

## **PDS Scrutiny Panel Review of Cabinet Decision E2861 of 25 January 2017**

### **Submission by Bathampton Meadows Alliance**

#### **Summary**

The Bathampton Meadows Alliance (BMA) welcomes the opportunity to speak to the Communities, Transport and Environment Scrutiny Panel about Cabinet Decision E2861 of 25 January 2017. The BMA supports all 9 reasons set out in the call in notice, but will speak in particular to the objections set out at paragraphs 1, 2, 6, and 9 of the Call in Notice. In doing so, we will examine in detail the report prepared by officers for the Cabinet meeting of 25 January (report E2861).

Panel Members should appreciate at the outset of their review that although the Cabinet stated a preference for site B the decision was taken in the knowledge that it could probably not be delivered and that site F was the Officers' preferred site, as stated at 8.2 of the report. The effect of this is that Cabinet has in fact delegated site selection to the Strategic Director, Place and there is no recourse to bring this decision back to either Cabinet or to Council even if one or more members of the Cabinet disagrees with the final decision of the Strategic Director. This is a surely a delegation too far, Officers should have secured site B, or else exhausted all possibility of securing it before bringing the report to Cabinet. In the absence of this, Cabinet should have required a further report to enable members to make a positive vote for site F if site B could not be secured.

**This Panel now has the unenviable role of being the only Council body with the power to have this decision reviewed by members.** A decision of this magnitude ought not to have been structured in this way and, if, after their deliberations Panel members are in any doubt as to whether this decision was properly taken, whether by reason of the inadequacies of the evidence presented to Cabinet to justify it or otherwise, then the appropriate course of action, we would respectfully submit, is that the matter be referred back for the decision of full Council, and that the Panel gives guidance to officers as to the evidence which must be provided and the steps which must be taken before Council is sufficiently informed to take a robust decision.

In this introduction we also highlight the importance in your deliberations of the role of Historic England, as statutory consultee, and the serious reservations they have expressed, in increasingly vocal terms, over the last 18 months over the site selection process and the inadequate attention which has been paid to heritage and Bath's unique status as a World Heritage Site. Historic England's current position was seriously misrepresented to Cabinet on 25 January. The reality is that Historic England have raised the spectre of objection, call in and a UNESCO Mission visit if the Council continues to disregard matters of Heritage in its site selection investigations in the cavalier fashion it has done to date.

The purpose of the report to Cabinet was to provide evidence to justify its recommendation to Cabinet that they authorise, in one of the configurations set out in paragraph 2.2 of the report, promotion of either Site B or F for a new Park & Ride to the East of Bath. Bathampton Meadows Alliance (BMA) believes that:

- (i) The report contained insufficient evidence to justify such a recommendation and that such evidence as is presented is misleading and/or inaccurate;
- (ii) The analysis within the report of statutory and planning considerations is flawed, and the advice of statutory consultees has been ignored;
- (iii) Evidence of costs, risks, environmental impact, need and supposed benefits was incomplete, inaccurate and/or misleading, and generally inadequate for a decision of this importance and financial implication and
- (iv) Cabinet members have been misled by statements in the report with regard to evidence of need, planning policy constraints relevant to preferred site selection, issues of heritage, the role of the National Planning Inspector and the status of the Placemaking Plan, and on business case issues.

The consequence of this is that the resolutions approved by Cabinet cannot possibly be justified by the rationales, evaluation criteria, evidence, or risk assessment contained within the report, since these were so superficial, misleading and inaccurate as to render all decision making based upon the report unreliable. Cabinet members have simply not been given sufficient evidence, weighed in accordance with all statutory and planning requirements, to have made the resolutions that were made on 25 January.

No council policy has ever been adopted that justifies the “need” for an east of Bath P & R by setting out the policy aims and how these would be met by the proposal. The Halcrow report (2013), which was the initial site search, recommended a ‘Patronage Study’ and a Business Plan. The Transport Strategy (2014) had an action GABA18 to; *‘Identify Need for increased P&R capacity thorough the Placemaking plan as part of a wider Parking Strategy’*. These actions have not been completed, and so it was incumbent on the Cabinet report to perform this function; indeed the Council has previously indicated that this would be done<sup>1</sup>. However the Cabinet report did not include these things and as such the decision based upon it is unsound.

The Placemaking plan is still at inspection stage and Policy ST6 (Park and ride) is contested. Even if adopted, Policy ST6 will require the Council to establish need for, and benefit of Park & Ride.

