



Tyne and Wear Passenger Transport Authority

New Tyne Crossing

Property, Acquisition and Consultation
Proof of Evidence
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1. Introduction

- 1.1 My name is Paul Fenwick I am Assistant Engineer to the Tyne Tunnels. I hold a degree in Civil Engineering from the University of Newcastle, which I obtained in 1975. I have been a Chartered Engineer since 1980 and I am a member of the Institution of Civil Engineers. In addition I have gained 27 years experience in the field of highway planning, design, construction and maintenance, transportation and traffic management.
- 1.2 Since 1998 I have been Assistant Engineer to the Tyne Tunnels with particular responsibility for the Tunnels' Capital programme. The major element of this programme has been the development of the proposals for the New Tyne Crossing, including the procurement of the Advisor (Arup) to the Tyne and Wear Passenger Transport Authority (TWPTA) and the acquisition of properties in advance. Over the period since Royal Assent to the Tyne Tunnels Act 1998 I have been involved in the entire consultation process and acted as the main point of contact between the TWPTA and affected businesses, residents' groups, individuals, the general public and tunnel users

Scope of my Evidence

- 1.3 My evidence addresses negotiation relating to land required for the New Tyne Crossing and the need for the grant of powers so that the TWPTA can acquire land compulsorily through the proposed River Tyne (Tunnels) Order (the "Order") to construct and operate the proposed New Tyne Crossing. Whilst the TWPTA is conducting negotiations with a number of parties, it has not been possible to secure agreement in all cases at the time of writing. As such, it is necessary for compulsory powers to be given to the TWPTA to provide certainty that New Tyne Crossing can be built. The TWPTA will, of course, continue to negotiate with all relevant parties where there is a prospect of securing agreement.
- 1.4 In most cases where negotiations are under way or agreement has been reached the approach has been to agree the manner in which compulsory powers will be exercised. Therefore, even if agreement is reached, there will still be a need for compulsory powers to be granted to permit for the works to proceed.
- 1.5 Additionally, I have been responsible for co-ordinating discussions with objectors to the scheme.

Structure of my Evidence

- 1.6 First, my proof of evidence deals with some general issues relating to the application for compulsory purchase powers. It goes on to provide a summary of the status of the land owned by the TWPTA, North Tyneside Council and South Tyneside Council. There follows an appraisal of all the remaining land (owners and other interests) presented in a series of geographical areas. This includes the status of negotiations with owners who have not submitted an objection to the proposal, a précis of discussions held with objectors to the scheme and an explanation of the need to obtain compulsory purchase powers. I then go on to outline the history of contact between the TWPTA and the statutory and non-statutory objectors to the scheme.
- 1.7 This evidence must be read alongside Richard Thurlow's evidence, which identifies the land to be acquired and the engineering reasons for acquiring that land.

2. Application for Compulsory Purchase Powers

- 2.1 As set out in Mr Thurlow's proof of evidence it is necessary to acquire areas of land, described in the Book of Reference, which accompanied the application for the River Tyne (Tunnels) Order in both North and South Tyneside in order to construct the New Tyne Crossing. Different areas of land are required for different purposes as clearly set out in Mr Thurlow's proof of evidence. These different uses can be broadly categorised into the following groups:
- Land used temporarily for contractors' areas, material storage, site compound and working area;
 - Land taken for construction and realignment of roads, toll plazas, car parks and buildings;
 - Land within the Limits of Land to be Acquired or Used (LLAU), but outside the Limits of Deviation (LOD), that is not directly affected but may be used during construction works, working area, traffic management and mitigation works;
 - Land to enable construction of the tunnel – cut and cover or marine works and enabling works to the existing tunnel.
- 2.2 Additionally, powers are needed to survey property in the area around the proposed New Tyne Crossing so that the TWPTA can establish and agree the condition of properties prior to and after construction works and carry out repairs if required as a result of the scheme. Compulsory powers are needed to enable the TWPTA to make good any such effect.

- 2.3 In accordance with the relevant rules Notice was served on owners and occupiers on 31 May 2002, forthwith after the submission of the application for the River Tyne (Tunnels) Order. It was necessary to re-serve notice on a small number of owners and occupiers in order to correct certain minor details. A full list is set out in the Book of Reference which accompanied the application for the Order.

3. TWPTA Land

- 3.1 Prior to the development of the New Tyne Crossing proposals, the TWPTA held various parcels of land which had been transferred to the Authority on the abolition of the former Tyne & Wear County Council. That Authority had in turn inherited the land from the joint Board of the Durham and Northumberland County Councils that was responsible for the development and construction of the existing Tyne Tunnel and its approach roads. The land held by the Authority is itemised at Appendix A and is shown on the plans found at Appendix B.

The TWPTA is the freeholder of the following parcels with no other party having been identified as owning any interest in the land:

- **016.05**
- **044**
- **116**
- **400**
- **401**

these plots have been included in the Order, to afford protection in the instance that a party not hitherto known of may be able to prove an interest.

The TWPTA owns the freehold to number of plots that are occupied by North Tyneside and South Tyneside Councils. The TWPTA is negotiating with these local authorities to secure the relevant interests in the land. The land in question is detailed in Appendix A and indicated on the plans in Appendix B. At the time of preparing this evidence these negotiations, although agreed in principle had not been finalised making it necessary for the TWPTA to retain the application for CPO powers.

LAND ACQUIRED IN ADVANCE FOR THE PURPOSE OF THE NEW TYNE CROSSING

- 3.2 As described in Mr Miller's evidence, the Tyne & Wear Passenger Transport Authority (TWPTA) approved plans of the area likely to be required for the New Tyne Crossing for development control purposes on 24 June 1998. The report that accompanies those plans highlighted the implications of making the resolution to safeguard the land in terms of blight under the Town and Country Planning Act 1990. There

followed public exhibitions of the plans approved by the TWPTA in July 1998 in the Jarrow and East Howdon Community Centres and also in September 1998 in the Civic Hall, Jarrow and East Howdon Community Centre. Following the making of the resolutions by the Planning Authorities for Jarrow and East Howdon on 20 May and 3 June 1999, letters were prepared and sent to:-

- All residential and commercial properties within the safeguarded areas.
- All residential and commercial properties within 200 metres of the safeguarded areas of land.

Copies of the text of these letters are to be found at Appendix C.

3.3 As a result of these letters a number of private owners of properties have made contact with the TWPTA to seek acquisition of their properties in advance and these are detailed below.

3.3.1 Gaslight Public House [Parcel 112]

The Gaslight Public House lies partly within the Limits of Deviation (LoD) and partly within the Limits of Land to be Acquired or Used (LLAU). It lay entirely within the land safeguarded for the development of the New Tyne Crossing. It is a Grade II listed building as described in Mr Emms' evidence. The owner had contacted the TWPTA in January 1999 and requested that consideration be given to acquisition. Terms were negotiated and agreed by the TWPTA on 31 March 2001. The property was transferred to the TWPTA on 3 July 2001. Prior to the transfer of the property, the TWPTA made enquiries to attempt to locate an experienced person who would be willing to enter an Agreement with the Authority to operate the public house pending the determination of the Order as required for the New Tyne Crossing. This action was taken in response to views expressed at public meetings held in Jarrow that, if at all possible, the establishment should be kept operational by the TWPTA. In November 2002 after lengthy negotiation, an Agreement was signed by the TWPTA and Mr Porterhouse. The on-licence for the sale of liquor, which had been temporarily transferred to an experienced officer of Newcastle City Council, has now been transferred to Mr Porterhouse. The TWPTA understand that Mr Porterhouse intends to open the premises by 14 February 2003. The terms of the Agreement allow the TWPTA to be able to regain vacant possession of the property on determination of the River Tyne (Tunnels) Order 2002. It is still considered necessary for compulsory powers to be applied in case the terms of the lease do not allow the TWPTA to secure this.

