

**TRANSPORT AND WORKS ACT 1992  
TOWN AND COUNTRY PLANNING ACT 1990**

**MERSEYSIDE PASSENGER TRANSPORT EXECUTIVE**

**MERSEYSIDE RAPID TRANSIT SYSTEM ORDER**

**PUBLIC LOCAL INQUIRY**



**Inspector:** Ronald Holley CB FRAeS MIMechE MIEE

**Date of Inquiry:** 18 November to 11 December 1998

**File Numbers:** TWA/3/1/74

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Date:

To: The Right Honourable John Prescott MP  
Secretary of State for the Environment, Transport and the Regions

Sir,

1. I have the honour to report that on 18 November I opened a public local inquiry at John Moore's University, Liverpool in connection with an application made by the Merseyside Passenger Transport Executive for the making of the following order under Section 1 of the Transport and Works Act (TWA) 1992:

#### **MERSEYSIDE RAPID TRANSIT SYSTEM ORDER**

2. The purpose of the order is to provide statutory authority and planning direction for the construction of a guided trolley bus system, from the Albert Dock in Liverpool, to Page Moss and to a park and ride facility on the M62 motorway, both in the Borough of Knowsley. The Order would authorise the compulsory purchase of the necessary land and rights over land, and the stopping up or diversion of certain specified highways; it would also authorise operation of the system, subject to approval by Her Majesty's Railway Inspectorate (HMRI) on completion of construction.

3. At the opening of the Inquiry there were 158 outstanding objectors; 18 withdrew during the Inquiry and none further made representations. The main grounds of objection were that the scheme was not well founded in national, regional and local policies, that it would draw its patronage mainly from existing bus services, that the money could better be spent on improving those services, that the park and ride proposals had been inadequately considered and were unlikely to attract the forecast use, that the route should not penetrate the pedestrianised area in the centre of Liverpool and that there could be some adverse effects on retail businesses.

4. The Council confirmed compliance with the required formalities leading up to the inquiry. Site inspections were carried out on 8 and 11 December, during adjournments to the proceedings of the Inquiry.

5. This report contains a description of the Order land and its surroundings, the material points made in the submissions at the inquiry, my conclusions and my recommendation, together with a list of appearances and a list of associated documents, plans and photographs.

#### **ORDER LAND AND SITE VISITS**

6. The Order route would run west to east for 11kms, from the Waterfront, through the City Centre and out to the residential area of Page Moss, all largely within an urban or suburban environment. Detailed features of the existing landscape along the route are depicted in the Figures accompanying the Environmental Statement (Document A16) which is, in this respect, undisputed. Alternative park and ride sites were visited on the afternoon of Friday 11 December; all other accompanied site visits were carried out on the morning of Tuesday 8 December, reaching Church Street at around noon.

7. The area around the Albert Dock was visited to view the listed buildings, now housing a wide variety of business, retail and tourist activities; the route of the proposed circuit around Salhouse Dock was seen, together with the location of the possible extension to King's Dock, now filled in and vacant. Leaving the dock area and crossing the Strand, it was noted that few pedestrians, if any, waited for the green lights; almost all, including women with push chairs, crossed during the gaps in the traffic streams, one carriageway at a time.

8. From the Strand eastwards, the line would rise gently and enter the City Centre, passing through a partially re-developed area and past the exit from the Paradise Street bus station, in South John Street. It would then turn 90° on to Lord Street and into a pedestrianised shopping area, with stores and other businesses on both sides.

9. The route crosses Whitechapel, which is also pedestrianised in the immediate vicinity of Lord Street, and then enters Church Street where street traders are permitted on the northern side. During the accompanied visit there was seen to be a significantly higher pedestrian density in this Street; all present agreed that, looking towards Parker Street, there was an even distribution of pedestrians stretching across the whole width of Church Street and precluding any view between them; it was also agreed that the flows in the middle were predominantly longitudinal, but with some small groups standing and talking and others crossing diagonally.

10. The opportunity was taken to view the St John's and Clayton Square sites, together with some of the streets to which reference was made by those proposing alternative routes: these included Great Charlotte Street, which is restricted to buses and taxis and where there was no sign of any impediment to the flow, and Williamson Square, Queen's Square and Whitechapel which were noticeably less busy than Church Street. In Ranelagh Street, the traffic was moderately heavy and police were present to stop motorists abusing the restrictions; the pedestrian crossings were observed and it was clear that virtually all users responded in the same manner as in the Strand: none were seen to wait for the lights.

11. On leaving Church Street the trolley buses would pass through Ranelagh Street and the Adelphi junction which appeared to be one of the busiest areas of the centre of Liverpool; the junction is currently, in effect, broken down into two stages in order to accommodate the six arms involved; it was observed in operation. To the east of Adelphi, the trolley buses would climb Mount Pleasant and proceed through Oxford Street, past the Cathedral and the University of Liverpool and on, over the main railway line, to Edge Hill; it was noted that, at Abercromby Square, if this section of Oxford Street were to be confined to buses, other traffic would have to be redistributed into the surrounding streets.

12. At Edge Hill the route would enter the open, level site of the Wavertree Technology Park and follow a segregated route along the south side. On leaving this Park, the route would turn north east towards the busy suburban shopping centre of Old Swan. In this centre there is another complex double junction, with grade variations, through which the trolley buses would have to pass, turning more than 90°; current operation was viewed at about 0830 on the

Tuesday and appeared to involve a rather complicated integration of the two adjacent junctions.

13. Turning east, the route continues, at grade, almost entirely through residential areas; from Queen's Drive onwards, it would occupy the wide central reservation, currently grassed. The route would pass Springfield Park, where the spur line junction would be situated, and continue through Knotty Ash and over the local authority boundary to Page Moss. At the main road junction, in Page Moss, there would be a turning loop; in a small area which is currently vacant, clear of the public carriageway. The relationships between the local authority boundary, the proposed bus route, its spur line and the park and ride site have been clearly set out in the Environmental Statement (Document A16 Figure 2.1 Sheet 3).

14. The 1.3km spur would run past the side wall of a superstore, on the south side of East Prescott Road, southwards to the proposed park and ride facility; this spur would lie along a disused railway cutting; the banks are now tree lined, with a metalled cycleway along the centre line; the cycleway passes under one of two arches of a tunnel or overbridge, about two thirds of the way down the cutting; the tunnel is unlit.

15. During the site visit, the area around the supermarket, its service road, the yard and banks to the rear, and the adjacent cycleway, were all examined and found to accord with the drawings and photographs employed at the Inquiry. Beyond the overbridge, the adjacent banks were examined with reference to the proposed temporary diversion of the cycleway. The areas of proposed access to the Park and Ride site were viewed, to gain an impression of the likely extent of tree loss; the route to Broad Green station was walked and the station viewed; on the south side of the station, the possible location of a future car park, beneath the motorway columns, was also seen.

## **THE INQUIRY**

16. The material points made by the parties to the Inquiry are set out in the following four main sections of my report.

## **CASE FOR THE PROMOTING AUTHORITY**

### **Merseyside**

#### **Population and Employment**

17. The total population of the five districts was 1.72 million in 1961 and 1.45 million in 1991, a decline of 15.8%. The Liverpool district population declined by 35.8% over the same period, from 746,000 to 479,000. By 1991, the population of Knowsley had fallen to 155,500. The decline of trade through the Liverpool docks, and of the associated industries, since the Second World War, has deprived the area of its main generator of economic wealth. Similarly there has been a decline in coal mining and glass and cable making.

18. The poor image of the area has resulted in relatively little new industry being attracted to it; there is over 10 times the national average of derelict land within Merseyside. The number of pupils leaving school without qualifications was double the national average in 1993; unemployment in the same year was 15.5%, the highest of any county in England and Wales; in March 1997 the figure stood at 12% compared with 6.8% for the UK as a whole.

### Regeneration

19. Between 1989 and 1993 Merseyside received 165 million ECUs through Objective Two funding by the European Union (EU), but the decline continued and the area was therefore accorded Objective One status, resulting in a £1.6 billion aid programme for 1994 to 1999, £630M each from the EU and the UK Government and £368M from the private sector; £60M have been allocated to transport schemes. The 38 worst affected areas of unemployment have been designated as 'Pathway Areas', for special attention under Objective One; the Order route would serve five of these areas (Documents G7,G33, PIA Section 5.2.7 & PIC App.6); the potential developments at King's Dock and Chavasse Park, and Project Orchid at Old Swan, would all be on the route.

### Housing

20. The inner part of the eastern sector stretches for some 4kms outwards from the City Centre and is bounded by Queen's Drive, the outer ring road of the 1920s which links all of the main radial routes and contains within it a number of key suburban centres such as Old Swan. Close to the City lie high density terraced properties of the Victorian era. Beyond Queen's Drive lie the lower density housing developments, largely built between the 1930s and the 1970s, in areas such as Knotty Ash; at Dovecot there are semi-detached and terraced council houses built before the Second World War. Since the 1980s, many high rise developments of the 1960s have given way to semi-detached or terraced housing, bringing about a significant reduction in density. Older public housing has been the subject of major schemes of refurbishment.

21. The original relocation of population to the outer suburbs was dependent upon the availability of cheap and frequent public transport and many of the tram corridors were extended into the new housing areas, on reserved tracks. But, in the initial years of bus de-regulation there was a near 60% increase in fares and Merseyside Passenger Transport Executive (MPTE) no longer had the power to ensure cheap public transport; a rapid transit system for Merseyside could assist in re-establishing this basis of transport provision.

### Tourist and Leisure Attractions

22. Together with many bars and restaurants, the Albert Dock area now houses some of Liverpool's most prominent attractions, notably,

Liverpool Tate Gallery	450,000 visitors in 1996
Liverpool Maritime Museum	340,000
'The Beatles Story'	138,000
Museum of Liverpool Life	117,000

## **Transport Policy**

### European Union

23. Four EC White and Green Papers are relevant to MRT (Documents E4,9,27 & 29). These papers stress the need for integration, sustainable development and fair and efficient pricing of public transport.

### National Policy

24. In April 1996, the Government of the day published 'Transport - The Way Forward' (Document E13), requiring more priority for public transport; MRT is consistent with this and with PPGs 6 & 13. In July 1998, the Government published its White Paper on Integrated Transport (Document E25); it defines integration as,

*'within and between different types of transport: with the environment... with land use planning...(and) with our policies for education, health and wealth creation - '*

And includes the following objectives:

*'opening up job opportunities... tackling the transport needs of women, the disabled and elderly people and people on low incomes (Para.1.41) and upgraded Quality Partnerships providing quicker, more reliable services, higher quality vehicles (and) easy to use buses...'* (Para. 1.31)

The Government also states that,

*'We are committed to making the fullest possible use of new technologies to deliver the New Deal for transport.'* (Para.2.49)

### Regional Policy

25. RPG13 was issued in May 1996 (Document E12) and gives guidance on promoting urban regeneration. The document indicates that development plans should facilitate transport schemes such as guided and reserved track transit systems.

### Merseyside Integrated Transport Study (MERITS)

26. The strategy proposed (Document C1) was agreed by the 5 local authorities and the Government Office in 1993; its objectives were:

- to contribute to economic development,
- to preserve and enhance the environment,
- to improve accessibility,
- to enhance efficient use of resources and ensure financial feasibility.

The MERITS model predicted that some 400 to 600 people in the MRT corridor would secure employment as a consequence of better access.

### Liverpool City Council (LCC)

27. The Deposit Draft of the Liverpool Unitary Development Plan (LUDP) (Document F6) was approved by the City Council in April 1996 and proposed changes were published in July 1997; the public inquiry closed in March 1998 and it is expected that the Plan will not be adopted until 1999/2000. Nevertheless, PPG1 & 12 (Documents E3 & 20) state that, in development plans, weight can be attached to emerging policies.

28. Policy T3 of the LUDP (F6 page 250) reads as follows:

*'1. The detailed assessment and design of the Merseytde Rapid Transit System on the route from Liverpool City Centre to Page Moss will be progressed.*

*2. The feasibility of introducing a Rapid Transit System on the following routes will continue to be investigated: City Centre - Wavertree - Netherley; City Centre - Broadway - Croxteth.*

*3. Appropriate traffic management measures, which will facilitate the safe and efficient operation of the Merseyside Rapid Transit System, will be prepared, evaluated and implemented where feasible.'*

29. And in its Statement of Views on the Order LCC advises (Document A4) that,

*'The Council considers that the principles and the strategic aims of the MRT proposal largely comply with the UDP. The contribution such a . scheme can make to increasing public transport patronage is welcome as is the improvement in access to the city centre, the Wavertree Technology Park and the district centres on the route.'* (Para.35)

*'... the Council will need to be satisfied that adequate measures are carried out to ensure that the Loopline retains its continuous cycling and pedestrian facility and that mitigation measures are carried out to compensate for environmental losses. In the City Centre also, care will have to be taken to ensure that pedestrian safety and concern for the historic environment are catered for.'* (Para.37)

Improved public transport would help to maintain the Viability of the district centres, especially in the face of competition for out-of-town facilities. With regard to detailed design, there is a potential conflict with emerging policies given the designation of the Loop line for recreational uses, nature conservation, walking and cycling.

### Knowsley Metropolitan Borough Council (KMBC)

30. The Deposit Draft of the Knowsley Unitary Development Plan (KUDP) (Document F14t was published in 1993, the inquiry was held in June to August 1995, modifications were published in March 1996 and September 1997, and the Plan was adopted in June 1998. Many Knowsley residents work in the Liverpool City Centre and the Council aims to establish greater economic stability and quality of life for its residents.

31. In addressing public transport (Paras.8.4 to 8.11), the KUDP records that,

*'Knowsley is unique among local authorities... in its combination of low car ownership, high dependence on public transport and location on the edge of a large city... The standard of public transport is therefore a particularly important issue for the Borough....(Para.8.4). It will co-operate with rail operators, the Merseyside Passenger Transport Authority and bus operators, so as to co-ordinate proposals based on the Council's own UDP... and the Passenger Transport Authority's three year plan....(Para.8.5)*

*Improvements to the system.*

*-'.. the Council will continue to liaise with Merseytravel, so as to encourage bus companies and rail operators to provide a high standard of services;'*

And Policy T1 (Page 189) reads as follows:

#### ***'INTEGRATED POLICY FOR PUBLIC TRANSPORT***

*The Council will, when considering development proposals, take account of the quality of transport services currently available ... It will also consider the land use implications of improvements to the transport system, and will predict and safeguard their land, access and other development needs.'*

32. There is no reference to MRT in the KUDP; the spur to Broad Green was not introduced until September 1997 and before that date the only impact was the 'stub' to Page Moss. However, in its Statement of Views on the Order, written before the KUDP was adopted, the Council notes (Document A5 Paras.2(b) & (c)) that, although the route to Page Moss is *'in broad compliance'* with the then extant East Merseyside Town Map of 1965, the Thingwall Hall Park and Ride site would not comply with the land use allocation of the then extant City of Liverpool Development Plan of 1958; it added that the KUDP was in an advanced stage of preparation and therefore the non-compliance *'is not, in itself, a substantive objection to the scheme.'*

33. The Council also considers that the MRT supports in principle the priorities and policies of the Merseyside Structure Plan (A5- KMBC - Para.2(d) & Annex 1). In commenting on the relevance of the Draft KUDP to MRT, the Council records the following (A5 - KMBC - Annex 2):

*'Modified Policy H2 indicates the areas of land allocated for residential development. These include site No.34 (land off Thingwall Lane) which is identified as having a capacity for 400 dwellings ... Part of this land is subject to the Thingwall Hall Park and Ride proposal.*

*Modified Policy H3 states that within the predominantly residential areas shown on the proposals map, the Council will grant planning permission for proposals for new residential development or appropriate uses which would not harm the residential environment.*

*The Park and Ride site at Thingwall Hall is an allocated-residential development site.... In order to comply with this policy, the scheme would need to be designed in a manner which avoids any adverse effect on the environment of adjacent residential properties. In this context, potential adverse effects include noise and fumes....*

*In relation to the site at Thingwall Hall, there are current proposals for residential development. .. A total of four planning applications have been submitted by Redrow Homes.... Two of these applications are currently subject to appeal against non-determination... The other two applications are currently being processed by the Council.'*

34. Annex 2 also addresses the need for compliance with environmental and contamination policies, and policies on pedestrian and cycle access..

#### The 1999/2000 Package Bid (Documents F10 & F15)

35. The Package Bid conforms to PPG1,6 & 13 and to RPG13 (Documents E5,12,14 & 20). Development of a rapid transit system is covered by Core Policy 2, for which the strategy guidelines include:

*'promote a new rapid transit route on a major corridor into Liverpool city centre to provide a high quality, accessible, fast, frequent, environmentally friendly and modern form of transport. '*

And, in the context of competitiveness, a key priority is to,

*'Promote measures, such as Merseyside Rapid Transit, which support sustainable access to key employment and redevelopment sites, including socially excluded communities.'* (Para.3.9)

Further that,

*'MRT is fully in accordance with the core policies of the Package Bid in supporting economic regeneration as part of a sustainable transport strategy.'* (Para.4.41)

The Integrated Action Plan notes that,

*'transport interchange to be built into the MRT project will include bus/MRT... Integrated feeder bus services and park & ride are being investigated. I* (Para.4.49)

### **Merseytravel**

#### The Authority and its Executive

36. Merseytravel is the operating name for the Merseyside Passenger Transport Authority and MPTE, both established under the Transport Act 1968; the Authority has 18 elected members appointed by the five district councils within Merseyside. MPTE is the applicant for the proposed Order and its principal duty is set out in Section 9A of the Act, as follows:



*'9A(3) ... to secure the provision of such public passenger transport services as they consider it appropriate to secure for meeting any public transport requirements within their area in accordance with policies formulated by the Authority.'*

37. MPTE secures provision of a range of services not provided by the commercial market under the Transport Act 1985. These include investment in the provision, development and expansion of the public transport infrastructure, as well as,

local rail services by franchisees under the Railways Act 1993,

services needed by the mobility impaired or for social reasons,

stops, shelters, bus stations and other such infrastructure,

passenger information services, pre-paid tickets, and concessionary travel for the young, the elderly and the mobility impaired.

### Public Transport Strategy

38. The Strategy for Merseyside, issued in 1993 (Document F3), seeks to improve quality, safety and access. Policy (vi) addresses the need for rapid transit:

*'...services and facilities for bus passengers are generally below that currently provided by Merseyrail, yet the dependence upon public transport and the extent of passenger movements are such that traffic management schemes (such as bus priority lanes) or new systems such as Light Rapid Transit (LRT) or Guided Bus may well be justified and further consideration of such innovative forms of transport will be given;'*

39. Public transport strategies established by Merseytravel include the following:

The Environmental Strategy (1996) (Document F7)

The Bus Plan (1997) (Document F9)

Travel Safe (1998) (Document F16) and,

Access Strategy - Consultation Document (1998) (Document F19)

Other strategies relate to the provision of a high quality rail network (Document P1A Para.7.3.7)

### **Existing Transport Network**

#### Road

40. National and regional road links are provided by the M53,57,58 & 62 motorways and their connections to the M6. Car ownership stood, however, at only 0.69 cars per household in 1991, compared with a national average of 0.88 and there is therefore greater reliance on public transport. Traffic congestion is not widespread; where it does occur it is localised and confined to peak

periods; taken over 30 journeys, for traffic into Liverpool between 0730 and 0930, the average speed was found to be 24kph and any reduction in traffic will speed up the remainder which is a decongestion benefit in the terms of Section 56 (Document G52 para.8.3). Congestion also contributes to poor environmental conditions, especially in the inner areas.

## Rail

41. Local rail services are delivered through franchise agreements with Merseyrail Electric and North Western Trains, supporting the operation of 78 stations and 3.6M train miles per year (Document P1C App.4). Separate agreements are made between these companies and Railtrack for access to the network and use of stations. Merseytravel sponsors development of the network in the form of new stations - 3 in the past 5 years - car parks and interchanges. The Franchise Agreements have also included requirements for the operating companies to deliver improvements by way of lighting, telephones, CCTV and information points.

42. The City Line has stations in the locality of the MRT route at Lime Street, Edge Hill, the Wavertree Technology Park and Broad Green; they are served by a 15 minute diesel service. On arrival at Lime Street, passengers have a walk of approximately 400 metres to the point on Church Street where the MRT would stop or some 200 metres to the St John's Centre. The Town Hall, which is at the centre of the business district, is a little over 1km from the station and the Waterfront is nearly 1.5kms away (Document P2D figure 2.7.15).

43. Approximately 85% of all public transport journeys in Merseyside are made by bus; MTL is the largest operator, providing 57% of the total vehicle miles, and Arriva North West is second with 7%. A core network has been identified (Document P1C App.5) and there has been an increase of around 15% in the scheduled bus miles on this network, since de-regulation. However, since 1987, the number of passenger journeys 'has fallen by 22.5%, from 227 million to 176 million, and bus loadings have therefore declined. 48% of all buses are 12 or more years old compared with 39% nationally.

44. Market Research shows (Document F9) that passengers want a safe, comfortable environment for waiting, protected from the weather and with reliable information services. Between 1995 and 1998, 450 'SMART' bus shelters were erected. New stations have included one at Queen Square, in the centre of Liverpool; comprehensive improvements have also been made to the Paradise Street station in the same area. Initiatives to improve the quality of the network include bus priority measures and the introduction of more high quality, low floor buses.

45. Strategic planning issues arising from the 1998 White Paper (Document E25) are being addressed by Merseytravel, local authorities and the operators in a Sub-Committee of the Bus Forum.

## **The Role for Rapid Transit**

### Objectives

46. In 1992 MPTE undertook a study into opportunities for improving journey times for the 85% of public transport users not travelling by rail, concentrating on the five busiest corridors (Documents P2C Table 2.2 & P2D Fig.2.3.1&2). Attention was focussed on the corridors remote from Merseyrail; the three most important of these, in terms of passenger movements as well as the number of buses, were found to be those from the Waterfront to Page Moss, Netherley and Croxteth; the bus flows on these routes totalled 513, 517 and 321 respectively. Comprehensive bus priority and other measures were proposed to improve these services, and further study to include rapid transit (Document F20).

47. In 1993, a consultants' report defined the objectives for a rapid transit system for Liverpool as follows:

<u>OBJECTIVE</u>	<u>MEANS</u>	<u>KEY ATTRIBUTES</u>
Relieve congestion	Attract car users; Increase corridor capacity	Speed, freq., image, comfort Min. traffic disruption
Improve mobility	Serve major centres City & local	Accessibility, penetration competitive fares
Stimulate economy	Improve region image Serve re-development sites	Efficiency & permanence
Improve environ.	Attract car users Encourage park and ride Reduce diesel emission	Speed, freq., image, comfort Particularly speed Electric traction; comp. fares
Implementation	Minimise cost	

(Document C2 table 2.1)

And currently the objectives of Line 1 are,

to improve public transport in a very busy corridor.

to achieve a significant modal switch from car to public transport,

and to upgrade the image of Merseyside as an area with the will to achieve economic regeneration.

(Documents F15 & P1A para.5.1.2)

### Project Development

48. Development took place in four stages, commencing in November 1992 (Document P2A Sections 2.3 to 2.6). At Stages 2 and 3, between September 1993 and October 1994, consideration was given to the extension of the Page Moss line to Prescot or beyond (Document P2D fig.2.4.1). For Stage 4, from December 1994 to December 1995, a Project Manager was appointed and a detailed project

plan was drawn up for the network of three lines (Documents C5,6 & 15). The tasks undertaken in Stage 4 included alignment, technology, corridor and environmental scoping, data collection, surveys demand forecasting, financial and economic appraisal, public consultation, private sector involvement and the contractual options (Document P2A paras.2.6.1 to 2.6.4).

49. Engineering and cost/benefit studies showed the Page Moss route to be the preferred choice for 'Line 1'; it offered the potential for regeneration of the area and a high degree of segregated alignment for the system, together with a favourable socio-economic performance (Document P1C App.7). Additionally, it could provide a much needed link to the Waterfront; no existing bus service ran the full length of the proposed route.

### Overview of Line 1

50. Since the original Planning Plans were drawn up (Document A13), changes have been made as a result of engineering development, public consultation and formal objections. All changes are shown in red on the updated Planning Plans (Document A24).

51. Line 1 would connect the Albert Dock and Waterfront to the Paradise Street bus station (Document A24 Sheet 202) and the retail core of the City; the proposed extension, from Salthouse Quay around the King's Dock area, has been withdrawn pending resolution by Liverpool City Council of plans for future development of this site. From Canning Place and along South John Street, the layout is compatible with the proposed National Discovery Park development which requires demolition of an office block.

52. The Church Street stop would provide an interchange with Merseyrail, at the Central Station (Sheet 203 - top & Document G20). On Mount Pleasant it would serve the universities and the Roman Catholic Cathedral (Sheet 203 - bottom). It would continue through the Edge Hill district (Sheet 204) where the MRT depot would be located, on Wavertree Road; the depot would be about 2.5kms from the City Centre. The spur would leave the main line, some 6.5kms out, in Knotty Ash, and would serve Broad Green Hospital as well as the park and ride site. At Page Moss there would be a new bus interchange facility.

53. In 1997/8 the two universities had a total of 22,000 students; 48% of those not living in, were resident in the Wavertree and Kensington areas which would be served by Line 1, linking them to many of the university sites.

54. 22 stops are proposed (Document P1A Section 5.3), making the average separation around 600 metres. They have been positioned at points of high demand, to optimise walking distance, to provide for interchange with bus and rail, and to be compatible with the highway layout and with safety requirements. The Lord Street and Church Street stops would be integrated into the surrounding pedestrianised retail shopping area.

55. Of the two stops at Wavertree, 'Sandown Park' would be integrated with the proposed new railway station intended to serve the Wavertree Technology Park and due to be completed in the autumn of 1999. Further on, the Edge Lane stop would serve a dense residential area, would allow interchange with bus services to many outlying areas and would also be within walking distance of a local

retail park, some of whose more prominent facilities attract over a million customers a year.

56. At Old Swan, there are over 3000 residents living within 500 metres of the proposed stop; it would also provide further bus interchange opportunities. The proposed alignment takes account of the Project Orchid development which will entail re-development of St Oswald's House as a shopping centre and is expected to generate some 500 jobs. All of the remaining stops to Page Moss would serve residential areas and from Queen's Drive onwards the route would be fully segregated by using the central reservation; the locations of the Queen's Drive and Hope Street stops were adjusted as a result of public consultation.

57. The park and ride spur line is an addition to the tender alignment and would be fully segregated; the Springfield Park would serve a large supermarket and the proposed location of the Broad Green stop has been adjusted to meet the wishes of the Hospital Trust.

### City Centre Route

#### The Options Considered

58. The City Centre routing has been examined at each stage of project development (Documents C2 to C6). It must avoid major conflict with other traffic flows and serve key destinations and interchanges, such as,

Lime Street, Central and Moorfields railway stations,

Lord and Church Streets, as the main shopping area,

The central business district (CBD), centred on the Town Hall,

The main bus termini, and

The Waterfront.

59. The five main road corridors enter the City Centre via St Anne Street, London Road, St James Place, Mount Pleasant and Islington respectively, and at Stage 1 the choice of City Centre route was therefore considered to lie between,

William Brown Street - Old Haymarket - Whitechapel - Paradise Street (Document P2D Fig.2.7.1), and

Lime Street - Renshaw Street - Berry Street - Great George Street (2.7.2)

The initial preference was for the first of these: it would serve the shopping area and provide good interchange with buses at Queen's Square and Paradise Street bus stations but poor rail interchange; at that time it was also regarded as unacceptable in view of the heritage environment of Brown Street, but this may not now be a problem. The second route would skirt the shopping area and not serve the CBD.

60. At Stage 2, six options were presented to the Steering Group, whose members included representatives of Liverpool City Council (Documents P2A paras.2.7.6 to 2.7.12 and P2D Figs.2.7.3 to 2.7.8). From this it was concluded that the preferred route should serve the retail centre, the CBD and the Waterfront and that the alignment should run through the pedestrianised area of Lord and Church Streets; also that the preferred route should have a double track as single track in separate streets would be more costly. Route variants via Queen's Square were held to be worthy of further consideration.

61. Stage 3 therefore began with consideration of a route serving Church, Lord, James and Dale Streets, and the Pier Head (Document P2D Fig.2.7.9) with variants (P2A Paras.2.7.16 to 24). Dale Street could not, however, accommodate twin tracks and four other options were considered (P2D Figs.2.7.11 to 14). At Stage 4, the final choice was made (P2D Fig. 2.7.15) on the grounds that it would be largely segregated and provide direct access to the retail centre by going through the pedestrianised area, would provide interchange with other services and would connect with the Albert Dock.

62. The pedestrianised area of Church Street, between Ranelagh Street and Parker Street, is open all day to service vehicles for two of the main stores. The remainder of Church Street, together with Lord Street, is open before 11am and after 6pm to service vehicles for the shops and street traders; contractors involved in building work are authorised to have all day access.

63. The scheme would entail one MRT vehicle running in each direction every 5 minutes; the transit way would be about 7 metres wide and visibly differentiated from the surrounding surface; it would also form the access route for other vehicles, with separate bays for loading and unloading. The draft Order contains reserve powers to relocate or remove the street traders. With the exception of the front edges, MRT platforms would be blended into the surrounding paving.

