



Mersey Gateway Executive Board

**Thursday, 19 March 2009 3.00 p.m.
Marketing Suite, Municipal Building**

A handwritten signature in black ink, appearing to read 'David W R', is centered on the page.

Chief Executive

BOARD MEMBERSHIP

Councillor Tony McDermott (Chairman)	Labour
Councillor Rob Polhill	Labour
Councillor Mike Wharton	Labour

*Please contact Lynn Derbyshire on 0151 471 7389 or e-mail
lynn.derbyshire@halton.gov.uk for further information.
The next meeting of the Board is on Monday, 15 June 2009*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
3. PLANNING, TRANSPORTATION, REGENERATION AND RENEWAL PORTFOLIO	
(A) PREPARATION FOR PUBLIC ENQUIRY	1 - 13
(B) AGREEMENT WITH WARRINGTON BOROUGH COUNCIL	14 - 21
(C) AGREEMENT WITH HIGHWAYS AGENCY	22 - 28

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Mersey Gateway Executive Board

DATE: 19 March 2009

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Preparations for the Mersey Gateway Public Inquiry

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of the progress made in preparing for the Public Inquiry which will commence on 19 May 2009.

2.0 RECOMMENDED: That the Mersey Gateway Executive Board note the progress made.

3.0 SUPPORTING INFORMATION

3.1 On 20 February, the Department for Transport (DfT) wrote to the Mersey Gateway Project Team advising that arrangements for the Public Inquiry had been made. The proposals are as follows:

- i) the Public Inquiry will commence on 19 May at the Stobart Stadium.
- ii) the appointed Inspector is Mr Alan T Gray, MRICS Dip TP MRTPI.
- iii) to assist the Inspector to develop a timetable for the Inquiry, a Pre-Inquiry meeting will take place on 24 March at the Brindley Theatre.

3.2 We have been instructed by DfT to administer certain rules for Inquiries in providing public notices in local newspapers and posting notices on site. These actions have taken place (a copy of the Inquiry Notice is attached at Appendix 1). The Council planning officers are also publishing the Inquiry notices relating to the Mersey Gateway planning applications which have been called in and are to be considered at the same Inquiry.

3.3 The Inquiry is expected to be completed within 40 sitting days, which would result in completion in late July. Although it is not possible to guarantee that the Inquiry will be completed within this period, we would expect to deal with the current level of objections and representations within the time allowed. The Project Team are looking to resolve objections where possible to limit the issues to be raised at Inquiry, with the aim of shortening the Inquiry and thereby expediting the Secretary of State(s) decision.

- 3.4 The announcement of the Inquiry arrangements included a Statement of Matters that provide the Inspector with terms of reference. The Statement of Matters is attached at Appendix 2 and lists the issues to be covered at the Inquiry. Members will note that the list is extensive and the issues do not in every case relate to matters that have been raised in objections or representations. The Statement of Matters does not however, raise any surprises and we are dealing with all the topics listed in the preparation of our evidence.

4.0 POLICY IMPLICATIONS

- 4.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The cost of preparing for the Public Inquiry is covered by the approved Mersey Gateway development budget. The commencement of the Inquiry in March is around two months later than planned. The delay will put pressure on development costs but it is envisaged that the extra cost can be absorbed within the current approved budget.

6.0 RISK ANALYSIS

- 6.1 The timing of the Public Inquiry is a critical event and setting the start date has reduced delay risk considerably. The aim now is to remove as many objections as we can prior to the Inquiry starting so that we provide Government with an opportunity to announce the outcome of the Inquiry early in the New Year.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 8.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.

DEPARTMENT FOR TRANSPORT

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

TRANSPORT AND WORKS ACT 1992

AND

TRANSPORT ACT 2000

NOTICE is hereby given that joint Public Local Inquiries in connection with the applications described in the Annex to this notice will be held by Alan T Gray MRICS DipTP MRTPI, an Inspector appointed by the Secretary of State for Transport ("the Secretary of State"), beginning **at 10.00 am on Tuesday 19 May 2009 at the Stobart Stadium, Halton, Lowerhouse Lane, Widnes, Cheshire, WA8 7DZ**. The Inspector will hear representations from those entitled to appear at the inquiries under rule 14 of the Transport and Works (Inquiries Procedure) Rules 2004, rule 14 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 2007 and rule 13 of the Highways (Inquiries Procedure) Rules 1994); this includes any persons having an interest in the land the subject of the Orders described in the Annex to this notice. The Inspector may also, at his discretion, hear representations from any other persons who may wish to appear and be heard.

NOTICE is also given that a Pre-Inquiries Meeting will be held, beginning **at 10.00am on Tuesday 24 March 2009 at The Brindley Theatre, High Street, Runcorn, Cheshire WA7 1BG** where the Inspector will arrange the timetable for the joint Inquiries referred to above. The right to make representations at these Inquiries will in no way be prejudiced by the inability to attend or be represented at the Pre-Inquiries meeting.