3.3.2 Grange Nursing Home [Parcel 126]

The former Grange Nursing Home (the Home) lies substantially within the LoD, with the rest of its site in the LLAU. The TWPTA was contacted by the owner of the Home in April 1999 with a request that the TWPTA acquire the Home. Because of the complexities and sensitivity of the business the TWPTA, with advice from the South Tyneside MBC Social Services Department where appropriate, began negotiations and information gathering. The TWPTA agreed terms for the acquisition of the Home on 27 September 2001, which was vacated on 16 December 2001 and transferred to the TWPTA on 20 December 2001. The previous owner was made responsible for the relocation of residents and the redeployment of the staff.

Since the transfer of ownership, the TWPTA Tunnel staff have maintained the property and its security. Preparations for the demolition of the buildings are in hand – but may be suspended should South Tyneside MBC wish to occupy the building following a fire to the infants section of the adjacent Dunn Street School over the weekend 15-26 January 2003. In the event of occupation by Dunn Street School appropriate terms of entry and occupation will be developed to afford the necessary protection to the TWPTA .

3.3.3 St Peter's School [Parcels 123, 123.02]

Following the resolution by South Tyneside MBC to safeguard the land for the NTC, the closure of this school was discussed with South Tyneside MBC's Assistant Director of Education. Because of the statutory processes involved the TWPTA were advised that it would take up to 3 years to complete. The procedure was therefore initiated in 1999 and anticipated that the school would be closed and the children and staff relocated by 2002. The TWPTA agreed to the costings for the effective amalgamation of St Peter's School and Ellison Street School in November 1999 and gave approval to South Tyneside MBC to proceed with construction of new buildings and the modification of the existing buildings on the site of Ellison Street School. Work began in September 2000 and was complete April 2002. The new school, known as Jarrow Cross School, became fully operational in June 2002. The former St Peter's school buildings were to be used for the Public Inquiry into the River Tyne (Tunnels) Order 2002 but unfortunately were the target of an arson attack in November 2002, rendering the building unusable. Preparations are now in hand to demolish the buildings and clear the site. The transfer of the land to the TWPTA is not yet complete and therefore an application for compulsory powers is maintained.

3.3.4 213-217 and 197 High Street, Jarrow [Parcels 143, 146]

The TWPTA were first contacted in 1999 by the lessees of these properties when they requested further information about the NTC

following attendance at the exhibitions in 1998 and the letters sent out May/June 1999. There followed intermittent contact to 2001 during which updates on progress with the scheme was given. Following the closure of the Grange Nursing Home, a request for the TWPTA to acquire their interest in the properties was received. At its meeting in July 2002 the TWPTA approved terms for the acquisition of their interest in the properties. It is anticipated that the lessees will surrender their leases to South Tyneside MBC in March 2003. The freehold of the property is owned by South Tyneside MBC whose property is discussed below.

213-217 High Street lies within the LoD

197 High Street lies within the LLAU and may suffer injurious affection if it is not purchased simultaneously with No 213 and 217.

3.4 Warehouse, Commercial Road [Parcel 113]

During the development of the scheme for the New Tyne Crossing, Mr Frank Craney, the lessee of the Warehouse and Yard, Commercial Road (Parcel 113) obtained a temporary planning permission to allow the property to be used for a second hand car sales. The TWPTA were consulted on this application. This permission, which was granted for a 12 month period was given a 12 month extension on 12 December 2002. Within a short period after obtaining the permission the lessee approached the TWPTA asking whether the Authority would consider acquiring in advance the lessee's interest. The TWPTA declined in this instance as it had been consulted on the issuing of the temporary permission and could see no reason at that time why it was necessary to acquire the premises as the owner had just obtained planning permission. It remains open to the owner to serve a blight notice should he own a qualifying interest. Compulsory powers are required at this stage although it is anticipated that on the expiration of the current temporary planning permission negotiation for the acquisition of the lease will be advanced. The freehold of the property is owned by South Tyneside MBC whose land issues are dealt with below.

The property lies within the LLAU and will be required for the construction of the tunnel. The highway servicing this property lies almost entirely in the LoD.

DISCRETIONARY PURCHASE SCHEME

- 3.5 Concerns about the alleged impact of the scheme on local house prices were raised by the St. Paul's Area Residents Association (SPARA) at meetings that I attended over the period 1999 – 2002. The issue had also been raised by SPARA with the MP for Jarrow. In recognition that in certain circumstances hardship may occur if an owner is unable to sell their property, a Discretionary Purchase Scheme was formulated – based on the scheme adopted by the

Highways Agency – which the TWPTA accepted on 22 February 2002. Details of the scheme are contained in Appendix D.

- 3.6 Prior to 5 February 2002, there had been two applications for Discretionary Purchase lodged with the TWPTA: one has been rejected and one accepted. Both applications were made by owners of properties in Stothard Street, Jarrow. On 5 February 2003 the TWPTA received 16 applications via the Chairman of SPARA. These applications should be processed by early May 2003 in accordance with the scheme's guidelines. It is understood that further members of SPARA may submit applications in due course.

4. North and South Tyneside Metropolitan Borough Councils

- 4.1 Both in North Tyneside and South Tyneside there are extensive areas of land in the ownership of the relevant local authority. In each case the TWPTA is negotiating with the local authority so as to agree the manner and terms of that acquisition. Land owned by North Tyneside Metropolitan Borough Council and South Tyneside Metropolitan Borough Council is shown in the schedule and plan at Appendices A and B respectively. As the negotiations are not complete at this time, although agreed in principle, it necessary to maintain the application for compulsory powers.
- 4.2 I have been advised that land in both Boroughs that is shown in Appendices and required for the construction of the New Tyne Crossing may be susceptible to designation as open space. In relation to such land it is proposed to proceed by way of agreement with the two local authorities because of special procedural requirements applicable in relation to compulsory purchase of such land. However, pending agreements being concluded the TWPTA is maintaining its application for compulsory powers.
- 4.3 By the opening of the inquiry I anticipate that options for acquisition of the open space will have been completed.

SOUTH TYNESIDE MBC HOUSING DEPARTMENT TENANTS

- 4.4 As described in para 3.2 above, all residents likely to be affected by the New Tyne Crossing including tenants of South Tyneside MBC were sent letters by the TWPTA on 3 June 1999 setting out the impact of the scheme on their home and attaching a DETR leaflet giving information about their rights, home loss payments etc. The issue of relocating local authority tenants has also been discussed with the Director of Housing, South Tyneside. At these meetings, South Tyneside MBC outlined their intention to initiate relocation of their tenants following any confirmation of the Order and knowing the New Tyne Crossing would proceed. South Tyneside MBC indicated that approximately of 6 months would be required to carry out the re-housing. South Tyneside

MBC also indicated that they would inform their tenants at the appropriate time of their intentions and details of the re-housing. In the meantime the TWPTA has maintained a flow of information on the progress of the project through Newsletters delivered to all these tenants (and indeed all properties within 200 metres of the safeguarded land), as well as by means of the New Tyne Crossing Website.