#### Objectors' Alternatives

64. Merseyside Property Forum, Merseyside Civic Society and Littlewoods have all proposed alternatives, one of which is similar to a network proposed by the Project Team during Stage 4 (Document P2D Fig.2.7.10); outline plans have been prepared for the remainder (Figs.2.8.1 to 5). Due to the lack of detail it has not been possible to evaluate any of them against Merseytravel's proposed route (Document P2A Para.2.8.9).

#### Public Consultation

65. In 1995 leaflets were distributed to all homes and businesses within 800 metres of the Line 1 route and 12 days of public exhibitions were held in local libraries (Document C9). A second exercise in 1997 (Document C11) involved 4 weeks of exhibitions at 10 locations, 95,000 leaflets, presentations to key local organisations, mail shots for MPs and MEPs and consultation with business interests. The exercises yielded a response rate of around 3.5% with about 95% in favour; the main advantage was perceived to be quicker journeys.

## The Tender

66. Expressions of interest were sought by advertisement in the Official Journal of the European Community. 10 consortia responded and a detailed invitation to tender was issued in March 1996 to those short listed. Assessment of the bids confirmed that LRT would not be likely to secure the necessary Government grant. Two bids remained and of these, the proposal by Transform was favoured. Transform is an unincorporated joint venture between a bus company, Arriva plc, and Cegelec, the suppliers of the proposed electronic guidance system; the system proposed would employ trolley buses, powered via overhead line equipment (OHLE) and guided by an electro-magnetic field created by wires buried in the road surface. MRT would be operated and maintained by Arriva North West Limited.

67. A Joint Venture Board, consisting of three members from Merseytravel and three from Transform, has since been created to oversee the project. Transform have participated in the detailed specification of the system and the vehicle, and the verification of the capital and operating costs. Following the signing of a concession agreement, Transform would procure the vehicles and contract out the construction work by competitive tender.

## **Project Definition**

### System Selection (Document P2A Sections 2.2 to 2.6)

68. For the purpose of generic comparison between rapid transit and conventional bus, a 'Superbus' was defined, this being a high capacity, articulated, diesel powered, low floor vehicle utilising segregated alignments wherever possible. The performance of this Superbus was compared with a Light Rail Transit (LRT) system at the Pre-Feasibility Stage in 1992/3 and a range of rapid transit technologies was also examined (Documents C2 & P2A Section 2.3). The Superbus showed a better financial performance through lower operating costs but only attracted some 70% of the number of passengers that were predicted to use LRT (Document P2A para.2.3.19).

69. At Stage 2, in 1993/4, outputs were refined for the three best performing corridors (Document C3). Stage 3, in 1994, entailed additional studies of LRT only (Document C4) and, at Stage 4 (Documents C5,6 & 15) three rapid transit systems were considered, LRT, kerb guided diesel buses (KGB) and guided electrically powered buses (GLT). The economic appraisal of these technologies showed GLT to have the most favourable benefit/cost ratio (Document P2C Table 4.1).

70. Vehicle guidance offers better ride quality and accurate alignment at stops, as a result of the predictable path followed; Light Rail was rejected on cost grounds (Document D1) and the tender bids confirmed that it would be around 50% more expensive than either of the bus based systems offered; Light Rail also imposes a much higher minimum radius of bend (Document P2C Table 2.1). Kerb guided buses were considered but rejected as they would be unsuitable for pedestrianised areas.

71. Rigid chassis buses would be about 12 metres in length and single deck versions would be limited to around 70 passengers. Articulated buses can be powered by diesel or gas engines, or electrically via overhead lines. Electrically powered buses can also be fitted with diesel engines for running on sections without overhead lines, but this increases the cost.

### Land Requirements

72. The Limits of Deviation and of additional land to be acquired or used temporarily are shown on the deposited plans and defined in the Book of Reference (Documents A12 & 14). Over most of the route these limits follow the boundaries of the highways or of the former loop line. No property demolition or clearance is required but the limits of deviation do include property to be demolished as a part of other developments at Chavassee Park, for the National Discovery Park, and at Old Swan for Project Orchid.

73. A number of owners of properties clear of the limits have received notices because they are held to be owners of the subsoil of the adjoining highway; Merseytravel only seeks a right to construct and operate MRT within that highway.

### Transit Way

#### Surface

74. To ensure high quality ride and to resist the rutting, which would otherwise result from continuous use of the same track, a new running surface would be constructed throughout. Additionally, the nature of the guidance system precludes the use of conventionally re-inforced concrete and any old tram rails would be removed. Road markings and surface colour would delineate the transit way but the surface would be flush with other lanes where it is unsegregated; segregated sections would have a containment kerb (Document A24 Sheet 211).

#### Power Supply

75. The power would be supplied via two lines, with a 60cms separation, suspended at a minimum of 5.8 metres above each track of the transit way. Where the route passes between buildings which are up to 25 or 30 metres apart, and dependent upon the suitability of the structure, the wires would be suspended from span wires attached to the buildings; modern materials facilitate the use of light and less intrusive equipment (Document P3A Section 2.4). Elsewhere roadside steel masts with span wires or cantilever arms would be used; the masts would typically be around 8 metres in height with a 30cm base diameter; spacing would be 30 to 40 metres in straight sections and about 10 metres on sharp bends; detail design and colour would be selected to blend with specific environments, notably in conservation areas.

76. There would be special electricity sub stations at Paradise Street, Mount Pleasant, the Edge Hill Depot, Queen's Drive and Page Moss (Document A24). These would be single storey structures, not larger than 4 by 7.5 metres. The power supply would be a two wire, 750volt DC, floating earth system; in the event of an inadvertent earth on one wire the system would therefore maintain



the 750 volt differential and continue in operation, without generating any high leakage currents; the entire OHLE would be double insulated and monitored for earth leakage. Assessments have been made of electro-magnetic compatibility of the guidance system with other traffic signalling, and also of the power system (Document A28 & 29).

#### Stops (Documents E17 & 24)

77. Vehicle entrance doorways and the stop platforms would be 34cms in height and platforms would be around 15 metres in length, with 2.5 metres wide ramps, 7 metres in length, at each end; this can be compared with Metrolink platforms which are around 60 metres, excluding the ramps. Each stop would have a well lit waiting shelter, a public address system, passenger information display, CCTV, ticketing equipment and two way communication with the control centre at the Depot.

#### Depot (Document P3A Section 2.8)

78. The Depot site is of sufficient size to support the envisaged full network of 3 lines; it was at one time a railway goods depot. There is an existing industrial building in the north west corner which would be refurbished for workshops and offices; three vehicle maintenance pits and a gantry would be constructed.

#### MRT Vehicle

79. The vehicles would be 18 metre, 3-axle, single deck, articulated trolley buses, 2.55m wide, with two double doorways under driver control. In common with most modern trams and electric trains, the vehicles would operate on AC, derived from on board inverters. This allows the traction motor to be controlled in an efficient, jerk-free manner and facilitates programming for constant acceleration and regenerative braking; it also requires comparatively little maintenance. The vehicles would also be equipped with a small diesel engine for emergencies.

80. The vehicles would comply with ECE Regulation 36 or UK equivalent and with the requirements of the Disabled Persons Transport Advisory Committee and the Disability Discrimination Act 1995 consultation documents (Documents E22 & E24). They would also be subject to the requirements of HMRI and the Department of Environment, Transport and the Regions (DETR) Vehicle Inspectorate. Capital and operating costs must be consistent with a viable business case and vehicle appearance and comfort must attract high levels of patronage. Each vehicle would have 53 seats and allow for 72 standing; this compares with 42 seats and 29 standing in the modern, low floor 2-axle bus and continental European practice of 40 and 100, respectively, in 18 metre long vehicles. The drivers would have radio contact with the control centre and each vehicle would carry passenger information displays.

#### Guidance

81. The guidance system (Document C17 & video G5) would be a development of that designed and built by AEG and Daimler Benz, in use in the service tunnels of the Channel Tunnel; the 24 vehicles using the latter system have travelled about 2 million kilometres at speeds of up to 80kph. The two 1cm

guidance cables are laid at a depth of 5 to 15cms, 30cms apart, and the alignment of the vehicle is contained within a few centimetres of the centre line; this centre line is defined by an electro-magnetic field, generated by a low frequency, low intensity electric current supplied by mains operated, wayside generators, and picked up by an antenna under the vehicle.

82. Thus, the swept path of the vehicle is minimised, improving the ride and the accuracy of turns, and facilitating docking at the stops with a gap of about 2.5 to 6cms. The system eliminates any requirement for kerbs or rails, to guide the vehicle, and allows easy switching at junctions or complete disengagement; it is therefore more flexible in operation than a tramway and cheaper and simpler to install or re-align. The predictable path of the vehicle makes it well suited to penetration of pedestrianised areas, where the transit way need only be identified by textural paving. By comparison with conventional buses, the system relieves driver stress.

83. The Channel Tunnel vehicles are much smaller and lighter than a full size, passenger carrying bus. In 1996 therefore, AEG adapted a Mercedes bus and constructed a 600m guidance system test track for the Tyne and Wear Development Corporation; independent consultants BAeSEMA were appointed to devise a rigorous series of tests (Video G5 and Document P1A para.6.1.15 et seq.) which lasted for 6 weeks. The test report (Document E31) shows that the system passed all of the tests with ease and with high reliability.

84. A study has also been undertaken for London Transport and the Dutch Ministry of Transport (Document E32). The report concludes that,

*'electronic guidance can be shown to be an elegant, flexible and technically proven solution and is the most promising variant of guided bus technology', though it also notes that there is, 'a slight risk factor of no physical lateral constraint to the vehicles when under automatic guidance control.'*

The latter risk would be mitigated by segregation, which would apply to over 70% of the proposed MRT line (Document P3C Table 1). London Transport has specified this guidance system for the Millenium Waterfront Transit project and the specification includes space provision for OHLE; *'Guided trolley buses are strong candidates'* for the vehicles but the system will initially use diesel buses and the transit way will also be compatible with unguided buses (Documents P1C App.9 & G28).

#### Construction (Document P3A Sections 3.1 to 3.7)

85. Utility diversions would be carried out by contractors working for the statutory undertakers. Highway alterations include re-alignment of carriageways and changes to junction layout and traffic signalling of a nature which is no different from that of normal highway improvement; in general, widening would be given priority. Transit way construction and the installation of OHLE would involve larger scale works having an impact on operation of the highway network, notably where on street running is proposed; to deal with the consequences, a Code of Construction Practice has been prepared (Document A30) which sets out procedures to mitigate the impact: highway diversions would be subject to approval by the Highway Authority.

86. Most of the construction in Lord, Church and Ranelagh Streets would take place at night and be phased to maintain access for pedestrians. The most difficult section would be the 300 metres east of the junction of St Oswald's Street and Prescot Road as this is the narrowest section of the A57 and carries heavy traffic; it would probably only be possible to maintain two of the four lanes in operation at a time, hence early warning will be important to minimise congestion.

### Operation

87. Transform have provided technical and commercial expertise on the guidance system, vehicle specification, operating patterns and park and ride. MRT vehicles would be capable of up to 75kph but would be governed to a maximum of 12kph in the pedestrianised areas. At signal controlled junctions detector systems would give them priority. The driver would control acceleration, speed, braking, stop time and any emergency actions required; unlike rail or kerb based systems, he would be able to disengage guidance and drive the vehicle in the conventional manner.

88. The main line service would be provided from about 0640 to 2325 daily, on a 10 minute frequency from 0700 to 1800 and a 15 minute frequency at other times. The Park and Ride service would commence at around 0720 and run every 10 minutes until about 1810, with a 15 minute service until 2320. 15 minute services would be provided on both routes on Sundays and public holidays. The two services would combine just east of Queen's Drive, giving a 5 or 7.5 minute service between this point and the Waterfront.

### **Traffic Impact Assessment (TIA)**

#### Growth Rates

89. The Traffic Impact Assessment (TIA) (Documents A26 & P4A Section 4) has been produced in accordance with procedures set out by the Institution of Highways and Transportation. It was agreed with the two Highway Authorities that the impact should be assessed for the years 2002 and 2012; the growth figures used for these timescales were as follows:

	Peak	Off Peak
1997 to 2002	3.1%	4.1%
2002 to 2012	11.3	13.2

Transfers from car to MRT were also taken into account. With the exception of Abercromby Square, it has been agreed with the City Council that re-assignment effects can be regarded as minimal.

#### Junction Capacity

90. Capacity in urban areas is generally governed by the junctions and hence the operational assessment was focussed on them; MRT would pass through 75 and improvements are proposed at 36 of them, to ensure maximum priority for

MRT. At the six most complex junctions - Wapping/Strand; Adelphi; Wavertree/Harbord; Edge Lane/St Oswald's; Old Swan and Prescott/Queen's Drive - detailed modelling and assessment was considered necessary to ensure that MRT could be accommodated (TIA Sections 8 to 14). For the last two of these junctions it was concluded that there would be slight improvements in operation following incorporation of the MRT changes; MRT would not degrade the performance of these junctions in 2012.

91. At Edge Lane, it is proposed to provide separate signalling for the left turn out of Rathbone Road and a merge area for St Oswald's northbound; St Oswald's Street would become a single carriageway in each direction. The existing 4 stage signals would become 5 stage, reverting to 4 when no MRT vehicle is detected; priority for MRT would be exercised by extending green time and compensating in the next cycle. Analysis of operation with MRT shows that in 2002 the junction would have a marginal reserve capacity. In 2012, with Project Orchid, high degrees of saturation would occur on arms carrying traffic to and from this development.

92. At Wavertree, with the proposed improvements, the junction would operate with a marginal degree of reserve capacity in 2002; it would be over capacity in peak hours in 2012, with or without MRT. The series of junctions around Adelphi have been modelled and the proposed improvements would result in satisfactory performance in 2012. For Wapping/Strand the analysis shows satisfactory capacity and the junction would not be degraded by MRT.

#### Abercromby Square

93. The Square would be closed to all but buses, taxis and bicycles. Analysis of re-assignment embraced a wide network of streets (Document P4C Figure 1) for the peak hours in 2002 and 2012. This showed that there would be a negative impact on three junctions with capacity problems at two of them, in 2002. Improvements would be made to road markings and signalling. Analyses for 2012 show operating difficulties both with and without MRT.

#### Park and Ride Access

94. The facility itself would have a beneficial impact on the whole of the Edge Lane radial route but, without mitigation, there would be negative impacts on the access route from the M62 to the site. To avoid the queues on the slip road extending back on to the motorway, lights would be installed at the roundabout with variable green time to control the queue; the junction would then operate with a small reserve capacity in 2012.

95. Bowring Park Road would be widened to provide an additional lane, relieving the junction with Thomas Lane and providing largely unconstrained access to the site; signalling would also be revised. In the Do-minimum scenario the junction would be severely overloaded in 2012 but with the improvements, queues on Bowring Park Road would be confined to around a 30 minute period in the peak hours.

### Access, Parking and Loading

96. Impacts on access have been addressed in the TIA (Document A26 Section 17). It will be necessary to extend parking and loading restrictions (Section 18); a series of mitigation measures has been proposed to re-locate or replace existing service arrangements (Document P4A Paras.4.7.6 to 4.8.3).

### Pedestrians

97. The TIA includes analysis of the pedestrianised area, centred on Church Street, and a sensitivity test which inflates the numbers by a third to represent peak period activity; it is concluded that the swept path of the MRT can be accommodated satisfactorily, without congestion in the pedestrian corridors, although there would be a slightly lower level of pedestrian activity in some locations (Document P4C App.3). There is no evidence of conflict between service vehicles and pedestrians at present and there may be an improvement, with MRT in operation, by virtue of the introduction of defined vehicle paths.

98. In the on street running sections, MRT would be following existing bus routes and therefore have little impact. At Old Swan the footways would be narrowed but not below the permitted minimum of 2 metres. On fully segregated sections facilities would be provided for pedestrians to reach the stops from nearby signalled junctions. Along Prescot and Liverpool Roads, where MRT would be in the central reservation, the stops would be located adjacent to existing pedestrian crossing facilities.

### Cyclists

99. The assessment (TIA Section 19) has been carried out in accordance with the guidance published by Liverpool City Council. Generally, there would be adequate clearance between MRT and the kerb. At a number of locations cycling facilities have been incorporated into the design (Document P4A Paras.4.10.6/7). Where possible, cycle parking facilities will be provided at the MRT stops.

### Existing Bus Services

100. Clearly the stream of other traffic, including buses may be held up at junctions whenever MRT exercises priority but compensation would be provided in subsequent signal cycles. Stops have been selected to be compatible with existing bus stops, though in some cases this may mean repositioning. Analysis of the bus only stream in South John Street shows that MRT could be accommodated. Between Old Swan and Page Moss MRT would parallel a number of existing services and take patronage from them, but the stops would be more widely spaced.

### Road Safety

101. Section 24 of the TIA addresses road safety. Where possible safety would be improved by the addition of extra pedestrian facilities; this, together with the highway improvements, should lead to a beneficial net impact. On major roads such as Prescot and East Prescot, many U-turns and right turns would be

banned at unsignalised junctions, to improve safety and operational performance. In other cases new signalised junctions would be created.

## **Park and Ride**

### Tender Requirements

102. The Invitation to Tender (Document C10), of July 1996, advised bidders that the rapid transit studies already completed had included,

*'alignment designs; capital and operating estimates; development of a demand forecasting model; environmental impact assessment; funding studies; public consultation; traffic management appraisal, and project planning.'*

And that,

*'The basic specification is that the system should be primarily electrically powered and largely segregated from the highway using vehicles which provide equal access and facility of use for all sections of the community.'*

And that,

*'The route links the waterfront, the city centre, the areas used by the universities, Wavertree Technology Park, Old Swan, Knotty Ash and Page Moss. Many of these areas have high levels of unemployment and low levels of car ownership. This route also serves five Objective One Pathway areas... and ... will also feature bus and rail interchange to integrate the system with other public transport facilities in Merseyside. Park and Ride facilities would also be desirable to broaden the benefit of the project.'*

103. Section 2 of the document gives an overview of the intended route, without reference to park and ride, but the final paragraph of Section 3 reads as follows:

*'Potential for Park and Ride facilities along the corridor should also be explored. Merseytravel have identified a site adjacent to the MS7 as a potential major site. This would require an extension of the line ... but tenderers should consider this option within their variant bids. 1*

The 'standard' or 'compliant' bids did not therefore include park and ride.

104. Transform carried out a 'desktop' study and identified 4 possible sites in the M62 area from which Thingwall Hall at Broad Green was selected as being close to the motorway, with the disused railway line offering a link to the Line 1 route. A vehicle capacity of 1200 could be provided by employing 4 hectares of this site, the whole of which is currently allocated for housing; the site would therefore be bounded to the north and east by a landscaped mound to reduce the impact on housing.

105. Cars would enter near the south west corner of the site and MRT in the north west. Access would be via Bowring Park Road, with lane and junction improvements; alternatives have been suggested which would necessitate

separate slip roads but these would involve greater loss of vegetation and would still have to join the motorway at junction 5.

### Site Selection

106. In September 1998 W S Atkins submitted their report to the DETR on the findings of a study entitled 'The Travel Effects of Park and Ride' (Document E30 including DETR Notice 5 October 1998). The report was based on interviews with around 1700 users of 19 sites in 8 cities. The conclusions (Page xi) are as follows:

*'Park and ride use results in an overall decrease in private car mileage;*

*Private non-residential parking undermines the extent to which park and ride is effective in removing peak hour commuter trips from the central road network;*

*The cost of central area parking is the main factor in encouraging use of park and ride;*

*Local bus services cannot compete against park and ride ...*

*.... locations which are convenient to radial routes and so negate the need for diversion are ideal.'*

107. MRT would reflect all of the findings. The study found that the service needs to be as efficient as using a car and that reducing road capacity, by allocating lanes for bus priority, is likely to encourage use. 59% of motorists cited cost as the main factor and 31% gave convenience and ease of use as the second priority; but where, as in Reading, there are bus priority measures in force, 45% gave this as a reason.

### Alternative Sites

108. Merseytravel recently commissioned a study by CES of alternative park and ride sites. The report, dated October 1998 (Document C16), advises, in relation to the M57, that,

*'In previous phases of MRT development an extension of the alignment to Prescott was considered.'* (Para.3.2.1) but that,  
*'For commercial reasons line 1 of the MRT system is now planned to terminate at Page Moss...'* (Para.3.2A)

It further advises that the three sites considered are,

*'.. almost 30 minutes journey time from the city centre by MRT on a route which does not-suffer traffic congestion on its outermost part. Demand for a site is low... The main targeted Park and Ride catchment is traffic from the M62.'* (Paras.3.2.2/3)

109. Eight potential sites were identified to serve the M62 but it was concluded (Para. 304.11) that, *'Thingwall Hall is the only one which provides a practical, strategically placed and viable Park and Ride location.'*

### Re-use of the Former Railway Line

110. PPG13 requires local planning authorities to ensure that disused transport routes are not unnecessarily severed by non-transport land uses, especially where there is a reasonable chance that such routes may be put to use in the future (Document E5 para.5.8). The Liverpool loop line, a part of which would be used for the MRT Park and Ride spur, was abandoned in the mid-1970s and, during the 1980s, the route was turned into a cycleway and recreational footpath by Sustrans. It is now a part of the Millenium Cycleway and it would be diverted to run mainly along the top of the embankments.

111. In the early 1990s, a supermarket development at the northern end of the railway cutting, was permitted to encroach on to the alignment, thereby precluding any further use as a railway or tramway. There is, however, sufficient width to construct the MRT line and retain the cycleway and footpath in its present position.

### Revisions of Policy by LCC

112. LCC recognises that Policy T3 of the LUDP does not take account of the proposed spur line to the M62 Park and Ride facility at Broad Green; the proposal was not identified until September 1997 and LCC acknowledges that it, '*... would have to consider an appropriate modification to this policy to reflect the addition of this spur.*' (Document A4 - 2nd section para.19)

113. When the Council proposed the addition of the new policy T16, by amendment of T2, the Wavertree Society objected to its wording as they felt that it did not cater for M62 traffic; by memorandum of 20 October 1997, the Council accepted the Society's amended wording. LCC advises that it was proposed '*... to further modify this policy to include a reference to provide park and ride facilities with access from the motorway network.*' (Document A4 - 2<sup>nd</sup> section para.20). The Policy will now read as follows:

*'The City Council will seek to identify sites for the development of Park and Ride facilities which have easy access from the Primary, Strategic and Motorway Route Networks and from which Rail, Bus or Rapid Transit services could be provided into the City Centre.*

*In this respect the City council will support initiatives by Merseytravel designed to provide car and cycling facilities at rail stations. Initially new car parking facilities will be provided at Fazakerley and Hunts Cross.*

*The City Council will support..... rail facilities .....* '

(LCC Ref. Council/33/T2/Policy/FC - addendum to Document F6 page 247 submitted during the Inquiry)



## **Demand Forecasting**

### **Modelling**

114. The demand model structure contains three elements: highway assignment, public transport assignment and mode choice (Document P1A Section 3). The models all divide the corridor and surrounding area into 199 zones, of which 15 are in the City Centre and a further 36 within 500 metres of the MRT stops. The model takes account of journey, access and waiting time, fares, parking charges and a measure corresponding to public perception of different modes. Demand has been forecast as coming about only by transfer of journeys already made by car or bus.

115. Major exercises were conducted in 1995 and 1997 to collect trip origin and destination data for highway assignment (Documents D1, 2 & 4) and the model has been validated (Document D3). For the public transport element, data were collected from a survey of over 5000 people and simultaneous bus occupancy counts. Walking distances were modelled within 500 metre radius catchments around each proposed MRT stop. The mode choice element identifies the shortest path through the network by each mode, from the other two elements, and then uses a comparison of relative costs and behavioural preferences taken from the 1997 Survey (Document D4) to decide the proportions of demand to allocate to each mode.

116. Morning peak hour and off peak passenger flows have been calculated for MRT (Document P2D Fig.3.9.1). The highest load would be around 1050 passengers, westbound approaching the universities. This compares with a maximum capacity of 1500 people per hour, in each direction. The total annual demand in 2002 is forecast as 6.45M of which 1.04M, or 16%, is expected to be by transfer from car.

### **Transfer from Car**

117. A comparison has been made of current average morning peak journey times by car and by MRT (Document P2C Table 3.3). For the proposed park and ride facility the figures are as follows:

	By Car	Using MRT
	(minutes)	
M62 Junction 5 to City Centre	18	22
M62 Junction 5 to Waterfront	22	27

The timings for MRT include 3 minutes in car, driving from Junction 5 to the park and ride site. Hourly transfers from car to MRT in 2002 have been forecast in two categories, those using park and ride and those walking from home (Table 3.4); the total peak hour figure for transfers from car is forecast as 410.

### **Transfer from Bus**

118. Comparisons have been made between journey times by existing bus services and by MRT (Document P2C Table 3.5) and these show a six minute saving from Page Moss to the City Centre or nine minutes to the Waterfront. The number of journeys which would be transferred has been forecast as 1584 in the

peak hour in 2002 (Table 3.6). Overall, it is estimated that 84% of the patronage of MRT would come from journeys currently made by bus.

### Growth

119. DETR traffic growth rates, as revised upwards in 1997/8 (Document P2C Table 3.2), have been used for the TIA. The lower rates (Table 3.1) have been used for the demand, financial and economic analysis; using the higher rates would increase demand for MRT by car owners and so increase revenue; this transfer from car to MRT would also increase the scheme benefits. Thus, though they are not directly comparable, the less favourable case has been used in each instance.

120. Generation of new traffic has not been assessed in the demand modelling as details cannot readily be quantified; however, for the financial appraisal, a 10% increase in revenue has been assumed to come from this source. No account has been taken of potential regeneration areas along the route, such as King's Dock, Chavasse Park and Project Orchid; the uncertainty surrounding all potential developments is such that no increase in demand from these sources has been incorporated into the economic analysis.

### **Planning Issues**

#### Dockside

121. The issue here is the impact on listed buildings. Liverpool Waterfront is one of the country's greatest landmarks and a key component is the Albert Dock area where there are retail, leisure and office facilities as well as residential accommodation. Its attractions include the Tate Gallery and the Beatles Museum and it is now one of the top tourist attractions in the country. The issue of linking the area with the rest of the City has taxed the City Council for many years, not least as a result of the physical barrier presented by the Strand.

122. Special attention would be given to the design of the scheme in this area, during the detailed design stage, in consultation with Liverpool City Council, English Heritage and local interest groups.

#### City Centre

123. MRT would be a clear commercial asset to the Chavasse Park leisure and retail development and the proposals for this Park were re-designed to take account of it. As a shopping destination, Liverpool will now suffer increasing competition from the newly opened Trafford Centre, on the outskirts of Manchester, yet there is no environmental enhancement scheme as yet formulated for Liverpool's shopping centre. MRT would bring significant environmental enhancement.

#### Mount Pleasant

124. Here the principal planning issues relate to the impact on a conservation area and its listed buildings. Until the late 1950s, trams ran along Mount Pleasant, with fixings attached to the buildings; the installations for MRT would be designed to be integrated into the existing environment and MRT would result

in the removal of car traffic from Abercromby Square. Neither of the relevant stops would be adjacent to the Roman Catholic Cathedral. The Abercromby Square stop would serve the University of Liverpool which has around 9,500 students.

### The Depot Site

125. The depot would be situated close to Edge Hill Rail Station. The site is allocated, in the deposit draft of the UDP, for retail development (Document F6 Policy S4) and has been available since 1995, but the allocation has not been taken up. The City Council accepts the proposed use of the site for the MRT depot, as a suitable alternative, and proposes to modify the UDP (Document A4 - 2nd section para.28).

### Rathbone Road

126. At the junction with Edge Lane, MRT would run across the north eastern corner of the playground, which is currently the subject of a planning application for retail development. The City Council's own proposals for improving the junction with Edge Lane would have required the majority of the land sought by MRT and this change is therefore thought to be acceptable.

### Prescot Road

127. There have been a number of objections to the loss of parking on the central reservation, near Queen's Drive, and an anticipated loss of trade. At present, the parking has hazardous entry and exit points and most of the parking is filled early in the day making it unlikely that many shoppers use it. Nevertheless, additional parking would be provided as a part of the Project Orchid development.

### Broad Green Spur and Park and Ride

#### Housing

128. The park and ride site is allocated in the Knowsley UDP (KUDP) for residential purposes and there are applications for housing development (Document P6A App.2); the total area of the site is 19.5 hectares and it is estimated that 100 housing units would be lost, out of 382, as a consequence of taking the 4.5 hectares required for a 1200 space park and ride facility. A new access road would be constructed,

129. At the end of 1997 there were 3104 housing units still to be developed on KUDP allocated sites (Document P6C App.3 & 5) and, on sites considered suitable by KMBC but not yet allocated, there were 1590 units (App.4 & 5). Thus the UDP requirement for 4000 by the year 2001 could be met without the area proposed for the park and ride site. Housing land is also available for a further 2000 units within the following 5 years, as required by Policy H1.

