

Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 19 January 2016

TRANSPORT AND WORKS ACT 1992

ACQUISITION OF LAND ACT 1981

TOWN AND COUNTRY PLANNING ACT 1990

**THE TRANSPORT FOR GREATER MANCHESTER (LIGHT RAPID
TRANSIT SYSTEM) (TRAFFORD PARK EXTENSION) ORDER 201[]**

APPLICATION FOR DEEMED PLANNING PERMISSION

Date of Inquiry: 7 July 2015

Ref: TWA/14/APP/06

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ABBREVIATIONS & GLOSSARY

Airborne noise	Noise produced by sources that directly set the air around them into vibration ¹
Applicant	Transport for Greater Manchester
BCR	Benefit/Cost Ratio
BWCC	Bridgewater Canal Company Limited
Chep	Chep UK Limited
CO ₂ e	Carbon dioxide equivalent
CoCP	Code of Construction Practice
COMAH	Control of Major Accident Hazards
Crossrail	New high frequency, high capacity railway for London and the South East
CS	Trafford Council's Core Strategy, adopted 2012
dB	The decibel logarithmic unit of noise measurement
DCLG	Department for Communities and Local Government
DfT	Department for Transport
Do Minimum	the situation that would prevail in the future without the Metrolink Trafford Park Line
DPD	Development Plan Document
EMI	Electro-magnetic Interference
EMP	Environmental Management Plan
ES	Environmental Statement
g	grams
Groundborne noise	Audible noise caused by the vibration of elements of a structure, for which the vibration propagation path from the source is partially or wholly through the ground ²
GVA	Gross Value Added
GMCA	Greater Manchester Combined Authority
HGV	Heavy Goods Vehicle
HRA	Human Rights Act 1998
HS2	High Speed Rail

¹ Document TfGM.C035 Annex E paragraph E.1

² Document TfGM.C035 paragraph 3.1.28.1

Hz	Hertz or cycles per second as a measure of frequency (kHz = 1,000 Hz)
IPIF/L&G	IPIF Limited (Legal and General)
ITV	ITV plc
IWM	Imperial War Museum
km	Kilometres
Kratos	Kratos Analytical Ltd
L _{AFmax}	The maximum A-weighted noise level (dB) recorded in a given period with the sound level meter set with a fast time weighting
L _{ASmax}	The maximum A-weighted noise level (dB) recorded in a given period with the sound level meter set with a slow time weighting
(the) lot	The outdoor filming set at the ITV Coronation Street studios
LTP3	Greater Manchester's third statutory Local Transport Plan, 2011/12 to 2015/16
m	metres
Metrolink	The Greater Manchester tram (light rapid transit) network
Maher	AJ Bell Trustees Ltd and W Maher & Sons Pension Scheme
MSCC	Manchester Ship Canal Company Limited
MUFC	Manchester United Football Club
MUL	Manchester United Limited
NPPF	National Planning Policy Framework
NR	Noise rating: graphical method for rating a noise by comparing the noise spectrum with a family of noise rating curves (expressed as the maximum level above the frequency spectrum levels in each octave band) ³
(the) Peel Group of Companies	The name given to the following companies that have used the same legal representation to object: OBJ 14, OBJ 15, OBJ 16, OBJ 17, OBJ 18, OBJ 19, OBJ 20, OBJ 21, OBJ 22, OBJ 23 and OBJ 24
Pendragon	Pendragon Property Holdings Ltd
PPG	Planning Practice Guidance
Promoter	Transport for Greater Manchester
PV	Present Value

³ Document TfGM.C035 Annex B (informative)

PWSL	Peel Water Services Limited
SCC	Salford City Council
TA	Transport Assessment
TC	Trafford Council (Trafford Metropolitan Borough Council)
TfGM	Transport for Greater Manchester
the Order	the Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 201[]
the Scheme	the proposed extension of the Manchester Metrolink system
TPL	Trafford Park Line
TWA	Transport & Works Act 1992
TWA Order	Transport & Works Act Order
UDP	The Revised Trafford Unitary Development Plan
UK	United Kingdom
UPSL	Universal Pallet Services Ltd

CASE DETAILS

THE TRANSPORT FOR GREATER MANCHESTER (LIGHT RAPID TRANSIT SYSTEM) (TRAFFORD PARK EXTENSION) ORDER 201[]

and

APPLICATION FOR DEEMED PLANNING PERMISSION

- The Order would be made under sections 1 & 5 of, and paragraphs 1-5, 7-11, 13 & 15-17 of Schedule 1 to the Transport and Works Act 1992.
- The deemed planning permission would be granted by a Direction under section 90(2A) of the Town & Country Planning Act 1990.
- The application for the Order and deemed planning permission was made on 11 November 2014, and there were 41 objections outstanding to it at the commencement of the Inquiry.
- The Order and deemed planning permission would authorise the construction and operation of a further tram route in the city of Manchester as an extension of the existing Manchester Metrolink system. The new route would run between the existing stop at Pomona and a point near the Trafford Centre. The Order would include provision for the acquisition, compulsorily and by agreement, of land and rights in land and to use land, and provision for the construction, operation and maintenance of the tramway system.

Summary of Recommendations: That the Order be made, subject to modifications, and that deemed planning permission be granted subject to conditions.

1. PREAMBLE

The applications and objections to them

- 1.1 The Applicant is Transport for Greater Manchester (TfGM), which is a body established by the South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969 made under the Transport Act 1968.
- 1.2 The Applicant seeks powers by way of the Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 201[] (the Order), using the provisions of the Transport and Works Act 1992 (TWA) and

an associated application for deemed planning consent under section 90(2A) of the Town and Country Planning Act 1990 necessary for TfGM to construct and operate the proposed tramway and associated works required for the Trafford Park Line (TPL) and to compulsorily acquire land and rights in land for that purpose.

1.3 A total of 47 objections to the proposed Order were received by the DfT⁴ of which 6 were withdrawn prior to the Inquiry. Of the remaining objections the following were withdrawn in writing before the close of the Inquiry:

- OBJ 35 Barton Square Ltd on 9 July 2015
- OBJ 36 The Trafford Centre Ltd & intu Properties plc on 9 July 2015
- OBJ 11 Bunzl Retail and Healthcare Supplies on 24 July 2015
- OBJ 42 Electricity North West Limited on 31 July 2015
- OBJ 46 Mitsubishi Electric Europe BV on 3 August 2015
- OBJ 41 Chep UK Limited (Chep) on 3 August 2015
- OBJ 44 Brosslare Limited on 4 August 2015
- OBJ 37 Hovis Ltd on 4 August 2015
- OBJ 09 Mainline Pipelines Limited on 4 August 2015
- OBJ 31 National Grid Gas plc on 5 August 2015
- OBJ 28 Imperial War Museums Group on 7 August 2015
- OBJ 33 Telecity Group UK Limited on 1 October 2015
- OBJ 10 Kratos Analytical Limited (Kratos) on 9 November 2015

1.4 Following the withdrawals, there were 28 objections remaining at the close of the Inquiry. The Applicant has indicated that one of the remaining objectors, Roadways Container Logistics Ltd (OBJ 40), has sold its interests in the affected land and its successor is not an objector⁵. I report below on the positions of all the other remaining objections as at the close of the Inquiry.

⁴ Document TfGM-SoC paragraph 10.1.1

⁵ Document TfGM.CD154

Some of these objectors⁶ are in negotiations with TfGM to attempt to reach formal agreements. I have summarised the positions of these parties and it will be for the Secretary of State for Transport to consider the implications of any subsequent developments in these respects.

- 1.5 There were in addition 3 representations⁷ and 2 letters of support⁸ (by Trafford Council (TC) and Salford City Council (SCC)) received, which I have reported upon below. Furthermore, a number of objectors also expressed support for the Scheme in principle and some of those that withdrew their objections offered their full support for the Scheme following their withdrawal.

Statement of Matters

- 1.6 On 14 April 2015 the Department for Transport (DfT) issued a 'statement of matters' pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004. This sets out the matters about which the Secretary of State particularly wishes to be informed for the purposes of his considerations of the Order and the application for deemed planning permission.

- 1.7 The Statement of Matters were:
1. The aims of, and the need for, the proposed extension of the Manchester Metrolink system from Pomona to Trafford Park and the Trafford Centre retail and leisure complex (the Scheme).
 2. The main alternatives considered by TfGM and the reasons for choosing the proposals comprised in the Scheme.
 3. The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the Scheme.
 4. The extent to which proposals in the TWA Order are consistent with the

⁶ In particular the 'Peel Group of Companies': Objectors OBJ 14, OBJ 15, OBJ 16, OBJ 17, OBJ 18, OBJ 19, OBJ 20, OBJ 21, OBJ 22, OBJ 23 and OBJ 24

⁷ Document TfGM-SoC paragraph 10.1.2

- National Planning Policy Framework (NPPF) and with sub-regional and local planning and transport policies.
5. The likely environmental impacts of constructing and operating the Scheme, including:
 - a) the effects of noise and vibration;
 - b) air quality impacts;
 - c) landscape and visual amenity impacts;
 - d) ecological impacts;
 - e) impacts on ground conditions including contamination of land or waterways;
 - f) impacts on water resources and flood risk;
 - g) impacts on heritage assets;
 - h) socio-economic impacts; and
 - i) the effects of greenhouse gas emissions.
 6. The likely impacts of constructing and operating the Scheme on traffic and on the operation of businesses in the area, including:
 - a) the effects of the Scheme on traffic using the highway network, including public transport and non-motorised users, access to and servicing of premises, road safety and parking;
 - b) the effects on businesses of electro-magnetic interference (EMI);
 - c) impacts on the security of business premises;
 - d) impacts on the sustainability of businesses as a consequence of any of the above matters;
 - e) impacts on the operation and safety of harbour, canal, gas and oil undertakings; and
 - f) impacts on redevelopment proposals in the area.
 7. The measures proposed by TfGM to mitigate any adverse impacts of the Scheme including:
 - a) the proposed Code of Construction Practice (CoCP);
 - b) any measures to avoid, reduce or remedy any major or significant

⁸ Document TfGM-SoC paragraph 10.1.3

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- adverse environmental impacts of the Scheme;
- c) whether, and if so, to what extent, any adverse environmental impact would still remain after the proposed mitigation; and
 - d) any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operation of businesses.
8. The adequacy of the Environmental Statement (ES) submitted with the application for the TWA Order, including the Addendum published on 27 January 2015, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with.
 9. Whether there is a compelling case in the public interest for conferring on TfGM powers compulsorily to acquire and use land for the purposes of the Scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004⁹, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by TfGM in order to secure satisfactory implementation of the Scheme.
 10. The conditions proposed to be attached to the deemed planning permission for the Scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance (PPG), Use of Conditions (Section ID:21a).
 11. TfGM's proposals for funding the Scheme.
 12. The purpose and effect of any substantive changes proposed by TfGM to the draft TWA Order, and whether anyone whose interests are likely to be affected by such changes has been notified.

⁹ Circular 06/2004 and the Criche Down Rules were replaced by the following new government guidance on 29 October 2015: '*Guidance on Compulsory purchase process and The Criche Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*'

Pre-Inquiry Meeting

1.8 I held a pre-Inquiry meeting on 12 May 2015 to discuss procedural matters relating to the Inquiry. There was no discussion of the merits of any cases for or against the proposals. A note following the meeting was circulated to all parties who had submitted objections or other representations¹⁰.

The Inquiry

1.9 The public Inquiry has been called by the Secretary of State for Transport under section 11(1) of the TWA 1992. I have been appointed by the Secretary of State for Transport under the TWA to hold an Inquiry into the application for the TWA Order and deemed planning permission for the development.

1.10 I opened the Inquiry at 1000 hours on Tuesday 7 July 2015. The Inquiry sat at the MacDonald Hotel, London Road, Piccadilly, Manchester M1 2PG on the following 12 days: 7 and 9 July, 14 July, 21 to 24 July, 28 to 31 July and 5 August 2015. In accordance with Rule 18(12) of the Transport and Works (Inquiries Procedure) Rules 2004, I kept the Inquiry open to enable further discussions to take place between TfGM and the Peel Group of Companies¹¹ to try to reach formal agreements in order for the objections to be withdrawn. However, having extended the period for negotiations, no formal agreements had been reached by the final deadline of 20 November 2015. Following this, I received statements from these objectors and responses from the Promoter prior to closing the Inquiry in writing on 8 December 2015¹².

1.11 Mr Graham Groom was appointed as independent Programme Officer for the Inquiry. His role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. He helped

¹⁰ Document PIM/01

¹¹ Objectors OBJ 14, OBJ 15, OBJ 16, OBJ 17, OBJ 18, OBJ 19, OBJ 20, OBJ 21, OBJ 22, OBJ 23 and OBJ 24

¹² Document INQ/02

greatly to ensure that the proceedings ran efficiently and effectively, but has played no part in this Report.

- 1.12 On various occasions before and during the Inquiry I inspected the Order lands and their surroundings. These inspections were all undertaken on an unaccompanied basis except for a visit to the premises of ITV plc (OBJ 12) on 8 July 2015 and a visit to a sound laboratory on 21 July 2015, when on both occasions I was accompanied by representatives for the objector business and the Applicant.
- 1.13 Prior to closing the Inquiry, a written application for costs was received from the Manchester Ship Canal Company Limited (MSCC), dated 26 November 2015¹³. In accordance with the timetable set by me¹⁴, the Applicant has replied to the applications by 4 December and MSCC has given its final response. These are summarised with my conclusions and recommendation in Appendix D to this Report.

Compliance with statutory requirements

- 1.14 At the Inquiry the Applicant (TfGM) confirmed that it had complied with its obligations under the Transport and Works (Inquiries Procedure) Rules 2004¹⁵. No one has disputed this compliance. I am satisfied that all the necessary notices of the Inquiry have been posted.

This Report

- 1.15 This report sets out a brief description of the land covered by the proposed Order, permission and consents and their surroundings, the gist of the cases for the Promoter, supporters, objectors and those making representations, my conclusions and my recommendations regarding both of the elements. A list of abbreviations and a glossary of terms used in this report is given at the start of this report and lists of those appearing at the Inquiry and of Inquiry

¹³ Document OBJ/14-C1

¹⁴ The Applicant's response to the costs application to be received by 4 December 2015 and the reply by MSCC to that response to be received by 11 December 2015

documents are appended, as are suggested conditions in the event of the Secretary of State directing that deemed planning permission be granted and the cost application with my conclusions and recommendation.

- 1.16 I make recommendations to the Secretary of State for Transport on the applications for the TWA Order and deemed planning permission.

2. DESCRIPTION OF THE ORDER LAND/SITE AND ITS SURROUNDINGS

- 2.1 The existing Metrolink network in Manchester is as described in the Applicant's Statement of Case¹⁶.
- 2.2 The Metrolink TPL is proposed to consist of approximately a 5.5 km twin track extension to the existing Metrolink network that would cross Trafford Park between the existing Pomona stop and a proposed Trafford Centre stop.
- 2.3 The route of the Metrolink TPL and stop locations are shown on the plans in the ES¹⁷. The proposed route would include six new stops, which the Promoter has suggested would be likely to be called the following, but could be subject to change:
- a) Wharfside;
 - b) Imperial War Museum (IWM);
 - c) Village;
 - d) Parkway;
 - e) EventCity; and
 - f) Trafford Centre.
- 2.4 The tramway route would be within the limits of deviation shown on the Order plans¹⁸. The route that is proposed would leave the existing Metrolink network at the existing Pomona stop and continue in a westerly direction, initially on an elevated structure, along the south side of the Manchester Ship

¹⁵ Document TfGM.CD101

¹⁶ Document TfGM-SoC Section 4.1 pages 15 to 16

¹⁷ Document TfGM.A016: ES Volume 3 Figures 1.1 and 1.2

¹⁸ Document TfGM.CD105 as revised by Document TfGM.CD144

Canal, passing under the Trafford Road Bridges through openings previously constructed for the route, to the proposed Wharfside stop. The Wharfside stop, which would be near to the Manchester United football stadium, would require some land acquisition and the closure to motorised vehicles of Trafford Wharf Road between its junction with Victoria Place and Sir Alex Ferguson Way. Wharf End is proposed to be closed to vehicles. The route would continue westwards to a proposed IWM stop, requiring the acquisition and demolition of properties in the area of Wharfside Business Centre, including an industrial unit east of the Quay West building.

- 2.5 The route would run segregated in the centre of Trafford Wharf Road, requiring land acquisition. At the junction of Trafford Wharf Road/Warren Bruce Road, the route would turn south, near to the ITV Coronation Street studios, to run segregated along the western side of Warren Bruce Road, which would be narrowed to single lane in each direction to accommodate a turn back siding. The route would pass through the middle of the roundabout at Village Circle to turn west, running along Village Way (A5081). This would require the acquisition of some landscaped areas fronting properties on the southern side of Village Way.
- 2.6 The route would continue westwards, segregated to the north of Village Way, to the Village Way stop, requiring the closure of Third Avenue at its junction with Village Way. It would then run in a segregated corridor on the northern side of Village Way, crossing Village Way at the junction with Mosley Road and then running on the southern side of Village Way to Parkway Circle, where there would be the new Parkway stop adjacent to a proposed park and ride site. It would require land acquisitions and modifications to junctions. It would then cross Park Way to run along the western side of that road on a new earthwork embankment and across a new single span bridge over the Bridgewater Canal.
- 2.7 At Barton Dock Road, the route would turn right and run segregated in a north-westerly direction in the existing verge, crossing Mercury Way and

running parallel to the proposed EventCity stop. The EventCity stop would be to the north of the junction with Phoenix Way and near to Barton Square retail and leisure attractions and to the EventCity venue. Beyond this, the route would cross Barton Dock Road to run in the verge/emergency access road on its southern side, adjacent to the intu Trafford Centre car park, to a proposed Trafford Centre stop in the vicinity of the Selfridges' entrance to the intu Trafford Centre.

3. THE CASE FOR THE APPLICANT

The material points¹⁹ were:

- 3.1 TfGM seeks through the Order the necessary powers and consents to extend Metrolink by constructing and operating what it has named as the TPL, which would be a new 5.5 km tram route from the existing stop at Pomona through to the Trafford Centre²⁰. The TPL would have 6 well-placed stops, as well as a park and ride site (at Parkway) that would be easily accessible from the M60²¹.
- 3.2 The TPL Scheme Timetable is anticipated to be:
- Public Inquiry- July 2015;
 - Award of TWA Powers- Spring 2016;
 - Commence construction- 2016; and
 - Completion of Works- 2020.
- Completion of works would be followed by a period for testing and commissioning culminating in shadow running and driver training²². The fleet of trams, including currently committed orders, would be 120. This takes account of the trams required to operate future services on the TPL alignment²³.
- 3.3 The TPL trams would be frequent and punctual, as the route would be predominantly segregated from general traffic and hence from highway congestion which in this area, given the presence of several major visitor attractions, is not only the product of normal peak periods. The journey time between the Pomona and Trafford Centre stops would be about 15 minutes²⁴.

¹⁹ Document TfGM.CD107

²⁰ Document TfGM-SoC Section 5.1

²¹ Document TfGM-SoC Section 5.5

²² Document TfGM.P1b Section 8.3

²³ Document TfGM.P1b paragraph 8.5.3

²⁴ Document TfGM-SoC paragraph 5.2.3

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- 3.4 As with the entirety of the Metrolink network, the TPL would be safe, convenient and attractive to users, having been designed in accordance with all relevant standards, requirements and guidance.
- 3.5 The environmental impacts involved in constructing and then operating the TPL have been assessed in TfGM's ES publications²⁵ and, where practicable and sensible, mitigation would be provided. However, the TPL would have very few environmental disbenefits, and any such would be readily outweighed by the benefits to the greater public good of having the TPL in place.
- 3.6 Linear schemes like this tend to require some compulsory acquisition of land and rights, and the TPL is no exception to this. However, TfGM continues to engage with affected landowners and, as a result of a responsive approach, it has been able to reduce the extent of proposed land take in some instances.
- 3.7 The objections to the TPL in the main are not to the principle of the Scheme but are based upon the concerns that objectors have about what they perceive would be the TPL's effects on their particular sites, businesses and operations.
- 3.8 The points raised in the Statement of Matters are addressed below.

1. *The aims of, and the need for, the proposed extension of the Manchester Metrolink system from Pomona to Trafford Park and the Trafford Centre retail and leisure complex (the Scheme)*

- 3.9 The objectives of the TPL Scheme are²⁶:
- to stimulate regeneration and economic growth;
 - to increase access to, and the potential catchment of, Trafford Park employment sites by increasing its level of connectivity; and,
 - to provide viable alternatives to car travel by enhancing the connectivity, capacity and quality of the public transport network in Trafford Park.

²⁵ Documents TfGM.A013 to TfGM.A016

These objectives are a good fit with national, Greater Manchester and Trafford planning and transport policies and strategies.

- 3.10 By meeting its objectives the TPL would play a significant local role in realising the policy aspirations of Greater Manchester Combined Authority (GMCA) and TC.
- 3.11 The tram network (Metrolink) has a real role to play in contributing to the economy, the social cohesion and the environmental sustainability of Greater Manchester, which is a hugely important powerhouse for economic regeneration and growth.
- 3.12 TfGM has already delivered the largest expansion programme of any United Kingdom (UK) tram network²⁷. The extension of Metrolink through Trafford Park, to the Trafford Centre is needed to allow the Trafford Park area to realise its full development growth potential and hence play its part in the continuing economic expansion of both Trafford Borough and the city region generally²⁸.
- 3.13 The TPL has widespread support. TC sees the TPL as an important component of the Council's objective to improve public transport connectivity so as to sustain and grow the economy of Trafford Park, the Borough of Trafford and the City Region as a whole²⁹. MediaCity UK and Salford Quays are just across the Manchester Ship Canal from the proposed Wharfside section of the TPL, and SCC sees the TPL as an integral part of its plans to support regeneration and further economic growth³⁰. The responses to the extensive public consultation that has been carried out by TfGM show that the TPL has overwhelming public support: 89% of respondents were positive about the proposals with 7% neutral and only 4% negative³¹.

²⁶ Documents TfGM.P1b paragraph 7.1.2 and TfGM.A004

²⁷ Documents TfGM.P1b Section 4.3 pages 18 to 20

²⁸ Document TfGM-SoC paragraph 1.2

²⁹ Document SUPP/2

³⁰ Document SUPP/1

³¹ Documents TfGM-SoC Sections 4.4 and 4.5 and TfGM.A005

2. The main alternatives considered by TfGM and the reasons for choosing the proposals comprised in this Scheme

3.14 Following an investigation of potential transport initiatives and routes to serve Trafford Park by an extension to the Metrolink network, TfGM and the former Trafford Park Development Corporation sponsored a private Bill which became the Greater Manchester (Light Rapid Transit System) Act 1992³². The route authorised by this Act commenced at Pomona and extended to the then proposed Trafford Centre but differed from the current Application in the following areas:

- between Wharf End and Village Circle the alignment ran alongside Wharfside Way;
- between Third Avenue and Parkway Circle the alignment followed a more circuitous route via Third Avenue and Westinghouse Road; and
- between the Bridgewater Canal Bridge and the intu Trafford Centre the alignment first followed the bank of the canal before turning to run between the then proposed Barton Square development and the adjacent retail park, Asda superstore etc.

3.15 The development of Trafford Park has evolved from the master plan envisaged by Trafford Park Development Corporation in the 1980/90s. In particular, there is much greater emphasis on the Trafford Centre Rectangle to the west with the development of the intu Trafford Centre, Barton Square and EventCity. In the east, Wharfside Way supports distribution and warehousing, with the focus of development interest having moved northwards to the Trafford bank of the Manchester Ship Canal as it begins to reflect the development evident in Salford Quays and MediaCity UK.

3.16 In 2007/8 a Metrolink TPL proposal was included in the package of measures to be delivered by TfGM under its Transport Innovation Fund bid to the DfT. At this time, TfGM was considering the overall effectiveness of the historically proposed Metrolink alignment in Trafford Park. The alignment was reviewed

and new proposals prepared to support a public consultation which was then approved by TfGM in October 2013³³. Of particular note, when compared to the alignment authorised in 1992, it was considered that the Consultation Alignment should:

- Run along the Trafford Wharf Road corridor in preference to alongside Wharfside Way to reflect the development of the Wharfside area, including the expansion of MediaCity UK on both sides of the Manchester Ship Canal;
- pursue a more direct alignment between Village Circle and Parkway Circle to achieve journey time savings; and
- follow Park Way and Barton Dock Road to improve passenger access to both EventCity and Barton Square.

3.17 As a result of consultation, the TPL Scheme differs from the Consultation Alignment in that between the proposed Wharfside and IWM stops the alignment was refined to run adjacent to the canalside promenade in lieu of the section which was formerly proposed to run along the southern side of Trafford Wharf Road. This was to take the alignment further away from the premises of Kratos at the eastern end of Trafford Wharf Road to avoid problems due to EMI with the operation of highly specialised instruments manufactured at these premises³⁴. Over 90% of the overall route remains the same as that presented to stakeholders during the consultation. The revised part of the alignment is less than 100m from the Trafford Wharf Road alignment, and was approved by GMCA in October 2014³⁵. The route refinement removes a section of tramway alignment from the street and hence is anticipated to reduce the scale of service diversions in that area. Trafford Wharf Road would also provide a suitable diversion route for pedestrians and cyclists during the construction of the canalside alignment³⁶.

³² Document TfGM.C010

³³ Document TfGM.B013

³⁴ Document TfGM.P2b paragraphs 3.3.15 to 3.3.19

³⁵ Document TfGM.B012

³⁶ Document TfGM.P1b paragraphs 7.5.17 to 7.5.19

- 3.18 Between Village Circle and Parkway Circle the following four broad options were considered during scheme development:
- Northern segregation– This option provided a segregated corridor for the tram to the north of the existing carriageway. To the west of the site occupied by Chep it required significant land acquisition including the Pisces Industrial Estate and the frontage to Illingworth Ingham.
 - Southern segregation– This option provided a segregated corridor for the tram to the south of the existing carriageway. This required significant land acquisition and/or property access and highway interfaces. This included the need to acquire and demolish the Grade II listed Trafford Park Hotel situated at the junction of Village Way and Third Avenue.
 - Northern then southern segregation– This option provided northern segregation between Village Way and the site occupied by Chep before crossing Village Way to provide a southern segregated route.
 - Central segregation– This option positioned a segregated tram route in the centre of the carriageway that was either widened/realigned to the north or south to minimise land acquisition and/or property access impacts. This option was dismissed on the ground of its impacts on statutory undertakers' apparatus and the associated costs.

The option developed for consultation included a segregated tram route to the north of Village Way with the highway being widened/realigned to the south between Fifth Avenue and the Central Park Trading Estate access road³⁷.

- 3.19 A significant number of options were considered at Parkway Circle to manage traffic interfaces and impacts and provide a park and ride site in the area. The form of the junction was developed to that proposed, which effectively splits the roundabout into a number of smaller junctions that minimises the number of stages required and thus lost time in the operation of the signals. This option provided a surplus of traffic capacity that resolved the existing

³⁷ Document TfGM.P2b paragraphs 3.4.1 to 3.4.2

peak issue. In addition, as the option developed a significant area of land on the southern side of the existing roundabout was released from its current highway use for redevelopment as a park and ride site, thus negating the need to acquire other third party land for this purpose.

- 3.20 Between Park Way and Peel Circle, along Barton Dock Road two broad options were considered during scheme development. Siting the stop in the preferred location, to the south of Barton Square required the junction to be remodelled. Roundabout options were not considered to work, in capacity terms, and therefore the junction arrangement as proposed was identified as the preferred option³⁸.

3 The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the Scheme

- 3.21 Trafford Park is home to more than 1,000 businesses, employing more than 35,000 people; it is home to major visitor attractions including the Trafford Centre, EventCity, the IWM and Manchester United Football Club (MUFC); it has MediaCity UK on its doorstep; and it is earmarked for very significant new development including housing and employment. It is a dynamic and growing area. However, it does suffer a number of constraints which limit its potential for supporting the economic growth of both Trafford Borough and the Greater Manchester conurbation. Accessibility, reliability and capacity of the transport network have been identified as particularly significant constraints³⁹.

- 3.22 Trafford Park is an area with high employment opportunities but low population. There are areas with a high Index of Multiple Deprivation to the east of the city centre and also in Ashton, Oldham, Rochdale, Bury, Eccles and Wythenshawe. All of these areas are major population centres and have a Metrolink line. Consequently, they would benefit from improved

³⁸ Document TfGM.P2b Section 3.6

connections to Trafford Park. Less affluent areas of North Trafford adjacent to Stretford and Firswood stops would also be able to benefit from enhanced access to Trafford Park. This shows the strategic importance of a potential Metrolink extension serving Trafford Park providing quality public transport access to a major employment area from areas of higher population, high Index of Multiple Deprivation and lower car ownership. The TPL would therefore be expected to deliver significant benefits with respect to agglomeration.

- 3.23 An important requirement for public transport infrastructure improvement is to address or mitigate the impact that congestion has on the reliability, punctuality and journey times of existing services⁴⁰. Increasing the overall traveller capacity of the transport network is also necessary to moderate the extent to which the current constraints in capacity limit potential for future development in Trafford Park. One of the benefits of the Scheme is that derived from segregated running outside of the traffic lanes where the alignment runs on separated rights of way. The TPL would therefore help to alleviate the extreme traffic conditions associated with sporting fixtures at the Old Trafford Stadium, or events staged at EventCity or during retail peaks at the Trafford Centre.
- 3.24 There is also now a growing body of experience which indicates that public investment in infrastructure in itself generates investor confidence in an area. MediaCity UK is the most dramatic example of this locally where the development consortium considered Metrolink to be a key element attracting interest in the site⁴¹.
- 3.25 An 'Active Modes' analysis considered the potential economic benefits accrued by the walking and cycling measures associated with the TPL Scheme. In particular, the TPL would introduce completely new links in the cycle network

³⁹ Document TfGM.P1b Section 6.2 page 27

⁴⁰ Document TfGM.P1e Mr Hunter Written Statement Section 4.6

⁴¹ Document TfGM.P1b paragraphs 6.2.15 to 6.2.16

between Barton Dock Road and Park Way Interchange and Village Circle. Also alongside the Ship Canal from Pomona to Wharfside the currently poorly maintained and overgrown path would be reconstructed. These new links, combined with the existing cycle network and also the signal controlled crossings introduced by the TPL Scheme, would result in a significant monetised benefit.

- 3.26 Other benefits include the reduction in crowding on services passing through the core area of the Metrolink network. This is due to the additional capacity provided by the proposed TPL service once it runs beyond Pomona and Cornbrook to share the passenger load with existing services passing through the city centre⁴².
- 3.27 The economic appraisal⁴³ assumes an indicative operating scenario considered over the duration of the appraisal period and representative of likely passenger impacts of the Scheme. Typically weekday services would, as a minimum, comprise 5 trams per hour per direction operating between the Metrolink Central Area and the Trafford Centre stop. However, the actual service patterns would be confirmed in advance of opening. The main economic benefit of the Scheme would be a material public transport passenger net journey time saving. The provision of the TPL allows improved access to Trafford Park from the wider area of Greater Manchester served by the expanding Metrolink network.
- 3.28 The stated Benefit to Cost Ratio (BCR) for the Scheme is 1.86, although further benefits mentioned above have been quantified but are not included in this BCR calculation⁴⁴. DfT guidance sets 'Value for Money' thresholds, with a project considered to be 'High' value if its BCR is between 2.0 and 4.0⁴⁵. By including additional benefits from either active modes (£43 million Present Value (PV)), wider impacts in addition to transport user benefits (£65

⁴² Document TfGM.P1e Mr Hunter Written Statement

⁴³ Document TfGM.P1e Mr Hunter Written Statement

⁴⁴ Document TfGM.P1e Mr Hunter Written Statement Section 6.3

⁴⁵ Document TfGM.C015

million PV) or reliability benefits (£44 million PV), the BCR would increase to above 2.0, which would put the Scheme into the 'High' Value for Money category. Therefore, the Scheme is a justified use of public sector funding⁴⁶.

3.29 The economic appraisal of the TPL Scheme is a prudent representation of the benefits of the proposals and the Value for Money performance of the Scheme is highly robust.

