

# River Tyne (Tunnels) Order

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31<sup>st</sup> October 2002  
TWPTA Statement of Case

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**THE TRANSPORT AND WORKS ACT 1992**

**THE TYNE TUNNELS ACT 1998**

**THE TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 1992**

**THE PROPOSED RIVER TYNE (TUNNELS) ORDER**

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**RULE 7**

**APPLICANT'S  
STATEMENT OF CASE**

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**1. BACKGROUND**

- 1.1 The Tyne and Wear Passenger Transport Authority (the "TWPTA") is the passenger transport authority for the metropolitan area of Tyne and Wear. It was established pursuant to the Local Government Act 1985 and is responsible for determining the public passenger services that it is appropriate to secure for Tyne and Wear. The TWPTA is a body corporate and consists of members of North Tyneside Council, South Tyneside Metropolitan Borough Council, Newcastle City Council, Gateshead Borough Council and Sunderland City Council who have been appointed by them to be members of the TWPTA.
- 1.2 The legislative history of the existing Tyne Tunnels began with the Tyne Tunnels Act of 1946, which authorised the construction of vehicle, pedestrian and cycle tunnels beneath the River Tyne between Jarrow and Howdon. The pedestrian and cycle tunnels were opened in 1951. Construction of the vehicle tunnel was delayed.
- 1.3 In 1956 and 1960 Acts of Parliament were passed to enable construction of a vehicle tunnel, the costs of which could be paid from revenue raised from tolls for vehicles passing through the then proposed tunnel. Construction of the vehicle tunnel began on 9<sup>th</sup> October 1961 and it was completed and opened by Her Majesty, the Queen on 19<sup>th</sup> October 1967. It opened to traffic the following day.
- 1.4 The existing Tyne Tunnels are now administered pursuant to a regime established under the Tyne and Wear Act 1976. That regime permits tolls to be levied for the use of the vehicle tunnel, the other tunnels being free of charge to users.

- 1.5 By the Tyne Tunnel Order 1986 the existing Tyne Tunnels were vested in the TWPTA on the abolition of the Tyne and Wear Metropolitan County Council.
- 1.6 In 1998 the Tyne Tunnels Act 1998 was passed, which allowed revenue from the operation of the existing vehicle tunnel to be applied toward financing a second vehicle crossing of the River Tyne.
- 1.7 The existing Tyne Tunnels and their approach roads/routes are private roads, footways, etc. That is to say, they are not accessible to members of the public as of right. Rather, the TWPTA may close the tunnels, approach roads, footways, etc. from time to time and may regulate the passage and behaviour of those who use them.
- 1.8 Having regard to its remit under the Local Government Act 1985, the Transport Act 1968 and otherwise, the TWPTA considers that the matters to which this statement of case refers are expedient in fulfilling its functions as a passenger transport authority and as owner and operator of a vital element of infrastructure used by the travelling public. The TWPTA considers that the promotion of the application described below will promote and encourage safe, integrated, efficient and economic transport facilities and services in Tyne and Wear.

## **2. THE NEW TYNE CROSSING**

- 2.1 The proposed scheme ("the New Tyne Crossing") involves the construction of a new crossing of the River Tyne by a two-lane immersed tube tunnel between East Howdon on the north bank and Jarrow on the South bank.
- 2.2 New junctions between the A19 trunk road and the local highway network are also included within the proposed works. The New Tyne Crossing would be approximately 2.6km long, including the immersed tube tunnel. The width of the new carriageway would be approximately 7.3m and the speed limit is proposed to be 56 km/h (40 mph).
- 2.3 Below the river, the crossing would be constructed as an immersed tube tunnel. Sections constructed by cut and cover tunnelling methods would extend inland from the immersed tube to the tunnel portals. A two-lane carriageway would be constructed in the tunnel. The new carriageway will carry southbound traffic. The

northbound traffic would use the existing Tyne vehicle tunnel, which would thereafter operate in one direction.

- 2.4 A new toll plaza would be constructed to accommodate southbound traffic on the north side of the river, west of the existing East Howdon Bypass. Toll booths would be provided along with offices, car parking and garage facilities for tunnel staff and tunnel vehicles. A vehicle inspection area would be provided and any vehicle prohibited from entering the tunnel would be directed to the East Howdon Bypass via a newly constructed access road. Southbound public transport vehicles would be able to enter the tunnel by a dedicated, one-way link.
- 2.5 The present toll plaza at the northern entrance to the existing Tyne vehicle tunnel would be reconfigured to accommodate northbound traffic only. Public transport would have dedicated facilities at the toll plaza and be able to connect to the local highway network. The existing A19 trunk road and roundabout would be reconfigured to allow access to the A19 northbound and the local road network.
- 2.6 If granted, the Order would also authorise certain other ancillary works (with the New Tyne Crossing, the "Authorised Works").

