

# Merseytram Inspector's Report

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## **Front Cover**

**Report to the First Secretary of State and the Secretary of State for Transport**

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Date: 19 August 2004.

**TRANSPORT AND WORKS ACT 1992**

**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**THE MERSEYTRAM (LIVERPOOL CITY CENTRE TO KIRKBY) ORDER**

**APPLICATION FOR DEEMED PLANNING PERMISSION**

**APPLICATIONS FOR LISTED BUILDING AND CONSERVATION AREA CONSENT**

Inquiry opened: 20 APRIL 2004

Refs: TWA/03/APP/9; GONW/302/2/69 and /308/2/8

## **PRINCIPAL ABBREVIATIONS USED IN THIS REPORT**

A\_, B\_, C\_, D\_, F\_: Deposit Document (listed in Annex B)  
Broadway junction: The road junction between Townsend Avenue, Utting Avenue and Utting Avenue East  
CABE: The Commission for Architecture and the Built Environment  
CAC: Conservation Area Consent  
CCMS: City Centre Movement Strategy  
CoCP: Code of Construction Practice  
EH: English Heritage  
ERDF: European Research and Development Fund  
Framework Implementation Agreement: The agreement dated 30 April 2004 between Knowsley Metropolitan Borough Council and Merseytravel  
GTL: Glenvale Transport Limited  
Implementation Agreement: The agreement dated 6 May 2004 between Liverpool City Council and Merseytravel  
IQ\_: Inquiry Document (listed in Annex B)  
KMBC: Knowsley Metropolitan Borough Council  
LB&CA Act: The Planning (Listed Buildings and Conservation Areas) Act 1990  
LBC: Listed Building Consent  
LCC: Liverpool City Council  
LTP: Local Transport Plan  
Merseytravel: Merseyside Passenger Transport Executive  
NATA: New Approach to Appraisal  
NWDA: North West Development Agency  
OBJ/\_: Objector Number and Document (listed in Annex B)  
OCC: (Merseytram's) Operations and Control Centre  
OLE: Overhead Line Equipment  
P\_: Merseytravel Proof or Rebuttal Proof (listed in Annex B)  
P&R: The proposed Park & Ride site at Gillmoss  
PPG: Planning Policy Guidance  
PSDA: Paradise Street Development Area  
SIPTN: Single Integrated Public Transport Network  
SPG: Supplementary Planning Guidance  
sqm: square metre  
SUPP/\_: Supporter Number and Document (listed in Annex B)  
TPL: Transit Promotion Limited  
TWA: Transport and Works Act 1992  
UAE: Utting Avenue East  
UDP: Unitary Development Plan  
WHS: World Heritage Site

## Case Details

- The draft Order would be made under Sections 1, 3 and 5 of the Transport and Works Act ("TWA") 1992, and is known as the Merseytram (Liverpool City Centre to Kirkby) Order 2004.
- The application for deemed planning permission is made under Section 90 of the Town and Country Planning Act 1990.
- 43 applications for listed building consent and 6 applications for conservation area consent are made under Sections 10, 12 and 74 of the Planning (Listed Building and Conservation Areas) Act 1990.
- The applications for the Order and for deemed planning permission were made on 16 October 2003. The listed building and conservation area consent applications were made on 16 October 2003. Two further applications for listed building consent were made on 26 April 2004 and are for separate determination by Liverpool City Council.
- The Order if made and the applications if granted would authorise and enable the Merseyside Passenger Transport Executive ("Merseytravel") to construct and operate a tramway to be known as Merseytram Line 1 from Liverpool City Centre to Kirkby.

### **Summary of Recommendations: I recommend:**

- **That the draft Order be made with modifications;**
- **That the application for deemed planning permission be granted subject to conditions; and**
- **That the listed building and conservation area consents be granted subject to conditions.**

## 1. Preamble

1.1 The Assistant Inspector and I have been appointed pursuant to Section 11 of the Transport and Works Act 1992 ("TWA") and Section 13(2) of the Planning (Listed Building and Conservation Areas) Act 1990 to hold concurrent public inquiries into the above draft Order and Applications, and to report to the First Secretary of State and to the Secretary of State for Transport. For ease of reference, I propose hereinafter to refer to the concurrent public inquiries as "the inquiry".

1.2 The inquiry was held at the Foresight Centre, the University of Liverpool, 1 Brownlow Street, Liverpool on Tuesday to Thursday 20 to 22 April, Tuesday to Friday 27 to 30 April, Tuesday to Friday 4 to 7 May, Wednesday to Friday 12 to 14 May, Wednesday and Thursday 26 and 27 May 2004, and Thursday 10 June 2004. I held a pre-inquiry meeting on Friday, 12 March 2004 at the same venue.

1.3 I made unaccompanied inspections of the sites affected by the proposals on Monday 19 April, Friday 23 April and Monday 10 May 2004, accompanied on the first occasion by the Assistant Inspector, who also made further unaccompanied inspections in the course of the inquiry of the listed buildings and conservation areas affected by the proposals. We made a formal site inspection, accompanied by the parties, on Thursday 13 May 2004.

1.4 The scheme is supported by Liverpool City Council ("LCC") and Knowsley Metropolitan Borough Council ("KMBC"), highways and local planning authorities for the areas crossed by the proposed tramway. The holding objections of these authorities, submitted pending clarification of issues of detail, were withdrawn following signature of formal agreements respectively on 6 May and 30 April 2004. There are 40 other supporters of the scheme, 11 of whom appeared or were represented at the inquiry.

1.5 There were 286 objections to one or more elements of the scheme. These included 153 objections from residents of Utting Avenue East. 14 objectors appeared or were represented at the inquiry, though, of these, 4 subsequently withdrew their objection. 17 objections were withdrawn before the inquiry opened, and a further 41 were withdrawn before it was closed. A schedule of objections is contained in Volume 1 of Document A31, in which are shown those objections which have been withdrawn.

1.6 As a result of the grant of consent for the Paradise Street Development Area a number of objections, OBJs/183 to /189 and OBJ/222, in particular, have been overtaken by events.

1.7 The main grounds of objection relate to lack of need for the tram on either economic regeneration or transportation grounds, the likely cost of the scheme and its deliverability on time or within budget, the impact of the proposed tram on other transport providers and other road users, the adverse impact of the tram on local residents, on access to business properties, and on listed buildings and conservation areas.

1.8 Formal agreements have been reached between Merseytravel and a number of statutory undertakers, and their objection has been withdrawn. In three cases, however, despite two adjournments of the inquiry (see paragraph 1.2), agreements had not been signed by the closing of the inquiry so as to permit objections to be formally withdrawn. The position in relation to statutory undertakers is set out in paragraphs 4.142 to 4.146 and 8.151 to 8.158 of this report.

1.9 Mr John H Martin acted as my assistant. There are no substantial issues of disagreement between us. Mr Martin's report regarding the applications for listed building and conservation area consent is attached.

1.10 By letter dated 9 June 2004 (A29), it was confirmed on behalf of Merseytravel that all statutory formalities had been complied with.

## Merseytram Inspector's Report

1.11 The success of Liverpool's nomination for World Heritage Site ("WHS") status was announced on 2 July 2004, after the inquiry closed.

1.12 Some locations and features in Liverpool city centre are spelt in conflicting ways in different documents, for example "Pier Head" or "Pierhead". In such cases, I have adopted the spelling contained in the World Heritage Site nomination (D26).

1.13 This report contains a brief description of the area, a note of procedural and legal submissions, the gist of the cases presented, and my conclusions and recommendation. Lists of appearances and documents are appended. Proofs of evidence are included, and where significant changes to these were made in the course of the inquiry, corrected proofs were submitted as recorded in the list of documents.

## **2. Description of the site and its surroundings**

2.1 Pier Head with its ferry terminals is situated on the waterfront of the River Mersey. Immediately to its east are the Liver, Cunard and Port of Liverpool Buildings, often together known as the Three Graces. The site for the proposed "Fourth Grace" lies immediately to their south.

2.2 Further to the south on the waterfront is Albert Dock which has been restored and accommodates a number of museums. South of Albert Dock is a large area of derelict land, currently used for car parking, which is known as King's Waterfront. Salthouse Dock lies east of Albert Dock and the restored Transit Shed Gable is situated on the dockside in the south-east corner of Salthouse Dock. A dual carriageway road, the Strand, and its southern extension, Wapping, runs north-south to the east of and along the full length of the Pier Head to King's Waterfront section of the waterfront and docks.

2.3 The main cultural and commercial quarter of the City of Liverpool lies between the River Mersey waterfront and Lime Street Station, located about 1.5 kilometres to its east. The quarter contains a high proportion of the listed buildings relevant to the scheme, and a full description of the central area and its relationship to the route of Merseytram Line 1 is to be found at paragraphs 6.13 to 6.19 of the Assistant Inspector's report.

2.4 London Road runs east from Lime Street, with the University of Liverpool to its south and the Royal Liverpool University Hospital to its north. The main entrance to the Hospital is in Prescott Street. London Road also contains secondary commercial developments. Brunswick Road and West Derby Road which run north-east from a point to the north of the Hospital are roads of mixed residential and secondary commercial development. Grant Gardens are located on the northern side of West Derby Road at its south- western end.

2.5 Muirhead Avenue, Queen's Drive, Townsend Avenue and Utting Avenue East are mainly residential roads laid out as dual carriageways with broad central reservations. The junction between Muirhead Avenue and Utting Avenue East, in the vicinity of the Broadway ("the Broadway junction") consists of a pair of mini-roundabouts and is crossed north-south by an overbridge, which formerly carried the Liverpool Loop Line Railway, but is now used by a long distance cyclepath.

2.6 The A580 East Lancashire Road is a dual carriageway which, via a connection with the A59 at its western end, links the centre of Liverpool with junctions 4 and 5 of the M57 motorway. The Croxteth district of Merseyside lies in the south-west quadrant of these junctions. The Gillmoss area, containing the Axis Business Park and the Glenvale Transport Limited Bus Depot, is located north of the A580 to the west of the M57.

2.7 The town centre of Kirkby lies some 10.5 kilometres north-east of Lime Street station. From junctions 4/5 of the M57, it is reached via the dual carriageway Moorgate and County Roads; these lack the wide central reservations of the avenues of the outer suburbs of Liverpool.

### **3. Procedural matters and legal submissions**

#### ***Procedural Matters***

3.1 The inquiry was conducted under the Transport and Works (Inquiries Procedure) Rules 1992 (SI 2817 of 1992 (F3)). The following procedural matter arose.

3.2 On the opening day of the inquiry, Mr J Kenny (representing three objectors) applied for permission to record the proceedings on DVD or Video. I invited the views of other parties; some indicated that they were not prepared to be filmed. I suggested to Mr Kenny undertakings which he might offer to meet the objections of other parties. I also indicated other conditions which I would be minded to impose on any permission. Mr Kenny agreed to these undertakings and conditions and they are set out in a written ruling granting him permission to make recordings (IQ2). In the event, no recording took place.

#### ***Legal Submissions***

3.3 It is claimed on behalf of two objectors, Glenvale Transport Limited ("GTL") and Transit Promotion Limited ("TPL"), that the proposal to fund the construction of Merseytram Line 1 mainly out of public moneys is unfair and anti-competitive and therefore contrary to European Union and United Kingdom law. The manner in which the scheme is proposed to be funded is set out in paragraphs 4.50 to 4.53 of this report.

3.4 In the view of TPL, the tram would compete unfairly with existing bus services. This would be illegal, as running counter to Merseytravel's duty under the Transport Acts 1985 and 2000 to co-operate with and assist bus companies.

3.5 TPL's case is that Articles 87, 88 and 89 of the EC Treaty prohibit the payment of state or public funding which distorts competition, or gives one enterprise an unfair competitive advantage compared to other enterprises in the market. There have been judicial decisions both in the United Kingdom and in continental Europe relating to contraventions of these Articles.

3.6 In TPL's closing submission, it is claimed that to use public money to subsidise the construction of a tram system, in the expectation that passengers would transfer to it from existing commercial bus services, is unfair competition, and "not allowed under European Union Competition Law". In TPL's view, this is an opinion supported by the National Audit Office ("NAO") Report (D58, see also paragraphs 6.7 to 6.9 of this report) which, at paragraph 2.22, states that "(the current regulatory regime for bus services) does not allow local authorities to encourage light rail patronage if it means that cheap, convenient bus services are curtailed".

3.7 Although in opening remarks made on behalf of GTL it was stated that the proposals were contrary to EU law and that it was intended to put in a written submission in this regard, none was submitted.

3.8 A memorandum regarding state aid and competition law forms Appendix 2 of the Closing Submissions made on behalf of Merseytravel (A26). As far as UK law is concerned, Merseytravel's submission may be summarised as follows: legislation permits the government to fund new tram systems; an appraisal methodology has been established, and the Secretary of State for Transport remains answerable to Parliament. No modern light rail system has been constructed in the United Kingdom without financial assistance from the government.

3.9 A new public transport system will inevitably take some patronage from buses. In Sheffield, the evidence is that some 55% of tram patronage was derived from buses, while in Croydon the proportion was 69%. The passage from the NAO Report set out in paragraph 3.6 appears to have been written in error. Attempts to clarify it by contacting the NAO have proved abortive.

3.10 In Merseytravel's view, the scheme is thus demonstrably not contrary to UK law. As to EU law, the issues are: whether the proposed public element of the funding of the scheme would amount to



state aid; if so, whether it attracts the provisions of any relevant exemption; and, if so, whether the exemption would apply automatically or whether an application to the European Commission would be required.

3.11 Merseytravel's response to these questions may be summarised as follows: Merseytravel is not an undertaking for the purposes of Article 87(1) of the EC Treaty. The decision of the ECJ in FENIN is authority for the proposition that a public body such as Merseytravel purchasing goods or services is not an undertaking. That being the case, no issue of state aid arises from the grant by government to Merseytravel. This would be an inter-state transfer rather than state aid to a non-governmental undertaking.

3.12 Any financial contribution by Merseytravel towards the costs of construction is also not state aid for the reasons set out in the Altmark decision. This concluded that the state aid provisions of Article 87 do not apply to subsidies paid by a public authority to enable public transport services to be run, provided four conditions are satisfied, namely: that the recipient is discharging a clear public service obligation; that the basis on which any payment is calculated are objectively and transparently established in advance; and that the payments do not exceed what is necessary to discharge the public service obligation. The fourth condition does not apply, because in the case of Merseytram Line 1 the recipient is to be chosen in a public procurement process.

3.13 Moreover, since Merseytravel is not an undertaking, there can be no abuse of a dominant position by Merseytravel; nor, indeed, would any "market" come into existence as a result of the construction of Merseytram Line 1 which might be dominated by Merseytravel, let alone a market in which Merseytravel's dominance might be abusive. As I said at the inquiry, matters of law are not for me to determine. I nevertheless address the submissions regarding these issues in paragraphs 8.174 to 8.176 of this report.

## 4. The case for Merseytravel

The material points are:

### *The Scheme*

4.1 The full Merseytram system would consist of three lines. Line 1 would run from Liverpool city centre generally north-east to Croxteth and Kirkby. Line 2 would run from the city centre generally east to Page Moss, Prescott, Whiston Hospital and possibly beyond. Line 3 would run from the city centre generally south-east to Speke/Garston, Liverpool John Lennon Airport and possibly beyond. Indicative routes for Lines 2 and 3 have been published and these show Line 2 linked to Line 1 at a point to the south of Lime Street Station, and Line 3 linked at two points to Line 2.

4.2 The inquiry and this report relate only to Merseytravel's proposal to construct Line 1. Lines 2 and 3 have only a contextual relevance to the decision in relation to Line 1. The future potential construction of Lines 2 and 3 also has some limited bearing (indicated where relevant in this report) on design and operational considerations relating to Line 1.

4.3 Merseytram Line 1 would be 18.2 kilometres in length and would run from a terminus at the King's Waterfront (see paragraph 2.2) via Liverpool city centre and Croxteth to a terminus adjacent to the bus station in the town centre of Kirkby. The full route of Line 1 can most conveniently be seen in Volume 3 of the Environmental Statement (A17/4) where Figure 1.1 shows the whole route, Figure 1.2 the route in Liverpool city centre, and Figure 2.3, Maps 1-9, each route section in more detail.

4.4 Line 1 would be a dual track system and much of its alignment would utilise existing highway land. The design aspiration was to achieve total segregation from other road users; in the event, 97.4% segregation has been achieved, 89.7% of the route being on-street segregated, and 7.7% off-street. Only 1.6% of the route would involve running with all other road users, with the remaining 0.9% of the route shared only with buses and taxis. The availability along substantial sections of the route of central road reservations which formerly accommodated the pre-1957 tram routes, has assisted with the attainment of segregation and, by re-using existing highway land, limited land take and property demolition.

4.5 In addition to the tramway, a Park and Ride ("P&R") facility to accommodate 750 vehicles is proposed to the north of the A580 East Lancashire Road at Gillmoss in Croxteth. The Merseytram Operations and Control Centre ("OCC") would be located immediately to the west of the P&R site. In addition to its control centre function, it is intended that the OCC would eventually serve as the principal maintenance depot for all three proposed Merseytram Lines, providing general offices, staff amenities, and tram stabling, workshop and storage facilities.

4.6 The greater part of Line 1 would lie within the City of Liverpool. The section of the route east and north of Croxteth lies within Knowsley. The relevant local planning and highway authorities are thus Liverpool City Council ("LCC") and Knowsley Metropolitan Borough Council ("KMBC"), both unitary authorities.

4.7 In Liverpool city centre, the line would divide, with two routes running to the proposed terminus of Line 1 at King's Waterfront, the northern route via Moorfields and Pier Head, and the southern via Paradise Street and Whitechapel. A smaller city centre loop would carry the line past Lime Street Station, connect with the Queen's Square bus facility, and also provide the link to the route of Line 2 as the latter is currently envisaged. East of Lime Street Station, Line 1 would run east along London Road to the Royal Liverpool University Hospital. It would then turn north to join Brunswick Road along which it would run north-east, continuing along West Derby Road.

4.8 It would run through the inner suburbs, along Muirhead Avenue, and part of Queen's Drive and Townsend Avenue, passing through the Broadway junction into Utting Avenue East. At the eastern end of Storrington Avenue, the extension eastward of Utting Avenue East, it would turn north into Stonebridge Lane, passing to the west of the site of the proposed Stonebridge Cross development.

4.9 It would cross the A580 East Lancashire Road, and then turn east, running to the north of the A580 and passing the site of the proposed Stonebridge Business Park, the existing Axis Business Park, the proposed OCC and P&R site, and Gillmoss Bus Depot. Continuing alongside the A580, it would pass under the M57 Motorway, and then run north-east along Moorgate Road and finally north-west along County Road and through the suburbs of Kirkby to Kirkby town centre.

4.10 30 tram stops are proposed. Stops would be 60 metres in length to accommodate two 30-metre trams at the same time, or a service consisting of two tram vehicles coupled together. 10 of the stops would be located in or to the west of Lime Street, and the remainder east of Lime Street along the route out to Kirkby. The stops are likely to be as shown in the Environmental Statement (see figures and plans referred to in paragraph 4.3), though precise positioning and design of the stops are for the detailed approval of LCC or KMBC.

4.11 The criteria against which the stop locations have been chosen are set out in paragraph 3.79 of P5/A. The locations and the facilities they would serve are further addressed in paragraph 4.28. The stops are also to be located so as to ensure compatibility with the Liverpool City Centre Movement Strategy ("CCMS") (see paragraph 4.39).

4.12 The location of three of the stops is, however, still under consideration: The King's Waterfront terminus may be relocated so as to interface with any planning permission granted for development of this site before the tram is constructed. The developers of the Paradise Street Development Area ("PSDA") now have the necessary powers to implement the planning permission (see paragraph 4.46). The proposed Paradise Street stop would probably now be relocated to Canning Place. The Pier Head stop may be relocated to Mann Island if and when planning permission for the "Fourth Grace" site is granted. These alternatives all lie within the limits of deviation contained in the draft Order.

4.13 The proposed stop at Whitechapel may be redesigned with an island platform. A separate planning application may be made in due course to LCC for an additional stop between Pier Head and Albert Dock.

4.14 8 sub-stations would be required to power the scheme, and locations for these have been identified close to the tram alignment. These would measure some 5 metres by 9, and 3 metres in height. The sub-stations would power the system via overhead line equipment ("OLE"). OLE would be supported by building fixings or by poles.

4.15 While the final design specification of the tram vehicles is yet to be determined, they are expected to be some 30 metres in length, opening on both sides, and of the modern low floor type in use elsewhere, for example in Croydon, Strasbourg and Montpellier. Vehicles of this type accommodate some 200 passengers, with 80 seated. Maximum tram speeds would be 70kph on segregated sections of line, but as low as 20kph where the tram runs through areas used by pedestrians.

4.16 The pattern of service to be provided by Line 1 trams is a matter for final agreement with the concessionaire when appointed. It has been assumed for the purposes of assessing the scheme, however, that the tram would operate between 0600 and 2400 on Mondays to Saturdays, and between 0700 and 2330 on Sundays. Except early in the morning and during the evening, a service of 12 trams per hour is assumed, with 6 trams per hour taking each of the two city centre routes via Whitechapel or Pier Head to the King's Waterfront terminus. The journey time from Kirkby to King's Waterfront would be about 43 minutes via Pier Head and about 41 minutes via Whitechapel.

### ***Scheme Aims and Objectives***

4.17 The five objectives of Merseytram are set out in no order of priority in the Proof of Evidence of Mr Neil Scales (P1/A at page 12). They are:

- To provide a high quality, segregated tram system that will attract car and other users through offering a high quality of ride, a reliable, safe and frequent service and competitive journey times;

- To develop a network that will promote sustainable, inclusive regeneration in Merseyside by enhancing public transport accessibility to the city centre, other regeneration areas and forging a sustainable link between transport and land use along Merseytram corridors;
- To promote a high level of social inclusion by connecting areas of low car ownership and high deprivation to economic opportunities and social, health and leisure facilities, and by offering a fully accessible system to the mobility impaired and those travelling with luggage and/or children;
- To provide a system that integrates with the existing transport network through creating new and enhanced interchange opportunities with bus, ferry, car, cycling and walking, and through providing fully integrated ticketing with other modes; and
- To enhance the local environment by reducing local air pollution and, where practicable, noise in Liverpool city centre and in residential areas along Merseytram corridors, and improving the physical environment by adopting best practice urban design principles along the route.

4.18 The key attributes of a light rail system are flexibility, accessibility, ride quality, speed, perception, capacity and environmental benefits. Segregation in excess of 95% would ensure flexibility. Level boarding from platforms graded into surrounding footways permits use by the mobility-impaired, including those in wheelchairs. Modern tracks ensure a ride quality better than that achievable by conventional buses. Segregation, priority at junctions, short dwell times at stops (with multiple accesses to the tram and a conductor to assist), and rapid acceleration offer small but reliable travel time savings.

4.19 A key policy is that no household in Merseyside should be more than 800 metres from a "steel-wheel" stop or more than 400 metres from a bus stop. The latter target is 97% achieved, but the former is currently only 30% achieved. The tram would bring a tram stop within 800 metres of some 94,500 people. Perception of the tram as a modern high quality system would induce a significant modal shift from the motor car. With a capacity of some 200 passengers, the tram would be capable of efficient carriage of large passenger flows, important generally in the city centre and/or on special occasions giving rise to exceptional numbers of passengers.

### ***Scheme Development and Alternatives Considered***

4.20 As part of the LTP process, and in accordance with the New Approach to Appraisal ("NATA") guidelines, extensive transport corridor studies were undertaken in 1999. 15 such corridors in Merseyside were identified and reviewed. A range of public transport options for each corridor was developed. Each corridor was then systematically reviewed against each public transport option. The range of public transport options included buses, heavy rail, and intermediate modes.

4.21 As far as buses are concerned, the study has resulted in the expansion of SMART buses across 15 quality bus corridors, including bus priority and traffic management measures, improved stops and investment in new accessible buses. Rail services are provided by Merseyrail, where a new 25-year franchise was put in place in 2003. The cost of constructing new lines largely precludes extensions to the rail system, but the LTP includes a comprehensive programme of station improvements.

4.22 In these circumstances, three intermediate modes, namely, bus transit, electrically powered guided buses, and tram/light rail, were considered. Nine of the corridors, all radiating from Liverpool city centre, were initially identified as potentially benefiting from intermediate mode technology. The corridors were further assessed for their potential for segregated operation, catchment area population, integration with Objective One Pathway Areas, and journey times, and outline cost/benefit analyses were carried out. This resulted in the identification of the three corridors described in paragraph 4.1 as appropriate for the introduction of intermediate technology.

4.23 Light rail was selected following a consideration of the merits of other intermediate technologies, first, because analysis showed that it gave the best economic return by a considerable margin. Light rail is also a proven technology with more than 300 modern systems operating in the

United Kingdom, continental Europe, North America and elsewhere. In selecting light rail, the LTP partners (see paragraph 4.37) also had regard to the Wuppertal University study: "Bus or Light Rail: Making the Right Choice" (D42). This was commissioned by a group of clients, including the DETR, and reached conclusions strongly in favour of light rail, stating that bus-ways and guided buses were probably limited to a fringe role.

4.24 The 3-Line tram network was then included in the LTP submitted in July 2000. The same month saw the completion of the CCMS, a key feature of which is a balanced approach to provision for pedestrians, cyclists and public transport.

4.25 The detailed route of Line 1 was first proposed in November 2000. Among many considerations leading to its selection were the need to integrate the tram with a number of development sites and to support a number of policy initiatives. These include: Liverpool Capital of Culture 2008, the World Heritage Site bid, and a significant number of development sites along the route corridor (see paragraph 4.46). The detailed route, including the sites proposed for tram stops, has been designed to integrate fully with these developments and initiatives.

4.26 Conscious of earlier criticism in relation to the Merseyside Rapid Transit ("MRT") proposal (see paragraphs 6.6 and 7.26 to 7.28) as to the siting of the OCC and the P&R facility, Merseytravel considered a number of alternative sites for both facilities. As to the OCC, 21 sites were identified and assessed against engineering, environmental, economic and integration criteria. The OCC Site Assessment Report is Document B14. This led to the selection of the Gillmoss site as the most appropriate.

