



Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State

Date: 19 October 2018

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

**THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT
CORRIDOR PHASE 3 – A1231 CLASSIFIED ROAD) (SIDE ROADS) (ORDER)
2017**

**THE SUNDERLAND CITY COUNCIL (SUNDERLAND STRATEGIC TRANSPORT
CORRIDOR PHASE 3) COMPULSORY PURCHASE ORDER 2017**

Inquiry held on 4 to 7 September 2018

File Ref(s): NATTRAN/NE/LAO/139; DPI/J4525/17/25

CONTENTS

	Page No
Case Details	3
The Site and Surroundings	5
The Case for Sunderland City Council	6
The Case for the Statutory Objector and the Interested Party	17
Rebuttal by Sunderland City Council	19
Inspector's Conclusions	22
Inspector's Recommendations	31
Appendix 1: Appearances	33
Appendix 2: Document Lists	34

ACRONYMS AND ABBREVIATIONS USED IN THE REPORT

BCR	benefit cost ratio
BS	British Standard
CEMP	Construction Environmental Management Plan
Cowie	Cowie Properties LLP
CPO	The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3) Compulsory Purchase Order 2017
DMRB	Design Manual for Roads and Bridges
ECJ	European Court of Justice
EIA	Environmental Impact Assessment
ES	Environmental Statement
IAQM	Institute of Air Quality Management
km	kilometre
LOAEL	lowest observed adverse effect level
m	metre
NMU	non-motorised user
NO ₂	nitrogen dioxide
OBC	outline business case
PM ₁₀	particulate matter
SAC	Special Area of Conservation
SOAEL	significant observed adverse effect level
SPA	Special Protection Area
SRO	The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017
SSTC	Sunderland Strategic Transport Corridor
SSTC3	Sunderland Strategic Transport Corridor Phase 3
the Council	Sunderland City Council
the Regulations	The Conservation of Habitats and Species Regulations 2017, SI 2017/1012
TRO	Traffic Regulation Order
UDP	Unitary Development Plan

In the report footnotes provide references to documents listed in Appendix 2 and points of information and clarification.

CASE DETAILS

The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017

- The Order was made by the Council of the City of Sunderland in exercise of its powers under sections 14 and 125 of the Highways Act 1980 and was sealed on 12 September 2017.
- The Council of the City of Sunderland (hereafter referred to as “the Council”) submitted the Order for confirmation to the Secretary of State for Transport.
- The Order, if confirmed, would authorise the Council in relation to the classified road: to improve lengths of highway, to stop up lengths of highway and to construct new highways, to stop up private means of access and provide new private means of access.

Summary of Recommendation: That the Order, as modified, is confirmed.

The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3) Compulsory Purchase Order 2017

- The Compulsory Purchase Order was made by the Council (in the Order called “the acquiring authority”) under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and was sealed on 13 September 2017.
- The Council submitted the Compulsory Purchase Order for confirmation to the Secretary of State for Transport.
- The Compulsory Purchase Order, if confirmed, would authorise the Council to purchase compulsorily the land and the new rights over land, as described in paragraph 2 of the Order, for the purposes of:
 - 1) the construction of a highway in an easterly direction from the junction of Woodbine Terrace and Ditchburn Terrace,
 - 2) the improvement of the A1231 Trimdon Street from its junction with Trimdon Street West to its junction with Silksworth Row,
 - 3) the improvement of the A1231 Silksworth Row from its junction with Trimdon Street to its junction with St Michael’s Way,
 - 4) the construction of a highway westwards from the A1231 Trimdon Street/Trimdon Street West junction,
 - 5) the construction of other highways, the improvement of existing highways and the provision of new means of access to premises in vicinity of the proposed route in pursuance of the associated Side Roads Order,
 - 6) the use of land by the acquiring authority in connection with the construction and improvement of highways and the provision of new means of access in connection with the scheme,
 - 7) mitigating the adverse effect which the existence or use of the highway as proposed to be constructed or improved will have on its surroundings.

Summary of Recommendation: That the Order, as modified, is confirmed.

1. INTRODUCTION

- 1.1 The main aim of the Sunderland Strategic Transport Corridor (SSTC) is to provide a new high standard transportation link between the A19, Nissan and the International Advanced Manufacturing Park (in the north west of the City’s area) and the Port of Sunderland. The proposed Phase 3 (SSTC3) would be a 2.15 kilometre (km) dual carriageway between the completed St Mary’s

Boulevard near the City Centre (Phase 1) and the Northern Spire Bridge Crossing to the west (Phase 2).

- 1.2 Sunderland City Council (the Council) granted planning permission for Phase 3 on 24 October 2017. An Environmental Impact Assessment (EIA) was carried out as part of the planning process. The results are reported in the Environmental Statement (ES) and summarised in the Non-Technical Summary¹.
- 1.3 Objections were made by seven landowners/businesses in response to the publication of the Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017 (the SRO) and the Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3) Compulsory Purchase Order 2017 (the CPO). Objections were submitted on the SRO and the CPO. No alternative route was proposed.
- 1.4 An Inquiry was arranged to take place at Sunderland Civic Centre on 4 to 7 September 2018. By the time the Inquiry opened one objection (OBJ 1) had been withdrawn. The objection by Sunderland Coachworks and MAJ Paints (OBJ 2) was withdrawn on 4 September.
- 1.5 During the inquiry week the Council had discussions with objectors who were due to give evidence in support of their cases. A position was reached whereby Praedius UK Ltd & European Metal Recycling (OBJ 3), Pallion Engineering Ltd (OBJ 6) and Hanro Ltd (OBJ 7) expected to be able to withdraw their objections. I agreed to allow a two week period, until Friday 21 September, for agreements to be finalised and for confirmation to be received from the parties as to the position on these outstanding objections.
- 1.6 Therefore the proceedings at the Inquiry focused on presentation of the Council's case. Trafalgar Marine Technology Limited also made representations in support of a proposed improvement to the highway at the eastern end of Pallion Shipyard. There was no evidence heard specific to the then outstanding objections being pursued through written representations.
- 1.7 By 22 September the only outstanding statutory objection was by Cowie Properties LLP. All other statutory objections were withdrawn and will not be considered further in this report. The Inquiry was closed in writing on 2 October 2018.
- 1.8 An accompanied site visit took place on 6 September to the Pallion Shipyard. I carried out an unaccompanied site visit prior to the Inquiry to become familiar with the proposed route as a whole and the details of the Orders.
- 1.9 The Council confirmed that to the best of its knowledge and belief all necessary statutory procedures and formalities in connection with the promotion of the Orders have been complied with². Nothing came to light to suggest otherwise.
- 1.10 This report contains a brief description of the route and surroundings of the proposed highway and the gist of the cases presented. My conclusions and

¹ CD 3.13(a), INQ 4

² INQ 1

recommendations follow. Details of the Inquiry Appearances and a list of documents form Appendices 1 and 2.

2. THE SITE AND SURROUNDINGS

- 2.1 The Phase 3 route is wholly within the built up area of the City, on the southern bank of the River Wear. The route passes through areas that were important for ship building, glass making and ceramics in the 19 century³. A more diverse land use pattern has developed including industrial, retail and residential developments, although degraded open areas detract from the environment.
- 2.2 At the western end of the route W H Forster Printworks and European Metal Recycling are operational. The adjacent Pallion Engineering Works, dominated by the former large shipbuilding sheds, is at a considerably lower level than Pallion New Road to the south and is bounded by a high retaining wall. The site is occupied now by a number of small industrial and service businesses. The Tyne and Wear Metro line skirts the route corridor before turning south east towards Millfield.
- 2.3 A large cleared site, converted rope works buildings and riverside trail, a cement works and small industrial premises along Simpson Street lie within the central section of the proposed route corridor. An allotment site in a former railway cutting is located in the Simpson Street, Wellington Lane area. To the south are streets of terraced housing. Further to the east retail warehouse parks are sited to the north of Trimdon Street. The character of the eastern end of the corridor reflects its location closer to the city centre, with major roundabouts, commercial premises and green spaces.
- 2.4 The proposed route alignment passes near to five Grade II listed buildings: Queen Alexandra Bridge, Public House and Webster's Ropery, the former Simpson Street Secondary School on Wellington Lane and the Ship Isis public house fronting Silksworth Row⁴. Doxford Gatehouse, off Ditchburn Terrace at the far western end of the Pallion yard and part of the former Simpson Street School are non-designated heritage assets⁵. Bishopwearmouth Conservation Area, which includes the historic settlement of Sunderland, lies to the east of St Michael's Way and outside the development area⁶.
- 2.5 The Northumbria Coast Special Protection Area (SPA) and Ramsar site is located 2.74 kilometres (km) to the north of the development site. Durham Coast Special Area of Conservation (SAC) is located 3.56 km to the south⁷. Five Sites of Special Scientific Interest are located with 2 km of the site boundary⁸. The SPA is designated for breeding little tern, wintering sandpiper and wintering turnstone. The SAC is designated for the presence of the Annex 1 habitat vegetated sea cliffs of the Atlantic and Baltic Coasts. The Ramsar site is

³ CD 3.13(a) Volume 1 paragraph 2.2.3

⁴ CD 3.13(a) Volume 1 paragraph 8.3.20 and Table 8-13

⁵ CD 3.13(a) Volume 1 paragraph 8.3.21 and Table 8-14

⁶ CD 3.13(a) Volume 2 Series 2 Environmental Constraints Plan

⁷ CD 3.13(a) Volume 1 paragraph 9.5.4

⁸ CD 3.13(a) Volume 1 paragraph 9.5.8 and Table 9-4

designated for breeding little tern, wintering purple sandpiper and wintering turnstone⁹.

3. THE CASE FOR SUNDERLAND CITY COUNCIL

Overview

- 3.1 The SSTC programme comprises a new high quality transport link from the International Advanced Manufacturing Park to the Port of Sunderland, improving access to the city centre and to key employment and training sites.
- 3.2 Due to its scale, the project comprises five key phases¹⁰. The phasing allows for benefits of individual phases to be delivered in line with funding constraints whilst maintaining the overall aspiration for the delivery of the route as a whole. Phase 1 was completed in 2016 and released two important development sites. Phase 2, comprising the Northern Spire Bridge and its approach roads, was open to traffic on 29 August 2018.
- 3.3 Completion of the next phase SSTC3 is vital to fully secure the benefits of Phases 1 and 2 and to fully open up the opportunities for development in Pallion, Deptford, Farringdon Row and other sites to the south of the river¹¹. Work on Phases 4 and 5, at the western and eastern ends of the route, has not started.
- 3.4 On 26 April 2017 the Council's Cabinet authorised the making of the SRO and the CPO¹². In reaching its decision Cabinet gave regard to the Human Rights Act 1998 and considered there was a compelling public interest for making the proposed Orders and for compulsorily acquiring the required land interests. An Equality Impact Assessment concluded there would be a neutral impact on the protected characteristic groups of age, disability, gender/sex and race/ethnicity¹³. This decision led to both the SRO and CPO being made and published by the Council on 14 September 2017¹⁴.

SSTC3 route description and design¹⁵

- 3.5 The road would be a dual carriageway throughout. At its western end the route connects to SSTC Phase 2 at the junction of Ditchburn Terrace and Woodbine Terrace. The connections to those highways would be closed to vehicular traffic but pedestrian and cycle links would be retained. The new highway heads east past Forster's Printworks and Sunderland Wall, incorporating a new priority junction that would provide an alternative access route to Ditchburn Terrace and be the sole access to the Lower Pallion Shipyard area. The route would follow the southern perimeter of the Pallion Shipyard and travel under the

⁹ CD 6.13 Appendix B provides a designated sites location plan and Appendices C, D and E provide the Citations and Appendices G and H provide the conservation objectives for the SPA and SAC.