### **3. THE APPLICATION**

- 3.1 On 31<sup>st</sup> May 2002 pursuant to the Transport and Works Act 1992 (the "1992 Act") the TWPTA made an application to the First Secretary of State and Deputy Prime Minister (the "Application") for the River Tyne (Tunnels) Order (the "Order"). The Application is for statutory authority pursuant to Section 3 of the 1992 Act to construct the New Tyne Crossing, being works which interfere with rights of navigation in waters within England and which are of a type listed in the Transport and Works (Description of Works Interfering with Navigation) Order 1992 and, otherwise, the Authorised Works.
- 3.2 The letter of application was accompanied by the following documents:
  - 3.2.1 A draft of the Order;
  - 3.2.2 A concise memorandum explaining the powers sought and the other matters for which provision is sought in the Order;

- 3.2.3 A declaration as to the status of the TWPTA as applicant;
  - 3.2.4 An affidavit of compliance with the rules relating to service of certain documents;
  - 3.2.5 A list of consents, permissions and licences required under other enactments for the purposes of the powers sought in the Order;
  - 3.2.6 The Environmental Statement;
  - 3.2.7 An estimate of the cost of carrying out the works proposed in the Order;
  - 3.2.8 The TWPTA's proposals for the funding of the cost of implementing the Order;
  - 3.2.9 A request for a direction under Section 90(2A) of the Town and Country Planning Act 1990;
  - 3.2.10 The Book of Reference and land plans showing land that is proposed to be the subject of compulsory acquisition; and
  - 3.2.11 Plans showing the works and their effect on ways, paths, tracks, etc.
- 3.3 On 1st October 2002 the TWPTA submitted further documents substituting certain plans for those submitted with the Application, proposing amendments to the description of the scheduled works set out in the Order and providing addenda to the Environmental Statement, which accompanied the Application. The matters set out in these documents do not affect the Environmental Statement already submitted as part of the Application or the conclusions that it contains. Receipt of these documents was acknowledged on behalf of the First Secretary of State on 16<sup>th</sup> October 2002.
- 3.4 The Application also relates to matters and works ancillary to the construction of the New Tyne Crossing. These are discussed in greater detail below.
- 3.5 The Order would also authorise changes of both a temporary and permanent nature to the existing highway network referred to above. Temporary changes will be needed during construction of the Authorised Works. The highway network will be changed on a permanent basis by the completion of the New Tyne Crossing. Appropriate

interfaces will be provided between the existing tunnels, the New Tyne Crossing (together, the "Tunnel Crossing") and the highway network.

3.6 Compulsory acquisition of land and rights in land as well as extinguishments of rights in land and over water would be authorised by the Order. The compulsory acquisition of the land and other interests set out in the Book of Reference accompanying the application and shown on the land plans referred to in the Order is necessary because:

3.6.1 the TWPTA does not own all of the land upon which it is proposed to construct the New Tyne Crossing; and

3.6.2 the TWPTA needs to control the land and interests in land required for the construction of the Authorised Works and the management and operation of the Tunnel Crossing.

3.7 The Order also provides for certain ancillary powers to be granted to the TWPTA that are necessary for the unitary management and operation of the Tunnel Crossing. The letting of a concession for the construction of the New Tyne Crossing and the subsequent management and operation of the Tunnel Crossing is also permitted by the Order.

3.8 The Order contains provisions dealing with the safety of the New Tyne Crossing both during its construction and thereafter in respect of the entirety of the Tunnel Crossing.

3.9 The Order would provide a power for the TWPTA to charge tolls for the passage of vehicles through the Tunnel Crossing. Limits on this power are set out in the Order for the protection of the emergency and armed services.

3.10 The changes to legislation and disapplication of legislation set out in the Order are required in order to prevent conflict between the Order and other legislation.

3.11 The Order sets out protective provisions for the protection of certain parties who may be affected by the construction and/or operation of the Authorised Works.

#### **4. OTHER CONSENTS**

4.1 The Application was accompanied by an application under Section 90(2A) of the Town and Country Planning Act 1990 for a direction by the Secretary of State that

deemed planning permission should be granted. This application included a planning statement and proposals for draft planning conditions.

