



Report to the First Secretary of State and the Secretary of State for Transport

By J S Nixon BSc (HONS) DipTE CEng MICE MRTPI MIHT

An Inspector appointed by the First Secretary of State and the Secretary of State for Transport.

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372

Date: 05/09/03

THE TRANSPORT AND WORKS ACT 1992

THE TYNE TUNNELS ACT 1998

THE LISTED BUILDINGS ACT 1990

AND THE

PROPOSED RIVER TYNE (TUNNELS) ORDER

APPLICATION BY THE

TYNE AND WEAR PASSENGER TRANSPORT AUTHORITY

Inquiry Held: 4 March to 17 April 2003 (Inquiry formally closed by letter on 31 May 2003)

Order Reference: TWA/APP/02/03

Abbreviations used in the Report

AADT	-	Annual average daily traffic (flow)
BH	-	Borehole
COCP	-	Code of Construction Practice
CPO	-	Compulsory Purchase Order
CPRE	-	Council for the Protection of Rural England
CTC	-	Cyclists' Touring Club
DEFRA	-	Department of Environment, Agriculture and Rural Affairs
EA	-	Environment Agency
EIA	-	Environmental impact assessment
EQ	-	Environmental Quality (standards)
ES	-	Environmental statement
FEPA	-	Food and Environment Protection Act
FOE	-	Friends of the Earth
FSoS	-	First Secretary of State
GOMMMS	-	Guidance on the methodology of multi modal studies
GONE	-	Government Office for the North East
HA	-	Highways Agency
JIT	-	Just in Time (delivery)
LTP	-	Local Transport Plan
MBC	-	Metropolitan Borough Council
NTC	-	New Tyne crossing
OSPAR	-	Convention for the Protection of the Marine Environment of the North East Atlantic – The 1992 OSPAR Convention
PCBs	-	Polychlorinated biphenyls
PIM	-	Pre-Inquiry Meeting

Abbreviations used in the Report

POS	-	Public Open Space
PPG	-	Planning Policy Guidance
PPP	-	Public/Private partnership
PTA	-	Passenger Transport Authority
PTE	-	Passenger Transport Executive
RPG	-	Regional Planning Guidance
RTS	-	Regional Transport Strategy
SoS	-	Secretary of State for Transport
SPARA	-	St Paul's Area Resident's Association
SSSI	-	Site of Special Scientific Interest
TAMMS	-	Tyne Area Multi Modal Study
TDA	-	Transport Development Area
TWA	-	Transport and Works Act
TWPTA	-	Tyne and Wear Passenger Transport Authority
UDP	-	Unitary Development Plan

Contents	Page
Overview, Summary of Conclusions	S1
Recommendations	S5
1. Preliminary Matters	1
2. Description of the Site and Surroundings	5
3. Highway Context and Public Transport connections	6
Highways	6
Public Transport	7
4. Description of the Proposals	8
5. Planning Policy Framework	10
6. The case for the Tyne and Wear Passenger Transport Authority	13
General Introduction	13
Scope of the Inquiry	13
The need for, and objectives of, the proposed New Tyne Crossing (NTC)	15
The justification for the particular proposals in the TWA Order	17
The case for including compulsory purchase powers in the proposed TWA Order and whether any or all of the land for which such powers have been sought is necessary for the works provided for in the proposed Order	20
Arrangements for setting, reviewing and varying the tolls	20
Whether the proposals are reasonably capable of attracting the necessary funding	21
Likely impact of the proposed NTC on the levels of traffic using the A19 corridor and the associated local road network, including any consequential effect on pedestrians, cyclists and public transport	21
The likely impact on local residents and businesses of constructing and operating the proposed new crossing and the measures for mitigating any adverse impacts	23
The likely local and regional economic effects of the proposed NTC	26

Contents	Page
The probable impact on ecology and on the environment of constructing and operating the proposed works	28
Proposals for mitigating any adverse environmental effects	39
Conditions proposed by the TWPTA to be applied to any deemed planning permission that may be given for the proposed works and in particular whether they meet the tests in DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable	39
Justification for Article 49 of the proposed TWA Order, which seeks to exempt the NTC and associated works from rates	39
The purpose and effect of any substantive changes to the TWA Order proposed by the TWPTA since the application was made; whether any one likely to be affected by such changes has been notified; and whether any proposed changes to the Order either on their own or taken together would amount to a substantial change in the proposals for the purposes of Section 13(4) of the TWA	40
Listed Building Issues	40
Overall conclusions	42
7. The case for the Supporters	44
Oral Presentations	44
Written Submissions	46
Friend to the Inquiry	49
8. The case for the Objectors and the Inspector's Response	50
Policy	50
The scheme promotes the use of unsustainable forms of travel	54
The alternatives	56
Increases in traffic and congestion	60
The tolling regime and other financial matters	64
Promotion of the A19 corridor	66
Employment and economic issues	68

Contents	Page
The Environmental Statement	70
The effect on residents	74
Open space issues and landscape	80
Safety	81
Earthworks: Excavation, Treatment and disposal	83
Ecology	84
Conflict of interest	85
Matters relating to the Listed Building Applications	86
Objections from individual companies, firms or interests	87
9. Inspector's Conclusions on the First Secretary of State's Statement of Matters	90
The need for, and objectives of, the proposed New Tyne Crossing (NTC)	90
The justification for the particular proposals in the TWA Order	91
The case for including compulsory purchase powers in the proposed TWA Order and whether any or all of the land for which such powers have been sought is necessary for the works provided for in the proposed Order	94
The proposed arrangements for setting, reviewing and varying the tolls chargeable for use of the new proposed Tyne crossing and the existing road tunnel	94
Whether the proposals are reasonably capable of attracting the necessary funding	95
Likely impact of the proposed NTC on the levels of traffic using the A19 corridor and the associated local road network, including any consequential effect on pedestrians, cyclists and public transport	95
The likely impact on local residents and businesses of constructing and operating the proposed new crossing and the measures proposed by the TWTPA for mitigating any adverse impacts	97
The likely local and regional economic effects of the proposed NTC	99

Contents	Page
The probable impact on the environment of constructing and operating the proposed works	100
Proposals for mitigating any adverse environmental effects of the proposed works	103
Conditions proposed by the TWPTA to be applied to any deemed planning permission that may be given for the proposed works and in particular whether they meet the tests in DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable	103
Justification for Article 49 of the proposed TWA Order, which seeks to exempt the NTC and associated works from rates	104
The purpose and effect of any substantive changes to the TWA Order proposed by the TWPTA since the application was made; whether any one likely to be affected by such changes has been notified; and whether any proposed changes to the Order either on their own or taken together would amount to a substantial change in the proposals for the purposes of Section 13(4) of the TWA	104
In relation to the applications for Listed Building consent	105
Appearances	i
Documents	vi

OVERVIEW AND SUMMARY OF CONCLUSIONS

Note: the numbers in square brackets cross-reference to the main body of the report.

- S.1 Looking first at policy, the Regional Planning Guidance, the draft Regional Transport Strategy, the Local Transport Plan and all levels of the development plan policy [6.30] reflect the strategic objectives evinced by Planning Policy Guidance Note 13 (PPG13): Transport (Document CD13) [8.9]. These represent the overarching principles of the Government's integrated land use and transportation policy and its move to promote sustainable communities. In this regard, they are consistent with the Government White Paper "A New Deal for Transport: Better for Everyone" (Document CD54) and the "Transport 2010 – The 10-year Plan" (Document CD55).
- S.2 Notwithstanding these stated and endorsed overarching objectives, all levels of Regional and local policy and guidance also support the scheme for a new Tyne crossing (NTC).
- S.3 Whereas this support for the NTC is prayed in aid by the Tyne and Wear Passenger Transport Authority (TWPTA) and those in favour of the scheme, those objecting identify the tension between the overarching aims and objectives espoused in all levels of policy and the provision of additional vehicle capacity across the River Tyne that the NTC would deliver [8.10 and 8.26] to address what is essentially a local problem on a strategic route [3.3 and 8.28]. From these two opposing views emanate a number of claimed benefits and perceived disadvantages that would follow the scheme.
- S.4 Insofar as the benefits are concerned, the NTC would meet two of the three local objectives set out in the Tyne Area Multi Modal Study (TAMMS) [5.9]. It would reduce, if not remove the current levels of congestion during extended morning and evening peak hours and improve safety along the A19 and through the existing Tunnel. In addition, it would respond to the needs of existing and allocated land uses along the A19 corridor, especially those delivering employment opportunities. The increased capacity across the Tyne would also cause limited diversion from and relief to other cross Tyne routes [8.32], accommodate any current levels of frustrated demand (Document TWPTA18, Request 13) and act as a catalyst for further employment development within the A19 corridor, extending from Morpeth in the north to Stockton on Tees and Middlesbrough in the south.
- S.5 As for the fourth local objective in the TAMMS Study, namely to achieve the accrued benefits to the A19 without causing unacceptable problems on other transport networks in the area [5.9], I find the evidence far less unconvincing. I accept there would be an opportunity for improved public transport through the NTC [8.29], but the TWPTA's proposals offer no tangible mechanism to ensure conversion of this opportunity into reality. Much is made of the Stephenson's Jobs Link [6.50 and 8.29-8.30], but there is no suggestion that this would be extended physically to the south of the River Tyne and the best estimate of success is a modal shift to buses through the NTC of a mere 10%.
- S.6 Turning to the disadvantages claimed by objectors, promotion of the NTC is perceived as one further attempt to build ourselves out of our current problem [8.4], not least because the River Tyne presents an obvious opportunity to achieve car restraint at a physical cordon. In this context, I agree with the objectors that the NTC would address a predominantly local problem [3.3 and 8.28]; promote less sustainable development along the A19 employment corridor [8.22-8.35]; increase the length and number of journeys by private car [8.35]; and do little if anything to encourage or effect modal shift [8.26]. Also of

- importance, the increased capacity across the Tyne would last for some 20-years or a generation [8.26], making the need to improve public transport far less urgent. As well as facilitating movement along the A19 corridor, the TWPTA acknowledge that the NTC would attract a certain level of traffic from crossings further to the west [6.13]. In my opinion, without direct dedication of this 'released' capacity to public transport, this would make travel by car more attractive at these locations.
- S.7 In weighing the relative merits of these arguments, the TWPTA believe it is unrealistic to wait for Government's overarching policy guidance to achieve a level of success such that the NTC would become unnecessary [6.31]. In particular, they are unconvinced about the attainment of meaningful levels of modal shift (Document TWPTA 4A). It is this anticipation and expectation of failure to achieve this, in a reasonable timescale, which forms one of the TWPTA's main arguments for the NTC [6.10 and 6.23]. Not surprisingly, those objecting to the scheme contend that addressing the short-term problems, however visible, would do nothing to effect Government policy at the local level [8.5].
- S.8 Local, regional and national policies have to date had limited success in achieving the objectives divined by PPG13: Transport, albeit that many schemes for public transport enhancement are proposed [6.19 and 6.35]. To resist the NTC, therefore, and accept the likely adverse short and medium term consequences for congestion, employment and the general economy of the locality would be to anticipate the longer-term benefits from a realisation of the schemes proposed. However, there would be no guarantees.
- S.9 On the other hand, the proposal for the NTC could be accepted on the basis that, whereas one might not wish to start from this point, the existing and proposed uses along the A19 corridor have just gone too far to reverse [8.10]. The NTC would guarantee no public transport improvements, but would reduce, or perhaps even remove the present congestion, offer short to medium term economic benefits and improve safety. In this context, I am mindful that reducing congestion remains an aim of Government, but understand that building new roads to achieve that end is viewed as the haven of last resort, even where charging forms a part of the package (Document TWPTA18, Request 18).
- S.10 To sum up on this aspect, the NTC is supported at all levels of regional and local policy. Against this, I see no realistic prospect of achieving the aims of the TAMMS Study by adopting a public transport scenario. Faced with this, and recognising the employment and economic consequences of awaiting new or upgraded public transport infrastructure and/or operational changes, I conclude that the NTC should be accepted in principle. This is despite the clear tension between this course of action and stated national policy guidance promoting the integrated land use planning and transportation ethos and the forward momentum that that could give to securing sustainable communities.
- S.11 In reaching this conclusion, I have considered the option of building the NTC to address the immediate problems and then, at some time in the future, to manage the Tunnels proactively to inhibit their use by the private car and to encourage their use for a Metro or bus priority initiative [8.41]. In theory, the tolling regime forming part of the application would facilitate this, although probably following a public inquiry. However, I do not see the prospect of buying out the interests of the Concessionaire as likely. Apart from the legal and contractual difficulties, it would prove very expensive. Moreover, there is no guarantee that the engineering difficulties associated with my preferred option of a

- Metro crossing [8.52] could be overcome (Document TWPTA 18, Request 16). As a consequence of this, I accept reluctantly that this is not worth pursuing further.
- S.12 On the assumption that the SoS accepts that the NTC is necessary, I turn now to address the suggested alternatives, the Order, the need for land acquisition and the effect of the construction and operation of the NTC on the environment and those living and working in the locality.
- S.13 First, I foresee no difficulty in securing a Concessionaire to construct and operate the NTC [9.27]. Secondly, I have not found any of the alternatives advanced by objectors as constituting realistic options [9.17-9.20].
- S.14 On all other points, I am convinced that there is nothing singly or cumulatively that would justify withholding confirmation of the Order or granting deemed planning permission. All objections have been addressed and most statutory objections have been withdrawn. Those relatively few firms with outstanding objections [8.197-8.212] have all been in discussions with the TWPTA. Where points have not been agreed the compensation procedures would be invoked. I am satisfied that no objection goes to the heart of the scheme and virtually all the land included in the CPO schedule would be needed for the construction and ancillary works associated with the NTC [9.21-9.23].
- S.15 The exception would be the land needed to accommodate the extensive toll plazas on the north bank [8.50 and 9.22]. However, as we can not be categorical about the success of the London charging scheme that might remove the need for the toll plazas [8.50] I accept they should not be omitted at this stage. I am mindful, also, that this is land owned by North Tyneside Council and is not the subject of objection or dispute.
- S.16 As for the environmental impact and the effects on the reasonable expectations of residents, I have concluded that, apart from some concerns about the excavation, remediation and disposal/deposition [8.182], nothing would be so inordinate as to constitute a compelling objection. That is not to say that there would be no harm, but in environmental terms it would not be significant and for residents the effects would be largely short term. Moreover, conditions, a Code of Construction Practice (COCP) and statutory safeguards would be in place to ensure that the predicted effects would not be exceeded.
- S.17 Clearly, there are some aspects that would not be capable of satisfactory resolution and under this heading I place the loss of open space near Epinay Walk [8.162-8.163] and any involuntary loss of homes or property [8.48]. These do constitute material harm, but when balancing the arguments I have not found them overriding.
- S.18 Turning to the Listed Building applications, I am satisfied with the proposals for the amendments to the Cycle/Pedestrian Tunnel entrances and the refurbishment and re-siting of the Sir Charles Palmer statue. As for the loss of the listed Gaslight Public House, I am not yet convinced that this needs to be demolished and have recommended accordingly [8.196]. Although English Heritage has raised no objection, I am not convinced its response reflects a full appreciation of the actual situation [8.194-8.195].
- S.19 I turn, finally and briefly, to one further matter. Objectors claim that it would be wrong to sign over control of the Tyne Tunnels to a Concessionaire for some 30-35 years [8.76].

This stems primarily from a concern that the Concessionaire would harbour profit making motives that might conflict with the operation of the NTC in the public interest. For my part, I am satisfied that the tolling regime proposed would ensure that all increases in charges are justified, and thereby safeguard the public interest in this regard [8.90 and 9.25]. However, I could see the aims of the Concessionaire reducing, inordinately, the flexibility in the use of the Tunnels, long after the date when one might expect Government's stated transport aspirations to have reached fruition [8.30]. So much so that, in my view, the length of the concession would inhibit achievement of the Government's stated transport policy objectives.

S.20 In summary, a long term view is needed of the Government's overarching transport policies and objectives. Moreover, the local land use allocations in the development plan are already far too far down the line to resile from the A19 employment corridor approach. As such, and though the NTC would address a predominantly local problem, to avoid the potential for employment and economic stagnation, I consider that the only realistic option is for the NTC to proceed. If this view is accepted, then, with one minor caveat about the excavation of material and its remediation etc, I am satisfied that the impact on the environment and the reasonable expectations of people living and working in the locality would not be so inordinate as to justify withholding confirmation of the Order or withholding the grant of deemed planning permission.

RECOMMENDATIONS

- R.1** *On balance, I recommend that the principle of the NTC is accepted and the Order confirmed, subject to the amendments contained in Document 19. I recommend, also, that deemed planning permission be granted for the NTC subject to the conditions listed in Document 18, as amended by the discussion and conclusions reached in my Report [9.70-9.74].*
- R.2** *As for the Listed Buildings, I recommend approval to the re-siting of the statue of Sir Charles Palmer and the amendments to the entrances to the Tyne Pedestrian and Cycle Tunnels. I recommend that the application to demolish the Gaslight Public House be held in abeyance, pending the outcome of the Concessionaire's final design.*
- R.3** *Finally, I recommend that, before confirming the Order etc, the Environment Agency is consulted further, with regard to the excavation, remediation, storage and disposal/re-deposition of the material arising from the line of the NTC and the wording of any additional conditions considered necessary that should be attached to the deemed planning permission.*

Inspector

CASE DETAILS:

The Tyne Tunnels Act 1998:

The Listed Buildings Act 1990:

The Proposed River Tyne (Tunnel) Order:

- Transport and Works Act 1992 Section 3.
- The Order would allow the acquisition of land and planning permission for, and the construction and operation of, a new Tyne tunnel road crossing under the River Tyne between Jarrow and East Howdon at St Bedes, east of the existing Tyne tunnel.
- Listed building applications are made to relocate the statue of Sir Charles Palmer; to demolish the Gaslight Public House; and to make alterations to the wall of the listed pedestrian and cycle tunnel structure.
- Applicant: The Tyne and Wear Passenger Transport Authority

RECOMMENDATIONS:

- That the Order be made, with modifications.
 - That planning permission is deemed to be granted, subject to conditions.
 - That Listed Building Consents are granted for the relocation of the Sir Charles Palmer statue and the alterations to the wall of the Pedestrian and Cycle Tunnel structure, subject to conditions. Listed Building Consent is, however, withheld for the demolition of the Gaslight Public House.
-

1. PRELIMINARY MATTERS

1.1 From the 4 March to the 17 April 2003, I held a public local inquiry at the Jarrow Community Centre, for the purpose of hearing representations and objections concerning an application, made by the Tyne and Wear Passenger Transport Authority (TWPTA), under s.3 of the Transport and Works Act 1992, for the following order to be made:

THE RIVER TYNE (TUNNELS) ORDER

1.2 A small number of proposed changes to the Order has been submitted by the TWPTA. These are included in the final version of the proposed Order ^(Document 19) and change the description of Works 4B and 4C, introduce changes to the tolling mechanism and vary certain protective provisions. Changes to the tolling mechanism and the protective provisions have not been advertised. Having said this, I have concluded that the proposed changes to the tolling mechanism would not adversely affect interested parties, and in fact would help phase in the new toll charges following the opening of the new Tyne crossing. As for the amendments to the protective provisions and the changes to works in the Howdon Basin, these have been discussed with those that

would be affected [6.146-6.147]. On this basis, I agree that there is no need for further consultation [9.76-9.78].

- 1.3 I held a pre-inquiry meeting on 6 January 2003. Notes of that meeting are included as **Document 11**. I made an unaccompanied site inspection on the 18 March 2003 and on 9 April 2003 an accompanied site inspection, with representatives of the TWPTA and objectors. The latter inspection included viewing the existing traffic Tunnel and its operation centre and the existing Pedestrian/Cycle Tunnels. We also looked at properties, businesses and operations, including the Port of Tyne, that would be affected by the construction and working of the proposed new Tyne crossing (NTC). After hearing all the evidence, I allowed some 6-weeks before formally closing the inquiry, for the TWPTA to continue negotiations with respect to outstanding objections, where these were at an advanced stage. Accordingly, the inquiry was closed formally by letter dated 31 May 2003 ^(Document 13).
- 1.4 The purpose of the proposed Order is to provide statutory authority, with deemed planning permission, for the construction and operation of the proposed NTC and operation of the existing Tyne Tunnel. The proposed Order would also allow the compulsory purchase of land necessary for the scheme.
- 1.5 Following advertisement, some 608 letters of objection were lodged to the proposal ^(Document 5) containing some 4,500 individual objections. At the opening of the inquiry, 12 objections had been withdrawn ^(Document 14). A further 11 objections ^(Document 14) were withdrawn during the inquiry. Some 189 letters of support ^(Document 4) were received. At the inquiry, 33 objectors and 7 supporters appeared or were represented.
- 1.6 The main grounds of objection to the scheme are that the proposed NTC:-
- would not further the Government's aims and objectives of reducing travel, encouraging other forms of transport than the private car, and creating sustainable settlements;
 - would have an adverse effect on the reasonable expectations of those living near the Tunnel during the construction and subsequent operation of the Tunnels;
 - would cause business severance and inflict economic hardship;
 - would have a negative effect on property values and the ability to sell properties.
 - would restrict access and reduce key areas of open space.
- 1.7 A Statement ^(Document 3) sets out the matters about which the First Secretary of State (FSoS) particularly wishes to be informed for the purpose of his consideration of the application. This Statement was brought to the attention of those present at the pre-inquiry meeting and again at the opening of the inquiry. At the time of the application and publication of the Statement of Matters, the First Secretary of State was responsible for Transport and Works Act (TWA) decisions. On 26 March 2003, responsibility for determining TWA Orders passed to the Secretary of State for Transport (SoS). Thus, all aspects of the Order and the planning application fall to be considered by the

Secretary of State for Transport. The First Secretary of State remains responsible for determination of the Listed Building applications.

- 1.8 The applicants, TWPTA, confirm that all the required statutory formalities leading up to the inquiry had been correctly observed.
- 1.9 All parties agree that the NTC constitutes EIA development. As such, the environmental impact assessment procedures required by the Transport and Works (Applications and Objections) Procedure (England and Wales) Rules 2000 were carried out by the TWPTA. In effect, this process comprised an early round of consultation, subsequent preparation of the environmental statement (ES) ^(Documents CD4-CD7), placing the ES on deposit and advertising this in the press. Formal consultation on the ES is not required under the Transport and Works Act Rules and, consequentially, objections and comments about the ES, submitted in response to the advertisement of the Order, have been treated as consultation responses.
- 1.10 Having said this, where objections to the advertised Order include claims about the adequacy of the ES it is difficult for the Inspector to exercise his/her 'rights' on behalf of the SoS to call for further information. At least, this is so without calling for comments in the form of rebuttal evidence from the applicants. To do so in advance of this might be perceived as prejudicing and pre-empting the inquiry process. At the pre inquiry meeting, I did ask the TWPTA to prepare an update of the ES to take into account any objections to the adequacy of the ES they judge to have substance. No amendments were forthcoming.
- 1.11 As a consequence, I have considered the objections to the Order that pertain to the adequacy of the ES ^(Document TWPTA 26), heard the response/rebuttal from the TWPTA and concluded whether the SoS should call for further environmental information before reaching his decision [8.127]. With one exception, I am satisfied that the ES is adequate. My concern pertains to the excavation, remediation and deposition of material and, in this regard, I have recommended that further information is sought from the Environment Agency [9.56].
- 1.12 My report takes into account all the environmental information submitted with the ES. In considering the proposals, the Order and objections I have paid due regard to the obligations under the Human Rights Act and in particular Article 1 of the First Protocol and Article 8.
- 1.13 This report contains a brief description of the site and surroundings, details of the proposed scheme, the policy framework, the case for the applicants and supporters and a summary of the written and oral objections and my response to these. These aspects are then carried forward to support my comments and conclusions on the Statement of Matters raised by the SoS and my recommendations. Lists of inquiry appearances and documents, including plans and photographs, are attached, as are lists of the objectors and supporters. Cross-referencing throughout the Report is shown in bold subscript, in square brackets.
- 1.14 I have included with the report those documents submitted as inquiry documents. Arrangements have been made for the Programme Officer to submit to Matthew Bigault in the Transport and Works Act Unit, under separate cover, a complete set of the core

documents and documents submitted by the TWPTA. The proofs and rebuttals from the TWPTA will be as originally submitted. This does not necessarily reflect the final position of the TWPTA and/ or objectors and supporters. The gist of the case for the TWPTA is included as Section 6 of this report and closely reflects their closing submissions. I specifically asked that the closing submissions should respond to the Matters raised by the SoS and should contain the arguments in the form that the TWPTA would wish to present them to the SoS. **Document TWPTA18** contains responses from the TWPTA to questions I raised during the inquiry and that 'demanded' a written as opposed to oral response. For convenience, I have included at **Document 20** a composite of all TWPTA's rebuttal responses to written objections.

- 1.15 Finally in this section on preliminary matters, I would like to express my thanks to Ian Stearman, the appointed Programme Officer, who carried out his duties willingly, responsibly and most of all cheerfully. I would also like to extend, on behalf of all those attending the inquiry, thanks to the Manager and Staff of the Jarrow Community Centre for their efforts throughout the days and evenings the inquiry sat and for their unfailing willingness to respond to our *impromptu* adjournments and extended or amended sitting hours.

2. DESCRIPTION OF THE SITE AND SURROUNDINGS

- 2.1 The site for the proposed new Tyne Tunnel lies along the access of the A19 (T). It is situate some 8Km east of Newcastle-Upon-Tyne and Gateshead and some 3.5km west of North Shields and South Shields. The south entrance to the proposed tunnel is in Jarrow and the northern end is in the district of Howdon in the town of Wallsend. The proposed immersed tube tunnel would lie just to the east of the existing bored tunnel. West of the existing road Tunnel is a complimentary tunnel for pedestrians and cyclists. The plans and photographs contained in the Environmental Statement Non-Technical Summary ^(Document CD7) give straightforward and clear illustrations of the scheme and the surrounding land marks.

3. HIGHWAY CONTEXT AND PUBLIC TRANSPORT CONNECTIONS

Highways

- 3.1 Tyne Tunnel Act of 1946 gave authorisation for the construction of vehicle, pedestrian and cycle tunnels across the River Tyne between Jarrow and Howdon. The Pedestrian/Cycle Tunnels opened in 1951 with the road tunnel finally opened for traffic in 1967. The vehicle Tunnel, which links the A19 (T) on the north and south side of the River Tyne, is 1,680m long, with an internal diameter of 9.5m. The Tunnel comprises a carriageway width of 7.3m, providing one lane 3.5m wide for traffic in each direction. There is no physical separation of these lanes. The A19 is a Trunk Road both north and south of the River Tyne
- 3.2 Currently the Tunnel carries around 34,000 vehicles each day on weekdays, with an annual average of daily traffic (AADT) flow of around 31,000 vehicles. Vehicles using the Tunnel pay tolls, which are collected at the north end, where four tollbooths are located on both the entrance and exit sides of the Tunnel. The most recent revision of the toll levels was undertaken under the Tyne Tunnel Revision of Tolls and Traffic Classification Order 2001. The standard charges are £1.00 for vehicles below 3.5 tonnes, £1.20 for vehicles above 3.5 tonnes maximum gross weight and 20p for a motorcycle. Concessions are available for tolls permit holders. Currently, passenger service vehicles and coaches are subject to tolls, with only emergency vehicles and orange badge holders exempt.
- 3.3 The present tunnel is managed by the TWPTA and is the only single lane link in a long length of dual carriageway highway comprising the A19 corridor. At present, over 80% of the vehicles using the Tunnel are private cars, with more than 70% having both an origin and destination within 12km ^(7 miles) ^(Document TWPTA18, Request 45) of the Tunnel itself. The congestion experienced by traffic using the tunnel is, therefore, largely a local problem. Only 2% of traffic has both origins and destinations outside Tyne and Wear i.e. through traffic. Thus, the majority of traffic is local, which is understandable, as the A19 forms a link or loop between junctions on the A1 Trunk Road, north and south of the River Tyne. The approach routes to the A19 are effectively orientated on an east-west axis. The A1 is the signed strategic route for long distance traffic through the Region.
- 3.4 The A19 (T) is, however, by definition, a strategic route serving the “A19 corridor”, the major employment area on the east side of Tyne and Wear. This employment corridor is similar to the “A1 corridor”/Team Valley in the west of Tyne and Wear. Major investment has taken place along the A19, particularly in North Tyneside, Sunderland and Durham. Existing development sites within the corridor served by the A19 are plentiful and include the Nissan car factory at Washington. Within the regional and local development plans, various new strategic and local employment sites are proposed, in many cases allocated along the A19 corridor.
- 3.5 There are a number of other main road crossings of the River Tyne, none of which is subject to toll charges. These, comprise first the A1(T) Blaydon Bridge, which is a standard 2-lane dual carriageway linking the A1 Gateshead Western By-pass with the A1 Newcastle Western By-pass. It opened to traffic in 1990 and, as noted above, is the

major north-south strategic route through the North East Region. The A695 Scotswood Bridge is a dual carriageway link, although it is not a matter of dispute that its practical capacity is limited by weaving traffic and the restricted capacity of the approach roads.

- 3.6 The A189 Redheugh Bridge is a 4-lane single carriageway. This road forms the main link between the A1(T) and Newcastle and Gateshead centres via a higher capacity dual carriageway. The unclassified high level bridge is a narrow 2-lane single carriageway providing access to a limited area of the City. A one-way gyratory system is in place on the Newcastle side, while access to the Bridge on the Gateshead side is via the signalised junction, situated between the Redheugh and Tyne bridgeheads.
- 3.7 The B1037 swing bridge is a 2-lane single carriageway, the potential capacity of which is limited because of the quality of the access roads on the south bank of the River and the traffic arrangements on the Quayside in Newcastle. This bridge is used essentially by traffic with a very local destination on either bank of the River as access routes provide opportunity to utilise higher standard crossings. Finally, the A167 Tyne Bridge is a 4-lane single carriageway. It links the Gateshead Highway to the Central Motorway East, both high capacity dual carriageways, formerly designated the A1, to the east of the City and town centres.

Public Transport (Document TWPTA18, Requests 48, 52 and 53)

- 3.8 At present, there are two buses an hour through the existing Tunnel linking Blyth, North Shields, Jarrow and Sunderland. These are the services 310 and 319, both running at an hourly frequency. Owing to continuing congestion problems at the existing Tyne Tunnel, the operator Go NorthEast has begun a consultation process to terminate the 310 at Whitley Bay and to discontinue the service from Whitley Bay to Blyth. This would ensure the frequency of the journey along the retained lengths could be maintained.
- 3.9 Both north and south of the River Tyne, the Metro runs in an east-west direction. To the south there are halts at Hebburn, Jarrow, an industrial site east of Jarrow and South Shields. A line also extends to Sunderland, but not following the A19 corridor. To the north of the River, there are stops at Wallsend, Howdon and through to North Shields. However, to travel by Metro from one side of the River Tyne to the other, in the vicinity of the A19, involves a journey west to Gateshead or Newcastle-Upon-Tyne across the river and then eastward back towards Jarrow or Howdon. The total distance travelled would be some 18km.
- 3.10 Finally, there is a ferry crossing the River from North Shields to South Shields, operating on a 30-minute return.

4. DESCRIPTION OF THE PROPOSALS

- 4.1 The NTC would be constructed as a private finance initiative (PFI) scheme. An organisation known as the 'Concessionaire' would be contracted to finance, design and build the NTC and to maintain and operate both the new and the existing Tunnels, in return for the toll revenue from both. The period of the contract is called the concession period and would be likely to extend for 30-35 years. On completion of the concession period, ownership and management of the Tunnels would revert to the TWPTA.
- 4.2 The TWPTA's intention is for the proposed NTC to provide additional capacity for traffic crossing the Tyne, and support, indirectly, the broader objectives of regeneration and economic growth, particularly along the A19 corridor. The additional capacity of the scheme is expected to relieve the congestion that develops during peak hours on the A19 at East Howdon in the north and Jarrow in the south. The Pedestrian/Cycle Tunnels would be unaffected by the scheme, and would remain free to use. Their ongoing maintenance would fall outside the responsibility of the Concessionaire.
- 4.3 The construction of an immersed tube tunnel is the favoured solution, with construction costs significantly lower than for a bored tunnel. This preferred option would, therefore, result in a lower toll charge. It would comprise a 2-lane immersed tube tunnel between East Howdon on the north bank and Jarrow on the south bank. The 'cut and cover' section would extend inland from the immersed tube to the Tunnel portals. The NTC would carry all southbound traffic with the existing Tunnel carrying all the northbound traffic. New junctions between the A19 and the local road network would also form part of the proposed works. The NTC would be approximately 2.6km long, including the immersed tube tunnel. The width of the new road would be 7.3m and the speed limit would be 40 mph.
- 4.4 Starting on the north side of the River Tyne, in the vicinity of the existing Metro over-bridge, the proposed scheme would extend south through an open cutting for a distance of approximately 650m as far as the tunnel entrance. At this point, the A19 would enter a cut and cover tunnel section, approximately 320m long. The cut and cover tunnel would extend as far as the riverbank, where it would connect with the immersed tube positioned within the riverbed. The immersed tube would extend for approximately 360m to the south bank of the River. From the south bank, a further cut and cover section would contain the tunnel for approximately 840m as far as the tunnel portal. The new south tunnel portal would coincide with a new bridge carrying Howard Street, the main link between the A19 and Jarrow. From the southern portal, highway works would extend a further 500m south, incorporating a junction with local roads (the Jarrow Junction) and connecting with the A19 at the existing Metro over-bridge.
- 4.5 New toll plazas are proposed to the north of the Tunnels catering for traffic moving in both directions. There have been and would continue to be no toll facilities south of the River. Other features are the offices, car-parking and garage facilities for Tunnel staff and vehicles and a vehicle inspection area. Public transport would enter the Tunnel via a dedicated one-way link from the northern roundabout (Howdon Road) of the East Howdon By-pass.