Please note also that, concurrently with the Inquiries referred to above, the Inspector will hold Inquiries into the applications for planning permission made by Halton Borough Council in relation to works to the existing highway network (including the A533 Central Expressway and the Silver Jubilee Bridge), and the Council's application for listed building consent for works to the Silver Jubilee Bridge. These applications have been called-in for decision by the Secretary of State for Communities and Local Government.



CAROLINE O'NEILL
On behalf of the Department for
Transport



RAY OLDFIELD
On behalf of the Department for
Transport

Transport and Works Act Orders Unit
Department for Transport
Zone 9/09
Southside
105 Victoria Street
LONDON
SW1E 6DT

Ref: TWA/08/APP/05

February 2009

Local Authority Orders
Department for Transport
Government Office for the North East
4th Floor, Citygate
Gallowgate
Newcastle upon Tyne
NE1 4WH

Ref: DN5046/55/7/18/19,
DN5046/60/1/28/29,

MERSEY GATEWAY PROJECT

APPLICATIONS MADE BY HALTON BOROUGH COUNCIL TO THE SECRETARY OF STATE FOR TRANSPORT

1. Application for **THE RIVER MERSEY (MERSEY GATEWAY BRIDGE) ORDER** under sections 3 and 5 of the Transport and Works Act 1992. If made, the Order would authorise Halton Borough Council to construct, operate and maintain a bridge between Runcorn and Widnes for vehicles over and in the River Mersey and St Helen's Canal and over the Manchester Ship Canal and Bridgewater Canal together with all the necessary related and ancillary works. For the purpose of the new bridge the Order would authorise Halton Borough Council, compulsorily or by agreement to purchase land and rights in land and to use lands. It would provide for the new bridge over the River Mersey to be subject to tolls. The Order would also authorise the making of alterations to the highway network for the purposes of the bridge and its approach roads, the temporary closing of navigable waterways in the vicinity of the proposed works, the removal of vessels and the making of bye-laws.

In connection with the application for the above Order, Halton Borough Council has also requested a direction under section 90(2A) of the Town and Country Planning Act 1990 that planning permission be deemed to be granted for the development provided for in the above proposed Order.

2. Application for confirmation of **THE HALTON BOROUGH COUNCIL (A533 QUEENSWAY) SIDE ROADS ORDER 2008**. This is an Order which has been made by Halton Borough Council under sections 14 and 125 of the Highways Act 1980, and which, if confirmed by the Secretary of State, will authorise the Council to:-

- (a) improve highways;
- (b) stop up highways; and
- (c) construct new highways

all on or in the vicinity of the route of the classified road known as the Queensway which the Council are proposing to construct and improve at Widnes in the Borough of Halton.

3. Application for confirmation of **THE HALTON BOROUGH COUNCIL (THE MERSEY GATEWAY - QUEENSWAY) COMPULSORY PURCHASE ORDER 2008**. This is an Order which has been made by Halton Borough Council under sections 239, 240, 246 and 249 of the Highways Act 1980, and which, if confirmed by the Secretary of State, will authorise the Council to purchase compulsorily land and rights over land for the purposes of:

- (a) the construction and improvement of highways forming part of the A533 Queensway, south of the existing Ditton Road junction with Speke Road;
- (b) the improvement of Desoto Road West between its junction with Queensway and Macdermott Road at Widnes in the Borough of Halton;

(c) use by the acquiring authority in connection with the construction and improvement of highways, as aforesaid; and

(d) mitigating the adverse effects which the construction, improvement, existence or use of the highways proposed to be constructed or improved by the acquiring authority will have on the surroundings thereof.

4. Application for confirmation of **THE HALTON BOROUGH COUNCIL (A533 CENTRAL EXPRESSWAY) SIDE ROADS ORDER 2008**. This is an Order which has been made by Halton Borough Council under sections 14 and 125 of the Highways Act 1980, and which, if confirmed by the Secretary of State, will authorise the Council to:-

(a) improve highways;

(b) stop up highways; and

(c) construct new highways

all on or in the vicinity of the classified road known as A533 Central Expressway, the A557 Weston Point Expressway; the A533 Southern Expressway; and the A5126 Weston Link at Runcorn in the Borough of Halton.

