

THE TRANSPORT AND WORKS ACT 1992

THE TYNE TUNNELS ACT 1998

**THE TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS
PROCEDURE) (ENGLAND AND WALES) RULES 2000**

THE PROPOSED RIVER TYNE (TUNNELS) ORDER

**REQUEST FOR DIRECTION UNDER SECTION 90 (2A)
OF THE TOWN AND COUNTRY PLANNING ACT 1990**

RULE 10 (6)

To: The Secretary of State for the Environment, Transport and the Regions, Great
Minster House, 76 Marsham Street, London SW1P 4DR.

1. The Tyne and Wear Passenger Transport Authority (the Applicant) hereby seeks, pursuant to rule 10 (6) of the above rules (the Rules), a direction from the Secretary of State under section 90 (2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for the development sought to be authorised by the Order now being applied for within the various limits provided for in the draft Order and the accompanying deposited plans and sections.
2. The proposed development comprises the construction and operation of a new tunnel of part immersed tube and part cut and cover construction beneath the River Tyne and other land between tunnel portals in Jarrow and East Howdon (the new tunnel). A two-lane carriageway will be constructed within the new tunnel to carry all southbound traffic under normal operational conditions (or single lanes of north and south-bound traffic when existing tunnel is closed for maintenance/emergencies). The existing Tyne Tunnel will be modified and used to carry all northbound traffic. The construction works relating to the new tunnel include works at ground level, in cutting, in river basins and both in and on the bed of the River Tyne including the formation of a new toll plaza, new and reconfigured roads and accesses between the A19 and local highway networks, a new grade-separated junction in Jarrow, street works and other connected and associated works and conveniences, and the temporary use of land for construction and storage purposes.
3. The proposed development of the new tunnel will run beneath the River Tyne between Jarrow on the south bank in the Metropolitan Borough of South Tyneside

(South Tyneside) and Howdon on the north bank in the Metropolitan Borough of North Tyneside (North Tyneside). The cut and cover sections of the tunnel will be in Jarrow and East Howdon. Alterations to the existing Tyne Tunnel and the adjacent existing pedestrian and cycle tunnels, together with formation of new highway connections between the A19 and local highway networks are also proposed.

4. Works to the existing Tyne Tunnel are proposed to enable it to be used for two lanes (northbound traffic) under normal operations (or single lanes north bound and south bound where the new tunnel is closed for maintenance). The works include alterations to the existing toll plaza, provision of vertical escape shafts (one north, one south of the river), alterations to ventilation and signage.
5. The area that will be affected by the proposed development comprises a mixture of public uses (highways, educational, open space), commercial, residential and industrial uses in Jarrow on the south side of the Tyne and primarily operational tunnel land, public highways, industrial riverside property and vacant, former landfills in Howdon in North Tyneside.
6. The applicant's interest in the proposed development is as the Passenger Transport Authority for Tyne and Wear and the body who own and operate the existing Tyne Tunnel and the existing pedestrian and cycle tunnels and owners of other land. The applicant's interest in land outside its ownership or control is as prospective purchaser.
7. Notice to property owners and occupiers affected by the proposed development will have been given by way of service of notices under Rule 15 of the Rules and the other publicity required by the Rules given.
8. The proposals are a Schedule 2 Project within the definition set out in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and, therefore, no part of the proposals are permitted development within the meaning of the Town and Country Planning (General Permitted Development) Order 1995.
9. The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

Proposals

Provisions of Draft Order

The scheduled works.

Article 3 and Schedule 1.

Miscellaneous ancillary works.

Articles 3, 4, 5, 6 and 7, 10, 13, 14, 16 and 31 and Schedules 1, 2 and 4.

- Highway alterations and improvements Articles 3, 4, 5, 6, 7, 9 and 10 and Schedules 2, 3, 4, 10 and 11
- Changes of Use Articles 3, 4, 5, 6, 16, 20, 21, 24, 25, 28, 29 and 31 and Schedules 1, 2, 3 and 7.
10. Further particulars of items currently identified as forming elements or possible elements of the development proposed are contained in Appendix 1 and comprise the development for which deemed planning permission is hereby sought.
11. The direction sought is one of deemed planning permission to be granted for the development and for each element of it and, in accordance with rule 10 (6) (c) of the above-mentioned rules, with aspects of siting, design, external appearance, means of access and landscaping being reserved for subsequent approval by the relevant local planning authority to the extent and in the manner proposed in the conditions to the draft direction. Attached as Appendix 2 to this request are the draft conditions that the applicant currently wishes to propose.
12. In accordance with the Rules an Environmental Statement and supporting documentation also accompanies the application under the Transport and Works Act 1992 of which this request forms part.