¹⁰ SCC1P paragraphs 3.2, 3.3 and INQ 10

¹¹ SCC1P paragraph 4.1, INQ 10

¹² CD 2.1

¹³ SCC1P paragraphs 4.5, 4.6

¹⁴ CD 2.2, CD 2.3

¹⁵ SCC5P sections 3 to 8 and CD 3.13(f)

- southern span of the Queen Alexandra Bridge, immediately north of the abutment. This will require the demolition of the former Stena building¹⁶.
- 3.6 East of the bridge the new highway joins the existing alignment of Deptford Terrace. The vehicle connection to Deptford Terrace towards Queen Alexandra Bridge roundabout would be removed and replaced with a pedestrian and cycle link. A priority junction with right turn lane is proposed to access The Ropery and a slipway to the River Wear. A significant earthwork slope (up to 8.0 metres (m) high) is present alongside the Cowie's site. This replicates the existing interface with Deptford Terrace. A priority junction with right turn lane is proposed to access the existing Shaws compound. Staggered priority junctions would serve Deptford Terrace to the north and the Cowie's site to the south west.
- 3.7 The route turns to the south east, past the former Gas Works and through the former allotments, part of the Former Simpson Street School and Tarmac Cement Works. A signalised junction with segregated right turn to Trimdon Street West is proposed immediately west of the listed building on Wellington Lane.
- 3.8 A signalised junction with segregated right turn into Beach Street would replace the existing Beach Street roundabout. The existing connection to Deptford Terrace and Carol Street will be removed to reduce the risk of 'rat running', with the provision of alternative access from Trimdon Street West. South of this new junction the route follows a widened Trimdon Street. Hylton Street roundabout would be enlarged and realigned, with a final connection to SSTC Phase 1 at St Mary's roundabout. These works would involve the removal of the stub of Ayre's Quay Road but the access to Galley's Gill Road is retained.
- 3.9 It is envisaged that buses will only utilise the eastern half of the scheme from St Mary's roundabout to Trimdon Street West before connecting to the existing B1405 Pallion New Road¹⁷. All bus stop locations have a suitably designed widened shared use path to allow for a bus shelter, litter bins and signs and raised bus stop kerbs will be provided. A continuous shared use path for pedestrians and cyclists is proposed on the northern side of the new road, ensuring continuity in provision to Phases 1 and 2. Shared use path connections will be provided at various locations along the route with Toucan signalised crossings to assist access. Footpath links also will be provided to connect to the wider rights of way network and adjacent retail parks.
- 3.10 The highway has been designed in accordance with Highways England's Design Manual for Roads and Bridges (DMRB) and the Council's own standards for adoption¹⁸. Departures from standards do not cause any safety issues and have been approved by the Highway Authority¹⁹. All junction layouts have been designed to provide the required traffic capacity on the Design Year 2035.

¹⁶ The Stena building is an industrial type shed

¹⁷ SCC5P sections 7 and 8 cover public transport and non-motorised user (NMU) provision

¹⁸ The most relevant DMRB documents are cited in CD 5.1(a) to (g); CD 5.2 contains the Council's standards

¹⁹ The departures are detailed in SCC5P paragraphs 6.3.1 to 6.3.21 and CD 5.4

- 3.11 The published scheme has been subject to stage 1 and stage 2 Road Safety Audits in accordance with DMRB guidance²⁰. Where matters have not been resolved during the detailed design they have been reviewed and approved by the Highway Authority²¹.
- 3.12 The design has taken account of site constraints associated with topography, ground conditions, retaining walls and buried structures, especially in the Pallion Shipyard area²². Earthworks and retaining structures have been incorporated into the design to support the proposed highway²³. The Hazardous Substances Consent in respect of Ayres Quay Holder Station, Wellington Lane was revoked by Order, which was confirmed by the Secretary of State on 3 October 2017²⁴.

Need for the Scheme, Scheme Objectives and Benefits

- 3.13 In recent decades Sunderland's traditional industries have undergone marked decline, leading to dereliction and under-use of land in significant parts of the City. Despite notable successes such as attracting Nissan to the area, the City still faces substantial challenges. Sunderland is ranked the 37th most deprived local authority in the country. In particular the riverside wards are some of the most deprived wards in the country²⁵.
- 3.14 The need for a high quality road link between the A19 and Port of Sunderland was first formally identified by the Council in its 1998 Unitary Development Plan (UDP)²⁶. In the UDP Alteration No.2 (Central Sunderland) Policy T1A identified the SSTC and new river crossing as a priority for new transport investment. Land was safeguarded along an identified route²⁷. Support for the SSTC is affirmed in Policy SP10 of the Council's emerging Core Strategy²⁸. No objections to the policy were received as a result of the very recent public consultation²⁹.
- 3.15 The SSTC has a key role in the regeneration of Sunderland by relieving congestion, delivering improvement of infrastructure and access and by encouragement of inward investment. This role is reflected in the Tyne and Wear Local Transport Plan 2011-2021 and in the Council's "Transforming our City, The 3,6,9 Vision".³⁰
- 3.16 The objectives of the SSTC programme and SSTC3 are broadly summarised as:
- Improved network resilience between the A19/NISSAN and the Port of Sunderland;
 - Much needed relief to the existing congested River Wear Crossings;

²⁰ CD 5.1(l)

²¹ CD 5.5, CD 5.6, CD 5.7, CD 5.8

²² SCC5P paragraphs 5.1.1-5.1.5

²³ SCC5P paragraphs 6.8, 6.9 and Appendix A

²⁴ CD 3.15

²⁵ SCC1P paragraphs 5.1-5.8

²⁶ SCC1P paragraph 5.11; CD 3.1 – see Policy SA50, Policy T13 and supporting text

²⁷ SCC2P paragraphs 2.1-2.5; CD 3.3 Policy T1A and paragraphs 13.18a-13.18c, Policy SA52A paragraphs 19.224a-19.224f and Proposals Map

²⁸ SCC2P paragraphs 2.15, 2.16, CD 3.19 Policy SP10 page 105

²⁹ Mr Birkett's oral evidence

³⁰ CD 1.19 paragraph 4.35, section 15.2.3 and CD 1.15 pages 7 and 15

- Enabling and support for the regeneration and redevelopment of largely underused riverside sites;
- Improving accessibility to developments and to training and employment opportunities by all modes of transport;
- Improving the urban environment and road safety for all road users³¹.

3.17 SSTC has been a major scheme aspiration for the Council for over 10 years and during this period a number of options have been considered³². In November 2015 the final SSTC3 route was determined by an assessment of a number of options against key success criteria and delivery against the objectives for SSTC³³. The option taken forward as the preferred route was shown to have benefits in terms of (i) decreasing congestion on the existing network, resulting in improved journey times and journey time reliability for buses, (ii) reasonable site penetration to support the Pallion Riverside Regeneration without the demolition of part of the existing yard, and (iii) reduced cost due to the reduced land take and demolition requirements. This option also was supported in planning policy terms through the emerging Core Strategy.

3.18 The traffic model developed for the SSTC3 is considered fit for purpose having been reviewed and signed off by the Department for Transport³⁴. The impact of doing nothing would be increased congestion on either side of the River Wear, leading to increased journey times and hugely detrimental loss of long term potential economic benefits³⁵.

3.19 The full benefits of both the SSTC Phase 2 Northern Spire Bridge crossing and the SSTC Phase 1 improvements can only be fully realised by providing the missing link of SSTC3. More specifically, the modelling process has shown that for both 2020 and 2035 along the key corridors with SSTC3 in place there would be significant journey time savings³⁶. Some routes would undergo some minor worsening of journey times as a result of reassignment of traffic across routes but overall the net effect would be very positive.

3.20 An Outline Business Case (OBC)³⁷ has been reviewed by the North East Local Enterprise Partnership and the Department for Transport. The OBC demonstrates that the SSTC3 has an excellent strategic fit with SSTC and wider regional policy objectives, is financially and commercially viable and is deliverable. The scheme offers high value for money, having a central case Benefit Cost Ratio (BCR) of 2.02 and an adjusted BCR of 2.85, where wider economic benefits are taken into account³⁸.

³¹ SSC4P section 3, CD 2.6 paragraphs 2.5, 2.6

³² CD 1.1 relates to the adoption of the preferred SSTC route in 2005

³³ SSC4P section 4 pages 21-27 for description of Options and assessment process; also see CD 1.5 and CD 1.6

³⁴ SCC4P section 2.1; CD 4.1, CD 4.2, CD 4.3

³⁵ SSC4P section 2.3.1 to 2.3.5

³⁶ SSCP4 paragraph 2.3.6 and Figures 2.7 and 2.8

³⁷ CD 1.16

³⁸ SCC4P section 5, with BCR shown in Tables 5.1 and 5.2

SSTC3 Environmental Statement, Planning Permission

3.21 The Local Planning Authority in November 2015 determined that the SSTC3 proposal was EIA development³⁹. Consequently an ES was produced to accompany the planning application⁴⁰, incorporating the main topics raised by the scoping opinion⁴¹.

Ecology

3.22 A preliminary impact identification exercise was undertaken to inform the design of appropriate mitigation measures during construction and operation⁴². Loss of some broadleaved woodland habitat and semi-improved grassland, designated as a Habitat of Principal Importance, will be replaced as part of the landscape strategy. Overall, residual effects would not be significant⁴³. A European Protected Species Licence for bats will be obtained for the demolition of Doxford Gatehouse should surveys confirm the presence of a bat roost. Full mitigation and compensation methods will be outlined on the licence and approved by Natural England to ensure no negative impacts from the loss of a bat roost⁴⁴.

3.23 The development area for the SSTC3 lies within the vicinity of three European Designated Sites: Northumbria Coast SPA, Durham Coast SAC and Northumbria Coast Ramsar. At Stage 1 of the Habitats Regulation Assessment (Screening) it was concluded that the project would not result in habitat loss or modification of the European Sites. Likely significant effects from the following factors were unable to be screened out: pollution (water pollution, changes to air quality and artificial light pollution) and disturbance by reason of increased traffic or visitors to the area. Additional scoping work and the collation of further information identified further likely significant effects in respect of water and noise pollution and disturbance of the turnstones recorded along the River Wear.

3.24 By January 2017 wintering bird surveys were complete, enabling the identification of the location where the wintering birds had been recorded. Assessments also had become available on air quality, acoustics and drainage, together with information on lighting design, landscaping and traffic flows. Information on other plans and projects was collated. Through the Appropriate Assessment likely significant effects were reassessed on their own and in combination with other projects to determine if adverse effects on the European sites are likely to result from the development and associated operational use. The effects by reason of pollution and disturbance were able to be screened out. The Appropriate Assessment concluded that there will be no significant adverse effects on the integrity of the Northumbria Coast SPA, Durham Coast SAC or Northumbria Coast Ramsar as a result of the SSTC3 road scheme and that no mitigation or compensation measures are required⁴⁵.

³⁹ CD 3.8

⁴⁰ CD 3.13(a)

⁴¹ CD 3.9

⁴² SCC7P and CD 3.13(a) Volume 1 Chapter 9 provide details of the ecological assessment, a preliminary impact identification exercise and mitigation proposals.