#### Planning Permission

130. KMBC accept, in principle, the departure from their adopted plan and there are material considerations to support it. Firstly, it would facilitate modal

transfer from car to public transport and is '*designed to avoid excessive urban congestion*' (Document E5 Para.4.30) and secondly, it would not have an adverse effect on the Council's ability to provide adequate housing.

131. The recent White Paper highlights (Para.3.58) the importance of providing physical interchange between transport modes, and adds (Para.3.64) that '*local development plans should consider allocating sites for interchange e.g. for park and ride to town centres and at bus and rail stations.*' The White Paper goes on to promote '*integration between all types of transport*' explaining that the government '*wants to make it as easy as possible for car drivers to switch to rail, bus and coach ,by providing good connections between them...*' (Para.3.128)

## Contamination

132. The Thingwall Hall site is believed to have been used for domestic refuse in the 1930s and 40s (Document P3A Paras.2.7.19 to 2.7.28). The most significant contamination issue is the presence of methane and carbon dioxide. Investigations have been carried out in connection with the proposed housing development and a remediation scheme has been prepared for that purpose; planning consent for the housing is subject to one remaining concern expressed by KMBC. No work has been carried out on behalf of Merseytravel to check the ground investigation reports but the park and ride facility would be a less sensitive use and a joint approach to the problem may be appropriate.

## Environmental Assessment

### Scope and Context

133. A full Assessment has been carried out which accords with EC Directive 85/338 (Documents A15,16,17 & 18). Commitments to mitigation measures include tree replacement, primarily with native species, designs compatible with conservation areas, and the investigation of any archaeological remains between Kings Dock and Lord Street. There are no Sites of Special Scientific Interest or Scheduled Ancient Monuments along the route; the disused railway cutting at Broad Green is, however, a locally designated Site of Nature Conservation Value (SNCV); MRT would have little impact on it as it would utilise the former railway track. A combination of mounding, fencing and planting would protect nearby housing from the Park and Ride site (Document P5C/DP01).

134. Approval of the Order and Planning Direction would not involve approval of any of the urban design plans: detailed design is currently illustrative and planning permission is reserved for decision by local authorities; nevertheless, all current illustrations represent the minimum standard which MPTE would adopt. The route corridor currently suffers from a preponderance of run down areas, a scarcity of modern buildings, trees and green space, disjointedness, poor maintenance, blandness and a decreasing sense of security, and lifelessness at night. The provision of MRT could have a positive and unifying impact on this townscape,

135. Almost the whole of the Order route was formerly a tramway and, until the late 1950s there were double decked trams running from the docks to Page Moss (Documents P5C/PH07 to PH19); wall fixings were attached to what are

now listed buildings; trams ran through Lord and Church Streets and down the central reservation of Prescott Road. The scale of the infrastructure for MRT would be more modest than that of the trams or the Manchester Metrolink and design of the stops, street furniture and landscaping, appropriate to each area, could make them attractive features, as can be seen from the French and German examples (Document P5C).

136. It is rare for a transit way to be re-introduced to a fully pedestrianised street but it is not rare for trams and buses to share streets with pedestrians as the continental examples demonstrate where transit ways were retained when creating pedestrianised areas. Such schemes are vital if city shopping areas are to compete with the out of town centres; the Trafford Centre and Cheshire Oaks present stiff pedestrian friendly competition.

137. The route would pass through historic environments in proximity to listed buildings. By comparison with other such situations (Document P5C/PH 50 to 59), the absence of rails for MRT would be a significant advantage. A detailed assessment has been made of each section of the route, the relevance of the MRT proposals and the response to objections (Document P5A Section 6).

### Trees and OHLE

138. The tree survey (Document A27a) defines those that would be lost, which amount to about one in eight; at least two would be planted for each one lost and this would serve to produce a net increase in habitat provision. The photographs of continental schemes of planting (Document P5C/PH25 to 28) illustrate the compatibility of trees with OHLE. Only one Tree Preservation Order would be affected and that is at Thingwall Hall.

139. Nevertheless, the installation of OHLE is a sensitive issue, particularly in the vicinity of listed buildings, and would be the subject of consultation with the local authorities and with English Heritage. A single pole design has been developed for the Waterfront area.

### Air Pollution

140. A major advantage of an electrically powered system is that there are no exhaust emissions generated in the urban environment. Comparative figures for emissions by internal combustion engines and by electricity generation for use by vehicles, were compiled by the Department of Transport in 1996, based on application to light goods vehicles; overall emissions in grams/km were as follows (Document G8):

	CO <sub>2</sub>	CO	H	Nox	SO <sub>2</sub>	PM
Petrol	358	6.7	0.5	0.4	0.4	0.001
Diesel	295	1.4	1.5	0.3	0.3	0.24
Electricity	277	0.08	0.75	2.32	2.32	0.06

In the same year, the permissible sulphur dioxide content of diesel was reduced from 2000 parts per million (ppm) to 500. The EC has also issued draft directives by which it aims to reduce diesel PM10 emissions by up to 70%, by 2005 (Document G43 para.72).

141. The operation of MRT and its consequent effects on traffic flows are unlikely to have any major impact on air quality; the majority of locations assessed would experience lower levels. There would be a major benefit at Abercromby Square but there is likely to be a slight adverse impact in the vicinity of the Park and Ride site. Along Brownlow Hill, Myrtle Street, Roby Road and Bowring Park Road, adverse impacts would be negligible or slight; at the Bowring Park Road/Thomas Lane junction there are likely to be exceedances in a number of pollutants but these would arise with or without MRT.

### Noise

142. Existing levels have been compared with those predicted with MRT and the consequent changes in traffic flows (Documents A15 Section 11, A17 Apps.11.1 to 11.3 & A26). Ambient noise monitoring was carried out in 1997 at the locations shown (Document A16 Fig.11.1). On the scales used, 0dB(A) is equivalent to the threshold of hearing and 120dB(A) to the threshold of pain; a change of 3dB(A) is just perceptible whilst 10dB(A) is sensed as a doubling of the noise level. The noise from transport is assessed in terms of an equivalent continuous sound pressure level over 12 or 16 hours and the units are described as dB(A) $L_{Aeq12hr}$ ; construction noise is defined as negligible below 55 and operational noise is negligible for changes of 2dBs or less. It is predicted that the noise levels with MRT would, at no property along the route, exceed the 68dB(A) level defined for noise insulation (Document B15).

143. Operational noise would be low firstly as a result of using electric motors to drive the vehicles and secondly because they are rubber tyred, unlike trams. An MRT vehicle travelling at 50kph would generate about 65 dB(A) as it passed at a distance of 7 metres; when added to the remainder of the traffic this is assessed as negligible; by comparison, a conventional bus generates about 80dB(A) at the same speed and distance. There would also be some changes in the noise levels of other traffic on the highways affected and the Traffic Impact Assessment (Document A26) shows that the changes would be less than 4dBs.

144. At the Park and Ride site, the nearest housing would be at a distance of about 25 metres. Noise would include engine starting and door slamming but the boundary screening would reduce levels at such houses by about 16dBs at ground level and 11dBs at the first floor. The car park would be closed at night.

145. Although construction noise may be significant where heavy plant is involved, it should be relatively short term at any one location as construction proceeds along the route. The assessment of construction noise shows that at any location within 40 metres of the work there would be, for a few days, noise levels in excess of 75dBs; this can be compared with the existing noise levels along much of the route which already vary between 68 and 73dB(A). Earthworks in Thomas Lane may generate between 65 and 70dB(A) at adjoining properties but Bowring Park Road would not be affected by it. For a few weeks there might be moderate noise impacts in the vicinity of Broad Green Hospital and properties on Warmington Road.

## Vibration

146. MRT would not cause levels at any building along the route to increase; the impact is therefore predicted to be negligible. Some objectors have expressed concern about specific locations and these concerns have been answered in the relevant objection response paper (Document A23a).

147. Construction vibration has been assessed in accordance with British Standard 5228 and found to be negligible at most locations; it is likely to be perceptible at the Britannia Pavilion, which is a listed building, and at shops on the south side of Ranelagh Street, at 67 to 69 Lord Street, at 14 to 60 Oxford Street and at 175 to 201 Rathbone Road, but the impacts would still be slight. Moderate impact may be experienced at Bedford House, 1 Abercromby Square and 642 Prescott Road. Greater levels of vibration may be generated at the Park and Ride site but there are no sensitive locations close enough to be affected. Mitigation measures are unlikely to be required.

## **Costs, Economics and Funding**

### Capital Costs

148. Total cost was estimated at £53.4M at 1997 prices, or £52.2M excluding sunk costs, before withdrawal of the King's Dock extension (Document P2C Table 4.2); the principal elements are as follows:

	£M
Track and Foundations	8.227
Vehicles	7.500
E & M Works	6.244
Design and Supervision	4.730
Land and Property	4.530
Utilities	3.597
Guidance	2.907
Highway Works and Signalling	2.008
Park and Ride	1.808
Stattons	1.408
Commissioning	1.318
Depot	1.184

149. The costs include £10M for a major refurbishment of the vehicles in 2012 and replacement in 2022, plus new contact wires and ticket machines on both occasions (Document D3 Para.6.19). A 10% contingency has been allowed for civil engineering works and 5% for electrical systems; 20% has been allowed on utility diversions in view of the uncertainty in that area.

### Operating Costs and Revenue

#### The Scheme as a Whole

150. Transform has developed a model for forecasting these costs. They are estimated at around £3.65M annually at 1997 prices, of which the principal elements are as follows (Document P2C Table 4.3):

	£K
Wages	961
Rates	411
System Support by Arriva	342
Insurance	282
Publicity and Marketing	198
Power Supply Maintenance	170
Park and Ride	166
Rectification of Vandalism	164
Traction Power	110
Administration	108

151. To minimise stop time, tickets would be purchased before boarding and the driver would play no part; ticket checking would be by travelling inspectors. Socio-economic conditions along the MRT corridor would not support premium fares and the fare structure would have to be competitive with existing bus services (Document P1C App.11). Annual revenue in 2002 is forecast to be £5.138M at undiscounted prices (Document G7) or £3.8M, discounted at 6% per annum. Over the 30 year life of the scheme the total would be £56.69M; with discounted costs at £2.7M, the operating surplus for the scheme as proposed, would be £1.1M in 2002 or £16.38M over 30 years.

#### The Scheme without Park and Ride

152. As a part of the financial and economic evaluation, a number of variations to Line 1 were considered (Document D3 - May 1998 - Section 5); the options included extension to Prescot, the M62 park and ride, and variation in the number of stops and the extent of electrification. Assessing the Order scheme with and without the park and ride facility, Options 2a & 3a respectively, yielded the following outcome for the year 2002, in £M:

<u>COSTS</u>					<u>FUNDING</u>		
	<u>Revenue</u>	<u>Op.Cost</u>	<u>Surplus</u>	<u>Cap.Cost</u>	<u>EU</u>	<u>Private</u>	<u>Gap</u>
2a	5.138	3.768	1.370	59.8	15	6.8	37.9
3a	3.999	3.540	0.459	50.8	15	2.3	33.5

153. Although 3a still showed a small surplus, the option was rejected on the grounds that it removed more than 50% of the car transfers, reducing the revenue from this source to only 8% of the total and making MRT less secure in relation to bus competition. Inclusion of the M62 proposal would add benefits worth £12M to the present value for around £5M of extra cost and it is likely that Section 56 grant could not be justified without this advantage.

#### Cost Reduction

154. Following selection of option 2a, a programme of cost reduction was undertaken, optimised to retain the predicted revenue (Document D3 Section 6). The original estimate of £4M for the park and ride facility was considered too high and it also included an element of double counting; the revised cost was



assessed as £1.81M. The vehicle specification was reduced, notably by selecting a basic trolley bus in place of a duo-powered vehicle; manufacturers other than Mercedes were also approached and the result was a reduction in the estimated cost of the vehicles by £150K each. Overall, capital costs were reduced from £59.8M to £52.2M and operating costs from £3.768 to £3.653M.

155. The capital costs have recently been further scrutinised. Withdrawal of the King's Dock extension (Document A24 Sheet 201) reduces the total by £1.4M; this and other revisions have resulted in a new total of £48.6M (Document G6).

### Employment

156. MRT would create the equivalent of 116 full time jobs in construction and 102 in operation. The impact on existing buses is difficult to assess; load factors would be reduced on the Order route but might not reduce the number of services, and there could be re-deployment to other routes; any reduction in jobs would tend to be gradual and hopefully accommodated through natural wastage.

### Funding

#### Private Contributions

157. Agreement has been reached in principle on a twenty year initial concession similar to that employed by the Greater Manchester Executive for Metrolink. The required outputs were defined in the Invitation to Tender (Document C10). Transform anticipates a price for the concession of £9.9M (Document S.39 of 12 November 1998), to be provided as £800K of equity with the remainder by way of servicing a leasing debt; this would be for '*... certain assets for the system and is likely to be of the order of £9.1 million.*'

158. Third party contributions to the project will be sought from businesses along the route who might be asked to sponsor specific stops. Telephone companies would be invited to contribute through their telephone installations.

#### Public Grants

159. Development of MRT is linked to Merseyside's EU Objective One status and £15M have been allocated but must be committed before the end of 1999 and drawn within a further two years. The case for MRT meets the criteria for Objective One funding and for grant under Section 56 of the UK Transport Act 1968. A full cost/benefit analysis has been prepared for the ERDF grant application (Document P2C Table 404).

160. The Section 56 appraisal (Document D3 Paras.6.21 to 6.28) has been prepared in accordance with Department of Transport Circular 3/89 (Document E1). The Restricted Cost Benefit Analysis shows a public sector financial NPV of - £28.07M, representing the outstanding level of funding required. The costed non-user benefits are principally journey time savings and are estimated at £45.64M, yielding a ratio of 1.63 to public sector cost. The total revenue is estimated at £56.69 for an overall operating cost of £40.3M, giving a restricted benefit/cost ratio of 1.4:1.

## **The Application**

### Timescale for the Project (Document P3A Section 3.5)

161. The Application relates to the proposed construction of Line 1 of the MRT, in the City of Liverpool and the Borough of Knowsley. An outline programme for construction was included with the Application (Document A9). The scheme is scheduled to open in 2001, on the assumption that the Order is made by end September 1998 and the contract placed before the end of 1999.

### Planning Direction

162. The Application includes a request for planning direction under Section 90(2A) of the Town and Country Planning Act 1990 (TCPA90) and it is proposed that this direction be subject to the following 10 conditions (Document P6A Section 6):

- development to be started within 10 years,
- development to be preceded by investigation of contaminated sites,
- siting, design and external appearance to be approved by local authorities,
- materials to be approved by local authorities,
- requirement for tree survey and acceptance before development,
- requirement for protection of trees to be retained,
- no development before approval of landscape proposals,
- implementation of landscape proposals,
- siting, design and layout of accesses to be approved, and
- a general requirement to adhere to approvals.

### Local Authority Statements of Views

163. Before making the Application, the five district councils were consulted and gave their support. On 23 February 1998, LCC approved their Planning Statement of Views and the limits of deviation (Document C13). On 17 February 1998, KMBC endorsed their Statement of Views (Document C14) and resolved, that, among other things,

*‘... in principle support be given to the MRT project terminating at Page Moss, and that it be agreed that although the proposed park and ride site at Thingwall Hall does not comply with the draft UDP's residential land use allocation, this is not considered in itself to constitute grounds for objecting to Merseytravel's proposals for the site;*

*- that it be acknowledged that as the draft Order and all supporting documentation had not been formally served on the Council... the implications... have not yet been fully assessed;*

*- that officers be authorised to continue to negotiate....’*

## Responses to Objectors

### Littlewoods

#### The Pedestrianised Area

164. It is acknowledged that the Merseyside Structure Plan of 1980, still extant, makes no reference to MRT (Documents O.80/2/3/2 para.15.6 & P6A paras.3.7 & 3.8) and records that,

*'... There are further opportunities for shopping investment now that Central Station has re-opened and the Loop and Link railways completed to provide excellent access to the centre by public transport.'*

Figure 93 is a photograph of Church Street with the caption:

*'In the past few years, Church Street has been pedestrianised and major retail chains have extended and modernised their shops.'*

165. It is agreed that this development was designed to make the centre more attractive; that, to the south, the Paradise Street Bus Station is only 100m from Church Street, to the north the Queen's Square Bus Station is about 250m, to the east the Central Station is about 200m, to the north east, Lime Street Station is around 400m away and to the west the James Street Station is also about 400m (Plan O.80/I/JAP). Thus it is fair to say that the pedestrianised shopping centre is ringed with public transport, within easy walking distance; nevertheless, MRT would considerably enhance it; furthermore, there is no existing end to end service for the Order route.

166. The LUDP (Document F6), at para.14.6, describes the City Centre as being,

*'characterised by well defined, distinct areas of activity. These include the Main Retail Area centred on Church Street' and goes on, at para.14.7, '... The main functional areas... will remain largely unchanged and the emphasis will be on capitalising on the existing infrastructure...'*

Policy T7 records that,

*'The City Council will implement measures to make the pedestrian environment safer and more convenient' and para.11.86 explains that, 'there is a network of pedestrian routes that link main visitor attractions with existing or proposed transport termini... they are a vital component of the public environment... at a number of points pedestrian movement is deterred by factors such as high vehicle speeds Improvements... will make for a safer and more pleasant environment...'*

and at Para.10.8, page 210:

*'The Main Retail Area is compact and readily identifiable... Major outlets are concentrated around the Core... This Core is an extensive pedestrianised area... The future of Liverpool City Centre as a regional shopping centre will depend on the protection and enhancement of this Core...'*

167. It is conceded that the introduction of trolley buses would be a significant change and that Policy T3 does not record any commitment to use Church Street, a photograph of which appears on page 207. The route is shown on page 251 to a scale of 1:92,500 and without identification of any streets. The accompanying text (Paras.11.43 to 46) indicates that MRT would serve the City Centre, linking office, retail and other areas, that three different systems were under consideration, and that the route would run through Edge Hill, Wavertree and Old Swan to Page Moss.

168. There is no specific policy requiring the use of Church Street and no studies have been carried out of the effects on retail turnover, rentals or property values. It was not favoured at Stage 1 but was included in all but one of the options for Stage 2 (Document P2A para.2.7.5 & 6); there was no request for this from retail interests, or consideration of the financial implications or of any possible impact on pedestrian safety. Current pedestrian flows are not, however, random; surveys indicate a distinct central stream flowing more quickly through the corridor (Document A26 Sec.21 para.2.2.3). The overall width of the transit ways and platforms would be 12.6m and not 14m.

169. Safety is a matter for HMRI who can prevent operation: they remain to be satisfied with respect to driver intervention in the event of loss of guidance. As to pedestrian reactions, it is acknowledged that MRT vehicles would be very quiet, that drivers would need to be alert to such problems as running children, that there would be no kerbs to raise awareness and that parents and others might feel less secure with the introduction of MRT, but it would be alright once they became used to it.

#### Consultation

170. It is accepted that no need was established to use Church Street; the Steering Group decided to include it because they were, at Stage 2, addressing key destinations in the centre. There is no reason why people and vehicles cannot be mixed; they don't have to see it as a threat; continental experience shows it to be acceptable; pedestrianised areas can get too large and modern transport adds to the image of the area. The inclusion of Church Street was specifically mentioned in the publicity leaflets of November 1995 and October 1997, and the brochure for potential bidders (Documents C9,C11 & C8) and there were no objections or alternatives suggested.

171. Public consultation (Document P1A section 5.4) did not include canvassing the shoppers in the pedestrianised streets and it is accepted that they are the most sensitive receptors for this issue; there were no exhibitions in this area; the nearest was in William Brown Street and there was a poster at Paradise Street Bus Station. It is further accepted that the relevant shoppers Come from a wide area and not simply the MRT corridor but there was no advertising in newspapers outside Liverpool.

#### Competition

172. In October 1998, MPTE addressed the subject of regeneration benefits (Document D7 Section 4) and noted that further development of the City Centre was required in order to retain the patronage of Merseyside residents, which

would otherwise 'leak away' to such places as the new Trafford Centre (Para.4.1.1). MRT would contribute to this aim, but it is acknowledged that the new Trafford Shopping Centre is fully pedestrianised, as are Lower Market Street and several other premier shopping streets in Manchester. The Appendix to the report lists the wide range of consultees, none of whom objected to the proposed use of Church Street; there is a balance to be struck when considering whether the trolley buses would make it less 'user friendly'.

173. PPG15 contains the following advice:

*'Local authorities... have powers to create vehicle restricted areas or pedestrian zones... However, there is increasing recognition that in some historic areas the total exclusion of traffic combined with extensive pedestrianisation can create sterile precincts, particularly at night. In some cases, it may be preferable to consider limited access at selected times for all traffic or limited classes of traffic (e.g. buses, trams, service vehicles)...'* (Para.5.11)

It is considered that these principles are not limited to historic areas, but it is conceded that the MRT scheme could not be described as limited access for buses at selected times; it would be one every 2+ minutes, with a stop time of 20 to 30 seconds.

174. If Line 3 should subsequently be approved, the current intention is that it would join Line 1 at Wavertree Road, thus all of the vehicles on this route would pass through the pedestrianised area; if Line 2 were to be approved, it would run into the City Centre, to the north of Line 1, and current thinking, with regard to the City Centre, is indicated on a supplementary plan (Document G44): the yellow routes are sub options of the blue route which would either form a loop through Lord, Church and Ranelagh Streets, returning via Lime Street, or entail a loop near the Waterfront with the remainder two way.

175. It is further accepted that there is no evidence suggesting that Church Street is a sterile area; the Environmental Statement describes it as follows:

*'A lively street scene is provided by intense pedestrian activity and the presence of market stalls, street vendors and service vehicles. Tree planting... together with numerous items of site furniture, contribute to the vitality of the pedestrian environment while, at the same time, reducing the scale of the thoroughfare and giving a sense of visual clutter... Although the overall townscape quality is high... it lacks visual coherence. As the thoroughfare represents one of the few pedestrianised spaces in the City offering major retail attractions, it is expected that the numerous receptors will be highly sensitive to change.'* (Para.10.6.9)

Nevertheless, the LCC Sub Committee Report of 23 February 1998 (Document C13) includes in the Statement of Views, *'Improving access into and within the City Centre is welcome as this will serve to strengthen the City Centre's regional commercial function.'* (Para.38).

## Albert Dock

176. With regard to the Albert Dock area, MRT and its OHLE would lie within the setting of the listed buildings; this is acknowledged to be a highly sensitive area requiring special attention at the detailed design stage (Document P6A para.5.6 & 5.7). PPG15 para.2.11 includes the guidance that Local Planning Authorities should expect developers to assess the likely impact of their proposals and provide such written information and drawings as may be required to understand the significance of a site or structure before an application is determined. It is accepted that anything left to the detailed design stage must be capable of resolution without violating the rules on the setting of listed buildings.

177. Two stops are essential; the area is one of the UK's premier tourist attractions (Document G25 para.3.4 et seq.); it is a large complex and this would only be replicating the arrangements for the SMART buses. A tight turning circle would entail much closer spacing of the OHLE poles and therefore be more intrusive; it is doubtful whether there is sufficient space at the Waterfront end of Gower Street.

## Park and Ride

178. Using the rail link to Lime Street would not give direct access to the retail centre, the Albert Dock, the CBD or the universities. Addressing specific destinations and allowing for walking and waiting time, rail would not be quicker (Document G17):

	MRT	RAIL
To Marks & Spencer	28mins	31
To Lewis'	26	28
To CBD	32	42
To Waterfront	34	4

In the case of MRT there would also be the benefit of a vehicle waiting at the platform.

## Alternative Route

179. The change proposed for the City Centre and the Waterfront would have the advantage of serving Lime Street and Queen's Square but would not be as direct for Church Street or the northern part of the business district; it would introduce bus and car conflict in Paradise Street and possibly reduce capacity in Queen's Square; it would have an impact on St George's Hall and greater construction consequences (Document G25 page 21 & fig.80/5).

## Merseyside Property Forum

180. The scoping report of 1995 recorded a population of 98,000 people in a corridor 800m either side of Line 1, excluding the spur. Thus, the line would serve about 20% of Liverpool's population or about 7% of Merseyside. Comparing the City Centre with the new Trafford Centre, it is acknowledged that the latter has a wide range of stores. is completely covered, has no internal

traffic, easy motorway access and plenty of free car parking; Liverpool's residents can reach it in about 45 minutes.

181. Liverpool City Centre commands a high rental value, as assessed by Messrs Jones Lang Wootton (Document O.66/3) and the large stores would have difficulty in re-location if custom declined. The continental examples of town centre shopping areas (Document P5C photos PH43 to 58) show co-existence of people and vehicles but it is acknowledged that the pedestrian density is not comparable with that on Church Street.

182. The presence of street traders is regarded as undesirable (Document P5A para.6.3.3.1); they could be re-located by other means and the LCC is investigating this, but it would happen anyway under the MRT scheme; the powers sought provide for it. It is accepted that OHLE is not an attractive feature and that the change of levels created by the platforms might dissuade some people from walking between them (P5A para.6.3.5.1.o & y). Church Street is 24m wide, widening to over 26m at Parker Street; it is accepted that there would be some disruption to cross corridor pedestrian movement caused by the passage of MRT vehicles but there would only be one every 2+ minutes and, at 12kph, it would only take 7 seconds to pass.

183. With regard to alternative routes, MPTE considers the link to the Waterfront and to Chavasse Park to be essential; the Order route also passes the CBD at about 300m from its centre, namely the Town Hall. Using a twin track route minimises the disruption of traffic and is more coherent for users. A detailed response to each proposed alternative route is given in the written rebuttal (Documents G11); School Lane is too narrow and has a large number of servicing accesses for retail premises (Document G13).

#### Sustrans and Railway Paths Ltd

184. 'Integrated Transport' is a concept still in development but interchange between modes is one aspect of it. There would be direct interchange at Sandown Park, via a footbridge, but it is accepted that access to Lime Street Station would involve 'a lengthy walk' from Adelphi, comparable to that involved in accessing the retail centre from Lime Street (Document P1A para.3.3.18). If park and ride were to be integrated with the nearby railway line, this would entail a walk to Broad Green Station as well as the walk to the CBD or the retail centre, from Lime Street; furthermore, the rail service only runs at 15 minute intervals and the journey time is 14 minutes inward and 10 minutes outward. Facilitating the use of rail is outside the scope of the Order.

185. With regard to the tunnels on the spur line, one of which would be used by MRT, MPTE believes that maintenance responsibility should not be assumed by the project as MRT would have no effect on them, but an offer has been made to share responsibility (Letter at Document G30). Continuity could not be maintained on the MRT approach to the Park and Ride site, throughout the whole of the construction period as a large amount of infilling has to be accommodated; however, a temporary diversion would be provided on Thomas Lane, near the hospital and via Thomas Drive.

## MTL (North)

### Policy on Bus Services

186. The 1992 'Programme to improve Bus Operations' included the Order route as one of the most important in terms of the number of passengers and buses (Document F20 para.22): bus lanes on the A57 only cover 10-15% of the route and only at peak times, because the guidelines were not to disbenefit cars; no further improvements are currently proposed for this route (Document G14 . para.3.12). The 1993 MERITS study recommended SMART buses in preference to LRT (Document C1 para.10.8) but subsequent detailed analysis showed that, in selected corridors, rapid transit was superior to the 'Superbus' defined for comparison.

187. The Government's recent White Paper (Document E25) contains the following:

*' - As part of the new deal for transport we want better buses - clean, comfortable and convenient. Bus lanes and other priority measures will help to get buses running on time... By giving buses greater priority and improving information and networks, we can encourage more people to use buses...*

*- The most significant improvements in bus services recently have been... 'Quality Partnerships'... the local authority provides traffic management systems which assist bus services (bus lanes, priority at junctions, park and ride)...*

*- Light rail, and similar rapid transit systems, can have a role to play in delivering integrated transport. .. The capital costs of light rail systems are, however, high - particularly in comparison to bus priority measures and more modest guided bus schemes...*

*- In due course, we shall expect local authorities wishing to develop light rail systems..... In the meantime we believe that resources available for funding ... transport can, in general, be used more productively , supporting packages of more modest measures which spread benefits more widely.' (Para.3.15)*

These passages support the promotion of MRT as a more modest measure than Light Rail.

### Implementation

188. One of the fundamental goals of MRT is to achieve a modal shift from cars and this can only be achieved by offering a higher standard of public transport. The guidance system offers more than just close docking; there would be improved ride quality and safety; the lateral accelerations imposed by the system can be controlled electronically; furthermore, electronic guidance does not suffer from wear and tear or subject the vehicle steering to shock loading; loss of guidance would not, of itself, cause the vehicle to deviate.



189. It is accepted that the area is already well served by bus services but not as a through route extending from Page Moss to the Waterfront; journey times for MRT would be similar to those in a car (Document P2C Table 3.3), due to the relatively low congestion, and this is without including time walking to and waiting for the bus; however, In 1991, only 38% of households within 500m of the route had a car, compared with a national average of 68% (Document G22). The SMART 1 service is well used and extra buses are needed at peak times.

