

REPORT TO: Mersey Gateway Exec Board

DATE: 29 January 2008

REPORTING OFFICER: Mersey Gateway Project Director

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 has now been announced.

2.0 RECOMMENDATION: That

The Mersey Gateway Executive Board note the progress made.

3.0 SUPPORTING INFORMATION

- 3.1 The 30 September the Secretary of State announced that a conjoined public inquiry would be held to consider the statutory applications for Mersey Gateway. The announcement of the public inquiry established the procedural timetable and the first key event took place on 11 November when the Council submitted its Statement of Case which was reported to MGEb in November 2008.
- 3.2 The next step was for the Department for Transport (DfT) to issue the formal Statement of Matters for the public inquiry, which in effect would set the terms of reference for the inquiry. The timetable required the DfT to issue the Statement of Matters on or before the 23 December but they have now written to all interested parties to extend this deadline until 23 February 2009. The reason given for this delay is to allow the tolling proposals in the Transport and Works Act Application (that would apply to the new crossing) to be reviewed against the road user charging scheme as defined in the made Road User Charging Order for SJB. The letter from DfT of 23 December 2008, explaining this delay, is appended to this report.
- 3.3 The extended period up to the issuing of the Statement of Matters will still enable an Inquiry to commence this spring. The additional time will be used to resolve as many objections as possible leading to a shorter Inquiry and potentially an earlier Decision. The project team are making good progress towards resolving objections. A key aim is to reach agreement with Natural England and the Environmental Agency where the matter of ecological mitigation is the main issue that remains to be settled. To support the robust deliverability of our environmental mitigation proposals we are investigating the case for establishing a

Mersey Gateway environmental Trust under the Charities Act 2006 as an efficient vehicle to deliver the long term mitigation nature conservation plan. Such a body could oversee other council strategic objectives towards to the long-term management, maintenance and promotion of the estuary. Any proposals emerging from these investigations and discussions with the regulating bodies will be reported to MGEB.

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 delay will put pressure on development costs but providing the Inquiry commences in the Spring the pressure can be absorbed within the current approved budget.

6.0 RISK ANALYSIS

- 6.1 The timing of the public inquiry is a critical event in the project programme and the project team will do all it can to avoid any further delay.

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.

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Our Ref: TWA/08/APP/05/
Your Ref:

23 December 2008

Dear

**TRANSPORT AND WORKS ACT 1992 ("TWA")
APPLICATION FOR THE PROPOSED RIVER MERSEY (MERSEY
GATEWAY BRIDGE) ORDER**

1. I refer to my letter of 30 September advising you that we had decided to hold a public inquiry into this application by Halton Borough Council for powers to construct the new Mersey Gateway Bridge. At that time we asked those who wanted to present oral evidence to the inquiry to submit statements of case to us (by 11 November). I am writing to update you on progress with this case and to explain why we are not yet in a position to fix a date for the inquiry to open.

2. As I explained previously, the intention is that the inquiry into the proposed TWA Order would be joined up with inquiries into a number of other applications by Halton Borough Council for consents needed for the scheme. One of those linked applications is for confirmation by the Secretary of State for Transport of a Road User Charging Order which would authorise the Council to introduce charges for using the Silver Jubilee Bridge. This application was made to the Department on 16 December. Colleagues in the Department's Roads Strategy Division are now considering this application.

3. Since it will take a while for the road user charging application to catch up procedurally with the others made by Halton earlier in the year, we consider it will not now be possible to start a combined inquiry into all the linked applications in March, as previously envisaged by the Council. We will write to you again when we are able to confirm the inquiry arrangements.

4. In view of the longer than expected timescale for the opening of the inquiry, we have decided to defer until **23 February 2009** the deadline for us to issue a statement of matters for the inquiry. (Please see question 30 in the Brief Guide to TWA Orders, sent to you when we acknowledged your representation, which explains what a statement of matters is.) This is to

allow us to combine in one statement of matters issues relating both to the proposed TWA Order for the Mersey Gateway Bridge and to the Road User Charging Order for the Silver Jubilee Bridge. If we can issue a statement of matters before that date we will do so.

5. Please let me know if you have any questions about these procedures.

Yours sincerely

A handwritten signature in black ink that reads "Caroline O'Neill". The script is cursive and fluid, with the first letters of each word being capitalized and larger than the others.

Caroline O'Neill