⁴³ CD 3.13(a) Volume 1 Chapter 9 Table 9-10

⁴⁴ SCC7P paragraphs 3.16, 3.35

⁴⁵ CD 6.13 sets out all the detailed information on the Habitats Regulations Appropriate Assessment with the conclusion at paragraph 7.1.6

*Noise and vibration*⁴⁶

- 3.25 During construction no significant effects were identified subject to adherence to the code of practice outlined in British Standard (BS) 5228. Appropriate control would be secured through measures within a Construction Environmental Management Plan (CEMP), required pursuant to conditions of the planning permission. Specific consideration has been given to the potential effects of vibration on W H Forster Print Works and measures identified to address potential impacts⁴⁷.
- 3.26 For operational noise, the number of properties affected by minor and moderate increases in noise would be broadly comparable to the number of properties benefitting from minor or moderate reductions in noise⁴⁸. The noise increases would be concentrated mainly in the area of Alliance Place, where the number of residential properties is relatively low⁴⁹. The dwellings adversely affected could be appropriately protected by noise insulation measures carried out in accordance with the Noise Insulation Regulations 1975. The ES concludes that overall the residual impact of the scheme on noise and vibration is neutral⁵⁰.

Air quality

- 3.27 The effects of SSTC3 on air quality during construction and operation were assessed in accordance with the DMRB and Defra technical guidance and Institute of Air Quality Management (IAQM) guidance. Since the publication of the ES the traffic predictions on the local road network have been revised and the air quality predictions updated⁵¹.
- 3.28 The impact of changes to vehicle emissions associated with the operation of the scheme to annual mean nitrogen dioxide (NO₂) and inhalable particulate matter (PM₁₀) concentrations were predicted to have a mix of adverse and beneficial effects at considered worst case receptor locations. However only the beneficial effect predicted at one property is predicted to be significant⁵². The local air quality assessment shows that air quality would improve for a substantially larger number of properties compared to those predicted to experience an adverse effect. The proposed scheme has a net beneficial effect to local air quality as it reduces traffic flows through densely populated areas of Sunderland, reducing pollutant exposure. The scheme does not result in an exceedance of National Air Quality objectives⁵³. During construction and with suitable mitigation measures in place as part of a CEMP, the risk of dust soiling and PM₁₀ impacts are low and not significant.
- 3.29 The increase in traffic movements and average journey length across the network due to the highway improvements would result in an increase in greenhouse gas emissions across the studied network. However, this

⁴⁶ CD 3.13(a) Volume 1 Chapter 12 and SSC8P

⁴⁷ SSC8A 1.1.1

⁴⁸ SCC8P Table 12-27 (page 12)

⁴⁹ SCC8P Figure 5-1 (page 13)

⁵⁰ CD 3.13(a) Volume 1 paragraph 12.10.3

⁵¹ SSC9P presents the updated information (see paragraph 2.1)

⁵² INQ 12

⁵³ SCC9P paragraph 4.3 Table 11

assessment does not include the effects of reduced congestion and improved journey reliability or take account of the Government's announcement to end the sale of conventional petrol and diesel cars by 2040. Overall, when considering the likely effects of both construction activities with mitigation measures implemented and during operation the impact of the scheme on air quality is not significant.

Cultural heritage, landscape character, visual amenity

- 3.30 Impacts of the proposal on the cultural heritage, on landscape character and visual amenity have been shown to be acceptable with suitable mitigation. No objector has raised concerns on such matters⁵⁴. More specifically, no archaeological remains or listed buildings would experience significant effects because of the construction of the road. There is sufficient room under the Queen Alexandra Bridge to allow for the road and its accompanying structures and works without affecting the fabric of the bridge, including its foundations. There would be sufficient headroom to the underside of the bridge deck to accommodate vehicles. The arches and gates from Doxford gatehouse are to be saved and relocated elsewhere on the scheme, resulting in no impediment to the implementation of the scheme⁵⁵. Indirect operational impacts such as vehicle lights and new lighting schemes will be mitigated by screening.
- 3.31 Vegetation loss, general disturbance and construction activity will be the primary sources of change to landscape character. A construction plan and consideration of site management and working practices, together with a comprehensive landscape master plan will mitigate the impacts during construction and operation. The overall significance of impact for the entire landscape character assessment area is slight beneficial. Similar forms of mitigation will have a positive effect on reducing visual intrusion and may contribute to wider beneficial effects of the development.

Community Effects

- 3.32 An area of allotments will be permanently lost and will be replaced by a new site less than 2 miles away⁵⁶. The Secretary of State gave consent under section 8 of the Allotments Act 1925 for the disposal of the allotment land on 2 June 2017⁵⁷. More generally the proposed mitigation will enhance the amenity value of the non-motorised user (NMU) network and public open space, leading to a net benefit for people and communities⁵⁸.

Planning application

- 3.33 A full consultation and publicity process on the planning application was carried out⁵⁹. No objections were received from statutory or non-statutory consultees, including Natural England and Historic England⁶⁰.

⁵⁴ CD 3.13(a) Volume 1 Chapters 8, 10 and 11; SCC10P provides the details of the assessments and mitigation

⁵⁵ SCC G2 point 6

⁵⁶ CD 3.13(a) Volume 1 Chapter 13, paragraphs 13.4.6, 13.7.6 and tables 13-12, 13-13, 13-15, 13-16
⁵⁷ CD 3.14

⁵⁸ CD 3.13(a) Volume 1 Chapter 13 section 13.10 for summary

⁵⁹ SCC2P paragraphs 3.1-3.4

3.34 Representations were reported and considered conscientiously⁶¹. The officer report concluded that the proposal accorded with the development plan and that the identified harm would be outweighed by the wider public benefits⁶². Following a presentation at the Committee meeting the Planning and Highways Committee resolved to grant planning permission on 24 October 2017⁶³. The permission, dated 25 October 2017, is subject to 42 planning conditions⁶⁴. None of the conditions present impediments to practical or lawful delivery of the scheme⁶⁵.

Compliance processes

Side Roads Order⁶⁶

3.35 The purpose of the SRO is to enable the Council to stop up existing highways, stop up private means of access, carry out improvements to existing highways and construct new highways with respect to roads that cross or join the new Classified Road (SSTC3).

3.36 The SRO, if confirmed, would enable the scheme to be properly connected into the existing local highway network and will ensure that existing rights of access to private property and businesses are maintained and protected as far as reasonably possible. Therefore the SRO will support and enable the scheme objectives to be met as part of the scheme delivery process. It will provide certainty for programming and the construction works relating to the SSTC3 scheme.

3.37 The new Classified Road will be the main line of the new road to be constructed between the junction of Woodbine Terrace and Ditchburn Terrace and the junction of Trimdon Street West and Trimdon Street (south of Simpson Street). To the east of the Trimdon Street West and Trimdon Street junction, for the purposes of the SRO, the main line of the SSTC3 has been treated as Highway to be Improved.

3.38 The scheme includes several lengths of new highway (non classified) to be created that will all link or connect directly or in some cases indirectly with the new classified road. These lengths of new highway include new carriageway, new shared use surfaces and new footpaths.

3.39 The SRO provides for:

- Eleven separate lengths of existing highway to be stopped up at various points along the length of the scheme. In all cases they are either adopted roads and therefore the responsibility of the Council or where they have not been adopted they are within the ownership of the Council. Where required alternative access provision will be made⁶⁷.

⁶⁰ INQ 5

⁶¹ SCC2P paragraphs 3.7-3.45, CD 3.17

⁶² CD 3.17 - the paragraph immediately preceding the recommendation at the end of the report

⁶³ SCC2P paragraphs 3.86-3.93, CD 3.17

⁶⁴ CD 3.18

⁶⁵ Oral evidence of Mr Birkett and Mr Holden; see also SCC6P paragraphs 6.9.1 to 6.9.4

⁶⁶ SCC6P section 2

⁶⁷ SCC6A Appendix 2 Table 1

- Eighteen separate lengths of existing highway to be improved throughout the full length of the scheme.
- Eighteen separate private means of access to be stopped up. In most cases a new alternative private means of access will be provided. In some cases premises are to be extinguished pursuant to the CPO and therefore no new access will be required⁶⁸.

Traffic Regulation Orders (TROs)⁶⁹

3.40 Permanent TROs will be made towards the end of the construction period, whilst temporary TROs will be applied for in advance of works being undertaken and are likely to be required throughout the construction process. The TROs will be subject to a separate statutory process but the Council do not foresee any likely impediments.

Construction and Delivery

3.41 The authority has a clear delivery programme over a three year period from the start of the tendering process in July 2018 to the opening of the road to traffic in July 2021⁷⁰. Provided final approvals are obtained the aim is to start construction work in May 2019. Timescales are realistic and the timetable for the construction of the scheme is reliable given that it has been extended beyond an earlier proposal as a result of consultations with the construction industry. A procurement programme for the construction works has begun and the Council has invited tenders for the main works contract⁷¹.

3.42 The SSTC3 scheme is sufficient in scale and magnitude to impact on a range of privately and publicly owned services and supplies, both in the existing highway and on land affected by the scheme⁷². Detailed arrangements have been developed in conjunction with each of the statutory undertakers and utility companies for those services that will be affected by the scheme, including provision for some advance works to be completed ahead of the commencement of the main works. The main works contractor will be made responsible for liaison and coordination with the statutory undertakers and utility companies. In some cases the Council has already issued purchase orders to a significant value to some statutory undertakers in order to support early progress being made with this work.

3.43 A key land interest affected by the scheme is Nexus or the Tyne and Wear Passenger Transport Executive as owner and operator of the Tyne and Wear Metro railway. Dialogue is ongoing with a view to securing a number of separate agreements and there is no reason to believe there will be an impediment to delivery of the scheme⁷³.

⁶⁸ SCC6A Appendix 2 Table 2

⁶⁹ SCC6P section 4

⁷⁰ SCC6P paragraph 6.2.1

⁷¹ SCC6P paragraphs 6.3.1 to 6.4.13

⁷² SCC5P paragraphs 5.2.1 to 5.2.3 and SCC6P paragraphs 6.5.1-6.5.5 cover statutory undertakers in more detail

⁷³ SCC5P paragraphs 6.10.1.-6.10.3; INQ 13, INQ 13A

- 3.44 The construction process for the SSTC3 is viewed as a typical major highway scheme which combines both off line working to build the new road as well as online widening of existing highways. The western end of the STC3 will be built offline through a former shipyard. East of the Queen Alexandra Bridge the construction process would impact on existing highways in a more significant way by the widening of existing roads, with new junctions replacing those that currently exist. To ensure traffic safety and management the scheme will include for processes and construction techniques that are common place and viewed as standard within the construction industry.
- 3.45 A key construction challenge will be the construction of two new major retaining walls in the Pallion area and within the former Pallion shipyard. To assist understanding, the Council has developed a draft methodology for how the Pallion Lower Retaining Wall could potentially be constructed whilst maintaining access for all tenants and occupiers of the site⁷⁴. The earthworks for the scheme has been designed in such a way as to balance excavation and fill material in order to help minimise the movement of material around the site.
- 3.46 Arrangements have been made for temporary accommodation and parking to be provided for the works contractor at the Ropery offices, well located in the central area of the scheme. In addition a number of separate areas have been identified throughout the length of the scheme to be made available for temporary use. The Council is developing a separate programme of advance demolitions and enabling works to facilitate the main works construction programme and to help mitigate any remaining risks around former industrial sites. In most cases the ability to undertake these works will be subject to the agreement of licences with the relevant land interest⁷⁵.

Need for the CPO

- 3.47 The CPO comprises 138 plots of land/building, many with multiple interests⁷⁶. None of the plots are residential land. There are an unusually high number of minor interests in the form of short term occupants, occupying on informal agreements/expired leases and licences⁷⁷.
- 3.48 Prior to acquisitions commencing, the Council owned 38.2% of the land area within the CPO boundary (52 plots), which has increased to 52.9% (64 plots) by August 2018 as a result of voluntary acquisitions⁷⁸. Endeavours have been made to negotiate and treat with all affected parties⁷⁹. However, it is unlikely that the Council will be able to acquire all interests by negotiation. 18 plots are in unknown ownership and this land can only be acquired by compulsory purchase powers⁸⁰. Therefore for the scheme to proceed the CPO will be required to secure the property interests and enable construction of the highway.