5. Application for confirmation of **THE HALTON BOROUGH COUNCIL (THE MERSEY GATEWAY – CENTRAL EXPRESSWAY) COMPULSORY PURCHASE ORDER 2008**. This is an Order which has been made by Halton Borough Council under sections 239, 240, 246 and 249 of the Highways Act 1980, and which, if confirmed by the Secretary of State, will authorise the Council to purchase compulsorily land and rights over land for the purposes of:

(a) the improvement of an existing highway, being the classified road known as the A553 and A557 Weston Point Expressway;

(b) the construction of highways and the improvement of highways in pursuance of The Halton Borough Council (A533 Central Expressway) Side Roads Order 2008;

(c) the use by the acquiring authority in connection with the construction and improvement of highways, as aforesaid; and

(d) mitigating any adverse effects which the existence or use of the highways proposed to be constructed or improved by the acquiring authority will have on the surroundings thereof.

6. Application for confirmation of **THE A533 (SILVER JUBILEE BRIDGE) ROAD USER CHARGING SCHEME ORDER 2008**. This is an Order which has been made by Halton Borough Council under section 168 of The Transport Act 2000, and which, if confirmed, will authorise the Council to introduce a road user charging scheme for the A533 Silver Jubilee Bridge as a central element of Halton Borough Council's strategy to reduce congestion and in the context of measures to support the Council's proposals to construct a new road crossing over the River Mersey.

INSPECTION OF DOCUMENTS

COPIES of the above-mentioned applications and of the plans referred to in them have been deposited and may be seen at all reasonable hours free of charge at Kingsway Learning Centre, (Library), Victoria Road, Widnes WA8 7QY; Halton Lea Library, Halton Lea, Runcorn WA7 2PF (Halton Lea Library will be closed to the public from 23 February 2009 until 9 March 2009 when it will re-open on a reduced basis. During this time the deposited documents will be relocated to Halton Direct Link, Concourse Level, Rutland House, Halton Lea Shopping Centre, Runcorn, Cheshire WA7 2ES).

COPIES of any proofs of evidence sent to or by the Halton Borough Council in connection with the Inquiries referred to in this notice will be available for inspection, at the offices of the Halton Borough Council from 28 April 2009.

END

THE MERSEY GATEWAY PROJECT

STATEMENT OF MATTERS

This statement relates to the public inquiries to be held concurrently into various applications made by Halton Borough Council (“the Council”) to the Secretary of State for Transport¹ in respect of the Mersey Gateway Project. The applications in question are for:

- the proposed **River Mersey (Mersey Gateway Bridge) Order** under the Transport and Works Act 1992 (“the draft TWA Order”);
- a direction under the Town and Country Planning Act 1990 as to **deemed planning permission** for the development for which provision is included in the draft TWA Order;
- confirmation of the **A533 (Silver Jubilee Bridge) Road User Charging Scheme Order 2008** (“the RUCO”);
- confirmation of the **Halton Borough Council (A533 Queensway) Side Roads Order 2008** and the **Halton Borough Council (A533 Central Expressway) Side Roads Order 2008** (“the Side Roads Orders”); and
- confirmation of the **Halton Borough Council (The Mersey Gateway Queensway) Compulsory Purchase Order 2008** and the **Halton Borough Council (The Mersey Gateway – Central Expressway) Compulsory Purchase Order 2008** (“the CPOs”).

This statement sets out the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of these applications. These matters are as follows:

1. The aims and objectives of, and the need for, the proposed Mersey Gateway Project.
2. The justification for the Council’s proposals, including:
 - a) the extent to which they are consistent with national, regional and local planning, transport and environmental policies;
 - b) the anticipated transportation, regeneration, environmental and socio-economic benefits of the project; and

¹ Other applications relating to this project are before the Secretary of State for Communities and Local Government for determination – see note 2 at the end of this statement.

- c) the main alternatives considered by the Council for the proposals, and the reasons why these were rejected in favour of the chosen proposals.
3. The likely impact on the environment of constructing and operating the Mersey Gateway Bridge and its approach roads, including:
 - a) noise and vibration, having regard to PPG24: Noise;
 - b) landscape and other visual impacts;
 - c) effects on the hydrodynamic and sedimentary regime of the Mersey Estuary, including impacts on the walls of the Manchester Ship Canal and the clay cliffs at the end of the Liverpool John Lennon Airport;
 - d) the effects of the proposals on flood risk;
 - e) impacts on air and water quality, including the risk of contamination resulting from the disturbance of former industrial sites, having regard to PPS23: Pollution;
 - f) the effects of the handling, storage, treatment, transportation and disposal of waste materials, having regard to PPS10: Waste;
 - g) the extent to which the proposed development is consistent with Government policies in PPG 2: Green Belts, especially whether the development is considered appropriate under the provisions of PPG2 and, if not, whether there are any very special circumstances sufficient to overcome the presumption against such development; and
 - h) the extent to which the proposed development is consistent with Government policies in PPG17: Open Space, with particular reference to the loss of greenspace and to the Council's proposals for replacing any open space to be compulsorily acquired for the purposes of the project.
4. The likely impacts of constructing and operating the Mersey Gateway Bridge and its approach roads on flora and fauna having regard to PPS9: Biodiversity and Geological Conservation, including whether implementation of the project is likely to damage or destroy a breeding site or resting place of any species protected under the Conservation (Natural Habitats, &c.) Regulations 1994 ("the 1994 Regulations"); and, if so, whether appropriate mitigation measures have been designed and a licence applied for by the Council under the 1994 Regulations.
5. In relation to the Mersey Estuary Special Protection Area and Ramsar site (a "European site" under the 1994 Regulations):
 - a) whether construction of the Mersey Gateway Bridge (either alone or in combination with other plans or projects) is likely to have an adverse effect on the integrity of the site, having regard to the conservation