Cabinet should have been presented with a paper setting out a balanced argument as to whether a 4<sup>th</sup> park and ride is justified. The report does not do this. Instead it is a paper focused on listing different council policies, (which may have mentioned P&R but in themselves did not justify it) without doing anything to benchmark potential sites against them. Omissions include proper benchmarking against the Core Strategy, the emerging Placemaking Policy or the WHS site setting supplementary document. There is no discussion weighing up benefit vs harm. The report proceeds to discuss the Transport Team’s preferred sites, F and B without providing any compelling case that one is needed, and by misapplying fundamental principles of national and local planning policy before concluding that one of these two sites should be selected. In approaching it this way round, the Council risks wasting still more public money on this discredited scheme.

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<sup>1</sup> Email from Peter Dawson to Christine Boyden 2.11.2016 in response to letter to Tim Warren

The issue of wasted taxpayers' money is a serious one. Councillors of course have a statutory duty to not waste money. Yet the paper does not include any analysis as to why the previous expansion of P&R through the Bath Package at a cost of £4.5m has generated no increase in average P&R usage and therefore why a new site would perform any differently. Furthermore the decision taken on 25<sup>th</sup> January endorsed a further £0.5m spend with no description whatsoever in the report as to what this would be spent on. Given the inadequacy of the report and therefore unsoundness of the decision, spending further money in any way other than to fully complete a suitable report would be highly premature. We respectfully suggest that the scrutiny panel recommends that an analysis of previous investment is presented to Full Council and that no further money is spent on the scheme other than to bring the decision-taking report to a satisfactory standard.

There is no need yet evidenced to develop a new P&R, however there remains a need to improve congestion and pollution for everyone within the context of a wider parking strategy. This strategy was promised in 2014, and was incorrectly stated as completed in the November 2015 Cabinet report, yet is only being done now in 2017 and not due until the end of March. This report therefore puts the cart before the horse. Moreover there has been enough evidence introduced into the P & R debate during 2016, including by the Council's own consultants for it to be abundantly clear that a new P&R will not solve congestion issues, today or in the future. The report fails to draw the attention of Cabinet to these critical conclusions of its own consultants, burying this "bad news story" under generalised, untested, assumptions that an unquantified demand for park and ride will be created from future city growth, while problems of today's congestion and pollution, the mainstay of the 2015 public consultation, are not mentioned.

There are two key ways in which this report is deficient and not an acceptable basis on which to take a decision:

**1. The report exposes that there are flaws in the process being followed:**

- a. Costs shown are incomplete, escalating and subject to heavy caveats and there has been no accuracy check made with the RUH before the paper was issued. The RUH had no opportunity to provide or comment on the numbers and content of the paper despite the RUH shuttle proposal being key to the council's arguments in favour of a 4<sup>th</sup> P&R.
- b. Rather than accept a proven under-usage at existing sites, a willingness is seen to try to justify existing usage of park and ride by any means possible, including irrelevant measures and incomplete/misleading statistics and diagrams
- c. The report fails to address the escalating concerns of Heritage England, who have repeatedly since September 2015 urged proper Heritage Impact Assessments to be carried out.

**2. The report has numerous inadequacies, omissions and misleading statements, which make it an unsound piece of analysis. The report:**

- a. **Misleads** in its unclear and inappropriate recommendation in Section 2
- b. **Misrepresents** the crucial CH2M report
- c. **Misrepresents** the public consultation

- d. **Misrepresents the** benefits of an EP&R, inferring that an EP&R will benefit congestion and pollution, when council reports have admitted it won't
- e. **Omits** to say that an EP&R will not benefit pollution - this is buried in the 80-page accompanying Q&A
- f. **Omits** alternatives for consideration
- g. Misrepresents the status of the Placemaking Plan and the views of the national Planning Inspector – and then presents these inaccuracies as key conclusions of the report as a basis for decision taking.
- h. Contains numerous further omissions and misleading statements.

## 1. Flaws in the Process

### A. Costs shown are incomplete, escalating and subject to heavy caveats

The estimated capital cost of an east park and ride has risen from £10m to between £14m and £17.5m depending on which site is chosen. Two of the three options offered to the cabinet incur an annual operating loss of either 65K (800 at F) or 115K (800 at B). It is suggested that Site F with 1200 spaces would make a modest annual return, but it is not set out when this option would potentially break even. These capital costs do not include the additional capital cost of expanding Odd Down and Lansdown if an 800 space site is selected on B or F. Nor does it include the cost of operating a connection to the RUH if a 1200 space site is selected.

An assumed demand from the RUH is absolutely key to the council's demand predictions – without it any case for even the most modest of additional car parks falls away. Yet it was revealed to Cabinet on 25 January through speech by Moira Brennan that only the most informal of discussions with the RUH have taken place (and were not initiated by the RUH themselves), and this paper was not discussed with the RUH prior to issue. Furthermore, that the RUH can see no demand for an EP & R without a dedicated bus service direct to the RUH from the P&R, so that passengers will not have to change buses on arrival within the City. Such a dedicated service does not form part of even the most outline of business cases as presented, and it is most unlikely that any business case could withstand the operating cost impact of this requirement.

