objections received than there were letters of support for the project.
- 3.10 Mr. Nicholson explained at the beginning of his proof of evidence that, as a person experienced in major infrastructure schemes, he was specifically employed to progress and deliver the Mersey Gateway project. This is therefore what he is doing in presenting his evidence and ensuring that other appropriate evidence in support of the scheme is brought before the public inquiry. Indeed, his appointment in late 2005 and his terms of reference demonstrate Halton B.C's determination to progress this scheme regardless of objections to it and regardless of a changing mores which has been evolving. The government have said many times and many ways since they produced their Integrated Transport White Paper in 1987 that the country cannot build itself out of the transport problems it has and new roads should be seen as a last resort. The Alliance's expert witnesses intend to show that this is a case of deciding on the solution first and then doing everything possible to work towards it.

4 Evidence of John Brooks, Consultant Planner (HBC/3/1P)

- 4.1 Mr. Brooks' planning evidence confirms something which is already evident – that *"a New Mersey Crossing is recognised as Priority 1"* in Halton (para. 4.7). This being the case, and having been the case - as Halton's own witnesses testify - for many years, it unsurprisingly features in and is supported by the Halton documents which contribute towards the Development Plan. This does not mean it is the 'right' thing to do or that The Alliance concur those plans are sustainable, we merely acknowledge that the Mersey Gateway features in them. However, we do not accept that the Mersey Gateway complies with the other part of the Development Plan, the Regional Spatial Strategy (CD/109).
- 4.2 The inquiry inspector is required to reassure himself that plans placed before him concur with the Development Plan as described by the Planning and Compulsory Purchase Act of 2004, section 38(3) of which describes this as follows:

"For the purposes of any other area in England [outside Greater London] the development plan is –

- (a) The regional spatial strategy for the region in which the area is situated and*
- (b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area".*

The other most relevant part of this section of the Act is 38(5) which says:

"If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last policy to be adopted, approved or published (as the case may be)".

Mr. Brooks states in his evidence that Regional Spatial Strategy policy RT10 *"establishes the framework through which the principles for major transport investment and management schemes of regional significance will be established"*, going on to acknowledge that the NW RSS adopts a criteria-based approach to transport policies (para. 4.4). Other than flagging up a promised Implementation Plan, he has no more to offer on the RSS. However, we do.

4.3 The Alliance contend that this project does not comply with significant parts of the RSS, which is part of the Development Plan in the following respects:

- (i) **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 wipe out the only Green Belt in the centre of the borough and envisages large scale development on highly polluted land. As far as greenhouse gas emissions are concerned, Halton claim these would reduce in the short term. The Alliance maintain they would certainly increase in the medium to long term and the expert witness Keith Buchan will argue this point.

- (ii) **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 of this scale can be justified. Nor are any of the problems identified in the transport paragraph in this RSS section (2.11) relevant to this crossing.

The Alliance's other expert witness, Alan Wenban-Smith, will argue the case that building this massive new road bridge would not be guaranteed to deliver economic growth (sustainable or otherwise) and there is no guarantee it would tackle the social problems of the area.

In addition, The Alliance question whether the plan to build the Mersey Gateway is in tune with the environmental aims as outlined in para. 2.16 of the RSS, 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".*

- (iii) **Liverpool City Region.** Halton, it should be noted, is not part of the key focus for economic activity in the Liverpool City Region – the regional centre (Liverpool) is, according to the RSS. In fact, Halton is not even mentioned in paras. 2.22 and 2.23.

- (iv) **Rural and coastal areas.** On the other hand, there is a mention in this part of the RSS of the importance of conserving estuaries which are internationally renowned for their bird life (para. 2.29).
- (v) **Policy Context.** The most important national strategy with which the Regional Spatial Strategy is required to align is the UK Sustainable Development Strategy. The guiding principles of this are:
- Living within environmental limits
 - Ensuring a strong, healthy and just society
 - Achieving a sustainable economy
 - Using sound science responsibly and
 - Promoting good governance

The Alliance 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.

- (vi) **Spatial Principles.** The primary RSS policy is DP1 on Spatial Principles. These underpin the entire strategy. They require 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

[NB Highlighting by the author of this document]

It is a challenge to accept that the Mersey Gateway project could meet even the majority of these requirements.

- (vii) **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"*.

NB. This policy is described as *"the cornerstone of RSS"* from which decisions will flow on development, investment and regeneration. It should be noted that The Alliance 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 on the use of the old one) - is the way to do it. Halton BC 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 BC to prove beyond reasonable doubt that the bridge would achieve what they say it will.

