

REPORT TO: Mersey Gateway Executive Board

DATE: 24th January 2008

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: Making a Planning Application and Submitting the Draft Orders for Mersey Gateway

1.0 PURPOSE OF THE REPORT

- 1.1 To inform members of the proposed programme for making planning and other applications and submitting draft Orders for Mersey Gateway (MG) (collectively called the “Applications” in this report). These are needed to secure the powers required to construct and maintain the new crossing, to charge tolls on the new crossing and the existing Silver Jubilee Bridge (SJB) and to acquire all the land needed to construct, mitigate, maintain and operate the system. It should be noted that the proposed Applications do not include adjustment to the approach roads to SJB in Runcorn. This is because the form of the de-linking proposals in this area is to be subject to further consultation as part of the consideration of alternative regeneration schemes for Runcorn Old Town.
- 1.2 To ensure that the Applications are supported by a clear and appropriate Council mandate, certain decisions are required to be taken by Full Council or by the Council Executive. Details of these decisions are given in this report. To commence the Application process, the decisions contained in this report are required to be taken by the Mersey Gateway Executive Board.

2.0 RECOMMENDATION: That

- (1) The programme for submitting the proposed Applications to the Council Executive, and where required to the Full Council, is agreed;
- (2) To commence the application process at the earliest opportunity by preparing and making a Planning Application or Applications and a Listed Buildings Application for the MG scheme subject to receiving the necessary clearance from the Department for Transport; and
- (3) That officers be authorised to agree the form and content of the draft application, including its geographical scope.

3.0 SUPPORTING INFORMATION

3.1 The proposed scheme to be covered in the Applications is the culmination of extensive options appraisals undertaken over many years. The development of the proposed scheme has been informed by public consultation at each key stage in the preparation process, concluding with the Pre-Planning Application Public Consultation which reported last November. The scheme also benefits from extensive engineering and environmental studies and assessments, which will be published in the Environmental Statement and associated documents to support the Applications.

3.2 The Board is aware that the most appropriate statutory process to apply for the MG project has been discussed at length with Department for Transport officials since the scheme received Programme Entry approval in March 2006. In November last year, we reached a consensus with the Department on the statutory process that should be used to secure the powers and to deliver the project. The preferred statutory process is unavoidably complex and embraces several separate applications and draft Orders. The main components in the Application programme are:-

- i) an application for an Order under the Transport and Works Act 1992 (TWA) that covers the proposed new river crossing from the northern limit of the works on Speke Road (A562) and on Widnes Eastern Bypass (A557) and extends as far south as the junction between the new river crossing and the Central Expressway at Astmoor. The TWA Order will secure the tolling powers for the new crossing, will also request deemed planning permission for the works covered by the draft order and will confer powers of compulsory acquisition of land;
- ii) a Planning Application (or more than one Planning Application) for the works not included in the draft TWA Order which covers the road and environmental improvements proposed along the Central Expressway leading to Junction 12 at the M56;
- iii) a Listed Building Consent Application for works to the listed SJB;
- iv) Side Roads Orders under the Highways Act 1980 for alterations to existing roads and rights of way required where the works are outside the limits of the draft TWA Order, to the extent that such alterations are not secured by means of the TWA Order;
- v) a Compulsory Purchase Order detailing all the land and rights required to construct and maintain the scheme throughout, including areas required for essential environmental mitigation; and

vi) a Road User Charging scheme under the provisions of the Transport Act 2000 that would seek the power to apply tolls.

3.3 The target programme for completing the statutory process is based on commencing with making a Planning Application (as described above in Paragraph 3.2 ii) before the end of March 2008. The following table provides the target programme for dealing with Council resolutions over the next three months.

Target Programme for Council Resolutions

Resolution	Decision Taken By	Target Meeting
To make TWA application	Full Council	5 th March 2008
To confirm TWA application	Full Council	At least 14 days after TWA Application is made. Dates yet to be confirmed.
To make Road User Charging Order	Executive Board	Following Consultation period. Dates yet to be confirmed.
To make Highways Act CPO	Executive Board	10 th April 2008
To make Side Roads Order	Executive Board	10 th April 2008
To make Planning Application	Mersey Gateway Executive Board	24 th January 2008
To appropriate land for the purposes of the MG Project	Executive Board	10 th April 2008

3.4 Completing the Environmental Statement and securing the agreement of the Department for Transport to commence the statutory planning process are both critical to achieving the above programme. We are on course to complete the Environmental Statement (and supporting documents) in time for a March publication, and we are engaged with Department for Transport officials on matters they have yet to endorse. We expect to make further progress on the outstanding issues when we meet the Department at the next progress meeting on 18th January.

The main issues that will be reassessed by the DfT are value for money and the level of confidence that the project can be delivered within the funding limits agreed when Ministers granted Programme Entry status for the project. Robust evidence to support a favourable outcome for both these issues has now been submitted to DfT.

Members should note that any endorsements given by the Government will tend to be non-binding, but will give guidance on those subjects.

4.0 POLICY, RESOURCE AND OTHER ISSUES

4.1 The land required for the scheme has now been identified, and landowners have been invited to discuss the programme for acquiring their land interest, in line with the policy for land acquisition agreed by the Mersey Gateway Executive Board at the meeting in November 2007. The impact of the proposed scheme on Council owned land, other than that dedicated as highway, is relatively small. The toll plaza along Speke Road will however require the existing road to be widened, mainly extending the highway boundary to the south, encroaching into the area of the closed golf course. The opportunity to reinstate the golf course is constrained by the land required for the toll plaza, and the land lost could be further exacerbated by drainage lagoons that may be required for flood attenuation. A study is taking place to produce a revised course layout that could be accommodated by making use of the area of the former course that is not affected by the scheme, combined with the potential use of additional land in Council ownership that adjoins the golf course to the north. The results of the study into the opportunity to reinstate the golf course will inform the final design of the MG scheme in this area.

4.2 The funding required to promote the scheme through the statutory process is covered by the approved MG development budget. The profile of expenditure this year is running higher than forecast, indicating upward pressure on the £14m mid range forecast of the development funding required to deliver the project to construction. The Department for Transport has recently changed its position and invited the Council to bid for a contribution towards the development costs, in view of the exceptional financial challenge facing the Borough in promoting such a large project that has regional significance. We are requested to submit a bid for development costs at the earliest opportunity and the substance of such a bid will be discussed with Department officials at the progress meeting on 18th January.

5.0 KEY RISKS

5.1 Securing the agreement of the Department for Transport to the commencement of the statutory process is the main programme risk.

6.0 EQUALITY AND DIVERSITY ISSUES

6.1 The new Mersey Crossing will improve accessibility to services, education and employment for all.

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

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