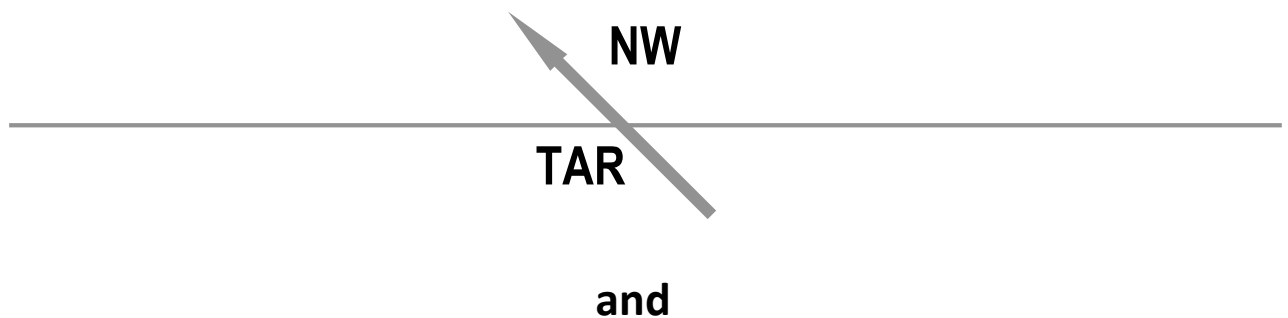


**Closing Statement by**  
**The Alliance**  
**comprising**  
**the North West Transport Roundtable**



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

**June 25<sup>th</sup> 2009**

## INTRODUCTION

In its opening statement for the Mersey Gateway public inquiry, 'The Alliance' of the North West Transport Roundtable (NW TAR) and Friends of the Earth (FOE) made it quite clear we recognised that Halton has economic, social and health problems. During the inquiry we refuted an extraordinary unsubstantiated claim by the promoter's planning witness that The Alliance were in some way opposed to economic improvement and advancement.

What we have challenged throughout this inquiry is the case by the promoters of this scheme, Halton Borough Council, that the key to the area's problems is to build a massive new road bridge across the Mersey Estuary, in a particularly polluted area of the river, and to propose doing so without first exhaustively testing a range of alternatives.

We also believe we have shown either through cross examination of the Council's witnesses, through evidence we have presented during this inquiry and/or through the fact that the Council has not contested particular issues the following:

- The economic case is at best tentative in that virtually all the net benefits of the new Mersey Gateway Bridge, (ie. 98%), relate to the period after 2030 and it would further be jeopardised by the introduction of discounts
- In any event the Amion Wider Economic Impact Report (CD/200, Tables 8.5 & 8.6 and para. 8.3.33) and the Council's economic witness in his main proof of evidence (HBC/9/1P, Tables 8.2 & 8.3) make only the most modest claims for net local jobs that could be directly attributed to the new bridge. He estimates just 1,233 including 98 direct jobs on security, admin. and maintenance and from the finer text (8.3.14) we find that only 65 of those 98 jobs are actually expected to be local. That's 1,200 new jobs for Halton residents for an outlay of £604m. – half a million pounds investment per job.

- Meanwhile the claims for wider regeneration across the sub-region, according to our expert witness, are over-stated
- Halton's very recent initiative of a 'Sustainable Transport Strategy' is vague, uncosted and has not been included in economic calculations
- The requirements of the Treasury Green Book (Appendix 1, ALL/3/1A) and the DfT's appraisal guidance (webTAG) have not been met insofar as a range of options for achieving local and national objectives have not been generated and tested. There is thus no test of the proposal against a best performing alternative, so value for money cannot be proved
- The traffic model has not been used to assess a wide range of alternatives and does not deal at all with the ability of public transport to reduce traffic, a stated aim of the Council
- Virtually no regard has been paid to the Climate Change Act or the fact that it requires action by local authorities to help achieve substantial reductions in greenhouse gas emissions; such action has not been properly developed or modelled
- According to University College London, the hydrology modelling was unreliable and therefore so were many of the assumptions regarding impacts on the estuary and health
- The health impact assessment was inadequate because it failed to analyse problems specific to the area which were shown to exist in a Lancaster University report that Halton's Chief Executive drew attention to... the same report made a connection between contamination in the area and health
- The project does not concur with the Development Plan as it does not concur with the Regional Spatial Strategy
- Scant regard has been given by the Council or its witnesses to the North West Regional Spatial Strategy (RSS) and in particular the project is contrary to a key objective which the RSS shares with Planning Policy Guidance 13 on Transport – that of reducing the need to travel

## THE MATTERS

We will substantiate these remarks by addressing, as we have been asked to, the specific 'matters' identified by the Secretary of State for Transport about which he said he would like to be particularly informed and also the equivalent issues raised by Government Office for the North West for the Planning and Listed Building Applications.