- 4.6 Significant excavation works would be required on both sides of the River to construct the cut and cover sections of the Tunnel. A large proportion of the excavated material would be used to back-fill the trench created during the cut and cover process. Further amounts would be used in construction and the remainder of the material would be disposed of off site.
- 4.7 A landscape assessment has been undertaken to examine the effects of the scheme on the townscape and visual amenity of the East Howdon and Jarrow areas. This work has included the development of a reinstatement programme, to reduce the effects of the cut and cover excavations on both sides of the River. To the north side, extensive planting and open space would be created following construction and to the south side a linear green-walk would extend from the Epinay Walk area through to the River and the pedestrian/cyclist tunnel entrance.
- 4.8 A proposed ventilation building would be located on the south side of the realigned Howard Street. This would serve the needs of the southbound tunnel.
- 4.9 Three Listed Buildings Grade 2 would be affected by the scheme. These are the Tyne pedestrian and cycle tunnel entrances; the Sir Charles Palmer monument in Riverside Park; and the Gaslight Public House. The intention of the proposed scheme would be to enhance the current setting of the pedestrian and cycle tunnels. The statue of Sir Charles Palmer would be relocated. Finally, the Gaslight Public House would be demolished. It is regarded by English Heritage as the last remnant of the thriving C19 riverside settlement of Jarrow, but it is acknowledged that it has lost its historic context and English Heritage does not object to its demolition ^(Document TWPTA12A, Appendix B). A detailed drawing and photographic record would first be compiled in conjunction with English Heritage and the local authority.

5. PLANNING POLICY FRAMEWORK

- 5.1 The proposal for a NTC has been considered through the development plan process and it is identified as an important scheme in the South Tyneside and North Tyneside Unitary Development Plans (UDPs), both recently adopted.
- 5.2 Regional Planning Guidance for the North East (RPG1) ^(Document CD19) highlights the need to invest in upgrading specific Trunk Roads to reduce congestion, improve safety and improve access to key sites, including increasing the road capacity across the Tyne. Additionally, the NTC is a key project in providing a “*high quality public transport and road network*”, which is one of the overriding aims of the Regional Economic Strategy. The draft Regional Transport Strategy (RTS) ^(Document CD25) proposes “...tackling capacity limitations on the strategic road....links....” and looks to “tackle major ‘hotspots’ in Tyne and Wear....”. Insofar as the NTC is concerned, the RTS considers this to be a committed scheme for potential delivery within the short term.
- 5.3 Development Plan policy is set out in the North Tyneside UDP ^(March 2002) ^(Document CD22) and the South Tyneside UDP ^(October 1999) ^(Document CD21). One of the principal objectives of the North Tyneside UDP is to bolster the local economy and provide security of employment, prioritising the A19 corridor and the Longbenton/Killingworth areas, where there is a large number of sites allocated for employment use. The UDP also aims to ensure that North Tyneside residents have optimum access to these employment opportunities. The policies and proposals of the South Tyneside UDP seek to restructure the economic base, improve the Borough’s image of decline, reverse the shortage of private sector investment in the area and improve employment opportunities.
- 5.4 In both the North Tyneside and South Tyneside UDPs, the NTC is identified and supported. Congestion at the existing Tyne Tunnel is referred to as often causing lengthy delays, environmental problems and impeding traffic movement across the Tyne.
- 5.5 The Local Transport Plan (LTP) ^(Document CD23) for Tyne and Wear aims to complement both regional and local planning policy. It denotes the NTC as a “*major scheme*”, which is considered to be “... *one of the more important transportation projects to be completed during the life of the first Local Transport Plan (4.5)*”. The Plan identifies the main problems of the existing Tunnel as being peak hour delays that are typically between 20-minutes and 1-hour, creating, localised noise and air pollution and spreading congestion onto local roads and onto other River crossings.
- 5.6 In addition to the development plan policies, various items of national planning policy are prayed in aid by the TWPTA and other parties. In particular, PPG1: General Policy and Principles; PPG4: Industrial and Commercial Development and Small Firms; PPG9: Nature Conservation; PPG12: Development Plans; PPG13: Transport and PPG15: Planning and Historic Environment and PPG16: Archaeology and Planning; PPG17: Planning for Open Space Sport and Recreation; PPG23: Planning and Pollution Control; PPG24: Planning and Noise and PPG25: Development and Flood Risk.

-
- 5.7 Turning to the transport aspects, reliance is placed on the Government White Paper “A New Deal for Transport: Better for Everyone” (Document CD54), “A New Deal for Trunk Roads in England” (Document CD56), “Tomorrow’s Roads - Safer for Everyone” (Document CD57) and the “Transport 2010 – The 10-year Plan” (Document CD55).
- 5.8 Several studies have been carried on within the Tyne and Wear locality and these include the Cross Tyne Study Phase 1, 1992 (Documents CD28-CD32); the Cross Tyne Study Phase II, also 1992 (Documents CD33-CD38) and the Tyneside Area Multi-Modal Study (TAMMS) (Document CD20), completed in 2002. The key objective of the TAMMS study was to develop a transport strategy to address problems on the A1 and A19 Trunk Roads in the Tyneside area for the next 30-years, in a manner consistent with both national and local objectives for the provision of sustainable transport. The Study was undertaken in accordance with the guidelines set down by the Government in its “Guidance on the Methodology of Multi-Modal Studies (GOMMMS)” (Document CD44). The Study considered all forms of transport and assessed how effective various strategy options would be in satisfying the Government’s transport objectives. These being:-
- To protect and enhance the built and the natural environment.
 - To improve safety for travellers.
 - To contribute to an efficient economy and support economic growth in appropriate locations.
 - To promote accessibility to everyday facilities for all, especially those without a car.
 - To promote better integration of all forms of transport and land use planning, leading to a better and more efficient transport system.
- 5.9 Additional local objectives were specified as follows:-
- To reduce congestion on the A1 in Tyneside.
 - To reduce congestion on the A19 approaches to the Tyne Tunnel.
 - To improve safety on the A1 and A19 in Tyneside.
 - The accrued benefits to the A1 and A19 should be achieved without causing unacceptable problems on other transport networks in the area.
- 5.10 The TAMMS study is concerned primarily with measures to remedy existing levels of congestion on the Trunk Road network. While the Study seeks solutions on the multi-modal and area wide basis, it does so with a view to solving the problems of the Trunk Road network. The Study examined a range of solutions to the congestion problems on the A1 and the A19. These solutions covered strategies based on major public transport investments; making best use of the existing networks by measures including demand management strategies; as well as solutions focused only on highway improvement.
- 5.11 The Study also considered the possible future impact of ‘soft’ factors including initiatives to change travel behaviour, electronic communications and revised work

practices. The appraisal of the alternative strategies demonstrated that major investment in rail and in metro-light rail would not be sufficient to address the traffic problems on the A1 and A19, including the Tyne Tunnel, although such a strategy would assist in meeting other Government objectives such as improved integration.

- 5.12 The final report for the Study was published in November 2002 and submitted to the North East Regional Planning Body for its consideration. A wider reference group will be asked for their views and their comments made available to the Regional Planning Body. When the Regional Planning Body has considered the Study findings, it will make recommendations to the Minister and the relevant transport authorities.

6. THE CASE FOR THE TYNE AND WEAR PASSENGER TRANSPORT AUTHORITY (TWPTA)

The main points are:-

General Introduction

- 6.1 The TWPTA have produced a strong case at this inquiry on the need for the new Tyne crossing (NTC). This need is backed up by policy support at all levels and by the local planning and highway authorities, the Highways Agency (HA) and by the Regional Economic Development Agency (One North East), the Chamber of Commerce and many local businesses. The case shows how long-lasting economic benefits can be brought forward by the scheme and how the environmental impact would be relatively small and capable of substantial mitigation.
- 6.2 It is an economically sound scheme, which accords with modern transport philosophy by charging motorists for the use of road space, while bringing substantial benefits to public transport users. The impact of construction could be mitigated and the long-term benefits of the scheme would advance social inclusion and promote regeneration.
- 6.3 The TWPTA have managed to reach agreement with almost all of the businesses and undertakers affected by the proposed works. Of those remaining, none has felt it necessary to pursue its objection at the inquiry. This is indicative of the effort to ensure that the proposal would not have any adverse impact on economic interests in the local area. Through the adoption of the discretionary purchase scheme, TWPTA have shown themselves willing to go beyond statutory requirements to alleviate hardship for local residents, caused by blight. The fact that the Environment Agency (EA), DEFRA and English Nature no longer maintain any objections to the scheme should provide reassurance that this major construction proposal would not have any significant or permanent adverse effects on the environment.
- 6.4 In contrast to the case advanced in favour of the scheme, the opposition to the case, although undoubtedly genuinely felt, has, in many cases, been based upon intransigent, pre-conceived views, a partial understanding of the case being advanced and a misunderstanding of relevant policy. The concerns, real and perceived, of the groups of local residents most affected by the scheme are understood. However, a balance has to be achieved between the public interest represented by the scheme and any harm that may be caused within the locality. In fact, those concerns would be very largely met or mitigated. It is accepted, however, that the loss, for example, of the open space at Epinay Walk would undoubtedly constitute an adverse effect, for which the replacement open land could only be partial compensation.

Scope of the Inquiry

- 6.5 It is important to identify the parameters of the investigation being conducted at this inquiry. The inquiry is concerned with the question of whether the River Tyne (Tunnels) Order should be made and, therefore, whether powers should be granted, which would enable the NTC and its ancillary features to be constructed and subsequently operated on a tolled basis. It is also concerned with whether planning

- permission should be granted for the proposed works, Compulsory Purchase Order powers confirmed and whether Listed Building consents should be given. The investigation involves, for example, the issues identified and the Statement of Matters (Document 3) drafted by the First Secretary of State (SoS).
- 6.6 While the investigation conducted at the inquiry clearly involves a consideration of the objectives of the NTC and how these objectives comply with national, regional and local policies, this is not an inquiry into the appropriateness of those policies themselves. There are separate procedures for the determination of those policies, being respectively the Minister, the Examination in Public and the relevant Local Plan and UDP inquiries. It has not been TWPTA's function at this inquiry, nor is it appropriate, to present evidence to allow the wide-ranging examination that policy formulation and testing requires. Nor have those bodies who have formulated the policies, or the stakeholders who have been consulted on those policies, been required to appear to explain the overall policy context in which those policies have emerged.
- 6.7 If, for example, the emerging Regional Transport Strategy (Document CD25), informed by TAMMS (Document CD20), and the Local Transport Plan (Document CD23), provides policy support for the NTC, it is not for this inquiry to seek to reopen those policies. Nor should it consider whether or not the policy makers have been asking the correct questions or setting appropriate objectives.
- 6.8 Nor is the inquiry *per se* concerned with the ways in which local authorities are implementing policy. Individual authorities have not been required to appear before the inquiry to answer for their policies and it is not for the TWPTA to justify or challenge those policies or the way in which they are being implemented. The evidence does not suggest that any different approach to policy implementation would avoid the need for the NTC. Indeed, the evidence (Document TWPTA 18, Request 12) demonstrates that green travel plans and parking restraint are being used actively within the Tyneside area.
- 6.9 TWPTA are a different legal entity from the individual local authorities in Tyne and Wear, with different legal powers from those authorities. TWPTA are entitled to assume that their application will be considered in the light of the relevant policies, giving appropriate weight to those policies. All the evidence before the inquiry, as distinct from unsupported assertion, is that the objective of removing congestion at the Tunnel could not be achieved by any other transport measures and that, in any realistic transport scenario for the future, the NTC is a necessary element.
- 6.10 It is important to distinguish between unsupported assertion and informed judgement. The views advanced on behalf of the TWPTA on the potential for modal shift are those of a trained traffic engineer, based on experience over several years in examining the transport problems of Tyneside through TAMMS and supported by the modelling evidence that informed TAMMS. As such, they should be given considerable weight. The assertions, for example, on behalf of CPRE (Objector No. 429), which are made without even having read the evidence presented by the TWPTA and which are unsupported by any evidence of their own, can, on the other hand, be afforded little weight. Indeed, much of the case presented in opposition to the Order similarly relies upon unrealistic, preconceived assertions by those who have been unwilling, or who have not had the time, to find out the evidential basis underlying the TWPTA's case.

The need for, and objectives of, the proposed New Tyne Crossing

- 6.11 The objectives are clearly and consistently stated as:-
- i. to address the problems of congestion in the Tunnel and on its approaches;
 - ii. to improve safety and lower the risk to the travelling public in the existing Tunnel;
 - iii. to improve public transport access through the Tunnel crossing and in its vicinity; and
 - iv. to promote wider economic benefits in the region.
- 6.12 These being the objectives of the NTC, the issues before the inquiry are first, would the scheme actually achieve those objectives? Secondly, are they proper objectives in the context of national, regional and local policy?

Achievement of Objectives

Congestion

- 6.13 All agree that, with delays of up to 15-minutes each way, and sometimes more, there is severe congestion at the existing Tunnel and its approaches. This creates its own environmental problems as well as deterring inward investment. Traffic is diverting to other crossings and seeking unsuitable routes to avoid this congestion. The congestion causes delay to public transport, making timetables unreliable and discouraging operators from running services through the Tunnel. The NTC would address these problems and attract traffic from other crossings, relieving congestion there.
- 6.14 The problem is not simply a peak hour problem. The peak has been spreading significantly over a number of years and now covers a 6-hour period over the working day. This is an existing problem. It is not one that is based upon prediction or growth. Nonetheless, the problem is predicted to get worse. The Cross Tyne Study Phase II (Documents CD33-38) and TAMMS (Document CD20) both conclude independently that congestion at the Tunnel could only be addressed by a transport solution that includes a new road crossing.
- 6.15 While movement through the Tunnel is local in one sense (Document TWPTA 18, Request 45), the start and end points of trips are so spread out over the sub-region as to make use of the public transport system a largely impractical alternative. The length of trips through the Tunnel is also considerably longer than average bus trips. The disparate nature of these origins and destinations affects both the ability of operators to provide sufficient transport services and the likelihood that people will switch travel mode. This impacts on the potential viability of such services.

Safety

- 6.16 The NTC would improve safety in a number of ways. A 2-way tunnel presents an inherent danger of collision. Congestion causing traffic to back-up along the A19

presents a safety problem as evidenced by the HA representative. Traffic that travels further and on unsuitable roads to avoid congestion creates the potential for accidents. The use of recognised techniques for comparing the safety record of roads indicates that, by reducing or avoiding congestion, the change to a twin-tunnel operation would enhance safety substantially compared to the existing situation (Document TWPTA 18, Request³). The existence of the NTC, with an escape cell, would also allow for greater safety in the event of any major incident.

Public Transport

- 6.17 The NTC scheme would allow for a significant improvement in public transport through the Tunnel. The proposals would involve a dedicated route for public transport bypassing the tollbooths. Public transport would be free of toll. These features provide a considerable incentive for increased bus uses. Specifically, the NTC would allow for the Stephenson's Jobs Link (A Guided Bus Service) to be extended south of the Tyne.

Economic Benefits

- 6.18 The TUBA exercise (Document CD45) has demonstrated that by accepted methods for comparison of schemes, the NTC would be cost effective and would bring about substantial economic benefits. While there has been some criticism by objectors of the ways in which certain elements are valued in this exercise, there is no suggestion that the TUBA assessment was not carried out according to the methodology approved by Government. It is Government policy to adopt that methodology for the assessment of road schemes and it is not open to this inquiry to challenge Government policy (Bushell v Secretary of State for the Environment [1981] A.C.75.). It is entirely appropriate, therefore, for the same methodology to be adopted in assessing the NTC. Furthermore, the evidence on the wider economic benefits is both comprehensive and compelling and we return to this in more detail later.
- 6.19 It must be borne in mind, however, that the scheme is not being put forward as the sole answer to all the transport policy problems of Tyneside for the foreseeable future. It is one of the proposals being proposed by one of the agencies in the area. Other schemes are identified in the Policy Statement 2000 (Document TWPTA1A, Appendix A), the Best Value Performance Plan 2002/3 (Document CD40), Towards 2010 (Document TWPTA1A, Appendix D) and Towards 2016 (Document TWPTA1A, Appendix E) and TAMMS (Document CD20). In addition, the draft RTS (Document CD25) and the LTP (Document CD23) identify further schemes being put forward by other agencies.
- 6.20 Each of the scheme objectives needs to be tested against local, regional and national policy, which brings us on to the second of the issues identified in the SoS's Statement of Matters.

The justification for the particular proposals in the TWA Order

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

Reduction of Congestion at the Tunnel

- 6.21 It is Government policy to reduce congestion. This appears in the Transport White Paper, “A New Deal for Transport” (Document CD54), which seeks “*less congestion on our roads*” and “*improved reliability for journeys in all modes*”. This is turned into specific targets in the 10-Year Plan (Document CD55), to reduce congestion below current levels and ease bottlenecks on the strategic road network. While these targets may be proving more difficult to achieve than originally envisaged, they have not been abandoned (Document TWPTA 18, Request 18).
- 6.22 The reduction of congestion at the Tunnel is part of the emerging RTS (Document CD25). A key objective of the strategy is to tackle major congestion ‘hotspots’ through an integrated package of infrastructure and service improvements. One of the priorities for major investment within the Region identified in the draft RTS is for improvements to the A19, including the NTC. The NTC is identified as a Priority Regional Transport Scheme that will consolidate existing jobs and attract new employment opportunities.
- 6.23 It was the White Paper that originated the ideal of multi modal studies and it was “A New Deal for Trunk Roads in England” (Document CD55), which identified the need for the Tyneside Area Multi Modal Study (TAMMS), with the specific objective of investigating problems on the A1 and A19. The brief for TAMMS then came from the Government Office for the North East (GONE) in pursuance of this policy approach. It is not appropriate, of course, for this inquiry to question whether the issues that TAMMS was asked to address were the right ones, whatever ‘right’ might mean in this context. TAMMS is the child of a particular Government policy approach. TAMMS has demonstrated that, to address the congestion issues on the A19, the NTC is an essential requirement. The public transport options would not meet these objectives in any realistic timeframe and this provides a compelling reason to promote the NTC.
- 6.24 TAMMS is intended to feed into, and inform, the RTS. While the RTS is still at a draft stage, it is well advanced, having been approved by the Regional Assembly. The publication of TAMMS does not suggest that there is likely to be any material change in strategy. Rather it confirms the need for the NTC. As it is not proposed to change the draft RTS fundamentally, it can be afforded considerable weight.
- 6.25 Local plan policies and the LTP (Document CD23) also support the NTC. The South Tyneside UDP (Document CD21) protects the route and the North Tyneside UDP (Document CD22) contains a specific proposal identifying the NTC as a major improvement to the highway network. The LTP_(3.2.4) expressly recognises that, even if traffic reduction measures reduce traffic growth, on “*some critical sections of road, even allowing for the effect of traffic reduction, increased capacity will be required to prevent serious congestion*”. The LTP then specifically identifies the NTC as a major scheme described as “*one of the more important transportation projects to be completed during the life of the First Transport Plan*”.

- 6.26 The objective of reducing congestion through the construction of the NTC is, therefore, fully supported by national, regional and local policy.

Improvement of safety; and improvement of public transport through the Tunnel

- 6.27 Promotion of road safety is a clear objective of the White Paper, which seeks a “*new road safety strategy and targets to reduce accidents*”, the 10-Year Plan, the Draft RTS and the LTP. Specific targets for improvement are included in the Government publication “*Tomorrow’s Roads – Safer for Everyone*” (Document CD57). Improvement of public transport facilities is indisputably at the heart of national, regional and local transport policy.

Promotion of wider economic benefits

- 6.28 The White Paper recognises the importance of good road links as an element of securing economic prosperity setting the framework to “*improve reliability for journeys in all modes, helping to support business and economic growth*” and to support the regeneration of urban areas. The 10-Year Plan ^(1.9) seeks, *among other things*, to “*sharpen the competitiveness of British industry*” and to “*boost the economic development of all regions*”. The key objectives of the draft RTS include the support of “*economic development by tackling capacity limitations on strategic road and rail links*” and “*the improvement of journey time, reliability for freight movements in urban areas*”. The LTP, through the Stephenson’s Jobs Link, is seeking to maximise employment opportunities in the area. The objective of promoting economic growth through transport infrastructure provision is again deeply routed in policy at all levels.

The case put by objectors

- 6.29 Objectors understandably point to other aspects of these policies that seek to reduce car travel, enhance public transport and increase traffic restraint. However, transport policy does not seek to achieve these goals in isolation or irrespective of economic effect. Nor is there any suggestion that all traffic and transport problems are susceptible to the same solution. The NTC is not seen as being inconsistent with these objectives. Rather it is part of an overall solution. This can be seen in the LTP^(4.5), which refers to the “*need to supplement the private finance of tunnel construction with public sector investment in public transport provision and associated accessibility measures*”.
- 6.30 It also appears from TAMMS, where tunnel and other highway infrastructure improvements are combined with major public transport and traffic restraint proposals. Also, the draft RTS lists among its key objectives the need to reduce travel, to manage the demand for car travel, to make the best use of existing infrastructure and to improve public transport and cycling and walking networks in order to provide attractive and sustainable alternatives to the private car. The draft RTS sums up the relationship of all these measures in the words “*it is essential that the Region carries forward the strategy as a whole and seeks to implement the package of proposed measures in a consistent and co-ordinated manner*”.
- 6.31 With this in mind, it is quite meaningless for objectors to assert, as Friends of the Earth (FOE) purports to do, that the NTC is contrary to Government, regional and local policy to reduce car travel. Government policy has to be seen as a whole and the construction

of new road based infrastructure remains a part of that overall policy. The fact is that FOE agrees with some aspects of Government policy, but not others. In effect, the FOE is asking for a reopening of the regional and local planning processes. TAMMS looks at the public transport option and concludes that this does not provide a solution to the objectives set. As such, it is not realistic to wait until it does and, in the meantime, risk the prosperity of the region.

The main alternatives as regard location, type of crossing or other means of meeting the objectives of this scheme

- 6.32 This selection of the location and type of crossing has been the subject of a lengthy examination through the Cross Tyne Study Phases I and II (Documents CD28-CD38). It is significant that no one has appeared at this inquiry to suggest that any of the other locations is more appropriate. The locations and types of crossing have been revisited and assessed, as far as possible, using the GOMMMS methodology. Each alternative has its benefits and disbenefits. As appeared from the Cross Tyne Study, Phase II, a different crossing point tackled different aspects of cross Tyne traffic problems (Document CD33-38).
- 6.33 No other alternative crossing point offers any clear advantage over the St Bedes location (Document TWPTA 3A). The crossing at St Bedes would best address the problems of congestion at the existing tunnel and its approaches. Moreover, it would produce the least amount of induced traffic, improve safety in the Tunnel and it is the only solution that would result in a net saving in accidents. It would also provide the greatest potential for improvement of public transport on the A19 corridor and provide for the opening up of the A19 corridor to economic development.
- 6.34 The Hambros Study (Document CD39) first identified the immersed tube solution as being the preferred form of crossing. This was subsequently assessed by Arup, who reached a similar conclusion. Financial and engineering feasibility are essential elements in the choice, but the bridge options would also have resulted in greater annoyance (Document TWPTA 3A), community severance and visual impact. No-one has produced any evidence to demonstrate that a bridge crossing would produce a better balance of benefit over disbenefit. The exercise carried out on behalf of TWPTA concludes that a bridge offers no positive advantages over the tunnel option. A bored tunnel solution would be much more expensive, result in higher tolls and is not now regarded as being financially feasible.
- 6.35 Some objectors argue that a crossing dedicated to public transport would be the appropriate solution. This goes back to the likelihood of a public transport solution inducing a sufficient transfer away from the private car to address the problems along the A19 tunnel approaches. The evidence is that it would not, nor would it be financially feasible. It is of significance that Project Orpheus Study, a programme of possible extensions and improvements to the Metro, has not identified a Metro crossing east of the Tyne Bridge as part of its proposals for substantial improvement of the Metro system. There is, however, no reason why the proposed NTC could not accommodate substantial increases in public transport movements. There would be capacity for this to happen and all the indications are that an increased service would follow a reduction in congestion. The Stephenson's Jobs Link could also aid this.

- 6.36 On the evidence before the inquiry, therefore, there is no more suitable location or type of crossing, which could realistically be pursued. In addition, no alternative would better meet the objectives of the proposed NTC.

Case for including compulsory acquisition powers in the proposed TWA Order and whether any or all of the land for which such powers have been sought is necessary for the works provided for in the proposed Order

- 6.37 The TWPTA evidence has carefully demonstrated how each area of land identified in the Book of Reference ^(Document CD2) is required to ensure that the scheme could be built. The Limits of Deviation identified are essential to allow for the engineering flexibility necessary once the detailed design work is completed. No-one has produced any evidence to suggest that those limits are unnecessary or over generous. The Limits of Land to be Acquired or Used covers necessary working areas along the tunnel length, and again, there is no evidence that these are unnecessary or overly generous. Paradoxically, the additional land objected to by AMEC Plc would actually be needed to benefit their operation during the construction period.
- 6.38 With respect to whether or not the land for the tolling plaza is required, the issue can be simply put. It could prove to be the case that, by the time detailed design is embarked upon, satisfactory electronic tolling measures are available. In that event, the TWPTA would not need to take all the land required for the plazas ^(Document TWPTA 18, Request 21). Prior to that, however, no assumptions can be made without evidence as to whether the experience in London is properly transferable to the types of trips at the NTC ^(Document TWPTA 18, Request 51). Until that position is reached, the land must be included within the Order. In any event, North Tyneside MBC, which has not objected to its inclusion and which supports the NTC, owns the land.

Arrangements for setting, reviewing and varying the tolls

- 6.39 The original Order allowed for the TWPTA to determine the initial level of toll following the opening of the NTC and revise the toll as they thought fit. Greater levels of control have now been introduced in the amended Order, to ensure that, once set, the tolls would only rise in line with the retail price index or after examination through a public inquiry process. Changes that would be necessary to address unforeseen problems arising in relation to the tunnel would be subject to a local inquiry held by the TWPTA. Any other increases would be the subject of inquiry held on behalf of the SoS.
- 6.40 The evidence indicates that the range within which toll levels would fall when the tunnels are operated by the Concessionaire, would be between £1.35 - £1.85 and a base toll of £1.55 in 2007 (expressed in 1999 prices). These are the toll levels that would be required in order to ensure that the scheme is 'bankable' – i.e. likely to attract a potential Concessionaire to a viable business. The Order would ensure that subsequent increases above inflation, if any, would be kept under public scrutiny and open to debate.

- 6.41 Transitional provisions have now been drafted to allow for the tolls to rise in stages, prior to the opening of the NTC, so that Tunnel users would not be faced with a huge one-off increase.
- 6.42 These provisions are all intended to provide the public with sufficient protection, while allowing for the Tunnels to be operated commercially by a private operator.

Whether the proposals are reasonably capable of attracting the necessary funding

- 6.43 For the purposes of analysing the financial aspects of the proposed NTC, KPMG has undertaken financial modelling appropriate for this type of Public Private Partnership (PPP) project. Other experts have provided estimates, upon which to base the model, of the likely costs and revenues of the NTC and assumptions have been made on financing cost based on KPMG's experience of the PPP market. As noted above, the latest outputs from the financial model indicate a base toll of £1.55 for cars in 2007 (expressed in 1999 prices or £1.70 expressed in 2002 prices). It is the view of the TWPTA that such toll levels would be acceptable to users of the NTC.
- 6.44 There is an active market for road and crossing PPPs. On this basis, and assuming that market conditions remain favourable for this type of project and that contractual negotiations proceed successfully, then the NTC is reasonably capable of attracting the necessary funding.

Likely impact of the proposed NTC on the levels of traffic using the A19 corridor and the associated local road network, including any consequential effect on pedestrians, cyclists and public transport

Traffic on the A19

- 6.45 The evidence presented on behalf of the TWPTA demonstrates that the NTC would not attract a large amount of induced traffic, but would principally accommodate the transfer of trips from other crossings as well as relieving existing congestion at the Tunnel (Document TWPTA 18, Request 13). The effect on other junctions on the A19 would not be significant, although it is acknowledged that there are existing problems at the so-called 'throttle' points. The Highways Agency indicated that it is looking to address these in its programme. These schemes are identified in TAMMS.

Traffic on Local Roads

- 6.46 In general, the impact of the NTC on local roads would be favourable in reducing traffic levels. For example, it would reduce the number of diverted trips seeking a less congested crossing point and remove traffic rat-running down unsuitable roads to avoid congestion. However, Tynemouth Road and a short stretch of Wallsend Road would experience a substantial increase in traffic. In both cases the roads are well capable of accommodating that extra traffic without any environmental harm (Documents TWPTA 4A, Appendix E and TWPTA 4B and TWPTA 7D).

Effect on Pedestrians

- 6.47 The existing Pedestrian Tunnel under the Tyne would not be affected by the Order other than, demolition of part of the wall leading to the Tunnel complex on the southern side. In fact, the proposals would enhance the amenity and safety of the Pedestrian Tunnel approaches for the benefit of pedestrians. All the important pedestrian routes crossing the line of the works would either be maintained or satisfactory diversions provided (Documents TWPTA 2A, Figures 11.3 and 11.4 and TWPTA 18, Request 6).
- 6.48 Although generalised concerns have been expressed, no one has identified any significant pedestrian route, which would not be so accommodated. The objection from Living Streets (Objection No 97) was an in-principle objection to roads in general. The crossing point over Howard Street to allow access for Epinay residents to access the replacement open space could occur at-grade or in subway, whichever is preferred following consultation between the local highway authority and residents (Document TWPTA18, Request 26). There is no reason why the at-grade crossing could not give pedestrians priority, as Living Streets would prefer.

Effect on Cyclists

- 6.49 The existing cyclists' Tunnel would similarly not be affected. So far as the cycling network in the environs of the Tunnel is concerned, the diversion routes have been identified and Route 72 would have an improved crossing of the A19. Assurances have been given to the Cyclist's Touring Club via Mr J d'Egville Turvey (Objection No. 358) about the measures to be adopted during the construction of the NTC to provide suitable alternative routes. The Code of Construction Practice (COCP) (Document TWPTA25) would ensure that proper notice is given of diversions and Mr Perks (Objection No. 10) confirmed that the proposals would be satisfactory, so long as they were implemented. Improvements to the crossing points further up the A19 are a matter for the HA. The Agency intimated that it would take into account the needs of pedestrians and cyclists when carrying out the proposed works to upgrade nearby junctions along the A19.

Effect on Public Transport

- 6.50 The effect on public transport would be beneficial. Operators support the NTC proposals and have indicated that they are deterred from running services through the existing tunnel, because of reliability and timetable issues. There is no evidence that any public transport proposal would be prejudiced or delayed because of the increased road capacity provided by the NTC. Quite the contrary, the NTC proposals would allow for the extension of the Stephenson's Jobs Link and the public transport would pass through the Tunnels free of toll.
- 6.51 Furthermore, the opening up of the A19 corridor would allow for a concentration of employment uses offering additional potential for public transport access to those sites. Both TAMMS and the LTP assume that public transport improvements would be coming forward in addition to the NTC. At the same time as they are promoting the NTC, the PTA/PTE are contemplating massive investment in the Metro system, through Project Orpheus.

The likely impact on local residents and businesses of constructing and operating the proposed new crossing and the measures proposed by TWPTA for mitigating any adverse impacts

Social and Community Effects

- 6.52 Inevitably the construction of the NTC would have a considerable impact on the local community. There would be some severance effects as the cut and cover stage of the NTC works progressed, but every effort would be made to minimise these effects. Pedestrian and cycle routes would be maintained, with signing a key feature. Other evidence deals with how noise and air quality impacts would be mitigated, so as to maintain an acceptable environment for local residents. The Order provides for protection in relation to the effect on highways and the COCP is a key element in avoiding severance. A Liaison Committee would be put in place so that the identified representatives of interested groups could meet face to face with the Concessionaire/contractor and raise and air matters of concern.
- 6.53 So far as the objections of the St Paul's Area Resident's Association (SPARA) (Objection No 384) relating to the effect on property values in their area are concerned, these are not matters for the Order as such. The effect of falling house prices highlighted has already occurred over a substantial period of time. SPARA's main complaint is that the blight legislation does not cover generalised blight occasioned by a public infrastructure project of this nature.
- 6.54 The TWPTA have attempted to mitigate the effects of this through the discretionary purchase scheme. Complaints that the scheme is not taking into account adequately the loss of value of property are directed against the professional competence of the independent valuer appointed to assess the loss in value. While SPARA now appear to take issue with the terms of reference given to the valuer, who carried out the original assessment of the effect of blight on their properties, they had originally agreed to it. The bottom line is, however, that the TWPTA have no duty to establish such a scheme and are operating it in good faith. If it is not working in the way SPARA might wish, then that is unfortunate, but it is not a matter that goes to the heart of whether or not the TWA Order should be made.
- 6.55 One of SPARA's other complaints concerns the level of consultation and notice they have been given. Again the TWPTA have gone much further than they are required to do. There are disputes of fact over certain issues concerning communication between the TWPTA and SPARA. One of the difficulties the TWPTA found was the communication link within SPARA itself. However, whatever the rights and wrongs about the level of communication, the TWPTA have acted in good faith and again, none of the matters relating to breakdowns in communication goes to the issue of whether or not the Order should be made.