4. *The extent to which proposals in the TWA Order are consistent with the National Planning Policy Framework, and with sub-regional and local transport, environmental and planning policies*

3.30 The TPL would serve as a sustainable mode of transport that would support the existing Trafford Park businesses as well as future planning decisions as part of the growth and development of Trafford Park, in accordance with paragraph 34 of the NPPF⁴⁷.

3.31 The TPL would contribute to the realisation of the aims identified by the DfT, including providing improved opportunities for users of active modes (walking and cycling). It would provide new safer cycle links and formal pedestrian crossing arrangements which in turn would remove some of the barriers to active travel currently present in Trafford Park⁴⁸.

3.32 The aspiration to extend Metrolink through Trafford Park is documented in Greater Manchester's Third Local Transport Plan 2011/12-2015/16 (LTP3)⁴⁹. LTP3 is the sole statutory transport plan for Greater Manchester. The TPL Scheme has been designed to contribute to the following objectives set out in LTP3⁵⁰:

- i To ensure that the transport network supports the Greater Manchester economy to improve the life chances of residents and the success of business;

⁴⁶ Document TfGM-SoC Sections 7.4 to 7.6

⁴⁷ Document TfGM.P1b paragraph 5.2.2

⁴⁸ Document TfGM.P1b paragraph 5.2.4

⁴⁹ Document TfGM.B003

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- ii to ensure that carbon emissions from transport are reduced in line with UK government targets in order to minimise the impact of climate change;
 - iii to ensure that the transport system facilitates active, healthy lifestyles and a reduction in the number of casualties, and that other adverse health impacts are minimised;
 - iv to ensure that the design and maintenance of the transport network and provision of services supports sustainable neighbourhoods and public spaces and provides equality of transport opportunities; and
 - v to maximise value for money in the provision and maintenance of transport infrastructure and services.
- 3.33 LTP3 identifies that within Trafford Park '*transport challenges relate to managing congestion on the motorway network and improving opportunities for travel by non-car modes*'. The TPL would provide a real travel choice for users to gain access to Trafford Park from a large part of Greater Manchester and beyond without contributing to congestion on the M60 orbital motorway⁵¹.
- 3.34 In terms of TC's Core Strategy (2012) (CS)⁵², the key issues identified within the Trafford Park Spatial Profile include:
- Limited sustainable transport options that exist within Trafford Park, particularly at morning peak times;
 - lack of appropriate community facilities to serve those using Trafford Park; and
 - the need to maintain, protect and/or enhance Trafford Park's environmental assets.
- 3.35 One of the aims of CS policy L3 is to improve accessibility between the Regeneration Areas and employment areas, including Trafford Park, the

⁵⁰ Document TfGM.P1b paragraph 5.3.2

⁵¹ Document TfGM.P1b paragraph 5.3.3

⁵² Document TfGM.B001 page 12

Borough's town centres, and the Regional Centre by a choice of modes of transport⁵³. CS policy L4⁵⁴ offers support for the improvement and extension of the Metrolink light rail network within the Borough. The proposed TPL alignment would provide a new choice of public transport through Trafford Park, its connection into the existing Metrolink network would provide improved access to the Regional Centre and other areas of Greater Manchester, and it would provide an opportunity to improve accessibility into and through Trafford Park. The TPL Scheme would also fully comply with CS policy SL2⁵⁵, which supports the provision of a new high-frequency public transport system in the Trafford Wharfside area for development in that area to be acceptable⁵⁶.

- 3.36 The Revised Trafford Unitary Development Plan (UDP) establishes the principle of the TPL in Proposal T11 (High Quality Public Transport Network Improvements)⁵⁷, which would be superseded by an emerging policy in the Land Allocations Development Plan Document (DPD)⁵⁸.

5. *The likely environmental impacts of constructing and operating the Scheme*

- 3.37 Environmental impacts of the Scheme were considered within the assessment contained in the ES⁵⁹, as updated by the ES Addendum⁶⁰.

Noise and Vibration

- 3.38 In terms of construction, the use of impact avoidance measures and additional mitigation are expected to reduce the noise levels from the works to the lowest practicable levels. The phases of work which would be likely to produce the highest vibration levels would be those associated with piling

⁵³ Document TfGM.B001 page 101 policy L3.1

⁵⁴ Document TfGM.B001 page 110 policy L4.5

⁵⁵ Document TfGM.B001 page 60 policy SL2.4

⁵⁶ Document TfGM-SoC paragraphs 3.4.2 to 3.4.8

⁵⁷ Document TfGM.B009 page 165

⁵⁸ Document TfGM-SoC paragraphs 3.4.14 to 3.4.20

⁵⁹ Documents TfGM.A013 to TfGM.A016

⁶⁰ Documents TfGM.A021 to TfGM.A022

works. The assumption made in the assessment is that all piling works would be carried out using a bored piling method, which is predicted to give vibration levels below the significance threshold for the effects on people, and would not cause building damage⁶¹.

- 3.39 With regard to operational noise and vibration, the assessment of noise incorporates a number of impact avoidance measures⁶². At three locations the noise level is predicted to be above the ambient road traffic noise, but the absolute noise level from the tram would be no worse than the worst-case 'Do-Minimum' road traffic noise. At all of the locations, the predicted vibration dose values are below the significance criteria and no significant effects are expected from operational vibration. Based on the work carried out, it was found that there would be no significant effects expected from operational noise and vibration and, as such, no specific mitigation measures were proposed for operational noise⁶³. However, following discussions with ITV, potential effects from noise and vibration on the filming and production of Coronation Street at its Trafford Wharf studios have been identified and mitigation measures have been proposed.

Air Quality

- 3.40 The air quality and dust assessment for the Scheme is described in the ES⁶⁴. This considered the significance of potential effects on local air quality as a result of changes in road traffic movements in the Trafford Park area due to the TPL, and also air quality and dust effects during construction. Metrolink vehicles do not emit local air pollutants, as they are powered by electricity which is generated remotely from the busy conurbation's streets. The contractor would produce a 'Dust and Air Pollution Management Plan', which would include standard mitigation measures to be applied during

⁶¹ Document TfGM.P3b Sections 4.2 and 4.3

⁶² Document TfGM.A022 paragraph 6.6.3

⁶³ Document TfGM.P3b Sections 4.4 to 4.8

⁶⁴ Documents TfGM.A013 and TfGM.A014 Chapter 7

construction. Measures and conditions would also be included in the CoCP⁶⁵ and agreed with TC. No significant adverse air quality or dust effects are predicted to occur during the construction, opening or operation of the Scheme⁶⁶.

Landscape and visual amenity

3.41 The ES found that there would be temporary substantial adverse effects on the landscape along the route during the construction phase as a result of the loss of trees. It also found that there would be substantial adverse visual effects resulting from the Bridgewater Canal crossing and the loss of woodland to the east of Trafford Road Bridge. However, there would be moderate to substantial beneficial landscape effects during the operation as a result of the proposed Scheme being in keeping with the character of the area, improved pedestrian accessibility and tree replacement planting⁶⁷.

Ecology

3.42 The Trafford Ecology Park Local Nature Reserve is located approximately 500m to the north of the TPL and is of National Importance. However, the ES does not assess the operation of the TPL as having a potential effect on nearby statutory and non-statutory sites, due to the distance and lack of habitat connectivity between the sites and the TPL and the appropriate design of the TPL's surface water drainage system. With the implementation of good site practices, construction works are assessed as resulting in negligible residual effects on ecological sites. Also, with the appropriate scheme design, residual effects on ecological sites along the Scheme route would be negligible during the TPL operational phase⁶⁸.

⁶⁵ Document TfGM.A009(b)

⁶⁶ Document TfGM.P1b paragraphs 8.4.5 to 8.4.7

⁶⁷ Documents TfGM.A013 and TfGM.A014 Chapter 8

Ground Conditions

3.43 The ES⁶⁹ has assessed the impact of the application Scheme on ground conditions and hydrogeology. Construction of the Scheme has the potential to impact upon ground conditions, such as the accidental release of oils and hydrocarbons from construction machinery and potential disturbance of historic contamination. The Promoter has undertaken a detailed desk study and preliminary phase of intrusive ground investigation. This provides an understanding of existing contamination sources and would guide the need for further investigation and assessment. When combined with pathway and receptor analysis, this information would provide a robust understanding of the mitigation that would need to be developed as the detailed design would be progressed. Combined with the implementation of good site practices, construction works are assessed as resulting in negligible residual effects on surrounding land uses, geology, soils and hydrogeology. Overall the assessment also concluded that, with the appropriate scheme design, residual effects on surrounding land uses, geology, soils and hydrogeology along the Scheme route would be negligible during the operational phase of the Scheme⁷⁰.

Water resources and flood risk

3.44 The ES⁷¹ has assessed the impact of the Scheme on local water resources, and in particular surface water and drainage, the underlying groundwater and abstractions and flooding. With regard to groundwater flooding, the assessment concluded that the risk of groundwater emergence occurring is low. In relation to fluvial flooding, the majority of the TPL route corridor lies within Flood Zone 1, an area with a low risk from flooding. A small proportion of the route lies in Flood Zone 2, which is an area at medium risk from flooding. The Environmental Management Plan (EMP) would include a

⁶⁸ Documents TfGM.A013 and TfGM.A014 Chapter 9

⁶⁹ Documents TfGM.A013 and TfGM.A014 Chapter 10

⁷⁰ Document TfGM.P2b Section 7.3

Surface and Groundwater Management Plan. Amongst other things, this plan would detail the precautions to be taken to ensure the complete protection of watercourses and water in underground strata from pollution. This EMP would therefore provide a robust mitigation measure for avoiding potential impacts on water resources as a result of construction such that any effects would not be significant⁷².

Heritage assets

3.45 The cultural heritage impact assessment has concluded there would be two moderate, and therefore significant, beneficial residual effects to heritage assets as a result of the TPL. These are associated with the Trafford Park Hotel and the Trafford Road Bridge. There would be some minor, but not significant, adverse effects on heritage assets during the construction of the Scheme⁷³.

Socio-economic impacts

3.46 The socio-economic impacts have been assessed in the ES⁷⁴ as being moderate and major beneficial during both the construction and operational phases. Construction would provide employment opportunities and the TPL operation would create job opportunities and provide greater accessibility to employment sites in Trafford Park. There would be moderate and major beneficial cumulative effects in terms of improved landscape and employment generation⁷⁵.

Greenhouse gas emissions

3.47 The greenhouse gas emissions of the TPL were assessed in the ES in tonnes CO₂e (carbon dioxide equivalent). The ES concluded that, although the construction of the TPL Scheme would result in some negative effects in

⁷¹ TfGM.A013 and TfGM.A014 Chapter 11

⁷² Document TfGM.P2b Section 7.2

⁷³ Document TfGM.A014 Chapter 12

⁷⁴ Document TfGM.A014 Chapter 13

⁷⁵ Document TfGM.A013

terms of greenhouse gas emissions, these would be relatively minor as compared to the operational benefits due to the Scheme's low g CO₂e per passenger km figure relative to other modes of transport. The TPL therefore presents a strong case for low carbon transport within Greater Manchester and would contribute to the city's carbon reduction targets⁷⁶.

6. The likely impacts of constructing and operating the Scheme on traffic and on the operation of businesses in the area

Traffic

- 3.48 The TPL would provide enhanced public transport access to Trafford Park and the intu Trafford Centre. Compared with the 'Do-Minimum' it would allow for quicker, more convenient access from across the Metrolink network to the intu Trafford Centre and to the Trafford Park area. Some of the passengers that would use the TPL would be from those using the private bus services, having the effect of reducing private bus operator revenue. However, the Scheme is forecast to increase public transport's mode share⁷⁷.
- 3.49 The TPL infrastructure would require alterations to the highway network. The allocation of priority to the trams at junctions and the changes required to the highway network to allow scheme implementation would result in changes to traffic flows and routings. The predicted increase in the public transport mode share would reduce the vehicle km travelled on the wider highway network which in turn is expected to deliver a level of decongestion across Greater Manchester. Any disbenefit that would be caused by changes in highway capacity as a result of the TPL infrastructure would be outweighed by decongestion benefits as a result of modal shift⁷⁸.
- 3.50 An assessment of the practical impacts of the Scheme on pedestrians and cyclists is presented in the Transport Assessment (TA)⁷⁹. The TA concludes

⁷⁶ Document TfGM.P1b paragraphs 5.3.5 to 5.3.6

⁷⁷ Document TfGM-SoC Sections 7.2 and 7.3

⁷⁸ Document TfGM-SoC Sections 7.2 and 7.3

⁷⁹ Documents TfGM-SoC Section 5.4 and TfGM.A020 Chapter 9

that, whilst the Scheme would result in changes to footways, overall it is considered to be of significant benefit to both pedestrians and cyclists.

- 3.51 Access to a number of properties along the TPL route would require modification as a result of the tram alignment or changes to the highways. Changes required to property accesses and business operations have been discussed with the landowners and leaseholders and/or occupiers as appropriate. No private residential accesses would be affected. Vehicular servicing provision would be retained for all properties along the route, albeit some properties would require changes to their current servicing access arrangements⁸⁰.
- 3.52 The assessment of the impact of the TPL Scheme on road safety⁸¹ concluded that, whilst implementation of a tram may introduce the potential for collisions with tram vehicles or vehicles disobeying prohibited turns, the TPL Scheme has been designed to minimise these conflicts. All junctions would be signal controlled and the detailed design would pay particular attention to the junction layouts with regard to signal visibility to help reduce the likelihood of vehicle collisions along the corridor. The replacement of Parkway Circle with 3 signalised junctions should improve highway safety for road users, and in particular pedestrians, cyclists and motorcyclists. In summary, the TPL Scheme should result in positive impacts upon highway safety along the Scheme corridor.
- 3.53 The assessment of the impact of the TPL on parking, both public and private⁸², has concluded that a number of informal parking spaces would be displaced on Wharf End and Warren Bruce Road, but alternative parking locations have been identified in close proximity. The Scheme would result in small impacts on the car parking associated with private developments, but they are not considered to have a detrimental impact on these developments. The need for mitigation or replacement provision would be made in

⁸⁰ Documents TfGM-SoC Section 5.8 and TfGM.A020 Chapter 12

⁸¹ Documents TfGM.P2b Section 5.7 and TfGM.A020 Chapter 13

agreement/discussion with the relevant parties. The provision of a circa 200 capacity park and ride car park would offer a new sustainable travel option for people travelling through Trafford Park, resulting in a moderate positive impact.

EMI

- 3.54 Through consultation, only one business, Kratos, has been identified as susceptible to EMI. TfGM engaged with Mott MacDonald to carry out measurements of magnetic fields at a number of locations on the existing Metrolink system and at the site of Kratos. These have confirmed that the Consultation Alignment, at a minimum of approximately 12m from the Company's site, would not be able to meet the specified magnetic field variations. Given this, alternative alignments further away from the Company's site were investigated, arriving at the chosen option which places the proposed tram system at a minimum separation distance of approximately 53m from the closest corner of the Company's building⁸³.

Security

- 3.55 The Promoter is seeking to agree through 'Third Party Agreements' the appropriate processes and procedures that would need to be followed by the contractor to ensure site security would not be compromised by the construction process⁸⁴.

Sustainability of businesses

- 3.56 The Promoter is actively progressing technical solutions with a number of affected landowners along the proposed route to ensure that the impact on businesses would be minimised. It is seeking to acquire the Order land

⁸² Documents TfGM.P2b Section 5.6 and TfGM.A020 Chapter 10

⁸³ Document TfGM.P2h

⁸⁴ Document TfGM.P2b paragraphs 6.3.1 to 6.3.4

wherever possible by means of agreement rather than compulsory purchase and has sought to discuss/negotiate with objectors to achieve this end⁸⁵.

Operation and safety of harbour, canal, gas and oil undertakings

3.57 Objections had been received from the following Statutory Undertakers: Mainline Pipeline Services (OBJ 09), National Grid Gas plc (OBJ 31) and Electricity North West Limited (OBJ 42)⁸⁶. Agreements have been reached with all these objectors and the objections have been withdrawn. The Peel Group of Companies (OBJ 14 to OBJ 24) include the operational rights of the Manchester Ship Canal and the Bridgewater Canal and the ownership of land fronting the canal side. TfGM recognises the need to enter into appropriate legal agreements with the relevant divisions within the Companies to ensure the continued efficient management of their assets and to limit any adverse impacts on future development proposals⁸⁷.

Redevelopment proposals

3.58 The conversion of the Mercury Way junction from priority to signal control would improve accessibility to Mercury Park and would be required for other third party development proposals in the immediate vicinity. This would include the former Kratos site⁸⁸, where the Scheme proposals have been developed to align with the redevelopment proposals for that site. Therefore, the TPL Scheme would not have an adverse impact on the redevelopment proposals for that site and the Promoter has been continually liaising with Peel Investments (North) Ltd (OBJ 20), who have an interest in that site⁸⁹.

⁸⁵ Document TfGM.P4b

⁸⁶ Document TfGM.P2b paragraph 7.1.2

⁸⁷ Document TfGM.P4b Section 6.25

⁸⁸ Document TfGM.P2b paragraph 8.2.37

⁸⁹ Document TfGM.P2b paragraph 8.5.10

7. The measures proposed by TfGM to mitigate any adverse impacts of the Scheme

- 3.59 The contractor building the TPL Scheme would be contractually bound to a CoCP and all construction activities would need to be undertaken in accordance with the requirements contained therein. The CoCP proposed for the TPL, which is currently in draft form⁹⁰, is a development of the version used on Metrolink Phase 3. The final version would be subject to on-going review and ultimately be approved by the local authority (TC)⁹¹.
- 3.60 The CoCP would require the production of an EMP which would identify and manage the environmental issues associated with the project; ensure nuisance levels and inconveniences to the public as a result of the construction activities would be kept to a minimum; outline environmental risk and ensure sufficient control measures would be in place; and facilitate compliance to the CoCP and regulatory requirements⁹².
- 3.61 To further aid compliance, the CoCP would require the contractor to produce a 'Dust and Air Pollution Management Plan' as part of the overall EMP which would be specific to each work site. The CoCP would permit the use of a risk-based approach to identify construction sites with potential to generate significant quantities of dust near sensitive receptors and which require additional mitigation and would detail a range of measures the contractor should consider implementing to prevent dust nuisance⁹³.
- 3.62 In terms of noise levels, the ES⁹⁴, as updated by the ES Addendum⁹⁵, has recommended the use of localised acoustic screening around works where practicable. The use of the impact avoidance measures and the additional

⁹⁰ Document TfGM.A009(b)

⁹¹ Document TfGM.P2b paragraph 6.2.1

⁹² Document TfGM.P2b paragraph 6.2.4

⁹³ Document TfGM.P2b paragraph 6.2.6

⁹⁴ Documents TfGM.A012 to TfGM.A016

⁹⁵ Documents TfGM.A021 and TfGM.A022

mitigation are expected to reduce the noise levels from the construction works to the lowest practicable levels⁹⁶.

- 3.63 In addition to the additional mitigation measures proposed within the ES⁹⁷, in order to address the concerns of ITV regarding the effect of noise from the operation of the TPL in the vicinity of its Coronation Street studios at Trafford Wharf Road, the following mitigation measures are proposed⁹⁸:
- i. change of wheel profile from MML2 to MML5 to increase conicity;
 - ii. control of track gauge during construction; and
 - iii. friction management by the provision of a friction modifier system that would be applied to the head and gauge face of the rail, which would be likely to take the form of vehicle mounted applicators.
- 3.64 Should the groundborne noise from vibration during the operation of the TPL be shown to be a potential problem to the production of Coronation Street, the section of track outside Studio 4 would be segregated from the highway and embedded for emergency use which would allow for a better performing track system to be installed, such as a 'floating slab track'. This is an approach that has been taken on Crossrail and, when properly installed, there is no reason why it should not have a satisfactory performance.
- 3.65 Article 45 of the TWA Order⁹⁹ provides detailed protection for the highway authority (TC) in relation to the construction of works under the TWA Order. This reproduces the protection in other TWA orders, including the Metrolink Second City Crossing Order (Article 44).

⁹⁶ Document TfGM.P3b paragraph 4.2.3

⁹⁷ Document TfGM.A014 Section 6.2

⁹⁸ Document TfGM.P3b paragraphs 5.4.11 to 5.4.17

⁹⁹ Documents TfGM.A002 and TfGM.A003

8. The adequacy of the ES submitted with the application for the TWA Order, including the Addendum published on 27 January 2015, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with

3.66 The ES, including the Addendum, has been prepared and submitted in accordance with best practice and the statutory requirements of the Procedure. TfGM's environmental consultant (URS) has set out the legislative context of the ES and has described the process adopted to achieve this compliance¹⁰⁰.

9 Whether there is a compelling case in the public interest for conferring on the Promoter powers to compulsorily acquire and use land for the purposes of the Scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004¹⁰¹, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by TfGM in order to secure satisfactory implementation of the Scheme

3.67 TfGM only seek to acquire land and rights compulsorily where they are strictly needed to assure successful delivery of the Scheme in accordance with best engineering and environmental practice. TfGM is satisfied there is a compelling case for it to be granted powers to acquire and use land for the purposes of constructing and operating the Metrolink extension. The land would be required immediately in order to secure the purpose for which it is to be acquired. TfGM has demonstrated clearly how it would use the land it is proposing to acquire. The necessary resources are available to construct the Scheme within a reasonable timescale and the public benefit would outweigh any private loss. TfGM has the necessary resources to acquire the land and

¹⁰⁰ Document TfGM.A014 Chapter 1

¹⁰¹ Circular 06/2004 and the Crichel Down Rules were replaced by the following new government guidance on 29 October 2015: 'Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion'

interests needed for the Scheme¹⁰². TfGM is not aware of any dependencies in terms of other consents and permissions or impediments which may obstruct the implementation of the Scheme¹⁰³.

10 *The conditions proposed to be attached to the deemed planning permission for the Scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Section ID:21a)*

- 3.68 The suggested conditions have been drafted and agreed in principle between TfGM and TC¹⁰⁴. They are appropriate to safeguard the urban landscape alongside the delivery of the proposed TPL infrastructure¹⁰⁵.
- 3.69 With regard to the conditions proposed to mitigate against the effects of noise and vibration on the production of Coronation Street at the ITV Trafford Wharf studios, the Promoter has taken ITV's 'just acceptable' noise limits and worked out what the equivalent noise levels would be when measured at the southern boundary of ITV's site (the boundary noise limits), which have been presented in a table¹⁰⁶. Any noise arising from the construction or operation of the TPL that would not exceed the boundary noise limits would also meet ITV's 'just acceptable' limits on site. The proposed measuring points would be external to ITV's site because, without ITV's permission and extensive cooperation, the Promoter would not be able to enter onto ITV's set to monitor noise impacts arising from the TPL Scheme¹⁰⁷.
- 3.70 In terms of operational airborne noise, the condition as drafted requires the submission of a scheme to TC, as the local planning authority, before works can start to build the TPL in the area of the studios. The scheme would need to explain how the noise limits would be met and would try to ensure that the

¹⁰² Document TfGM.P1c Appendix E

¹⁰³ Document TfGM.P1b Section 8.6

¹⁰⁴ Document TfGM.CD137

¹⁰⁵ Documents TfGM.P1b Section 9.1 and TfGM.A010

¹⁰⁶ Document TfGM.CD136 Appendix 2

¹⁰⁷ Document TfGM.CD136 Appendix 1 explains the basis of TfGM's calculations

design, build and maintenance of the TPL Scheme would be carried out so that ITV's 'just acceptable' limits would not be exceeded. As there could never be a 100% guarantee that there would not be a breach, the scheme would have to specify the steps to be taken to remedy any breach. This approach is entirely standard on planning permissions.

- 3.71 In terms of construction noise, construction activities that would breach ITV's 'just acceptable' limits would not be undertaken between 0800 hours and 2000 hours Monday to Friday, to avoid ITV's core filming hours. In addition, they would not take place at other times outside these hours that ITV would be filming¹⁰⁸.
- 3.72 In terms of groundborne noise in Studio 4, the Applicant is prepared to commit to ensuring that the TPL Scheme would not breach $30\text{dB}_{\text{LASmax}}$. Should, contrary to the Applicant's case, the Secretary of State consider it necessary, the Applicant would be content for the groundborne noise condition to limit groundborne noise in Studio 4 to an L_{AFmax} of NR25. This would tie the noise limit to ITV's own design criterion¹⁰⁹.
- 3.73 The above suggested conditions would achieve the same purposes and would be preferable to those suggested by ITV, which include the unacceptable references to the local planning authority consulting with ITV and monitoring of noise within the studios, which would be unworkable, and their enforceability is questionable. It would not be necessary to refer to the use of an independent noise expert, as that should be left to the discretion of the local planning authority if deemed necessary. Separate conditions referring to the monitoring of noise and the maintenance of the system are unnecessary, as the monitoring would be covered in suggested conditions 9(b), 10(b) and 11(c), and references to maintenance have been included in conditions 10(a) and 11(b)¹¹⁰.

¹⁰⁸ Accepted by the Applicant in the discussion on conditions with ITV held on 31 July

¹⁰⁹ Document TfGM.CD136

¹¹⁰ Applicant's oral evidence at the Inquiry during the discussion on conditions

- 3.74 The conditions proposed to ensure vehicular and pedestrian safety in the vicinity of Old Trafford Stadium have taken account of the Schedule of proposed wording changes from Manchester United Limited (MUL)¹¹¹. In this respect, the following suggested changes have not been accepted. Reference to a plan showing the area to be kept free from obstruction is not accepted, as the objective would be achieved by adding to condition 13 (a) '*and other measures to avoid the obstruction of pedestrians*'. The reference to a minimum of 6m clearance for safe pedestrian movement is not accepted, as it would not meet the test of being necessary and the right width would only be determined later on in the design process¹¹². MUL has not provided sufficient evidence to justify specifying a minimum width at this stage.
- 3.75 A specific reference to the closure of Victoria Place in condition 13 (a) is not necessary as powers exist to enable it to be done and so there is no reason to specify this closure rather than any other closure at this stage¹¹³. The suggestion that the TPL should not be brought into passenger operation on an event day until a scheme setting out traffic signalling and signage has been approved would be disproportionate and not meet the test of reasonableness. The suggested wording of the condition by TfGM that includes not being able to use the Wharfside stop would be a sufficient incentive to ensure that an acceptable scheme would be submitted for approval¹¹⁴.

11 The Promoter's proposals for funding the Scheme

- 3.76 The Scheme is to be funded by the Greater Manchester 'Earnback' Deal. This funding has now been agreed with the government as confirmed by the Devolution Agreement¹¹⁵. This Agreement specifically identifies a Metrolink extension serving Trafford Park as one of its key transport priorities having

¹¹¹ Document OBJ/25/103 Appendix 1

¹¹² Mr Lax oral evidence at the Inquiry discussion on conditions

¹¹³ Mr Evans (Applicant Solicitor) oral evidence at the Inquiry

¹¹⁴ Mr Lax oral evidence at the Inquiry discussion on conditions

¹¹⁵ Document TfGM.B006

the potential to enhance the Gross Value Added (GVA) of Greater Manchester¹¹⁶.

12 The purpose and effect of any substantive changes proposed by TfGM to the draft TWA Order and whether anyone whose interests are likely to be affected by such changes has been notified

- 3.77 No substantive changes are proposed to the draft TWA Order. Certain minor changes are proposed to the Book of Reference and to the Works and Land Plans which have been notified to the affected parties by TfGM¹¹⁷. These include at Trafford Mills frontage, Hovis Ltd (OBJ 37); Village Way, including Fifth Avenue junction, Chep (OBJ 41), Volkswagen (OBJ 43), Illingworth Ingham (OBJ 27) and Pendragon Property Holdings Ltd (OBJ 32); Trafford Park Road/Mosley Road junction, Millhouse Developments (IOM) Ltd (OBJ 45), Containerbase, Roadways Container Logistics (OBJ 40), Peel Circle/Event City Limited (OBJ 24), Barton Square Ltd (OBJ 35) and The Trafford Centre and intu Properties plc (OBJ 36)¹¹⁸.
- 3.78 Following discussions with objectors, further minor modifications have been made during the course of the Inquiry. These changes include reductions in the amount of land that would have the rights to be temporarily acquired, changes to the traffic regulation measures and changes to the protective provisions for statutory undertakers' apparatus, particularly those not protected by, or going beyond the protection given by, the New Roads and Street Works Act¹¹⁹.

¹¹⁶ Document TfGM.P1b paragraph 6.1.4

¹¹⁷ Document TfGM.P1b paragraph 8.6.4

¹¹⁸ Document TfGM.P2b Section 4 page 43

¹¹⁹ Documents TfGM.CD132 and TfGM.CD133

Outstanding Objections

Mr Derek Wade (OBJ 04)

3.79 The objector currently occupies the Samuel Platts public house which is required permanently for the Scheme. The alignment and stop layout as detailed within the illustrative design has significant adverse impacts on the property. For these reasons it is considered necessary to demolish the existing building and the entire site has been included for acquisition. The land is to be permanently acquired to support the construction, operation and maintenance of the tramroad and the provision of appropriate pedestrian circulation and urban realm space around the stop. The land to be used temporarily is to support the demolition of the ancillary buildings associated with the main building that are constructed on historic structures located within the Manchester Ship Canal¹²⁰.

David Owen Kennea (OBJ 03) and Paul Whibley/PKW Foods Ltd (OBJ 05)

3.80 Objector OBJ 03 is the freehold owner, and objector OBJ 05 is the leaseholder/operator, of the land and property occupied by a Subway drive through unit to the south of Village Way, west of Fifth Avenue. The Scheme requires the permanent acquisition of this plot of land, in order to accommodate the proposed tram alignment and re-aligned highway. With regard questions about the need for the Scheme, the Promoter has demonstrated a compelling case for the Scheme. The Promoter has conformed to ODPM Circular 6/2004¹²¹ which confirms that it is appropriate to conduct negotiations whilst simultaneously pursuing the application for compulsory powers of acquisition. Objector OBJ 03 has agreed on a subject to contract basis to sell the property and a legal transfer has been drafted by

¹²⁰ Document TfGM.P2b paragraphs 8.4.80 to 8.4.84

¹²¹ Circular 06/2004 and the Crichel Down Rules were replaced by the following new government guidance on 29 October 2015: '*Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*'

TfGM¹²². TfGM are currently in discussions with objector OBJ 05 with a view to reaching agreement on acquisition and/or re-location of the business¹²³.

Catherine Hallmark (OBJ 07)

3.81 The objector has agreed, on a without prejudice and subject to contract basis, to sell the property that she owns at 1 Wharfside Business Centre and revised Heads of Terms were issued by TfGM on 6 July 2015¹²⁴.

Chancerygate (Western Avenue) Limited (OBJ 13)

3.82 Mercury Park comprises a multi-tenanted modern warehouse and office development located close to the intu Trafford Centre. Chancerygate hold the leasehold for this area. The Promoter intends to widen the existing public highway to accommodate the tram which would result in the temporary and permanent acquisition of land at the entrance to the estate on Mercury Way. In addition there is a temporary and permanent requirement for land next to the existing slip road off Park Way to build a retaining wall for the tram which would result in the temporary loss of car parking and servicing from five properties on Mercury Park. Following a meeting held on 27 February 2015, together with written and verbal communications, between TfGM and representatives for the objector, TfGM is considering temporary arrangements to minimise the impact on the relevant properties and businesses during the construction period. It has proposed a temporary car parking area close to the existing development and intends to enter into an agreement with the objector once the terms of this have been agreed¹²⁵.

Chemtura Manufacturing UK Limited (OBJ 26)

3.83 The Objector owns and operates a large chemical manufacturing facility north of Parkway Circle, between Tenax Road and Ashburton Road. The proposed Scheme requires acquisition of part of the office staff car parking area in

¹²² Document TfGM.CD106 paragraph 6.12.9

¹²³ Document TfGM.P1b paragraphs 10.3.50 to 10.3.54

¹²⁴ Document TfGM.CD106 paragraph 6.33.8

order to accommodate the realignment of Ashburton Road as part of the re-modelling of the highways in the area of Parkway Circle. TfGM has held a number of meetings with the objector to discuss opportunities for re-providing car parking, both temporarily and permanently, and to explain the requirements for acquisition of the land. TfGM are currently working towards an agreement with the objector. It acknowledges that Chemtura is a 'Top Tier' Control of Major Accident Hazards (COMAH) site and will continue to work with the objector and the emergency services to ascertain what, if any, amendments to the COMAH Safety Report are required as a result of the introduction of the TPL Scheme¹²⁶.