4.27 A similar exercise was carried out in respect of the P&R facility (B15). 15 sites were subjected to an initial assessment, from which 7 were selected for further assessment against government guidance for the appraisal of major public transport schemes. This led to the selection of the site of the former GEC factory in the vicinity of Gillmoss. The two facilities would be contiguous. The sites selected both for the OCC and P&R now have specific planning support in LCC's SPG (see paragraph 4.40).

4.28 The locations for the tram stops have been chosen to serve: specific sites such as the Hospital and the P&R site; key city centre cultural and commercial destinations; waterfront tourist and transport locations; local and district centres and residential areas along the route; proposed major developments and regeneration projects; and to integrate with other transport modes at Lime Street, James Street and Moorfields Stations, and the main bus facilities at Queen's Square, Paradise Street and Kirkby, as well as other bus facilities in district centres. Distances between stops have been designed to strike the appropriate balance between maximising stop catchment populations and tram running times.

4.29 8 locations for work sites have been identified. Of these 6 have been selected, agreement having been reached with LCC that the proposed sites in Utting Avenue East and Canning Place would not be used. The locations chosen would enable each site to service some five segments of route construction. The listed dock walls in the vicinity of the proposed work site at Prince's Dock are protected by proposed Planning Condition 27 (see paragraph 8.190).

4.30 There has been an extensive process of public consultation, details of which are set out in paragraphs 7.3 to 7.5 and in the Public Consultation Report (B7). Documents setting out all the essentials of the Line 1 scheme have been in the public domain since October 2003, when the TWA Order and other applications were made, and, in many cases, since before that date.

### ***Policy Background***

4.31 Merseytram Line 1 is wholly consonant with planning and transport policy at all levels. Among the European, national, regional and local policies against which the scheme falls to be assessed are the following:

### ***European Policy***

4.32 That there is significant European support for regeneration in Merseyside is witnessed by the latter's Objective One status (see paragraph 4.43). The Single Programming Document (D3), which sets out the context of and strategy for the Objective One status, records the role which efficient transport networks have to play in economic development, stating that "citizens need good passenger transport services for access to jobs, training, shopping and leisure."

### ***National Policy***

4.33 Central government transport policy is set out in the White Paper: "A New Deal for Transport - Better for Everyone", published in 1998. The White Paper establishes five over-arching objectives of transport schemes: environment, safety, economy, accessibility and integration. Line 1 meets all of these objectives. Among relevant White Paper policies with which the scheme is compliant are the widening of transport choice by the promotion of light rail schemes; developing a more integrated public transport system; improving the quality and reliability of public transport as a travel mode; and bringing streets back to the people by giving priority to public transport, pedestrians and cyclists.

4.34 In "Making the Connections: Final Report on Transport and Social Exclusion" (ODPM 2003)(D8) the key issue addressed is accessibility: a solution to accessibility problems for the socially excluded should be sought by "locating and delivering key activities in ways that help people to reach them".

4.35 The scheme is also entirely compatible with PPG13: Transport (D4), which focuses on the need to reduce car travel through improving public transport. In its detail, the scheme has been developed in accordance with all relevant transport, planning and general design guidance.

### ***Regional Policy***

4.36 Among the objectives set out in Regional Planning Guidance for the North West (RPG13)(D5) published in March 2003 are: to secure a renaissance of cities and towns, and especially Liverpool and Manchester; to secure a better image for the Region, and high environmental and design quality; and to create an efficient and fully integrated transport system. Merseytram Line 1 is cited in Policy T10 of RPG 13 as a committed scheme of regional significance with priority for completion by 2007.

### ***The Local Transport Plan ("LTP")***

4.37 In July 2000, Merseytravel and its five local authority partners (LCC, KMBC, Sefton, St Helens Metropolitan Borough and Wirral Metropolitan Borough Councils) submitted the Merseyside LTP to central government. The four strategic policy measures of the LTP are to provide:

1. A single integrated high quality public transport network ("SIPTN");
2. A demand management strategy to control traffic flows;
3. A network of strategic signing and other measures to support efficient freight movements; and
4. A programme of management and promotional initiatives to promote the use of more efficient forms of transport and reduce the need to travel.

4.38 Merseytram Line 1 is wholly consonant with the LTP. It would contribute significantly to the SIPTN. The construction of a three-line light rail transit system is part of the 10-year strategy set out in the LTP. The Line 1 scheme is contained in the Five Year Plan for the years 2001/2 to 2005/6. The LTP also includes a 10-year strategy for the provision of P&R sites with a total of 5,000 spaces to encourage car users to switch to public transport at key points. The Gillmoss P&R, with a proposed capacity of 750 vehicles would represent a significant part of this provision. LTP annual progress reports form documents D13, D14 and D15.

4.39 The proposal to construct Line 1 also needs to be considered in the context of the CCMS. This, in addition to providing for the tram routes along Dale Street and Whitechapel/Paradise Street, seeks an integrated solution to traffic movement in the city centre by freeing up the Lime Street Gateway, diverting strategic road traffic out of the centre, removing the Churchill Way (South Flyover), and reducing traffic in Dale Street. The tram would greatly assist with linking the city centre core with the waterfront, another CCMS priority.

#### ***Local planning policy***

4.40 Policy T3 of the adopted Liverpool Unitary Development Plan ("UDP") 2002 supports the principle of a rapid transport scheme along the Line 1 corridor. Supplementary Planning Guidance ("SPG")(D18a) adopted on 7 April 2004 supports the three-line Merseytram network, and is intended to constitute a material consideration in the determination of the applications for the necessary TWA Orders and planning directions. UDP Policy HD22 seeks to protect and integrate trees into new development. LCC has also adopted the Liverpool Urban Design Guide (D34) as SPG which incorporates the seven "Objectives of Urban Design - Qualities of a Good City" approved by CABE ("Commission for Architecture and the Built Environment").

4.41 The Knowsley UDP was adopted in 1998 prior to development of the Merseytram proposal, and contains policies supporting an efficient, reliable and affordable public transport system for the Borough, located as it is on the edge of the Merseyside conurbation. The first draft replacement UDP was published in October 2003, and Policies T1 and T2 of the draft are strongly supportive of Merseytram Lines 1 and 2. Policy En21 protects the landscape from adverse impact from development. Pending adoption of the replacement UDP, KMBC has adopted SPG (D21a), which contains policies supportive of Lines 1 and 2 and similar to those in the draft UDP.

#### ***The Socio-Economic Context and Line 1 Impact***

4.42 Since the 1980s, the economic performance of Merseyside has been one of the worst in the United Kingdom. In 1996, Gross Domestic Product per capita in Merseyside was only 73.1% of the EU average. Of the 20 most deprived electoral wards in England, 11 are in Merseyside, and 6 are in the proposed Line 1 corridor. In January 2004, unemployment levels in Liverpool and Knowsley were respectively 96% and 59% above the average rate for the North West. Car ownership is about half of the national average.

4.43 Since 1994, the area has accordingly qualified for EU Objective One status. The population of the catchment area for Line 1 amounts to some 94,500 people, 10% of the total population of Merseyside, of whom some 81% live in designated Objective One Pathway Areas, which are residential areas targeted by the Objective One programme.

4.44 Unusually, a second period of Objective One aid has been granted for 2000-2006, with allocated funds of £800m. The Merseytram Line 1 project is included in the Objective One Programme Prospectus (D40). The Objective One aid is beginning to bear fruit; for example, albeit starting from a low base, Merseyside saw a more rapid employment growth between 1998 and 2002 than any other area in the North West. This programme, combined with prominent local initiatives, is producing benefits both in terms of economic performance and Merseyside's image.

4.45 Liverpool has won the competition to be the United Kingdom's nomination for the European Capital of Culture 2008. This programme enables Liverpool to highlight its existing cultural excellence and to develop and innovate in the cultural field. In the next five years, Liverpool is expected to benefit from investment of over £2bn in its cultural and tourist infrastructure. The cumulative effect of Capital of Culture is predicted to be an extra 1.7m visitors, spending £50m per year.

4.46 The route of Merseytram Line 1 is designed to integrate with a large number of developments and other initiatives in Liverpool City Centre and along the route. These are set out in full in Appendix IMG8 in P7/B. The seven key development sites are:

**King's Waterfront:** The proposal is for a mixed use development, including a conference centre, 275 hotel beds, a 25,600sqm arena and conference centre, 1,800 residential units and 5,750sqms of retail/leisure facilities on a 14.6 hectare site.

**The Fourth Grace:** A planning application is expected shortly for this flagship development, intended to complement the Three Graces (see paragraph 2.1). It will house a new Museum of Liverpool, a theatre, galleries and restaurants.

**Pier Head:** Planning permission was granted in December 2003 for a cruise liner terminal, and construction is expected to commence in 2005. Planning permission has also been applied for in respect of an extension of the Leeds-Liverpool Canal from Trafalgar Dock to Canning Dock, via Pier Head.

**PSDA:** Planning permission was granted in December 2003 for a £750m redevelopment of the Area for retail leisure and residential purposes. In the course of the Merseytram inquiry, the First Secretary of State and the Secretary of State for Transport issued their decision confirming CPO and other powers authorising the scheme to proceed (D64).

**Stonebridge Cross Regeneration Area:** A major retail and residential redevelopment of this site is proposed, which would create a new district centre. This does not appear in the Liverpool UDP, however, and the scheme is still at a relatively early stage in its development.

**Stonebridge Business Park:** In December 2003, applications for planning permission were lodged for some 28,000sqms of business units, and for infrastructure works. The adjoining Gillmoss Industrial Estate would be integrated into the scheme and upgraded.

**Kirkby Town Centre:** There is a number of planning permissions which have not yet been implemented, including permission for a supermarket, leisure facilities and a filling station. Merseytravel has permission for redevelopment of the existing bus station in Kirkby which would allow it to be better integrated with the proposed tram terminus.

4.47 All of these sites would be served by Line 1, and Merseytravel has been in close consultation with the developers of each site to optimise the tram/development interface and to minimise disruption and delay, especially in the context of the European Capital of Culture status in 2008. The tram would be a significant incentive to inward investment in these sites by providing a reliable long-term form of public transport. A modern system such as the tram would also improve the image and raise the profile of Merseyside. A number of smaller development sites along the proposed route are being promoted for retail, residential or light industrial uses.

4.48 In addition to temporary jobs created during construction, the direct employment impact of the scheme would be a conservatively-estimated 2,255 new jobs, including 265 jobs at the OCC in tram operations and maintenance. In addition, and especially for the majority of Line 1 corridor residents who are without a car, the presence of the tram would significantly improve access to jobs, opening access to the additional 12,000 city centre jobs which are an Objective One target and improving access to 55,000 jobs overall. Line 1 would have a very significant impact in socio-economic terms, greatly enhancing the prospects, networks and life chances of people living in areas of extremely high social and economic deprivation.

4.49 The impact of Line 1 is thus strongly regenerative, assisting Merseyside to benefit from a prolongation of the economic upturn seen in recent years. One of the impacts of economic regeneration, however, is likely to be an increase in car ownership. That in turn would lead to significant increases in congestion. It is by offering an attractive alternative public transport system, coupled with increasing congestion, that car owners are to be encouraged to make the modal change from car to public transport.

### ***Construction Cost, Funding and Implementation***

4.50 The capital cost of the scheme at Quarter 2, 2003 prices is £228.7 million. It is anticipated that costs amounting to a further £5.6 million would be funded from other sources, as part of works



proposed under the CCMS. These would include, for example, the cost of demolishing the Churchill Way (South Flyover). Powers to carry out the CCMS works which are relevant to Line 1 are nevertheless included in the TWA Order to meet the situation where implementation of the CCMS is delayed beyond the commencement of construction of Line 1.

4.51 The government has agreed to meet some 75% of the total cost of the scheme, amounting to £170 million. Regarding Line 1, the LTP settlement letter of December 2002 (at P1/B, Appendix 1), is in the following terms: " ..... the appraisal material submitted has been sufficient for us to ... confirm that it has passed the tests which have been established to determine eligibility for government funding. ... We are prepared to provide a capped sum to a maximum of £170m towards the total scheme cost ... ."

4.52 Merseyside's Objective One status provides access to European Regional Development Fund ("ERDF") moneys, and the sum of £25m from this source has been "earmarked" towards the cost of Line 1 (D50). An outline application for £15m from the North West Development Agency ("NWDA") was lodged late in 2003. The remaining sum of about £18m would be raised locally from a number of sources, including contributions from local development agencies such as Liverpool Land Development Company and English Partnerships, and from private developers. A list of development sites in the vicinity of the Line 1 corridor is set out in paragraph 4.46.

4.53 There are now two preferred bidders for the concession to build and operate the tram, and they are to submit their Best and Final Offers by September 2004, with the appointment of the successful bidder as concessionaire expected to be made in December 2004. Both candidates have confirmed that they anticipate being able to construct the tram within budget and on time.

4.54 Subject to the necessary consents, construction would begin in 2005, though some of the enabling works which are also part of the CCMS would probably be carried out in 2004, and diversion of utilities equipment would proceed ahead of the main construction works if and as soon as a TWA Order is made. As far as the main contract is concerned, assuming the decision of the Secretaries of State is promulgated in late 2004 or early 2005, it is expected that final contract negotiations, which would run concurrently with the preparation of the final detailed design, would be completed by the Spring of 2005.

4.55 Construction is anticipated to take some 2 years and would be carried out concurrently in discrete sections along the route. It is important that the works be complete and the tram be in operation by 2008, Liverpool Capital of Culture year. The intention is that the first Line 1 tram service should run on 14 September 2007, the fiftieth anniversary of the last tram to run in Liverpool. Failure to achieve this target would trigger the Rectification Plan proposed in Clause 6 of the Implementation Agreement (D60), requiring construction work to cease in Liverpool city centre and for all sites to be made good in time for the Capital of Culture 2008.

4.56 In Liverpool, the primary means of delivery of the scheme would be the Implementation Agreement between LCC and Merseytravel, dated 6 May 2004 (D60). The Agreement has 16 Schedules together addressing all aspects of the scheme in detail. A Framework Implementation Agreement between KMBC and Merseytravel was signed on 30 April 2004 (A31 Volume 2 at tab 34), from which a full Implementation Agreement will now be developed.

### ***Scheme Appraisal***

4.57 In accordance with the New Approach to Appraisal (NATA) and other government guidance, the scheme has been appraised against the five over-arching objectives set out in the White Paper (paragraph 4.33). The outcome of the appraisal is summarised in the Appraisal Summary Table (Table 3.4 in P4/A).

### ***Economic Performance***

4.58 Survey data have been obtained in relation to highways and highway network changes, public transport, and local public travel preferences. Using the data obtained a series of economic forecasting

models has been developed to estimate future usage of the tram. The estimates have been prepared on a deliberately conservative basis.

4.59 The assumptions on which the appraisal is based are as follows: that Line 1 would open in September 2007; that the assessment period is 30 years from opening; costs and benefits are discounted to 1998, with a discount rate of 3.5% for the first 30 years, in accordance with government guidance; for the first two years of Line 1 operations, the projected build-up of patronage is reflected in a reduction below 100% of the benefits predicted.

4.60 From the survey data an annual demand forecast has been calculated, amounting by 2010 to 9.86m passenger trips per year, generating revenue at 2003 prices of £8.99m per year. The revenue forecast has been calculated using bus-equivalent fares.

4.61 The catchment area of passengers walking to catch the tram at one of the stops is assumed to be 800 metres, an assumption generally applied to trams and to other "steel-wheel" systems such as heavy rail. Other patronage would be drawn from those using the P&R site at Gillmoss, arriving at Lime Street Station by rail, or walking to a tram stop. Recognising that a heavy rail service already exists between Kirkby Railway Station and Moorfields Station in Central Liverpool, Merseytravel does not anticipate great demand for end-to-end use of Line 1. Forecast demand is based on detailed passenger surveys, carried out in late 2000. These included self-completion questionnaires.

4.62 Of the 9.86m Line 1 journeys per year predicted by 2010, some 6.58m are expected to result from transfer from buses. About 0.85m would transfer from private cars, made up of drivers who leave their car at home or use the P&R site; the catchment areas of these two sources of transfer from the private car are shown in Figure 2.2 of P4/A. Some 1m journeys would be derived from rail passengers, some switching to the tram from the railway, but most using the tram to extend rail trips to a final destination. These would include passengers arriving at Lime Street or Moorfields Stations and then using the tram to other destinations. New generated demand, including journeys currently walked, is predicted to be 1.02m journeys per year. The King's Waterfront development is predicted to generate about 0.4m journeys annually.

4.63 Annual operating costs have also been calculated, amounting, again at 2003 prices, to £6.56m. Of this figure, £4.13m, or some 63%, consists of staff costs, with materials, insurance and overheads, and power together accounting for £2.13m or about 32%. With revenue predicted at some £9m per year, Line 1 is predicted to be profitable.

4.64 The scheme was then subjected to a cost/benefit analysis on the basis of these forecasts. The benefits and costs of the scheme over its assumed 30-year life have been evaluated in accordance with government guidance in the New Approach to Appraisal. The total future benefits of the scheme over the 30-year period have been calculated and discounted to 1998. The benefits include journey time savings, vehicle operating cost savings and public transport revenue. This discounted total is known as the Present Value of Benefits ("PVB"). The PVB is calculated as £426.5m.

4.65 The total cost of the scheme has been calculated, again discounted back to 1998, and is known as the Present Value of Costs ("PVC"). The PVC is calculated as £216m. The difference between the PVB and the PVC thus calculated is known as the Net Present Value ("NPV"). A positive NPV indicates that the benefits of the Scheme outweigh its costs. The NPV of the scheme so calculated is £210.5m.

4.66 The relationship of the benefits of the scheme to its costs has also been calculated as a ratio, the Benefit/Cost Ratio ("BCR"). A BCR greater than 1 indicates that the scheme benefits outweigh its costs. The BCR for the scheme is 1.97. These results represent a strongly positive economic case for the scheme. In broad terms the scheme generates nearly twice as much benefit as its cost.

4.67 Government guidance requires the economic performance of the scheme to be subjected to a risk assessment so as to address optimism bias. This has been carried out using @Risk, standard risk assessment software. Details of this work and of the results are set out in paragraphs 7.11 to 7.13.

### ***Environmental Assessment***

4.68 A multi-volume Environmental Statement has been prepared (A17), including a Non-Technical Summary (A17/5). A Schedule of Environmental Mitigation Measures has been drawn up (P7/J) in agreement with LCC and KMBC. This contains 45 measures to address environmental issues including traffic and transport, noise and vibration, townscape, heritage, nature conservation and contaminated land and waste. The impact of the scheme on the environment and any necessary mitigation measures have been assessed under the following main headings.

#### ***Ecology***

4.69 There are no sites statutorily designated for conservation interest affected by the scheme. One non-statutory Site of Nature Conservation Value, in the vicinity of the Broadway junction, would be affected by disturbance during works to the overbridge (see paragraph 2.5), including some loss of vegetation. The small loss of habitat would not affect the integrity of the site.

4.70 There would be some other loss of habitat along the Line 1 corridor. Of this, the most significant impact would be the loss of up to 800 trees as a result of construction of the scheme. The trees affected are in the main non-native, ornamental species, and of low conservation interest. They appear to have been planted following the taking up of the tracks of the pre-1957 tram tracks, and in some cases are likely to be near the end of their natural span. For every tree lost, two semi-mature trees would be planted as near as possible to the location of the original trees. Removal of trees would wherever possible be undertaken outside the nesting season to avoid impact upon birds.

4.71 In addition to mitigating ecological impacts, the replanting programme would have a significant mitigating effect in respect of any impact of the construction of Line 1 upon landscape. A Tree Management Plan has been agreed with LCC and is contained in the Implementation Agreement at Schedule 6, Part 2.

4.72 After mitigation, no significant or long-term effects to any habitat or species of note would remain. There has been full consultation with statutory bodies and others, and a Phase 1 Habitat Survey has been carried out. No potential impact on protected species has been identified. Further surveys relating to bats and water voles (see proposed planning conditions 17 and 18 in paragraph 8.190) would, however, be carried out prior to construction being commenced, and any necessary guidance and licences would be obtained from the relevant bodies. The impact on biodiversity is expected to be neutral.

#### ***Landscape and Townscape***

4.73 Particular consideration has been given to the visual impact of the scheme on the World Heritage Site ("WHS") in Liverpool city centre, the townscape of the historic core of Liverpool, including conservation areas and numerous listed buildings, conservation areas outside the city centre, general townscape impacts along the whole route, including Kirkby town centre, and impact on the Green Belt in Knowsley (see paragraphs 4.112 et seq).

4.74 The WHS focuses on the well-preserved dock system, including Albert Dock, Pier Head and the Three Graces, with the site for the proposed "Fourth Grace" to the south. The WHS extends inland to the commercial heart of the City and the principal public buildings. It incorporates the four city centre conservation areas and includes many listed buildings. It has been described as a supreme example of a commercial port developed at the time of Britain's greatest global influence.

4.75 Although the detailed design of Line 1 has yet to be finalised, illustrative material relating among other matters to designs of city centre tram stops and of tree planting proposals, and including photomontages, are contained in Appendices 9, 10 and 11 in P7/G. A Design Guide (A17/3) has been developed based on national guidance, including The Royal Fine Art Commission Circular "The Design of Light Rail Systems" (June 1999)(D32), and on the numerous successful tramways constructed in recent years both in the United Kingdom and in continental Europe. From the Design Guide, a Design Specification for the city centre has been developed and agreed with LCC and forms

Schedule 3 to the Implementation Agreement. This has been developed with particular regard to the WHS.

4.76 As recorded in section 2 of the Environmental Statement (A17/1), for over 50 years prior to 1957 trams ran along many of the more important city centre streets, commencing at Pier Head and radiating out into the suburbs and there running along the wide central reservations now proposed to be re-used.

4.77 A detailed landscape and visual assessment was carried out as part of the preparation of the Environmental Statement. Detailed landscape mitigation proposals are set out for each section of the proposed route of Line 1 in P7/F. A Tree Management Code of Practice forms Appendix 2 in P5/B. Merseytravel's landscaping proposals would ensure that the visual impact of the tram is minimised. Account has been taken of the views of CABE, which, together with English Heritage and LCC's World Heritage Officer, is in general support of the scheme (D49). To minimise the visual impact of the tram on the streetscape of the WHS, building fixings for OLE would be used in preference to poles, wherever possible.

4.78 A framework is thus in place within which the concessionaire would develop the detailed design once the TWA Order is made and deemed planning permission granted. In 2003, Merseytravel achieved ISO 14001, the first transport authority in the United Kingdom to do so, and the concessionaire would be required to develop and implement an Environmental Management System in line with ISO 14001.

4.79 The extent of demolition is limited (see paragraphs 4.135 to 4.140) and none of the buildings affected is of townscape significance. In a number of cases (some of the London Road and Stonebridge Cross properties are examples) the buildings are run down or already boarded up. Demolition would enable regeneration of the areas to take place with resulting beneficial impacts on townscape.

4.80 The painstaking approach to the selection of the alignment of Line 1 and to the development of a design guidance, taken with the obligations to be laid on the concessionaire, would ensure that Line 1 would enhance the city centre conservation area and the WHS, and effect overall improvements on the appearance and townscape of the whole route.

### ***Noise and Vibration***

4.81 The Environmental Statement contains a detailed assessment of potential noise and vibration impacts during both construction and subsequent operation of Line 1. The assessment is based on government guidance contained in the Noise Insulation (Railways and other Guided Transport Systems) Regulations 1996, and PPG24: Planning and Noise. The assessment considers noise impacts both against absolute standards as set out in that guidance, and against the change in ambient noise levels resulting from tram operations. Noise and vibration impacts during the construction period are addressed in paragraphs 4.96 to 4.98.

4.82 1dB(A) is considered to be the smallest change in noise levels perceptible to the human ear; a change of 3dB(A) is considered noticeable.

4.83 Merseytram would operate short, light vehicles at moderate speeds and would be fundamentally less noisy than traditional, heavy railway systems. Moreover, the alignment of Line 1 would be predominantly along existing busy thoroughfares where ambient noise levels are generally high. 38 receptor points were chosen as representing noise sensitive properties closest to the alignment (identified and numbered in Figure 1 of P8/B) and a baseline noise survey was carried out in June 2002. Noise predictions were then made, based on the assumed tram service pattern set out in paragraph 4.16.

4.84 The predictions were then assessed against noise impact thresholds and thresholds of unacceptable impact drawn from the guidance referred to in paragraph 4.80. This guidance sets noise impact thresholds of 55 and 45dB(A) respectively for day and night, and unacceptable impact

thresholds of 66 and 61dB(A) respectively for day and night. Changes in noise levels resulting from tram operations were then assessed.

4.85 In no case would the threshold of unacceptable impact be breached. The assessment shows that only at 5 of the chosen receptors is the potential for noise impact greater than slight. These impacts arise only at night, and apply only by reason of the tram service after 2300 and before 0700. Moreover, they are based on noise standards for open windows, and are therefore worst case assessments. These 5 receptor points are (receptor number given in brackets):

**King's Waterfront (1):** Night-time ambient noise levels are currently low. Accordingly, in the worst-case scenario (in which the tram alignment is at the edge of the limits of deviation and therefore closest to the flats overlooking the tracks), night-time noise levels would be 8dB(A) above the noise impact threshold of 45dB(A). It would remain significantly below the threshold of unacceptable impact (61dB(A)). Moreover, this worst case alignment is likely to be chosen only if the King's Waterfront development proceeds, in which case ambient noise levels in the vicinity may be expected to increase materially, reducing the relative impact of the tram.

**Brunswick Road (12):** Up to 20 properties would be affected by night-time noise levels some 9dB(A) above the noise impact threshold. These properties back onto the tracks, however, and the rear garden boundaries would be used to provide an effective noise attenuation barrier.

**Penlinken Drive (15):** Up to 3 properties would be affected by an exceedance by about 6dB(A) of night-time noise impact threshold. Because existing noise levels are low, however, the resultant noise levels would still be below those experienced at many other receptor points.