⁷⁴ SCC6A Appendix 4

⁷⁵ SCC6P sections 7.3 and 7.4

⁷⁶ SCC3P paragraph 3.8, paragraph 10.1 contains a table setting out the affected owners and occupiers by reference to the CPO plot numbers.

⁷⁷ SCC3P paragraph 9.5 provides an analysis of the interests affected by the scheme

⁷⁸ SCC3P paragraphs 7.1 and 9.15 identify the plots

⁷⁹ SCC3P sections 9.0, 13.0 and 14.0, INQ 2 Appendix 2

⁸⁰ SCC3P paragraph 15.1

- 3.49 Early in the process it became apparent that a number of the interests comprised complex manufacturing facilities, whose relocation would be lengthy and for whom continuity of trade was imperative⁸¹. These interests were encouraged to engage early and support was given in identifying appropriate alternative accommodation. This policy has been successful and resulted in the relocation of Willowcrete and the potential relocation of Tarmac. Minor interests and potential injurious affected claimants are concentrated in Pallion Engineering, where consultations have been proactive.
- 3.50 The freehold of plot 1/8/a is owned by the Crown and hence is exempt from compulsory acquisition. Agreement in principle has been reached whereby the Council will be granted a leasehold interest together with a right to discharge surface water into the River Wear. A similar issue was successfully resolved in relation to SSTC Phase 2⁸².
- 3.51 The Council has a clear idea of how it is to use the plots contained in the CPO and why acquisition of the plots or rights is necessary⁸³. Land is required primarily to construct the main line of the SSTC3 and the related highways and to carry out essential mitigation. Plots required for temporary use by the contractor is essential licence land. Section 250 rights over plots are required for future maintenance of new retaining walls.

Funding

- 3.52 The scheme has been subject to a series of cost estimates reviews. As of May 2018 the forecast outturn cost stands at £70.80 million, including allowance for risk and increases in land acquisition costs⁸⁴.
- 3.53 SSTC3 has secure sources of funding and on 20 June 2018 Cabinet approved an additional £11.8 million required to fully fund the scheme⁸⁵. There is a provisional allocation of £40.50 million from the Government's Local Growth Deal⁸⁶. This financial support was in response to the Strategic Economic Plan of the North East Local Enterprise Partnership, which included the SSTC3 as priority scheme for the period post 2015/16⁸⁷. A sum of £5.60 million is available from the Department for Transport's Local Transport Programme Grant. Council funding is made up of Prudential Borrowing of £16.90 million and £7.80 million underspend from SSTC Phase 2⁸⁸.
- 3.54 Confidence in the latest cost estimate is supported by the Council's recent track record on SSTC Phase 2, which demonstrated successful management for a large infrastructure project.

⁸¹ SCC3P paragraph 13.3

⁸² SCC3P paragraph 16.1 as updated by Mr Farr in his evidence to the inquiry

⁸³ INQ 16 is a schedule setting out the reason for the inclusion of each plot in the CPO; INQ 17 is a series of plans with the road layout overlaid on the maps referred to in the CPO.

⁸⁴ SCC1P paragraphs 6.7 – 6.10

⁸⁵ CD 1.14

⁸⁶ CD 1.2

⁸⁷ CD 1.9 pages 71, 81

⁸⁸ SCC1P paragraph 6.9 and table

Objections⁸⁹

3.55 No objector takes issue with the principle of providing SSTC3. None seriously question the public benefits it would bring. The tenor of the objections which remain is largely that affected persons wish to ensure that the impact of the scheme is minimised, not avoided altogether. There has been no challenge to any of the Council's evidence called at the inquiry.

Modifications

3.56 No modifications to the CPO would be needed over and above those already proposed in response to the points raised by the Department for Transport during its initial consideration of the Orders. These modifications relate to plot descriptions and additional notations to sheets 1 and 2 of the Order Map.

3.57 The SRO and its plan would require minor modification to insert references to Corning Road in addition to Carol Street. A draft amended SRO and Order plan have been provided⁹⁰. In addition, to provide absolute clarity, a minor modification to the wording is suggested to the description of a private means of access to be stopped up, namely the Pallion internal access road leading from Queen Alexandra Bridge roundabout into Pallion Engineering Works⁹¹.

3.58 No modifications to the Orders are required as a result of the agreements reached which have led to the withdrawn objections.

Conclusions

3.59 Overall, there is a clear need for SSTC3. It would bring substantial benefits and its limited adverse effects would be acceptable, as confirmed by the planning permission for the scheme. There is no evidence to show that there are any legal or practical impediments to the delivery of the scheme.

3.60 The inevitable impact on private interests which are given qualified protection by Article 1 of the First Protocol to the European Convention on Human Rights would be proportionate and justified. There is a compelling case in the public interest for the CPO to be confirmed.

3.61 The SRO meets the applicable statutory tests.

3.62 The Council invites the Secretary of State to determine that the Orders should be confirmed with the identified minor modifications.

4. THE CASE FOR THE STATUTORY OBJECTOR AND THE INTERESTED PARTY

Cowie Properties LLP (Cowie) (OBJ 4)⁹²

4.1 Cowie is the freeholder owner of land between Deptford Terrace and Trimdon Street West⁹³. Cowie considers the site to have an important role in regenerating this part of the City. The Council resolved to grant planning

⁸⁹ Section 5 of this report details the Council's rebuttals

⁹⁰ INQ 18, INQ 19, INQ 20

⁹¹ SCC G3

⁹² OBJ 4.1, 4.2, 4.3

⁹³ OBJ 4.1 Appendix 1

permission for a mixed use scheme on 1 October 2013 subject to the completion of a section 106 agreement (the 2013 proposals). To date that agreement has not been completed. Cowie states that it is keen that the agreement be settled quickly in order that development at the site may commence. In February 2018 a pre-application submission was made, setting out an alternative mixed use proposal for the site, which Cowie understands has general support from the Council subject to addressing the national policy retail tests.

- 4.2 The objection is to the SRO and the CPO, where the Council has notified Cowie of its intention to either permanently or temporarily acquire plots 2/1(a) – 2/1(l) inclusive⁹⁴. No objection is made to the principle of SSTC3. However, Cowie considers it essential that SSTC3 does not prevent viable development coming forward and is concerned that the SSTC3 does not properly consider, or account for, the development proposals which the Council resolved should be granted planning permission. The key areas of concern relate to ground stability impacts of SSTC3 on the site, potential noise impacts and the capacity of the replacement access into the site being provided as part of the SSTC3 scheme.
- 4.3 Ground stability. The order plans indicate that the embankment to the north of the site would have a gradient of 1:20, which may impact on the development of the site.
- 4.4 Noise. Cowie submits that the 2013 proposals to regenerate the site should be at the forefront of the Council's mind when designing the noise mitigation measures. The Council's noise assessment presents a false comparison. It does not allow for Cowie's ability to carry out noise mitigation works on site as part of the regeneration scheme, which increases the area of the site with a higher risk in terms of noise exposure with the implementation of SSTC3. Cowie concludes that the noise attenuation measures do not adequately protect the site from harm and potentially restrict the development potential of the site
- 4.5 Transport and Access. The scheme includes a replacement entrance to the site. Cowie's transport consultants have been reviewing its capacity and the Council's assessment that the junction could satisfactorily accommodate 800 peak hour trips from the site. The review of the junction capacity included an audit of the output of the PICARDY model used by the Council.
- 4.6 Economic appraisal. Cowie requested that the Council make available the appraisal underlying the scheme in order that the accuracy of the high value for money claim in the Statement of Reasons could be validated.
- 4.7 Cowie's position as at 3 September 2018 is that whilst it continues to engage with the Council no agreement has been reached that satisfies Cowie's objections to the Orders.

Interested Party: Trafalgar Marine Technology Limited⁹⁵

- 4.8 Mr Pemberton, the Managing Director of Trafalgar Marine Technology, addressed the inquiry. He confirmed that he was not objecting to the road

⁹⁴ OBJ 4.1 Appendix 2

⁹⁵ TMT 1

scheme but was looking for an improvement to the design at the eastern end of Pallion Shipyard. He also confirmed that he and his company have no ownership or tenancy rights in relation to the Shipyard. He had set up within the yard in 2016 but he had been asked by the owners to remove his property from the yard, which he was in the process of doing.

- 4.9 Mr Pemberton explained he had been trying for many years to bring new technology and jobs to Sunderland. He saw great potential to develop a business based on building concrete products and structures in the three large buildings in the Shipyard. He envisaged the construction of a floating wharf of cellular concrete in front of a new dock gate and the use of the slab of the Stena building as a crane base for operation of the wharf and as a turning circle for vehicles at the end of the yard. Attention was also drawn to the development of a new construction material, high tensile laminated ferrocement, to replace steel plate and which could be used in the retaining walls for the new road to reduce costs.
- 4.10 An access at the eastern end of the yard⁹⁶ was essential in order to:
- a. bring cranes and other heavy machinery into the yard and to provide access to the proposed floating wharf; and
 - b. to serve as an emergency access, either in the event of a major accident on the new road in the vicinity of Queen Alexandra Bridge (where there would be steep banking on one side and a sheer drop the other side), or the occurrence of an industrial accident at the eastern end of the Shipyard beyond the pinch point between the industrial sheds.
- 4.11 Concern was also raised in the submissions about the procedures at the Council's Committee meeting when planning permission was granted for SSTC3.

5. REBUTTAL BY SUNDERLAND CITY COUNCIL

Cowie Properties LLP

- 5.1 The objections on behalf of Cowie's to the planning application for SSTC3 were given full consideration in the committee report⁹⁷.
- 5.2 The section 106 agreement for the outline planning application (ref 11/00917/OUT) has not been completed. Draft heads of terms were developed by the Council and issued to the applicant in October 2014. No substantive response has been received and no attempt has been made to progress the draft agreement. Therefore only limited weight can be given to the application in question.
- 5.3 The 2011 outline application acknowledged the existence of a future corridor for the SSTC. An ongoing dialogue with the objector has enabled the design for the SSTC3 scheme to include a major new access into the development site on its eastern boundary. Other aspects of the development proposal are being shared

⁹⁶ Mr Pemberton confirmed that at first he proposed a tunnel but then found an emergency access would be a better alternative due to costs and land levels.

⁹⁷ SCC2P paragraphs 3.20 to 3.34

as part of an ongoing dialogue. The Council is unclear as to what further consideration could be given to properly account for the development proposal.

- 5.4 The Council has supplied the information supporting the economic case and the BCR to the objector. There has been no response and the objector has not attended the inquiry to challenge the Council's evidence on this topic.