**OVE ARUP
HERBERT SMITH**

31st MAY 2002

AGENTS OF THE TYNE AND WEAR PASSENGER TRANSPORT AUTHORITY

APPENDIX 1

ELEMENTS OF THE DEVELOPMENT OR POSSIBLE DEVELOPMENT

A. In the Metropolitan Borough of North Tyneside

1. Changes to the Existing A19 Trunk Road.

- a. Alterations to widen the southbound carriageway of the existing A19 Trunk Road and adjacent land to the north of the existing toll plaza to accommodate a deceleration lane for the proposed new toll plaza and vehicle inspection area (Work No.1A).

2. Construction of a New Toll Plaza and Works to the Southbound Carriageway of the Existing A19 Trunk Road.

- a. Alterations to carriageway of the existing A19 Trunk Road and highway land (south of Work No.1A) to increase the width of the carriageway in open cut and retained cut.
- b. Construction of a new toll plaza and vehicle inspection area and associated facilities, including construction of a new carriageway and access roads for use by tunnel traffic, alterations to and widening of the carriageway of the existing A19 Trunk Road (southbound), erection of traffic islands and toll booths and introduction of lighting columns (Work No.1B).
- b. Construction of a new administration building and associated staff parking areas in the area east of the proposed toll plaza and west of East Howdon Bypass (Work No.1E).
- c. Construction of two retaining walls extending north from the proposed portal of the new tunnel (Work No.1G and Work No.1H).
- d. Formation of new cuttings into existing ground and construction of new access routes:
 - New vehicular access route between the toll plaza and the East Howdon Bypass (A187) for use by both tunnel staff, emergency vehicles and as an exit from the vehicle inspection area for rejected tunnel traffic (Work No.1D).
 - Formation of a new dedicated public transport access route between East Howdon Bypass / Howdon Road roundabout and A19 (Work No.1C).
- e. Formation of a surface level crossover (east/west link) between the north and southbound carriageways of the A19. (Work No.1F).
- f. Construction of a cut and cover section of the tunnel from the proposed portal of the new tunnel up to the boundary of Howdon Yard (part of Work No.3A).

3. Works to the Existing Toll Plaza and the Northbound Carriageway of the Existing A19 Trunk Road.

- a. Engineering and construction works including and relating to the widening of the existing A19 Trunk Road carriageway to accommodate two lanes of northbound traffic leaving the existing Tyne Tunnel (Work No.2A).
- b. Formation of a permanent crossover between the north and southbound carriageways of the A19 Trunk Road for public use when either of the tunnels is closed (Work No.2B).
- c. Works to the existing toll plaza to accommodate two lanes of northbound traffic, involving realignment and reconfiguration of the current layout to accommodate new tollbooths and extensions to the existing hard standings at several locations within this area (Work No.2C).
- d. Minor realignment and changes to the existing carriageway and surface levels at the southern end of the existing A19 Trunk Road and the existing roundabout at the junction of the A19 Trunk Road, the East Howdon Bypass and Tyne View Terrace (Work No.2D) for purposes including to:
 - Permit the existing Tyne Tunnel to be closed to southbound traffic;
 - Create an alternative route for south bound traffic if the existing Tyne Tunnel is used for two-way traffic operation or closed; or
 - Create a new access route to the A19 (northbound) for abnormal loads.
- e. An at-grade realignment and reuse of part of the existing carriageway of the A19 roundabout to enable northbound tunnel traffic to access the local road network at the southern end of the East Howdon Bypass (Work No.2E).
- f. Construction of new escape shaft from existing vehicular tunnel between A19 / A185 tunnel roundabout and Tyne View Terrace (Work No.3B).

4. Land to West of the East Howdon Bypass (A187) and East of the Existing A19 Trunk Road

- a. Use of land between the East Howdon Bypass, the existing A19 Trunk Road and north of the proposed new toll plaza (Work No. 1B) as a works construction site, contractors construction compound for storage of materials, plant and machinery, location of contractor s offices and related parking, together with erection of security fencing with associated security lighting and cameras and associated landscaping and for the storage and deposit area for inert materials arising from an/or related to the engineering/construction works. Restoration by re-grading to a state suitable for industrial development and soft landscaping of boundaries after completion of the new tunnel, in respect of those areas not occupied by other development authorised by this Planning Direction.

