

Omissions and shortcomings in the LDF and Scrutiny Reports on P&R

Introduction

On the 25th April 2016 the Council published two reports relating to the proposal to build a P&R to the East of Bath. They are to be noted by Cabinet on 4 May 2016 and it is understood that a decision on how to proceed will be made on the 18th May 2016.

The Bathampton Meadows Alliance, having considered these reports, finds that both have serious omissions and shortcomings. The consequence of this is that they cannot be relied upon to provide a reliable basis for decision-making, unless considered alongside other evidence which the council has, but which has been omitted from these reports.

The council will be aware that to make a robust decision, it must consider all relevant information and disregard any information that is not relevant.

Background

On the 12th November 2015, in the face of some 80 public presentations, Council agreed to defer a decision on siting a P&R on Bathampton Meadows in order to reconsider its proposal. The LDF steering group was tasked with reviewing sites, while the Communities, Transport and Environment Scrutiny panel (CTE) was asked to examine a range of integrated transport solutions to the East of Bath.

It is a concern that the preparation of an integrated transport solution for the East of Bath has been obstructed by the separation of the functions of these two bodies. It is illogical for the LDF to begin considering sites before the CTE Scrutiny panel has considered whether P&R is an appropriate solution for the East of Bath or not.

Also of concern is the fact that the Conservative group (who make up the majority on both bodies) has a predisposed position set out in their manifesto that a P&R to the East is needed. Despite the requirement for Scrutiny to be independent, it is hard to see how the Conservative members would not have a bias towards this as a solution, since they were elected upon a pledge to identify sites and consult on an East P&R. There is no obligation or expectation that the LDF in particular should act in a way that is independent of the administration.

Neither the LDF steering group nor the Scrutiny panel members are decision makers in this matter, but their advice has been sought and consideration should be made of how open minded their approach has been when considering evidence and making recommendations.

The Cabinet must act in a way that is not predetermined when making their decision. The Localism Act 2011 clarifies the position on predetermination. Just

because a decision maker has previously expressed a view on a matter does not mean he/she has a closed mind when making a decision. However other activity that could evidence predetermination (agreement with others for example) could still make a decision invalid. Moreover where a councillor has given a commitment to a firm course of action in a manifesto pledge or elsewhere, and takes that commitment into account when making a decision, this would be unlawful.

A third matter for concern is the fact that the Scrutiny inquiry was held on a single day. This was highly ambitious given the importance of the subject, the breadth of the investigation and the volume of evidence to be considered. There could be no serious attempt to find and interrogate all of the evidence in this timeframe. It was in fact the case that the presentation by the Bathampton Meadows Alliance at the Scrutiny Inquiry Day (SID) was curtailed due to the lack of time and could not be fully delivered to panel members.

A fourth matter of concern is the extent to which deliberations on this subject have been held in private with no opportunity for the public to understand what evidence has been considered, what has been omitted, how opposing views have been weighed one against the other and how members have reached their conclusions.

The LDF steering group has been held entirely in private. Slide presentations from these meetings have been made public but no minutes are available. The Scrutiny panel has had only one public session, but has been briefed privately by officers (including those giving evidence to the inquiry) ahead of the SID and held its deliberations in private before publishing its report. Again there are no minutes of these private Scrutiny meetings.

There has been no opportunity for Scrutiny members to debate with the Bathampton Alliance or any other independent individual or group giving evidence to the Scrutiny inquiry. The time constraints on the day meant that opportunity for questioning speakers was extremely limited, and very few questions were asked by members of the Scrutiny panel itself. The panel members have therefore not heard all of the evidence, nor have they 'scrutinised' the evidence that was heard in any meaningful or complete way.

The LDF Steering Group Report

The remit of the LDF steering group was to review options for a P&R to the East of Bath and consider:

- The responses received to the East of Bath P&R consultation
- Feasibility and deliverability of each site
- Costs associated with each site
- Transport benefits of each site
- Visual impact of each site

The LDF group explored matters beyond its remit at its first meeting when they considered evidence supporting the integrated transport approach including the need for a P&R east of Bath. A presentation given by Peter Dawson reasserted the need for P&R, and members had the opportunity to debate this with Mr Dawson.

The group had not requested, but was also provided with a report from the Bathampton Meadows Alliance that gave clear evidence, based on the council's own data, showing that existing P&R sites perform badly and that large scale expansion was not required. The LDF group declined an offer made by the Alliance to debate this with them.

