

Campaign for Better Transport

Comments on bid: Kingskerswell Bypass (South Devon Link Road)

14 October 2011

From our contact with local campaigners across the country, we know that this is the project with the widest and most committed opposition in the pool.

Seeking to obscure this public opposition, which is particularly high in the area of the road itself, the sponsoring councils have co-ordinated a large lobbying operation, with the aid of PR consultants and a local newspaper. As a result, consultation and consideration of alternative plans have been particularly poor with this scheme, as detailed below.

The strategic and value for money case for this road has also not been established. A report by consultants Steer Davies Gleave has highlighted a range of issues with the value for money and wider benefits claims of the promoters of this bypass, and Devon CPRE's submission shows that, from a regional perspective, saving small amounts of time on this short section of road will not bring benefits for either congestion or regeneration.

Moreover, the detailed modelling submitted with the BAFB has revealed that other roads in the area would see increased traffic due to the bypass, something the public were not informed about in recent exhibition presentations.

Questions also remain about the validity of the 2009 Public Inquiry conclusions, given the change in justification for the scheme since then (from mainly traffic benefits to development). This could prompt a legal challenge to any positive planning decision, and cause long delays in reaching final approval and construction.

The risk of protests and direct action against this road causing delays in construction is very high, and is not considered at all by the promoters in their final bid documents.

Selection of options, consideration of alternatives and strategic fit (Best and Final Bid sections 1.3)

A report by consultants Steer Davies Gleave, separately submitted, details how the consideration of other options for traffic reduction and regeneration in the area has stalled since the early 2000s, since the development of the Major Scheme Business Case for the road was first produced.

Their submission notes the amount of time that has passed since other options were revisited, and the inadequate assessment made of the detailed alternative proposals made by the Kingskerswell Alliance, and recommends:

“An independent assessment of the route options, focussing on production of an Options Assessment Report from a fresh perspective.”

We strongly support this recommendation. Consideration of alternatives has been particularly poor in this area, with the promoters' sights fixed on this bypass at all costs, while it is clear that there is a very high potential for congestion issues across the area (not just in Kingskerswell village) to be reduced with much lower cost options.

Similarly, new developments and regeneration sites could be planned and located in ways that make the best use of existing infrastructure, while investment is made in high value smarter choices programmes, and improved public transport options, such as rail and bus improvements.

In a separate submission, Devon Campaign to Protect Rural England has shown that the strategic case for the road is highly flawed, and that many areas elsewhere in the South West region face greater problems of congestion and deprivation for which expensive bypasses are not seen as a solution. The comparison with deprivation in relatively well-connected (by the M5 motorway) Weston Super Mare in the CPRE document is pertinent, as is the comparison with levels of congestion and the extent of the Air Quality Management Area in Bristol.

As the CPRE report notes, the Kingskerwell Bypass is:

“...when it comes down to it, a piece of very expensive dual carriageway through part of Kingskerswell village and the Devon countryside. It circumnavigates what would be in any of our larger urban area, a relatively unremarkable section of slow moving traffic.”

Value for money (BAFB sections 2.5, 3.2)

The Steer Davies Gleave report highlights a range of problems with the regeneration and value for money claims of the promoters of this bypass. Promoters have recently increased their BCR estimate from 7.62 to 11.6 and this is not explained within the BAFB.

Issues and questions that SDG suggest should be investigated include:

- Forecast job numbers based on an estimate from 2002 – a more realistic estimate needs to be produced.
- Unexplained large increases in benefits to people travelling on business, while benefits to consumer have decreased.
- Modelling on the impact of noise appears to be inadequate.