### **Regarding the Department for Transport requirements:**

**Matter 1** which was identified was: The aims and objectives of, and the need for, the proposed Mersey Gateway Project.

To respond to this we refer to the seven objectives identified in the proof of evidence of Mr. Parr, the Council's Chief Executive.

The first objective is "*To relieve the congested Silver Jubilee Bridge, thereby removing the constraint on local and regional development and better provide for local transport needs*".

In order to achieve this objective, Halton needed to meet both Treasury Green Book and DfT requirements by showing that they have come up with a realistic 'Do Minimum' case, not one which is effectively 'Do Nothing' and also that they had seriously considered and tested all options. Our two expert witnesses showed that they did not do this. One option, which should at least have been modelled, was the imposition of varying levels of very modest tolls on the existing bridge, including options which allowed for special and free concessions. The Environmental Statement (CD/14) demonstrates in Chapter 2 where a tolling plaza could be sited to the north of the SJB. And tolls from this could, as our witnesses indicated, fund not only the Sustainable Transport Strategy but other improvements such as better cycling and walking approaches to the SJB and better provision for cyclists and walkers on structures attached to the SJB.

The second objective is: *"To apply minimum toll and road user charges to both the Mersey Gateway Bridge and the Silver Jubilee Bridge consistent with the level required to satisfy affordability constraints"*.

Professor Alan Wenban-Smith, the economic witness for The Alliance explained in his main proof (ALL/3/1P, para. 3.4) that the only tolling option modelled has been one which assumes the same tolls as exist for the Mersey Tunnels (ie. a market level) and it also assumes the tolls will be constant in real terms. The economic appraisals are founded on that and Mr. Parr in his proof states *"the Council aim to deliver Mersey Gateway with toll charges for the New Crossing and SJB that are equivalent in broad terms to those operating at the Tunnels"* (para. 5.3.14).

However, various publicity material produced by the Council, including the one we registered as ALL/0/7, refer to discounts for certain categories of users and so actually does Mr. Parr's proof (in para. 5.3.16).

Attempts during the inquiry by several participants to understand what exactly might be meant by references to special rates or frequent user rates have all been met with the same response that they cannot be discussed for commercial confidentiality reasons. But such responses have made it impossible to:

- understand at what level of toll the whole enterprise fails to stack up
- to comprehend whether or not these special rates might be such that they would draw business away from the Mersey Tunnels or to
- carry out any alternative economic forecasting, no matter how broad brush that might be

The third objective identified by the Chief Executive is: *"To improve accessibility in order to maximise local development and regional economic growth opportunities"*.

Here Mr. Parr relies on the Council's economic witness whose evidence Professor Wenban-Smith dissected and questioned in some detail. The oddest finding that Professor Wenban-Smith highlighted in his first supplementary proof (ALL/ 3/3Sup) was that the new bridge would show only a tiny profit before 2030 and the bulk of the profit forecast for after that period is based on assumptions which have not been modelled. In his second supplementary (ALL/3/5Sup), Professor Wenban-Smith explains: if discounts were introduced into the equation, this would not only further postpone the point at which a concessionaire could show a net income but would increase the tendency to (a) generate additional traffic and (b) dissipate any regeneration benefits.

Also Mr Parr refers under this objective to 'de-linking' the SJB, a feature presented as deterring through-traffic. Yet Mr. Parr himself in his rebuttal to John Wall (HBC/1/4R) said: *"De-linking does not mean through traffic cannot access the SJB, just that traffic would have to chose to exit the main carriageway at a junction"*.

The fourth objective is: *"To improve local air quality and enhance the general urban environment"*.

Our transport and climate change witness, Keith Buchan, showed in his environmental proof - and this was not challenged by Halton BC - that the scheme fails to achieve national and regional targets on climate change (ALL/2/2P). Instead of the required national 19% reduction in carbon emissions between 2005 and 2020 there would be an increase of 26-27% (para. 4.10). He concluded: the project fails to make the contribution to carbon emissions which it is shortly expected will become a legal requirement (para. 4.11).

