



Department for Transport

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DN5103/55/7/12, DN5103/60/1/12, DN5103/60/1/13 &
DN5103/60/1/14

Date: 18 October 2012

Dear Madam

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - NEW WEAR BRIDGE ("the published scheme")

THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE) SCHEME 2009 ("NWB")
THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – TEMPORARY WORKS NEW WEAR BRIDGE) SCHEME 2009 ("NWBT")
THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE A1231 AND B1405 CLASSIFIED ROADS) (SIDE ROADS) ORDER 2009 ("SRO")
THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE A1231 AND B1405 CLASSIFIED ROADS) (SIDE ROADS) (SUPPLEMENTAL) ORDER 2011 ("SSRO")
THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE) COMPULSORY PURCHASE ORDER 2009 ("CPO")
THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE) (SUPPLEMENTAL) COMPULSORY PURCHASE ORDER 2011 ("SCPO1")
THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR – NEW WEAR BRIDGE) (SUPPLEMENTAL NO.2) COMPULSORY PURCHASE ORDER 2011 ("SCPO2")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries ("the Inquiry") held at Sunderland Civic Centre on 11 to 13 October 2011, 5 December 2011 and 17 to 18 April 2012 before Mr I Jenkins BSc CEng MICE MCIWEM, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Schemes and Orders submitted for confirmation by Sunderland City Council ("the Council").

2. If confirmed by the Secretary of State the NWB, NWBT, SRO, SSRO, CPO, SCPO1 and SCPO2 would, respectively, authorise the Council to:

- (i) construct, as part of the new/improved highway between the Wessington Way/Castletown Way roundabout and the Woodbine Terrace/Pallion New Road junction in Sunderland, a bridge and temporary bridge over the navigable waters of the River Wear;
- (ii) improve highways, stop up highways, construct new highways, stop up private means of access to premises and provide new means of access to premises all on or in the vicinity of the route of the classified roads; and
- (iii) purchase compulsorily land and new rights over land for the purpose of the improvement of part of the A1231 Wessington Way and part of the B1405; the construction of new highways; the construction of other highways and the improvement of existing highways and the provision of new means of access to premises in pursuance of the SRO and the carrying out of stopping-up works in pursuance of the SRO and the SSRO; the use by the Council in connection with the construction and improvement of highways and the provision of new means of access to premises; mitigating the adverse effect which the existence or use of the highway proposed to be constructed or improved will have on the surroundings thereof; and the carrying out of works in watercourses in connection with the construction of highways.

THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the above Schemes and Orders, both as made in writing and presented orally at the Inquiry, and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to paragraph numbers in the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 4.1.1 to IR 4.8.3. The case for supporters of the Council's scheme is summarised at IR 5.1.1, the case for the objectors is summarised at IR 6.1.1 to IR 6.7.8, the case for the counter objectors at IR 7.1.1 and the Council's rebuttal to individual objections is at IR 8.1.1 to IR 8.8.6. The Inspector's conclusions are detailed at IR 9.1.1 to IR 9.3.38 whilst his recommendations are given at IR 10.1 to IR 10.7.

5. In light of his conclusions the Inspector recommended at IR 10.1 to IR 10.7 that;

- (a) the NWB, subject to the modifications as set out in the Annex to this letter, be confirmed. The NWB as originally made should not be confirmed;
- (b) the NWBT, subject to the modifications as set out in the Annex to this letter, be confirmed. The NWBT as originally made should not be confirmed;
- (c) the SRO, subject to the modifications as set out in the Annex to this letter, be confirmed. The SRO as originally made should not be confirmed;
- (d) the SSRO be confirmed;

- (e) the CPO, subject to the modifications as set out in the Annex to this letter, be confirmed. The CPO as originally made should not be confirmed;
- (f) the SCPO1 be confirmed; and
- (g) the SCPO2, subject to the modifications as set out in the Annex to this letter, be confirmed. The SCPO2 as originally made should not be confirmed.