objectives of the site and to the manner in which the project is proposed to be carried out by the Council, including any proposed conditions or restrictions to which the draft TWA Order and deemed planning permission would be subject; and, if so,²

- b) whether there are any alternatives to the Council's proposals which are capable of achieving the objectives of the project, which are feasible and which would have less adverse impact on the integrity of the site or no such impact;
 - c) whether the Council's proposals are necessary for imperative reasons of overriding public interest; and
 - d) what compensatory measures are proposed by the Council to maintain the overall coherence of the Natura 2000 Network.
6. The likely impact of constructing and operating the Mersey Gateway Bridge and its approach roads on businesses, residents and traffic, including:
- a) impacts on the continuity and viability of businesses affected by the project;
 - b) impacts on access to premises;
 - c) the effects of implementing the proposals on traffic using the wider road network;
 - d) the effects of altered traffic levels on residents adjacent to the existing road network;
 - e) the effects of implementing the proposals on public transport services;
 - f) the effects of closing or diverting the streets as detailed in Schedules 3 and 4 to the draft TWA Order;
 - g) impacts on commercial and recreational users of the River Mersey, St Helens Canal, the Manchester Ship Canal and the Bridgewater Canal, including the proposals temporarily to close waterways to navigation during construction and proposed powers to restrict navigation and mooring of vessels in the vicinity of the new bridge;
 - h) impacts on aircraft using Liverpool John Lennon Airport and its controlled airspace;
 - i) the effects of the proposals on utility companies;
 - j) the effects of the proposals on the Garston to Timperley freight railway line; and

² See note 3 at the end of this statement.

k) impacts on wildfowling on the banks of the River Mersey.

7. The measures proposed by the promoters for mitigating any adverse impacts of the project, including:

- a) the proposed Construction Environmental Management Plan and Construction Transportation Management Plan;
- b) any measures to avoid, reduce or remedy any major adverse environmental impacts of the project;
- c) any measure to avoid, reduce or remedy any other significant adverse environmental impacts of the project;
- d) whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation;
- e) any measures proposed to alleviate the effects of the project on residents and businesses, including statutory undertakers; and
- f) whether, in relation to any public right of way to be stopped up under the draft TWA Order, an alternative right of way has been or will be provided, or the provision of an alternative right of way is not required.

8. The conditions proposed to be attached to deemed planning permission for the development provided for in the draft TWA Order, if given, and in particular whether those conditions meet the tests of DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

9. The proposals for funding the cost of the project and whether the project is reasonably capable of attracting the necessary funding.

10. The case for charging tolls for use of the Mersey Gateway Bridge and for introducing charges for use of the Silver Jubilee Bridge, including,

- a) the arrangements in the draft TWA Order and the RUCO for setting and varying the level of tolls and charges, toll ranges, and the classifications of vehicles subject to tolls and charges; and
- b) the effects of tolling on private and commercial road users and the local economy.

11. The justification for the particular proposals in the Side Roads Orders, including:

- a) whether the provisions are acceptable in their treatment of those highways or private means of access to premises proposed for stopping up or to be provided as new, as a result of the prospective

construction or improvement of the classified road works on the northern and southern approaches to the Mersey Gateway Bridge;

- b) whether any alternative routes for highways proposed for stopping up are reasonably convenient; and
- c) where private means of access are to be stopped up, whether access to the premises is reasonably required, or whether another reasonably convenient alternative is available or would be provided.

12. In relation to the draft TWA Order and the CPOs, whether there is a compelling case in the public interest for conferring on the Council powers compulsorily to acquire and use land for the purposes of the project, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23 (including whether the Council has demonstrated there to be a reasonable prospect of the project going ahead without being blocked by financial or other impediment); and whether all of the land over which the promoters have applied for such powers is required in order to secure implementation of the project.

13. Whether there is a reasonable prospect that the Council will secure the consent of the Crown Estate and the Duchy of Lancaster to the acquisition of the land on the banks of the River Mersey needed for construction of the bridge.

14. The adequacy of the Environmental Statement submitted with the applications for the Orders and whether the statutory procedural requirements have been complied with.