The LDF group was instead provided with a response to the Alliance report by Mott MacDonald which has not been made public nor shared with the Alliance for comment. The Alliance report has been included as an appendix to the LDF report, but the response to it from Mott MacDonald and an additional document entitled 'B&NES draft Air Quality Assessment', which presumably deals with issues raised by the Alliance, has been withheld.

This selective editing of information is regrettable since the information presented by Peter Dawson is both outdated and misleading, while the data from the Alliance is current and robust. For example, B&NES parking data, for the full year, as presented by the Alliance shows that, on an average day only 38% of spaces were used. Only 24% of spaces are used before 9am, yet Peter Dawson gave evidence to both the LDF Group and the Scrutiny panel that 43% of users are commuters. This is based on a small-scale user survey at existing sites in 2009. This figure was shown to be incorrect in February but continues to be used to support the argument that P&R is required to deal with commuter traffic.

There are fundamental issues with the presentation given by Peter Dawson to the LDF Group, some of which were then re-presented in truncated form on the 22nd March Scrutiny Day. The presentation was structured into four sections and each was problematic:

Section 1: *Why is there a transport problem?*

- Out of date and scant data is used. This barely scratches the surface of the transport problem in Bath. The data used comprises:
 - 2011 Census data, which includes employers, such as the MoD at Bathampton, who are no longer there and to whom drivers would likely never have travelled through the City itself to reach their place of work. There is no further detail provided about where commuters currently park, such as on free on street parking, in employer's spaces, in public cars parks etc.

to break down the problem. There is no mention made of the impact of the school run. We know from a response to a question on the 22nd March that Peter Dawson considers the school run to be a “non-issue” in Bath. The eruption in the room from residents across the city on the day told a different story

- Maps showing where people travel to existing P&Rs from were sourced as ‘Banes 2015 P&R surveys’. These were actually undertaken in December when many people are on a destination trip to Bath for shopping. This is entirely unrepresentative of the year’s usage. In order to show how far people travel to P&R, the presentation then jumps back to different surveys in 2009 and, as mentioned above, sets out that 43% of users are commuters. In both cases it is not clear what the survey questions were and who wrote them.
- The presentation left many important questions unanswered then left the LDF group with a series of emotional questions
 - *How many of the 20,000 motorists can be persuaded to use public transport? Are bus services available for these journeys? Are train services available for these journeys? Journeys into Bath will grow in the future.* These questions should have been answered in detail to establish any pressing case for change.

Section 2: *Why Park & Ride?*

- The data used to say how many times the existing P&Rs are full has not been cleansed of errors and is overstated
 - BMA research of the same data by a data research professional with many years of experience showed that one or more P&Rs were full only 22 times in 2015 and all three were only full on one occasion – 5th December 2015 when the Christmas market and rugby were on concurrently.
 - This critical date is also highlighted in a future slide but should be set out as evidence for planned overspill parking not a whole new P&R
- Total passengers are shown in two ways but these are meaningless without context
- The future demand for parking evidence is scant

- Peter Dawson's first slide states that 5700 parking spaces are required to meet future demand. But there are already 6857 parking spaces in the city excluding on street parking, an excess of 1157 rather than a shortfall of 1600 spaces as claimed by Mr Dawson. City centre car park utilisation is overstated at 90% full when it is in fact around 75% full at the busiest time of day (based on B&NES own data as presented by the Alliance).
- Mr Dawson quotes from the CH2MHill modelling report that P&R is essential and yet this report had no written brief, has no version control and no minutes of meetings taken. Several of the inputs into the model are clearly stated as 'as advised' by council officials rather than based on any evidence. The CH2MHill report is a mathematical forecast of traffic volumes, not a parking demand forecast. As such, it is entirely unqualified to comment on what the most appropriate solution to any problem might be.

Section 3: *What are the consequences?*

- Results from the Christmas survey are held up as evidence that without a P&R, 55% of people surveyed in December would have driven in by car. This is logical if they are buying gifts etc. However, critically, 26.1% would have walked, cycled or taken public transport had P&R not been available, showing the detrimental impact P&R has on end-to-end sustainable means of transport
 - The 55% figure supports academic research from 180 European P&R across 40 studies by Zijlstra et al in 2015 which concluded that fewer than fifty percent of those parking in a P&R had ever intended to drive into the city. The rest are new trips and abstractions from public transport. Fullness of a P&R is not a measure of cars removed from a city centre.