The fact is that air quality and the general urban environment could both be improved through the imposition of modest tolls on the existing bridge which would have a suppressing effect on traffic and bring new money into the local economy for improvements – not only in the built environment but also for such matters as the expanded nature reserve promised as part of the Mersey Gateway Project.

The fifth objective is *"To improve public transport links across the River Mersey"*.

This could happen without the scheme in place. The Halton Sustainable Transport Strategy could be funded, through the imposition of modest tolls on the existing bridge.

Alternately or as well, if they so chose, Halton BC could wrap up a sustainable transport strategy into a major scheme bid and apply for the funding through that route, but this has also never been mooted. The Regional Funding Advice methodology placed a lot of reliance on perceived economic benefits. If this had been couched in terms of helping communities which have low car ownership to gain greater access to public transport and therefore to jobs, it would undoubtedly have scored very well through that process in this region.

It should be noted that the sum of £500,000 proposed for the Sustainable Transport Strategy is very small in relation to even the outline strategy, both in terms of infrastructure costs and fares reform.

The sixth objective is *"To encourage the increased use of cycling and walking"*.

Similarly, a new stream of income could finance good quality walkways and cycleways either side of the existing bridge, along with safe approaches to them. But, realistically, crossing the Silver Jubilee Bridge on foot will only ever be something a relatively small number of people will do. It is more important for the Council to continue to evolve a walking strategy with wider appeal as part of its approach to sustainable transport.

The seventh objective is *"To restore effective network resilience for road transport across the River Mersey"*.

Mr. Parr argues in his proof that the opening of a new six-lane road bridge would enhance network resilience. We would not wish to argue with that point as a short term statement because, particularly associated with the widened approaches to it, it would represent a huge increase in highway capacity. But this way of tackling traffic problems is a never ending treadmill as the Standing Advisory Committee on Trunk Road Assessment have shown. SACTRA's work highlighted the fact that, as a general rule, providing more road space is a short term solution as more new trips are generated. And on the more specific, Professor Wenban-Smith questioned whether much reliance could be placed on the traffic forecasts for the Mersey Gateway project, and the related time savings, beyond the short term (para. 2.12) and he provided reasons to explain his belief the time savings had been exaggerated in the Economic Appraisal Report (paras. 3.9 – 3.10)

Professor Wenban Smith pointed out that the main benefactors of the project would be business users - but the whole business community, not necessarily local business (para. 3.31). Many support letters are from other authorities and wider business interests who view the new bridge as a potential windfall opportunity for people to move longer distances more easily – which is completely the opposite proposition to where we are all supposed to be heading.

According to the UK's sustainability strategy, the region's sustainability framework, et al we are supposed to be aiming for more sustainable and self-contained communities which reduce the necessity to travel. This approach would improve network resilience by reducing demand.

**The DfT's Matter 2** was the justification for the Council's proposals. This has three aspects to it.



The first is the extent to which the proposals are consistent with national, regional and local planning, transport and environmental policies.

We have conceded that the proposals are consistent with local planning policies which have been drawn up by the same local authority that is promoting the project. We have shown that they are not consistent with the extant Regional Spatial Strategy and the Council have not argued this point with us. The two together make up the Development Plan. Consequently, we maintain that the project fails to comply with the Development Plan.

As far as national policies are concerned, there are numerous instances of non-compliance. In various documents we have lodged with this inquiry ranging from our original objections via our Statement of Case to our proofs of evidence we have quoted government White Papers, national planning policy documents, the national sustainability strategy, the DfT's transport appraisal guidance and the Climate Change Act – all of which this project is at odds with. And our expert witnesses have exposed numerous instances where the promoters have failed to comply with guidance in the way they have constructed their case.

The second 'justification' aspect is the anticipated transportation, regeneration, environmental and socio-economic benefits of the project.

Both our expert witnesses argued that this project did not comply with the Treasury's Green Book which sits above WebTAG – the DfT's web-based Transport Appraisal Guidance - in pre-eminence and they provided reasons why they believed that to be the case.