5. Other Owners and Interested Parties

This section of my evidence is split into 14 geographical areas, together with a list of the specific parcel numbers from the Book of Reference that fall within each geographic sub-area. I set out below a brief description of each subdivided area and reasons for acquiring the land together with details of the negotiations that have been held with owners and where appropriate confirmation that agreement has been secured to acquire the land.

The areas referred to below are shown on the drawing enclosed at Appendix E of my proof.

Area 1

- 5.1 This area extends along the A19 in North Tyneside from the A193 Percy Main Interchange in the north to the existing Tyne Tunnel roundabout in the south. Within this area the following parties have been identified as owners, occupiers or parties with interests in the land:
- The Highways Agency
 - Nexus
 - Northumbrian Water Limited
 - North Tyneside Metropolitan Borough Council(see para 4 above)
- 5.2 The Highways Agency and Northumbrian Water are statutory objectors to the proposal. Information about the current state of negotiation with these parties is to be found at Section 6 of my proof. Because the terms of projective provisions for the Highways Agency and for land acquisition are yet to be agreed. The TWPTA is maintaining its application for compulsory powers.
- Nexus [Parcels 001.03, 001.10, 001.16]*
- 5.3 Powers are needed over land owned by Nexus to enable construction and realignment of roads correspondence has taken place. Correspondence has taken place with Nexus, which resulted in the preparation of an undertaking to request amendments to the draft Order. This includes provisions dealing with acquisition of any land from Nexus which was signed on 24 January 2003. Nexus no longer has any objection to the proposal. Despite this compulsory powers are

maintained to ensure that there is sufficient authority for the TWPTA to implement the New Tyne Crossing.

Area 2

5.4 This area comprises land to either side (east and west) of the A19 as it runs north from the existing tunnel plaza to the boundary of the Limit of Land to be Acquired and Used (LLAU). Within this area there are the following owners; occupiers or parties with interests in the land:

- Northumbrian Water Limited
- Enterprise Inns plc
- Northern Electric Distribution Limited
- Sustrans Limited
- The Duke of Northumberland's Estate
- Nexus
- Transco plc
- North Tyneside Metropolitan Borough Council(see para 4 above)

5.5 The status of negotiations with Enterprise Inns plc, Sustrans Limited, Duke of Northumberland's Estate and Nexus is summarised below. The other owners are statutory objectors and the current status of negotiations is dealt with at Section 6 of my proof. In all cases, however the TWPTA are seeking powers of compulsory acquisition for the reasons set out at paragraphs 1.3. and 1.4 above.

Enterprise Inns plc [Parcel 019.01]

5.6 The land in which an interest of Enterprise Inns plc has been identified comprises the subsoil of part of Northumberland Dock Road to the south of the Duke of Wellington public house. This area may be required for use during construction as a working area, for traffic management and/or mitigation works.

5.7 I was contacted by Enterprise Inns in June 2002 to explain the proposals and describe the impact on their property. As there is unlikely to be a direct, physical impact and reassurance was given and accepted regarding access to the property, it was indicated to me that Enterprise Inns plc would not object to the proposed Order. As the land is public highway and the interest of Enterprise Inns restricted to subsoil, it should at some later stage become necessary to alter this highway, the TWPTA are of the view that advance negotiation for the land interest is not appropriate.

Sustrans Limited [Parcel 013]

5.8 The area in which Sustrans Limited has an interest as lessee is located to the west of the existing Tyne Tunnel entrance and exit and may be required for use during construction as a working area and/or

mitigation works. They have not indicated that they object to powers of compulsion over this land.

Sustrans has also requested confirmation that the proposal will not affect pedestrian and cycle routes in North and South Tyneside, in particular National Cycle Network 72 and the Pedestrian Tunnel route in North Tyneside. These are shown in Figure 11.3 to the Environmental Statements which is at Appendix F to my proof of evidence.

- 5.9 The TWPTA and its advisors have held discussions with Sustrans, and on 14 January 2003 wrote to Sustrans assuring them that there will not be a detrimental impact on the pedestrian and cycle network. The proposals put forward allow for the diversion of Route 72 to the east of the A19. Sustrans wrote to the TWPTA on 15 January 2003 indicating their acceptance of the scheme proposals for Route 72. A copy of the letter from Sustrans is to be found at Appendix G. Despite this acceptance by Sustrans it is still considered necessary to pursue powers of compulsion at this stage.

Duke of Northumberland's Estate [Parcels 019, 019.02]

- 5.10 The parcels of land in which the Duke of Northumberland's Estate has an interest are required for temporary use for contractors area, material storage, site compound and working area; some of the land may also be required during construction works as a working area, for traffic management and/or mitigation works. Some of the land is also required for construction and realignment of roads, and for the construction of the tunnel cut and cover and enabling works to the existing tunnel.
- 5.11 There was correspondence between the Northumberland Estates office and the TWPTA's advisors in September 2000 in which the Agent of the estate supplied plans indicating their land interests in the vicinity of the Tyne Tunnels. Following the publication of the Order there has been no objection to the application for compulsory powers by the Duke of Northumberland's Estate relating to the mineral rights which it holds in these parcels. There has been no further correspondence with the Estate office. Accordingly it remains necessary to apply for compulsory powers to affect these interests.

Nexus[Parcels 003, 004, 005]

- 5.12 The land in which Nexus has an interest is required for temporary use as contractors areas, material storage, site compounds and working areas. The approach agreed with Nexus is described at paragraph 5.3 above.

Area 3

- 5.13 Area 3 comprises Brinkburn Street and properties on its eastern side, which falls outwith the Limit of Deviation but within the Limit of Land to be Acquired or Used. The TWPTA is seeking powers to survey existing properties in this area and carry out remedial works as described above. Given that no physical works associated with the construction of the New Tyne Crossing are required in this area the TWPTA has not sought to negotiate with owners. However, it has written to owners explaining the purpose for which powers over the land has been applied for.
- 5.14 There have been a number of requests to provide information in response to land searches by solicitors acting for prospective purchasers of properties. Each time the legal representatives of prospective purchasers were supplied with current information on the development of the New Tyne Crossing and, since 31 May 2002, a copy of the Non-Technical Summary of the Environmental Statement which accompanied the application for the River Tyne (Tunnels) Order.

Area 4

- 5.15 Area 4 comprises the land to the south of Tyne View Terrace and to the north of the River Tyne, including Howdon Yard as illustrated at Appendix E. The following have been identified as being either owners, occupiers or parties with an interest in the land within this area:
- Northumbrian Water Limited
 - Cookson Group plc
 - North Tyneside Metropolitan Borough Council
 - AMEC plc and its subsidiaries
 - ART Associates Limited
 - Arena Engineering GB Limited
 - Automated Cleaners
 - Bushel Nichol Wawn
 - Team Fostering North East Limited
 - Sharkey Catering Company Limited
 - Premier Transline Hire Limited
 - Pipex Limited
 - Osprey Shipping Limited
 - Northern Control Technology Limited
 - Mindmachine Associates Limited
 - Macaw Engineering Limited
 - Mammoet UK Limited
 - Inchape Shipping Service Limited
 - Hogg Engineering Limited
 - Floor Cleaning Machines Limited
 - Port of Tyne Authority
 - Northern Electric Distribution Limited
 - Norson Services Limited

- Howdon Limited
- Global Analytical Solutions Limited
- Gregson & Company
- Transco plc

5.16 I set out below a summary of the position in respect of, Bushel Nichol Wawn, Sharkey Catering Limited, Premier Transline Hire Limited, Pipex Limited, Inchape Shipping Service Limited, Hogg Engineering Limited, Floor Cleaning Machines Ltd, Norson Services Limited, Howdon Limited, Global Analytical Solutions Limited, Gregson & Company. The land owned by North Tyneside Metropolitan Borough Council is discussed above. The other listed owners are all objectors to the scheme and are therefore assessed at Section 6.

