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7th May

LEEDS UNI STUDENT UNION – reminder to insert issue in the rebuttal (as promoters mentioned it as a fresh point in their second examination of (Farrington) and we didn't have any chance to cross-examine it)

HASKINS CROSS-EXAMINATION BY GREG JONES QC (continued from Friday 2nd)

Gj – (folder 4/7/9/22a) (core doc c-4-2) – March 2009 Framework for Leeds doc – we see set out at page 4 (bottom left) 1991 Leeds transport strategy. That notes the strategy/series of measures which can be achieved with the ngt. At the top of that we see the guided bus way etc and bus priority to the city etc.

Dh – yes

Gj – 2 significant areas not been implemented (three line rail network and enhancements to outer ring road). Have those been carried out now?

Dh – no we don't [clearly] have a light rail network.

Gj – Leeds today as of 2009 – just to look at our challenges – page 10 – we see in the second column which talks about buses being increasingly unreliable and how it contributes to them bunching together. Where is the underlying data for that statement?

Dh – I couldn't point to where it is but I'm sure it's in the public domain

Gj – we've had difficulty finding it. That's true as well for the statement on the next page 'little or no capacity on car commuting etc.' – are you able to point to the underlying data as to that statement

Dh – same position, I can't point to it

Gj – look at the statement there as to 2009 – public transport becoming relatively more expensive – affecting deprived areas and choices of travel. Is there any data to support?

Dh – I think it is provided in doc c-1 business case

Gj – that is well after the decision to plump for a trolleybus was made. I need evidence of a rational analysis being made.

Gj – what we do see if we turn over to para 12 (on the next page (of c-4-2) – “this suggests that if city centre needs to grow it needs to find ways to get ppl into the city without adding to congestion ... better use of city's bus network” – can we agree that that remains an importance consideration today?

Dh – I can't say if that is any more important than the range of other findings in this strategic report

Gj – you agree that it still remains an important objective as of today (better use needs to be made of the city's bus network)

Dh – I would agree... but we talk about a range of measures that are needed

Gj – page 13 then – recent consultation with Leeds residents has told us which elements of the city's transport system...can you help us whether that's in an order of priority or simply a list

Dh – without referring to a-1-03 doc, I can't comment

Gj - what the boxes sets out to address current transport problems - one that grows rail capacity and manages car demand and makes better use of road capacity – these still remain outstanding issues in Leeds? Still remains a valid public transport framework for Leeds, doesn't it?

Dh – I'd say everything is still valid so some extent

gj – we know as a matter of fact that the proposed trolleybus proposes to abstract from the existing bus network passengers. (largest single group of patronage is from bus services) That isn't consistent with no. 3 – protecting and enhancing the patronage of the bus service network.

Dh – I think it's consistent as its only two corridors in the entire area of Leeds

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Gj – I don't accept that answer. Lets take it in terms of the corridors identified - the proposal wouldn't protect/enhance bus patronage along those corridors, would it?

Dh – there will be competition. But overall there could be a bus enhancement if more people use public transport as a result of introduction of the ngt scheme.

Gj – is that a serious answer?

Dh – yes

Gj – but **mr henkels says it is promoters intention is to remove competition** on these routes

Dh – no intention to remove competition – I envisage that it will be complementary and there will still be competition

Gj – can you take up mr. Henkel's proof 6.7 – he advises as to anticipated bus operator response – “could involve competition however it is assumed that ngt services would not be withdrawn in view of sig investment...therefore existing operators would adjust frequencies etc.” – that is inconsistent with your understanding that there would be competition over the routes between the bus and the trolleybus

Dh – I believe there will be competition. Your earlier statement suggested that ngt was being introduced as a means of competition.

Gj – you accept that the assumption has been made that this will result in withdrawal – it is important as to whether ngt can sustain its revenues – as part of the business case assumptions

Dh – that's a matter of mr Henkel to discuss

Gj – you're the chap who makes the decision as to the trolleybus going for the next 60-100 years...

Dh – I never said 80-100 years

Gj- I thought mr farrington was expecting around 60+ years like London underground

Dh – I believe on the basis of the appraisal – the timescale...

Gj- mr farrington was being led to expect even more than the appraisal – are you taking a different position. My understanding is that it will be here for 60+ years

Dh – it may well be – just responding to your arbitrary higher number

Gj – can you take folder 7 – core doc c-4-14 marked confidential but dated mr. chadwick 27 oct 2009. When was this first put into the public domain?

Dh – I couldn't say for sure, I guess when we published our list of core docs.

Gj – could promoters please confirm this [asap]

Gj – this was dated 27 oct 2009 (we'll come back to this...) we see on this doc that a **position has already been taken by the promoters** – page 5 status quo operations – “the promoters have dismissed this next best alternative... high quality bus service – they could tender service but without other protection such as QPS – the promoters would not be able to protect those services from on road competition and therefore tender pricing is likely to be high – does not guarantee value for money” – **what's clear from the advice from SDG is that in order to secure the revenues to justify high investment in infrastructure the intendment is the ensure there is not competition in these routes**

Dh- that's what is states – it was throughout a no. of years ago

Gj- this is setting the course. Setting the instructions for the promoters. We see at the beginning the **dye being cast at para 18 “preferred option” is TWA order which is available for trolleybus option to give you the powers and including this concern about competition** – but if you were to go with the enhanced bus service the likelihood is that it would have to proceed with utilising planning and cpo powers and then procure operations at a later date. So the reasons why the promoters have reached this position is described below. At this stage (oct 2009) the promoters have already decided on the transport and works – which could only be done by trolleybus as trams excluded – and the alternative hybrid-diesel bus can't be done by that.

Dh – I do, the 2009 submission pre-dates this doc so a decision had been taken based on advice provided based on analysis undertaken

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Gj – we have to be clear when looking at all these reviews on technology that has presumably taken place the promoters having taken this decision, **there is no way that any alternative based upon hybrid tech or electric buses is going to succeed** is it? The instructions taken is that the promoters wanted a TWA procedure and as part of that, they wanted to secure a position where there wasn't on road competition on the central routes

Dh – the approaches looked at here (including alternatives) has been revisited over time.

Gj – we'll have a look at the "revisiting" – but really the decisions already been taken (that its got to be twa)... lets see if that decision has been comprehensively reviewed since then.

Cameron: the question when C-4-14 was made public – this was submitted at the time of the major scheme for business case since 2009 – and been on ngt website since then

Gj – GO back to the position here with investing in public transport – march 2009 – we see key problems identified in no. 14 – page 15 – "crowded unreliable buses" "worst affected corridors" – so far as trolleybus scheme is promoted - it is to do with part of the A660 in ottley and is it said to contribute to skipton, ilkley etc. A65? Trolleybus promoters are saying that this will assist in terms of part of A660, is it also contributing to the a65?

Dh – the skipton corridor has key features listed above as do the other corridors

Gj – that's not my question – (as it is currently promoted) is it promoted in order to assist ottley, skipton etc.?

Dh – I've not said in any point that it is

Gj - am I right in so far as these corridors is concerned that this scheme is promoted on the basis that it will make some contribution to relieve what is said to be congestion in ottley 1660– we were looking at poor accessibility – ottley a660, it's said to be improving that – improving that but not in respect of the other three?

Dh – yes

Gj – turn now to: crowded rail services on page 16 – so far as this scheme is concerned its not part of the scheme to improve huddersfields/Airedale etc. is it?

