



Department for Transport

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Your Ref: JK/JO/69279

Our Ref: NATTRAN/NE/LAO/0077

Date: 12 January 2015

Dear [REDACTED]

THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE) SCHEME 2014

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to your Council's application for confirmation of the above named Scheme ("the 2014 Scheme").
2. If confirmed by the Secretary of State, the 2014 Scheme would authorise Sunderland City Council ("the Council") to construct over the navigable waters of the River Wear a Bridge as part of the highway which they are proposing to construct/ improve between the Wessington Way/ Castletown Way roundabout and the Woodbine Terrace/ Pallion New Road junction in the City of Sunderland.
3. A previous Bridge Scheme ("the 2009 Scheme") was proposed as part of the Council's Strategic Transport Corridor proposals and was made by the Council in 2009. The 2009 Scheme was confirmed, together with a related Temporary Bridge Scheme and related Side Roads Orders and Compulsory Purchase Orders, following a Public Inquiry ("the 2011 Public Inquiry"), by the Secretary of State in 2012.

DECISION TO DISPENSE WITH A PUBLIC LOCAL INQUIRY

4. No objection was made to the 2014 Scheme by any statutory interest which would require that a Public Local Inquiry be held. Information submitted by both the objectors and the Council was deemed sufficient for a decision to be reached on the Scheme. Accordingly the Secretary of State decided to dispense with the holding of an Inquiry and notified the parties concerned.

OBJECTIONS TO THE SCHEME

5. The matters the Secretary of State needs to consider in relation to a Bridge Scheme are to the effect of the proposed Bridge on the reasonable requirements of

navigation over the waters affected by the Scheme. Whilst three objections to the 2014 Scheme were received, following detailed analysis, it was deemed that the issues raised by one objector were wholly outside the scope of the 2014 Scheme and the objection was therefore not valid. The remaining two objectors were advised, as part of the written representations procedure, that parts of their objections were also beyond the scope of the 2014 Scheme and any aspects raised that were not to the effect on navigation of the proposed Bridge would be disregarded as an objection to the Scheme. Accordingly, any such matters considered invalid as part of that process are not covered by this decision letter. The Council is however aware of the concerns raised having been copied this correspondence.

Captain D W Green (MN Ret'd)

6. Captain Green stated that the River Wear could still be the 'maritime life support' for the City of Sunderland that it once was. The recent agreement to create 'enterprise zones' within the A19 corridor made the River Wear ideal to have exits from the Hylton Road bridge at both north and south ends onto the north and south banks where several container terminals could be established for feeder services, without having to negotiate through the narrow streets.

7. Captain Green stated that the new bridge has a headway of 12 metres, whereas the earlier 2009 bridge Scheme had a headway of 13 metres. The present headway on the river (which is within the port of Sunderland) is 26.2 metres having been established on 3 bridges by Acts of Parliament.

8. With only 12 metres headway, Captain Green considers that the new bridge would effectively block up the port of Sunderland. In addition to no more shipping, the subsequent lack of dredging facilities would lead to major flooding in the near future. He stated that he does not consider that the Port of Sunderland (Sunderland Council) has the power under the Sunderland Act 1972 to agree to this limited headway.

9. Captain Green raised the issue that a FEPA licence and a CPA consent were previously required for bridge schemes (replaced by a requirement for a Marine Licence application) made no mention of headway and furthermore there was no evidence at hand that such an application exists.

10. Captain Green stated that a fresh application was necessary for a Marine Licence and once that was resolved then he would consider his objection to the bridge as his objection to the proposed Marine Licence would take precedence.

Mr McQuillan

11. Mr McQuillan objected to the inverted cable design of the bridge. He stated that the cable stay design and the concept of inverting the cable stays defeats the whole purpose of using cables to suspend the carriageway. The proposed structure and its massive submerged foundation would pose the greatest possible obstruction to river traffic, especially the dredgers to keep the navigation channels clear.

THE COUNCIL'S RESPONSE

12. The Council responded to Captain Green's representations that the River Wear should be dredged and an equal headway to that of the Queen Alexandra Bridge

maintained. It remains the case as set out in the Inspector's report following the 2011 Inquiry, that there are no proposals for the construction of berths for large container ships upriver of the proposed new bridge. Furthermore, the Port of Sunderland as navigation authority had not objected to the 2014 Scheme. No objections to the 2014 Scheme as made and publicised had been received from interested parties consulted.

13. Captain Green's submission that the Port of Sunderland did not have the power under the Sunderland Corporation Act 1972 to agree (or not to object to) the headway set out in the 2014 Scheme was also considered at the 2011 Inquiry. Section 15 of the 1972 Act is drafted in wide terms, stating that it is the duty of the Corporation to provide, maintain, operate and improve such Port facilities in, or in the vicinity of, the Port as it considers necessary or desirable. The Inspector accepted that the provisions of the 2009 Scheme were not contrary to the provisions of the 1972 Act, and would not result in a reduction in Port facilities. The position remains the same in relation to the 2014 Scheme.