Without any evidence put forward whatsoever, the LDF group are then left with a dramatic, unquantified list of consequences if they do not move forward with an East P&R: *Loss of trade to other urban centres, More difficult to deliver Enterprise Area, Pollution, Congestion, Impact on World Heritage Site, Reputational damage Unpredictable journey times*

Section 4. *What's the solution?*

- Two case studies of 'successful' P&Rs are put up without any balance from the many (examples of) recent examples from cities where P&R have been closed due to underutilisation.
 - We also learned from Nottingham at the Scrutiny Day that their park and tram is preferred over their park and ride

At para 4.4 of the LDF report it is stated that Air Quality 'became an issue' and was included as part of the review. It is not stated what the specific concerns were or how they should be addressed. The Air Quality evidence was in fact presented in report form by the Alliance. Our evidence is not discussed in any further detail in the report, therefore unless Cabinet members receive further information on this matter they will have been denied evidence that is relevant to the decision they are about to make.

A slide presentation to the LDF on air quality describes the Bathampton Basin sites as 'green' for air quality. This is a clear misrepresentation of the current situation, shown by the Bathampton Alliance, that the surrounding roads, which would carry the burden of extra traffic to and from any P&R, already have air pollution levels close to the legal limit and would be pushed over the legal limit if a P&R went ahead.

At para 5 the LDF report sets out a rationale which is fundamentally incorrect: that 'the Council's Getting Around Bath Strategy and Core Strategy indicates the need for an East of Bath P&R'. This statement has been shown to be incorrect and the council should cease to use it. It is particularly disappointing that the myth that Bath's Transport Strategy commits the council to deliver a further Park & Ride continues to be peddled in these reports to Cabinet. Bath's transport Strategy simply does not say this – instead it requires the Council to "establish the *need* for increased Park and Ride capacity".

Even the Conservative party manifesto only promised to 'identify and consult on sites' - it never promised to deliver a P&R. Yet these inaccurate statements continue to be made to the point where the public is inclined to believe that the Conservatives have a mandate to build a P&R to the east. This is not the case, and the body of evidence presented to the Council since last November leads to the inescapable conclusion that a P&R to the east will not meaningfully contribute to reducing congestion and air pollution, but will be a very expensive white elephant.

Communities, Transport and Environment Scrutiny report

On the 12th of November 2015 the council called upon the Communities,

Transport and Environment Scrutiny panel to undertake an 'open and transparent public scrutiny, examining a wide range of integrated transport solutions for the east of Bath'. The reality is that the scrutiny review has been neither open nor transparent. Only one meeting was held in public. The result of this is that there can be no confidence that members have read, considered or debated the vast amount of evidence that it received.

Neither has the panel demonstrated how it has considered and weighed the competing arguments against one another in order to reach its findings and conclusions. As such this report cannot be considered to be a complete review of the evidence submitted.

The Alliance alone submitted a detailed report of some 79 pages plus a 17-page Air Quality assessment to the scrutiny process. Yet the scrutiny report itself runs to only 12 pages, of which 9 pages set out background information, objectives, methodology and lists of the panel, speakers and attendees. There is no discussion whatsoever of the evidence received or any discussion of how the panel considered this evidence and reached its conclusions.

Professor Graham Parkhurst, one of the leading academics in the field of transport and particularly P&R, gave a well-received presentation and yet neither the professor, nor his presentation, is referenced at all in the report. The same is true of other speakers. Indeed, Caroline Kay of the Bath Preservation Trust is not even mentioned on the list of speakers. Cabinet members and anyone else reading the scrutiny report would be unaware of the detailed evidence presented by these speakers or how it had been considered by the panel.

Little account has been taken either in the report of the evidence from Professor Parkhurst demonstrating that the extra volume of high polluting Park & Ride buses on the road network would be likely to cancel out the limited reduction in congestion and emissions modelled by Mott MacDonald at 5% only during the morning peak. Nor has the attention of Cabinet been drawn to the evidence that the increased traffic generated locally by a P&R on the Meadows would have the effect of causing Batheaston's current poor air quality to exceed legal limits for No2 emissions, and that this impact alone would prevent a Planning Authority from approving the scheme.