Loss of public open space and proposals for its replacement

- 6.56 In North Tyneside, there would be the loss of some land, which is not shown as open space on the UDP Proposals Map. It is presently used as informal open space, but is allocated in the UDP for industrial purposes. Most of this would be restored after construction. There would be a net gain in public open space in South Tyneside

(Document TWPTA 12A, Appendix D): 0.86 hectares lost and 2.61 hectares gained. In any event, the two wards within which the NTC would be constructed both have more overall open space than the adopted standards require. The Riverside Park would be temporarily affected during construction, but it would be restored and improved in terms of size, safety and amenity value following completion of the works.

- 6.57 Loss of open space at Epina Walk would be regrettable, but unavoidable. The loss of this space would not affect levels of open space identified in the UDP, as the area is too small to be taken into account in the ward by ward assessment of the open space figures. An alternative area would be provided, although it is conceded that this would be less accessible to the residents of the Epina area, as they would have to cross Howard Street to access it. The crossing format would be chosen following consultation with residents and the Council. All playing field space lost during construction would be replaced upon completion of the work.
- 6.58 There would, therefore, be no conflict with the requirements or objectives of PPG17.

The effects of the proposed works on traffic using the River Tyne and on businesses using harbour facilities including the Howdon Basin; the effect on the powers and duties of the Port of Tyne Authority

- 6.59 The effect on traffic using the Tyne and the effect on the powers and duties of the Port of Tyne Authority can be taken together. The construction of the NTC could have some impact on navigation, hence the need for the TWA Order. Protection for the rights of navigation would be provided in the protection given for the Port of Tyne Authority in Part 2 of Schedule 8 to the Order. Additional provisions are contained in Article 17, Article 39A and Schedule 7A of the Order. These have been agreed with the Port of Tyne Authority and there is no outstanding objection relating to navigation issues. It is important to remember that at all times navigation routes would be maintained.
- 6.60 The Jarrow Motor Boat Club's objection (Objection No. 23) remains outstanding in relation to their loss of moorings. The TWPTA have proposed alternative moorings at the Royal Quays' Marina during the construction period, and, after construction the Club would be able to return to their old moorings. It is recognised that a problem has arisen over whether the Club could obtain suitable insurance cover to be able to use the Royal Quays moorings. TWPTA will continue to seek an alternative site for the Club. Ultimately, the effect on the interests of the Club would be a matter for compensation.
- 6.61 Provisions have been agreed with Shell (UK) Ltd (Objection No. 605) and EWS (Objection No. 454) and their objections have been withdrawn (Document 14).
- 6.62 As for RMC (Objection No. 167) and Rohm & Haas (Objection No. 12), negotiations are continuing between the parties to ensure that both these businesses would not be adversely affected. The negotiations are at an advanced stage and agreement with Rohm & Haas is very close. As a consequence, neither objector has appeared at the inquiry, although their objections remain technically extant. All that is needed from RMC is a temporary interest for about 12-months. There is no reason why they should not be able to continue to use the remainder of their site during that period. If and to what extent they would suffer any loss would entitle them to compensation.

Howdon Basin

- 6.63 The effect on the Howdon Basin has two aspects to it. First, there would be the impact on AMEC Plc (Objection No. 368) and their operations there. Secondly, there would be the effect on other businesses that occupy premises on lease from AMEC.
- 6.64 In relation to the latter, if the Order is made and entry is under compulsory powers then the building described as the H3 building and the eastern end of the northern office building would be demolished. The tenants from the demolished buildings would be relocated. The evidence in response to AMEC's objection (Document TWPTA 20) and the annexed letter from Lamb & Edge indicates that there should be no difficulty in finding suitable alternative locations. TWPTA have contacted these tenants and agreed to give them sufficient notice to relocate in advance of the works. The tenants in the eastern section of the Northern Office building are Macaw, ART Associates and Northern Control Technology. These have all withdrawn their objections (Document 14). The tenant in H3 is Arena Engineering (Objection No. 271), which has not yet withdrawn its objection.
- 6.65 If entry is under an agreement then a replacement building would be provided, which should allow for the relocation of all AMEC's tenants from the demolished buildings.
- 6.66 Clearly, the question of likely impact on AMEC Plc itself is a significant issue. The NTC would go through the Howdon Basin and AMEC's Howdon Yard. The TWPTA have tried very hard to reach an agreement with AMEC, which would result in the construction of replacement buildings for them and other accommodation works.
- 6.67 In the absence of such an agreement, the works would be carried out in such a way as to minimise the impact on AMEC and to ensure that their business would be able to continue to function with the minimum of disruption. This would be achieved by:
- (a) careful phasing of the works to ensure that operations could continue at all times;
 - (b) provision of alternative quay/mooring facilities in advance of the works commencing;
- NB: This has been agreed with the Port of Tyne Authority;
- (c) provision of new accesses to ensure that access could be gained to both halves of the site during the period of the works;
 - (d) making good the northern office building, which would be partially demolished;
 - (e) restoring the site with a reconfigured basin, extra mooring facilities, greater dredged depth overall, a single access and an extended heavy lift area;
 - (f) noise and dust attenuation under the COCP; and
 - (g) payment of compensation under the compensation code.

- 6.68 Taking all these factors into account there is no reason why there should be any long term effect on AMEC's business. Whereas there would be some adverse effects during the currency of the works, this should not constitute substantial interference and any loss would entitle them to compensation under the code.

The effect of the proposed works on the water and sewerage systems of Northumbrian Water

- 6.69 Negotiations were undertaken with all the relevant statutory undertakers during the preparation of the reference design and the making of the Order. TWPTA took into account all the systems of Northumbrian Water, of which they had been made aware. Suitable protective provisions have now been agreed and Northumbrian Water have withdrawn their objection ^(Document 14).

The effects of the proposed works on telecommunications operations and on the delivery of mail; and any impact on rail freight services using the Jarrow Branch Line

- 6.70 These effects have all been addressed in the protective provisions and/or agreements contained in the Order. All the objections from the relevant bodies have now been withdrawn except in the case of Telewest Communications Plc (Objection No. 412). Terms have now been agreed and deeds of undertaking are in the course of being executed. This should secure a withdrawal of Telewest's objection. Failing this, there is no reason why protection clauses suitable for the other telecommunications operators should be unacceptable to Telewest.

The likely local and regional economic effects of the proposed New Tyne Crossing

- 6.71 It is one of the key objectives of the NTC to promote wider economic benefits in the Region. There is substantial policy support for the view that improvement of transportation connections is a necessary element in promoting economic growth and expanding markets and the skills base.
- 6.72 It is very difficult to prove definitively the connection between a specific piece of infrastructure and any particular level of economic growth. It is possible, however, to look at various indicators. What is clear is that, according to the Government's Indices of Multiple Deprivation, the Region as a whole, and North and South Tyneside in the vicinity of the A19 in particular, contains some of the most acutely deprived areas in the Region. These areas do, however, offer huge employment potential.
- 6.73 It is a fact that along the A19 corridor there is a concentration of employment sites, many brownfield, available to come forward to boost the economy of the Region. ^(Document TWPTA 13A, Appendix H). It is also the case that, notwithstanding the availability, and take up, of substantial elements of grant aid, the economy of the Region, and of North and South Tyneside in particular, has failed to pick up and the conditions necessary for self sustaining growth remain elusive.
- 6.74 The construction of the NTC would itself bring direct and indirect employment. The project would provide in the order of 2,694 person years of employment, equivalent to about 270 full time equivalent jobs. While it cannot be guaranteed that local people would take up all these jobs, it is a reasonable assumption that, with appropriate training

- and/or retraining, the great majority of them would be. Those who complain about the possibility of some of the construction work being done elsewhere should bear in mind that the majority of the work on the NTC would necessarily, because of its nature, be fixed to a particular geographical location and that there is a local workforce available.
- 6.75 Then there would be the indirect jobs arising from expenditure by construction workers, which would necessarily be locally generated, up to a further 108 full time job equivalents. The construction project would also be a huge vote of investor confidence in the area.
- 6.76 So far as job creation through any new employment opportunities along the A19 corridor is concerned, the TWPTA have commissioned a very thorough piece of work, which has not been challenged significantly. This work has included surveys of existing businesses and of local property agents. The surveys have confirmed the importance of good accessibility as a factor in locating industry and the significance that current industrialists put on congestion in the Region. There is also the recent experience of the A1 corridor in attracting employment.
- 6.77 Furthermore, if the growth that is predicted in the Region as necessary to maintain its position comparative to the remainder of the country is to occur, it will be necessary for most of the A19 sites to come forward. If the enhanced growth sought in the Regional Economic Strategy is to be achieved, then virtually all of the A19 sites will be required. This could be as many as 50,000 jobs in total, over a 30-year concession. It is of note that One North East (Supporter No 183) place such significance on the impact that the NTC would have on the economic prospects of the area. Perhaps as important, is the view expressed by One North East that restricting usage of the Tunnel would simply push congestion westwards with a “*chronic and detrimental effect on the economy of the region*”.
- 6.78 Mrs H McDougall (Objection No. 322) has sought to argue that the NTC would have a detrimental effect on the economy of South Tyneside comparative to the position north of the River. This is based on the perception that there is an existing economic disparity between North and South Tyneside. The Green Party’s subsequent submissions do not go further than unsubstantiated assertion. It is suggested that it would be better for South Tyneside to have fewer transport connections with other areas, although where any job creation would come from in those circumstances is unclear.
- 6.79 The informed view of One North East, the Agency with specific responsibility for promoting the economy of the Region, is entirely to the contrary. One North East confirm the significance of the NTC in contributing to regeneration initiatives to achieve the objectives set out in the Economic Strategy. The NTC would accelerate employment opportunities north of the River and the residents of South Tyneside would be better able to avail themselves of the ensuing employment opportunity, through improved accessibility. The evidence of One North East confirms and complements that of the TWPTA. The North East Chamber of Commerce and Industry (Supporter No. 171) also strongly supports the NTC. No other informed economic evidence has been presented to the inquiry.
- 6.80 The contribution of the NTC to reducing social disadvantage is disputed by those who point to the cost of the tolls as a factor that would militate against this. In fact, in an

area of low car ownership the movement of the workforce is more likely to be by public transport, if that public transport is available. The prospect of job opportunities on both sides of the Tyne and removal of congestion should encourage the bus operators to increase services through the Tunnels. The Stephenson's Jobs Link is specifically aimed at providing a public transport route to employment. The NTC would encourage increased use of public transport and public transport would use the Tunnels free of toll. The NTC should operate, therefore, to reduce social disadvantage by providing jobs and providing greater access to those jobs.

The probable impact on ecology and on the environment of constructing and operating the proposed works

- 6.81 There would be no significant, potential ecological effects on the land-based side of the works. The environmental effects would include the noise and air quality impacts, which are dealt with below. The issue of contaminated land is also addressed below. However, there have been a number of challenges to the adequacy of the Environmental Statement (ES) ^(Document TWPTA26) and it is appropriate to address those here.

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

- 6.82 Most of the challenges or queries from statutory agencies relate to matters of monitoring and mitigation rather than about the adequacy of the ES itself ^(Documents CD4-CD7). This is true of DEFRA and most of the points raised by the Environment Agency (EA). Clarification has been given in respect of those matters and the protective provisions included (by agreement) in the Order. The assurances given, provide sufficient comfort for those bodies that the mechanisms are in place to ensure that the promised monitoring and mitigation would take place. As a consequence, the objections of DEFRA, EA, English Nature and Northumbrian Water have all been withdrawn.
- 6.83 In looking at the adequacy of the ES there are three important points to be made. The first is that the ES is only required to assess "*significant*" effects on the environment and to contain the data required to identify and assess the "*main effects*", which the proposed works are likely to have on the environment ^{(Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000)}.
- 6.84 The second point to note is that the scoping procedures are specifically designed to ensure that the ES concentrates on those issues identified by the consulted parties as being likely to be relevant to such an exercise. The EA were consulted and, data supplied by them were used (and supplemented) and tests specifically required by the EA were carried out. The third point to note is that the information to be included in an ES is that which may "*reasonably be required in order to assess the environmental effects of the proposed works and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile*".
- 6.85 The assessment of baseline conditions is also governed by these principles. The assessment should take account of, and seek to identify, those contaminants, which, having regard to current knowledge, might be assumed, reasonably, to be present in the

- environment affected by the proposed works. The repository of knowledge as to what these substances are is, of course, the EA, which has records for the area acquired over a considerable period of time.
- 6.86 One specific objection to the adequacy of the ES came from the FOE. This raised several matters and concluded that the inquiry should be adjourned pending the provision of further environmental baseline information. In this regard, the Counsel's opinion has been submitted by the FOE ([Document 15](#)). Much of this submission describes the law relating to environmental assessment and no issue is taken with the principles described. One of the important points to note, however, is that the submission accepts that the question of the adequacy of an ES is a matter for the decision-maker, subject to challenge only on the grounds of error of law or perversity.
- 6.87 It is not clear what information had been made available to Counsel when writing the advice. It is clear that he had seen the proof of evidence prepared for FOE and it would seem that he had seen rebuttal evidence submitted by the TWPTA. Reference is made to **Document TWPTA8B**. It is not clear, however, whether he had had sight of the main evidence of the TWPTA. Nor is it clear how much of the ES had been read, as the only passages referred to are contained in Section 19. Clearly, therefore, Counsel has not been able to express an opinion relating to the adequacy of the ES in relation to the allegations made by the FOE. (See [subsequent correspondence from Public Interest Lawyers dated 29 May 2003](#) ([Document 15](#))). This submission correctly states that the decision-maker will have to form a view as to whether those allegations are well founded. For the reasons set out in the TWPTA's evidence none of these allegations is well founded.
- 6.88 Counsel's advice to the FOE appears to suggest that for a large scale project of this nature, which would inevitably take place a number of years after the application for the Order is made, it should be necessary to identify in the ES the site to which waste material would be sent, either on land or at sea and to assess the environmental impact of such disposal. The TWPTA's case is that an assessment of the nature of the material that is to be dredged from the river and the effect of removing it through the dredging process should be assessed. Clearly, it is impossible at this stage of the process to identify the precise location to which such waste material would be disposed and whether to landfill or through disposal at sea.
- 6.89 The position in respect of the available landfill sites would change by the time any material is ready for disposal. Any site at sea would only be identified when the Food and Environment Protection Act 1985 (FEPA) licence is granted.
- 6.90 The consequence of the FOE's Counsel's approach would be, therefore, that a project of this nature could not obtain its authorisation until the Concessionaire and his/her contractor had been identified and had obtained a licence to dispose of material at sea and/or had reserved space several years in advance in a landfill site. This approach is wholly unrealistic and, if followed, would effectively prevent any large-scale project of this nature from going ahead. The question is whether the law and EIA nevertheless requires that this approach be followed, whatever the consequences in frustrating projects of this nature.

- 6.91 The leading case on the relationship of environmental assessments to major projects is the *Rochdale MBC, ex p. Milne*[2000]. Sullivan, J., at paragraph 83, took the point that it was not the object of the Directive to frustrate the carrying out of important projects. He said at para 90: “*If a particular kind of project, such as an industrial estate development project.... is, by its very nature, not fixed at the outset, but is expected to evolve over a number of years depending on market demand, there is no reason why “a description of the project” for the purposes of the Directive should not recognise that reality. What is important is that the environmental assessment process should then take full account of this need for an element of flexibility. The assessment process may well be easier in the case of projects which are “fixed” in every detail from the onset, but the difficulty of assessing projects which do require a degree of flexibility is not a reason for frustrating their implementation.*”
- 6.92 Sullivan, J., then commented that it was for the decision-making body to decide whether the difficulties and uncertainties are such that the proposed degree of flexibility is not acceptable in terms of its potential effect on the environment.
- 6.93 Sullivan, J also applied a similar logic to the words “*in full knowledge of the project’s likely impact on the environment*” in Directive 91/11 and said: “*These words should not be regarded as imposing some abstract state or threshold of knowledge, which must be attained in respect of all projects, but should be applied to the particular project in question. For some projects it will be possible to attain a fuller knowledge than for others. The Directive seeks to ensure that as much knowledge as can reasonably be obtained, given the nature of the project, about its likely significant effect on the environment is available to the decision maker. It is not intended to prevent the development of some projects because by their very nature “full knowledge” (in the sense of an abstract threshold level of detail) is not available at the outset*”.
- 6.94 It is clear from the wording of the Directive, as interpreted in *Milne* and from the wording of the 2000 Regulations that the test of reasonableness comes into the assessment process. Indeed, as noted previously ^(6.84) the Regulations specifically state this.
- 6.95 At this point in time, all that can be done in relation to assessing the environmental effects of the disposal of the dredged materials is first, to identify sites that are currently licensed to take waste of this nature. Secondly, to consider, by reference to current knowledge, what would be the effect on the capacity of those sites if the waste from the project were to go to landfill. This is exactly what has been done in this case.
- 6.96 Each of those landfill sites will, in order to have secured a site licence, have obtained its own development consent and, where this has been considered necessary, an environmental assessment will have been carried out. That assessment will not have required the prior identification of every source of waste that might come to the site, but it will have considered the environmental effect of the site itself being used for disposal of waste. Equally, there can be no requirement for every development project that produces waste to have to re-assess the environmental impact of every landfill site to which it might in the future send its waste. It is a development consent that attracts the need for an ES and the disposal of waste is carried out under the development consent for the disposal site. It is not another consent granted to the manufacturer of that waste.

- 6.97 The same principle applies to disposal at sea, but with two additional points. The first is that although disposal at sea is described as an option here, the TWPTA are not applying for a consent/order on the basis that there would be such disposal. The TWPTA have assumed a worst case scenario, whereby all the material would be disposed of to landfill. Secondly, the development consent being applied for here does not and could not authorise the disposal of waste at sea (6.138-6.139).
- 6.98 There is no requirement for an applicant who has carried out an assessment of all the consequences of disposal to landfill, to commit to another disposal option that involves securing a different development consent, simply because it has been identified as a possible option for another future application. If and when the Concessionaire's contractor decides that disposal at sea is the preferable option, he/she would have to make his/her own personal application under FEPA. The licence applied for then would be his/her development consent for that disposal and a decision would be taken as to whether it required a further environmental assessment.
- 6.99 In summary, therefore, the TWPTA reject the suggestion in Counsel's advice that the ES is defective. The issue of disposal by landfill is adequately addressed by the standard of what is reasonable in the context of an application of this nature. There can be no requirement to carry out assessments of the effects of disposal at every landfill, which could possibly take some or all of the waste several years hence. In addition, there can be no requirement to carry out an assessment of the disposal option, which would not be authorised under the present development consent and that would require a separate consent of its own if it were taken up.

The effects of water quality and the marine environment

- 6.100 The ES (Section 12 and Appendix 12.1 eq seq) addresses water quality in some detail. The Section also draws necessarily on the geological background information contained in Section 16 and Appendix 16.1 et seq and on the hydraulic modelling report at 12.2.
- 6.101 The hydraulic modelling report indicates that, over the width of the channel, the River Tyne at this point is tidal and is generally self-scouring. This information is converted into contours shown in Figures 10A-11. The only time when the force of the River flow would not have this effect is during the 15-minute period of slack water in the Howdon Basin itself and in a strip 10-20 metres from the banks (Document TWPTA 18, Request 58). Howdon Basin has been dredged regularly, six times between 1988 and 2000, and the dredged material has been disposed of at sea. This means that it is inherently unlikely that there would be any significant accumulation of contaminants in sediment along the line of the NTC works.
- 6.102 The area within which the proposed dredging operations would take place has been surveyed by 7-boreholes (BHs), collecting sediment samples from various depths until bedrock was hit – some 52 samples in all. These BHs were not confined to the presently identified line of the NTC, because that line might change within the Limits of Deviation and because dredging would occur over a greater width than the precise line. The number of BHs compares favourably with that recommended in the OSPAR Guidelines for disposal at sea. The BH survey indicates that over the majority of the width of the Tyne the strata are consistent (ES Volume II, Figure 16.2). The exception was BH 119, which contained 'made' ground to a depth of 6m. That made ground had

disappeared by BH 118 and does not reappear. The worst case assumption, therefore, is that the ‘made’ ground may extend as far as BH 118.

- 6.103 The ES was informed both by water quality samples and by sediment samples. It is a reasonable assumption that where contaminants are not found in measurable quantities in the water column, they are unlikely to be found in the sediment – especially in an area that is predominantly self-scouring. The ES uses both sets of data and carries out appropriate and recommended testing procedures to come to reasonable conclusions about the nature of the materials likely to be contained in the dredged material and mobilised into the water column.
- 6.104 It is important to remember that this section of the ES is concerned with the effect of dredging on the water column in the vicinity and not, as FOE appears to have assumed, with the effect of disposal of the dredged materials at sea. It should be noted, also, that OSPAR only applies to the disposal of dredged material and not to the dredging operation itself. Nonetheless, some conclusions may be drawn from the section that would be relevant to any future application for a licence to dispose at sea.
- 6.105 As indicated generally above, FOE raises a number of criticisms of the ES. Looking at some of these more specifically, the first is that the sediment sampling data does not record time and tide specific information. Although strictly correct, the TWPTA’s evidence is that so far as assessment of the sediment material is concerned, and particularly in the hydraulic conditions appertaining to the NTC area, this information is not required. Certainly, the EA itself has not considered it necessary to record this information during its regular sampling regime. The lower sediment levels would not be affected at different tidal conditions and the effect on the top fraction of sediment would be negligible. Faced with this response, FOE changed tack and argues in its rebuttal that the final particle sediment deposits might have higher pollutant loadings by the process (at molecular level) of adsorption.
- 6.106 FOE then sought to draw upon references in the ES to occasional exceedences in the early 1990s of certain “*sediment EQs*”. In fact FOE is wrong, because the references to these exceedences were not to sediment EQs at all, but to samples from the water column. Thus, FOE’s argument was based on a false, if not careless, premise. However, as the rebuttal (Document TWPTA 9E) indicates, the consistent evidence from the water quality monitoring is that, apart from these isolated historic examples, the levels of various possible contaminants recorded between 1990 and 2000 have generally been below measurable levels and always well below the EQ set for water quality.
- 6.107 On the basis of the water quality data, therefore, there is no rationale for supposing that any contaminants would be absorbed into the top fraction of the sediment layer in sufficient quantities to have any measurable effect on the sediment quality as a whole.
- 6.108 Secondly, FOE questioned the adequacy of the BH information. This has been addressed above.
- 6.109 Next, FOE makes a series of allegations that insufficient, or no, testing has been carried out for a number of specified pollutants, organo-phosphate pesticides, metal, petroleum hydrocarbons, radioactivity and PCBs. There are a number of common features to these allegations and to the response to them. The issues are whether there is any information

to suggest that those contaminants would be likely to be present above background levels in the Tyne in any event. The second is whether the contaminants have been found in the water column. The third is whether there is any likely mechanism whereby these materials would be accumulated in the sediment at the NTC site.

Organo-phosphates and Carbomates

6.110 Based on research into upland water systems FOE suggests that the sediments should have been tested for these materials. FOE asserts this despite the evidence that these contaminants have a very short half-life (measured in hours) in water, causing them to break down rapidly. Moreover, the view of the EA is that because these chemicals are not lipophylic they would stay in the water phase rather than entering biological tissue or binding to sediments. Finally, FOE's position is not supported by the fact that, with 10-years of data, the water quality sampling had only recorded one reading above the detection limit of the analytical equipment, for dichlorvos.

Metals

6.111 FOE questions whether testing ought to be carried out for vanadium. It appears, therefore, that it accepts that testing was carried out for all other relevant metals - both for the removal of dredgings and for disposal at sea. It is not clear whether FOE simply misunderstood the information supplied by the EA when it picked on vanadium. The e-mail sent by the EA simply refers to the EU Dangerous Substances List and does not indicate that these would be present in the Tyne.

6.112 However, FOE relies on information from Milford Haven, where there is a considerable petroleum manufacturing industry, to suggest that vanadium metal might be found in the Tyne. FOE suggests, later, that vanadium might enter the Tyne because of fly ash deposited at sea by the east-coast power stations. There is, incidentally, an inherent illogicality in FOE's approach here. In the original proof it was clearly concerned with the disposal of dredgings at sea, when vanadium was addressed. In this context, it is difficult to understand how minute amounts of vanadium arriving in the Tyne from their sea disposal site would cause any harm if they were returned to the sea as part of the dredgings from the Tyne.

6.113 In any event, there are no recorded discharges of vanadium currently into the Tyne and, therefore, no reason to suppose those levels of vanadium would be above background levels. Furthermore, the water quality monitoring data for the 10-year period 1990-2000 show that the levels of vanadium in the water column were generally below detection limits and always well below relevant EQs.

Petroleum Hydrocarbons

6.114 The issue here is simply a question of how far testing is required to go. Testing was carried out for the Total Petroleum Hydrocarbons and Polycyclic Aromatic Hydrocarbons. The testing (Appendix 12.1 to the ES [4.5.22-4.5.26]) did not rely solely upon EA data, but included testing of the BH samples from the NTC site. The results confirm that there was no need to carry out further testing as only two samples showed levels above the detection limit. Water quality sampling data also records that levels of

hydrocarbons were well below EQ limits. The testing was sufficient to satisfy the requirements of the Regulations and the Directive and the suggestion that more and yet more testing should have been carried out is not justified.

Radioactivity

- 6.115 Nothing in FOE's evidence suggests that levels of radioactivity are likely to be greater in the Tyne than anywhere else in the UK or North Sea. FOE persists in suggesting, however, that radioactive material is discharged into the Tyne from the Howdon Sewage Treatment Works, when the EA appears to have stated categorically that there is none.

PCBs

- 6.116 Again the issue here was not whether testing occurred, it clearly did, but how far it should have gone. So far as the TWPTA can tell, FOE in its rebuttal now confines its criticism to saying that samples should have been pooled. In saying this it relies on a study where six sampling stations were used over a length of 25kms in the Tyne, from which a single sample was taken from five of those points. In this case, 52 samples were taken from the confined area of the NTC. There is, therefore, no need for pooling in this case. The TWPTA accept that there is a typographical error in the ES, which has resulted in an apparent over-reporting of the levels of PCBs (Table 12.7) by using milligrams rather than micrograms. The quantities of PCBs are, therefore, 1000 times smaller than this Table suggests. However, this smaller level was taken into account when the TWPTA reached their conclusions.

Reporting of sediment toxicity results

- 6.117 Here FOE has misunderstood the purpose of using a recognised testing procedure, which seeks to avoid variability. The ES (Appendix 12.1d) also indicates in some detail the steps taken to ensure the provision of suitable, consistent and healthy samples. There is no recognised testing procedure for using another organism. The reference to 20% mortality takes account of the dilution effect when material is disposed of at sea. The laboratory *in situ* testing figure is 40-50% (Document TWPTA9F). A reputable laboratory carried out the testing and, in fact, use was made of the same testing procedure and laboratory used by the EA itself. This was to ensure that the results could be compared with the EA's own data. Again, FOE has misunderstood the testing procedure.
- 6.118 Finally, the TWPTA would ask the Inspector and SoS to take into account the relative experience, objectivity and demeanour of the two witnesses that have given evidence on water quality. The TWPTA's witness has immense experience in preparing ESs for dredging operations and dealing with the environmental effects of dredging throughout the world. A detailed, researched and consistent rebuttal of FOE's points has been produced and the TWPTA evidence has not been shown to be flawed in any material particular.
- 6.119 On the other hand, the FOE witness has misunderstood information expressed to him in the clearest terms by the EA. He has either not read or understood the purpose of the OSPAR guidelines, on which the main proofs so much relied. Moreover, the information in the ES itself regarding the water quality data that was interpreted as sediment data has been misread, despite that information being expressed in the clearest

possible English. The FOE witness declined prior to, or during the inquiry, to enter into discussions to narrow the issues. Importantly, his experience appears, principally, to be in criticising other peoples' ESs and it was conceded that he had never been involved in preparing one himself. It is easy to criticise, but criticism should have a proper scientific basis and be founded on reasonable judgements and an accurate understanding of the facts. These elements were missing from significant parts of FOE's evidence to the inquiry.

- 6.120 So far as other water quality issues are concerned, these were described in the TWPTA's evidence. The effect of mobilisation of sediment into the water column has been modelled in some detail. In all conditions except for the few minutes of slack water at the turn of the tide, the plume would disperse rapidly and stay well within the EA's limit values. During slack water, the plume would build up for a short time within a limited area around the dredger, but it is still predicted to remain within the EA's maximum limit values. Water quality would be monitored for oxygen demand and turbidity and if limit levels were exceeded, work would be required to stop until levels returned to those within acceptable limits. Dredging techniques would be adopted to prevent spillage of material into the River. The use of a training wall on the southern side of the River would also limit the dispersion of material into the River in the vicinity of BH 119. Howdon Basin itself would have a similar effect in the north.

The effects on the ecology of the River Tyne, in particular in relation to migratory fish and other fisheries and the arrangements for monitoring those effects

- 6.121 These matters have been addressed in some detail in the ES, in the evidence presented by the TWPTA and in the rebuttal to Mr Broderick (Objection No. 103) ^(Document TWPTA 9B).
- 6.122 In brief, the necessary dredging would take place between the months of November and March, when fish activity would be at its lowest. This has been agreed with the EA as adequate protection for the salmonoid population. The monitoring of fish has been agreed also and is detailed and extensive and allows the EA to ensure the fullest possible data when the work is carried out. This is satisfactory to the EA and addresses all reasonable concerns.

Noise and vibration

- 6.123 The evidence shows that while construction noise and vibration could potentially cause issues at some properties ^(Document TWPTA6A, Appendix B), there are acceptable and well known techniques for attenuation. In particular, the quietest, practical methods and plant would be selected for each stage of the works and they would be carried out during restricted working hours and at the most appropriate time. In addition, the location of stationary plant would be chosen with care and local screening introduced where necessary. Overall, there would be close liaison with owners and occupiers of affected properties.
- 6.124 The use of appropriate techniques would be secured through the COCP, enforceable through conditions. The long stop protection would be the powers of the Environmental Health Authority under the Control of Pollution Act and the need for the contractor to adopt best practicable means ^(Document TWPTA31).

- 6.125 Once the NTC became operational, there would be no noise increases in excess of 3dBA and some noise reductions of 3dBA and greater. Overall, the noise climate would not alter significantly. In any event, the TWPTA would apply the Noise Insulation Regulations to the NTC project and these, of course, respond to a 1dBA increase.
- 6.126 Some objectors have difficulty in appreciating why the increased level of traffic using the Tunnel would not have a greater effect than has been modelled. This is not surprising, because a noise increase and its perception through the human ear is not an easy topic to understand. However, the TWPTA have used the appropriate methods of assessment and there is no suggestion that the calculations are incorrect. Detailed responses ^(Document TWPTA6A) have been given to those who raised specific noise issues.

Air quality effects

- 6.127 An appropriate air quality assessment has been carried out. In the initial monitoring, one result above the air quality objective limits (for nitrogen dioxide) was found at the Tyne Industrial Estate. There are two possible explanations for this result. First, the site was close to the lorry-park, where engines were running and secondly, there were concerns about the calibration of the machinery on the particular day. Notwithstanding this, the result was so completely out of line with the other results for that location that it has been regarded as a 'rogue'. In all other cases, monitoring has found that air quality falls well within the prescribed quality limits.
- 6.128 Dust and air quality effects during construction would again be a matter of appropriate mitigation techniques and enforced through planning conditions and the COCP.
- 6.129 Following the opening of the NTC, global emissions would reduce, because of the expected reduction in vehicle mileage. In any case, air quality would improve with or without the scheme, because of the effect of more rigorous emission controls. At the Tunnel itself, however, there would be an impact from the increased level of traffic. At the portals air quality would not get any worse and for some types of emission it would improve. At the northern and southern ends of the scheme, pollutant concentrations are predicted to remain the same or increase marginally – again due to the increase in traffic. However, in all cases, the predicted figures would stay at relatively low levels, well within the air quality objectives.
- 6.130 The comments made in the Prospective Health Impact Assessment ^(Document CD53) have caused local people concern. The problem with this document is, as its authors accept, that it does not attempt to quantify potential health impacts, but simply describes pathways. For example, it states that noise can impair hearing. This is true, but so far removed from anything contemplated by this proposal as to be unhelpful and alarmist. Similarly, one might link the loss of open space to a reduction in exercise and the possible onset of diabetes. For these reasons, the health assessment can be of no value to the assessment process at the inquiry and has served merely to cause unnecessary concern. Incidentally, there is no obligation to include the Assessment and/or its conclusions as a part of the Environmental Statement.

Landscape, townscape and visual impacts

- 6.131 Clearly the major construction works would create an adverse impact while they continue. However, the long-term effects of the proposal on the urban form are remarkably benign (Document TWPTA10, Appendix L) and there would be several opportunities for landscape enhancement.
- 6.132 Having said this, there would be a pronounced effect on Epinay Walk, in that the residents would lose a significant part of the open space that separates them from the A19 at present. However, the road approach to the Tunnel would be screened by a new wall and planting (Document TWPTA10, Appendix J and TWPTA18, Request 26).
- 6.133 The material stored on the RMC site would have an impact on views from the Celtic Cross at Bede's World (Document TWPTA10, Appendix H and TWPTA18, Request 27). However, that view already contains mounds in the foreground. The proposed mound would only be at its maximum height for a very short period, after completion of dredging and before the fill material is replaced. It would not smell and would consist mainly of sands and gravels (TWPTA18, Request 31). The effect could be minimised by way of a condition and a draft has been prepared (Document TWPTA34).

The arrangements for waste management, including the transport, storage and disposal of dredged and contaminated material

- 6.134 There seem to be three issues here. The first is whether satisfactory information has been provided about the handling of contaminated material on site. The second is whether the disposal of material by land has been properly addressed. The third is whether the ES should have addressed the question of disposal at sea.