Professor Wenban-Smith explained (in ALL/3/1P) why he believed that time savings had been over-estimated and why he judged the model used to be inadequate. He criticised assumptions that:

- there would be zero traffic growth from 2030 onwards,
- tolls would remain constant throughout the appraisal period

- tolls would be the same on the Silver Jubilee Bridge - which is owned by Halton BC - as on the Mersey Gateway Bridge where the concessionaire would set charges (Chapter 3).

With so many possibilities for variation, he understandably argued there should have been a variety of sensitivity tests carried out – but in fact there was only one - and that did not comply with the DfT’s criteria. He also explained why he believed estimated agglomeration benefits were likely to be on the high side (3.34).

He pointed out that any economic benefits which did accrue from building the new bridge were more likely to be enjoyed by constituencies beyond Halton, although he also questioned how much Merseyside might benefit based on past experiences of providing more road space that have led to more out-commuting. He was not satisfied that double-counting of benefits had been avoided and he questioned an unsubstantiated statement by Stobarts that they would have some degree of dependence on the Mersey Gateway Bridge (para. 3.32), bearing in mind their location at the 3M multi-modal logistics centre at the base of the SJB. Clearly, their future in terms of tolls they would expect to pay – or any exclusions from them - would in fact be far more dependent on Halton BC as the owners of the SJB than on any concessionaire who might build the Mersey Gateway Bridge and Halton will be keen to keep a big business interest in their orbit.

The third ‘justification’ identified by the DfT was the main alternatives considered by the Council for the proposals and the reasons why these were rejected in favour of the chosen ones.

This issue of thoroughly examining all possible alternatives is now fundamental to the transport appraisal process throughout Europe, not just the UK (European Directive 2001/42/EC) and our expert witness Keith Buchan quotes in his proof (ALL/2/1P) Halton BC/ Giffords in their document CD/211 (para. 8.2) as saying:

*“No detailed studies of alternatives have been carried out”.*

A fleeting look at park and ride was mentioned in the project director's proof and in the environmental statement but was not quantified.

The only alternatives given serious consideration were different alignments for a road bridge crossing. 'Smarter choices' did not feature and neither did the concept of adopting a token charge on the existing bridge. Mr Buchan pointed out that such a charge could deliver a first class public realm and better public transport.

**Matter 3** asks the inquiry to address the likely impact on the environment of building and operating the Mersey Gateway Bridge and its approach roads and **Matter 4** asks about the likely impacts of constructing and operating the Mersey Gateway Bridge and its approach roads on flora and fauna, etc.

The fact that the Halton area is one with very serious contamination issues is accepted by all parties. But this does not mean it would have been appropriate not to air concerns about the situation during these proceedings, particularly as the depth and breadth of contamination is so great. Mr. Straker (QC for Halton BC) in his cross examination (of the author of this statement, Lillian Burns) made the point that whatever is built in Halton would have to contend with the contamination issues. This is so, but regeneration proposals on land in Widnes or Runcorn would only impact on the River Mersey in so much as they would create additional run-off. It would not risk stirring up 150 years of chemical waste or altering the flow of the river. A key point is that the river was used as the convenient waste disposal system for much of the time the chemical industry has existed in this area prior to the imposition of regulations to stop it.

So, one of the things that is different about this project than any other land-based one is the impacts on the river, the river banks, the silts and the trapped contaminants in them and the knock-on impacts there might be as a result of building in this tidal area.

We attempted to explore with Halton's contamination witness about any water soluble contaminants that may be trapped in the silts and disturbed by piling but were met with mystified looks. In the absence of a Council health witness, we also asked the contaminants witness whether the 'precautionary principle' which Lancaster University raised should be applied, ie. was it appropriate for a project of this scale to go ahead with the potential it had for releasing toxic sediments when the health impacts were not as clear as they might be. His answer was that he was not convinced the 'precautionary principle' applied.

The Health Impact Assessment did not tackle this issue and we know from the surface water witness that the water quality is poor before any new disruption takes place. He concurred with extracts from Annex 1 of Environment Agency's Draft River Basin Management Plan (CD/273 & 274) that the Mersey Estuary is already classified as '*heavily modified*' by the Environment Agency and therefore is no better rated than the Manchester Ship Canal and is '*failing to achieve good*' and that the chemical status for groundwater for the whole of Halton and most of Merseyside is '*poor*'. He also agreed that only one coastal water body in the North West has '*good ecological potential*' and that is Liverpool Bay and therefore if anything did go wrong with the River Mersey which flows into it, it would put this at risk.