Dh – no contribution there

Gj – rail car parks at capacity – it's not part of the promoters' case that it will help with the Harrogate/huddersfields/Airedale/east coast main line etc. lines?

Dh – no, not listed as part of our case

Gj – page 18 – what the analysis tells us – you're not aware that there is any separate analysis that is outside of this doc that it is based on

Dh – not aware /can't point to

Gj - page 19 – what ngt is said to be in this doc to the public as of march 2009. Ngt says it will be a "high quality, mainly segregated rapid transport service etc..." this is identified an aspiration isn't it?

Dh – at that point of time, it was

Gj – in terms of "higher capacity and faster journey times than conventional bus services" – is it right that we should be looking at conventional bus services on the routes that the ngt is meant to serve? It's not looking at conventional bus services overall, but those that it is going to be replacing, isn't it? Isn't this a comparative statement – I am asking what it is being compared to? What is "higher" capacity? Which conventional bus services? Is it a comparison to conventional bus services along the routes its replacing or is it looking at conventional bus journey times overall

Dh - we are pointing in the report to a number of corridors that this would be an appropriate solution. I think it's a bit of both.

Gj – so it's saying it will have higher speeds and capacity along those corridors it is replacing and higher than other bus services elsewhere (that is unspecified).

Dh – it will be higher and faster than present – on those routes and elsewhere

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Gj – “before plans can be finalised more work needs to be done to develop the business case – to ensure value for money etc.” Page 20 – metro and leeds council working together to identify a range of RTS etc. – is it your evidence that that work was completed for all alternatives business cases to demonstrate their value of money prior to oct 2009

Dh – correct as they formed basis of this submission in sept 2009

Gj – so this (submission for ngt) was a fully worked up and fair appraisal of all the alternatives listed at page 20

Dj – yes that’s our position

Gj – ngt transport page 22 – key features - it “could be electrically powered” – as of march 2009 it is being suggested in this doc that a decision hasn’t even been made as to how the ngt would be powered

Dh – a formal decision hasn’t been made – it was for ppl higher up than me to decide

Gj – on the face of it, that particular vehicle is not a trolleybus (in that picture). If we look at what ngt is or isn’t – ngt isn’t necessarily a trolleybus is it?

Dh – at that point it could have been a generic transport solution

Gj – indeed it could be a good quality bus service

Dh – or tram etc. – a range of things

Gj – and could be a high speed high quality bus provision illustrated in the photograph?

Dh – it could

Gj – as of march 2009 – there are four corridors which were examined.

Dh – there are four corridors which came out to be suitable for ngt – three of the four was what we submitted in 2009 in the business case submission. This doc just says which corridors are appropriate for ngt

Gj – so far as business case concerned – will the inspector find a comparative analysis of the four corridors set out in the business case?

Dh – I need to go chadwick and his evidence

Gj – you can’t help us whether Business Case or any other doc which analyses the four diff corridors

Dh – you can’t find the fourth one – aire valley corridor – no business case for that corridor but the other three was part of 2009 business case submission

Gj – where do we find any analysis of how the choice was made as to the corridor – the corridors were taken as given in the 2009 business case. We looked at e.g. page 15, C-4-2, where do we find or don’t find, an analysis of which of the corridors which should be subject to a ngt investment.

Dh – the report we discussed on Friday (Jan 2006 report that went to the leeds strategy review document, g-4-5) set out the context around the corridors – not Atkins report. There was an analysis underpinning C-4-2 which I’m not sure of is in the public domain.

Gj – can we agree that -c4-2 is not a meaningful analysis in itself

Dh – can’t agree with that –

Gj – you say that this doc itself represents a meaningful strategic review

Dh -this was submitted to the dft - subsequently formed the basis for programme entry approval (so everything is “hunky-dory”?)

Gj – you say that this doc is a strategic review?

Dh -yes

Gj – yet it did not examine the various corridor options in respect of ngt

Dh – it looked at the options

Gj – there is no appraisal that I can find here. Where do we find, if it is strategic review, of a strategy in respect of how the decision has come about in promoting ngt on any particular corridor which has been identified as one in need of improvement

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Dh – we needed to seek agreement from leeds council to submit the business case – within which would contain which corridors looked at etc

Gj – in this doc there is none

Dh – leeds city council executive board decision is not contained in this review

Gj – let me ask one more time – where do we find in this doc any strategic review upon corridor choices and corridor priorities

Dh- this doc is a strategic review – I can't justify it any further than that

Gj – G-4-5 – we can't find any corridor review here either

Dh – it looked at transport solutions upon those corridors. It points towards a number of corridors and solutions. But the detail you are after is not in it

Gj – there is no strategic review in that doc of different corridor options

Dh- it talks about it but there is no 'review' in this doc

Gj – no review identifying the prioritisation of those corridors for ngf

Dh – not set out as priorities – but section 7 sets out further development

Gj – what we are looking for is proper review rather than assertions. It will be a matter to refer to in our closing submissions.

Gj – please take up folder 7 – 2009 business case – c-4-9 (strategic fit problems technical note by sdg appendix 9) – the position so far as 3.10 (bus trips) bus patronage data for leeds between 2000-2007. So far as you're aware, have you reviewed the position in terms of more up to date bus patronage data as part of the prep for the promotion of this scheme

Dh – I believe so but I can't point to this. Mr Henkel to speak about that

Gj – we see the position here for the bid - concluding remarks on this tech note (6.4) – recommendation (reflected in doc we just looked at) that better use should be made of city's bus network. That remains, does it, a sound conclusion?

Dh – yes, I say it does

Gj – 6.7 – “we see it is a multi-faceted scheme”. It “protects and promotes bus service” – there we see again (third point) a need to make better use of bus service and to protect and enhance the bus service. We should agree that that remains an objective?

Dh – yes, the bus market is important

Gj – it is highly relevant for the promoters to demonstrate that this ngf project promotes and enhances the bus market. Is this not a key consideration to demonstrate to the inspector and sec of state if this project is to go ahead?

Dh – I agree public transport market is an important point

Gj – please answer my question.

Dh – can't say what 'protects' means here – yes, if protecting from competition from cars then yes, it protects. If protect means leave unchanged, then I don't agree - the bus market should change

gj – it's pretty clear, protect means not harm and enhance means improve, no?

dh – yes... it's not one of the project objectives to protect/enhance bus market in leeds

gj – doesn't that make the project inconsistent with the transport strategy that we agreed was extant and relevant and advice from sdg in support of the business case in 2008

dh -

gj – you are saying it is no part of the scheme's objective or leeds city council's objective to protect the bus market in leeds

dh – it's not a part of this scheme just to protect the bus market in leeds

gj – it's not an objective at all? Am I not correct?

Dh – no, it's not an objective

Gj – if I was to say that one of the objectives is to protect/enhance?

Dh – no, it's not a strict objective

Gj – and it's not PART of the objective?

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Dh – I would have to read the objs (I'm looked at c-4-10 – sets out ngt objectives – and table 3.8 doc c-1 page 3-35) – there are two objectives I've pinpointed as relevant here: obj 4 and obj 2 – person capacity and supporting existing network – however, I don't see it as 'protecting' the bus market
Gj – I don't mind which you agree with either way as I will submit that you don't meet the objectives either way

Gj – SO TO CLARIFY: leeds city council objectives – NO, 'protect and enhance' not one of their obj. the scheme's objectives?

Dh – I agree with objectives 2, 4, 7

G – so protecting/enhancing bus services is or is not part of the objectives of the scheme? If the inspector came to the conclusion that the trolleybus scheme would harm and not enhance bus service provision in the city of leeds – would that be something that will harm the scheme's objectives or not?