**Stonebridge Lane (30):** The properties in Hambleton and Shard Close nearest the alignment would be affected by exceedances of up to 10dB(A) above the night-time threshold. They are, however, to be demolished and the area is to be re-developed (see paragraph 4.135 and 6.62). Pursuant to PPG24, it would be for the developer to propose and provide noise mitigation if the development of the site renders this necessary.

**Old Farm Road (32):** 2 properties would be within 10 metres of the track. These would experience noise levels some 9dB(A) above the night-time noise impact threshold. These levels would arise only by reason of the early morning and late night running of trams, and, given these limitations, the impact is considered acceptable. A total of up to 20 properties would be affected, albeit by lesser impacts than those experienced in the 2 properties closest to the track.

4.86 With some exceptions (see Brunswick Road above), noise barriers are unlikely to be feasible because they would impede pedestrians and other road users and would therefore have safety implications. They would also have undesirable visual impacts.

4.87 There would be some reduction in noise levels along the tram route because of reduction in other road traffic. These reductions would be partly offset by increases in noise from traffic on other routes. In particular (and this represents a formal change to the Environmental Statement), an increase in traffic noise levels is anticipated in five roads, of which four are primarily residential roads: part of Townsend Avenue, Lower Breck Road, Richard Kelly Drive and Maiden Lane. There are, however, 17 roads (12 of them primarily residential) on which a significant reduction in road traffic noise is predicted. The net impact of the tram in this respect is thus predicted to be slight adverse.

4.88 As to vibration, predictions are based on a detailed comparison with Phase 1 of the Manchester Metro set against Vibration Dose Values ("VDV") set out in BS6472. On street-running sections, the tracks would be laid on resilient mountings. Vibration levels are predicted to remain below VDV's considered likely to give rise to adverse comment. They would not be capable of giving rise to structural damage.

4.89 Operational noise and vibration would continue to be monitored and would be used in the preparation of maintenance programmes. These would be designed to avoid any unnecessary increases in levels of noise and vibration.

### ***Air Quality***

4.90 To the extent that the introduction of Merseytram would induce a modal shift from the private car, there would be some reduction in exhaust emissions. It is not claimed that this would be significant in global or even regional terms. Some streets would benefit from reductions in other traffic, resulting in local air quality improvements. This would, however, be at the expense of streets on to which this traffic is diverted where some loss of air quality would result. No significant adverse impacts have been identified. Overall, the residual impact of the Line 1 scheme on air quality is considered to be slight beneficial.

### ***Water Quality***

4.91 A range of mitigation measures would be adopted through the Code of Construction Practice ("CoCP" - see paragraph 4.95), the relevant provisions having been drawn up with reference to the Environment Agency's Pollution Prevention guidelines, to ensure no adverse impact during construction of the tram on the three watercourses crossed by its route. No impacts during operation of Line 1 or other potential adverse impacts have been identified.

### ***Contaminated Land***

4.92 It is accepted that some of the construction work is likely to affect contaminated land. Construction activities would risk remobilising contaminants and causing additional contamination. The issue is fully addressed in Chapter 14 of the Environmental Statement (A17/1). The CoCP requires the concessionaire to carry out appropriate mitigation measures, including site investigations, and the application of a waste management plan. These measures would ensure that there would be no residual adverse impacts from the excavation of contaminated land or handling of waste arising.

### ***Public Health and Security***

4.93 A detailed Health Impact Assessment has been carried out (D37). This predicts slight negative impacts during construction and overall positive impacts thereafter.

4.94 As to security, although there has been a significant reduction in transport-related offences during the last three years (see paragraph 5.1), violence and vandalism on the public transport network remain a significant concern. Line 1 trams would carry conductors and the stops would be well lit and provided with video surveillance; similar security provision would be made for the P&R site. Merseytravel is committed to improving security through its TravelSafe Board.

### ***Disruption during Construction***

4.95 Some adverse impacts during construction of a scheme of this scale are inevitable. The construction of the tram would be governed by the CoCP. This is contained in the Implementation Agreement (D60), and provision is made in the Agreement for a further CoCP to be agreed from time to time.

4.96 The CoCP imposes strict limitations on hours of working. The majority of works would take place during ordinary working hours, namely, 0800 to 1800 on Mondays to Fridays, and 0800 to 1300 on Saturdays. During these hours, a maximum noise limit of 75dB(A) is set by the CoCP. These restrictions are reinforced by proposed planning conditions (see paragraph 8.190). There would inevitably be some noise impacts at receptors closest to the works, but noise impacts even in the case of receptors closest to the works would be short-lived. The highest noise levels in any vicinity, including those from demolition works, are unlikely to persist for more than a few days.

4.97 Some works would be necessary outside normal hours. For example, some night-time track-laying work would be necessary at busy road junctions to avoid major traffic disruption. A maximum noise limit of 65dB(A) for works outside normal hours is set by the CoCP. There is nevertheless a potential for sleep disturbance at five locations, but work is likely to be necessary on only two or three nights in each case.

4.98 The position is similar with regard to vibration. There would be no risk of damage to properties or to domestic equipment. Limits are set in the CoCP so as to restrict vibration to levels which, pursuant to BS6472, would give rise to a "low probability of adverse comment". A condition is proposed to be imposed on the listed building consent for the listed Salhouse Docks walls (LBC2) to protect them against damage from vibration from nearby piling works (see paragraph 6.70 of the Assistant Inspector's report).

4.99 Measures are also set out in the CoCP to control dust. These include boundary hoardings, enclosure of material stockpiles, water spraying and cleaning, with regular site boundary monitoring to be carried out by an independent contractor.

4.100 Continuous monitoring of noise and vibration is provided for in the CoCP, together with enforcement powers for LCC. These are also reflected in the proposed conditions to be attached to any grant of deemed planning permission.

### ***Heritage and the Built Environment***

4.101 Line 1 would pass through or adjacent to a number of Conservation Areas and one proposed Area. It passes through the WHS, consisting of Liverpool's commercial and cultural centre and waterfront. The route of Line 1 has been developed in consultation with relevant agencies, including LCC, KMBC, English Heritage ("EH"), Liverpool Vision, CABE, and other heritage and amenity groups. There is no subsisting objection from any of these consultees. A Design Guide (A17/3) has been prepared for the scheme and its principles are supported by CABE, EH and LCC's World Heritage Officer (D49). The Design Guide has now been developed in co-operation with LCC into the Design Specification which forms Schedule 3 to the Implementation Agreement.

4.102 The scheme would require the relocation of a small number of listed structures, and would affect the setting of or directly affect listed buildings. 42 applications for listed building consent were before the inquiry, one (LBC36, relating to the William Brown Museum and Library) having been withdrawn. Most of the listed building applications relate to the need to affix overhead line equipment ("OLE"). Two further listed building applications were submitted to LCC on 26 April 2004; these relate to the fixing of OLE to 1 Castle Street, and to the relocation of a K6 telephone kiosk. These applications are for separate determination by LCC, and were not before the inquiry.

4.103 Six applications for conservation area consent were also before the inquiry, relating to the need to demolish or relocate unlisted structures in conservation areas. The listed building and conservation area applications are considered separately in the Assistant Inspector's report which is attached, and its conclusions and recommendations are addressed in section 8 of this report.

4.104 The extent of demolition required is small, given the scale of the Line 1 proposals (see paragraphs 4.135 to 4.137). None of the buildings to be demolished has any significant townscape value.

### ***Green/Open Space***

4.105 A number of mostly small areas of open space would be lost to or impacted upon by the tram. In Liverpool, such areas are known as green space and are subject to UDP Policy OE11, which sets out four key considerations to which regard must be had in determining whether development can be accommodated without material harm. These are: the recreational function of the green space, its visual amenity, its relationship to adjoining green spaces, and its nature conservation value.

4.106 Of the areas of green space in Liverpool affected by the tram, the largest would be the central reservation in Muirhead Avenue, some 2.4 hectares in area. Merseytravel's case in respect of this land is set out in paragraph 7.74.

4.107 The line would cross the area of green space at Pier Head, used by members of the public visiting the waterfront and museums and boarding the Mersey Ferry. Only 0.9 hectares would be

acquired, and, once the tram was complete, the public would be able to cross the line virtually at will, so that the essential openness of the area would be maintained.

4.108 About 1.1 hectares of land along the eastern side of Stonebridge Lane would be required. This served the adjoining housing areas, most of which are now vacant and boarded up, pending the Stonebridge Cross development. The provision of adequate green space would be a matter for LCC when considering a scheme of redevelopment for the area. An area of public park at Grant Gardens would be lost; this extends only to 0.41 hectares and is a discrete corner of the Gardens. Its loss would not conflict with the criteria in Policy OE11.

4.109 In Knowsley, the areas are known as open space, and are subject to adopted UDP Policies En13 and 15. These provide that development of open space will only be permitted if it will not result in the loss of land with special recreational potential, nature conservation or landscape value, or lead to a deficiency of open space in the locality.

4.110 Only three areas of open space are affected. Of these, the largest, extending to about 0.65 hectares, is a narrow corridor along the eastern edge of the playing fields of Park Brow Community Primary School. There would be no material impact on access to the remaining playing fields, because the school buildings lie on the western side of the overall site. The other two areas in Knowsley, together amounting to only 0.3 hectares, are strips of grass alongside County Road. Their loss would be de minimis, would not lead to a local deficiency of open space, and would not be in breach of Policies En13 and 15.

4.111 The loss of or impact upon green/open space is not objected to by either LCC or KMBC; both Councils are now in the process of appropriating the necessary land to become public highway in accordance with clause 5.15 of the Implementation Agreement (D60). In Merseytravel's view the loss of green/open space is insignificant and would not impact adversely upon users in neighbouring communities. In the circumstances, it is not proposed to offer exchange land pursuant to Section 19 of the Acquisition of Land Act 1981.

### ***Green Belt***

4.112 Two short sections of the route of Line 1 to the north of the A580 East Lancashire Road in Knowsley would pass through the Green Belt. PPG2 sets out the relevant criteria, providing that engineering operations within the Green Belt are inappropriate development unless they maintain the openness of the Green Belt and do not conflict with the purposes for which the land was included within the Green Belt set out in paragraph 1.5 of PPG2.

4.113 The route sections in the Green Belt would run within an existing transport corridor, consisting of the A580 and its junction with the M57. Line 1 would run alongside the A580 and under the junction. The A580 and the M57 lie outside the Green Belt, as does the route of Line 1 for much of this section. The interface between the Green Belt and the proposed route of Line 1 can best be seen on Sheets 19 and 20 of the Planning Direction Drawings (A15).

4.114 The necessary engineering works would be limited to ground level track laying, the erection of OLE, and minor bridge works across the Croxteth and Knowsley Brooks. No tram stop is proposed in the Green Belt. Grass tracks would be used on this section of the route and the OLE would be designed to limit intrusion as far as possible. There would be some loss of trees. With new planting, however, the overall effect would be neutral.

4.115 In two recent reports into guided busway schemes at Chester and Leigh (see P7/B Appendix 2), inspectors expressed the views that "a linear infrastructure such as ... a railway ... is not inherently urbanising in nature" and "it would be illogical to consider necessary linear infrastructure to be "inappropriate" development in the terms of the PPG, inherently unacceptable in a Green Belt without very special justificatory circumstances". The inspectors' overall conclusions, however, were that the developments concerned would be inappropriate development, but that very special circumstances justified their approval.



4.116 Having regard to all the circumstances, the short sections of the route which would cross the Green Belt should not be regarded as inappropriate development. In any event, however, the scheme would bring very significant benefits to the people of Merseyside and is strongly supported in local planning and transport policy (see paragraphs 4.31 et seq). Moreover, if Kirkby is to be linked by tram to Liverpool City Centre, then there is no alternative to its route crossing the Green Belt. If Line 1 is found to be inappropriate development in the Green Belt, then these are very special circumstances which justify its approval.

### ***Environmental Mitigation***

4.117 The delivery where required of environmental mitigation is ensured by an agreed Schedule of Environmental Mitigation Measures (P7/J) and by proposed Planning Condition 24 (see paragraph 8.190)

### ***Impact on other road users and safety***

4.118 A key feature of the proposed route for Line 1 is its almost total segregation from other traffic (see paragraph 4.4). This would not only improve the reliability of the tram service but also ensure that the operation of the tram would not significantly obstruct other traffic.

4.119 A detailed traffic analysis has been carried out in co-operation with LCC and KMBC as highway authorities. An area-wide SATURN model has been employed and individual junctions have also been modelled at a fine level of detail. This allows the "With Tram" and "Without Tram" scenarios to be compared.

4.120 Without the tram, traffic levels in the Line 1 corridor would increase substantially by 2010, leading to significant levels of congestion in many locations. The overall impact of the tram would be to reduce the additional predicted congestion in most relevant locations, through highway and junction improvements along the route, taken in conjunction with some modal transfer from the car, and, in Liverpool city centre, the implementation of the CCMS.

4.121 The tram would not generally reduce road space available to other traffic. Only 16% of the proposed route would result in any carriageway closures. Within the city centre these are largely carriageways which would be closed to general traffic in any event pursuant to the CCMS. Outside the city centre, in relation to those limited lengths of carriageway to be closed, traffic impacts have been fully assessed, and adequate capacity remains for other traffic.

4.122 The construction of the tram would result in some reduced road widths. In every case, however, the road affected would retain sufficient capacity. A single carriageway with a minimum width of 3.5 metres has a typical capacity of 1200 to 1500 vehicles per hour, which is more than sufficient for all of the routes where restrictions would reduce width to this extent.

4.123 On bus routes, for example West Derby Road, where sections of the road are to be reduced from a dual to a single carriageway, the width of the remaining carriageway, 5.5 metres, would allow large vehicles to pass a stationary bus. In those sections of roads which would remain as dual carriageways, the minimum two-lane width would be 6.7 metres. In Utting Avenue East, the existing dual carriageway would be reduced to a single carriageway of 3.5 metres. The nearside carriageway, which is currently used for parking, would be replaced with parking bays and bus stop lay-bys 2 metres in width, resulting in a neutral impact.

4.124 The construction of Line 1 would, in many cases, permit improvements in junction capacity for all vehicles. Each of the 55 road junctions along the Line 1 route has been studied and modelled in detail. The Implementation Agreement identifies a number of junctions where further detailed work remains to be done, but there is no remaining in-principle objection from LCC. The Implementation Agreement also provides for a Highways Agreement to be entered into between Merseytravel and LCC to regulate those matters listed in Part 1 of Schedule 4 to the Implementation Agreement, which include traffic management during construction.

4.125 Improved provisions for pedestrians would include signalised road crossings near tram stops, new and wider pedestrian islands and reservations, direct pedestrian routes through junctions, and the exclusion of traffic (apart from trams) from some city centre streets. Analysis carried out in relation to streets to be shared by trams and pedestrians shows that the two would be able comfortably to co-exist, as they do in the case of many other modern tram systems. It may be necessary on the occasion of special events generating exceptional numbers of pedestrians to restrict the tram service to only one of the two city centre routes, a flexibility which the divided route west of Lime Street Station would permit.

4.126 The proposed junction improvements would also benefit cyclists. The detailed design of Line 1 would respect the proposed cycle routes in Liverpool and Knowsley, although discussion of detailed provision for cyclists is still on-going (see paragraphs 6.77 and 7.114 and 7.115). Where feasible, secure cycle parking would be provided at tram stops. Consideration is being given to a design of tram vehicle capable of carrying cycles outside peak hours.

4.127 For the generality of the route, buses would benefit from improvements to junctions and, as with other traffic, would not be impeded by reductions in road widths. The position in Liverpool city centre is more complex. Diversion of some through traffic out of city centre streets would reduce congestion and assist the freer passage of buses. The LTP (D10) recognises that Liverpool city centre is currently over-bussed. In the context of both the CCMS and PSDA, provision for buses, in terms of stops, bus stations and layover points, and routeing options would be improved. There would be fewer buses in Dale Street, with buses more widely distributed across the City Centre. The impact of the tram must therefore be assessed in the context of these other fundamental alterations to bus operations in the city centre (see also paragraphs 6.73 and 6.74 and 7.107 et seq).

4.128 Taxis would benefit from more direct routeings available as a result of the replacement under the CCMS of the present one-way system in the city centre with a largely two-way system. A number of taxi ranks would be displaced, but potential replacement ranks are identified in the CCMS.

4.129 Of the 16,250 city centre parking spaces, only 34 would be lost. These would be compensated for many times over by the proposed P&R facility. Where parking is lost outside the city centre, for example in West Derby Road, there is alternative parking available nearby.

4.130 All highway modifications including alterations to junctions would be designed in accordance with current road safety guidance, and would be subject to safety audit during design and after construction. For the highway network as a whole the implementation of Line 1 is predicted to reduce personal injury accidents by 200 over the assumed 30-year life of the scheme.

4.131 A modification proposed to Article 26 of the draft TWA Order (A28/3) imposes a duty of reasonable care on Merseytravel to ensure that, in constructing and operating Line 1, the safety of other users is preserved, and to have particular regard to the character of the street and to the traffic or others who use it. The Article as proposed to be modified is in identical terms to the provision proposed by the Greater Manchester Passenger Transport Executive ("GMPTE") and the West Yorkshire PTE, in the light of the Roe litigation in Sheffield. The provision is still under discussion between these two PTEs and the Department for Transport.

4.132 Some inconvenience to road users would be inevitable during construction. The contractor's method of working would throughout be subject to approval by the highway authority, and traffic management during construction is one of the matters to be covered in the Highways Agreement (see paragraph 4.124). Flows of construction-related traffic would not be large. Special provision would be made to maintain access for emergency vehicles.

4.133 To permit the alterations to road usage required by the construction of Line 1, Merseytravel proposes a number of Traffic Regulation Orders. These are contained in Schedule 9 of the Draft Order. They include some TROs which properly relate to the CCMS, to meet the case where the latter has not been implemented before Line 1 construction commences.

4.134 Article 46(2) of the draft Order contains a general power to introduce further traffic regulation measures. In the words of Mr T Morton, Merseytravel's transport witness, this power is "very necessary for a project of this size and complexity". Proposed modifications to the draft TWA Order (Article 46(7)) would make any further TROs proposed subject to public notice and objection. They would be subject to the prior consent of LCC or KMBC, with which the modifications proposed to Article 46 have been agreed. The power proposed would be limited to a period ending 12 months after scheme completion.

### ***Compulsory Acquisition of Property and Demolition***

4.135 Given the scale of the proposals and the achievement of 97.4% segregation, the extent of property take is remarkable small. A list of the properties to be acquired is set out in Table 6 of P9/D. They include 15 residential properties, all in Hambleton Close and Shard Close in the Stonebridge Cross area. All of these are scheduled for demolition pursuant to redevelopment of Stonebridge Cross, and, as the Development Brief for Stonebridge Cross (D43) records, "The ... development ... will involve the clearance of the Hambleton/Shard area ... ." Many of the properties in the area are already vacant ahead of this redevelopment. There is no subsisting objection in relation to these properties (see paragraph 6.62).

4.136 Some 25 commercial properties would also be acquired. On Liverpool waterfront, Media House and the San Francisco Retail Kiosk would be acquired and demolished. In his report, the Assistant Inspector concludes that neither is of architectural merit. The Maritime Museum Kiosk/Bell Tower would be relocated (see Assistant Inspector's Report paragraphs 6.30 to 6.41).

4.137 The majority of the retail premises to be acquired are in London Road and acquisition is necessary to enable Line 1 to be segregated from other traffic. The London Road properties are in a run-down secondary shopping area of little architectural or townscape value. Their demolition would provide an opportunity for regeneration of the area once construction of the tram is complete. 3 non-residential properties would be demolished in Cherryfield Drive, Kirkby to accommodate the proposed tram terminus adjacent to the bus station in the town centre.

4.138 All of the land to be acquired is required for the purposes of constructing, operating and/or maintaining Line 1. Agreement has been reached between the developers of the King's Waterfront site to regulate the interface between Merseytram Line 1 and the proposed development there. The objection of English Partnerships has been withdrawn (see A31 Volume 3 at tab 55).

4.139 Merseytravel has considered other alignment options, including those proposed by objectors, with a view to reducing land take still further. These are addressed further in sections 6 and 7 of this report. Merseytravel has also had proper regard to the provisions of the Human Rights Act 1998. Article 8 of the European Convention on Human Rights (Right to respect for private and family life) is potentially engaged by the proposed compulsory acquisition of residential property. However, the alternative alignment proposed along Stonebridge Lane has adverse traffic or other implications (see paragraphs 6.44 and 7.68). There are no subsisting objections and there has been a prolonged period of blight. In the absence of the tram, the properties are likely to be demolished ahead of other development. All occupiers have been or would be rehoused, and owners compensated.

4.140 In the circumstances, the public interest lies in achieving the best alignment for the tram and this renders proportionate any interference with the rights of owners and occupiers of residential property. Similar considerations also render lawful and proportionate any interference arising from the acquisition of other property with the rights afforded by Article 1 of Protocol 1 (Protection of property).

### ***Other Statement of Matters Issues***

4.141 In February 2004, the Secretary of State for Transport served a Statement of those Matters in relation to which he particularly wished to be informed. The majority of these have been addressed above. The case of Merseytravel as to those remaining is as follows:

### ***Statutory Undertakers***

4.142 There has been unusually close liaison with statutory undertakers, including a statutory undertakers' forum. The draft Order contains suitable protection for statutory undertakers and agreements have been reached with Network Rail, Royal Mail, Freightliner, EWS Railway Limited, Transco plc and the British Waterways Board. These agreements have resulted in a number of the proposed modifications set out in the modified draft Order (A28/3). Objections from these bodies have accordingly been withdrawn. The following objections, however, remain outstanding:

4.143 **Manweb:** The only remaining issue relates to limitation of liability. Negotiations to resolve this were still in course at the end of the inquiry (see A31 Volume 2 at tab 39).

4.144 **National Grid Transco plc ("NGT"):** A 275 kV electricity cable runs along Muirhead Avenue, and there is no proposal to relocate it. NGT's remaining concerns relate to the impact of Line 1 on this cable. Merseytravel has offered to enter into an agreement to address these concerns, and to provide for single track operation of the tram in Muirhead Avenue in certain circumstances. The agreement would protect the cable and guarantee NGT access for maintenance work. The agreement had not, however, been completed when the inquiry closed (see A31 Volume 3 at tab 62).

4.145 **United Utilities Water plc:** A formal agreement reflecting the terms agreed between the parties on 8 June 2004 had been drafted but not signed when the inquiry closed (see A31 Volume 4 at tab 76).

4.146 Merseytravel proposes to design and construct Line 1 so that its operation and maintenance do not cause damage to third parties' infrastructure from stray current corrosion. It published "Merseytram - Stray Current Corrosion Control & EMC Management Requirements" (C6), which provided for the setting up of a Stray Current Working Party to consult and co-operate and comply with all reasonable requirements of potentially affected third parties. Following discussions with ten utilities and telecommunication companies, a draft agreement has been issued and subsequently amended to take into account the comments made on behalf of these companies. The phenomenon of stray electric current is well understood; there are many modern tram systems now operating in the United Kingdom, continental Europe and North America, and no significant problem with stray current has been experienced.

### ***The penalty fares provisions (TWA Order, Articles 55 to 61)***

4.147 As originally drafted, Article 57 of the TWA Order would have empowered Merseytravel to charge by way of penalty fare any reasonable amount of which reasonable prior notice had been given. Modifications to the Article now provide for a penalty fare of £10. This amount could be varied from time to time, but subject not only to notice being given, but to the written consent of the Secretary of State for Transport. The Secretary of State would also have power to direct that the penalty fare provision cease to have effect, should he consider that Merseytravel is failing to comply with the requirements of the Order in this respect.

### ***Removal of OLE for maintenance purposes (TWA Order, Article 19(6))***

4.148 Article 19(6) provides for a period of 56 days' notice to be given when the owners of buildings to which OLE equipment is attached require it to be removed for purpose of repair or reconstruction. Merseytravel recognises that the model TWA clauses provide for a period of only 28 days' notice. This, however, would be an uncomfortably short period for identifying an alternative temporary fixing point and carrying out the removal work. The continued operation of the tram might accordingly be placed in jeopardy. In the view of Merseytravel, 56 days should not prove an onerous notice requirement for property owners.

### ***Building maintenance byelaws (TWA Order Article 49)***

4.149 The purpose of such byelaws is to ensure that maintenance to buildings fronting Line 1 is carried out in a regulated and safe manner relative to the operation of the tram. The byelaws would

not come into effect until confirmed by the Secretary of State (Article 49(6)). Under a proposed additional provision to the Article (49(5A)), Merseytravel is required to consult the local authority before making the byelaws.

***Compensatory measures***

4.150 Property owners would be compensated in respect of compulsory acquisition of land and rights over land in the ordinary way. Apart from discretionary hardship payments to displaced street traders to be paid by LCC (see Schedule 15 to the Implementation Agreement), no special financial compensatory measures are considered appropriate.

## **5. The case for the supporters**

The material points are:

### ***British Transport Police***

5.1 The British Transport Police ("BTP") have worked closely with Merseytravel to reduce crime on the public transport system, with considerable success. In 2001, for example, there were some 4,000 offences on Merseyrail, a level reduced by 2003 to about 1,800. The BTP welcome the Line 1 proposal, and particularly the approach of Merseytravel to passenger security, including the provision of conductors, lighting and CCTV.

### ***Halton Borough Council***

5.2 Halton is a predominantly urban area situated on both sides of the estuary of the River Mersey between Merseyside and Warrington. It has a population of some 118,000. Though Line 1 would not run to Halton, the Council is strongly supportive of Merseytram in general and proposed Line 3 in particular, which it would wish to see extended beyond Liverpool John Lennon Airport into Halton.

### ***Liverpool Chamber of Commerce and Industry***

5.3 The Chamber is a committed supporter of Merseytram Line 1, and especially the proposed city centre loop. This, linking the bus and rail stations with the cultural, commercial and retail facilities of the city centre and with the waterfront, would provide a major boost to the City. In the route corridor out to Kirkby, Merseytram Line 1 would greatly aid the sustainable development of a number of key sites, whilst helping to connect people with employment opportunities, thus expanding the labour market to its widest possible extent. The Chamber also supports the extension of the proposed network to include Merseytram Lines 2 and 3.