*Noise*⁹⁸

- 5.5 The new scheme will pass through the north and east of the site where previously there was no relevant road traffic. Noise levels in the areas close to the north east boundaries will be subject to noise levels above the significant observed adverse effect level (SOAEL) (65 dB L_{A10, 18h} free field) when previously the noise levels were below that level. However the scheme will reduce the traffic passing along Pallion New Road located to the south of the site. The noise levels at the south/south west area of the site above the SOAEL will retreat. Therefore when taking the site as whole its suitability for residential development will slightly increase with the SSTC scheme in place and with a 2 m high barrier located at the northern boundary of the site. A barrier is expected to decrease by 4-5% the area showing noise levels above 65 dB L_{A10, 18h} free field, depending on the exact location of the barrier.
- 5.6 The noise assessment is robust and none of the points criticised by Cowie's advisors would change the conclusion of the assessment⁹⁹.
- 5.7 The noise assessment was carried out in line with the methodology in the DMRB, where the effects of a scheme are identified comparing the scenario with the scheme (Do-Something) with the scenario without the scheme (Do-Minimum)¹⁰⁰. The definition of the Do-Minimum does not include any mitigation measure to reduce the effects of an 'absent' project – if the project is absent any mitigation related to that project is also absent. Furthermore, in accordance with the recognised methodology, the project scenario (Do-Something) does include mitigation.
- 5.8 The scheme provides at the area of the Cowie's site mitigation in the form of vertical alignment, by keeping the route low within natural topography to exploit any natural screening and enhancing this by the use of cuttings, and an environmental barrier in the form of a 2 m noise fence¹⁰¹. The mitigation is reasonable and appropriate for the site and in line with common practice set out in DMRB¹⁰².
- 5.9 In conclusion, the assessment of the noise impact on the Cowie's site is robust. The introduction of the scheme is unlikely to have a significant adverse effect on the site in terms of change in noise levels. The site would not become undevelopable in terms of residential use, albeit any future scheme would require the support of good acoustic design and consideration of appropriate

⁹⁸ SCC8P paragraphs 6.7 to 6.20

⁹⁹ SSC8A 1.1.4: the detailed response to matters raised on the noise model was in relation to the representations made on behalf of Cowie on the SSTC3 planning application.

¹⁰⁰ CD 5.1(k) and CD 5.1(n)

¹⁰¹ CD 6.17

¹⁰² CD 5.1(m) paragraph 4.3

mitigation in line with current planning policy. The mitigation that is proposed to be provided as part of the road scheme adequately protects the site.

Ground stability and access

- 5.10 The Council recognises the need to strengthen the embankment adjacent to the north west corner of the Cowie's site and has identified two potential options for doing so¹⁰³.
- 5.11 Dialogue between the Council and representatives of Cowie is ongoing on access. The Council understands that there is no issue with the proposed junction access in Cowie's site, although confirmation that this is the case has still to be received¹⁰⁴. All proposed junction layouts have been designed to provide the required traffic capacity in the Design Year 2035 and guidelines on appropriate junction provision for new roads is given in DMRB¹⁰⁵. The Council believes that it has addressed all the identified issues raised to date.

Trafalgar Marine Technology¹⁰⁶

- 5.12 Mr Pemberton was clear he does not wish to object to the Orders but only to improve the scheme. Mr Pemberton and his company have no interest as owner or tenant in any of the Order Lands or any part of the Pallion yard. He appears to have no right to occupy any part of the site and Pallion Engineering Limited is trying to remove him from the site. He is not in a legal or practical position to advance any of his ideas for the Pallion site.
- 5.13 His plans to introduce his manufacturing process to the Pallion site are no more than early aspirations. They may never progress because they do not have the support of the owners of the site and they have not been discussed with the Crown Estate who would be involved in relation to any proposal to create a wharf in or on the River Wear. Furthermore no planning application has been made to secure the requisite planning permission and there is no funding to support even a business plan.
- 5.14 The proposal for an eastern access relates to the floating wharf, part of the undeliverable aspirational plan. A second aim is to provide an emergency access but no such access is needed in the opinion of the Council as Highway Authority and as Local Planning Authority. None of the emergency services expressed any concern with the arrangements in the scheme. There is no evidence to support Mr Pemberton's concern about the safety of the design in the vicinity of a pinch point at the south side of the Pallion yard.

¹⁰³ SCC5P paragraph 6.8.3

¹⁰⁴ SCC6P paragraph 3.2.17

¹⁰⁵ CD 5.1(h)

¹⁰⁶ INQ 23 paragraphs 5 and 36

6. INSPECTOR'S CONCLUSIONS

The references in square brackets refer to earlier paragraphs, including related footnotes, in this report

Introduction

- 6.1 Each of the published Orders will be considered individually, the CPO with reference to the Government's guidance on the compulsory purchase process¹⁰⁷ and the SRO against the statutory tests set out in sections 14 and 125 of the Highways Act 1980. I have had due regard to the public sector equality duty under section 149 of the Equality Act 2010 and the relevant provisions of the Human Rights Act 1998.
- 6.2 The conclusions also take full account of all the environmental information, including that contained within the ES, submitted in respect of the SSTC3 scheme. [3.21-3.32]
- 6.3 The outstanding objection from Cowie will be addressed as part of the consideration of the CPO, with the proposed access into the Cowie site also being assessed in relation to the tests applying to the SRO. The representation by Trafalgar Marine Technology was not specific to one or other or both of the Orders. Therefore I will cover it in the context of each Order.

Procedural matter

- 6.4 The representations from Trafalgar Marine Technology included concerns about the decision making process on the planning application for the SSTC3. [3.34, 4.11]
- 6.5 As a matter of fact no legal challenge was made to the validity of the Council's decision or the planning permission granted by the Council on 25 October 2017. The time period for doing so has expired. Consequently a planning permission for the construction of the SSTC3 is in place. The extant planning permission is a consideration but it does not pre-determine the outcome of the order making process. [3.34]
- 6.6 These observations are with a view to assisting consideration of the point taken, given that matters of law are for the Secretary of State to decide.

Compulsory Purchase Order

- 6.7 The main matters for consideration in relation to the CPO will be whether:
 - there is a compelling case in the public interest for use of compulsory purchase powers as proposed in the Order;
 - the acquiring authority has a clear idea of how it is intending to use the land it seeks to acquire and whether it is able to show that all necessary resources are likely to be available to achieve that end within a reasonable time-scale;
 - the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These may include the programming of any infrastructure

¹⁰⁷ Guidance on Compulsory purchase process and The Crichel Down Rules [2018] Ministry of Housing, Communities & Local Government

- whether the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected.

Needs and benefits of the scheme

- 6.8 The SSTC project, comprising high quality highway infrastructure, would link the A19 and large manufacturing areas to the west with the Port of Sunderland, a key employment area and transport hub to the east of the city centre. The completion of this vital route, including SSTC3, is endorsed through the development plan for the area and the Local Transport Plan, important policy and strategy documents that have been subject to public scrutiny and consultation. [3.1, 3.14, 3.15]
- 6.9 A large number of development sites are concentrated along the route corridor on the south side of the River Wear. Following the successful completion of SSTC Phases 1 and 2, SSTC3 would provide the essential link between the earlier phases and enable their full potential to be realised in regeneration of the riverside wards and relieving congestion. Furthermore, SSTC3 is identified as a priority scheme by the North East Local Enterprise Partnership to relieve a key constraint of the road network, increase capacity, improve connectivity and encourage economic growth. No objection has been raised to the principle of SSTC3. [3.2, 3.3, 3.16, 3.19, 3.53, 3.55, 4.2, 4.8]
- 6.10 Regeneration of and investment in the area would bring economic, social and environmental benefits. Widening employment and training opportunities, improving communications accessibility and safety, reducing congestion and enhancing the physical surroundings would contribute to reducing deprivation and encourage participation within the community. The objectives of the scheme are consistent with and supportive of achieving sustainable development. [3.13-3.16, 3.18, 3.19]
- 6.11 The SSTC3 scheme has been subject to a rigorous design and development process. Options were carefully assessed before taking forward the current preferred route. The EIA enabled full reporting and evaluation of environmental effects. Measures were identified to reduce the magnitude of potentially negative impacts through the construction and operation of the project. Looking at the overall impacts with mitigation for each topic area, residual adverse effects were negligible or slight adverse and hence not significant. During operation beneficial effects were identified in respect of landscape character, noise and vibration, people and communities. During the planning application process the full consultation that took place with statutory and non-statutory consultees resulted in no objections. In the planning balance the benefits clearly outweigh any harm. The stage 1 and stage 2 road safety audits have resulted in detailed design amendments and improvements where appropriate. Overall a high quality scheme is demonstrated, offering high value for money. [3.9 - 3.12, 3.17, 3.18, 3.20-3.33]

Land requirements

- 6.12 Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects but Government guidance

recognises that formal procedures may be initiated to avoid the loss of valuable time in the implementation of a project.

- 6.13 In this project, involving an inner city location, a myriad of interests is involved. The Council has endeavoured to acquire plots by agreement where possible and has been proactive in engagement and negotiation with affected parties over a period of two years or so. Nevertheless a position has been reached where it is improbable that the Council would be able to acquire all the land necessary for the implementation of the scheme by private treaty. That being so, without a CPO in place the scheme would be severely delayed or jeopardised. [3.47-3.49]
- 6.14 The acquiring authority has explained adequately how it is intending to use each plot of land it is seeking to acquire, identifying those plots which are required for temporary use during construction and where rights are to be created in respect of future maintenance of the retaining walls. The 'close fit' in relation to the main line of the SSTC3 is further illustrated on plans submitted at the inquiry. No party disputes that the titles and rights sought by the CPO are necessary for the implementation of the scheme. [3.51]

Resources

- 6.15 The phased nature of the overall SSTC project responds to funding constraints and is directed at ensuring delivery of each phase. The regular reviews of the estimated costs of the SSTC3 scheme have ensured that the estimates are up to date, realistic and informed with the best available data. Funding of the scheme has been secured through allocations from the Government's Local Growth Deal and Local Transport Programme Grant, with the remaining balance from the Council. The 3 year delivery programme is based on expert knowledge and experience. The SSTC Phase 2 has demonstrated the ability of the Council to deliver a major road scheme on time and within budget, thereby increasing confidence that the SSTC3, if confirmed, would be achieved within a reasonable time-scale. [3.2, 3.41, 3.52-3.54]

Implementation

- 6.16 The scheme has full planning permission. In my experience the details required to be submitted through the pre-commencement conditions are typical for a development of this nature. Compliance with the planning requirements is unlikely to delay progress, given careful attention to design details and the recommended mitigation measures highlighted in the ES and the submission of applications to a high standard for approval. [3.34]
- 6.17 The evidence of the Council has demonstrated full awareness of the engineering challenges and the risks associated with development of former industrial sites. Preliminary design and enabling works provide confidence that there would be no insuperable or unforeseen issues resulting in undue delays. [3.12, 3.44-3.46]
- 6.18 The necessary consent has been obtained from the Secretary of State for the disposal of the allotment land located off Simpson Street, Wellington Lane. [3.32]

6.19 An Appropriate Assessment under the Habitat Regulations¹⁰⁸ was carried out prior to the determination of the planning application by the Council as local planning authority and acting as the competent authority. The Appropriate Assessment concluded that there will be no significant adverse effects on the integrity of the Northumbria Coast SPA, Durham Coast SAC or Northumbria Coast Ramsar as a result of the SSTC3 road scheme and that no mitigation or compensation measures are required. I consider that the scope and analysis of information was sound and accordingly the conclusion is robust. Attention has not been drawn to any material changes in circumstances since the Appropriate Assessment was completed that would trigger the duty to review. [3.23, 3.24]

6.20 The necessary SRO is being promoted by the Council and if confirmed will support and enable the scheme to be properly connected into the highway network. Additional consents, orders and licences will need to be obtained under separate legislation in respect of such matters as nature conservation, traffic regulation, Crown land and operational land. There is no reason or evidence to anticipate any impediments as a result, bearing in mind ongoing constructive dialogue with the relevant interested parties and the lack of objection. [3.4, 3.36, 3.22, 3.40, 3.43, 3.46, 3.50, 3.59]

Outstanding objection by Cowie Properties LLP

6.21 The objection is specific to an area of land owned by Cowie. The site is previously developed land that has been cleared of the former buildings. An objective of the SSTC3 is to encourage regeneration of this area of vacant land, as part of a wider regeneration programme. However, even though a redevelopment scheme was supported by the Council, in so far as a resolution was made to grant planning permission, there is no extant permission in view of a lack of progress agreeing the necessary planning obligations. Alternative proposals are currently being explored with the Council, indicating a probability that the original scheme may not be pursued. The absence of firm proposals, which are capable of being implemented in accordance with a planning permission, results in a high level of uncertainty about the future form of any redevelopment scheme. In turn this substantially weakens the basis of the site specific issues raised through the objection. [3.3, 3.16, 4.1, 4.2, 5.2]