- b. Temporary use of land west of the East Howdon Bypass, generally to the north of the junction with Howdon Road and of the proposed toll plaza and not occupied by other development authorised by this Planning Direction as a contractors construction compound for storage of materials, plant and machinery, location of contractor s offices and related parking , together with erection of security fencing with associated security lighting and cameras and associated landscaping. Re-instatement to former use, following completion of construction works.
- c. Temporary use of land west of the East Howdon Bypass, between its junction with Howdon Road and its junction with Tyne View Terrace and north of Tyne View Terrace as a construction area and haul routes for the works, together with erection of security fencing with associated security lighting and cameras and associated landscaping. Re-instatement to former use, following completion of construction works.
- d. Temporary use of the northbound carriageway of the East Howdon Bypass for vehicular access and construction areas for the works. Re-instatement to former use, following completion of construction works.
- e. Formation of temporary construction site accesses from the East Howdon Bypass (marked NA2 on the deposited plans), Howdon Road roundabout (marked NA3 on the deposited plans) and from the Howdon Road/ Northumberland Dock roundabout at the south end of the East Howdon Bypass (marked NA4 on the deposited plans). Re-instatement of boundary treatment, following completion of construction works.
- f. Installation of temporary vehicle and pedestrian bridge or crossing during the construction works to maintain access along Tyne View Terrace. Re-instatement to former use, following completion of construction works.
- g. Change of use throughout the construction period from general highway of the link road between the Howdon Road/ Northumberland Dock roundabout at the south end of East Howdon Bypass and the A19 roundabout adjacent to the existing tunnel entrance, to allow construction of the tunnel and to provide construction traffic access. Re-instatement to former use, following completion of construction works.
- h. Works to permit the diversion of traffic, cycle and pedestrian routes affected by the proposed development.

5. Howdon Yard

- a. Construction of a cut and cover section of tunnel within Howdon Yard (Work No.3A (part)).
- b. Temporary use of the land between Howdon Basin and Tyne View Terrace and adjoining land east of Howdon Basin during the construction of the tunnel as a construction site and to provide access works in Howdon Basin. Re-instatement to former use, following completion of construction works in Howdon Yard.

- c. Erection of temporary security fencing to secure the working areas and construction sites within Howdon Yard and removal following completion of works.
- d. Erection of permanent security fencing within Howdon Yard.
- e. Demolition of part of the wall, forming the northern boundary of Howdon Yard and re-instatement of boundary following completion of the construction works in Howdon Yard.
- f. Reconfiguration of the existing pedestrian and vehicular access to Howdon Yard from Tyne View Terrace and construction of new security gatehouse (marked NA6 on the deposited plans).
- g. Formation of a temporary pedestrian and vehicular to Howdon Yard with new security gate off Coach Open and Tyne View Terrace, in the vicinity of the northern entrance to the pedestrian and cycle tunnels (marked NA5 on the deposited plans access) for use by the occupiers of Howdon Yard and by others in relation to the business of the occupiers, together with erection of safety barriers or other measures in Coach Open to protect pedestrians and cyclists. Re-instatement of the boundary following completion of the construction works in Howdon Yard.
- h. Formation of new vehicular access ramp(s) and alterations to existing pedestrian links between the upper and lower levels in Howdon Yard West, and relocation of parking areas during the construction period.
- i. Demolition of buildings within Howdon Yard including the existing security gatehouse, office / storage building to the north of the yard, the electricity substation and storage buildings to the north and west of Howdon Basin.
- j. Construction of a replacement electricity substation.
- k. Construction of a new, replacement two-storey building within Howdon Yard, (B1, B2 and B8 Use only), together with and associated car parking and servicing areas.
- l. Temporary alterations to the existing two-storey brick-built office building adjacent to Howdon Basin to provide accommodation works during the construction.
- m. Dismantling and relocation of two temporary buildings.
- n. Subdivision of existing workshops (B1, B2 and B8 uses).

B. In the River Tyne and Howdon Basin

6. Works in Howdon Yard and Howdon Basin

- a. Engineering and construction works to extend the heavy lifting quay, known as Howdon Quay, by approximately 45 metres eastwards (downstream) (Work No.4C).

- b. Construction of a temporary cofferdam structure within Howdon Basin to facilitate use of the Howdon Basin, including use as a temporary building dock to construct elements of the immersed tunnel (Work No.4A).
- c. Reconfiguration, extension and reconstruction of Howdon Basin and the adjoining quays and quay walls, including construction of a temporary site access jetty along the western side of Howdon Basin, construction of a pier or quay being a westerly extension (100 metres in length by 22 to 40 metres in width) to the existing heavy lifting quay on the eastern side of Howdon Basin over the new tunnel, (Work No.4B), reconfiguration of Howdon Basin to form a basin approximately 100 metres wide and 100 metres long.

7. Construction of Immersed Tube (Work No.4A and 5)

- a. Construction of a tunnel (of the immersed tube type) between the north side of Howdon Basin and the south bank of the River Tyne incorporating a two-lane carriageway, verges on each side and a separate escape/services passage (Work No. 4A and Work No. 5).
- b. Engineering operations in the river bed, comprising the dredging of a trench for the placing of element of a tunnel (of the immersed tube type), the construction of temporary steel pile training walls on both sides of the river, placing of rock and other armour over and adjacent to the new tunnel (Work No.4D) and backfilling of the trench.
- c. Use of the river channel for temporary storage of tunnel elements, including dredging and other works to the river bed to provide a temporary storage base.