### ***Royal Liverpool and Broadgreen University Hospitals NHS Trust***

5.4 The Royal Liverpool University Hospital has some 40 wards, providing 930 in-patient beds. There are about 300,000 outpatient appointments each year. The Dental Hospital based on an adjoining site has about 65,000 outpatient appointments each year. The proposal to site a tram stop close to the main entrance to the Hospital in Prescott Street is welcomed by the Trust. It believes that the proposed tram would provide an accessible, reliable and affordable mode of public transport enabling patients, visitors and staff to reach the Hospital. Many patients are elderly or less able; the provision of low-floor access, space for wheel-chairs, and visual and spoken announcements, and the presence on board of a conductor would all encourage vulnerable travellers to use the tram service.

### ***Liverpool Land Development Company***

5.5 The Company, formed in March 2003, is limited by guarantee and is a partnership between English Partnerships, Liverpool City Council and the North West Development Agency ("NWDA"). The Company's primary function is to administer four of the five Strategic Investment Areas ("SIAs") set up under the European Union Objective One Funding Programme. Work includes land reclamation, infrastructure improvements and environmental programmes.

5.6 The proposed Merseytram Line 1 corridor passes through the "Approach 580" SIA. This includes the proposed Stonebridge Business Park. A new district shopping centre is also to be established at Stonebridge Cross immediately to its south, which will include community and leisure facilities as well as a new superstore and ancillary retailing (see paragraph 4.46).

5.7 The Company regards the Line 1 proposal as a key regeneration component for the Approach 580 SIA. The tram, a high quality public transport system, would directly serve the SIA, and especially the Business Park and district shopping centre, linking them with the city centre, and assisting with the core labour supply. Line 1 would not only provide transport enabling potential employees to access

these development sites, but would attract the inward investment necessary to develop them. Many developers have a preference for heavy or light rail transport over buses. While the sites would probably be developed in the absence of the tram, their development would be accelerated by the Line 1 tram. The construction of the tram also has the potential to raise the image of Merseyside as an appropriate modern vessel for inward investment.

### ***Light Rail (UK) Limited***

5.8 Light Rail (UK) Limited is part of Transport and Training Services Group, a not-for-profit company promoting sustainable transport. Merseytram would promote investment interest in development sites, raise the profile of businesses, increase the take-up of employment opportunities, reduce congestion and air pollution by encouraging a modal shift away from the private car, and have a positive impact on property values in its vicinity. The company therefore supports the scheme for its regeneration, environmental and health benefits. Experience elsewhere suggests that the tram would act as a catalyst by hastening and expanding the development process. The tram would help to create a sense of city pride in Liverpool.

### ***Mrs Arlene McCarthy MEP***

5.9 Mrs McCarthy is also Labour Party spokesman on Regional Policy. In her view, the Line 1 scheme is an essential part of the regeneration process on Merseyside, encouraging businesses to invest there and enabling residents of some of the most deprived areas in the United Kingdom to access jobs and services. Much is to be learnt from the experience of Metrolink in Manchester, which now carries some 18m passengers per year. 3m passengers per year have transferred to Metrolink from buses, and 20% of Metrolink journeys would previously have been made by car. Metrolink has been a major contributor to the regeneration of Salford Quays and Eccles. The Line 1 scheme is also supported on similar grounds by Mr Terry Wynn MEP (see A33 at tab 9).

### ***Miss Jenny Kemp***

5.10 Miss Kemp has been Chair of Age Concern in Liverpool for some 30 years. In her view, trams are the only truly accessible transport mode for the elderly and disabled, many of whom are without a car or access to one. One of the main problems which Age Concern seeks to address is getting elderly people out of their homes, overcoming their sense of having outlived a useful life.

5.11 While some buses are equipped with low floor access, drivers often fail to pull into the kerb or are prevented by obstruction from so doing. Low floor access is then of little help to the less able. By contrast, the tram, being on fixed rails, would always come to rest in the same position relative to the stop. Old people would also welcome the additional security offered by having a conductor on every tram. Miss Kemp's own experiences of travelling by tram have confirmed these views.

### ***Local Solutions***

5.12 Local Solutions is a Liverpool-based charity providing support for people, including the disabled and elderly, who may be socially or economically isolated. Among its services are "Shopmobility" which hires out wheelchairs and scooters to people with disabilities, and "Travel Companions" which enables the elderly and disabled to use public transport with the assistance of a volunteer. The services provided by Local Solutions would be greatly enhanced by the proposed tram. It would provide a valuable weapon in the fight against social exclusion.

### ***Mr D Wade-Smith***

5.13 Mr Wade-Smith is an independent retailer trading at Albert Dock as "The Room Store". He has been actively involved in the regeneration of Liverpool for the last decade. Line 1 is an essential ingredient in improving the connectivity of people to the retail and other services on offer in Liverpool city centre, such facilities soon to be extended by major developments, including PSDA. Development proposals for the King's Waterfront area also predicate the provision of a fixed line

priority access by tram. The dual carriageway Strand is a significant physical and psychological barrier to access to the waterfront; Line 1 would break through this barrier at two separate points.

***Ms C Wilson***

5.14 Ms Wilson is a Rainhill Parish Councillor, and treasurer of a local coalition of disabled people. Line 1 would be the first modern form of fully accessible public transport, with low floor wheelchair access and a conductor. It would benefit the less able and assist with the local implementation of the continuing government initiative to persuade people to switch from private cars to public transport.

***Written Representations in Support***

5.15 Among those submitting written representations in support of Line 1 are ASLEF and UNISON, Everton and Liverpool Football Clubs, Halton Friends of the Earth, the Department of Civic Design of the University of Liverpool, and the North West Tourist Board. Merseyrail supports Line 1 on grounds of improved public transport integration. The written representations in support of the scheme are contained in A33.



## **6. The case for the objectors**

The material points are:

### **General Points**

#### ***Lack of Public Consultation***

6.1 Residents and businesses affected by the proposed tram, and members of the public generally have been inadequately consulted, and their views have not been properly taken into account in formulating the scheme. Information essential for proper evaluation of the scheme has been withheld by Merseytravel.

#### ***Scheme Funding and Deliverability***

6.2 Whether the scheme would ever be funded is at best uncertain, and Merseytravel's evidence in this respect is misleading, perhaps deliberately. It is claimed by Merseytravel that Government funding of £170m is allocated or committed to the scheme. The LTP Settlement Letter of 18 December 2003 (D48), however, refers in its last paragraph to the need for Merseytravel to request funding if the scheme is ready for full approval during 2004/5. It is accordingly clear that Merseytravel's claim that funds are committed is not true.

6.3 A further major slice of funding relied on by Merseytravel is £15m from the NWDA. It is well known that NWDA has significantly overspent and that its ability to fund further projects is limited or perhaps non-existent. Finally, as to the remaining £18m, which Merseytravel hopes to obtain from other local funding sources, none has been identified and there is no certainty, or even reasonable likelihood that these funds would be forthcoming.

6.4 If government funding is not committed, as the December 2003 settlement letter suggests, then the scheme will have to wait its turn, competing with other projects. The uncertainty of other sources of funding further undermines Merseytravel's case. Cost overruns are almost certain to occur, rendering the scheme even less likely to be built on time or at all. The risks of cost overruns are such that the candidates for the concession may be expected to pitch their bids high; in that event, even if Merseytravel is right in its claims of committed funding, the moneys would be inadequate.

#### ***Transportation Need***

6.5 In the view of a number of objectors, there is no clear need for Merseytram Line 1 in transportation terms. Passengers between Kirkby and Liverpool city centre are already catered for by the fast, frequent and recently refurbished Merseyrail Electric trains. The Line 1 corridor is well-served by a variety of bus services, though none of these precisely follows the full route of Line 1. The disruption which the tram would bring both during its construction and thereafter as a result of its operations cannot be justified. Its existence is certain to impact unacceptably and perhaps unlawfully on other public transport providers through competition.

#### ***Merseyside Rapid Transit ("MRT")***

6.6 During the 1990s, Merseytravel promoted a guided bus-way scheme known as MRT. This scheme was considered at a public inquiry held in 1998, and rejected both by the inquiry inspector in his report (D46) and by the Secretary of State in his decision (D47). The current scheme contains many of the same inherent failings. Merseytravel does not appear to have learnt from its mistakes. Moreover, the speed with which Merseytravel adopted the Merseytram scheme after rejection of MRT suggests that its disappointment at such rejection led to a "tram at all costs" mentality.

#### ***The Report of the National Audit Office***

6.7 In the course of the inquiry, on 23 April 2004, the National Audit Office ("NAO") published a report: "Improving public transport in England through light rail" (D58). In the view of a number of

objectors, many of the concerns expressed by the NAO with regard to light rail systems are relevant to Line 1 and have the effect of undermining the over-optimistic case put forward by Merseytravel.

6.8 These concerns include the following: that the costs of construction and operation of light rail systems have often been underestimated, sometimes very significantly; that, since anticipated benefits have also often fallen significantly short of predictions, many systems are operating at a significant loss; that some, perhaps most systems have therefore under-performed. Examples are: The Midland Metro which operated poorly for two years after opening; on the Sheffield Supertram, passenger numbers remain 45% below predicted levels eight years after opening. Manchester Metro by contrast has proved so popular as to be subject to serious overcrowding during peak periods.

6.9 Some systems have been poorly integrated with other transport modes, especially buses. There is little information as to any beneficial impact of light rail systems on regeneration and social inclusion. They have had only a limited impact on congestion, pollution and road safety. Compared with systems in France and Germany, light rail operations in England have generally performed poorly.

***Glenvale Transport Limited ("GTL")(OBJ/179)***

6.10 GTL is one of a number of private commercial bus operators in Merseyside. It commenced operations in July 2001. It came into being as a result of a ruling by the Monopolies and Mergers Commission requiring Arriva, the largest bus company in Merseyside, to dispose of 10% of its assets to avoid undue concentration of bus services under the control of one operator. Arriva decided to sell the Gillmoss Bus Depot, together with a fleet of 120 buses, and GTL was the successful bidder.

6.11 GTL has expanded rapidly and now employs about 850 staff and operates about 300 buses from two depots, included in which, in its operations based at Gillmoss, are 550 staff and 210 buses. It operates about 25% of all bus services on Merseyside, including 50% of the bus services in the Line 1 corridor. While the impact of competition for customers from the proposed tram on GTL cannot be precisely predicted, it is likely to result in the loss of revenue of up to £10m per year, of between 75 and 91 buses, and of between 140 and 305 jobs. In addition to the adverse impact on GTL's business, this loss of employment runs counter to Merseytravel's claims with regard to the alleged socio-economic benefits of the scheme.

6.12 Merseytravel has demonstrated no transport need for the proposed tram. There is a train service between Kirkby Railway Station and central Liverpool which provides a train every 15 minutes, with a journey time also of only 15 minutes. There is a frequent bus service in the Line 1 corridor. The time saving for most journeys within the line 1 corridor resulting from use of the proposed tram rather than the bus is at most 5 minutes. Even this claimed marginal advantage is misleading because it takes no account of the additional waiting time for the tram or of the longer average walk to the tram stop predicated by the wider tram catchment area compared with that of the bus. There is ample bus capacity: a bus can carry up to 50 passengers, but average use is only 12 to 14 passengers per bus.

6.13 Nor can a compelling need for the tram be shown by reason of a potential transfer to the tram of journeys currently undertaken by car. Current congestion levels in Liverpool are admitted by Merseytravel to be low. While there would be some small improvement in air quality if trams replace buses, most pollution is caused by cars, with buses impacting relatively little on air quality. Merseytravel also relies on the vain hope of decoupling economic growth from a growth in car ownership and use as prosperity increases. There is no evidence from elsewhere in the United Kingdom that this unrealistic expectation will be met. If motorists are not persuaded to shift to the very frequent existing bus service, why is it to be expected that they would shift to a less frequent tram service?

6.14 GTL concurs with the view of other objectors that Merseytravel has learnt nothing from the MRT failure. Indeed, within a few months of the promulgation of the MRT decision, Merseytravel had already decided to promote the tram, irrespective of cost, need or consequences for other public

transport operators. As with the MRT, if there were a need for a public transport service running from one end of the Line 1 corridor to the other, existing bus operators would already have exploited it.

6.15 Merseytravel makes much of the benefits which it claims the tram would bring to the disabled. The comparative advantage is overstated. All local buses are required to be equipped with low floor access by 2015, and GTL is on target to complete this process well in advance of that deadline. Metrolink, a specialised transport system for the disabled, is already in place; Metrolink journeys can be prebooked and cost no more than the ordinary bus fare.

6.16 Nor can it be claimed that the proposed tram would provide regeneration benefits beyond those already in prospect. It is admitted by Merseytravel that none of the proposed developments in the City Centre and along the Line 1 corridor is dependent on the tram being in place. As is noted in the NAO Report, "it is difficult to separate the impact of light rail from other regeneration programmes or from changes in the local or national economy." (D58 at page 5). On the second day of the inquiry, it was announced that a German media company is to build a large printing complex near Liverpool John Lennon Airport. The thousand jobs this would generate would be quite independent of the tram.

6.17 While it is accepted that no existing bus route duplicates Line 1 in its entirety, there is currently a bus service between Kirkby and Liverpool city centre on average about every two minutes. There is accordingly no need or natural demand for a tram. This is evidenced by the Merseytravel's policy to attract patronage to the tram by giving it an unfair advantage over the bus. The careful segregation of Line 1 from other traffic is an example of this, as is the public funding of attractive stops, CCTV and tram conductors. The retention of low fares through public subsidy would also give the tram an unfair advantage. These proposals are contrary both to the spirit and letter of the Transport Act 1985, which envisaged a fully deregulated, unsubsidised bus environment.

6.18 There has been no attempt by Merseytravel to consult GTL in the course of its development of the Line 1 route. Merseytravel claims that the Merseyside Integrated Transport Forum ("MITF") and the Bus Forum provided opportunities for discussion, but neither is the appropriate context for detailed discussion of such matters as the impact of the tram on GTL employment, service schedules, fare structure or on its operations during tram construction. MITF, for example, meets only on a quarterly basis, has an average attendance of about 50 people, ranging from representatives of ramblers' organisations to health authorities. It does not provide an opportunity for detailed discussion of issues of fundamental importance to bus operators. The Bus Forum is not currently meeting.

6.19 The construction of the tram would turn the centre of Liverpool into a building site for a period of at least two years. The disruption caused to bus services and to all other road users cannot be justified in the absence of benefits to be provided by the tram in transportation or regenerative terms.

6.20 Much reliance is placed by Merseytravel on the SIPTN, a leading LTP initiative. The proposed tram fails almost every possible test of integration. There is no attempt to integrate it with the rail system by extending Line 1 to Kirkby Railway Station. There have been no discussions with GTL as to integration with bus services. Merseytravel appears to expect GTL to adjust its services so as not to be in direct competition with the tram; however, integration cannot be forced and continuing competition from other public transport modes means that Merseytram's patronage and revenue predictions are wholly speculative.

6.23 The promotion of Merseytram is not necessary in transport terms; it is in reality an attempt to re-impose regulation of bus services by indirect means, Merseytravel having failed to persuade government to re-regulate directly.

6.24 Most of the development work for Merseytram, including the comparative modal studies, was only carried out as a cosmetic exercise, the decision having already been taken to construct the tram. Despite a mass of evidence and supporting documents provided to the inquiry, Merseytravel's case remains unclear and evasive in many respects. Annual staff costs, for example, are estimated by Merseytravel at £4.13m per year. This equates to an average weekly wage of £299, which is less than a Merseyside bus driver earns. These predictions are unrealistic and underestimated by about £1m per

year or 24%. This underestimate is alone sufficient to turn the predicted operating profit into a loss. Such operating losses would ultimately be borne by the public. The NAO Report comments critically on unrealistic costs and revenue estimates.

6.25 Compulsory purchase of part of GTL's Gillmoss bus depot site for the purposes of Line 1 adds insult to injury, and would further impair GTL's ability to operate in competition with the tram. In the light of the failure of Merseytravel to make out a cogent case for the tram, there can be no compelling reason for compulsory acquisition of part of GTL's land such as to satisfy the criteria set out in statute and in ODPM Circular 2 of 2003 (F6). Moreover, if the tram is to be built at all, an alternative alignment could be found either using the A580 central reservation or running along its southern side. This would avoid taking any GTL land.

6.26 GTL objects specifically to the proposed modification of the Order with regard to St John's Lane (see also paragraphs 6.73 and 6.74). The modification would prevent bus access to Lime Street Station, cause increased congestion at the Queen's Square bus stands, and increase the number of buses running across the entrance to the Birkenhead (Queensway) Tunnel. This proposed modification is a further deliberate attempt by Merseytravel to damage the interests of bus operators.

#### ***Mersey Docks and Harbour Company (OBJ/269)***

6.27 The Company's objections concerning the potential impact of the scheme on its dock facilities and development aspirations have been withdrawn. It maintains its opposition to the scheme on economic grounds, however. The scheme is poorly targeted and does not represent good value for money. The money could be better spent on other projects, including the provision of a new deepwater harbour and cruise liner terminal, or improvements to local roads and the provision of a rapid rail link to Liverpool Airport.

6.28 The rate of return on investment has not been calculated and this renders impossible a proper assessment of the predicted economic performance of the scheme. The tram would destroy employment in the bus and rail industries. The scheme appraisal fails to take into account the need to keep company transport costs low by ensuring increasing car access to city centre facilities. The demolition of the Churchill Way (South Flyover), for example, would reduce vehicular access to the city centre with depressive effects on retail trade and other commercial activities.

#### ***Transit Promotion Limited (OBJ/252)***

6.29 Transit Promotion Limited ("TPL") was represented at the inquiry by Professor Lewis Lesley, a retired transport academic, most recently Professor of Transport Science at Liverpool JM University. Though a proponent generally of electric tramways, he opposes Merseytram Line 1 on the following principal grounds.

6.30 In preparing and presenting its case for Line 1, Merseytravel has ignored two basic principles: truth and fairness. It sought, for example, to withhold the December 2003 LTP Settlement letter, which clearly establishes that government funding for the scheme is not in place. That there was a proposal to relocate the Paradise Street tram stop to Canning Place was revealed only at the inquiry. Merseytravel is seeking to reintroduce a Soviet style Command Economy transport system, contrary to government policy, which is to have competition and commercial operators.

6.31 TPL endorses the view of other objectors (paragraph 6.2 to 6.4) that funding for the scheme is precarious and that there is therefore only a limited prospect of Line 1 being built on time or at all. Since 1980, a new light rail scheme has been opened only every three years. Merseytram Line 1 is one unexceptional proposal in a general queue for government funding, and, since there are already 4 schemes which have the necessary TWA and other powers in the queue, it is not unreasonable to predict that Line 1 would not be ready for opening until 2018 or 2019.

6.32 Even if Merseytravel is correct in its claim to have provisional funding, there is little prospect of the scheme being constructed in accordance with the very demanding schedule proposed. It appears to be Merseytravel's expectation that the decision of the Secretaries of State, following the closing of

the inquiry and the submission of the inspector's report, would be forthcoming at the end of 2004 or early in 2005. Even if this time scale is met, government funding would not be available until the issue of the December 2005 LTP Settlement Letter, thus preventing work commencing until 2006.

6.33 The scheme would therefore not be completed ahead of the 2008 Capital of Culture year. Merseytravel and LCC have agreed that if the construction works are incomplete in September 2007, they would be suspended in Liverpool city centre (clause 6 of the Implementation Agreement (D60)). To avoid the wasted costs and disruption which would ensue, it is likely that Line 1 construction work would therefore not commence at all in Liverpool until 2009. Such an outcome would undermine Merseytravel's economic appraisal of the scheme.

6.34 The scheme would meet no identified transport need, and, indeed, would damage competing transport undertakings such as local trains and buses by unfair competition. There is already a train service between Kirkby and Liverpool run by Merseyrail. It is not disputed that this journey takes about 20 minutes less than the predicted journey time of the proposed tram. Yet of the 9m passenger journeys which Merseytravel claims would take place by tram in the opening year of Line 1, 1m are expected to have transferred from the train. This would amount to 4% of Merseyrail Electrics' annual passenger traffic.

6.35 The loss of revenue received by this subsidised rail service would increase the cost to the public purse. Merseytravel claims that an advantage of the tram would be a frequent reliable service from Kirkby into central Liverpool: there would be a tram every five minutes during normal hours. There is no reason why the Kirkby to central Liverpool train service should not be upgraded to provide a similar service, without the cost and disruption which construction and operation of Line 1 would entail.

6.36 Similarly, the route corridor of Line 1 is well served by buses. Merseytram expects nearly 7 million of its passenger journeys to come from the buses. Only 1 million would be transfers from the car. If, instead of spending more than £225 million of public funds on the tram project, a much smaller sum were spent on improvements to bus infrastructure and services, similar improvements could be achieved at a much lower cost. Under the Transport Acts, Merseytravel has available to it new powers in the form of Quality Corridors and Quality Contracts to improve the quality of bus services. Working more effectively with bus operators to achieve the transport benefits available under the powers would be more productive in every respect than spending large sums of money on the promotion of a tram which serves no purpose.

6.37 It is acknowledged that traffic congestion is not currently a general problem in Liverpool, and only 10% of the Line 1 patronage is expected to be drawn from car users. The scheme cannot accordingly be justified as effecting a significant modal shift or materially easing congestion. It is not critical in relation to Capital of Culture 2008, since it does not serve the Airport, where many of the visitors may be expected to arrive.

6.38 The regeneration benefits of the scheme are also overstated. If £240m were spent on direct job creation, some 24,000 new jobs might result. Merseytravel's case is that only about 2,000 new jobs would be generated by Line 1. Use of land at Stonebridge for the OCC and P&R reduces the development potential of the proposed Business Park.

6.39 Merseytravel's financial predictions both as to patronage and income and as to operating costs are unreliable. Tram patronage would be significantly lower than the 9.86m journeys per year forecast, perhaps as low as 3m in the first year of operation. This would produce an annual revenue of only £4.6m, rather than £9m predicted by Merseytravel; because of significantly underestimated staff costs, operating costs are likely to be in the order of about £11m per year rather than the £6.56m forecast by Merseytravel.

6.40 Line 1 would accordingly make very significant operating losses. All existing tramways in the United Kingdom (with one exception) are loss making.

6.41 It is self-evident that by promoting a tram which is largely to be publicly funded, in direct competition with buses and trains which are in large part without public subsidy, Merseytravel is acting in contravention of EU competition law. Any grant of public money would be challengeable in court or before the European Competition Commissioner. A successful challenge would undermine the already unrealistic timetable for construction and bringing into operation of Line 1.

6.42 It is also clear that the tramway could satisfactorily be constructed on a different alignment in some locations so as to reduce the extent of compulsory land acquisition. Rather than demolishing the Churchill Way (South Flyover), the winner of architectural awards, the tram should be routed along it. These alternatives are set out in more detail in paragraphs 6.44 to 6.48. Since such alternatives are available, it cannot be claimed that the criteria for compulsory purchase, a compelling need in the public interest, have been made out in respect of all the land to be acquired.

6.43 The NAO Report identifies a failure to integrate with other public transport networks as one of the shortcomings of existing LRT schemes. Merseytram Line 1 also falls short in this respect. A glaring example is the failure of Line 1 to link up with Merseyrail at Kirkby Railway Station. A passenger arriving at the Station wishing to travel to a destination served by the tram would need first to walk or, more likely (since the distance is about 1 kilometre) take a bus to the tram terminal in Kirkby town centre. If Line 1 is to be built at all, then it should be extended to Kirkby Railway Station, either as a non-segregated double track or as a single line segregated extension. It is also inexplicable that Line 1 is not to run through the Queen's Square bus station, providing a cross-platform interchange.

6.44 An alternative alignment in Stonebridge Lane following the existing carriageway and with an island platform stop should be adopted. This would avoid the need for compulsory acquisition and demolition of the Stonebridge Inn and residential properties in Shard and Hambleton Closes. Other alternative alignments proposed below would similarly reduce land take.

6.45 The terminal proposed at King's Waterfront should be abandoned. The Transit Shed Gable should be used as a backdrop and entrance to an alternative terminus at Albert Dock. This would also address the recognised difficulties arising from siting a tram stop in the vicinity of the listed Albert Dock walls.

6.46 It is in any event unnecessary for the terminus to be more than two-track. The four tracks proposed by Merseytravel might be necessary if all three lines were in place, but not for Line 1 alone. Even if the proposed arena is ever built, and had a special function every day, there would still be insufficient patronage to warrant either the extension of the tram to King's Waterfront, or the construction there of a four-track terminus.

6.47 Similar considerations apply to Pier Head. The proposed Fourth Grace development could be readily served by a tram stop in the Strand, omitting the Pier Head loop. A tram stop further south on the Strand would not be significantly further from the main retail facilities, including the PSDA. This would mean that the Whitechapel/Paradise Street link proposed by Merseytravel would be redundant.

6.48 If it is to be built at all, Line 1 should therefore be constructed as an unbifurcated single route running west through Liverpool city centre from London Road, past Lime Street Station and St. John's Lane, and then rejoining Merseytravel's proposed route section via Moorfields as far as the Strand. It would then follow the Strand southwards, but only as far as the proposed terminus at Albert Dock. This would represent a more cost-effective alternative which would nevertheless meet all of Merseytravel's aspirations with regard to its own preferred route.

6.49 These alternatives are put forward entirely without prejudice to TPL's objections in principle to the proposed tram. As was said on TPL's behalf in closing: "Merseytram is not a real transport project. It is not a regeneration project. ... It suits the vanity and flatters the ego of the leadership of Merseytravel (which) looks like a small boy waiting and hoping that Uncle Gordon will give them a Hornby Tram Set for Christmas."

***United Utilities Facilities & Property Services Limited ("United Utilities")(OBJ/214)***

6.50 United Utilities is the freehold owner of the Axis Business Park located to the north of the A580 East Lancashire Road east of Stonebridge Cross. While there has been significant progress towards agreement with Merseytravel as reflected in the Rebuttal Document P27, three issues remain. Two of these relate to compensation and it is accepted that they are not matters for the inquiry or this report.

