

CONTEMPORANEOUS NOTES ON EVIDENCE ON TRAFFIC

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Evidence in Chief

I don't want to spend much time on those issues where MR Cleave accepts my points, or where I accept his, which are several, except to record them where relevant.

In particular, my argument does not depend on challenging any of Mr. Cleave's traffic figures, where he has corrected mine. (I say mine, actually in every case I had simply taken the data given by LCC.) I do draw some different inferences, which I shall come to.

But first I want to address the conflict between Mr. Cleave's strongest and most recurrent argument, and what I consider to be my strongest and most recurrent argument. In a nutshell, this is LCC's proposition that it was only and fully following DfT advice, or in some cases, where the advice has now changed, the advice at the relevant time.

And my proposition is that LCC has not followed the appropriate advice.

To avoid confusion, I am not challenging current government policy. I am saying government advice was not followed.

Now the problem is, we both actually quote the advice, but different sections. So let's look at that. I take you to my Additional note [TSLM/P6 SUP], page 3, figure 1:

Quote 1: *Generally options that reduce the need to travel are likely to be more sustainable than those that cater to travel demand.*

Quote 2: I'll come back to later

Quote 3: *As far as mode is concerned, given a multi-modal context, it can be expected as a minimum that car, public transport and non-motorised modes will need to be distinguished.*

Quote 4: *An understanding of the current situation and the range of likely future situations should inform the definition of the do-minimum and do-something cases.*

And I argue that this means a wider range of alternative solutions should have been considered, and the effects of a wider range of policies on traffic should also have been considered.

On the other hand, if we look at Mr. Cleave's additional rebuttal, on page 3, half way down, he quotes from the DMRB

And then quotes from the same TAG document I do about the Do Minimum.

Page 4 quotes para 2.2.4 of TAG unit 2.9

(So I quote 2.1.1 which mentions "the range of likely situations", and he quotes 2.2.4 which refers to only "committed schemes")

We both claim to be defending DfT orthodoxy.

Who is right? Well, there is one document that trumps all the others. It is the one where the SoS specifies what she has summoned us all here for. Our "terms of reference", if you like. The Call-In letter.

So let us look at what that says. Just read 3 quotes from it (Inquiry doc 5.6)

The Secretary of State's policy ... is to be very selective about calling In planning applications. She will, In general, only take this step if planning issues of more than local Importance are involved. Having regard to this policy the Secretary of State is of the opinion that the application is one that she ought to decide herself because she considers that the proposals may conflict with national policies on important matters.

On the information so far available, the following are matters which the Secretary of State particularly wishes to be informed about for the purposes of her consideration of the application:-

c. The extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1: Delivering Sustainable Development, and its emphasis on the importance of sustainable development as the core principle underpinning the planning system. In particular, the requirement to reduce the need to travel and encourage accessible public transport provision, to secure more sustainable patterns of transport development, should be considered, together with the Government's commitment to promote a strong, stable and productive economy that aims to bring jobs and prosperity for all.

g. The extent to which the proposed development is consistent with the advice in Planning Policy Guidance note 13: Transport, in particular on the need to promote more sustainable transport choices and reduce the need to travel, especially by car.

Now I argue that this means that even if LCC was correct in its reading of the rules in 2005, (even if) then from 8th February 2007 that had changed. The SOS has said, in explicit terms, that she is concerned about the effects of the scheme on PT, and the prima facie "conflict" with policies to reduce the need to travel, especially by car.

Now what follows? In my submission, on February 9th, 6 months ago, should have set about doing the work, the modelling, the appraisal and the analysis which I have described (and which TSLM has advocated), including policies which are designed to reduce the need for travel especially by car.

The scheme itself increases travel by car. That is agreed. There may be some doubt about the extent. But mainly, the technical work has not been done, because LCC has relied on the defence that this was their reading of the guidelines at the time and therefore it didn't need to do any more to justify the scheme.

The SoS has said that on the evidence available the scheme appeared to have a potential conflict with these policies. Well, I have had plenty of rows with SoSs over the years, but on this decision I feel that I am defending her.