190. An integrated action plan for all bus services is set out at pages 55 to 61 of the recent Package Bid (Document F15); MRT is at pages 65 to 67. Similarly the Bus Plan includes MRT (Document F9 para.3.6.1). It is agreed that existing bus services are more frequent, typically every 2 minutes as opposed to every 5, and have more stops; they would therefore retain a share of the patronage and, in traffic impact terms, they would enjoy a slight improvement in journey time; the loss of patronage to MRT need not involve significant job losses if buses are re-deployed to other routes. Use of the pedestrianised area is acceptable because the trolley buses would be guided.

191. The Package Bid shows the cost of MRT as £53M out of a total of £123M for all transport in the area (Pages 94/5), ignoring the sources; there is no physical reason why other compliant vehicles could not use the system but the successful bidder expects exclusivity for the price paid and any other arrangement would require statutory changes. It is accepted that bus operators could engage in price competition (Document E1 para.8) but MRT revenue has been tested, assuming that existing services continue with a 20% reduction in fares (Document D3 & G14 para.3.10); patronage by connection from other feeder services has not been included but interchange would be possible at the major stops namely, Page Moss, Old Swan, Edge Lane and the City Centre, and MRT would be integrated into the multitrip and concessionary fare schemes.

192. As to the requirement to explore scope for fare increase (Document E1 para.6(iii)), the MRT would operate in a deprived area covered by Objective One and the concession price has therefore been determined on the basis that there would not be a premium on fares. Transform has offered a contribution valued at £9.9M (Documents G6 & S.39), of which about £800K would be equity in the project and the remainder would be contributed as leased assets for which they would pay the leasing charges; these assets would include the vehicles, which have been treated as a capital cost for the purposes of the appraisal.

193. It is-accepted that SMART buses, unsegregated but with the maximum practicable priority, might be cost effective but this would not qualify for Section 56 funding or a TWA Order; measures costing under £5M are being introduced to improve existing bus services. Comparing the relative position with regard to priority measures, in Merseyside and Greater Manchester shows the following (Documents G50 & O.148/P4/C):

	Population	Bus Lanes	Mileage	Rapid Transit
Manchester	2.57M	14.6kms	1437/yr	31kms
Merseyside	1.44M	5kms	580/yr	(MRT 12.3kms)

194. With MRT, other buses would get the advantage of junction improvements but they could not be given priority equivalent to that of MRT because their frequency would be too disruptive of other traffic. Changes to signal cycles (Document P4A para.4.2.14) could introduce individual delays of 10 to 15 seconds but, allowing for the compensation, delay would be no more than 1 or 2 seconds overall. As a result of MRT improvements, delays to buses could be expected to reduce by 8 to 9% at peak periods (Document G14 para.4.1).

195. The TIA shows that the potential conflict with bus operations on Ranelagh Street would be resolved by the highway improvements (Documents P2A page 23 and A26). One way operation or contra-flow might be necessary during construction; at any one time only about 10% of the route would be subject to construction works likely to cause disruption (Document G14 para.4.15). MTL will not be penalised for any delays caused by the construction of MRT (Document G14 para.6.12).

#### Park and Ride

196. The Final Financial and Economic Appraisal Report of May 1998 (Document D3) includes park and ride and is more up to date than the Preliminary Assessment of Park and Ride of May 1998 (Document C12 & G14 para.2.11). Park and ride users would take about 3 minutes to access the site from the M62; it is conceded that, if ticketing permitted use of MRT or rail this might encourage more use of public transport but the concession assumes MRT only.

197. It is acknowledged that there is a demand for interchange with rail and there are proposals to create a small car park for about 50-100 cars on the south side of Broad Green Station on land belonging to Railtrack (Document F15 page 68). As to parking policy in the City, there would be no change for those who have private spaces and 70% of the public parking is commercially operated; the remaining 30% will be mainly short stay.

#### Unfair Competition

198. This objection is based on the premise that MRT would be subsidised to run on a similar route. However, MTL have themselves been subsidised in a number of ways related to infrastructure, publicity, information services, research, development and investment, amounting to about £8M, and support for subsidised services amounting to £3.6M. Furthermore, this argument was tested at the Inquiry into the Manchester Airport extension and rejected by Secretary of State (Documents G14 paras.4.18 to 4.23 and E15).

#### Merseyside Civic Society

199. Detailed comments are included in the written rebuttal (Document G37). MPTE does not agree that using the pedestrianised streets would seriously reduce the quality of the civic environment (Document O.78/2) and notes that this view is wholly inconsistent with that expressed in the Business Plan for the Liverpool Light Rail Group with which the witness was associated. As to safety, the design will be subject to approval by HMRI: the mix of guided transit systems and pedestrians is commonplace on the continent and does not pose significant safety problems. There is no evidence to support the forecast exodus of shoppers.

200. MPTE would not be prepared to pursue the proposed alternative route for the reasons set out at Appendix 3 of the rebuttal (Document G37 Section 5). As to equipment, Cegelec Alstom Group is one of the largest in the world and the supply of components is assured.

#### Redrow Homes (Lancashire) Ltd

#### Policy of KMBC

201. Development should be planned and any non-compliance should be examined but the procedures allow for other material considerations to be taken into account; the UDP is one consideration. PPG12 para.S.26 is applicable but it is a matter of timing. PPG13 para.5.28 is also applicable to this project; in an ideal world, planning direction, in a TWA order, should follow decisions in the UDP; the scheme could still lead to modification of the KUDP and planning issues can be addressed at a TWA inquiry. The quoted DETR advice on park and ride (Document O.125/7 paras.5.2.8. to 10) is agreed to be relevant. RPG13 refers specifically to rapid transit, and includes the following:

*'The development plan framework seeks, at the broad level, to guide provision... The package approach to local transport has been approved for example in... Merseyside.. a strategic multi modal approach... Light rapid transport and other forms of guided and dedicated transport can also contribute to providing a choice... Where disused alignments exist... consideration should... be given to safeguarding them if there is a reasonable prospect of re-use.'* (Paras.7.2, 7.5 & 7.6)

202. It is acknowledged that a part of the MRT line would serve Dinas Lane and a terminus at Page Moss, both in the Borough of Knowsley, but the Deposit Draft was dated October 1993 and the first consultation on Line 1 did not take place until November 1993; there were no doubt a bevy of changes which arose between then and the KUDP inquiry in 1995 but the Plan makes no reference to MRT, perhaps because it did not give rise to any concern. In the Statement of Views, KMBC says (Document A4 paras.2(f)(iv) & (h)) that various land use anomalies, including the use of the Thingwall site for park and ride, do not constitute reasons for objecting to the Order and that *'the MRT scheme supports in principle the strategic objectives'* of the KUDP.

203. The recent KMBC Committee Report (Document G52 App.3), on the basis of which the planning application for housing at Thingwall was again rejected, includes reference to the MRT proposals and notes that, if the Order were to be approved, an area equivalent to 100 houses would be allocated to park and ride. This paragraph concludes:

*'Bearing in mind the residential designation of the site and that a decision is awaited from the Public Inquiry which is currently under way, it is not considered appropriate at this time to raise objection...'* (Para. 7)

The recommendation subsequently approved reads:

*'The applicant has failed to demonstrate that the proposed development can be safely implemented; ... the proposals... would not sufficiently remove or adequately control the risks associated with the remediation...'*

It is acknowledged therefore, that rejection was not related to MRT and that KMBC has not expressed a view on the allocation of land for park and ride. MPTE accepts that planning permission probably would be given eventually, with or without the Park and Ride facility.

204. The KUDP records a decision to make land available for the building of 400 houses per year to 2001 (Document F14 Para.3.10). It is the view of KMBC and of MPTE that there is ample housing land available, in Knowsley, to meet this objective. The response on housing, building rates and housing land supply is set out in detail in the written rebuttal (Document G52 pages 21, 22 & 23).

#### Policy of LCC

205. The recent White Paper (Document E25) gives the following guidance on park and ride, referring to the Atkins study (E30):

*'Local development plans should consider allocating sites for interchange; for example, for park and ride to town centres and at bus and rail stations.... To help local authorities we have commissioned research into what makes park and ride successful.'* (Para.3.64)

206. The LUDP does not refer to the MRT park and ride proposals or the spur line and it is acknowledged that policy OE5 designates the Loop Line as part of an SNCV and OE7 as part of a wildlife corridor; further that all of the OE policies are associated with leisure and recreation, but these policies do not preclude development with mitigation. OE11 indicates that planning permission will not be granted for built development on part or all of any green space, unless it can be achieved without loss of recreational function or a replacement facility of at least equal quality and suitable size is provided. Sustrans is content with the proposed diversion of the cycle track; it is about 3m wide whereas the transit way would be 7m for MRT; there would also be new landscaping and lighting in the tunnel.

207. The Statement of Views records a need to have regard to the OE policies by ensuring adequate mitigation (Document A4 App.1 para.33).

#### Park and Ride

208. Park and ride was listed as one of the possible means of meeting MRT objectives in 1993 (Document C2); extension of Line 1 to Prescott was addressed at Stages 2 and 4 of the project but without reference to park and ride. The tender document of 1996 required that park and ride should be explored but not as a part of the compliant bid. The Project Appraisal Report of July 1997 notes that the initial submission by Transform included park and ride for the M57/A57 but that its disadvantages led to consideration of a site at junction 5 on the M62, and then to identification of the Broad Green site (Document G54).

209. Cross referring to the new LUDP policy T16, the Package Bid sets out the current position with regard to parking at railway stations (Document F15 paras.8.124 et seq.):

*'... parking provision is made at 33 of 76 rail stations in Merseyside... The Partners are keen to see an increased use of rail, particularly by persons who previously used their car...'*

The LCC Statement of Views advises (Document A4 App.1 para.20) that it is proposed to include T16 in the adopted UDP,

*'to promote park and ride at public transport interchanges in addition to just rail. It is also proposed to further modify this policy to include a reference to provide park and ride facilities with access from the motorway network'*

210. No schemes have been identified and approved near motorways but, with regard to bus and rail interchange, the Package Bid sets out the Allerton Interchange project with two main objectives (Document F15 para.5.18):

*'to provide a high quality interchange facility between local and regional rail services, bus services and cars at a strategically important location; to provide a prestigious public transport gateway to Liverpool Airport and the major economic regeneration projects in Speke - Garston. '*

and goes on,

*'There is a unique opportunity to develop a new railway station... Bus and parking facilities would further enhance interchange... High quality links will be established... by developing MRT and SMART services in the corridor. There is considerable scope for attracting external funding from Objective One, ...'*

211. The Thomas Lane playing fields would be within 500m of the MRT main line but this would extend road access from the M62, either along the Loop Line or Thomas Lane and the Government is concerned to stem the loss of playing fields (Document G60); this site was addressed in the Environmental Statement (Documents A15 Sec.3.8.7 and A16 fig.3.5); an internal note, on the seven alternative sites, has been made available to the Inquiry (Document G52 App.6). As to playing fields, the LUDP makes clear (Document F6 paras.8.131 & 132) that, overall, the LCC has adopted the National Playing Field Association standard of 2.4 hectares per 1000 of population and that current provision is 550 hectares where the standard would require 540; using green space would also require compensating provision of land.

#### Noise Impact on Housing

212. As to noise attenuation for new housing, the position of the cycleway gap is only illustrative at this stage (Document G52 paras.3.7 & 4.1) and the noise implications would certainly be taken into account in determining the final position. The 60dbs at 25m is the worst case and relates to 600 vehicles leaving the car park in the space of one hour, after a large public event in the City Centre.

PPG24 is intended for new dwellings near existing noise sources. The existing 0700 to 2400 LAeq at the housing site is 62dbs which places the site in category B. Use of the Park and Ride site would not commence until about 0720 and the last bus service would leave at 2320.

#### Remediation of Contaminated Land

213. As to remediation of contamination, a full response is set out in the rebuttal (Document G52 paras.1.6 to 2.29). MPTE has indicated a willingness to develop a joint approach to remediation and subsequent maintenance of the whole site but it has not been possible to reach agreement prior to the Inquiry. The draft planning conditions to be attached to planning direction have been agreed with KMBC (Document G53): the letter of 7 December, on behalf of the KMBC, includes the following:

*'... the proposed planning conditions are acceptable to this authority.... The Council has not objected to the principle of residential development on this site.... The applications submitted by Redrow propose, "... remediation... erection of 368 dwellings..." .... a park and ride site involves a markedly different end use..... The nature of the remedial works requested... would reflect these differences... '*

#### Landscaping

214. A full response to the concerns expressed is given in the written rebuttal (Document G52 paras.3.1 to 3.11). Drawings have been provided to identify specific groups of trees (Document G63) and UD46 will be re-drawn to ensure that it conforms to the boundary of compulsory purchase; the later drawing, UD46A (Document G73), illustrates a 3m bund and the stop moved further, to avoid tree roots. Much of the requested detail falls properly within the detailed design phase of the project and would then be subject to approval by authorities such as LCC, KMBC, the Environment Agency, English Nature and HMRI; MPTE would include Redrow Homes in the consultation process.

#### MRT Non-User Benefits

215. A full response to the criticisms of the TIA (Document O.125/3/1 Sec.5) is given in the written rebuttal (Document G52 Sec.7). There has been a misunderstanding concerning the highway authority.

216. The reduction of vehicle kilometres estimated to arise by virtue of the Park and Ride facility is 1.33M in 2002 (Documents G61, A26 Chap.3, D3, P2A Sec.4.7 & P2C Table 3.4). It is acknowledged that the Atkins study shows that some park and ride users would not have made their trips at all if the facility had not been available (Document E30 Tables 7.6 & 7.7). Generated trips have been assessed as an extra 10% and would result in an increase in vehicle kilometres, as would growth, assessed as 11% over 15 years (Document G52 paras.8.14 & 15).

217. It is conceded (G52 para.8.3) that any reduction of traffic into Liverpool would speed up the remainder and that Atkins recommends that any spare capacity should be used for bus priority and cycle routes; however, under Section 56 this is presented as a decongestion benefit and MPTE cannot

promote other measures against the car; that must be done by the highway authorities.

218. The scheme would remain viable without park and ride and there would be an annual operating surplus; in the early stages this was considered adequate to attract Section 56 funding but, with the catchment area reduced to 500m, and the commercial inputs and modelling since taken into account, it is now considered unlikely that it would do so (Document G52 para.8.2). As to sensitivity tests, with park and ride the non-user benefits could be up to 40% lower before failing.

#### City Centre Parking

219. Taking on-street parking into account, the proportion of City Centre parking which is commercially controlled reduces from 80% to 70%; the current Package Bid describes the LCC's measures to extend control of on street parking and convert it to short stay (Document F15 page 26 table 1 & paras.3.29 to 37), and also to reduce parking in new developments. It is recognised that there has been no significant reduction in the total spaces available and that more short stay spaces could mean more trips; further, that parking restrictions must be related to park and ride on all radials and not just corridor 2W. Parking is beyond the control of MPTE. Nevertheless, Core Policy 2 includes a commitment to '*restrictive parking policies*' (Document F15 page 16); nothing can be done at present about Private Non-residential Parking (PNR).

#### A Resident of East Prescott Road (O.62)

220. MRT would offer a faster, more reliable and more comfortable journey and serve destinations which can currently only be reached by changing buses. The higher quality would attract car drivers. An MRT vehicle would only pass once every 10 minutes, each way. A significant part of the central grass would remain and no trees would be removed from the section in question. A full written response has been made (Document G29).

#### Residents of Warmington Road (O.96)

221. During the Inquiry, MPTE have offered to build a wall in place of the railings, from numbers 59/61 to numbers 27/29, if the scheme goes ahead as planned (Documents G35, 41 & 71), and it is accepted that this should be built before the construction of MRT. It is not practicable to adopt the alternative routes suggested or to move the stop into East Prescott Road for the reasons explained in the written reply (Document G35).

#### A Resident of Gateacre, Liverpool (O.101)

222. The Order provides power to remove street traders. The pedestrian crossing arrangements in Ranelagh Street would be improved but a direct crossing could not be devised without loss of the parking bay. Moving the Wavertree stop eastwards would entail demolition of a building which MPTE proposes to use; it would also be less convenient for travellers to the district centre. A written reply has been prepared to all points raised (Document G34).

## Written Objections

223. 13 objection response papers were published in September 1998 (Document A23) addressing those issues which had been widely raised by objectors. For all other objections, individual replies have been prepared and the correspondence updated at the close of the Inquiry (Document G82). Where agreement has been reached, but a letter of withdrawal has yet to be received, the document includes a copy of the relevant undertaking by MPTE. Where an objection is being maintained, MPTE will continue to negotiate in the hope of reaching agreement and withdrawal of that objection, without reference to the Secretary of State; however, with regard to Wavertree Retail Park Limited, no further discussions are planned and MPTE will respond direct to Secretary of State in this case.

## **Summing Up for the Promoting Authority**

### The Prospects for MRT

224. If approved, MRT will be a step change towards a PPG13 type future and will be guaranteed a place in future DETR papers and notes on sustainable development: it will provide a fast, frequent, regular, reliable, comfortable and pollution free service from Page Moss to the Waterfront and, in due course, lines 2 and 3 will follow.

225. Trams, as evidenced by the White Paper and by the recent Nottingham project, are very expensive and can only exceptionally be afforded. MRT offers most of the benefits without some of the disadvantages; the system is untried but it will be operating on the Millennium Transit by 2002; the Newcastle and Channel Tunnel experiences demonstrate the performance; HMRI seek assurance only on driver response (Documents G47 & G48). The only serious challenge is from conventional buses but they have been tried with little success and, under existing law, they cannot be given equivalent segregation; it is not practical to give them priority at signalled junctions.

226. There is no conflict between MRT and the White Paper, and MRT is a part of a strategy which includes the new LUDP Policy T16 on park and ride and a shift of emphasis from commuter to short term City Centre parking; the scheme has also been given priority in the last two Package Bids which; in addition, contain various parking, interchange and bus measures.

227. It is not disputed that the corridor serves major travel generators or that public transport is the major mode of transport within it. MRT would provide better ride quality and time savings over the buses, from which most of its revenue would be abstracted; this does not mean that all or most of the bus services will cease. A million car journeys would be transferred per year, saving 2.9Mkms of car mileage (Documents G7 & G61). In corridors with higher car ownership, transfer might be greater but this scheme is deliberately promoted to benefit the poor. If DETR and highway authorities take further measures to reduce the road capacity for cars, then transfer would increase but this cannot be done unless public transport is in place: as LCC has observed, the 'carrot' must come first.



228. Those who think journey time via park and ride would be unfavourable omit the time needed to park a car in the centre and walk to the destination. Using the rail link from Broad Green would also not offer better times (Document G17). No park and ride site has been identified which could as readily be linked to MRT; as to the objections to Thingwall Hall, if contamination can be dealt with for housing, it can be also be so for parking; as to noise effects on adjacent housing, it is not disputed that a 4.5m mound, or a fence on top of a lesser one, could achieve the required attenuation. The loss of housing would not be critical for Knowsley.

229. As to traffic, objectors seek both to cast doubt on the potential of the facility and to suggest that it may have been underestimated; their demand is really for more sensitivity testing; but apart from one figure being erroneously calculated - a figure of little consequence - the TIA is sound (Document A26)

230. Numerous highway improvements would be made which would not come about without MRT and speeds for other buses would be marginally higher (Document G56). It is acknowledged that the improvements could also encourage car use but the highway authorities would be free to suppress car demand by other means if they see fit. Sustrans accepts that, in general, there would be an improvement for cyclists. There would be some inevitable disruption during the construction of MRT but less than that involved in tramways and virtually no demolition or clearance. There would be remarkably few adverse environmental effects.

231. The LCC, KMBC, English Heritage, Environment Agency, British Railway Board and Railtrack have all withdrawn their objections. Negotiations with the Department of Health continue over the Project Orchid site and English Nature has some reservations about the SNCV and Policy OE6.

### Alternative Routes

232. The introduction of MRT into the pedestrianised area would be a key element in the City's fight back against out of town shopping. Using Great Charlotte Street should only be contemplated if there are overriding objections to the Lord and Church Street route; pedestrian convenience would be improved by virtue of removal of the street traders. Experience in Cheltenham, Torquay and Strasbourg does not suggest that pedestrians would be deterred by the buses (Documents G32, 42 & 72); the Cheltenham Spa Shuttle began operation in April 1998; in Torquay the services existed before pedestrianisation and continued to operate after its introduction.

233. MRT would contribute to vitality; it is agreed that centres such as Trafford Park are already having an impact on sales; there is overwhelming support from the retailers, Chamber of Commerce and LCC. The deficiencies of the alternatives make the present choice the correct one. It is questionable whether MPTE would want to proceed if denied a link to the Waterfront; objectors recognise the need to include the Albert Dock area; a loop past Lime Street and through the CBD would lengthen this journey; OHLE would have no greater architectural impact than it does in Manchester or Sheffield. The principal bus operator agrees that Hanover Street is unsuitable.

## Economics

234. Revenue predictions are conservative and have been agreed with the private sector; Transform's proposed contribution will be reviewed during the Section 56 appraisal. All costs could be increased and benefits reduced, by 10%, and the Section 56 criteria would still be satisfied. The scheme still retains a positive restricted cost ratio if costs are increased by 30% (Document G56); it remains positive if fares are drastically reduced for the entire 30 years. Although MRT would not run through derelict land it would still serve a regenerative purpose for Wavertree and District Centres, the City and the Waterfront. 25,000 people live in Pathway areas within 500m of the route.

235. It has been suggested that DETR might be more willing to fund the scheme without park and ride because it would entail a smaller funding gap (Document D3 Table 5.2 and paras.5.11 to 5.34). This would place more emphasis on the gap than on the need for non-user benefits to exceed it. At the time the analysis was prepared, the non-user benefits, without park and ride, would have been £30M whereas the grant sought would have been £35 to 40M, failing the Section 56 criteria.

236. Furthermore, without park and ride the operating surplus would only be £0.459M and the private contribution from Transform would probably not be forthcoming; they believe park and ride to be '*integral to the success of MRT*'. Success cannot be built on one site but one has to come first and this one is ideally placed as well as providing the means of funding MRT.

## Modifications to the Order

237. The Order Plans have been updated to reflect Liverpool City Council's concerns about the supermarket car park (Document G81).

238. MPTE does not accede to the request for a three year limit for compulsory purchase.

239. The Conditions applying to Planning Direction have been amended to meet the concerns of the Environment Agency (Document G85); 10 and 11 are additional conditions; English Heritage is content that the Implementation Agreement secures their interests. The revised Conditions impose more stringent terms than those already agreed with LCC and KMBC.

240. With regard to Condition 1, MPTE does not accede to the request for a reduction from 10 to 5 years for notice to treat; Secretary of State has the power to amend it but it applies in other cases. As to Conditions 2 and 3, the fact that 2 is less rigorous than a Waste Management Licence is irrelevant; breach of it could lead to a criminal prosecution; the remediation plan is only required before approval where contamination could affect the development itself; the objectors agree that measures are available to protect adjacent housing; it is not appropriate to seek a precise bund height in the absence of detailed planning permission for the proposed housing.

## Legal Submissions

### Compulsory Purchase

241 Very little property would be taken from private individuals and most have reached agreement and withdrawn. The only test for compulsory purchase is that the Order is justified on its merits, in the public interest; the words 'necessary' and 'onus of proof' have been specifically rejected (Rothschild 938e to 939a & 942b), however Secretary of State normally requires a compelling case to be made. Suitability and availability of alternative sites is a relevant consideration and Secretary of State may be reluctant to approve compulsory purchase if alternatives are found to as good or if the promoting authority has failed to consider alternatives; even then, he may approve if there is good reason in the public interest.

242. There is adequate evidence to reject all alternative sites for park and ride; the factors concerned include inability to connect to MRT, Green Belt status, Green Space or playing fields, longer journey, small patronage, relationship to residential property, views of the private sector partner and delay.

### Planning Direction

243. Section 54A is not applicable where there is no express statutory requirement in Section 90(2A) to take account of the development plan. Section 90(3) only applies the provisions of the 1990 Act once the Planning Direction has been made. However, it is accepted that Secretary of State should consider the development plan without any special priority and guided by national policies; major infrastructure projects cannot always be predicted in development plans.

244. Neither the depot nor the park and ride spur was envisaged when the LUDP was deposited, nor was the park and ride site when the KUDP was deposited; to that extent both are out of date and the scheme can only be viewed in relation to overall objectives such as Policy T3 (Document F6 Paras.11.1,11.2 & 11.5). Park and ride was also foreseen (Paras. 11.36 & 11.39). Similarly, the scheme is consistent with KMBC's General and Strategic Transport Objectives and Annex 2 of their Statement of Views. The KUDP Inquiry was held in 1995, before park and ride was identified or proposed; it is Secretary of State's aim to expedite the planning process for such projects so it cannot await the next UDP.

### The Disused Railway Line

245. The land is proposed Green Space in the LUDP and serves a recreational function. However, the test for the purpose of Section 19 of the Acquisition of Land Act is whether the land is used for the purposes of public recreation: at present it is used by pedestrians and cyclists to get from A to B, as any other right of way; land crossed by a footpath or cycleway is not subject to Section 19 when it becomes involved in compulsory purchase. Furthermore, there is no evidence that the wooded slopes are used at all and it is irrelevant that they add to enjoyment.

## Competition

246. Grant aid to a rapid transit project does not in itself breach Section 9A(6) of the Transport Act 1968; this was rejected in the case of the Manchester Airport tramway. It is alleged, however, that MRT would breach this Section because other operators with compliant systems would not be permitted to use the stops or segregated transit way. The TWA1992 provides express power to lease the undertaking and makes no provision that this be shared; sharing would clearly reduce the value of a concession and willingness to participate, and Parliament cannot have intended to prevent an exclusive lease.

247. It is also alleged that the price structure for park and ride would make use of the rail link more expensive than MRT, but this facility can also be leased exclusively. Finally, it is feared that MRT might use its powers to move bus stops to the disadvantage of other operators. This would not be a breach unless motivated to damage the other operators and it would then be ultra vires, without Section 9A(6). If Secretary of State is in any doubt, the issue could be covered by protective provisions in the Order.

## **SUPPORTING SUBMISSIONS**

### **George Henry Lee**

248. The Store is a branch of the John Lewis Partnership. The scheme would improve access from the east on a route which does not currently have the same level of public transport as the north/south routes to the City Centre. The store can be accessed on three sides and faces on to Church Street (Document S42/1). The proposed route would bring shoppers into the heart of the pedestrianised area and the company would like to have MRT passing down Church Street. The Trafford Centre enjoys the advantage of easy access and this competition has already been felt in reduced turnover. MRT would also benefit the dock area which has felt distant.

249. MRT would provide quiet, emission free transport. Park and ride next to the M62 would be a major benefit, reducing congestion. Compared with regional centres such as Manchester and Sheffield, Liverpool is ill-equipped in terms of modern integrated transport and MRT would improve its image.

### **The Mersey Partnership**

250. The Partnership is a regional agency for investment and tourism, with over 300 public and private corporate members, and an annual budget of over £3M; none of its member organisations are located in the pedestrianised area. The Partnership has no preference for the form of rapid transit adopted; but improved transport is vital to increasing the competitiveness of the City and there is a perceived weakness focussed on the M62 corridor. The work force must be able to move easily between the City and the residential areas.

251. A main constituent, in portraying an image which will attract investment, is the availability of modern, efficient transport when compared with other European cities. MRT addresses such issues as the congestion and poor image of the M62 corridor, the exceptionally poor approach to the City Centre, in visual and traffic management terms, and the lack of a link to the Waterfront.

## **Neptune Developments Ltd**

252. The company is responsible for developments at Queen's Square, Columbus Quay, the Playhouse Theatre, Vauxhall Gardens and Speke; it has no involvement in properties in the pedestrianised area and no preference concerning the type of public transport to be introduced. The company supports MRT because it would reduce congestion and pollution and because the eastern corridor is under-served. It would increase mobility for job seekers, generate additional economic activity and link several major development sites.

253. MRT would increase property values, raise returns, reduce the need for subsidies, boost tourism and the appeal of Liverpool as a place to live, bringing increased economic activity, and promote investment in property development.

## **Liverpool Stores Committee**

254. The Representative is the Chairman of the Committee. There are 110 members, many with premises in the pedestrianised area (Document S42/1). MRT was discussed at meetings on 14 January 1997 and 6 October 1998 and a presentation was given on 4 November 1997 (Document S42/2); none of the members has, so far as is known, recorded any objection to MRT and the Committee believes that it should deliver visitors direct to the heart of the City Centre, with stops in Church and Lord Streets: transport links often miss their targets; it would provide easy access for the elderly, mobility impaired and parents with children. It would also provide an opportunity for high quality refurbishment of the area.

255. The Government wishes to reduce traffic in the City Centre. The densely populated areas, through which MRT would run, represent an enormous customer base for the City Centre, though it is conceded that MRT would only serve up to 20% of residents, many of them in the poorer areas; it would be preferable to have the other 80% brought into Church and Lord Streets.

256. Park and ride would provide a fast link encouraging out of town visitors. Liverpool faces a growing threat from out of town centres such as Trafford and Cheshire Oaks, although the Chairman advised his Committee at the October 1998 meeting, *'that there had not been a noticeable effect on trading in Liverpool since the opening of the Trafford Centre...and ... that Liverpool might just bypass the business loss, due to Trafford Centre being a 50 minute drive away.'* (Document S42/2). .