5.17 The land interests of:

- Bushel Nicol Wawn
- Sharkey Catering Limited
- Premier Transline Hire Limited
- Pipex Limited
- Inchape Shipping Service Limited
- Hogg Engineering Limited
- Floor Cleaning Machines Limited
- Norson Services Limited
- Howdon Limited
- Global Analytical Solutions Limited
- Gregson & Company

within Howdon Terminal are likely to be affected by the proposed works to Howdon Yard. It is proposed to allow all the present occupiers of the Yard to remain on site during the works, either in the existing buildings or by decanting them to new buildings to be built as accommodation works. This would be necessary because of the construction of the cut-and-corner tunnel or the use of the yard for immersed tube construction as described by Mr Thurlow.

These occupiers are all tenants of Amec plc with whom the TWPTA is involved in detailed negotiations to provide for their accommodation. As detailed at Section 6 an agreement with Amec plc will provide for relocation of the tenants to alternative accommodation within the site where necessary. As the negotiations with Amec have not yet been finalised it is necessary to request compulsory powers to acquire the interests of these parties works discussed above. This is because the accommodation works must be agreed with Amec plc before they can be formally presented to tenants. Should it be necessary for a tenant to move from the site or for the TWPTA to proceed compulsorily so that these tenants were affected, their interests would be compensated under the compensation code.

Area 5

5.18 Area 5 comprises part of the River Tyne as illustrated at Appendix E. Within this area the following have been identified as being either owners, occupiers or parties with an interest in the land:

- Newcastle City Council
- The Port of Tyne Authority
- Northumbrian Water Limited
- C Hewitt
- D & J Blakey
- F Owens
- G Gough
- J Connor
- J Elliot
- K Canham
- K Snell
- M J Taylor
- P Dunn
- R Cuniff
- R Johnson
- R Lesner
- R Peel
- R Spottiswood
- South Tyneside Metropolitan Borough Council
- The Church Commissioners for England
- The National Grid Company plc
- S Mason
- A J McCaffery

5.19 I set out below a summary of the position of negotiations with Newcastle City Council, the Church Commissioners for England and the National Grid plc. I have provided details of the status of negotiations with South Tyneside Metropolitan Borough Council above. The Port of Tyne Authority and Northumbria Water plc have objected to the proposals and are so considered at Section 6 of my evidence. Likewise the others identified who are all members of the Jarrow Motor Boat Club, which has objected to the proposal are similarly considered at Section 6 of my evidence.

Newcastle City Council [Parcel 301]

5.20 The land owned by the City Council is the river bed of the River Tyne required for the construction of the tunnel in the river. The area will be used for excavation, removal and transportation of material from the

river, storage of tunnel units and as a working area. Part of the land will also contain the new tunnel when it has been built.

- 5.21 The TWPTA and its advisors has held discussions with the City Council which is content for compulsory powers to be granted in this location. The City Council's Head of Property Services wrote on 5 February 2002 indicating that the City Council is content for compulsory powers to be granted over this land. Further, a report is to be considered by the City Council's Cabinet on 12 February 2003 which will note the decision of the Head of Property Services to allow the TWPTA to use the land in the Council's ownership. Compulsory powers are required however because no formal agreement for the acquisition of the land in question will have been completed before the public inquiry.

The Church Commissioners for England[Parcel 302]

- 5.22 The Church Commissioners for England's land is river bed on the southern half of the River Tyne required for the construction of the tunnel in the river. The area will be used for excavation, removal and transportation of material from the river, storage of tunnel units and as a working area.
- 5.23 The TWPTA and its advisors have previously contacted the Church Commissioners who have not requested the acquisition of the river bed. Therefore the TWPTA will require powers to acquire this land compulsorily.

The National Grid Company plc [Parcel 302]

- 5.24 Land in which the National Grid Company plc holds an interest is to the far eastern end of the LLAU. It is required for excavation/removal and transportation of material from the river, storage of tunnel units and as a working area, essentially related to the in-river works.
- 5.25 The National Grid's interest arises by reason of its overhead lines at this location. The National Grid was consulted in respect of the application and has not objected to the grant of powers over the area. It has submitted information to be passed on to contractors.

Area 6

- 5.26 This area is located to the south of the River Tyne and to the east of the A19. The identified owners, occupiers and parties with interests in the land are:
- RMC (UK) Limited
 - Shepherd Offshore plc
 - South Tyneside Metropolitan Borough Council
 - Northern Electric Distribution Limited

- 5.27 I set out a summary of the position with South Tyneside Metropolitan Borough Council above. The other owners in this area are reviewed at Section 6 because they are all objectors to the proposals. The land is required for the storage of dredged materials and working area. Compulsory powers are required in respect of all these interests so that where negotiations are not yet complete the TWPTA's position is protected and in the case of agreements that have been concluded to give effect to the terms of these agreements.

Area 7

- 5.28 Area 7 is located to the south of the River Tyne and to the east of the existing Tunnel. It comprises the site owned and occupied by Rohm & Haas, which is required partly to contract the new road linking Chaytor Street to the Tyne Pedestrian and Cycle tunnels, but also for a contractors area, material storage, site compound and working area. Given that Rohm & Haas have objected to the proposal this ownership is considered further at Section 6. Compulsory powers remain in the application because they are required pending an agreement to obtain sufficient powers over the land in question.

Area 8

- 5.29 Area 8 forms the land that runs south from the River Tyne through Jarrow Riverside Park to Stanley Street, as illustrated at Appendix E.
- 5.30 The following have been identified as being either owners, occupiers or parties with an interest in the land found within this area:
- Northumbrian Water Limited
 - South Tyneside Metropolitan Borough Council
 - Durham Diocesan Board of Education
 - Samuel Smith Old Brewery(Tadcaster)
 - Melvyn Churchill
 - Mr A Chapman
 - Mr J L Storey
 - Nancy Palmer and Sheila Anderson
 - Transco plc
 - Telewest
 - Mr Jugjit Singh Ladhar
 - Mr Frank Craney
 - Rohm & Haas
- 5.31 I set out a summary of negotiations with Durham Diocesan Board of Education and Mr Jugjit Singh Ladhar. Mr Frank Craney's interest is discussed paragraph 3.4 above.
- 5.32 The TWPTA has not sought to negotiate with owners where powers are only required for survey purposes or are subsoil interests in highways. The following are in this category: Melvyn Churchill, Mr A

Chapman, Mr J L Storey, Nancy Palmer and Sheila Anderson and Samuel Smith Old Brewery(Tadcaster).

- 5.33 Northumbrian Water Limited and Transco plc are considered further at Section 6 of my proof as they are objectors to the proposals.

Durham Diocesan Board of Education [Parcel 123]

- 5.34 The Board's interest relates to the former Jarrow St Peter's school. The land is needed to enable the construction of the tunnel including cut and cover and enabling works for the existing tunnel. The school's former playing fields will be used by pupils of Dunn Street School whilst that school's own playing fields (Parcel 129) are in use for the construction of the cut and cover section of the new tunnel.