6.51 The remaining concern relates to the future ownership of a small piece of land ("the Carcraft land") which now forms part of a balancing pond. This was to have been conveyed by United Utilities to Carcraft, occupiers of premises in the Axis Business Park. At the request of Merseytravel, the footprint of Carcraft's building was moved, as was the boundary of the land to be transferred to Carcraft. The intention was that Merseytravel would acquire the piece of land now in issue. Merseytravel now refuses to take a transfer of the land. The Order should not be made unless and until Merseytravel enters into an agreement to do so.

***Ms P Boulton (OBJ/178)***

6.52 Ms Boulton is a resident of Muirhead Avenue, along which Line 1 would run if the scheme is approved. Her objection is on her own behalf and on behalf of neighbours and friends. There is a written objection from one other Muirhead Avenue resident. There has been no proper consultation with residents of Muirhead Avenue about the tram proposal.

6.53 Muirhead Avenue is among the most pleasant, picturesque and open roads in Liverpool. If the tram runs along it, there would be a significant loss of trees, leading to an unacceptable impact upon wildlife. Squirrels use the tree cover in the central reservation widely; removal of "the wrong tree" would lead to their total demise. There would be a similar impact upon the family of ducks which visits in Summer.

6.54 The tram would cause loss of road space for other users, and of parking spaces for residents. The tram stop planned nearby would attract criminal elements and vandals. The impact of noise both during construction and thereafter by reason of operation of the tram would be unacceptable. Residents would be disturbed by audible announcements both on the tram and at tram stops. Changes to junctions to accommodate the tram, including the Muirhead Avenue/West Derby Road junction, would make them less safe and more congested for other traffic. All of this would render Muirhead Avenue a less pleasant place to live, and have a negative impact upon property values.

6.55 If Line 1 is to be constructed at all, then an alternative route along Everton Road and Breck Road would be shorter, would serve an area of higher population density and would avoid the environmental damage flowing from the proposed route along Muirhead Avenue. Alternatively, the route should continue south-east along Queen's Drive and then west along Mill Bank and West Derby Road to the junction at the south-western end of Muirhead Avenue.

***Mr P Brown (trading as Marathon Motors)(OBJ/260)***

6.56 Since 1984, Mr Brown has operated a car repair business and MOT test station at 10/12 Broadway West. This is a cul de sac which leads south from the Broadway junction and his premises are located about 40 metres from the south side of the junction. He is concerned that the re-ordering of this junction which would be necessary if the tram is constructed would be dangerous and/or obstructive and would have an adverse impact on his business. A relatively small reduction, say 10%, in the level of his business would render it non-viable.

6.57 Mr Brown acknowledges that, as a result of his objection, Merseytravel have reviewed and now propose to modify their proposals for the junction so as to obviate the U-turn across the tram tracks which would previously have faced customers approaching from the west and north. The revised design, however, is still unsatisfactory. The junction is currently laid out as a double mini-roundabout. The need to accommodate the tramline through the centre line of the junction would mean that this would be replaced with a single, elongated, signalised roundabout.

6.58 The effect would be to confuse customers and to place them at risk. Customers using the roundabout would have to use the outer lane while on the roundabout, but then cross to the nearside lane so as to be able to turn off it into Broadway West. This would create a safety hazard. Pedestrians, including the disabled, crossing the northern end of Broadway West would also be placed in danger.

6.59 Merseytravel is seeking powers under the TWA Order to make future changes to the TROs (see paragraph 4.134). This would create an unacceptable degree of uncertainty for Mr Brown with regard to his customers' future access to his premises.

***Thomson Partnership (trading as Kentucky Fried Chicken)(Obj/243)***

6.60 The premises from which the Partnership trades are located on the northern side of West Derby Road. The particular concerns expressed on behalf of this objector at the inquiry related to the impact of the tram on parking for customers and deliveries in the vicinity of the objector's premises. Following discussion with Merseytravel, assurances were given at the inquiry that a lay-by for parking would be provided, and that a modification of the draft Order would be promoted removing a proposed loading ban on the adjacent side street. As a consequence, the objection was withdrawn orally at the inquiry on 29 April 2004.

6.61 Nevertheless, by letter dated 28 May 2004, the objection was expressly renewed in respect of the remaining grounds of objection apart from those relating to loading and parking. The other grounds mainly relate to the impact of the tram on buses and other traffic, and are set out elsewhere in this section of the report as part of the case of other objectors and responded to by Merseytravel in the next section.

***Mr H Mylett***

***Miss D Matthews***

***Mr R Wall (OBJs/270, 271 and 272)***

6.62 These objectors are residents of Hambleton Close and Shard Close on the Stonebridge Estate, where 15 properties would be acquired and demolished (see paragraph 4.135). Following discussions in the course of the inquiry, these objections were formally withdrawn on 19 May 2004 (see A31 Volume 4 at tab 111).

***Ms M Kinsella (OBJ/221)***

***Ms P Williams (OBJ/170)***

6.63 Utting Avenue East ("UAE") runs from the Broadway junction north-eastwards for some 1.5 kilometres. The alignment proposed for Line 1 would run partly along and partly alongside the full length of its central reservation. Nevertheless, residents have not been consulted and certainly did not receive the questionnaires or leaflets which Merseytravel asserts were sent out. There are a total of 153 separate written objections from residents of UAE, and a multi-signature petition (annexed to OBJ/14 in IQ3). Though not attending the inquiry, Mrs M Sutton (OBJ/32) submitted a Proof of Evidence.

6.64 The proposed tram would have a severely adverse impact on the residents of UAE. This impact runs counter to Merseytravel's claim that the tram would improve the quality of life in Merseyside. The tram would be noisy and visually intrusive. Vibration from heavy trams may undermine the foundations of nearby houses.

6.65 The introduction of Line 1 would reduce the existing two-lane carriageways to one lane. This would be inadequate to accommodate traffic flows, and there would be an adverse impact on parking, inconveniencing residents and their visitors, especially the disabled. Most families living in UAE own two cars. Congestion would make vehicular access to properties more difficult and dangerous. Experience in Sheffield suggests that the operation of Line 1 would lead to a significant number of tram-related accidents. Changes to junctions along UAE would adversely affect road safety and create new hazards for pedestrians.



6.66 Tram operations along UAE would have a negative impact on property prices. There would be a loss of trees and of open space. This runs contrary to local policy to make Liverpool "greener". The loss of trees and open space would damage flora and fauna.

6.67 The area is already well-served by a frequent bus service; many buses are less than half-full. Competition from the tram would lead to loss of employment in the bus companies. The tram would not succeed in persuading people to switch from the car. The cost of travelling by tram, as in the case of the bus, would be too great, especially for a family. Car parking in Liverpool is neither difficult nor expensive. There would accordingly be no reduction on travel by car and no improvement in air quality. The proposed tram stops would become the focus of vandalism and anti-social behaviour.

6.68 If the tram is to be built at all, then an alternative route could and should be adopted, avoiding UAE. Instead of turning into UAE at the Broadway junction, Line 1 should continue north along Townsend Avenue and then east along the East Lancashire Road to rejoin the route proposed by Merseytravel at Stonebridge Cross.

### ***Mr L Roche***

6.69 Merseytravel has failed to make available all information necessary for the individual citizen in Liverpool to form an objection to the scheme. The scheme if constructed would have a major impact on the life of such citizens, not least through the need in the future to meet its losses. For example, if the Mersey Tunnels Bill receives Royal Assent, it would give Merseytravel the power to use any tunnel toll surplus towards other transport projects, including Merseytram. Ordinary members of the public might not be aware of this potential power.

### ***Written Objections***

The material points (in addition to those set out earlier in this section) are:

6.70 All written objections are contained in Document IQ3. Subsequent correspondence is contained in the 4-Volume Document A31. A schedule listing all objections and indicating their status at the end of the inquiry is to be found at the beginning of Volume 1.

### **General Points**

#### ***Loss of Access***

6.71 A number of owners or occupiers mainly of commercial buildings along the Line 1 route remain concerned at the impact the tram would have on access to their premises. These concerns include loss of parking for customers, deliveries and servicing of the building generally. In one case, an objector expresses concern about the need albeit infrequently to gain access to the rooftop of the building, using a crane.

#### ***OLE Fixings***

6.72 A number of unwithdrawn written objections relate wholly or in part to the proposal to fix OLE to buildings. Concerns include: the damage which affixing may cause, including additional wear and tear; the risk of stray current; and difficulties which could arise in maintaining and/or developing premises. There are remaining concerns relating to Merseytravel's liability for repairs necessitated by the attachment of OLE. Some objections relate specifically to OLE fixings to listed buildings. These are addressed in the attached report of the Assistant Inspector at paragraph 5.6.

### ***St John's Lane***

6.73 In addition to the objection of GTL set out in paragraph 6.26, the proposed modification in respect of St John's Lane (see paragraph 7.107 et seq) is objected to by Arriva North West and Wales, and by Mr J Kennedy. Closing St John's Lane would compound existing congestion problems at the Queen's Square bus terminal. Although this is a modern facility, it was constructed without adequate lay-over capacity, so that buses must time their arrival/departure to the minute. Since some of these

journeys last more than an hour, such punctuality can only be achieved by buses "circling" in the manner of delayed incoming aircraft, using Victoria Street and St John's Lane.

6.74 Loss of road space at the mouth of Queen's Square would reduce this already very congested junction to gridlock. St John's Lane should be shared by buses and trams so as to improve bus access. As an alternative, trams should be limited to a single track in St John's Land, leaving it otherwise open to through traffic. Mr Kennedy also supports TPL's view that the Churchill Way (South Flyover) could be retained and use by the tram.

***Mr and Mrs R Johnson (OBJ/158)***

6.75 Mr and Mrs Johnson live at 17 Moorgate Lane, alongside the section of the proposed Line 1 route along Moorgate Road into Kirkby. Their objection relates to safety, noise and a feared negative impact on property values. In particular, since their property is only 5 feet (1.5 metres) from the nearest point of the tram track, a full safety barrier should be erected.

***Mr J F Lambert (OBJ/263)***

6.76 In addition to a number of grounds of objection raised by other objectors, Mr Lambert considers that a decision on the proposed tram should be postponed in order to enable new alternative technologies to be evaluated, including clean fuel cell-powered vehicles and overhead systems. Otherwise, a decision to return to the tram, a 19th century transport solution, would preclude the adoption instead of a 21st century alternative.

***Merseyside Cycling Campaign (OBJ/223)***

6.77 The Campaign's remaining concerns relate to the integrity of city centre through routes for cyclists, and especially along Water Street and Broad Lane, and to Storrington Avenue, east of UAE. The draft TROs would close part or all of these routes to all traffic except trams. The loss of these through routes would run counter to national and local policy to encourage cycling.

***Councillor S Monkcom (Obj/273)***

6.78 Councillor Monkcom is a LCC councillor. Lack of public awareness of the Line 1 proposals is a matter of concern, and scant information has been provided as to the tram's proposed route. Local residents and the owners of local businesses would have objected in large numbers if they had been given full information about the proposals.

6.79 No-one from within the city boundary would want to use the proposed P&R; those from outside Liverpool would be deterred from using it because it would be a paradise for criminals. "Yobs" would derail the trams as they now derail trains. Using Dale Street for trams and demolishing the Churchill Way (South Flyover) would result in gridlock. Similar gridlock would result from the proposed use of West Derby Road for the tram.

***Railway Paths Limited (OBJ/215)***

6.80 The objection of Railway Paths Limited ("RPL") relates to the Broadway junction overbridge, formerly part of the Liverpool Loop railway line. This now forms part of the Trans Pennine Trail, a cycle path. RPL has a long lease of the bridge and former railway line. To accommodate the operations of the tram and the associated OLE under this bridge it would be necessary to raise it by some 0.8 metres.

6.81 Many of the concerns of RPL have been met by explanations given and concessions made by Merseytravel. These are recorded in the correspondence contained in A31 Volume 3 at tab 59, and led to an agreement being prepared in draft. However, covenants given by RPL on acquisition of the former railway property place it under a legal duty to ensure that it neither takes nor permits any action which would jeopardise the re-introduction at some future date of rail operations along the former Loop line. While the needs of cyclists could no doubt be accommodated on the raised bridge by the provision of appropriate ramps, the potential need for lengthy embankments on either side and

for other major works if the bridge were to be brought back into railway use would be in breach of the duty set out above. It therefore remains RPL's position that it cannot be a party to the proposed agreement with Merseytravel.

6.82 Merseytravel should either, in the course of the tram works, carry out the works necessary to re-introduce a train service across the bridge, or give a direct covenant to the Secretary of State for Transport and to BRB (Residuary) Limited, in parallel terms to that which currently binds RPL.

***Flanagan Property Services Limited (FPSL)(OBJ/201)***

6.83 Through a subsidiary company, FPSL owns the Stonebridge Inn, located to the east of Stonebridge Lane at the junction with the A580 East Lancashire Road. It is part of the Stonebridge Cross development site, and it is anticipated that it will be acquired by the developers of that site. No agreement has, however, yet been reached. FPSL accordingly objects to the scheme, supporting the alternative alignment in Stonebridge Lane proposed by Professor Lesley (paragraph 6.44) which would avoid the need to acquire the Inn.

## **7. The response of Merseytravel**

The material points (in addition to those set out in Section 4 of this report) are:

### **Introduction**

7.1 Given the scale of the Line 1 proposals, the extent of sustained objection to the scheme is limited. Numerous individual property objections were submitted, but in many cases have now been withdrawn (see A31). Only four objectors to the principle of the scheme, GTL, the Mersey Docks and Harbours Company, TPL and Mr Roche appeared at the inquiry. As to local residents concerned at the impact of the tram, despite the volume of objections from residents of UAE, only two residents appeared at the inquiry, with a more detailed written submission from a third. Only one other local resident (from Muirhead Avenue) appeared.

7.2 There is no sustained or argued challenge to substantial areas of Merseytravel's case, including the Environmental Statement and other environmental evidence. Apart from those addressed in responses to individual objectors, there is no argued or sustained challenge to Merseytravel's economic appraisal of Line 1.

### **General Points**

#### ***Lack of Public Consultation***

7.3 There has been very widespread public consultation. This was launched immediately following the announcement in December 2002 of in-principle funding. There were: 13 one-week exhibitions at locations along the Line 1 route; additional exhibitions and presentations; a distribution of about 300,000 questionnaires, including some 70,000 to every household within the assumed maximum 800-metre catchment area on each side of the proposed tram route; and a dedicated web-site which received nearly 300,000 "hits" in five months in early 2003.

7.4 The exhibitions were visited by more than 16,000 people, and about 9,000 returned the questionnaire. Full details of the process are set out in the Public Consultation Report (B7). About 90% of those who responded supported or strongly supported the tram proposal, with only 3% opposed to it. In addition to consultation and the testing of consumer preference, Merseytravel commissioned an opinion poll. This again recorded some 90% of respondents as supporting or strongly supporting the tram scheme with only 2% opposed to it.

7.5 In parallel with this general public consultation, Merseytravel identified some 200 key stakeholders, including local authorities, other development agencies, design and other interest groups and major employers. The opinion of all of these has been canvassed.

#### ***Scheme Funding, Deliverability and Risk Assessment***

7.6 The requirements as to funding to be met by an applicant for a TWA Order are set out in the "Guide to TWA Procedures" (DETR: 2001), an extract from which forms Document F13. Paragraph 1.33 states that: "the applicant should be able to demonstrate that the proposals are capable of being financed in the way proposed". Paragraph 1.34 continues: "The applicant will not however be expected to have secured the necessary funds to implement the proposed works before the TWA order is determined. .... The Secretary of State's concern is to establish that there is a reasonable prospect of a scheme attracting the necessary funds to implement it." Merseytravel is thus not required by the guidance to show that all the funding is guaranteed, committed, or even earmarked.

7.7 As set out above (paragraphs 4.50 to 4.52), the requirements of the Guide have been more than met by Merseytravel. It has central government funding earmarked in the sum of £170m at 2nd quarter, 2003 prices. A further £25m has been allocated out of Objective One funds.

7.8 A bid for £15m has been provisionally accepted by the NWDA. Although it is asserted by objectors that NWDA has overspent its 2004/5 budget and that promised funds are therefore unlikely to be forthcoming, there is no evidence that any alleged difficulties experienced by NWDA would affect the tram project. The remaining £18 million required is expected to be raised locally. It would be surprising if this sum were not forthcoming, given the significant number of sites for future development along the Line 1 corridor which are set out in paragraph 4.46.

7.9 Merseytravel accepts that any construction cost shortfall would have to be met locally. Built into the economic assessment of the scheme are sensitivities and anti-optimism-bias measures as advised by government and referred to in the NAO Report (D58).

7.10 Despite the meaning which some objectors seek to read into the settlement letter of December 2003 (D48), the letter confirms this position. It states that Line 1 has been granted central government funding in the sum of £170m, provisional on obtaining the necessary powers. It goes on to agree that if the scheme is ready for full approval during 2004/5, requests for funding would be considered at that point; this last statement merely means that requests to draw down the approved funds cannot be made unless and until full approval is in place.

7.11 The risk review referred to in paragraph 4.67 is an on-going process. Substantial preparatory and design work has already been carried out, leading to a refinement of the design of the project and permitting the management of risk on a continuing basis. As a result of a review, using the @Risk computer model, there was, at the time of the inquiry, an additional cost of £50.4m to reach a 95% confidence level. This is equivalent to 21.5% of the total project cost, and is in line with expectations generally at this stage in a project. If this additional sum is added in full to the construction cost, then the NPV falls to £167.0m and the BCR is reduced to 1.64 (see paragraphs 4.64 to 4.66); thus the scheme's economic performance nevertheless remains robustly positive.

7.12 The scheme is not one in which large-scale engineering works would be needed. Further work has been carried out to reduce the risk of unforeseen expense. For example, substantial surveys of ground conditions have been conducted, including a radar survey of cellars in Dale Street. Substantial work has been carried out, directed to resolving problems which might otherwise later impact upon costs. In his remarks made in the course of a visit to Liverpool on 11 May 2004, the Secretary of State for Transport recognised this when he said: "One of the reasons we were able to fund the Liverpool tram was because (Merseytravel) had done a lot of work to bottom out the problems that other tram systems have faced" (D62).

7.13 Other sensitivity tests have also been conducted in accordance with government guidance. For example, the operating costs would have to increase by 37% over current predictions before the operating ratio would be reduced to parity. Even then, the NPV and BCR of the scheme would remain positive at £99.1m and 1:1.39 respectively.

7.14 It is a mistaken view to believe that if the funds earmarked are not spent on Merseytram they would be available to be spent on other projects, whether bus priority (6.22), a deep water harbour (6.27) or on job creation (6.38). Funding approval is for Merseytram Line 1 alone.

7.15 Merseytravel and LCC have agreed the "Project Milestones" which are set out in Schedule 12 of the Implementation Agreement. The two remaining candidates for the concession remain committed to the scheme, and are satisfied that it can be delivered on time and within budget. One of the candidates, Keolis/Parsons Brinckerhof, wrote on 20 February 2004 in the following terms: "We have no doubt that the Merseytram system is technically and financially deliverable and will be commercially successful and sustainable." (D53).

### ***Transportation Need***

7.16 Section 9 of the Transport Act 1968 places a duty on Merseytravel to meet any public transport requirements within its area, having regard to economy, efficiency and effectiveness, to the needs of members of the public who are elderly or disabled, and to the bus strategy for the area. In this context, "required" means reasonably requisite, not essential or indispensable. This distinction can

be illustrated by reference to other transport projects, such as the Channel Tunnel, or light rail schemes elsewhere in the United Kingdom, or even bus priority measures, all of which may be desirable but can rarely if ever be said to be essential. As with any other TWA scheme, this Order is to be made if the Secretary of State for Transport concludes that it is justified on its merits.

7.17 The essential test therefore, and one from which the other relevant tests, such as that for compulsory purchase, will flow, is whether it is desirable in the public interest for existing modes of public transport to be supplemented by a tram, and if so, whether the public benefit arising from such an enhancement to public transport outweighs any public or private disbenefits flowing from its construction and operation.

7.18 To claim that Line 1 is in material direct competition with Merseyrail overlooks a significant number of factors. Of the 94,500 people potentially served by Line 1, more than 90% live outside the Merseyrail catchment area, also assumed to extend to 800 metres. Kirkby Railway Station is about 1 kilometre from the town centre. The rail corridor between Kirkby and Liverpool city centre lies to the north of the Line 1 corridor, not coinciding with it before Moorfields Station in Liverpool city centre. Trains from Kirkby do not serve Lime Street, the main station in Liverpool serving all strategic rail routes. It is significant that, in 2003, the Merseyrail concessionaire entered into a 25-year agreement with Merseytravel, in full knowledge of the proposal to construct Line 1. Merseyrail supports the scheme on transport integration grounds (see paragraph 5.15).

7.19 Line 1 would contribute significantly to the LTP policy of creating a SIPTN (see paragraph 4.37). It is in the Kirkby town centre that the bus station is located, which is to be refurbished and adjacent to which it is proposed to locate the tram terminus. Between Kirkby and Moorfields, 22 tram stops are proposed, serving the suburbs of Kirkby, development areas in Croxteth and Stonebridge, the residential areas of the inner suburbs, the Hospital, and, significantly, Lime Street Station; the tram would provide passengers in the Line 1 corridor with a new direct access to Lime Street Station.

7.20 The proposed interchange between train and tram at Moorfields provides a valuable opportunity for Merseyrail passengers to transfer to the tram in Liverpool city centre, using integrated ticketing to reach other destinations, including the waterfront. Of the 1m rail passengers per year expected by 2010 to use the tram, some 70% are predicted to be undertaking a journey involving a transfer between the two public transport modes.

7.21 The issue of competition with bus services is addressed in the response to GTL. However, in addition to the bus and tram facilities in Kirkby town centre, the intermediate stops between Kirkby and Lime Street would connect with bus services in a number of locations, and Line 1 would also integrate with existing and proposed bus facilities in Liverpool city centre.

7.22 Line 1 would also provide ready and reliable access to the transport facilities of the River Mersey waterfront, including the Mersey Ferry and the proposed cruise liner terminal. The dual carriageway Strand is a significant physical and psychological barrier between the waterfront and city centre. Each of the two city centre routes of Line 1 would break through it, contributing to the integration of this important tourist and cultural area with the city centre.

7.23 Merseytravel recognises that congestion is not yet generally a major problem in Merseyside. The on-going process of regeneration will, however, inevitably lead to a significant growth in car ownership, and create greater congestion. Merseytravel, in conjunction with its five LTP partners, is seeking to prevent this. There is cogent evidence that car owners are more likely to give up use of their car in favour of heavy or light rail public transport than a bus.

7.24 This appears to be recognised even by Professor Lesley of TPL, when, in his Memorandum dated October 1999 to the Select Committee on Environment, Transport and Regional Affairs regarding LETS (see paragraph 7.52), he wrote: "... towns with bus only public transport systems have lost patronage faster than those with rail systems ... There would appear to be an intrinsic market reluctance for people with cars to use buses. Those same people are happy to use rail services" (P11, Appendix 4, paragraph 4). The surveys conducted and the modelling carried out by Merseytravel fully

support the prediction that 1m car journeys per year would transfer to the tram, because drivers elect to leave their car at home or to use the proposed P&R.

7.25 In its economic appraisal, Merseytravel has adopted deliberately conservative predictions for tram patronage. For example, the predictions for passengers transferring from cars exclude anyone with free parking in the city centre, or who has paid for parking, but parked for less than 1 hour. Predictions for patronage from King's Waterfront exclude passengers attending arena functions.

### ***MRT***

7.26 It is suggested by some objectors that, motivated perhaps by chagrin at the failure of its MRT scheme, Merseytravel immediately decided to apply for a tram, without first considering and learning from the lessons of the MRT failure. Such a claim runs counter to the process of developing the LTP, and the careful consideration of the 15 public transport corridors addressed in the LTP. This process is described in paragraphs 4.20 to 4.30, and in the documents there referred to. The three-Line Merseytram proposal emerged from the LTP process.

7.27 The inspector's main criticisms of the MRT scheme related to poor comparative studies, including those relating to the overall concept, alternative modes, alternative tram routes, alternative sites for the proposed P&R facility, and the failure to consider alternative routes for the section of MRT proposed through Liverpool city centre. He also considered that the route proposed for the MRT failed to integrate with development proposals. Another serious failing was that MRT did not connect with Lime Street Station. All of these matters have been carefully addressed in the selection and subsequent development of the Line 1 scheme.

7.28 Alternative modes have been carefully considered, including bus priority measures, kerb-guided articulated buses, and bus-based vehicles with OLE. The results of these studies are set out in the LTP Stage Two Final Report (B1/2). The strongest competitor to the tram in economic terms was the kerb-guided bus, but economic appraisal confirmed that it was very significantly out-performed by the tram. By contrast with the MRT, the route of Line 1 contains a wealth of development opportunities.

### ***The National Audit Office Report***

7.29 Merseytravel welcomes the Report. It recognises that there have been significant miscalculations and failings with some earlier light rail schemes. In developing the Line 1 scheme, Merseytravel has already addressed almost all of the Report's concerns and its criticisms of earlier schemes: Line 1 would be largely segregated from other traffic, and would serve population centres. It is well integrated with other public transport services. Merseytravel has already grappled with cost issues, such as the moving of statutory undertakers' equipment. It has addressed optimism bias through the risk review and sensitivity tests, and has applied conservative demand forecasts.

### ***Glenvale Transport Limited***

7.30 The LTP was submitted in July 2000, and Merseytram Line 1 is a flagship LTP policy. The Merseyside bus companies were partners in the LTP process. On the opening page of the LTP, the partners state that they "all fully endorse the LTP and will ... support the actions required to deliver the programme over the next five years". GTL did not come into existence until 2001, but, as Mr Brady who gave evidence on GTL's behalf agreed in cross-examination, its directors were aware of the Line 1 proposals at the time of purchasing the Gillmoss Depot and bus fleet.

7.31 GTL claims that buses are being deliberately disadvantaged by Merseytravel in order to give the tram an unfair advantage over buses. This, it is alleged, is in part a result of Merseytravel's frustration that buses were not re-regulated in the Transport Act 2000. It is settled LTP policy, however, promoted by Merseytravel, that buses will continue to provide the substantial majority of public transport services in Merseyside, even if all three Merseytram Lines are constructed.