Peel Media Wharfside Limited (OBJ 29)

3.84 This objector is the landowner of the ITV land and, in principle, supports the TPL Scheme but raises a parallel objection in relation to its leaseholder ITV (OBJ 12) until ITV's issues can be resolved and its objection withdrawn¹²⁷.

HSBC Bank plc (OBJ 38)

3.85 The objector owns a small area of land south of Village Way, between Village Circle and Second Avenue. The property is occupied by a small HSBC bank. The proposed Scheme requires acquisition of a strip of landscaping at the northern part of the land in order to accommodate the proposed tram alignment and re-aligned highway along Village Way. TfGM has held a number of meetings with the objector's property agent CBRE and has responded to the objection points by letter. With regard to questions about the need for the Scheme, the Promoter has demonstrated a compelling case for the Scheme. The Promoter has conformed to ODPM Circular 6/2004¹²⁸ which confirms that it is appropriate to conduct negotiations whilst

¹²⁵ Document TfGM.CD106 paragraphs 6.4.6 to 6.4.8

¹²⁶ Document TfGM.P1b paragraphs 10.3.55 to 10.3.59

¹²⁷ Document TfGM.P1b paragraph 10.4.52

¹²⁸ Circular 06/2004 and the Crichel Down Rules were replaced by the following new government guidance on 29 October 2015: '*Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*'

simultaneously pursuing the application for compulsory powers of acquisition. Access to the property would be maintained throughout the construction period and on completion of the works there would be no permanent changes to access to the property from Second Avenue and Village Way. Consequently, TfGM does not consider that there would be any direct interference with the property on commencement of the works¹²⁹.

Volkswagen Group UK Ltd and Inchcape Estates Ltd (OBJ 43)

3.86 The objectors are tenants of an area of land south of Village Way, between Fifth Avenue and Praed Road. The property is occupied by a Volkswagen dealership. The proposed Scheme requires acquisition of a strip of landscaping on the northeast corner of the land in order to accommodate the proposed tram alignment and re-aligned highway along Village Way. TfGM are proposing to amend the limits of deviation in this area to reduce the extent of the temporary land acquisition on the corner of Fifth Avenue and Village Way¹³⁰. TfGM is awaiting a response from the objectors following its response to the objectors' detailed concerns regarding the display area to the front¹³¹.

Conclusion

3.87 In conclusion, the greater public good would be well served by allowing TfGM to deliver the TPL, for which there is a compelling case in the public interest and an absence of any good reason to conclude otherwise.

¹²⁹ Document TfGM.P1b paragraphs 10.3.60 to 10.3.65

¹³⁰ Documents TfGM.P1b paragraphs 10.3.66 to 10.3.69, TfGM.CD104 and TfGM.CD105

¹³¹ Document TfGM.CD106 paragraphs 6.19.6 to 6.19.7

4. THE CASES FOR THE SUPPORTERS

Salford City Council (SCC)

The material points¹³² were:

- 4.1 The TPL would bring significant benefits to the residents and businesses in Salford by improving public transport links to key employment areas, reducing congestion and connecting people better to the wider Metrolink network. It would improve connectivity to employment and leisure opportunities at Salford Quays, particularly from the IWM stop, Trafford Park and the Trafford Centre and improve the Eccles line.
- 4.2 The proposal to construct a new pedestrian and cycle bridge between the proposed Metrolink Wharfside stop and Clippers Quay would combine with the TPL to create a high quality link between Ordsall, which is one of the most deprived wards in the Country, and jobs at Trafford Park and the Trafford Centre.
- 4.3 Although not part of the current Scheme, it is hoped that the Metrolink network would be expanded in line with SCC's aspiration to serve the AJ Bell Stadium and proposed retail and leisure uses surrounding it, which have the potential to generate a significant number of jobs and trips from across Greater Manchester, and Port Salford multi-modal freight facility, which has a potential to create up to 10,000 jobs. Also, the TPL would enable a possible future extension of the Metrolink network to the existing Eccles line to create a loop which would connect areas of Salford with jobs at Port Salford and Trafford Park.

¹³² Document SUPP/1

Trafford Council (TC)

- 4.4 The material points¹³³ were:
- 4.5 The TPL would deliver significant positive benefits to TC's aspirations for securing growth within Trafford Park and the area surrounding Trafford Centre. The lack of high quality accessibility by public transport has been a significant constraint to the growth of Trafford Park. The TPL would provide high quality rapid public transport access to Trafford Park from a large proportion of the conurbation, which would make Trafford Park a more attractive location for businesses to locate, drawing new investment and creating jobs with employers that would not previously have considered locating to that area.
- 4.6 The TPL would provide a more direct route to the MediaCity UK development, additional capacity for patronage at MUFC Stadium and opportunities to effect a significant change in mode of access for major events at EventCity and for retail and leisure offers at the Trafford Centre, whilst facilitating sustainable access to development proposals in the area. It should enable better management of access, reduce congestion on the highway network and consequently maximise economic potential of the area. The Scheme would also include proposals to improve facilities for pedestrians and cyclists.

¹³³ Document SUPP/2

5. THE CASES FOR THE OBJECTORS

Statutory Objectors appearing at the Inquiry

Universal Pallet Services Ltd (UPSL) (OBJ 08)

The material points¹³⁴ were:

- 5.1 The objector is a tenant and occupier of land on Monde Trading Estate, Westinghouse Road, including an access road. The Order would enable the Promoter to temporarily use land from that road (Parcel 6039)¹³⁵.
- 5.2 UPSL buys and sells wooden and plastic pallets as well as industrial bulk containers. The main operating centre of UPSL is Gorton, whilst it also operates from the Monde Trading Estate, Trafford Park as a support site, accessed from Westinghouse Road. The Monde site, with good access to and from the M17 motorway, operates through informal delivery of damaged and/or surplus pallets by individual Heavy Goods Vehicle (HGV) drivers and companies. Disruption of the free flow of traffic along Park Way during the construction of the TPL would affect the access to the site, which would have the potential to severely reduce UPSL's customer base, as they would be likely to choose to take their pallets to other companies in Trafford Park, such as 'Scotts' and 'Services'. This could harm the sourcing of pallets and containers and the profitability of the Monde site.
- 5.3 Insufficient information on timescales, location of temporary traffic lights and traffic flows has been provided by TfGM to enable UPSL to accurately gauge the likely adverse impact the works would have on the business. A survey of drivers carried out by UPSL has indicated that the effect of the works on the Monde site would be severe, possibly leading to its closure¹³⁶. This would

¹³⁴ Documents OBJ/08-SoC, OBJ/08-P1.1, OBJ/08-P1.2, OBJ/08-R-P1.4 and OBJ/08/100

¹³⁵ Document TfGM.CD145

¹³⁶ Documents OBJ/08-P1.1 and OBJ/08-P1.2

impact financially on UPSL and could result in job losses and a threat to the continued viability of the business.

5.4 Without assistance from the Promoter, the construction of the Scheme would have a serious and detrimental effect on UPSL's thriving business. The company provides a valuable service both for HGV drivers to dispose of their unwanted and/or damaged pallets, and repairing them and selling them back into the distribution chain for retail and commercial operators.

5.5 UPSL requires the following potential relief:

- Prior to the Scheme work commencing, funding of the printing of flyers and leaflets identifying the location of a secondary site, provision for a large sign informing customers of the Scheme works and timetable for implementation and a financial contribution for the provision and maintenance of signage diverting drivers to the Monde site and confirming that it remains open for business;
- an undertaking to assist financially with the establishment of a second site within Trafford Park;
- funding to cover the period UPSL occupies a secondary site or funding over a 2 year period;
- a sufficient financial grant to employ a person to supervise the site; and
- hire of an additional fork lift truck.

ITV plc (ITV) (OBJ 12)

The material points¹³⁷ were:

5.6 The objector has a leasehold interest and is the occupier of land at Trafford Wharf Road, from which the Order would enable the Promoter to acquire or use land (Parcels 3028 and 3030) for the Scheme¹³⁸.

5.7 ITV maintains its very strong objection to the proposed alignment of the TPL along Trafford Wharf Road with the tight turn south into Warren Bruce Road

¹³⁷ Document OBJ/12/106

adjacent to ITV's Coronation Street studios where it has very recently invested £50 million. The evidence has established that there is a serious risk that there would be substantial interference with the production of Coronation Street as a result of 'wheel squeal' and/or groundborne noise caused by the tram. Although measures may be available to mitigate these effects, the evidence has shown that such measures cannot be relied upon to do so in the short, medium and long term.

- 5.8 The inadequate assessment of noise and vibration impacts in the ES failed to identify the potential impact upon ITV. Compounded with the very late consultation, TfGM was not alerted to potential problems until it had committed itself to an application and inquiry timetable which has constrained its approach to finding a proper solution prior to the Inquiry.
- 5.9 TfGM should have adopted a route for the TPL which avoids its close proximity to the Coronation Street studios and thereby avoids any risk of adverse impact, as has been achieved for Kratos. The previously approved route would achieve that. ITV does not object to the proposed Trafford Park extension in principle, only the fact that it passes too close to the studios.
- 5.10 The possibility that mitigation measures would not be fully effective so that there would be a detrimental effect upon ITV is undoubtedly a material consideration as a matter of law. ITV contends that the evidence as to the likelihood of adverse impacts affecting ITV, notwithstanding attempts to provide mitigation, is compelling and that such adverse impacts would have serious consequences for ITV.

Wheel Squeal

- 5.11 ITV has defined criteria which have been referred to for short as the 'just acceptable' levels¹³⁹ above which any noise which reaches ITV's exterior set would not only be picked up by the sound recording equipment but, due to its

¹³⁸ Document TfGM.CD145

¹³⁹ OBJ 12 Mr Quinn with the assistance of Mr Monks

tonal characteristics, would be difficult to deal with¹⁴⁰. In addition, it is the level at which it would be audible by, and potentially distracting to, the actors¹⁴¹. The process by which those criteria came to be defined has been described¹⁴² and they have been used by TfGM, who has not sought to cast any doubt on them. Consequently, these criteria can be reported to the Secretary of State as being, in effect, agreed.

- 5.12 There is no need for a 'representative' assessment over any specific period, because propensity to wheel squeal depends almost entirely on the weather¹⁴³. It should not be assumed that squeals of shorter duration are of less consequence for ITV than longer duration ones¹⁴⁴. Any squeal above the defined criteria during filming would cause difficulty for the sound recording and would be potentially distracting to the actors. It cannot be concluded that it never occurs with newer rails and vehicles¹⁴⁵. In addition, as time passes, the rails and vehicles will be subject to wear. Furthermore, in the vicinity of ITV, it would be necessary to lay embedded rails which perform differently from standard rails¹⁴⁶.
- 5.13 With regard to the Arup Soundlab, it is not relevant to defining the threshold referred to as the 'just acceptable' level, and it is not in dispute anyway, or to whether the criteria would be exceeded, that is a function of the squeal and

¹⁴⁰ Document OBJ/12-P3.1 paragraphs 14 and 15

¹⁴¹ Documents OBJ/12-P2.1 paragraph 20 and OBJ/12-P3.1 paragraph 14

¹⁴² Document OBJ/12-P4.4 Appendix 3 Section 2

¹⁴³ Document OBJ/12/107 23 July page 85 line 10 to page 86 line 7: Mr Thornely-Taylor- '*On a dry day, almost every tram would squeal to some extent. There will be variation in the intensity of the squeal, but you do not have to stand long in Piccadilly Gardens to appreciate that most trams squeal. It is important to bear in mind that what we heard at the Arup soundlab was one level of squeal, and nobody should think that is a defined source. It was explained by Dr Webb of Arups that they had taken a worst case measurement, adapted it for changes in distance, removed the effect of a noise barrier and made it as relevant to the receiving location as they could, but it was just one event. In reality, no two squeals will be identical. Some will be not as high as others, but almost all trams squeal on a dry day. And in a dry spell, and we do sometimes, even in Manchester, have weeks without rain, in some years, then every day, almost every tram, will squeal and most of them will be at a very high level, comparable to the Arups demonstration*'

¹⁴⁴ Document TfGM.CD114: Table of duration of wheel squeal

¹⁴⁵ Mr Quinn's measurements were taken in the City Centre whereas Mr Cawser's measurements were taken on the new airport line, but some of his measurements taken in January-February on the airport line recorded squeal above the criteria

¹⁴⁶ OBJ 12 Mr Thornely-Taylor in evidence at the Inquiry

the calculations which reflects distance and noise barriers. Furthermore, it is not relevant in determining what effect it would have on ITV's production of Coronation Street.

- 5.14 To conclude on this matter, in the absence of effective and reliable mitigation, wheel squeal would cause noise levels to exceed the criteria on ITV's exterior set, and this would seriously interfere with the production of Coronation Street. TfGM do not dispute this, but rely upon proposed mitigation to contend that ITV would not in practice be affected.

Groundborne noise prior to mitigation

- 5.15 Groundborne noise was excluded at the scoping stage of the ES because TfGM considered that it is 'rarely' a problem where a building is more than an arbitrary 30m from the source of the vibration¹⁴⁷, but it was unable to provide any support for this rule of thumb approach. The proposed source would be just over 30m from the ITV building within the site identified as 'sensitive'.

- 5.16 Under BS ISO 14837 there are three stages to assessing groundborne noise¹⁴⁸:

- (i) the scoping stage when a 'worst case' approach would be adopted to assess whether further consideration is required;
- (ii) a more elaborate stage for the purposes of environmental assessment; and
- (iii) a detailed model for design evaluation at a specific location.

ITV arranged for first stage calculations to be carried out¹⁴⁹ which indicated potential groundborne noise levels of 40dB(A). This level would be likely to cause a significant problem for ITV. Following two technical meetings between experts¹⁵⁰, TfGM said that it was going to carry out tests of a type recognised¹⁵¹ as the first step in the second stage mentioned above under

¹⁴⁷ Document TfGM.R/OBJ12/2 Mr Cawser Rebuttal paragraph 2.1.3

¹⁴⁸ Document OBJ/12/107 23 July page 66 line 18 to page 67 line 5: Mr Thornely-Taylor

¹⁴⁹ Calculations carried out by Mr Thornely-Taylor (not available to the Inquiry)

¹⁵⁰ Document OBJ/12/107 23 July page 67 line 20

¹⁵¹ Tests recognised by Mr Thornely-Taylor

BS ISO 14837. The results of these tests were communicated to ITV's experts in the form of a Technical Note, dated 26 June 2015¹⁵², which ITV's experts commented upon¹⁵³.

5.17 Two tests were carried out by AECOM:

- (i) measurements of vibration caused by a tram taken on the surface 5m from an existing tram line¹⁵⁴; and
- (ii) measurements of vibration caused by a hammer blow to the ground where the proposed line would be located near to ITV studios in an attempt to measure to what extent vibration would transfer with distance towards the studios.

While the approach was recognised as the best that could be done in the circumstances¹⁵⁵, the uncertainty was given by ITV's experts as being in the range of 10-15dB¹⁵⁶.

5.18 There are no guidance documents which provide advice for environmental assessment about maximum noise levels for a project such as a new tram line to be used¹⁵⁷. TfGM has relied upon two 'Information Papers' published by the promoters of Crossrail and HS2, which indicate that each promoter used criteria set out in a Table giving a figure of 30 L_{AmaxS} for sound recording and broadcast studios. Since ITV's studios had been designed to NR20 for average noise level and NR25 for maximum level¹⁵⁸, there was no reason to adopt any other level, and no justification has been provided for doing so. ITV's design standards were based upon its long experience at Quay Street¹⁵⁹. Furthermore, measurements taken of the ambient noise levels inside ITV's Studio 4 both in terms of L_{eq} and L_{Fmax} confirmed that the NR20

¹⁵² Documents OBJ/12-R-P4.7 Appendix 4 and TfGM. R/OBJ12/2 Appendix A

¹⁵³ Documents OBJ/12-R-P5.3 Mr Thornely-Taylor paragraphs 16 to 17 and OBJ/12-R-P6.5 Dr Talbot

¹⁵⁴ These measurements were similar to those taken by Mr Quinn for ITV

¹⁵⁵ Document OBJ/12/107 23 July page 9 lines 7 to 22: Dr Talbot and page 68 line 12 to page 69 line 1: Mr Thornely-Taylor

¹⁵⁶ Documents OBJ/12-R-P6.5 Dr Talbot Rebuttal; OBJ/12/107 23 July page 10 line 7 to page 15 line 9; OBJ/12-R-P5.3 Mr Thornely-Taylor Rebuttal paragraphs 15 to 17 and OBJ/12-R-P5.4 Appendix 1

¹⁵⁷ Accepted by Mr Cawser in oral evidence at the Inquiry

¹⁵⁸ Document TfGM.R/OBJ12/2 paragraph 2.1.1

¹⁵⁹ Document OBJ/12-P4.1 paragraphs 8 to 15

and NR25 criteria were met¹⁶⁰. They also showed that the NR values were dictated by higher frequencies and at lower frequencies (125Hz and below) the measured L_{eq} and L_{Fmax} were well below NR20 and NR25 respectively.

5.19 The standards in the two Information Papers for Crossrail and HS2 provide no useful guidance in this case for the following reasons¹⁶¹:

- a) In the case of Crossrail, the Bill completed its progress through Parliament and construction is in progress. As the proceedings in Parliament progressed, undertakings were given to 'petitioners' (objectors) applying different criteria from those in the Information Paper, and decisions were taken by the promoter to construct the line in a way which would achieve different standards. Crossrail accepted NR18 as the basis for the Barbican Concert Hall and an even more demanding standard (3dB below NC20) for recording studios near to Soho.
- b) In the case of HS2, the Bill has yet to complete its passage in the House of Commons and will then go to the House of Lords. The promoter may make changes to the proposals and may give undertakings which differ from the published guidance, and the Committees themselves may ask for changes. So, at the present time, there is no justification for attaching any weight to the HS2 Information Paper.
- c) The approach normally taken is to avoid creating a worse situation for an objector than it experiences at present. Where an objector can demonstrate that it has, and can justify, a particular standard, that is the standard to which the promoter will aim¹⁶².

5.20 The groundborne noise levels calculated for TfGM are between 4dB and 9dB above the prevailing L_{Fmax} noise levels in the 63Hz and 125Hz octave bands¹⁶³. This indicates that, even if these predictions are correct, low frequency noise would be greater than the prevailing maximum levels and

¹⁶⁰ Document OBJ/12-R-P4.6 paragraphs 15 to 17: Mr Quinn's measurements

¹⁶¹ Document OBJ/12/107 23 July page 80 line 11 to page 84 line 10: Mr Thornely-Taylor

¹⁶² Document OBJ/12/107 23 July page 81 lines 4 to 9

¹⁶³ Document OBJ/12-R-P4.6 paragraphs 18 to 22: Mr Quinn Rebuttal

would be likely to cause disturbance during filming¹⁶⁴.

- 5.21 To conclude on this matter, TfGM were wrong to dismiss groundborne noise as a topic not needing consideration in the ES. There is no justification to substitute any less stringent criterion than ITV's own design standards derived from its own experience and technical knowledge of its industry, and standards would only be expected to become more demanding.
- 5.22 TfGM's predictions come very close to ITV's criteria and, making a proper allowance for the uncertainty inherent in its tests, the only proper conclusion is that ITV's criteria would be likely to be exceeded. Also, calculations were in terms of L_{ASMax} whereas ITV's criteria are in terms of L_{AFMax} ¹⁶⁵. Making a 2dB adjustment to correct for the difference between L_{ASMax} and L_{AFMax} would increase the figures above the criterion¹⁶⁶. Furthermore, they assumed continuous welded rail but the welded rail used for trams is different from the welded rail used for main line railways, and a tram still makes a noise over the joints which is picked up on the 'F' noise measurement¹⁶⁷. Any noise above ambient levels would cause difficulties for the sound recording and would be potentially distracting to the actors leading to interference with production. Since, at low frequencies, the actual ambient level inside Studio 4 is well below NR20, it is very likely that there would be disturbance to filming.

Mitigation for wheel squeal

- 5.23 ITV had been informed that consideration was being given to the possibility of increasing the radius of the curve to 70m but this was abandoned for reasons that have not been explained¹⁶⁸. Three measures are now being

¹⁶⁴ Document OBJ/12/107 21 July page 128 line 18 to page 129 line 5: Accepted by Mr Cawser in cross examination

¹⁶⁵ Document OBJ/12-R-P4.6 paragraph 15: Mr Quinn Rebuttal

¹⁶⁶ Document OBJ/12/107 23 July page 72 line 10 to page 75 line 18: Mr Thornely-Taylor

¹⁶⁷ Document OBJ/12/107 23 July page 72 line 12 to page 74 line 11: Mr Thornely-Taylor

¹⁶⁸ Document OBJ/12/107 21 July page 97 lines 9 to 22: Mr Cawser

considered¹⁶⁹: (i) change of wheel profile; (ii) control of track gauge during construction; and (iii) friction management.

- 5.24 With regard to the proposed change of wheel profile, some stick-slip is likely to occur¹⁷⁰, and no noise measurements have been provided which demonstrate the difference between MML2 and MML5 profiles in terms of wheel squeal. In addition, wheels are subject to wear and it is normal to assess the rail/wheel interface both for new and worn profiles¹⁷¹. Therefore, there is no evidence that the change of wheel profile would significantly reduce wheel squeal on the curve near ITV.
- 5.25 In terms of control of track gauge during construction, while it is a well-known means of controlling 'curving' (wheel squeal), where embedded track is used (as it would have to be in the vicinity of ITV), widening the gauge would '*solve one problem and create another*' by introducing contact with the other side of the wheel¹⁷². Therefore, there is no evidence that control over the gauge as proposed would significantly reduce wheel squeal in the vicinity of ITV.
- 5.26 With regard to friction management, the proposal is at a preliminary stage¹⁷³. There could be track-mounted devices or vehicle-mounted devices. TfGM seems to be moving towards vehicle-mounted devices. A concept design has been prepared but the detailed design has not been undertaken. There are safety implications which would have to be kept under review. No evidence has been produced from other locations where it has been said that friction management has been installed in Europe to enable conclusions to be drawn as to the applicability of experience elsewhere to Manchester. Therefore, TfGM is a long way from implementing a specific system with proven

¹⁶⁹ Document TfGM.P3b paragraph 5.4.11

¹⁷⁰ Document TfGM.P2i: Mr Hampshire concludes- '*Based on the proposed curve of 34m it is considered that some stick-slip is likely to occur*'

¹⁷¹ Document OBJ/12-R-P5.3 paragraph 10: Mr Thornely-Taylor

¹⁷² Document OBJ/12/107 23 July page 64 lines 4 to 21: Mr Thornely-Taylor

¹⁷³ Documents TfGM.P3c Appendix B: Reports on trials carried out as recently as April 2015 of a friction management compound applied (for the purposes of the tests) by brush; and TfGM.R/OBJ12/1

characteristics and reliability. As such, it is premature to conclude that friction management in Manchester would eliminate wheel squeal near ITV. There are uncertainties in achieving a system which would reliably and consistently do so in the short, medium and long term¹⁷⁴.

Mitigation for groundborne noise

5.27 TfGM proposes no mitigation measures to address groundborne noise. Since TfGM deny that groundborne noise would be a problem, no consideration has been given to mitigation and none of the available techniques were considered in the ES or in the evidence. On TfGM's approach, that would be left to the design-and-build contractor. Although there are engineering solutions available¹⁷⁵, the issue is whether the appropriate solution can be correctly specified, procured, supplied, installed, operated and maintained¹⁷⁶. This gives considerable scope for problems¹⁷⁷ eg in relation to the Concert Hall in Nottingham, which illustrates the uncertainties surrounding the prediction of groundborne noise, the uncertainties that arise in the construction process which could contribute to groundborne noise and the complexities and delays that can arise in resolving such problems once the tram is in use¹⁷⁸.

The effect on the production of Coronation Street

5.28 The evidence about how Coronation Street is produced and the scheduling difficulties which would be caused by noise interruptions¹⁷⁹ have not been disputed. If mitigation would not be fully effective, wheel squeal exceeding ITV's criteria would not be a 'rare' occasion. The evidence is that in dry weather almost every tram would squeal to some extent. It does not show

Appendix C: Explains about the proposal to introduce friction management across the Metrolink network

¹⁷⁴ Document OBJ/12/107 23 July page 78 line 7 to page 80 line 8: Mr Thornely-Taylor

¹⁷⁵ Document OBJ/12/107 23 July page 88 lines 19 to 23: Mr Thornely-Taylor

¹⁷⁶ Document OBJ/12/107 23 July page 89 lines 8 to 10: Mr Thornely-Taylor

¹⁷⁷ Document OBJ/12-P5.2 paragraphs 29 to 32: Mr Thornely-Taylor

¹⁷⁸ Document OBJ/12-P6.1 paragraphs 6 and 10 to 13: Dr Talbot

¹⁷⁹ Documents OBJ/12-P1.1: Mr Whiston; OBJ/12-P2.1: Mr Rayner and OBJ/12/107 23 July page 198 line 25 to page 199 line 15 and page 201 line 14 to page 202 line 9: Mr Rayner oral evidence

that ITV would be able to 'cope' with wheel squeal resulting from ineffective mitigation. In the light of the evidence, any noise caused by the proposed tram at levels which would cause difficulties for the sound recording and which would be potentially distracting for the actors would have a serious consequential effect on the production of Coronation Street.

The ES Chapter 6: Noise and Vibration

- 5.29 Peak noise, and, in particular, wheel squeal has been ignored in the ES. So, not only was there no assessment of the likelihood that such noise would interfere with ITV's use of its studios, but also no mitigation for wheel squeal was proposed and considered¹⁸⁰. In addition, the ES did not consider the possibility that groundborne noise would be caused inside buildings on the ITV site at all.
- 5.30 The inadequacies of the ES with regard to wheel squeal must have become clear to TfGM and its advisers by November 2014. It is surprising that, having decided to produce an 'ES Addendum', no attempt was made to address those inadequacies. It is acknowledged that ITV's advisers only identified the problem of groundborne noise after the ES Addendum had been prepared.

Consultation

- 5.31 The combined effect of the inadequate ES and the late and inadequate consultation was that the GMCA were not informed before they took the decision to proceed with the application that the proposal would be likely to cause a problem for ITV. Nor was the local planning authority, TC, so informed before they resolved on 1 December 2014¹⁸¹ to support the proposal.

¹⁸⁰ Document TfGM.A014 paragraph 6.6.3 considers mitigation

¹⁸¹ Document TfGM.P1d Annex 2: Minutes

The alternative route

- 5.32 The very considerable risk that ITV would face with the proposed route could be completely avoided if the tram did not pass close to ITV. TfGM diverted the route to avoid a similar problem with Kratos. An alternative to avoid ITV is the eastern section of the previously approved route, which was twice proposed by TfGM (under its previous name) and approved once by Parliament itself and once by a TWA order. If it is accepted that the proposed route would create a serious risk of detriment to ITV, from the noise evidence, it becomes necessary to consider an alternative route in the vicinity of ITV.
- 5.33 The decision to promote the proposed route was taken in July to October 2013 when the previously approved route was, in effect, set aside, and was before an assessment of the environmental effect of the proposed route had been undertaken. The previously approved route was not treated in Chapter 3 of the ES as a genuine alternative, or in the evidence. It had been set aside 'in a qualitative way' without a value for money assessment. Six reasons have been given by TfGM for preferring the proposed route.
- 5.34 With regard to the reasons given, aerial photographs taken in 1987 show Salford Quays as largely vacant land¹⁸² when the previously approved route was promoted. However, there were proposals for development on Salford Quays (albeit not yet MediaCity UK as such but including the Lowry Theatre and the Lowry Outlet Mall), which would have been known to the Promoter and to the Inspector and Secretary of State¹⁸³.
- 5.35 Whilst the concept of, and planning permission for, MediaCity UK post-dates the previously approved tram route¹⁸⁴, when the planning application for MediaCity UK was made and considered in 2007-8, TfGM (under its previous name) decided upon a spur from the Eccles line to serve the new

¹⁸² Document TfGM.R/OBJ12/1 paragraph 2.3.15

¹⁸³ Document OBJ/12/107 23 July page 166 lines 2 to 24: Mr Barton oral evidence

¹⁸⁴ Document TfGM.R/OBJ12/1 paragraph 2.3.6

development¹⁸⁵. Although TfGM has suggested that there is now some overcrowding on the Eccles/MediaCity line¹⁸⁶, there is no evidence that a means of increasing capacity of that line has been considered as an alternative to moving the proposed Trafford tram closer to Salford Quays for the purposes of serving MediaCity UK. The Applicant's reasons regarding connectivity¹⁸⁷ and supporting future growth¹⁸⁸ are both part of this reason given by the Applicant.

5.36 With regard to the 'Public realm' reason¹⁸⁹, while a stop outside the museum would be a little closer, Elevator Road was considered to be acceptable for visitors to the museum in terms of distance and quality when the previously approved route was considered. It is within an area where planning policy is encouraging regeneration and that process has started, as is illustrated at the south end on the west side where Carillion has built a modern office block set back from the road which greatly improves that section of Elevator Road. In addition, it would be perfectly possible to improve the public realm by controlling the parking, improving the footpath and relaying the surfaces.

5.37 In terms of the need to stop the tram for about 20 minutes on the previous approved route when there would be events at the MUFC Stadium¹⁹⁰, this reflects the time for which the Police currently close local highways. However, TfGM has done nothing to investigate whether any crowd management arrangements could be put in place to reduce or even eliminate the need to stop the tram service completely; and it has not been proved unequivocally that the tram could operate without any interruption on the proposed route, bearing in mind the close proximity of Wharfside stop to the Stadium and that many people would cross the tram track as they walk from the Stadium to the bridges to Salford Quays.

¹⁸⁵ Document OBJ/12/107 23 July page 167 lines 15 to 20

¹⁸⁶ Document TfGM.R/OBJ12/1 paragraphs 2.3.24 and 2.3.27

¹⁸⁷ Document TfGM.R/OBJ12/1 paragraphs 3.3.16 to 3.3.26

¹⁸⁸ Document TfGM.R/OBJ12/1 paragraphs 2.3.27 to 2.3.28

¹⁸⁹ Document TfGM.R/OBJ12/1 paragraphs 2.3.29 to 2.3.30

¹⁹⁰ Document TfGM.R/OBJ12/1 paragraphs 2.3.34 to 2.3.41

- 5.38 Most of the £17 million of the overall claimed £43 million 'Active Modes' benefit¹⁹¹, attributable to the eastern section of the route, would be due to the fact that the proposed route would enable the cycleway to be connected¹⁹². However, the cyclepath could be connected even if the tram is not constructed as now proposed. Since TfGM is not currently promoting anything other than its own preferred route, it has not considered how the cyclepath could otherwise best be connected. Whether the Samuel Platts public house would be retained or removed, there is no obvious reason why the cyclepath could not be connected. So, it has not been demonstrated that this could only be achieved by the proposed route of the tram.
- 5.39 UDP policy T11 confirms that TC will seek support for the development of the Metrolink extension through Trafford Park as detailed on the Proposals Map. The route on the Proposals Map follows the previously authorised route¹⁹³. The emerging Land Allocations DPD can be afforded no weight¹⁹⁴ and therefore the previously authorised route can be afforded greater weight than the proposed route.