In order to distance themselves from their own work, there are also these caveats by officers:

*3.2...An initial business case has considered the revenue implications of the proposals, including the operating model for running the site and impact to revenues on the existing sites. However it's important to note that these are initial assessments and **are likely to change as more detail emerges** and will be subject to full approval. This will have to address the non-recurring costs of EDF funding of £1.1m*

*6.20...The figures for the detailed business case are likely to change as more site specific information becomes available through future technical studies, yet to be carried out, as well as the effects of external market forces, devolution and the type, basis and terms of any future contract for any new and existing P&R sites*

A decision to spend up to £17.5 million pounds and to commit the council to on going revenue costs should not have been made without a full business case to justify the spend. Even now it is not clear when this business case will be produced and whether Councillors will ever get to see it, or approve it.

**B. Rather than accept a proven under-usage at existing sites, a willingness is seen to try to justify existing usage of park and ride by any means possible, including irrelevant measures and incomplete/misleading statistics and diagrams.**

- There is no quantified mention of current car utilisation of P&R in the entire section of the Report entitled 'Use of existing P&R sites' (4.43-4.50). The number of cars using the existing Park & Rides has declined since 2009, despite a capital investment of over £4.5 million in expansion schemes over that period. It is misleading to have concealed this fact from Cabinet. In seeking to justify a capital project of the scale and impact as the E P & R, a clear priority for officers should have been to justify the failure of this previous capital expenditure through a post implementation review, and to present clear and compelling evidence to explain why further capital expenditure in an identical scheme will perform differently.
- Despite clear evidence from Council data to the contrary, this report still claims that existing P&R are 'very successful' without success criteria being set out.
- The report provides no forecast of cars to come off the road as a result of the project and does not re-state information submitted to the planning inspector that says only 100 cars will come off the London Road in the peak rush hour by 2029.
- This report switches from (proven low) car usage at existing P&R (a reasonable measure because this project is about taking cars off the road) to P&R bus passenger numbers/growth as a measure of success at existing sites. This is misleading as the data contains the three public bus stops each bus can stop at on its route into town.
  - In reality, planning reports from 2009, when permission was given for this expansion, showed P&R occupancy at the busiest time of the week to be 1737 across all three sites<sup>2</sup>. In April 2016 Council's consultants CH2M updated the park and ride occupancy figures and showed the occupancy at the busiest time to be either 1612 across the three sites or 1762 if Sundays were excluded<sup>3</sup>. Across all days there is a reduction of 125. Only when Sundays are excluded from the calculation does the average maximum occupancy across all three sites increase – and even then is just 25 more than in 2009.
- A cursory glance at Figure 6 (total weekly passengers) on page 21 of the report shows that the 16% growth in passengers trumpeted is being driven by Christmas. The Christmas Market parking peak is not disputed. If you add more spaces and they fill at Christmas then this does not mean you need a year round P&R to the east. Instead you need a Christmas Market overspill parking solution. Charts in the report are not sourced honestly:

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<sup>2</sup> Planning reports stated Newbridge with 454 spaces, and Lansdown with 437 spaces were both 100% full and that Odd Down with 850 spaces was 83% full, giving a total of spaces used at that time of 1737

<sup>3</sup> Transport Evidence Explanatory Note CD/PMP/B27; Bath: Park and Ride Expansion, ch2mhill April 2016 shows; updated occupancy figures show Newbridge now averages a maximum of 454 vehicles, Lansdown has an average maximum of 494 vehicles and Odd Down has an average maximum of 664. An overall average maximum of 1612 spaces occupied

- Currently called 'Total Weekly Passengers', Figure 6 should be titled 'Total weekly bus passengers along existing P&R routes from car park to destination stopping at 3 public bus stops 2013/14-2016/17' and the source being where the data comes from, not a repeat of the title. Despite being the chart referenced in the sentence citing the increase in passengers from 2009, this Figure only starts in 2013!