Dh – if the inspector says so

Gj – if the inspector agrees that it does harm – then it would be a factor that would not be in line with the scheme's objective

Dh – yes it could be one those objectives

Gj – c-4-11 – folder 7 – 1.1 – purports to look at 3 different modes – trolley, diesel, hybrid bus. We see at 1.7 the limitations noted of the study there. We see photos of 2.3., 2.2 and an example of a trolleybus 2.2.3 (Hess-swiss trolley). If we turn over and look at what's said on modal shift (roman numeral III): "in terms of air quality, the modal shift resulting from each transit mode may differ – the development is expected to change traffic flow" – resulting in change of particulate emissions...The ability of the new development to take people out of cars and into public transport (In particular this project). Likely modal shift traffic data was not available for this project at that date.

Dh – this predates the September 2009 submission.

Gj – "shows passengers prefer trolleybus to diesel buses" – in trms of hybrid – I can't find in this doc any evidence given on modal shift comparison between trolleybus and hybrid buses?

Dh – that's correct I haven't seen evidence either

Gj – do we find anywhere in the promoters' evidence that you're aware of of analysis of a comparison of modal shift between hybrid and trolley

Dh – ...in Mr. Chadwick's scope. I haven't seen any evidence [unable to find any evidence -not that any doesn't exist]

Gj - what the inspector can note so far as council's decision has been made, and you're aware, decision was made in the absence of this data analysis

Gj – in terms of metro/leeds council, on the decision as to why leeds needs RTS and farrington's support of your decision that it's got to be a trolleybus...you're speaking on behalf of leeds and metro aren't you.

Dh – yes.

Gj – so far as you're aware we can't find anything in respect of hybrid buses then?

Dh – so far as I'm aware I haven't found any evidence on hybrid bus modal shift

Gj – can I suggest that that is quite important isn't it when we are looking at, as a key consideration, getting ppl out of their cars and into public transport?

Dh – modal shift is important, yes

Gj – if one was doing a fair comparison between hybrids and other modes before making application or reviewing it, a fair comparison would involve, wouldn't it, a detailed analysis of the ability of a hybrid bus when compared with a trolleybus to secure modal shift across leeds and regions surrounding.

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Dh – this was produced in 2009 – there was no evidence. There may be more evidence nowadays (as more hybrid buses present)

Dh – I can't point towards a doc as I have not seen any evidence of a hybrid bus leading to a modal shift. The mode selection report updated from the 2009 report superseding this report [may have something].

Gj – I'm looking at a time where there was still a possibility of influencing the decision, do you understand?

Gj – folder 9 – your evidence in relation to **comfort in terms of procurement issues** – c-4-56 – qualitative PFI assessment. Oct 2009 doc – says that procurement will offer value for money and combine it into a standard PFI contract. In short it's about risk transfer. A decision was taken not to go for PFI.

Dh – that's correct

Gj – look at viability 2.1 – there is no recent precedent in procuring trolleybuses – but there are tram procurement contracts

Dh – yes, I can't point to it

Gj – there is no precedent at all for the procurement of trolleybus vehicles – long term contract or otherwise

Dh – there are some established routes we can take

Gj – this KPMG report – 2.5 flexibility and scalability confirms the decision against pfi

Gj – page 10 - achievability – “there has been some consultation with private sector today but market testing yet to be carried out” – what is that in relationship to? to both constructing and operating ngf?

Dh – yes, as the project progresses, it is normal to engage with the private sector market, with manufacturers etc., to find the best means to procure the project

Gj – the position is that there was some consultation. Do we see evidence of this consultation set out anywhere? The reference to “some consultation” – where in the docs?

Dh – we probably don't find it in any document but the basis is on [individuals and companies/contractors] approaching us and talking to us about the project

Gj – **so the answer is no. no further work has been done since this report in respect of the delivery of ngf in terms of construction and so forth.**

Dh- **that is covered separately in mr henkel's evidence** in terms of provisions building substantial infrastructure and vehicle manufacture etc.

Gj – I don't find it in henkel's evidence

Dh – we have not yet done further consultation but “some consultation” may be set out in henkel's evidence

Gj – well, I don't see it.

Dh – some consultation was carried out in advance of getting the (twa) order but further consultation as to procurement hasn't been done yet

Gj – in conclusion – “there are risks etc based on... raising value for money concerns – level of maintenance and ability to procure this – significant pricing of novel interface risk... level of flexibility in terms of extensions etc.” - KPMG don't recommend pfi procurement etc. – if you're not going on pfi the risks will be with you, isn't that right?

Dh - yes that's where the risk will sit

Gj – **and so you were being advised that there will be considerable risk – and there hasn't been any further consultation or market testing since 2009.** Therefore there is no evidence to say that the risk identified by kpmg are no longer considerable because of further technical and market work carried out (which hasn't been).

Dh – doc c-1 business case covered by mr Henkel [may go into this].

Gj - There is no further work that has been done – business case review does not constitute separate expert advice above that which kpmg carried out.

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Dh – on basis of business case review we have evidenced discussions with dft – showing they are satisfied that we have managed the risks of procurement

Gj – I'm only looking at the risks identified. The position remains so far as risks are concerned, the advice that you have is that which is set out in section 5 from kpmg doc – which is what the inspector will have to go by.

Dh- it is clear to me that we have set out in recent business case review our approach to procurement and dft is satisfied.

Gj – take me to where you say there are no longer considerable risks along the lines identified in kpmg's report

Dh – ...I have no view, mr Henkel to deal with it

Gj – you have got to have a view. Are you suggesting that you have no views as to whether kpmg's advice that there is considerable risk is still extant

Dh – ...I don't believe considerable risks and issues remain

Gj – the dft is not going to build the scheme for you or supply vehicles for you etc. take me to the evidence that you rely on. You have said that you are satisfied in your evidence that the advice from kpmg no longer exists – please take me to your evidence as to those risks not existing anymore.

Dh – c-1- para 23.39 – page 23-11 – by way of example we set out that we have undertaken a risk allocation matrix –

Gj – presumably that is based on kpmg's report. Are you saying the risks are different?

Dh – I'm saying the risks have been managed

Gj – ah – so you are not disagreeing that the risks REMAIN as identified in the kpmg report. I thought you were suggesting that the risks had decreased and we couldn't rely on kpmg's evidence.

Dh – when I manage risks I generally believe that the risks decrease.

Gj – there was an absence of consultation with private sector and no market testing

Dh – that's right, there is no formal market testing and it has not been written down

Gj – ...on what will be a novel scheme in modern UK.

Gj - you point to **other trolleybus systems opened since 2004** – para 11.16 of your proof (app 2-2) and your evidence in chief. I just want to go through this and see whether your evidence is a fair reflection and how much one can rely upon these. Can we first of all deal with Clermont-Ferrand, France 2006 and Italy 2007 – you say they have adopted trolleybus systems within the last ten years. I want to see how familiar you are with it (as you have been on various systems). **NEITHER of these are trolleybuses are they.**

Dh – Clermont is a variant on the trolleybus – it is a guided bus way

Gj – we have to be careful as you and farrington sought to distinguish a trolleybus from tram as a tram requires track. It is a tram on rubber tyres slot guided. You can see clearly the track in the photo (the extra evidence we have provided). Para 2 – how it's described in the last sentence "rubber tired trams" – were you aware that it wasn't a trolleybus

Dh - I've been made aware recently –

Gj – when were you made aware the evidence you gave was misleading

Dh – last week – (before or after you gave evidence in chief?) – before

Gj – you didn't draw to anyone's attention?