Mr Jugjit Singh Ladhar

- 5.35 The land in which by Mr Jugjit Singh Ladhar may have an interest comprises the sub-soil to the adjacent public highways known as High Street and Staple Road. As such, no negotiations for acquisition have been conducted but Compulsory powers are required to authorise any works to the relevant highways.

Area 9

- 5.36 As illustrated at Appendix E this area forms the residential properties that are bordered by Drury Lane to the north and west, school playing fields to the south, and the Limit of Land to be Acquired or Used to the east. Within this area the following have been identified as being either owners, occupiers or parties with an interest in the land:

- South Tyneside Metropolitan Borough Council
- Northumbrian Water Limited
- Mr and Mrs Connor
- Mr and Mrs Marshall

- 5.37 Given that powers affecting Mr and Mrs Connor's and Mr and Mrs Marshall's property are only required for survey and remedial works purposes the TWPTA has not entered into detailed negotiations with them. I met with Mrs Connor on 24 June 2002 to explain the NTC proposals(with particular reference to the construction activity envisaged in the vicinity of this property) and the powers being sought in relation to their property.

- 5.38 I set out a summary of the position with South Tyneside Metropolitan Borough Council above and Northumbrian Water in Section 6 below.

Area 10

5.39 Area 10 comprises the land to the south of Stanley Street to the north of the properties fronting onto the High Street in Jarrow as illustrated at Appendix E. Within this area the following have been identified as being either owners, occupiers or parties with an interest in the land:

- South Tyneside Metropolitan Borough Council
- Mr and Mrs Elderfield
- Young Mens Christian Association (YMCA)
- Mr and Mrs Roberts
- Northern Electric Distribution Limited
- Mr E Mooney
- Mr and Mrs Singh Rei
- Mr and Mrs Troger
- Jugit Singh Ladhar

5.40 I set out below a summary of the position in respect of negotiations with the Young Mens Christian Association and Mr and Mrs Singh Rei's property is discussed at paragraph 3.3.4 above. Northern Electric Distribution has objected to the proposal and is reviewed at Section 6 of my evidence, and the position in respect South Tyneside Metropolitan Borough Council is summarised above.

5.41 The land owned, leased or occupied by Mr and Mrs Elderfield, Mr and Mrs Roberts, Mr E Mooney and Mr and Mrs Troger is required for survey purposes and remedial works. As such the TWPTA has not sought to negotiate with these owners in this regard.

Young Mens Christian Association (YMCA)[Parcel 144]

5.42 The land owned by the YMCA is required for contractors area, material storage, site compound and working area. As detailed by Mr Thurlow this will require the demolition of these properties. The YMCA have not objected to the application for these powers and have not as yet requested that the TWPTA acquires their interest in advance

Area 11

5.43 Area 11 includes the properties that front onto Salem Street in Jarrow, as illustrated at Appendix E. Within this area the owners, occupiers or parties with an interest in the land have been identified as:

- South Tyneside Metropolitan Borough Council,
- Durham Diocesan Board of Finance (and other church bodies)
- Northumbrian Water Limited.

5.44 The Durham Diocesan Board of Finance is only required for survey purposes and remedial works the TWPTA has not entered into detailed negotiations in respect of this and compulsory powers are required to permit this.

- 5.45 Northumbrian Water Limited is considered at Section 6 of my evidence, as it is an objector to the proposals. South Tyneside Metropolitan Borough Council is discussed above.

Area 12

- 5.46 Area 12, as illustrated at Appendix E, comprises at Stothard Street. Within this area South Tyneside Metropolitan Borough Council is the identified owner of the western half of the street, which has previously been cleared for development. The land owned by South Tyneside Metropolitan Borough Council is required to enable the construction of the tunnel cut and cover and enabling works to the existing tunnel and also temporarily for contractors area, materials storage, site compound and working area. I have summarised the position of negotiations with South Tyneside Metropolitan Borough Council above.
- 5.47 The houses to the east of the street are owned by a number of individual owners. Given this area is required for survey purposes and remedial works the TWPTA has not entered into negotiations with the owners. However, there have been applications for discretionary purchase which are discussed above at paragraphs 3.5 and 3.6.

Area 13

- 5.48 This area includes the existing tunnel entrance, Howard Street Bridge and the road junctions to the south of this bridge, as detailed at Appendix E.

Within Area 13 the TWPTA has identified the following as being either owners, occupiers or parties with an interest in the land:

- South Tyneside Metropolitan Borough Council
- Northumbrian Water Limited
- Highways Agency
- Nexus
- Shell UK Limited
- Railtrack plc
- Northern Electric Distribution Limited

- 5.49 I provide a summary of the position in respect of negotiations with South Tyneside Metropolitan Borough Council and Nexus above. The others identified as being either owners, occupiers or parties with an interest in the land are all objectors to the scheme and as such are considered at Section 6 of my evidence.

Area 14

- 5.50 This area comprises Epinay Walk, as illustrated at Appendix E. The owners of Epinay Walk are South Tyneside Metropolitan Borough

Council (both as owner of the grassed area in parcel 195 and as owner of houses at Epinay Walk), Mr and Mrs Wilson, Mr and Mrs Lambert, Mr Richardson, Mr and Mrs Careless, Mr and Mrs Kirby, Mr and Mrs Page, Mr Brittan, Mrs Scullion and Mr Scullion.

- 5.51 Powers over the houses on Epinay Walk are required to permit survey and any remedial works only and, therefore, have not been the subject of negotiations for acquisition. The land owned by South Tyneside Metropolitan Borough Council, will be required for construction works, and I have provided a summary of the status of negotiations with the Council above. I have supplied copies of the TWPTA's discretionary purchase scheme to owners of these properties.
- 5.52 A number of Epinay Walk owners have submitted objections to the proposals and these are considered at Section 6 of my evidence. Further, there has been contact with this group in relation to the selection of the Jarrow Junction Option, which is addressed at Section 7 of my evidence.

6. Discussions with Objectors

- 6.1 In addition to the negotiations that have been held with those owners on whom Notice has been served, the TWPTA has also sought to address objections that have been raised as a result of the public consultation exercise held from 31 May to 17 July 2002.
- 6.2 A total of 606 objections were received in response to the public consultation on the TWPTA's application for a Transport and Works Act Order. The majority of the objections were in the form of a standard letter, with only 72 of the total forming individual responses.
- 6.3 Set out below are summaries of the discussions that the TWPTA has held with objectors to the scheme to attempt to resolve their objections. First I review statutory objectors, and second non-statutory objectors.

Statutory Objectors

Freightliner (OBJ5)

- 6.4 Protective provisions were requested by Freightliner. The TWPTA's advisors have negotiated with Freightliner and agreed that protective provisions for the benefit of Railtrack would include provisions, which address Freightliner's concerns. At the time of writing the agreement with Freightliner in the course of being executed. I hope that by the start of the inquiry Freightliner's objection will have been withdrawn.

Railtrack plc (OBJ112)

- 6.5 As discussed above, protective provisions to be inserted in the proposed River Tyne (Tunnels) Order have been the subject of

discussion with Railtrack. At the time of writing, although an agreement had been drafted with Railtrack which would provide for the protection of the company and its network. Railtrack plc has indicated that it will undergo a change of name to Network Rail Infrastructure Limited. The TWPTA's advisors and Railtrack are currently reconsidering the drafting in light of this, but I do not envisage that this should delay signing of an agreement beyond the start of the inquiry.