C. In the Metropolitan Borough of North Tyneside

8. South Bank of the River to the Existing Howard Street Overbridge.

- a. Use of the former Mercantile Dockyards for temporary storage of dredged arisings from the River Tyne prior to use for backfilling of the immersion trench or disposal of waste off-site, and for a construction site, including storage areas for materials, plant and machinery and for the location of contractors offices, and associated parking, together with construction of a temporary contractors site access, erection of security fencing with associated security lighting and cameras and associated temporary landscaping. Subsequent re-instatement to former use, following completion of construction of the new tunnel and associated works.
- b. Construction of a new tunnel by cut and cover techniques between the south bank of the Tyne and the existing Howard Street bridge over the existing tunnel approach roads. (Work No. 5 and Work No. 6A).
- c. Temporary use of land on either side of the site of the new tunnel, south of the River Tyne and north of Howard Street as a working areas for the construction of the new tunnel and for haul roads. Subsequent re-instatement, following completion of construction of the new tunnel and associated works.

- d. Temporary use of land within the boundary of the Rohm and Haas Works on Tyne Street and Chaytor Street, adjoining the construction site as working areas, as haul roads and for a contractors construction site for storage areas for materials, plant and machinery and for the location of contractors offices and associated parking, together with construction of a temporary contractors site access (shown as SA1 on the deposited plans), security lighting and cameras and associated temporary landscaping. Subsequent re-instatement to former use, following completion of construction of the new tunnel and associated works.
- e. Formation of temporary accesses into the site of the new tunnel, working areas and contractors compounds in the following locations:
- North and south from Chaytor Street, east of the site of the new tunnel (shown as SA2 and SA3 on the deposited plans);
 - At the junction of Ormonde Street and Ferry Street (shown as SA4 on the deposited plans);
 - To the east of Ferry Street, between its junctions with North Street and Grange Road (shown as SA5 on the deposited plans);
 - To the south of Salem Street, west of the site of the new tunnel (shown as SA6 on the deposited plans);
 - North from Howard Street, on either side of the site of the new tunnel (shown as SA7 and SA8 on the deposited plans).

Reinstatement of boundary treatments when construction is completed.

- f. Demolition of the following properties/ buildings / structures in Jarrow lying within the proposed route of the tunnel including safeguarding works when only part of a property/ building / structure is demolished, comprising:
- The Gaslight Public House (Note: a separate listed building application for the demolition of this Grade 2 listed building has been made);
 - The Sir Charles Palmer Monument (Note: a separate listed building application for demolition of this Grade 2 listed building has been made. It is proposed that the monument will be restored and re-erected elsewhere);
 - The used car showroom and associated buildings and structures on Commercial Street;
 - Houses known as 61-71 Commercial Road (odd numbers only), Jarrow;
 - The former St. Peter s Church of England Junior and Infant School;
 - The former Grange Nursing Home, Slade Road, Jarrow;

- An electricity substation situated at Stanley Street;
 - Buildings comprising flats known as 280-290 High Street (even numbers), Jarrow;
 - Buildings comprising flats and retail premises known as 207-219 High Street (odd numbers), Jarrow; and
 - Buildings comprising houses known as 31-37 Salem Street (odd numbers) Jarrow;.
- g. Formation of new turning heads at Stanley Street and Curlew Street.
 - h. Installation of temporary vehicle and pedestrian bridges or crossings during the construction of the new tunnel to provide access along Chaytor Street, High Street, Salem Street and between Ferry Street and Dunn Street School.
 - i. Landscaping works to the existing landscaped area and streets between the River Tyne and Chaytor Street, involving works to regrade the area at a uniform gradient rising from the existing Quayside Walkway, hard and soft landscaping works to this area and the area between Chaytor Street and Friar Way for subsequent use as public open space, following completion of the new tunnel.
 - j. Landscaping works to reinstate the playing fields of Dunn Street School between Staple Road, Stanley Street and Dunn Street School, following completion of the new tunnel.
 - k. Formation of new footpaths and/or cycleways to link the existing Quayside Walkway and the existing pedestrian and cycle tunnels and Chaytor Street.
 - l. Construction of a new access road including a new roundabout at the junction of Chaytor Street and Ferry Street northwards to the entrance of the existing pedestrian and cycle tunnels and formation of a new access road around the pedestrian and cycle tunnels (Works Nos. 6B, 6C and 6D).
 - m. Construction of a new escape shaft from the existing Tyne Tunnel, south of the existing ventilation building and west of Ferry Street (Work No. 6E).
 - n. Construction of a new road between Ferry Street and Friar Way (Work No. 6F).
 - o. Formation of a new footpath/cycleway to link the new crossing at Chaytor Street to the new road to be constructed between Ferry Street and Friar Way.
 - p. Construction of a new portal for the existing Tyne Tunnel and new tunnel to the south of the new Howard Street overbridge, including works to enclose the existing tunnel approach road from the existing south portal to the site of the new portal.