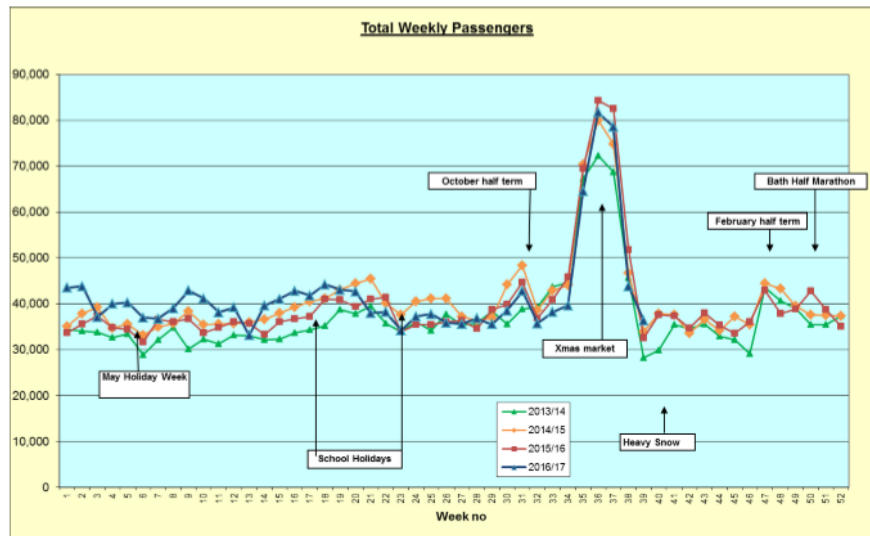


Figure 6 – P&R Total Weekly Passengers (year on year).

- Currently without a title on the chart, Figure 7 would appear (with some effort on the part of the reader) to also be passengers per site per year including those alighting at bus stops into town 2008/09-2015/16. Source is unknown – currently called 'bar graph'. Giving a total like this entirely hides the Christmas market peak effect and without capacity levels marked on the chart for comparison is very misleading.

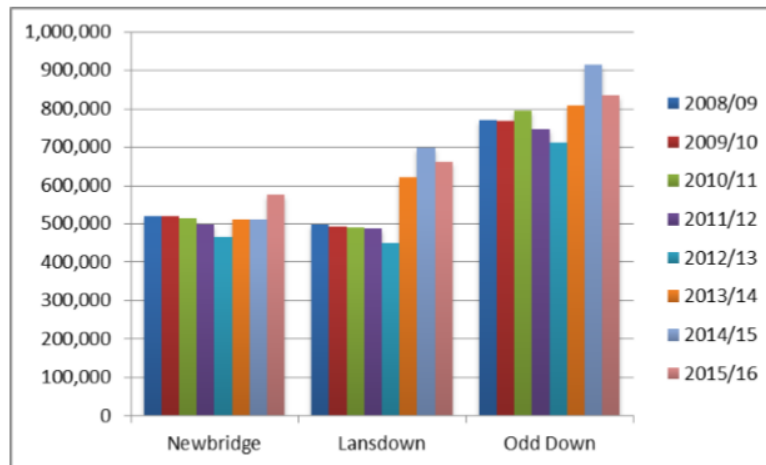


Figure 7 – P&R usage (year on Year) – bar graph

**C. The report fails to address the escalating concerns of Heritage England, who have repeatedly since September 2015 urged proper Heritage Impact Assessments to be carried out.**

Historic England is the public body responsible for looking after England’s historic environment. For any development likely to impact upon the WHS or its setting, HE is a statutory consultee. For over 18 months HE has been reminding the Council of its obligation to provide a robust case for its choice of site for an E P & R. On 30 September 2015, HE wrote to Peter Dawson in these terms:

*“My following suggestions are respectfully made to help you to ensure a robust and objective site assessment process informs a preferred option, and helps to demonstrate the degree to which national and international planning policy can be satisfied.*

*Getting Around Bath and the Park & Ride Policy GABP8 defers to a detailed assessment of sites via the Placemaking Plan and in turn the draft Placemaking Plan Policy ST6 suggests a criteria based policy, again deferring to the need for any scheme to demonstrate conformity with national planning policy. **As a consequence the obligation to provide a robust case for a P&R site appears to be required at this stage.***

*Due to the likely impact of these proposals on the World Heritage Site could I refer you to ICOMOS guidance on the preparation a Heritage Impact Assessment - a methodology for evaluating the potential impact of development on the OUV of a World Heritage site.*

*[http://www.icomos.org/world\\_heritage/HIA\\_20110201.pdf](http://www.icomos.org/world_heritage/HIA_20110201.pdf)*



*As part of this, a Setting Assessment for each of the three potential P&R sites needs to be undertaken to inform the impact on the significance of affected heritage assets and hence their relative suitability. I refer to GPA3 The setting of Heritage Assets as the appropriate good practice guidance to assist in carrying out such work and implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG). <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>*

*The B&NES WHS Setting Study SPD will also need to be applied when undertaking the above.  
<http://www.bathnes.gov.uk/services/environment/landscape/city-bath-world-heritage-site-setting>*