15. The purpose and effect of any substantive changes proposed by the Council to the draft TWA Order, the RUCO, the Side Roads Orders and the CPOs and whether anyone whose interests are likely to be affected by such changes has been notified.

Notes

1. It should be noted that whilst the above matters appear to the Secretary of State for Transport, from the evidence so far available, to be the principal ones that need to be addressed, this statement does not preclude the inquiry inspector from hearing evidence on any other matters that he may consider to be relevant to consideration of the applications, including the provisions of the draft TWA Order, the RUCO, the Side Roads Orders or the CPOs. In addition, this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does it imply any particular order of importance.

2. Please note that the Government Office for the North West has also issued a statement of matters (on 30 September 2008) on behalf of the Secretary of State for Communities and Local Government. That statement relates to various applications by the Council for planning permission and

listed building consent for the purposes of the Mersey Gateway Project, which are to be considered at the same inquiry as the applications referred to in this statement.

3. The information described at matter 5 is required to enable the Secretary of State to carry out an appropriate assessment for the purposes of regulations 48 and 49 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. No. 2716). Unless it can be clearly established through the evidence presented to the inquiry that construction of the Mersey Gateway Bridge would not have an adverse impact on the integrity of the Mersey Estuary Special Protection Area and Ramsar site, the Secretary of State will need to be informed about the matters described at 5 b), c) and d) to enable him to fulfil the requirements of the 1994 Regulations in respect of appropriate assessment.

TWA Orders Unit

Roads Strategy Division

**National Local Authority Orders Section,
Government Office for the North East**

**Department for Transport
February 2009**

REPORT TO: Mersey Gateway Executive Board

DATE: 19 March 2009

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Memorandum of Understanding with Warrington Borough Council

WARD(S): Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Members of progress made by Council officers in discussions with Warrington Borough Council with regard to their statutory representation made in response to the published applications and orders for Mersey Gateway.
- 1.2 A draft Memorandum of Understanding (MoU) has been agreed with Warrington Borough Council officers that will provide the basis of a partnership that will address their concerns over the risk that traffic will divert to routes through Warrington to avoid paying tolls in Halton.

2.0 RECOMMENDATION: That the Mersey Gateway Executive Board approve the MoU with Warrington Borough Council that will establish partnering arrangements and obligations to apply in the delivery of the Mersey Gateway project and during its operation, subject to any minor amendments being delegated to the Chief Executive, in consultation with the Leader.

3.0 SUPPORTING INFORMATION

- 3.1 Warrington Borough Council have reaffirmed their support for Mersey Gateway but this support is conditional on measures being agreed to mitigate the adverse affects of traffic diverting to river crossings in Warrington in order to avoid tolls in Halton. Last summer, Warrington Borough Council instigated discussions with the Mersey Gateway Project Team to explore how their concern over diversion could be addressed.
- 3.2 Although the two Councils have a different view over the significance of the risk that traffic will divert to Warrington, the Mersey Gateway Project Team recognised that this is a substantive concern of Warrington Borough Council and therefore proposed that it should be addressed by establishing a partnering agreement through a MoU agreement between the two Councils.
- 3.3 The MoU attached at Appendix 1 has been agreed by officials at each Council and the Warrington Borough Council Executive are due to

consider the approval of this MoU when they meet on 9 March. The following is an extract from a report on Mersey Gateway to be considered **by the WBC Executive** on 9 March:-

- i) The Executive Board (WBC) are asked to note the contents of this report and the progress made to date in discussions held with officers of Halton Borough Council. They are asked to authorise officers of the Sustainable Transport Service to continue this joint working to make further progress in identifying and progressing potential mitigation measures and to prepare further progress reports to the Executive Board at regular intervals.
- ii) That the Council continues to support the Mersey Gateway scheme, subject to the continuation of partnership working with Halton Borough Council, as set out in the recently agreed Memorandum of Understanding.
- iii) The Executive Board approves the Memorandum of Understanding and authorises the Leader of the Council and Chief Executive plus other agreed senior members/officers to sign the MoU on the Council's behalf, assuming it is approved by Halton Borough Council's members who consider it on 19 March.
- iv) The Executive Board is also asked to authorise officers to submit the items listed below (not included in the extract) as its 'Statement of Case' for the forthcoming Public Inquiry into the scheme, prior to the deadline set of 16 March 2009. It is intended that this Statement of Case is presented to the Planning Inspector to take into account in his/her consideration of the planning and Transport and Works Act applications, but that this Council does not intend to appear at the Inquiry to present this evidence orally.

3.4 The recommendation to the Mersey Gateway Executive Board, in Paragraph 2 above, is presented assuming that Warrington Borough Council approves the Memorandum of Understanding when they meet on 9 March.