The 'Process' argument

- 5.40 The argument that, if the tram is not authorised as now proposed so that TfGM would have to promote an alternative alignment, it would set the project back two years and threaten the funding¹⁹⁵ should carry no weight at all for two principal reasons. First, the logical consequence of such an argument is that any objection would have to be overruled because otherwise the timing and funding would be threatened. There would be no point in exercising the right to object. Second, if TfGM had carried out a better environmental assessment and a more effective consultation, and had

¹⁹¹ Documents TfGM.R/OBJ12/1 paragraph 2.3.3 and TfGM.R/OBJ12/1 Appendix B: Mr Hunter

¹⁹² Document TfGM.CD119: The existing cyclepath alongside the canal is shown by the orange line which at present continues past the pub as a pedestrian path as shown by the yellow line because there are some steps and the path becomes narrower; and Document TfGM.R/OBJ12/1 paragraph 2.3.3: Mr Lax-
'Only the promoted scheme creates a connection from the cycle path on the canal side to that between Wharfside and Pomona, which results in tangible benefits to users'

¹⁹³ Document OBJ/12-P7.1 paragraphs 83 to 86

¹⁹⁴ Document OBJ/12-P7.1 paragraph 111

allowed more time between the end of the consultation and the making of the application, it might have been able to avoid this objection and remove any threat to the timing and funding.

Compensation

5.41 The existence of a right to compensation is not an answer to ITV's objection to the Order, as only a small piece of land is to be acquired compulsorily which does not form part of the external set or the studios. Although there would be a right to compensation for 'injurious affection', which means loss of value of ITV's land, monetary compensation would be no substitute for the effects which the evidence shows could occur. ITV's objective is to prevent any interference with the production of Coronation Street.

Conditions

5.42 ITV has suggested its own conditions to be attached to the Direction being sought for deemed planning permission¹⁹⁶. In these conditions, the 'defined level' is given as NR16 in terms of L_{Fmax} for groundborne noise and L_{Fmax} noise levels set out in a table for airborne noise. NR16 is equivalent to the existing measured maximum noise levels in Studio 4. The table of noise levels has been determined as 'just acceptable' for airborne noise in the outdoor 'lot'. In terms of the time of filming, it is normally 0800 hours to 2000 hours on Mondays to Fridays but not always. There needs to be an allowance for the flexibility of filming hours when placing restrictions on construction work that would be likely to exceed the defined noise levels.

5.43 The 'ITV Studios' are defined as the land and buildings shown on an attached plan¹⁹⁷. This plan includes the whole of the ITV site, particularly as the 'Practical Sets' should also be protected from noise. The use of the 'Relevant Area' in the conditions suggested by TfGM in terms of where noise should be

¹⁹⁵ Document OBJ/12/107 22 July page 28 line 4 onwards: Mr Lax evidence in chief

¹⁹⁶ Documents OBJ/12/101 and OBJ/12/101a

¹⁹⁷ Document OBJ/12/101a

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- restricted would not necessarily ensure that the 'just acceptable' noise levels would not be exceeded. This is due to the propagation of noise from the source to the receiver being dependent upon their relative positions¹⁹⁸.
- 5.44 The use of the boundary noise limits suggested by the Applicant would be unacceptable, as it has been shown that if these were generated they could substantially exceed 'just acceptable' outdoor noise levels on the lot¹⁹⁹. Therefore, these noise limits would allow a contractor to produce noise that would have a significant impact²⁰⁰.
- 5.45 The ITV conditions include the requirement that the local planning authority consult with ITV on matters to be approved, as the activities at the ITV studios are extraordinarily sensitive to noise which would make such a procedure more appropriate than the general liaison included within the draft CoCP. In relation to groundborne and airborne noise, the use of independent experts to carry out trials and tests to ensure that they are within the just acceptable levels should be included within the conditions, as TC would be unlikely to have the necessary in-house expertise to carry out this work.
- 5.46 More stringent controls should be included for airborne noise than in the Applicant's suggested condition 11. This is a very important matter for ITV and the details should not be addressed at a later stage. There may be resource constraints placed on the local planning authority which could affect the speed of reaction to remedy any problems that occur. Conditions should be included to ensure the proper monitoring of noise and the appropriate level of maintenance once the tram is brought into use²⁰¹.

¹⁹⁸ OBJ 12 Mr Quinn evidence to the Inquiry in discussion on conditions

¹⁹⁹ Document OBJ/12/103 Chart 1

²⁰⁰ OBJ 12: Mr Quinn in discussion on conditions at the Inquiry

²⁰¹ OBJ 12: Discussion on conditions at the Inquiry and Document OBJ/12/101 suggested conditions 4, 5 and 6

Protective Provisions- Schedule 8

- 5.47 The protective provisions suggested by ITV²⁰² are similar to its suggested conditions. They would enable ITV to define and enforce what is essential to its operations at its studios. ITV has no confidence that TC, as the local planning authority, understands what impact the Scheme would have on its Coronation Street production and the planning system is not very well suited to a rapid response to any problems. Protective provisions would therefore be the most effective way of achieving this necessary level of protection and speed of response.
- 5.48 Protective provisions relating to the property or the interest of a person affected by the proposed works can be included in the Order²⁰³, even though the most common use is in relation to statutory undertakers. ITV's needs would not be properly achieved by agreement and the Promoter's use of the term 'reasonable endeavours' is weak and would be difficult to enforce.

Conclusions

- 5.49 ITV has only very recently invested £50 million in new production facilities on a site which it painstakingly researched to ensure that the noise climate was suitable for the intended use. Its decision was made, and its planning application determined, when the TPL had been approved previously, and was shown in the UDP, to take a route where it posed no threat. In designing the site layout and the buildings, ITV planned for the known noise climate.
- 5.50 What ITV has now is the ambient noise environment which it knew about when it invested in this site, with only a very few occasional extraneous noises which it can cope with. There is no justification for adding to the extraneous noises, which if they occurred regularly, ITV could not 'cope' with. The scheduling of Coronation Street would fall apart.

²⁰² Document OBJ/12/102

²⁰³ Documents TfGM.C005: Transport and Works Act 1992 Schedule 1 Item 7: '*The protection of the property or interests of any person.*'; and TfGM.CD141 Page 105 paragraph 7

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- 5.51 The evidence that there is a serious risk that mitigation measures would not be fully effective derives from two highly qualified and experienced independent experts²⁰⁴. No evidence to the contrary based on past experience has been adduced to the Inquiry from anyone else, let alone anyone with such immense knowledge and experience.
- 5.52 ITV's requirements would not prevent Trafford Park being served by a tram. TfGM should have explored an alternative alignment to avoid ITV but it has failed to do so. The eastern section of the previous approved route would be a strong candidate in order to avoid ITV, not least because it has twice previously been promoted and approved. The alignment proposed by the Order before the Inquiry should not be authorised.

Manchester United Limited (MUL) (OBJ 25).

The material points²⁰⁵ were:

- 5.53 The objector owns the freehold interest in Stadium Point, Trafford Wharf Road, from which the Order would enable the Promoter to acquire or use land (Parcels 2061 and 3009) for the Scheme²⁰⁶. With regard to Stadium Point, MUL requires evidence to show the preservation of an entirely comparable level of access to that which is lawfully permitted to the site²⁰⁷.
- 5.54 MUL supports the principle of the TPL and does not, in principle, take issue with the line route. MUL raises concerns with regard to consultation because the lack of active timely engagement of MUL has resulted in concerns over the scope of the information which has been used to inform the Scheme design and the Scheme design has within it deficiencies that have not been, and could well have been, remedied earlier had such active engagement taken place.

²⁰⁴ Dr Talbot and Mr Thornely-Taylor

²⁰⁵ Documents OBJ/25/100 and OBJ/25/103

²⁰⁶ Document TfGM.CD145

²⁰⁷ Document OBJ/25/100 paragraph 7

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- 5.55 An important benefit and justification for the Scheme is the opportunity it would provide for more people to travel on a MUFC match day to Old Trafford Stadium by an acknowledged sustainable form of transport. The key focus of the case for MUL is that matters of safety, particularly that of pedestrians making use of the streets around Old Trafford Stadium and close to the proposed Wharfside stop on a match day, are paramount and need to be addressed within the Scheme design in a manner that would not leave open to subsequent uncertainty or discretion that which the evidence shows would be required and assured upon inception.
- 5.56 The evidence shows that the closure of Victoria Place/Trafford Wharf Road junction is a requirement of the Scheme. The Scheme includes many similar stipulations in Schedule 7, but the Applicant has not explained why this closure of the junction is not within that Schedule. The inference that to promote a modification to add to Schedule 7 is legally impermissible has not been made good or substantiated. Delay and inconvenience is not a proper answer to a scheme necessity.
- 5.57 The need for a minimum stipulated width for the pedestrian by-pass of the corral area to the proposed Wharfside stop is a necessary element of the Scheme design. The request by MUL for details of the specific measures in place for crowd management made early in May²⁰⁸ provided an opportunity for the Promoter to make clear that it was proposing to supersede its TA plan in relation to the width of the by-pass corridor alongside the corral area. It did not share that information at that time. Whilst MUL has shared its modelling runs in actively engaging the Promoter, the Promoter has suggested that the work has not been validated and verified in respect of the modelling²⁰⁹.
- 5.58 The Promoter has not provided in its written evidence to the Inquiry details of its quality assurance processes in which the options would be tested and 'the

²⁰⁸ Document OBJ/25-P2.2 Appendix F

²⁰⁹ Mr Parke in oral evidence to the Inquiry

appropriate' width arrived at further along the process²¹⁰. The only modelling evidence before the Inquiry demonstrates clearly that the 'pinchpoint' at the Trafford Road junction would be improved by widening the corral by-pass route to 6m from the 4.3m wide by-pass route indicated by the Promoter. The Promoter is holding out for a width less than 6m. Any width greater than that would be entirely compatible with the revised condition wording proposed by MUL²¹¹. Although the Applicant has indicated that an unascertained cost and the use of public resources was behind the reason why it does not wish to specify a minimum width, no evidence was presented to the Inquiry to support this.

5.59 The by-pass for the corral would accordingly be the 'minimum necessary'²¹², as the minimum necessary is 6m. However, the Promoter's approach gives no guarantee that the proposal would deliver a robust safe corridor unless a proper minimum stipulation is made now. The only evidence which the Inquiry has been presented with of a minimum width that would work is 6m. 4.3m can be shown to work mechanically but, by reason of the absence of route attractiveness, the modelling shows adverse effects on movements in the direction of Trafford Road²¹³. Moreover, a safe minimum width would need to allow for flexibility and unusual loading²¹⁴ and there is a public order component going beyond simple safety²¹⁵.

5.60 The distance in issue is 1.7m. It is too important a matter to leave the decision uncertain and deferred. The by-pass route needs to be attractive and shown to encourage movement around the corral. The test of necessity would be clearly met, by reason of the necessary planning judgment that the by-pass route must now have a certainty that it would be wide enough to

²¹⁰ Mr Parke in oral evidence to the Inquiry

²¹¹ Document OBJ/25/103(b): Appendix 2 condition 12 at sub-clause (c)

²¹² Document TfGM.P1b page 66: paragraph 10.2.11: '*TfGM only seeks to obtain the minimum extent of land and property necessary for the purposes of delivering the TPL scheme.*'

²¹³ Document OBJ/25-R-P1.7 Figures 1 to 9: the inversion effect which was not questioned in cross examination

²¹⁴ Mr. Parke in oral evidence to the Inquiry accepted that a 6m width would be more attractive, more convenient and would allow for more flexibility than one of 4.3m

give sufficient flexibility to provide an attractive route for match day pedestrians having regard to the pedestrian use of Trafford Wharf Road and vehicular and pedestrian use of Trafford Road.

- 5.61 The Scheme proposes the development of two free flow 90 degree bends, with limited forward visibility at the junctions of Sir Alex Ferguson Way with Victoria Place and Trafford Wharf Road. The centre line radii at both junctions would be circa 23m which would limit vehicle speeds to 15 mph²¹⁶. This design²¹⁷ would not conform to the prevailing standards. To meet the most recent and most flexible of standards²¹⁸ the design speed of 15 mph would not be appropriate, is seen elsewhere to be exceeded and could only be contemplated if combined with proposals for traffic calming. Such measures should be incorporated into the Scheme. By dealing with this under a condition, the area to be covered should be extended west along Trafford Wharf Road to allow for traffic calming. Moreover, by limiting the area of the condition scheme, related impacts in Westinghouse Road and Warren Bruce Road would also not be covered by such a condition.
- 5.62 At construction phase it is essential that the match day management takes full account of the safe and ordered transit of vehicles and pedestrians. This could only properly be achieved if MUL are a signatory to the necessary approvals and the Management Plan. Beyond this, MUL should be a party to the agreement in respect of Traffic Management proposals and closures. Mere consultation would not provide the necessary comfort that the match day needs of the Old Trafford Stadium would be met.
- 5.63 Whilst MUL is open to discussions with TfGM and TC as to the best method to secure the necessary mitigation measures, MUL require a binding

²¹⁵ Mr Lax accepted in oral evidence to the Inquiry that a football crowd had unique characteristics

²¹⁶ Document TfGM.P2b page 135 paragraph 8.4.33

²¹⁷ Document TfGM.P2d: Drawing MMD-327551-DWG-TfGM.P2-008

²¹⁸ Document OBJ/25-R-P2.3 paragraphs 3.32 to 3.45

commitment from the Promoter to encompass the following measures in the Scheme detail before the TPL tram operates²¹⁹:

1. Traffic Calming of 90 degree bends at the ends of Sir Alex Ferguson Way (vehicular and pedestrian safety).
2. Installation of a controlled crossing on the slip road from Wharfside Way to Sir Alex Ferguson Way (pedestrian safety).
3. Removal of all concession stands from Victoria Place (pedestrian safety, operational, public order).
4. Victoria Place/Trafford Park Road to be closed to all vehicles to create a sterile area (pedestrian safety, operational, public order).
5. Provide a minimum width of 6m past the Metrolink waiting area corral and to maintain the 'status quo' at the Trafford Park Road/Trafford Road junction (pedestrian safety, operational, public order).
6. Undertake a review/survey of Trafford Road junction and pedestrian flows to better assess road safety issues and address any issues arising.
7. Car park management of Hilti/Hotel Football/MUFC car parks to temporarily prevent egress post match (pedestrian safety, operational, public order).
8. MUL to be signatory in agreeing the traffic management proposals and closures including the inclusion of traffic management at Warren Bruce Road to facilitate movements away from the Wharfside area. To be provided and guaranteed to be included within the TWA Order Scheme, given that it would be required as a direct result of the proposals.
9. All details of proposed variable message signing to be provided and guaranteed to be included within the TWA Order Scheme, given that it would be required as a direct result of the proposals (vehicle safety, operational, public order).
10. Outline details of proposals of the Urban Traffic Control strategy to be provided and their guaranteed inclusion within the TWA Order Scheme,

²¹⁹ Document OBJ/25-R-P2.3 paragraph 6.2

given that it would be required as a direct result of the proposals (vehicle safety, operational, public order).

11. MUL to be a legal signatory to Consents, Approvals and Third Parties Management Plan that forms part of the CoCP.

Conditions

- 5.64 Whilst conditions should be necessary they should also be precise and clear. MUL has provided a schedule of proposed changes to those conditions suggested by TfGM and has suggested revised conditions, incorporating those changes²²⁰.
- 5.65 With regard to condition 12, only the condition proposed by MUL²²¹ would provide for the certainty that the by-pass to the corral for the proposed Wharfside stop would be wide enough to give the flexibility required to provide an attractive route for match day pedestrians. The conditions proposed by the Applicant²²² would unacceptably defer that to a later stage. It is necessary and the Scheme should not be permitted to proceed without the amendment to the condition proposed.
- 5.66 In terms of the proposed closure of Victoria Place/Trafford Wharf Road junction, even though there may be a discretionary power that would enable it to be done, there would be no certainty that it would be done. Conditions 12 to 14 proposed by the Applicant²²³ also would not deliver this. If it is to be left to conditions, contrary to MUL's primary submission, then this is dealt with in MUL's proposed amendment²²⁴.
- 5.67 It is common ground in the evidence that there is a need to keep the Victoria Place area free from obstruction by reason of the heavy pedestrian loading that would result from the Scheme following a major event at the Old

²²⁰ Document OBJ/25/103: Appendices 1 and 2

²²¹ Document OBJ/25/103: Appendix 2 condition 12

²²² Document TfGM.CD138 conditions 12 to 14

²²³ Document TfGM.CD138

²²⁴ Document OBJ/25/103: Appendix 2 condition 13 (a)

Trafford Stadium²²⁵. Under the wording of the conditions proposed by the Applicant²²⁶, this would not be a secured outcome. Under the wording as proposed by MUL,²²⁷ it would be. The objective of the condition is clear and a condition should be imposed to achieve the agreed objective.

- 5.68 With regard to the Applicant's proposed condition 14²²⁸ and the consequence of failure to provide and implement a traffic signalling and signage scheme during events at the Stadium, the case for the Applicant is that all the proposed conditions are necessary. If they are necessary, as the Applicant acknowledges in testing the condition on the corral by-pass, then the TPL Scheme cannot be allowed to proceed without the measures being secured. Given the wider geographical scope of the harm of not providing the scheme, the minimum necessary prohibition is that advanced by MUL.

A J Bell Trustees Ltd and W Maher & Sons Pension Scheme (Maher) (OBJ 47)

The material points²²⁹ were:

- 5.69 Maher has an interest in two properties that would be affected by the Scheme. These are land at Village Point, Village Way, and land and buildings at Ashbridge, from which the Order would enable the Promoter to acquire or use land and temporarily use land for the Scheme (Parcels 4041 to 4047, 4049, 4081, 4082, 5003 to 5006, 5010 to 5013 and 5015 to 5018)²³⁰.
- 5.70 Chep currently occupies land on Village Way on leasehold terms, including land at Village Point, in which Maher has an interest. The lease by Chep of the land at Village Point ends on 20 December 2021. Therefore, Chep's interest in the land could be comparatively short.
- 5.71 TfGM has not undertaken sufficient consultation to come up with an appropriate scheme for Maher to ensure that it would have an independent

²²⁵ Document OBJ/25/102: Illustrative plan of area to be kept free from obstruction (hatched)

²²⁶ Document TfGM.CD138 Conditions 12 to 14

²²⁷ Document OBJ/25/103: Appendix 2 condition 13 (e)

²²⁸ Document TfGM.CD138 Condition 14

²²⁹ Documents OBJ/47-P1.1, OBJ/47-P1.2, OBJ/47-P1.3 and OBJ/47-R-P1.4

access or egress to its site. The objection also relates to the extent of land that would be taken, which TfGM appears to have gone some way to address.

- 5.72 The proposed taking away of the dedicated access from Village Way and the stopping up of Third Avenue from Village Way, which provides an important secondary access to Village Point, would result in a shared access with Chep to the whole of its site. This would be unworkable, given Chep's intensive use and that Maher currently has its own separate entrance to Village Point onto Village Way. Chep's operation is HGV intensive and its business vehicle movements are seasonal and have peaks during the day. The proposals would result in the shared access being blocked by Chep's queuing HGVs at various times throughout the week and being constantly blocked at busy periods.
- 5.73 The Promoter's proposed solution in the event the lease on Village Point is terminated and Chep remain in occupation of the remainder of its site may result in access being prohibited to Village Point in its entirety²³¹. Furthermore, if Chep vacated the whole of its site, Maher and the owners of the adjoining site would be left with a bespoke junction for Chep's business which would no longer be operational.
- 5.74 Maher require the following to be ensured²³²:
- i. An independent access from Village Way that would not be affected by queuing vehicles entering Chep's or its successor's site.
 - ii. Adequate pedestrian access and egress to enable safe transit to Village Court and the amenity located there at both Village Way and Third Avenue.
 - iii. Vehicular access directly from the proposed Fifth Avenue junction into Village Point.
 - iv. An 'all-ways' junction to be provided into Village Point.

²³⁰ Document TfGM.CD145

²³¹ Document OBJ/47-R-P1.4 Plan MMD-327551-SK-000-244

²³² Document OBJ/47-R-P1.4 Village Way paragraph 17

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- v. Unfettered access to the new proposed junction on Trafford Park Road with segregated pedestrian access.
 - vi. Safe crossing points across Village Way and the tram lines from the north side of the road to the Fifth Avenue junction and the location of Third Avenue in order to reach the amenities on Third Avenue in the Village.
 - vii. TfGM to undertake all alterations, remediation and installation of the new spur road to provide independent access to the Maher site.
- 5.75 The Promoter should confirm that Ashbridge is no longer a requirement for the Scheme²³³.

Statutory Objectors not appearing at the Inquiry

Mr Derek Wade (OBJ 04)

The material points²³⁴ were:

- 5.76 The objector is the tenant of Samuel Platts public house from which the Order would enable the Promoter to acquire or use land (Parcels 2011 and 2025) or temporarily use land (Parcel 2023) for the Scheme²³⁵.
- 5.77 The objection is based on the Promoter not having demonstrated that the Scheme is necessary and that there is sufficient need to justify compulsory purchase of the land, or that it should be built at the location that takes the land. There are alternative locations which would have much less impact on the property, including a route that was first looked at by the Promoter but affected Kratos' business which would have been costly to relocate. The TWA Order interferes with the objector's human rights as detailed in Article 1 of the First Protocol of the Human Rights Act 1998 (HRA).

²³³ Document OBJ/47-R-P1.4 Ashbridge paragraph 3

²³⁴ Document OBJ/L: OBJ 4 Objection letter from GVA, dated 17 December 2014

²³⁵ Document TfGM.CD145

David Owen Kennea (OBJ 03) and Paul Whibley/PKW Foods Ltd (OBJ 05)

The material points²³⁶ were:

- 5.78 Objector OBJ 03 owns the freehold interest and objector OBJ 05 owns the leasehold interest and is the occupier of Subway, 17 Village Way, from which the Order would enable the Promoter to acquire or use land (Parcel 5028) for the Scheme²³⁷.
- 5.79 The premises are a food retail unit operating as both 'drive through' and 'sit in'. Objector OBJ 05 has given the following reasons why the Scheme should be abandoned or amended to leave the site unaffected:
- It is difficult to replace the business outside its current locality due to the terms of the franchise.
 - As a result of the closure of the business, there would be 8 redundancies from the unit and a potentially wider impact on PKW Foods Ltd business which incorporates a further 4 units, employing 40 people.
 - The removal of the unit would reduce the amenity of the area, due to a strong demand for drive through units.
 - There is sufficient space for the tram to proceed along the route without taking the property.
 - There has been very little negotiation by the Promoter with the objector to acquire the property prior to making the Order, contrary to the statutory guidance in Circular 06/2004²³⁸.

IPIF Limited (Legal and General) (IPIF/L&G) (OBJ 06)

The material points²³⁹ were:

- 5.80 The objector owns the freehold interest in Central Trading Estate, fronting Village Way, from which the Order would enable the Promoter to acquire or

²³⁶ Document OBJ/L: OBJ 5 Objection letter from Bruton Knowles, dated 16 December 2014

²³⁷ Document TfGM.CD145

²³⁸ Circular 06/2004 and the Cichel Down Rules were replaced by the following new government guidance on 29 October 2015: '*Guidance on Compulsory purchase process and The Cichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*'

use land (Parcels 5048, 5050, 5051, 5060 and 5061) and to temporarily use other land (Parcels 5049, 5052, 5052A, 5059, 5059A and 5062) for the Scheme. It does not object to the principle of the extension of the Metrolink. The objection is based on the change of alignment from the north to the south, of which the plan showing this revised alignment, dated 1 May 2015, was first made available to IPIF/L&G on 8 May 2015.

- 5.81 Despite discussions being held with TfGM and its representatives, there has not been sufficient time for a full consideration of the implications of the revised alignment with regard to its effect on the existing operation of the site and whether it would constrain future redevelopment options. Work is therefore needed to ensure that a comprehensive evidence base is prepared and time is given to allow this to be considered and for any necessary discussions to be held. Without this, the southern alignment proposed should not be progressed and the proposed Scheme should revert to the previously proposed northern alignment.

Catherine Hallmark (OBJ 07)

The material points²⁴⁰ were:

- 5.82 The objector has a leasehold interest in land and runs a business at 1 Wharfside Business Centre, from which the Order would enable the Promoter to acquire or use land (Parcels 2042 to 2044) for the Scheme²⁴¹. The objector supports the principle of the TPL. The grounds are that the Scheme could be reconfigured and designed so as to avoid the land take which would impact on the occupation of property and minimise the cost to the public purse. Further information should be provided to demonstrate that the Scheme is deliverable prior to the Order being made and funding should already have been identified and allocated prior to TfGM obtaining compulsory purchase powers when the delivery of the Scheme cannot be

²³⁹ Document OBJ/06-P1

²⁴⁰ Document OBJ/L: OBJ 7 Objection letter from Roger Hannah & Co, dated 18 December 2014

²⁴¹ Document TfGM.CD145

guaranteed. Negotiations should have been commenced before taking the approach of obtaining compulsory purchase powers which should only be used as a last resort.

Chancerygate (Western Avenue) Limited (OBJ 13)

The material points²⁴² were:

5.83 The objector owns a 999 year leasehold interest in land which extends over the majority of Mercury Park, including warehouse units that are let and occupied. The Order would enable the Promoter to permanently acquire and use part of the land (Parcel 7007) and to temporarily use other land (Parcels 6067, 7002, 7004 to 7005, 7008 and 7009) for the Scheme²⁴³.

5.84 The objection is based on the following grounds:

- The use and acquisition of the land is not necessary and has not been justified.
- The use and occupation of the land would have significant and adverse effects on the objector's interest in the land and specifically its tenants, including the loss of car parking and associated access and the loss of a loading area; the impact of the construction on the use of Mercury Way; and the adverse environmental impacts due to noise, vibration and dust.
- The Promoter has not engaged or consulted properly with the objector company.

The Manchester Ship Canal Company Limited (MSCC) (OBJ 14) and the Bridgewater Canal Company Limited (BWCC) (OBJ 15)

The material points²⁴⁴ were:

5.85 MSCC is the statutory undertaker responsible for the Manchester Ship Canal

²⁴² Document OBJ/L: OBJ 13 Objection letter from Montagu Evans, dated 19 December 2014

²⁴³ Document TFGM.CD145

²⁴⁴ Documents OBJ 14 Objection letter from Eversheds, dated 22 December 2014, OBJ/14-OBJ/24-SoC and OBJ/14, 15, 17-24 & 29-P1.1 to P1.7; MSCC: Documents OBJ/14-P1.1, OBJ/14-P1.2, OBJ/14-P2.1, OBJ/14-P2.2, OBJ/14/100, OBJ/14/101 and OBJ/14/102, BWCC: Documents OBJ/15-P1.1, OBJ/15-P1.2, OBJ/15/100 and OBJ/15/101

and is also the statutory Harbour Authority for the Canal. It has interests in Parcels 1016, 1020, 1021, 1023, 1024, 1028, 2001, 2013, 2023, 2025, 2026, 2041, 2044, 2045, 2057 to 2059, 3001, 3002, 3006, 3033 and 3036 in the Book of Reference²⁴⁵. BWCC is the statutory undertaker responsible for the Bridgewater Canal. It has interests in Parcels 6050, 6055 to 6058, 6061, 6063, 6064 and 8001 in the Book of Reference²⁴⁶. MSCC and BWCC have the responsibility of managing and maintaining their respective canals and ensuring their safe navigation.

5.86 In principle MSCC and BWCC both support the proposed extension of the Metrolink to Trafford Park and the Trafford Centre. However, there has been little consultation or engagement from TfGM prior to the application being made for the Order and there have been no draft statutory undertaker protective provisions related to the canals and their operations contained in the draft Order. In these circumstances MSCC and BWCC had no option but to submit objections and seek to negotiate appropriate protections. The objections would be withdrawn if and when such provisions are agreed with TfGM. It had been agreed with TfGM in January 2015 that the protective provisions relating to the canals should be contained in binding legal agreements between the parties. MSCC has agreed to amendments to the standard form of its licence because it forms part of a suite of documents which should provide MSCC with sufficient comfort to enable its objection to be withdrawn²⁴⁷. The legal agreements would be similar for MSCC and BWCC.

5.87 MSCC and BWCC did not appear at the Inquiry but requested that the closing of the Inquiry, as far as their cases were concerned, be postponed to allow documents to be settled and entered into, enabling MSCC's and BWCC's objections to be withdrawn. Subsequently, it proved necessary to seek

²⁴⁵ Document TfGM.CD145

²⁴⁶ Document TfGM.CD145

²⁴⁷ Document OBJ/14/102

further extensions to the closure of the Inquiry²⁴⁸ to resolve certain points, including the forms of indemnity that TfGM would provide to MSCC and BWCC. The indemnity offered by TfGM was not sufficient to secure appropriate and reasonable protection for MSCC's statutory undertaking, as the works would be unusually sensitive close to a suspended quay along the Manchester Ship Canal and very close to the wall and bank of the Canal requiring possession of a significant part of the waterway²⁴⁹.

5.88 In mid-September 2015, TfGM requested a major amendment to the mechanism and programme for the land to be made available to carry out the works and TfGM has raised further matters and sought amendments to provisions in the documents. This has all delayed the settling of the documents and the completion of the agreements. The outstanding matters should soon be resolved but TfGM has indicated that, once the terms of the documents are settled, its internal approvals and sign-off process could take as long as 6 to 8 weeks and cannot be shortened. The Inquiry will therefore close without the important agreements being in place. MSCC and BWCC request that, in the event the Order is made, sets of protective provisions in favour of MSCC for the protection of the Manchester Ship Canal²⁵⁰ and in favour of BWCC for the protection of the Bridgewater Canal²⁵¹ are included.

Peel Water Services Limited (PWSL) (OBJ 16)

The material points²⁵² were:

5.89 PWSL has the responsibility for managing and regulating discharges into the Manchester Ship Canal and Bridgewater Canal. There are no outstanding points of principle. However, PWSL requires greater certainty on the timing, nature and amount of any discharge, and on the terms on which discharges

²⁴⁸ Documents SOCG.OBJ14-24/1, SOCG.OBJ14-24/2, SOCG.OBJ14-24/3, SOCG.OBJ14-24/4 and SOCG.OBJ14-24/5

²⁴⁹ Document OBJ/14/102

²⁵⁰ Documents OBJ/14/100 Section 6 and OBJ/14/101

²⁵¹ Documents OBJ/15/100 Section 6 and OBJ/15/101

²⁵² Documents OBJ 14 Objection letter from Eversheds, dated 22 December 2014, OBJ/14-OBJ/24-SoC and OBJ/16/100

would be made into watercourses or public sewers. TfGM has raised further matters and sought amendments to provisions in the documents following negotiations on an Agreement relating to discharges and a form of Deed of Grant. This has delayed the settling of the documents and the completion of the Agreement. As and when the Agreement is exchanged, PWSL will withdraw its objection.

Ship Canal Properties Limited (OBJ 17), Peel Land and Property (Ports No 3) Limited (OBJ 18), Peel South East Limited (OBJ 19), Peel Investments (North) Limited (OBJ 20), Peel Property (Investments) Limited (OBJ 21), Peel Land and Property Investments plc (OBJ 22), Peel Investments (Intermediate) Limited (OBJ 23) and Event City Limited (OBJ 24)

The material points²⁵³ were:

- 5.90 The above 'Companies' are property owning and development companies who between them own a significant amount of land required by TfGM²⁵⁴. Event City Limited (OBJ 24) operates the EventCity conference and event establishment on Barton Dock Road.
- 5.91 The Companies support the Scheme in principle but have concerns regarding some of the impacts of the Scheme that it would have on the Companies' landholdings, including the extent of the potential land take, impacts on development and regeneration of the area, and potential impacts on the operations of EventCity. In order to protect their positions, the Companies lodged objections, making it clear that their objections would be withdrawn if

²⁵³ Documents OBJ 14 Objection letter from Eversheds, dated 22 December 2014, OBJ/14-OBJ/24-SoC, OBJ/14, 15, 17-24 & 29-P1.1 to P1.7, OBJ/24-P1.1, OBJ/24-P1.2 and OBJ/17-24/100

²⁵⁴ Ship Canal Properties Limited (OBJ 17): Parcels 1001 to 1003, 1005 and 1007 to 1021; Peel Land and Property (Ports No 3) Limited (OBJ 18): Parcels 3034, 3034A, 3035, 4002, 4002A, 4004, 4008 and 4009; Peel South East Limited (OBJ 19): Parcels 1022, 1026, 1030, 2002, 2011, 2023, 2025, 2013, 2037, 2039, 2040, 2044, 7034, 7036 to 7038, 8004, 8005, 8007 and 8008; Peel Investments (North) Limited (OBJ 20): Parcels 2011, 2029 to 2031, 2037, 2039, 2040, 2042, 2043, 2055, 2056, 3003, 3004, 3010 to 3013, 7015, 7016, 7022, 7028 and 7030; Peel Property (Investments) Limited (OBJ 21): Parcels 3011 and 3013; Peel Land and Property Investments plc (OBJ 22): Parcels 2049, 7020, 7021, 7040, 7041, 8013, 8014, 8020 and 8030; Peel Investments (Intermediate) Limited (OBJ 23): Parcels 3015 and 3016; and Event City Limited (OBJ 24): Parcels 7037, 7038, 7040, 7041, 8004, 8007, 8013, 8014 and 8020

and when appropriate agreements were agreed with TfGM.