***Unfortunately the Halcrow high level review' of the sites (May 2013) which accompanies the current consultation does not appear to apply either the WHS Setting Study SPD, the ICOMOS guidance, or the Setting Assessment guidance (the precursor to the aforementioned GPA3 was dated 2011). “***

**[Emphasis in bold added]**HE's advice appears to have gone unheeded in the succeeding 12 months, and HE wrote again to the Council (to Louise Fradd) on 23 September 2016, as follows:

*“Consequently it will be important for the Council to be able to reassure UNESCO, the Department for Culture, Media and Sport and Historic England, amongst others, that the Council has considered and applied, **at this stage**, the specific International Council on Monuments and Site's Heritage Impact Assessment guidelines and Historic England's guidance on setting and views, and set out in a clear and robust way the benefits, and or harm of the initiative and preferred site(s).*

*This will help to demonstrate an informed case and in doing so reduce the risk of objection, potential call in and a UNESCO Mission visit.*

***Mindful of the importance of the designation of the city as a World Heritage Site, we would anticipate that such evidence will be considered vital to demonstrate that any decision taken on the matter is appropriately informed.***

*The World Heritage Committee Operational Guidelines ask state parties to inform it at an early stage of proposals that may affect the Outstanding Universal Value of the Site and “before making any decisions that would be difficult to reverse, so that the Committed may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value is fully preserved” . Therefore it would be very helpful if you could formally consult Historic England and Department for Culture, Media and Sport at key stages during this pre-application process. ”*

**[Emphasis in bold added]**

Despite having informed HE in October 2016, that work on an HIA to support its forthcoming Cabinet report had commenced, it is clear that whatever work the Council has done on heritage impacts, this has been superficial, poorly directed, and not to the standards required by HE, or ICOMOS and other statutory guidelines. It is also very clear, from the deeply critical letter from HE to the Council of 24 January, that Historic England do not believe a compliant Heritage Impact Assessment has been carried out. Historic England's letter to the council of 24 January (copy annexed) details a catalogue of inadequacies in the way in which issues of heritage are addressed within the report to Cabinet. Highlights amongst these are:

- (i) A devaluation in the report of the importance of the WHS and how decisions affecting the OUV of the WHS should be made;
- (ii) A failure to acknowledge that the Bath WHS is a heritage asset of the highest significance and that the NPPF makes clear that the significance derives not only from its physical presence but also its setting;
- (iii) A failure to appreciate the expectations for protection of the OUV of the WHS
- (iv) A failure to identify the specific tests in national planning policy that apply to development within the WHS setting;
- (v) A failure to acknowledge that robust and convincing justification is required for harm;
- (vi) The absence of any reasonable summary of the impact, and degree of harm to the OUV informed by a heritage assessment and the application of the Bath WHS Setting SPD.

Paragraph 6.4 of the Cabinet report states:

*"The World Heritage Site and its setting were integral to the assessment of the various options and a Heritage Impact Assessment will be part of any planning application. In line with national guidance and the advice of Historic England".*

Historic England has taken great exception to this paragraph, which it describes as "misleading". HE have repeatedly advised the council – as set out in the extracts above, that ICOMOS advice, on Historic Impact Assessments and HE's own guidance on setting and views should be applied to the process of finding a suitable site.

The exasperation in HE's latest letter is clear. A compliant Heritage Impact Assessment is required *now*. It cannot be continually kicked into the long grass and deferred to planning application stage, where, it is feared, the Council, will continue to pay lip service to its statutory duties with regard to heritage, and invite the planning authority to conclude that its obligations with regard to heritage have been discharged at an earlier stage in the process. **It is incomprehensible that Cabinet were not made aware of the clear warning presented by HE that the current weaknesses in the report expose the council to statutory objection, call in and a UNESCO Mission visit.**

A final, critical point was raised by Historic England in criticism of the report to Cabinet. In its rudimentary planning evaluation of the various sites considered by the report to Cabinet, officers have erred in law by determining that AONB has greater importance in planning terms than a WHS. **The impact of this in undermining the validity of the report to Cabinet cannot be underestimated, since this flawed assumption appears to have been largely**

determinative of the decision by officers to discount all sites under consideration other than B & F. Upon being made aware of this error, officers ought properly to have referred these sites back for further heritage appraisal and consideration against properly weighted planning principles. Historic England in their letter asked the Council to redress the error. Instead, Councillor Clark chose not to bring to the attention of Cabinet this most fundamental of mistakes, and invited Cabinet to make its decision on the wrongful assumption that planning hurdles would discount the other sites from consideration.