7.32 The LTP accordingly contains ambitious measures to support the bus network. It identifies 15 quality bus corridors which are in the process of being introduced. These will include a further 81 kilometres of bus priority lanes by 2005/6. Selective vehicle detection, affording buses priority, has been introduced at 126 signal-controlled junctions. Over 300 improved bus stops, with new shelters, displays and access kerbs, have been provided. The first key component of the LTP is the bus network, and a bus/rail interchange at Allerton is listed third among the major schemes.

7.33 The tram proposal and the CCMS would result in the diversion of strategic traffic away from the city centre, assisting with the freer movement of buses. This improvement would become more marked as traffic and the resulting congestion in the city centre increase. There would inevitably be some disruption in the city centre and elsewhere along the Line 1 route during construction, but the construction work is to be regulated and monitored under the CoCP and otherwise. Special provision is also to be made for buses under the Highways Agreement to be entered into pursuant to the Implementation Agreement (Schedule 4, Part 1 of D60). Other forthcoming major changes in city centre bus operations are described in paragraphs 7.108 and 7.109.

7.34 Buses are and will remain an essential part of the SIPTN in Merseyside. By virtue of the de-regulating impact of the Transport Act 1985, however, Merseytravel has relatively few powers to run or to influence the running of buses. It is accepted that work on bus priority measures has not proceeded as speedily as Merseytravel would have liked. This is a result of the work being largely outside Merseytravel's control and needing the agreement of the highways authorities. It is these authorities, for example, which are responsible for the implementation of bus priority measures.

7.35 Nevertheless, as indicated above, significant progress has been made. In the course of the last three financial years, a total of £21m has been spent by Merseytravel in delivering its commitments to the bus network; a further £24.5m is to be spent during 2004/5 and 2005/6.

7.36 Bus priority measures would improve some bus running times, but a substantial difficulty arises with providing priority for a large number of buses at signals and other junctions without creating unacceptable congestion for other road users. This will worsen as congestion in Liverpool increases. It would not arise with the far fewer vehicles forming the proposed tram service. The tram would have and retain undoubted advantages in terms of reliability and also, especially in Liverpool city centre, in terms of journey time. In cross-examination, Mr Brady conceded that there were circumstances in which the tram would have a travel-time advantage over the bus.

7.37 While bus priority lanes are notoriously difficult to police, the swept path of the tram would be essentially self-policing. It is possible for a bus to drive round a vehicle parked illegally in a bus lane; it would be a fool-hardy motorist who would leave his car in the path of a steel-wheel vehicle running on a fixed track.

7.38 It is also incorrect to claim that Merseytravel has failed to consult GTL. Since its inception in 2001, GTL was represented at meetings of both the MITL and the Bus Forum, as minutes of meetings of those groups record. It would have been open at any time to GTL to raise the issue of Line 1 and to enter into discussions with Merseytravel. The Line 1 proposals have been the subject of full public consultation, providing GTL with a further opportunity to respond, but nothing was heard from GTL until November 2003 when its formal objection was submitted.

7.39 Merseytravel knows of no tram system in the United Kingdom which has been built without government financial assistance. GTL was well aware of Line 1 proposals when it was established in 2001. Existing GTL bus routes are shown in Appendix 8 in P10/B; it is acknowledged on behalf of GTL that none follows the Line 1 route in its entirety. A number of the services between Kirkby and Liverpool serve a similarly separate route as Merseyrail and would not be affected by the introduction of the tram. The claim by GTL of a service between Kirkby and Liverpool every two minutes includes buses on such routes, and is therefore significantly overstated. The fares on which all Merseytravel's demand estimates have been based are bus-equivalent. There is no truth in the claim that tram fares would be subsidised so as unfairly to compete with buses.



7.40 On GTL's behalf various estimates were offered of the loss of income which Line 1 would cause to GTL. No evidence was adduced to support these estimates, commercial confidentiality being pleaded by way of explanation. One estimate of annual losses was £10m, amounting apparently to one third of GTL's turnover. Yet the operations at GTL's second depot at Aintree would not be affected at all, and the estimates appear to envisage the loss of services on which the tram would not impinge. Even in the Line 1 corridor itself, only 40% of bus passengers are predicted to transfer to the tram. GTL makes the clearly erroneous claim that 140 to 305 jobs would be lost at Gillmoss, apparently based on the premise that all bus patronage lost to the tram in the Line 1 corridor would be GTL passengers. In reality, as admitted by GTL, only 50% of buses in the corridor are operated by GTL. Accordingly, even on GTL's calculation basis (whatever that may be), the estimates should be reduced by 50% to between 70 and about 150.

7.41 Assertions made on GTL's behalf as to possible job losses also appear to take no account of the increase in bus patronage predicted to result from growth in population and economic activity by reason of regeneration, including that resulting from Objective One status. The GTL estimates of the impact of the tram on its employees are unsupported by any evidence and clearly exaggerated.

7.42 By contrast, the methodology used by Merseytravel to compute likely bus and job losses has been approved by the Department of Transport and reviewed by Merseytravel's bus experts. The full assessment forms Appendix 1 in P4/B. Nine services are identified as routed along a significant section of the Line 1 route. Of these, two are predicted to be removed and one to be reduced in frequency. The results suggest a loss of up to 11 buses and 35 jobs. In the absence of evidence, the much higher losses claimed on behalf of GTL should not be accepted.

7.43 These modest losses would be offset by the immediate availability of 265 jobs at the OCC which is to be sited in the vicinity of the Gillmoss Bus depot. For many of these jobs, tram-driving for example, GTL employees would appear to be well suited.

7.44 Direct job creation as a result of the tram is predicted to be in excess of 2,200 jobs with improved access to up to 55,000 jobs (see paragraph 4.48). Gillmoss Bus Depot is also located close to the Axis and proposed Stonebridge Business Parks and to the site of the proposed Stonebridge Cross development, all providing further job opportunities.

7.45 Turnover of jobs within the bus industry in Merseyside runs at some 400 or 10% per year, offering a further opportunity for GTL to absorb any job losses. All of these remedies would only prove necessary to the extent that GTL fails to take advantage of the likely growth in bus activity arising from economic growth generally, and from the opportunities arising from co-operation and integration with the tram. In all these circumstances, the loss of employment at Gillmoss is not to be regarded as significant adverse impact.

7.46 Merseytravel's estimates of the running costs of Line 1, including annual staff costs, have been calculated in accordance with government guidance and with full knowledge of wage rates on Merseyside. GTL's assertion as to a £1m underestimate of wage costs should not be accepted. Merseytram's predictions of revenue are based on bus-equivalent fares; there is no proposal to give Merseytram an unfair advantage through subsidised fares.

7.47 The compulsory purchase provision affecting land at the Gillmoss Bus Depot relates only to a number of car parking spaces. A nearby alternative site for parking with an equivalent number of spaces is to be provided to GTL free of charge. This exchange would not impact upon GTL's ability to operate in any material way.

7.48 Nevertheless, before proposing the alignment on the northern side of the A580 East Lancashire Road, Merseytravel considered carefully whether any other alignment is practicable at this point, so as to avoid acquisition of land at the Gillmoss Bus Depot. An alignment along the central reservation is not feasible since it would require reduced width carriageways on the A580, a strategic route. Such an alignment would also require a diversion of an electricity cable, a disproportionately expensive exercise. A route on the southern side of the East Lancashire Road, while technically feasible, would

require significant property demolition and also impinge on the site for the Stonebridge Cross development.

7.49 Moreover, the route north of the A580 has significant advantages, including contiguity with the OCC and the P&R site, and the ability to serve the Axis and Stonebridge Business Parks.

### ***Mersey Docks and Harbour Company***

7.50 As Mr Stoney, who appeared at the inquiry on behalf of the Company, conceded in cross-examination, he had not studied the core documents relating to the scheme, nor had he any knowledge of government guidance on the methodology for appraising the economic performance of transport schemes. Calculating the rate of return on investment is not part of that methodology. The scheme has been fully appraised in accordance with NATA and the outcome is robustly positive.

7.51 As to his comments on company costs, it is to be noted that the scheme is supported by local industry as represented by the Liverpool Chamber of Commerce and Industry (paragraph 5.3) and other representatives of local enterprise. Such support is difficult to explain were the impact of the scheme to be as claimed on behalf of the Company. It is not accepted that increasing car access to the centre of Liverpool is desirable; the Company's submission in this respect takes no account of predicted increases in congestion and flies in the face of government policy to encourage a modal shift away from car use.

### ***Transit Promotion Limited***

7.52 In March 2000, the Liverpool Electric Tramway System Limited submitted a proposal for a four-line integrated tramway, to be known as "LETS", for inclusion in the LTP. Professor Lesley and Mr Roche were both promoters of the LETS scheme. In the formal LETS Proposal (D59), Professor Lesley wrote in the following terms: "Improving the accessibility of Kirkby and providing links to other parts of the Region will be most important to achieving the desired levels of regeneration." (paragraph 1.6.4), and: "The new LETS tramway will provide a significant boost to the economy of Merseyside, by virtue of the direct investment, the creation of jobs, the raising of confidence for private investors, the improvement of accessibility and the identification of corridors for development and new central places for intensification. (LETS) will create new jobs, have wide transport benefits and help to improve the urban environment." (paragraph 7.2 of D59).

7.53 These and other statements set out in the LETS Proposal documentation are in parallel terms to those now made by Merseytravel and its supporters in relation to Line 1. Moreover, Figure 8 in the LETS Proposal schematically sets out the proposed four LETS lines, and includes Line 2 which appears closely to follow the route proposed for Merseytram Line 1 between Liverpool city centre and Kirkby.

7.54 Professor Lesley continues to claim that Merseytravel was responsible for the failure of LETS to find favour with LCC. In his Summary of Objection dated 24 November 2003, he claimed that "Merseytravel was the principal objector when LETS submitted plans for a privately funded tramway in Liverpool". There is no truth in this claim; LETS failed because of 236 objections to it and because it was considered by LCC to lack adequate detail. Merseytravel did not object to the proposal. In the circumstances, it is difficult to explain Professor Lesley's opposition to Line 1 except in terms of "sour grapes".

7.55 There has been no attempt by Merseytravel to disguise its case or deceive parties to the inquiry. Inevitably, in a scheme of this scale, details change, and these have been promptly published. The possibility of moving the Paradise Street stop into Canning Place was not first mentioned only at the inquiry but was addressed in the Environmental Statement (A17/1) submitted in October 2003. All documents relating to the principles of the scheme have been in the public domain at least since October 2003, and in many cases earlier.

7.56 TPL presents no argued challenge to Merseytravel's economic case. In closing, Professor Lesley continued to assert that Merseytravel's patronage predictions should be "treated with a pinch of

salt". He did not seek to substantiate his earlier assertions as to demand, revenue and staff costs (see paragraph 6.39). Merseytravel's predictions are based on careful modelling (paragraph 4.58 et seq). Moreover, they are deliberately conservative, and have been independently audited by the Department of Transport prior to the award of provisional funding in December 2002 (see paragraph 4.51).

7.57 Notwithstanding their very late submission, Merseytravel has carefully considered various alternatives proposed by Professor Lesley. In summary, the alternatives proposed in Liverpool city centre are largely impractical or unsafe in engineering or operational terms, inconsistent with the LTP, the CCMS and major city centre developments and initiatives, and are incapable of providing operational flexibility for future network expansion. Notwithstanding assertions made on TPL's behalf, no evidence is adduced to establish that all or any of the alternatives would be cheaper, or more significantly, more cost-effective.

7.58 TPL proposes that the Churchill Way (South Flyover) should be retained and used as part of the Line 1 route, a view supported by Mr Kennedy. The Flyover is an ugly and intrusive 1960s structure which causes severe visual harm to the surrounding townscape and the historic environment of the William Brown Street Conservation Area. TPL claims that it won architectural awards when constructed, but provides no evidence to support this unlikely assertion. A plaque attached to the Flyover records a Concrete Society Award for the use of concrete. The Flyover is scheduled to be demolished, in any event, as part of the CCMS. Its removal will make one of the most significant contributions to improvement of the public realm in the city centre, and provide the opportunity to recover and restore the Art-Deco structures especially to the west of the Queensway Tunnel entrance.

7.59 Use of the Flyover as part of the tram route, as proposed by Professor Lesley, would conflict with provision of the Lime Street loop, with the Queensway Tunnel portal and with the carriageway in Dale Street. This would significantly reduce routeing options, and also create problems with Lines 2 and 3, proposed to link with Line 1 at the southern end of the Lime Street loop.

7.60 The proposal that the tram should not extend to the King's Waterfront is inexplicable. Throughout the development of the tram project, Merseytravel has been in close dialogue with the developers. Emerging development proposals for this large site continue to include a mixture of residential, commercial and cultural uses. The current scheme includes a 9,000 seat public arena and two hotels. The ability of a two-vehicle tram to carry over 400 people would allow large numbers of people to be carried to and from the arena speedily and safely. A 4-track terminus is also requisite for this purpose, and to provide sufficient tram lay-over accommodation, as well as being desirable in relation to network expansion. The interface between the proposed development and Merseytram Line 1 is now regulated by an agreement with English Partnerships (see paragraph 4.138).

7.61 Among the disadvantages of the alternative terminus at Albert Dock proposed in paragraph 6.45 are that it is unacceptably distant to serve the King's Waterfront development as a whole, has insufficient tram stabling capacity and space for pedestrians, especially on the occasion of major events in the proposed arena, and would interfere with views of the Albert Dock and of the Three Graces, especially as currently to be seen through the arch in the Transit Shed Gable wall.

7.62 The latest King's Waterfront site plan (at Appendix 2 of P25) shows how the tram terminus would form an integral part of the development scheme. It is accepted by Liverpool Vision that among the weaknesses of the King's Waterfront site is its severance from the city centre core, not least because of the dual carriageway Strand, and its limited public transport connections. In the circumstances, to propose that the tram should not serve it makes no sense.

7.63 As to Albert Dock, Merseytravel is currently considering its own proposal for an additional tram stop at Albert Dock Gates in conjunction with the Liverpool Tate. It does not form part of the draft TWA Order, and a separate application would be made, if the proposal is found to have merit.

7.64 The proposal to remove the city centre route via Whitechapel is also without merit, given that a key aim of Merseytram is to serve the main retail area and its proposed extension, located on the loop. Its removal would have other adverse consequences, including a failure to integrate with the Canning Place bus/tram interchange. To remove the link would carry the tram further away from the

PSDA, for which all necessary consents are now in place. The stop proposed by TPL on the foreshortened line southwards to Albert Dock would require passengers to cross the busy dual carriageway Strand.

7.65 Queen's Square Bus Station is a busy facility with 12 departure bus stands. Routing the tram through it would require buses and trams to share the main carriageway with adverse impacts on the reliability of both modes. The provision of a 60-metre tram stop would impact on up to 8 of the bus stands. Lack of space would also preclude cross-platform interchanges. Merseytravel's proposed means of interchange at St John's Lane is to be preferred. Changes to bus provision under the CCMS and the bus/tram interchange at Paradise Street/Canning Place would also improve city centre bus/tram integration.

7.66 Merseytravel has considered the proposal for a single-track extension of Line 1 northwards to Kirkby Merseyrail Station. There is insufficient highway width to accommodate a segregated line, so that to achieve segregation, acquisition of properties in Cherryfield Close would be necessary. Adverse impacts would include those on two schools, outside which significant parking would be lost. There is insufficient space to accommodate a tram terminus in the forecourt of the station. On 11 May 2004, the Secretary of State for Transport opened a new car park, bus and taxi interchange at the station. The tram terminus would have to be located at a distance from the station on the eastern side of Whitefield Drive. This would impact upon private gardens.

7.67 The single line extension to connect with Merseyrail services would also create operational problems. Merseyrail services to Liverpool run every 15 minutes. The tram would need to arrive sufficiently prior to train departure time to allow interchanging passengers adequate time to access the station across Whitefield Drive, and it would also need to remain for a period afterwards for train passengers to access the tram. This would necessitate an extended lay-over time, complicating the operating pattern, and on the basis of studies carried out by Merseytravel, probably requiring an additional platform at the Kirkby town centre stop/terminus.

7.68 Demand studies also show that peak hour demand for travel between the station and the town centre would amount to no more than 14 passengers per tram. As TPL itself confirms, most potential passengers within the catchment area of the station would take advantage of the shorter journey time offered by the train. Line 1 is designed to serve a separate, non-rail transport corridor. The very limited additional transportation benefit which the extension would bring does not warrant its additional cost and adverse impact. The alternative alignment proposed at Stonebridge Lane would have unacceptable impacts on traffic in Stonebridge Lane itself and at its junction with the A580.

7.69 It is not feasible to increase the frequency of the Merseyrail service between Kirkby and Moorfields to 12 per hour as proposed by TPL. Among the constraints are the single-line section between Kirkby and Fazackerly Level Crossing. This would need to be restored to double track and resignalled. In any event, for the reasons set out in paragraph 7.18, Line 1 serves a different transport corridor, and increasing the frequency of the rail service would not be a substitute for Line 1.

### ***United Utilities***

7.70 United Utilities correctly states that only three matters remain in issue between the parties, agreement having been reached regarding access to the Axis Business Park. This agreement also addresses the concerns of United Utilities' tenant, Carcraft of Rochdale Limited. Two of the outstanding issues are matters of compensation and not before the inquiry.

7.71 The remaining claim in relation to the Carcraft land (see paragraph 6.51) is misconceived. The land now provides a balancing pond to accommodate rainwater run-off from the Axis Business Park, of which United Utilities is freehold owner. It has no bearing on the matters before the inquiry. Merseytravel has no intention of acquiring the land privately. As the land is not required for the purposes of the Line 1 scheme, Merseytravel has no power to acquire it compulsorily.

7.72 All other matters are agreed between the parties, but no formal agreement is possible because of the Carcraft land issue. On 9 June 2004, Merseytravel therefore executed a unilateral deed of undertaking in relation to the agreed matters (A31 Volume 3 at tab 58).

***Ms P Boulton***

7.73 Although Ms Boulton's objection is stated to be on behalf both of herself and of friends and neighbours, Mr Allen, who spoke on her behalf at the inquiry, was unable to identify any of those whom Ms Boulton claims to represent. There is only one other objection from a resident of Muirhead Avenue. Residents of Muirhead Avenue were included in the consultation process, as is evidenced by the return by a number of them of a completed questionnaire.

7.74 The central reservation is part of the adopted highway and not therefore the subject of compulsory acquisition. It is allocated as green space in the adopted UDP and is subject to UDP Policy OE11 (paragraph 4.105). Located as it is in the middle of a heavily-trafficked road, the primary value of the central reservation is visual. The route planned for the tram would allow a row of trees to be retained on either side of the tracks, and in addition to these retained trees, others would be planted. The new trees would be "semi-mature" that is, in accordance with the National Plant Specification issued by the Horticultural Trades Association, with a height of over 4 metres. Such trees are normally more than 10 years old. A Code of Tree Management has been agreed with LCC and is contained in Schedule 6 to the Implementation Agreement (D60). The replacement of trees in this way would also ensure that there would be no significant loss of wildlife habitat.

7.75 It is not the case, as asserted by Ms Boulton, that congestion at the south- western end of Muirhead Avenue at its junction with West Derby Road would be increased. Considerable delays are already experienced by road users in the morning and evening peak hours, as confirmed in evidence by Ms Boulton. The existing junction is sub-standard, and, in the three years to March 2003, had the highest number of accidents of any junction in the Line 1 corridor. In the absence of the tram, forecast traffic growth would exacerbate this situation. The proposed signalised junction would better control and manage traffic at the junction, reducing congestion and accidents. Indeed, of the 55 junctions along the Line 1 corridor, only 7 perform materially worse in the "with tram" situation, while 22 perform better.

7.76 For the same reasons set out in response to the objections of residents of UAE (paragraph 7.89), there would be no significant adverse impact from noise and vibration. There would not be audible announcements at stops, except during periods of service disruption. Announcements on the trams themselves would be at levels below those of existing traffic noise.

7.77 Issues of crime and vandalism are matters of policing. It is Merseytravel's policy in conjunction with the British Transport Police, supporters of Line 1 (paragraph 5.1), and through the TravelSafe scheme to design crime out. The lighted and CCTV-monitored stops and the presence of conductors on the tram vehicles would assist with meeting this aspiration.

7.78 It is not accepted that there would be an unacceptable impact on Muirhead Avenue, such as adversely to affect property values. Experience elsewhere suggests, on the contrary, that the improved accessibility through availability of the tram would operate to strengthen demand for property in the area and underpin or uplift values.

7.79 **Alternative routes:** Though shorter than Merseytravel's proposed route, the Breck Road alternative proposed by Ms Boulton has a number of disadvantages: Breck Road is a single carriageway road, narrow in places and with a narrow footway. It would therefore not be possible to segregate the tram from other traffic. This would inevitably lead to delays and loss of reliability of service, and would be contrary to the aims and objectives of the scheme (see paragraphs 4.17 and 4.18).

7.80 The alternative route proposed via Mill Bank would be about 600 metres longer than the route proposed by Merseytravel, adding to construction cost and travel time. The greater tram mileage is estimated to increase operating costs by about 4%. Among other disadvantages of the alternative are:

alignment difficulties at the western end of Mill Bank at its junction with West Derby Road, where the listed buildings adjacent to the junction would rule out the full property take needed; the reduction of traffic capacity at the West Derby Road/Muirhead Avenue junction; and a curve of inconveniently tight radius at the Mill Bank/Queens Drive junction.

***Mr P Brown (T/A Marathon Motors)***

7.81 Merseytravel accepts that the initial proposal for access to Mr Brown's premises from Broadway junction was unsatisfactory. It would have involved a U-turn across the tram tracks for all customers except those approaching from the east along Utting Avenue East. In recognition of this, a revised design is now proposed (see drawing and figure in P14, and phase diagram P6/E). This would link together the two existing mini-roundabouts, creating a single elongated roundabout, which would be signalised. Access to Mr Brown's premises would not be materially different from the present arrangements.

7.82 Customers approaching Mr Brown's premises from the west or north would turn directly into the left-hand lane at the signal stop for south-bound traffic at the eastern end of the proposed roundabout. The right-hand lane would be reserved for traffic travelling from Townsend Avenue to the north into Utting Avenue West. Remaining in the near-side lane, Mr Brown's customers would then turn directly left into Broadway West. The proposed junction has been assessed (see P6/J) and found to operate satisfactorily.

7.83 In a revised estimate supplied to the inquiry, Mr Brown states that vehicular access to his premises is limited to some 12 vehicles on an average day. It is accepted that care would be needed to ensure that access to Mr Brown's premises is kept open during construction, and assurances have been offered to Mr Brown in this regard. Paragraphs 1.70 to 1.76 of the CoCP also address issues of access to premises during construction. Post-construction, it is not accepted that there would be any adverse impact on access to the premises. There would equally be no impact on pedestrians, who would continue to cross the northern end of Broadway West exactly as at present.

7.84 Merseytravel needs powers to make adjustments to TROs for the reasons set out in paragraph 4.134. The powers in Article 46 of the draft Order are now proposed to be subject to the need to obtain consent from the highways authority. It would be open to Mr Brown to object in respect of any Order applied for which he considers would have an adverse impact on access to his premises.

7.85 It is not accepted that there would be any impact upon access to Mr Brown's premises such as to result in loss of trade, let alone constitute a risk of non-viability.

***Thomson Partnership***

7.86 The assurances given by Merseytravel in relation to parking are set out in a letter of 30 April 2004 (A31 Volume 4 at tab 85). These are reflected in modifications proposed to the draft Order. A lay-by would be provided for loading and parking outside the premises and a previously proposed loading ban in Windsor Street situated immediately to its east would not be pursued.

7.87 The other objections of the Partnership relate to highway operation. The modelling carried out by Merseytravel establishes to the satisfaction of LCC, as highways authority, that all local junctions in the vicinity of the Partnership's premises would operate without unacceptable congestion. Buses on West Derby Road would continue to operate as at present with two traffic lanes being retained in each direction. Other issues, including those relating to tram operation, are addressed by Merseytravel elsewhere.

***Ms M Kinsella***  
***Mrs P Williams***

7.88 Details of the public consultation exercise are set out in paragraphs 7.3 and 7.4. The residents of UAE were duly included in the leafleting exercise, as is evidenced by the return of a completed questionnaire by a number of UAE residents.

7.89 The overall impact of noise arising from the entire route of the Merseytram Line 1 is assessed as slight adverse. In UAE, however, no adverse impacts are predicted. This is because UAE is a main road and already exposed to high levels of traffic noise. Noise surveys carried out in the vicinity of Ms Kinsella's property, 67 UAE, show daytime traffic noise levels of between 63 and 67dB(A), whereas the predictions for tram noise are, at 59dB(A), 4 to 8dB(A) below these levels. That the tram noise impact would be less than that from existing sources is cogently demonstrated by the diagram which forms P8/C; noise emanating from the tram would be well within the levels of noise generated by other traffic.

7.90 These predictions take no account of some decrease in traffic along UAE which the introduction of the tram is expected to bring about. Moreover, with regard to fears of additional noise resulting from new controls at junctions, tram motors at slow speeds make less noise than buses at equivalent speeds. The three proposed tram stops in UAE are all near junctions. Trams would not move from the stop until they had a clear traffic signal at the junction, avoiding any further stop/start.

7.91 As to parking and access, many properties would not be affected by restrictions to on-street parking. These are necessary only in the vicinity of junctions to accommodate adequate vehicle queueing space. Ms Kinsella and Mrs Williams would lose on-street parking immediately outside their properties, and in each case Merseytravel has offered to provide a dropped kerb access and hard-standing.

7.92 In her written objection, Ms M Sutton claims that the restrictions to on-street parking would result in general inadequacy of parking space because most property owners in the area are two car families. This unsupported assertion is not borne out by a night-time car count in the vicinity of her property, which revealed a maximum of 49 cars at 44 properties.

7.93 UAE would remain fully capable of accommodating current and predicted traffic flows. As set out in paragraph 4.123, the current layout would be in essence preserved and formalised, with parking continuing in the bays to be provided in the nearside lane, and a lane continuing broadly as at present for through traffic. Traffic modelling confirms that the 3.5m width of the lane for through traffic would comfortably accommodate current and predicted traffic flows (see paragraph 4.122).