6.22 I am satisfied that the Council's noise assessment is in accordance with the methodology set out in the relevant guidance in DMRB. In particular, it enables an appreciation of the noise climate both with and without the road project, referred to as the Do-Something and the Do-Minimum scenarios respectively. Bearing in mind the high level of uncertainty over acceptable proposals that may come forward for the Cowie site, the scenarios have been assessed appropriately for a baseline and a future year. [4.4, 5.5-5.7]

6.23 The noise attenuation measures proposed in the design of the SSTC3 route include vertical alignment and an environmental barrier, which are in accordance with the design and mitigation techniques identified in DMRB. There

¹⁰⁸ The Conservation of Habitats and Species Regulations 2010, SI 2010/490. The 2010 Regulations, with subsequent amending instruments, were consolidated by the Conservation of Habitats and Species Regulations 2017, SI 2017/1012 (the Regulations) which also made minor modifications reflecting changes to related legislation.

are no grounds for concluding either that the site would be inadequately protected in relation to noise or that the development potential of the site would be restricted. [4.4, 5.8, 5.9]

- 6.24 A replacement access as part of a staggered priority junction would be constructed in the north eastern corner of Cowie's site. The position as described by the objector was that the capacity of the junction was being reviewed by their transport consultant. The outcome of that review has not been provided and no evidence to support any specific concerns about the PICARDY model has been submitted. That being the case, a reasonable conclusion is that Cowie is satisfied with the proposed junction capacity and arrangement. The Council's understanding supports such a conclusion. [3.6, 4.5, 5.3, 5.11]
- 6.25 Furthermore, the junction analysis through the PICARDY modelling for the proposed Deptford junction, one arm being the Cowie site access, shows that the junction operates well within capacity, with spare capacity to allow for additional development traffic in the future¹⁰⁹. In the absence of any evidence to the contrary there is no justification for questioning the analysis. Therefore in all probability the proposed access arrangements would not prevent redevelopment of the land. [4.2]
- 6.26 The questioning of the scheme's value for money has not been taken forward and substantiated. I have considered the Council's evidence, including the supporting documentation. The OBC was prepared in accordance with accepted methodology and the conclusion that the scheme offers high value for money is reasonably justified. [3.20, 4.6, 5.4]
- 6.27 A reasonable expectation is that appropriate engineering solutions would be incorporated in the detailed design of the embankment to the north of the objector's site to ensure ground stability and safety. It is not a matter that adversely affects the justification for the CPO. [3.12, 4.3, 5.10]

Representation by Trafalgar Marine Technology

- 6.28 The stated aim to bring new technology and jobs to Sunderland is laudable. However, there is no evidence to demonstrate that the plans for pursuing this aim at the Pallion Shipyard are realistic. In this respect it was established that Mr Pemberton and his company have no interest as owner or tenant. Moreover, the aspirational ideas for a floating wharf and use of buildings at Pallion Shipyard have no evident support from the landowner, no funding and no benefit of a planning permission. [4.8, 4.9, 5.12, 5.13]
- 6.29 Within this context, the proposal for the inclusion of an eastern access to serve the Pallion site is without justification. In addition, taking account of the professional expertise and experience of highway engineers and the emergency services, an eastern access is not required for use in the event of an industrial or road accident or emergency. [4.10, 5.14]

¹⁰⁹ SSTC Transport Assessment January 2017 paragraphs 7.4.1-7.4.3 and Table 7-6, and Appendix G (the full document was submitted with the Statement of Case)

Human rights

- 6.30 The Convention right engaged is Article 1 of the First Protocol, a person's right to the peaceful enjoyment of their possessions. It is a qualified right that requires a fair balance between the fundamental right of the individual against the wider public interest. Trafalgar Marine Technology has no interest in the Order lands and therefore a right under Article 1 of the First Protocol is not engaged. No residential land is included within the CPO and hence Article 8, the right to respect for home and family life, is not engaged. [3.47, 4.8, 5.12]
- 6.31 It is very relevant that only one of the statutory objections remains outstanding and the landowner has not explicitly substantiated an objection on human rights grounds. The land to be acquired is predominantly areas of woodland, scrubland and brownfield land on the edge of the much larger land parcel, which would not be acquired. As set out above, I have concluded that the objection to the CPO is not well founded. [1.3, 1.7, 4.2]
- 6.32 National methodologies, guidance and standards are set to protect all members of the community and have been applied in the design of the scheme. SSTC3 would perform well against the stated objectives and encourage regeneration of the area, leading to wider social, economic and environmental benefits. Where adverse impacts are likely to occur they have been shown to be within acceptable limits. Alternative route alignments were explored but were found to perform less well in delivering against the success criteria and objectives. There is a compelling case in the public interest for use of compulsory purchase powers and no more land than necessary would be affected. The interference with rights under Article 1 of the First Protocol is necessary and proportionate. [3.4, 3.15-3.17, 3.20, 3.22-3.32, 3.51, 3.60]

The Side Roads Order

- 6.33 The essential tests are set out in the Highways Act 1980, in sections 14 and 125, which require that:
- a) No highway shall be stopped up unless another reasonably convenient route is available or will be provided before the highway is stopped up.
 - b) The stopping up of a private means of access shall not be authorised unless no access to the premises is reasonably required, or that another reasonably convenient means of access to the premises is available or will be provided.
 - c) Provision has been made for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across the highway to be stopped up or diverted.

Highways to be stopped up

- 6.34 The highways to be stopped up at the western end of the route will be replaced by new highways to the east and north of Forster's Printworks, which in turn will link to the new dual carriageway. New footways and lengths of cycle track will also connect into the new route. The length of Deptford Terrace to the north of the Cowie's site in effect will be replaced by the new highway and the Schedule to the SRO specifically refers to the provision of a new cycle track. In the area

of Simpson Street and Trimdon Street West new cycle tracks and a footpath are to be created to provide access between the SSTC3 route and the adjacent areas. At the eastern end of the route there is no specified new highway in relation to the short stub of Ayre's Quay Road and the semi-circular footpath. However the improvements proposed as part of the scheme will provide suitable alternative routes for access. In conclusion the SRO makes provision for alternative reasonably convenient routes, where necessary, to address the needs of all users of the highway. [3.5, 3.6, 3.8, 3.38, 3.39]

Private means of access

- 6.35 The private means of access proposed to be stopped up include access to large sites occupied by a range of industries and businesses, a vacant site awaiting redevelopment and retail parks. [3.39]
- 6.36 The one outstanding objection is in respect of the proposed access into Cowie's site. The objection in fact makes little direct reference to the statutory tests in the Highways Act 1980 but the indication is that the objector considers the alternative proposed means of access may have insufficient capacity to accommodate traffic generated by redevelopment of the site. The conclusions I reached in respect of the CPO are equally relevant within the context of the SRO. In summary, the lack of detailed evidence to challenge the modelling carried out on behalf of the Council suggests that as a result of the objector's further review the proposed junction capacity and arrangement is considered satisfactory. I have reviewed the relevant information in the Transport Assessment submitted in support of the scheme and find that adequate capacity would be provided even allowing for additional development traffic in the future. Therefore, all matters considered, another reasonably convenient means of access to the Cowie's site will be provided. [3.6, 4.5, 5.11]
- 6.37 At the western end of the route the private means of access serving Forster's Printworks and the Pallion Shipyard would be affected in the vicinity of Ditchburn Terrace and Pallion Gatehouse. Provision is made for new private means of access to be formed from the new highways and junction in the vicinity of Sunderland Wall. The new access to serve Pallion Shipyard would offer a reasonably convenient route and no additional access at the eastern end of the Shipyard is necessary, whether for emergency purposes or to facilitate an aspirational floating wharf. [3.5, 4.10, 5.13, 5.14]
- 6.38 A number of private means of access would be stopped up leading off Deptford Terrace (near the cement works) and in the Simpson Street area. In view of the fact that premises will be extinguished in the event the scheme proceeds no alternative means of access is required. [3.7, 3.39]
- 6.39 Moving east, currently pedestrians are able to gain access to the retail parks from Trimdon Street at several points by footways, steps and ramped access ways. The scheme provides for new convenient means of pedestrian access linking the retail parks to the improved Trimdon Street corridor. [3.9]
- 6.40 A new access point from Farrington Row to vacant land to the east would adequately replace the current private access from Ayre's Quay Road. [3.39]
- 6.41 In conclusion, where a private means of access is proposed to be stopped up another reasonably convenient means of access to the premises is available or

will be provided or no access to the premises is reasonably required. The statutory test is met.

Statutory undertakers

6.42 The evidence demonstrates that the Council is fully aware of and committed to exercising its obligations to preserve any rights of statutory undertakers in respect of any apparatus of theirs which may be affected by the Order. Detailed arrangements are being developed with each of the statutory undertakers, which include provision to ensure apparatus will be diverted where necessary. The stated intention is to fully appraise the appointed works contractor of their responsibilities in respect of services and utilities. The fact that no objections have been received on behalf of a statutory undertaker is an indicator of the constructive nature of the dialogue and thoroughness of the design process. [3.42]

Additional issue: European Designated Sites

- 6.43 Internationally important sites designated for their habitat and birdlife and a wetland of international importance are within 4 km of the proposed route of the SSTC3. The SRO would enable the SSTC3 development to take place. [2.5]
- 6.44 For the purposes of the Regulations the Secretary of State is the competent authority (regulation 7). The SSTC3 would not be directly connected with or necessary to the management of the European Sites. Before deciding to authorise confirmation of the SRO it is necessary to first consider whether the project is likely to have a significant effect on the European Sites (either alone or in combination with other plans or projects). In relation to the planning application, at the screening stage it was not possible to rule out significant effects. This was primarily due to a lack of information and the scheme design was yet to be finalised. An Appropriate Assessment was necessary. Now the information base is very much more comprehensive and includes the analysis and conclusions of the Appropriate Assessment. I consider that the findings in respect of the European Sites remain valid and applicable. Even though the air quality assessment has been reworked, the study demonstrated negligible or slight (and hence not significant) effects for sensitive sites much closer to the proposed SSTC3 route. [3.23, 3.24, 3.27]
- 6.45 The Appropriate Assessment concluded that (i) there will be no adverse significant effects on the integrity of the European Sites as a result of the SSTC3, both during development and operational use; and (ii) no mitigation or compensation measures are required. Having given careful consideration to the Appropriate Assessment, the incorporation of drainage outfalls into the scheme design and landscaping proposals form integral elements of the scheme design and in my view do not amount to measures intended to avoid or reduce harmful effects of the project on the European Sites. I am satisfied that all other possible effects in relation to pollution and disturbance are able to be screened out for the reasons set out in the Appropriate Assessment (either alone or in combination with other plans or projects). A new Appropriate Assessment is not required before authorisation of the SRO. [3.23, 3.24]

6.46 In the event that the Secretary of State disagrees with my conclusions, including as to whether measures are integral to the scheme design rather than mitigation, an Appropriate Assessment would be necessary¹¹⁰.