6. Further to the modifications recommended by the Inspector, as referred to in paragraph 5 above, the Secretary of State proposes to incorporate further minor modifications to the SRO. These are:

- (i) In Schedule 1 under 'Highways to be stopped up' the description of the second item is amended from 'Part of Timber Beach Road from a point 33 metres south of the southern boundary of Wessington Way roundabout...' to 'Part of Timber Beach Road from a point 33 metres south of the centre of Wessington Way roundabout...'
- (ii) In Schedule 1 under 'Reference letter(s) of new highway(s)' opposite the third and fourth descriptions of 'Highways to be stopped up' the descriptions 'A', 'footpath' and 'B', 'cycle track' are respectively placed.
- (iii) In Schedule 2 under 'Reference letter(s) of new highway(s)' the letter 'C' is placed.

A full list of the modifications can be found at the Annex to this letter.

THE DECISION OF THE SECRETARY OF STATE

7. The Secretary of State has considered carefully all the objections to, and representations about, the Schemes and Orders. He has considered the Inspector's report and accepts his conclusions and recommendations subject only to the making of the additional modifications to the SRO as referred to in paragraph 6 above.

8. The Secretary of State has noted the legal and procedural submissions recorded at IR 3.1 to 3.15 and is satisfied with the handling of these by the Inspector. The Secretary of State agrees with the Inspector's view that the fact Crown Estates owns part of the route of the proposed bridge, which cannot be secured by the CPO, is not an obstacle to the approved scheme coming forward (IR 9.3.13).

9. The Secretary of State notes that the Inspector concludes at IR 9.1.4 that whether or not a Harbour Revision Order would be required to facilitate the proposed Schemes is a matter of law. It is also noted that the Inspector further concludes that it appears to him, based on the evidence presented before him, that a Harbour Revision Order would not be required and that even if it was there was no evidence to show that it would be unlikely to be granted. The Secretary of State has considered the matter and is satisfied that the NWB and NWBT proposals, being Bridge Schemes under section 106(3) of the Highways Act 1980 which have been promoted by Sunderland City Council and have gone through their statutory processes, would not require a Harbour Revision Order. Should proposals be brought forward at a later date that would amend the governance of the harbour,

further consideration would have to be given as to whether or not a Harbour Revision Order was necessary at that time. The Secretary of State, therefore, considers that this matter at this time does not introduce any impediment to the Council proceeding with their bridge proposals.

10. The Secretary of State has carefully considered whether the purposes for which the CPOs are required sufficiently justify interfering with the human rights of the objectors, owners and lessees and he is satisfied that they do. In particular, he has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at IR 9.3.37 and is satisfied that in confirming the CPOs a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

11. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals, and accepts that the modifications referred to in paragraphs 5 and 6 above are necessary and that they should be made. For these reasons he has decided to confirm:

- (a) The Sunderland City Council (Sunderland Strategic Transport Corridor - New Wear Bridge) Scheme 2009, as modified by him;
- (b) The Sunderland City Council (Sunderland Strategic Transport Corridor - Temporary Works New Wear Bridge) Scheme 2009, as modified by him;
- (c) The Sunderland City Council (Sunderland Strategic Transport Corridor - New Wear Bridge A1231 and B1405 Classified Roads) (Side Roads) Order 2009, as modified by him;
- (d) The Sunderland City Council (Sunderland Strategic Transport Corridor - New Wear Bridge A1231 and B1405 Classified Roads) (Side Roads) (Supplemental) Order 2011 as made;
- (e) The Sunderland City Council (Sunderland Strategic Transport Corridor - New Wear Bridge) Compulsory Purchase Order 2009, as modified by him;
- (f) The Sunderland City Council (Sunderland Strategic Transport Corridor - New Wear Bridge) (Supplemental) Compulsory Purchase Order 2011 as made; and
- (g) The Sunderland City Council (Sunderland Strategic Transport Corridor - New Wear Bridge) (Supplemental No.2) Compulsory Purchase Order 2011, as modified by him.

and this letter constitutes his decision to that effect.

12. In confirming the Schemes and Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Schemes and Orders and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

COMPENSATION

13. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPOs will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

14. A copy of this letter, together with a copy of the Inspector's report has been sent to objectors, supporters, their representatives and to other persons who appeared and made representations at the Inquiry. Copies will be made available on request to any other persons directly concerned and can also be viewed at <http://www.dft.gov.uk/topics/legislation/national-transport-casework/local-authority-orders/>. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Schemes and Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

15. Notice is to be published of confirmation of the Schemes and Orders. Any person who wishes to question the validity of the confirmed Schemes and Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of the notice that the Schemes and Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Schemes and Orders.