It is difficult to comprehend why the Scrutiny panel did not recommend measures to improve commuting by bus from the Wiltshire towns given the panel's remit to consider a range of solutions, and the Council's resolution of the 12th November 2015 that promised protection for bus services to the villages east of Bath alongside P&R. Evidence was heard that the 231 bus service has been withdrawn, worsening bus services to the east since the resolution was made. Concern was expressed that P&R would further damage services in the east as passengers are abstracted to P&R. Quality Bus Partnerships and Bus Corridors have been successful in the West of England and elsewhere nationally, but were not mentioned or recommended by the Scrutiny panel.

The Scrutiny panel received evidence, but has not reported it to Cabinet, on the changes in regulation and shift in emphasis introduced by DEFRA's latest (2016) Local Air Quality Management Policy Guidance. In the now superseded 2009 AQMA Policy Guidance, DEFRA's endorsement of P&R was already, at best, lukewarm. Coming almost at the end of its list of potential traffic reduction measures, DEFRA stressed the need for P&R to be designed carefully, (to be seen) as just one measure in an integrated strategy, and expressly recognised that:

"Park and ride is unlikely to affect town centre traffic levels and may simply add to the amount of traffic entering the town."

In the new 2016 DEFRA Air Quality Management Guidance, reference to P&R has been removed altogether; a tacit acknowledgement by Government that P&R is unlikely to make a cost effective contribution to an integrated strategy to reduce congestion and air pollution. DEFRA instead promotes more sustainable solutions such as traffic schemes, access controls, low emission transport, and soft measures to encourage modal shift.

Turning to the findings and conclusions of the Scrutiny report itself, these do not reflect the weight of evidence presented on the day, nor do they represent the clear opinions that emerged out of the afternoon workshop discussions.

The Alliance welcomes the acknowledgement in the Scrutiny report of a number of important pieces of evidence presented by the Alliance. These include the excess capacity at current P&R sites except on a few occasions, the low usage of P&R by those travelling to work and the likelihood that an eastern P&R would encourage local vehicle movements by residents who might formally have used buses.

The panel has however failed to acknowledge that, after hearing all the evidence presented over the day, none of the workshop tables recommended P&R in its transport solutions. 'Link and Ride' from car parks on brownfield sites served by public transport, as recommended by Professor Parkhurst, was the preferred alternative transport solution. This fact is not mentioned at all in the findings or the recommendations. Instead, a stubborn adherence to P&R remains in conclusion 1 with no reasoning given as to why this should be the case.

The findings from 1 – 8 and 10 are all reasonable based upon the evidence presented at the SID and discussions in the workshops. However 9, 11 and 12 which relate to a possible A46/A36 link road seem to have been inserted as if out of nowhere. Not only was this suggestion not discussed at the SID, it is hard to envisage where such a tunnel would be built.

Recommendation 10 encourages travel plans to improve RUH access from the east. Again this was not discussed at the SID so it is not clear when and how the

evidence of need for this has been presented to panel members.

The main points the Alliance heard at the Scrutiny Inquiry day

The main points the Alliance heard at the Scrutiny Inquiry day were these;

- **Opposition to P&R (particularly on the meadows)**
- **Dissatisfaction with congestion and emissions**
- **Rail was not going to provide an early solution and would need further investment from BANES to extend it to the east**
- **Buses would not improve without subsidy**
- **Support for Link and Ride, using brownfield sites served by public transport**
- **Support for the Nottingham model**
- **Support for hard measures including congestion charging**
- **Support for measures to tackle the school run**
- **Ideas for promoting changes in driver behaviour and reducing congestion**

Opposition to P&R. Peter Dawson set out that people travel in to work from all sides of the city but did not break this down to show who would use a Park and Ride from the east and why. Guest speakers (community and professional) spoke against a P&R at Batheaston and the general mood of the meeting was against P&R and particularly on the meadows. Not a single workshop table suggested P&R as an alternative transport solution.

The Alliance and Professor Parkhurst argued that P&R attracts more traffic and therefore make congestion and emissions around the sites worse. Mott MacDonald's estimated that P&R would only reduce traffic on London Road by 5% in the morning peak. This was not well received given the investment required to deliver this modest change. (In fact, there was audible shock in the room when this figure was announced.)