Treatment of contaminated material

- 6.135 This is addressed in the ES (Section 16 and Appendix 16.1) and the TWPTA's evidence and appendices (Document TWPTA6A). A method statement has also been submitted at the request of the Inspector (Document TWPTA19), though this would have been covered, in any event, through the COCP.

Disposal on land

- 6.136 The project would not commence immediately. It would be two or three years before it is underway. It is impossible, therefore, at this stage to identify precisely what landfill sites would be capable of accepting particular quantities of material when the project commences. Full details would be included in a Waste Management Plan prepared when the design is finalised. What the TWPTA have done is to identify the amounts of material arising and when it would arise. A hierarchy of best practice would ensure that re-usable material is re-used where possible. The TWPTA have identified the landfill sites currently operating, which would be able to take the different types of material, including any contaminated material and material from the River. The TWPTA have looked at the total capacity of sites to ascertain whether the amount of material would be too much in any one year and have assessed the impacts accordingly.

- 6.137 At this stage it is not necessary for the TWPTA to identify a particular landfill site or sites that would definitely take the material. For similar reasons, nor can the haul routes be identified at this juncture. That would be impossible so far in advance of the works. Each of the sites identified would have been through its own environmental assessment procedure to ensure its suitability for the kinds of wastes that it is permitted to take. It is neither necessary nor appropriate in the context of seeking a development consent for this project to carry out a series of mini environmental assessments for sites that have already obtained their development consent. The ES is satisfactory on this issue.

Disposal at sea

- 6.138 Most of the same points apply to proposals to dispose at sea. Again, the sites to which any dredged material would be taken would be chosen by DEFRA through a separate assessment process and deemed suitable for the kind of waste proposed. Before a FEPA licence is obtained under s.5, the applicant would, under a separate, statutory regime have to satisfy DEFRA that the material is suitable for the site selected.
- 6.139 The critical point is that the development consent before the SoS at this inquiry would not authorise the disposal at sea. That process, if and when it occurs, requires the applicant to be identified, as the licence is personal to the applicant. It is clearly impossible, therefore, to go through that process in advance, because without an Order there would be no Concessionaire and without a Concessionaire there would be no identified applicant for the FEPA licence. It is not yet known whether the Concessionaire would necessarily go for this option. Thus, the ES ^(19.8.3) has assumed that all material would go to landfill and the assessment has proceeded on this basis.
- 6.140 In fact, however, it is worth considering what information is contained in the ES that would be relevant to disposal at sea if and when that option is taken up. First, the number of BHs complies with the requirement of OSPAR. Secondly, there is no evidence, for the reasons described above, that there is any likelihood of organo-phosphates being contained in the sediment in measurable quantities. Thirdly, testing has occurred for all the metals required by OSPAR and, in this regard, testing for vanadium is not required. In fact, there is nothing identified in the material for the NTC that would appear to create any problems of compliance with the OSPAR guidelines. It was, after all, these guidelines on which FOE based its criticisms. If the TWPTA have rebutted these points adequately then it can be reasonably well assured that there is nothing in the material, which would be likely to prevent a FEPA licence being obtained. However, it is not appropriate for the Inspector or the SoS to pre-empt any decision by DEFRA.

The effects of the proposals on flood risk

- 6.141 This is covered in the ES ^(Section 18) and the conclusion is that there would be no significant impact. The agreed protective provisions with the EA also ensure that nothing is done that would cause any damage or risk to flood defences. The EA is content with these provisions and, as recorded, has withdrawn its objection.

Any impact on the Northumbria Coast Special Protection Area

6.142 Again this is covered in the ES (Sections 13 and 15) and fully in the TWPTA's evidence. Put shortly there is no material impact and English Nature has now withdrawn its objection.

Proposals for mitigating any adverse environmental effects including:

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

6.143 These have been covered when dealing with the various potential forms of environmental impact. Mitigation would be secured and managed through planning conditions and through the COCP.

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

6.144 A number of conditions have been proposed in relation to the permission being sought (Document 18). None of these require any extra studies to be undertaken, which should have been part of the ES. A further draft condition covering the storage of dredged arisings is proposed (Document TWPTA34). All the proposed conditions satisfy the 'Circular tests'. The COCP mechanism has been used on large-scale projects before e.g. the Channel Tunnel Rail Link. It is no different in principle to more conventional conditions that require the establishment of noise, air quality or waste management plans before development commences. These plans would simply establish a mechanism by which the mitigation described in the ES would be implemented.

Justification for Article 49 of the proposed TWA Order, which seeks to exempt the NTC and associated works from rates.

6.145 This is the subject of a separate note (Document TWPTA18, Request 43). Simply, the provision is no longer to be included within the Order, because it is unnecessary. Other legislation under the Local Government Finance Act 1988 (s.51 and para. 18A of Schedule 5) exempts the Tunnel from rates.

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

- 6.146 The only changes, which have been the subject of consultation are those identified at the start of the inquiry. These are the changes to the descriptions of Works 4B and 4C.
- 6.147 The changes to the tolling mechanism and the various protective provisions have not been advertised or the subject of consultation. The changes to works in the Howdon Basin have been discussed with those that would be affected. The TWPTA are confident that no further consultation should be necessary. A final version of the proposed Order, with changes identified, is included at **Document 19**.

Listed Building Issues

The extent to which the proposed demolition and other works to the Listed Buildings affected by the proposed new Tyne Tunnel crossing (demolition of the Gaslight Public House; renovation and re-siting of the statue of Sir Charles Palmer; and alteration works within the curtilage of the Pedestrian and Cycle Tunnels at the south and north side of the River Tyne) may conflict with the advice in Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15).

- 6.148 The TWPTA's case in relation to all three Listed Buildings is that their demolition or removal would be necessary in the public interest to allow the work for the NTC to proceed.
- 6.149 While the Gaslight Public House is not on the line of the proposed NTC, as shown on the application plans, it is within the limits of deviation and is only 4-5m away from the diaphragm wall. The proposed line of the NTC as currently envisaged could be varied at the detailed design stage and the TWPTA evidence indicates that it would be more likely to move towards the Gaslight than away from it (Document TWPTA18, Request 5). The whole of the Gaslight is within the Limits of Land to be Acquired or Used. It is estimated that 10-15m would be required for the working area around the Tunnel.
- 6.150 Retention of the Gaslight, even if it proved physically possible, would impose a severe constraint on working in that area as can be seen on Plan 0A-CSK-091 (Document TWPTA 18, Request 5). It is not a case, therefore, that the decision whether or not the Public House needs to be demolished can be left until the detailed design stage as has been contemplated. However, a condition is suggested that would ensure that the Public House remains until demolition became necessary for the works to proceed.
- 6.151 The TWPTA have made enquiries to see if the Public House could be dismantled and reconstructed, subsequently, at the Beamish Open Air Museum, but this has not proved possible. It is agreed that the structure should be the subject of a recording exercise. The property was empty and the TWPTA have sought to preserve the integrity of the

building and to find a tenant for it, so as to return the building to its original use, pending the decision on this Order and accompanying applications. This is a perfectly proper approach, which ought not to be the subject of criticism.

- 6.152 The statue of Sir Charles Palmer is on the actual line of the Tunnel. It would not be destroyed, simply restored and moved to a more appropriate location, closer to its original setting. There seems to be general agreement that the relocation site would be appropriate.
- 6.153 Part of the wall of the Tyne Pedestrian Tunnel would need to be demolished to provide a bus turning circle and improve public access to the Tunnel. The works, therefore, would be very much in the public interest and consistent with making better use of the listed structure itself. The wall is not within the listing designation and has no inherent value. The demolition would clearly affect the setting of the Listed Building, however, but with the improved accessibility and landscape around the Pedestrian and Cycle Tunnels, this would be a positive impact.
- 6.154 It has been confirmed that the Listed Building applications were properly advertised and consulted upon. English Heritage does not object and accepts that the NTC represents exceptional circumstances that would justify demolition of the Gaslight Public House. The local planning authority has also recommended that the applications be granted.

The importance of the Listed Buildings, their intrinsic architectural and historic interest and variety in both national and local terms, and their particular physical features.

- 6.155 The Gaslight Public House is not considered to have great architectural interest, but clearly it is representative of social conditions in the riverside area, which have now all but vanished at this location. The statue is unique, but it would be preserved and there is nothing about its current setting to require its retention at this location. A safer and more appropriate setting would be provided. The wall to the Pedestrian Tunnel has no merit in itself.

The setting of the Listed Buildings and their contribution to the local scene

- 6.156 The original setting of the Gaslight Public House has all but gone. The statue is not in its original setting and the retention of the statue in this location would not be in its best interest. The wall obviously does make a contribution to the setting of the Tunnel, but overall that setting would be improved.

The extent to which the proposed demolitions and other works to the Listed Buildings would, in themselves, help to bring substantial benefit for the community, in particular by contributing to the economic regeneration of the area and the enhancement of its environment.

- 6.157 It is the TWPTA's evidence that the proposed works for the construction of the NTC would have a very positive effect on the economy of the area and would assist in its regeneration. This is also the view of the local planning authorities and One North East. The exceptional case for demolition of the Public House has been accepted by English Heritage (Document TWPTA 12A, Appendix B). The Riverside Park would be the subject of substantial environmental improvement as a result of the scheme.

The condition of the Listed Buildings, the cost of repairing and maintaining them in relation to their importance and the value to be derived from their continued use.

6.158 The statue is not in a good state of repair and its relocation would be in the best interest of its preservation. It is accepted that the Gaslight Public House is capable of being put into an adequate state of repair to continue as a public house or in some other use.

The adequacy of any efforts made to retain the Listed Buildings within use of the proposed scheme.

6.159 These issues are not really relevant to the circumstances of the NTC project. However, the project would seek to make best use of the Pedestrian/Cycle Tunnels and to enhance the attractiveness of the environment around the tunnel entrance.

The merits of the proposed new Tyne Tunnel crossing and the weight that should be given to its benefits to the community when set against the merits of preservation.

6.160 These points are addressed above.

Whether any Listed Building Consent should be subject to conditions, including any conditions on proposals for relocation of buildings and if so the form conditions should take, having regard to the advice in DOE Circular 11/95, especially, as to them being necessary, relevant, enforceable, precise and reasonable and in PPG15.

6.161 Draft conditions have been proposed ^(Document TWPTA24).

Overall conclusions

6.162 The TWPTA have established that the objectives of the NTC project are legitimate and pressing issues, which are consistent with Government, regional and local planning transport policies. The TWPTA have established that the problems of congestion around the existing Tunnel and the need for further cross Tyne capacity has been identified as a priority. This was established in the early 1990s, through the TAMMS exercise commissioned by GONE, through the emerging Regional Transport Strategy and through the LTP. Within the evidence there is an audit of the process by which the need for the NTC is identified and the reason the location was chosen.

6.163 The TWPTA have established that the NTC would be financially viable and suitable for the PFI/PPP process planned and that there would be a likely market of potential concessionaires and a realistic prospect of funding. The TWPTA have demonstrated that each area of land within the Order is required for the construction areas, to allow for a deviation in the line of the Tunnel at the detailed design stage and to permit adequate working areas around. The TWPTA have assessed the significant environmental effects of the proposals and have identified appropriate mitigation measures. A process has been set up through conditions and the COCP to ensure that this mitigation would be put into effect. The ES indicates that there would be no significant permanent harm caused to the environment and that such temporary harm as may be caused would be satisfactorily mitigated.

- 6.164 The TWPTA have reached agreement with the great majority of the businesses that would be affected by the proposed Order and have agreed protective provisions for the statutory agencies involved. With few exceptions, commercial interests in the area have been, or will have been, accommodated and in any event the objections do not go to the heart of the project. Any unresolved loss or inconvenience is capable of being addressed through the Compensation Code.
- 6.165 The proposal would have an immediate, direct and positive effect in employment terms and a considerable, beneficial longer term, wider impact. This should help to boost the economy of the area and bring about regeneration benefits.
- 6.166 The NTC would improve cross Tyne capacity and remove congestion with significant safety and global emissions benefits and yet, through the TAMMS recommendations it would form part of a balanced multi-modal strategy for Tyneside. The proposal would not prejudice public transport improvements and, in fact, would positively enhance cross Tyne public transport in the area of the Tunnel. No public transport or traffic restraints would achieve the objective of removing congestion and opening up the A19 corridor.
- 6.167 In summary, the TWPTA have produced an extremely strong case for making the Order, which has not been counter balanced by any sufficient arguments of weight to lead to a contrary conclusion. The TWPTA ask, therefore, for a recommendation to the SoS that the Order, as amended, be made.**

7. THE CASE FOR THE SUPPORTERS

The main points are:-

Oral presentations

- 7.1 **Mr N S Smith** (Supporter No. 122) supports the application for the NTC as a vital component of the infrastructure in the North East. Having said this, he is concerned about the appointment of a Concessionaire, thereby handing over the Tunnels to a private organisation, who would run it for profit. His particular worry pertains to setting the level of the tolls and the charging process in its wider context. In essence, the costs of using the Tyne Tunnels should not fall on the local populous at all. It would be like a local income tax and should be financed by Government. At the very least there should be a method of capping the level of the toll. Finally, Mr Smith sees the operation of the Pedestrian/Cycle Tunnels as a separate financial operation. As such, they should draw no cross-subsidy from motorists using the Tunnels.
- 7.2 **The North East Chamber of Commerce and Industry** (Supporter No. 171) has researched the issue of a NTC with member companies and makes its deposition based on a long running involvement with and appreciation of the issues. Empirical evidence gathered over a longer period of time suggests that congestion around the existing Tunnel is a major cause for concern among the business community and this has an adverse effect on productivity and competitiveness. The Chamber endorses the economic evidence submitted to the inquiry by the TWPTA. Estimations of the lost time due to congestion problems at the Tunnel vary from company to company, but based on an average value of £100 per employee per year the cost to companies in North and South Tyneside is some £3.5m.
- 7.3 Many companies have reported that they could attract significant new business with easier access to customers, suppliers and services on the opposite side of the River. Delays in visiting clients or the unwillingness of clients and customers to travel through the Tunnel make it difficult for some companies to attract new business. Competitiveness and just in time (JIT) deliveries are vital to sales and customer retention. Owing to congestion, considerable margins in time must be built into the delivery process and companies estimate that this costs them an extra £15 per delivery. These costs are difficult to pass on to customers and eat into profit margins.
- 7.4 The Tyneside Area Multi-Modal Study (TAMMS) found that a NTC would relieve congestion significantly on the A19 and increase cross River traffic only slightly. Journey times would be speeded up and congestion eradicated. The TAMMS study suggests that demand would continue to rise on the A19 corridor.
- 7.5 One of the softer and less quantifiable consequences of the congestion problems at the existing Tyne Tunnel is the difficulty companies have on each side of the River recruiting staff from the other side. Due to the problems with congestion and travel to and from work, employees are reluctant to pass through the Tunnel at peak times. This significantly reduces the labour pool and skills base for recruitment, which affects competitiveness. Given that the areas around the Tyne Tunnel on both sides of the River suffer from high unemployment and deprivation, it is not in the best interests to place artificial access barriers, when employment opportunities are available.

- 7.6 In areas of high unemployment and deprivation, new development can ease social problems and provide valuable jobs for the population. Improvements at the Tunnel would also enhance the inward investment profile of the Region as a whole, by providing good access to employment sites that can meet the needs of existing members and regional businesses, plus attracting new firms to the area. Available industrial development land served by the A19 corridor comprises some 200ha in Sunderland, 157ha in North Tyneside and 52ha in South Tyneside.
- 7.7 **The Freight Transport Association** (Supporter No. 174) believes that the NTC would improve traffic flows and relieve congestion, not only in the Tyne Tunnel area, but also on the surrounding road network. The proposal would be of benefit to the local community and commercial transport operators. Less congestion around the existing Tunnel entrances would lead to a reduction in use of fuel, resulting in less vehicle emissions, an improvement in air quality and, thus, a cleaner environment. The North East needs to attract businesses into the area as a Region on the edge of the European Community. A good road system would make the area much more attractive to relocating companies.
- 7.8 **One North East** (Supporter No. 183) is the Regional Development Agency for the North East. It believes the NTC would further the Agency's goals and help to fulfil some of its statutory purposes, namely economic development, regeneration and promoting employment. It would also assist in meeting the ambitions set out in the Regional Economic Strategy.
- 7.9 The North East Region has tremendous economic potential, but for varying reasons it has not achieved the same levels of growth experienced in other parts of the country. Some areas are not only lagging behind, but suffer from real economic deprivation. The NTC would be an important part of the wider efforts to initiate economic growth and lay the foundation for regeneration in this part of the Region. It would provide essential connectivity between the regeneration areas from the A189 round Ashington down the A19 to the Tees Valley. The NTC would work towards further economic development by promoting regional business efficiency, investment, regeneration and employment.
- 7.10 Fundamental to One North East's Regional Economic Strategy is the Agency's ability to maintain a pipeline of high quality employment sites and buildings and to promote the recycling of brownfield land. This would help by steering development to either urban areas or to those areas designated for industrial use. In terms of site provision, the goal is to modernise and upgrade the Region's portfolio and help increase the yields from development to make them more attractive to developers, with little or no requirement for public investment. Accessibility and costs are the two most important elements that make sites attractive to investors.
- 7.11 In the North East, land is reasonably priced and costs less than many other areas around the UK. The Tyne and Wear Sub-regional Partnership is promoting key employment sites in the context of the strategic framework. Supporting the NTC would contribute to making sites along the A19 attractive places for businesses to locate. This is particularly important given the high degree of deprivation within the wards in North and South Tyneside, closest to the existing Tunnel. Congestion at the existing Tunnel is a "*transport bottle neck*" that negatively affects the accessibility to areas along the A19

and acts as a disincentive to prospective investors. One North East wishes to eradicate the congestion.

- 7.12 One North East is informed by SATRA (the Standing Advisory Committee on Trunk Road Assessment), which acknowledges a link between transport and the economy in terms of expanding labour market catchment areas, increased output due to lower costs of production, increased inward investment and the unlocking of development sites. The DTI competitiveness White Paper stresses the importance of innovation and entrepreneurship in driving productivity and employment. Of these, innovation is an endogenous factor that may be influenced by transport infrastructure. Transport has a potential role in stimulating competition by opening up markets outside the Region, attracting new industry and enabling the formation of clusters of companies with specific knowledge and experience.
- 7.13 One North East considers that net gains can be derived from a redistribution of economic activity as a consequence of changes in relative transport costs. This would be so, particularly as there would be more areas for companies to expand towards and key investors south of the River Tyne would become more accessible to companies based in North Tyneside, Newcastle and further north into the former coal field areas of south east Northumberland.
- 7.14 Improved accessibility in journey time, cost, reliability, comfort and safety would lead to extended travel to work and customer catchment areas. Businesses gain from improved choice in the labour market, reductions in inefficiencies caused by travel to work difficulties and ready access to a larger customer catchment. The labour force both in and seeking work would gain from extended job choice/employment opportunities. The NTC would underscore local government support for business, would re-ignite the confidence of existing businesses, improve the perception of the Region and lessen the risk associated with investing in the North East.
- 7.15 The improvements that would follow the NTC would aid the efforts to regenerate many parts of Tyne and Wear. Regeneration initiates its own form of momentum and the benefits usually associated with regeneration include positive economic development effects such as increased land prices and employment and economic based benefits to retain businesses and increase efficiency. Investigations show that transport does play a key role in increasing competitiveness and thereby economic regeneration. A good reputation for business and jobs attracts and retains a good labour force and the NTC would be a crucial element in efforts to bring about regeneration in growth.

Written representations

- 7.16 Some 189 letters of support have been submitted and these include those from the Northumberland and Durham County Councils, Newcastle and Sunderland City Councils and North and South Tyneside Councils. In addition, Gateshead Metropolitan Borough Council registered its support through a joint Council initiative. Other supporters include local MPs and the MEP. The balance of supporting letters comprises largely those from individual businesses and members of the public and the points are made either jointly or severally.

- 7.17 Within the submissions supporting the NTC attention is drawn to the considerable survey work, investigation and research into transport links in the Tyne and Wear area. This culminated in the TAMMS study published in 2002 (Document CD20), which recommends construction of the NTC in order to meet its three main objectives. These are to reduce congestion on the A19; to improve safety on the A19; and for the accrued benefits to the A19 to be achieved without causing unacceptable problems on or to other transportation networks in the area.
- 7.18 In addition, support for the NTC is included in recently published Regional Planning Guidance (Document CD19), the Local Transport Plan for Tyne and Wear 2001-2006 (Document CD23), the North and South Tyneside UDPs (Documents CD22 and CD21) and the draft Regional Transport Strategy (Document CD25). Thus, the NTC is commended on the basis that it accords fully with all published regional and local policies. As such, it attracts the support of Section 54A of the Town and Country Planning Act 1990.
- 7.19 In practice, the NTC would address congestion at both the north and south entrances to the present Tunnel and forge improved links along the A19 corridor. At present, the extensive congestion during peak morning and evening travel times is extending in the form of peak spread and this is likely to continue with forecast traffic growth. In addition, the congestion on the A19 transfers traffic to other crossings of the Tyne and causes local congestion as drivers rat run through less suitable areas in an attempt to beat it. Removal of the high levels of congestion would reduce journey times to and from work, thereby reducing wasted time that could be better devoted to production.
- 7.20 The NTC would also improve distribution throughout the sub-region and region, a point highlighted particularly by a number of haulage and similar contractors and interests, and enhance access generally for leisure and tourist activities. As for the road system in the area it is anachronistic that a dual carriageway Trunk Road north and south of the River Tyne is connected under the Tyne by a 'throttle' of less than half the capacity elsewhere and further impeded by a tortuous toll arrangement.
- 7.21 For some the NTC is seen as "*the only game in town*" and others see it as the only alternative to failing national and local transportation policies to effect modal shift away from the private car. The vast majority, however, see the improvements to the A19 as essential, irrespective of other transport initiatives. It is submitted that a second tunnel is many years overdue and those using it on a daily basis and also the Highways Agency as the Trunk Road authority favour the need for the NTC.
- 7.22 As it stands at present, public transport across the Tyne is inhibited and the NTC would improve the frequency of bus services, the range of destinations and the opportunity for interchange with other core routes. It would also improve pedestrian/cycle routes and access both east and west along the Tyne and to and through the existing Pedestrian/Cycle Tunnels. The NTC would improve an accident risk that is evident to many. The Automobile Association (Supporter No. 180) highlights this and encloses a report on European tunnels that identifies the existing Tyne Tunnel as one of the most dangerous. These safety problems are endorsed even by those using the existing Tunnel, who highlight fear of fire, lack of escape routes and poor ventilation.
- 7.23 Turning to the economic aspects, the present level of congestion imposes costs on businesses and employees alike. It removes certainty of delivery and prejudices modern

management techniques such as JIT deliveries. Freer movement across the Tyne would open up a far wider area, with the additional work force that would provide. From the business perspective, it would extend the business opportunity for both sourcing raw materials and distributing the finished product. It would also make it easier for service industries to respond to demand. In a nutshell, it would enable private businesses to improve their efficiency and competitive edge.

- 7.24 Along the A19/A189 corridor, extensive employment land is allocated and for this to be taken up every advantage needs to be in place. This includes the RPG identifying a very large new Strategic Employment Site along the A19 corridor to the north of Sunderland. At present the congestion at the existing Tunnel is seen as a negative factor and militates against inward investment. The NTC is seen as a catalyst that would attract and secure such investment and the success following the improvements to the A1 is prayed in aid.
- 7.25 The area is one of high unemployment and real social deprivation. As there is an acknowledged link between transport infrastructure and economic development the construction of a NTC is seen as a step change in the sub-regional economy, that would address the twin problems of unemployment and deprivation. The Regional Economic Strategy is predicated on its completion and initiatives such as the Stephenson's Jobs Link/Metro-complimentary route and the South East Northumberland North Tyneside Regeneration Initiatives would all be served to a greater or lesser degree by the improved transport infrastructure.
- 7.26 There are staffing problems and the enterprise zone in North Tyneside is the slowest to take off. People in the south have to go north of the river in search of jobs and the congestion and lack of public transport access is an impediment to this movement. There would be some jobs directly attributable to the construction of the NTC and some permanent ones managing the operation when it is opened. In fact, the very construction process would bring in new expertise and a need for training, which would be useful in regenerating the wider area along the A19 corridor. It is hoped and anticipated that the NTC would address many of these problems and Supplementary Planning Guidance has been produced by South Tyneside MBC in the form of a development brief ^(Document CD50) for the land that would be affected by the NTC.
- 7.27 Moving on to environmental aspects, many supporters consider that the NTC would reduce air pollution and noise. Some accept there would be a small loss of open space, seen as very important to sectors of society, but overall the level of open space provision would increase and be accompanied by landscape improvement. These would be in areas adjacent to the existing north and south entrances to the Tunnel, which are far from picturesque at the moment.
- 7.28 As for social aspects, some perceive the current congestion as curtailing family time. A mere 15-minutes delay in each direction morning and evening aggregates to a full 5-days a year spent sitting in queues: time that could be better spent with the family. The reduction in congestion is seen as reducing stress, the cost of travel and the quantity of fossil fuels burnt. Overall, there is an acknowledgement that some would be adversely affected by the NTC, but that this is far outweighed by the greater public good that would be occasioned by its construction and operation.

Friend to the Inquiry

- 7.29 The **Highways Agency** (HA) has maintained its objections on matters of detail to the TWA Order, although it did not present oral objection to the inquiry. In general terms, it supports the NTC and agreed to appear at the inquiry at my request to answer questions pertaining to its position over the NTC proposal and other related road improvement schemes. Mr Neil Taylor attended the inquiry and he is the Regional Manager for the HA. He followed up his appearance at the inquiry with a letter clarifying some of the points raised ^(Document 16).
- 7.30 In the first place, the HA is the Trunk Road authority for the A19 to the north and south of the Tyne. If the existing Tunnel were a Trunk Road, the NTC project would have a very high priority as a Trunk Road scheme. However, although the HA supports the NTC, it is not in a position to promote it. Before it could take an active part, changes in legislation would be necessary and if pursued would create a precedent. Having said this, the completion of the NTC would not require any further infrastructure investment along the A19 corridor, over and above that already proposed. Conversely, failure to realise the NTC would not inhibit the schemes for junction improvements along the A19 currently proposed. The A19 is treated as a Trunk Road in its own right and as a free-standing component of the Region's transport infrastructure. As such, the junction improvements would proceed irrespective of the outcome of this inquiry.
- 7.31 Turning to the TAMMS study, the HA had been actively involved and re-affirmed the TWPTA's conclusion that a public transport approach would not be capable of addressing the current congestion and accident problems on the A19 at the existing Tyne Tunnel. In essence, the TAMMS study did look at a 'can do something' scenario, but this would not address the objective of the TAMMS study, which is primarily to relieve congestion. Movement by other modes of travel along and across the A19 corridor would be accommodated wherever this is judged necessary. In fact, the HA would welcome initiatives and pressure for improvements in this context.
- 7.32 Without the NTC, there are no proposals currently for improving the junction approach to the south portal of the existing Tyne Tunnel. The present arrangement of a signal controlled roundabout has the effect of controlling the flow of traffic entering the Tunnel, such that lengthy queues, extending back into the Tunnel do not form at the toll plaza at the north side. With the toll booths still causing a level of queuing, this acts as an artificial throttle. A quicker throughput at the plaza that might follow the introduction of electronic tolling would overcome this. However, it is difficult to see how large-scale improvements to the south of the Tunnel could be justified in the absence of the benefits flowing from additional capacity at the crossing. What the current arrangement does is to grant some measure of priority for local traffic wishing to join or leave the A19.
- 7.33 With the cut and cover option for the NTC and the constraints of the rail line some 400m to the north of the River Tyne, there would be extreme difficulty in improving the geometric configuration. This would be so even if the toll plazas could be removed. The gradient and the need for a crossover point between carriageways would necessitate extensive and costly alterations to the railway line, which cannot be justified.

8. THE CASE FOR THE OBJECTORS AND THE INSPECTOR'S RESPONSE

Policy

The gist of the objectors' submissions

- 8.1 The objectors are concerned that the proposal for the NTC is inconsistent with the stated Government objectives to reduce reliance on the private car and promote integrated transport, with emphasis on public transport, cycling and walking. They draw attention to Government statements in PPG 13, The Transport White Paper, Transport 2010: The 10-Year Plan and a number of other related publications. Although they recognise that there have been changes in or relaxation of Government targets, such as those for congestion, upgrading the rail system and demand management, they do not see this as reversing the overall thrust of Government policy. It is seen merely as a pragmatic approach to the short-term practical and/or financial difficulties encountered.
- 8.2 In similar vein, they do not see the increase in road schemes and improvements that has recently been heralded as stepping back from the overall aims for an integrated and sustainable transport system. This is a necessary short term expedient to address problems that can not be solved otherwise within a reasonable time horizon. In any event, these schemes are largely intended to solve problems on strategic routes. In the local context, the objectors believe fervently that the creation of such a large increase in motor vehicle capacity across the River Tyne would merely address what is fundamentally a local problem. In doing so, any meaningful shift to more sustainable modes of transport would be frustrated for a generation and, thereby, militate against the creation of more sustainable communities.
- 8.3 As for regional and local policy, objectors point to a perceived conflict between strategic objectives within published documents and the proposed NTC. On the one hand there are the stated aims of reducing reliance on the private car, reducing the need to travel, and promoting the use of public transport, walking and cycling. On the other hand there is the proposed NTC, which is a supported scheme that would perpetuate and promote road-based movement between and within North and South Tyneside.
- 8.4 Objectors consider that the initiation and continuing support for the NTC follows directly from the aspirations of many years ago, which were formulated during the 'predict and provide' regime. They contend it is hardly surprising that, where aspirations for a road based solutions have been harboured for so long, whatever studies are undertaken subsequently are always likely to conclude in favour of a road-based solution. It is claimed that, in many cases, the wrong questions have been asked of the studies.
- 8.5 As noted above, the objectors submissions are set against the background that the congestion at the existing Tyne Tunnel is a local problem. By way of justification, they point to the TWPTA's figures ^(Documents TWPTA 1A, 4A and 18, Requests 33 and 45). These show some 70% of trips have both an origin and destination within 11km (7-miles) of the Tunnel and only 2% of trips use the A19 as a strategic route through the Region. To serve these short journey aspirations objectors see public transport as the preferred solution.

- 8.6 As the NTC is still a supported scheme following examination through the Regional and local plan process they see this as a conclusion at variance with stated Government objectives. Their argument is that the NTC has long been an aspiration of the relevant authorities and, as such, it has formed part of the long-term highway programme for many years. With the road scheme for an improved A19 in the programme, the anticipated extra highway capacity that would be realised has predicated the allocation of employment land within the development plan along the A19 corridor.
- 8.7 When the multi modal study – TAMMS – was initiated (Document CD20), the terms of reference set three local objectives for the relief of congestion, a reduction in accidents and achieving these objectives without causing unacceptable problems for other transport networks in the area. With the main objective of the Study being to relieve congestion [7.31], it was inevitable that the ‘do something’ or public transport scenario would not prove wholly successful. For this reason, the NTC would always be necessary. What should have been established was what effect a public transport strategy would have on the current levels of congestion and could the residual congestion be accepted or a further reduction managed by other means.
- 8.8 Moreover, if the regional and local authorities are not fully committed to effecting modal shift to more sustainable forms of transport then one is always likely to return to a road based solution. Building roads represents the most visible option to tackling the observed congestion and to serve the employment sites allocated against the background that the NTC would be built. The responsible authorities merely employ a blunt instrument to remedy a perceived problem, without seeking to address the underlying causes or to promote more fundamental Government objectives. Moreover, this will frustrate attempts to promote a public transport option across the River in this locality.