She has said that she wants advice on these issues. LCC has said the rules provide for them not to heed that advice. I disagree. So now we don't need to argue about which quotations to use – the SoS has resolved this for us – this is a very important point. If I'm right, all defences (right at the time) are no longer valid arguments.

That's all I shall say about who has the most appropriate interpretation of the guidelines, except that I read on Saturday that Inspector Mr. Ellison took my interpretation of this point, not the promoter's, in a very similar discussion, (exactly the same discussion of quotations, so these are not just my interpretations), and recommended the rejection of the Thames Gateway Bridge, essentially for that reason, in the biggest and most recent public inquiry dealing with exactly the same point of policy.

The next stage in my argument is a problem. . What the rest of my evidence does is try to double guess, in the absence of the right modeling and forecasting and options: what might the effect have been if it had been done? That's what all the to-ing and fro-ing about the traffic figures and benefit cost calculation is really about... I don't have the resources to run new models, work out forecasts – objectors never do. We can only talk about directions here, not firm figures, unfortunately.

I can assert that a package of policies such as that advocated by TSLM, assessed by a model which was multi-modal, and with full consideration of induced traffic, would perform much better than this scheme and this scheme would perform much worse.

But how do I prove it? I have based my argument & evidence on experience elsewhere, and that doesn't seem to be seriously challenged. I can look at a few pieces of information that Mr. Cleave has given that may be helpful.

BCR

I refer to Mr Cleave's Additional rebuttal page 7. BCR goes down by 15% from 7.3 to 6.2 due to increase in costs.

In REB1 page 15 we see that BCR goes down from 7.3 to 5.45 as a result of a zero traffic growth assumption, a reduction of 25%.

Also in REB1 page 12 we see a sensitivity test on induced traffic. We are told that brings the BCR down from 7.3 to 5.1, a reduction of 30%.

So three different tests of the propositions that I would support reduce the BCR separately by 15%, 25% and 30%. In combination those would bring it down to 3.3. Hold on to that, I shall return to it in a moment.

Now there's a 4th element: the discussion about the overall traffic conditions envisaged for the area.

The promoters describe the scheme as making things better. I said, well, they are not getting better, are they? They get worse, year by year, due to uninterrupted traffic growth.

There's no dispute about this, that conditions are worse in 2025 than in 2001. Of course, the scheme comes and some roads get faster in 2010, but then, over the years, they get worse & worse.

The reason why this is significant is simply that I do not believe LCC will realistically just let this happen. They don't have to let it happen, so why should they?

I described it as an "oasis". Mr Cleave points out – fair point – that this is a bigger area. He suggests that the scheme should be assessed on a narrower, more focussed area. So the "oasis" is a bigger proportion of a smaller area, so a higher proportion of the roads are better in 2025 with the scheme, than they were in the base year. So on pages 5 to 7 of the first rebuttal, in this narrower area, 42% of traffic will be travelling in 20205 on roads with lower speeds than in the base year. I accept the point: it's still going down, of course, but it hasn't gone down such a long way.

BUT I say this: If the bigger area I used is biased and misleading in assessing the scheme, then let's do the CBA against the narrower area. Then let's see what happens to the BCR. I think we will be in the range 1 or 2, making it very marginal. And that's before we look at serious policy alternatives.

One important paragraph of my evidence, summary, page 3 para 12: there are a range of policies the government advocates for alternatives:

- i. Smart Policies, which can lead to reductions of 11 to 20%

- ii. re-allocation of road space and priorities (which can be done even in conditions of congestion, because evidence shows 20% of traffic then disappears),
- iii. road pricing, currently actively proposed by government, studies show it can reduce congestion by 25%-60%

It can be done. I think it will be, and the effects of doing so should be included in the traffic assessment.

I cite these to show other policies **were** available, and are in line with the SoS's preoccupation with sustainable transport. This scheme did not have to be the only contender.

This is an old-fashioned scheme for a different world we don't live in any more, assessed by old-fashioned tools which we shouldn't be using any more. I understand why that might not have been obvious to the Highways Department of Lancashire County Council in 2005 – although it should have been, in my view. But simply to treat the SoS's concerns as though they can be answered in this way I don't think is right.