Caroline Kay of the Bath Preservation Trust and Parish Councillors spoke about the value of the meadows, environmental impact and impact on the Heritage City status. The BPT observed that the proposal does not meet the requirements of the Council's own Placemaking Policy ST6.

The Alliance argued that there is little demand for P&R to the East. Andrew Lea of the Alliance showed that there is much spare capacity in existing P&R sites, and that they only reach capacity during predictable events such as the Xmas market. He showed that only about 24% of P&R users are commuters.

Congestion and emissions Fobra expressed dissatisfaction with congestion and emissions. This was a uniting theme across all attendees (the city and on the

periphery.) Fobra want to see a solution and support P&R but don't need it to be on the meadows. They also want more pedestrianisation in the city (particularly Queens Square) and for city centre parking to be removed.

Rail is not a solution

We learned from Peter Hendy's presentation and from Metrowest that Rail was not going to provide a solution in the near future and that B&NES would need to come up with finance if their remit was to be extended to the east.

Buses would not improve without subsidy The message from First was that without subsidy bus services would not improve. They claimed there was not a demand for the 231 to Wiltshire, yet there was demand for a P&R to the east. They wanted any P&R to be within 10 minutes of the city, but then admitted that buses often got stuck on the London Road. Among others attending the day, however, concern was expressed about the removal of the 231 and fears that P&R would further damage service buses.

Link and Ride There was interest and support for Professor Graham Parkhurst's suggestion of smaller P&R alongside service bus routes. He argued that cars should be intercepted early in their journey and that this would protect bus services.

Support for the Nottingham model There was applause for the Nottingham tram system, but an understanding that this needed long-term commitment and a funding stream such as the Work Place Levy. There was some concern that these solutions may not work in Bath and that there are fewer large employers with car parks here.

Support for hard measures There was broad agreement that a radical solution such as Congestion Charging may be needed.

The school run A majority felt that the School run was a major contributor to congestion and emissions, although Fobra noted that during school holidays they experience increased traffic later in the day due to holiday visits.

Ideas for promoting changes in driver behaviour and reducing congestion These included: work place travel plans and school travel plans, easily accessed travel information systems, supporting and encouraging low carbon transport and city car clubs, growing far more vigorously the freight consolidation service, continuing to restrict and to charge heavily for city centre parking, introducing access controls and/or charging on the most polluting vehicles, converting shared on-street parking to 'resident only' parking - given the increasingly severe impacts on city life, clearly described by Fobra.

Conclusions

An enormous amount of well considered evidence has been provided to the council since last November. There have been months of engagement and deliberation on the subject of a P&R to the east of Bath. Yet much of this evidence is not included in the

Scrutiny report, and instead the decision on this matter is still being influenced by outdated and inaccurate information and appears to be driven by political dogma rather than an evaluation of this new evidence.

Both the process for how decisions are taken and the selective way in which evidence has been presented or circumvented means that any decision made by Cabinet on the basis of these reports would be far from robust and place the Council at risk of judicial review.

Meetings have been held in secret and no effort has been made to explain why clear new evidence has been ignored by the LDF in particular, in favour of outdated and discredited internal opinion. Neither has there been any attempt to explain the reasoning that lies behind the limited conclusions and recommendations of both bodies.

The council has a fiduciary duty to spend tax payers' money wisely yet the forecast 5% reduction in cars in the London Road during the morning peak, from a new £10 million investment in East P&R, reinforces what poor value for money it would produce. The assessment from the LDF of their recommended sites B and F is that either one is potentially unaffordable with site B assessed at costing £8-12 million and site F £7-11 million.

The Council has still not been able to show how many vehicles travel from where, when and, equally importantly, why into the East of the City along the main routes (A46, A4, and A363). Without this evidence how can appropriate transport solutions and investment be planned that take account of commuter and through traffic, HGV and cars, and the school run?

It is difficult to comprehend why both reports fail to consider action to improve commuting by bus from the Wiltshire towns given the council's resolution of the 12th November 2016.

The Conservative group believes it has a political mandate to deliver a P&R to the east of Bath. But the Cabinet must act in a way that is not predetermined when making their decision. It is essential that cabinet members clearly demonstrate that they have considered all relevant matters when making their decision rather than the limited synopsis contained in the LDF and Scrutiny reports to be noted on the 4th May 2016. They must also disregard irrelevant matters such as the manifesto pledge or other prior statements.

Bathampton Meadows Alliance, April 2016