Inspector’s Response

- 8.9 In large measure, I agree with the objectors that a road-based solution to problems on the A19 is anathema to Government’s policy to promote the objectives evinced by PPG13 (4-6) and other guidance for integrated land use planning and transportation and more sustainable communities and forms of travel. I understand this to form a key component of Government’s overarching transport objectives. As such, I too see distinct tensions between the strategic objectives drawn from PPG13 (Document CD13), and incorporated in the Regional (Document CD19) and local plans (Documents CD21 and CD22), and the construction a NTC to cater for increased vehicle movement. I agree, also, with the submission that any revision to Government’s stated objectives are born of pragmatism and, so far as I am aware, do not herald a sea change in the fundamental objectives [6.21].
- 8.10 Next, it is easy to appreciate why those objecting to the NTC see the policy process as a vicious circle. The allocation of employment land along the A19 corridor is justified on the basis of the long-term highway improvement proposals for the route. Then, when the highway improvement scheme comes up for review, this in turn is justified by the allocations predicated initially on the scheme under review. Once the necessity for the NTC is accepted, then the increased capacity created by an additional 2-lane tunnel allows further land allocations, such as that included in the recently published Regional Planning Guidance in North Sunderland (Document CD19). I am convinced it follows, also,

- that the need and justification for formalised public transport improvement across the Tyne at this point would be seriously weakened.
- 8.11 For my part, in the circumstances where one is seeking to address local problems [3.3] along what is essentially an employment corridor, I find it hardly unexpected that the NTC appears as the solution. In particular, I am not at all surprised that, in a situation where the main objective set is the relief of congestion [7.31], a road based solution is favoured. Like the objectors, what I would have looked for the TAMMS Study to address is the scenario that seeks the best public transport option, identifies the residual level of congestion and then sees if this would be acceptable or could be reduced further by, for example, using automatic tolling techniques [8.50]. One ‘problem’ with planning highway improvements is that they are designed invariably to meet predicted traffic needs 10 or 15 years ahead. Even then the specific design will be to the ‘nearest’ lane width above this requirement, often itself creating ‘unnecessary’ spare capacity.
- 8.12 Notwithstanding all these arguments and how laudable I might find them, in the final analysis the starting point for my consideration of the NTC on policy grounds must be the Regional guidance and the development plan. These have been formulated against the background of Government policy guidance and any objection to them should have been considered in the appropriate forum at the appropriate time. If arguments were not afforded compelling weight at that stage, it is not open to me to re-run the process on the back of this TWA Order inquiry.
- 8.13 The TWPTA emphasise that neither I nor the SoS should seek to review or challenge existing policy embodied in the RPG, UDPs and the LTP [6.6-6.7]. I concur fully. It is not for the TWPTA to justify the aims and objectives and policies already included in Regional and local plan documents. In these, the Regional Planning Guidance for the North East (RPG1) (Document CD19), the draft Regional Transport Strategy (RTS) (Document CD25), the North Tyneside UDP (March 2002) (Document CD22) and the South Tyneside UDP (October 1999) (Document CD21), there is support for the NTC, notwithstanding the inclusion of strategic policies based on the PPG13 objectives. Support is also included in the Local Transport Plan (LTP) (Document CD23).
- 8.14 Against this background, I conclude that the NTC enjoys unquestioned policy support and attracts the benefit of Section 54A as a project in conformity with development plan policies. Thus, unless there are material considerations to justify reaching a conclusion at variance with development plan policy, there is no reason why deemed planning permission for the NTC should not be forthcoming and other aspects of the proposed Order considered.
- 8.15 I accept there are a number of propositions to effect modal shift that could be initiated to promote the stated Government objectives. However, I have found nothing in the Regional guidance or emerging Regional strategies to indicate a comprehensive approach to effecting large-scale modal shift through traffic management or development control initiatives. There are major proposals for upgrading public transport and facilitating greater pedestrian/cycle movement. Even so, there are few firm dates and I can find no targets for modal shift by which to measure achievement.
- 8.16 Similarly, whereas the UDPs include policies requiring Green Travel/Transport Plans and Transport Assessments, I found that the application of the policies in the examples

- submitted pay little more than pay lip service (Document TWPTA18, Request 12). Again, there are no targets and I would describe the requirements of the Plans as ‘soft’. Incidentally, although the TWPTA say this inquiry should not concern itself with the way authorities are applying their policies [6.8], I do not agree. I see it as perfectly legitimate to assess the likelihood of the policies affecting matters relevant to the decision whether to confirm the Order.
- 8.17 As to Government initiatives, reference has been made to the fuel escalator, congestion charging, work-based parking charges, the creation of Transport Development Areas (TDAs) and targets for reducing congestion and upgrading the rail system. These are matters that are largely for the Government to consider in the wider context of its transport strategies for the delivery of an integrated land use and transportation regime. However, in the context of effecting modal shift to more sustainable forms of transport, they are unlikely to be of any great help in the short to medium term. As such, they can not be relied upon as an argument for resisting the NTC, on the basis that a switch to more sustainable modes of travel would render it unnecessary or unjustified.
- 8.18 The transposition of such relevant national policies into local strategies would take another round of development plans. Then for the necessary infrastructure to be provided to offer real opportunity for modal shift would again take a further substantial period. In my view, I see little prospect of this process being achieved within the current 10-year plan and anticipate that the earliest meaningful results could be achieved would be toward the end of the period to 2020. It is worth noting, of course, that, theoretically, the NTC would still offer spare capacity until this time (Document TWPTA4A).
- 8.19 Following on from this, one of the main arguments advanced by the TWPTA in support of the NTC is the lack of realism expounded by those opposing the scheme [6.10]. As they point out, the crux of the debate in relation to the stated Government transport objectives is their realistic potential for success. The word realism arose several times during the inquiry in the context of a particular scenario. Put briefly, the scenario is whether national and local land use and transport policies would move fast enough to effect modal shift to such a degree as to counter need arguments for the NTC as a road based crossing? If there is no prospect within the foreseeable future then, irrespective of the Government’s, the Region’s and the local Councils’ best intentions to effect modal shift, the NTC would still be needed if the locality, and particularly the A19 employment corridor, were not to stagnate.
- 8.20 When assessing realism, the factors presented to the inquiry leave me at one with those promoting and supporting the NTC. In effect, while the Government’s policy objectives are laudable and, while local authorities subscribe to these objectives, as noted above [8.17] their achievement in a short to medium time frame seems most improbable. Moreover, I would expect the ‘benefits’ of any policy initiatives to impact first on centres and only later move to less sustainable configurations such as the A19 employment corridor.
- 8.21 ***In summary on this topic, all written policies at Regional and local level support the NTC. While Government and local strategic frameworks urge the move to more sustainable forms of travel, and a material modal shift to public transport, walking and cycling might justify resisting the NTC, nothing in the evidence suggests that this***

will take place on a significant scale in the short to medium term. Accordingly, and despite this being essentially a local problem, I believe the development plan policies in favour of the NTC should prevail to safeguard present and future economic interests and aspirations.

The Scheme Promotes the Use of Unsustainable Forms of Travel

The gist of the Objectors' submissions:-

- 8.22 The objectors consider that increasing the road capacity across the Tyne would encourage greater use of the private car and it would become much more attractive for longer journeys than at present. Moreover, the development along the A19 corridor attracted by the ease of road access would be in far less sustainable locations, dispersing the start and end of journeys over an ever wider area, thereby making it more difficult and less attractive to travel between home and work by public transport, walking or cycling.
- 8.23 The concept and realisation of sustainable communities would not be achieved if employees become ever more distant from their place of employment. In effect, therefore, the NTC would promote less sustainable communities and the very provision of good road access would inhibit multi modal accessibility to both new and existing employment and other sites along the A19 corridor.
- 8.24 The point the objectors make is that to effect modal shift and more sustainable forms of travel, there has to be a step change in the thought process of those planning and overseeing the transport infrastructure. What the proposed NTC seeks to do is to address existing problems, not to strive for the fundamental objectives sought by Government. Where opportunities for greater public transport would arise they would be a by-product of the NTC and not the raison d'être for them.
- 8.25 Objectors claim that the public transport movement between North and South Tyneside is much lower than it needs be and that this is primarily due to the poor level of service offered. They cite examples of much higher public transport usage in Tyne and Wear as a whole (Document TWPTA18, Request 17), Leeds and of course London. Therefore, the money that is available for the NTC should be spent on public transport initiatives, including completing the Metro network and promoting and supporting public transport use.

Inspector's Response

- 8.26 With construction of NTC, the increased road capacity it would deliver would cater for traffic growth to the year 2021 and beyond (Document TWPTA 4A). If the figures produced by the TWPTA are accepted, then I foresee little if any incentive for people moving along the A19 corridor, and further afield, to switch to more sustainable forms of transport. Thus, I anticipate that the NTC would increase substantially the number of journeys undertaken by private car.
- 8.27 I am certain, also, that the recruitment base for employment opportunities and markets either side of the River Tyne would expand geographically. This, of course, is confirmed by the TWPTA and other supporters of the scheme, who highlight this as one

- of the main benefits of the NTC [6.71, 6.77-6.79 and 7.12-7.14]. As was argued forcibly by those promoting development in the area the most important attractions seen by developers are good car access and the ability to extend the skills base and markets. These crucial factors rely largely on improved and less congested road access.
- 8.28 Looking at the extent of this, I have employed a common sense approach. People are willing to wait up to 30-minutes or more each day to cross the Tyne through the existing Tunnel [6.13]. There can be no doubt that this built in delay strongly influences, if not actually defines, the current travel isochrone and the large numbers of people travelling relatively short distances confirm this [3.3]. If the delay at the Tunnel were removed, it is logical that the travel isochrones would extend to reflect this. If the junction improvements heralded by the HA were in place [7.30], I assess that this would extend the car travel isochrone for this sector of the A19 corridor by some 24km (15-miles) or more, at least along a north-south axis. Accordingly, I am convinced that the NTC would not reduce journey lengths, but would increase them significantly, albeit with the same or similar journey times.
- 8.29 With regard to more sustainable travel, what is commended by the TWPTA is the opportunity for improved bus services through the Tyne Tunnels once the NTC is open [6.17]. These could connect with the Stephenson's Jobs Link, in part a guided busway (Document TWPTA 18, Request 10), to the north of the River. I accept that the removal of congestion should improve reliability and, thereby, make the Tunnel more attractive to bus operators and passengers alike. I agree, also, that the removal of toll charges for buses and the provision of a toll booth bypass for buses would help. However, I do not see how the Stephenson's Jobs Link (Document TWPTA 18, Request 10) could be extended through the NTC in any physical, and therefore meaningful way.
- 8.30 It would be possible to dedicate either the existing or proposed Tyne Tunnel to bus use or even a guided busway. However, and in my view not surprisingly, the NTC proposal does not provide for this. Such an approach could institute a major conflict with the interests of the Concessionaire, making it very difficult, if not impossible, to achieve them. What is more, and for very similar reasons, the 30-35- years that the Concessionaire would control the River crossing could inhibit significantly flexibility in the use of the Tunnels. Thus, the only public transport benefits I foresee for South Tyneside would be for the 'normal' bus services through the Tunnel that could interchange with the Stephenson's Jobs Link at some point. From the information contained in the TWPTA studies (Document TWPTA 4A), it does not seem likely that this would impact materially to reduce car demand for the Tunnel. The TWPTA's own figures forecast, at the very best, a modal share for buses of 10%, which would be far less than the present figure for the Tyne area generally (Document TWPTA18, Request 17). The crucial point I draw from this is that no public transport upgrade would be guaranteed by completion of the NTC and, thus, it is likely that any improved services would be demand led.
- 8.31 The reason for this is explained logically by the TWPTA, and it is because the average bus journey length is comparatively short and the origins and destinations involved are so disparate [6.15]. For public transport use to achieve much higher levels of patronage, sites have to be allocated near to transport nodes, very often centres. PPG13 heralds the introduction of Transport Development Areas (TDAs) as a favoured method of opening up development sites. The key point about TDAs is that the transport infrastructure

should be in place first and travel habits formed from the outset. In my experience, this is why it is so much more difficult to effect modal shift to existing travel habits along an established employment corridor, such as the A19. Accordingly, and for the very reasons advanced by the TWPTA against the establishment of a successful bus system across the Tyne, I foresee only a low level of take-up of the ‘opportunity’ to travel by bus. This conclusion stands for as long as the marginal cost of car travel remains relatively small and the journey unencumbered by a major throttle point.

- 8.32 One further point, worthy of mention in this context, is the effect that the increased capacity provided by the NTC would have on other River crossings and the use of public transport. If, as is agreed ^(Document TWPTA 4A), with the congestion removed along the A19, the NTC drew traffic from other River crossings, then this should reduce congestion at these locations. Any spare capacity realised could increase the potential of public transport activity at these crossings. Once again, however, there is nothing directly linked to the NTC. As a consequence, I see little to prevent the ‘spare’ capacity realised being utilised by additional cars.
- 8.33 As for the preferred modes of walking and cycling, there would be an appreciable opportunity to improve access from the surrounding area to the existing Cycle/Pedestrian Tunnels under the Tyne. However, there would be no funding linkage between the Pedestrian/Cycle Tunnels and the NTC [4.2]. Without a stated intention to operate the escalators throughout the working day, I do not anticipate a marked increase in use. It seems to me to be a significant negative factor not to maintain the Pedestrian/Cyclist Tunnels from the revenue secured from the proposed NTC. I see this as a perfectly legitimate cross-subsidy that would introduce a level of integration that is currently missing.
- 8.34 I did raise the question of cycle/pedestrian facilities along the A19, particularly at junctions where bus routes might drop or collect passengers in the future. From the response of the HA it seems clear that it would be willing to support such measures if and when appropriate [7.31]. However, once again there are no firm proposals. Similarly, for the Stephenson’s Jobs Link, I was not appraised of any access strategy for positive connectivity between the Link and key employment sites ^(Document TWPTA 18, Request 10).
- 8.35 *To sum up on this point, I agree with the objectors that the NTC would facilitate and promote increased car use for longer journeys and do little, to guarantee more sustainable travel options. As such, the NTC would do little to promote integrated land use and transportation or support more sustainable communities.*

The Alternatives

The gist of the Objectors’ submissions:-

- 8.36 Objector interests advance several alternative schemes and variations on the current proposals. In the first place, a number of objectors argue that any new link across the Tyne between North and South Tyneside should be a Metro. It is claimed that this option had been ruled out, wrongly, on a number of occasions, because of the steepness of the gradient necessary to connect into the existing lines to the north and south of the

River Tyne. It is now accepted that, with the newer Metro ‘cars’, the gradient *per se* would not be a problem.

- 8.37 Other objectors favour the bored tunnel approach as opposed to the cut and cover construction method proposed. Another alternative suggestion is to build a bridge across the Tyne along the approximate line of the proposed NTC. This is seen as having two benefits. First, the visual presence, status and prestige such a structure would bring to the area and, secondly, the fact that a road bridge could have a Metro line slung beneath it at comparatively little extra cost. One objector favours a pedestrian and cycle bridge over the Tyne, as opposed to one for road vehicles.
- 8.38 Several objectors suggest that the existing Tunnel could be managed more effectively, possibly operating with alternating movements throughout the day. This is seen as offering similar accident reduction benefits to the twin tunnel proposal. Also, the tolling regime is seen as very inefficient. One or two objectors consider that the proposed NTC is in the wrong place. Finally, a significant number contend that the Jarrow Interchange, currently proposed for linking the A19 into the Tunnel to the south side of the River, would have too great an effect on local residents. As an alternative the Simonside Junction, further to the south, which was one of the early options, would create less adverse impact.

Inspector’s Response

- 8.39 In the first place, I am in no doubt that if a road based solution to crossing the Tyne is favoured then the location proposed is the only sensible option. Alternative sites for the crossing have been considered in detail and I agree with the findings that none is as, or more, suitable than the current proposal at St Bedes (Documents CD35-CD38). In essence, there is a dual carriageway Trunk Road to both the north and the south of the Tyne at this point. Although it may be argued that the A19 does not function as a strategic route at present [3.3], as a Trunk Road it is one by definition. Thus, to place a second tunnel at any other location may tackle a different problem, but would not address the congestion currently experienced on the A19 directly or the safety regime. These are, of course, the key objectives of the TAMMS study. In all probability, a crossing elsewhere would merely introduce difficulties on the linkages adopted by the ‘diverted’ traffic between the A19 and the site chosen. This happens today in reverse [6.13], with many finding alternative routes to avoid the congestion on the A19.
- 8.40 Moving onto the arguments for a dedicated public transport option, it was suggested this could be either for buses or the Metro. I have little difficulty in accepting TWPTA’s submission that neither would be financially feasible [6.35]. With respect to buses and the low potential for use predicted (Document TWPTA 4A), I accept that the required level of revenue to attract a Concessionaire would not be forthcoming.
- 8.41 For similar reasons, I agree that a Metro link across the Tyne would be no more realistic. This is supported by the findings of the Project Orpheus Study, which concluded that it was not justified as an element in the significant extensions proposed [6.35]. However, this situation may not endure for the whole period of the concession – 30-35 years [4.1] – and it does seem to me that flexibility built into the NTC at this stage could prove invaluable in the future. At present, Metro lines run to the north and south of the Tyne. However, to travel from north to south or vice versa involves a

- considerable detour to the west (Document TWPTA 18, Request 53). Thus, if the NTC were built and used for road traffic at the outset, perhaps even for as long as 20 years, it could, if designed appropriately, then be converted for Metro use. I believe this approach would tie in neatly with Government policy as the type of innovative solution necessary if we are to advance Government's stated transport objectives.
- 8.42 At my instigation the TWPTA did investigate the practicality of such an option (Document TWPTA 18, Request 16) and concluded that the cross section of the NTC would accommodate, just, two way movements for Metro cars, with minimum safety provision and emergency escape. Also, any future Metro link could meet up with the existing line to the north of the Tyne. However, owing to the level and position of the mineral line to the south of the Tyne, it would not be possible, with the current proposal for line and level, for the NTC to marry-up with the existing Metro line to the south. This is sad, as the adjustments in line and/or level necessary seem to be relatively small. However, without confirmation that an engineering solution could be found and there being no mechanism in place to 'buy out' the Concessionaire's interest at some future date, I consider there is too much uncertainty to make a recommendation for further examination of this possibility.
- 8.43 As for the bridge alternative, I agree it would represent a major statement in an area where social deprivation is an accepted part of life. Moreover, it could offer dual operation for road and Metro travel by slinging the Metro lines under the bridge.
- 8.44 On the downside, however, all the indications are that the height of the bridge, necessary to accommodate navigation along the Tyne at this location, would be extraordinary. I saw that the cranes and equipment for oil rigs etc constructed on the Tyne have superstructures far higher than I would expect for a conventional ocean going ship. On the accompanied site visit, I was shown the clearance required by electricity cables suspended between pylons across the Tyne. If this represents anything like the clearance necessary then I envisage a bridge not only making a statement, but being positively overpowering for a significant area either side of the Tyne. As such, I anticipate that constructing a bridge at such a height would prove challenging from an engineering perspective and, once completed, would not be seen in visual context with the surrounding land or, for that matter, the River Tyne itself.
- 8.45 The TWPTA indicate that a bridge might create greater community severance [6.34]. I agree that the perception of severance that would be associated with the long length of embankment, inevitable to reach the necessary high levels, could prove problematical. In addition, the height may well exacerbate the difficulties of marrying in a Metro line slung under the bridge with the existing lines north and south of the River. Having said this, it is, perhaps, the absence of any engineering pedigree and detailed technical and financial support for a bridge that guide me to a firm conclusion. From the limited information available about possible designs and construction methods, I harbour distinct doubts that a bridge offers a realistic option.
- 8.46 Moving to the suggestion that there should be a new pedestrian/cycle bridge, this would be duplicating something that is already there, albeit as a tunnel, and that currently offers almost unlimited spare capacity. On this basis alone, I have not seen this as a fruitful way forward. A visual statement it might be, but it would constitute a costly duplicate, that would be largely redundant from day one!

- 8.47 I agree that the alternative of a bored tunnel would offer some short-term benefits and one or two long-term gains. Initially, it would avoid the necessity of disrupting many firms and residents during the construction process and this would obviously be of advantage. In this context, if the temporary inconvenience and impact to the environment, public amenity and other social effects, that would occur during the period of the proposed construction method, were judged to be in way inordinate then it would give strong direction to a bored tunnel as opposed to the cut and cover method currently proposed. However, as I conclude later [8.159 and 8.197-8.212] this would not be the case.
- 8.48 In the longer term, a bored tunnel would ensure the continued retention of the Gaslight Public House, the statue of Sir Charles Palmer in its present position and, most importantly, fewer houses would need demolishing. I deal with the question of the Gaslight Public House and the Statue later [8.191-8.196]. Acquiring someone's home for an infrastructure project, however, is never desirable. Lives can be affected materially and this has to be balanced against the perceived public interest of such schemes.
- 8.49 In this case, if the conclusion is that the NTC is necessary then the much higher cost of the bored tunnel option must be weighed in the balance. From the figures (Document TWPTA 3A), that are not challenged in any objective sense, the comparative costing would leave the bored option considerably more expensive [6.34]. I see this impacting on the level of toll necessary and the consequent usage of the NTC. For this reason, I conclude that the more expensive option would have an adverse effect on the local and sub-regional economy, not to mention social exclusion. It might also inhibit prospective Concessionaires from coming forward. Accordingly, I consider the balance of advantage to lie with the cheaper option.
- 8.50 Making more efficient use of the existing Tunnel also has attractions. At present, there is queuing at both the portals and the toll booths. With this prevailing, there would seem little opportunity for improved efficiency. However, electronic number plate recognition, similar to that employed recently in Central London, would do away with the need for toll booths and remove the blockage at one end. This is something I raised with the TWPTA, on the basis of the apparent success of the London scheme for cordon/congestion charging. In my view, the toll plazas proposed are only necessary given the relatively primitive form of toll collection currently operated and, so far, envisaged for the future at the Tyne Tunnels (Document TWPTA18, Request 21). In the event that registration number identification and a pre/post paid toll regime could be implemented, I see little necessity for the plazas. This would also have implications for the land-take requirement [9.22].
- 8.51 Moreover, it does seem that the configuration, particularly for the northbound traffic, would be torturous and, in itself, would inhibit travel (Document CD3). This particular aspect was not raised as an objection, but, at the outset, I had some difficulty in understanding the engineering necessity for the NTC to cross the line of the existing Tunnel, other than to provide a level access to the toll plaza. The HA has explained some of the reason (Document 16). Even so, if the toll plazas became redundant this might trigger a review of the proposed alignment to see if improvements would be possible, within the limits of the land that would be acquired.

- 8.52 If successful, this would reduce the amount of land-take necessary and be more sustainable and environmentally friendly in avoiding the need for vehicles to stop and start at the toll-booths and reduce congestion. It might help, also, to overcome the level difficulties associated with marrying into the existing Metro lines north and south of the River. Having said this, I accept that there is insufficient detail available to allow an objective assessment. Thus, as the TWPTA say ^(Document TWPTA 18, Request 21), it would not be right at this time to assume that the London ‘experiment’ would prove successful and/or could be transposed to the Tyne. Reluctantly, therefore, I accept that it would be inappropriate to pursue this further.
- 8.53 Turning next to the alternate working of the existing Tunnel, I do not see this as a realistic proposition. In effect, the down time, i.e. non productive time for movement through the Tunnel would be so great as to reduce the current capacity by a material and unacceptable amount. This would worsen the congestion substantially, without offering any reasonable alternative for those needing to cross the Tyne by private car or even more favoured modes of travel. Most importantly, in my opinion, it would make the situation markedly worse for bus movement through the Tunnel.
- 8.54 Finally, I address the contention of those living in the Epinay Walk area that the current access to the proposed Tunnel arrangement via the Jarrow Interchange on the south side of the River would cause greater harm than the alternative Simonside Junction, further to the south. In the light of the very strongly expressed objection, I have looked at this very carefully, even though the Simonside option does not form part of the proposals contained in the TWA Order.
- 8.55 In my view, the Simonside Junction would offer some relief for those living on the Epinay Walk estate, but it exhibits several disadvantages. First, it would be too close to the next junction south on the A19, thereby providing a substandard weaving section and introducing an increased safety problem. Secondly, and perhaps more importantly, it would make access to Jarrow from the A19 more difficult and torturous. It would also draw through the Jarrow area and close to residential areas and schools, any additional traffic attracted to the A19 corridor from locations on the south bank of the Tyne. Finally, whereas the impact on residents near the Simonside junction might not be so inordinate as for those living in the Epinay Walk area, there would still be a not inconsiderable adverse effect. In combination, these factors militate strongly against the Simonside junction option.
- 8.56 *In summary, I do not consider that any of the alternatives or variations proposed by objectors represent a realistic, viable and/or environmentally preferable scheme to that currently proposed.***

Increases in Traffic and Congestion

The gist of the Objectors’ submissions:-

- 8.57 Many objectors fear large increases in traffic on both the A19 and roads leading to it. They point out that the increased volumes of traffic on the A19, predicted by the TWPTA ^(Document TWPTA 4A), would have to gain access to it along largely unimproved secondary routes, thereby creating or adding to congestion remote from the Tunnel

itself. The transfer of trips from other crossing points would add to this. With the levels of congestion currently experienced at the Tunnel, this invokes a 'natural' capacity restraint mechanism keeping the traffic flows on the local roads leading to and from the A19 at manageable levels.

- 8.58 There are some who consider that the delays experienced at the Tunnel today do not amount to a level of congestion sufficient to warrant addressing. It is submitted that delays are no longer than to someone travelling by bus, who would have to wait to connect with a 30-minute service.
- 8.59 As for the traffic predictions on the A19 and the surrounding highway network, objectors firmly believe that the predictions are on the low side. In saying this, the objectors highlight the transfer from other crossing points; new journeys generated by the increased employment opportunities along the A19 corridor; the current level of suppressed demand; traffic growth inherent in the system; and new journeys that would be made, merely because it would be possible to do so without undue inconvenience.
- 8.60 Moreover, it is well known that, with the provision of new road infrastructure, the level of new or induced traffic is much greater than predicted for the A19. In any event, there is certainly a perceived inconsistency between the vast numbers of new jobs forecast for sites along the A19 employment corridor and the relatively small increases in traffic volumes generated. If these fears are realised, then the NTC would be a much shorter-term panacea, with traffic and congestion levels increasing far faster than the predictions.
- 8.61 Finally, objectors see the low marginal cost of using a private car widening car ownership, rather than promoting journeys by public transport or other favoured modes of travel. The increase in car ownership would be accompanied by more parking on roads and footways, to the disadvantage of pedestrians and cyclists and a loss in the general amenity value of the area.

Inspector's Response

- 8.62 Like the objectors, it is very difficult for me to conclude that traffic levels on the A19 would not increase at a rate similar to, or higher than, other schemes that have been implemented elsewhere. In particular, in this area there exist low levels of car ownership and high levels of unemployment. Both indicate for me the prospect of a higher than average growth in car ownership, a point recognised by the draft RTS (paragraph 2.2) (Document CD25). Coupled with this are the existing, low levels of public transport usage and the predictions that these are unlikely to change significantly (Document TWPTA 4A).
- 8.63 Perhaps more obviously, I am in no doubt that if one significantly reduces or removes the congestion at the existing Tunnel and provides comparatively uncongested movement across the River Tyne then the acceptable travel isochrones for home-to-work and home-to-leisure uses would increase accordingly [8.28]. For this reason, I have no doubt that driving along the A19 corridor would become more attractive. On the other hand, there would be no guaranteed improvement in public transport opportunity to act as a counterbalance.

- 8.64 On the surface, it is easy to see why some have difficulty reconciling the level of new jobs forecast and the traffic growth predicted. However, I think some of the misunderstanding arises from the different definitions adopted by the TWPTA and the objectors for induced traffic, traffic growth and transferred trips. This might apply particularly to induced trips and traffic growth (Document TWPTA18, Request 13). As for transferred trips, my opinion is that the situation is not wholly straightforward. On the one hand, I accept that the prediction for transferred trips given by the TWPTA is accurate, but this assumes there is no change to the cost regime prevailing for other Tyne crossings (Document TWPTA 18, Request 23). On the other hand, if charging at the other crossings were imposed at some stage then the marginal cost of using the NTC would fall and its use, relative to them, would become correspondingly more attractive.
- 8.65 Looking closely at the differences and the methodology employed in the calculations, I believe the actual magnitude of difference is smaller than it appears at first glance. I suspect that the perceived differences are attributable to individual items and not the summation or overall figure for increase. In addition, the number of new jobs that would be created is over a longer period than the traffic predictions (Document TWPTA 13A), a point I am not sure was appreciated by most of the objectors.
- 8.66 In the context of traffic growth on the A19, I cannot find that, when assessing the level of suppressed demand (Document TWPTA18, Requests 13 and 23), the TWPTA made an allowance for any increased attractiveness of the A19 as a strategic route. One paradox I foresee is that the present low level of strategic use of the A19 [3.3] might grow on the back of the reduced congestion along the route, if not generally, at least at times of a notified accident, roadworks or just general delay on the A1(M).
- 8.67 Thus, and for all the reasons advanced by the objectors, I agree that the predictions for the future A19 traffic volumes are the minimum. So much so that, without success in effecting modal shift, I would not be at all surprised if the figure was higher.
- 8.68 As for future levels of congestion on the A19, the NTC would clearly be of immense benefit. Even so, I do not subscribe to the theory that increasing highway capacity in the manner proposed would remove all congestion at the Tunnels. For increased demand, with no corresponding increase in capacity, there is invariably peak spread, extending the periods of congestion at any pinch point. Increasing capacity removes the tendency for peak spread, but there can still be high levels of congestion over a much shorter period – the so-called “peak within the peak”. As traffic grows, even though the overall capacity throughout the day would remain large, there would still be a tendency for the peak within the peak to spread. While this itself may not inhibit use by the private car, even a short period of congestion at a crucial time could make public transport movement through the proposed NTC less reliable. As traffic grows in the manner forecast, bus movements would again be affected adversely. Only dedicated public transport links could deliver ‘certainty’ for the long term.
- 8.69 Irrespective of the implications for the A19, I would expect the effect on the local road network to be an entirely different matter. Here, with two exceptions, the figures assigned to the network based on the TAMMS predictions (Document CD20) show only very small increases in traffic on most routes, with some reductions. Clearly the eventual levels would depend on a number of factors. These include the attractiveness of the NTC, the disincentive to use other road-based Tyne crossings because of charging or

other forms of restraint and/or incentives and initiatives to use other modes to cross from south to north and vice versa.

- 8.70 For the two roads where significant increases are predicted, Tynemouth Road and a short section of Wallsend Road, they serve as main traffic routes already and the predicted levels would not breach their environmental threshold. Undoubtedly there would be some adverse environmental impacts through noise and air quality, but as I conclude later [8.159] the increases would not be significant when measured relatively. Nevertheless, minor improvements to the highway geometry and/or additional traffic management measures may be justified to safeguard local interests.
- 8.71 For those routes where the increases in traffic would be lower, the local highway authority would be able to implement traffic management and/or calming measures to ensure that the levels of traffic and congestion predicted are not breached materially. This could effect the capacity restraint objectors seek and, at least, could be employed to maintain environmental acceptability for residents and businesses close to the linkage routes. It should ensure, also, that increased usage of local routes to access the A19 would not introduce adverse implications for existing and improved bus movement and pedestrian and cycle facilities in the vicinity.
- 8.72 I find interesting the objectors' suggestion that congestion at the existing Tunnel does not amount to a material level in the context of the public transport alternative. If improvements to public transport could reduce or at least maintain existing levels of congestion then there might be an argument for not building the NTC and await the massive public transport investment necessary to effect the scale of modal shift necessary to remove the congestion. However, as concluded [8.21], I can see little in the way of modal shift on the horizon and the traffic will continue to grow and congestion levels increase. I am conscious, also, that without action, increases in traffic are likely to have a worse environmental prognosis.
- 8.73 Regarding the claim that increases in car ownership would adversely affect living conditions and the mobility of pedestrians and cyclists, I accept there is some substance in this, albeit small. It is true that in the past we have tended to narrow the carriageways in residential streets to slow down through traffic and create a better environment. This has meant that parking on the narrower through carriageway can obstruct movement and access by emergency vehicles. To avoid this, car owners will often divine that the sensible approach is to park half-on or even totally on the footway. They view this as freeing up the carriageway, disregarding any thoughts that this might look unattractive and/or impede pedestrians. I accept, therefore, that growth in car ownership could have a minor adverse effect on amenity and pedestrian interests.
- 8.74** *By way of summary on this topic, I agree that there are likely to be increases in traffic on the A19 and on some feeder routes. For the reasons given, I would expect the TWPTA's traffic predictions for the A19 to be the minimum. On other roads, often more sensitive to smaller increases in traffic, the effects are more difficult to predict until the management regime of other crossings etc is known. If charging or another forms of restraint were introduced on them, then the transfer to the A19 could be greater. Clearly, with the NTC, the present levels of congestion on the A19 should largely be eliminated for the short to medium term. That likely to be experienced on*

feeder roads would have to be kept under review, to ensure that there was an acceptable balance between traffic 'need' and local interests and expectation.

The Tolling Regime and other Financial Matters

The gist of the Objectors' submissions:-

- 8.75 One line of objection is that the Government should assume responsibility for the debt charges for the existing Tunnel and finance construction of the NTC. Although discussions have taken place over a considerable period with a view to persuading Government, no agreement or acceptance has been reached. Even so, it is contended that having long lengths of Trunk Road either side of the River Tyne managed by the Highways Agency, with a short section under the River within the control of a third party, is wholly illogical.
- 8.76 Several believe that handing the responsibility for financial management of the Tunnels to a Concessionaire for 30-35 years, who would be motivated by profit, runs contrary to the public interest. Moreover, it would be in the Concessionaire's and shareholders' best interest to maximise the rate of return. This could be by charging the highest level of toll commensurate with diminishing returns or, conversely, fixing the tolls at a level to attract a greater number of vehicles. It would not necessarily be in the Concessionaire's best interest to operate the Tunnels in accord with the most sustainable travel/transport principles.
- 8.77 A high toll would militate against those most socially disadvantaged and the unemployed from gaining access to jobs on sites that involve crossing the Tyne. Any toll would, in effect, impose a local tax on those living to the east of Newcastle/Gateshead, which, with no proposals currently on the cards, is not evident for those living on the west and using the A1 corridor.
- 8.78 Another group of objectors argues that the tolls that would be charged would be much higher than the current level and, therefore, inhibit some employers from investing along the A19 corridor. Conversely, one or two consider that the toll level should be much higher, thereby discouraging people from travelling long distances to work and for leisure trips as a method of consolidating sustainable communities, and supporting local employment and leisure needs.
- 8.79 Next, there are those objectors who consider that the cost estimates for constructing the NTC are very low and that, when the final cost is realised, the toll charges would have to be correspondingly higher to bridge the gap. Disadvantages would follow, in terms of employment and travel.
- 8.80 Finally, as a general consensus, the objectors consider that the money that would be made available for the NTC should be devoted to public transport. This money should facilitate the introduction of further measures or other crossings of the Tyne to ensure that the locations nearer the Estuary are not unduly penalised, relative to the Newcastle/Gateshead axis further to the west. Failing this, income from the NTC should be available to fund and support public transport initiatives, though one objector argues

that income from the NTC should not be used to subsidise the Pedestrian/Cycle Tunnels.