7.94 The effect of traffic signals at junctions on UAE would be to break up the flow of traffic into "platoons" making it safer than at present to turn into and out of property accesses. The impact of revisions to road junctions has been carefully assessed, and the assessments have been checked and approved by the relevant highway authority. No unacceptable levels of congestion or new safety hazards have been identified. Junction and highway improvements associated with Line 1 as a whole are the primary reason for a predicted reduction by some 200 in personal injury accidents during its assumed 30-year life. The reduction of traffic predicted along UAE would also make a contribution to improving air quality in the locality.

7.95 As to property values, other things being equal, these are primarily a function of location. The UAE properties already face on to a main road. It is the informed opinion of Merseytravel's property expert that values are likely to be maintained or increased by the existence nearby of the tram, which would enhance the location by providing a new and attractive means of access.

7.96 It is accepted that about 95 trees would be lost in UAE, mainly from the central reservation, as a result of the construction of Line 1. The tram alignment would be partly in the carriageway so as to preserve about 65% of the width of the central reservation. This would allow some 110 replacement trees to be planted in the central reservation, preserving visual amenity. This is in accordance with the Liverpool UDP which recognises that areas of open space too small to identify on the development plan should still be protected. Landscaping proposals would be included in the final design to be put to LCC in accordance with the Implementation Agreement; these would include provision for replacement and probably for additional planting of spring flowers. The replacement trees would provide habitats for any fauna displaced by the tram.

7.97 At the inquiry, Ms Kinsella produced in support of her objection an impact study relating to the Croydon Tramlink (in OBJ/221/2). This, however, confirms many of the benefits which

Merseytravel claims would arise from introduction of Line 1, including a very significant decline in car use both during the week and at weekends. Travellers in the catchment area of the Croydon Tramlink are making more use of the tram than they expected to at the time of pre-tram surveys. House prices have risen in some areas which are now more accessible. Fears relating to accidents and traffic gridlock have proved unfounded. Croydon is now known as "The London Borough with the Tram".

7.98 As to the alternative route proposed, it is accepted that Townsend Avenue has similar characteristics to UAE and that the tram alignment could be accommodated on the central reservation, though the tram stops would require some reduction in carriageway width. Any such width reduction would not, however, be acceptable on the A580 East Lancashire Road which is designated as a Strategic Road for General Traffic. Moreover, to the east of Stonebridge Lane, vacant land to the north of the A580 corridor allows an off-road alignment. This is not possible without unacceptable impacts upon property along the section of the A580 section between Townsend Avenue and Lower Lane, because of the continuous residential frontage on both sides of the road. The proposed alternative route would be slightly shorter, but would also have a significantly lower catchment population.

7.99 Despite the substantial number of objections from UAE (see paragraph 1.5), including standard letters and a petition, only two residents attended the inquiry to pursue their objection.

***Mr L Roche***

7.100 Although Mr Roche claims that his submissions are made on behalf of the people of Liverpool, he confirmed at the inquiry that his was a personal objection and that he did not represent any organisation or section of the local population. Mr Roche was involved with Professor Lesley in the promotion of LETS. Most of the matters raised by Mr Roche have been rebutted in general responses above and in response to the objection of TPL.

7.101 Details of the comprehensive public consultation exercise carried out are set out in paragraph 7.3 and 7.4 and in Document B7. Contrary to Mr Roche's claims, all traffic management proposals for the city centre have long been in the public domain, published in the Environmental Statement and advertised in the press and on lamp-posts along the route.

7.102 No funds have been transferred from Mersey tunnel reserves. If the Mersey Tunnels Bill passes into law then any surplus revenues could quite properly be used on LTP projects, including the Merseytram proposal.



## **Written objections**

### ***General Points***

7.103 In the case of objectors who did not appear at the inquiry, Merseytravel has prepared either a full rebuttal or a position statement. The rebuttals are to be found in the range of Documents P10 to P38. The position statements are contained in the four-volume Document A31. In many cases where written objections remain unwithdrawn, nothing further has been heard from the objector following an explanatory letter from Merseytravel responding to the initial letter of objection.

### ***Loss of Access***

7.104 There remains a number of written objections relating to restriction of access and servicing, particularly to commercial properties. All of these claims have been reviewed and responded to. The best possible alternatives have been provided, with the result that in no case would access either be lost or be so restricted by reason of the tram as to impact adversely on the premises to an unacceptable degree. In every case, alternative parking for customers, deliveries or for the purpose of general servicing of premises is available at a reasonably convenient location nearby. Premises along the route of Line 1 or near to it would benefit from improved access as a result of the tram. In the city centre they would also benefit from the removal of general traffic by reason either of Line 1 or the CCMS.

### ***OLE Fixings***

7.105 There is a number of objections outstanding in relation to proposals to attach OLE to premises. The use of buildings, including listed buildings, for OLE fixing is appropriate and would generally give rise to less visual intrusion than a pole-based system. This is a view supported by the relevant agencies (see paragraph 4.77). The Design Guide (A17/3) indicates attachment generally by way of an eyebolt. There is now considerable experience of such arrangements both in the United Kingdom and in continental Europe. This would ensure no material detriment to the buildings to which OLE would be attached. Many of the older buildings to which OLE would be attached still carry signs of the fixings from the previous Liverpool tram system.

7.106 Article 19(6) of the draft TWA Order permits any owner affected to require Merseytravel at its own expense to remove the OLE fixing for reconstruction or repair of a building. The notice period is addressed in paragraph 4.148. Article 19(7) as proposed to be modified (A28/1) provides for arbitration in the case of dispute. Article 19(8) provides for the payment of compensation in the event of loss or damage resulting from OLE building fixings.

### ***St John's Lane***

7.107 Merseytravel seeks a modification to the Order with regard to vehicular access to St John's Lane. The proposed modification is to Paragraph (17) in Part 4 of Schedule 9 to the draft Order, and is to be found on page 120 of the substitute draft Order (A28/1). The modification would prohibit vehicular access (except for trams) for a distance of 10 metres along the southern carriageway of St John's Lane from its junction with Old Haymarket. It would prevent all other vehicles from entering on to a short length of tram track on the southern chord of the delta junction at the west end of St John's Lane. The draft TWA Order already contains a prohibition on all other vehicles entering St John's Lane from Old Haymarket. For the tram to share St John's Street with buses would reduce its segregation and therefore its reliability. A single track tramway in St John's Lane as proposed by Mr Kennedy would not meet Merseytram's operational requirements.

7.108 The objections to this modification fail to take into account the major changes to the city centre planned for the next five years. In terms of development, these are set out in paragraph 4.46. Other city centre developments include up to 1m sqms of new office space in the Chapel Street/Tithebarn Street business district.

7.109 The proposed closure of St John's Lane would integrate with the CCMS. The CCMS has been developed to meet these changes. A key feature is that buses diverted away from St John's Lane will be offered a city centre network largely free from other traffic. The CCMS also makes large-scale new provision for buses including new stands and other facilities, which will have the effect of spreading bus operations across a wider area of the city centre. The relative roles of the Queen's Square and PSDA bus facilities will shift in favour of the latter as the retail centre of the city moves south-westward. The objection relating to this proposed amendment fails to take account of this dynamic context.

7.110 Merseytravel's intentions with regard to St John's Lane were already clear from the Environmental Statement, the Planning Direction drawings and the Traffic Regulation Order plans. These intentions, however, were regrettably not reflected in the Order as originally drafted, and the Order requires modification accordingly. Notice of the proposed modification was duly served on 30 April 2004 (see A24), with objections to be submitted by 21 May 2004.

7.111 In the circumstances, the modification is not to be regarded as substantial for the purposes of Section 13(4) of the TWA. The proposed modification has been formally advertised, and three objections were received which have been addressed in the preceding paragraphs. The modification may properly and should be incorporated in the Order without inviting further representations.

***Mr and Mrs R Johnson***

7.112 The tram tracks would be some 4.2 metres from the front gate of the property, and not 1.5 metres as suggested by Mr and Mrs Johnson. They would lie some 8 metres from the front door. This is a safe distance and does not therefore predicate a full height barrier fence. Such a fence would unacceptably limit the public space available alongside the swept path of the tram. Moreover, no such barrier has been required by either KMBC as highway authority or by HM Railway Inspectorate. A new driveway would be laid to the property from the adjoining road, together with a larger gate and a new footway. For reasons set out elsewhere, it is not accepted that there would be any adverse impact on property values.

***Mr J Lambert***

7.113 Merseytravel has considered various technology options in the development of Line 1. It is, however, essential that the technology adopted be tried and tested, as, with more than 300 systems operating throughout the world, the tram now is.

***Merseyside Cycling Campaign***

7.114 Most of the Campaign's concerns have been addressed by assurances given by Merseytravel. Only the three issues set out in paragraph 6.77 remain to be resolved. Merseytravel's policy has been to safeguard its position by seeking to exclude all vehicles, including cyclists, from certain areas. This is because restrictions imposed under TROs can be relaxed without formal process, with the agreement of the highways authority, but cannot be made more stringent.

7.115 Provision for cyclists is an important element of the LTP, and arrangements to ensure that through routes for cyclists continue and are enhanced would be part of further consideration with LCC and KMBC as the design detail of the scheme is finalised. Recognition of the importance attached to this issue both by Merseytravel and LCC/KMBC is to be found both in the proposed Highways Agreement and in the catalogue of measures to give assistance to cyclists in the Part C of Part 2 of Schedule 4 of the Implementation Agreement.

***Councillor Monkcom***

7.116 A full public consultation exercise was carried out early in 2003. The exercise is described in paragraphs 7.3 and 7.4 and in Document B7. Among those who responded were constituents of Councillor Monkcom. A number of businesses in the West Derby area also objected to the Order, though most of these objections have been resolved.

7.117 A workshop was held for councillors on 31 January 2004; though invited, Councillor Monkcom did not attend. In April 2004, a full meeting of LCC voted unanimously to adopt the SPG for Line 1. Councillor Monkcom was present and must therefore have voted in favour of this adoption.

7.118 Congestion in West Derby Road currently arises only at signalised junctions. The remainder of the Road has more than enough capacity to accommodate current and predicted traffic flows. In the absence of the tram, the situation would worsen as a result of general growth in traffic. With the tram, one carriageway of West Derby Road would be lost between Hygeia Road and Clifton Road. The remaining carriageway would, however, be widened at junctions to create adequate capacity.

7.119 The results of the relevant junction studies are set out at paragraphs 6.24.1 to 6.25.1 of P6/A. These establish that the junctions all operate within the saturation threshold set by LCC. In most cases they operate better with the tram than without it, because of the reduced traffic levels predicted to use West Derby Road following introduction of the tram, and the opportunity to optimise the junction layouts which construction of the tram would provide.

7.120 Councillor Monkcom's comments about city centre highways changes are similarly ill-informed. The removal of the Churchill Way (South Flyover) is part of the CCMS, and is an adopted policy of Councillor Monkcom's own Council. This and other elements of the CCMS will result in significant changes in traffic patterns in the city centre, including in Dale Street, which will cease to be a major thoroughfare.

7.121 The P&R site would be staffed and would conform to the highest standards for such facilities. Security of the site has been discussed in detail with the police, so that crime can be "designed out" as far as possible. The British Transport Police are a supporter of the scheme (see paragraph 5.1). Predictions of patronage both of the P&R site and of Line 1 generally have been drawn up on a conservative basis from stated preference surveys. Merseytravel accepts that buses would continue to play a significant role in the Line 1 corridor, with some 60% of existing passengers continuing to travel by bus.

### ***Railway Paths Limited***

7.122 In order to meet its obligations under the covenant, RPL requires Merseytravel to carry out extensive enabling works on either side of the raised bridge, so that train services could negotiate it should rail services ever be reintroduced. In the absence of any plans for the re-introduction of rail services over the bridge, the works would be wholly without purpose. Merseytravel has executed a unilateral deed indemnifying RPL against any and all liabilities arising from the raising of the bridge (A31 Volume 3 at tab 59). In Merseytravel's view this reasonably meets all RPL's legal and practical concerns.

### ***Flanagan Property Services Limited***

7.123 The alternative alignment supported by FPSL is unacceptable for the reasons set out in paragraph 7.68. The failure of FPSL to agree a price for the sale of the Inn to the Stonebridge Cross developer is not relevant to the issues before the inquiry. The other matters raised by FPSL relate to compensation and are also outside the scope of the inquiry.

### ***Conditions***

7.124 The conditions proposed by Merseytravel in relation to the application for deemed planning permission are set out in Document P7/I, together with replies to questions put by the Assistant Inspector. These are the result of careful negotiation with and are agreed by LCC and KMBC, the two local planning authorities concerned.

***Modifications***

7.125 A significant number of modifications to the Draft Order are proposed. These are set out in a draft modified TWA Order (A28/1) which forms Annex C to this report, and includes a replacement page 12 (A28/3). Some of the proposed modifications correct drafting errors. Others derive from discussions with affected landowners and occupiers.

7.126 Modifications to the penalty fares provisions are proposed (paragraph 4.147). There is an additional provision requiring Merseytram to consult the local authority with regard to byelaws (paragraph 4.149), and to the safety provisions of Article 26 (paragraph 4.131).

7.127 The corner of Grant Gardens to be acquired (paragraph 4.108) was used as a graveyard between 1825 and 1898. There is accordingly the potential for human remains to be encountered during the construction works. This is now addressed in Article 27A of the draft Order. The Article is in all relevant respects in identical terms to provisions in earlier light rail Private Acts and TWA Orders.

## 8. Conclusions

### *Introduction*

8.1 Having regard to the foregoing, I have reached the following conclusions, references being given in square brackets to earlier paragraphs of this report where appropriate.

8.2 In February 2004, the Secretary of State for Transport served a Statement, setting out those Matters about which he particularly wished to be informed for the purposes of considering the draft TWA Order and the request for deemed planning permission. I set out my conclusion in respect of each of these Matters below, before addressing a number of additional matters, setting out a summary of my conclusions and reaching an overall conclusion.

8.3 Before turning to the Statement of Matters, however, I first address the economic appraisal of the scheme.

### *Economic Appraisal*

8.4 Merseytravel's economic case for Line 1 is set out in paragraphs 4.58 to 4.67. The NPV of the scheme is calculated as £210.5m and its BCR as 1.97. On this basis, the scheme shows a relatively robust, positive out-turn.

8.5 Objectors, and in particular GTL and TPL, assert that these figures are misleading and the calculations unreliable [6.24 and 6.39]. There was, however, little or no reasoned challenge to any of the data provided by detailed survey work and then used by Merseytravel to create the economic model from which its financial predictions are drawn, or to the modelling itself. The appraisal has been carried out in accordance with government guidance. Moreover, even when allowance is made for optimism bias and risk assessment, again carried out in accordance with government guidance, there remains a strongly positive economic performance [7.11].

8.6 I have considered the claim by Professor Lesley on behalf of TPL that tram patronage would be much lower than that predicted by Merseytravel, perhaps as low as 3m journeys per year. He also claimed that staff costs were likely to be of the order of £7.8m, rather than £4.13m as calculated by Merseytravel. No evidence or reasoning was adduced to support these assertions, and I am accordingly unable to accept them, particularly in the light of the very detailed survey and modelling work conducted by Merseytravel.

8.7 GTL also claims that Merseytravel has underestimated its staff costs, but by a much smaller amount, suggesting a corrected figure of £5.1m [6.24]. Even if this figure were to prove correct, however, it would not fundamentally alter the projected economic out-turn of the scheme [7.11]. GTL does not challenge the likely tram patronage, of which some 60% would be made up of passengers transferring from buses [4.62]. GTL's complaint as to the impact upon it of competition from the tram is clearly and naturally founded on an acceptance of a significant transfer of patronage to the tram [6.11].

8.8 I have also considered the objection to the scheme on economic grounds from the Mersey Docks and Harbours Company [6.27 and 6.28]. As Mr Stoney, who appeared on behalf of the Company, admitted at the inquiry, however, he has no knowledge of the government guidance on the approach to appraising of transport schemes, has not studied trams, or considered in any depth the background documents on which Merseytravel's case for Line 1, including its economic appraisal, is based [7.50]. I can accordingly attach little weight to his views.

8.9 I recognise that economic assumptions and projections are not expressions of certainty. To my mind, the economic appraisal conducted by Merseytravel has been thorough and conducted fully in accordance with government guidance. It has been audited by the Department for Transport as part of the funding assessment [4.51]. The economic appraisal has been subjected to further sensitivity tests,

risk assessment and anti-optimism-bias studies [7.11]. On balance, therefore, I take the view that the economic case for Line 1 is positive and robust.

8.10 I therefore turn next to a detailed consideration of the issues set out in the Statement of Matters.

### ***The Statement of Matters***

#### **1. The aims and objectives of the proposed Merseytram system**

8.11 The five objectives of Merseytram are set out in paragraph 4.17. The extent to which they are met is addressed in the following consideration of the other issues raised in the Statement of Matters, and in the other matters thereafter considered. I return to them in my Summary of Conclusions at paragraph 8.191.

#### **2. The justification for the particular proposals in the TWA Order for Merseytram Line 1 from Liverpool City Centre to Kirkby ("the scheme") including**

##### **■ the extent to which they are consistent with national, regional and local planning and transport policies**

8.12 Merseytravel's case as to the high degree of consonance between the scheme and planning and transport policy at all levels is set out in paragraphs 4.31 to 4.41. In my view, not only is the scheme consistent with transport and planning policy but it is also an express instrument of the implementation of policy at least up to regional level. Line 1 is included in RPG13 (D5), for example, as a committed scheme of regional significance [4.36]. The scheme is consistent with adopted and emerging local planning policy both in Liverpool and Knowsley [4.40 and 4.41], and, following agreements reached between Merseytravel and LCC and KMBC [1.4], both local planning and highways authorities are supporters of the proposal. The scheme is a key component of the LTP [4.38]

8.13 The Liverpool UDP promotes the reduction of dependency on the private car and investment in the public transport network, and LCC has recently adopted SPG (D18a) to provide explicit policy support for the 3 Line Merseytram network as one of the major schemes in the Merseyside LTP [4.40]. Furthermore, LCC has adopted the Liverpool Urban Design Guide as SPG (D34). Only those developments which accord with the design criteria therein are likely to be approved.

8.14 The adopted Knowsley UDP (1998) recognises the need for an efficient, affordable and reliable public transport system to serve this Borough located on the edge of the Merseyside conurbation [4.41]. The First Draft replacement UDP supports the Merseytram network Lines 1 and 2 as part of an integrated transport system and, pending its adoption, the Council adopted SPG to provide planning policy support for the scheme, which I accept is a material consideration in determining Merseytravel's applications for the TWA Orders and planning directions for Merseytram.

8.15 I consider later the potential conflict between UDP and SPG policies designed to protect trees and landscape generally from the adverse impacts of development.

8.16 GTL claims that the scheme is contrary to policy because its promotion has meant fewer resources being committed to bus improvements, also a leading LTP policy [6.22]. However, both bus improvements and Merseytram Line 1 are LTP policies; resources have been committed to bus improvements [7.35], and it is therefore in my view not correct to claim that promoting Line 1 is in any way in conflict with policy.

8.17 I conclude that the Line 1 proposals would be consistent with national, regional and local planning and transport policies.

##### **■ the anticipated transportation, regeneration and socio-economic benefits of the scheme**

### ***Transportation benefits***

8.18 It is not claimed by Merseytravel that a new transport corridor would be opened up by the tram or that there is an insufficiency of buses along the proposed route of Line 1.

8.19 In the view of Merseytravel, the key benefits of Merseytram are: flexibility, accessibility, ride quality, speed, perception, capacity and environmental benefits. These key benefits and manner in which Merseytravel claims that they would be provided by the Line 1 scheme are set out in paragraph 4.18. Line 1 would make a significant contribution to meeting the target of providing a steel-wheel stop within 800 metres of every household in Merseyside [4.19]

8.20 Some objectors claim that the Line 1 scheme is objectionable on the basis of its poor integration with other public transport [6.20 and 6.43]. The manner in which Line 1 would integrate with other public transport facilities is, however, considered in paragraphs 7.19 to 7.22. These include Kirkby bus station, transport facilities in district centres along the route, Lime Street and Moorfields Stations, existing and proposed central Liverpool bus facilities, and the riverside connections, including the Mersey Ferry.

8.21 There therefore seems to me to be little or no scope for criticising Line 1 on grounds of its failure to integrate with other public transport systems; to my mind, it represents a significant step towards the achievement of a central aim of the LTP, that it, the establishment of the SIPTN [4.17 (fourth bullet point) and 4.37].

8.22 The complaint of GTL that Merseytravel is seeking to force bus operators to integrate with the tram rather than the other way round seems to me one of little merit [6.21]. The tram, being a steel-wheel system is of a fixed nature. It must follow that it is for bus operators, who may freely choose what routes to serve, to seek to provide the integrated services which are devoutly to be desired. It is my view that the route of Line 1 has been well chosen to offer opportunities for integration with buses at Kirkby, Liverpool city centre and intermediate points.

8.23 GTL, TPL and other objectors attach great significance to the existing rail connection between Kirkby and central Liverpool [6.43]. This is both in terms that a rail-based transport link from Kirkby to Liverpool is thus already in place, and because the tram would terminate in Kirkby town centre rather than extending north to the railway station, and would therefore fail to integrate with Merseyrail.

8.24 To my mind, however, the rail link largely serves a different catchment area and transport corridor. It runs to the north of the Line 1 corridor throughout its length, and does not meet Line 1 until reaching Moorfields station in the city centre [7.18]. Merseyrail passengers to any city centre destination other than Moorfields Station itself (or another Merseyrail station) must complete their journey on foot or by another mode. The Moorfields connection to the tram would to my mind serve a passenger well, whether, for example, wishing to travel westward across the Strand to the waterfront or eastward to destinations such as the Hospital. In addition, the tram would serve over 20 locations (22 between Kirkby and Moorfields) along a corridor between Kirkby and Liverpool city centre which is quite separate from the Merseyrail line [4.10].

8.25 At the Kirkby end of the proposed line, 90% of the tram catchment area as calculated by Merseytravel (and not disputed by objectors) lies outside the 800-metre catchment area of Kirkby Merseyrail Station [7.18]. The Station lies about 1 kilometre from the town centre. The demand surveys and modelling carried out by Merseytravel reveal very low demand for the tram between the town centre of Kirkby and its railway station [7.68].

8.26 To my mind, the construction of Line 1 would give residents of Kirkby an extended range of travel options by public transport: to use the train to Moorfields and if necessary onward by another mode; to take the tram to any intermediate point along Line 1 including the important sites served and listed in paragraph 4.28; or to continue to take the bus from the proposed refurbished bus station in Kirkby.

8.27 The option chosen would depend on a whole range of factors, including the precise location of the traveller's starting-point, the precise destination, and a balance of time against other factors such as comfort and reliability. The options and choices are to my mind well reflected in the results of Merseytravel's personal preference survey work [4.58 et seq]. I address the proposal to extend Line 1 to the railway station in paragraphs 8.52 to 8.55].

8.28 I observed in the course of my site visits [1.3] that, as submitted by Merseytravel and others [5.13 and 7.22], the dual carriageway Strand is a significant physical and psychological barrier to access to the Mersey waterfront. Line 1 would cross it in two places and in my opinion greatly enhance the integration of the waterfront with the cultural and commercial centre of Liverpool east of the Strand.

8.29 I also attach considerable weight to the improvement which the tram would provide in terms of accessibility for the disabled and elderly. It is in my view a point well made that even if all buses now had low floor access, the ability of the disabled to use such access relies on the co-operation of the bus driver in ensuring that the bus is sufficiently close to the kerb [5.11]. Illegal parking may render this difficult or impossible. The access to the tram, by contrast, must always be in the same close position relative to the tram stop platform because of its steel-wheel nature. The greater scale of tram vehicles relative to buses is also likely in my view to help ensure that the elderly and disabled, mothers with prams and passengers laden with luggage and heavy shopping would, especially at busy times, find access to the tram easier than to the bus [4.15].

8.30 There can also, I believe, be little doubt that the tram is likely to provide a more reliable service than the bus. Congestion is predicted to increase significantly in Liverpool as economic regeneration proceeds [7.23], and, while bus priority measures would no doubt meet this problem to an extent, there are at least two difficulties: The first is to grant priority at road junctions to a sufficient number of buses without causing severe congestion [7.36], and the second is that if bus priority measures are to have any significant impact they must be well-policed [7.37].

8.31 As far as keeping the tram tracks free from obstruction is concerned, to park in or otherwise obstruct the swept path of the steel-wheel tram is in my view counter-intuitive. The priority granted to the tram through segregation is accordingly likely to be largely self-policing. It is also to be noted that the maximum passenger capacity of a two-vehicle tram is over 400 as against about 50 in the case of a bus [7.60 and 6.12]. In proportion to passengers carried, the number of vehicles to which priority would need to be given at junctions would thus be very significantly lower in the case of the tram. Merseytravel's modelling establishes that all of the road junctions along the route of Line 1 can accommodate tram priority without unacceptable congestion, though some additional modelling work remains to be carried out in respect of some junctions as part of the detailed design development of the scheme (4.124].

8.32 Merseytravel's research, earlier supported by Professor Lesley [7.24], appears to establish that car users who would not be tempted to transfer to a bus would be more likely, especially as congestion increases, to transfer to the tram. This appears also to be the experience in respect of the Croydon Tramlink [7.97]. Such a transfer would be wholly consonant with the aspiration of national and local transport policy to encourage car users to switch to public transport [4.35 and 4.38].

### ***Regeneration and Socio-Economic Effects***

8.33 It is Merseytravel's case that the existence of Line 1 would act as a catalyst, encouraging and generally hastening developments [4.47]. The route of the Line has been expressly chosen to serve a number of significant development sites [4.46]. With the aid of its Objective One status, regeneration on Merseyside has begun, with rapid growth in employment albeit from a low base, over the last few years [4.44].

8.34 Objectors say that no development has been identified which is dependent on the existence of the tram [6.16]. They point to a development announced during the inquiry in the vicinity of the Airport as a clear demonstration that regeneration does not depend on the existence of the tram. There



is no evidence before me to explain why the site of that development has been chosen. For a concern based in continental Europe, proximity to an international airport might well be an aspiration, though I accept that this must remain speculation.