3.5 Members will note that the attached MoU lists the joint aims of the partnership and specifies the obligations of each party towards fulfilling these aims. The obligations for Halton Borough Council are listed below with comments to advise Members of any ramifications:-

1. Prior to delivering MG: To keep WBC informed of any changes to MG proposals that could alter the expected traffic impacts in Warrington as the project negotiates the planning and procurement phases of delivery.

Warrington Borough Council sit on the Mersey Gateway Group and it is proposed that this obligation is discharged as part of the

routine liaison with this stakeholder group as the project moves towards construction

2. Post MG: as part of the 'after evaluation' surveys required by DfT, traffic changes on the alternative routes in Warrington will be investigated and the results shared with WBC.

The funding agreement with Government requires a detailed evaluation of the effects of Mersey Gateway. The monitoring of traffic changes due to the new crossing and tolling will form part of this evaluation and hence this obligation is not expected to require any additional resources.

3. To include joint projects agreed by the Partnership in the Mersey Gateway Sustainable Transport Strategy and to fund these projects subject to resources being available in the form of central government funding and toll revenue sharing.

Joint projects are already being developed and reference to cross boundary transport schemes is made in the adopted Mersey Gateway Sustainable Transport Strategy.

4. To consult WBC on the proposed traffic operating agreement with the Highways Agency with the aim of including the tactical management of driver information and area traffic signal control systems in Warrington as part of the proposed cross Mersey Incident Management arrangements where MG would be recognised as a strategic alternative to motorway routes.

This obligation would include WBC in the area wide traffic management agreement proposed with the Highways Agency which is the subject of a separate draft MoU.

5. To develop joint transport policies and strategies to address cross border transport issues

A more general obligation similar to 3 above.

4.0 POLICY IMPLICATIONS

- 4.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

5.0 FINANCIAL IMPLICATIONS

- 5.1 None at this stage.

6.0 RISK ANALYSIS

- 6.1 The MoU provides a transparent basis for working with Warrington and to sustain their support for Mersey Gateway.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 8.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.

Appendix 1

AGREED DRAFT

MERSEY GATEWAY PROJECT

MEMORANDUM OF UNDERSTANDING

1. The Parties

Halton Borough Council (HBC) and Warrington Borough Council (WBC) have entered into this Memorandum of Understanding (MOU) to jointly address the predicted effects and opportunities arising from the Mersey Gateway Project.

2. MOU Overview

- 2.1 HBC is promoting the Mersey Gateway project and a proposed scheme has been submitted for planning approval. WBC support the project in principle but they have raised concerns over the potential for some traffic to divert to alternative routes through Warrington as a way of avoiding the toll charges that would apply to the existing Silver Jubilee Bridge and to the New Bridge.
- 2.2 The Parties have agreed to work together to address the traffic diversion risk through monitoring the effects of the Mersey Gateway project on traffic levels in Warrington and in taking collaborative action towards mitigating any adverse impact either identified or predicted to occur. This MOU establishes the basis of this partnership.

3. Aims and Objectives

- 3.1 The key aims and objectives of the partnership are as follows:-
 1. to have regard to the impact of the Project on traffic levels using the alternative routes in Warrington for river crossing trips when setting toll charge levels.
 2. to communicate in an open and effective way.
 3. to identify joint action plans designed to maximise the opportunities arising from MG and to mitigate any adverse impacts both for WBC and HBC.
 4. to collaborate in bids for central government funding linked to agreed action plans.
 5. to include joint interventions in the Mersey Gateway Sustainable Transport strategy which would benefit from the funding available to deliver the strategy.
 6. To ensure consistency and support in the development of transport policies and strategies

4. Areas of Responsibility

- 4.1 HBC will undertake the following actions to support the Partnership:
 - 1 Prior to delivering MG: To keep WBC informed of any changes to MG proposals that could alter the expected traffic impacts in Warrington as the project negotiates the planning and procurement phases of delivery.

- 2 Post MG: as part of the 'after evaluation' surveys required by DfT, traffic changes on the alternative routes in Warrington will be investigated and the results shared with WBC.
 - 3 To include joint projects agreed by the Partnership in the Mersey Gateway Sustainable Transport Strategy and to fund these projects subject to resources being available in the form of central government funding and toll revenue sharing
 - 4 To consult WBC on the proposed traffic operating agreement with the Highways Agency with the aim of including the tactical management of driver information and area traffic signal control systems in Warrington as part of the proposed cross Mersey Incident Management arrangements where MG would be recognised as a strategic alternative to motorway routes.
 - 5 To develop joint transport policies and strategies to address cross border transport issues
2. WBC will undertake the following to support the Partnership
1. To continue to support MG, subject to the continuation of partnership working with HBC and the securing of transport measures aimed at mitigating the impact of traffic diverting through Warrington to avoid the payment of tolls.
 2. To include agreed joint interventions in its Local Transport Plan and in any funding bid documents forwarded to central government.
 3. To develop joint transport policies and strategies to address cross border transport issues.
 4. To collaborate with any incident management protocol agreed with the Highways Agency by utilising its UTMC system to accommodate traffic diversion plans.
3. The Parties will each undertake or provide the following to support the Partnership.
1. To provide office resources in support of this MOU.
 2. To operate open and transparent communications and information exchange on matters related to this MOU, subject to the confidentiality terms below.