- 5.92 The negotiations to reach agreement have been protracted by a request by TfGM in mid-September 2015 for a major amendment to the mechanism and programme for the land being made available to them for carrying out the works and further matters raised by TfGM and amendments sought to the documents by TfGM. The terms are effectively agreed but TfGM has indicated that, once the terms of the documents are settled, its internal approvals and sign-off process could take as long as 6 to 8 weeks and cannot be shortened. The Inquiry will therefore be closed without the agreements being in place and the Companies seek an undertaking from TfGM that it will continue to use all reasonable endeavours to negotiate to agree and enter into legal agreements as soon as possible.
- 5.93 In these circumstances, the Companies are not in a position to withdraw their objections prior to the close of the Inquiry. However, if the agreements are entered into, the Companies will write to the Secretary of State to withdraw their objections.

Chemtura Manufacturing UK Limited (OBJ 26)

The material points²⁵⁵ were:

- 5.94 The objector owns the freehold interest in land at Tenax Road, from which the Order would enable the Promoter to temporarily use land (Parcels 6022 and 6023) and has a leasehold interest in land at Ashburton Road from which the Order would enable the Promoter to acquire or use land (Parcel 6025) and temporarily use land (Parcel 6026) ²⁵⁶.
- 5.95 The objector is supportive of the aims of the TPL Scheme but objects to the TWA Order unless and until agreements and/or undertakings are entered into in order to deal satisfactorily with its concerns. These concerns relate to the direct impacts on the operation of the facility for the manufacture of high

²⁵⁵ Document OBJ/L: OBJ 26 Objection letter from Eversheds, dated 22 December 2014

volumes of water treatment additives, phosphate esters and phosphate flame retardants, including concerns about access to car parking and health and safety implications.

Peel Media Wharfside Limited (OBJ 29)

The material points²⁵⁷ were:

5.96 The objector owns the freehold interest in land at Trafford Wharf Road, from which the Order would enable the Promoter to acquire or use land (Parcels 3026, 3028, 3029 and 3030) and temporarily use land (Parcel 3042) for the Scheme²⁵⁸. Some of this land is leased and occupied by ITV in relation to its Coronation Street studios. The grounds for objection are related to those of ITV.

City Sprint UK Limited (OBJ 30)

The material points²⁵⁹ were:

5.97 The objector occupies Unit 6 Wharfside Business Centre, from where it operates a courier company. The Order would enable the Promoter to acquire the whole of the property (Parcels 2031 and 2037) for the Scheme²⁶⁰. If essential, it would relocate its Manchester headquarters, given reasonable and timely compensation. However, TfGM should revert to the previous Trafford Park Road route between the canals to serve more local businesses. This previous route would not need to displace or compensate City Sprint UK Limited and nearby firms and additional costs of overall compensation for the chosen Manchester Ship canal side route should be assessed and compared to the acquisition costs of the previous route.

²⁵⁶ Document TfGM.CD145

²⁵⁷ Document OBJ/L: OBJ 29 Objection letter

²⁵⁸ Document TfGM.CD145

²⁵⁹ Document OBJ/30-P1.1

²⁶⁰ Document TfGM.CD145

Pendragon Property Holdings Ltd (Pendragon) (OBJ 32)

The material points²⁶¹ were:

- 5.98 The objector is the proprietor of premises on the corner of Mosley Road and Village Way, from where it operates a car dealership. Its interests in the premises are by way of an underlease for a term of 10 years from 24 October 2012. The Order would enable the Promoter to acquire or use land (Parcels 5048, 5050 and 5051) and temporarily use land (Parcels 5049, 5052 and 5052A) from the premises for the Scheme²⁶². Prior to the making of the Order, the objector had received no communication from TfGM in respect of the making of the Order or the need to acquire any part of the premises.
- 5.99 There would be significant disruption to Pendragon's business if the Order were to proceed in its current form. Pendragon would be left with a very short piece of frontage on Mosley Road and there is no, or limited, information on how TfGM would mitigate this disruption. Alternatives are available which may be less intrusive and TfGM has not set out why such alternatives cannot adequately provide for its proposals. TfGM has not demonstrated that there is a compelling case in the public interest for the compulsory acquisition of part of Pendragon's interests in the premises.

HSBC Bank plc (OBJ 38)

The material points²⁶³ were:

- 5.100 The objector owns the freehold interest in land at Ashburton Road East, from which the Order would enable the Promoter to acquire or use land (Parcels 4039 and 4042) and temporarily use land (Parcels 4040 and 4044) for the Scheme²⁶⁴. Its grounds for objection are that the use of compulsory powers is premature, as no meaningful offer has been made to acquire the interest by agreement; the construction may cause disruption to the interests in the

²⁶¹ Documents OBJ/32-SoC and OBJ/32-P1

²⁶² Document TfGM.CD145

²⁶³ Document OBJ/L: OBJ 38 Objection letter from CBRE, dated 19 December 2014

property; and it has not been demonstrated that there is a compelling case in the public interest to justify a compulsory acquisition.

Volkswagen Group UK Ltd and Inchcape Estates Ltd (OBJ 43)

The material points²⁶⁵ were:

- 5.101 The objectors hold leasehold interests in, and are the occupiers of, land at Fifth Avenue, Trafford Park, from which the Order would enable the Promoter to acquire or use land (Parcel 5024) and temporarily use land (Parcel 5024A) for the Scheme²⁶⁶. The objectors understand the importance of the TPL and are pleased to see the commitment to the provision of infrastructure to stimulate and facilitate growth in the area. Their grounds for objection are that the compulsory acquisition of land is excessive and would have a negative impact on the operation of the business as a van centre, due to a reduction of car parking spaces and the potential for planting along Village Way to impact upon the visibility of the garage.

²⁶⁴ Document TfGM.CD145

²⁶⁵ Document OBJ/L: OBJ 43 Objection letter from Colliers International, dated 10 February 2015

²⁶⁶ Document TfGM.CD145

6. OTHER REPRESENTATIONS

The material points²⁶⁷ were:

- 6.1 None of those making representations objected to anything regarding the Scheme. Gamma Telecom²⁶⁸ and United Utilities²⁶⁹ both have their apparatus located in areas that would be affected by the Scheme, and wish to ensure that their assets would be protected and that their existing and future customers would not be detrimentally impacted by the TWA Order and/or the works. Economic Solutions Limited²⁷⁰ owns the freehold interest in property known as Warren Bruce Court, from which land is included in the Order, and Challenge 4 Change Limited has a leasehold interest in property at Ashburton Road. They wish to have assurances regarding access to, and security of, their properties.

²⁶⁷ Documents REP/1, REP/2 and REP/3

²⁶⁸ Document REP/1

²⁶⁹ Document REP/2

²⁷⁰ Document REP/3

7. REBUTTALS BY THE APPLICANT

The material points²⁷¹ were:

OBJ 8 Universal Pallet Services Ltd (UPSL)

- 7.1 The construction works would not significantly constrain road access to UPSL's site on the Monde Trading Estate, Trafford Park. The works that would be required to realign Westinghouse Road would be largely off-line; access would be maintained in accordance with the principles set out in the draft CoCP; and clear signage would be maintained throughout²⁷².
- 7.2 The construction works would not make UPSL's site less attractive but in any event, in relation to the journey length/journey time, there is no reason why UPSL's existing customers would choose to use the Company's competitors in Trafford Park²⁷³.
- 7.3 With regard to the request by UPSL for TfGM to fund it to rent an additional site in Trafford Park whilst the construction works would be going on plus the cost of an additional member of staff and an additional forklift, it would not be necessary for UPSL to incur these additional costs. Even if that is wrong, businesses often face disruption from works in the highway, eg by the Highway Authority, or statutory undertakers, without any funding requirements such as those now suggested by UPSL. It would not therefore be appropriate for TfGM to be required to fund UPSL's proposed temporary site.

OBJ 12 ITV

- 7.4 Mitigation, which would be secured by conditions, would mean that the TPL Scheme would be constructed, operated and maintained such that ITV would be able successfully to continue to operate its business of producing Coronation Street at the Trafford Wharf Road site.

²⁷¹ Document TfGM.CD153: Applicant's closing submissions

²⁷² Documents TfGM.2b paragraph 8.3.8 and TfGM.R/OBJ08/1 paragraph 2.1.2

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- 7.5 ITV's importance as a business to Trafford, and to Manchester more generally, and the success of Coronation Street and its importance to the success of ITV, are not in doubt. Neither are the importance of the TPL to Trafford, and an extended Metrolink network to Manchester more generally, in any doubt. Trafford and Manchester would be best served by the TPL and ITV co-existing without undue problems.
- 7.6 It is now clear that if the noisier works of constructing the TPL took place when ITV were filming, trams negotiating the curve outside ITV regularly, repeatedly and frequently squealed on dry days, tram drivers routinely sounded their horns, or the trams caused groundborne rumbling in Studio 4 problems would be caused to the smooth operation of ITV's business.
- 7.7 The ES had not picked up on these potential issues and groundborne noise had been scoped out of the ES. Therefore, TfGM were unaware of them. The first written explanation by ITV of some of these concerns, with groundborne noise not being raised by ITV at this stage, came with ITV's letter to TfGM, dated 3 November 2014²⁷⁴, which enclosed Mr Quinn's first report. The first meeting at which the concerns that had been so raised were discussed was held on 21 November 2014. These coincided with the GMCA, on 31 October 2014, and then TfGM governance, on 7 November 2014, giving approval to take the TPL forward to application stage, and the application being made on 11 November 2014.
- 7.8 Once ITV's issues, and concerns about potential groundborne noise, became known to TfGM a great deal of work was done by it, much of it assisted by ITV eg through the provision by ITV of its 'just acceptable' noise limits, to find ways to avoid the issues arising in the first place or to limit their occurrence, so that ITV could continue operating its business successfully.

²⁷³ Document TfGM.R/OBJ08/1

²⁷⁴ Document TfGM.CD118

Construction

- 7.9 Noisier elements of construction, namely those which would exceed ITV's 'just acceptable' noise limits would be carried out when ITV would not be filming. This would be secured by condition.

Squealing

- 7.10 If squealing were to occur, which could be on certain types of dry days, the time during which ITV's 'just acceptable' noise limits would be exceeded would in the main be for a fraction of a second (ie less than one second) or for a second or two. Even the loudest squeal recorded out of the several hundreds of measurements that have now been taken would have exceeded these limits for less than 9 seconds. Filming does not take place every minute, or every second, on the outside, but TfGM wishes to ensure that squealing would not interfere with filming.
- 7.11 Better control of track gauge and the new wheel profile (the MML5) which is now in place across the Metrolink fleet of trams, would reduce the propensity for squealing to take place and/or reduce its extent when it does occur²⁷⁵. The main means by which the problem of squealing would be addressed is by a system of friction modification which would ensure that trams negotiating the bend outside ITV would not squeal. It is common ground that friction modification is perfectly capable of achieving this result²⁷⁶, and the work that has been done for TfGM coupled with the demonstration presented by Arup in its Soundlab prove that this is so.
- 7.12 In summary, it is common ground that there is an efficacious, feasible and deliverable means of mitigation and that, provided the mitigation in question is put in place and thereafter maintained, there would be no material issues for ITV continuing to successfully operate its business at the site.

²⁷⁵ Mr Cawser evidence

²⁷⁶ Mr Thornely-Taylor explained this in his written evidence to the Inquiry

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- 7.13 TfGM plans to introduce friction modification to the entire Metrolink network in any event and before trams are anticipated to begin running on the TPL, because of the various benefits that this would bring eg in terms of rail wear, and ameliorating environmental noise. There are no known or anticipated or likely safety issues with friction modification in use elsewhere in Europe where it has been tried and tested.
- 7.14 The mitigation to ensure that squealing noises would not exceed ITV's 'just acceptable' limits would be secured by condition.

Horns

- 7.15 TfGM would introduce a restriction on the routine sounding of tram horns in the vicinity of ITV's Trafford Wharf Road site. The mitigation to achieve this would be secured by condition. The sounding of a horn by a tram driver in an emergency would not be restricted, just like car and lorry drivers can sound their horns outside the ITV studios now.

Groundborne noise

- 7.16 Should the tram cause a rumbling noise inside Studio 4, it would only be a potential problem to ITV if it coincided with filming. On the basis of the work carried out for TfGM²⁷⁷, and applying the 30dB_{L_{ASmax}} groundborne noise criterion promulgated by the promoters of Crossrail and HS2 (the Secretary of State for Transport), the currently envisaged standard design would not lead to exceedances of the criterion. Therefore, there would be no need to mitigate against groundborne noise by adopting a non-standard design (such as a floating track slab) in the vicinity of the ITV studios. TfGM's work incorporates +5dB to account for the inherent uncertainties of making such predictions. ITV²⁷⁸ suggests that +10dB to +15dB should be added instead ie an additional +5dB to +10dB to account for uncertainties which, because a difference of 10dB amounts to a halving or a doubling of the loudness of a

²⁷⁷ By Mr Cawser

²⁷⁸ OBJ 12 Dr Talbot's evidence to the Inquiry

noise, would mean that the Scheme in the vicinity of the ITV studios would have to be designed in effect to achieve a level half as loud as ITV require inside Studio 4. This seems to be unduly extreme. However, if ITV's suggestion is adopted, a non-standard design would be required in the vicinity of the studios as it would be in any event if ITV's NR design criteria were adopted. There is no evidence that the usability of Studio 4 would be impaired should noise levels exceed ITV's NR design criteria but not exceed the Crossrail/HS2 threshold of 30dBL_{ASmax}.

- 7.17 Therefore, even if a more extensive adjustment to cater for uncertainties and/or utilising ITV's NR design criteria were made, all that that would mean would be that a non-standard design (eg a floating track slab) would be required in the vicinity of ITV. It is common ground that such a design is perfectly capable of ensuring that intrusive groundborne noise would not arise. Appropriate mitigation would be secured by condition.

'Guarantee' required by ITV that the TPL would never cause a single issue for ITV

- 7.18 It is common ground between TfGM and ITV that there are ways in which the TPL could be constructed, operated and maintained so as not to cause problems for ITV, namely so that ITV's 'just acceptable' noise levels for the outdoor set and its NR design criteria for the indoor studios would not be exceeded. The planning system works on the basis of securing such mitigation by conditions. The planning system does not, and cannot, operate on the basis of assuming that the Scheme would not be built, operated and maintained in accordance with the details approved under the conditions in question.

- 7.19 There are two key points. First, that restrictions placed upon the construction, operation and maintenance of the TPL in planning conditions would form part of the specification written into the design and construct contract²⁷⁹. There are fundamental differences between the contractual

²⁷⁹ Document TfGM.R/OBJ12/1 Appendix E and Mr Lax oral evidence to the Inquiry: explained the ability

process that TfGM utilises and the procurement/concession approach adopted in Nottingham²⁸⁰.

7.20 In his evidence for the promoter on the Crossrail Bill²⁸¹, Mr Thornely-Taylor emphasised the importance of the contractual process in delivering mitigation. However, in his evidence for the objector (ITV) at the Inquiry, he referred to various instances in which he has experience of schemes that have not been built and/or thereafter maintained in accordance with contractually-required specifications. There is a marked contrast, and directly contrary positions, taken by Mr Thornely-Taylor in his evidence when promoting Crossrail (in gist, the key to delivering mitigation is via the contractual process, with no mention at all by him of his experience of instances where there have been breaches of contract) and in his evidence to the Inquiry for an objector to the TPL (in gist, contracts guarantee nothing and he has experience of instances where there have been breaches of contract). Furthermore, HS2 (another project in which Mr Thornely-Taylor is acting for the promoter) is promoted on exactly the same basis as the TPL, namely that mitigation would be secured and delivered via the contractual process. This is the approach adopted by the promoter of HS2, the Secretary of State for Transport, who is the decision-maker in the case of the TPL. TfGM relies on the approach of the Secretary of State and is confident that he will follow his own, entirely conventional, approach in making his decision on the TPL. In the end, Mr Thornely-Taylor accepted in cross examination that all necessary mitigation could be secured by contract, his outstanding concern being the time it might take to fix a problem should it arise²⁸².

under contractual arrangements for TfGM to ensure that the Scheme design would meet the restrictions set by the conditions

²⁸⁰ Mr Lax evidence to the Inquiry

²⁸¹ Documents TfGM.CD116 and TfGM.CD117

²⁸² Document OBJ/12/107: ITV Transcript of the Inquiry- Mr Katkowski: *'Forgive me, it isn't, therefore, being said by you that this is all too difficult in relation to actually specifying in the contract correctly what should be done to ensure that problems aren't caused here to ITV, it isn't that you are saying it is all too difficult to specify in a contract what is to be done if things aren't done properly in the first place, your point is a point about this particular business and the time implications of rectifying problems should they occur. Is that it in a gist?'* Mr Thornely-Taylor: *'That is the essence of the problem.'*

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- 7.21 The Order-making and planning processes cannot proceed on the basis of assuming that there would be a failure to deliver the mitigation required under the schemes approved via the discharge of planning conditions. It is wrong to assume that there would be breaches of contracts. The Order-making and planning process work, and can only work, on the basis of assessing the acceptability of a scheme assuming that it, and any associated mitigation, are constructed competently, and in accordance with, any requirements placed upon the construction of the scheme.
- 7.22 The second key point is that the conventional way in which to secure mitigation so as to avoid and/or ameliorate adverse effects is by way of suitably worded planning conditions. The appropriate way in which to word such conditions has been the subject of extensive discussion at the Inquiry, and the wording that TfGM has suggested is the right way forward. A number of the conditions put forward by ITV and/or aspects of the conditions that it has suggested do not meet the policy tests for conditions concerning necessity, and general and specific reasonableness, and are inappropriately worded. Similarly, ITV's proposed protective provisions are also inappropriately worded, and fail to meet the guidance in the DfT's guide to TWA procedures in that they are not for the protection of a statutory undertaking and are plainly the sort of material that 'can be adequately handled by contractual arrangements'²⁸³. However it is indisputable that suitably worded conditions would secure, as best as the planning system can do so, the provision of mitigation so as to allow the TPL and ITV to operate alongside one another without the one unduly impacting on the success of the other.
- 7.23 The decision-maker cannot proceed on the basis of assuming that there would be a failure to deliver the mitigation required under the Scheme's approval via the discharge of planning conditions. The only reasonable approach, and certainly the entirely conventional approach, is to proceed on

²⁸³ Document TfGM.CD141 paragraph 4 page 109

the basis that if a condition requires something to be done, it will be done. The remedy for a breach of condition is a Breach of Condition Notice against which there is no right of appeal but the whole point of putting a condition on a planning permission (here, a Planning Direction) in the first place is so as to ensure that something is done as it should be.

- 7.24 With regard to the speed of resolving instances of the mitigation not working, should they arise eg if the friction modification system gets clogged, the draft conditions that TfGM proposes in relation to ITV include in each case that the details to be submitted to and approved by the Council are to include what is to be done in the event of such instances. Therefore, the details to be submitted would have to include speed of reaction (timescales for responding and rectifying).
- 7.25 In relation to the development plan policies on the subject, CS policy L5.13 states that: *'Development that has potential to cause adverse ...noise or vibration will not be permitted unless it can be demonstrated that adequate mitigation measures can be put in place.'* The TPL satisfies this policy as mitigation would be secured by conditions²⁸⁴. This policy demonstrates the conventional approach of granting planning permission, subject to appropriate conditions to secure 'adequate mitigation'. A similar approach applies to CS policy L7.3 (2nd bullet)²⁸⁵.
- 7.26 There are no absolute 'guarantees' that ITV's noise criteria are not exceeded as things stand currently, without the TPL being in place, and they are exceeded eg by intrusive sounds off such as car alarms, sirens, car/lorry horns, aeroplanes, which interfere with filming on the outdoor set if they happen to coincide with filming taking place; just as there are no absolute 'guarantees' that an actor or actress will not fluff his or her lines so as to necessitate a re-take. Therefore, despite these considerations in which there are no absolute 'guarantees' that filming is never interrupted and by virtue of

²⁸⁴ OBJ 12: Mr Barton agreed in answers in cross-examination

²⁸⁵ OBJ 12: Mr Barton agreed in answers in cross-examination

which on occasion filming is interrupted, ITV operates very successfully at the Trafford Wharf Road site. ITV cope currently, and successfully, with exceedances of its noise limits, and would be able to do so should there be infrequent exceedances in future, whatever its cause²⁸⁶. This is not surprising especially when some two hours is required to film and produce one minute of Coronation Street²⁸⁷.

- 7.27 ITV is seeking to secure a position with regards the TPL that it does not have with regards the many existing causes of potential problems for its business of producing Coronation Street. Ultimately, a reasonable balance has to be struck and the TPL with the planning conditions as it has put forward does just that.

Previously Approved Alignment

- 7.28 The proposed alignment complies with the relevant planning policies in the CS, namely policies L5.13 and L7.3 and UDP policy T11. Although UDP policy T11 reflects the fact that the alignment at that time was the previous, then approved, alignment, it does not militate against the now proposed alignment in any way²⁸⁸. Therefore, there is nothing in planning policy to favour the previously approved alignment over that now proposed.
- 7.29 The proposed alignment has the following advantages over that previously approved²⁸⁹:
- a) It, and its stops (particularly at the IWM), would be closer to, and would better serve, the huge amount of redevelopment that has taken place over more recent years at Salford Quays/the Salford side of MediaCity UK, better relieve congestion on the Eccles line, and would be better related to planned and likely future growth;
 - b) as the IWM stop would be closer to the museum as opposed to at the other end of Elevator Road where it would have been distant from, and an

²⁸⁶ OBJ 12 Mr Monks agreed in answers in cross-examination

²⁸⁷ OBJ 12 Mr Rayner's evidence

²⁸⁸ OBJ 12 Mr Barton agreed in answers in cross-examination

unappealing walk from, the museum, it would better serve the museum, which is one of Manchester's top attractions;

- c) the proposed alignment would provide far better public urban realm and better improve facilities for cyclists (alongside the canal);
- d) rather than the service having to be suspended after matches and events at Old Trafford Stadium (MUFC) as with the old alignment, with the new alignment there would be frequent services, in effect a virtually continuous shuttle service of double-coach trams; and
- e) in terms of its Value for Money, it clearly achieves a 'high' rating, whereas the previous alignment is more likely to be 'medium'²⁹⁰.

7.30 Even assuming that the previous alignment made every good sense at the time when it was originally approved and then later on, re-approved, the powers for the old alignment have lapsed and the currently proposed, different, alignment makes much more sense and is better in several regards²⁹¹.

7.31 Were the Order not to be made, it is far from certain that TfGM would 'revert' to the previous alignment and promote a new Order. As a sub-optimal alignment it may very well not be considered a sufficient priority for investment and taking forward by TfGM but, were it to be, there would be an additional delay to the Scheme of at least some two years, which would work through to a significant inflation impact ie significant additional cost.

Other Matters

7.32 In terms of ITV's suggestion that the Secretary of State could issue a 'minded to grant' decision that he would authorise the Scheme but only subject to a prior agreement being reached between TfGM and ITV, this would be wholly inappropriate as it would hold the Scheme in effect to ransom by ITV. The

²⁸⁹ OBJ 12 Mr Barton agreed in answers in cross-examination

²⁹⁰ Mr Chadwick in evidence

²⁹¹ OBJ 12 Mr Barton agreed in answers in cross-examination

appropriate approach is as TfGM has suggested, namely conditions in the Planning Direction.

Conclusion

7.33 ITV's objection is insubstantial and does not provide a good basis for refusing to confirm the Order. Suitably worded conditions in the Planning Direction are the appropriate way forward.

OBJ 25 Manchester United Limited (MUL)

7.34 MUL supports the TPL as a matter of principle and the provision of the proposed Wharfside stop. Its concerns about access to Stadium Point have been addressed by the provision of plans showing the existing and proposed vehicle movements²⁹². However, it has eleven items that it considers should be written into conditions on the Planning Direction²⁹³. In these circumstances, the appropriate approach is to consider these items put forward and apply the tests for planning conditions set out in NPPF paragraph 206, in particular the test of necessity (whether the amended conditions are necessary in the sense that without them the Planning Direction should be refused) and of general and specific reasonableness.

7.35 Items 8 and 11, which seek to require that MUL be 'signatory' to various matters, are untenable in relation to conditions, as they cannot incorporate third party approval. TfGM has sought to incorporate into its proposed MUL conditions that include appropriate wording to capture items 1, 2, 4, 7, 9 and 10. There was extensive discussion of the exact wording during the planning conditions session at the Inquiry. Item 6 (surveys) is not something that one would write into a planning condition.

7.36 With regard to item 3 (removal of concession stands from Victoria Place), it is not appropriate for a planning condition to interfere with the powers of the licensing authority for such facilities.

²⁹² Document TfGM.CD148

- 7.37 As to item 5 (requiring at least 6m width for the footway to the east of the waiting area corral), TfGM's position is that it is fundamentally inappropriate to require a minimum width at this stage when the design of the area in question has so many stages to go through and when it is simply wrong to state (as MUL does) that it is known now that there has to be a minimum width of 6m. It is inappropriate to insist upon this minimum width and impose upon the Scheme unknown, but potentially large, additional costs when the evidence falls a long way short of substantiating that the TPL would have to be refused unless at least this minimum width is provided
- 7.38 In conclusion, all of MUL's points relate to matters which to the extent that they are necessary and reasonable to be secured by planning conditions, can be. TfGM has put forward what it considers to be suitably worded conditions to deal with such instances. There are some demands made by MUL which are wholly inappropriate and simply should not be written into planning conditions, but apart from these TfGM has put forward draft planning conditions to deal with the points raised²⁹⁴.

OBJ 47 A J Bell Trustees Ltd and W Maher & Sons Pension Scheme (Maher)

- 7.39 Maher objects to the compulsory acquisition of part of its freehold interest in its Village Point site (the Site). The Site is occupied by Chep (OBJ 41) with whom TfGM have reached agreement²⁹⁵.
- 7.40 TfGM would reconfigure the access arrangements into the Site:
- (i) One access point (currently unused by Chep) would be stopped up²⁹⁶;
 - (ii) the access at the junction of Village Way/Fifth Avenue would be remodelled²⁹⁷;
 - (iii) the existing access off Third Avenue would remain; and

²⁹³ Document OBJ/25-R-P2.3: Andrew Brookfield Rebuttal Section 6.2

²⁹⁴ Document TfGM.CD152 draft planning conditions 12, 13 and 14

²⁹⁵ OBJ 41 Chep has withdrawn its objection

²⁹⁶ Documents TfGM.CD105 Works and Land Map Sheet No 5 marked SS15 – SS16; and TfGM.R/OBJ47/1 Photograph on page 3

²⁹⁷ Documents TfGM.CD105 Works and Land Map Sheet No 5 marked NP13 – NP14

(iv) a new access would be provided from Trafford Park Road²⁹⁸.

- 7.41 Maher is concerned that the new arrangements would not be its preferred choice in the event that Chep vacate the Site pursuant to the terms of its lease. TfGM has provided details to show how the new access proposals would work should Chep vacate the Site but remain on the land it currently leases to the west of the Site²⁹⁹. A reduced Chep operation would generate 20 HGV movements between 0600 hours and 1800 hours, or an average 1.5 per hour³⁰⁰. The proposals would plainly be both workable and safe.
- 7.42 Maher does not appear to have any firm plans as to what it would like to do with the Site should Chep vacate it. There would be two independent accesses to the Site, as preferred by Maher. One would be from Third Avenue and one would be from Trafford Park Road, in addition to the remodelled joint access from Village Way. With regard to the suggestion by Maher of a possible subdivision of the Site, resulting in the new independent access not serving the whole of the Site, this would be a matter for Maher in due course. TfGM cannot reasonably be required to cater for every conceivable situation. In short, the proposed access arrangements are fit for purpose and therefore unobjectionable. Maher's preference for alternative arrangements could not reasonably justify the refusal of the Order.
- 7.43 TfGM no longer has any requirement for land at Ashbridge³⁰¹.

OBJ 06 IPIF/L&G³⁰²

- 7.44 TfGM now proposes a revised alignment in the vicinity of the objector's property which has no additional impact on the traffic movements after the

²⁹⁸ Documents TfGM.CD105 Works and Land Map Sheet No 5 marked NP11 – NP 12; and TfGM.R/OBJ47/1 Figure 1 on page 3

²⁹⁹ Documents TfGM.P2f: Plan MMD-327551-DWG-010-006 dealing with the situation as it exists today; TfGM.P2d: Plan MMD-327551-DWG-TfGM.P2-001 showing how the access proposals could be amended to accommodate the situation should Chep vacate Village Point; TfGM.P2b paragraph 4.3.2 on page 45; and TfGM.R/OBJ47/1

³⁰⁰ Mr Parke evidence in chief, 27 July 2015

³⁰¹ Documents TfGM.R/OBJ47/1 paragraph 2.5.1 and TfGM.P2b paragraph 4.3.20

³⁰² Document TfGM.R/OBJ06/1

introduction of the TPL Scheme. The assessment carried out shows that the Village Way/Mosley Road junction would still operate with spare capacity. As the junction would be able to accommodate the predicted traffic flows, there is no reason to suggest traffic would re-route away from their route of choice. It would operate as a simple two-stage signal controlled junction that would not adversely affect the access to the trading estate.

- 7.45 Highway safety issues identified by the audit/review have either already been addressed or will be appropriately dealt with at the preliminary and then subsequent detailed design stages of scheme development. The length of the left turn lane within the illustrative design is 38m (excluding the taper). This would be sufficient for 2 articulated HGVs and the analysis carried out shows the predicted queue length would be around 6m. Therefore, the left turn lane as currently proposed would be capable of accommodating the predicted queue with a large degree of capacity to accommodate variability in its length. Furthermore, the lane could potentially be made longer, up to around 55m, and this provision would be reviewed during the preliminary and detailed design. In conclusion, road safety would not be compromised by the proposals.
- 7.46 The objector has not provided any detail regarding its future development plans. As can be seen from the traffic modelling results, the junction has a large degree of reserve capacity. Therefore, the proposals would not adversely affect the existing operation of the Central Park Trading Estate or constrain future redevelopment of the site. The detailing of the site boundary has a degree of flexibility and TfGM will agree with the objector appropriate permanent boundary details.
- 7.47 The revised alignment would require no more land from the objector and would allow the impacts on others that arose from the original alignment to be avoided.

The Peel Group of Companies (OBJ 14 to OBJ 24)³⁰³

- 7.48 TfGM and the Peel Group of Companies have continued to finalise legal agreements, but should agreement not be reached before the close of the Inquiry, TfGM will continue to negotiate with the objectors.
- 7.49 In terms of land take, TfGM is only seeking to acquire land and rights compulsorily where they are strictly needed to assure successful delivery of the scheme in accordance with best engineering and environmental practice³⁰⁴. The land included within the TWA Order application has been established from the illustrative design, commensurate with the stage of scheme development, and is considered to be proportionate³⁰⁵ and the practical justification for the limits of land to be acquired has been given³⁰⁶.
- 7.50 The necessary resources are available to construct the Scheme within a reasonable timescale and the public benefit will outweigh any private loss³⁰⁷. Therefore, the evidence provided sets out a comprehensive justification for acquiring land compulsorily and has demonstrated how the objectors' concerns have been addressed. The land is required immediately in order to secure the purpose for which it is to be acquired. TfGM has demonstrated clearly how it will use the land. As an additional reassurance, TfGM has sought to agree voluntary agreements enabling it to acquire the necessary rights over land.
- 7.51 The detailed design cannot be progressed until such time as a contractor is appointed³⁰⁸, which is normal for the current stage of the TWA Order application. TfGM is willing to undertake to keep the objectors informed of the progress and technical details of the emerging design of the Scheme and

³⁰³ Documents TfGM.CD155, TfGM.CD156, TfGM.CD158, TfGM.CD159, TfGM.CD160, TfGM.CD161, TfGM.CD162

³⁰⁴ Document TfGM.P1b

³⁰⁵ Document TfGM.P2c Tables 1 and 2 reasons for inclusion of the parcels

³⁰⁶ Document TfGM.P2b

³⁰⁷ Document TfGM.P1b

³⁰⁸ Document TfGM.P2b

the progress of the construction works once commenced, with a similar commitment forming part of the agreements being negotiated.