Dh – may be other factual errors that I'm not aware of – but was not misleading

Gj – it requires the construction of a track and second thing is that in terms of visual scarring it requires only one cable overhead instead of TWO.

Dh-that's correct

Gj – so far as we can see – this is not an example of either or those cities having adopted a trolleybus system

Dh - Clermont – I will accept that it's not known as a trolleybus

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Gj – are you aware as to the operational success of Clermont and whether there have been derailments.

Dh - I'm aware on guided light transit system – but not specifically Clermont.

Gj – PADUA, Italy –Padua operates the same trans-law system as Clermont [ie. Not a trolleybus as dh claims]

Dh – I'm prepared to accept on the basis of the evidence submitted by you

Gj – Rome – trolley-motion website – opened in march 2005 – seven km route and proposed second corridor route withdrawn in june 2012. What we need to note is that second route withdrawn and not resumed. The position that we can see is only one route operated, half of trolleybuses operating, and batteries had to be renewed only after 7 years – that is relevant for a no. of features. 1) rapid abandonment of the route not withstanding arguments of permanence, 2) -

Dh- the abandonment is the result of a political scandal – the batteries were not fit for purpose for running it off wire for a section

Gj – page 7 last article – one point is that part of the route, it is said that 2 wire overhead lines would have been visually scarring in Rome– so didn't do it

Dh – that was a **political decision** taken by rome

Gj – but [isn't it also] here that it is a political decision as well as the leeds councillors were whipped, am I correct?

Gj – Barri, wasn't an introduction of new trams – it was reintroduction of tram that it decommission in 1987 – reactivation and contractor revamped outdated network – complementing existing trolleybus. A different factual context to leeds, aren't we, as it is a reactivation and complementation of existing trolleybuses.

Dh – we are in a diff situation, yes (he hasn't been to this one)

Gj – no public service has commenced by march 2014 – it has been blighted.

Dh - Delivery in Italy makes delivery here look...

Gj – should we just strike Italy off then...?

Gj – Barri has been blighted and scheme isn't even operational in 2014 and no indication as to when if ever it will be

Dh – my understanding is efforts are underway to get it operational asap

Gj – one of the aspects it went through is its **spiralling costs** that are referred to

Dh – I haven't been able to read that in the doc

Gj – we know of course that **unlike leeds, Italy does have experience of recent procurement** of trolleybuses...[so what hope of Leeds procuring without problems]

Gj- go to Lecchi, in Italy. Is this a system you've been to, right?

Dh – no (only one in Rome)

Gj – system was built in 2007- first service not until jan 2012 – we can see that in pg 2 there are 12 vehicles on two routes – in April 2014 trolleybus operations came to a halt. The higher operating costs of electric traction calculated to be 500,000 euros per year. Timetable frequency has to reduce.

Dh – no. of features highlighted which appear to be unique to lecchi

Gj – but **you present that these trolleybus systems are tried and tested and safe as houses. But they are a catalogue of disasters.** Services breaking down, costs going up, frequency of services decreasing – all matters which are very important by leeds committing themselves for 60+ years

Dh – there are factors that seem to be unique to these situations

Gj – we just examined the examples that you relied upon showing trolleybuses as a safe/appropriate technology

Inspector – how did you decide to list these ones? [to haskins]

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Dh – taken from trolley motion and other sites etc. – but the detail of them clearly isn't accurate in all cases [he admits]

Gj – were these given to you by somebody, who carried out the research?

Dh – I don't specifically know – a member of my team

Gj – it looks like it is an even more superficial level of a desktop search

Dh – I have not looked at these new systems but looked at established systems

Gj – but we are looking at approving these systems in Leeds. No attempt has been made to review, in respect of these relied upon in your proof, no one has gone back to look and review to see whether they've been a success or failure

Dh – seems to be the case in some, but I'm aware of Castilla and Rome

Gj – but not something you had shared with the inspector

Dh – those issues that I was aware of...

Gj – it's only because I'm cross examining you that you are telling the inspector of the ones that you are aware of

Gj – Spain, Catilón de la Plana – open 2008 2km line with 5 stops and 3 vehicles. Small scheme.

Dh – I'm aware of the proposed extension as well

Gj – the vehicles system etc... equipped with diesel engines aren't they (page 45)

Dh – yes, they are used as back up

Gj – this is deemed (47) – they are effectively electric buses

Dh – well for those short sections (without wire)

Gj – a consistent issue about the visual impact of the overhead wiring – hence attempts to ensure they can operate effectively as free-standing electric buses over sensitive areas – in more than one of the examples you gave

Dh – yes, in some cases

Gj – we know that not just the townscape but we know aspect of the route has been designated as worthy of protection as conservation areas and listed buildings – particularly sensitive

Dh – we know that in respect of Leeds, but also in Edinburgh they have wires overhead

Gj – the situation is that we can see that it is generally regarded as a significant negative factor in respect of trolleybuses – even in the ten schemes you refer to

Dh – it's a factor in a no. of schemes

Gj – not only in Leeds, the Sec of State has appointed a heritage specialist inspector to assist this inspector – indicates the Sec of State perceives this heritage etc a significant factor in this scheme

Dh – it is a matter to be considered

Gj – in respect of Ukraine (FWY 113) – your response to all trolleybuses closed in eastern Europe (2.86 rebuttal to Mr Cheek) are that they were less relevant. Do you say the same thing about the use of trolleybuses in Ukraine?

Dh – I don't know enough about Ukraine trolleybuses to comment

Gj – we know that Ukraine has particular difficulties – there's not very much weight given the situation in Ukraine that one can place on it – it started in 1984 – interrupted

Gj – pg 7/8 - going backwards a chronology of the trolleybus –

BREAK FOR LUNCH

Dh – the Ukraine document had loads of missing context and struggled to make sense of it

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Gj – can you help me with what the nature of the electricity supply and source used in the Ukraine, are you aware of that?

Dh – I am not aware of that

Gj – there has been closure of 60+ trolleybus systems around the world.

Dh – I don't have the exact figure to hand – some closure, yes

Gj – we are to look to the systems that have opened in the last ten years – note this, at least 2 of them [the ones you yourself mentioned] are not even trolleybuses (france/Italy), then we can look and see that all of them, with the exception of Ukraine, have experienced difficulties (closures/spiralling costs etc)

Dh – yes that's correct there have been difficulties

Gj – if one looks at the risks associated with trolleybuses that don't operate in the uk – so far as the world is concerned, it shows a high degree of doubt as to a long term solution being found using a trolleybus based system

Dh – I don't see how you can draw a conclusion from that

Gj – we'll see what other consultants advising on long term strategies say

What sort of review has been carried out?

Gj – doc b-11 mode selection flow chart – seeks to set out a timeline of decision making in respect of the trolleybus system. I'm interested in the second half relating to the period aug 2013 – in the decision making a review of mode options in the light of new tech improvements and sub-mode report going into that – where do I find that sub-mode report. I've got the sub-mode options report –

Dh – that's the report – the alternative technology review (c-1-1) concluded in jan 2014 (details refined in jan 2014)

Gj – hold on – 2014 is an expo-facto document produced.

Dh – can I clarify – the report was published in jan 2014 with the statement of case –but it was complete prior of that.