5. Confidentiality Undertaking

- 5.1 Each of the parties agree to regard as confidential:

Any information disclosed by either party which is declared as confidential unless either party is obliged by law to make the information publicly available (Freedom of Information Act)

REPORT TO: Mersey Gateway Executive Board

DATE: 19 March 2009

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Memorandum of Understanding with the Highways Agency

WARD(S): Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 The report advises Members of progress made by the Mersey Gateway Project Team in discussions with the Highways Agency with regard to identifying common interests in the promotion and operation of Mersey Gateway in the context of the Strategic Road Network.
- 1.2 A draft Memorandum of Understanding (MoU) has been agreed with Highway Agency officials in Manchester that will provide the basis of a partnership designed to capture the benefits that the New Crossing offers to the operation of the Strategic Road network.

2.0 RECOMMENDATION: That the Mersey Gateway Executive Board approve the MoU with the Highways Agency that will establish partnering arrangements and obligations to apply in the delivery of the Mersey Gateway project and during its operation, subject to any minor amendments being delegated to the Chief Executive, in consultation with the Leader.

3.0 SUPPORTING INFORMATION

- 3.1 The Highways Agency have submitted a holding objection to the planning application that covers the proposed improvements to Junction 12 which require minor alterations to the motorway link roads connecting with the roundabout on the south side of the junction. These minor alterations are the only works required for the project which lie outside the boundary of Halton Borough Council as Highway Authority. As such the Council is required to complete certain procedures to permit the proposed alterations to trunk roads and the Highways Agency has advised that they will withdraw their objection once the procedures have been completed to their satisfaction. Work is in hand to achieve this to enable the objection to be withdrawn before the Inquiry commences on 19 May.
- 3.2 This holding objection contrasts with the substantive expressions of support for Mersey Gateway by Highways Agency officials. To capture the basis of this support and to provide a partnership with the Highways Agency designed to further both the objectives of Mersey Gateway and

the future management of the Strategic Road Network, a draft MoU has been prepared by the Mersey Gateway Project Team.

- 3.3 The MoU attached at Appendix 1 has been agreed by the Regional Head of Planning at Highways Agency. The proposed partnering arrangements will reinforce the effectiveness of Mersey Gateway in providing much improved connectivity to the Liverpool City Region. The clear support for Mersey Gateway by the Highways Agency will support the Council in presenting its case to the forthcoming Public Inquiry.

4.0 POLICY IMPLICATIONS

- 4.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

5.0 FINANCIAL IMPLICATIONS

- 5.1 None at this stage.

6.0 RISK ANALYSIS

- 6.1 The MoU provides a transparent basis for working with the Highways Agency and to sustain their support for Mersey Gateway.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 8.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.

Appendix 1

AGREED DRAFT

MERSEY GATEWAY PROJECT

MEMORANDUM OF UNDERSTANDING

1. The Parties

The Highways Agency (HA) and Halton Borough Council (HBC) have entered into this Memorandum of Understanding (MOU) to promote a partnership approach to the management of the potential impact of the Mersey Gateway Project (the Project) on the operation of the Strategic Road Network (SRN) in the Region.

2. MOU Overview

- 2.1 HBC is promoting the Mersey Gateway project and a proposed scheme for a new crossing and supplementary works has been submitted for planning approval. The HA support the Project in principle as an important addition to transport infrastructure in the Region that will provide an alternative egress/access route for traffic to and from the Liverpool City Region. It is also recognised that the new crossing offers the opportunity to act as a diversion route to aid incident management and network maintenance on the M6 Motorway.
- 2.2 The Parties have agreed to work together to mitigate any risk and to maximise the delivery of potential benefits that the Project offers in realising the shared aims and objectives. This MOU establishes the basis of this partnership.

3. Aims and Objectives

- 3.1 The key aims and objectives of the partnership are as follows:-
 1. To recognise the importance of the SRN to the economy of the Region and have regard to the impact of the Project on traffic levels using the strategic network (the M6, M56 and M62 motorways) when setting toll charge levels in order to safeguard the safe and efficient operation of the network.
 2. To agree an appropriate permanent Signing Strategy for primary destinations via motorway routes connecting with the Project.
 3. To incorporate the availability of the new Mersey Crossing in temporary real time traffic information made available to road users via motorway variable message signs and traffic information bulletins to improve journey time reliability during incident management and routine maintenance.
 4. To take into account the level of service opportunities available from the additional river crossing capacity when deciding any future investment schemes to improve technology in motorway communications and/or increase capacity (such as hardshoulder running) on M56 and M62 motorways.
 5. To agree an incident management strategy to maximise journey reliability on SRN and the new crossing infrastructure.