- (viii) **The Coast.** The Alliance fear that key aspects of Policy RDF 3 on The Coast could 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

- (ix) **Locations for Regionally Significant Economic Development.** (Policy W2). Halton is not mentioned in this policy 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. This is an aspect which expert witness Alan Wenban-Smith will tackle on behalf of The Alliance.
- (x) **Retail Development.** (Policy W5.) Halton is not mentioned in this policy
- (xi) **Health, Sport, Recreation & Education Services Provision.** (Policy L1). This 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 concessionaire would offer exceptions or lower rates for local people.
- (xi) **Integrated Transport Networks.** (Policy RT1) 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.
- (xi) **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 the Highways Agency claim to have no plans of their own to amend M56 junction 12. Also, the scheme proposals do not include a plan to reduce peak hour traffic, an aspect which in any event would be unattractive to a concessionaire.

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"*.

- (xii) **Natural Environment.** (Policy EM1 (B)). The Mersey Gateway scheme does not concur with the key requirement in this policy 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"*.

Also, in its response to the Environmental Statement, NW TAR drew attention to the limited area of the River Mersey which, according to the hydrology report, 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.

- (xiii) **Remediating Contaminated Land.** (Policy EM2). The problems of remediating contaminated land are very acute in Halton, which has been an epicentre for the chemical industry for over a century. Part of this project involves using the most contaminated land.
- (xiv) **Integrated Water Management.** (Policy EM5). This 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. Parts of Widnes and the project area are in fact in the flood plain. It is difficult, therefore, to see how compliance can be achieved.

- (xv) **Liverpool City Region.** Whilst some of the statements in the Liverpool City Region policies undoubtedly sweep up issues in Halton, it is worth noting that Halton is not specifically named. 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"*.

The RSS is a statutory document and PPS 11 requires that policies and plans must comply with it. The Alliance believe they have demonstrated here sufficient instances where the Mersey Gateway project does not comply with the recently adopted RSS for the inspector to reject the plan.

- 4.4 Mr. Brooks maintains in his proof that the Development Plan builds on the sustainability principles expressed in PPS1 (CD/62). The Alliance do not concur. The very first 'Key Principle' of PPS one is:

"Development plans should ensure that sustainable development is pursued in an integrated manner in line with the principles for sustainable development set out in the UK strategy".

This proof quoted those principles in para 4.3 (v). We have not seen evidence to support the fact that Halton Borough Council have taken account of environmental limits or have conducted a sufficiently thorough health impact assessment to allay concerns in that direction (see our comments in para. 3.8). The sustainability of their economic aspirations is of serious concern, particularly in view of the fact that science was not 'used responsibly' in the past in this area of the country. As to the matter of 'good governance', we would question whether Halton has acted sensibly in so single-mindedly pursuing the goal of achieving a new road crossing when it might have been putting more effort and funding into issues such as restoring the guided busway and bringing the Halton Curve (rail improvement) on faster, not to mention clearing contaminated land and doing more to address health inequalities.

- 4.5 Key principle no. 2 of PPS 1 requires local planning authorities, as well as regional planning bodies, to address climate change. The Alliance do not believe Halton B.C. have. Our witness, Keith Buchan, will address this point.

4.6 The Alliance would also question how the Mersey gateway project meets the key requirements of PPS 1 for sustainable development:

1. Social Cohesion and Inclusion. How can charging deprived communities to connect to each other lead to better social cohesion and inclusion?
2. Protection and Enhancement of the Environment. How can wildlife habitats be adequately protected during construction?
3. Prudent Use of Natural Resources. How does building this massive amount of new infrastructure make prudent use of natural resources such as minerals and aggregates?
4. Sustainable Economic Development. Where are the environmental benefits and how can the contaminated land in this case be considered a 'suitable location'?
5. Integrating Sustainable Development. Long term benefits are not guaranteed and there are likely to be disproportionate costs in terms of environmental and social impacts in this case.

This proof will not venture into the province of the Supplement to PPS 1 on Climate Change. This topic will be left to the witness Keith Buchan.

4.7 Mr. Brooks is clearly of the opinion that the Mersey Gateway scheme meets the requirements of the government's recent Transport White Papers and command documents. The Alliance would choose to differ. The *New Deal for Transport* of 1998 (CD/78) slashed the roads programme and declared that there must be a reduction in car dependence. It said: "*Simply building more and more roads is not the answer to traffic growth. 'Predict and provide' didn't work*" (para. 1.4). This message was followed through in the 2004 White Paper *The Future of Transport: A Network for 2030* (CD/87) which declared: "*We must manage the growing demand for transport. While additional infrastructure will be necessary, simply providing ever more capacity on our roads and railways, ports and airports is not the answer in the long term. The damage to our environment, landscape, towns and cities and our quality of life would be unacceptable*" (para. 8). Mr. Brooks also provides quotes from *Delivering a Sustainable Transport System* (CD/177), including one on widening trunk roads. He does not quote the requirement for all transport packages to reduce CO2 emissions.

4.8 Mr. Brooks goes on to justify the taking of the only existing Green Belt in the central area of Halton, despite the fact that PPG 2 relies on the permanence of the status of Green Belt as a key provision.

