



**OFFICE OF THE  
DEPUTY PRIME MINISTER**

Howard Bassford Esq  
Messrs Herbert Smith  
Exchange House  
Primrose Street  
London EC2A 2HS

Matthew Bigault  
TWA Processing Unit

Office of the  
Deputy Prime Minister  
Zone 3/11  
Great Minster House  
76 Marsham Street  
London SW1P 4DR

Direct Line: 020 7944 6912  
Fax: 020 7944 2479  
GTN No: 3533 6912  
transportandworksact@odpm.gsi.gov.uk  
Web Site: www.odpm.gov.uk

Our Ref: TWA/02/APP/03  
Your Ref: 2087/5254/30811886

12 December 2002

Dear Mr Bassford,

**TRANSPORT AND WORKS ACT 1992 (TWA): APPLICATION FOR THE PROPOSED  
RIVER TYNE (TUNNELS) ORDER**

I refer to the application for the above Order made by the Tyne and Wear Passenger Transport Authority on 31 May 2002 and to the letter sent to you on 10 December 2002 announcing the inquiry details.

A copy of a statement of matters about which the Secretary of State particularly wishes to be informed for the purposes of his consideration of this Order is now enclosed.

Please let me know if you have any questions about these procedures.

Yours sincerely,

Matthew Bigault

## **TRANSPORT AND WORKS ACT 1992: PROPOSED RIVER TYNE (TUNNELS) ORDER**

## **TOWN AND COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED PLANNING PERMISSION**

## **PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: APPLICATIONS FOR LISTED BUILDING CONSENT**

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

### **STATEMENT OF MATTERS**

This statement relates to the public inquiries to be held concurrently into the applications by the Tyne and Wear Passenger Transport Authority ("TWPTA") for:

- i. the above Order under the Transport and Works Act 1992 ("TWA")
- ii. a direction as to deemed planning permission for the development for which provision is included in the proposed TWA Order; and
- iii. the listed building consents required in consequence of the proposals in the TWA Order application.

The statement sets out, pursuant to rule 7(8) of the Transport and Works (Inquiries Procedure) Rules 1992, the matters about which the Secretary of State particularly wishes to be informed for the purposes of his consideration of these applications. These matters are as follows:

1. The need for and objectives of the proposed new Tyne crossing.
2. The justification for the particular proposals in the TWA Order including –
  - the extent to which they are consistent with national, regional and local planning and transport policies; and
  - the main alternatives considered as regards location, type of crossing or other means of meeting the objectives of the scheme.
3. The case for including compulsory acquisition powers in the proposed TWA Order and whether any or all the land for which such powers have been sought is necessary for the works provided for in the proposed Order.
4. The proposed arrangements for setting, reviewing and varying the tolls chargeable for use of the proposed new Tyne crossing and the existing road tunnel.
5. Whether the proposals are reasonably capable of attracting the necessary funding.
6. The likely impact of the proposed new Tyne crossing on the levels of traffic using the A19 corridor and the associated local road network, including any consequential effects on pedestrians, cyclists and public transport.
7. The likely impact on local residents and businesses of constructing and operating the proposed new Tyne crossing and the measures proposed by the TWPTA for mitigating any adverse impacts, including -
  - the social and community effects of the proposals;
  - the loss of public open space and proposals for its replacement;

- the effects of the proposed works on traffic using the River Tyne and on businesses using harbour facilities including Howdon Basin and adjoining yard and quay;
- any effects of the proposals in the Order on the powers and duties of the Port of Tyne Authority;
- the effects on the proposed works on the water and sewage systems of Northumbrian Water Limited;
- the effects of the proposed works on telecommunications operations and the delivery of mail; and
- any impact on rail freight services using the Jarrow Branch Line.

8. The likely local and regional economic effects of the proposed new Tyne crossing.

9. The probable impact on ecology and on the environment of constructing and operating the proposed works, including -

- the effects of those works on water quality and the marine environment;
- the effects on the ecology of the River Tyne, in particular in relation to migratory fish and other fisheries and the arrangements for monitoring those effects;
- noise and vibration;
- air quality effects;
- landscape, townscape and visual impacts;
- the arrangements for waste management, including the transport, storage and disposal of dredged and contaminated material;
- the effects of the proposals on flood risk; and
- any impact on the Northumbria Coast Special Protection Area.

10. The proposals for mitigating any adverse environmental effects including -

- any measures to avoid, reduce or remedy any major adverse environmental impacts of the proposed works;
- any measures to avoid, reduce or remedy any other adverse environmental impacts likely to arise from the works; and
- whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation measures had been put in place.

11. The adequacy of the environmental statement submitted with the application for this Order and whether statutory procedural requirements have been met.

12. The conditions proposed by the TWPTA to be applied to any deemed planning permission that may be given for the proposed works, and in particular whether they meet the tests in DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

13. The justification for article 49 of the proposed TWA Order which seeks to exempt the new tunnel and associated works from rates.

14. The purpose and effect of any substantive changes to the TWA Order proposed by the TWPTA since the application was made; whether anyone likely to be affected by such changes has been notified; and whether any proposed changes to the Order either on their own or taken together would amount to a substantial change in the proposals for the purposes of section 13(4) of the TWA.

*In relation to the applications for listed building consent (iii above)*

15. The extent to which the proposed demolition and other works to the listed buildings affected by the proposed new Tyne Tunnel crossing (demolition of the Gaslight Public House; demolition of the Sir Charles Palmer Statue and alteration works within the curtilage of the Tyne Tunnel Pedestrian and Cyclist Tunnel both on the south and North side of the river Tyne) may conflict with the advice in Planning Policy Guidance Note 15 – *Planning and the Historic Environment* (PPG15) and, in particular:

- the importance of the buildings, their intrinsic architectural and historic interest and rarity in both national and local terms, and their particular physical features;
- the settings of the listed buildings and their contribution to the local scene;
- the extent to which the proposed demolitions and other works to the listed buildings would in themselves help to bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area and the enhancement of its environment;
- the condition of the listed buildings, the cost of repairing and maintaining them in relation to their importance, and the value to be derived from their continued use;
- the adequacy of any efforts made to retain the listed buildings in use within the proposed scheme;
- the merits of the proposed new Tyne Tunnel crossing, and the weight that should be given to its benefits for the community when set against the merits of preservation.

16. Whether any Listed Building Consent should be subject to conditions, including any conditions on proposals for relocation of buildings, and if so the form the conditions should take having regard to the advice contained in DOE Circular 11/95, especially as to their being necessary, relevant, enforceable, precise and reasonable, and in PPG 15.

#### Note

It should be noted that whilst the above matters appear to the Secretary of State, from the evidence so far available to him, to be the principal ones that need to be addressed, this statement does not preclude the inquiry Inspector from hearing evidence on any other matters that he may consider to be relevant to consideration of the application. In addition, this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does it imply any particular order of importance.

**Transport and Works Act Processing Unit**

**Government Office for the North East**

**Office of the Deputy Prime Minister  
December 2002**