Proposed Modifications to the Orders

6.47 The proposed modifications to the Orders are of a minor nature to improve clarity and precision and may be made without prejudice or injustice. [3.56, 3.57]

6.48 The proposed modifications to the CPO are:

- In the Schedule Table 1 reference number plot 3/4b delete the description and substitute "1336 square metres of wooded area and grass land immediately north of Carol Street, 10 metres south of A1231 Trimdon Street West, 30 metres south east of A1231 Trimdon Street West / Simpson Street junction, 60 metres west of Beach Street roundabout."
- Delete the words "approximately" and "about" from the plot descriptions in the Schedule Table 1.
- In the Schedule Table 1, delete the word "Unregistered" where shown in the sub columns of column 3 and substitute the word "Unknown".
- Substitute map ref SSTC3-CAP-LLP-00-DR-Z-3001 revision P08 as sheet 1 of 4 and substitute map ref SSTC3-CAP-LLP-00-DR-Z-3002 revision P08 as sheet 2 of 4 in the set of maps referred to in the Order.

6.49 The proposed modifications to the SRO are:

- In The Schedule to the Order under the heading Highways to be improved insert "Corning Road" below "Ropery Access from Deptford Terrace".
- In The Schedule to the Order under the heading Highways to be improved (junction tie-ins) insert "Corning Road (junction with Carol Street)" below "North Milburn Street (junction with Carol Street)".
- In The Schedule to the Order under the heading Private means of access to be stopped up delete "Pallion internal access road leading from Queen Alexandria Bridge roundabout into Pallion Engineering Works." and substitute "Pallion internal access road leading from Queen Alexandria Bridge roundabout into Pallion Engineering Works, from a point 200 metres west of Queen Alexandria Bridge eastwards for 180 metres."
- Substitute the site plan reference SSTC3-CAP-LSI-00-DR-C-0001 revision P05 for the site plan attached to the Order.

¹¹⁰ *People Over Wind and Peter Sweetman v Coillte Teoranta* [2018] ECJ Case C-323/17

Conclusions on the Orders

Side Roads Order

- 6.50 The proposals for improving, constructing or stopping up the highways in question and for the stopping up of private means of access are necessary to carry out the SSTC3 scheme and to ensure the highway design is compliant with the relevant standards.
- 6.51 In all cases involving the stopping up of highways another reasonably convenient route is available or will be provided, principally through the construction of the new and improved road and by the provision of new footpath and cycle tracks.
- 6.52 Where a private means of access is to be stopped up and access to the premises is reasonably required, another reasonably convenient means of access is available or will be provided before each stopping up takes place.
- 6.53 Provision is being made to maintain any rights of statutory undertakers in respect of any apparatus of theirs affected by the SSTC3 scheme.
- 6.54 Therefore the statutory requirements are met, enabling the SRO as proposed to be modified to be confirmed.

Compulsory Purchase Order

- 6.55 Examination of the Schedule and the plans accompanying the Order produces no evidence of any proposal to purchase land or rights other than those necessary to implement the SSTC3 scheme. No representations have been made to the contrary. I am satisfied that the Order includes no more land than is necessary and that the acquiring authority has a clear idea of how it intends to use the land.
- 6.56 Funding is available and no impediments to the implementation of the SSTC3 scheme have been identified. In the event the Orders are made, arrangements are in hand to commence the main project in Spring 2019.
- 6.57 There is a compelling case in the public interest for delivery of the SSTC3 scheme in order to secure economic, social and environmental benefits for the City, its residents and businesses. Accordingly there is justification for the interference with the human rights of those with an interest in the land affected by the CPO. The interference is necessary and proportionate to achieve the legitimate objectives of the SSTC3 scheme and no violation of their rights would result.

7. RECOMMENDATIONS

- 7.1 I recommend that the Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017 should be modified as indicated in paragraph 6.49 above and that the Order so modified should be confirmed.
- 7.2 I recommend that the Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3) Compulsory Purchase Order 2017 should be modified as

indicated in paragraph 6.48 above and that the Order so modified should be confirmed.

Diane Lewis

Inspector

APPENDIX 1: APPEARANCES

FOR SUNDERLAND CITY COUNCIL:

Mr Martin Carter of Counsel

He called

Mr Ken Heads BSc MSc
CEng MICE MCIHT Infrastructure and Commercial Design Manager,
Sunderland City Council

Mr Daniel Moon PhD MRes
BSc (Hons) Air Quality Consultant, Capita

Mr Richard Blackburn Infrastructure Team Leader, Capita and Project
BEng CEng MICE Manager for SSTC

Mr Ian Birkett BA(Hons)
PGDip MRTPI Senior Planning Officer, Sunderland City Council

Mr Richard Farr BSc FRICS Partner, Sanderson Weatherall

Mr Stuart Clarke MSc BSc
TPP MCIHT Lead Transport Planner, Capita

Mr Geoff Holden BSc CEng
MICE Associate/Project Manager, Real Estate &
Infrastructure Business Unit, Capita

Mrs Rachel Taylor Principal Environmental Planner, Capita
BSc(Hons) MA CEnv MIEMA

Mr Josep Simona MSc Principal Acoustic Consultant, Capita
CEnv MIEEnvSc MIOA AIAQM

Mr Kevin Gillespie Landscape Architect, Capita
BSc(Hons) PgDip

FOR THE STATUTORY OBJECTORS:

Pallion Engineering Ltd

Mr Simon Bird QC

Instructed by Geldards
No witnesses were called

Praedius UK (No. 1) Ltd and European Metal Recycling

Jonathan Easton of Counsel

Instructed by Eversheds Sutherland
No witnesses were called

Hanro Group

Erin Peart

No witnesses were called

INTERESTED PERSONS:

Mr Michael Pemberton

Trafalgar Marine Technology Ltd

APPENDIX 2: DOCUMENT LISTS

Core Documents

1 Project Development		
CD 1.1	Cabinet report and minute: SSTC Adoption of preferred route	19 January 2005
CD 1.2	North East Growth Deal Government Publications	7 July 2014
CD 1.3	Cabinet report and minute: SSTC3 progress design and development	3 September 2014
CD 1.4	Letter to all registered land interests	8 December 2014
CD 1.5	SSTC3 Options Assessment Report Capita	22 April 2016
CD 1.6	Route Option Drawings 1 & 2 Capita	22 December 2015
CD 1.7	Letter to businesses	23 November 2016
CD 1.8	Cabinet report and minute: Approval of SSTC3 layout	23 November 2016
CD 1.9	A Strategic Economic Plan for the North East 2014 and Update, North East Local Enterprise Partnership	April 2014, updated January 2107
CD 1.10	Cabinet report (including Appendix 1 and 2 only) and minute: Capital Programme 2017/18 to 2019/20	8 February 2017
CD 1.11	Letter to businesses	8 September 2017
CD 1.12	Letter to businesses	23 January 2018
CD 1.13	Letter to businesses	23 May 2018
CD 1.14	Cabinet report and minute: Update on SSTC and approval of funding and procurement for SSTC3	20 June 2014
CD 1.15	Sunderland Transforming Our City, The 3,6,9 Vision	July 2017
CD 1.16	SSTC3 Outline Business Case, Capita	January 2018
CD 1.17	SSTC Monitoring and Evaluation Plan, Capita	December 2017
CD 1.18	SSTC Benefits Realisation Plan, Capita	December 2017
CD 1.19	LTP3: The Third Local Transport Plan for Tyne and Wear Strategy 2011-2021, Tyne and Wear Integrated Transport Authority	March 2011
2 Compulsory Purchase Order and Side Roads Order		
CD 2.1	Cabinet report and minute: SSTC3 Acquisition of Land and Making of Statutory Orders	26 April 2017
CD 2.2	The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017 and Order Maps	12 September 2017
CD 2.3	The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3) Compulsory Purchase Order 2017 and Order Maps	13 September 2017
CD 2.4	Statement of Reasons for SRO and CPO	September 2017
CD 2.5	Objections to CPO and SRO	October/November 2017
CD 2.6	Statement of Case of Sunderland City Council	January 2018
3 Planning Policy and Planning Application		
CD 3.1	City of Sunderland Unitary Development Plan	1998
CD 3.2	Secretary of State Direction – saved Unitary Development Plan policies	4 September 2007

CD 3.3	Unitary Development Plan Alteration No.2 (Central Sunderland)	September 2007
CD 3.4	Secretary of State Direction Sunderland Unitary Development Plan Alteration No.2 (Central Sunderland)	16 July 2010
CD 3.5	National Planning Policy Framework	March 2012
CD 3.6	Planning and Highways Committee report (relevant extracts) and minute	21 November 2012
CD 3.7	Development Control (South Sunderland) Sub Committee report outline application ref 11/00917/OUT Former Cornings site	1 October 2013
CD 3.8	Screening Opinion SSTC3 15/02325/SCR	23 December 2015
CD 3.9	Scoping Opinion SSTC3 16/00074/SCO	21 March 2016
CD 3.10	Draft Core Strategy and Development Plan 2015-2033	July 2017
CD 3.11	Draft Infrastructure Delivery Plan	July 2017
CD 3.12	Relevant representations received on Draft Plan 2015-2033	August 2017
CD 3.13	Planning Application 17/00197/LP3 (selected documents only) <ul style="list-style-type: none"> a) SSTC3 Environmental Statement Volume 1; Volume 2 Plans; Volume 3 Appendices b) SSTC3 Design and Access Statement c) SSTC3 Planning Statement d) SSTC3 Statement of Community Involvement e) SSTC3 Transport Assessment f) SSTC3 General Arrangement Layout Overview (Plan ref SSTC3-CAP-LPN-00-DR-C-1000 PL01) 	January 2017
CD 3.14	Allotments Act 1925 Section 8: Secretary of State consent	2 June 2017
CD 3.15	The Council of the City of Sunderland Revocation of Hazardous Substances Consent Order (No.1) 2017 Land at Ayres Quay Holder Station Wellington Lane	3 October 2017
CD 3.16	Representations on planning application ref 17/00197/LP3	2017
CD 3.17	Planning and Highways Committee report and minute SSTC3 planning application ref 17/00197/LP3	24 October 2017
CD 3.18	SSTC3 planning application ref 17/00197/LP324 Decision Notice	25 October 2017
CD 3.19	Core Strategy and Development Plan 2015-2033 Publication Draft	June 2018
	4 Traffic Model	
CD 4.1	SSTC3 Traffic Data Report, Capita	September 2016
CD 4.2	SSTC3 SATURN Local Model Validation Report, Capita,	September 2016
CD 4.3	SSTC3 Forecasting Report, Capita,	January 2017
	5 Highway Design	
CD 5.1	Design Manual for Roads and Bridges	

	a) Volume 6 Section 1 Part 1 TD 9/93 - Amendment No 1 Highway Link Design	February 2002
	b) Volume 6 Section 2 Part 3 TD 16/07 Geometric Design of Roundabouts	August 2007
	c) Volume 6 Section 1 Part 2 TD 27/05 Cross-Sections and Headrooms	February 2005
	d) Volume 6 Section 2 Part 7 TD 41/95 Vehicular Access to All-Purpose Trunk Roads	March 1995
	e) Volume 6 Section 2 Part 1 TD 42/95 Geometric Design of Major/Minor Priority Junctions	January 1995
	f) Volume 6 Section 2 Part 3 TD 50/04 The Geometric Layout of Signal-Controlled Junctions and Signalised Roundabouts	November 2004
	g) Volume 6 Section 3 Part 5 TD 51/17 Segregated Left Turn Lanes and Subsidiary Deflection Islands at Roundabouts	February 2017
	h) Volume 6 Section 2 Part 1 TA 23/81 Junctions and Accesses: Determination of Size of Roundabouts and Major/Minor Junctions	December 1981
	i) Volume 2 Section 2 Part 8 TD 19/06 Requirement for Road Restraint Systems	August 2006
	j) Volume 1 Section 1 Part 1 BD 2/12 Technical Approval of Highway Structures	May 2012
	k) Volume 11 Section 2 Part 5 HA 205/08 Assessment and Management of Environmental Effects	August 2008
	l) Volume 5 Section 2 Part 2 HD 19/15 Road Safety Audit	May 2017
	m) Volume 11 Section 3 Part 7 HD 213/11 - revision 1 Noise and Vibration	November 2011
	n) Volume 11 Section 2 Part 7 HA 218/08 Glossary of terms used in DMRB Volume 11 Sections 1 and 2	August 2008
CD 5.2	Residential Design Guide Supplementary Planning Document, Sunderland City Council	October 2008
CD 5.3	Provision of Road Restraint Systems on Local Authority Roads, Department for Transport UK Roads Liaison Group	October 2011
CD 5.4	SSTC3 Highway Alignment Departures and Relaxations Summary Report and Plans, Capita	February 2018
CD 5.5	SSTC3 Road Safety Audit (Stage 1), Capita	November 2016
CD 5.6	SSTC3 Road Safety Audit (Stage 1) Designers Response	
CD 5.7	SSTC3 Stage 2 Road Safety Audit, Capita	January 2018
CD 5.8	SSTC3 Road Safety Audit 2 - Designers Response	May 2018
CD 5.9	SSTC3 Retaining Wall Numbers and Locations Drawing No. SSTC3-CAP-SRW-00-DR-C-1001	August 2018
CD 5.10	SSTC Approval in Principle - Pallion Lower & Upper Retaining Walls Document Review Notice	13 February 2018
	6 Environmental Documents	
CD 6.1	Guidance on the assessment of dust from	February 2014