9. A19 South of the Existing Howard Street Overbridge

- a. Construction of a new ventilation building (approximate gross external area 500 square metres) and ventilation stack on land to the east of the tunnel approach roads and south west of the existing Howard Street (A185) / Priory Road roundabout (Work No. 6G).
- b. Works of alteration to the existing vehicle inspection area, comprising ancillary buildings, parking and areas of hard standing at the existing tunnel (Work No.7Q).
- c. Construction of a new slip road from the northbound carriageway of the A19 (Work No.7R)
- d. Construction of a new southbound carriageway of the A19, including construction of new supporting structures below ground level passing below the existing Mineral Railway and Metro Bridges to join the existing A19 Trunk Road just to the south of the Metro Bridge (Work No.7K).
- e. Formation of a new slip road and lay-by area, linking the new tunnel portal to Straker Street (A185) (Work No.7L).
- f. Realignment of the northbound carriageway of the tunnel approach roads and the existing A19 Trunk Road, including construction of supporting below ground level structures, to form a carriageway between new tunnel portal and a point south of the existing Metro bridge over the existing A19 Trunk Road (Work No.7A).
- g. Modification of the wing wall to the existing Metro bridge (Work No.7W).

10. Jarrow Junction (South Tyneside)

- a. Construction of a compact grade separated junction on the west side of the A19 between the existing mineral railway line bridge and Howard Street , including the items set out in the following paragraphs.
- b. A new roundabout junction at the western end of Straker Street (A185) (Work No.7S).
- c. Works to the A185, Straker Street, comprising realignment of the section east of the existing junction of Straker Street (A185) and the existing A19 Trunk Road (Work No.7T) and realignment of and improvements to the A185 / A108 link road (Work No.7M), leading northwards from the new roundabout at the western end of Straker Street.
- d. Reconfiguration of the existing roundabout, at the junction of Howard Street (A185) and Priory Road (B1297) (Work No.7E).
- e. Realignment of Priory Road (B1297) south of St Paul s Road (Work No.7F).
- f. Realignment of Howard Street, west of the Howard Street (A185)/ Priory Road (B1297) roundabout, (Work No.7G), demolition of the existing road bridge carrying Howard Street (A185) over the existing Tyne Tunnel approach road and construction of a new road and road bridge (Work No.7H) and realignment of a section of Howard Street

(A185) to the west of the new bridge, towards the Howard Street / Monkton Terrace Roundabout, including support structures below ground level (Work No.7J).

- h. Formation of a new link road 3 lanes wide between the tunnel portal and approach roads and the reconfigured junction of Howard Street and Priory Road, including construction of a new section of road between the Howard Street / Priory Road junction (Work No.7D), a new bridge over the A19 and link roads (Work No.7C), formation of a compact, spiral road to link to the tunnel approach roads with construction of a vehicle inspection area (Work No.7B).
- i. Construction of retaining walls to the east of Epinay Walk to support the land above the proposed spiral link road and vehicle inspection area. (Work No. 7P and Work No. 7N).
- j. Construction of a new link road and slip road from the new roundabout junction at the western end of Straker Street (A185) to the A19 Trunk Road (Work No.7U and 7V).
- k. Works to the highway to permit north and south bound traffic to be diverted to the opposite carriageway during periods of tunnel closure.

11. General items throughout the alignment of the new tunnel and construction areas

- a. Diversion and relocation of services, plant and other equipment belonging to statutory undertakers, utility companies and others to facilitate the construction of the new tunnel and associated highway and other works along the full alignment of the new tunnel. Erection of bridging structures to support crossings for services, plant and other equipment across cut and cover sections of the new tunnel.
- b. Relocation and/or provision of new road traffic signs, street lighting and carriageway lane markings, where not covered by the Highways Acts, at various locations along the alignment of and approaches to the new tunnel and associated road works.
- c. Formation of areas of hard and soft landscaping above and adjacent to and in the vicinity of the new tunnel roads, junctions, bridges and other structures at various locations along the alignment of the new tunnel.
- d. Provision of longitudinal metal or concrete barriers, raised kerbs or other more localised protective measures, to protect the new tunnel, bridge supports and other structures and plant from errant vehicles on any highway or other road.

APPENDIX 2

DRAFT PLANNING CONDITIONS TO APPLY TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION

Introduction

In these conditions, unless the context otherwise requires:-

TWPTA means the Tyne and Wear Passenger Transport Authority or any person authorised pursuant to the Order to carry out the development;

"the relevant local planning authority" means North Tyneside Metropolitan Borough Council in the case of development within Metropolitan Borough of North Tyneside, South Tyneside Metropolitan Borough Council in the case of development within Metropolitan Borough of South Tyneside or both local planning authorities in the case of any element of the development that falls within both areas;

"building" includes any structure or erection or any part of a building, structure or erection but does not include any plant or machinery, or any gate, fence, wall or other means of enclosure;

"contractor" means a person employed or acting on behalf of the TWPTA to carry out any part of the development;

Code of Construction Practice means the Code of Construction Practice as outlined in the Environmental Statement and condition 4;

"deposited plans" and authorised works have the meanings given in the Order;

"development" means the development authorised by the Planning Direction;

"the Order" means The River Tyne (Tunnels) Order 200X;

"HGV means -

- (a) an articulated goods vehicle, or
- (b) a motor vehicle which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

Planning Direction means the direction granting deemed planning permission in respect of the works authorised by the Order to which these conditions are applicable;

"phase of the development" means any element of the authorised works of the development, whether defined by reference to a period of time or geographical extent and identified as such in a programme for the phasing of the development.