English Welsh Scottish Railway (EWS) (OBJ454)

- 6.6 The TWPTA's advisors have been engaged in discussions with EWS who operate trains which deliver oil to Shell (UK) Limited (Shell) Jarrow Oil Terminal. The TWPTA and its advisors are also in discussion with Shell's advisors. An agreement has been proposed such that the works for the construction of the New Tyne Crossing would be carried out so far as reasonably possible so as not to affect EWS's railway services. EWS are also concerned that road access for their staff to Jarrow Oil Terminal will be the subject of interference. Because the main access is from Priory Road to TWPTA does not envisage any material interference to any such access. EWS is also concerned about impacts upon Railtrack's Jarrow Branch Line. The branch line is barely 15m from the Limit of Deviation for Work No 7P and therefore unlikely to be affected. EWS's compensation would be addressed either through the agreement or through Railtrack's protective provisions. Therefore, I anticipate being able to reach agreement between the time of writing and the beginning of the public inquiry.

Cable & Wireless (OBJ387)

- 6.7 Cable & Wireless submitted a letter of objection in respect of its apparatus which may be affected by the proposals. At the time of writing, an agreement to request an amendment to the proposed Order is in the course of being executed. I hope that by the time that the inquiry begins Cable and Wireless objections will have been withdrawn.

Salvation Army Trustee Company (OBJ516)

- 6.8 The Salvation Army opposed the Order on the basis that access to Jarrow Hall at the junction of Monkton Road and Grange Road may be impeded. Following discussions the TWPTA's negotiating an agreement not to materially affect access to Jarrow Hall. It is anticipated by the TWPTA that following this the Salvation Army's objection can be withdrawn.

Consignia (OBJ411) (Now Royal Mail Group plc)

- 6.9 Consignia made an objection to the proposal on the basis that the powers granted by the Order could affect the delivery and/or collection of mail.

- 6.10 The objection has now been withdrawn in response to a agreement with the TWPTA.

Northumbrian Water limited (OBJ163)

- 6.11 Northumbrian Water Limited (NWL) has objected to the proposed order on the basis that the Company requires reassurance that its apparatus will be unaffected by the proposed works. The TWPTA's advisors have corresponded with NWL with a view to resolving its objection through a Deed of Undertaking. Draft protective provisions were provided by NWL on 28 January 2003. The TWPTA is considering this drafting and hopes to agree protective provisions which would address NWL's concerns. Mr Thurlow's evidence considers NWL's objection and Statement of Case.

Northern Electric Distribution Limited (OBJ166)

- 6.12 Protective provisions to safeguard the Company are the subject of an agreement currently in the course of execution. Accordingly, I anticipate that Northern Electric Distribution will be able to withdraw its objection shortly.

Transco plc (OBJ43)

- 6.13 Following discussions between the TWPTA's advisors and Transco protective provisions have been agreed which include provisions to address acquisition of land required for the proposal. Transco has withdrawn its objection to the proposals.

Amec plc (OBJ368) ('Amec')

- 6.14 The TWPTA and its advisors have held discussions with Amec and its subsidiaries since 2001. These discussions have sought to identify physical modifications that could be made to the New Tyne Crossing scheme to minimise any impact of any New Tyne Crossing on Amec's business, Howdon Basin and the surrounding area.
- 6.15 Detailed discussions between the TWPTA and Amec have not yet been concluded to acquire the land or rights required for the New Tyne Crossing. However, substantial progress has been made and it is considered likely that Amec should be in a position to allow them to withdraw their objection to the scheme.
- 6.16 The following companies are all tenants at Howdon Basin have been contacted by the TWPTA and made aware of the proposals being negotiated with Amec for addressing their concerns:
- ART Associates Limited (OBJ413)
 - Arena Engineering Limited (OBJ271)
 - Automated Cleaning Limited (OBJ15)

- Team Fostering North East Limited (OBJ65)
- Osprey Shipping Limited (OBJ415)
- Northern Control Technologies Limited (OBJ109)
- Mindmachine Limited (OBJ108)
- Macaw Engineering Limited (OBJ437)
- Mammoet (OBJ366)

Communication between these companies and Amec and TWPTA will be maintained with the aim of trying to satisfactorily resolve their concerns. The items offered to accommodate Amec are set out in Mr Thurlow's.

Port of Tyne Authority (OBJ111)

- 6.17 The TWPTA and its advisors have held a series of meetings with the Port of Tyne Authority (PoTA) since 2000. Although the POTA has stated that it supports the proposal it has made an objection in respect of technical issues and because it is the freeholder of land leased to Amec and its sub-tenants. In response the TWPTA has drafted provisions with the PoTA to address its specific concerns including protective provisions to be included in the proposed Order. The drafted provisions are in the final stages of negotiation and I believe capable of resolution so as to allow the PoTA to withdraw its objection before the Inquiry.

RMC (UK) Limited (OBJ167)

- 6.18 The TWPTA and its advisors have held a number of meetings with RMC in respect of the proposed use of its site at the former Mercantile Dry Dock (Parcel 208 and others) during the construction phases including as an area for storage of dredged arisings to be used as backfill for the immersed tube tunnel. The TWPTA has formulated proposals so that the RMC site can continue to operate and will be returned to the company upon completion of the works. An agreement is to be drafted to allow the land if the Order is granted. Although the TWPTA will continue to negotiate with RMC in good faith until (and after) that agreement is reached it is necessary to maintain an application for compulsory powers.

Shepherd Offshore plc (OBJ381)

- 6.19 Shepherd Offshore plc is the freeholder of the Mercantile Dry Dock of which RMC was granted a 30 year lease on 11 April 2001. The TWPTA's advisors have written to Shepherd Offshore plc to offer a meeting to discuss the Company's objection. In any event the TWPTA has identified that RMC's operations should not be interrupted in any way that would be detrimental to Shepard Offshore plc as the freeholder and that the site will be reinstated to a standard to be agreed with RMC once the construction works have been completed. For this reason the TWPTA believes that Shepherd Offshore plc's

concern is a matter for compensation under the Compensation Code. Compulsory powers are needed in case Shepherd Offshore plc is not willing to assent to the proposals.

Rohm & Haas (OBJ12)

- 6.20 The TWPTA and its advisors have held meetings with Rohm & Haas since December 1998 to discuss the scheme and its impact on the site. A draft agreement to acquire the land is currently being reviewed by Rohm & Haas' advisors and it is expected that agreement will be reached shortly. If this is not possible the TWPTA reserves the right to adduce further evidence.

Boosttower Limited (OBJ386)

Cookson Group plc [parcels 042.01 and 045]

- 6.21 Boosttower Limited is the owner of these areas which are required for survey purposes and to allow necessary highway works. An agreement with Boosttower Limited addressing the manner in which Boosttower Limited would be affected by the exercise of powers described in the Order is in the course of execution .