4.2 Four applications have also been made under the Planning (Listed Buildings and Conservation Areas) Act 1990. These relate to:

4.2.1 Works in the curtilage of the existing Tyne pedestrian and cycle tunnels in North and South Tyneside (two applications, one each to North Tyneside Council and South Tyneside Metropolitan Council);

4.2.2 Demolition of the Gaslight Public House, Tyne Street, Jarrow; and

4.2.3 Removal of the statue of Charles Palmer situated in Riverside Park, Jarrow.

4.3 It is the case of the TWPTA that it is necessary for deemed planning permission and Listed Building Consent to be granted pursuant to these applications in order to permit the construction of the New Tyne Crossing.

## **5. NEED FOR THE NEW TYNE CROSSING**

5.1 The TWPTA considers that the construction of the New Tyne Crossing is justified for the reasons set out in this section. Two elements of the need for the scheme are its benefits in alleviating congestion and in encouraging regeneration.

5.2 There is a need for additional capacity to enable vehicles to cross the River Tyne within the Tyne and Wear conurbation. The TWPTA will demonstrate that, with no further intervention, the strategic road crossings will continue to operate with serious congestion at peak times. Furthermore, at the A1(T)Blaydon Bridge, the A167 Tyne Bridge and at the existing Tyne vehicle tunnel delays and queuing will become more commonplace even during inter-peak periods. This situation is particularly acute in relation to the A19 corridor and the existing Tyne vehicle tunnel.

5.3 In 1990 the Cross Tyne Transport Study, Phase I reported, inter alia: that many of the key road crossings, including the Tyne Tunnel, were operating above capacity during peak times of the day; and that spare capacity on the other crossings could accommodate only general traffic growth, but not the traffic implications of programmed major developments on Tyneside as well. It concluded that a new crossing should be located east of the Tyne Bridge and that there are limited suitable

sites, only identifying three including the duplication of the existing Tyne vehicle tunnel. The Cross Tyne Transport Study, Phase II, reporting in 1992, found that, with no further intervention, the existing Tyne vehicle tunnel and Tyne Bridge would be operating at capacity by 2001, and that delays would even be occurring at Balydon Bridge in peak periods. These predictions have proved to be accurate, and the primary river crossings in Tyne and Wear are indeed experiencing significant operational problems during many hours of the day. The study also considered the impact of a public transport/traffic restraint policy on congestion but concluded that this would not significantly alter cross Tyne traffic flows.

- 5.4 In 1967, its year of opening, 2.5 million vehicles passed through the Tyne Tunnel. This is equivalent to an annual average daily traffic (AADT) flow of approximately 7,000 vehicles per day ("vpd"). By 1982 the annual flow had risen to 8 million (an AADT flow of approximately 22,000 vpd). In recent years the only additional road capacity introduced across the River Tyne was the opening of the A1(T) Blyth Bridge in 1990. This had a temporary impact on traffic at the existing Tyne vehicle tunnel, but flows soon resumed their upward trend. Currently AADT flows exceed 30,000 vpd. The Tyne Tunnel is operating significantly above its design capacity.
- 5.5 The existing Tyne vehicle tunnel is the last remaining section of single carriageway road on the entire length of the A19 between Thirsk and Seaton Burn. Because it operates above its design capacity there are significant delays and long queues on the tunnel approaches during peak periods. There are consequent economic on-costs from delays to commuters and lost time to business.
- 5.6 Bus services through the existing Tyne vehicle tunnel have hitherto been constrained owing to congestion related delays and suppressed demand for cross-Tyne travel. The New Tyne Crossing, including the dedicated southbound public transport link, will ease the congestion giving greater timetabling certainty to public transport operators. The provision of further and enhanced cross-Tyne bus services would be of benefit to the community.
- 5.7 The A1(T) Gateshead and Newcastle Western Bypasses serve long distance traffic passing through the conurbation from north to south. There are many junctions on the A1(T) linking it to the local road network. This easy accessibility has encouraged development in the A1 corridor rather than the A19 corridor, creating an imbalance in

economic development of the conurbation. In relative terms eastern areas perform less well.

5.8 Construction of the New Tyne Crossing is an important aspect of the TWPTA's aim of providing quality infrastructure and will be an important element of efforts to regenerate parts of Tyne and Wear, particularly North and South Tyneside. Currently, much of the area, including the wards adjacent to the proposed tunnel, is faced with high-levels of unemployment and deprivation. Furthermore, the community is confronted with a spatial problem in its economy as there are many unemployed persons living south of the River Tyne and there are more potential employment sites, which have greater compliance with national planning policy, on the north side of the river. Thus, an efficient method of travel is needed to cross the river and reach employment sites. The TWPTA considers that facilitating travel for employment across the river is a key argument for the new crossing and that the improved accessibility gained from its construction will be a benefit to all current and future sites along the A19.