257. At the meeting in November 1997 it was said that, *'due to street traders property was undervalued by 25% and Members were advised to inform their Head Office ..';-* a proposal was made to form *'a sub committee on a Campaign against Street Traders.'* (Document S42/2).

## **Liverpool Chamber of Commerce**

258. The Chamber has about 1340 members and, after long consultation, voted overwhelmingly to endorse MRT. One of the main reasons for Liverpool's decline is its isolation from the national motorway network and difficulty in gaining access from the east and south. Rents generally are now about 45% of

those in Manchester and they have not reached the level at which new development can take place without grant aid; peak rents in the prime area of Church Street are about 70%.

259. The main approach route into the City from the M62 is a disgrace: an improvement in communication will undoubtedly bring in more people and retain existing businesses. Experience of Manchester and of continental cities such as Grenoble and Strasbourg suggests that rail based systems would have a greater environmental impact than trolley buses. Improved road communications may be a form of competition from MRT's point of view but they are complementary and equally important.

### **Clayton Square Shopping Centre**

260. The Centre is a £55M development on the north side of the junction between Church and Ranelagh Streets; it is one of the top 15 shopping centres in the UK and has 56 retail outlets, including big 'multiples' and family businesses. People from Liverpool, with access to a motor vehicle, will use shopping centres more than an hour away: the Trafford Centre is under an hour away, has 10,000 free car parking spaces and a bus and coach park, and it is open from 10am to 2am; the facilities include banks, creche and entertainment, all in a secure, controlled environment, with a Metro extension to come. It will be 12 months before the effects on Liverpool centre can be judged but a fall in trading of about 2 to 3% can be expected.

261. One of the ways to ensure survival is MRT, with new comfortable, no smoking vehicles running in fast access lanes, and stops with good information systems. The vehicles must run down Church Street to maximise usage: people will not carry large parcels long distances to their transport; it is conceded however, that the Trafford mall is about a quarter of a mile long and that no transport runs through it.

[Note by Inspector: the Inquiry was subsequently provided with a plan of the Trafford Centre (Document G78), annotated as being approximately 1cm to 100m. This indicates that the mall is over 1km in length, and that the bus station is approximately 250m from one end. The mall is surrounded by car parks.]

### **Marks and Spencer**

262. Four years ago the company invested £7M in development of the store on Church Street and a £20M scheme has recently been drawn up to extend the selling area. The competition from the Trafford Centre and Cheshire Oaks must be fought: Liverpool has to provide all the things that tempt people to these centres, such as clean streets, excellent shops, restaurants and bars, and good parking and public transport.

263. Merseyside has a comprehensive public transport system of buses and rail, used by the majority of the population; any enhancement can only be beneficial. MRT would transport customers into the centre efficiently and quickly and ease congestion and pollution. They should be brought as close as possible; people already ask for large items to be put in their cars or delivered. It

is conceded however, that close to one store cannot mean close to all and that the out of town malls are pedestrianised, free from traffic and competitive.

### **Written Representations**

264. Almost all the letters of support come from business interests or public bodies. Many observe that MRT would be of assistance to their staff and customers and encourage business and tourism. Some expect reduced congestion and pollution from cars and diesel powered vehicles, others regeneration and various economic benefits; minority views include the comments that MRT would be good for the image of Liverpool or offer improved safety.

265. The Director of National Museums and Galleries on Merseyside is very much in favour of introducing a rapid transit system although his organisation would have preferred a route running closer to the cultural quarter around William Brown Street (Document S.37). The Managing Director of Liverpool Airport expresses particular interest in the potential for longer term additions.

## **THE OBJECTIONS**

### **Merseyside Property Forum**

#### The City's Retail Centre

266. The Forum is a group of 15 firms of Chartered Surveyors on Merseyside who, in the main, support the scheme and agree that an improved standard of transport is needed to create a better image and to get drivers out of their cars. The objections relate exclusively to the City's retail centre and, in particular, to the desire of the majority to see the MRT route diverted from Lord and Church Streets which form the pedestrianised core of the shopping centre (Document O.66/2/JSM2).

267. Church Street is the more important and commands the higher rents; between Whitechapel and Parker Street, it is tightly held by national retailers; Marks and Spencer acquired the only two vacant units to extend their premises into Williamson Square, which will afford excellent access into the bus station. If any other unit were to come on to the market there would be a long list of bidders prepared to pay record rental levels; there is a sea of heads in Church Street on most days. Liverpool's two enclosed shopping centres, St John's and Clayton Square, are on either side of Parker Street, and a new shopping centre is planned for the post office site in Whitechapel, between Stanley and Sir Thomas Streets. The area is thriving and although it is early to judge, it is competing with the Trafford Centre; MRT could drive the shoppers away.

268. Pedestrianisation has taken place, in stages, over a substantial period of time and now includes North and South John Street, School Lane, Great Charlotte Street and the Queen's Square area; immediately to the north of it, the Hood Street/Roe Street/Queen's Square area has been the subject of a major redevelopment and change in the street pattern, to accommodate the principal bus terminal for the City Centre; the other major terminal is between Paradise and South John Streets. Multi-storey car parking is provided at several locations within easy reach: one is adjacent to the Paradise Street bus station, another

forms part of the St John's Centre and a third forms part of the Queen's Square development.

269. The density of shoppers in Church and Lord Streets, on a typical day, is shown in the photographs taken at 12.45pm on Thursday 7 October 1998 (Document O.66/2/JSM1); it required considerable expense and determination by the City Council to create this pedestrianised shopping street which probably matches the best in the country; people meet friends and stand and talk here as well as going shopping; this atmosphere will only be maintained if the street is free from traffic. Vehicles are excluded between 6am and 6pm, except for shop servicing up to 11am; they move very slowly, generally below walking speed owing to the density of pedestrians; that they are there at all is not an excuse for further incursions.

270. Church Street is just over 20m wide; its widest point is near Parker Street; it is 296m in length and the pedestrianised section of Lord Street is 152m; particularly in the region of the stops, the transit way would take up a substantial portion of the area which is now fully used by pedestrians, (Document O.66/2/JSM5). The most recent Merseytravel leaflet dramatically illustrates the same point. The platform edges, 34cms above the rest of the flat paved surface, would be a serious impediment. The presence of street traders has caused concern for many years; the Order proposes to determine their rights with minimal compensation but MPTE say that some might still be accommodated which would constitute a further obstruction.

271. If 500m is taken as the maximum distance people would walk to use MRT, then a corridor of this width (Document O.66/2/JSM3) would contain about 15% of Liverpool's shopping population and this is no justification for damaging the retail environment for the other 85%. 1000 cards (Document O.66/2/JSM4) were handed out in Church Street and other locations on 19 October 1998: 186 were returned; 62% had not heard of the proposal to run trolley buses through Church Street and 71% thought it would lessen the appeal of the Street.

272. The whole object of pedestrianisation is to eliminate the street pattern to encourage free flow, but such streets must be broken up to eliminate a feeling of barrenness when thinly populated. This is achieved by landscaping, benches, planters, signs and other cohesive features. To superimpose a 7m wide track, with tactile edges, would emphasise the linear aspect and upset the present atmosphere of a safe and comfortable shopping place; rubber tyred trolley buses, moving at 12kph would represent an increased risk to pedestrians using the transit way and would probably result in frequent use of the horn, which has to be an irritating device to be effective, and there would always be one or more trolley buses in these Streets.

273. Although the TIA provided during the Inquiry (Document G11 Section 21) shows that the position improves with MRT, this is because it assumes that all the street traders, planters and other obstacles have been removed; people would still have to move out of the way of the buses - the Street would not be theirs - and, although trees might be replaced two for one, it would take many years for them to mature.



## Policy and Precedent

274. PPG6 gives guidance on improving the quality of town centres and notes that '*Attempts to go back to past patterns of use, against the market trends that led to deterioration, are unlikely to succeed*' and, '*Local authorities should develop a comprehensive traffic management strategy that... protects and enhances the pedestrian environment;*' (Document E14 paras.2.5 & 2.29). PPG6 also advises that, '*... most shoppers are unlikely to wish to walk more than 200 to 300 metres, especially when carrying shopping*' (Para.3.14) and in Lord and Church Streets one is always within this distance of the car parks and public transport, indeed it may be further for out of town malls; there are alternative routes for MRT which would be just as close.

275. No amount of convenient transport will help Liverpool to compete with places such as the Trafford Centre if, when reached, it does not have as many of the benefits of the out of town centres as possible. One proposal is to cover Church Street with a glazed roof.

276. The LUDP refers to PPG6 and says that the City Council aims,

*'... to produce a barrier free environment for pedestrians in all areas of the city. Due attention will be given to the convenience, safety and security of pedestrians...'* (Para.11.82) and,

*'Facilities and provision for pedestrians will be improved and appropriate and relevant measures, initially in the City Centre and District Centres, will be implemented. These measures will help reduce pedestrian-vehicle conflict, improve road safety and make the City Centre and District Centres more accessible places to visit, particularly for those people who are disabled or have visual impairments.'*  
(Para. 11.83)

277. The Manchester Metro and the Sheffield Supertram do not penetrate the prime pedestrianised areas of their cities, nor does public transport penetrate the out of town shopping malls. In practically every case where pedestrians and trams co-exist it has been a matter of making the best of an existing situation; Europe retained many of its tram routes.

278. The Cheltenham Spa Shuttle uses a short section of High Street to reach the Promenade which is much wider than Church Street, only has shops one side and is not fully pedestrianised; the Shuttle only runs one way, every 10 minutes, and does not run through the prime pedestrianised shopping areas (Document O.66/4). Once introduced, MRT would create a precedent and if subsequent lines were to provide similar access, the vehicles would have to go down the same streets.

## Alternatives

### City Centre Route

279. There are many choices of route which would serve the shopping centre equally well and offer better connections to other public transport, the CBD and the cultural quarter which contains national museums and galleries, a reference

library and a fine collection of neo-classical buildings. It is agreed that the route should include the Albert Dock and Waterfront; it should also be possible to connect with Lime Street and Moorfield Stations; a one way loop around the centre would cause less interference (Documents O.66/JSM8 and G11).

280. The first alternative (Document G11 fig.66/1) is acknowledged to be longer and would therefore cost more but lines 2 and 3 could use it as well and it would additionally serve Lime Street, Queen's Square and the CBD. The fifth alternative (fig.66/5) shows a very limited entry into the centre, around Great Charlotte Street, which would nevertheless serve the retail area - the St John's and Clayton Square centres directly - and provide the basis for further development of the network.

#### Park and Ride

281. The facility would be alongside the Liverpool to St Helens railway line, with Broad Green Station just 250m away and a service at 15 minute intervals, which could be improved; it would be cheaper to move the station or build another one, than to create the spur line.

#### **Merseyside Transport Ltd [MTL (North)]**

##### The Bids for Rapid Transit

282. It is conceded that MTL was a member of Merseytrack, a competing consortium for the rapid transit scheme, that a similar system was proposed, that they did not oppose the relevant LUDP policies at inquiry and that their bid did include the option of a park and ride facility for the M62, to generate extra business. However, the consortium did express concern about the nominated corridor, in their response (Document O.148/P2/C/2); Section 6 addressed the question of serving more affluent areas, with more cars and the possibility of premium fares; the park and ride would have been adjacent to Junction 5, on an alternative main route - Route 4 - with a much lower service on 2W (Section 6 Plan H00139/01/1).

283. The opening paragraphs of the bid contained the following:

*'... Line 2W is an area of high unemployment and low car ownership. It has been suggested within the Invitation to Tender, that the envisaged bus transfer... will generate sufficient revenues to make the line a commercially viable solution. Our consortium is not as optimistic that such a degree of transfer can be achieved or that the proposed fare levels will be acceptable to the passengers. Within Section 5 of our response we have analysed this position and concluded that line 2W cannot sustain a commercial case, sufficient to attract the private sector investment required by Section 56 and ERDF... Within Section 5 we have identified two Alternative routes which we feel respond to this problem. The key proposal centres around the creation of a Park and Ride facility...'*  
(Page 2 top para.)

The second alternative (Section 6 Page 4) proposed a modification of the route between Adelphi and Durning Road, based on MTL's experience. Section 5 included the following:

*'Corridor 2W does not constitute a natural path into Liverpool. In projecting patronage, it appears that consolidated flows from several routes, many of which are tangential to the proposed route or are adjacent to the route for very short distances, have been used. The only service that closely follows the proposed route is Smart bus service No.1. Its performance is significantly worse than the Liverpool mean ...'*

Stears Davis Gleave were unable to reconcile Merseytravel's projected patronage of the Order route with MTL's knowledge of it.

### The Case against MRT

284. Improving the service does not necessarily mean more passengers: bus journeys have fallen by 22% over 10 years. MTL has between 26 and 34 buses per peak hour on various sections of the Order route, with an average passenger load of 14, and MRT would add between 6 and 12 vehicles; most passengers on the A57 are travelling to or from areas beyond Page Moss; other routes which cross the corridor would also be affected. SMART 1 is heavily subsidised because it is not viable.

285. The revenue for all services along the route is currently around £6M; MPTE forecasts that £304M of its revenue would come from this source (Document G7); about £3M of this would be from MTL. The Financial and Economic Report of June 1996 showed that LRT might attract 8.6% of its total patronage from car transfers but that the other forms of rapid transit were unlikely to achieve half of this figure; even with park and ride, MRT is unlikely to attract the forecast figures: City Centre parking charges have been reduced.

286. There appeared to be some discrepancies in the funding calculations by MPTE (Document O.148/P2/A) but these have been resolved during the Inquiry. There remains pressure to approve the scheme quickly in order to qualify for the ERDF grant, but the Government Office North West has confirmed (Document O.148/P2/D) that this project would absorb all the available grant and that there are three other projects, currently being appraised, which could obtain funding if MRT were not to be approved; MRT could be a part of a future Objective One programme. A restricted cost benefit ratio of 1.4:1 is not high for a new system; the Metro extensions are not comparable because they entailed less risk; it is conceded, that the DETR has never insisted on a 10% sensitivity test (Document O.148/P3B para.3.21).

287. MRT is not the most cost effective use of the available funds and the vehicles would be owned by banks and subject to continued payment of charges by Transform or by the public sector if they should default. Modern Euro 2 diesel engined buses produce very low emissions, cost half the price and require no infrastructure for power; the reduction in emissions, resulting from use of electric power, would be negligible compared with total emissions in the City Centre (Document A17 para.17.2).

288. The guided trolley bus is a proprietary system, unproven in passenger service, and it will therefore entail proving costs; only a proportion of the vehicles for the London Transport Millenium project will be guided; there is no proven case for guidance, except for alignment at stops which could be achieved

by horizontal guide wheel docking; in the pedestrianised area, guidance failure could have serious consequences.

289. MRT would not provide interchange at Lime Street, Queen's Square and other terminals and there would be little integration with other bus services; an action plan of July 1997 said that, '*Integrated feeder bus services... are being investigated*' (Document A21 para.3.4.5); integration is one of the Government's new assessment criteria (Document E25 para.4.195) but no results are yet available; the City Centre route would miss out the main bus terminus and Lime Street Station; little relationship with rail is anticipated, on the grounds that the corridor was chosen because it didn't have a rail route, and the potential for transfer has therefore been ignored (Document D3 paras.4.61 & 62).

290. Regeneration revenue has been discounted because, unlike the Metro extension to Ashton, there are no major derelict sites along the route; in north Liverpool there are 1000 acres of derelict land. Less than one quarter of the population of the Pathway areas would benefit from MRT and it would not serve the CBD. A report endorsed by the Development Corporation concluded that the real problem with linkage to the Waterfront is poor pedestrian facilities, notably across Canning Place and the Strand; existing bus services are under-utilised; the witness was himself responsible for LCC surveys which showed that 80% of all visitors to the Albert Dock area went there on foot; and that applied to visitors from outside Liverpool as well; Chavasse Park is on the way and next to the Paradise Street Bus Station.

### Conventional Bus Services

291. MTL is the operator of 70% of all bus services on Merseyside and a participant in Quality Partnership schemes with Merseytravel (Document O.148/P1A para.22.3 et seq.); 50% of its buses are under five years old, mainly state of the art single deckers with low floors, including SMART buses. The Government clearly seeks to promote all forms of public transport, as do the local plans, and the existing services have plenty of spare capacity.

292. The recent White Paper (Document E25) contains the following:

*'Buses are already the workhorses of the public transport system... Increasingly they will become the focus of an efficient transport system that gets people to where they want to be quickly and comfortably, without having to rely on their cars.... Too often buses have been treated and seen as second class transport. It doesn't have to be like this... As part of the New Deal for transport we want better buses - clean, comfortable and convenient. Bus lanes and other priorities will help to get buses running on time. A first rate and modern bus industry will make an important and cost effective contribution to tackling congestion and pollution at the local level.'* (Paras.3.13,14 & 15)

An expensive guided bus system would not be consistent with this policy or the provisions of para.3.37 and para.6(i) of Circular 3/89 requires the scheme to be the most cost effective one, making specific reference to comparison with bus priority schemes.

293. The MERITS Report (Document C1) recommended SMART buses in preference to LRT and added that they represent, *'an efficient and affordable investment.'* The study also concluded that, *'Merseyside is less advanced than many other UK cities in implementing bus priorities'* (Para.6.3.9) and that, *'... given the relative lack of congestion, segregated bus lanes and bus priority at signals could be implemented at relatively low cost.'* (Para.6.3.10). And further that, *'Experience elsewhere shows that bus priorities are most effective in enhancing bus services and attracting additional patronage, if they are implemented throughout a route.'* (Para.9.7.5). There is a vast potential for more priority lanes and improved infrastructure; priority measures apply only to 15% of the Order route and are very limited compared to Aberdeen, Birmingham, Edinburgh and Swansea.

294. MRT would derive most of its patronage by taking it from MTL services and that is not an aim of public transport policy; the emphasis should be on modal shift from cars. That is not to say that no improvements are needed in the relevant corridor or that rapid transit does not have a role to play, under the right circumstances, but MTL provides a more frequent service, with more stops, and offers greater flexibility than would MRT, and the scheme amounts to unfair competition under Section 9A of the Transport Act 1968. It would result in delays to other bus services; MPTE now accept (Documents G23 para.2.1 & O.148/P3/1) that increased variability of phasing within a signal cycle, due to MRT priority, will result in an element of delay; this could be cumulative and outweigh the claimed improvement in journey times.

295. MTL was a member of the Bus Forum, and a party to the Bus Plan and its approval (Document F9), and it is acknowledged that there is no record of any fundamental disagreement. However, the Bus Plan does say that the bus is the most important part of the public transport system and that the Plan is aimed at a bus network that offers a convenient, safe and high quality alternative to the car (Paras. 1 & 3). It records that the A57 bus priority measures *'have brought benefits to bus users and a safer environment for cyclists'* (Para.3.1.2), yet nothing more has been done, despite the potential for more priority and enforcement, junction improvements and transponders, all actively pursued elsewhere.

296. There is no reference in the Bus Plan to the fact that MRT would draw 84% of its patronage from existing services; it was expected that much more of it would come from cars and new business; transfer of bus patronage was much lower in other cases, such as Metro, where existing services were to remain; the attempts to compete in Leeds and Sheffield failed. An indemnity would be entirely appropriate, based on experience in Sheffield, and protection was written into the schemes for Croydon and for Nottingham. The arrangements for Metro also provided for another operator to come in and use the infrastructure, though MTL would not wish to do so in the case of MRT.

297. There would be significant disruption during construction of MRT, with long diversions to avoid the road works; the cost of clogging up the operation of some 600 buses could be around £2M; almost every bus has to cross Lime Street. There would be ongoing problems in operation, notably at Church Street/Ranelagh Street/Lime Street/Mount Pleasant (Document O.148/P1A para.19.12 et seq.); if there really would be a net advantage, by way of highway

improvements and signalling, then improvements should be funded for the buses instead of for MRT

298. With respect to the original letter of objection (Document O.148) the reservation at para.2(b) is withdrawn and para.4 is amended to delete the passage, '*and construction or operation..... system.*'; the remainder stands.

### Park and Ride

299. The preliminary assessment of park and ride, reported in May 1998 (Document C12) considers the M57 and M62 and notes that, '*There are a number of possible sites at both locations. The aim of this work is to identify the strategic merits of both locations, rather than individual sites.*' (Para. 1.3). It concludes that the model employed, '*... produces intuitively sensible results*' (Para.4.1) but highlights, '*.... the importance of a factor outside the direct control of both Merseytravel and the MRT operator, namely city centre parking price.*' It also makes no allowance for site access time, on the grounds that, '*... all the traffic was passing the site*', yet 10% of the demand has been assumed to come from other routes (Para.2.10).

300. Rail has good potential as the transit facility for a Park and Ride site at Thingwall Hall. The 15 minute service from Broad Green Station operates at regular times past the hour and would allow access to Edge Hill and Wavertree as well as Lime Street. Using true origins and destinations, it would be quicker by rail, even using the published journey times - an average of 12 minutes, 14 one way and 10 the other (Document O.148/P3/S), but better still when the achieved journey times of 11 and 10 minutes are used (Document O.148/P3/F); furthermore rail is more reliable by virtue of being wholly segregated. MRT would have the disadvantage of proceeding for 1.3kms in the wrong direction when it leaves the site.

### Summing Up for MTL (North)

301. The recent White Paper stresses the importance of integrated transport and it is one of the main objectives of MRT, yet the scheme proposed falls far short of maximising the potential for bus and rail interchange. There is no direct interchange with any of the City Centre railway stations, Lime Street, Moorfields, Central or James Street; existing bus services serve all of them. No attempt has been made to integrate Broad Green Station for the Park and Ride facility, even by means of ticketing. MRT would not provide direct interchange with Queen's Square, the City's main bus station.

302. As to serving key destinations, MRT would be 3 minutes walk from the CBD and at least 6 minutes from the cultural centre of the City, William Brown Street. It would not serve the University's Halls of Residence which are located in south Liverpool. The retail centre is already ringed by public transport and MRT can offer no material improvement. Albert Dock is also served now and the need is for better pedestrian facilities not MRT. MRT would only pass through the middle of one Pathway area; it would not serve any derelict sites with potential for regeneration. MTL submitted a compliant bid for rapid transit because they had to do so, but they made it clear that they regarded the proposed route as unviable and they proposed alternatives.

303. Modal transfer is an important objective of both national policy and MRT and the scheme is not viable without park and ride, yet they propose to take 84% of their patronage from bus services. By choosing a route through areas of high unemployment and low car ownership MPTE has reduced its chances of modal transfer; it has also not established a time saving: it will remain quicker by car.

304. The Park and Ride site is not adjacent to the M62, as was the site proposed by Merseytrack; it is said that access will be possible in 3 minutes but the distance is 2.1kms and would therefore require an average speed of 42kph, which could not be achieved legally. MRT would take the drivers 1.3kms in the wrong direction and there would be numerous stops on the way to the City Centre. Cost savings are unlikely; 70% of central parking is commercial and the reaction is likely to be a reduction of charges. The proposed Park and Ride does not need MRT; it could be better served by rail.

305. The White Paper and Circular 3/89 both require the most cost effective solution to be adopted; high cost schemes are discouraged and MRT at £53M is a high cost scheme. The first requirement is to address the objectives and MPTE relies upon them as set out in the Package Bid (Document F10 para.4.32); it is then necessary to assess the most cost effective solution and the policy points specifically to assessment of bus priority, but MPTE has made no such assessment.

306. The measures adopted on the A57 in 1992 were very limited and were aimed to avoid disbenefit to cars; nothing has been done since, despite the MERITS study recommendations. There is plenty of potential to meet the objectives of MRT at lower cost, to make comprehensive improvements to public transport, to introduce a greater number of modern vehicles, segregate them from other traffic and give them priority at junctions. Furthermore, the White Paper recognises that bus improvements can achieve modal shift; they would also have the advantages of greater frequency, more stops, greater flexibility and greater distances covered.

307. MRT would have significant disbenefits by way of its impact on bus services but no analysis of this impact has been undertaken. The services affected currently serve other areas as well as the Order route, and they run beyond Page Moss.

308. MRT is unproven in passenger service; the Tyne and Wear trials were unrepresentative and lasted only six weeks; the vehicles were not electrically powered, nor will they be so on the London Millenium project; driver intervention in the event of guidance failure has not been explored; there is no evidence of such vehicles being re-introduced into pedestrianised areas. The Channel Tunnel application is a specialist use with smaller vehicles, not open to the weather. As to funding, the £9.1M attributed to Transform is not a capital contribution; this refers to assets which would be leased and there is no evidence of their value; MPTE is, in fact, selling the right to an estimated trading profit of £16M.

309. Section 9(A)(6) of the Transport Act 1968 (Document B1) reads as follows:

*'It shall be the duty... of the Executive for any passenger transport area... so to conduct themselves as not to inhibit competition... '*

MRT would inhibit competition for three reasons. MPTE have indicated that Transform would not wish to proceed unless only their own vehicles could use the system, irrespective of whether other users had compliant vehicles; Manchester Metrolink and Leeds Guided Busway require promoters to allow use by other appropriate vehicles. Secondly, park and ride ticketing would exclude the use of rail. Thirdly, the powers to be given to MRT include the moving of bus stops, which could then be in less favourable positions.

310. The Order should not be confirmed.

### **Sustrans and Railway Paths Ltd**

311. Both organisations are charities, the latter recently established by British Railways Board, who own the spur line, in order to manage recreational land. By an agreement of May 1998, Railway Paths Ltd can call for the transfer of ownership of any of the 200 route miles (360kms) of disused railway land important to the National Cycle Network and this includes the Liverpool Loop Line; until transfer, Railway Paths has an interest as tenant. The cycle route along the proposed spur line was constructed by Sustrans between 1987 and 1992; it is apart of the National Cycle Network and the Trans Pennine Trail; the latter is designed to be used by cyclists, pedestrians and those in wheel chairs.

312. Sustrans welcomes the principle of MRT as a means of reducing car dependency and traffic congestion. Their concerns relate to siting, access, design and safety of the diversion and should all be capable of resolution at little cost; protective provisions should be incorporated into the Order (Document O.52/1). To reduce the intimidating effect when in proximity to MRT vehicles, the path could be raised one or two metres above the level of the track, between Broad Green and the tunnel, more correctly an overbridge. There should be no interference with the route, rendering it impassable, before the diverted route is available. Intersection with the Park and Ride service road should be level with traffic calming on the road.

313. With regard to the maintenance liability for the overbridge, Sustrans would normally accept this where it is necessary for the users of the path or of the route passing over it but, where expenditure would be substantial, they would look for an alternative solution; currently, Sustrans has the option of switching between bores and filling one, but this would no longer be possible with MRT in the eastern bore. Sustrans and Railway Paths consider that MPTE would be the primary user and should acquire the overbridge, assuming full responsibility for future maintenance and giving them a right of way. The proposed sharing of the freehold (Letter 27 Nov.98 - Document G30) is impracticable.

314. Between Bowring Park Road and the motorway, the Path passes under the eastern arch of an operational railway bridge; this section is owned by Railtrack; Sustrans and Railway Paths would expect MPTE to be responsible for establishing arrangements for rerouting. no less favourable than those which currently exist, in the event that the eastern arch could no longer be used.



315. Sustrans is surprised that no provision has been made for a safe pedestrian link between the Park and Ride site and Broad Green Station; this aspect of modal integration should be addressed; those who wish to use, the train should not be prevented from so doing. Finally there is some concern about the detailed arrangements for the crossing of South John Street where buses and cyclists would be competing for space. The broadening of Planning Direction, to give LCC control over the detailed design for the whole of the spur line, is welcomed, together with the offer to include Sustrans in the consultation.

## **The Littlewoods Organisation plc**

### Transport Planning

#### Comparative Value of MRT

316. By comparison with the 11 or 12 minutes by rail from Broad Green to Lime Street, MRT would take 21 minutes to the City Centre. MRT offers only a 6 minute improvement on the 'in bus' journey time from Page Moss to the City Centre using the existing services (Document P2C tables 3.3 & 3.5). There is little economic justification for linking the Centre to the Albert Dock area, unless development of the King's Dock goes ahead; walking there would be better; and there is no requirement for a stop on the east side of the Albert Dock building complex.

317. There is no reason why a system serving only a tiny proportion of the region's population, and offering them such a small improvement in service, should be given preferential treatment; given similar segregation and priority at junctions, conventional buses could achieve similar speeds, with greater stop and routing flexibility, though it is accepted that signal priority could only be accorded to a limited number. As to the image of the system, buses can have similar facilities and appearance, without OHLE; SMART buses are the best to date; the latest diesel standard is good but it is acknowledged that electric propulsion is better, with regard to pollution and noise.