Shell (UK) Limited (OBJ605)

- 6.22 Shell is concerned that the proposal could potentially have an impact on rail traffic to its Jarrow Terminal using the Mineral Railway Bridge which would result in a disruption to the supply route to its terminal and consequential business effects. Following meetings with the TWPTA and its advisors a Deed of Undertaking has been drafted to safeguard Shell. It is hoped that agreement with Shell will be reached before the Inquiry, so allowing the withdrawal of their objection to the proposals.
- 6.23 The TWPTA considers that the proposed agreement with Shell will address the concern that they raise because
- The engineering works described by Mr Thurlow in his Proof of Evidence, should not have a material effect upon the viaduct comprised in parcels 205, 205.01 and 205.02. Therefore it is unlikely that the bridge would be unavailable to Shell for significant periods, if at all and delays(if any) to deliveries are unlikely to be significant.
 - The TWPTA's powers in the proposed Order allows for the viaduct to be surveyed in advance of the works and safeguarding works to be carried out.
 - The TWPTA does not propose to acquire the viaduct compulsorily (or the Jarrow Oil Terminal), but to provide the protection that Shell has requested the TWPTA would need compulsory powers in the absence of an agreement.

- As mentioned in relation to EWS above it is not proposed to materially affect access to Jarrow Oil Terminal by Priory Road.

The TWPTA is, however, continuing to negotiate with Shell in good faith to allow Shell's objection to be withdrawn.

Telewest (OBJ412)

- 6.24 Telewest is the operator of a fibre optic cable network which is situated in part within the LOD and LLAU. It is also the owner of a lease of an installation known as Jarrow Hub which is parcel 101.02 contained in the Book of Reference. This parcel is close to the existing Pedestrian and Cycle Tunnel south rotunda.
- 6.25 Because it is proposed that the area surrounding the south rotunda should be re-landscaped as part of the proposals the TWPTA has proposed an assurance to Telewest that Jarrow Hub will not be materially affected and access maintained at all times. The TWPTA has also proposed that as a telecommunications company, Telewest should be offered the same protection as is proposed for British Telecom under the proposed Order.
- 6.26 A proposal has been made to Telewest who are considering a reply. It is very much hoped that agreement can be reached with Telewest, but until that time the TWPTA considers it would need to maintain its application for compulsory powers.

Highways Agency (OBJ385)

- 6.27 The Highways Agency has stated that it has no objections in principle to the Order and strongly supports the proposed new crossing. In order to address the concerns set out in the Agency's Statement of Case the TWPTA has proposed amendments to the draft Order to cover interfaces between the tunnel crossing and the trunk road network. An agreement is currently under negotiation with the Agency, subject to concluding this it is hoped that the Agency's objection can be withdrawn. Because Highways Agency land is Crown land it is not susceptible to compulsory purchase. The agreement will therefore also address property issues.

DEFRA (OBJ113)

- 6.28 DEFRA submitted a holding objection to the proposals and subsequently a Statement of Case. A meeting was held with DEFRA in November 2002 when the TWPTA supplied clarificatory information. Since that time, the TWPTA has sought to reassure DEFRA that its

concerns are met by the protection under negotiation with the EA or by other statutory regimes, such as the Food and Environmental Protection Act 1985. It is hoped that as a result of this DEFRA will be able to remove its objection to the Order.

English Nature (OBJ601)

- 6.29 Detailed discussions were held with English Nature to fully clarify a number of points. Meetings were held on 13 and 28 August 2002.
- 6.30 The TWPTA has undertaken to appoint a manager to monitor environmental mitigation in accordance with the agreed Code of Construction Practice (CoCP) recognise the role of English Nature in developing the CoCP and consult with English Nature on environmental matters when preparing the Phasing Strategy and Method Statements required by the draft planning conditions; provide a copy of all reserved matter planning applications to English Nature; consult with English Nature to maximise the biodiversity of the scheme design; and recognise the role of English Nature in the finalisation of the mitigation proposals through design and the CoCP and related Management Plans.
- 6.31 English Nature withdrew its objection on 16 September 2002.

Environment Agency (OBJ502)

- 6.32 Meetings have been held by the TWPTA , and its advisors, with the Environment Agency (the Agency) since July 1998.
- 6.33 In response to the Agency's objection to the proposals the TWPTA proposes a number of items including the following:
- Fisheries monitoring at Riding Mill, comprising deflection devices, special lighting and video cameras for classifying and counting fish;
 - Continuous Water Quality Monitoring which includes the supply and installation of four buoys upon which the monitoring equipment is mounted, the supply and installation of the monitoring equipment, maintenance of the monitoring equipment, and the receipt and interpretation of the monitoring results;
 - Funding the monitoring programme which is to be managed by the EA;
 - Arrangements to ensure that operations for constructing the NTC are organised so as to protect the fishery, land drainage and water quality.
- 6.34 An agreement and protective provisions have been drafted and are currently being reviewed by the TWPTA. It is hoped that the agreement

and proposals for protective provisions will be concluded with the Environment Agency prior to the Inquiry such that it will allow the withdrawal of their objection to the proposals.

Jarrow Motor Boat Club (OBJ23)

Jeffrey Connor (OBJ2) – Member of Jarrow Motor Boat Club

- 6.35 The TWPTA's advisors held meetings with the members of the Jarrow Motor Boat Club on 4 October 2001, 20 August 2002 and 16 January 2003 to discuss the members concerns and identify a compromise.
- 6.36 In order to address the temporary loss of moorings in the River Tyne (in parcel 302) during construction work the TWPTA has proposed alternative temporary moorings at the Royal Quays Marina for the duration of the construction period.
- 6.37 Drafting of an agreement is now progressing following the last meeting with the Club. It is hoped that the members of the Jarrow Motor Boat Club will be able to agree the terms being developed as an acceptable solution and withdraw their objection to the proposal prior to the Inquiry. In case this does not occur the TWPTA maintains the need for statutory powers of compulsory acquisition of any interest they may have in parcel 302.

Epinay Estate Residents (OBJ 31, 37, 39, 45, 49, 58, 85, 95, 100, 110, 125, 127, 155, 390, 394, 395, 421, 598)

- 6.38 A number of residents at Epina Walk, both owners and Council tenants have objected to the proposals. The TWPTA and its advisors have attended meetings with the residents to explain the scheme, which only requires the properties for survey purposes; to understand the residents concerns; and to clarify the residents' options which include discretionary purchase. Contact with the residents is described in Section 7.

Non-Statutory

Friends of the Earth (OBJ600)

- 6.39 Friends of the Earth (FOE) has objected to the principle of a new road, rather than the details of the proposal. The TWPTA offered FOE a meeting by letter dated 24 October 2002 and 28 January 2003. In a telephone conversation on 31 January 2003, Mr Tim Sander (FOE's representative) indicated that although it would be beneficial to the Inquiry process if areas of objection could be satisfactorily addressed between the FOE and the TWPTA he could identify no areas where constructive dialogue could be engaged with a view to resolution of the objection.

British Horse Society (OBJ434)

- 6.40 The BHS submitted a letter of objection to the proposal on 16 July 2002. Following correspondence, BHS requested a meeting with me where equestrian concerns could be addressed. A meeting was duly held on 16 January 2003 to discuss the objection in further detail. A letter was sent to BHS on 24 January 2003 confirming the points made in response to the objection. I believe the BHS were satisfied that the scheme will not have a detrimental impact on equestrians and am hopeful that the BHS will withdraw its objection prior to the Inquiry.

St Paul's Area Residents Association (OBJ384)

- 6.41 The St Paul's Area Residents Association (SPARA) has submitted a letter of objection on behalf of its 100 members objecting to the proposals. The TWPTA and its advisors have met with the SPARA to discuss its objections. Further details of their objection are currently awaited from SPARA.