There is also the issue of air and noise pollution and visual impacts in relation to the widening the Central Expressway and the subsequent impacts of those facets on health (both during construction and subsequently). The Council did not put forward a medical witness. Therefore there have been many health issues it has not been possible to explore which the Health Impact Assessment did not cover because it did not venture into the particular. Nor did the Council offer a climate change witness.

These shortcomings make it particularly difficult to judge whether the possible detrimental impacts on the community and on climate change are going to be worth the perceived benefits.

Keith Buchan in his proof on environmental aspects (ALL/2/2P) explained why it would be unthinkable that an increase in harmful greenhouse gas emissions would fit within government or regional policy (Chapter 4). He showed that this project, instead of meeting the requirement of the Climate Change Act to reduce carbon emissions by 19% between 2005 and 2020, would produce an increase of 26-27%. He also drew attention to the fact that the Council's air pollution witness and its transport witness showed different results in their calculations because they covered different areas (par. 4.9 and Table 2).

In addition, Mr. Buchan pointed out that the DfT response to the Climate Change Committee was scheduled to be published this month and the whole issue of how to deal with climate change in appraisal is the next one to be dealt with in the New Approach to Appraisal reform process (para. 3.2). We can only draw this to the attention of the inspectors and ask them to look out for both of these while they are deliberating on the evidence which has come before them during this inquiry.

However, there is some highly topical and relevant evidence which DEFRA published only last week that bolsters evidence we have already lodged with this inquiry. This was the UK Climate Projections 2009 Report which Hilary Benn, the Environment Secretary, unveiled on June 18th. This report was the result of 12 years of research by Met Office scientists and although the Secretary of State cautioned that there were still uncertainties about how much Britain would be affected by climate change, certain impacts were virtually guaranteed, he said, because of the build up of carbon dioxide in the atmosphere which will take 30 years or more to be worked out of the climate system. This very point was made by Mr. Buchan in his proof. He explained:

*"Emissions stay in the atmosphere for considerable periods of time and it is in fact the total emissions within a given period which determine the degree of climate change"* (para. 4.2).

DEFRA's UK Climate Change Projections predict that the North West will experience an increase of 16% in average winter rainfall and the flood risk map in it shows that Warrington ranks 10<sup>th</sup> in the whole country in terms of numbers of properties at significant risk of flooding – a total of over six and half thousand.

This inquiry will recall The Alliance asking the Council's surface water witness how confident he felt about impacts on Warrington once the Mersey Gateway Bridge was in place. The incoming tide is exceptionally strong and reaches to Warrington which, as this latest report confirms, is particularly susceptible to flooding. The key question is would the new stanchions in the upper estuary help to channel the effects of that incoming tide and cause them to surge more in their passage upstream. The witness said he did not believe Warrington would be unduly impacted but this brings us to the robustness of the hydrology computational model and the physical model and to: the DfT's **Matter 5** which relates to the Mersey Estuary Special Protection Area and Ramsar site, etc...

The Council's hydrology witness, under cross-examination, agreed that the physical modelling had been carried out by University College London (UCL), that it had only confined itself to the Upper Mersey and that their results were reported in both Appendix 7 to the environmental statement and were also lodged separately as core document CD/160. His attention was drawn to extracts from that report, which he concurred were accurate.

In summary, UCL were not happy with their own work - which they said had been rushed - and therefore they cast doubt on its reliability. They also said that, in their opinion, the computational modelling work carried out by the hydrologists' company which covered the whole of the estuary had limitations and could not readily reproduce the general variability in channel form and what happens in nature (*UCL Investigation into scour around the proposed Mersey Gateway Crossing, October 2007*).

The hydrologist also concurred with the statement that no model, physical or computational, however good, could actually replicate the real effects of a very dynamic, tidal river such as the Mersey.

Despite this, we heard from the surface water quality witness, the aquatic ecology witness and the terrestrial ecology witness that the reason they felt confident in saying there would be few or no impacts on the Mersey Estuary SPA and Ramsar site, etc. was because of the hydrology models.

Added to this we have learnt during the inquiry from the engineering design development and navigation witness that the 'cofferdams' which will be built around where the support stanchions would be piled will be in place for three years. Whereas the support stanchions themselves would be about 33 feet in diameter, the cofferdams would be three times that diameter – 100 feet – which would exacerbate the channelling impacts of the incoming tide exponentially.