- 7.52 Pre-application consultation was carried out in order to, amongst other things, engage with regulatory and statutory bodies³⁰⁹, including engagement with the Peel Group of Companies, which started in summer 2013 and entailed 15 meetings prior to the application being made. TfGM has been in continuous negotiations with the objectors in agreeing a suite of legal agreements to address the objectors' concerns about the impacts on existing properties and potential future developments in the area³¹⁰. They consist of a complex suite of interlocking agreements that all need to be consistent. This, together with the necessary structural change to accommodate the Peel Group of Companies' desire to agree leasehold arrangements with TfGM without requiring a multiplicity of further leases for every affected land parcel, has necessarily affected the length of time needed for negotiations.
- 7.53 As a custodian of public funds, TfGM requires to seek to ensure that the final terms of the agreements are acceptable. Although it has not been possible to complete the agreements prior to the close of the Inquiry, TfGM will continue to use all reasonable endeavours to negotiate with the objectors to agree and enter into legal agreements as soon as possible. Therefore, the level of engagement between TfGM and the Peel Group of Companies does not constitute a reason for refusing the application.
- 7.54 With regard to the discharge into the Manchester Ship Canal and Bridgewater Canal, Article 21 of the draft TWA Order would provide TfGM with the power to discharge surface water run-off into them. The drainage principles for the Scheme that have been embodied in the Flood Risk Assessment state that the individual outfall points and capacity restrictions to be applied to these outfalls would be agreed with the relevant undertaker as the detailed design is developed. Also, under Article 21(3) of the draft TWA Order, water must

³⁰⁹ Document TfGM.A005 paragraphs 2.3 and 2.4

³¹⁰ Documents TfGM.P2b and TfGM.R/OBJ14-24&29/1

not be discharged into a watercourse without the reasonable consent of the person to whom it belongs. Accordingly, TfGM has been negotiating with the objector (OBJ 16) to seek its agreement for any discharge of surface water run-off into either the Manchester Ship Canal or Bridgewater Canal and are in the process of finalising an appropriate agreement with it.

- 7.55 In terms of the protection of the Manchester Ship Canal or Bridgewater Canal, TfGM has been negotiating agreements that would provide protection with the relevant objectors. It has not been possible to reach agreements on the documents before the close of the Inquiry because, amongst other reasons, the objectors are seeking forms of indemnity that extend beyond that ordinarily available to harbour authorities in circumstances such as those regarding the application. TfGM has also negotiated with MSCC a draft works licence to works commencing adjacent to, or over, the Harbour. TfGM and the objectors are close to agreement on the form of protective provisions that TfGM believes would be an effective and proportionate means of preserving the safety of the Manchester Ship Canal and Bridgewater Canal during construction and operation of the Scheme. TfGM requests that the Order be recommended to be made to include protective provisions that the Promoter has set out³¹¹, using 'authority' to cover BWCC and MSCC³¹².

OBJ 30 City Sprint UK Limited³¹³

- 7.56 TfGM has undertaken estimates of acquiring premises which include an allowance for the acquisition of the City Sprint UK Limited leasehold interest. A compensation cost comparison has been undertaken between the two routes. Following a meeting with the objector, TfGM issued draft Heads of Terms on 18 June 2015 which set out the basis upon which TfGM will work with City Sprint UK Limited to secure an alternative property and pay compensation in accordance with the Compensation Code. TfGM will assist where possible to find an alternative property and it has supplied details of

³¹¹ Documents CD156 Appendix 1 and TfGM.CD162

³¹² Documents TfGM.CD158 and OBJ/14-15/103

currently available property within the area following a recent market search. The objector has confirmed that it was actively looking for an alternative property and that a response to the Heads of Terms would be provided once one has been identified³¹⁴.

OBJ 32 Pendragon³¹⁵

- 7.57 The proposed modification to the Limits within the TWA Order application significantly reduces the extent of the objector's land for which temporary use is sought and would enable the objector to continue displaying motor vehicles on the Mosley Road/Village Way corner throughout the construction of the Scheme. TfGM will agree with the objector appropriate temporary and permanent boundary details. A revised agreement was issued by TfGM on 26 June 2015 to tie in with the draft agreement with the objector's landlord³¹⁶.

³¹³ Document TfGM.R/OBJ30/1

³¹⁴ Document TfGM.CD106 paragraph 6.35.9

³¹⁵ Document TfGM.R/OBJ32/1

³¹⁶ Document TfGM.CD106 paragraph 6.17.9

8. INSPECTOR'S CONCLUSIONS³¹⁷

8.1 I have considered the matters arising from the proposed TWA Order and the application for deemed planning permission together, as they overlap. I have based these conclusions around those matters about which the Secretary of State has indicated that he particularly wishes to be informed and then set out my overall conclusions.

Aims, objectives and need (Matter 1)

8.2 There is very little doubt that the principle of the Scheme is widely supported by parties that include TC, which is the local authority through whose borough it would run, and SCC, which is an adjacent local authority, and the public. Furthermore, a number of objectors to detailed aspects of the Scheme have expressed support for it in principle. Very little substantive evidence has been provided to question the aims and objectives, whether they would be met by the Scheme or the need for the Scheme. I am satisfied that the proposed TPL Scheme would meet the identified aims and objectives and the Applicant has demonstrated a compelling case for the necessity of the Scheme. **[3.9 to 3.13, 5.54, 5.81, 5.82, 5.86, 5.91, 7.34]**

The main alternatives considered by TfGM and the reasons for choosing the proposals comprised in this Scheme (Matter 2)

8.3 Based on the evidence that has been put before the Inquiry, I am satisfied that TfGM has considered a sufficient number of alternatives, and provided satisfactory reasons, to demonstrate that the proposals comprised in the Scheme are the most acceptable to achieve the stated aims. The proposals include the relatively late amendment to the route alongside the Wharf in order to address the concerns of Kratos regarding its production activities. Furthermore, there would be scope to make minor amendments to these

³¹⁷ In these conclusions, references thus [] are to previous paragraphs in this report

proposals at the detailed design stage, within the constraints set by the limits of deviation of the route, the terms of the TWA Order and the planning conditions. **[3.14 to 3.20]**

- 8.4 Whilst the previously approved alignment for the TPL has not been re-considered, the Applicant has given reasons for not doing so in the current circumstances. ITV has suggested reverting to part of this previously approved alignment in the area of its Coronation Street studios in order to avoid its concerns about disturbance to the production of that television programme. However, TfGM has explored the use of planning conditions to control the noise and vibration in that area as a means of addressing these concerns. I have examined the use of these conditions later on in my conclusions. **[3.16, 5.9, 5.32 to 5.39, 5.52, 7.28 to 7.31]**
- 8.5 In terms of the previously approved alignment for the TPL, I accept that it would take the route further away from the ITV studios and avoid the need for a relatively sharp bend near to that site. As such, it would ensure that the construction and operation of the TPL would not cause any unacceptable disturbance within the studios due to noise and vibration. However, the evidence indicates that that alignment would not offer the same level of benefit as the proposed alignment and could well present additional problems with the operation of the TPL. **[5.33, 7.29]**
- 8.6 These problems include those associated with events held at the MUFC Old Trafford Stadium, for which a solution has not been put forward at the Inquiry. This is due to the previously approved alignment running very close to that Stadium, with the likelihood that the operation of the trams in that area would have to cease for at least 20 minutes following the end of a major event at the Stadium in order to avoid any serious conflict between the trams and people leaving the event. The period of time that this would be likely to occur is supported by the fact that the road that the tram would run along is presently closed to vehicular traffic for that time following a

football match at the Stadium, which has not been disputed. **[5.37, 7.29d)]**

- 8.7 Such a gap in the running of the trams would also be likely to have a knock-on effect on the overall operation of the Metrolink network due to the disruption to the timetable and the trams being in the wrong place. Whilst it does not appear to me that this matter was raised as a potential problem at the time that the previous TWA order was examined at an inquiry and potential solutions have not been examined at this Inquiry, it does not significantly reduce the weight that I should place on this argument in considering the relative merits of this proposed alternative route. Given the relatively large increase in the capacity of the Stadium since that previous approval and the objection by MUL to the present proposals on the grounds of the effect that it would have on the safety of people leaving the Stadium following an event, this matter should be an important consideration in the choice of route for the TPL in that area. **[5.37, 7.29d)]**
- 8.8 I find that the evidence demonstrates that the proposed alignment along the Wharfside and Trafford Wharf Road would provide greater benefits than the previously approved alignment along Trafford Park Road and Wharfside Way. These benefits include a better location for a stop to serve the IWM. The proposed stop would be more convenient for the Museum and other attractions in that area, particularly those to the north of the Manchester Ship Canal. Although the previous approved alignment would have enabled a stop to be located within easy walking distance of the IWM, the use of Elevator Road, which is in a mainly commercial area with access to properties from it, would not be as attractive an environment for pedestrians to use as that in the current proposal, even though it would be possible to improve the footways along it. **[5.36, 7.29]**
- 8.9 The proposed alignment would also give better connectivity to the redevelopment area along the Manchester Ship Canal and provide alternative Metrolink access to MediaCity UK to that provided by the stop on

the spur to the Eccles Metrolink line. As such, it would help to relieve the overcrowding on that line, which the Applicant has suggested occurs and this has not been contested. **[5.35, 7.29a)]**

8.10 In addition, there would be benefits to cycling by providing a link alongside the Manchester Ship Canal between existing cycleways. Although it would be possible to provide the link without the implementation of the existing TPL Scheme, TfGM has indicated that funding may not be available for it as a single project, due to it not being seen as one of the main priorities. Furthermore, without the acquisition of the Samuel Platts public house, there would be insufficient land available at that 'pinchpoint' to make the route as attractive to cyclists as that proposed in the current TPL Scheme. **[5.38, 7.29c)]**

8.11 Even though it seems to me that at the time that the previous TWA order was made much of the future development in the area along the Manchester Ship Canal would already have been planned, circumstances have changed significantly since that inquiry which has made the current proposed alignment more beneficial, and less problematic, than that previously approved. **[5.34, 7.30]**

The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the Scheme (Matter 3)

8.12 Evidence for the Applicant, which has not been challenged, identifies significant transportation and socio-economic benefits from the TPL, due to it linking up with the Metrolink network to provide a sustainable means of transport between residential areas with high levels of deprivation and the extensive employment areas at Trafford Park and the Trafford Centre. This would also lead to further regeneration opportunities due to the improved access by public transport. In addition, there would be benefits from improved access to these areas by active modes, including the provision of

attractive links to existing cycleways in order to encourage cycling, and to the environment, as identified by the Applicant. **[3.21 to 3.26, 4.1 to 4.6]**

- 8.13 I consider that the adverse effects, due primarily to the environmental impact and effects on businesses during the construction and operation of the Scheme would, taking account of the proposed mitigation measures, be more than offset by the benefits. Although the BCR has been given as 1.86, these other benefits that have not been considered in the calculations would result in the Scheme being in the 'High' value for money category. As such, the Applicant has provided strong justification for the proposals in the draft TWA Order. **[3.27 to 3.29]**

The extent to which proposals in the TWA Order are consistent with the National Planning Policy Framework, and with sub-regional and local transport, environmental and planning policies (Matter 4)

- 8.14 The TPL would represent a sustainable mode of transport and would assist in achieving the objective in the NPPF of promoting this mode of transport to serve areas of development. **[3.30]**
- 8.15 The TPL Scheme would be consistent with the aims and objectives set out in LTP3, which has been prepared under the Local Transport Act 2008 in consultation with all the District/Borough Councils in Greater Manchester and relevant stakeholders. It sets out TfGM's policies for transport to, from and within Greater Manchester. In my view it should be accorded significant weight in consideration of the TPL Scheme, given its particular relevance to this proposal. **[3.31 to 3.33]**
- 8.16 Whilst the TPL proposals would not follow the same alignment as that given in the UDP, that document does establish the principle of the Metrolink extension in that area. The Scheme would accord with CS policies L3 and L4 by improving accessibility between the regeneration areas and employment areas of Trafford Park and extending the Metrolink light rail network within the borough, as well as policy SL2 by providing a high

frequency public transport system in the Trafford Wharfside area. **[3.34 to 3.36, 5.39]**

- 8.17 Following the evidence presented at the Inquiry, it is not contested that the TPL Scheme would accord with the relevant development plan policies and the development plan as a whole. I find that the proposals in the TWA Order are consistent with the NPPF, and with LTP3, and environmental and planning policies. **[7.28]**

The likely environmental impacts of constructing and operating the Scheme (Matter 5)

Effects of noise and vibration (a)

- 8.18 Of those objections based on the effect of noise and vibration, only one appears to me to be significant, as the others have been assessed as being minimal and able to be satisfactorily resolved through agreements. As such, the main effects of the proposals due to noise and vibration would be upon the production of Coronation Street at the ITV Trafford Wharf Road studios due to construction noise, wheel squeal of trams using the tight bend near to the studios, and groundborne noise as a result of vibration from the trams. I am satisfied that these matters would be adequately addressed by the enforcement of suitably worded planning conditions, which I have dealt with in more detail under matter 10 in my conclusions. **[3.37 to 3.39, 5.41, 5.49, 5.50, 5.84, 5.96]**
- 8.19 Whilst ITV has expressed concerns over the level of guarantee that would be provided that the noise levels that it considers to be 'just acceptable' to enable filming to take place at the studios would not be exceeded, the Promoter has put forward a number of measures to try to prevent this happening. Construction noise should be able to be controlled through the CoCP and the enforcement of planning conditions. **[3.38, 3.70 to 3.73, 5.7, 5.10, 5.11, 5.51, 7.9, 7.18 to 7.27]**

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- 8.20 In terms of noise from wheel squeal, the evidence indicates that this mainly occurs in dry weather conditions. There is also evidence that demonstrates that the change of wheel profile for the trams, which is being introduced across the whole fleet, would reduce the likelihood of this occurring. In addition, the Promoter has suggested that it would control the gauge of the rail at the bend, which should also mitigate the noise, and use a means of friction modification, applied from the vehicles, which it has suggested has been proven to be effective in parts of Europe. Although I have been given limited evidence to demonstrate the effectiveness of this mitigation on noise levels near to the ITV studios, expert witnesses for ITV have accepted that it could result in a reduction in the occurrences of wheel squeal. The suggested planning condition should ensure that measures would be taken to prevent exceedences of the 'just acceptable' noise levels. **[5.12 to 5.14, 5.23 to 5.26, 7.6, 7.10 to 7.14]**
- 8.21 The effect of groundborne noise is more uncertain, particularly with predicting how it would propagate. Calculations carried out for the Promoter indicate that there should not be a problem due to this within Studio 4, which would be the closest filming studio to the proposed alignment. However, should further investigative work demonstrate that there could well be a problem with keeping within the limits that would be specified in a suitably worded planning condition, the use of a 'floating slab' is a proven means of reducing the effect of groundborne noise. It is in the interests of the Promoter to ensure that exceedences of the noise level would not occur in order to avoid being in breach of condition and all the consequences that that would incur. Furthermore, the Promoter has recognised the importance of ITV as a business in the area and the need to minimise any problems that the Scheme could create for its continued success on the site. **[5.15 to 5.22, 5.27, 5.28, 7.5, 7.8, 7.16, 7.17]**

Other environmental impacts (b) to (i)

- 8.22 There have been no objections based on the effect of the proposed Scheme on air quality, landscape and visual amenity, ecology, ground conditions, water resources and flood risk, heritage assets and greenhouse gas emissions. The ES found that no significant adverse air quality or dust effects would occur during the construction or operation of the Scheme, and the vehicles would not emit local air pollutants. Although there would be some substantial adverse visual effects resulting from the Bridgewater Canal crossing and loss of woodland, the Scheme would offer benefits to the landscape and to heritage assets. The impacts of the Scheme on ecology, surrounding land uses, geology, soils and hydrogeology both during construction and its operation have been found to be negligible. **[3.40 to 3.43, 3.45]**
- 8.23 I have seen no suggestion that there would be any adverse effects on water resources or the risk of flooding. I agree with the evidence for the Applicant that, subject to safeguards secured under the CoCP and EMP, together with mitigation measures specified in the ES, which could be secured through planning conditions, there would be no significant adverse impacts due to the construction and operation of the TPL in respect of air quality, ecology, ground conditions, water resources and flood risk. **[3.44]**
- 8.24 I am satisfied that the Scheme would provide significant socio-economic benefits through the creation of job opportunities and providing improved access between residential areas with relatively high levels of deprivation and employment areas. In addition, the TPL would make a significant contribution to the reduction of greenhouse gasses within the Greater Manchester conurbation. **[3.46, 3.47]**

The likely impacts of constructing and operating the Scheme on traffic and on the operation of businesses in the area (Matter 6)

Traffic using the network (a)

- 8.25 In terms of the impact on traffic, whilst there would inevitably be a significant degree of disruption during the construction of the TPL, this would be mitigated by the use of a CoCP. Furthermore, the Applicant is in the process of entering into formal agreements with many of the objectors to provide assurances regarding the effect of the construction of the Scheme on access to their business premises. **[3.59, 7.39]**
- 8.26 With regard to the objection by UPSL, there is insufficient evidence to show that the effect of the construction works on access to its site at Monde Trading Estate would be significantly worse than that which would be experienced by other similar businesses in the area to warrant the special relief measures that it has claimed would be necessary to ensure that its site would not need to be closed. I am satisfied that the Applicant has demonstrated that there would be adequate alternative access from the M17 motorway to the premises to ensure that any works on Park Way would not have a significant harmful effect on the business. **[5.1 to 5.5, 7.1 to 7.3]**
- 8.27 The evidence shows that the TPL Scheme would increase public transport mode share, which would be expected due to the introduction of the proposed quicker and more efficient light rapid transit service in the area. However, due to the tram priority at junctions and the alterations to the highway network in the area, there would be a disbenefit to other vehicular traffic, which should be offset by reduced congestion due to the modal shift. I am satisfied that the Scheme would benefit cyclists and pedestrians as a result of improvements to the cycleways and footways in the area. Furthermore, there should be an associated benefit to highway safety from the junction improvements, including the signalling, and the improved facilities for pedestrians and cyclists. **[3.48 to 3.50, 3.52, 3.53]**

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- 8.28 In relation to proposed permanent changes to the access arrangements to sites as a result of the TPL Scheme, the concerns of MUL regarding its Stadium Point site appear to me to have been resolved by the production of plans showing the vehicle movements before and after the Scheme completion. I am satisfied that its concerns regarding the safety of proposed alterations to the highway and pedestrians leaving the Old Trafford Stadium following a major event would be adequately addressed by appropriately worded planning conditions that were discussed in some detail at the Inquiry. **[5.53, 5.55 to 5.63, 7.34, 7.38]**
- 8.29 Maher has expressed concerns about the proposed access arrangements to its site at Village Point, particularly with regard to its need to have an independent access and egress to the site from that to the rest of the site that is currently occupied by Chep. Discussions have been ongoing between Maher and the Applicant to reach an agreement, which had not been achieved by the close of the Inquiry. However, I am satisfied that an acceptable solution should be able to be found, given the scope for providing accesses from different points to the site, including those proposed by the Applicant from Third Avenue and Trafford Park Road. It would be unreasonable to expect the design of future accesses to address different speculative scenarios as to the use of the site and the adjoining sites. Taking account of these matters, I therefore find that the proposed stopping up of an existing access to Village Point from Village Way, which is not currently used by Chep, is insufficient reason to prevent the TWA Order from being made. **[5.69 to 5.74, 7.39 to 7.42]**
- 8.30 Although other objectors have sought to protect their access, servicing and parking arrangements during the construction and operation of the TPL, most of their concerns appear to me to have been resolved through formal agreements. Those objections regarding these issues that remain have not been expressed in sufficient detail to carry any significant weight in the determination of the TWA Order application. Therefore, based on the evidence that has been provided to the Inquiry, I find that the harm to

businesses in the area due to the effect of the Scheme on traffic using the highway network and the access to, and servicing of, premises and on parking has not been demonstrated to be sufficient to justify not making the TWA Order. **[3.51, 5.84, 5.95, 5.101, 6.1]**

Electro-magnetic interference (EMI) (b)

- 8.31 The main concern from an objector regarding the effect of the Scheme on its business due to EMI was at the Kratos site, Trafford Wharf Road. Measurements that were taken for the Applicant had demonstrated the effect that the Consultation Alignment would have on the business at that site and, as a result, the Applicant moved the alignment to be further away from the premises. Kratos have since reached an agreement and its objection has been withdrawn. The only other objection on these grounds, by Telecity Group UK Limited, has been resolved by way of a formal agreement and the objection withdrawn. **[1.3, 3.54]**

Impacts on security of Business premises and sustainability of businesses (c) and (d)

- 8.32 The evidence that has been provided has indicated to me that the objector's concerns regarding the effect of the Scheme on security of business premises and the sustainability of businesses have either been resolved through agreements, mitigation secured by planning conditions, or do not carry significant weight in the determination of the TWA Order application. **[3.55, 3.56, 5.79, 6.1, 7.8]**

Impacts on the operation and safety of harbour, canal, gas and oil undertakings (e)

- 8.33 The gas and oil undertakers that originally objected to the Order have since withdrawn their objections, having reached satisfactory agreements with the Promoter to ensure that their interests would be protected. In terms of the Harbour and canals that would be affected by the proposal, MSCC, who is the statutory undertaker responsible for the Manchester Ship Canal and also the statutory Harbour Authority for the Canal, and BWCC, who is the statutory undertaker responsible for the Bridgewater Canal, have both

objected to the Order. PWSL, who has the responsibility for managing and regulating discharges into the Manchester Ship Canal and Bridgewater Canal, has also objected to the Order. However, following protracted negotiations between representatives for these companies and TfGM, it appears to me that agreements relating to discharges and to provide the necessary protective provisions for the Harbour and canals are near to being finalised. **[1.3, 3.57, 5.85 to 5.89, 6.1, 7.48, 7.54, 7.55]**

8.34 Based on the evidence that has been provided, I am satisfied that the Order could be made with the inclusion of the Protective Provisions proposed by the Promoter, which are based on those previously used in Orders made for the Mersey Gateway Bridge and the Nottingham Express Transit System, which would ensure that the Harbour and canals would be adequately protected. **[7.55]**

Impacts on redevelopment proposals in the area (f)

8.35 Although some objectors have expressed concerns over the effect of the Scheme on future redevelopment of their sites, limited evidence has been provided to show that it would have any significant adverse impacts on redevelopment proposals in the area and the Applicant has indicated that it has attempted to address any future redevelopment proposals within its Scheme proposals. Furthermore, there is evidence to suggest that the presence of a rapid transit system in the area should be an aid to redevelopment. **[3.58, 5.81, 7.46]**

The measures proposed by TfGM to mitigate any adverse impacts of the Scheme (Matter 7)

8.36 The key mitigation measures are the CoCP and those set out in the ES and I have been given very little evidence to show that they would not be effective. In addition, following the objection from ITV, the Applicant has put forward mitigation measures to address ITV's concerns about the effect of noise on its production of Coronation Street at its Trafford Wharf Studios.

These measures are a change of wheel profile, which I understand is already being carried out on the trams in operation; the control of the track gauge during construction; and the use of a friction modifier, which the Applicant has indicated would be carried out anyway as a means of reducing noise and wear on the track. Although not part of the design, it may prove necessary to use a different type of slab design to reduce the likelihood of groundborne noise from the vibration of trams on the track near to the ITV studios. Approval and implementation of the above measures would be secured through planning conditions. **[3.59 to 3.65, 5.7, 5.10, 5.23 to 5.27, 5.51, 7.4, 7.11 to 7.14, 7.17]**

The adequacy of the ES submitted with the application for the TWA Order, including the Addendum published on 27 January 2015, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements have been complied with (Matter 8)

8.37 Whilst ITV has highlighted some inadequacies in the ES regarding the assessment of noise and vibration impacts, particularly in relation to the potential effects on the ITV studios, the ES considered the studios as a noise sensitive receptor but did not identify the need for any additional mitigation after assessing the construction and operational noise at a receptor near to that site. Therefore, although the ES did not pick up potential problems at the ITV studios due to noise and vibration from the trams, which were considered later, it, and the Addendum, did include the information that Rule 11 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 lists as being necessary to include, having regard to that specified in Schedule 1 of that Act and in the scoping opinion. Therefore, I do not consider the ES and its Addendum to be inherently inadequate for its purposes. Furthermore, I have been presented with nothing to suggest that there has been any failure to comply with the statutory procedural requirements. **[3.66, 5.8, 5.15, 5.29, 5.30, 7.7]**

Whether there is a compelling case in the public interest for conferring on the Promoter powers to compulsorily acquire and use land for the purposes of the Scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004³¹⁸, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by TfGM in order to secure satisfactory implementation of the Scheme (Matter 9)

8.38 Having examined the modified order plans, which have reduced the land take to take account of objections, I am satisfied that the draft Order addresses no more land than is necessary, and that TfGM has a clear idea of how it intends to use the land. Budgetary provision has been put in place by the Promoter, and if the Order is made work would start in 2016, for which reason I am also satisfied that no land is proposed to be acquired ahead of time. The Promoter is continuing negotiations with the Peel Group of Companies (OBJ 14-OBJ 24) in order to reach agreements and I have been given no reason to believe that such agreements will not be made in order to protect their interests. Therefore, I have not been provided with anything to indicate that the Scheme would be likely to be blocked by any impediment to its implementation. **[3.2, 3.6, 5.75, 5.85 to 5.88, 5.90 to 5.93, 7.43, 7.49 to 7.52]**

8.39 I have found that there is a compelling case for the Scheme to be implemented in order to stimulate regeneration and economic growth; to increase access to, and the potential catchment of, Trafford Park employment sites; and to enhance the connectivity, capacity and quality of the public transport network in Trafford Park. Therefore, having regard to the DCLG's Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion,

³¹⁸ Circular 06/2004 and the Crichel Down Rules were replaced by the following new government guidance on 29 October 2015: '*Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*'

October 2015, I am satisfied that there is a compelling case for the land's compulsory purchase in the public interest which justifies interfering with the human rights of those with an interest in the land. Loss of any interest could be met by compensation. **[3.67, 3.80, 3.85, 5.77, 5.79, 5.84, 5.99 to 5.101]**

The conditions proposed to be attached to the deemed planning permission for the Scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Matter 10)

- 8.40 The planning conditions suggested by the Applicant, following discussions held at the Inquiry with representatives of TC, ITV and MUL, have been agreed with TC. I have examined them in the light of the advice given in the PPG. In most instances the conditions would meet, at least in part, concerns raised by objectors. Based on this, I have provided, in Appendix C to this report, suggested planning conditions to be applied to the deemed planning permission should the Secretary of State make a Direction, together with reasons for those conditions. I am satisfied that they are reasonable and necessary and meet the tests in the PPG. I therefore recommend that these conditions be attached to the grant of any planning permission. **[3.68 to 3.75]**
- 8.41 For the following reasons, I have accepted most of the wording of the conditions suggested by the Applicant. The main alteration is to condition 10, which is regarding groundborne noise levels at the ITV Coronation Street studios. I have suggested using the alternative noise level put forward by the Applicant because it would reflect that used for the design of the studios, which was deemed to be necessary at that time; and measurements taken for ITV of the existing noise levels within the studios show that that level is currently not exceeded. **[3.71, 3.72, 7.14, 7.15]**
- 8.42 Whilst Crossrail general noise criteria have been specified as a maximum of 30dB_{L_{ASmax}}, I am satisfied that there is sufficient evidence to show that more

stringent specifications have been applied in relation to specific noise sensitive receptors. Given the effect that has been accepted by the Applicant that a significant number of interruptions due to exceedences of ITV's 'just acceptable' noise levels would have on the tight filming schedule, I include the ITV Coronation Street studios within the category of a noise sensitive receptor, requiring special treatment. However, I do not accept that a lower level of noise specification than the NR25 L_{Fmax} has been justified, given that this is the level that was considered acceptable at the time that the studios were designed. **[3.72, 5.19, 7.16, 7.17]**

- 8.43 ITV has criticised the table referred to in conditions 9 and 11, which identifies noise limits at the boundary of the studios, on the basis that there is not a fixed relationship between those levels and the noise levels experienced on the outdoor set. I have set these noise levels in the table at L_{AFmax} to take account of the differences between the fast and slow readings. However, monitoring the noise at the boundary is the most appropriate method without having to enter the studios, which would be difficult to enforce. **[3.69, 5.42, 5.44]**
- 8.44 ITV has modelled the levels within the table to show that its 'just acceptable' levels would be exceeded in the outdoor set in some instances should those boundary levels be met. However, I am not convinced that it has demonstrated that compliance with the boundary noise levels set in the Applicant's table would mean that there would be a significant number of exceedences of the 'just acceptable' noise levels, given that there is likely to already be some exceedences of these levels due to external factors that occur, such as vehicle horns and emergency sirens, which ITV appear to me to be able to cope with. **[3.70, 7.10]**
- 8.45 ITV has criticised the use of a 'Relevant Area', due to the uncertainty of the levels of groundborne noise that would be experienced in the studios. The Applicant has increased the 'Relevant Area' that it has shown on its original plan to take account of the exceedences of the 'just acceptable' limits

identified by ITV. Therefore, as it would be unreasonable to extend the area of restrictions on working beyond the 'Relevant Area' and everything within that area would be controlled by a scheme, I find that the planning conditions referring to a 'Relevant Area' are the most appropriate ways to protect the interests of ITV during the construction of the TPL Scheme.