#### Policy on Pedestrianisation

318. The main objection on behalf of Littlewoods is to penetration of the pedestrianised area of the City Centre. This area was created in the 1970s as a part of the Liverpool City Centre Plan of 1966 (Document O.80/1R), against considerable opposition from the contemporary bus operator; the Plan includes the following (Section 2.4):

#### ***'Quality of the shopping environment***

*The first and most important proposal for the shopping centre, and one that appears to be vital if it is to maintain its regional supremacy, is to disentangle people from vehicles. All the principal shopping streets in the core area will be converted to the sole use of pedestrians.... The result will be a totally new environment for shoppers in which they can walk in comfort and safety and yet always be within a short distance of car parks, bus stops and railway stations... Liverpool's entire shopping area will be*

*within two minutes' walk of a bus stop.... The removal of wheeled traffic from the main shopping streets will provide opportunities for new paving, pools, fountains, sculpture, trees, seats and lights. Freed from the necessity to provide a constant width of carriageway for vehicles, it will be possible... to build free standing kiosks, cafes and suchlike, all helping to achieve a lively and varied scene for the pedestrian. '*

319. There is no comparison to be made with the situations in continental cities depicted in MPTE's photographs (Document P5C). PH39 shows similar platforms and furniture but there are no pedestrians; pedestrian proximity in 43 and 46 shows that the vehicles are not moving; in 44 the street is empty; 45 is very wide and has few people; 50 is not a main thoroughfare and there are no pedestrians; 51 has no pedestrians; and 53 is very wide, sterile, fenced off and has few pedestrians.

#### The Effects of MRT

320. Initially, MRT vehicles would be one every 2+ minutes but they would probably double in numbers as other lines were added; one would not be able to hear them coming and allowing for inward and outward bound vehicles and stopping time, their presence would be felt for over a minute in each case. This would change the relaxed atmosphere to one of constant awareness, particularly for those in charge of children, and destroy the present random pattern of movements. The observation that there is a central stream of faster pedestrians is agreed (Document G25 para.2.5), but about one third of the present width would become the transit way and this would be avoided for longitudinal movement. There is also a great deal of meeting or standing in groups and talking and this would not occur on the transit way.

321. In addition to this, mature trees would probably be lost and a wirescape erected and powers are being sought to add all manner of appurtenances associated with MRT, including the island platforms with changes of level, greater than step height; in the area of the stops some 14m of the available 24m would be taken up. Available pedestrian space is claimed to increase (Document G25 para.2.6 & TIA Section 21) but this would only be a consequence of removing the street traders and changing the street furniture; street furniture is there to break up the environment and not to hinder people. It is acknowledged that the LCC was unsuccessful in its High Court action to remove the street traders. As to service vehicles (G25 para.2.17), the proposed lay-bys would only take 3 or 4 vehicles each and there would be very little unloading flexibility.

#### Alternatives

322. Deleting the Albert Dock link would permit a much simpler solution to the City Centre route; Great Charlotte, Elliot and Lime Streets would provide the same convenience of access; St John's Lane, Whitechapel, Roe and Hood Streets would offer a service comparable with existing buses. One way loops would avoid the need for two way operation in the congested area of Ranelagh Street where there is considerable pedestrian movement, notably between Central Station and Clayton Square.

323. It would be preferable to use Whitechapel to pass through the pedestrianised area and this would facilitate a route linking up with the two bus stations. Church and Lord Streets are not the only destinations for shoppers: there are more stores in the St John's and Clayton Square centres and there will be a new one in Queen Square. The comparison with Torquay is not valid because the pedestrian density is much lower and vehicle speeds are lower.

### Property and Trade

#### The Pedestrianised Area

324. MRT would pass in front of the Littlewoods store in Church Street and also in front of the Head Office of Littlewoods, in the Atlantic Pavilion at the Albert Dock. The witness is Emeritus Professor of Surveying at John Moores University and in commercial practice; he was instructed by Littlewoods to ascertain whether the impact of MRT on those locations would be detrimental to the interests of the company and to public amenity; in his opinion, it would be so; in particular, he endorses (Document O.80/2) the assessment of the company's first witness with respect to the impact on Church Street.

325. In trading terms, MRT would disadvantage the City Centre in relation to the new, vehicle free out of town shopping centres: the environment must be protected in order to compete with the high quality covered malls. Church Street is one of the highest valued retail locations in Britain and one of the busiest shopping areas and it is proposed to locate an MRT stop in the prime retail location in Liverpool, near Parker Street. Wrexham's pedestrianised area attracts people into it from the bus routes but the retail locations adjacent to the stops themselves were marginalised, so this can be a negative factor; Williamson Square could gain and Church Street lose; retail values reflect location and should be related to pedestrian circulation and sufficient space (Document G25 paras.2.14 & 2.28).

326. There is no evidence that MPTE have assessed the impact on property values and utility; the witness has not carried out his own assessment but, reducing the circulatory space by one third could perhaps reduce the shoppers by 15-20%. It would also become more difficult to service the properties. A bonus would be the removal of street traders but the LCC are committed to achieving their relocation anyway and it is therefore a separate issue. It is doubtful whether park has any potential to attract shoppers; with shopping people prefer to use the central car parks and there do not appear to be any plans to restrict it; retailers want to encourage all forms of transport.

327. The witness does not know of any significant pedestrianised shopping core through which trams or trolley buses are operated. MRT vehicles would be frequent and constrained to meet a timetable, and they would create a degree of exclusion from the transit ways; it would lead to pedestrian/vehicle conflicts and the pedestrians would be frustrated at their inability to move freely; the scheme is not consonant with PPGs 1 & 6.

328. The witness shares his colleague's view on the opportunities for an alternative route, notably using Whitechapel, Paradise Street and Canning Place (Document G25 fig.80/5). This would serve other key destinations and serve the pedestrianised area with less penetration; furthermore, pedestrian movement

changes at the junction with Whitechapel and any conflict would be with other vehicles instead of pedestrians. There does not appear to have been any public consultation on City Centre alternatives and the LUDP only gave a schematic representation of the City Centre route with no elaboration in the text; if the intention had been apparent it would have been opposed and if the LCC had already agreed the Lord and Church Street route it would have been in there.

#### Albert Dock

329. Albert Dock is listed Grade I and Salhouse Dock Grade II. The visual impact of OHLE would be an affront to the buildings and the conservation area all to create a loop to turn the MRT around. The proposed second stop, outside the pavilions, is unnecessary to serve the area; people walk there. It would also restrict vehicular access and there would have to be constraints on temporary parking outside the company's offices in the Atlantic Pavilion.

330. It would be more appropriate to confine MRT to Gower Street and create a turning circle at the Waterfront, or as designed for the King's Dock extension (Document G80 fig.80/5), and route the MRT back again through Canning Place, instead of taking it past the front of the architecturally significant Granada News building, Philip Hardwick's and the former Dock Traffic Office. The powers sought are draconian and there should be safeguards to limit their application. Under no circumstances should cables and pylons be erected in front of the former Dock Traffic Office, an exceptional Grade I building. PPG15 deals with the historic environment and the tests therein militate against running MRT around Salhouse Dock.

#### Summing Up for Littlewoods

331. It is no coincidence that the Structure Plan and the LUDP preface their chapters on shopping with photographs of Church Street; the Environmental Statement describes it as a 'lively street' (Para.10.6.9). Yet the rebuttal proof tries again (Document G25 para.3.13) to suggest that it is 'sterile', and to link it with PPG15 by claiming limited access by a particular class of traffic. The witness resiled from that attempt; Church Street is not sterile and what is proposed is not limited access.

332. The Structure Plan states that the retail centre has '*excellent access*'. The promoters agree that there is adequate public transport within '*easy walking distance*' of Church Street and bus stations at 100m and 250m; the Central and St James railway stations are at 200m, Lime Street 400m and Moorfields 500m. 500m is the catchment distance employed by the promoters. The aspirations of PPG13 para.3.9 and PPG5 para.4.6 are already satisfied. There is no survey evidence to support the belief that injecting buses into the middle will attract more people; MRT would, in any case, only serve a limited population and interchange would be far from comprehensive. To stress the improvement for the disabled is to ignore their problems at the other end of the journey.

333. The promoters agree that the shopping policies are as important as those on transport and that MRT would be a significant change: They also agree that policy T3 does not commit the LCC to Church Street. The competing out of town centres offer wholly pedestrianised environments. The policy of the emerging LUDP is to keep the main retail area centred on Church Street '*largely*

*unchanged*', to make the pedestrian environment safer and more convenient, and to reduce pedestrian/vehicle conflict (Paras. 14.6, 14.9, 11.83 & 11.86); as to the service vehicles, the TIA says that delivery vehicles allowed in at peak times travel at '*slightly more than walking speed*' (Document A26 Sec.21 para.2.3.2) whereas this proposal would introduce a '*vehicular route*' (Document P4A para.4.9.12). In the photomontages (Document P5C SK03 & 04) the pedestrians have been 'airbrushed' out and few of them replaced.

334. As to the impact of MRT on the buildings of the Albert Dock area, the promoters have urged that detailed consideration be left to the design stage but agree that this can only be done if a solution is available which would not harm the setting. It is the promoters' policy to minimise the number of support poles for OHLE (Document P2A para.2.7.13) and this is because they perceive a negative environmental impact. There is no survey information to show that the public believe the existing SMART bus service for this area to be inadequate; it drops people within easy walking distance of the main entrance.

### **Merseyside Civic Society**

335. A list has been provided of the elected and appointed members of the Council (Document O.78/1); the Society is committed to the conservation of the quality of the urban environment and supports a balance between modes of transport. The Society objects to the MRT scheme because the overall strategy, the choice of equipment and the City Centre route are wrong. The proposed guidance has not been proven in this application; experience with Merseyrail shows that ensuing problems can take years to overcome. A non-proprietary system would ensure a variety of suppliers and long term viability.

336. The creation of the pedestrianised area has been a success for shopping and for people meeting in and using the public space. The imposition of MRT's silent vehicles would be dangerous for young and old and affect attitudes to the freedom of children and therefore the value of the precinct. There would be serious interference with the free flow of pedestrians and with the majority of users, for the benefit of a minority; there would be conflict between trees and wires and it would take a long time to replace the existing mature trees. It would further add to the exodus of shoppers. All of the quoted continental examples are in areas which already had public transport routes through them: they were not added back. The study described in the rebuttal (Document G37 para. 1.6) was of the options available; the recommendation was not to use Church and Lord Streets.

337. Demographically, business employment in Liverpool is dropping; the student population is rising and the policy is to accommodate them within the City. For that reason and the increased vitality of leisure, the pedestrianised area is becoming more important. There are other routes which would give as good or better access to shopping centres, such as Great Charlotte Street, Lime Street, St John's Lane, Dale Street, the Pierhead, Canning Place and Hanover Street. There is no serious congestion (Document G37 para.7.3).

338. The Park and Ride site would be better served by rail via Broad Green; light rail has been successful in attracting car users in Manchester and MPTE's own studies showed that light rail would attract 40% more than 'Superbus', but MPTE's journey timings are noted (Document G17).

## **Northern Spirit and Merseyrail Electric**

339. The two companies have received similar conditional undertakings on the part of MPTE (Document O.149/P1/E); the opening paragraph of each expressly reserves the right of the Train Operating Company to object as to the nature and extent of the provisions for compensation and indemnity. Paragraphs 4 to 9 set out the agreed technical position and the related proof of evidence on technical matters is accordingly withdrawn.

340. Paragraphs 1 to 3 address some, but not all, of the objections. The position of the two companies, in relation to the outstanding matters, is set out in the written submissions (Document O.149/P1/D), supplemented by proofs of evidence on behalf of the respective companies (Documents O.39/P1/A & O.149/P1/A). Appendices 4 and 5 to document P1/D set out two alternative proposals for modification of the Order; these proposals have been conveyed to Railtrack who have indicated that they have no objection in principle and currently prefer the proposal at appendix 5 but would wish further time to consider the matter (Document O.149/P1/F).

341. The parties accept the Inspector's proposal that they should continue to negotiate and advise the Secretary of State of the outcome in due course. It is not therefore proposed to call the relevant witnesses, nor does MPTE seek an opportunity to cross examine them.

## **Redrow Homes (Lancashire) Ltd**

### **KMBC Policy and Planning**

342. The company has secured an interest in the land required for the proposed park and ride facility, at Thingwall Hall, with a view to the construction of houses in accordance with the allocation of the land in the KUDP; planning applications are in progress. MPTE are relying on the favourable Statements of Views by the LCC and KMBC but Secretary of State must decide whether the proposals are compliant with policy, and the Views demand examination and reasoned support.

343. The adopted KUDP must be accorded considerable weight, in accordance with the following:

*'If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan. Where there are other material considerations, the development plan should be the starting point and the other material considerations weighed in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date.'* (PPG1 para.54)

and,

*'The emphasis on a plan led system should ensure that the linkage of infrastructure and development, properly investigated as the plan is drawn up, will be reflected in development control decisions ... Development plans should include land use policies and proposals relating to the development of the transport network...'* (PPG12 paras.5.24 & 5.26)

and,

*'Part 1 of the Transport and Works Act 1992... introduces a Ministerial order making procedure ... authorising schemes relating to the construction or operation ... tramways and other guided transport systems... The proposed route should be shown in the development plan which should address any land use opportunities and pressures created by the route.'* (PPG13 para.5.28)

The KUDP was adopted in June 1998 and is therefore relevant and up to date. It contains no reference to MRT, yet it is apparent from the evidence of MPTE that, at the time of the KUDP inquiry, a decision had already been taken to extend MRT into the Borough; although clearly aware of the advice in PPGs, KMBC did not put forward a post inquiry modification. MPTE accept that there have to be valid other material considerations.

344. Housing policy H2 lists the land shown on the proposals map as being 'allocated for predominantly residential development' and identifies the Thingwall site as R34, for an estimated 400 dwellings; the text includes the following, under the heading, Predominantly Residential Areas:

*'..... Some non-residential uses may be acceptable within a residential area but, to preserve residential amenity, the Council will be careful to apply appropriate conditions to such developments.'* (Para.3.19)

but policy H20 says that,

*'The Council- will not permit non-conforming uses in residential areas which would give rise to unacceptable nuisance from visual intrusion, noise, smells, fumes, off street parking or other causes.'*

345. The objections could potentially be overcome by an increase in the height and size of the landscaped buffer around the facility but this would reduce the capacity of the car park to some 900 spaces. Furthermore, the scheme currently proposed by MPTE for remediation is inadequate to prevent the migration of gas and other contaminants. This would be in conflict with policy PWM1.

### LCC Policy and Planning

#### Transport

346. The statutory development plans for Liverpool are the Merseyside Structure Plan of 1980 and the Liverpool Development Plan of 1958 but both are now so out-dated that they can be given little weight. The LUDP is in draft form; the inquiry was completed in March 1998 and the Inspector has yet to report; the objections are therefore yet to be resolved.

347. MRT is addressed in policy T3 but this only says that the design will be progressed and feasibility further investigated; it does not identify the type of rapid transit and, importantly, the Line 1 route is not safeguarded; no mention is made of the spur line and, although a modification could be promoted, it would inevitably lead to objection and further inquiry. This is in contrast to the

position in Tameside and Manchester where, at a similar stage, the UDPs contained positive support, promotion or safeguarding.

348. None of the regeneration policies to which MPTE has made reference GEN1, E8, S2 & 4 - make any reference to possible assistance from MRT. Policy T16, on park and ride, was a late pre-inquiry change, not given the full publicity required by statutory procedure: the sites identified are in Liverpool and related to rail; for areas outside Liverpool, all that the LUDP says is that it would '*welcome the provision of park and ride facilities in neighbouring authorities, in particular Sefton and Wirral...*' (Document F6 para. 11.36).

349. The MERITS study of 1993 (Document C1) had 2011 as its horizon: it highlighted the low congestion, advocated bus priority measures and a network of SMART services and saw no need for MRT; the LUDP records that Liverpool is also '*the focus of an extensive railway network*'. MRT is not a necessary part of an integrated transport policy for Merseyside and, without much greater restrictions on car parking in Liverpool City Centre, MRT is unlikely to achieve the second of its main aims, a significant modal shift from the car; PPG13 advises that,

*'The availability of car parking has a major influence on the choice of means of transport. Some studies suggest that levels of parking can be more significant than levels of transport provision. .. even for locations very well served by public transport.'* (Para.4.4)

Policy T14 of the LUDP deals with City Centre car parking but does not provide for any reduction of long stay spaces.

### Open Environment

350. The LUDP places great emphasis on protection of the Loop Line; the MRT spur would be in conflict with many of the OE policies. Much of this environment is now mature woodland with a high recreational, ecological and amenity value; the value is enhanced by the fact that it links a series of green open spaces into a network of City wide importance. The Open Space Hierarchy is defined in OE11; it includes Neighbourhood Parks and,

*'The Loop Line represents a Neighbourhood Park in those parts of the city through which the Loop Line passes.'* (Para.8.138)

And OE5 addresses Sites of Nature Conservation Value, which are listed in schedule 8.1 and include the Loop Line:

*'Protecting the City's Sites of Nature Conservation Value (SNCV)... will help to project a new and greener image to the outside world and improve the quality of life for the residents.'* (Para.8.5.1)

Its importance is increased by virtue of its linear nature and it is identified in OE7 as '*one of the most significant wildlife corridors*' (Para.8.66 and fig.8.6 refer). OE8 contains the following:



*'The Loop Line Nature Park is a crucial link in the city's green space network comprising an 11 kilometre cycleway and footpath. Adjacent to the Loop Line are numerous small open spaces... The boundary... is precisely defined in order to protect this important new linear open space...'* (Paras.8.102 & 103)

And OE18 addresses the Trans-Pennine Trail, describing it as a '*unique long distance recreational route*' and noting that '*... in Liverpool, the trail follows the Loop Line...'*

### Other Material Considerations

351. MPTE suggest three: the value of modal transfer from the car, the service which MRT would provide to the new residential area, and the belief that Knowsley's housing needs can be met without the whole of the site. The recent report for the DETR (Document E30) stresses the fact that the high cost and low availability of city centre parking is '*a major factor in encouraging park and ride use*' but 80% of Liverpool's parking spaces are commercially controlled. It also finds that 48% of park and ride users do so for shopping and the most common length of stay is 2 to 5 hours; only 38% use the facilities for commuting to work and only 52% use them more than once a week; 21% travel less than 2km by car. If a car carries more than one shopper, the cost of using MRT would be unattractive.

352. The DETR's recent publication 'Planning for Sustainable Development' (Document O.125/7) gives the following guidance:

*'Park and ride schemes should be developed where they can be an integral part of the overall parking strategy Authorities need to be sure that the schemes do not increase, car usage or have an adverse environmental impact.'* (Paras.5.2.8 & 9)

The scheme is not a part of an overall parking strategy and would have an adverse environmental effect.

353. MPTE's assessment is that there is land available for 4690 dwellings by comparison with the 4000 required by the KUDP. This assessment is an overestimate for the reasons stated (Document O.125//2/1 Sec.4.8). A more realistic figure would be 3800 with the Park and Ride. But whatever the figures, if dwelling completions continue at the present rate the Borough's supply of land will be exhausted by the end of 2003.

### The Park and Ride Site

#### Location and Demand

354. Secretary of State must be satisfied that there are no more suitable sites available. The proposed site was selected by Transform and their appraisal of the alternatives, which MPTE say were considered, is not before the Inquiry; the criteria applied are therefore unknown. The Environmental Statement briefly dismisses six alternatives; without detailed analysis and it is evident that consideration of them took place long after Thingwall Hall had been selected; two of the sites are in the green belt but there is precedent at York for

exceptions to be approved if they merit it; it is accepted that this would not suit MRT because the distances would be longer. Site 4, at Cronton Colliery, should be considered for park and ride but would be better served by a bus service.

355. The report (Document C16) was commissioned in response to objections. This report is an attempt to justify the decision taken earlier and it cannot be related to the assessment by Transform. The report was not seen until November but the sites have been visited and brief comments recorded (Document O.125/2/1 Sections 5.3 & 5.4 & O.125/3/1 paras. 4.12 to 4.15). MPTE's objection to the use of playing fields is related to policy on provision for schools but the Thomas Lane fields are not school playing fields and are owned by the LCC; in any event the balance of land uses should be addressed at the UDP inquiry and not under a TWA order.

356. Insufficient need has been established to justify acquisition; one of the major reasons for the predicted level of use is the saving in time but MRT offers no such advantage (Document P2C table 3.3) and the comparison would be even more unfavourable if one added time parking, walking and waiting for MRT (Document O.125/3/1 page 36). The TIA is also inadequate (Document O.125/3/1 Sec.5): demand has been modelled for a single central case, in accordance with DETR requirements, but it should have been tested for a 20% variation; the spare road capacity created could be filled by new traffic, reducing the non-user benefits, as happened in Oxford (Document O.148/P3/J page 332); it is not national policy to create more road space.

## Remediation

357. Most of the 19 hectares of vacant urban land at Thingwall were used during the 1930s and 40s for the tipping of household waste; the site is therefore contaminated and producing landfill gas. National policy encourages the use of such land for housing:

*'In order to meet the requirement for new housing and at the same time maintain conservation policies, it is important that full and effective use 'is made of land within existing urban areas. Experience has shown that there are many opportunities...for bringing into use neglected, unused or derelict land...'* (PPG3 para. 15)

*'It is essential that the planning system should continue to identify and realise the development potential of derelict, underused and waste land in urban areas... Development of such land can represent a real environmental gain ...'* (PPG3 para.17)

358. Having secured their interest, the company commissioned investigations of the contamination and preparation of a remediation plan. A full planning application was submitted in December 1995, accompanied by a remediation plan which proposed that the landfill from two thirds of the site should be moved to a mound on the remaining third which would then be landscaped; a cut off wall would be built between the mound and the housing. The KMBC was concerned at the size of the mound and the plan was therefore revised to require excavation and screening of the landfill, and re-grading of the clean material over the site.

359. KMBC required further site investigations and these were carried out, to specifications agreed with the Council, between February and December 1997. It is understood that the Council and the Environment Agency are now largely satisfied. Further consideration of the planning applications has taken place concurrent with this Inquiry and one issue now remains to be resolved.

360. Remediation is addressed in detail in the relevant proof and appendices (Document O.125/4/1 to 15). It has not been treated as a reserved matter for the housing application and, although park and ride is a less sensitive application, it would be adjacent to the housing and should therefore be subject to the same requirements, before planning direction is made. If Park and Ride were to be implemented first, it would be very difficult to execute the remediation scheme for the housing; a year of monitoring would be required to ascertain whether the scheme was adequate and this could delay construction. There is already enough information available for a joint solution to be devised.

361. If the planning application were to be approved, house building could commence within 4 years but the 10 year period sought in Condition 1 (Document G53) for MRT, could then result in excluding an area which could not subsequently be remediated: the period should be much shorter.

#### Noise

362. A specific height for the blind has not been given and there is a gap for a cycleway to pass through it. The noise monitoring location nearest to the site is M7 (Document A16 fig.11.1 sheet 3) and monitoring was carried out at a property on Thomas Lane; the results of a 24hr survey indicated background noise levels of 47 to 61dbL<sub>A90</sub> and average levels of 54 to 64dbL<sub>Aeq</sub>. The estimate of noise from the car park is 60dbL<sub>Aeq1hr</sub> at 25m (Document P3A para.2.10.25) and a 3m screen would result in 49dbL at the nearest proposed housing; The criterion of the World Health Organisation is 45dbL<sub>Aeq</sub> at the nearest property, between 2300 and 0700, and this would be exceeded.

363. It is acknowledged that the relevant guidance on the adverse impact of noise is PPG24, but the noise exposure categories therein are not directly applicable because a car park gives rise to impulse noise, such as door slamming and engine starts. The most significant impact would be on first floor bedrooms late at night. Footnote 1 to the table to Annex 1 of PPG24 reads as follows: .

*'Night time noise levels (2300 - 0700): sites where individual noise events regularly exceed 82dbL<sub>Amax</sub> (S time weighting) several times in any hour should be treated as being in NEC C ...'*

i.e. planning permission should not normally be granted.

It is agreed that the L<sub>Amax</sub> from car doors would be between 80 and 85 db at 5m and that the screened levels at the housing would be nowhere near this level, but a high degree of attenuation is required to make the proposal acceptable and an alternative bund is proposed, 4.5m in height and continuous, which assumes that the nearest new housing is at 37m (Document O.125/6/2-5).

## Landscaping

364. More detail is needed of the landscaping proposals in order to test the impact of MRT on the housing. From the MTPE response (Document G52 para.3.1 et seq.), the anticipated land contours are noted and it would appear that the parties are not too far apart on the matter of a bund and fence height: it should be between 3 and 4m. It is acknowledged that the mound required for contaminated material from the housing site would be smaller with Park and Ride.

365. Tree planting within the site is considered essential. The re-assurance that levels along the western boundary would remain largely unaltered is accepted, although it would be dependent upon gradient. The table of tree losses (para.3.8) should include group 522 which the tree survey suggests would be lost to the cycleway. Group 535 would lose 45 out of 80 trees. It is noted that the stop and transit way have been shifted (Document G63) but still not quite clear of the root zone of the adjacent trees. With regard to the Loop Line, it would be 12 years or more before it would recover, although it is accepted that ash is hardy and fast growing.

## Summing Up for Redrow Homes

### Legal Submissions

366. Lord Denning observed (*Prest v Secretary of State for Wales* [1983] 31 LGR 193/198, cited by *Laws J at Chesterfield* [1998] 76 P&CR 128) that no citizen is to be deprived of his property against his will unless the public interest decisively so demands; if there is reasonable doubt it must be resolved in favour of the citizen.

367. There is no obligation on the Secretary of State to seek information to fill any gaps in the Promoters' case and objectors are entitled to submit that inadequacies preclude acquisition (*R. v Secretary of State ex part Melton BC* [1985] 52 P&CR 326). The approach taken to alternative sites has been inadequate; park and ride was introduced in 1998, and only at the instigation of the operator; there is reasonable doubt about the adequacy of analysis.

368. Redrow submitted a Statement of Case and the Promoters then produced their Review of Alternative Sites (Document C16), so they clearly appreciated that the Environmental Assessment, required by EC Directive and UK law, was insufficient; the Review was not a deposit document and there was no earlier process for site selection. With regard to Site 7, the Review said 'good access to the M62', yet at the Inquiry MPTE has sought to dismiss the use of Thomas Lane which shows how little it was considered.

369. The Order would authorise compulsory purchase of open space owned by British Railways and would involve the creation and extinguishment. of rights over this land; there is therefore a requirement under Section 19 of the Acquisition of Land Act 1981, invoked by Section 12 of the TWA 1992 and Schedule 1 paras.3 & 4, to provide exchange land, and certification does apply.

## Policy and Planning

370. Section 54A of the Town and Country Planning Act 1990 does apply to decisions on planning direction under Section 90 and the TWA 1992 but, in any event, it makes no material difference to the weight to be attached to development plans. So far as Section 90(2A) is concerned, Secretary of State is obliged to have regard to all material considerations, as a principle of public law, and these would include the development plan. It is clear from PPG1 planning decisions in general are to be plan-led, including planning direction under Section 70.

371. The Promoters accept that a UDP inquiry enables land use conflicts to be resolved. The advice in PPG12 paras.5.22, 5.24 and 5.26 and in PPG13 paras.5.28 and 5.29 applies; in particular, PPG13 envisages that an inquiry will be held under the 1992 Act and requires the proposed route to be shown in the development plan, which should address land use opportunities; paras.5.28/29 are specific to projects such as MRT and the advice has not been followed.

372. The Thingwall Hall site requires a balance between competing uses and also between alternative sites, to be struck in a development plan context. The planning case for park and ride was not established before this Inquiry; planning permission would normally be in place before considering a compulsory purchase order. The Park and Ride proposal was only added to the scheme this year; by contrast, the housing allocation has been tested over a three year period, through the KUDP process. RPG13 does not overcome the lack of a planning foundation for MRT and certainly does not mention such a project as a strategic objective.

373. The only explanation of the local authorities position is in the Rule 5(6) Statements and this is wholly inadequate as a planning framework for something not set out in the UDP; the scheme is being rushed through, apparently under financial pressure. The KUDP says nothing about MRT, even though two of the stations would be in that Borough, and the LUDP gives no support for MRT: policies T3 and T16 are cast in terms of investigation.

## Housing

374. The cornerstone of the KUDP, with respect to housing, is to reverse population decline by encouraging housing development above the minimum (Para.3.13); the references to 4000 over 10 years are all based upon minimum requirements; land supply will be exhausted by 2003. The Promoter's answer is that there is a 5 year supply now and there is no shortage of brown land in adjoining boroughs, but shifting to other boroughs would conflict with the strategy. The review will look to 2011 and the 5 years are irrelevant. Knowsley's Head of Planning Services has even been promoting housing on playing fields. The Statement of Views says nothing about weighing the competing land uses and there is no specific support for park and ride.

## Environment

375. The OE policies of the LUDP protect the whole width of the Loop Line as green space for ecological and recreational purposes and, despite the number of post deposit modifications, there is no policy to promote the spur line nor

does the Statement of Views contain any explanation as to how the balance would be struck; the Loop Line would be penetrated by ramps and accesses, have a substantially wider hard track surface and lose many mature trees which replanting would take a long time to replace; the visual amenity would be harmed. There is conflict with OE11 in particular, for which none of the exceptions applies.

## Park and Ride

376. Para.6.25 of the rebuttal says that the principal rationale of the Park and Ride is to facilitate modal switch and reduce car journeys; it would serve the M62 catchment, either side of the motorway, east of the M57. But these areas are already well served by rail routes parallel to the M62 (Document P1C App.4) and the journeys can therefore be made without a break; this raises the question whether or not the money would be better spent on enhancing the links with rail services. To assess modal shift, the Promoters agree that it is necessary to know how many car drivers would transfer and the saving in vehicle kilometres, but MPTE says that the figures are presented for the whole scheme, in the cost benefit analysis, and not separately for park and ride.