Inspector's Response

- 8.81 First of all, there is no suggestion that a Concessionaire would not be found, or that the management flexibility on offer would prove an inhibiting factor [6.43-6.44]. In fact, it is quite the reverse. Most objectors see this as a profit-making venture, contrary to the public interest.
- 8.82 In so far as who should be responsible for financing the NTC, I can understand those who feel that it should be a national or local Government sponsored scheme. A long length of adopted Trunk Road either side of the Tyne, separated by a short stretch of 'privately' controlled road, is not an easy concept to grasp. Moreover, as is pointed out by the Highways Agency, the A19 is a free-standing Trunk Road and the scheme for the upgrade to dual carriageway under the Tyne is a high priority in traffic terms. From my perspective, however, the facts [3.31] are that the NTC would address a largely local problem and, as such, I find it equally reasonable that local people should make the major contribution.
- 8.83 In this context, I acknowledge that some, including the TWPTA [6.2], see the levying of tolls as a mechanism to effect road or congestion charging and, thereby, to manage road-space in accordance with Government policy. However, as I understand Government's intention in this regard, road or congestion charging is meant to spread traffic loading using the existing infrastructure. This is not the case here. Essentially, I see the NTC project as a mechanism to fund expensive, new road infrastructure by charging the user for 'early' delivery of the improved level of service.
- 8.84 I do recognise, however, one pragmatic reason for the Government to resist funding the NTC. This is the precedent it would create. I know of many similar scenarios that pertain around the country and the cost involved in buying out all these debts would be prohibitive.
- 8.85 On another topic, I cannot fully counter the objectors' perception that tolling only takes place to the east of Newcastle/ Gateshead and not to the west or on other routes across the Tyne. Having said this, the NTC would not be instrumental in introducing such a regime. It is a regime, inequitable or not, that is already in place and, here, we are only considering the level of toll needed to reflect the improved route along the A19.
- 8.86 Turning to look at the capital cost of the NTC and the toll charge that would need to be levied to serve the debt charge that would follow, I have examined carefully the estimated cost (Document TWPTA 2A). While no one can be absolutely certain that unforeseen engineering or contractual difficulties would not occur, I am satisfied that the estimate is robust in reflecting any foreseeable and reasonable circumstances, and includes an element for risk or contingency.
- 8.87 Any future toll charging structure would be controlled by way of an Agreement that would be incumbent on the Concessionaire (Document 19). This has been amended since the original Order was advertised. The revised version (Document TWPTA18, Request 1) allows a transitional, phased increase in tolls for use of the existing Tunnel, between now and

the opening of the NTC and then controls over the price rises that would follow the opening. This would permit, by advertisement only, rises in the tolls before and after opening the NTC in line with inflation. For any rises above inflation then it would be necessary to advertise the proposed rates and hear objections at a public inquiry.

- 8.88 In my view, this imposes an acceptable level of control on the Concessionaire's charging strategy. It should certainly prevent, as some fear, toll charges spiralling out of control. Even so, with the charge for a car to use the Tunnel today standing at £1, the equivalent replacement charge with the NTC open would be £1.70 at today's prices (£1.55 at 1999 prices) [6.40]. This, added to inflation for the intervening period, itself constitutes a substantial rise to be achieved during the transitional period.
- 8.89 Finally, I agree with the objectors that there could be cross funding between toll revenue NTC and public transport initiatives. I see this as being perfectly acceptable within Government's transport framework. However, in the case of the NTC, I see no reason for this to be a direct subsidy one to the other. In the development plans and the LTP, public transport expenditure is forecast to be high [6.51]. If Government and/or the local authorities had to pay the capital cost of the NTC, merely so that they could dedicate the toll revenue to public transport initiatives, then the money available for public transport expenditure would be spread over a much longer period. In theory, by not having to fund the NTC as a capital project, the money should be available for public transport initiatives much earlier. For this reason, I see the concerns of the objectors in this regard to be unfounded.
- 8.90 *Drawing together the main conclusions on this topic, I am confident that a suitable Concessionaire would be attracted by the opportunity. While I appreciate the objectors' arguments why the costs should be assumed by central Government, I recognise the problems this could initiate elsewhere. Overall, however, so long as there is no change to the cost of crossing the Tyne elsewhere, I can foresee perpetuation of the perception that the east of the sub-region is and would continue to be disadvantaged, when compared to the west. On other matters, I find the cost estimates robust and the mechanism for setting future toll charges sensible.*

Promotion of the A19 Corridor

The gist of the Objectors' submissions:-

- 8.91 Objectors consider that the NTC would promote the A19 corridor. This would be undesirable, leading to the dilution of existing centres, a move away from sustainable communities and an inevitable loss of more greenfield sites along the A19, both north and south of the River Tyne. Implicit in this argument is that sites allocated for employment uses within the development plans were predicated on the upgrading of the A19 corridor by way of a NTC and the planned improvements to junctions on the A19, heralded by the HA. Moreover, the large greenfield site along the A19 corridor to the south of the River would constitute a major consolidation of the linear corridor. It is feared, also, that pressure would mount for the release of some sites for retail purposes.

Inspector's Response

- 8.92 I see the A19 as a significant employment corridor and am in no doubt that the economic generation and regeneration along it would follow any upgrade to the road. The TWPTA and supporters of the NTC [6.76 and 7.24] rely on the fact that just these circumstances followed upgrading the A1 to the west of Newcastle and Gateshead. They submit that similar investment would follow upgrading the A19 and up to 50,000 new jobs (Document TWPTA 13A) could be created along the corridor. What is clear is that many of the sites alongside the A19 are claimed to be brownfield sites or comprise previously used land [6.73]. Development of these would, of course, meet a main Government objective. Some proposed for release, however, are greenfield sites and I agree that, in today's climate, it is far less likely that these would have been allocated for use at all, had it not been for the A19 itself and, in particular, the proposed upgrading of the corridor.
- 8.93 One area of particular concern raised by objectors is the proposed release of a very large greenfield site on the A19 to the south of the River Tyne as a Strategic Employment Site. As I understand the position, no specific site has been allocated, but one is identified in the Regional Planning Guidance for release (Document CD19). So far as I can ascertain, there is no firm intention to develop this site as a TDA and, being alongside the A19, I would be surprised if it were not served primarily by road. I reach this conclusion despite the stated, and no doubt sincere, 'requirement' for multi modal access to the site. Whichever way, it is difficult not to see this as a further consolidation of the A19 employment corridor.
- 8.94 There is some suggestion by objectors that retailing might be allowed on some of the allocated employment sites or on other sites along the A19 corridor. I have not afforded this argument great weight on the basis of the Government's strong policy set out in PPG6 and subsequent statements designed to control out of town retail uses. In this context, I would expect that any perceived defects in the present local policy structure could be overcome by falling back on the strong Government response.
- 8.95 *In summary, I agree with the objectors that improvements to the A19 corridor would lead to a consolidation of employment uses away from centres and I would expect there to be pressure for the release of further land that could be accessed by it. For many years the spare capacity offered by the A19 could be argued in support. The release of the large greenfield site north of Sunderland lends truth to the view that reinforcing the A19 corridor further would be contrary to one of the main aims and objectives of Government policy. In my judgement, a linear or corridor development of this sort can only deflect from the creation of sustainable communities and is likely to perform badly in transport and other sustainability terms against more central locations. The benefit would be that sites along the corridor would become more attractive for investment, and particularly the creation of new jobs.*

Employment and Economic Issues

The gist of the Objectors' submissions:-

- 8.96 Objectors are unimpressed by the projected employment statistics advanced by the TWPTA in support of the NTC. In particular, they consider that the number of new jobs predicted is exaggerated, having regard to the recent losses of employment, following the transfer of some call-centre jobs abroad. They do not agree that new jobs would automatically follow improvements in infrastructure. In any event, they do not believe that new jobs would benefit local people. In fact, the increased cost of travelling through the Tunnels could exacerbate social and employment exclusion for the poorest families and this in turn could threaten more central businesses. If one concentrated new and revitalised employment sites within and close to existing communities, then the corridor effect would be lessened, as would the need to upgrade the A19.
- 8.97 Jobs created by the NTC project itself would be short term and, with the current lack of skills available in the area, employment is likely to be drawn from elsewhere, even abroad. Finally, it is contended that success in consolidating employment along the A19 corridor may well prejudice more local and traditional river-related employment.

Inspector's Response

- 8.98 First and foremost, I agree with the evidence submitted by the TWPTA that improved access along the A19 corridor is likely to have a beneficial effect on maintaining existing employment levels as well as creating new jobs [6.22]. Clearly one can rarely, if ever, say that improvements in access would automatically create new jobs. However, in this case, I am convinced that improvements to the A19 corridor would do this for a number of reasons.
- 8.99 First, with the extended travel isochrones, the resource/skills base for employment expertise would widen dramatically to correspond. This would increase, of course, both the numbers available to travel as well as the skills base. It would, also, open up wider markets and services. As those supporting the scheme indicate unanimously, the current level of congestion on the A19 is seen as a deterrent to expansion and to new inward investment [6.13, 7.3, 7.6 and 7.11]. In areas such as east Tyneside, any advantage that can be offered a prospective developer could be the difference between success and failure in attracting new industry [7.24]. Improvement to the A19 corridor is seen as a catalyst in this regard.
- 8.100 In addition to the creation of new long-term jobs, I am not so pessimistic about the short-term employment prospects that might be generated by the construction project itself. I accept that, currently, skill levels in the area are low and that some key workers would have to be drawn from wider horizons. However, if the correct courses are established for training and retraining, then there is an opportunity for local labour to secure employment [6.74]. If taken up, this would improve and expand the local skills base, which should prove useful for the wider regeneration of the area in the future.
- 8.101 Turning to address specifically the objectors' points, I can understand the concern that, with most of the new jobs along the A19 corridor and more on the north side of the

River, most living local to the River Tyne, and particularly those residing south of the River, would not benefit. The cost of buying and running a car and the possible toll charges are likely to be substantial to the poorer members of society. If potential employees do not own a car then direct access to jobs by public transport is not guaranteed [8.29]. There is no convenient Metro link across the Tyne and north or south along the A19 corridor. One of the main arguments why there would only be a small modal shift to bus, even with the NTC, is the fact that it is so difficult to cater for such widely distributed trip ends [6.15]. As I see it, the poor level of existing services reflects this position (Document TWPTA 4A).

- 8.102 As for the number of jobs that might be created, the toll charge on the A19 is still likely to operate as a disincentive compared with the attractions of the A1 corridor, where no tolls are levied [3.5]. Thus, I do not think one can compare the two directly. However, whether it would be 25,000 or 50,000 new jobs (Document TWPTA 13A), this would have a marked impact on the economic regeneration in the area. With this, at least a percentage of local people should secure employment and add to the disposable income available to be spent in the local area, with the knock-on benefits.
- 8.103 Incidentally, I have not afforded weight to the fears expressed by some that jobs at ‘call centres’ will be lost as operations are moved overseas. To some extent this may be so, but, my experience is that today the jobs market is much less of a static entity than it has been in the past. It is clear that the sub-region has overcome, in large measure, one major shift in job skills. I have little doubt, therefore, that the skills attained in one area will be available for other industries, should the present ones be phased out. I would expect, also, that the new skills gained through the NTC construction would carry this forward. Accordingly, I have not found this line of argument crucial.
- 8.104 I find it difficult to comment on the effect of an economic ‘boom’ along the A19 corridor on traditional industry. If the skills requirement for jobs along the A19 corridor differs from traditional and river-related industries, then the older skills are likely to disappear in time and this could accelerate the demise of such industries. From the evidence of the objectors and the vacant sites and land I saw near the River, this has been a trait for many years. Suffice it to say, I can certainly not see consolidation along the A19 corridor creating and supporting the types of industry that have been closely related to the Tyne in times past. They are more likely to be employment opportunities consistent with the facilities and ‘benefits’ offered by a road corridor as opposed to a river frontage.
- 8.105 *In brief, I agree with the TWPTA that improvements to the A19 corridor would result in consolidation of employment opportunities and create a substantial increase in employment opportunity. In my view, this would inevitably have benefits for the sub-regional economy and some spin-off benefits for the more local centres. Having said this, I agree that such locations are less sustainable and unlikely to further the reality of sustainable communities. Lastly, even without the NTC, the vacant, expectant employment allocations near to the River do not seem to compete well with the more remote sites along the A19 corridor.*

The Environmental Statement

The gist of the Objectors' submissions:-

- 8.106 A number of objectors have raised points about the adequacy of the Environmental Statement (ES) ^(Documents CD4-CD7). Brief details of the relevant objections are contained in **Documents TWPTA 18, Request 50 and TWPTA 26** along with the specific responses from the TWPTA. Many of the key points were raised by the Environment Agency (EA), DEFRA and Northumbrian Water, all of who have now withdrawn their objections ^(Document 14).
- 8.107 As for other parties raising concerns in this regard, these pertain mainly to the employment of a Concessionaire and the permitted flexibility within the reference design. This could lead to vastly different construction methods from those currently envisaged, which in turn could materially affect the content of the ES and the necessary or achievable mitigation. In particular, concern is expressed about the possible disposal of dredged material and sediment at sea. Others are worried about the disposal of excavated material and the potential for pollution releases during remediation and the effects of transporting material from and to the construction site.
- 8.108 Friends of the Earth (FOE) ^(Objector No. 600) contend that the baseline data for the River Tyne and estuarial waters have not been established with sufficient degree of detail and accuracy. It is claimed that insufficient account has been made of the effect on ecological sites in the area and the need for groundwater protection. As a consequence, an adjournment was sought ^(Document 15).
- 8.109 Finally, some consider that the economic effects including the funding of the site and the effects on health and particularly the conclusions included in the Health Impact Assessment Report ^(Document CD53) undertaken by Northumbria University have not been afforded sufficient weight.

Inspector's Response

- 8.110 I deal first with those aspects of the ES where I am content that specific matters have been covered satisfactorily. In responding to these lines of objection, I am mindful that the objective of the ES is to identify features of the environment that might be materially or significantly affected by the proposal [6.83]. It is worth noting that this should include both beneficial as well as adverse impacts. Bearing this in mind, I acknowledge that, apart from the Tyne fisheries, which I address later [8.186], the ecological implications of the proposal have been considered in sufficient detail. In effect, the proposals and the mitigation measures employed have resulted in no sustained objection from any interest. On this basis, I consider that the TWPTA have met their obligation in this regard.
- 8.111 For very similar reasons, I reach the same conclusion about groundwater protection [6.136-6.137].
- 8.112 Next, I am satisfied that the baseline information for water quality, suspended solids etc for the River Tyne and estuarial waters has been established in sufficient detail. Once again, I am mindful that the authors of the ES have no obligation to search for

information or investigate concerns that have not been highlighted by responsible regulatory authorities or are not raised objectively in the local or sub regional context [6.82-6.99]. In saying this, I refer specifically to matters such as identification of levels of heavy metals [6.111-6.113], chemical pollution [6.110, 6.114 and 6.116] and the pollution contained in the silt and subsurface to be dredged [6.117-6.120]. Extensive technical rebuttals and counter-rebuttals have been prepared on this topic, including some final submissions dated 29 May 2003 ^(Document 15), but a few simple facts allay my fears.

- 8.113 In the first place, the majority of the River Tyne channel is self-cleansing [6.101]. In such locations, I am satisfied that the potential for any build-up of unacceptable pollutants is minimal. This leaves the narrow strip near each bank and, perhaps most importantly, the Howdon Basin. As I understand it, these areas have been dredged frequently in the past, and both upstream and downstream water quality, contamination levels etc have been tested for on a regular basis [6.101-6.104]. I note, also, that the waters are tidal [6.101], with the tendency for greater and more rapid dispersion. With this regime in place for many years, there is no suggestion from the regulatory authorities that a problem exists or would exist during the construction. I agree that more extensive testing could have been carried out, as suggested by FOE, but in my view this falls outside the remit that the TWPTA might reasonably be expected to investigate.
- 8.114 In this context, I have relied on the Environment Agency and other responsible bodies to identify the discrete areas of interest for assessment. So far as the additional items raised by FOE and others are concerned, I am satisfied with the withdrawal of their objections that the responsible authorities see no need for investigation and are happy that the environmental impact is unlikely to be significant. For this reason, I am content that the evidence submitted by FOE does not cast material doubt on the adequacy of the ES in this regard and did not, therefore, acquiesce to FOE's request for an adjournment.
- 8.115 Moving on to sea disposal, this does not form any part of the current proposals. It has merely been identified as a possible option [6.138-6.140]. Accordingly, I have no hesitation in concluding that the TWPTA have been perfectly correct in concentrating on the environmental impacts of the land disposal method – the worst case scenario. If, at some time in the future, it were proposed to change to some measure of sea disposal, it would be necessary for the Concessionaire or contractor to secure a permit for disposal at sea. This would not be granted by DEFRA unless it were satisfied that the environmental effects would not be material [6.138].
- 8.116 Next, I consider the need for and provision of a Health Impact Assessment as part of the ES. As the TWPTA correctly advise, there is no specific requirement to produce a Health Impact Assessment as part of an ES [6.130]. Some of the causes of potential impact may, themselves, be material factors for the ES to address. Notwithstanding, I accept that its omission *per se* cannot be seen as a deficiency in the ES. I comment later on the relevant content and conclusions of the Health Impact Assessment ^(Document CD53) carried out by Northumbria University [8.141-8.143].
- 8.117 This leaves the environmental consequences of the reference design and the likelihood of material change when taken forward by the appointed Concessionaire. As a matter of principle, I agree with the TWPTA that the actual deposition of material excavated during the construction of the NTC and exported from site for subsequent deposition at existing licensed landfill sites, or landfill sites that would become licensed in the future,

is not a matter that need be taken into account in the ES [6.136-6.137]. Before a grant of planning permission or a licence for landfill operations, it would be necessary for an EIA or similar environmental examination to have taken place. Accordingly, at this stage I see no need to revisit licence approvals for particular waste streams to be tipped at a particular site.

- 8.118 Thus, my main concerns are the processes involved in excavating material from land and dredging from the riverbed, how this would be processed on the site, the programme for deposition and the export of any unwanted material and the import of any material necessary to makeup a shortfall. The reference design does not anticipate the need to import any material (Documents CD2 and CD3). On the basis of the current BH and other information in the ES (Document CD4-CD7), and especially the large quantity of the excavated material that would have to prove unusable, I see no reason to disagree.
- 8.119 One of the main worries would be the haul routes along which unwanted material would be conveyed from the construction site to any licensed landfill site. At this juncture, I agree with the TWPTA that it is not possible, or sensible, to define any specific routes along which HGV and other traffic would have to follow [6.137]. The routes that would be used would be dependent on the location of those licensed sites with available capacity for the particular waste stream and a willingness to accept the tipped material at the time the project proceeds. Having said this, I am confident that adequate control of routeing, frequency and vehicles to be used could be effected through the obligations placed on the Concessionaire/contractor by the Code of Construction Practice (COCP) (Document TWPTA25) in preparing the Waste Management Plans (Document TWPTA18, Request 40).
- 8.120 As for the noise and dust levels likely to be encountered during the construction process [6.123-6.130], once again the COCP and conditions should allow sufficient control. It would be up to the local planning authorities and pollution control regulators to ensure that acceptable levels were maintained throughout. I discuss the effect of these matters on the local population in more detail later [8.130-8.150]. There is a draft condition suggested to cover the storage of the dredged arisings (Document TWPTA 34).
- 8.121 I am left, therefore, with the most vexed point. This pertains to the excavation, remediation and disposal/deposition of materials. At the time of lodging their objection, the EA (Document 7) raised a number of concerns about the lack of detail. The TWPTA in the presentation of its reference design and COCP have not sought to pin down the Concessionaire to any particular method of excavation, remediation etc. I can appreciate fully why, but the absence of detail does leave some key questions unanswered.
- 8.122 Some investigation in terms of BHs and testing has been carried out along the line of the proposed NTC [6.102]. This gives guidance as to the broad levels of contamination likely to be encountered. It does not, however, account for hotspots or local concentrations of pollutants that might be difficult to handle in relatively close proximity to sensitive properties.
- 8.123 For my part, I would have welcomed the opportunity to ask the EA about the licensing/permit regime it would intend to employ on this construction site for the reference design. I did request the Agency's attendance as a 'friend to the inquiry'

(Document 17), but it declined my invitation. As a consequence, and without being able to firm up on its likely approach, I find myself uncertain about what controls would be in place and whether the remediation of excavated material would require active intervention or merely visual sorting.

- 8.124 As I understand it, if the excavation and remediation were to be treated as a contaminated land operation, then, most likely, the EA would license/permit the site itself. In fact, the NTC site crosses a closed landfill site (Document TWPTA 18, Request 40) and the amount of material that would be excavated would, at a glance, appear to exceed the level that would trigger the need for a licence/permit (Documents TWPTA 2A and TWPTA 8A). However, I am aware from personal experience that the protocol followed by the EA has differed from region to region. Under the circumstances that a licence/permit application would be required, I am satisfied that the level of control over the operation and the achievement of acceptable levels of remediation and stabilisation could be guaranteed. Put simply, the EA would assume ‘ownership’ of the site, and would not accept surrender of the licence/permit until it was satisfied that the remediation had proved successful.
- 8.125 If, on the other hand, the site were not required to be licensed/permitted, then it may be that the plant used on site would require a permit. In this case, I understand that the permit would cease, along with the obligations implicit in it, upon the removal of the plant from the site. In other words, the permit would only relate to the plant and not to the excavation/remediation operation. If this were to be the approach followed, this would leave far less secure safeguards and a greater risk of external pollution from the contamination, both during and after the process [8.175-8.182]. Accordingly, I would look for a more robust condition to be attached to the deemed planning permission to protect the public interest.
- 8.126 *In summary, I consider that in broad terms the ES is sufficiently comprehensive and adequate in the establishment of baseline conditions and for the vast majority of impacts and, where appropriate, in identifying effective remediation.*
- 8.127 *My one concern is the area pertaining to the excavation, remediation and deposition of material. While recognising the flexibility ‘required’ by the TWPTA to pass on to the eventual Concessionaire, I recommend strongly that the SoS consults further with the EA to ensure first, that its concerns lodged when the Order was advertised were unfounded. Secondly, having regard to the licensing/permit protocol likely to be invoked, that the information contained in the ES is adequate to guarantee that the construction operation could be carried out without material effect on environmental interests and risk to the public. In the event that the EA proposes to adopt a ‘passive’ role, then additional conditions would seem apposite and the EA would no doubt advise on an appropriate form of wording to suit these particular circumstances.*

The Effect on Residents

The gist of the Objectors' submissions:-

- 8.128 Residents either individually or in groups raise a large number of concerns about the conditions that would prevail during the period of construction and that would follow opening of the NTC. In particular, the effects of noise/vibration, air quality, and health are raised by a large majority. Specific to properties, there are worries about the potential for subsidence, outlook and, perhaps of greatest consternation, the effect there has been on property and rental values.
- 8.129 During construction, there are fears that locals would be placed at risk, that the safe and efficient operation of schools would be prejudiced and mobility for the disabled threatened. Residents' groups see the lack of consultation and support from their local Councillors as an ongoing problem. Finally, there is anticipation that the construction site would split the community further and increase social exclusion among an already disadvantaged population.

Inspector's Response

- 8.130 I first address one factor where I am entirely content with the provisions and safeguards built into the scheme and that could be effected by way of conditions, the COCP and statutes. This is in regard to the physical impact of the construction process on the properties that would remain. To safeguard these, I am satisfied that pre-construction surveys would be undertaken and any problems identified and remediated during or after the construction programme (Document TWPTA 25). Essentially, any problems should be visible and measurable/quantifiable and protocols are available to ensure the appropriate response.
- 8.131 Moving on to more contentious topics, there is no doubt that, during construction, noise levels would rise (Document TWPTA 6A and 21) and the potential for dust events would increase (Document TWPTA 7A). I agree also that these would be accompanied by a reduction in air quality. Looking first at noise, the provisions in the COCP (Document TWPTA 25) require all reasonable precautions to be taken to avoid noise increase. From experience, I consider that the raft of measures envisaged is comprehensive. While not wishing to lessen my appreciation of the impact on any particular individual or property at any particular time, I am mindful that the construction works would be a transitory event. Over and above the 'normal precautions', there would be the potential for additional soundproofing to be fitted to vulnerable properties and, in extreme circumstances, the offer of alternative accommodation for the duration of any unacceptable impact.
- 8.132 A scheme for noise monitoring and attenuation would have to be produced through the COCP (Document TWPTA 25) and it would have to be monitored by the appropriate authorities. With this regime in place, I see no reason why reasonable levels of exposure cannot be maintained for people living nearby.
- 8.133 Once the NTC was complete, heightened noise due to increased traffic using the NTC would be monitored and soundproofing regulations invoked where appropriate. Within the ES, the predictions show that no dwelling would suffer an increase in noise level of more than 3dBA (Documents TWPTA 6A and 21). A 3dBA increase is often equated to the

minimum change in noise levels detectable by the human ear. As a rule of thumb, an increase in noise levels of 3dBA would only occur with a doubling of the traffic volume. Not even along the A19 corridor itself would this occur. However, it is fair to say that the increase of 3dBA_{L10} over an 18-hour day is somewhat different from the increase of 3dBA for a particular noise event over a short period. The former would involve a degree of averaging the noise peaks. By way of illustration, if any were needed, the noise insulation regulations are invoked with an increase of only 1 dBA over the longer period.

- 8.134 In my assessment of the TWPTA's evidence on noise, I recognise that a level of 'noise creep' will have occurred over recent years. This can be described simply as an upward movement in noise levels occasioned by incremental loading from a number of sources, each unlikely to be imperceptible to the human ear. In this area alongside the A19, the gradual increase might be from increased traffic and congestion. In the town and residential areas similar factors and new development such as the Morrison's store in Jarrow is likely to have delivered steady increases in noise. This is important because, whereas the difference between the noise levels before and after opening of the NTC would remain the same, the actual noise level would be higher. Thus, although the noise difference immediately before and after opening of the NTC may correctly be predicted to be less than 3dBA, the difference between today and when the NTC opens may be considerably greater and the final figure higher. My conclusion on noise is tempered, therefore, by the public 'acceptance' of noise creep and the recognition that to maintain the target noise levels during construction may involve extra commitment.
- 8.135 A reduction in congestion would reduce the need to stop and start and the continuing improvements in the design of road vehicles would offset the rise in noise levels caused by greater traffic volumes. To help further, I have considered the option of requiring the resurfacing of the approaches to the existing A19 Tunnel with a low noise surface. In my view, although the initial response is not supportive ^(Document TWPTA 21), the possibility of resurfacing before construction commences and maintaining a low noise surface after completion, especially on the approach to the Tunnel from the south, should be investigated further. Having regard to the disposition of nearby homes, I am less certain of the need in the toll plaza area to the north. These assessments should form part of the noise scheme when prepared and submitted [9.36].
- 8.136 As for the local and feeder road network, the predictions show that no 3dBA increase would occur in such locations either. However, I do recognise the residents' concern about a perceived underestimate of traffic flows on the local road network [8.69-8.71]. Accordingly, I would expect that increases in traffic over and above the predictions would be a sensible trigger for action by the local highway authority in terms of traffic management and traffic calming measures. I have no doubt that, should such increases occur, those directly affected would bring them to its attention.
- 8.137 As for dust/air quality, once again there is a raft of interventions ^(Document TWPTA 25) that could be employed by the Concessionaire/contractor at the appropriate time. This includes physically closing down the site operation if conditions became too severe. Unfortunately, there is no easy way of predicting a one-off dust event and, by the time it has been noticed, it is more often than not too late to take effective action. This is one of the reasons why it has been so difficult to define acceptable limits for dust deposition associated with open cast mining and mineral extraction sites. To work on the basis of

forecast wind direction and strength is too crude and, I think, would lead to the unnecessary curtailment of work on many occasions. Weather forecasting in the UK is not that sophisticated!

- 8.138 What I am convinced of is that, if all the measures within the scheme required by the COCP are employed expeditiously, then little adverse effect should be perceived. Certainly, the risk of a major dust event should be minimised. I note, incidentally, that no firm has identified specific operations susceptible to dust contamination and maintained an objection in this regard ^(Document 7). Perhaps of some comfort, the incidence of PM₁₀ particles is predicted to fall well below identified levels of concern ^(Document TWPTA 7A).
- 8.139 The problems of dust impact far more aggressively on the old, young, infirm and those living with day to day social deprivation. On this basis, it is not possible to state categorically that no-one's health would be affected adversely. For a scheme of this magnitude, however, all reasonable precautions would be taken and this should result in a generally acceptable level. Should there be a medical reason supported by a doctor/consultant, then I understand that temporary relocation could be arranged within the terms of the COCP. In case this is not so, I have suggested the addition of an appropriate condition to cover this eventuality. Clearly the disruption would not be ideal, but it would offer an alternative to living with a severely worsening health prognosis [9.70].
- 8.140 Similarly with other forms of pollution, the thresholds of concern would not be breached for any particular contaminant. Increases there may be in some, but in the context of the particular threshold values, these should be relatively small ^(Document TWPTA 7A).
- 8.141 The Health Impact Assessment ^(Document CD53) conducted by Northumbria University and circulated on the opening day of the Inquiry raises some interesting issues. It is noticeable that the public perception is of a significant level of concern at its content. The TWPTA, on the other hand, dismiss its conclusions in a few brief lines [6.130]. In this case, I am more inclined to the TWPTA's view.
- 8.142 As I have indicated, no one can guarantee that everyone's health would remain unaffected by the construction programme or operational aftermath. However, epidemiological assessment is not the same as establishing a direct cause and effect linkage. Nor is it reasonable to link a particular illness or ailment with the consequences of the construction programme, without taking into account the magnitude of change in the conditions that would occur. Put another way, the assessment identifies possible links between potential construction and operational effects and a particular illness/ailment. However, it does not attempt to identify the likely degree of risk. Without objective assessment of this nature, it would be wrong of me to afford the document significant weight. What I think the TWPTA is correct to do is to address and minimise the likely effects of the construction works in areas where objectors express concerns.
- 8.143 I am aware that public fear can be a material consideration, when considering planning proposals. Even so, without confirmation from doctors with patients in the area, collectively, or from the local health authority on the potential risks in the area, I have

not found this crucial in this case. I am mindful, also, that the EA has responsibilities in relation to pollution and health and that in the unlikely event a statutory nuisance occurred, other legislation could be invoked.

- 8.144 Looking next at the potential for vibration, this could be triggered by passing vehicles, excavation machinery, piling operations or possibly rock blasting. I am in no doubt that in all cases the perception inside a building is far greater than the reality of any physical effect on the structure itself. This is due mainly to the more noticeable appreciation of air over-pressure, rather than physical earth movement. In fact, it is well known that any blasting is likely to attract a certain level of objection, irrespective of the peak particle velocity through the ground and/or air over pressure measurements recorded.
- 8.145 In terms of monitoring the effect on buildings and their potential for subsidence, cracking or collapse, as indicated above [8.130], pre-operation surveys would be undertaken on those considered most vulnerable. The implications and effects of the construction process including vibration could then be established in an objective sense. Thus, in the unlikely event that something untoward did occur, the Concessionaire or responsible contractors could effect the necessary response and action.
- 8.146 Moving on to disruption to access and safety considerations during construction, there has been detailed examination of the temporary and alternative routes that would be available during and after the construction project (Document TWPTA18, Requests 6 and 54). Routes would remain available across the line of construction at all times, with no more than moderate deviation from the preferred desire lines. With this in place, I accept there would be some minor, temporary inconvenience, but I am satisfied that no one would be made unsafe or inconvenienced untenably. The COCP would allow special facilities to be made for access by disabled persons. It is accepted that signing diversion routes would be important [6.52] and the TWPTA have recognised this and have undertaken to initiate a scheme, through the COCP, that could be overseen by the Liaison Committee.
- 8.147 The outlook for some would change during the construction phases, not least with the introduction of temporary noise and dust attenuation features. However, with one exception, the ultimate outlook should not change for the worse and in many cases, such as for most residents in the St Paul's area, should be considerably better. The one exception to this would be those living on Epinay Walk, where the outlook would be appreciably foreshortened and the final outcome constitute a significant negative factor in the overall balance. I look at this aspect in more detail later [8.162-8.163].
- 8.148 The residents in the St Paul's area are also apprehensive about the ventilation shaft for the NTC that would be located relatively near to their premises. I accept that it would be of appreciable height and from limited vantage points it would be visible. Having said this, the height is necessary to ensure the safe dispersal of any air ventilated from the tunnel and the location chosen is the best available, commensurate with the need to locate it towards the southerly end of the southbound tunnel. I cannot see any better location and once again the small degree of perceived harm is a negative factor in the equation. The detailed design and aesthetic presentation would be important. The extension to the roundabout adjacent to the St Paul's area would place the carriageway slightly nearer buildings, but the view should be obscured largely by the present and

future boundary treatment and the increase in noise levels predicted would be marginal. On this basis, I have not found these concerns compelling.