Railway Development Society (OBJ518)

- 6.42 The TWPTA has offered to meet the Railway Development Society (RDS), which was accepted in principle by the RDS on 15 December 2002. Subsequently I have discussed the issues with the North East Vice-Chair of the RDS, who agreed to inform the Committee of the content of the conversation and take instruction regarding the offer of a meeting. I await a response.

Tyne Crossings Alliance (OBJ382)

- 6.43 The TWPTA has offered to meet the Tyne Crossing Alliance but has received no response to this offer. The TWPTA's legal advisor wrote to Mr Winch of the Alliance on 29 January 2002 explaining matters in relation to the drafting of the Order raised by the Alliance. At the time of writing no response has been received.

North Tyneside Cycling Club (OBJ13)

- 6.44 The TWPTA has offered to meet the North Tyneside Cycling Club but has received no response to this offer.

Living Streets – The Pedestrians Association (OBJ97)

- 6.45 The TWPTA has offered to meet the Living Streets but has received no response to this offer.

Tynebikes (OBJ116)

- 6.46 The TWPTA has offered to meet Tynebikes and subsequently met on 11 November 2002. A number of issues were discussed. Further meetings were offered but as yet none have been convened.

Teesside Green Party (OBJ348)

- 6.47 The TWPTA has offered to meet the Teesside Green Party but has received no response to this offer.

North East Combined Transport Activists Round Table (OBJ396)

- 6.48 The TWPTA has offered to meet NECTAR but it was indicated in an e-mail to me on 7 February 2003 that they found difficulty identifying areas that could be usefully discussed. They noted, however, that this may change once the TWPTA's evidence is published.

Jarrow Residents Action Group (OBJ397)

- 6.49 The TWPTA has offered to meet the Jarrow Residents Action Group but has received no response to this offer.

CPRE (OBJ429)

- 6.50 The TWPTA has offered to meet CPRE but has received no response to this offer.

Tyne Riparian Owners & Occupiers Association (OBJ351)

- 6.51 The Tyne Riparian Owners and Occupiers Association was concerned about impact of the proposals on fisheries. Numerous meetings have been convened over the period 2000 –2002 to consider the TROOA position. In response to an agreement with the TWPTA that is in the course of execution at the time of writing it is understood that the Association intends to withdraw its objections.

Standard Objections

- 6.52 A large number of standard letters were received in objection to the scheme. The TWPTA has responded to all of these objectors by letter dated 28 October 2002 which included the offer of a meeting to discuss specific issues. A number of these letters were returned indicating that the recipient was unknown at the address.

7. The Jarrow Junction

- 7.1 In the report submitted to the Tyneside Authorities in 1996, the consortium led by Babbie/Hambros outlined a possible solution to the connection of the local road network to the A19/Tyne Tunnel. Mr Miller outlines this in his proof of evidence. This was an indicative arrangement and one in which the TWPTA sought further advice from Arup as part of their commission. As it was the only arrangement 'on paper' in June 1998 the TWPTA sought to safeguard the land identified

by the Babbie/Hambros layout when it resolved in June 1998 to seek the necessary resolution from South Tyneside. This process is also explained in Mr Miller's evidence at paragraph 4.29. South Tyneside duly made the necessary resolution in October 1998.

- 7.2 Publicity produced by the TWPTA on the New Tyne Crossing from that date therefore included an outline layout based on the Babbie/Hambros plan. Copies of a leaflet produced by the TWPTA in July 1999 and were distributed to properties in the Jarrow and Simonside areas - a copy is to be found at Appendix H.
- 7.3 Mr Thurlow in his evidence explains the process involved in preparing and evaluating the options for the junction connection at the southern portal of the tunnel crossing. This process resulted in 2 viable alternatives, which became known as the Simonside option (roughly based on the Babbie/Hambro solution) and the Jarrow Junction.
- 7.4 The Jarrow option was presented to the TWPTA on 31 May 2001. As the Jarrow option was new and unknown outside the TWPTA it was considered that a consultation process should be undertaken to gauge the views of the affected communities. This process consisted of two exhibitions, each of two days in length held at Wallsend library and Jarrow Community Centre. In addition, exhibitions were also staged at East Howdon Community Centre, Howdon Community Centre, Low Simonside Community Centre and St Bede's Church Hall. At all of these venues a series of display panels were exhibited, a virtual reality model of the scheme (incorporating the Jarrow Junction option) was displayed and plans and sections of the scheme were available. A questionnaire was distributed and the results subsequently collated and analysed. A series of workshops involving members of the community and other interested parties were also held.
- 7.5 The outcome of this consultation process was presented to the TWPTA on 17 October 2001 in a report which can be found at Appendix I. Having considered the report the TWPTA resolved to adopt the Jarrow Junction subject to the views of South Tyneside Metropolitan Borough Council. The minutes of that meeting can also be found at Appendix I. The Director of Development Services, South Tyneside MBC duly prepared a report outlining the options and the views of the TWPTA and submitted it to the Policy Committee on 7 November 2001 who resolved to accept the Jarrow Junction option. A copy of that report and minutes of the meeting is to be found at Appendix J.
- 7.6 Subsequent to the acceptance of the Jarrow Junction by the TWPTA and South Tyneside MBC I met with the residents of Epinay Walk on 5 December 2001, 29 January 2002 and 29 October 2002. Copies of the notes of these meetings are to be found at Appendix K. At these meetings I have attempted to work with residents to derive modifications to the basic scheme in order to mitigate the impact on the setting of those properties as far as reasonably possible.

8. Conclusions

- 8.1 The TWPTA report in June 1998 following the Royal Assent to the Tyne Tunnels Act 1998, was the first step in the planning process for the New Tyne Crossing to have a direct impact on land. Since the decision made then, the TWPTA has expended great effort to inform the affected communities and land-owners and occupiers of the development of the scheme. It has sought to do this through public meetings and exhibitions, letters and the distribution of information leaflets designed to answer questions about rights to compensation, noise insulation, home loss payments and so on. Further the TWPTA have issued regular Newsletters and developed and maintained a web-site.
- 8.2 In response to the particular concerns of residents groups in Jarrow, the TWPTA also initiated a discretionary purchase scheme that caters for the acquisition of properties not directly required for the construction of the New Tyne Crossing where demonstrable hardship would otherwise occur. The details of this scheme have been made known to residents' groups and copies of the application forms and guidance distributed. The TWPTA have also made it known to property owners and others with interests in land that is directly affected by the NTC that it is prepared to consider acquisition in advance should these parties wish it.
- 8.3 In all cases the TWPTA has sought to secure land and powers required to implement the proposed New Tyne Crossing through agreement. However, it has not been possible to reach agreement with all owners for a number of reasons. Nevertheless, the TWPTA and its advisors will continue to negotiate with all remaining parties in order to secure agreement, where possible. As such the TWPTA requires compulsory purchase powers in order for the scheme to be capable of implementation should agreement not be reached.
- 8.4 The TWPTA has also recognised the issues that the proposals have raised for objectors and others who may be affected and has sought to address these firstly through comprehensive consultation about the proposals prior to the submission of the Order application and secondly through ongoing discussions and correspondence. In all of these discussions the TWPTA has sought to act reasonably and fairly to balance the technical requirements of the New Tyne Crossing against the various issues raised.
- 8.5 Finally, a number of items raised by Objectors relate specifically to issues addressed in my evidence. For completeness I have included a summary of my responses at Appendix L.