Gj – it can't be as it refers to matters post 2013. No proper impartial review has been carried out. I look at this chart and see that there is a review/report that went into the decision – I can't find in any docs - written sub mode report for august 2013. I want to know where that report is that according to this doc fed into the decision in aug 2013.

Dh – I don't have an earlier version of this report to hand but there would have been one. It was subsequently updated in a lead up to the inquiry – however, there were no substantial changes

Gj – put to one side that that report be produced to us. If we look at page 13 of c-1-1 (it can't have been the same report) – para 1.1 - refers to july 2012 – and refers to dates after august 2013. Plainly - this is not the 2013 report.

Dh – this version is not the report published in the summer of last year

Gj – that doc is not currently before the inquiry

Dh – no

Gj – if it turns out there are other documents I may need to have this witness recalled to be re-examined. Aug 2013 so far as the matter is concerned - we don't have any docs that we can ask you questions on.

Gj – doc produced in 2012 – c-1-1. Lets look first in folder 4, c-1-16 (the sub mode options report) – they were published contemporaneously to c-1-1 (which was updated by you in jan 2014).

Application for twa was made before jan 2014. If we look at the purpose of the review – to obtain twa etc the promoters must justify their preferred option in comparison to alternatives. It is important that in order to get twa approval the box must be ticked to show they considered a reasonable set of alternatives to the proposed options – 1.5 does not consider reasonable. Corridors

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etc – I've already asked you about that and we can agree that wherever these docs may be they are not in this doc (the review for suitable corridors)

Dh – yes, it's not in this doc

Gj – we can agree that the inspector shouldn't be looking here for it. FUNDING – important point (1.10) is that funding available for gov for ngt is only now currently available for trolleybus scheme on that specific route. The position is that if ngt doesn't work dft funding wouldn't return to the leeds council – but return to central gov.

Dh – yes

Gj – July 2013 – **it's clear dft funding is dependent on the scheme going as planned** (as a trolleybus) – so without dft there would be insufficient funding for a scheme at the same scale as ngt. The position is that in terms of funding, the only funding available from this particular purse is for a trolleybus

Dh – that is correct

Gj – in the context that if you can't get this funding, there will be insufficient funding from the local transport body for a scheme the scale of ngt. 1.13 – this situation is in contrast with the original business case – where they could apply for diff options.

Having in 2009 nailed the colours (before Oct 2009 from sdg report) – Leeds then has forgone the option of making a different application to dft for an alternative. Once you'd embarked on it in 2009 the only game in show for this particular source of funding was a trolleybus.

Dh – when we submitted it in 2012- it could have been on a different basis

Gj – at any time, Leeds could have seen sense and made a proper assessment of the business case etc- but **since 2009 you have only been pursuing a single track view**. Leeds has never reconsidered the position properly afresh to apply for a new source of dept funding out with the narrowly constrained budget – the promoters would have been at liberty to apply to dft for alternative funding and dft would have considered it

Dh – subsequent to coalition coming in after 2013 it was not the case

Gj – there isn't anything to stop you making a fresh application – to dept of transport to make the case for an infrastructure project.

Dh – you go through WYT fund – not central gov now.

Gj- alternative funding is available if they succeed on merits –

Dh – this authority has decided to pursue this scheme.

Gj – since 2009 Leeds has been on the single track provision of pursuit of a trolleybus scheme. On that basis no alternative will meet the criteria for funding as funding is for the trolleybus

Dh – the money was only available for the trolleybus scheme

Gj – the truth of the matter- the thing is a sham because since 2009 and the dft approval of the programme entry state there can only be a trolley scheme if you want the funding

Dh – I agree... however we have down an appraisal review to assess whether trolleybus is the best scheme.

Gj – let's see if you really have...

(33 minutes into the mixcloud audio)

Gj – doc c-1-1 – this is set in the context that the only thing you'd get funding for is the trolleybus. Let's look quickly at the document.

Gj – this is a doc by SDG – so far as I can see, it has been produced following submission of transport and work order. Look at pg 23, 4.30 “comparable bus option – would have same level of frequency etc. comparable bus system would deliver...Vehicle recommended for comparable bus option– articulated bus option....etc. [description of a comparable bus]

You talk about trolleybuses operating offline- what distances do you have in mind or evidence of this?

Dh – I have not seen evidence of successful trolleybus case operating offline – battery issues preventing them for operating offline [2km] – battery life is improving but not to the extent as it is described here. Extent trolleybuses operate offline is when it's in a depot or when repairs need to be done.

Gj – not for example in congested situations where they have to get pass congestion etc.? what if a tree hits the cable and they want to go offline for a bit?

Dh – no evidence of that. I would say that in my experience where a tree comes down on a road – like in headingley this month – the ngt vehicle would be able to navigate offline

Gj – have you seen this?

Dh – in Lyon I've seen a trolleybus come offline – 1/2km.

Gj – in headingley the road was closed for a whole day. If it was a trolleybus there would be a risk with the cables

Gj – returning back to sdg doc – 4.34 (table)– we can see that the assessments that are being made against various objectives set out we have a fairly simplistic assessment criteria that the better you are the most crosses you put on there.

Gj- objective evidential basis – e.g. maximising leeds growth – we have comparable bus for example, on the assumptions that we have just seen to be made (table 5.1) – it scores equally with a trolleybus (three crosses)

We see in 29 “support economic growth”– comparable bus with trolleybus scores one less – commentary says that market research with potential users show that it is not perceived that conventional bus will attract fewer passengers out of their car. Pausing there – what market research is that referring to?

Dh – market research which chadwick sets out in the evidence. Stated preference research was part of that.

Gj – are we measuring like with like? Friday when we looked at BRT in Atkins report – it had shelters, features of a tram system (BRT) etc. – what I'm looking at here with the comparable bus doesn't seem to be the same as BRT in that report.

Dh – I have to go back to definition of comparable bus.

Gj – what we don't see being compared is the BRT here, what we have is – what's said to be a comparable bus is not a BRT which is what Atkins was looking at.

Dh – I believe it's a BRT

Gj – that's what you believe. The picture under ngt was in fact of a bus. You say that this comparable bus is the same. Can you help me – wasn't the whole point of BRT that it was perceived as distinct from a conventional bus.

Dh – be BRT /system/ is perceived as different to just a comparable bus.

Gj – absolutely. Where do we find on the comparators of this review do we see SDG reviewing BRT of the nature Atkins looked at. You're quite right its not just the bus, it's the whole system. Where do we see BRT reviewed? We don't do we?

Dh – the atkins findings were relating to the....

Gj – answer the question please. We don't find here, do we, BRT as reviewed in Atkins, in this report?

Dh – we wouldn't find it in here as it's a different point of time

Gj – no, because this is a stitched up review. Frankly it is not a review of all the sensible and available options – why wasn't a BRT review done/why was BRT excluded from that review?

Dh –I've already said that a trolleybus is a RT system.

Gj - you agreed with me in Atkins that BRT system assessed there it did not include trolleybus – inspector has a note that it excluded a trolleybus (inspector: it was on flexibility)

Dh – I agree that trolleybus wasn't within the atkins report

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Gj – it is important to see what assertions are being made - this is a conventional bus (not BRT)- the reason for knocking off a point relying on market research that this would attract fewer passengers. BRT is something that has that step change.

Dh – the comparable option here is the higher quality rather than what is set out in Atkins report.

Gj – its not is it. It's no good speculating.

Inspector: can anyone say what the comparable bus is?