This being the case, we maintain there should be some considerable doubt about signing off on an Appropriate Assessment.

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

There are many aspects to the construction process, which have been discussed in the inquiry as part of the 'Conditions' debate, but one issue remains outstanding that we raised in our opening statement – that of heavy goods vehicles (HGVs). Nothing the Council have presented to date supports their contention that HGVs would make significant use of the new Mersey Gateway Bridge. The evidence of the M6 Toll Road shows us that hauliers will avoid paying tolls if they can and that private road builders are likely to price HGVs off their infrastructure in any event. This is yet another uncertainty in the economic case.

**Matter 7** enquires whether the measures proposed by the promoters for mitigating any adverse impacts of the project are satisfactory.

Our comment here is:

- As the hydrology modelling has serious questions against it and this calls into question other witnesses' evidence
- As no-one knows the full extent of land and water-based contamination in this area
- As the issue of climate change has not received adequate attention from the promoters and
- As the health impact assessment lacked specificity

We fail to see how can this question be satisfactorily answered.

**Matter 8** asks about the conditions that should be attached if the project goes ahead.

The Alliance presented a paper on this (ALL/0/08). Halton BC have issued a rebuttal to it (HBC/0/34). The inspectors will advise and the Secretaries of State will rule on the conditions.

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

This has to be doubtful. Professor Wenban-Smith demonstrated in his Table 1 of his first supplementary proof (ALL/3/3Sup) that 98% of the net benefits of the project would be after 2030 – and these figures which were agreed by the promoters assumed the same tolls as exist for the Mersey Tunnels. However, an amendment to the Orders (HBC/025) would now allow lower tolls on the SJB and/or the New Mersey Gateway Bridge and if these were applied, the payback on the new bridge would be longer and less.



It is difficult to envisage any financial institution lending the substantial sums involved against these figures.

Mr. Buchan, in his cross examination of the project director, Mr. Nicholson, confirmed that the proposed division of toll income between the Council and the concessionaire meant there would be a serious conflict of interest if the Council were to pursue the Sustainable Transport Strategy since this would reduce toll income.

**Matter 10** enquires further about the case for charging tolls for the use of the Mersey Bridge and for introducing charges for use of the Silver Jubilee Bridge, etc ...

Charging a full market price fee for all users, equivalent to those of the Mersey Tunnels on both the existing and the new bridge - as was originally mooted and as has been modelled - would be unacceptable in a deprived area such as this one. There may be a case for imposing a modest toll on the existing one to suppress some through-traffic but for having free concessions or token fees for local people. This has potential benefits for the local economy and environment. The option should at least have been modelled.

**Matter 11** is about Side Road Orders and **Matters 12 & 13** are about land acquisition. We have not had the capacity to engage on these issues but local residents have had their say about them.

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

The Environmental Statement included the hydrological work which UCL threw doubt upon and on which other claims have been made. Other than the computational hydrological model, it did not examine the full estuary and give sufficient emphasis to the European designated areas adjoining the project area. It was not a sufficiently robust piece of work.

**Matter 15** refers to any substantive changes to orders.

There was one which came through during the course of this inquiry which we have already alluded to. This was inquiry document HBC/025, dated June 10<sup>th</sup>, entitled 'Paper of Amendments No. 1' and it allowed for flexible and frequent user rates to be introduced on both or either bridges. Halton have said that this was introduced in response to appeals by people living close to Halton but not in the Borough. However, it would, of course, also benefit frequent long distance users and it changes the rest of the case they have presented significantly.

All the figures before this inquiry have been predicated on a tolling regime that equates with the Mersey Tunnels. Have Halton submitted at the same time as this amendment a new set of modelling figures, a new Economic Impact Appraisal or a new Wider Economic Impact Report? No – they have not. So, it is unclear on what basis the inspectors or the Secretaries of State are supposed to judge this. All The Alliance can do is to draw attention to the second supplementary proof which Professor Wenban-Smith lodged as a result of this proposal coming forward (ALL/3/5Sup). He pointed out that income would be reduced, net income would not occur until later, the benefit cost ratio would be reduced, more congestion could result and consequently more CO2 emissions. He also pointed up discrepancies that would be created in regeneration aspirations. Whereas the original case before the inquiry claimed that residents of the Regeneration Area were intended to be the prime beneficiaries of the Mersey Gateway project, under the proposed amendment they would be in no better position than those travelling from further afield. To quote the professor: *"These more distant beneficiaries would add to the traffic from which Regeneration Area residents will suffer and to the competition for local jobs from which they are intended to benefit"*.