377. The evidence with respect to the claimed reduction in vehicle kilometres (Document G61) was produced for the first time at the end of the Inquiry, without any yardstick to evaluate its significance. It does not allow for generated traffic, nor is it taken into account in the cost benefit analysis (Document P2A paras.3.8.4 & 5); the Atkins Report (Document E30) says that 10% of users did not previously make the trip at all and 6% diverted to make use of the relevant site; these factors would offset the savings: the Report also refers to a need to discourage suppressed demand on roads relieved by a park and ride facility. No restraints are planned.

378. The Government wishes park and ride to be a part of an overall strategy involving complementary measures such as bus priority and parking space reduction in city centres; the Atkins Report explains this thinking (Paras. 10.1 to 10.8). There are no real proposals for park and ride and alternative transport on all radial routes, for parking space reduction or price control, or for constraints on car traffic, not even in the Package Bid on which the Promoters rely. Little weight can therefore be attached to the assessment of modal transfer.

## Funding

379. With respect to the option evaluation (Document D3 paras. 5.11 to 5.34 & table 5.2), the project without the park and ride spur is shown to have a smaller funding gap than with it: for option 3a it is £11.5M, whereas for 2a it is £15.9M. The capital costs would be £9M higher and the private sector would pay £4.5M more for the enhanced revenue. The difference is in the non user benefits said to justify an extra £5M of public funding; but these non-user benefits are mainly savings in vehicle journey time (Document P2C table 4.4) which, without any restraint, means further reduction in the already low level of congestion and runs counter to Government policy; on this basis, Government may be prepared to fund the project without park and ride.

380. There is no justification for the 5 year period in which compulsory purchase could be invoked; the financial pressures are said to require notice to treat by end 1999; the normal period is 3 years and Redrow cannot wait 5 to establish whether remediation is to be for the whole site. The evidence is certainly inadequate to justify compulsory purchase and the solution is to delete Park and Ride.

#### **A Resident of East Prescott Road (O.62)**

381. On behalf of the Resident, a local Councillor observes that MRT is unlikely to reduce car traffic because drivers will not wish to change. The local economy of Old Swan could suffer from the changes to parking and there is little evidence on which to base the park and ride proposal. The area is already well served; the services have involved a lot of investment and they offer closer and more convenient stops money could be better spent. People need the central reservation because the road is wide and they will not confine themselves to the lights. Parking would also be lost from the reservation.

382. By written submissions, the Resident records that she has lived here for forty years and originally enjoyed the view of open spaces and grass covered slopes. Since then the residents have acquired a supermarket, a carwash, a bingo hall and a burger restaurant and now the trees would be removed from the central reservation.

383. Additional public transport would reduce the quality of life and the safety of pedestrians; the central reservation is a safe haven; the lady lost both her father and her husband in road accidents. MRT would add unacceptable vibration and the traffic held up by MRT would increase pollution and noise. The value of property would decrease due to the proximity of the system. Construction would give rise to more noise, dirt and inconvenience.

384. A petition of 71 local residents is submitted, all of whom object to the Order.

#### **Residents of Warmington Road (O.96)**

385. The residents of 16 other houses in Warmington Road have signed the proof of evidence as a joint statement of objection (Document O.96/2). The leaflet of October 1997 entitled 'Introducing MRT' was misleading; it advised that the park and ride facility would be near the M57; there was no mention of one for the M62.

386. The properties in Warmington Road back on to the cycleway and the service road for the supermarket, which would be used by MRT. There is an existing problem caused by youths who gather in the service road, create a disturbance and throw stones, as can be seen from the photographs taken from rear windows (O.96/1 & 3). The siting of an MRT stop in this area would attract more mischief; the bus shelter erected by the supermarket has since been removed because the glass was so often broken; CCTV will not monitor noise.

387. At present the general level of activity and noise dies down when the store closes but the MRT stop would attract people for many more hours of the day. The planning conditions attached to the supermarket approval (Document O.96/3

App.) included a provision that the car parks should be closed, from one hour after closing the shop to one hour before re-opening, specifically for the amenity of residents. There are already snarl-ups with lorries and refrigerated vans in the service road and these would become worse with MRT.

388. There would also be visual intrusion, with a direct line of sight into the first floor rear windows from the platforms of the stop. The cycleway is only separated from the service road by railings and children squeeze through them, as shown in the photographs. Residents would like to see a different route considered, but if not the stop should be moved out into the central reservation of East Prescott Road where it would be more convenient and less of a security risk for users in the evenings.

389. Construction of MRT would also entail noise, vibration and air pollution, all of which will add to the problems caused by the supermarket. There are also concerns about tree loss at the rear of the supermarket and disturbance of wildlife on the disused railway line; photograph 6 (Document O.96/3) shows the scene to the rear of the houses before the supermarket was built.

390. It is accepted that the wall proposed at the Inquiry would reduce the noise and visual intrusion; it should be built first, before construction commences. At the Inquiry it has also been suggested that park and ride could be sited on the Thomas Lane playing fields; the residents would object to another car park being sited behind their homes (Document O.96/6).

### **A Resident of Gateacre, Liverpool (O.101)**

391. The Resident has no fundamental objection to MRT but it is proposed to spend large sums of money for the benefit of a small minority and could cause inconvenience if some aspects are not amended; it is not clear what proportion of the 49,000 people in the catchment area (Document G34 para.1.1) could be expected to use it. MPTE says that there are 36,000 people working in the City Centre, yet they only expect 130 to alight in Lord Street per hour, i.e. about 1%, and they do not know what proportion of shoppers would arrive this way; it cannot be more than 10% so the vast majority suffer for the few.

392. Consent should be conditional upon the complete removal of the street traders from Church Street. The proposed re-design of the Ranelagh/Lime Street junction would not assist pedestrians; a wider pavement is needed on the congested south side of Ranelagh and a direct crossing to the west side of Lime Street (Document O.101/P1 para.4.1 & 4.2). At Wavertree Road, the proposed positions of the platforms should be reversed, or the stop sited further east, so that passengers could cross quickly and safely to the bus stop on the north side of the road (Paras.5.1 & 5.2).

### **Written Representations**

#### **Proofs of Evidence**

BG plc (formerly British Gas)

393. A proof of evidence, with appendices, has been filed (Document O.143/1) but no appearance has been made at the Inquiry. BG objected (App.1) to the



Order on the grounds that it would adversely impact on company property and its ability to perform its statutory function; a Statement of Case was subsequently submitted (App.2). By letter of 18 August (App.3) BG accepted assurances that the works would not give rise to stray currents to earth and that BG's equipment would not be affected by stray currents.

394. Concerns remain about the likely effects upon apparatus and its operation, resulting from construction and maintenance of MRT; details of the specific locations involved are set out in the proof. Negotiations continue and binding assurances are required before the objections can be withdrawn.

Wavertree Retail Park Ltd (WRPL)

395. The Order includes powers of compulsory purchase of 7 plots of land owned by the company. Objections were stated by letter of 13 May and a Statement of Case by letter of 28 July. A meeting took place on 5 November. In subsequent correspondence, WRPL maintained its objection to the purchase of plots 136 to 141 for construction of a depot for MRT, but confirmed that, subject to certain conditions, it had no objection to the use of its land for construction of the lines and station.

396. No further discussions are planned and no appearance is sought, but the objection is maintained on the grounds set out in the proof (Document O.54/1), namely that the proposed depot site is allocated in the draft LUDP for retail development, that re-allocation would prevent the expansion and consolidation of the district centre in accordance with PPGs 6 & 13, that the proposed revision of car parking would have adverse effects upon pedestrian and traffic safety and that there are a number of alternative sites which could accommodate the depot at little or no extra cost.

#### Letters of Statutory Objection

397. The Trustees of the Brothers of Charity object to compulsory purchase of the land required for the Park and Ride site (Document O.145), supporting the case as put on behalf of Redrow Homes and adding concerns about increased trespass and vandalism, and visual and environmental intrusion.

398. Other statutory objectors (Document G82) who chose not to appear but with whom negotiations continue include,

Lockwoods Construction (Liverpool) Ltd	- 0.13
Manweb plc	- 0.19
CNT North	- 0.31
Doctors Arora & Alty	- 0.40
BT Group Legal Services	- 0.53
NHS Trust and Ambulance Service	- 0.74
Aldi GmbH	- 0.103
Sunnycliff Developments Ltd	- 0.124
North West Water Ltd	- 0.134
Sainsbury's Supermarkets Ltd	- 0.138

399. Statutory objectors who chose not to appear and with whom no further negotiation is planned include,

Stanley Motors (Liverpool) Ltd	– 0.42
Iceland Frozen Foods plc	– 0.55
Allied Domecq Inns	– 0.57
Mr D Hayes	– 0.60
J Bennet Esq	– 0.67
Bass Taverns Ltd	– 0.87
Albert Dock Company Ltd	– 0.95
Swinton Insurance Brokers Ltd	– 0.127

#### Letters of Non-Statutory Objection

400. Amongst those who did not make appearances at the Inquiry, the principal concerns, not in any order of priority, are the anticipated adverse effects of MRT upon,

- pedestrian safety, in particular related to loss of the central reservation of East Prescott Road,
- businesses and residential amenity, due to changes in access, parking or loading arrangements,
- the environment, by way of tree loss, noise, pollution and loss of SNCV habitats,
- Bowring Park Road, by virtue of increased traffic,
- property values, and
- cycling provisions.

401. Some objectors see no need for the scheme at all, believing existing bus services to be adequate; others are more concerned at the disruption which they believe would result during construction. A national company, citing 6 well known retail outlet chains, expresses concern about the proposal to run MRT through Church Street (Document O.131).

#### **OTHER REPRESENTATIONS**

402. There are three written representations of interest (Documents R.1, 2 & 3) Of these, the third is by a Resident of Liverpool who submits a copy of a paper presented to a seminar at the University of Sussex in 1990, concerning the introduction of trolley buses into the City of Athens, an article from the Journal of the Trolleybus Museum Company on a Rapid Transit system introduced in the City of Quito, Ecuador and a table of World Trolleybus and Light Rail Systems. The Resident observes that there are only two guided trolleybus systems in the world, one in Adelaide and the other in Essen, that trolleybuses are cheaper than light rail and employed in cities of under 500,000 people, and that he would prefer to see an unguided system in Liverpool.

403. The system in Athens is said to have replaced 12 diesel bus routes with dual mode vehicles which can extend their range beyond the OHLE system. The system in Quito is also reported to have replaced diesels; it is said to operate in an area of low car ownership and high public transport dependency, to be fully segregated and to employ a platform docking system involving panels lowered by the vehicles to bridge the gap.

## CONCLUSIONS

### THE CRITERIA

#### The Order as a Whole

404. I believe that the criteria against which the Order should be assessed are the appropriate statutory provisions of the TWA 1992, the TCPA 1990, the Transport Act 1968 and related Statutory Instructions and Circulars, relevant judgments on the interpretation thereof, extant national, regional and local policies and plans, and the declared objectives of the MRT project (Paragraphs 47 & 188).

405. The Statement of Matters (Document A20) indicates that the Secretary of State wishes to be informed about the following:

- The justification for the project in principle, including compulsory acquisition, weighing adverse effects against public benefits and taking into account relevant Government policies.
- Environmental benefits and disbenefits, including traffic implications and mitigation.
- Business and residential benefits and disbenefits, and mitigation.
- The broad financial and economic case and likely eligibility for public funding.
- All objections not withdrawn, topics still in dispute for those partly withdrawn, and unresolved issues from the representations.

406. As to development plans, there is no dispute that development is required to be plan led and that this means led by the UDPs; the qualification which MPTE seeks to establish is that the timescales for UDPs are so long that some major schemes will inevitably emerge with broad support for the principles rather than specific provisions (Paragraphs 25,201,243,244,343 & 370).

407. As to the Package Bid (Paragraphs 35,209,210,219,226,305 & 378), though I accept that it is the most up-to-date source for the thinking of the relevant local authorities, it is not subject to public Inquiry and it is my understanding that it is subordinate to the UDPs in terms of development planning.

408. Department of Transport Circular 3/89 sets out the requirements for funding under Section 56 of the Transport Act 1968 and I note, in particular, that the appraisal is required to show,

*'That the scheme is the most cost effective way... of achieving the desired objective... and... should consider what feasible alternatives might be available for achieving it. These might include subsidised bus services or traffic management options (such as bus priority measures)...'* (Para.6(i))

## Park and Ride

409. The conclusions of the recent report by W S Atkins (Paragraph 106) provide a number of criteria against which to assess the MRT proposals; furthermore, drawing on this report, the Transport Minister has highlighted the criteria which the Government regard as most significant (Document E30 DETR notice):

*'.... it has reinforced the Government's view that schemes need to be carefully designed and seen as one measure in a wider transport strategy for an area. We shall use the findings... to update our guidance to local authorities... Users indicated that they found park and ride easier and cheaper than parking in the town centre and that the service available was convenient, quick and reliable. The main reasons given for non-use were that it was quicker and easier to drive into the urban centre...'*

410. Annex II to the report sets out the various parameters of the park and ride systems for the 19 sites in 8 towns or cities from which data were collected; 17 of the 19 sites are served by dedicated bus services, many employing their own livery (Document E30 Annex II Sections 2.4, 3.4 et al.).

411. The report had not been published at the time when the proposed facility was under consideration (Paragraph 208). However, the PPG13 Guide to Better Practice, of 1994, includes the following observations:

*'Park and Ride, through the use of station car parks, has been a way of life for some 50 years in our major cities, but bus based park and ride is a more recent development.'* (Para.6.110)

*'Park and ride should not be considered in isolation. It must form one element in a comprehensive strategy designed to improve the relative attractiveness of public transport.'* (Para.6.115)

412. PPG15, issued in September 1994, indicates at paragraph 5.11 that advice on park and ride is available in the Good Practice Guide, published by the English Historic Towns Forum (EHTF), and I note that MPTE considers (Paragraph 173) that the guidance in PPG15 para.5.11 is relevant in a wider context than just the historic environment to which it was addressed. I agree, and note that the advice in the Guide includes the following:

*'In order to attract the motorist away from the car, the traffic and parking strategy should provide a more efficient, cheaper and quicker alternative.'* (Page 8) and it is, *'important to tip the use of road space more in favour of bus.'* (Page 10); the choice of site should be, *'close to a major radial approach route, preferably on the left hand side to minimise... right turning movements...'* and *'close to a main orbital route; this will enable it to serve more than one corridor...'* (Page 13); the bus service frequency should be *'7 or 8 minutes during peak times'* (Page 28) and *'it is very important that the total package provides a journey time advantage.'* (Page 30).

This guidance remains extant and would appear to be wholly compatible with the latest findings and with the Transport Minister's conclusions.

## **Historic Buildings and Conservation Areas**

413. The advice of MPTE on the criteria to be adopted (Document G43) was not contested and I note that it includes the following:

*'Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building... In some cases, setting can only be defined by historical assessment of a building's surroundings.'*  
(PPG15 para.2.17)

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 addresses conservation areas and includes, '*... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*' and PPG15 advises that,

*'The Courts have recently confirmed that planning decisions in respect to development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional circumstances the presumption may be over-ridden...'* (Para.4.19)

## **THE OVERALL CONCEPT**

### **The Proposed Network**

414. Whilst the Order only seeks powers related to the construction of one line of the proposed guided trolleybus system, it is the declared overall aim of MPTE to introduce a three line network (Paragraphs 48 & 174); the depot included in the current scheme would be designed with this in mind (Paragraph 78). It is clear therefore that many of the decisions taken now, with respect to Line 1, will foreclose options for lines 2 and 3, the principal decision of this nature being the choice of technology.

415. Equally, to predict a three line network with confidence requires evidence of the potential viability of lines 2 and 3. Line 1 was selected as the first to be promoted because it is perceived to offer the best promise of viability, and the others were chosen according to the same criteria (Paragraphs 46, 186 & 189) but it must be inferred that they are less robust. LUDP Policy T3 says only that the feasibility of the other two routes will be examined (Paragraph 28).

416. This issue is of direct relevance to the City Centre route since MPTE plan to use the same route for Line 3 and might also propose to use a part of it for Line 2 (Paragraph 174). This is, in my view, an important factor in determining the choice of City Centre route for Line 1, since the impact on the relevant streets and signalised junctions would clearly be affected and the wrong choice now could limit the options for lines 2 and 3.

## **System Selection**

### Early Studies

417. At the time of the MERITS study, in 1992, Merseytravel favoured the introduction of measures to improve the existing bus services, notably by the provision of priority lanes (Paragraphs 46, 293 & 349). They were, however, obliged to address these improvements within the constraint that they should not disadvantage other road users (Paragraphs 186,193 & 306) and this was clearly a significant constraint on the introduction and extent of bus lanes. Rapid transit offered a solution which, by virtue of capital investment in segregated track, could improve journey times and relieve congestion, the latter being, at that time, defined as its principal aim (Paragraph 47).

418. For the subsequent comparisons between buses and rapid transit, the choice was simplified to LRT and a notional 'Superbus', and Superbus emerged as offering the better financial performance (Paragraph 68). The choice now is between MRT and high quality buses with priority measures, and no comparative study has been carried out on this basis. The current objectives of MRT are the improvement of public transport services, modal transfer and improved image (Paragraph 47), and I incline to accept (Paragraphs 292 & 305) that existing bus services would be a potential alternative to meet these objectives, as required by the Section 56 criteria; the buses might not be 6 minutes faster (Paragraph 316) or produce the same modal transfer, but the objectives were not quantified in advance and the issue is cost effectiveness.

### Vehicle Attributes

419. In terms of vehicle design, virtually all of the principal characteristics size, articulation, suspension, layout, appearance, furnishing, and boarding, ticketing and information facilities - could no doubt be provided with equal effectiveness for diesel or electric buses. Guidance can also be employed with diesel buses, as is evident from the Channel Tunnel, the Tyne and Wear experiments and the London Transport scheme (Paragraphs 81,83 & 84).

420. The cardinal differences lie in power supply, emissions and noise (Paragraphs 71,140 to 145 & 287); diesel buses must carry their own fuel and discharge the exhaust gases on site and there is little or no prospect of a high compression internal combustion engine ever becoming as quiet as an electric motor. The trolley bus is clearly superior on all these counts, but is dependent upon the OHLE which, however tastefully designed, cannot be presented as an attractive feature of the townscape (Paragraphs 124,139,176 & 182); more importantly, this constrains the vehicle's flexibility of operation.

421. I accept (Paragraphs 70,77,82 & 225) that the guided trolley bus offers, potentially, a substantial advantage over the tram, in terms of flexibility and cost, but a diesel bus can go anywhere and an MRT trolley bus could only serve the few kilometres of transit way which have OHLE installed; yet some current buses on the Order route provide a service beyond Page Moss (Paragraph 284). In principle, the answer is the dual mode vehicle (Paragraphs 71 & 403), and it was originally the intention to use such a vehicle (Paragraph 154) but it is clearly more expensive.

422. As to the weight which should be attached to the issue of emissions, Line 1 of the MRT would have no major impact on air quality, either way (Paragraph 141). To make a meaningful reduction in air pollution in Merseyside, it would be necessary to replace the majority of diesel bus services with trolley buses and that is not on offer. Even with a three line network, the majority of public road transport services would still be diesel buses and they would still penetrate the City Centre (Paragraph 297). I conclude that the improvement in air quality would only be felt significantly by people in close proximity to the segregated sections of the MRT line and they would be very much a minority of the population (Paragraphs 255,271,317 & 391).

### Technological Innovation

423. Trolley buses are not new; they were in widespread use in the United Kingdom, within living memory. Today the trolley bus is not in every day use in this country and the vehicles selected for MRT would be technically more advanced. However, I accept that the principal changes have already been in service for many years on the railways and pose no serious risk to the project (Paragraph 79).

424. I further accept (Paragraphs 70,81,83,84 & 225) that the proposed guidance system already has a confidence building record, under different circumstances. Although no evidence was given on this matter, I am in no doubt that promoting its more extensive use in this country could have significant industrial benefits, especially when combined with trolley buses, and this may well be a factor in the support of Cegelec for the project (Paragraph 66 & Document S.39). My one reservation is similar to that expressed by HMRI (Paragraphs 84,87,169 & 288 & Documents G47 & 48), namely that successful emergency manual intervention, in the operation of highly reliable, automated systems, is a difficult area for risk assessment.

425. The London Transport Millenium project (Paragraphs. 84,225 & 288) appears to be structured so that it can explore all the options, unguided buses, guided diesel buses and, eventually, guided or unguided trolley buses, and this certainly commends itself as a low risk, step by step strategy. If MRT were to be approved this year (Paragraph 161), it would incur a substantial overlap with the London Transport project, so far as guided trolley buses are concerned, without any fallback position, and this could increase the risk for MPTE.

### **Line 1**

426. Line 1 has, in effect, four elements to it, each of which has attracted objections specific to its character. Those four elements are the main line from Page Moss to the City Centre, the proposed spur line from Springfield Park to Broad Green with its associated Park and Ride facility, the route through the City Centre and the link to the Waterfront (Paragraphs 50 et seq.).

427. When the tender was issued for Line 1, in 1996, it did not include a park and ride facility but left open the possibility of an extension from Page Moss to Prescot, with a facility serving the A57/M57 (Paragraphs 48,57,66,103, 108,152 & 208); it was not until September 1997 that a decision was made to include the spur to Broad Green and a facility for the M62 (Paragraph 112). At the time of depositing the documents for the Inquiry, the Waterfront link was to include a

section leading around the King's Dock (Document A.24 drawing 201) but this was withdrawn at the Inquiry (Paragraph 51).

## **JUSTIFICATION FOR THE PROJECT**

### **Page Moss to the City**

#### The LUDP

428. The Deposit Draft is dated April 1996 and was therefore published one month after the tender was issued; modifications were made in July 1997 (Paragraph 27). Policy T3 (Document F6 Paragraphs 11.43 to 11.49) is the definitive statement on MRT and I conclude that it conveys support for a route serving corridor 2W, subject to detailed assessment and design, but does not include the spur or identify the main route in any detail (Paragraphs 28 & 244).

#### The KUDP

429. The Deposit Draft of the KUDP was dated October 1993 and it went to inquiry in 1995 (Paragraph 30); it was adopted in June 1998. Thus the emergence of the Plan paralleled the development of the MRT project (Paragraphs 47 & 48). KMBC is one of the authorities represented on Merseytravel (Paragraph 36) and the KUDP refers to liaison with Merseytravel at a detailed level (Document F14 para.8.6). It is inconceivable therefore that this Council was not consulted on a regular basis about MRT, most importantly because the preferred corridor 2W links Knowsley to Liverpool and there was an unresolved issue as to how far into the Borough it should penetrate (Paragraphs 48,152 & 208). .

430. The proposal to take Line 1 to Prescott would have entailed nine stops and a park and ride facility within the Borough (Document D3 fig.5.1) and the decision to delete the section from Page Moss to Prescott still left two stops, the second of which was intended to become a new terminal, with interchange facilities for bus services (Paragraph 52). I conclude that MRT was, throughout, a project with important implications for public transport in the Borough of Knowsley and I find the omission of any reference at all to rapid transit, or any proposal to modify the Deposit Draft, to be a significant lack of support for the project (Paragraphs 32 & 202). .

#### The Project Objectives

431. The first aim of a rapid transit system for Merseyside was originally defined as the relief of congestion but it is acknowledged that congestion is relatively low (Paragraphs 40,47 & 108). The first aim, as currently defined in the Package Bid, is the improvement of public transport services and the preferred corridors for MRT were selected, not because they lacked adequate public road transport, but for the opposite reason: they are the corridors with the highest bus flows in Merseyside (Paragraph 46 & 192) and this is seen as the best source of patronage for MRT (Paragraphs 100,118,227,294 0& 296).

432. The perceived deficiencies of the current bus services are that unguided diesel buses suffer from qualitative disadvantages which only rapid transit can overcome, that journey times can only be improved by segregation and a



smaller number of larger vehicles making fewer stops, and that, in the case of line 1, there is no single service currently running end to end (Paragraphs 68,70,72,80,82,116,118,165,188 & 194); these characteristics are clearly derived from railways and the absence of rail services was a conscious feature of the corridor choice (Paragraph 46).

433. No need had been demonstrated for an end to end service nor is it an obvious feature of the predicted line loadings (Paragraphs 116 & 165 & Doc. D3 figs.5.2 & 5.3); were that a significant feature of current demand, Merseytravel might well have been expected to address it, or the bus operators to exploit it. End to end journey time would be improved by 6 minutes (Paragraph 316). No premium fare would be charged for the improvements offered by MRT, on the grounds that this would run counter to Objective One status (Paragraphs 151 & 192), and this is no doubt the reason for confidence in the predicted abstraction of patronage from existing bus services (Paragraph 118).

434. Stimulating the economy, which appeared in the original aims, has since been relegated to a consequence of image building (Paragraph 47). Yet the area through which MRT would run is one of the most deprived in England, if not in Europe, hence its designation as the only Objective One area in the country (Paragraphs 17,18 & 19). In this context, MRT would have to be justified as an instrument of regeneration, but the very modest level of adequately defined and approved development schemes, along the route, has apparently led MPTE to discount this aspect of potential patronage in their financial assessments (Paragraphs 19,26,35,49,51,56,72,120,123,234,258,259,290,302 & 348).

435. As to modal transfer by car drivers, currently the second aim of the scheme, this is clearly not perceived as offering enough patronage without park and ride, since the area is one of very low car ownership (Paragraphs 31, 40, 189, 282 & 283).

## **Park and Ride**

### Development Plans

#### **LUDP**

436. It is argued that, because the proposal for the spur line and the facility at Broad Green had not been formulated in 1996, no reference could be made to it (Paragraphs 104 & 112); modifications were published in July 1997 but the M62 proposal was not accepted until September of that year. However, in my view, this only serves to emphasise the fact that there was no overall policy or strategy in the LUDP on which the project could draw. Policy T3 simply records the option (Paragraph 244).

437. More generally, although the words 'park and ride' appear in other contexts (Paragraph 348), the PPG13 Guide sets aside the traditional railway station car parks. Furthermore, even when the 1997 post Deposit Draft modification of Policy T2 was proposed, it still did not address motorways until prompted to do so by the Wavertree Society, and the final T16 still gives no indication of an overall strategy, agreed with adjoining Boroughs (Paragraphs 113,209 & 210). The lack of such a strategy is not surprising for a City with low car ownership and low congestion.

438. If a park and ride policy is to be introduced for Merseyside, the route which probably offers the largest potential patronage is the M62, since that is the principal access from the east and the south. Even so, I note that the recent study of sites concluded that demand is low (Paragraph 108), and the only reason I can deduce for the original A57/M57 proposal by Merseytravel (Paragraphs 103 & 108), is that it would have been on the MRT route through Knowsley.

439. The M62 is not on the route shown in Policy T3 and the recent decision to add the Park and Ride facility to the project, on this motorway, has resulted in a requirement for a branch line through a Neighbourhood Park protected by several Open Environment policies (Paragraphs 29,206,207,231,350 & 375). It is suggested that this does not involve recreational open space but only a public right of way (Paragraph 245). However, it is clear from the LUDP that the former railway line is now a Park, that the land has not been safeguarded for re-use for transport, as envisaged in RPG13 (Paragraph 201), and that MRT would involve far more than just diversion of a public right of way (Paragraphs 110,111 & 133). It is a matter of law, but I accept the view (Paragraphs 206,211 & 369) that it would now require the provision of exchange land.

#### KUDP

440. It has not been suggested that park and ride is addressed anywhere in the KUDP and I find no policy on this subject in the relevant chapter (Document F14 pages 188 to 205). Any park and ride strategy developed by the City of Liverpool could have important implications for neighbouring authorities such as KMBC, both in terms of land use and of potential service for their residents, and I must therefore conclude that, had there been any concerted effort to develop an overall strategy, it would be reflected in the KUDP. But we know that the proposal included in the Order originated with Transform and not a local authority (Paragraphs 104,208 & 354), and that KMBC has elected not to express a view, one way or the other, on its merits.

441. As to the implications for its housing policies (Paragraphs 128,129,130, 344,353 & 374), in my view the wording (Paragraphs 33,203,204,213 & 344) leaves sufficient room for KMBC to accommodate some degree of mixed land use, in areas allocated for residential purposes and the loss of 85 houses in 4000 is clearly within the margin of planning accuracy. The question of whether there is sufficient land to meet its long term purposes (Paragraphs 129 & 374) is a matter for the Council and not for me; I note only that KMBC did not lodge any objection to the Park and Ride proposal on these grounds or suggest that approval would leave the Council unable to fulfil the obligations in the KUDP.

442. Remediation (Paragraphs 132,213,229,240,345 & 357 to 361) would be subject to approval by KMBC and if the site can be satisfactorily restored for housing then it can be so for parking. The Council is fully alerted to the need to achieve compatibility, even if one use should proceed before the other. However, to ensure that timescales are tolerably compatible, I accept that the notice to treat should be reduced to 5 years (Paragraphs 240,361 & 380).