[5.43]

8.46 ITV has suggested its own conditions to protect its interests should the Scheme be implemented. However, I am satisfied that those conditions suggested by the Applicant, as modified, would ensure provisions for adequate protection of the interests of ITV during the construction and operation of the TPL. Furthermore, I am not convinced that the conditions suggested by ITV would meet the tests in the PPG. They include the inappropriate reference to the local planning authority needing to consult with ITV and the unnecessary reference to the use of an independent noise expert to carry out trials and tests when the local planning authority should be given the freedom to decide the most appropriate method of carrying these out. **[3.73, 5.42, 5.43, 5.45]**

8.47 I accept that there would not be a 100% certainty that the noise levels specified in the conditions would not be exceeded, but planning conditions are the normal acceptable method of protecting property from the effects of noise and vibration and the local planning authority would have previous experience regarding the enforcement of such conditions. TC, as the local planning authority, confirmed at the Inquiry that, if it was unable to deal with the specific matter with its own expertise, it would use outside consultants with the necessary expertise to ensure that the conditions would be enforced. I am satisfied that the speed of such enforcement action should not present a significant problem to the production of Coronation Street, given that it already copes with some disturbances. **[5.46, 7.9, 7.18 to 7.27]**

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- 8.48 In terms of the revisions to the Applicant's proposed conditions that have been suggested by MUL, other than those that have been included in the Applicant's final suggested conditions, I do not accept that any would meet the tests in the PPG, particularly with regard to being necessary. It would not be appropriate to specify MUL as a signatory to any approvals in the conditions, although it should be consulted with in the approval procedures. **[5.64 to 5.68, 7.35 to 7.38]**
- 8.49 Condition 12, regarding highway measures in the vicinity of Old Trafford Stadium, should ensure that the design of the junctions of Sir Alex Ferguson Way with Victoria Place and Trafford Wharf Road would be safe. Any related impacts in Westinghouse Road and Warren Bruce Road would not need to be specified in a condition as overall safety on the highway network should be addressed in the design without such a stipulation in a condition. **[5.61]**
- 8.50 It is not necessary to specify in condition 12 (c) a minimum of 6m clearance, as insufficient evidence has been provided to show that this would be necessary to ensure safe pedestrian movement, given that the detailed design of that area and corral for the Wharfside stop has yet to be carried out. **[3.74, 3.75, 5.57 to 5.60, 5.65, 7.37]**
- 8.51 I have examined the results from the modelling provided by MUL which demonstrate that the movement of pedestrians would be made more attractive past the corral by increasing the width of that area, thus making it less likely that there would be safety problems with pedestrians using the area in the vicinity of Trafford Wharf Road/Trafford Road junction. However, this does not conclusively show that the proposals would result in an unacceptable risk to pedestrian safety if a width of less than 6m were provided. It would be premature at this stage to provide an unnecessary control over the future design of that area when that design has not been finalised. **[3.74, 5.57 to 5.60, 7.37]**
- 8.52 With regard to condition 13, which deals with event day traffic safety, it is not necessary to specify the closure of Victoria Place, even though that is

what the Applicant intends to happen, as that would be too restrictive on the measures that would be put in place and may not be deemed to be necessary on every occasion. It is also unnecessary to include in the condition that a specific area of highway should be kept free from obstruction to maintain the free flow of pedestrians. A more general wording to include other measures to avoid the obstruction of pedestrians would achieve the same aim. **[3.74, 3.75, 5.66, 5.67, 7.36]**

- 8.53 Condition 14, regarding signalling and signing, is necessary to mitigate the impacts on the highway network after events at Old Trafford Stadium. However, should for whatever reason the condition be not fully met, it would be unreasonable to prevent the TPL from being operational during the specified period of time on an event day, as suggested by MUL. That would be disproportionate, given the overall effect that such a stoppage would have on the Metrolink network, as I am satisfied that its operation without approval of the traffic management measures would not necessarily be unsafe. Furthermore, it should be possible to remedy the situation, should that eventuality occur. It would be sufficient incentive to ensure that the measures would be complied with by preventing the Wharfside stop from being used by passengers during that time. **[3.75, 5.68, 7.35, 7.38]**

The Promoter's proposals for funding the Scheme (Matter 11)

- 8.54 Evidence that the TPL is to be funded locally by the Greater Manchester 'Earnback' Deal is not disputed. It is not dependent on central government funding. I am satisfied that the proposals for funding the Scheme are appropriate and would ensure that adequate funds would be available. **[3.76]**

The purpose and effect of any substantive changes proposed by TfGM to the draft TWA Order and whether anyone whose interests are likely to be affected by such changes has been notified (Matter 12)

- 8.55 I am satisfied that the modifications to the draft Order that are proposed by the Applicant are not substantive and could be made without causing any significant prejudice to any interested party's interests. Indeed, they have mainly been made to better accommodate the needs of some of those with interests in land and property that would be affected by the Order and are, or have been, objectors. **[3.77, 3.78, 7.55]**
- 8.56 ITV has suggested the addition of protective provisions within Schedule 8 of the Order. Whilst I accept that such provisions would be within the scope of the Order, it would not be the usual method for protecting the property or interests of a person, and in this case I am satisfied that appropriate planning conditions would achieve the same aims in a less cumbersome manner. **[5.47, 5.48, 7.22]**
- 8.57 I have not seen any evidence to show that MUL's suggestion to include in Schedule 7 the closure of Victoria Place/Trafford Wharf Road junction would be impermissible. However, as explained in my reasoning under planning conditions, I have found that at this stage it would be premature to stipulate this closure within the TWA Order Schedule. **[3.75, 5.56]**

Overall conclusions

- 8.58 No relevant matters beyond those addressed above were raised. Of those objections that were outstanding at the close of the Inquiry that I have not previously mentioned, many appeared to be me to be close to resolution following negotiations between the parties, but it will be for the Secretary of State for Transport to consider the implications of any subsequent developments in these respects. **[3.79 to 3.83, 3.86, 5.76 to 5.82, 5.83 to 5.95, 5.97 to 5.99, 5.101, 7.44 to 7.47, 7.56, 7.57]**

- 8.59 In the light of all of the above, I conclude that the Order is justified on its merits and that there is a compelling case in the public interest for making it, with clear evidence that the substantial public benefit from public transport improvements and economic development would outweigh the harm due to private losses. It would accord with relevant national, regional and local policies. Funding is available for the proposed Scheme, no impediments to its implementation have been identified and there is a reasonable prospect of it going ahead without delay. I therefore conclude that the Order should be made, subject to modifications as indicated.
- 8.60 For similar reasons, I conclude that deemed planning permission should be granted for the works that would be authorised by the Order, subject to conditions.

9. RECOMMENDATIONS

Recommendations to the Secretary of State for Transport

9.1 I RECOMMEND that:

- (a) The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 201[] be made, subject to the modifications summarised in document TfGM.CD151 and the protective provisions given in document TfGM.CD162.
- (b) A Direction be made granting deemed planning permission for the works authorised by the Order, subject to the conditions set out in Appendix C to this Report.

M J Whitehead

INSPECTOR

APPENDIX A: APPEARANCES

FOR THE PROMOTER– TRANSPORT FOR GREATER MANCHESTER:

Christopher Katkowski Robert Walton	Queen’s Counsel, Of Counsel, Both instructed by Paul Thompson of Bircham Dyson Bell
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They called:

Martin Lax MSc DipUP BSc	Head of Development (Rapid Transit) TfGM
Andrew Parke MEng CEng MCIHT	Associate, Mott MacDonald
Stephen Cawser MEng MIA	Principal Acoustics and Vibration Consultant, AECOM
James Ogborn BA(Hons) DipLE MRICS	Consultant, JLL
Neil Chadwick BA(Hons) MSc MA	Director, Steer Davies Gleave

FOR THE OBJECTORS -

ITV OBJ 12

Guy Roots	Queen’s Counsel, instructed by Squire Patton Boggs (UK) LLP
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He called:

Donald Quinn BSc(Hons) MIOA	Managing Director, Hepworth Acoustics Limited
Dr J P Talbot CEng FIMechE MIOA	Cambridge University Engineering Department
Rupert Thornely-Taylor FIOA MINCE MIIAV	Head of Rupert Taylor Ltd
Alan Monks	Head of Sound, Coronation Street
Richard Barton BSc(Hons) MA MRTPI	Partner, How Planning LLP
Lee Rayner	Production Manager, Coronation Street
John Whiston	Managing Director of Continuing Drama ITV

Universal Pallet Services Ltd OBJ 08

Rachel Hardcastle Managing Director

Tom Hardcastle BSc

Manchester United Limited OBJ 25

Gary Grant Of Counsel,
instructed by Eversheds LLP

He called:

Andrew Brookfield BSc Transport Planning Director, Capita
DipTEP MIHT MILT

Steven Porter Fire Engineer, Tenos Limited
BSc(Hons)

A J Bell Trustees Ltd and the W Maher & Sons Pensions Scheme OBJ 47

Andrew Aherne Aherne Property Consultants Ltd
BSc(Hons) MRICS

APPENDIX B: INQUIRY DOCUMENTS**Core Documents*****A: TWA Order and Application Documents***

TfGM.A001	Letter of Application
TfGM.A002	Draft Order
TfGM.A003	Explanatory Memorandum
TfGM.A004	Statement of the aims of the proposal
TfGM.A005	Consultation Report
TfGM.A006	Declaration as to Status
TfGM.A007	List of Consents
TfGM.A008	Scoping Opinion
TfGM.A009	Request for a S90(2A) Planning Direction, proposed elements of development and proposed Planning Conditions, including:
TfGM.A009(a)	Design and Access Statement
TfGM.A009(b)	Draft Code of Construction Practice
TfGM.A010	Funding Statement
TfGM.A011	Estimate of Costs
TfGM.A012	Book of Reference
TfGM.A013	Environmental Statement Non-Technical Summary
TfGM.A014	Environmental Statement Volume 1- Main Text
TfGM.A015	Environmental Statement Volume 2- Technical Appendices
TfGM.A016	Environmental Statement Volume 3- Figures

TfGM.A017	Works and Land Plans and Sections and Rights of Way Maps
TfGM.A018	Planning Direction Drawings
TfGM.A019	Traffic Regulation Plans
TfGM.A020	Transport Assessment
TfGM.A021	Environmental Statement Addendum Non-Technical Summary
TfGM.A022	Environmental Statement Addendum
TfGM.A023	Transport Assessment Revision B
<i>B: Other Documents</i>	
TfGM.B001	Trafford Local Plan Core Strategy, Trafford Council, January 2012
TfGM.B002	Secretary of State for Transport's letter of 20 January 2015 announcing his intention to hold a public inquiry
TfGM.B003	Greater Manchester's third Local Transport Plan, 2011/12–2015/16 (LTP3)
TfGM.B004	Stronger Together, Greater Manchester Strategy 2013
TfGM.B005	A Plan for Growth and Reform in Greater Manchester, March 2014
TfGM.B006	Greater Manchester Agreement: devolution to the GMCA & transition to a directly elected mayor, 2014
TfGM.B007	Trafford Park Growth Strategy, 2013, Prepared on behalf of Trafford Park Business Neighbourhood Shadow Management Board
TfGM.B008	Trafford Local Plan Land Allocations Consultation Draft, January 2014
TfGM.B009	Revised Trafford Unitary Development Plan, 2006
TfGM.B010	Salford West Strategic Regeneration Framework and Action Plan, 2008–2028

TfGM.B011	Major Scheme Prioritisation and Funding Strategy, Association of Greater Manchester Authorities' Report, May 2009
TfGM.B012	GMCA Report authorising revised alignment, October 2014
TfGM.B013	TfGM Committee Report, 6 December 2013, Update in relation to the Trafford Line Metrolink Scheme
TfGM.B014	TfGM Committee Report 20 June 2014, Metrolink Trafford Park Line Public Consultation
TfGM.B015	TfGM Capital Projects and Policy Committee Report, 7 November 2014, TWA Order Application for the Trafford Park Line
TfGM.B016	Working Safely near Metrolink, TfGM
TfGM.B017	Design for Access 2, Manchester City Council, December 2003
TfGM.B018	Inclusive Mobility, DfT, December 2005
TfGM.B019	Local Transport Note 2/08, Cycle Infrastructure Design, DfT, October 2008
TfGM.B020	Greater Manchester Cycling Design Guidance, Version 2.1, Transport for Greater Manchester March, 2014
TfGM.B021	Design Manual for Roads and Bridges TD 9/93: Highway Link Design, Highways Agency
TfGM.B022	Design Manual for Roads and Bridges TD 27/05: Cross-Sections and Headrooms, Highways Agency
TfGM.B023	Design Manual for Roads and Bridges TD 50/04: The Geometric Layout of Signal-Controlled Junctions and Signalised Roundabouts, Highways Agency
TfGM.B024	Design Manual for Roads and Bridges TD 42/95: Geometric Design of Major/Minor Priority Junctions, Highways Agency
TfGM.B025	Design Manual for Roads and Bridges TA 86/03: Layout of Large Signal Controlled Junctions, Highways Agency

TfGM.B026	Manual for Streets, 2007
TfGM.B027	Manual for Streets 2, 2010
TfGM.B028	Design Manual for Urban Roads and Streets, January 2014
TfGM.B029	Station Capacity Assessment Guidance, Network Rail, May 2011
TfGM.B030	Design and access statements- How to write, read and use them, 2006
TfGM.B031	Transport Strategy for Greater Manchester Region
TfGM.B032	not used
TfGM.B033	Transport White Paper: The Future of Transport– A Network for 2030 Department for Transport, 2004
TfGM.B034	Eddington Transport Study– Transport’s Role in Sustaining the UK’s Productivity and Competitiveness, 2006
TfGM.B035	Guidelines for Landscape and Visual Impact Assessment (Third Edition), 2013
TfGM.B036	Natural England National Character Area Profile 55: Manchester Conurbation, 2013
TfGM.B037	Trafford Council, January 2014, Trafford Local Plan: Land Allocations Consultation Draft Topic Paper Chapters
TfGM.B038	Green Infrastructure to Combat Climate Change: A Framework for Action in Cheshire, Cumbria, Greater Manchester, Lancashire, and Merseyside, Community Forests Northwest for the Northwest Climate Change Partnership, 2011
TfGM.B039	Towards a Green Infrastructure Framework for Greater Manchester: Full Report, 2008
TfGM.B040	Metrolink Access Guide, TfGM, 2013
TfGM.B041	DfT Guidance on Wider Impacts
TfGM.B042	DfT Guidance– Value for Money Thresholds

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- TfGM.B043** Creating Growth, Cutting Carbon- Making Sustainable Local Transport Happen, DfT, January 2011
- TfGM.B044** North West of England Plan Regional Spatial Strategy to 2021, Government Office for the North West, September 2008
- TfGM.B045** Greater Manchester bus priority package– putting you in the picture, TfGM, February 2015
- TfGM.B046** The Manchester Independent Economic Review Reviewers' Report, 2008
- TfGM.B047** Prosperity for All: Greater Manchester Strategy, August 2009

C: Legislation and (Governmental) Guidance

- TfGM.C001** The National Planning Policy Framework (NPPF), 2012
- TfGM.C002** South East Lancashire and North East Cheshire Passenger Transport Area (Designation) Order 1969, No 95
- TfGM.C003** Transport Act 1968
- TfGM.C004** Greater Manchester Combined Authority Order 2011 No 908
- TfGM.C005** Transport and Works Act 1992
- TfGM.C006** Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, No 1466
- TfGM.C007** Transport and Works (Inquiries Procedures) Rules 2004, No 2018
- TfGM.C008** The Transport and Works (Model Clauses for Railways and Tramways) Order 2006, No 1954
- TfGM.C009** Business Plan 2012-2015, DfT, 31 May 2012
- TfGM.C010** Greater Manchester (Light Rapid Transit System) Act 1992
- TfGM.C011** Railway Safety Publication 2: Guidance on Tramways, Office of Rail Regulation, November 2006

TfGM.C012	not used
TfGM.C013	Road Investment Strategy; Investment Plan, DfT, December 2014
TfGM.C014	British Standard EN 50122-1 2011, Protective provisions against electric shock
TfGM.C015	EMC European Directive 2004/108/EC
TfGM.C016	British Standard EN 50121 parts 1 to 5
TfGM.C017	British Standard EN 61000-6-3:2007 Electromagnetic Compatibility (EMC) Part 6-3: Generic standards– Emission standard for residential, commercial and light industrial environments
TfGM.C018	British Standard EN 61000-6-4:2007 Electromagnetic Compatibility (EMC) Part 6-4: Generic standards– Emission standard for industrial environments
TfGM.C019	British Standard EN 55 011 European limits and methods of measurement of radio disturbance characteristics for scientific and medical equipment
TfGM.C020	British Standard EN 55 022 European limits and methods of measurement of radio disturbance characteristics of information technology equipment
TfGM.C021	British Standard 5837:2012 Trees in relation to design, demolition and construction
TfGM.C022	The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Statutory Instrument 2011 No 1824
TfGM.C023	The Equality Act 2010
TfGM.C024	The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations, 2010
TfGM.C025	British Standard 8300: Design of Buildings and their Approach to Meet the Need of Disabled People, Code of Practice, 2009

TfGM.C026	Planning and Compensation Act 2004
TfGM.C027	Land Compensation Act 1973
TfGM.C028	Compulsory Purchase Act 1965
TfGM.C029	Planning and Compensation Act 1991
TfGM.C030	Town and Country Planning Act 1990
TfGM.C031	Compulsory Purchase and the Crichel Down Rules Circular 06/2004
TfGM.C032	Compulsory Purchase and Compensation Booklet 1: Compulsory Purchase Procedure, DCLG
TfGM.C033	Compulsory Purchase and Compensation Booklet 2: Compensation to Business Owners and Occupiers, DCLG
TfGM.C034	Compulsory Purchase and Compensation Booklet 5: Reducing the Adverse Effects of Public Development Mitigation Works, DCLG
TfGM.C035	British Standards Institute BS8233:2014- Guidance on sound insulation and noise reduction for buildings
TfGM.C036	Department for Environment, Food and Rural Affairs (2010) Noise Policy Statement for England
TfGM.C037	Department for Transport, (1995) The Calculation of Railway Noise
TfGM.C038	Department for Transport/Welsh Office, (1988) The Calculation of Road Traffic Noise
TfGM.C039	Design Manual for Roads and Bridges Volume 11, Section 3, Part 7- Traffic Noise and Vibration
TfGM.C040	HM Government (1974) Control of Pollution Act 1974
TfGM.C041	Environmental Protection Act 1990, HM Government (1990)
TfGM.C042	The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996, HM Government (1996)

TfGM.C043	Night Noise Guidelines for Europe, World Health Organisation, 2010
TfGM.C044	Planning Policy Guidance 24- Planning and Noise, 1994
TfGM.C045	Localism Act 2011
TfGM.C046	Planning Policy Statement 1 Delivering Sustainable Development, 2005
TfGM.C047	Planning Policy Guidance 13- Transport, 2001, updated January 2011
TfGM.C048	British Standard 5228-1: 2009 Code of practice for noise and vibration control on construction and open sites Part 1- Noise
TfGM.C049	British Standard 5228-2:2009 Code of practice for noise and vibration control on construction and open sites Part 2- Vibration
TfGM.C050	British Standard 7385-2:1993 Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration
TfGM.C051	The Noise Insulation (Railways and Other Guided Transport Systems) (Amendment) Regulations 1998 No 1701
TfGM.C052	British Standard 6472-1:2008 Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting

Applicant's Documents

Statement of Case for the Applicant

TfGM-SoC Statement of Case

Proofs of Evidence for the Applicant

TfGM.P1a Martin Lax Volume 1- Summary Proof of Evidence

TfGM.P1b Martin Lax Volume 2- Main Proof of Evidence and Appendices to Proof of Evidence

TfGM.P1c Martin Lax Volume 3- Figures and Appendix D and Appendix E to Proof of Evidence

TfGM.P1d	Martin Lax Volume 4- Written Statement of Rob Haslam, Trafford Council, Planning Policy Context
TfGM.P1e	Martin Lax Volume 5- Written Statement of Steve Hunter, Value for Money
TfGM.P1f	Martin Lax Volume 6- Written Statement of Neil Chapman, Landscape and Visual Effects
TfGM.P1g	Martin Lax Volume 7- Written Statement of Neil Chapman, Annex A: Indicative Landscape Proposal Drawings
TfGM.P2a	Andrew Parke Volume 1- Summary Proof of Evidence
TfGM.P2b	Andrew Parke Volume 2- Main Proof of Evidence Appendices to Proof of Evidence
TfGM.P2c	Andrew Parke Volume 3- Tables and Figures
TfGM.P2d	Andrew Parke Volume 4- General Drawings
TfGM.P2e	Andrew Parke Volume 5- Application Technical Development Drawings (Illustrative Only)
TfGM.P2f	Andrew Parke Volume 6- Modified Technical Development Drawings (Illustrative Only)
TfGM.P2g	Andrew Parke Volume 7- Proposed Highway Changes Drawings
TfGM.P2h	Andrew Parke Volume 8- Written Statement of Ken Webb, Electromagnetic Compatibility
TfGM.P2i	Andrew Parke Volume 9- Written Statement of Martin Hampshire, Wheel/Rail Contact Assessment
TfGM.P3a	Stephen Cawser Volume 1- Summary Proof of Evidence
TfGM.P3b	Stephen Cawser Volume 2- Main Proof of Evidence
TfGM.P3c	Stephen Cawser Volume 3- Appendices to Proof of Evidence
TfGM.P4a	James Ogborn Volume 1- Summary Proof of Evidence

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- TfGM.P4b** James Ogborn Volume 2- Main Proof of Evidence
- TfGM.P4c** James Ogborn Volume 3- Appendices to Proof of Evidence

Rebuttal Evidence submitted by the Applicant

- TfGM.R/OBJ06/1** Rebuttal Evidence of Andrew Parke to the Proof of Evidence of: Ian Gordon Dix submitted on behalf of IPIF Limited (Legal & General) (OBJ 06)
- TfGM.R/OBJ08/1** Rebuttal Evidence of Andrew Parke to the Proof of Evidence of: Rachel Hardcastle submitted on behalf of Universal Pallet Services Ltd (OBJ 8)
- TfGM.R/OBJ12/1** Rebuttal Evidence of Martin Lax to the Proofs of Evidence submitted on behalf of ITV (OBJ 12) by: John Whiston, Rupert Thornely-Taylor and Richard Barton
- TfGM.R/OBJ12/2** Rebuttal Evidence of Stephen Cawser to the Proofs of Evidence submitted on behalf of ITV (OBJ 12) by: Donald Quinn, Rupert Thornely-Taylor, James Talbot and Richard Barton
- TfGM.R/OBJ14-24&29/1** Rebuttal Evidence of Martin Lax to the Proofs of Evidence of: Stephen Wild, Richard Bradley and Stephen Gallimore submitted on behalf of Peel Group of Companies (OBJ 14 to OBJ 24 and OBJ 29)
- TfGM.R/OBJ15/1** Rebuttal Evidence of Andrew Parke to the Proof of Evidence of: Richard Bradley submitted on behalf of The Bridgewater Canal Company (OBJ 15)
- TfGM.R/OBJ24/1** Rebuttal Evidence of Andrew Parke to the Proof of Evidence of: Andrew Orr submitted on behalf of EventCity (OBJ 24)
- TfGM.R/OBJ25/1** Rebuttal Evidence of Martin Lax to the Proof of Evidence submitted on behalf of Manchester United Limited (OBJ 25) by Andrew Brookfield
- TfGM.R/OBJ25/2** Rebuttal Evidence of Andrew Parke to the Proofs of Evidence of Adrian Hay and Andrew Brookfield submitted on behalf of Manchester United Limited (OBJ 25)

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- TfGM.R/OBJ30/1** Rebuttal Evidence of James Ogborn to the Proof of Evidence of: James Winbourne submitted on behalf of City Sprint UK Limited (OBJ 30)
- TfGM.R/OBJ32/1** Rebuttal Evidence of Andrew Parke to the Proof of Evidence of: John Hobbs submitted on behalf of Pendragon Property Holdings (OBJ 32)
- TfGM.R/OBJ47/1** Rebuttal Evidence of Andrew Parke to the Proof of Evidence of: Andrew Aherne submitted on behalf of A J Bell Trustees and W Maher & Sons Pension Scheme (OBJ 47)
- TfGM.R/OBJ47/2** Rebuttal Evidence of James Ogborn to the Proof of Evidence of: Andrew Aherne submitted on behalf of A J Bell Trustees and W Maher & Sons Pension Scheme (OBJ 47)

Documents submitted by the Applicant at the Inquiry

- TfGM.CD100** List of appearances on behalf of TfGM
- TfGM.CD101** Compliance with Statutory Requirements
- TfGM.CD102** TfGM Response Matrix: Objector Statement of Case
- TfGM.CD103** Revised Book of Reference
- TfGM.CD104** Revised Book of Reference (Red Line Annotations)
- TfGM.CD105** Revised set of Works and Land Plans, Planning Direction Drawings and Traffic Regulation Plans
- TfGM.CD106** Updated Volume 2 of Proof of Evidence of James Ogborn, 6 July 2015
- TfGM.CD107** Opening Submissions on behalf of TfGM
- TfGM.CD108** Presentation of Evidence of Martin Lax
- TfGM.CD109** Presentation of Evidence of Andrew Parke
- TfGM.CD110** Presentation of Evidence of Stephen Cawser

TfGM.CD111	Summary of Amendments to the Works and Land Plans, Planning Direction Drawings and Traffic Regulation Plans
TfGM.CD112	Proposed new planning conditions
TfGM.CD113	Response of Stephen Cawser to the Rebuttal Evidence submitted on behalf of ITV
TfGM.CD114	Time durations for trams above the ITV 'Just Acceptable' threshold
TfGM.CD115	Crossrail Act 2008: Register of Undertakings and Assurances
TfGM.CD115a	Crossrail Bill: Table of Register of Undertakings and Assurances
TfGM.CD116	Crossrail Bill: Minutes of Evidence 23 March 2006-evidence given by Mr Thornely-Taylor
TfGM.CD117	Crossrail Bill: Minutes of Evidence 18 March 2008-evidence given by Mr Thornely-Taylor
TfGM.CD118	Correspondence between TfGM and ITV
TfGM.CD119	Plan of existing and proposed active mode provisions
TfGM.CD120	Plan of current alignment and 1992 Act alignment
TfGM.CD121	Supplementary Rebuttal Evidence of Neil Chadwick to the Proof of Evidence submitted by Richard Barton on behalf of ITV
TfGM.CD122	Notes from Soundlab demonstration by Arups
TfGM.CD123	ITV and Compensation
TfGM.CD124	Lift-over crossings as a solution to tram generated groundborne vibration and re-radiated noise by Dr James P Talbot, Institute of Mechanical Engineers Journal of Rail and Rapid Transit, 2013
TfGM.CD125	GMCA Report, 25 October 2013, Metrolink Second City Crossing and Metrolink Trafford Park Extension

TfGM.CD126	GMCA Report, 16 July 2013, Earnback Model, SEMMMS and Metrolink Trafford Park Extension
TfGM.CD127	Email from Philip Haines to Janine McGowran, 29 April 2014
TfGM.CD128	Promoter's response to outstanding matters as at the end of Mr Lax's cross examination by Mr Roots QC on behalf of ITV, 22 July 2015
TfGM.CD129	Arup TfGM Tram Recordings- Information Requested 22 July 2015
TfGM.CD130	Calculation of Reliability Benefits
TfGM.CD131	Conditions proposed to be attached to the Direction being sought for deemed planning permission
TfGM.CD131a	Revised Conditions proposed to be attached to the Direction being sought for deemed planning permission
TfGM.CD132	Revised draft Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order
TfGM.CD133	Note on changes to the draft Order
TfGM.CD134	Noise measurements in terms of wheel profile
TfGM.CD135	Updated paragraph D.14 to Appendix D of Proof of Evidence of Stephen Cawser
TfGM.CD136	Promoter's note in respect of proposed ITV noise conditions
TfGM.CD137	Revised Conditions proposed to be attached to the Direction being sought for deemed planning permission incorporating comments from Trafford Council
TfGM.CD138	Revised Conditions proposed to be attached to the Direction being sought for deemed planning permission incorporating comments from Trafford Council and responses to points raised by the Inspector and by Manchester United Limited (OBJ 25)
TfGM.CD139	Plan of Stadium Point Visibility & Vehicle Movements Assessment

TfGM.CD140	Revised Conditions proposed to be attached to the Direction being sought for deemed planning permission incorporating comments from Trafford Council and responses to points raised by the Inspector and by Manchester United Limited (OBJ 25) and ITV (OBJ 12)
TfGM.CD141	Extracts from a Guide to TWA Procedures
TfGM.CD142	Plan Number 1 to accompany Planning Condition
TfGM.CD143	Summary of amendments to Works & Land Plans and sections and rights of Way Maps, Planning Direction Drawings, Traffic Regulation Plans and draft TWA Order Rev B
TfGM.CD144	Revised Works and Land Plans and Rights of Way Maps Sheet Nos 3, 7 and 8, Traffic Regulation Plans Sheet No 7 and Planning Direction Drawings Sheet No 7
TfGM.CD145	Further revised Book of Reference
TfGM.CD146	Further revised Book of Reference (Red Line)
TfGM.CD147	TfGM Objector Response Matrix
TfGM.CD148	Plans of Stadium Point Vehicle Movements Assessment
TfGM.CD149	Objector Status- 31 July 2015
TfGM.CD150	Final draft TWA Order
TfGM.CD151	Final summary of amendments to Works & Land Plans and Sections and Rights of Way Maps, Planning Direction Drawings, Traffic Regulation Plans and draft TWA Order Rev B
TfGM.CD152	TfGM's Final Proposed Conditions to be attached to the Direction being sought for deemed planning permission
TfGM.CD153	Closing Submissions on behalf of Transport for Greater Manchester
TfGM.CD154	Objector Status Update- 5 August 2015
TfGM.CD155	The outstanding Peel Group of Companies Objections, November 2015

TfGM.CD156	Promoter's response to the representations on behalf of the Peel Group of Companies (OBJs 14-24)
TfGM.CD157	See Cost Application Documents
TfGM.CD158	E-mail, dated 7 December 2015, giving the Promoter's response to e-mail on behalf of Manchester Ship Canal Company Limited (OBJ 14) and Bridgewater Canal Company Limited (OBJ 15)
TfGM.CD159	Copy of Schedule 13 of the Nottingham Express Transit System Order 2009: Protective Provisions for British Waterways Board
TfGM.CD160	Copy of Part 2 Works Provisions of the Nottingham Express Transit System Order 2009: Supplementary Powers
TfGM.CD161	Copy of The Network Rail (Ordsall Chord) Order 2015 Part2 Principal Powers
TfGM.CD162	Updated Draft Protective Provisions

Documents submitted by Supporters

SUPP/1	Salford City Council
SUPP/2	Trafford Council

Documents submitted by Objectors***Letters of Objection***

OBJ/L	Letters of objection
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Statements of Cases from Objectors

OBJ/08-SoC	Universal Pallet Services Ltd
OBJ/12-SoC	ITV plc
OBJ/12-SoC-App1	ITV Appendix 1
OBJ/12-SoC-App2	ITV Appendix 2

OBJ/14-OBJ/24-SoC	Peel Group of Companies
OBJ/25-SoC	Manchester United Limited
OBJ/29-SoC	Peel Media Wharfside Ltd
OBJ/32-SoC	Pendragon Property Holdings Ltd

Proofs of Evidence from Objectors

OBJ/06-P1	IPIF Limited (Legal and General): Ian Dix Proof of Evidence, Summary Proof of Evidence and Appendices
OBJ/08-P1.1	Universal Pallet Services Limited: Rachel Hardcastle Proof of Evidence
OBJ/08-P1.2	Universal Pallet Services Limited: Rachel Hardcastle Appendices to Proof of Evidence
OBJ/08-P1.3	Universal Pallet Services Limited: Rachel Hardcastle Summary Proof of Evidence
OBJ/12-P1.1	ITV: John Whiston Proof of Evidence
OBJ/12-P1.2	ITV: John Whiston Appendix 1- Plan/Design Layout at Trafford Wharf Road (Noise Mitigation)
OBJ/12-P1.3	ITV: John Whiston Appendix 2- Minutes of Project Review Meeting with Trafford Borough Council on 12 August 2010
OBJ/12-P1.4	ITV: John Whiston Appendix 3- Drawing showing proposed extension to the Coronation Street Lot
OBJ/12-P1.5	ITV: John Whiston Appendix 4- Glossary of terms
OBJ/12-P1.6	ITV: John Whiston Appendix 5- Extract from a letter from the Canadian Prime Minister
OBJ/12-P1.7	ITV: John Whiston Summary Proof of Evidence
OBJ/12-P2.1	ITV: Lee Rayner Proof of Evidence
OBJ/12-P2.2	ITV: Lee Rayner Appendix 1- Glossary of Terms
OBJ/12-P2.3	ITV: Lee Rayner Appendix 2- Letter from Jane Danson dated 4 June 2015

OBJ/12-P2.4	ITV: Lee Rayner Summary Proof of Evidence
OBJ/12-P3.1	ITV: Alan Monks Proof of Evidence
OBJ/12-P3.2	ITV: Alan Monks Appendix 1- Glossary of Terms
OBJ/12-P3.3	ITV: Alan Monks Appendix 2- Memo dated 25 February 2015 from Donald Quinn to Philip Maude
OBJ/12-P3.4	ITV: Alan Monks Summary Proof of Evidence
OBJ/12-P4.1	ITV: Donald Quinn Proof of Evidence
OBJ/12-P4.2	ITV: Donald Quinn Appendix 1 – Glossary of Terms
OBJ/12-P4.3	ITV: Donald Quinn Appendix 2- Noise and Vibration Assessment, October 2014
OBJ/12-P4.4	ITV: Donald Quinn Appendix 3– Noise and Vibration Assessment, June 2015
OBJ/12-P4.5	ITV: Donald Quinn Summary Proof of Evidence
OBJ/12-P5.1	ITV: Rupert Thornely-Taylor Proof of Evidence
OBJ/12-P5.2	ITV: Rupert Thornely-Taylor Summary Proof of Evidence
OBJ/12-P6.1	ITV: James Talbot Proof of Evidence
OBJ/12-P6.2	ITV: James Talbot Appendix 1– Salient Publications
OBJ/12-P6.3	ITV: James Talbot Appendix 2– Relevant Project Experience
OBJ/12-P6.4	ITV: James Talbot Summary Proof of Evidence
OBJ/12-P7.1	ITV: Richard Barton Proof of Evidence
OBJ/12-P7.2	ITV: Richard Barton Appendix 1– Site Location Plan
OBJ/12-P7.3	ITV: Richard Barton Appendix 2– Map of Previously Authorised Route
OBJ/12-P7.4	ITV: Richard Barton Appendix 3– Inspector’s Report (Previously authorised route)