Time Limits for Commencement of Development and Reserved Matter Applications

1. Applications for approval of any reserved matters must be made not later than the expiration of five years from the date on which the Order is made by the Secretary of State and the development permitted by the Planning Direction must be begun not later than whichever is the later of the following matters:-
 - a. the expiration of seven years from the date on which the Order is confirmed by the Secretary of State; or
 - b. the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last such reserved matters to be approved.

Reason

To ensure that the development is carried out in a reasonable time and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Strategic Documents

2. Prior to the commencement of development a Phasing Strategy and Code of Construction Practice shall be submitted to and approved in writing by the relevant local planning authority. Once the Phasing Strategy and Code of Construction Practice have been approved, all development shall be carried out in accordance with these approved documents, or any subsequent revisions that have been submitted to and approved in writing by the relevant local planning authority unless otherwise agreed in writing with the relevant local planning authority.

Reason:

To ensure the satisfactory construction of the development.

Phasing Strategy

3. The Phasing Strategy shall comprise a written statement and accompanying plans and drawings to include, in relation to each phase of the development, a programme of works and details of the site preparation, excavations, works in the Tyne, construction and other operations, development and restoration of any constituent phase.

Reason

To allow for the co-ordination and planned phasing of development and the use of Phasing Strategy as the basis for reserved matter applications and approvals throughout the period of the works.

Code of Construction Practice

4. Prior to the commencement of development a Code of Construction Practice and related Environmental Management Plans that generally conform to the principles set out in the Environmental Statement submitted as part of the Order, unless otherwise agreed with the relevant planning authority, shall be submitted to and approved in writing by the relevant local planning authority. All development shall be carried out in accordance with the approved Code of Construction Practice and related Environmental Management Plans, unless any deviations from the approved development have first been submitted to and approved in writing by the relevant local planning authority. The Code of Construction Practice shall detail methods the developer shall employ and detailed measures to be taken:
- a. to protect the water and land environments and air quality;
 - b. to protect the general public;
 - c. to meet health and safety requirements;
 - d. to manage the site and works compounds and control working conditions on site;
 - e. to demonstrate compliance with the relevant legislation, guidelines and practice notes relating to contaminated land;
 - f. to minimise construction noise and vibration, including a monitoring scheme near to sensitive properties;
 - g. to manage construction related traffic, including provision of directional and other signage;
 - h. to liaise with the relevant authorities and the general public, in the event of any complaints being generated;
 - i. to suppress dust generation and migration, and to include a monitoring scheme near to sensitive properties;
 - j. to restabilise disturbed land;
 - k. to deal with unexpected contamination;
 - l. to store spoil, including separation methods, and the isolation and redistribution of uncontaminated spoil; and
 - m. to minimise waste and manage its disposal.

Reason

To ensure that the works implemented will be in accordance with the relevant regulations to protect the environment and preserve local amenity.

Code of Construction Practice

5. The means identified in the Environmental Statement shall be employed in the Code of Construction Practice to prevent or minimise the effects of construction or development permitted under the Order, or such other means as the relevant local planning authority shall approve from time to time. Such means shall ensure that the environmental impacts are no greater than those identified in the Environmental Statement.

Reason

To ensure that the works implemented will be in accordance with the relevant regulations to protect the environment and preserve local amenity.

Detailed Scheme(s) of Works and Method Statement(s)

6. Prior to the commencement of any phase of development, a specific scheme of works and method statement for that phase or for the works as a whole in accordance with the Phasing Strategy and approved Code of Construction Practice shall have been submitted to and approved in writing by the relevant local planning authority. Any development in any phase shall be in accordance with the approved scheme of works and method statement for that phase or for the scheme as a whole, unless alterations have been both submitted and agreed in advance and in writing with the relevant local planning authority. The method statement shall include details of the following:
 - a. the detailed programme of all further site investigations, construction, demolition, working, phasing of operations including the temporary stopping up and diversion of highways and footpaths and final restoration of the site;
 - b. timescale for compliance with mitigation measures;
 - c. the notification procedures relating to the commencement of works; such notice, which may allow for phased commencement, shall provide at least 14 days prior notice to the relevant local authority or, in the case of a phased commencement, 14 days prior notice in respect of each separate phase;
 - d. all further site investigations and desk top studies, including archaeological, sub soil and ground condition surveys;
 - e. all further site investigations and desk top studies related to contaminated land investigations, together with a Remediation Statement detailing remediation objectives based on a risk assessment, together with proposals for the removal, containment or otherwise rendering harmless of any contamination
 - f. details of existing and proposed site levels;
 - g. details relating to all of the existing trees on site (having a stem diameter of 100 mm or greater), their location, species, girth, stem diameter, crown spread and an assessment of condition; existing ground levels at the base of the trees (where nearby changes in level, or excavations, are proposed); the