In addition, the Devon CPRE submission outlines a number of problems with the way that traffic models, economic forecasts, the effect on jobs and benefits to other modes of transport have been presented in the final bid, and in public materials promoting the bid. CPRE's key points include:

- There is no assurance that economic growth will really take place as a result of road construction. AST tables supplied with the bid explain that extra public and private sector partnership money will be needed to achieve economic goals, regeneration and tourist benefits.
- The road would increase traffic in other areas, and this was not communicated during the public exhibitions. Traffic impact assessment in the bid shows that many roads will see an increase in traffic of 10% or more as a result of the bypass. A number of already congested junctions will also see more traffic. There is therefore a very clear risk that the road would simply move queues from one place to another.
- The road is of little or no public transport benefit, and no monetary benefits to public transport are given in the bid. TravelWatch SouthWest, which acts as an advocate for passengers to lobby for the

improvement of public transport, are aware of this and resolved at their October conference to ask for Major Scheme Bid funds to go to public transport schemes rather than to this project.

Consultation process (BAFB section 5.1)

The last consultation on Devon County Council's bypass was in 2002, and local people were again given different road routes to look at, not asked if they wanted a road at all.

The council held some new public exhibitions this summer. Yet, the council have tweaked the results to obscure the 63 per cent of local people who oppose the scheme. Please see our blog entry of 26 July for the data and graphics to illustrate this: <http://www.bettertransport.org.uk/blogs/roads/260711-kingskerswell>)

Campaign for Better Transport's full report on consultation:

http://www.bettertransport.org.uk/system/files/KingskerswellSDLRconsultationCfBT_Oct11.pdf

The Department will be aware of the large numbers of postcards sent to the DfT from local people opposed to the scheme, co-ordinated by the Kingskerswell Alliance, and this passage from the Kingskerswell Alliance's separate submission helps to illustrate the longstanding and broad local support their campaign enjoys:

"In 2007, KKA submitted a petition to Government calling for sustainable alternatives to the road and collected over 2,000 signatures. In 2011 our Picture Postcard Perfect campaign has over 5,108 signatures, calling for alternatives to a road scheme to be positively evaluated. More people signed a card in Torbay alone than all of the promoters' recent exhibition surveys put together! The bid states that "Opposition remains relatively minimal and very localized, if vocal". Our postcard campaign demonstrates this is not the case."

Delivery issues:

These issues may jeopardise the scheme going ahead at all, or delay any spending on the scheme until after the Spending Review period.

Planning process and statutory orders (BAFB section 3.3)

Planning permission was granted in 2005/7, and expires in August 2012. A Public Inquiry into the Compulsory Purchase and Side Road Orders was held in summer 2009. The Inspector's report is still with the Secretary of State pending a decision in 2012 after the funding decision.

Following changes to the scheme, Campaign for Better Transport wrote two letters to Devon County Council in July and August 2011, asking for confirmation that the schedule of conditions of the 2005 planning permission are still met by the new scheme, and that a new planning permission is not needed. A reply to these letters was not received until 13th October, despite reminders. In its reply, DCC states that the changes amount to *"Three minor engineering modifications,"* and that they, *"do not affect the location, landtake or functionality of the scheme. Hence the County Council does not see a need to submit a fresh planning application."*

Campaigners have also raised a significant question about the validity of the evidence given by Devon County Council at the 2009 Public Inquiry, given the promoter's clear assurance at that time that the road was not intended to support development, which is contrary to their current position and justification for the road. Local campaigner Chris Hampson has separately submitted documentary evidence of the

assurances at the Inquiry and subsequent change in claims around development, and the Devon CPRE submission also details these issues.

The Steer Davies Gleave report also highlights the lack of allowance in the BAFB for a negative or delayed Secretary of State's decision, and any recommendations arising from the Planning Inspector's report of the Public Inquiry. Only the possibility of a High Court Challenge is identified as a risk in this important area for delivery of the scheme.

Statutory bodies

Marine Management Organisation:

DCC made a mistake in its recent application for work on a culvert. They were obliged to advertise the application and failed to do this until after the MMO's consultation period was over. MMO were unaware of this and granted the licence. The licence is now on hold while they consider the objections.