Dh – it was similar to the FTR bus e.g. diesel 18m long vehicle, this comparable bus is a plug in hybrid (not the same but comparably higher quality)

Gj – from the research relied upon (market research) here in the SDG report is reference to a conventional bus

Dh – defer to Mr Chadwick

Gj – you're the one that's giving evidence as to why Leeds should use a trolleybus...

Gj - Support regeneration (objective 3) - High quality bus rapid transit system rated the same – objective 4 – improved effectiveness – scoring the same as a trolleybus. “purely bus options shown to attract fewer passengers etc...” Same point is being relied on.

Dh – no it is a measure of the scale of the overall benefit of the scheme in comparison to a comparable bus option.

Gj – we don't know the work that was done. Do we see a comparable analysis anywhere rather than what is just an assertion in the commentary?

Dh – I'm not sure there is evidence to back up that in same way as a light rail transit...

Gj – so these are simply assertions

Dh – no, conclusions based on market research

Gj – they're not evidence based in far so as comparing comparable schemes in terms of modal shift. they're based on, you say, market research.

Dh – yes, undertaken for other schemes like light rail schemes

Gj – I'm not interested in those schemes. What I'm asking for is if you can direct me to any empirical evidence based on comparing hybrid buses with trolleybus in terms of modal shift (getting ppl to use public transport where they wouldn't)

Dh – as we discussed before lunch, I can point you to modal shift for trolleybus but I was unable to find any evidence as to hybrid modal shift.

Gj – only thing we looked at in terms of trolleybuses is the paragraph I took you to from the 2009 doc.

Dh – this evidence will be covered by Mr Chadwick

Gj – I'm interested in what you say now. You don't know where it is

Dh – if I was a memory man I probably would.

Gj – I'm very anxious that you show us. Mr Farrington didn't know anything about modal shift.

Dh – I need someone to direct to that

Gj – it's your evidence – I will deal with that witnesses evidence in cross-examination. It is so that we can show that the promoters, as opposed to the consultants, have embarked on (what we will be submitting) a flawed route. I need to know on what evidence you've done it on.

INSPECTOR: do you know what the doc you are looking for?

Dh – I can point you to c-2-4 – appendix 4 quality factors report – though Mr Chadwick is the person to talk to. Dated March 2012 – supporting doc is from 2011]

[discussion as to whether Chadwick is right person to be examined]

Gj – I need to test your case, I need to know what blocks you are building it on.

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Inspector: it's worth knowing what mr Haskins has seen.

GJ – the question, where do I find the empirical evidence that supports the view as to modal shift in terms of e.g. hybrid bus and trolleybus

Dh – these do relate to matters of modelling (table for mr hanson and chadwick)- and preference report

Gj – ok so stated preference report – what is the market research that you understand that has been done? – if we look at the stated (C-4-24) preference report – this doc is about express customer preferences (its not empirical evidence as to modal shift) - the distinction is that this is not evidence that shows e.g. in scheme A – a trolleybus achieved this degree of modal shift compared to other evidence – it is only in relation to customer preferences

Dh – you pointed me to a reference this morning as to modal shift to trolleybus but I said there was no comparison to hybrid buses that I have found.

[difficulty transcribing this section which starts at 1hour in in the mixcloud audio for further clarification]

Leaving 5.4 and go to:

Gj – greenhouse gases – all at the same level [same no. of crosses?] except for the low cost bus.

Gj – safe and healthy environment requirements (table 5.6) – comparable bus only has one cross etc. whilst trolleybus has two. To come up with a score of two when it's a balancing exercise...you'll need to make an assessment as to what was the impact – we see in terms of emissions - market PERCEPTION by customers...

“the direct impacts of comparable buses are generally similar to the trolleybuses” – DH says they he is not sure as to the direct impacts

Table 6.1 – it's got two stars as it has dft funding and electric bus only has one as no established funding route and comparable bus also only gets one for the same reason. That impacts on deliverability (funding point again)

It says that each app is considered in its own right – however this option will not have adverse impact of overhead line equipment

Dh – in the ES we set out the overhead equipment is “minor” or “slight” – I don't take issue of this statement that it is adverse impact

We see in the appendix in A-1-2 that funding constraints are brought up again. It makes it even clearer there what alternatives etc so far

That's the position in core doc one jan 2014.

Sub-mode options investigations c-1-16

Gj – is this something you are familiar with in terms of the choice of systems available

Dh – lots of info available

Gj – can we see the developments taken place in terms of technology – decision submitted was already five years ago in 2009. Electric battery technology had been developed since then. For example, the position in regards to concerns about battery life etc. – page 28 the Volvo 7900 shows that as times have moved on battery life has been addressed – there is a five year warranty. Position is in terms of hybrid bus – it is a tech that is already arriving as a reliable efficient mode

Dh – yes

gj – 4.3.2 fixed costs page 66 – mott mcdonald report (6 paras down) – there's no clear evidence to show maintenance is more cost effective for trolleybuses

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dh – yes

15:18

Move to PWC assessment as a fWY 102 (wellington report) – useful doc in terms of fairly recent assessment of alternatives to trolleybus – page 13 – international trolleybus use – if we look at san fran – provided by hydroelectric power supply. Considered better at climbing hilly routes than diesel buses. They have low overall operating costs – we look at disadvantages – maintenance challenges and public opposition of visual wiring issues - three times as many failures etc than buses.

Are you in a position to name any trolleybus manufacturers that you would prepare to source them.

Dh – van hool, Hess, Iris bus, skoda, no. of other co.s and those that produce diff types of vehicles and could produce trolleybuses e.g. right buses

Gj – it's likely that any trolleybus has to source internationally.

Dh – conceivable they could be made in the uk.

Gj – what proposals are there you're aware of of a manufacturing base in the uk?

Dh – through people I've met through the transport industry

Gj – written evidence?

Dh – I can produce pre-existing written info for you

Gj – although san francisco and usa has been operating trolleybuses for how long they need to source it internationally – you say that Leeds will be able to source it in uk?

Dh – conceivable – a number of people have expressed an interest in manufacturing in the uk

Gj – it is highly unlikely - notwithstanding that it is highly expensive where repairs are required. We know that you only have 2 spare vehicles.

Dh – 2/3

Gj – where can I find an assessment on how long it will take to procure vehicles from overseas if something goes wrong? You haven't carried out sensitivity analysis as to what impact it would have if the parts have to be sourced internationally. Especially if there are only 2 trolleybuses spare. It could take months.

Dh – we have put in ways to mitigate the risks (lease etc.)

Gj – [poor argument]

MP MULHOLLAND LETTER DATED 28 APRIL 2014 is now numbered OBJ/1813

AFTERNOON BREAK

Gj – mott mcdonald report on battery technology. Can we go to the PWC report page 22 their summary as of april 2014 of bus tech in the market? Wide range of options to consider – he describes existing and emerging technologies.

Dh – yes, we need to give consideration to emerging technologies.

Gj – what sort of life of network would you have in mind?

Dh – if I said 60 years (like farrington) this is reasonable

Gj – emerging tech is becoming more affordable, agree?

Dh – it may do

Gj – may become technologically superior to trolley?

Dh – they may

Gj – may be worthwhile to invest in a temporary solution – this could apply to Leeds, am I right?