trees to be removed in conjunction with the proposed development (being clearly marked as such on plan); and the positions and details of fencing or hoardings, prohibited areas and other physical means of protecting the trees to remain, during the construction period, together with detailed proposals for their management following completion of the works;

- h. details of all relevant plant, working methods and measures to protect the water and land environments and to mitigate dust generation and migration off site, in accordance with requirements of the Code of Construction Practice and Environmental Statement;
- i. a Noise and Vibration Study identifying all plant and machinery (including power sources) to be used, the proposed provisions for mitigation of the effect of noise and vibration and a scheme for monitoring prior to and during construction;
- j. the proposed site security measures;
- k. details of temporary lighting during the construction;
- l. traffic management measures relating to the movement of local, construction and any other vehicles, cycles and pedestrians including details of agreed HGV routes, to access the site of the development and any of the site compounds and for the transport and disposal of excavated and all other waste materials, including advance warning signs;
- m. detailed drawings or other specifications relating to the location of temporary storage of construction spoil and waste and dredged arisings, providing details of the suitability of the underlying land where the deposition is to occur, full details of the exact composition of material to be dredged in relation to contamination and proposed measures to prevent risk of exposure to humans from the contaminated material on and adjacent to the land and to the watercourse, including special provisions for contaminated waste, odour suppression and control of run-off;
- n. details and programme of works for the final restoration and landscaping of all parts of the phase, including site compounds.

Reason

In order to achieve a satisfactory form of development and to ensure that the works implemented are in accordance with the Environmental Statement submitted as part of the order, relevant legislation and best practice to protect the land, water and air environment and protect human health and preserve local amenity.

Scheme of Works for the River Tyne

- 7. Prior to the commencement of development of any phase of work including works within the River Tyne, the TWPTA shall consult with and obtain all relevant consents and approvals for that phase from the relevant local planning authorities and the Environment Agency. Thereafter any works shall be carried out in accordance with the requirements under those consents or approvals.

Reason

To ensure that the works implemented will be in accordance with the relevant legislation to protect the fishery and water environment.

Time Limits on Dredging in the River Tyne

8. No dredging works within the main channel of the River Tyne shall take place other than during the period November to March (inclusive) without the prior written consent of the relevant local planning authority.

Reason

In order to minimise any possible adverse effects of the dredging on the River Tyne on the fishery and the water environment.

Reserve Matters (All Phases)

9. Prior to the commencement of development on any phase of work, details of the following matters shall be submitted to and approved by the relevant local planning authority for that phase:
- a. the siting of new temporary and permanent buildings, structures and land uses to the extent that their siting is not approved by the Order;
 - b. detailed layouts of the construction sites, showing areas of works, locations of contractors compounds, site offices, areas for the temporary storage of materials and equipment, access arrangements, boundary treatments and site security measures;
 - c. details of all contractors compounds including siting, access, means of enclosure, buildings to be erected, materials to be stored and parking facilities for moveable plant and vehicles; all such parking and material storage areas to be kept available at all times for the purpose identified;
 - d. means of temporary and permanent vehicular and pedestrian access to all construction and storage sites and all permanent buildings to be constructed or altered during the works;
 - e. a detailed scheme for temporary and permanent planting and landscaping of the development during and following completion of the works authorised by the Order, which shall provide for the planting of trees and shrubs, seeding and turfing, the formation of banks and slopes and the provision of fences and other means of enclosure.

No development shall take place other than in accordance with these approved reserved matters, unless otherwise agreed in writing by the relevant local planning authority.

Reason:

In order to achieve a satisfactory form of development in accordance with the Planning Direction and relevant local planning policies.

Specific Matters — North Tyneside

10. Prior to the commencement of development of each phase of work in North Tyneside, details of the design and external appearance, and siting, in so far as it is not covered by the Order and drainage systems (where relevant), for the following new buildings / structures shall be submitted to and approved by the relevant local planning authority for that phase. No development shall take place other than in accordance with approved details, unless otherwise agreed in writing by the relevant local planning authority:-
- a. the new toll plaza vehicular area, including tollbooths and vehicular accesses;
 - b. the new administration building;
 - c. the works to Howdon Basin and adjacent quays;
 - d. any building to be provided within the Order land for the accommodation of owners, lessees and occupiers affected by construction of the scheduled works;
 - e. all retaining walls and other structures as they appear above ground;
 - f. the proposed new road structures as they appear above ground; and
 - g. any other item of development not in the Planning Direction or Schedule of Works, which is a building or structure.