5.9 The economy of Tyne and Wear is not achieving its full potential for delivering jobs and economic growth compared with other parts of the United Kingdom. Whilst there has been some economic growth, North and South Tyneside are two parts of Tyne and Wear where regeneration and growth are still needed. There are a number of potential development sites located along the A19 north of the River Tyne. It is the aim of both local and regional authorities to promote these sites and to bring investment and jobs into the deprived areas of Tyneside. However, congestion (most notably at the existing Tyne Tunnel), and both the real and perceived problems associated with it, is not conducive to attracting incoming investment. Accordingly, increasing accessibility is one of the many actions that are necessary to make these sites more competitive to future development. The inflow of business and jobs to the area will increase local wages and household income and will catalyse further social benefits such as reduced unemployment. The New Tyne Crossing would be especially complementary with the Stephenson's Corridor Jobs Link in addressing these problems of social exclusion. Improvement of transport links along the A19 corridor is also seen as having wider potential economic benefits.

- 5.10 The TWPTA's objective of supporting economic growth, promoting regeneration and improving prosperity in Tyne and Wear will complement the efforts of central, regional and local government in achieving local and regional regeneration objectives.
- 5.11 Construction of the New Tyne Crossing will also enhance overall safety for the crossing at St Bede's, because it will enable the current single carriageway tunnel to run as a two-lane road in one direction.

## **6. ALTERNATIVES**

### **6.1 The TWPTA will show:**

- 6.1.1 That the St Bede's is the most appropriate location for the New Tyne Crossing to meet the needs and objectives set out above;
- 6.1.2 That the construction of an immersed tube tunnel is the most appropriate form of river crossing at that location when considered against a range of economic, transport, safety, engineering and environmental criteria; and
- 6.1.3 That this tunnelling solution is a viable engineering option and is capable of being financed by private sector borrowing based upon modelled vehicle flows and toll levels.

## **7. THE SITE FOR THE NEW TYNE CROSSING**

- 7.1 The TWPTA will set out a detailed description of the site of the New Tyne Crossing, explaining:
- 7.1.1 The general location and context of the site;
- 7.1.2 The relationship of the site to the Tyne and Wear conurbation; to the local and trunk road networks; and to the local area;
- 7.1.3 The nature of surrounding land uses; and
- 7.1.4 The current land use character of the area within the land in respect of which the Order would authorise compulsory acquisition.
- 7.2 The TWPTA will show that it is necessary and appropriate for compulsory powers to be granted over the land within the limits of deviation and limits of land to be

acquired or used that are defined by the Order. As set out above, it is the case of the TWPTA that it is necessary for compulsory powers to be granted in order to permit the construction of the New Tyne Crossing so that the needs set out in this statement of case can be met.

## **8. PLANNING POLICY**

8.1 It is the case of the TWPTA that the construction of the New Tyne Crossing is in accordance with national, regional and local planning policies and that it will foster the delivery of other policy objectives.

8.2 In particular, the TWPTA will show that the New Tyne Crossing is consistent with and/or supportive of the policy objectives set out in PPG1, PPG2, PPG4, PPG9, PPG12, PPG13, PPG15, PPG17, PPG23 and PPG24. The TWPTA will also demonstrate how the proposal accords with current and emerging regional planning guidance and the regional economic strategy, which promote regional competitiveness and regeneration, recognising the importance of infrastructure to fulfil these aims.

8.3 Furthermore conformity with the Local Transport Plan will be demonstrated. This identifies the New Tyne Crossing as a major proposal and is one of the more important transportation projects to be completed during the life of the first Local Transport Plan.

8.4 The TWPTA will also show that the proposal is in accordance with the adopted Unitary Development Plans for South Tyneside and North Tyneside, which both recognise the strategic and local importance of the New Tyne Crossing in achieving wider regeneration objectives for Tyneside. Reference will also be made to sub-regional guidance including the Tyne and Wear Economic Strategy, "Towards 2010".

## **9. EFFECTS OF THE NEW TYNE CROSSING**

9.1 The TWPTA carried out an environmental impact assessment in relation to the Authorised Works in accordance with the Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2000 and European Council Directive 85/337/EEC as amended by Directive 97/11/EC. An Environmental Statement based on the conclusions of the environmental impact assessment

accompanied the Application for the Order. From its conclusions the TWPTA's case will be as set out in paragraph 9.2 below.