	demolition and construction, Institute of Air Quality Management (IAQM)	
CD 6.2	Land-Use Planning & Development Control: Planning for Air Quality, IAQM	May 2015
CD 6.3	Local Air Quality Management Technical Guidance, Department for Environment Food & Rural Affairs (TG16)	February 2018
CD 6.4	TAG Unit A3 Environmental Impact Appraisal, Department for Transport	December 2015
CD 6.5	Forthcoming Change to WebTAG Department for Transport	March 2017
CD 6.6	DMRB Volume 11 Section 3 Part 1 HA 207/07 Air Quality	May 2007
CD 6.7	DMRB Interim Advice Note 170/12 Updated air quality advice on the assessment of future NOx and NO ₂ projections for users of DMRB Volume 11 Section 3 Part 1 'Air Quality'	November 2012
CD 6.8	Air Quality Worksheet- Local Air Quality	
CD 6.9	Greenhouse Gases Workbook	
CD 6.10	Construction Environmental Management Plan SSTC3, Capita	February 2018
CD 6.11	SSTC3 Heritage Statement, Capita	January 2017
CD 6.12	Extended Phase 1 Survey SSTC3, Durham Wildlife Services	May 2015
CD 6.13	SSTC3 Appropriate Assessment, Capita	January 2017
CD 6.14	SSTC3 BS5837:2012 Trees in relation to design, demolition and construction, Capita	January 2017
CD 6.15	Code of practice for noise and vibration control on construction and open sites – Part 1 Noise British Standards Publication BS 5228-1:2009+A1:2014	February 2014
CD 6.16	Professional Practice Guidance: Planning & Noise New Residential Development	May 2017
CD 6.17	SSTC3 Fencing Drawings Sheet 3 of 8 ref SSTC3-CAP-HFE-00-DR-C-1003 T03 Sheet 4 of 8 ref SSTC3-CAP-HFE-00-DR-C-1004 T03 Sheet 5 of 8 ref SSTC3-CAP-HFE-00-DR-C-1005 T03	July 2017
CD 6.18	Control of water pollution from construction sites Guidance for consultants and contractors, CIRIA C532	2001
CD 6.19	Interim Advice Note 135/10 Landscape and Visual Effects Assessment	November 2010
CD 6.20	Photography and photomontage in landscape and visual impact assessment Landscape Institute Advice Note 01/11	March 2011

Sunderland City Council Evidence

SCC1P	Statement of Evidence of Ken Heads
SCC1S	Summary Statement of Evidence of Ken Heads
SCC2P	Statement of Evidence of Ian Birkett
SCC2S	Summary Statement of Evidence of Ian Birkett
SCC3P	Statement of Evidence of Richard M Farr

SCC3A	Appendices of Richard M Farr
SCC3S	Summary Statement of Evidence of Richard M Farr
SCC3R	Rebuttal Proof of Evidence of Richard M Farr
SCC4P	Statement of Evidence of Stuart Clarke
SCC4S	Summary Statement of Evidence of Stuart Clarke
SCC4R	Rebuttal Evidence of Stuart Clarke
SCC5P	Statement of Evidence of Richard Blackburn
SCC5A	Appendices relating to Statement of Evidence of Richard Blackburn
SCC5S	Summary Statement of Evidence of Richard Blackburn
SCC5R	Rebuttal Evidence of Richard Blackburn
SCC6P	Statement of Evidence of Geoff Holden
SCC6A	Appendices to Statement of Evidence of Geoff Holden
SCC6S	Summary Statement of Evidence of Geoff Holden
SCC6R	Rebuttal Evidence of Geoff Holden
SCC6R2	Rebuttal Evidence of Geoff Holden
SCC7P	Statement of Evidence of Rachel Marie Taylor
SCC7S	Summary Statement of Evidence of Rachel Marie Taylor
SCC8P	Statement of Evidence of Josep Simona
SCC8A	Appendices relating to Statement of Evidence of Josep Simona
SCC8S	Summary Statement of Evidence of Josep Simona
SCC9P	Statement of Evidence of Daniel Robert Moon
SCC9S	Summary Statement of Evidence of Daniel Robert Moon
SCC10P	Statement of Evidence of Kevin Gillespie
SCC10S	Summary Statement of Evidence of Kevin Gillespie
SCC G1	Response to Objections Matrix
SCC G2	Response to comments from Department for Transport
SCC G3	Response to Inspector's question on a private means of access to be stopped up
SCC G4	Map referred to in the CPO sheet 1 of 4 ref SSTC3-CAP-LLP-00-DR-Z-3001 rev P08

Statutory Objections to the Order

	O&H Ltd
OBJ 1	Objection dated 2 October 2017 to CPO
OBJ 1.1	Objection withdrawn 29 June 2018
OBJ 2	Sunderland Coachworks and MAJ Paints
OBJ 2.1	Objection dated 10 October 2017 to SRO
OBJ 2.2	Objection withdrawn 04 September 2018 (see INQ 8)
OBJ 3	Praedius UK (No.1) Limited and European Metal Recycling Limited
OBJ 3.1	Objection dated 26 October 2017 to SRO
OBJ 3.2	Objection dated 26 October 2017 to CPO
OBJ 3.3	Proof of Evidence of Ged Massie
OBJ 3.4	Appendices to Proof of Evidence of Ged Massie
OBJ 3.5	Summary Proof of Evidence of Ged Massie
OBJ 3.6	Proof of Evidence of Mr Simon Dodd
OBJ 3.7	Appendices to Proof of Evidence Mr Simon Dodd
OBJ 3.8	Summary proof of Evidence Mr Simon Dodd
OBJ 3.9	Objection to SRO withdrawn 21 September 2018
OBJ 3.10	Objection to CPO withdrawn 21 September 2018

OBJ 4	Cowie Properties LLP
OBJ 4.1	Objection dated 30 October 2017 to CPO and SRO, supported by Appendices 1 and 2
OBJ 4.2	Objection update dated 14 August 2018
OBJ 4.3	Objection update dated 3 September 2018
OBJ 5	St Modwen Developments Limited
OBJ 5.1	Objection dated 31 October 2017 to CPO
OBJ 5.2	Objection withdrawn 19 September 2018
OBJ 6	Pallion Engineering Limited
OBJ 6.1	Objection dated 31 October 2017 to SRO and CPO
OBJ 6.2	Proof of evidence of Peter Callaghan
OBJ 6.2A	Appendix 1 to Proof of evidence of Peter Callaghan
OBJ 6.3	Proof of evidence of Dominic Waugh
OBJ 6.3A	Appendix 1 to Proof of evidence of Dominic Waugh
OBJ 6.4	Proof of evidence of Karen Smith
OBJ 6.4A	Appendices A to E to Proof of evidence of Karen Smith
OBJ 6.5	Proof of evidence of Edward Miley
OBJ 6.5A	Drawings appended to Proof of evidence of Edward Miley
OBJ 6.6	Objection withdrawn 21 September 2018
OBJ 7	Hanro Limited
OBJ 7.1	Objection dated 2 November 2017 to SRO and CPO
OBJ 7.2	Written confirmation dated 20 February 2018 no further statement of case to be submitted
OBJ 7.3	Objection withdrawn 20 September 2018

Representations: Trafalgar Marine Technology Ltd

TMT 1	Bundle of documents, including email correspondence, information on suggested improvements, Plans of Pallion Engineering buildings and proposals for eastern end of the Pallion yard, Sustainability information, Minutes of Planning and Highways Committee 24 October 2017, Minutes of meeting dated 9 May 2018, correspondence with the directors of Pallion Engineering Co Ltd.
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Inquiry Documents (*all submitted by the Council except INQ 15*)

INQ 1	Formalities bundle
INQ 2	Updates to Mr Farr's Appendices 2, 4, 5, 7 and 8
INQ 3	Pages 31-34 of CD 3.13(a)
INQ 4	Environmental Statement Non-Technical Summary
INQ 5	Consultation comments on SSTC3 planning application: Natural England, Historic England, Council's Senior Ecologist, Council's Conservation Team
INQ 6	Images of highway in the vicinity of Queen Alexandra Bridge
INQ 7	Revised Plan, SSTC3 CPO 2017 Sheet 2 of 4 ref SSTC3-CAP-LLP-00-DR-Z-3002 Rev P08
INQ 8	Email dated 4 September 2018 withdrawing objection by Sunderland Coachworks and MAJ Paints
INQ 9	Opening statement of the Order Making Authority
INQ 10	Overview of SSTC Phases 1 to 5 and key sites Plan ref SSTC3-CAP-EGN-00-DR-V-0104 Rev P01

INQ 11	General Arrangement Layout Sheets 1 to 4 SSTC3-CAP-LPN-00-DR-C-1001 PL01 SSTC3-CAP-LPN-00-DR-C-1002 PL02 SSTC3-CAP-LPN-00-DR-C-1003 PL02 SSTC3-CAP-LPN-00-DR-C-1004 PL01
INQ 12	Corrected Tables 9 and 10 to Dr Moon's proof of evidence SSC9P
INQ 13	Email correspondence between Sunderland City Council and Network Rail and letter of intent
INQ 13A	Copy letters of intent signed on behalf of Nexus
INQ 14	Email dated 5 September 2018 forwarding withdrawal of objection to Department for Transport
INQ 15	Application for The Audacious Project, submitted by Mr Pemberton
INQ 16	SSTC3 Schedule (Reason for CPO Plot)
INQ 17	Map referred to in the SSTC3 CPO 2017 (with road layout overlay) Sheets 1 to 4 SSTC3-CAP-LLP-00-DR-Z-6001 P01 SSTC3-CAP-LLP-00-DR-Z-6002 P01 SSTC3-CAP-LLP-00-DR-Z-6003 P01 SSTC3-CAP-LLP-00-DR-Z-6004 P01
INQ 18	The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017 as proposed to be modified
INQ 19	Map referred to in the Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017 SSTC3-CAP-LSI-00-DR-C-0001 Rev P05
INQ 20	The Sunderland City Council (Sunderland Strategic Transport Corridor Phase 3 – A1231 Classified Road) (Side Roads) Order 2017, with proposed modification highlighted
INQ 21	Bundle of plans appended to SCC5R
INQ 22	SSTC3 Wall Plan SSTC3-CAP-HML-00-DR-C-0011 P07
INQ 23	Closing Submissions of the Order Making Authority