14. Subsequent to the concerns raised by Captain Green with regard to the Marine Licence, the Council submitted a copy of an updated Marine Management Organisation Marine Licence which has extended and varied the existing licence.

15. Mr McQuillan suggested that the submerged foundation for the proposed bridge would pose an obstruction to river traffic. The Council responded, as to Captain Green's concerns referred to in paragraph 8 above, that the Port of Sunderland as Navigation Authority had not objected to the 2014 Scheme, that relevant organisations were also informally consulted prior to the making of the 2014 Scheme and no objections were received.

16. The Council also stated that the overall size of the central foundation has significantly reduced from the previously approved scheme, and remains fully sited below the river bed level. Furthermore, the plan size of the bridge pylons at the connections with the foundations is also significantly smaller than the previously approved scheme, thus increasing the navigable channel at the bridge location from the 2009 Scheme.

THE DECISION OF THE SECRETARY OF STATE

17. The Secretary of State has considered carefully all the objections to, and representations about, the 2014 Scheme.

18. As referred to in paragraphs 2 and 3 above, the 2014 Scheme is proposed on the same site as the Council's 2009 Bridge Scheme which was confirmed, together with the related Temporary Bridge Scheme, Side Roads Orders and Compulsory Purchase Orders, by the Secretary of State in 2012. Many of the differences in design between the 2009 Bridge and the 2014 Bridge are principally planning considerations, and planning permission for the 2014 Scheme has been granted. The specifications, as set out in the Schedules of the Schemes and referred to in paragraph 9.1.2 of the Inspector's report, and identified as the 'spans, headways, and waterways' parameters in accordance with the requirements of section 107 of the Highways Act 1980, and their effect on the navigation of the River Wear, need to be considered.

19. As referred to by the Council, the Inspector considered the objections of Captain Green to the 2009 Bridge Scheme at the 2011 Inquiry. These were covered by the Inspector in paragraphs 9.1.3 to 9.1.5 of his report. The Inspector's view was that the proposals were not contrary to the Sunderland Corporation Act 1972 and that there are

neither port facilities nor any upstream berths capable of taking vessels larger than 500 tons and no formal proposals for any to be constructed. In reaching the decision to confirm the 2009 Scheme, the Secretary of State accepted the conclusions of the Inspector on these matters, and considers that no subsequent evidence has been submitted that would justify a different conclusion.

20. In terms of the bridge specifications, one of the differences between the 2009 and 2014 Scheme is that the 2009 Scheme had a minimum headway of not less than 12.9 metres above the mean high water spring tide level (MHWS) of 2.5 metres above ordnance datum (AOD). The 2014 Scheme has a minimum headway of not less than 12 metres. The Secretary of State also notes that the Council has confirmed the overall size of the central foundation has significantly reduced from the 2009 Scheme, and that it remains fully sited below the river bed level. The Council has also confirmed that the plan size of the bridge pylons at the connections with the foundations is also significantly smaller than the previously approved scheme, thus increasing the navigable channel at the bridge location from the 2009 Scheme.

21. Having accepted that there are no proposals for the construction of berths for large container ships upriver of the proposed new bridge, and noting that, as with the 2009 Scheme, there are no objections from any of the statutory authorities, including the Port of Sunderland as Navigation Authority, the Secretary of State is satisfied, that the proposed 2014 Scheme and its design dimensions would meet the reasonable requirements of navigation over the navigable waters of the River Wear.

22. The Secretary of State having considered all aspects of the matter is satisfied that there are no compelling reasons brought forward which would justify not confirming the 2014 Scheme with its proposed design dimensions. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the 2014 Scheme as proposed. Accordingly, the Secretary of State has decided to confirm 'The Sunderland City Council (Sunderland Strategic Transport Corridor – New Wear Bridge) Scheme 2014' and this letter constitutes his decision to that effect.

AVAILABILITY OF DOCUMENTS

23. A copy of this letter has been sent to the objectors and to Julie Elliott MP. Copies will be made available on request to any other persons directly concerned and will also be made available for viewing at <https://www.gov.uk/government/collections/highways-act-inspectors-reports-and-decision-letters>. Please arrange for a copy of the letter to be made available for public inspection at the offices of the Council where the Scheme should be placed on deposit for public inspection at such time as it is duly advertised. Copies will be made available on request to any other person directly concerned.

RIGHT OF CHALLENGE

24. Notice is to be published of confirmation of the 2014 Scheme. Any person who wishes to question the validity of the confirmed 2014 Scheme, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming the 2014 Scheme may, under the provisions of Schedule 2 to the Highways Act 1980, do so by application to the High Court. Such application must be made within six weeks of publication of the notice that the 2014 Scheme has been confirmed. The High Court cannot entertain an

application under the said Schedule 2 before publication of the notice that the Secretary of State has confirmed the 2014 Scheme.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V Pointer', with a stylized, cursive flourish at the end.

VICTORIA POINTER
Authorised by the Secretary of State
to sign in that behalf