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Dh – it could but it doesn't – the timescales that we are talking about here i haven't seen any emerging tech to show that introducing it in Leeds is sufficiently low

Gj – where do we see this timescale and up to date assessment as to risks of delivery of these modes in comparison to the risks of delivery of trolleybus for the next 60 years. Where do we see set out – there isn't is there any assessment set out based on the review of the present situation of tech and emerging tech

saying that this is how long it will take to construct trolleybus – then it will be there for 60 odd yrs and - I don't see that set out anywhere

Dh - don't think its applicable to Leeds

Gj – doc c-1-1 Jan 2014 – remind ourselves of the consequences if the leap is taken to commit to trolley bus for 60+ years. Para 1.12 – committing a project of the size of NGT will constrain ability of fund to [??]

Gj – the position is therefore that it would be possible to fund something else at the cost of several other projects by the combined authority

Dh – yes lots of projects

Gj – a scheme needn't be the size of NGT and the costs

Dh – if we want to deliver those objectives it would have to be significant investment

Gj – you would take away your overhead cables etc costs

Dh – in the low millions

Gj – you would take away the visual scarring etc, that would go

Dh – yes if we didn't have the wires

Gj – SDG paper on permanence – if technology allowed for an electric bus without overhead cables would your advice still be to the Sec of State in order to reinforce permanence you would be advising for consent to be approved for putting cables in

Dh – nobody would put cables on a vehicle if not necessary

Gj – oh really, if you had better technology you wouldn't be putting in the overhead cables. BUT as in BRT which wouldn't have overhead cables, (in the Atkins report) and had all the features identified akin to a tram system (a high level of those features)

Dh – I don't believe it would deliver the same benefits without permanence to the system

Gj – the SDG permanence report C-1-12 produced Jan 2014 is the only one that the promoters rely on – after the decision is made to go for a trolleybus and apply for TWA order. Prior to Jan 2014, can you point me to any document produced by or relied on by promoter that highlighted overhead cables as a positive advantage in order to reinforce permanence

Dh – I couldn't point you towards anything

Gj - its now being relied upon as a key feature. If that was a key feature as to why you had to choose trolleybuses when deciding this why is it so difficult to find assessment of the benefits of trolleybus permanence

Dh – it's not that its not there, just can't point to it...

Gj – who is the author of this report?

Dh- the originator is Mike Castello but reviewed by Chadwick

Gj – you rely on this, looking through the references relied upon (footnotes), none relate to a trolleybus or overhead cables of a trolleybus

Dh – no I don't see a reference to them

Gj – can you produce any independent. Everywhere I've seen all identify it as an adverse impact rather than a positive benefit.

Dh – the permanence debate – references to light rail

Gj – but also to guided bus- no overhead references at all. Its fair to say that if the technology is right no one in their right mind would pursue a project with overhead cables and secondly, so far as we

can see apart from this sdg report, no independent report says that these cables are positive feature.

Dh – I've not seen any report, no

Inspector: is it positive with anything (e.g. tram etc)?

Dh – it is sufficiently similar to a light rail system –

Gj – light rail also has tracks which give permanence - tracks don't have the visual impact that overhead wires have

Dh – not on their own but bring in other issues for some people

CONSULTATION ISSUES [16:06]

Gj – other local residents will raise issues on consultation, the position as matters stands at the moment is that hitherto until mr cameron indicated, the promoters had resisted disclosing results for the reason they give, of the latest round of consultation

Dh – not true we got a request for info and gave to external authority to make a judgement on each one

Gj – it is not right that public auth have to look at each – you could have published the info to the public and saved the public from having to make a FOI request in the first place. It's not sufficient simply to withhold that information – not being open and transparent.

Dh – in this case FOI request was such that it required 52 hours of work.

Gj – this was on a consultation that was foreshadowed by yourselves. Why is it that earlier consultation matters were released and later ones weren't and they had to make FOI requests?

Dh – we didn't write a report on that later consultation.

Gj – the impression is that there's been less than full transparency by the promoters in delaying the disclosure. We've had the openings etc and local residents still haven't seen it. I'm going to suggest that that is not consistent with what is intended by a statement of consultation or indeed reliance that can be places on this consultation process if promoters later withhold the info

Dh – we weren't withholding

Gj – you weren't making it available. Can you point me to a consultation following the commitment to trolleybus in 2010 – where there had been a consultation conducted by you along the lines of: would you prefer a trolleybus/hybrid/tram etc where straightforwardly members of the publics were asked direct q etc

Dh – there was no need to undertake or ask it in that way. We were no longer consulting on the principles of the scheme just specific detail of the scheme. (no consultation)

Gj – prior to 2009 was there a straight consultation –

Dh - questionnaire we set out in A/01/3 (annex 3 page 27) – leaflet questions (item 4 – page 45) we put forward the third option as ngt scheme as a trolley vehicle asking if ppl would support it

Gj – just as post 2009 you said no you hadn't given that consultation. You never had consulted on it and put to people the different options. This questionnaire was set out june 2009 and referred to ngt, didn't it.

Dh- yes

Gj – let's go back to c-4-2 – march 2009 – let's see what people would have understood ngt to be at this time (when deciding in the june 2009 questionnaire) – leaflet says that ngt means a trolleybus?

Dh – it does

Gj- its expressed as a preference, not a commitment (ngt is preferred to be a trolleybus – its not as we know at this stage, a trolleybus) is it? (the picture illustrating it is a hybrid bus page 22 of c-4-2). The consultation is "do you want ngt" which is shown as preference as a trolleybus. At no stage have members of the public been asked at any stage their preference for what type of ngt system they would like.

Dh- not in those direct terms, correct

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Gj – not in any terms. Of course this consultation is not on the present scheme that we have now (it shows e.g. the eastern extension and variants on the route – which is not part of current proposal) (which we know from mr farrington must stand or fall on its own merits). Why are you so reluctant to allow the public to express their views on what type of transport they like?

Dh – I don't believe we are reluctant.

Gj – why haven't you asked them then? Even some of the options whether they are good or bad (that you say you have reviewed over the years) –

Dh – we put information out that explained different types of transport before the consultation. In nov 2008 consultation we do set out different mode options (page 29/30 annex 3 item 1 – ngt leaflet of nov 2008) we didn't ask a specific question but we did set out the diff options

Gj – so why are you so reluctant to put a straight question to ppl of leeds on the very issues we are debating here

Dh – not reluctant. Just didn't see need of direct question asking ppl what they want. We looking at a range of factors when making a decision – consultation is only one of several factors when deciding what to have

Gj – I'm suggesting you fear the answer. **You need to ask the right questions to have a meaningful consultation**

Gj – look at Mulholland letter (new one – section 5 of the new OBJ doc) we see here that in so far of mr Mulholland position – he has **carried out survey of 600 people with 85% disagreeing with the scheme**. Now, context is everything (if you haven't read it all) as he does support the objectives of the scheme but that must give you pause for thought?

Dh – in respect of the survey results I find unsurprising as I have seen information requesting ppl to write to him about objections.

Gj – others have written in who don't disagree. But it's right that you haven't put a meaningful question to the ppl of leeds.

Dh- we've never put it to a vote

Gj – you are being v. dismissive of consultation. When we started your evidence said you had earlier support of ngt. Consultation should be clear and straightforward issues, right, on key issues?

Dh – yes, that's correct

Gj – you've been responsible for part of the rebuttal in respect of the comparisons with the Merseyside trolleybus order refused by sec of state.