OBJ/12-P7.5	ITV: Richard Barton Appendix 4 – ITV Planning Committee Report
OBJ/12-P7.6	ITV: Richard Barton Appendix 5– Extract from Transport Assessment
OBJ/12-P7.7	ITV: Richard Barton Appendix 6– Map of TfGM proposed route
OBJ/12-P7.8	ITV: Richard Barton Appendix 7 – Map of both routes through Wharfside
OBJ/12-P7.9	ITV: Richard Barton Appendix 8– Decision Notice
OBJ/12-P7.10	ITV: Richard Barton Appendix 9– Trafford Executive Committee Report
OBJ/12-P7.11	ITV: Richard Barton Summary Proof of Evidence
OBJ/14, 15, 17-24 &29-P1.1	The Peel Group of Companies: Stephen Wild Proof of Evidence
OBJ/14, 15, 17-24 &29-P1.2	The Peel Group of Companies: Stephen Wild Appendix 1 to Proof of Evidence
OBJ/14, 15, 17-24 &29-P1.3	The Peel Group of Companies: Stephen Wild Appendix 2 to Proof of Evidence
OBJ/14, 15, 17-24 &29-P1.4	The Peel Group of Companies: Stephen Wild Appendix 3 to Proof of Evidence
OBJ/14, 15, 17-24 &29-P1.5	The Peel Group of Companies: Stephen Wild Appendix 4 to Proof of Evidence
OBJ/14, 15, 17-24 &29-P1.6	The Peel Group of Companies: Stephen Wild Appendix 5 to Proof of Evidence
OBJ/14, 15, 17-24 &29-P1.7	The Peel Group of Companies: Stephen Wild Summary Proof of Evidence
OBJ/14-P1.1	The Manchester Ship Canal Company Limited: Bradley Crumbleholme Proof of Evidence
OBJ/14-P1.2	The Manchester Ship Canal Company Limited: Bradley Crumbleholme Summary Proof of Evidence

OBJ/14-P2.1	The Manchester Ship Canal Company Limited: Captain Stephen Gallimore Proof of Evidence
OBJ/14-P2.2	The Manchester Ship Canal Company Limited: Captain Stephen Gallimore Summary Proof of Evidence
OBJ/15-P1.1	The Bridgewater Canal Company Limited:: Richard Bradley Proof of Evidence
OBJ/15-P1.2	The Bridgewater Canal Company Limited: Richard Bradley Summary Proof of Evidence
OBJ/24-P1.1	Event City Limited: Andrew Orr Proof of Evidence
OBJ/24-P1.2	Event City Limited: Andrew Orr Summary Proof of Evidence
OBJ/25-P1.1	Manchester United Limited: Adrian Hay Proof of Evidence
OBJ/25-P1.2	Manchester United Limited: Adrian Hay Appendix 1
OBJ/25-P1.3	Manchester United Limited: Adrian Hay Appendix 2
OBJ/25-P1.4	Manchester United Limited: Adrian Hay Appendix 3
OBJ/25-P1.5	Manchester United Limited: Adrian Hay Appendix 4
OBJ/25-P1.6	Manchester United Limited: Adrian Hay Appendix 5
OBJ/25-P2.1	Manchester United Limited: Andrew Brookfield Proof of Evidence
OBJ/25-P2.2	Manchester United Limited: Andrew Brookfield Appendix to Proof of Evidence
OBJ/25-P3.1	Manchester United Limited: Philip Rainford Proof of Evidence
OBJ/30-P1.1	City Sprint UK Limited: James Winbourne Proof of Evidence
OBJ/30-P1.2	City Sprint UK Limited: James Winbourne Appendix to Proof of Evidence
OBJ/32-P1	Pendragon Property Holdings Ltd: John Hobbs Proof of Evidence

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- OBJ/47-P1.1** A J Bell Trustees Ltd and W Maher & Sons Pension Scheme: Andrew Aherne Proof of Evidence
- OBJ/47-P1.2** A J Bell Trustees Ltd and W Maher & Sons Pension Scheme: Andrew Aherne Appendices to Proof of Evidence
- OBJ/47-P1.3** A J Bell Trustees Ltd and W Maher & Sons Pension Scheme: Andrew Aherne Summary Proof of Evidence

Rebuttal Evidence submitted by Objectors

- OBJ/08-R-P1.4** Universal Pallet Services Limited: Tom Hardcastle Rebuttal Evidence and attachments
- OBJ/12-R-P4.6** ITV: Donald Quinn Rebuttal Evidence
- OBJ/12-R-P4.7** ITV: Donald Quinn Appendix 4- ITV Studios Groundborne Noise Predictions, 26 June 2015
- OBJ/12-R-P4.8** ITV: Donald Quinn Appendix 5- Charts Showing Measured Frequency Spectra and Comparisons of L_{eq} and L_{Fmax} Noise Levels
- OBJ/12-R-P5.3** ITV: Rupert Thornely-Taylor Rebuttal Evidence
- OBJ/12-R-P5.4** ITV: Rupert Thornely-Taylor Appendix 1- Groundborne noise from Metrolink vehicles and ITV Studios
- OBJ/12-R-P6.5** ITV: James Talbot Rebuttal Evidence
- OBJ/25-R-P1.7** Manchester United Limited: Adrian Hay Rebuttal Evidence
- OBJ/25-R-P2.3** Manchester United Limited: Andrew Brookfield Rebuttal Evidence
- OBJ/47-R-P1.4** A J Bell Trustees Ltd and W Maher & Sons Pension Scheme: Andrew Aherne Rebuttal Evidence

Documents submitted by Objectors after opening the Inquiry

- OBJ/08/100** Universal Pallet Services Limited: Letter, dated 29 July 2015 and submission to the Inquiry by Tom Hardcastle
- OBJ/12/100** Opening Statement on behalf of ITV plc

OBJ/12/101	Conditions proposed to be attached to the Direction being sought for deemed planning permission submitted by ITV
OBJ/12/101a	Plan attached to the conditions proposed by ITV
OBJ/12/102	Protective Provisions- Schedule 8- Saving for ITV
OBJ/12/103	Memorandum from Donald Quinn: Implications of proposed TfGM ITV boundary noise limit and 'relevant area', 29 July 2015
OBJ/12/104	Memorandum from Donald Quinn: Propagation corrections used to assess implications of proposed TfGM ITV boundary noise limit and 'relevant area', 30 July 2015
OBJ/12/105	Memorandum from Donald Quinn: Clarification of noise levels shown in Chart 4 of OBJ/12-R-P4.8
OBJ/12/106	Final submissions on behalf of ITV plc
OBJ/12/107	ITV's transcripts of the Inquiry for 21, 22 and 23 July
OBJ/12/108	All England Law Reports/1986/Volume 1/R v Secretary of State for Social Services ex parte Association of Metropolitan Authorities [1986] 1 All ER 164
OBJ/14/100	Written Representations on behalf of Manchester Ship Canal Company Limited (OBJ 14)
OBJ/14/101	Draft Protective Provisions: Protection of the Manchester Ship Canal Company Limited
OBJ/14/102	Response by Manchester Ship Canal Company Limited (OBJ 14) to Submissions made by Transport for Greater Manchester
OBJ/14-15/103	E-mail, dated 7 December 2015, on behalf of Manchester Ship Canal Company Limited (OBJ 14) and Bridgewater Canal Company Limited in responses to submissions made by Transport for Greater Manchester
OBJ/15/100	Written Representations on behalf of Bridgewater Canal Company Limited (OBJ 15)
OBJ/15/101	Draft Protective Provisions: Protection of the Bridgewater Canal Company Limited

OBJ/16/100	Written Representations on behalf of Peel Water Services Limited (OBJ 16)
OBJ/17-24/100	Written Representations on behalf of Ship Canal Properties Limited (OBJ 17), Peel Land and Property (Ports No 3) Limited (OBJ 18), Peel South East Limited (OBJ 19), Peel Investments (North) Limited (OBJ 20), Peel Property (Investments) Limited (OBJ 21), Peel Land and Property Investments plc (OBJ 22), Peel Investments (Intermediate) Limited (OBJ 23) and Event City Limited (OBJ 24)
OBJ/25/100	Manchester United Limited opening submission by Gary Grant
OBJ/25/101	Manchester United Limited's proposed amendments to Revised Conditions
OBJ/25/102	Plan to accompany Manchester United Limited's proposed amendments to Revised Conditions
OBJ/25/103	Closing on behalf of Manchester United Limited and Appendices 1 and 2
OBJ/47/100	Letter, dated 21 October 2015, from Ahernes regarding the objection by A J Bell Trustees Ltd and W Maher & Sons Pension Scheme
Other Representations	
REP/1	Gamma Telecom
REP/2	United Utilities
REP/3	Economic Solutions Limited and Challenge 4 Change Limited
Statements of Common Ground	
SOCG.OBJ14-24/1	Statement of Common Ground Peel Group of Companies, 5 August 2015
SOCG.OBJ14-24/2	Statement of Common Ground Peel Group of Companies, 4 September 2015
SOCG.OBJ14-24/3	Statement of Common Ground Peel Group of Companies, 11 September 2015

SOCG.OBJ14-24/4 Statement of Common Ground Peel Group of Companies,
18 September 2015

SOCG.OBJ14-24/5 Statement of Common Ground Peel Group of Companies,
23 October 2015

Pre-Inquiry Documents

PIM/01 Note of the Pre-Inquiry Meeting, 12 May 2015

PIM/02 List of those attending the Pre-Inquiry Meeting

Inquiry Documents

INQ/01 Lists of those attending the Inquiry

INQ/02 Letter formally closing the Inquiry, dated 8 December 2015

Cost Application Documents

OBJ/14-C1 Application for a Costs Order by the Manchester Ship Canal
Company Limited (OBJ 14)

TfGM.CD157 Promoter's response to costs application by the
Manchester Ship Canal Company Limited (OBJ 14)

OBJ/14-C2 Response to representations by Transport for Greater
Manchester concerning Manchester Ship Canal Company
Limited's Application for costs (OBJ 14)

APPENDIX C: SUGGESTED CONDITIONS FOR DEEMED PLANNING PERMISSION

Definitions

'construction noise' means noise caused by construction works undertaken in the 'Relevant Area' in respect of the development.

'the development' means the development authorised by the Order.

'the Environmental Statement' means the documents of that description submitted with the Application for the Order on 11 November 2014, as supplemented by the further environmental information submitted on 27 January 2015.

'event days at Old Trafford Stadium' means the days when major events are held at Manchester United Football Club Old Trafford Stadium that require a Traffic Management Plan.

'the local planning authority' means Trafford Metropolitan Borough Council.

'operational airborne noise' means airborne noise caused by a tram or trams passing through the operational area, the use of warning horns by any such trams, or the use of public address systems pursuant to the operation of the development.

'operational area' means the areas shown hatched blue on 'Plan 2'.

'operational groundborne noise' means groundborne noise caused by a tram or trams passing through the operational area.

'the Order' means the Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 201[].

'Phase' means a part, section or stage of the development identified as a phase in the Scheme approved under Condition 2.

'Plan 1' means the plan numbered MMD-327551-DWG-100-081 Rev P3 at Appendix 1 of document TfGM.CD152.

'Plan 2' means the plan numbered MMD-327551-SK-000-376 Rev P2 at Appendix 2 of document TfGM.CD152.

'Plan 3' means the plan number MMD-327551-DWG-100-082 Rev P2 at Appendix 3 of document TfGM.CD152.

'Relevant Area' means the area shown shaded green on 'Plan 1'.

'structure' means any structure excluding tram lines.

'Studio' means ITV's premises on Trafford Wharf Road as shown delineated in blue on 'Plan 1'.

'Studio 4' means ITV's indoor studio as shown delineated in yellow on 'Plan 1'.

'Table' means the table showing $L_{AFmax}dB$ against frequencies at Appendix 4 of document TfGM.CD152.

'the transit system' has the meaning given in Article 2(1) of the Order.

Time limit for commencement of development

- 1 The development hereby permitted shall begin not later than five years from the date that the Order comes into force.

Reason: *To ensure that the development is commenced within a reasonable period of time.*

Phasing of development

- 2 The development hereby permitted shall not commence until details of a phasing scheme of construction works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing scheme.

Reason: *To protect the amenity of the users and occupiers of Trafford Park and to protect the functioning of the highway network.*

Design and external appearance

- 3 No phase of the development hereby permitted shall commence until details of the design and external appearance of all structures, including the positions of any poles to support overhead line equipment within that phase, have been submitted to and approved in writing by the local planning authority. The erection and/or creation of the structures shall be carried out in accordance with the approved details for that phase.

Reason: *To ensure a satisfactory external appearance in the interests of visual amenity.*

Materials

- 4 No phase of the development hereby permitted shall commence until details of materials to be used in any external surfaces within that phase and their external appearance have been submitted to and approved in writing by the local planning authority. The submitted details shall include samples of the materials to be used. The development shall be carried out in accordance with the approved details.

Reason: *To control the external materials used in the development and to ensure a satisfactory external appearance in the interests of visual amenity.*

Landscaping Scheme

- 5 No phase of the development hereby permitted shall commence until a landscaping scheme specifying details of both hard and soft landscaping in relation to that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - (a) the identification of any trees having a stem diameter of 75 millimetres or greater intended to be lopped, pruned or felled in connection with the carrying out of development;

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- (b) the provision that the works to such trees to be carried out are in accordance with BS5837:2012;
 - (c) the provision for the replacement within the next appropriate planting period of trees having a stem diameter of 75 millimetres or greater that are to be felled;
 - (d) the provision for the protection during the period of construction of all retained mature trees in the vicinity of the development in accordance with BS5837:2012, including plans identifying the location and species of the trees to be retained and a method statement to include particulars relating to working methods, temporary protective fencing, location of hoardings and areas prohibited for use by contractors; and
 - (e) the provision for the replanting of any trees which require replacement in consequence of accidental damage during the construction period, or die or become seriously diseased within 5 years of planting.

The approved landscaping scheme shall be implemented in accordance with the approved details not later than 12 months after the date when the transit system is brought into public use.

Reason: *To ensure a satisfactory external appearance in the interest of visual amenity, to ensure appropriate provision for trees is made in the landscaping scheme and to ensure that landscaping mitigation is provided in a timely manner.*

Code of Construction Practice

- 6 No development hereby permitted shall commence until a Code of Construction Practice in relation to the development has been submitted to and approved in writing by the local planning authority. The Code of Construction Practice shall accord with the principles set out in the draft Code of Construction Practice submitted with the application for the Order on 11 November 2014. The development shall be carried out in accordance with the approved Code of Construction Practice.

Reason: *To mitigate expected construction impacts.*

Environmental mitigation measures

- 7 No phase of the development hereby permitted shall commence until a scheme for the implementation of mitigation measures specified in the Environmental Statement in relation to that phase has been submitted to and approved in writing by the local planning authority. The mitigation measures shall be implemented in accordance with the approved scheme.

Reason: *To mitigate expected environmental impacts arising from the development.*

Park and Ride Sites

- 8 The park and ride site shown indicatively on drawing numbered MMD-327551-DWG-100-036 shall not be brought into use until those parts of the site used by vehicles have been laid out, drained and surfaced, and that area shall not thereafter be used for any other purpose other than park and ride related use.

Reason: *To ensure that the layout and drainage of the park and ride site is satisfactory and that the park and ride site is not used for unrelated purposes.*

Control of construction noise

- 9 No phase of the development hereby permitted that includes construction works within the Relevant Area shall commence until a scheme for the control of noise arising from such works has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- (a) the measures that will be taken to control construction noise between 0800 hours and 2000 hours from Monday to Friday and such other measures as would enable ITV to film within the Studio outside these hours;
 - (b) the measures to be taken to monitor construction noise in the Relevant Area, including the proposed methodology for measuring the levels of construction noise;
 - (c) the measures to be taken to ensure that the threshold levels of construction noise at the different frequencies set out in the Table are not exceeded at any point 3 metres above ground level along the southern boundary of the Studio as shown in blue between points a, b and c on Plan 1 between 0800 hours and 2000 hours from Monday to Friday and such other measures as would enable ITV to film within the Studio outside these hours;
 - (d) the measures to be taken in the event that the above levels are exceeded so as to reduce construction noise such that it complies with the levels set out above.

The development shall not be carried out otherwise than in accordance with the approved scheme.

Reason: *To mitigate the impacts of noise during the construction of the development.*

Control of operational groundborne noise

- 10 Construction of the track slab supporting the transit system to be constructed in the Relevant Area shall not commence until a scheme for the control of operational groundborne noise in Studio 4 has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- (a) the measures to be taken to ensure that the operational groundborne noise level in Studio 4 does not exceed NR25 L_{AFmax} , including details of any testing and commissioning to be carried out before the transit system is brought into passenger operation, and of the proposed maintenance regime for the

tramcars and rails in the Relevant Area;

- (b) the measures to be taken to monitor operational groundborne noise, including the proposed methodology for measuring operational groundborne noise; and
- (c) the measures to be taken, including the timescales within which they would be taken, to reduce operational groundborne noise if the groundborne noise does exceed NR25 L_{AFmax} .

The development shall not be operated otherwise than in accordance with the approved scheme.

Reason: *To mitigate the impacts of noise during the operation of the tram.*

Control of operational airborne noise

- 11 The construction of the track comprised in the transit system in the Relevant Area shall not commence until a scheme for the control of operational airborne noise has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- (a) the measures that will be taken to control operational airborne noise between 0800 hours and 2000 hours from Monday to Friday and such other measures as would enable ITV to film within the Studio outside these hours;
 - (b) the measures to be taken to ensure that the threshold levels of operational airborne noise at different frequencies set out in the Table are not exceeded at any point 3 metres above ground level along the southern boundary of the Studio as shown in blue between points a, b and c on Plan 2 between 0800 hours and 2000 hours from Monday to Friday and such other measures as would enable ITV to film within the studio outside these hours, including details of any testing and commissioning to be carried out before the transit system is brought into passenger operation, of any proposed friction modification system, and of the proposed maintenance regime for the tramcars and rails in the Relevant Area;
 - (c) the measures to be taken to monitor operational airborne noise in the operational area, including the proposed methodology for measuring the levels of operational airborne noise;
 - (d) the measures to be taken, including the timescales within which they would be taken, in the event that the above levels are exceeded so as to reduce operational airborne noise such that it complies with the levels set out above.

The development shall not be operated otherwise than in accordance with the approved scheme.

Reason: *To mitigate the impacts of noise during the operation of the tram.*

Highway measures in the vicinity of Old Trafford Stadium

- 12 No phase of the development hereby permitted within the area shown in green on Plan 3 shall commence until details of the proposed highway works in that area and any associated traffic calming and pedestrian safety measures within or outside that area have been submitted to and approved in writing by the local planning authority. These details shall include:
- (a) the works associated with the remodelling of the junctions of Sir Alex Ferguson Way with Trafford Wharf Road and Sir Alex Ferguson Way with Victoria Place;
 - (b) the provision of a signal-controlled pedestrian crossing on the slip road from Sir Alex Ferguson Way to Wharfside Way; and
 - (c) modifications to the footways adjacent to the Metrolink waiting area corral shown indicatively on drawing numbered MMD-327551-DWG-100-032.

The Wharfside stop shall not be brought into passenger operation until the highway works and other measures approved under this condition have been implemented in accordance with the approved details.

Reason: *To ensure vehicular and pedestrian safety in the vicinity of Old Trafford Stadium.*

Event day traffic safety scheme

- 13 The Wharfside stop shall not be made available for use by passengers on event days at Old Trafford Stadium until a scheme for the management of traffic before, during and after events at Old Trafford Stadium that is required as a result of the changes to the highway network resulting from the development hereby permitted has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- (a) any temporary road closures proposed and other measures to avoid the obstruction of pedestrians before, during and after events at the Old Trafford Stadium;
 - (b) the access and egress arrangements for car parks located off Victoria Place;
 - (c) any other traffic management measures proposed before, during and after events at the Old Trafford Stadium; and
 - (d) the times on event days when the proposed closures and measures are to have effect.

The road closures and other traffic management measures shall be implemented on an event day at Old Trafford Stadium in accordance with the approved scheme.

Reason: *to ensure vehicular and pedestrian safety during events at Old Trafford Stadium.*

Traffic signalling and signage during events at Old Trafford Stadium

14 The Wharfside stop shall not be made available for use by passengers on event days at Old Trafford Stadium until a scheme detailing the traffic signalling and signage required for the management of traffic after events as a consequence of the changes to the highway network resulting from the development hereby permitted has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- (a) details of the number, type and locations of any traffic signs to be installed;
- (b) details of any special traffic signal plans to include urban traffic control for selected junctions on the network; and
- (c) details of any variable message signs to be installed and the times on event days when they are to have effect.

The scheme shall be implemented on an event day at Old Trafford Stadium in accordance with the approved details of the scheme.

Reason: *To mitigate the impacts on the highway network before, during and after events at Old Trafford Stadium.*

APPENDIX D: COSTS APPLICATION**Application by MSCC for a Full Award of Costs against TfGM*****The Written Submissions for MSCC***

The material points³¹⁹were:

- D1. The application is for a full award of costs on the basis that unnecessary expense has been incurred by MSCC as a result of unreasonable behaviour by TfGM.
- D2. MSCC has made it clear as a matter of principle that it is supportive of the purposes for which the Order is being promoted and that, subject to an appropriate agreement being entered into which deals with its obvious concerns as a statutory undertaker, it will be prepared to withdraw its objection to the Order. There was very little engagement from TfGM with MSCC prior to the Order being applied for and so there was no opportunity afforded to MSCC to feed the information into the process and to share its considerable knowledge and expertise with TfGM.
- D3. When the application for the Order was made, it contained no provisions relating to the protection of the Canal, despite there being many examples of such protective provisions for previous Orders. In this event, MSCC had no option but to lodge an objection. Following the application for the Order, MSCC and its solicitors took the lead in suggesting a proposed mechanism and heads of terms for an agreement which were submitted to TfGM in early 2015. As it was not until May/June 2015 when TfGM retained DLA Piper Solicitors to carry out negotiations, MSCC had no option but to prepare evidence for submission to the Inquiry, including two proofs of evidence, and instruct Queens Counsel to ensure that the evidence was sufficient.
- D4. MSCC has been negotiating, and continues to negotiate, an agreement and related suite of documents with TfGM, but negotiations have been protracted and it will take TfGM around 6 to 8 weeks to take the agreed forms of the

documents through its internal sign-off processes before they can be completed. As the negotiations to reach an agreement will not be completed before the close of the Inquiry, MSCC has had to prepare and submit a set of required protective provisions for the Manchester Ship Canal so that its position would be protected in the absence of the agreement being in place.

- D5. Given the above, it can be seen that MSCC has been put to what should have been avoidable and unnecessary expense and costs as a result of the lack of contact and engagement from TfGM. Had appropriate provisions been provided prior to, or with, the application for the Order, MSCC would have been able to act differently and would not have incurred the costs in objecting to the Order, preparing evidence, and preparing for the Inquiry. Due to the protracted turnaround of documents, MSCC has also had to go to the expense of preparing and submitting a set of protective provisions to the Inquiry, which could have been avoided should there have been full and proper engagement following the making of the application. This behaviour is contrary to paragraph 6 of Annex 1 and paragraph 4 of Annex 4 to Circular 3/94³²⁰.
- D6. MSCC therefore requests an order be made for its costs of having to object to the Order in great detail, having to prepare and submit evidence, and having to prepare and submit protective provisions to the Inquiry.

The Response on behalf of TfGM

The material points³²¹were:

- D7. Reference has been made to Circular 3/94, which deals with the Secretary of State's policy on the award of costs, and in particular that costs may be awarded against a party if unreasonable behaviour by them causes other parties to incur expense unnecessarily. The Promoter has neither acted

³¹⁹ Document OBJ/14-C1

³²⁰ Department for Transport Circular 3/94: Awards of Costs in Applications for Proceedings under Section 6 of the Transport and Works Act 1992.

³²¹ Document TfGM.CD157

unreasonably, nor have its actions caused MSCC to incur expense unnecessarily.

- D8. There is no suggestion that the Promoter acted unreasonably at the Inquiry. MSCC's costs application focuses on the conduct of negotiations outside the Inquiry, which are strictly outside the scope of Circular 3/94, paragraph 7 because there is no legal requirement for the Promoter to negotiate with third parties. As the Promoter will cover MSCC's reasonable professional costs in negotiating an agreement, this approach can hardly be argued to be unreasonable, and the Promoter should not be penalised for seeking a negotiated solution.
- D9. Engagement with the Peel Group of Companies started in summer 2013, and entailed 15 meetings prior to the application being made, involving a range of participants. The application relied in part on technical information about the structure of the Canal provided by MSCC. This is not unreasonable.
- D10. The Promoter agrees that negotiations have been very protracted, but does not agree that this results from unreasonableness on its part. There is nothing unreasonable about the length of time that the Promoter will take to undertake its post-agreement processes to approve the agreements, as the existence of the processes is entirely appropriate for a public body spending public funds. In the context of the complexity, the Promoter's conduct cannot be said to be unreasonable.
- D11. Accordingly, MSCC has not provided evidence of unreasonable behaviour on the part of the Promoter that meets the tests in Circular 3/94. The Promoter's behaviour has not caused MSCC to incur costs unnecessarily. MSCC did not have to call any evidence, because the Promoter agreed to seek a negotiated solution. It would have been extremely difficult for terms to have been agreed prior to the deadline for proofs of evidence, given the complexity of the suite of documents. Draft protective provisions could have accompanied the MSCC objection letter, and would not have attracted a costs award if they had. Accordingly, the costs of preparing proofs of evidence and

producing draft protective provisions were not incurred as a result of the Promoter's conduct.

- D12. The costs application does not identify any examples of unreasonable behaviour by the Promoter at the Inquiry or otherwise. Nor does it identify how the Promoter's behaviour has caused MSCC to incur unnecessary costs. Rather, the Promoter's behaviour in seeking a negotiated solution and covering the reasonable costs of negotiations is likely to have saved MSCC costs. The application should therefore be rejected.

The Reply on behalf of MSCC

The material points³²²were:

- D13. It is the conduct of TfGM in connection with the application for the Order and in relation to the Inquiry that forms the basis of the claim. Paragraph 4 of Annex 2 to Circular 3/94 provides other examples of unreasonable behaviour on the part of an applicant, such as failing to provide an adequate pre-inquiry statement of case or causing an objector to call a professional witness to attend unnecessarily - for example where a technical issue could have been resolved satisfactorily by prior discussion. TfGM's lack of engagement with MSCC prior to the application for the Order, and its conduct on the run-up to the Inquiry, was akin to the unreasonable behaviour described in the Circular.
- D14. The Applicant's claimed pre-application engagement with the Peel Group of Companies did not include meetings with MSCC. MSCC is a separate and independent legal entity within the Peel Ports group. MSCC only received formal notice of the application on receipt of a letter³²³ which confirmed that the formal consultation period had closed. It was not until 29 September 2015 that the first meeting took place between TfGM and MSCC. There has

³²² Document OBJ/14-C2

³²³ Letter addressed to the Company Secretary of MSCC from Bircham Dyson Bell was forwarded by Peel Management Limited due to it having been incorrectly addressed

only been one further official meeting with TfGM, which took place on 18 November 2015.

- D15. It was because of this lack of consultation, engagement and lack of sharing of information on the part of TfGM before the application was made, together with the fact that TfGM chose not to include protective provisions in the draft TWA Order, that MSCC had no option but to submit a detailed objection in order to protect its position and its statutory undertaking. Had TfGM put sufficient resources into discussions with MSCC then it would have been unnecessary for MSCC to have prepared evidence and instructed Queen's Counsel. It is this lack of engagement prior to the application and prior to the Inquiry that comprises unreasonable behaviour on the part of TfGM.
- D16. MSCC incurred costs in having to instruct its solicitors and leading counsel to assist its officers in reviewing TfGM's evidence and in preparing and submitting two proofs of evidence, and in preparing for attendance at the Inquiry. It was only a week before the programmed appearance of MSCC at the Inquiry, in response to a significant increase in engagement from TfGM, that MSCC was able to stand down its team from appearing at the Inquiry and concentrate on the negotiations. Had MSCC had that level of engagement earlier in the process it could have avoided incurring those costs. The costs applied for are those associated with the Inquiry, as they relate to what should have been the unnecessary external costs incurred by MSCC in reviewing TfGM's evidence and the preparation of evidence for the Inquiry.
- D17. There was no complex interrelationship between MSCC and the Peel property owning companies. The MSCC agreement could have proceeded independently. Had TfGM engaged properly with MSCC earlier in the process, as was incumbent on it as promoter of an order affecting MSCC's undertaking, the suite of documents would have been agreed well before the closing of the Inquiry and there would have been no need for MSCC to prepare the draft protective provisions. As such, the cost of preparing them would not have been incurred.

Inspector's Conclusions and Recommendation on the Application by MSCC for a Full Award of Costs against TfGM

- D18. I have had regard to Circular 03/94, which applies to costs in the Order making proceedings. In this respect, parties normally meet their own expenses associated with an inquiry and costs are only awarded when 'unreasonable' behaviour is held to have occurred.
- D19. MSCC has not claimed that the Promoter has acted unreasonably in its procedural conduct at the Inquiry. Whilst one of the examples in Annex 2 to the Circular includes where a technical issue that could have been resolved satisfactorily by prior discussion has resulted in the objector having to call a professional witness to attend unnecessarily, I have been given insufficient evidence to demonstrate that this would have been the case in this Inquiry.
- D20. Although MSCC's evidence presented to the Inquiry could have been reduced, or even avoided, had negotiations progressed sufficiently prior to the Inquiry to reach a signed agreement, the fact that this did not happen does not necessarily provide grounds for being awarded the costs of objecting and preparing and submitting the evidence, even if the reason for the lack of progress was due to the Promoter. As has been demonstrated by the protracted negotiations during the adjournment of the Inquiry, there was no certainty that an agreement could have been reached or acceptable protective provisions agreed prior to the Inquiry. Furthermore, the evidence to show that the Promoter has been entirely responsible for there being insufficient negotiations prior to the Inquiry in order to reach an agreement with MSCC is inconclusive.
- D21. The adjournment of the Inquiry to negotiate a settlement was agreed between the Promoter and MSCC in order to avoid them presenting evidence at the Inquiry. Insufficient evidence has been provided to demonstrate that the Promoter has acted unreasonably in these negotiations so as to cause them to be prolonged unnecessarily or that the time taken for the Promoter's internal sign-off processes is unreasonable.

- D22. It has been unfortunate that MSCC had not been consulted earlier and that draft protective provisions had not been included in the draft Order, due to circumstances that have been contested by the parties. I accept that, had this been done, it would probably have reduced the time for the adjournment. However, the evidence presented does not conclusively demonstrate that these actions would have prevented MSCC from incurring its costs for the Inquiry, which were reduced due to them not calling witnesses at the Inquiry, or not needing to provide draft protective provisions.
- D23. Based on the above, I consider that the Promoter's behaviour has not amounted to being unreasonable in accordance with the Circular and has not resulted in unnecessary expense being incurred by MSCC having to object to the Order in great detail, having to prepare and submit evidence, or having to prepare and submit protective provisions to the Inquiry. In conclusion on the application for costs, it is my opinion that unreasonable behaviour by the Promoter has not been demonstrated, and that MSCC has not incurred expense unnecessarily, in accordance with the Circular.
- D24. I recommend that an order for the award of costs be not made.