### Alternative Sites

443. It is a matter of record that the study of alternative park and ride sites, and the consideration given to this matter in the Environmental Statement, both post dated the selection of Thingwall Hall (Paragraphs 108,242,354,355 & 368) and I therefore accept that they can be accorded little credibility. In any event, these were the alternatives seen, at least in part, from the perspective of MRT and they were not derived by local authorities from a comprehensive park and ride strategy for Merseyside.

### Link to the City Centre

444. In all the relevant guidance on park and ride (Paragraphs 409 to 412), there is unanimity and emphasis on the need for a quick and efficient transport link to the relevant city or town centre, and in most cases it is a dedicated bus service; the Minister has noted that, *'The main reasons given for non-use were that it was quicker and easier to drive into the urban centre..'* Yet the service proposed by MPTE would be slower than the car (Paragraphs 117,303, 304 & 356) and this is hardly surprising since MRT would not go direct to the Centre but would travel northwards, in order to reach its own main route, and would then become an integral part of the main service, involving 12 stops in all to reach Adelphi. The car enjoys low congestion.

445. In formulating a strategy for park and ride, local authorities could be expected to investigate the options for the transport link and seek the optimum solution. In the case of the M62 proposals, this has not happened because the process began with the transport system; the proposal is therefore the optimum for MRT, rather than for park and ride; indeed it is acknowledged, quite properly, that nothing could be examined which is not strictly related to the MRT project (Paragraphs 184,196 & 219).

446. And, as several objectors have observed, alongside the M62 at Thomas Lane, and within sight of the proposed parking facility, there is a railway station on a route direct to Lime Street, with only one or two other stops. The calculations show that, without any further investment at all, it could be comparable with MRT (Paragraphs 15,42,184,247,281,300,315,316 & 338).

447. I accept that, on current predictions, MRT passengers would achieve a more favourable time to the CBD and the Waterfront (Paragraph 178), but there are other destinations, such as the St John's and Clayton Square centres and the cultural district, which are closer to Lime Street than to the Order route; furthermore, in the case of rail, we are offered currently achieved times, without the operator having been asked what more he might be able to do, whether, for example, he might find the business sufficiently attractive to increase the frequency of service at peak hours or propose a modest capital investment which might reduce the journey time.

448. If the forecast 10 minute MRT service (Paragraph 88) should need improvement, perhaps to meet the optimum 7 or 8 minute target set out in the EHTF criteria, it would not be possible unless made compatible with the Page Moss service, a problem which does not arise with dedicated bus services, running non-stop to the centre. But a dedicated bus service is, like the rail

option, outside the purview of MRT and I must conclude that it deserves proper examination before making a decision.

## **The City Centre Route**

### Planning Considerations

449. LUDP Policy T3 does not address penetration of the pedestrianised area of the City Centre or sanction this proposal (Paragraphs 28,167,171 & 328); indeed, the description contains no reference at all to the route within the City Centre, even though it had received much attention by the time the Deposit Draft was published (Paragraphs 58 to 61).

450. When the process began in the 1970s, the aims of pedestrianisation in Liverpool were clearly set out and it is self evident that the policy was implemented consistently over the succeeding years (Paragraphs 268,269,272 & 318). I find no evidence to suggest that the LCC has rescinded this policy or devised another to supercede it; indeed, in addressing the needs of pedestrians, the LUDP expressly refers to improving facilities and reducing pedestrian-vehicle conflict (Paragraph 276). In my view therefore, the people of Liverpool are entitled to expect pedestrianisation to remain uncompromised.

451. It has been conceded (Paragraph 173,175 & 331) that the attempt to relate the MRT proposals, for the pedestrianised area, to the discretion contained in PPG15, is ill founded.

### Precedent

452. It is acknowledged by MPTE that the continental examples quoted are not comparable with the situation in Liverpool, in that none of them involved the re-introduction of public transport into fully pedestrianised areas and the illustrations simply do not portray a situation comparable to that in Church Street (Paragraphs 136,181,269,319,331 & 336).

453. As to this country, I do not believe that the evidence of experience in Torquay and Cheltenham (Paragraphs 232,278 & 323), introduced during the Inquiry, is sufficiently representative to constitute a precedent for MRT. Among other things, there is no reference to the relevant development policies, the constraints on choice of route, or the adequacy of other public transport in the areas served; furthermore, the vehicles are noisy which, in this context, could be helpful.

### Retail Businesses

454. Much has been made of the need for the City Centre to maintain a fully competitive position with respect to out of town shopping centres (Paragraphs 123,136,172,180,232,248,260 & 262), the most frequent comparison being with the Trafford Centre outside Manchester. However, no numerate evidence has been offered relating any recent loss of turnover specifically to the opening of the Trafford Centre: some say that it is too early to judge and one witness, the Chairman of the Liverpool Stores Committee, is on record as advising that it will make little or no difference (Paragraphs 256 & 267).

455. Public transport is clearly only one element of the comparison and I find it to be one which already appears favourable to Liverpool (Paragraphs 52,164, 165,268,274 & 332). The main mall of the Trafford Centre is much longer than the shopping area of Church Street and it is totally pedestrianised and covered; there is one bus station, at an average walking distance from the retail outlets which is significantly greater than that between either of the two Liverpool bus stations and the Church Street area (Paragraphs 261,263,274,275 & 277); Church Street also enjoys proximity to rail travel, a facility for which Trafford currently has no parallel.

456. Although no assessment of demand was made, and none requested it, many retail authorities now say that they would like the MRT to pass through Church Street (Paragraphs 168,248,254 & 261). It may be that they see this as the best way to remove the street traders (Paragraph 257) or perhaps, since they already have plentiful public access behind their premises, they wish to see an additional service in front. But I note that one prominent national store, in the prime position on Church Street, is hoping to expand towards the Queen's Square bus station (Paragraphs 262 & 267) whilst another, in a similar position and with its headquarters in Liverpool, is firmly of the opinion that MRT on Church Street would have an adverse effect on business (Paragraphs 318 to 321 & 325 to 327); some others, with a professional interest, support the latter view (Paragraphs 266,267 & 336).

457. My conclusion is that there is no firm evidence or logic to suggest that running MRT along Church Street would improve retail competitiveness with out of town shopping centres.

### Space and Environment

458. It is argued that the net result of the MRT proposals would be to create more space for the pedestrians; however, this conclusion is based, in part, on the removal of the street traders which I believe to be an entirely extraneous consequence (Paragraphs 97,273 & 321). The licensing or removal of street traders is a matter for the LCC and I understand that it is to be pursued in other ways; the remainder of the argument rests on the removal of some street furniture and, more importantly, on the ease with which pedestrians would adapt to the practice of walking or standing about on the MRT transit way (Paragraphs 63,182,222,257,270,321,326 & 392).

459. I share the concerns expressed on the latter issue (Paragraphs 273,320 & 336). MRT vehicles would be very quiet, would approach many people in their path from behind and would pass through the Street at about 12kph, every 2½ minutes with only Line 1 in operation, more frequently with Line 3 added and possibly still more frequently with Line 2 (Paragraphs 9,63,87,88,168,169,173, 272 & 278). The presence of two vehicles, going in opposite directions would mean that pedestrians would need to avoid the scissors effect and I accept that they would almost certainly be reluctant to be caught between the two platforms of a stop (Paragraph 182 & 270); on Church Street, the stop would be situated in the busiest position of all, at the junction with Parker Street (Paragraphs 267,270 & 325 & Document A24 drawing 203).

460. The role of street furniture and other features is well described in the policy of the 1970s (Paragraphs 164,272 & 318) and the Environmental Statement bears witness to its success (Paragraphs 175 & 269). I am in little doubt that an environment of that nature would remain a more appropriate use of the available space; it would also be more amenable to change, and the fact that MRT would be able to afford some upgrading in the course of its implementation (Paragraph 123) is not a persuasive reason for approving the scheme.

### Alternatives

461. Many alternatives have been suggested in outline (Paragraphs 64,183,279, 280,322,328 & 337). MPTE remains unpersuaded but does not claim that no alternative is feasible. Indeed, during the early stages of the project, routes outside the pedestrianised area, or involving less penetration, were addressed and they were not eliminated as impracticable but set aside because the Church Street route was perceived as better in terms of destinations (Paragraphs 59 to 61 & 170).

462. There is no fundamental reason precluding use of the streets first identified or those now under consideration for Line 2 (Paragraph 174), nor has any reason been given to the Inquiry which would completely rule out Great Charlotte Street, Elliot Street or Lime Street, all of which have featured in objectors' suggestions; as to William Brown Street, it is conceded (Paragraph 59) that the setting of listed buildings is not a total barrier to its consideration, any more than it is in other sections of Line 1 (Paragraphs 124,135 & 137).

463. As to the destinations served, one supporter has requested routing in the vicinity of William Brown Street, in order to serve the cultural centre (Paragraphs 265 & 279) and other streets offer comparable opportunities to serve the various retail centres and the CBD, and to provide better interchange with bus and railway stations (Paragraphs 179,289,301 & 302). A route through Whitechapel and Paradise Street, similar to that first considered by MPTE, has been commended at the Inquiry (Paragraphs 10 & 323) and I accept that this would involve far less sensitive penetration of the pedestrianised area (Document G20); furthermore, vehicles would cross the junction with Lord Street at right angles to the main pedestrian movements and would therefore be more observable on the approaches.

464. However, it is not the function of the Inquiry to recommend specific alternatives, only to demonstrate that possibilities do exist which warrant further consideration and I am in no doubt that this is the case.

### **The Link to the Waterfront**

#### Planning Considerations

465. There are those who believe that improvement of pedestrian links would be preferable and the site visit suggests that there is room for improvement (Paragraphs 7,290,302 & 320). Nevertheless, the link was foreseen in Policy T3 of the LUDP and I agree that, if MRT is approved, it should connect with the Waterfront area. MRT would lie within the setting of the listed buildings and the

principal issue is the impact on those buildings and on the conservation area (Paragraphs 121,176,329 & 330).

466. I accept that movement, such as that provided by public transport, may, in modest measure, add to vitality (Paragraph 233) though people would seem to be the main contributors and OHLE cannot be described as enhancement of a listed building (Paragraph 329). English Heritage does not object but there is nevertheless a balance to be struck.

### Implementation

467. MRT would clearly have to reach the Strand or Wapping, as a minimum, for its passengers to feel that they were being delivered to the right area and, if the purpose of visiting is to view the buildings in their setting, then this can be done from Wapping or from the approaches either side of Salthouse Dock. The first of the proposed Albert Dock stops would be in Gower Street (Document A24 drawing 202) and therefore suitably placed.

468. Provision of the second proposed stop, at the Edward Pavilion, would undoubtedly place the users nearer to the activities at that end of the Albert Dock complex (Document G20), but the issue put by the objector is whether it is sufficient for them to alight in Gower Street, at the southern end of the Atlantic Pavilion and some 250m from the entrance to the Edward Pavilion (Paragraphs 329 & 330).

469. With the King's Dock extension in abeyance (Document A24 Drawing 201 & Paragraph 51), the issue becomes one of the practicability of turning the MRT vehicles, for return to the City Centre; MPTE proposes to achieve this by circumnavigation of the Salthouse Dock and I accept that, to create a turning loop on Gower Street, near the first stop, could have a greater impact on the listed buildings, by virtue of the close proximity of the OHLE poles to each other (Paragraph 75 & 177).

470. However, the King's Dock extension is merely deferred, pending resolution by the LCC of re-development plans for the area (Paragraph 51 & 148). If it is to be added back, at a later date, then it would obviate the operational need for the Salthouse loop and only the debate about a second stop would remain. In my view that is an unsatisfactory outcome because only one turning facility is needed at the Waterfront and I do not see a compelling need to run OHLE along the entire facade of both Pavilions, and add the necessary platforms and equipment for a stop, in order to save 250m of walking in what is essentially a leisure and tourist complex (Paragraph 7,22 & 121).

## **ENVIRONMENTAL CONSIDERATIONS**

### **The Principal Issues**

471. Much of the Environmental Assessment (Paragraphs 133 to 147) has drawn little or no comment and this may be a consequence of the fact that no demolition or clearance is envisaged (Paragraphs 72 & 230) and that a policy of two for one has been adopted to tree loss (Paragraph 138). The principal environmental concerns relate to the effects of the proposed spur to Broad Green and the impact of MRT on the character of the pedestrianised area, both of

which I have already addressed. There are more detailed concerns such as the loss of mature trees, the loss of the central reservation in East Prescott and the visual effects of OHLE (Paragraphs 13,138,139,214,273,321,336,381,382 & 400) which, in the main, lie within the scope of the conditions applied to the Planning Direction (Paragraphs 134,162,214,239 & 240).

### **Reserved Matters**

472. The Local Authorities clearly accept that they would have sufficient latitude to exercise their judgment over the detailed environmental design and mitigation measures, since they have no outstanding objections. For example, with regard to the concern over mature trees, whilst some loss of cover or quality is inevitable in the short term, much depends on the precise nature of the planting and the size and maturity of the replacement trees and plants.

473. As to the loss of the central reservation, it would appear that there has been some misunderstanding about the extent of this impact (Paragraph 220). Nevertheless, MRT would cut a swathe through it and that is an unavoidable disbenefit of the system; I must conclude that, whilst regrettable, this does not amount to a significant breach of the environmental policies of the Authorities or a major factor in determining the Order.

### **Traffic Implications**

474. The major issue here is one of changing policy. Rapid transit projects, promoted under the TWA 1992, are commonly expected to yield substantial benefits for non-users, if only to justify the terms of Circular 3/89 (Document E1 para.6). This is normally achieved by attracting car drivers out of their vehicles and by using fewer, larger capacity, partly segregated public transport vehicles, in place of the smaller conventional buses. Both measures have the effect of reducing vehicle kilometres (Paragraph 216 & 377), reducing accidents and increasing road space.

475. However, it is conceded that any increase in road space, without compensating restraint, could be expected to speed up the traffic (Paragraphs 40,217 & 230) and attract the car drivers back again, with more journeys being made if the City Centre parking is tailored to short stay visitors (Paragraph 219). Modal transfer, now the second aim of MRT, could be partly undermined, particularly in an area which already experiences low congestion. With low car ownership, modal transfer depends more heavily on park and ride, but this too would be affected: the EHTF advises that it is, *'important to tip the use of road space more in favour of bus.'*

476. City Centre parking is another important element in the overall strategy, as indicated in PPG13 (Paragraph 349) and it is well recognised that, with some 80% of the off-street parking in the hands of commercial companies, little or nothing can at present be done to make this element less attractive (Paragraphs 197,219 & 351).



## **ECONOMICS AND FUNDING**

### **Cost Benefit Analysis**

477. On the figures as presented, the project clearly shows a favourable NPV, both for the full and the restricted analysis, tested against possible competition from the buses (Paragraphs 160,191 & 234). However, what does not appear in the financial calculations is any debit for the loss of business to existing bus services, and possibly jobs as well (Paragraphs 150 & 307). The loss of revenue to the major operator might be as much as £3M per annum (Paragraph 285), a figure clearly related to the revenue forecast for MRT from abstraction of bus patronage (Document G7).

478. The only argument in favour of ignoring this potential loss is that the bus operators could probably re-deploy their vehicles on other routes (Paragraphs 156 & 190) but this would seem to run counter to the evidence of rising bus numbers and falling patronage within Merseyside as a whole (Paragraphs 43 & 284); more importantly, no evidence has been given of potentially profitable new services which are currently being overlooked by the operators and to which they could easily switch their assets, if MRT came on the scene. I can only conclude that the user benefits of MRT would effectively be subsidised, in substantial measure, by losses to the bus operators.

479. There is also some cause for concern about the relationship between the revenue and the payment for the concession; the figures were changing whilst the Inquiry was in progress. The total 30 year surplus has been estimated at £16M (Paragraph 151). However, there was an expectation of additional future revenue from King's Dock, which has now receded, and the notional patronage from the main corridor could only be lower if the catchment reduction from 800m to 500m is realistic (Paragraphs 180 & 218). Yet the value of the concession, as represented by the asset leasing proposal, has apparently risen from £6.8M in May 1998 to £9.1M in November (Paragraphs 152 & 157) and in neither case is there any precise indication of the assets involved or their value (Paragraphs 157,192 & 308).

### **Funding**

480. There are three discrete elements of public policy on funding which have to be successfully combined in order to support a project such as MRT: these are the user benefits, the non-user benefits and the private sector contributions.

481. The potential ERDF grant of £15M for MRT originates from the Objective One status accorded to the area by the European Union (EU) (Paragraph 159). The merits of the application, in relation to EU criteria, are not a matter for this Inquiry but, if eligibility is related to regeneration then it would appear that MRT Line 1 has relatively little to offer and no revenue from regeneration has been included (Paragraph 120). However, if the criterion is to put in place improved transport infrastructure which could encourage development, then this would seem to accord with the third current aim of MRT.

482. Eligibility for grant under Section 56 of the 1968 Transport Act is dependent upon the non-user journey time savings (Paragraph 160) and there are, as already indicated, significant reasons to doubt that the potential would be realised without a concerted policy of traffic restraint. I accept that the assessment allows for a substantial over estimate, with the Park and Ride facility included (Paragraphs 119 & 218), but park and ride demands a fresh approach, outside the context of MRT, if it is to satisfy the Ministerial guidance and the primary criteria. Without Park and Ride, MPTE doubts its eligibility for grant, even though it is seen as viable (Paragraphs 153,218,235,236 & 379).

483. The only reasonably assured source of private finance is the offer by the prospective concessionaire, Transform (Paragraph 157). Whether this is satisfactory is a matter for the DETR; I can only observe that it would not give MPTE control of the relevant assets and that the major part of the offer would consist of annual payments to a leasing company. Without Park and Ride, Transform's offer would inevitably be substantially lower, therefore securing fewer assets; nevertheless, submission of a compliant bid (Paragraphs 57,102,103,152,153 & 208) would seem to carry with it a willingness to operate without park and ride.

## **OUTSTANDING OBJECTIONS**

### **Statutory**

#### Sustrans and Railway Paths Ltd

484. Sustrans and Railway Paths Ltd, whilst content to accept the proposed diversion for the cycleway, wish to see continuity maintained without the need for temporary diversion outside the Loop Line (Paragraph 312). In my view, this is an unrealistic requirement; I accept that MPTE is well intentioned towards the maintenance of the cycleway and would seek to minimise its disruption.

485. Sustrans and Railway Paths are also concerned that MPTE should take on full responsibility for the twin tunnel or overbridge (Paragraphs 185 & 313). I accept the argument that maintenance of the overbridges, for their current purposes, could be more cheaply and easily achieved, without MRT; at the very least therefore, MPTE should carry the major part of the responsibility.

#### Written Objections

486. Of the outstanding objectors who did not make appearances only two have submitted proofs of evidence (Paragraphs 223 & 393 to 396). Negotiation continues with BG plc and I can only note that it remains necessary to achieve agreement on appropriate protective provisions for this utility.

487. The objections by Wavertree Retail Park Ltd are founded in the current land use allocation in the LUDP. No details were submitted in advance of the Inquiry to substantiate the claim that suitable alternative sites are available and, as the company chose not to make an appearance, I can attach little weight to this objection. However, LCC agrees that the proposed use would be in conflict with the LUDP and proposes to raise a suitable modification (Paragraph 125); accordingly, until such time as the modification has been approved, the objection must be upheld on grounds of non-conformity.

488. The objections by the Brothers of Charity (Paragraph 397) are related to their preference for the use of the land at Thingwall Hall, after it has been sold, and not to the sale as such. They have not elected to give evidence in support of their concerns and, on the basis of the correspondence alone, I do not believe that their interests would be substantially harmed by the development of the Park and Ride site. Nevertheless, having concluded that the Park and Ride proposals are not soundly based, I must also allow that compulsory purchase has not been justified.

489. Of the remaining statutory objections, ten (Paragraph 398) are the subject of ongoing negotiation (Document G82) and would necessitate further advice before a decision in favour of MRT could be made. The eight which are not subject to ongoing negotiation (Paragraph 399) are, in my view, not of such weight as to preclude approval and come within the terms of possible compensation.

### **Non-Statutory**

#### Northern Spirit and Merseyrail Electric

490. The parties have agreed to continue negotiation (Paragraph 339 to 341) and to advise Secretary of State of the outcome in due course.

#### Warmington Road Residents

491. I am in no doubt that the anxieties expressed (Paragraphs 385 to 390) owe their origin to the building of the supermarket at the rear of the properties; one has only to compare the before and after photographs, provided by the residents' representative, to judge the reactions which this may have caused. Nevertheless, the solution offered at the Inquiry, of building a wall in place of the current railings would, I believe, resolve the matter; I am confident that this, in conjunction with the re-arrangement of the service road and the introduction of CCTV, monitored by MRT, would represent a clear improvement over the current situation (Paragraphs 15 & 221).

#### Letters

492. I have considered all of the letters submitted and not withdrawn (Documents O.2 to O.162) and I do not find any non-statutory objections which address matters material to the decision which were not raised at the Inquiry. In the event that the Order is made, however, I would commend the representations to the relevant local authorities for consideration during the detailed design process.

### **THE OVERALL CONCLUSION**

493. The MRT project, as defined in the Order, is not well supported by the relevant UDPs and would necessitate modifications by both LCC and KMBC. In particular, they lack a comprehensive strategy addressing all aspects of park and ride, notably the demand on each radial route, site selection, optimum transport links and traffic restraint in terms of both road space and the availability and cost of City Centre parking.

494. In addition, there is a significant conflict between several Open Environment policies of the LUDP and re-use of the Loop Line as a transport corridor; furthermore, Wavertree Retail Park Ltd could be expected to oppose modification for the depot site. Formal recognition of a route through the City Centre would also be best achieved by modification of Policy T3.

495. The Environmental Statement, much of the evidence before the Inquiry and the observations during the site visit, leave me in no doubt that the pedestrianisation of Church Street has been a major success and there are already plentiful public transport services with their stations placed, by design, as conveniently as possible to that Street; stations of this size could not be in the Street itself, nor could the MRT network provide its own envisaged full scale of services, without radically compromising current use. There are alternatives which would serve as many key destinations, without the use of Church Street and possibly without any penetration of the pedestrianised area at all.

496. A link to the Waterfront is merited but deserves further consideration; it was substantially modified at the Inquiry. The thinking could be significantly altered by the ultimate decision on development of the King's Dock and this extension would much reduce the case for the Salthouse Dock loop; OHLE along the Albert Dock facade would not enhance the listed buildings.

497. The economics of the scheme do not take account of the substantial loss of revenue to existing bus services.

498. The technology of the guided trolley bus holds great promise, both as a public transport system and as an industrial opportunity for the United Kingdom; the risks of its introduction may well be reduced by the staged approach of London Transport. Dual mode vehicles offer much greater flexibility and may yet be the right answer.

499. Meanwhile, there is considerable scope for improvement of the bus services, in accordance with the recent White Paper (Paragraphs 187 & 292). With the removal of the requirement not to disadvantage other traffic, and acceptance of restraint on road space as proposed in the Atkins report (Paragraphs 107 & 217), attention could be directed to increasing the bus priority measures in corridor 2W and the substitution of more, high quality diesel buses to the latest European standards (Paragraphs 287,293,295 & 306). This alternative is relevant to Section 56 funding.

500. Should the scheme be approved, I believe that the proposed conditions to be attached to Planning Direction are, with one exception, appropriate (Paragraphs 162 & 442). I have taken into account all other matters raised at the inquiry and in the written representations, but they do not outweigh the considerations leading to my recommendation.

## RECOMMENDATION

501. I recommend that the MERSEYSIDE RAPID TRANSIT SYSTEM ORDER not be made.

I have the honour to be, Sir,  
Your Obedient Servant,



Ronald Holley

## APPEARANCES

### FOR THE PROMOTING AUTHORITY

Mr C George QC	instructed by Messrs Dyson Bell Martin of 1 Dean Farrar St, SWIH 0DY
who called	
Mr N Scales	Director, Customer Services MPTE
Mr A Jones	Associate, Steer Davies Gleave
Mr P Bates	Principal Consultant, Steer Davies Gleave
Mr D Mack	Associate, Maunsell Ltd
Mr G Jones	Associate, Maunsell Transport Planning
Mr F Teal	Partner, Gillespies
Mr G G Hughes	Partner, GV A Grimley

### SUPPORTERS

Mr M Postlethwaite	Liverpool Chamber of Commerce & Industry One Old Hall St. L3 9HG
Mr D Wade-Smith	Chairman, Liverpool Stores Committee One Old Hall St. L3 9HG
Mr C Gibaud	The Mersey Partnership, Cunard Building, Pier Head, L3 1ET
Mr A Wilcox-Wood	Manager, Clayton Square Shopping Centre, Liverpool
Mrs I C Miller	General Manager, George Henry Lee, Basnett St. L1 1EA
Mr D Paver	Paver Downes Associates, 32 Hanover St. L1 2BJ representing Neptune Developments Ltd
Mr G E Oliver	Manager, Marks & Spencer, 35 Church St. L1 IDF

## OBJECTORS

Mr D Holgate QC	instructed by P Wilson & Co, 10 Bark St East, Bolton BL1 2BQ and representing Redrow Homes (Lancashire) Ltd
who called Mr P Hepworth Mr N J Bone Mr D J Toft Mr B Clamp Mr M Courcier	Managing Director, Hepworth Acoustics Ltd Director, AIG Consultants Ltd Cork Toft Partnership Ltd Singleton Clamp Michael Courcier & Partners
Miss R Stockley	of Counsel, instructed by Dibb Lupton Alsop, India Buildings, Water St. L2 0HN and representing MTL(North)
who called Mr DC Brady Mr J L Thomas  Mr D S Hellewell Mr D Wignall	Managing Director, MTL(North) Group Technical Services Manager, MTL Trust Holdings Ltd Independent Transport Consultant Hyder Consulting
Mr D Manley	of Counsel, instructed by Edmund Kirby, India Buildings, Water St. L2 0TZ representing The Littlewoods Organisation plc
who called Prof J A Proudlove Mr C C Hubbard	Independent Consultant, Transport Planning Partner, Edmund Kirby
Mr J S Marsden	Chairman, Merseyside Property Forum Edmund-Kirby, India Buildings, Water St. L2 0TZ
who called Mr N Bowler	Mason Owen & Partners
Mr P Bradshaw	28 South Road L19 0LT, representing Railway Paths Ltd, 35 King St. Bristol BS1 4DZ
who called Mr P Foster	Sustrans, St Paul's Community Centre, Hightown, Crewe CW1 3BY
Professor L Lesley and Professor Q Hughes	c/o John Moores University Centre for Architecture, 98 Mount Pleasant L3 5UZ The Coach House, 10a Fulwood Park L17 5AH both representing Merseyside Civic Society
Councillor Ms M McDaid	2 Olive Vale, Liverpool, representing Mrs J M Sussock, 114 Bowring Park Rd, L14 3NP
Mrs L Ellis Mr E J McGovern	41 Warmington Rd, Knotty Ash L14 1QH representing Residents of Warmington Road 35 Warmington Rd, Knotty Ash L14 1QH
Mr M Chitty	16 Chartmount Way, Gateacre L2S 5LB

## **DOCUMENTS, PLANS AND PHOTOGRAPHS**

### **PROMOTING AUTHORITY**

#### **A B C D E & F = Deposit Documents**

The Index is filed as A.0.

The documents are filed in folders and boxes annotated accordingly.

MPTE's procedural affidavits are filed in box 'A'.

#### **G = Inquiry Documents**

The Index, together with the daily attendance lists, is filed as G.0.

The documents are filed in 3 folders: G.0 to G.50, G.82 & G.51 to G.90.

The 3 folders are included in box 'G,O,S,R'.

#### **P = Proofs of Evidence and their appendices**

Numbered P1 to P6; -A=proof; -B =summary; -C etc =appendices.

Included in Box 'E'.

### **SUPPORTERS & OTHER SUBMISSIONS**

**S = Supporters** - numbered S.1 to S.43. The Index is S.0.

Correspondence, proofs, appendices and documents are filed, by supporter number, in folder 'O, S & R'. This folder is in box 'G,O,S,R'..

**R = Other Representations** - filed as R.1, R.2 & R.3 in folder 'O, S & R'.

### **OBJECTORS**

**O = Objectors** - numbered O.1 to O.162. The index is O.0.

Letters of objectors 1 to 100 are filed in a folder so marked.

Letters of objectors 101-162 are filed in folder 'O, S & R'.

Proofs, appendices & documents are boxed or filed as follows:

O.52 Sustrans	with correspondence
O.54 Wavertree Retail Park Ltd	box 'G,O,S,R'
O.62 Mrs Sussock	box 'G,O,S,R'
O.66 Merseyside Property Forum	box 'G,O,S,R'
O.70 Railway Paths	with Sustrans
O.78. Merseyside Civic Society	with correspondence
O.80 Littlewoods	box 'G,O,S,R'
O.96 Mrs Ellis	with correspondence
O.101 Mr Chitty	with correspondence
O.125 Redrow Homes Ltd	named box
O.143 BG plc	box 'G,O,S,R'
O.148 MTL (North)	named box
O.149 Mersey Rail Electric (MEL)	named box
O.150 Northern Spirit	with MEL