## **2. Inadequacies, omissions and misleading statements, which make the report an unsound piece of analysis**

### **A. Unclear and inappropriate recommendation (Section 2)**

The Recommendation to Cabinet was misleading to Councillors and to the public. It had two possible meanings; either

- a. Cabinet is being asked to choose between A or B, or
- b. Cabinet is being asked to authorise both options and to delegate the final decision to the Strategic Director, Place (as recommended by 2.3).

As observed in the introduction, although the Cabinet stated a preference for site B the decision was taken in the knowledge that it could probably not be delivered and that site F was the Officers' preferred site.

The effect of this is that Cabinet has in fact delegated site selection to the Strategic Director, Place, albeit in consultation with the Cabinet member for Transport. But there is no recourse to bring this decision back to either Cabinet or to Council even if the Cabinet member concerned disagrees with the final decision of the Strategic Director. This is a delegation too far, Officers should have secured site B, or else exhausted all possibility of securing it before bringing the report to Cabinet. In the absence of this, Cabinet should have required a further report to make a positive vote for site F if site B could not be secured.

**The Scrutiny panel is now the only Council body, with the power to have this decision reviewed by members.**

Only 15% of respondents supported site F during consultation, but it seems that Cabinet has chosen a 1200 space park and ride on site F by default, since, as stated at 8.2 of the report this is the clear preference of Officers.

Such an outcome is not something that is transparent or acceptable to the voting public, who expect their elected representatives to make important strategic decisions on their behalf. It is also contrary to the Council's Scheme of Delegation, Section 4E which requires that significant decisions of this kind are made by elected members. Equally it is not transparent as far as the placemaking process is concerned. The 2013 Halcrow high level review is included as a core placemaking examination document –yet in this document the now preferred site F is the one site named as definitely *not* on the table for selection for a fourth P & R.

## **B. Misrepresentation of CH2M report**

At section 4 The Cabinet report quotes from CH2M2 but the paragraphs are chosen selectively and do not accurately represent the consultant's report.

At 4.41 the report claims that CH2M conclude that 600 spaces will be required shortly after the development and occupation of the North Quays site between 2018 and 2022. This is incorrect, the report does not specify that even 600 spaces will be required to the east, and does not say they will be required between 2018 and 2022.

Hill actually concludes the following;

*At present, the average overall utilisation of the three Park and Ride sites is circa 63% with usage on Sundays excluded. This equates to existing spare capacity of some 1,020 spaces of the 2,787 available. In considering the timing of any additional Park and Ride capacity needed, it will be necessary to monitor and review the take-up of this existing spare capacity as the build-out of already 'committed' development continues or takes place. This review will also need to take into account other planned EA development as specific applications come forward and the delivery programme is better understood;*

CH2M suggests that existing spare capacity can be used in the first instance and then that Lansdown and Odd Down can each be expanded by 300 spaces each. CH2M does not at any point forecast a need that is greater than 400- 500 spaces east of Bath, but says;

*This delivery strategy would add around 1,000 new spaces to the overall Park and Ride capacity around Bath, whilst meeting a clear demand for a new site serving the eastern corridor. The current patronage forecasting work does not suggest a demand for greater provision than this by 2029.*

CH2M concluded that the amount of park and ride required will depend on many variables, such as the pace of development, the use of alternatives and the take up of existing park and ride. They were in fact saying there is a lot of spare capacity today and advocating a wait and see approach. There was absolutely no reason for Cabinet to have been steam rolled into a decision, particularly when there remained uncertainty as to whether site B could be delivered and, when so many key reports had not been produced.

### C. Misrepresentation of the public consultation.

The consultation identified a number of transport related issues that have been omitted entirely from this report:

- Congestion on key corridors within the city and at off-street car parks
- Increased journey times and poor journey reliability
- Poor air quality
- Adverse impact on the World Heritage Site and the tourism economy

This report has also reversed the order of the public consultation objectives vs what was printed for the public, deprioritising congestion and pollution. They have also added wording. See Bold for changes

2015 Consultation	Jan 2017 decision paper para 9.2
<ul style="list-style-type: none"><li>• To reduce congestion within the city and around our off-street car parking sites</li><li>• To improve the city's environment</li><li>• To reduce car use into the city centre and improve the proportion of journeys made by public transport</li><li>• To reduce carbon emissions from transport</li><li>• <b>To support the city's economic development and Enterprise Area</b></li><li>• To improve connectivity to support business and growth of the wider region</li></ul>	<ul style="list-style-type: none"><li>a. <b>To support the city's economic development and Enterprise Area</b></li><li>b. To reduce congestion within the city and around our off-street car parking sites <b>(which we hope to redevelop)</b></li><li>c. To improve the city's environment</li><li>d. To reduce car use into the city centre and improve the proportion of journeys made by public transport</li><li>e. To reduce carbon emissions from transport</li><li>f. To improve connectivity to support business and growth of the wider region</li></ul>

We raised and discussed in detail the need to restate issues and objectives when we met Council Chief Executive Ashley Ayre in October 2016 and this has not been done. Unless this is done, success criteria do not exist to measure this project by. We believe restated aims and objectives should be consulted on publicly.