- 8.149 Next I look at the effect on the schools, and include under this heading pupils and staff travelling to and from schools and the likely noise and disturbance to teaching and during examinations etc. So far as access is concerned, I am confident that this could be maintained with little problem throughout the construction period. In some ways, the reduction of route options should permit a greater concentration of resources to oversee those remaining. Afterwards, traffic might increase on some roads, but should decrease on others. Importantly, there would be the potential to create much more focussed and protected pedestrian and cycle routes along and across the NTC line. On balance, I can foresee some minor inconvenience, but no material risk to safety or major long-term implications.
- 8.150 As for the operation of schools, these are noise sensitive locations and construction traffic, excavation and earth moving operations could all generate significant levels of noise for short periods. In any establishment where examinations are being conducted, it may be necessary through the COCP requirement for phasing and planning to ensure that increased noise levels are avoided during such periods. I can see no reason why this would not be achievable within the terms of the COCP, as informed by the Liaison Committee.
- 8.151 To the suggestion that the NTC would increase social exclusion, I find this one area that is difficult to quantify. I accept that, unless public transport is improved significantly, those without a car would not be able to avail themselves realistically of job opportunities on the opposite side of the Tyne, beyond reasonable cycling and walking isochrones. It could be argued, therefore, that in this regard some would remain as socially excluded as they are today. For people local to the NTC construction site, however, there would be the opportunity of using the Pedestrian/Cycle Tunnels, with improved connections. It is clear, when looking at such issues, that the economy is dynamic and not a static feature. As such, anyone benefiting from new jobs created within the area should have more disposable income that may be spent nearer home. This in turn may support locally based jobs that would be available to those without access to a car. The local spend during the period of construction should also be appreciable.
- 8.152 As for physical segregation and/or exclusion, as I have concluded above, I am satisfied that the temporary arrangements would operate without undue detriment to people during construction. Following opening of the NTC, the physical segregation should be even less apparent than it is today. In this context, I refer to the greater areas of 'open space' south of the River.
- 8.153 Both the St Paul's Area Residents' Association (SPARA) and the Epinay Estate residents are unhappy about the level of consultation and their involvement prior to decisions being made about junction design/location and other factors [6.52-6.55]. Local residents, unfamiliar with consultation processes and procedures, have been left very much to their own devices and desires. In this role, they have clearly applied themselves industrially and conscientiously, but there is no doubt that a level of frustration, that might have been avoided, has taken hold.

- 8.154 Having said this, the TWPTA have carried out the consultation procedure as required by the Transport and Works Act [6.55]. In many cases they have gone far beyond the statutory requirements. Notwithstanding this, I have taken the concerns of the local residents on board and responded to their worries and addressed each of the topics identified in written objections. Moreover, the Inquiry has provided an outlet for views from local residents and I have considered their position objectively, and I hope sensitively, in reaching my conclusions.
- 8.155 It is worth mentioning, also, that a Liaison Committee is proposed. Although I can find no specific reference to this in the COCP, it is implicit in the mechanism for Community Relations included in the Code and confirmed by the TWPTA at the inquiry [6.52]. This would provide an avenue for concerns and objections and for the dissemination of information through local representatives. It would require the Concessionaire/contractor etc to meet face to face with interested, and possibly aggrieved parties from time to time.
- 8.156 Finally on the implications for residents, I consider the effect on property and rental values in the area. The value of property, either up or downwards, is not a generally matter that 'planning' should take into account as a material consideration. It is only the effect of a proposal on the reasonable expectations of residents' quality of life that is material and that should be weighed in the balance. As such, I see the fall in house prices as unfortunate, but by no means wholly as a consequence of the NTC proposal.
- 8.157 However, as objectors attached so much importance to this aspect I shall respond briefly to their submissions. As I was advised, either side of the Tyne, within the A19 corridor, property values have suffered what can only be described as a 'double whammy'. Whereas property values around the country have generally picked up following the slump in the early 1990s, this has not been the case in those parts of North and South Tyneside, near to the line of the A19. Here, property values continued to slide. To compound this general decline, the announcement of the NTC proposal was followed by further falls in value of property.
- 8.158 Faced with this, and although under no legal obligation, the TWPTA have introduced a discretionary purchase scheme for those experiencing hardship. I agree with the TWPTA that they should only take into account the loss of value occasioned by the NTC proposal and not the falls consequent on other market factors. If such external factors were taken into account, then it would have the effect of the public subsidising a 'natural' market decline. Thus, I do not see this discretionary purchase scheme as a panacea, but rather as a safety net to alleviate hardship. What is clear is that the TWPTA have offered more than is necessary under the normal obligations implicit within the Order.
- 8.159 *In summary on the effect on residents, I consider that the degenerating living conditions in terms of noise/vibration, air quality and outlook are all negative factors to be weighed in the balance. However, neither individually nor cumulatively would the effects be so great as to justify recommending that the Order should not be confirmed. As for disruption during the construction period and other factors, I am satisfied that the TWPTA have fulfilled their obligations and in some cases exceeded the statutory requirement by good measure. The sensible and sensitive application and enforcement of conditions and the COCP, including an assessment of low noise*

surfaces on the approaches, should provide adequate fallback provision. All in all, in undertaking a construction project of this scale, there are bound to be those people who are adversely affected, particularly during the construction period itself. Even so, in almost all cases, this would be temporary and measures are in place to respond to individual difficulties in most, if not all, the areas of concern.

Open Space Issues and Landscape

The gist of the Objectors' submissions:-

8.160 Many objectors living in the Epinay Walk area resent the loss of valuable open space currently available to them between the houses, the Metro line and the A19. A considerable number are also concerned about interruption to the open space within the Hebburn to Pelaw Riverside Park and others are anxious about what would happen at Stothard Street. Finally, some objectors express concern at a perceived loss of general open space and poorer landscape during construction of the NTC.

Inspector's Response

8.161 As the TWPTA point out, the open space requirements of the UDPs for both the areas of North and South Tyneside are met and substantially exceeded [6.56]. Moreover, once the NTC became operational, to the south of the Tyne there would be a net gain in open space, over and above that which exists at present [6.56]. To the north, there could be a small loss and some of the present open area is allocated for employment purposes in the UDP (Document CD22). Next, the road proposal contained within the South Tyneside UDP (Document CD21) (the Riverside Route) that would have run through the Riverside Park has now formally been abandoned (Document TWPTA30). As such, the effect on the Park would only be that during construction of the NTC and no-one has suggested that proposals for the restoration would be anything other than an improvement. One area where I did express some concern was for views from Bede's World. This was examined (Document TWPTA18, Request 27) and although the outcome would not be ideal, any loss of view would be relatively short-lived and, in my opinion, not inordinate.

8.162 Having said this, it does not detract from those areas where there would be a loss of open space and the effect this would have on those living nearby. In this regard, the TWPTA have not tried to disguise the effect on the open space near to Epinay Walk [6.57]. Although this area is not formally recognised as public open space [6.57], it nevertheless forms an open area of great amenity value to local residents. While the best would be made in landscape terms of the space that would remain between Epinay Walk and the A19 realignment (Documents TWPTA 10B, TWPTA 10C and TWPTA18, Request 26), it would largely lose its functional contribution and I see this as a negative factor.

8.163 As a measure of recompense for those living in Epinay Walk, an area of open space on the other side of Howard Street would be made available, though at some distance [6.57]. Clearly this could not replace that lost on an equivalent basis and in some form or other the busy Howard Street would have to be crossed. The opportunities for crossing the Road could be by an at-grade pedestrian crossing or a subway [6.57]. Having looked carefully at the location, there does seem to be considerable opportunity with the existing levels to create a subway of attractive and safe proportions that would inhibit,

only minimally, movement between Epinay Estate and the north side of Howard Street and the proposed open space. The choice of whether an at-grade pedestrian crossing or a subway would be made in consultation between the local highway authority and residents in the area and this seems to me the most appropriate way forward.

- 8.164 For those residing in Stothard Street, I saw on my site visit that there would be a temporary loss of open space outside their properties during the construction period. However, once the NTC became operational there would be an opportunity for providing a greater area of open space, extending those views to the front, currently foreshortened by a brick wall.
- 8.165 In so far as the landscape and visual impact around the siting of the proposed NTC is concerned, I agree that during the construction it is possible that openness and green areas would be intruded upon with hoarding, fencing and the full panoply of temporary and ancillary construction works. Having said this, the erection of site screening should not always be looked upon as intrusive. If managed sensitively, it can present an opportunity for community involvement and wider educational and informative scenarios. Not least, public information dispensed about the construction process and strategically placed observation posts can be of interest to local people and the wider population. This treatment and/or approach could be the subject of discussion at Liaison Meetings.
- 8.166 On completion of the proposed works, I am satisfied that the final visual outlook and landscape contribution the restored site would make to the area would be better than at present. In particular the Riverside Park area would be updated and refurbished and the open space area to the north of the River improved in an area where no one finds particular favour at present (Document TWPTA 10A). As conceded, the visual effect for residents living on Epinay Walk would not fall under this head.
- 8.167 *In summary on the open space and landscape aspects, with the exception of residents in Epinay Walk, I consider there to be a minor balance of advantage in the proposed scheme. Clearly the Epinay Walk situation is a strong negative factor.***

Safety

The gist of the Objectors' submissions:-

- 8.168 The TWPTA and supporters of the scheme herald the reduction in accidents that would occur within and on the approaches to the Tunnel by removing a potentially dangerous two-way section of highway. Objectors, on the other hand, anticipate that the increased speeds, inevitable on a dual carriageway section of highway, could increase the severity of accidents and several highlight the potential for a major incident. Some suggest that the single carriageway proposal for improvement to the A1 between Morpeth and the Scottish border will be safer than if built as a dual carriageway. This is advanced as a reason for retaining the existing Tunnel with 2-way operation.
- 8.169 Away from the Tunnel, objectors consider that the changed routing of vehicles and increased traffic on local and feeder roads to the A19 could all increase the potential for accidents. It is also contended that increased car ownership would result in more cars

being parked on street and on footways and this again could lead to a greater potential for accidents. Finally, other safety concerns are raised about particular risks during the construction phase.

Inspector's Response

- 8.170 In so far as the accident potential in the Tunnel itself is concerned, it is clear from the safety audit of tunnels in Europe that the existing 2-way Tyne Tunnel does not perform well (Supporter No. 180). The fact that this has not manifested itself in many, if any fatal or serious injuries to date (Document TWPTA 4A), is not a good reason for discounting the accident potential. I accept the possibility of a major incident, but statistically the overall risk of accidents within a twin tunnel arrangement, as opposed to a single tunnel 2-way configuration, is much less. There are also further reasons for and against. The higher speed likely in a dual carriageway operation is a negative factor, but the time taken in and the physical difficulty of accessing the seat of an accident with a 2-way operation would be equally debatable. A dual carriageway operation should always offer one clear route of entry. I am mindful, also, that with a twin Tunnel arrangement, the escape routes would be improved markedly over what exists at present.
- 8.171 Any increase in traffic on local and feeder roads and additional parking on carriageways and footways could all herald a potential for increased accidents. However, accidents are random, multi-factor events and, in any particular location, the interaction of the highway condition, characteristics and geometry, vehicle condition and driver behaviour will have a bearing on accidents occurring. It is an acknowledged fact that accident risk is not merely a function of traffic levels. The local highway authority would have the opportunity to introduce traffic management measures and traffic calming schemes to address safety concerns. As a consequence of increased traffic flow, the number of accidents might rise numerically, but I am satisfied that this would not be inordinate. What is important is that the accident rate should fall and, if the Government targets for accident reduction are achieved (Document CD57), there could be a net reduction.
- 8.172 The potential dangers from a variety of sources during construction would be ever present. Even so, the Concessionaire and/or contractor would be obliged to submit to stringent Health and Safety Regulations in all matters where the public might be placed at risk. In most cases, when not on the adopted highway, I envisage construction traffic being physically segregated from the public. Obligations would be placed firmly on local authorities and the Environment Agency to ensure that conditions and construction practices, as well as statutory regulations, are observed. Clearly it would not be sensible or realistic to claim that no accident could occur, but I am satisfied from the submissions that the responsibility devolved to the Concessionaire/contractor by the COCP (Document TWPTA 25) and draft conditions (Document 18) and the obligations placed on other regulatory authorities should minimise any risk.
- 8.173 *In conclusion, there would always be a risk of accidents during construction and on the highway network following opening of the NTC. However, the safeguards that would be in place through a raft of requirements, obligations and conditions are, in my opinion, the best that could be achieved with the present level of knowledge about the proposed scheme. On completion of the NTC, I have found no evidence that the*

risk of accidents would increase and in all probability it would decrease. As such, I have not found this line of argument crucial.

Earthworks: Excavation, Treatment and Disposal

The gist of the Objectors' submissions:-

8.174 Objectors are concerned about the dredging and disposal of silt and sand and sub-surface material from the River Tyne. They are also worried about land excavation, and the potential for pollution escape and harm, during remediation, export of materials or backfilling operations. On the disposal front, some express apprehension at the usage of licensed sites and the cost in providing alternatives for local arisings that may be necessary in the future.

Inspector's Response

- 8.175 As indicated above [8.122], I recognise from the data that some of the spoil that would be excavated is contaminated. There is no clear indication, at this stage, whether this would fall within the statutory definition of contaminated land. It is certain, however, that some would fall under the broader heading of land contamination and, thus, precautions would be required at all stages. As indicated previously [8.127], I recommend the SoS asks the EA to confirm that it has sufficient information within the ES and supporting documentation to assess the likely environmental impact, to identify the need for a site licence/permit and/or plant permit and to be assured that any potential hazards could be dealt with effectively and without prejudicing public health and safety.
- 8.176 As for the dredging operations, under the current proposal, the material would have to be landed on the riverbank, and the reusable material separated from that which would need to be landfilled. Again I believe the EA should be consulted further on this matter. As indicated previously [8.115], a sea disposal option does not form part of the current proposals. Accordingly, I have not considered this aspect in my response. This would be a matter for the responsible authority, DEFRA, in the event this became a live issue.
- 8.177 Once excavated or dredged, there would of course be the opportunity to recycle some of the unwanted excavated material, so long as this meets required quality standards. The ability to reuse material would reduce the amount of waste that needed to be landfilled and consequently the cost of landfilling and void space used. One of my concerns is that to take all excavated materials to a materials recycling facility (MRF), whether that is at the 'front end' of a landfill operation or not, could involve double handling and increase costs and exposure. I have considered the implications of the transport routes to and from tip sites in an earlier section [8.119].
- 8.178 By far the most efficient method of recycling material is for it to be undertaken at, or close to, the source of excavation. Therefore, conducting this process within, or alongside, the NTC construction site would be more efficient and cheaper. However, being closer to sensitive areas, it could have greater environmental consequences in terms of noise, dust etc. The effects would have to be considered when the final waste disposal plan is prepared [6.136] ^(Document TWPTA18, Request 40) and then, if the consequences

for local residents would be too great, it might be necessary to insist on a more expensive, but environmentally secure operation.

- 8.179 I foresee the opening up and excavation of part of the closed landfill site to the north of the River Tyne (Document TWPTA18, Request 40) as being a particularly difficult and sensitive operation. At this stage, I am not entirely certain whether it is a lined landfill with basal control, whether it has a 'working' cap or whether it has been open to the elements and operating as a naturally flushing bioreactor. Whichever form of construction, it is possible that excavation of part of it would prejudice its integrity and change the preferential pathways for gas migration and leachate movement. In my experience, even though a landfill site has been closed for a considerable number of years, induced agitation can reactivate landfill gas production and increase the toxicity of leachate for a time.
- 8.180 Having said this, I am in no doubt that a satisfactory operation could be planned and executed. The local planning authorities and the EA would have to ensure, however, that the reasonable expectations of those living and working nearby would be secure during the operation. Although the ES is not very detailed in this regard, I am satisfied that, if carried out expeditiously, the environmental consequences would not be significant and, thus, the ES can be considered robust.
- 8.181 Finally on this topic, I have looked at the potential of using up the identified landfill capacity for the Region to accommodate waste arising from this project. In the first place, the waste planning authority has had an opportunity to study the ES and could have objected if it foresaw a problem. Secondly, I would expect the approved scheme for treatment to minimise the amount of material landfilled. Recycling and reuse now form very important parts of any waste strategy and with landfill tax a fact, this applies equally to the management of waste streams from individual sites. Balancing these factors, I am satisfied that the level of objection and concern in this regard should not be judged critical.
- 8.182 *Briefly, the question of land contamination, remediation and material sorting and disposal are areas where there is not as much detail contained in the proposal and the ES as I would have liked. As such, I consider that further consultation should be undertaken with the Environment Agency. Notwithstanding this, I am satisfied that there are options for achieving satisfactory excavation, remediation and disposal/deposition that would not impinge materially on the reasonable expectations of the public or impact significantly on the environment.*

Ecology

The gist of the Objectors' submissions:-

- 8.183 Objectors refer to potential, harmful effects on a number of ecological interests. In particular, they are anxious about the Northumbria Coast Special Protection Area, the Tyne Estuary SSSI, the implications for the Tyne fisheries and the general adverse effect on the marine and estuarial ecology.

Inspector's Response

- 8.184 For my part, I have been guided in this by the content of the ES (Sections 13 and 15) and the responses of the regulatory interest groups in place to protect the ecological integrity of the locality. I understand that these bodies were consulted prior to preparation of the ES (Document CD4) and, thus, the ES baseline surveys and proposed mitigation should have covered all necessary points. Even so, some consider that the ES baseline survey etc should have gone further (Document TWPTA 26). I agree that it could. Even so, I have found no objective indication that this should be so. Most importantly, I do not believe the Regulations look for a developer to cast the net to infinity, merely on the off chance that some additional relevant information may be 'landed'. From my reading of the Regulations, there has to be some justified or reasoned basis for including a particular aspect or topic.
- 8.185 As for general and specific land based ecological interests, several sites are identified in the ES and, of these, the Northumbria Coast SPA and Tyne Estuary SSSI are recognised internationally and nationally respectively. In these cases, the baseline information is not challenged and the mitigation and remediation acceptable to the interest groups. It is notable that English Nature has, after discussions with the TWPTA, withdrawn its objection (Document 14).
- 8.186 Turning to the effect on the fisheries and the marine and estuarial ecology, this again requires reference to the ES and the discussions that have taken place between the TWPTA and the EA, Northumbrian Water and DEFRA (Documents CD4-CD7 and TWPTA 9B). In each case they are now satisfied that the timing of the operation and the monitoring agreed and action plan in the event of material change are acceptable to safeguard the fishery and wider ecological regime in the River and Estuary. With the plan for dredging, construction and subsequent deposition of acceptable material, the limited horizons for operations, and the tides, currents and geomorphology of the estuary, coupled with the intensive monitoring that would be required by the EA and DEFRA (Document 19), I am satisfied that the risk of a significant adverse impact would be extremely small and that any negative effects are capable of satisfactory remediation and/or would be short term.
- 8.187 *In conclusion on this topic, I am satisfied that the arrangements for protection of the Tyne fisheries and general ecology of the area as identified in the ES, COCP and agreements with regulatory and interested agencies are adequate.*

Conflict of Interest

The gist of the Objectors' submissions:-

- 8.188 An objection consistently levelled at the TWPTA by a certain body of interest is that the consultants employed by the TWPTA are the same as those retained to carry out the TAMMS study and advise generally on transport matters in the area. As such, it is suggested that the assessment undertaken and conclusions reached do not constitute an impartial and unbiased opinion in the public interest.

Inspector's Response

- 8.189 I accept that, from the aspects of public perception and general transparency it would have been better if different firms of consultants had undertaken the TAMMS study and provided technical support for the Order. Notwithstanding this general comment, the evidence proffered by the TWPTA and its consultants has been placed on deposit, and has been open to public scrutiny and detailed examination within the inquiry process itself.
- 8.190 Added to this, of course, the professional status and standing of those individuals and firms involved would be compromised irrevocably were any of their conclusions and/or recommendations shown to be tainted. I am confident that no sensible organisation would put itself at such risk. In fact, the likelihood is that the investigation would be more rigorous than necessary in order to protect the consultancy against public and/or independent scrutiny and criticism. That is not to say that everything submitted by the TWPTA consultants should be taken as read. It can be seen, in the questions I have asked ^(Document TWPTA18) and the conclusions I have reached on individual topics, that I have challenged many of the assumptions made and conclusions drawn.

Matters Relating to the Listed Building Applications

The gist of the Objectors' submissions:-

- 8.191 Very little if anything is voiced by objectors about the proposed amendments to the entrances to the Cycle/Pedestrian Tunnels or the refurbishment and re-siting of the Sir Charles Palmer statue. As for the demolition of the Gaslight Public House, a small number of objectors voices strong arguments against its loss. It is said that it would not be physically affected by the works and, even if it were, it should be taken down and 'reassembled' close by.

Inspector's Response

- 8.192 As for the Tunnel entrances and the Sir Charles Palmer statue, the proposals and the conditions intended to protect these heritage interests are sound. There are no objections from English Heritage ^(Document TWPTA 12A), and, accordingly, I see no reason not to grant the necessary Listed Building Consents.
- 8.193 On the other hand, I have sympathy with those objecting to the loss of the Gaslight Public House. It lies outside the actual line of the NTC, shown on the reference plan, and at a cost could be protected during the works. There would, of course, be latitude in the final NTC alignment, and if anything, the TWPTA anticipate the line of the NTC moving closer to the Public House rather than further away ^(Document TWPTA18, Request 5). I agree that the cost and inconvenience could be substantial, but that is not a good reason for abandoning all hope at this stage.
- 8.194 In reaching my conclusion that the consent for demolition should be withheld until the final line of the NTC is known, I am mindful that English Heritage has not sustained an objection in this regard ^(Document TWPTA 12A, Appendix B). However, I have not found this

crucial for two reasons. First, it is not clear from its response that English Heritage is aware that the Gaslight Public House lies outside the actual line of the NTC.

8.195 Secondly, the TWPTA point to the demolition of all the other surrounding property, which has meant that the Gaslight Public House has lost its reference or context and this is acknowledged by English Heritage. Even so, what is clear to me from answers to my questions during the inquiry is that the date of the formal listing of the Public House was after the demolition referred to had already taken place. It would appear, therefore, that the structure itself was deemed worthy of protection as an isolated building. Moreover, as the last vestige of the area this might be judged to heighten its importance, even though it is not suggested that the building itself boasts any outstanding architectural merit.

8.196 *Accordingly, I conclude that consent for the demolition of the Gaslight Public House is withheld until the final line of the NTC is known. If it still falls outside the actual line, then English Heritage should be consulted further to ensure that its decision is based on the full information and the costs involved in protecting the structure. I am happy to commend the granting of Listed Building Consent for the works etc proposed for the entrance to the Pedestrian/ Cycle Tunnels and the re-siting of the Sir Charles Palmer statue.*

Objections from individual companies, firms or interests

The gist of the Objectors' submissions is given first followed by the Inspector's response. The references from which particular details are drawn from are the Case for the Tyne and Wear PTA (paragraphs 6.3 and 6.59-6.70), Documents 14, 20 and TWPTA 2M:-

8.197 The **Jarrow Motor Boat Club** (Objector No. 23) has maintained its objection to the Order pending an alternative satisfactory mooring location being found for the duration of the works.

8.198 With regard to the Jarrow Motor Boat Club, some alternative mooring sites have been considered and discounted for one reason or another. For example, at the favoured one at the Royal Quays it has not been possible to arrange the necessary insurance cover. Should these circumstances continue to prevail then, as the objection is not compelling, compensation would have to be paid following the appropriate guidelines.

8.199 **AMEC Plc** (Objector No. 368) would prefer a bored tunnel that would not affect them materially, with respect to both their and their tenants' accesses, servicing and the potential for dredging problems due to the level of the proposed tunnel. In addition, they consider the detail and content of the ES and the planning application to be inadequate. Finally, they question the accuracy of the notices.

8.200 I have considered the option of a bored Tunnel previously [8.47-8.49] and have found this to be precluded on cost grounds. I accept that the content of the planning application embodies the reference design and the ES is based on the environmental consequences that would follow that particular proposal. As pointed out, the reference design could be subject to change following consideration by the appointed Concessionaire. The ES has been formulated on a worst case scenario based on this reference design. Implicit in

the approach adopted by the TWPTA to allow the Concessionaire flexibility is the risk that the final design and/or construction method might change materially. If this were to happen then the risk taken by the TWPTA may not have paid off and they may be faced with having to resubmit details, or even the whole proposal if the changes prove so radical.

- 8.201 The accuracy of the notices is often a problem when it involves intricate plots of land. In this instance there are some differences, the vast majority minor, that fall within the range of acceptable calculating errors. One or two larger amendments have been accepted by the TWPTA and the schedule changed to reflect this. This does not alter the land included within the Order or shown on the Order Plans, but merely the measurements that have been recorded against the individual parcels of land. I am content that this now constitutes the best reflection of the position and note that AMEC has not rebutted the suggested amendments. Notwithstanding this, in no sense do the differences go to the heart of the matter or constitute a cogent objection to the confirmation of the Order.
- 8.202 On the question of the land in the Howdon Basin, this has a direct effect on AMEC Plc and an ‘indirect’ effect of AMEC’s tenants in the Basin. Looking at the tenants first, Macaw (Objector No. 437), ART Associates Ltd (Objector No. 413), Northern Control Technology (Objector No. 109) and Mindmachine Ltd (Objector No. 108) have all withdrawn. This leaves Arena Engineering Ltd (Objector No. 271), Automated Cleaning Ltd (Objector No. 15), Team Fostering North East Ltd (Objector No. 65), Osprey Shipping Ltd (Objector No. 415) and Mammoet (Objector No. 366) with outstanding objections, pending agreement with AMEC. In all cases, the businesses would either be accommodated within their works and the retained land or be relocated. The details of this have been the subject of discussions between the affected parties and the TWPTA.
- 8.203 For my part, I am content that the arrangements made, whether by agreement or on entry under compulsory powers, are satisfactory. As the land to be acquired would all be necessary to facilitate the works or serve firms affected by the works, I am convinced that the relocation or amendments would be essential.
- 8.204 Turning now to AMEC itself, extensive discussions had taken place with the TWPTA, but at the formal closing date, 31 May 2003, no agreement had been reached. As such, I have considered the fall back position. The construction works for the NTC would be carried out in a manner such as to minimise the effect on the functioning of the business [6.67]. On this basis, I agree with the TWPTA that there should not be any long term implications for AMEC or that the interference during the construction would be inordinate. For any demonstrated adverse effects, compensation would be payable under the Compensation Code. Taking all these factors into account, I think the argument for acquiring the land in the scheduled land in the Howdon Basin to carry out the works and maintain businesses with minimum disturbance is compelling.
- 8.205 **RMC (UK) Ltd** (Objector No. 167) and **Shepherd Offshore Plc** (Objector No. 381), who are the landlords, consider that there is no need to acquire their land as there are alternatives available.
- 8.206 It is always possible to find alternative sites. However, if they are at a distance or less convenient, then the effects they would have on the public interest have to be weighed

in the balance. In this case, I can see no reason why the site could not be used by the Concessionaire/contractor to store excavated material, while leaving sufficient space for RMC to carry out their works without undue inconvenience. Insofar as their operation would be prejudiced, then they would be eligible for compensation under the Code. I am satisfied that no alternative site offers itself that would cause less harm and all the options I saw of the required scale are at some distance and would impinge in a much more pronounced manner on the public. Accordingly, I am satisfied that the retention of the portion of the RMC site in the CPO is necessary to facilitate the works in an appropriate manner.

- 8.207 **Rohm & Haas** (Objector No. 12) object on the basis of the adverse effect the construction of the NTC would have on their operations.
- 8.208 Rohm & Haas have been in discussion with the TWPTA since 1998 and although at an advanced stage, no agreement was in place by the cut off date. Having said this, I am satisfied that the land would be essential and arrangements could be made to minimise the impact on the business. Even if this latter point was not so, I believe the objection should not be judged overriding. Once again, any demonstrated disruption would be compensated. As such, I agree with the TWPTA that compulsory powers to secure Rohn & Haas's interest should be confirmed.
- 8.209 **Telewest Communications Plc** (Objector No. 412) object on the basis of the implications for their business and accommodation.
- 8.210 The TWPTA response to this objection seems to me more than fair. In essence, the TWPTA has given assurances that the Jarrow Hub, leased by Telewest, would not be materially affected and access would be maintained at all times. As such, I accept that it is not necessary to provide an alternative building. In addition, it is proposed that Telewest benefit from the same protection as is proposed for British Telecom under the Order. In my judgement this addresses the Telewest objection adequately. Even so, until the objection is withdrawn and an agreement signed, I agree that it is prudent to retain the compulsory powers.
- 8.211 **The Highways Agency** (Objector No. 385) has no objection in principle to the proposed Order and supports the NTC [7.30]. It sustains an objection, however, on the basis of the definition of the Trunk Road and the recording of land under its control. Further more, it harbours concerns about temporary road closures during the construction period.
- 8.212 With the support from the HA for the NTC, I see no real objection on land control matters. Clearly this is something that should be settled by agreement, as the land in question is Crown Land, which cannot be acquired compulsorily. Similarly, it seems to me that agreeing suitable terms for the interface and temporary closures should not prove insurmountable. With the situation as it is, I see no justification in withholding confirmation of the Order on the basis of this objection.

9. CONCLUSIONS ON THE SECRETARY OF STATE'S STATEMENT OF MATTERS

Note: In responding to the SoS's statement of matters, the references in square brackets and subscript relate to the facts and arguments upon which I have based my conclusions.

The Need For and Objectives of the Proposed New Tyne Crossing (NTC) [5.8-5.9 and 6.11-6.12]

- 9.1 Insofar as the stated objectives for the NTC are concerned [5.9], I agree that for some considerable time it would address problems of congestion in the existing Tunnel and on its approaches along the A19. There are, however, fears about congestion on the local roads serving the A19. In my judgement, any perceived capacity difficulties in this regard should be capable of being addressed satisfactorily with co-ordinated and comprehensive local traffic management input and/or minor highway improvements. [3.3, 6.13-6.15, 6.21-6.26, 7.3-7.4, 7.7, 7.17, 7.19, 7.28, 7.31 and 8.57-8.74]
- 9.2 Next, I understand the debate about the risk of a major accident within the Tunnels due to higher vehicle speeds. Notwithstanding this, I agree with the TWPTA that the overall accident risk would reduce following the introduction of the traffic segregation proposed. In addition, the evacuation scenario should improve and I anticipate that it would be easier to manage a major event with single way movement in any one Tunnel. [6.16, 6.27, 7.17, 7.31 and 8.168-8.173]
- 9.3 Whether these two objectives could be achieved without adverse implications for public transport is, I believe, far more debatable. Clearly, by creating increased capacity, there would be an opportunity for improved public transport movement. The increased capacity would reduce congestion levels and, coupled with the proposed toll by-passes for buses, bus service reliability should improve. Additionally, the removal of toll charges for buses should increase, relatively, the marginal cost for car users. Notwithstanding these points, with the increased capacity available for car use being so great, it seems to me that translating this opportunity for a significant modal shift to public transport into reality would prove far more difficult. Certainly, there is nothing in the current proposals for the NTC that would guarantee this following its opening. The proposals for the Stephenson's Jobs Link would not, of itself, improve public transport options across the Tyne and the corridor format of development along the A19 would militate against this further. [3.8-3.10, 6.17, 6.50-6.51, 7.22, 7.33 and 8.22-8.35]
- 9.4 In my view, this is supported by the TWPTA's own figures, which indicate that the modal shift would be most unlikely to secure anything above a 10% public transport usage across the River Tyne in this locality. For this reason, it is not expected that the modal shift through the Tunnels would increase public transport usage to the levels further west along the Tyne. Moreover, I firmly believe that, in this regard, the NTC could materially inhibit progress in achieving modal shift along the A19 corridor, relative to other areas. [3.8-3.10, 6.17, 6.50-6.51, 7.22, 7.33 and 8.22-8.35]
- 9.5 Very pertinent, also, to the question of need in the policy context is the fact that the NTC would address an almost entirely local problem, albeit on a defined strategic route. This is not a case where we are catering for high volumes of strategic traffic: more than 70% of trips have an origin and destination within 11 kms (7-miles) of the Tunnel portal

and less than 2% is long distance traffic passing through the Region. It is essentially, a local problem created by the employment corridor along the A19 [3.3 and 8.11].

- 9.6 Finally, there is the matter of economic benefit. It is quite clear from the individual businesses and those supporting business in the wider area that the improved transport connection across the Tyne would be a major factor in maintaining and attracting further levels of investment. In my view, the key word is 'wider'. In this regard, I am convinced that today's constrained travel isochrones, centred on the Tunnel, are directly and almost wholly due to the congestion levels experienced at the existing Tunnel. The increased capacity under the Tyne, in concert with the HA proposals for other junctions along the A19, would have the effect of extending the current isochrones significantly [8.28].
- 9.7 Accordingly, I harbour no doubts that investment either side of the River Tyne would impact on areas far more remote from the Tyne than would be the case with the prevailing road conditions. The downside of extending the economic hinterland is that this would work against the creation of and support for sustainable communities and promote more and longer journeys by private car. In general, the longer the journey, the more dispersed the origins are likely to become. The TWPTA accept that this acts against improving modal shift in favour of public transport. [6.15, 6.18-6.20, 6.28, 6.71-6.80, 7.1-7.6, 7.8-7.15, 7.23-7.26 and 8.96-8.105]
- 9.8 Taken overall, therefore, the need for the NTC is largely born of local concerns and the objectives that would be met are almost wholly road based and not public transport inspired.

The Justification for the Particular Proposals in the TWA Order

The extent to which they are consistent with national, regional and local planning and transport policies; [1.5, 3.3-3.4, 5.1-5.12, 6.4-6.10, 6.29-6.31, 7.18 and 8.1-8.21]

- 9.9 There can be no question that the proposed NTC accords closely and strongly with regional and local policy, including the draft RTS and LTP. I am mindful, however, that the proposal for a NTC has long been included as an integral part of the local policy framework. Perhaps importantly, this was a feature long before the emergence of the integrated land use and transportation approach, heralded by PPG13₍₁₉₉₄₎, which replaced the superseded 'predict and provide' protocol. As such, while the scheme is specifically promoted from the RPG downwards, there is a tension between the consequences following construction and opening of the NTC and the broader philosophy expressed in the plans in relation to multi modal and integrated transport and reducing reliance on the private car.
- 9.10 At this stage, the TWPTA are perfectly right in saying that if the facets of the development plan have recently been adopted and there have been no major objections from GONE, then it is reasonable to assume that the proposal for the NTC accords with Government policy. Moreover, the latest transport study, TAMMS, conducted in accordance with the approved Government methodology, confirms the need for the NTC. Faced with this it is difficult to presume other than in favour of a project in accordance with the development plan policies.