Reason

To enable reasonable and proper control to be exercised over detailed aspects of the development.

Specific Matters — South Tyneside

11. Prior to the commencement of development of each phase of work in South Tyneside, details of the design and external appearance, and siting, in so far as it is not covered by the Order and drainage systems (where relevant), for the following new buildings / structures shall be submitted to and approved by the relevant local planning authority for that phase. No development shall take place other than in accordance with approved details, unless otherwise agreed in writing by the relevant local planning authority:-
- a. the proposed new ventilation building and ventilation stack;
 - b. the proposed new road structures as they appear above ground;
 - c. all retaining walls and other structures as they appear above ground;
 - d. any building to be provided within the Order land for the accommodation of owners, lessees and occupiers affected by construction of the scheduled works; and
 - e. any other item of development not in the Planning Direction or Schedule of Works, which is a building or structure.

Reason

To enable reasonable and proper control to be exercised over aspects of the details of the development.

Other Conditions

Protection of Surface Waters

12. Prior to the commencement of any works affecting the ponds at Church Bank and Straker Street or the River Don a scheme detailing further protection measures to be provided, including fencing prior to development commencing and methods to prevent pollution of the water bodies caused by the accidental spillage of materials and surface water run-off has been submitted to and approved in writing by the relevant local planning authority.

Reason

To enable reasonable and proper control to be exercised over detailed aspects of the development.

Protection of items of archaeological or scientific interest

13. Any item of archaeological or scientific interest discovered during the course of excavations shall be reported to the relevant local planning authority within 2 working days of discovery and a reasonable opportunity shall be afforded to any body or person acting at the request of the relevant local planning authority to inspect and record the find and, if necessary, remove it from the site:

Reason:

To allow for the recording and potential preservation of any items of archaeological or scientific interest, that may be discovered within the Order land.

Protection of trees / shrubs

14. None of the existing trees or hedgerows on the site shall be lopped, topped or felled without the prior permission of the relevant local planning authority.

Reason:

To preserve existing trees or hedgerows.

Hours of Working - General

15. Unless otherwise agreed in writing by the relevant local planning authority in local circumstances that allow hours of working to be extended, no land based operations (other than a period of setting up or closing down of operations not exceeding 30 minutes duration at either end of the working day), including site preparation, operation of plant or machinery, construction, engineering works, restoration and HGV trips shall be undertaken except between 0800 and 1800 hours on Mondays to

Fridays and between 0800 and 1600 hours on Saturdays; no HGVs shall arrive at the site before 0800 hours on any such day. There shall be no operations outside these hours or on Sundays or Bank Holiday except;

- a. in such circumstances (which shall be kept to a minimum) as may be identified in the method statement / Code of Construction Practice; or
- b. in an emergency, provided that the relevant local planning authority is notified as soon as practicable thereafter.

Reason

To safeguard the amenity of nearby residents.

Hours of Working - Blasting

16. No blasting shall take place on the site except in accordance with a scheme that has been submitted to and approved in writing by the relevant local planning authority. Such scheme shall indicate the times of any blasting, the method of warning, methods to minimise the effects of air blast overpressure and ground vibration resulting from blasting (having regard to blast design, methods of initiation and prevailing weather conditions) and measures for monitoring blasts, including peak particle velocity in the vertical and horizontal planes. Thereafter blasting shall only take place in accordance with the approved scheme.

Reason

In the interests of protecting the amenities of the occupiers

Post Operational Conditions

Environmental Protection - Air Quality

17. Prior to and immediately after the opening of the works to traffic, air quality monitoring of nitrogen dioxide and particulates should be carried out at locations and in accordance with an air quality monitoring scheme to be agreed with the relevant local planning authority.

Reason:

To monitor the impact of the operation of the new tunnel in relation to National Air Quality objectives.

Landscaping;

18. The approved landscape scheme submitted for any phase of works pursuant to condition 9(e) shall be completed not later than the first planting season following the completion of the construction works in that phase. Any tree or plant removed, dying or becoming seriously damaged or diseased within a period of five years from the completion of the landscaping scheme shall be replaced not later than the next planting season after the loss or damage has been sustained, by others of similar size

and species, unless otherwise agreed in writing by the relevant local planning authority.

Reason

To ensure that the landscaping works will be provided and maintained to preserve local amenity.

Remediation Validation

19. Prior to the opening of the works to traffic, a report validating that the remediation of the site has been carried out in accordance with the Remediation Statement referred to in condition 6(e) shall have been submitted to and approved in writing by the relevant local planning authority.

Reason:

To protect the environment and ensure that the Order land is remediated to an appropriate standard.