Basically, this late amendment makes a nonsense of all that has gone before.

## **Lastly, to address the Government Office for the North West 'matters'**

- a) .. asks if the proposed development accords with the development plan for the area.

It does not accord with the current RSS and therefore it does not accord with the development plan (ref. ALL/1/1P).

- b) .. asks if the application accords with the provisions of Planning Policy Statement 1.

I quoted in my proof of evidence numerous example of where it did not. Halton's planning witness quoted in his rebuttal where he believed it concurred. The decision lies with the Inspectors and the Secretaries of State as to which interpretation they place most reliance on.

- c) .. enquires whether the development is consistent with Planning Policy Guidance 2 on Green Belts. As stated in our opening speech, The Alliance believe that Halton have not proven their case for this road bridge and therefore they have not made the case for bridging over and totally dominating what little Green Belt Halton has in its central urban area.

- d) .. enquires about consistency with Planning Policy Guidance 17 on Open Spaces, Sport and Recreation.

The irony here is that, as part of the project, Halton are offering a much expanded nature reserve. We have asked, and the question has not been answered, why cannot this be offered in any event?

- e) .. enquires whether full consideration has been given to PPS9 on Biodiversity and Conservation.

A key principle of PPS 9 is to prevent harm to biodiversity and geological conservation interests.

Whilst, on the face of it, due consideration may appear to have been given, the ecologists' reassurances are all founded on the hydrological modelling which UCL found wanting.

- f) .. checks compliance with Planning Policy Guidance 13 on Transport. As referenced in our opening statement and earlier in this closing statement, a key objective is to "*reduce the need to travel, especially by car*". This will not be achieved by removing two lanes of sub-standard highway and replacing them with six lanes of motorway-level highway - and the amendment to the Orders relating to discounts would make the problem worse. The project will not "*reduce the need to travel*".
- g) .. enquires whether the applications will have significant impacts on features of archaeological importance, listed buildings and Conservation Areas in relation to the provisions of PPG 15 on Planning and the Historic Environment and PPG 16 on Archaeology and Planning.

Having had the opportunity to question the engineering design witness, we remain of the opinion that the existing listed structures of the Silver Jubilee Bridge and the railway bridge would be significantly diminished, indeed overwhelmed by the scale of the new bridge.

- h) .. asks whether the applications have fully taken into consideration the requirements of PPS 23 on Pollution and PPG 24 on Noise, with particular regard to the reduction in air quality and the impact of noise and vibration.

PPS 23 is clear that traffic pollution is included as well as the risks from contaminated land (see para. 9 & 11). These also assert the importance of the 'precautionary principle' which the Council's contamination witness denied. The lack of a properly developed and tested demand management option means that the inspectors and the Secretaries of State cannot know whether the objectives of PPS 23 are best met by the current scheme or not.

When we questioned Halton's noise expert, he agreed that noise impacts are not just about measuring decibel levels. People can be seriously impacted by noise levels which are not exceptionally high. However, he also agreed that the Council's mitigation measures were based solely on national decibel ratings. We argued in our 'Conditions' submission that, with a project of this scale, better than 'standard' should be offered, and this should include low-noise road surfacing, but Halton BC do not concur. The decision therefore lies with the inspectors and Secretaries of State.

- i) Again asks about conditions. These were addressed yesterday at the inquiry.
- j) .. is the catch-all question on "*and other relevant matters*".

We would like to register that we are particularly concerned that the promoter's principal traffic witness did not seem convinced of the necessity to plan for both mitigation of and adaptation to climate change. This is referred to in his rebuttal to Keith Buchan (HBC/8/9R) and was confirmed by him during cross examination. Whatever personal opinions may be, government policy is clear on this issue and should not be down-played or challenged at an inquiry such as this. We hope that this state of affairs is reported to the Secretaries of State.

In line with this, cross examining by Mr. Straker of Mr. Buchan implied that only the Secretary of State for Transport has to act on the issue of climate change. This is not the case.