#### D. Misrepresentation of the World Heritage Site Management Plan

<p><b>Report says:</b></p> <p>4.11 The main aim of the plan is to ensure that the outstanding universal value of the site and its setting is understood, protected and sustained...The report identifies that transport and movement around the WHS is a major issue which needs to be addressed and states that “Roads can therefore be congested, with resulting air pollution and other detrimental impact on residents and businesses”. Objective 3 of the plan identifies the need to “work to control traffic growth and harm, and encourage and promote less car use, especially in the city centre”. The plan also identifies the issue of through traffic in the city and the air quality issues that arise as a result. Action 26 of the plan identifies the need to “support actions to reduce air pollution, primarily caused by petrol/diesel powered vehicles, which is a direct risk to people &amp; historic fabric within the WHS”</p>	<p><b>We say:</b></p> <p>Highly selective quoting and interpretation. The very first line of the Vision is:</p> <p><i><u>The Outstanding Universal Value of the City of Bath World Heritage Site will be conserved and enhanced for this and future generations.</u></i></p> <p><i><u>...The impact upon the Outstanding Universal Value will be a key consideration in all proposals for change, recognising that small-scale incremental change can be as influential as major interventions. There will be a strong presumption against development that would harm the Outstanding Universal Value of the World Heritage Site itself, or its setting.</u></i></p> <p>The Setting is one of the six headline Universal Values and has its own Site Setting Supplementary Planning Document specifically to protect it, but this isn’t even mentioned in the report. Historic England, in their letter of 24 January also sought an acknowledgement of the role of this critical planning document. It is extraordinary that it goes unmentioned in any analysis of planning considerations.</p> <p><u>Stating that an aim of the plan is to reduce congestion and pollution without balancing this with an acceptance that a new P&amp;R will not do this is highly misleading. The Council admit this, but the admission is buried in the Council’s Q&amp;A (no. 18).</u></p>
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#### E. Omits to say that an EP&R will not benefit pollution - this is buried in the 80-page accompanying Q&A

It is wholly unacceptable that a Conservative manifesto and subsequent P&R public consultation both promised to deliver an improved living environment for residents now, but the fact that this will not happen via a P&R is buried in an 80-page Q&A document (Q.18). This fact should be core to a Cabinet paper that requests Councillors select a site as it is fundamental to the case of benefit vs harm.

Defra has written privately to B&NES in Summer 2016 advising them to integrate their transport and air quality plans. The Council sought to conceal this letter from the public and refused to release it, even though it was legally required to do so under the Environmental Information Regulations. DEFRA, quite properly, provided a copy of the letter to the BMA. The council has ignored the advice contained within the letter. Were they to do as advised, they would need to acknowledge that Defra local air quality policy guidance no longer mentions P&R in the list of initiatives recommended to improve pollution. This clearly calls into question why we even have P&R on the table at all. Instead Defra advise behaviour change programmes and stick and carrot measures such as congestion charging and travel plans.

#### **F. Omits alternatives for consideration**

References are made to the Getting Around Bath Transport Strategy as an integrated set of transport solutions, and to plans to 'improve bus services key to helping those from further afield to get into and out of the City' when they are omitting: metrobus expansion into Wiltshire despite wholesale commitment to it throughout the rest of the West of England; school run solutions; and, targeted, innovative ways of shifting behaviour from car to greater bus usage.

In fact the GABTS is predicated on removing cars from the historic core via P&R. If this has been shown not to be achievable, money needs to be put into finding a plan B instead.

#### **G. Misrepresents the status of the Placemaking Plan and the views of the national Planning Inspector – and then presents these inaccuracies as key conclusions of the report as a basis for decision taking.**

The report misrepresents the status of the draft Placemaking Plan, and worse, the views of the Planning Inspector. In particular:

- (i) In paragraph 4.15 the report asserts that it has received “informal comment” from the Planning Inspector regarding the main modifications to the Placemaking Plan, and seeks to infer that the Planning Inspector has all but determined the proposals to be agreed. This is simply untrue. There has been no “informal comment”. This would have been wholly inappropriate as all such discussion is required to be in the public realm, it has been confirmed to us by the Placemaking Plan Programme Officer to be untrue. The suggested modifications to ST6, (the relevant policy on Park & Ride) were proposed by the Council and are agreed by the Planning Inspector as being relevant to the soundness of the plan. Consultation on the Main Modifications concluded on the 14<sup>th</sup> February and the Planning Inspector has yet to give any indication of her view of these proposed changes.
- (ii) Paragraph 4.15 goes on to conclude that as a consequence of this (ie the Planning inspector’s presumed contentment with the plan), Policy ST6 can be afforded “significant weight”. Without giving the further explanation that is required to put this weighting into context for Cabinet members, a wholly false impression is given of the status of ST6. Cabinet members would be forgiven for not appreciating that