Yours faithfully

XXXXXXXXX

Authorised by the Secretary of State
to sign in that behalf

ANNEX

MODIFICATIONS PROPOSED TO THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - NEW WEAR BRIDGE) SCHEME 2009

In the Schedule to the Scheme under the heading 'Span' the word 'plan' is replaced with 'span'.

MODIFICATIONS PROPOSED TO THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - TEMPORARY WORKS NEW WEAR BRIDGE) SCHEME 2009

In the Schedule to the Scheme under the heading of 'Waterway', '37 metres' is replaced by '27 metres'.

MODIFICATIONS PROPOSED TO THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - NEW WEAR BRIDGE A1231 AND B1405 CLASSIFIED ROADS) (SIDE ROADS) ORDER 2009

- i) The wording 'The following plans have been amended:- (i) Location Plan (Reference 08/ED/1725.01) substituted with amended Location Plan (Reference NWC/D/SCC/07/GEN/80005 Revision B); (ii) Site Plan Number 2 (Reference 08/ED/1725.03) substituted with amended Site Plan Number 2 (Reference NWC/D/SCC/07/GEN/80007 Revision B); (iii) Site Plan Number 3 (Reference 08/ED/1725.04) substituted with amended Site Plan Number 3 (Reference NWC/D/SCC/07/GEN/8008 Revision B).' is added at the end of the Order Articles and before the Order Schedule. The Order plans are revised accordingly.
- ii) In Schedule 1 under 'Highways to be stopped up' the description of the second item is amended from 'Part of Timber Beach Road from a point 33 metres south of the southern boundary of Wessington Way roundabout...' to 'Part of Timber Beach Road from a point 33 metres south of the centre of Wessington Way roundabout...'
- iii) In Schedule 1 under 'Reference letter(s) of new highway(s)' opposite the third and fourth descriptions of 'Highways to be stopped up' the descriptions 'A', 'footpath' and 'B', 'cycle track' are respectively placed.
- iv) In Schedule 2 under 'Reference letter(s) of new highway(s)' the letter 'C' is placed.
- v) In Schedule 2 under 'Reference number(s) of new access' '3 & 5' are deleted.
- vi) In Schedule 2 under the heading 'Reference number(s) of new access' the numbers '3 & 5' are deleted.
- vii) In Schedule 3 under the heading 'Reference number(s) of new access' the numbers '1,4 & 5' are deleted and '2' added.

MODIFICATIONS PROPOSED TO THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - NEW WEAR BRIDGE) COMPULSORY PURCHASE ORDER 2009

- i) Plots 15A, 17A, 21A, 21B, 21C, 21D, 28A, 28B, 28C, 28D, 28E, 28F and 41A are added.
- ii) Plot 29 is amended from a title plot to a rights plot.
- ii) Plots 19, 20, 23, 26 and 32 are deleted.
- iii) Plot 17 is reduced from 6788 square metres to 2540 square metres and under the owners or reputed owners column 'Homes & Communities Agency, 110 Buckingham Palace Road, London SW1W 9SA' is deleted and replaced by 'Church Commissioners, Church House, Great Smith Street, London SW1 3AZ.'
- iv) Plot 18 under the owners or reputed owners column 'Homes & Communities Agency, 110 Buckingham Palace Road, London SW1W 9SA' is deleted and replaced by 'Church Commissioners, Church House, Great Smith Street, London SW1 3AZ.'
- v) Plot 21 the wording of the plot is amended from '4808 square metres. Part.....' to '2053 square metres of land forming part.....'
- vi) Plot 28 is reduced from '40989 square metres' to '23798 square metres'.

MODIFICATIONS PROPOSED TO THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT CORRIDOR - NEW WEAR BRIDGE) (SUPPLEMENTAL NO.2) COMPULSORY PURCHASE ORDER 2011

- i) In Plot 2 in column 2 under 'Extent, description and situation of the land' the wording 'All interests therein except those owned by the acquiring authority' are added at the end of the plot description.
- ii) In Plot 2 in column 3 under 'Owners or reputed owners' the entry 'unknown' is replaced by 'Part unknown and part Sunderland City Council, PO Box 100, Civic Centre, Sunderland, SR2 7DN.'