9.2 The TWPTA will show that the effects of the New Tyne Crossing in relation to the following matters are beneficial, acceptable or capable of being mitigated to a level that is acceptable:

- (A) Noise and vibration during construction and after completion of the Authorised Works;
- (B) Air quality during construction and after completion of the Authorised Works;
- (C) The townscape of Jarrow and Howdon;
- (D) Local businesses and communities on a permanent and temporary basis;
- (E) Archaeology and cultural heritage;
- (F) The River Tyne in terms of navigation, draught and dredging; physical effects; chemical effects; fisheries and river ecology;
- (G) Land ecology and nature conservation;
- (H) The water environment; and
- (I) Excavation and spoil management.

## 10. MANAGEMENT AND OPERATION OF THE TUNNEL CROSSING

10.1 The TWPTA will demonstrate that it is appropriate for the New Tyne Crossing to be managed and operated together with the existing vehicle, cycle and pedestrian tunnels. It is proposed that a concessionaire will finance construction, operation and maintenance of the New Tyne Crossing from private sector funds. The concessionaire would be appointed under the terms of a concession agreement as contemplated by the Order.

10.2 The proposed power for the TWPTA to levy and set tolls provides the necessary flexibility to facilitate the private sector funding of the New Tyne Crossing and

certainty for the concessionaire. The TWPTA considers that the toll payable for private cars using the Tunnel Crossing is likely to be within the range £1.10 to £1.55 (at 1999 prices).

## **11. GENERAL**

- 11.1 The TWPTA reserves the right to alter amend or add to the grounds or submissions listed above.

## **12. LIST OF DOCUMENTS**

- 12.1 The TWPTA may refer to the following documents:

1. Bundle of Application Documents, including the proposed River Tyne (Tunnels) Order
2. Book of Reference
3. Plans & Sections
4. Environmental Statement – Volume 1: Text
5. Environmental Statement – Volume 2: Figures
6. Environmental Statement – Volume III a, b and c: Appendices
7. Environmental Statement – Non-technical summary
8. PPG1 – General Policy and Principles
9. PPG2 – Green Belts
10. PPG4 – Industrial and Commercial Development and Small Firms
11. PPG9 – Nature Conservation
12. PPG12 – Development Plans
13. PPG13 – Transport
14. PPG15 – Planning and the Historic Environment
15. PPG17 – Sport and Recreation
16. PPG23 – Planning and Pollution Control
17. PPG24 – Planning and Noise

18. RPG1 Regional Planning Guidance for Tyne and Wear, 1989
19. Draft RPG1 Regional Planning Guidance for the North East, 1999
20. Draft RPG1 Regional Planning Guidance for the North East – Proposed Changes, April 2001
21. South Tyneside UDP – Adopted, October 1999
22. North Tyneside UDP – Adopted, March 2002
23. Local Transport Plan for Tyne & Wear 2001 – 2006
24. Regional Economic Strategy for the North East – Unlocking Our Potential, One North East and North East Regional Assembly, October 1999
25. The Regional Economic Strategy for the North East of England – Consultation Draft, One North East, June 2002
26. North East of England Objective 2 2000-2006, Single Programming Document Volume 1 - Socio-Economic Analysis
27. North East of England Objective 2 2000-2006 Program Complement, Government Office of the North East, April 2001
28. Cross Tyne Study Phase I (five volumes)
29. Cross Tyne Study Phase II – Summary Report of the Technical Steering Group, The Cross Tyne Technical Steering Group, July 1992
30. Cross Tyne Study Phase II – Report on the Public Transport Improvement/Private Traffic Restraint Scenario, The Cross Tyne Technical Steering Group, July 1992
31. Cross Tyne Study Phase II – Report on the St Bede's Crossing, The Cross Tyne Technical Steering Group, July 1992
32. Cross Tyne Study Phase II – Report on the At Anthony's Crossing, The Cross Tyne Technical Steering Group, July 1992
33. Cross Tyne Study Phase II – Report on the St Lawrence Crossing, The Cross Tyne Technical Steering Group, July 1992
34. Cross Tyne Study Phase II – Report on the Walker Crossing, The Cross Tyne Technical Steering Group, July 1992
35. The New Tyne Crossing Report, Hambros Consortium, 1995-6
36. The Tyne and Wear Passenger Transport Authority 2001-2002 Best value performance plan.

37. The Tyne Tunnels Best Value Review

38. The Tyne Tunnels Service Improvement Plan

39. Tyne and Wear Passenger Transport Authority: Best Value Inspection: Tyne Tunnels, February 2002, Best Value Inspection Service.

**HERBERT SMITH**

**30th October 2002**