“significant weight” is the lowest weight which the Planning Authority has itself determined it will give to *all* Placemaking policies which are still out to consultation, which have been objected to and are still subject to modification. Properly understood, as it would be by the Planning Authority, it means in fact “warning – this could change”. This only becomes obvious when it is appreciated that the other weighting categories are “substantial weight” – the weight given to emerging policy which is *not* subject to any objections, and “full weight”, which is reserved for Adopted Core Strategy only.

- (iii) The misleading nature of paragraph 4.15 is compounded by paragraph 4.17, where the original (and now defunct) draft wording of this policy is set out, instead of the current version on which the council has recently consulted. The Council itself are unhappy with this wording, and have proposed the changes. It is clear that no weight, significant or otherwise, can be given to a version of ST6 that has now been ditched by the council, or to the emerging ST6 on which the Planning Inspector has yet to express a view.
- (iv) In paragraph 8.1, the first of the Officer’s overall conclusions aimed at influencing Cabinet, it is stated:  
*“The technical work that has been undertaken identifies a need for an east of Bath P & R and this was accepted by the Inspector at the recent Placemaking Plan Examination”.* Its position as the first of its concluding remarks suggests officers intend Cabinet to be impressed and to give great weight in their decision taking to the “fact” that the Planning Inspector has concluded that need for an east of Bath Park & Ride has been established. This is not the case. The Programme Officer has confirmed that any such assumption on the part of officers is just that – their own interpretation of an evolving picture, which will not be resolved until the Planning Inspector reaches her decision on the basis of consultation responses and any further hearings she may elect to hold. Scrutiny Panel members are invited to question Richard Daone, B&NES planning policy team leader on this matter. At the Placemaking examination hearings in September 2016, in response to a direct question from the Planning Inspector as to whether need for Park & Ride would have to be tested, Mr Daone confirmed that indeed it would. There was no suggestion at the hearing or subsequently that need had been proven, or that the Planning Inspector was in anyway satisfied on this point.

**H. Contains numerous further omissions and misleading statements. These include:**

1. Wrong planning designations on the map in appendix 1 – the WHS Site boundary has been labelled as the Site Setting boundary, which stretches for many miles further, falsely giving the impression that the potential sites are outside the WHS setting
2. Houses overlooking sites on the Box road listed as a reason not to proceed here in the report, but the thousands of homes overlooking the Batheaston basin not even mentioned
3. The report fails to mention that the Box Road sites are brownfield, which is a relevant consideration when weighing planning decisions and has failed to give weight to any of the local planning policies which would help inform judgement as to which site was more deliverable (note: we are not arguing here that a site is desirable – instead making the point about the error)
4. Next steps for what the £0.5m is to be spent on are not set out



5. No mention in the report of the duty of care for residents today, especially when it comes to illegal air quality. No mention of the Defra guidance on transport initiatives to reduce pollution – a series of transport options in which Park and Ride no longer features
6. Highly selective quoting and interpretation of the WHS Management Plan and no mention of the fundamental Site Supplementary Planning Document
7. Shift from using RUH patient numbers to justify a larger site to staff travel plans. This proved unsuccessful at Odd Down due to shift patterns and staff parking being available on site. Figure 8 showing where RUH staff live is not evidence of need for a P&R and indeed shows that the existing Lansdown site would be potentially acceptable, were there is demand for P&R from employees. The apparent conglomeration of staff around Chippenham also suggests that rail options might be preferable. It appears that no one has asked RUH staff if they want to use a park and ride, whether it suits their needs, or whether they are willing or able to travel by public transport.
8. In paragraph 4.20 commuters are once again the focus of east P&R success when it is quite clear today that existing P&R are emptiest when congestion is at its worst. NO attempt has been made to explain how driver behaviours will change
9. Claims that the public scrutiny inquiry day (SID) recommended a link road and help for the RUH travel plans when Bathampton Meadows Alliance has previously pointed out that no such discussions occurred (4.29 recommendations 4 and 5)
10. Evidence of where drivers come to existing sites from are taken from surveys at Christmas when Bath is a destination rather than year round usage. Exaggerates year-round reach.

**Bathampton Meadows Alliance, February 2017**