

## ITEM 9

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**Report to:** Transport Committee

**Date:** 5 December 2014

**Subject:** NGT Update

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### 1. Purpose

- 1.1 The purpose of this report is to update the Transport Committee with the current status of the NGT Project following conclusion of the Public Inquiry, including forward activity and project resourcing.

### 2. Background

#### Transport and Works Act Order

- 2.1. In September 2013, Leeds City Council and the former WYITA submitted an application to the Secretary of State for Transport, for an Order, under the Transport and Works Act (TWA) 1992. The order would provide the necessary powers for the construction and operation of the trolleybus system.
- 2.2. As part of the TWA process, it is standard practice for the Secretary of State to call a Public Inquiry so that the views of the promoters and objectors can be put presented, in public, to an independent Inspector who has been appointed by the Government. The promoter(s), in this case WYCA and Leeds City Council, are required to fund the costs of the Inquiry. The Inspector presides over the Inquiry and, after considering written and oral evidence, submits a report to the appropriate Secretaries of State who subsequently make a decision on the award of powers and associated conditions.
- 2.3. The Public Inquiry into the Transport and Works Act applications (the Leeds Trolley Vehicle System) ran from late April 2014 and concluded on 31st October. The Inquiry considered written and oral evidence from the promoters (WYCA and Leeds City Council) as well as from objectors.
- 2.4. There were 1,880 formal objections, which is of a similar order to other comparable UK transport schemes. The objections received included general objections to some aspects of the scheme, objections from local residents/action groups and objections relating to a specific impact on land or property along the proposed route. In addition

a detailed objection was also submitted by First West Yorkshire (FWY) who as part of this objection also set out their alternative proposition 'New Bus for West Yorkshire' (NBfWY).

- 2.5. There were 135 Objectors who were categorised as 'Statutory Objectors'. Agreements were reached with 25 statutory objectors after negotiations, resulting in the withdrawal of the objections. English Heritage and Environment Agency also withdrew their objections to the scheme. Negotiations are still on-going with a number of other organisations. 22 Statutory Objectors appeared at the Public Inquiry
- 2.6. The role of the Promoter through the TWA process was to set out the rationale for the project, including why a trolleybus scheme is believed to be the best solution for the transport corridors in Leeds. The Promoter's evidence also included substantial technical detail around the scheme design and proposed mitigation measures to deal with any anticipated impacts.
- 2.7. At the end of the Public Inquiry comprehensive closing statements were made by the Promoters QC Mr Cameron, as well as by First Group and a number of local groups/individuals. These statements are available on the Inquiry website at the following location: <http://www.persona.uk.com/LTVS/index.htm>
- 2.8. Mr Cameron's closing remarks, setting out the case presented by WYCA and Leeds City Council as scheme promoters, are summarised as **Appendix 1**.

#### Next Steps

- 2.9. The Inquiry Inspector has indicated that he expected to take until late May 2015 to deliberate and prepare his report to the Secretary of State for Transport and Secretary of State for Communities and Local Government, who will assess the Inspector's recommendations and subsequently announce a decision on the award of powers and associated conditions.
- 2.10. It is therefore expected that a decision on the award of powers will be made in Autumn 2015.
- 2.11. The next step, assuming powers are awarded, will be to submit an updated business case to the Department for Transport in order to gain Conditional Approval in Spring 2016. Procurement would be undertaken after the milestone of Conditional Approval.
- 2.12. Whilst further work would be undertaken 'at risk', some activity is necessary in order to avoid an extended timescale and increased costs as a result of inflation.
- 2.13. The necessary work over the period until the Secretary of State decision in 2015 relates to:
  - finalising the procurement strategy;

- further data collection to inform further modelling and updating the business case. This work would be undertaken in conjunction with similar work required for the West Yorkshire Transport Fund;
- developing tender documentation, including some limited survey work that would provide bidders with greater cost certainty on, for example, utility diversions and highway condition;
- further liaison with affected properties and business, and general communications.

### **3. Financial Implications**

- 3.1. The further project development activity would be undertaken within the approved budget project development.

### **4. Legal Implications**

- 4.1. None.

### **5. Staffing Implications**

- 5.1. It is proposed to undertake necessary work in the lead up to the decision. A reduced NGT team will continue with on-going discussions with stakeholders and to ensure that the scheme is in an appropriate state of readiness at the point at which a decision is announced. The team will function with a much reduced level of input to ensure that there is effective use of resources on the project. Resource input will be closely monitored to seek efficient alignment with anticipated decision timescales.

### **6. Consultees**

- 6.1. The Acting Director Transport has contributed to this report.

### **7. Recommendations**

- 7.1. To note the contents of this report.

### **8. Background Documents**

- 8.1. None.

# Appendix 1

## Neil Cameron QC Summary of Closing Remarks

In closing the case for the NGT promoters, Mr Cameron referred to evidence heard at the Inquiry demonstrating almost universal agreement that there is a need for improved public transport on the NGT corridors. As a result, doing nothing is not considered to be an acceptable option.

There was also widespread agreement that NGT will bring about improvements in public transport, in particular in its reliability and punctuality.

The Inquiry heard that any action, in the form of a public transport intervention, should be consistent with the relevant policies, funded and deliverable. NGT has such consistency with the development plan, emerging, and national planning policy, local transport policies, and local economic policies.

NGT is funded and deliverable. There is no other funded, realistic and deliverable alternative means of addressing the acknowledged need and meeting the scheme objectives.

Although during the Inquiry, references were made to electric buses, emerging technologies, platooning and other suggestions, no coherent case was presented by objectors to establish how the acknowledged need could be met by any alternative scheme which is consistent with policy, funded and deliverable. The proposals for NBfWY put forward by First West Yorkshire were not clear or supported by any detail.

To reject the order in the hope that something better might come along would be wholly inconsistent with the policy framework and would deprive Leeds of a much awaited rapid transit system.

The business case for the NGT scheme was debated in detail during the Public Inquiry. The business case was originally developed in 2009 and subsequently updated in March 2012 and was subject to rigorous examination by DfT and HM Treasury officers. In awarding Programme Entry Approval to the NGT scheme in July 2012, the DfT have accepted that the business case is robust. More recently a comprehensive review of the business case has been undertaken and this was published in January 2014.