- 9.11 Notwithstanding this, it would be wrong, in my submission, to dismiss the arguments advanced by the objectors to the proposal who pray in aid the overarching Government transport policy and the strategic objectives embodied in the development plan documents. In effect, the Government and local overarching policy framework looks for a reduction in the need to travel, the length of journeys and reliance on the private car – the very objectives evinced by PPG13⁽⁴⁻⁶⁾. In the wider context, there is the key objective of creating and supporting sustainable communities. Suffice it to say, therefore, without the Regional and local policies, I would have concluded that the NTC is destined to address local problems. As such, the NTC rests very uncomfortably alongside the Government’s main transport objectives.
- 9.12 The way I can best reconcile the tension between national and local policy is to conclude that, by virtue of the development plan process, the Regional and local policies promoting the NTC are not outweighed by the Government’s policy evinced by PPG13 and other policy statements.
- 9.13 In a nutshell, the momentum of the land use allocations in the UDPs is too far advanced to reverse. Thus, if the economic regeneration, envisaged by the regional and local development plans, is to be realised, there is little option other than to build ourselves out of the existing and predictably worsening local congestion problem. The NTC offers a relatively easy and visible solution to both problems. The only real alternative would be to rely of a very large modal shift to public and other more sustainable forms of transport. The TAMMS study does not support this and being realistic I agree it is most unlikely.
- 9.14 In practice, the TAMMS study formed the last link in the chain. I accept that the crucial question, as to whether the objectives set could be met by improvements to public transport, was asked. The answer was a resounding no. The corollary to this is that this led directly to justifying the NTC, without examining the option that public transport might provide a large measure of the solution, albeit not the whole answer. Any residual congestion could then be looked at to see if that could be managed in other ways. If you seek to serve land use allocations predicated on improved highway infrastructure, and then set as the ‘main’ objective of the multi modal study the need to address congestion, it is hardly surprising that all the studies reach the conclusion that improved road access is needed.
- 9.15 At the inquiry in answer to my questions, and in the evidence ^(Document TWPTA 12A), I was reminded by the TWPTA that each of the elements of the development plan ^(Documents CD19, CD21 and CD22) encourages modal shift and the introduction of green travel/transport plans for existing and new development. I agree that this is so, but what I asked for was information as to whether the relevant policies were being applied robustly, in an effort to effect Government objectives for modal shift. I have looked at those examples provided ^(Document TWPTA18, Response 12). In my view, these policies and particularly their application pay little more than lip service to my understanding of the intentions of Government policy. I do not consider that they or their application represent robust attempts to implement the change in the thought process demanded by Government’s integrated land use and transportation objectives. Crucially, there are no targets for achievement on an individual site or cumulative basis or ‘penalties’ for failure to deliver.

9.16 *In summary, the proposed NTC rests most uneasily with Government's overarching transport policy objectives. Notwithstanding this, and with an impetus that I accept would have been difficult to stop, Regional and local policies, steered through the full rigours of the plan led system, reach a conclusion that the NTC should be promoted for primarily local needs. These needs outweigh the wider transport objectives. Thus, while fully appreciating the obligations of S54A, it is with some disquiet that I conclude that there are no cogent arguments why the development plan policy should be set aside at this late stage in the scheme of things.*

The main alternatives considered as regards location, type of crossing or other means of meeting the objectives of the scheme. [4.3, 6.18, 6.32-6.36 and 8.36-8.56]

9.17 As for other locations for a NTC across the Tyne, I can find no supportable reason for pursuing an alternative. The A19 is where the congestion occurs, is where the highway infrastructure either side of the Tyne is already largely in place, and where the land use allocations within the development plans would derive most benefit. A move in any direction would involve transferring large volumes of traffic on to the secondary road network that finds favour with no-one.

9.18 The construction of a bridge as opposed to a tunnel has some attractions. Visually, it would be very imposing and would probably heighten the profile of the area more than a tunnel. In addition, it would be possible, theoretically, to build a road bridge in conjunction with a Metro crossing, arguably at significantly less than the cost of building the two separately. Having said this, the clearance of the Tyne necessary to allow navigation would involve massive engineering and cost implications. What really militates against this scheme at the present time is the lack of any objective costing and feasibility study to suggest that it would be an option that could be financed through a tolling mechanism.

9.19 Next, there is a suggestion that the NTC should be a bored tunnel rather than the cut and cover option proposed. I accept that this would avoid demolition and disturbance and save the listed Gaslight Public House. Against this, however, the estimated cost of a bored tunnel is significantly higher and, if pursued, would result in a greatly increased toll charge. This might inhibit a Concessionaire coming forward, but even if one did, the higher charges necessary to offset the increased cost would act as a disincentive to the use of the NTC and threaten the economic recovery and regeneration of the area.

9.20 *In conclusion, a thorough examination of all the schemes and variations on themes advanced by the objectors has not produced any that I could advance as a realistic alternative.*

The Case for including Compulsory Acquisition Powers in the proposed TWA Order and whether any or all of the land for which such powers have been sought is necessary for the works provided for in the proposed order. [1.3, 6.37-6.38, 8.152, 8.156-8.158 and 8.197-8.212]

- 9.21 First of all, I consider that it is essential to include CPO powers within the Order to secure the land necessary for the works and to carry out those works in a sensible and logical manner, consistent with safeguarding the reasonable expectations of local people and businesses. As to the extent of the Order, with one caveat, I am satisfied from the reference design, COCP and the description of the construction and working methodology ^(Document 2A), that all the land shown on the CPO plans is the minimum necessary for the construction, accommodation works or to maintain access and the ability of firms and businesses to operate.
- 9.22 The one caveat is the land required for the toll plazas. It seems to me that, by the time the NTC might open for use, the technology required for automatic number plate recognition and tolling would have improved to such a level as to render physical toll plazas obsolete. Clearly some of the land would be necessary for checking vehicles and general tunnel operations management, but significant areas may not be needed and could be incorporated into any future landscape or be used for other purposes or they might allow some realignment. Having said this, I concede that this cannot constitute a firm option at the moment. Moreover, as all the land involved is owned by North Tyneside Council, a supporter of the scheme, I do not consider it would be sensible to amend the current CPO proposals at this stage. [4.5, 6.38, 7.33 and 8.50-8.52]
- 9.23 Individuals and firms made some objections to the precise areas/measurements indicated on the advertised Order plans. I had these checked during the inquiry and an addendum list has been supplied by the TWPTA ^(Document TWPTA18, Request 1). I should emphasise that this does not change any of the plots shown or included on the Order plans or in the schedule. They represent minor differences in ‘opinion’ over the measurements extracted from the plans to give the precise areas of land in question.

The proposed arrangements for setting, reviewing and varying the tolls chargeable for use of the new proposed Tyne crossing and the existing road Tunnel. [3.2, 6.39-6.42, 7.1 and 8.87-8.88]

- 9.24 Within the advertised draft Order, a process for levying and regulating the tolls was included. In brief, this would allow the Concessionaire to increase toll levels to reflect inflation, without recourse to ‘higher’ authority. For any greater increase in the toll charge, objections would be heard at an inquiry. With a regime that facilitates above inflation increases, this would allow, with approval following an inquiry, the Concessionaire to institute a much higher level of charge. This mechanism could be used to manage road space in the future.
- 9.25 One difficulty foreseen by some objectors and the TWPTA would be a massive hike in the toll charge following opening of the NTC, should the new toll charge not be phased. To this end, a revised section of the Order ^(Document TWPTA18, Request 1) allows increases in the present toll levels by inflation, between now and the completion date of the NTC. If

it were necessary to increase the charges by more than inflation during this period, this could be accommodated, but again only after hearing any objections at a public inquiry. I believe this is a more sensible approach.

Whether the proposals are reasonably capable of attracting the necessary funding. [4.1, 6.2, 6.18-6.20, 6.43-6.44, 7.30 and 8.81-8.86]

- 9.26 Detailed estimates of the cost of construction and maintaining the proposed NTC have been prepared on behalf of the TWPTA. In addition, there are outstanding debt charges on the existing Tyne Tunnel. As I understand the arrangement, the existing debt charges for the Tyne Tunnel plus the capital cost of constructing the NTC and the running costs of both are capable of being amortised within a 30-35 year period. This is the anticipated period for which the Concessionaire would have control. In addition during this time, he/she would have to produce an acceptable level of profit to satisfy the investors/shareholders. Under the proposed arrangement, the existing Cycle/Pedestrian Tunnels would not be managed by the Concessionaire and there would be no intention to cross-fund the operation and/or maintenance of these through revenue derived from the existing and proposed road Tunnels.
- 9.27 One danger is, of course, that costs could rise above the headroom built into the estimates: in my experience not an unknown phenomenon. I was assured at the inquiry, however, that the contingencies or risk provision contained in the estimates would be sufficient for any reasonable variation and, certainly, nothing objective was submitted to rebut this argument. *On this basis, and with the current estimate of costs, I see no reason why there should not be a reasonable number of prospective Concessionaires in competition for the contract.*

The likely impact of the proposed new Tyne crossing on the levels of traffic using the A19 corridor and the associated local road network, including any consequential effect on pedestrians, cyclists and public transport. [3.2-3.4, 6.45-6.51, 6.77, 8.22-8.35, 8.57 and 8.74]

- 9.28 I have no doubt that the extra capacity released by opening the NTC would increase, significantly, the levels of traffic using the A19 corridor at this point. The TWPTA's evidence is that this increase would comprise largely transfer trips from other crossings, predicted growth and increased car ownership, together with a small amount of induced traffic. As indicated, the objectors consider that the amount of induced traffic is underestimated and that new traffic would represent a significant part of the total.
- 9.29 It is suggested in the TWPTA submissions that the NTC and upgraded A19 could herald up to 50,000 additional jobs along the A19 corridor. If this were to happen, and the share of public transport along the A19 corridor did not exceed 10%, then I have sympathy with the objectors' views that induced traffic generated by and attracted to these new employment sites could be far higher than that predicted. I say this despite the period for the provision of the jobs extending some way beyond the traffic predictions. I am mindful, also, that any introduction of charging for crossing the Tyne at other locations and/or bus priority measures that would reduce the capacity for cars

would increase the relative attractiveness of the NTC. No account is taken of this in the predictions. Nor can I find any allowance made for the increased functionality of the A19 as a strategic route.

- 9.30 As for journey lengths, it would be eminently logical to expect the reduction/removal of congestion at the Tunnel to be mirrored by greatly extended travel isochrones. A certain result of this, in my professional opinion, is that this would lead to markedly longer journeys by private car for employment, shopping and leisure trips.
- 9.31 In turn, the increased level of traffic using the A19 could have a greater effect on the local road network serving as feeder roads and, in particular, the ability to manage local road space in favour of other modes of travel. If all available road space were dedicated to serving as access to the A19, it would be far less likely that features such as bus, pedestrian and cycle priority measures would be possible. Moreover, more traffic on local roads could increase severance and environmental intrusion. As this situation developed, it would be necessary for the local highway authority to introduce traffic management measures to ensure that those wishing to gain access to the A19 Trunk Road would not unduly prejudice local interests. This may involve blocking off 'rat runs'. In technical terms I see no difficulty in achieving this, and doing so without undue inconvenience to those living along the affected routes.
- 9.32 With the NTC open, the consequences for public transport would mainly be in the area of opportunity, as opposed to stated commitment and actual delivery. Nothing is linked to the opening of the NTC. It is true that buses travelling through the NTC would do so free of charge. Even so, I am not persuaded that this marginal reduction in costs would, of itself, persuade many people to change from using their private car. What the reduced congestion on the A19 might do is improve the reliability of bus services. This would be a start, and might make the journey through the Tunnel for the unemployed and socially deprived more realistic. So much would depend, however, on the perceived marginal cost of travelling through the Tunnel by car. In a demand-led regime, I believe that this would dictate the extra bus provision.
- 9.33 As for the preferred modes of walking and cycling, there would be an appreciable opportunity to improve access from the surrounding area to the existing Cycle/Pedestrian Tunnels. I would have preferred to see greater integration between these and the NTC, preferably the latter supporting the former financially. However, I do not believe the decision should fall on this shortcoming. Finally, there are encouraging signs about pedestrian facilities along the A19, though, once again, nothing concrete.
- 9.34 ***In conclusion on this topic, I have no doubt that traffic using the A19 would increase numerically by a significant amount and that the length of journeys would increase appreciably. As for public transport, there would be opportunity for improvement before traffic levels grow once again, though nothing is promised or guaranteed as a direct result of the NTC. There are some prospects for walking and cycling close to the NTC site, but beyond this, care would have to be taken to ensure that, on the local road network, no greater tension is introduced between the needs and expectations of local residents and those merely passing through on the way to the A19.***

The likely impact on local residents and businesses of constructing and operating the proposed new Tyne crossing and the measures proposed by the TWPTA for mitigating any adverse impacts.

The social and community effects of the proposals. [1.5, 4.8, 6.46-6.49, 6.52-6.55, 7.28, 8.128-8.159]

- 9.35 There is no doubt that, during the construction of the NTC, people residing close to the proposed works would experience considerable disruption to their existing living conditions. Nevertheless, I am satisfied that vehicle/pedestrian/cycle routes of an acceptable standard would be maintained throughout the construction period. This in itself should limit severance.
- 9.36 As for noise, dust, pollution etc there would be increases and it is very likely that those living and working closest would suffer most. Notwithstanding this, I am content that the COCP and the related conditions should ensure that standards were maintained at a reasonable level and particular events could be addressed expediently. Noise and air quality assessments are required by the COCP and would be conducted once the final design is known. On the noise front, I have suggested this should include consideration of low noise road surfaces on the approaches to the Tunnels.
- 9.37 One unfortunate factor is that, even at these levels of ‘environmental acceptability’, there would be some, already suffering from health problems, whose condition would be exacerbated. I would not even start to say that this is acceptable or it is a necessary consequence of works that are generally considered to be in the wider public interest. The adverse health effects would be a material and negative consequence that must be weighed in the overall balance when advantages and disadvantages of the scheme are considered. In the event that the COCP would not allow temporary relocation of people with a poor health prognosis, I have suggested an additional condition that should help [9.71].
- 9.38 What the TWPTA have introduced is a discretionary scheme for the purchase of houses where residents consider, and can demonstrate, they have been adversely affected to a marked degree. This discretionary purchase scheme is over and above the obligations imposed by legislation on the TWPTA. However, even allowing for the effects of the proposed NTC, the value of property in the area has fallen significantly over the last 10-years, against the national trend. Consequently, one can understand the frustration of local owners in being offered what seems a relatively small amount compared with an actual purchase price in the early 1990s. While acknowledging their disquiet, I do not think this should impose any further obligations on the TWPTA that might be perceived as running contrary to the public interest.
- 9.39 The actual loss of some property has not been highlighted as something that objectors feel would destroy the community. On the positive side, I do believe that the creation of jobs, temporary or otherwise, as a direct consequence of the NTC and the regeneration it might engender should help the local economy. No aspect of this, however, would do much to further aspirations of sustainable communities either side of the River, beyond the construction period itself.
- 9.40 *All in all, there will be some negative factors in this context, but I am satisfied that, with the opportunity for mitigation, neither individually nor cumulative should these***

objections constitute a strong reason for withholding confirmation of the proposed Order.

The loss of public open space and proposals for its replacement [6.56-6.58, 7.27, 8.147 and 8.160-8.167]

- 9.41 Very little if any designated Public Open Space (POS) would be lost as a result of constructing the NTC. I am mindful, also, that the Wards to the north and south of the River that would be most affected by the project have an allocation of POS above the required level.
- 9.42 On the other hand, I consider that the loss of open space (not designated public open space) along the Epinay Walk frontage would be an unfortunate and undesirable loss. Moreover, the proposed replacement to the north of Howard Street would be less accessible and unlikely to be enjoyed to the same extent. In all other cases, I am satisfied that the proposed replacement for open space and playing fields would be as good as and, more often than not, better than the existing circumstances. There would be some temporary loss of facilities, but if these were managed sensibly in consultation with the Liaison Committee, they should be short term and not have a tremendous impact on the local people and their aspirations.

The effect of the proposed works on traffic using the River Tyne and on businesses using harbour facilities including the Howdon Basin and adjoining yard and quay. [1.2, 1.5, 6.3, 6.59-6.68 and 8.197-8.212]

- 9.43 As indicated by the TWPTA, the construction of the NTC would have some impact on navigation. However, the rights of navigation are provided for in the agreement with the Port of Tyne Authority in Part 2 of Schedule 8 the proposed Order. Additional provisions are contained in Article 17, Article 39 and A and Schedule 7A. As confirmed, these have been agreed with the Port of Tyne Authority and their objection withdrawn ^(Document 14).
- 9.44 As for all other uses, including individual firms, measures would be in place to accommodate anticipated disturbance and inconvenience and these proposals are largely matters of agreement following consultation with the TWPTA. In a very few instances, temporary relocation may be necessary. In many cases, the corresponding objections have been withdrawn and, for those maintained, such as the Jarrow Motor Boat Club, RMC (UK) Ltd, AMEC Plc and tenants and Rohm & Haas, extensive discussions have taken place and offers made by the TWPTA. In the event that these do not prove satisfactory, any loss or inconvenience would be the subject of the regime embodied in the relevant compensation code. Taking into account all these factors, I am convinced that the adverse effects identified do not constitute a cogent objection to the confirmation of the Order.

Any effects on the proposals in the order on the powers and duties of the Port of Tyne Authority.

- 9.45 As indicated above, all the concerns of the Port of Tyne Authority have been satisfactorily addressed and no objection is maintained ^(Document 14). [1.2, 6.3 and 6.59]

The effects of the proposed works on the water and sewerage systems of Northumbrian Water Limited.

9.46 All matters have now been agreed with Northumbrian Water and their objection has been withdrawn ^(Document 14) . [6.69]

The effects of the proposed works on telecommunications operations and on the delivery of mail; and the impact on rail freight services using the Jarrow branch line.

9.47 As in the TWPTA submissions, I have combined these two aspects. All the concerns have been addressed in the protective provisions ^(Document TWPTA18, Request 1) and all relevant objections other than that lodged by Telewest Communications Plc have now been withdrawn. As for Telewest, I am content that the offer made by the TWPTA is reasonable under the circumstances and the objection should not stand in the way of the Order. [6.70 and 8.209-8.210]

The likely local and regional economic effects of the proposed new Tyne crossing. [6.2, 6.28, 6.71-6.80, 7.1-7.6, 7.8-7.15, 7.23-7.26 and 8.91-8.105]

9.48 It is quite clear from the evidence and submissions that those in the Region involved in encouraging economic generation and regeneration firmly believe that the proposed NTC would be a key weapon in their armoury to attract investment. In my view, it is likely that many of the new jobs would be of benefit to the wider Region, as people would be able to travel far greater distances from home to work in the same time as they can make much shorter journeys today. Thus, the attraction of the A19 as an employment corridor would be greatly enhanced.

9.49 Over and above this, it is certain that some local people, including those currently unemployed and socially deprived, would be able to apply for a range of jobs. With the added cost of using the NTC, I see this as more likely for employment opportunities on the same side of the River as they live, or at least very close to the River, where use could be made of the Pedestrian/Cycle Tunnels. However small these numbers are, they should increase the disposable income local to the area and this in turn should serve to support existing employment and businesses and possibly create one or two more.

9.50 In addition, there would of course be the construction jobs during the building of the NTC. I accept that the desired skill levels might preclude many local people unless they are retrained. Nevertheless, I see no reason why the responsible authorities should not offer retraining in advance of the contract. For this not to be done would be to miss an opportunity for wider regeneration in the years to come. In any event, the contract itself would grant spending power to the workforce and this should, once again, help to stabilise and expand the local economy.

9.51 I raise one point of caution. With the NTC, the economy to the east of Newcastle/Gateshead would become even more dependent on a road based network than that along the A1 corridor or the Gateshead/Newcastle axis. In both these locations, Metro and bus links are much better, not least as there is no Metro direct connection between North and South Tyneside. This is reflected in the much more

favourable modal shift (Document TWPTA 18, Request 17). Thus, in terms of generating more sustainable travel and creating and reinforcing sustainable communities, I believe the positive effects would be marginal. On the other hand, the situation without the NTC, and without an equivalent upgrade in other modes of travel, would be as bad if not worse than it is at present. Congestion on the approaches to and movement through the existing Tunnel would become increasingly fraught. Moreover, the increased congestion would militate against the use of buses through the Tunnel and, consequently, have a negative effect on the more local as well as Regional economy.

9.52 *By way of summary, in the short to medium term I agree with those supporting the scheme that construction and completion of the NTC would sustain existing jobs and create many more employment opportunities along the A19 corridor. However, this would only have a small benefit to the sustainability credentials of the surrounding communities.*

The probable impact on the environment of constructing and operating the proposed works. [6.1, 6.81-6.142, 8.106-8.127, 8.131-8.140 and 8.174-8.182]

The Environmental Statement (ES) [1.8-1.11, 6.81-6.99 and 8.106-8.127]

9.53 The Environmental Impact Assessment Regulations for TWA Orders differ from those for conventional planning proposals. As such, it was difficult before the inquiry to do more than urge that the ES be reviewed in the light of objections to its adequacy and for the content of the Statement to be updated and/or supplemented where appropriate. In fact, although this request was made at the PIM (Document 11), no amendments were made to the ES prior to the inquiry. This led to sustained objections to the adequacy of the ES and a submission for an adjournment to the inquiry from the Friends of the Earth (FOE). In this narrow context of the need for an adjournment, I did not acquiesce (Document 15).

9.54 One of the, if not the main, objectives of the EIA process is to ensure that the decision-maker has all of the necessary environmental information before reaching a decision. Where a deficiency in the ES is identified, then the Inspector may call for more information and, if necessary, adjourn the inquiry. However, another option is for the Inspector to draw the SoS's attention to the inadequacy and make recommendations in the alternative. The SoS can then secure the necessary environmental information before reaching a decision.

9.55 In this case, there is a further complicating factor. The appointment of a Concessionaire means that the reference design, upon which the ES has been based, could change, albeit within certain limits and parameters. The way I have approached this is to assume that the final design and construction practice would not differ significantly from the indicative approach proffered today. If significant changes were to take place, then I am in no doubt that the present application and Order would be invalid and the process would have to start again. I have found one element of the ES that is objected to and where this scenario might occur.

9.56 This pertains to the excavation, remediation, disposal of waste and backfilling of the selected material. In the event that the SoS is minded to confirm the Order, I have

recommended that further information is sought from the EA. In all other aspects, I am content that the ES, as it stands, and the mitigation included within it, coupled with the COCP and suggested conditions, would effect the necessary safeguards for the environment. As such, I am satisfied that there is no need to seek further baseline information along the lines advocated by FOE.

The effects of those works on water quality and the marine environment [6.100-6.120 and 8.112-8.115]

- 9.57 While recognising the concern of the FOE and others, I have compared the objectivity of their evidence against that submitted by the TWPTA and the indications and concessions secured from the Environment Agency, DEFRA, English Nature and Northumbrian Water. In a nutshell, all the responsible agencies have now withdrawn their objections to the adequacy and detail contained in the ES and proposed mitigation measures. As the objections were withdrawn, it was not possible for me to question these agencies about the basis of their initial objections or the reasoning behind their eventual withdrawal. I found this perplexing, bearing in mind there had been no change to the ES since their objections were lodged.
- 9.58 However, I am satisfied that the methodology proposed and the safeguards embodied in the protective provisions and the COCP should ensure that there would be no significant adverse impacts, in this regard, and would allow any unforeseen event to be addressed appropriately and expediently.

The effects on the ecology of the River Tyne, in particular in relation to migratory fish and other fisheries and arrangements for monitoring those effects. [6.121-6.122 and 8.186]

- 9.59 On the advice of the responsible authorities I am content that the arrangements and monitoring proposed would be sufficient to protect these interests.

Noise and Vibration [6.123-6.126, 8.131-8.136 and 8.144-8.150]

- 9.60 From the figures supplied, I accept that, if the formal assessment for new road schemes were applied, the relative increase in noise levels due to operation of the Tunnels would not be significant. Once again, a point of caution. 'Noise creep' favours the assessment undertaken and I would expect that the difference in ambient noise levels taken in, say, 1996 and the prediction for the NTC, when opened, to be somewhat higher. To help, I have suggested that low noise carriageway surfaces should be investigated as part of the noise scheme to be produced as part of the COCP (Document TWPTA 25).
- 9.61 As for construction noise, this would be disturbing and intrusive for some people during certain phases in the construction programme. For some it would be for the period when construction took place alongside their home or place of work, and for others it would be on the haul routes to waste disposal sites or roads that would be used for the supply of materials etc. In all cases, I believe that the disruption would be for a relatively short period and the COCP would facilitate mitigation. I am under no illusion that some people would not find the circumstances during construction anything other than distressing, but I am content that the proposals in place should minimise the effects. Most importantly, the COCP would always leave the fall-back situation of individual, focussed action should conditions 'demand'.

The air quality effects [6.127-6.130, 7.27 and 8.137-8.140]

9.62 From the submitted evidence, I am satisfied that the air quality levels would not worsen to such an extent as to be judged significant. Of course, as indicated, this is not the same as saying that no one would be affected. Although the COCP might allow the temporary relocation of people whose existing medical condition would be aggravated by dust, even at low levels, I am not absolutely certain. In looking at the draft conditions, therefore, I have proposed an additional one to cover this aspect [9.71].

The effect on ecology [8.183-8.187]

9.63 I am satisfied that, with the withdrawal of English Nature's holding objection (Document 14), there would be no significant effects on ecological interest in the locality. I particularly had regard to the Northumbria Coast Special Protection Area, Tyne Estuary Site of Special Scientific Interest and other regionally or locally important sites and species as identified in the ES (Sections 13 and 15).

Landscape, townscape and visual effects [2.1, 4.7-4.8, 6.131-6.133, 8.147-8.148 and 8.160-8.167]

9.64 Overall, I consider that there would be townscape and landscape improvements on completion of the proposed scheme. In particular, I anticipate that the reconstruction of Riverside Park would be more user friendly, as well as offering improved landscape content. Clearly there would be some disruption during construction though I am mindful that screening should represent an opportunity and not always be seen as visual intrusion.

9.65 The one exception to these positive thoughts is, of course, the implications for the residents of Epinay Walk. Here, the outlook and landscape proposals would fall far short, literally, of what currently exists.

The arrangements for waste management, including the transport, storage and disposal of dredged and contaminated material [4.6, 6.96-6.98, 6.134-6.140 and 8.174-8.182]

9.66 In my view, this is one of the weakest areas of the submission by the TWPTA. In the main, this stems from the flexibility that would be allowed the Concessionaire to vary the reference design and construction methodology. As a consequence, very little can be fixed at this stage. Accordingly, I recommend that, prior to the issue of confirmation of the Order, the Environment Agency is asked to consider the proposals as they stand currently and give the SoS some assurance that all foreseeable eventualities have been or would be capable of being addressed satisfactorily, without prejudicing the integrity of the ES.

The effect of the proposals on flood risk [6.141]

9.67 On the basis of the submissions in the ES (Section 18) and the protective provisions agreed with the Environment Agency (Document TWPTA 18, Request 1), I am satisfied that the integrity of the flood risk defences can be maintained.

Any impact on the Northumbria Coast Special Protection Area [6.142 and 8.183-8.185]

9.68 As indicated by the content of the ES (Sections 13 and 15) and the response from English Nature (Document 14) by withdrawing its objection, I agree that there would be no material impact.

Proposals for mitigating any adverse or environmental effects of the proposed works including:

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

9.69 As indicated in various sections of this report, in response to other matters and to objections lodged against the proposed Order, I am satisfied that the necessary degree of mitigation would be secured and managed through the protective provisions agreed with parties (Document 19 and TWPTA 18, Request 1), planning conditions (Document 18) and through the obligations placed on the Concessionaire/Contractor by the COCP (Document 25). [6.143]

Conditions proposed by the TWPTA to be applied to any deemed planning permission that may be given for the proposed works and in particular whether they meet the tests in DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable. [6.144, 8.125, 8.127 and 8.139]

9.70 A series of draft conditions has been submitted by the TWPTA and agreed, as appropriate, by North Tyneside Council and South Tyneside MBC (Document 18). In my view, and following discussions at the inquiry, all these conditions are essential and comply with the tests evinced by Circular 11/95.

9.71 In addition to the conditions suggested by the TWPTA and agreed by the local councils, I consider that the SoS should add at least two further conditions and possibly a third. The first pertains to air quality. The need for this was canvassed at the inquiry, but no form of words agreed. I suggest it could be worded as follows:-

Before commencement of the works hereby permitted, a scheme and programme for temporary relocation of the residents with proven medical conditions that could be further and materially aggravated by the proposed works, and who wish to be considered for relocation, shall be submitted to and approved in writing to the by the local planning authority. Such a scheme shall include a facility to submit an application supported by medical certification and a stated time limit to respond to such an application and to effect temporary relocation in accordance with an agreed timetable.

- 9.72 The second condition pertains to the storage of dredged arisings and a draft wording is given in **Document TWPTA34**. I accept that this would be acceptable and would be needed in the interests of the local environment.
- 9.73 A third extra condition would only apply should the suggested consultation with the EA not resolve and clarify the outstanding matters I have identified. Without further information, it is not possible to compose a form of words to cover all eventualities, but the EA should be able to offer guidance on an appropriate form of wording.
- 9.74 In addition to the suggested conditions, the COCP ^(Document TWPTA25) ensures an acceptable working regime during the period of construction. In my opinion, this is a sensible and pragmatic innovation and should establish a series of parameters and responses, whereby members of the public and responsible agencies could measure and test the reasonable expectations of those living and working in the area during the construction period.

The justification for Article 49 of the proposed TWA order, which seeks to exempt the new tunnel and associated works from rates. [6.145]

- 9.75 As indicated by the TWPTA, this provision is no longer necessary ^(Document TWPTA18, Request 43). The Local Government Finance Act 1988, Section 51 and paragraph 18A of Schedule 5 would exempt the Tunnels from rates.

The purpose and effect of any substantial changes to the TWA Order proposed by the TWPTA since the application was made; whether anyone likely to be affected by such changes has been notified; and whether any proposed changes to the Order either on their own or taken together would amount to a substantial change in the proposals for the purposes of Section 13(4) of the TWA. [6.146-6.147]

- 9.76 The only proposed changes that have been the subject of consultation are those identified on the opening day of the inquiry, being changes to works 4B and 4C. The proposed changes to the tolling protocol and the various protective provisions contained in the marked up Order have not been advertised or the subject of consultation ^(Document TWPTA18, Request 1). The protective provisions have been discussed with those businesses and firms affected and this has raised no further objections. On this basis, I am satisfied that there is no need to advertise the various protective provisions.
- 9.77 As for the tolling regime, the differences relate mainly to the transitional period between now and when one might expect the NTC to open. I believe that this would improve the perception of the public to the proposed toll increases and phase in the changes over several years rather than operate with a 'big bang' scenario. In practice, this arrangement does not differ materially from what has pertained hitherto. Again, therefore, I see no reason to re-advertise the proposed order.
- 9.78 Finally, there have been some small changes to the schedule of land required under the CPO procedures. These are all minor adjustments to areas and measurement. However,

they do not change the land described in the Order schedule and certainly do not go to the substance of the need for or the extent of the land required to construct the NTC. Once again, and as the basis of no objection hinges on the differences, I do not see these changes as requiring advertisement.

In relation to the applications for Listed Building consent [4.9, 6.148-6.161 and 8.191-8.196]

- 9.79 With respect to the approaches to the north and south Cycle/Pedestrian Tunnels and the renovation and relocation of the Sir Charles Palmer statue, there is minimal reference in the objections. Importantly, English Heritage raises no objection ^(Document TWPTA 12A) and I am satisfied that the proposals for these interests would be acceptable and fully satisfy the obligations embodied in PPG15.
- 9.80 As for the proposed demolition of the Gaslight Public House, I take a different view. So far as I can ascertain, English Heritage has not objected to its demolition on the basis that the site is needed for the proposed NTC works. Having said this, in answer to my questions, I understand that the building was listed in its present context. In other words, it was not listed because of its relationship other buildings or group of buildings that have/has subsequently been demolished. On this basis, it remains the only building within a significant area, which would have been there for a considerable time, and certainly when the area was fully developed down to the riverside.
- 9.81 The second point is that the building itself may not fall immediately over the line of the proposed NTC. As such, it would be possible, although inconvenient in construction terms, to retain the Gaslight Public House. If the more easterly line was taken then this would not be possible and to retain the Gaslight Public House would require constructing a raft underneath it and physically moving it to its ultimate location. I agree that the cost of this would not be proportionate.
- 9.82 Based on the information to hand ^(Document TWPTA18, Request 5), therefore, I consider that the Listed Building consent for demolition should be withheld until such time as the final line of the NTC is promoted by the eventual Concessionaire. When the line is agreed, then English Heritage should be approached once more after the costing of retaining the Gaslight Public House has been investigated further. I am grateful to the TWPTA for submitting details to the inquiry, but I firmly believe that it is too early to make an objective decision on the information supplied. I agree with the suggested condition that, if Listed Building Consent was issued, the demolition should not take place until it was necessary for the construction of the tunnel, but this is not the same as retaining it until the stage that demolition is judged absolutely necessary.
- 9.83 As for the other conditions suggested in connection with the Listed Building applications ^(Document TWPTA24), I agree that these are necessary to safeguard local heritage features and the draft wording has had regard to the advice contained in DOE Circular 11/95 and PPG15.

Overview, Summary of Conclusions/ Recommendation

9.84 I have incorporated my overview, summary of conclusions and my recommendations in a section preceding the main body of this report.

INSPECTOR