DCC's response to the MMO stated that *"We are required by DfT to identify that all necessary licences are in place prior to funding decision."* However, this is clearly untrue, as the status of many of the other schemes shows. Nowhere is this required in the DfT's Development Pool process.

Licences should be applied for at the appropriate time, when funding is secured.

Campaign for Better Transport is concerned that DCC is applying for licences (to the MMO and to Natural England) prematurely to give the impression the scheme is being progressed rather than there being an actual pressing need for the applications. It is clear from their statement to the MMO above that DCC has misunderstood the requirements of the DfT in this respect.

Third party funding and how LA contribution will be funded (BAFB sections 4.3, 4.7, 4.10)

The total now committed by Devon and Torbay councils to this scheme is now £31.3 million.

Of the four schemes we are most concerned about, Devon and Torbay councils are the most honest about their chances of recouping their increased contributions to the Kingskerswell Bypass. Documents presented to Torbay Council in July 2011 admit that paying back its half of the £22 million increase in the local contribution will *"inhibit the Council in its ambitions to provide other infrastructure and in its delivery of services."*

The same Torbay Council document estimates that New Homes Bonus (NHB) payments might eventually provide most of the additional money for their loan repayments. However, the council's estimates depend on Torbay receiving far more than its expected share of national NHB spending: we have calculated the council's estimates for the Spending Review period to be 0.76% of the total government pot for the Spending Review period – far outstripping Torbay's 'share' as a proportion of England's population (which would predict just 0.26% of the pot) and a lot more than expected based on Torbay's performance in the first year of NHB payments, where it received only £305,115 – just 0.16% of the total national allocation of £196 million.

In the BAFB, the promoters provide no estimates of how the local authority contributions might be paid for. The Steer Davies Gleave report notes this with concern, saying:

"The Local Authority should have provided a detailed listing of their potential third party contributions to the DfT as part of the bid."

Consideration of the risks of campaigning and peaceful protest action (BAFB sections 3.8, and 5.3)

This scheme has a large number of groups opposed, and is extremely controversial locally. In particular, the opposition of people in the immediate area of the road has been brushed aside by the promoters.

Similarly, the promoters have ignored the likelihood and costs of direct action or protests holding up the construction of the road in their risk analysis for the project. In Annex 3.8 of the BAFB on Risk Register and HARM Analysis¹, 'Protestor action' is left out of the main risk register and only listed as a very low risk (10% probable) in the Highways Agency Risk Register document, with no costs allocated.

We consider this to be wholly unrealistic and irresponsible.

Given the significant local opposition, the large number of direct action campaigners resident in the South West, and the attention the scheme will attract from peaceful direct action climate campaigners around the country, we consider that the risk of protest action is 'very high', from 95–100%. The scheme's impact on wildlife could also attract other groups of protesters concerned about that issue.

We would anticipate that protester activity would take the form of protest camps along the route (necessitating legal action to remove them and the use of specialist bailiffs), regular demonstrations, site occupations and disruption to construction works. It might also be necessary to seek injunctions to prevent further protests.

We would anticipate that protests of this sort would cause delays of up to 15 weeks, and cost in the region of £1–2 million (using similar protests against the A4146 Stoke Hammond and Linslade Western Bypass in 2005 as a comparison).

It is unknown whether there will be any legal challenges until the Inspector's Reports and the Secretary of State's decisions have been examined.

October 2011

Campaign for Better Transport

Campaign for Better Transport's vision is a country where communities have affordable transport that improves quality of life and protects the environment. Achieving our vision requires substantial changes to UK transport policy which we aim to achieve by providing well-researched, practical solutions that gain support from both decision-makers and the public.

16 Waterside, 44-48 Wharf Road, London N1 7UX

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¹ <http://files.devon.gov.uk/planning/southdevonlinkroad/A380%20BAFFB%20Form%20Annex%203-8.pdf>