Although he covers the subjects of air quality and waste, he makes no mention of the recently-granted planning permission for the massive new Ineos Chlor power station which will generate electricity and heat from 850,000 tonnes of refuse-derived fuel each year at its chemicals plant in Runcorn, though it clearly needs to be taken into account as part of the air quality equation. Nor does he cross-refer to the air quality proof of evidence of Yvonne Brown.

Mr. Brooks accepts there would be some noise problems with the project but makes no reference to the 'Noise and Vibration' proof of evidence by Paul Freeborn. He relies on a stock response in relation to water quality which is inadequate in this instance and does not refer to either the 'Aquatic Ecology' proof of evidence of Dr. Adrian Williams or the 'Surface Water' proof of Dr. Keith Henry. He also tackles 'Landscape and Visual Amenity' without referring to the 'Landscape, Townscape and Visual Amenity' proof of evidence of Paul Beswick (although he does mention this proof under 'Open Space and Green-space'). The impression gained is very much that, by and large, Mr. Brooks prepared his proof in isolation, not having worked with or seen the output of most of the other Halton B.C. experts. A similar impression is gleaned from many of the other proofs, that they were not developed as a cohesive whole.

A significant percentage of Mr. Brooks' references are generic ones and have not been applied to the local area, eg. his comments on flood risk make no mention of part of Widnes lying in the flood plain. However, The Alliance are indebted to him for his generic approach to the 'Natural Environment' in which he quotes European legislation. He refers in para. 4.52 to the Habitats Regulations Directive 92/43/EEC which requires a Habitats Regulations Assessment (HRA) to be undertaken to assess plans and development projects that impact on European (Natura 2000) Sites and in para.4.53 to the need for an Appropriate Assessment to be undertaken to assess development proposals which could affect potential SPAs, candidate SACs and listed Ramsar Sites. The Alliance has written to and e-mailed the inquiry programme officer about these matters. Although they are statutory requirements, we are unaware they have been carried out.

5

CONCLUSIONS

- 5.1 Halton has very serious problems with contaminated soils, sediments and groundwater, with health inequalities and with deprivation. The local population and wildlife should not be put at risk with such a massive building project and residents should not be further disadvantaged by having to pay to move from one part of the Borough to the other. However, there should be better service provision on each side of the river in any event.
- 5.2 The 'support' letters are not from local people and the majority of those in favour see the proposed road bridge as a new strategic route which would benefit long-distance traffic and areas beyond Halton.
- 5.3 The two main key premises on which the case for the road was originally based were (1) 'relieving' existing stressed road space by providing more and (2) a perception that doing so would automatically bring with it economic benefits.
- 5.4 Halton did not take the advice of a government minister to adopt the New Approach to Appraisal and seriously consider alternatives to building a new road bridge – they concentrated on different versions and alignments for a bridge.
- 5.5 The Rapid Health Impact Assessment was of limited value. It made no attempt to delve into the health and deprivation issues or develop worst case scenarios.
- 5.6 There are many more objectors to the project than there are supporters.
- 5.7 The local development documents support the Mersey Gateway but the extant Regional Spatial Strategy does not, therefore the scheme does not comply with the Development Plan and should be dismissed.
- 5.8 The Alliance do not concur with Halton's planning witness that the project concurs with PPS 1.
- 5.9 The Alliance do not concur with Halton's planning witness that the project concurs with the thrust of the two most recent Transport White Papers or with the command document '*Delivering a Sustainable Transport System*'.
- 5.10 As far as can be established, two statutory European Directives have not been complied with – which could place the public inquiry in a very difficult position.

Appendix 1: Contamination instances in Nigel Cossons' proof (from para 7.50):

Soil contamination and marine sediments

7.57 metals & metalloids, polychlorinated biphenyls & organochloride pesticides

7.58 metals and metalloids polycyclic aromatic hydrocarbons - Exceedances of the Generic Assessment Criteria

7.59 Contaminants would permeate through plastic pipes

7.60 Phosphorus can spontaneously combust

7.61 Leachable metals

7.62 Leachable petroleum hydrocarbons

7.63 Leachable polycyclic aromatic hydrocarbons

7.64 Runcorn Leachable petroleum hydrocarbons

7.65 Leachable semi-volatile organic compounds

Groundwater

7.66 Metals and metalloids

7.67 Petroleum hydrocarbons and benzene-toluene-ethylbenzene-xylene

7.68 volatile organic compounds including chlorinated solvents

7.69 volatile organic compounds

7.72 organochlorine pesticides

7.73 acid herbicides

7.74 phenols

7.75 iron arsenic, zinc

7.76 ammonia and sulphate

7.77 arsenic and ammonia

Surface water interactions

7.81 Concentrations of ground gas: protection measures for toll plazas, offices

7.95 Ground gas exceeds short and long-term workplace exposure limits

7.96 volatile vapours

Plus the entirety of the Remediation section,8,which spells out in full all the problems