Gj – were you personally aware of Merseyside decision was made and issued

Dh – yes

Gj – **I asked mr farrington about whether he could confirm that it was not referenced in the two council committee meeting decisions in relation to the approval of the trolleybus scheme – in the supporting officers report – there was no ref to Merseyside scheme in those meetings**

Dh – I believe that's the case

Gj – its right in the sdg sub modal jan 2014 report ref to Merseyside technology in ref to the scheme. But there isn't any obvious reference by evidence produced by the promoters of the Merseyside scheme?

Dh- you're right

Gj – we can deal with its relevance but I want to deal with one issue you highlighted – park and ride – you say leeds is different, you position in your oral evidence was that a distinction to the **Merseyside scheme was that they didn't have an adopted policy in respect of park and ride. Can you take me please to the adopted park and ride strategy in leeds.**

Dh - references in UDP to protect park and ride sites in bodington and stourton –

Gj – that's not ADOPTED, is it?

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Dh – if I said that in oral evidence that wasn't right [he was incorrect]

Gj – whilst a need for adopted strategy is highlighted, there is not an adopted park and ride strategy for Leeds City Council, is that right?

Dh – no representations made against the matters in respect to NGT and park and ride – so assumption is that it would be adopted

Gj – an adopted park and ride document?

Dh – no there isn't one, but it is set out in policy

Gj – you say there isn't a p and r strategy but you say it is set out in the core strategy

Dh – core strategy proposals include a number of park and ride sites

Gj – your understanding is that there is strategy set out there then [in relation to NGT]?

Dh – they are proposals...

Gj – no, I'm asking you in respect of a strategy – I know Leeds is aware of the need to adopt one but is there a strategy?

Dh ...

Gj – you've had a chance to look at the **capacity table – FWY 114** – we chose the routes that run along the NGT corridor proposals. Route 1 is a particularly old route which has been served since 1956. If we look at those figures, it's served by two different versions of a double decker. Trolleybus case is that there is around 120-160 capacity in the articulated vehicles. Best case scenario of 160 – seats per hour at 500 etc. all seats per hour total of 1757 for buses and trolleybus for 150 less at 1600. In terms of like for like replacement proposed – that would result on your best case – a reduction in both total seats per hour and downstairs seats per hour

Dh – I entirely disagree. We are not proposing anything like for like - but that it would increase total passenger carrying capacity on the corridor to a figure of 2330 (Based on worst case scenario) – as

Gj – do you agree when making these decisions that these should be made based on evidence and not speculation.

Dh – it's an informed view based on patronage forecast based on how bus operators may respond with.

Gj – **NGT info paper – G-4-41 – b3** – what will happen to traditional bus service when NGT introduced. **Penultimate paragraph says they have no way of knowing what will happen to the private bus services.** From evidence, your position is that you have no way of knowing

Dh – these are just info papers so people can understand clearly ...

Gj – so far as you're concerned there is no detailed discussion with the bus operator and therefore no way of knowing

Dh – we have no way of knowing specifically, even if the bus operator had meeting we still probably wouldn't know

Gj – you agreed there is an objective to protect and enhance the bus services network – you saying it's not worth consulting with the operators? - have you or your advisors gone to operators and asked what their likely reaction will be. Is it because you think they wouldn't know?

Dh – no I'm sure they will be able to form a view

Gj – isn't it critical to your whole case as to the reaction of the bus operators. Your business case relies on a number of things – esp on patronage. Relies on them continuing to feed the other bus routes even though they are losing passengers on key routes. What is the basis to support the assumptions that have been made that there will continue to be 44% bus provision on these routes.

Dh – basis is that we looked at service specification, levels of demand (it appeared to be generating from bus services), and modifications to assumption of residual bus services.

Gj – you've got no evidence to say the assumption that they will withdraw bus services

Dh – a deregulated bus market, can't say if that's right or wrong

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Gj – if you can't say either way, if this scenario occurs, which is a possibility (ngt best case scenario – withdrawal of the bus services as according to mr Henkel they won't compete and withdraw their services) you can't say to inspector that that's not going to happen

Dh – highly unlikely

Gj - what evidence?

Dh – presented in mr henkel's proof-impact of profitability will not be high enough for first to withdraw their services

Gj – what weight is inspector to give to these info papers?

Dh – they are important

Gj – as of jan 2014, the position to the public is that they have no way of knowing the impacts of these bus services. **It's important to the public to know whether their bus services will be running or not.** And you don't tell them 'don't worry we are confident because of our assumptions that 50% will be maintained'

Info paper relied upon and signed off by this witness (not the business case as not his) which includes a range of topics given to the public about the transport case (not the business case) stated really clearly that you have no way of knowing what will happen to these services.

Gj – **it can't be the most informed view if you haven't asked those operators** etc.

Dh – it is most informed using what we had.

Gj – you can't suggest that what you've done is the proper course –plainly a flawed approach. Just because they are run by private operators - You are saying you carried out the best possible assessment? Is that your evidence to the inspector? **So if you had consulted with these operators would that have been a waste of time? Is it relevant?**

Dh – it is relevant – not a waste of time but it would have just been a “view” from them ...

Dh – this assumption was shared with First and they haven't given me any feedback as to this assumption.

Gj – please answer the question.

Dh – we haven't directly sat down with them.

Gj – have you asked them? Why didn't you ask the bus operators?

Dh - we didn't ask them in that direct way

Gj – you could have couldn't you've?

Dh – yes –we didn't ask the question as we had enough info (notwithstanding its relevance) to take an informed course of action to introduce the trolleybus. I believe it's the best course of action we took.

Gj – **REB2/OBJ/923 (rebuttal to first - turner)** – 2.6 seating capacity. During peak time passengers will stand for all or part of journey. In terms of conventional buses, we are looking at existing standard conventional buses (yes). The assumption here on the rebuttal is that there will be no progress at all in terms of bus provisions... you don't address hybrid buses here either do you. There is no progress made in terms of bus provision and technology and other matters. **You say that ngt vehicles have greater comfort (through design etc), smoother etc. we have to bear in mind that it is in comparison of conventional buses, not hybrids etc**

Dh – yes those operating today

Gj – yes, frozen in time. That's to offset, isn't it, (FWY114) that if those assumptions are right (best/worst case scenario) there's going to be more people standing isn't there – than the existing provision. In any event **you accept that most of the people will be standing on the trolleybus even at your own assumptions** (look at fwy 114 table).

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Dh – we can accommodate more on a trolleybus but, yes, more standing.

Gj – people will most likely, in terms of comfort, prefer to sit on a diesel bus than have to stand on a trolleybus, am I right?

Dh – I see people choosing to stand on trams because of punctuality and speed.

Gj – but in terms of comfort, are you suggesting that it's preferable to stand on a trolley than to sit on a traditional bus.

Dh- I stood on a bus out of choice last week... there are some people who would choose that (for short journeys)

Gj – if that's right why bother to provide any seats at all?

Dh – it's important to some people. We will provide more accessible seating according to our assumptions. If the operators withdraw all services from the corridor then I will be proved wrong.

Gj – if there's competition, and there is a price war, ---- I'll deal with that in the business case. Just from your POV your recommendation to the inspector is dependent on the trolleybus making a profit (the business case is after 8 years). **If mr henkel is wrong and fare war happens and you don't make any profit for longer than 8 years, how long have you anticipated metro and tax payers of leeds will continue to subsidise a loss making trolleybus?**

Dh – we've not needed to address this in this point in time.

Gj – business case has no sensitivity analysis on the basis of profitability not coming by year 8.

Dh – that's right

Gj – that's on the assumption in henkel's proof that bus operators won't compete.

Dh – that's the assumption.

END OF DAY