4. Areas of Responsibility

4.1 HBC will undertake the following actions to support the Partnership:

1. Prior to delivering the Project: To keep HA informed of any changes to the Project proposals that could alter the expected traffic impacts on the SRN as the project negotiates the planning, detailed design and procurement phases of delivery.
2. Post Project: as part of the 'after evaluation' surveys required by Department for Transport, traffic changes on the SRN will be investigated in agreement with the HA and the results shared with each party to this MoU.
3. To provide information to HA, including the Mersey Gateway Traffic Model, to assist HA in its consideration of future investment and management of the SRN..
4. To consult Warrington Borough Council on the proposed traffic operating agreement with HA with the aim of including the tactical management of driver information and area traffic signal control systems in Warrington as part of the emerging cross Mersey incident management arrangements where The Project would be recognised as a strategic alternative to motorway routes.
5. To develop joint transport policies and strategies to address the integration traffic management and operations across the interface between the Council major roads and the SRN..

4.2 HA will undertake the following to support the Partnership

1. To continue to support the Project in principle and to participate in the Mersey Gateway Stakeholder Group.
2. To develop transport policies and strategies to address the integration of traffic management and operations across the interface between the SRN and HBC major roads.
3. To take into account the strategic role of the New Crossing when considering future investment in the strategic network.
4. To consider and reach agreement on alterations to permanent traffic signs on the strategic network to reflect the improved route via the New Crossing to certain Primary Destinations.
5. To make recommendations on a protocol for incident management that makes appropriate use of the New Crossing, taking into account the existing agreement with Warrington Borough Council.
6. To share HA modelling capability with HB on the basis of a shared approach to the delivery of traffic assessment work streams

4.3 The Parties will each undertake or provide the following to support the Partnership.

1. To provide office resources and staff in support of this MOU.

2. To operate open and transparent communications and information exchange on matters related to this MOU, subject to the confidentiality terms below.

5. Relevant Information

- 5.1 The traffic appraisal undertaken for Mersey Gateway forecasts that the New Crossing will have a broadly neutral impact on the SRN. This outcome would be due to the demand management through tolling acting as a deterrent against traffic levels being induced by the higher route capacity and improved level of service. The forecasts also show that the impact of tolls on future traffic levels will be considerable with around 40,000 fewer trips crossing the river between the Mersey Tunnels and M6, on an average working day in 2030, compared with the toll free option. The provision of the New Crossing combined with tolling to assist the management of future traffic levels will assist the delivery of strategic network operating objectives, expected to be particularly beneficial as demand for road access increases across the region.
- 5.2 The New Crossing will also present opportunities when managing the effect of incidents on the SRN.. The fact that the SRN operates close to capacity for large parts of the working day and during weekend travel peak periods means that any loss of capacity due to quite modest incidents can produce significant congestion and delay to users. The more serious incidents result in network capacity being reduced markedly for considerable periods of time leading to congestion being widespread and 'gridlock' conditions on Silver Jubilee Bridge and the alternative low standard urban routes through Warrington which impacts upon the primary objectives of the HA – safe roads and reliable journeys.
- 5.3 Analysis undertaken to date in the assessment of the Project reveals that, globally, on the SRN alone, incidents involving full or partial lane closures for durations exceeding one hour are a regular feature. In the immediate SRN surrounding the New Crossing, these incidents are less prevalent. The effect of those incidents, in common with many that have been assessed since January 2006, was felt on the Silver Jubilee Bridge with increases in traffic recorded for several hours after the incident. Alternative routes through Warrington also suffer serious congestion causing access within the town to breakdown for long periods. It may be that further study work is needed to create reliable evidence on the actual pattern of incident management in this area.
- 5.4 It is clear therefore that the Silver Jubilee Bridge already has an important role to play during times of network incidents. The New Crossing will present the availability of a high standard alternative route to cross the Mersey, where the capacity available will be able to accommodate diverted traffic with minimum inconvenience and

environmental impact. The network management operating benefits would be considerable and warrant a formal system of driver information and signing to be established to ensure that these incident management benefits are delivered.

- 5.5 Interfaces with the SRN will be agreed with the HA during detailed development stages of the Project.

6. Confidentiality Undertaking

- 6.1 Each of the parties agree to regard as confidential:

Any information disclosed by either party which is declared as subject to an exemption under the Freedom of Information Act 2000 or an exception under the Environmental Regulations 2004 will remain confidential unless either party is obliged by due process under the legislation to make the information publicly available. The presumption will be on disclosure unless the weight of public interest arguments rests with non-disclosure when tested.