First. The impact of national policies on improving vehicle efficiency and use of biofuels are already included in both 'Do Minimum' and 'Do Something' options. This is set out in webTAG, Table 13 of Unit 3.5.6, *Values of Time and Operating Costs* (appendix no. 20 of Alan Wenban-Smith's appendices, ref. ALL/3/4A) and Table 1 of Unit 3.3.5, *Greenhouse Gases Sub-Objective* of April 2009 (appendix no. 5 of ALL/3/4A).

In addition, the government's latest command document, *Delivering a Sustainable Transport Strategy* (DaSTS) (CD/177) makes it quite clear that responsibility lies more widely (eg. para. 2.6). The need for local action is also reflected in the Regional Spatial Strategy's policy DP9 – Reduce Emissions and Adapt to Climate Change (CD/99) and the general duties are reflected in the latest Transport Act (CD/171) (Part 2, 6 – Nature of duty to develop transport policies) and in the draft Local Transport Plan Guidance 3 (CD/243). All are core documents with this inquiry.

Further to all of this, Halton BC lodged a very late document with the inquiry (HBC/8/16/R), on the day before closing statements, in relation to Mr. Buchan's evidence. They described it as a clarificatory response, referring both to matters raised in examination of Mr Pauling and in examination of Mr Buchan. The lateness of its delivery makes it difficult to respond with further detailed analysis. However, the statements made are not accepted as clarificatory and some are clearly misleading.

It would have been most useful to the inquiry to have had a full discussion of the issue of climate change. However, the Council chose not to produce a timely rebuttal to Mr. Buchan's initial proof focusing on that subject and to focus as little as possible on it during the proceedings.

Suffice it say for the purpose of this closing statement, we note that the Council's transportation witness does not question that existing national policy to reduce climate change through vehicle efficiency and use of biofuels is fully included in TUBA – the Transport Users Benefit Appraisal Computer programme developed for the DfT to undertake economic appraisal for multi-modal studies.

The statement made in that very last minute submission by Halton BC - that future policy changes are not included in the calculation - is correct, but it contradicts the scepticism expressed by Halton's transportation witness in his rebuttal to Mr. Buchan, that future Governments would take any such action if targets were not being met. He now explicitly refers to the Climate Change Committee recommendations to Government. This reference needs close attention, since significant additional policies in this document are very closely related to non-road based solutions. One is the implementation of behavioural change measures (including Smarter Choices) and the other is the implementation of lower speed limits. The first should have been included in a comprehensive local policy as the Alliance has always said. Improving the attractiveness of car use makes increasing the use of sustainable alternatives significantly more difficult. For example, the current model has already shown how the creation of benefits for the use of the private car will make public transport use fall.

Reducing the speed limit would, of course, dramatically reduce any time saving benefits from the scheme and thus completely change the economic assessment. There would be differential effects between the 'Do Minimum' and the 'Do Something'. Lower speed limits have not been tested, either using the model or any other broad brush method.

It would have been informative to the Inquiry and to the Secretaries of State if both of the policies raised in this very late response to The Alliance had been properly tested.

It is unfortunate that these issues have been raised so late by the proposers, but the facts on which they are based do not support the arguments against sustainable alternatives which are made in their document HBC/8/16/R.

In particular the Climate Change Committee do not suggest that national technological change will be sufficient to meet emission reduction targets.

We would also flag up here how many of Halton's expert witnesses were unfamiliar with the current Regional Spatial Strategy to 2021 – the North West of England Plan (CD/99). The landscape witness dismissed it with a passing remark, unaware that it actually contains a landscape policy and others such as the surface water witness referred to previous iterations. The RSS in this region was adopted in autumn of last year and is a statutory instrument.

Too many statutory requirements and too much important guidance has been treated far too lightly in the evolution of this project. Appendages such as the Sustainable Transport Strategy and the Amendment to Tolling Orders have been added in haste at the last minute and would actually work contrary to some of the key objectives. The economics case is paper thin and the local economy would benefit to the tune of just 1,200 jobs. On the environmental side there are too many imponderables and too many unknowns. This is not 'A Bridge to Prosperity' (ALL/0/7) as it has been 'sold' to the local people, rather it would be 'A Bridge Too Far'.

This is not a robust project; it is an elaborately spun web which does not hang together and which falls apart on close inspection. It is not sound and it should not be endorsed.

Thank you.