8.35 In my view, the fact that developments are proceeding in Merseyside which on their face are unrelated to the Line 1 proposal does not undermine Merseytravel's claim as to the contribution the tram would make to the maintenance and acceleration of the regeneration process. This claim by Merseytravel as to the regenerative benefits of Line 1 is strongly supported by local commerce and industry, and, in particular, by the developers of sites along the Line 1 route [5.3 and 5.5], with which Merseytravel has been in close consultation [4.47].

8.36 I turn now to the claimed impact upon employment at GTL's Gillmoss depot [6.11 and 7.40]. In the absence of any evidence to support such an assertion, I do not accept that GTL is likely to lose up to one third of its turnover, or alternatively, up to 91 buses and 305 jobs. Such a loss of jobs would amount to about 35% of its total staff and about 55% of its staff at Gillmoss. GTL operates from two depots. The tram would impact upon only one bus corridor operated from one of the depots and in which GTL runs only some 50% of the services [7.40]. All of GTL's other services including those from its Aintree depot would be unaffected. I accept that there may be some job losses; in my view, however, these are likely to be closer to and probably no more than the maximum predicted by Merseytravel of 35, based as this prediction is on an accepted methodology [7.42].

8.37 Moreover, as suggested by Merseytravel [7.45] and not disputed by GTL, there is an annual employment turnover in the bus industry of some 10%, which would allow any losses to be absorbed naturally, since 35 jobs represents less than 7% of the 550-strong workforce at GTL's Gillmoss depot. Some 265 new jobs would in any event be created nearby at the OCC, and many of these would to my mind be suitable for those with experience in public transport [7.43].

8.38 Moreover, this takes no account of the undoubted opportunities for bus companies to develop new routes, including feeder services for the tram, and taking advantage of an anticipated growth in bus services as prosperity increases [7.45]. I do not accept that the level of likely job losses at the Gillmoss Bus Depot is to be regarded as significant, or that GTL's objection on this ground is therefore a matter of sufficient weight to place in jeopardy the regeneration and socio-economic benefits which I believe would flow from construction of Line 1.

8.39 There is no objection on grounds of competition from any other public transport operator. Arriva's objection relates solely to the impact of closing St John's Lane [6.73]. Merseyrail supports the Line 1 scheme on grounds of improved public transport integration [5.15].

8.40 The chosen route of Line 1 runs through some of the most deprived areas in the United Kingdom, areas expressly targeted by the Objective One programme [4.42]. Its route would serve a significant number of important development sites [4.46]. No objector presented a reasoned challenge to the expert evidence adduced by Merseytravel that there would be faster and denser development with the tram than without it, or that of a developer to the effect that inward investors had a preference for heavy or light rail over bus systems [5.7]. The scheme is likely in my view to raise and improve the profile of Merseyside, encouraging inward investment. I note that this is a view also held by a number of supporters of the scheme [5.7, 5.8 and 5.9].

8.41 In my opinion, the existence of the tram would at the very least accelerate the development of the sites along its route, making a significant contribution to maintaining the momentum of regeneration in Merseyside.

- **the main alternatives considered by Merseytravel for achieving the objectives of the Merseytram system and the main reasons for selecting the mode of transport, the proposed route of Line 1 and the locations of the proposed tram stops, Operations and Control Centre, Park and Ride site and construction compounds**

8.42 The selection of the Line 1 route and its working up are described in paragraphs 4.20 et seq and 7.26 et seq. It is clear to me from that evidence, and contrary to the assertions of some objectors

[6.6], that there was neither a pre-disposition in favour of the tram as the appropriate transport mode nor one in favour of the route now proposed for Line 1. I accept also that Merseytravel has learnt lessons, not least in relation to the full consideration of alternatives, from the failure of MRT [7.27]. The tram as a mode of transport to serve the Line 1 corridor appears to score markedly better than the alternatives [4.23 et seq].

8.43 Buses: the argument of objectors seeking to promote bus priority rather than the tram, principally but not exclusively GTL and TPL, is that a public transport system equally efficient and reliable as the proposed tram could be provided at a fraction of the cost. I recognise that as submitted by Merseytravel, considerable effort and money has been put into bus improvement measures including priority [7.35], though it is accepted that progress has been slower than hoped for [7.34]. Overall, bus priority, though cheaper to provide, would be less effective because of the conflict between the number of buses to which priority would need to be given and other traffic; this would cause unacceptable levels of congestion, especially as car use (absent the tram) increases with the growth of prosperity [7.36 and 7.37].

8.44 I have found the position adopted by Professor Lesley difficult to understand. That he is a long-term supporter of trams as against buses, is evidenced by the LETS documents and submissions to the Select Committee [7.52]. He said at the inquiry that he remains a supporter of light rail but not of Line 1 [6.29], and that his criticisms are offered in a constructive spirit and with a view to improving the scheme.

8.45 I am bound to say that the approach adopted by Professor Lesley and the tone in which his criticisms have been couched [6.49] do not support this claim. Nor are his alternative suggestions (which I further address below) likely in my view to make Line 1 a more effective transport system, if it is deprived, for example, of the potential patronage of 0.4m journeys per year predicted to or from King's Waterfront [4.62 and 7.62], or of an adequate terminus there [7.61], or if the route of Line 1 is moved generally further from centres of potential patronage and nexus of transport integration [7.64].

### ***Objectors' Alternative Proposals***

8.46 I have looked with care at the detailed alternative route proposals put forward by a number of objectors, including Professor Lesley, and was also able to assess them in the course of my site visits [1.3]. As I made clear at the pre-inquiry meeting, these are to be recommended for further consideration only if the impact of the element of Merseytravel's proposals to which the alternative relates is unacceptably adverse and/or the alternative proposed would have clear advantages over the Merseytravel proposal.

8.47 As far as the alternative route proposed by Ms Boulton with a view to removing the tram from Muirhead Avenue is concerned [6.55], I do not accept that the impact of the tram on Muirhead Avenue would be unacceptably adverse, whether in terms of noise, visual impact or effect on property prices [6.53, 6.54 and 7.73 et seq]. I was able to inspect the alternative routes along Breck Road and Mill Bank in the course of one of my site visits, and to confirm for myself that they would be subject to the disadvantages indicated by Merseytravel [7.79 and 7.80]. I reach the same conclusion on similar grounds in relation to the alternative proposed to avoid Utting Avenue East [6.68 and 7.98].

8.48 Alternatives were proposed by Professor Lesley on behalf of TPL in relation to the route of Line 1 in the city centre. Of these perhaps the three most radical would be to terminate the Line short of the King's Waterfront, to reduce the capacity of the proposed terminus there, and to remove the city centre loop [6.45, 6.46 and 6.48].

8.49 There can to my mind be no merit in an alternative proposal which fails to serve a site of such significant development potential as the King's Waterfront. Moreover, to spend £230m on a tram system and then leave it with a terminus potentially inadequate for its purpose (not least, the purpose of mass transit to/from major arena events [7.60]) is equally without merit, in my view. Nor does Professor Lesley indicate, apart from some cost savings, what he believes the merits of his alternative terminus to be, sited in the close vicinity of listed dock walls and with inadequate space to

accommodate either the tram vehicles or passengers, especially at busy times [7.61]. Similar considerations lead me not to recommend further investigation of the realignment of the Pier Head section proposed by Professor Lesley [6.47 and 6.48] which would carry it further from the tourist and other attractions in that vicinity.

8.50 The TPL city centre alternatives (with the possible exception of the additional Albert Dock Gates stop [7.63]) would all to my mind move the tram further from precisely those locations where its presence would be most beneficial. The loop through Whitechapel, Paradise Street and Canning Place proposed by Merseytravel would serve the retail heart of the city centre, including the PSDA development for which planning permission and other necessary powers have now been obtained [4.46]. I have taken into account the expressed views of the relevant developers in this regard. The Canning Place stop would form a bus/tram interchange in accordance with LTP aspirations for a SIPTN [4.37].

8.51 While I recognise that such matters are to a degree subjective, it is difficult to believe after inspection that a scheme relying on what is in my view the ugly and intrusive Churchill Way (South Flyover) has any merit. Contrary to assertions made on TPL's behalf, it does not appear to have won any architectural prizes [6.42 and 7.58]. It is also to be noted that the Flyover is to be demolished pursuant to the CCMS whether Line 1 proceeds or not.

8.52 I turn finally to the proposed extension between Kirkby town centre and Kirkby Railway Station, of which TPL is the principal but not sole proponent. On its face, a connection to Kirkby Station might appear worth pursuing, in the interests of public transport integration [6.43]. As I have concluded in paragraphs 8.24 and 8.25, however, the Merseyrail service between Kirkby and Moorfields stations serves a quite separate transport corridor. The station is about 1 kilometre from the town centre and the rail corridor does not meet the Line 1 corridor at any point east of Moorfields station [7.18].

8.53 Some 90% of the tram catchment area population live outside the rail corridor. The evidence of Merseytravel as to anticipated demand for a tram service between the town centre and the station [7.68], unchallenged as to its specifics, demonstrates to my mind that this is a point of transport integration more imagined than real. It is also to be noted that very recently the integration into the public transport system of Merseyrail's station at Kirkby has been substantially improved by the new bus/rail/taxi interchange [7.66]. Merseyrail supports the Line 1 scheme as proposed [5.15].

8.54 Without undue disruption and demolition only a single line segregated extension could be provided [7.66]. There would be operational difficulties arising from the significant tram waiting times which would be necessary to permit passengers to transfer both from and to the tram at the Station [7.67]. Tram passengers arriving at the station would remain to a degree separated from it by Whitefield Road.

8.55 In my view, the extent of additional cost and disruption which even a single-line extension would predicate would be out of proportion to the very limited transportation benefit likely to result.

8.56 For all these reasons, I conclude that a full investigation of all alternatives has been undertaken by Merseytravel, that the chosen route, stops, and the sites proposed for the OCC and P&R site are likely to represent the best available, having regard to all relevant considerations. None of the alternatives proposed by objectors appears to me, for the reasons set out above, to warrant further investigation.

**3. Whether there is a compelling case in the public interest for conferring on Merseytravel powers to acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 02/2003, paragraphs 13 to 20, and whether all the land over which Merseytravel has applied for such powers is required in order to secure implementation of the scheme**

8.57 There is no subsisting objection to the compulsory acquisition and demolition of residential property [6.62]. There is equally no subsisting claim that such acquisition would be in breach of obligations under either Article 8 (Right to respect for private or family life) or Article 1 of Protocol 1 (Protection of property) of the European Convention on Human Rights.

8.58 I have nevertheless considered carefully, in the context of the light of human rights of those affected, the proposed acquisition and demolition of residential properties in the vicinity of Stonebridge Cross. On balance and having regard to the considerations set out in paragraphs 4.139 and 4.140, I take the view that the compulsory acquisition would be compellingly in the public interest and that any interference with Article 8 rights would be proportionate to that interest.

8.59 I similarly agree with the submission of Merseytravel that the proposed compulsory acquisition of non-residential property is lawful and proportionate.

8.60 I turn at this point to the outstanding objection of United Utilities [6.50 and 6.51]. It is not in dispute that the area of land concerned now forms part of a balancing pond accommodating run-off from the Axis Business Park, the freehold of which is owned by United Utilities. The land is not required to secure implementation of the scheme [7.71]. Its compulsory purchase would accordingly be unlawful. Any private contractual obligation on the part of Merseytravel claimed by United Utilities is not a matter for me.

8.61 Having regard to my overall conclusion as to the merits of the scheme (paragraph 8.191) I conclude that, in accordance with ODPM Circular 2 of 2003 (F6), there is a compelling case in the public interest for giving Merseytravel the powers proposed in the TWA Order to acquire and use land for the purposes of Line 1. I have considered carefully the extent of acquisition of land and rights proposed, and I am satisfied that all the land proposed to be acquired is necessary for implementation of the scheme. Given my conclusion as to funding [8.173] and, subject to the necessary powers being obtained, given the proposed starting date for construction of the scheme [4.54], I do not consider that the proposed compulsory acquisition would be premature.

**4. The likely impact on traffic of constructing and operating the scheme, including:**

■ **the effects on highway capacity, traffic flow, pedestrian movement and safety of allocating road space to the proposed tramway**

8.62 It is Merseytravel's case that the allocation of road space to the tram can be achieved without significant adverse impact, and, in many cases, with beneficial effects on other road users [4.118 et seq].

8.63 Carriageway width reduction would occur along only 16% of the Line 1 route, and in every case sufficient capacity would be retained to accommodate current and predicted traffic levels. In some cases, for example in Utting Avenue East, the changes proposed would merely formalise current arrangements: there are currently two traffic lanes, but one is occupied by parked vehicles. With the tram, parking would continue to be provided, with the through traffic lane retained, albeit with a reduced width [7.93].

8.64 The detailed traffic analysis carried out by Merseytravel in conjunction with LCC and KMBC has enabled all junctions along the Line 1 corridor to be modelled in detail [4.119]. Remodelling of some junctions, taken with some modal shift away from car use, would materially improve their safety and performance [4.120 and 4.124]. Though some work remains to be done and would be

carried out within the terms of the Implementation Agreement in the course of detailed design work, Merseytravel believes that all junctions can be remodelled to operate within the limits set by LCC and KMBC.

8.65 The diversion of some traffic away from roads on the tram route has been taken into account in the modelling both in relation to the roads currently used by such traffic and the roads to which it would transfer. The latter can accommodate additional traffic with no more than some alterations to signal timings.

8.66 I recognise the concerns of some objectors whose homes or businesses are located along the route of Line 1 that its introduction would lead to significant congestion or even gridlock. They reach the natural conclusion that, if road space is to be made available to the tram, less and probably insufficient space would be available to other users.

8.67 The amount of road space to be so allocated is small, however, and this view also seems to me to take insufficient account of the opportunity which implementation of Line 1 would provide for improving provision for other road users. There was no argued challenge to the case of Merseytravel in this respect.

8.68 It does not appear generally to be in dispute that the convenience and safety of cyclists and pedestrians would be improved by the implementation of works associated with the tram [4.125 and 4.126]. The exclusion of traffic from some city centre streets, new signalised crossings, reservations and direct routes through junctions would all, to my mind, improve safe access for pedestrians: similar considerations apply to cyclists, though I return to the remaining concerns of the Merseyside Cycling Campaign at paragraph 8.77.

8.69 I therefore turn to the question of provision for buses. Merseytravel's case is that carriageway widths where reduced would in all cases remain able to accommodate bus and bus stops without additional obstruction to other traffic [4.123]. The junction remodelling has taken into account bus traffic and the findings set out above remain good. While GTL believes that bus priority measures could provide, at a much lower cost, a bus service with a reliability to match that claimed for the tram [6.22], it does not appear to argue that the existence of the tram would significantly obstruct or delay bus services, except perhaps in Liverpool city centre.

8.70 I accept that, in the city centre, the position with regard to buses is more complex. The CCMS is part of adopted local transport policy [4.39] and the PSDA now has all relevant consents [4.46] and there is, in my view, no reason to believe that it will not shortly be implemented. Some concerns of a number of objectors appear to me to overlook this [6.26 and 6.79]. Even in the absence of the tram, implementation of the CCMS and the PSDA will radically change bus routing options, stops, layover points and other facilities [7.108 and 7.109]. The removal of through traffic from some streets would allocate more road space to buses and improve bus reliability [4.127]. The LTP concludes that the city centre is over-bussed. Again none of this appears to be challenged by GTL or any other objector.

8.71 In my view, the impact of the tram on city centre bus movements must be assessed against the dynamic context provided by the CCMS and PSDA. I return to this issue in paragraph 8.82 when considering the proposed St John's Street TRO modification. It is, however, my conclusion overall that the benefits which the CCMS will bring bus operators and the new bus facility to be constructed as part of the PSDA provide the context within which bus operators will be able to re-order the services they provide, so that there would be no significant adverse impact on them from the operations of the tram.

8.72 I accept that there would be some inevitable disruption to traffic, including bus services, during construction of the scheme. It is my view, however, that the supervision of the contractor's method of working through the CoCP and the proposed Highways Agreement [4.95 and 4.132] would ensure that such disruption is kept to a minimum. This disruption during construction would be proportionate to the transportation and other benefits which I conclude below [8.191 et seq] would flow from the existence of Line 1.

8.73 In my opinion, there would be no unacceptably adverse impacts on other road users arising from the allocation of road space to the tram.

- **the effects of closing and diverting the streets detailed in Schedules 4 and 5 to the TWA Order**
- **the effects of the traffic regulation measures specified in Schedule 9 to the TWA Order, including the proposed restrictions on parking, loading and access**

8.74 These two matters can to my mind conveniently be addressed together, since objections based on them concern rights of access to the streets concerned.

8.75 I have considered the proposed street closures and diversions contained in Schedules 4 and 5 of the draft Order, and as set out in Tables 3.3 and 3.4 of P6/F. I recognise that many of the essential changes to be made to the highway network, including the closure of roads to through traffic, are contained in the CCMS [4.39]; powers are contained in the draft Order in these cases only against the risk that implementation of the CCMS is delayed. I have also considered carefully the TROs proposed in Schedule 9 of the draft Order.

8.76 The following objections relate to these matters:

#### ***Merseyside Cycling Campaign***

8.77 The response of Merseytravel in respect of the three specific matters of continuing concern to the Campaign [6.77] and on other issues [7.114 and 7.115], to my mind establishes that it intends in accordance with local transport policy to promote cycling. Provision for cyclists is contained in the proposed Highways Agreement. I am satisfied that proper provision can and would be made to meet the Campaign's concerns in the detailed design of the scheme to be agreed between Merseytravel and LCC.

#### ***The proposed St John's Lane modification***

8.78 I accept that the modification proposed by Merseytravel [7.107 et seq] merely formalises a proposal which was already explicit in the Environmental Statement and in the submitted plans. That the three objectors to the formal modification [6.26, and 6.73 and 6.74] appear not to have been aware of this is, however, no reason now to accord their objection less weight.

8.79 I accept the view of Merseytravel that, if the tram is to run a reliable service, a principal objective, its segregation from other traffic must be maximised. I note that the need for segregation is one of the matters of concern expressed in the NAO Report [7.29]. In the course of the development of Line 1, a very significant degree of segregation has been achieved [4.4]. Any reduction in that segregation is to my mind undesirable. It is particularly undesirable where, as here, the route section proposed to be shared with buses would serve a significant number of bus routes, and would involve buses using St John's Lane as part of a time-filling circuit [6.73], in the manner of "stacked" aircraft waiting to land. In such circumstances, buses are particularly likely to be travelling at unnaturally slow speeds or to be stationary, and particularly likely to cause obstruction.

8.80 I recognise the real concern of bus operators in this regard, including that of Arriva North West [6.73], not an objector to the principle of the tram. However, the LTP concludes that the city centre is "overbussed". The CCMS contains an extensive package of measures to create a wider choice of bus routeings, and of bus layover locations within the city centre. The PSDA development includes a new bus/tram interchange. The relative importance of the Queen's Square bus facility will decline [7.109].

8.81 The fears of bus operators (and of Mr Kennedy) appear to me to take insufficient account of the extent of change which will take place in Liverpool city centre whether the tram proceeds or not. Even in the absence of other more radical changes, the removal of through traffic from a number of city centre streets would ease bus congestion. In the case of congestion at the Queen's Square bus facility, some limited queueing of buses would be acceptable because the closure of St John's Lane

would significantly reduce traffic in the vicinity of the entrance to the bus facility. Specific provision for buses is also to be made within the Highways Agreement to be entered into under the Implementation Agreement [7.33].

8.82 It is my view that it is within the CCMS and the wider changes proposed in the city centre that a more comprehensive and environmentally-friendly solution to any problem arising out of the closure of St John's Lane can and should be found. I conclude that the draft TWA Order should be modified to include the proposed TRO in respect of St John's Lane.

### ***Written Objections***

8.83 The proposed closure and diversion of streets and the traffic regulation measures would inevitably have some adverse impact upon access to and servicing of premises. Although many access-related objections have been withdrawn, a number remain extant [6.71]. None of these objectors appeared at the inquiry, and I have therefore studied with particular care their written objections together with the response made thereto by Merseytravel, including in most cases an up-to-date "position statement". In some cases there is a separate rebuttal statement by Merseytravel (within the range of Documents P10 to P38).

8.84 I have found no case in which alternative arrangements for access and servicing would not be available, or where they would, in my view, be unacceptably inconvenient [7.104]. I have reached this conclusion without placing weight on the undoubted advantages in terms of access to the relevant premises which a location on or close to the Line 1 route would afford.

8.85 In reaching this conclusion, I have taken into account any impact on customer or delivery-related parking which Line 1 would have in respect of objectors' premises. As far as general parking is concerned, the minimal loss of spaces in Liverpool city centre set out by Merseytravel [4.129] is not disputed.

8.86 For these reasons, though accepting that there would inevitably be some adverse impact arising from street closure and diversion, and from the TROs, I accept: that these issues have been fully investigated; that the best possible access and servicing to properties has been provided; that, given the magnitude of the project, few persons would be disadvantaged; and that in no case would any adverse impact be unacceptable.

### **■ the justification for the general power in Article 46(2) of the TWA Order for Merseytravel to introduce traffic regulation measures in addition to those specified in Schedule 9**

8.87 I have noted the firm opinion of Mr Morton set out in paragraph 4.134, that in a scheme of this scale, it is likely that some modification to traffic arrangements would prove necessary in the course of the detailed design and implementation of the project. There is little objection to this provision [6.59 and 8.109]. The power is to be limited to a period expiring 12 months from opening and would be subject to public notice, to consideration of objections, and to the consent of LCC or KMBC, both of which support the proposed power. In the circumstances, it is my opinion that the power proposed in Article 46(2) is appropriate and justified.

### **■ any additions to Article 26 of the TWA Order proposed by Merseytravel to ensure that the tramway would be constructed and maintained to a safe standard**

8.88 The intention of Merseytravel as now reflected in the proposed modified TWA Order Article 26 (in A28/1) is that safety provisions in relation to Line 1 should mirror those to be agreed between the Department for Transport, the GMPTE and West Yorkshire PTE in respect of other TWA applications [4.131]. That appears to me a satisfactory way of proceeding, but pending such agreement is reached, it is a matter which cannot yet finally be resolved.

### **■ any complementary traffic management or other measures proposed by Merseytravel to mitigate the effects of the scheme on road users**

8.89 The CCMS would in a number of respects complement the traffic measures to be taken in connection with Line 1 [4.39]. Otherwise, apart from some changes to signal arrangements in roads to which traffic would transfer by reason of tram operations, none is considered necessary or desirable by Merseytravel. I have concluded above [8.73] that there would be no severe adverse impacts on other road users from the allocation of road space to Line 1; indeed, it is likely that there would be some significant benefits arising from the combined effect of the CCMS and the tram. I take the view that no complementary measures are required.

## **5. The likely impact on local residents, businesses and the environment of constructing and operating the scheme**

### **■ Noise, vibration and dust**

8.90 I address impacts during the construction period and impacts if and when the tram is operational separately.

8.91 **During Construction:** I accept that works associated with the construction of the tram would give rise to some adverse impacts by reason of dust, and noise and vibration. It would be to my mind impossible for a scheme of this scale to be implemented without such impacts [4.95]. Notwithstanding the scale of the scheme, however, there are few major engineering works [7.12], and some of these, including the demolition of the Churchill Way (South Flyover), would be carried out under the CCMS even in the absence of the tram [4.39]. The CoCP agreed between Merseytravel and the local authorities contains detailed measures to limit dust emissions [4.99].

8.92 The CoCP also contains provision to minimise construction noise and vibration, and this is also addressed by proposed Planning Condition 20 [8.190]. Most work would be carried out during normal working hours as therein defined; where work must of necessity be carried out outside normal working hours, any disturbance at sensitive residential locations is likely to extend to no more than 2 or 3 nights [4.97]. Close to the works some vibration would be perceptible, but is unlikely to give rise to adverse comment and very unlikely to represent any risk to the stability of buildings [4.98]. Noise and vibration would be monitored and appropriate action taken if needed.

8.93 The case of Merseytravel in this respect has not been materially challenged. Having regard to the CoCP and proposed Planning Conditions, and to the supervisory role to be assumed by LCC and KMBC under the Implementation and Framework Agreements [1.4], I conclude that there would be no unacceptably adverse impacts arising during the period of construction by reason of dust, noise or vibration.

8.94 **During Operation:** Notwithstanding the fears as to noise and vibration expressed by a number of residents of roads along which the tram would run [6.54 and 6.64], there is no argued challenge to the evidence as to noise and vibration adduced on behalf of Merseytravel. This evidence is to the effect that noise levels resulting from tram operations would generally lie below existing levels of noise generated by traffic [7.89]. No adverse impact from vibration is predicted as a result of tram operations [4.88].

8.95 I have given particular consideration to those locations where adverse impacts from operational noise are anticipated [4.85]. In none of these would the threshold of unacceptable impact as defined in PPG24 [4.84] be breached. The worst case scenario appears to me unlikely to arise at the King's Waterfront; if the development does not proceed, the tram would be constructed further from the more vulnerable flats; in the to my mind more likely event of development proceeding, the resulting increase in the currently very low ambient noise levels would reduce the relative impact of the tram. At Brunswick Road, appropriate noise attenuation can and would be provided. The Stonebridge Lane properties are to be demolished. At the remaining properties, while there would clearly be some adverse impact, in no case would this, to my mind, be unacceptable.

8.96 I can accordingly identify no unacceptable adverse impacts from operational noise or vibration, such as to lead me to conclude that the scheme should not proceed.



■ **the effects of the scheme on the built environment, including the proposed use of buildings for the attachment of over-head line and other equipment and the proposed demolition of property**

8.97 The impact of Line 1 on listed buildings and conservation areas is addressed in the appended report of the Assistant Inspector. His conclusions are reflected in the conclusions reached in paragraph 8.198 of this report.

8.98 I accept that, given the scale of the Line 1 scheme, its construction would require the demolition of relatively few buildings [4.135]. This is in part a consequence of aligning significant sections of the route along the wide streets and avenues of the pre-1957 tram route [4.4]. It is not claimed that any of the buildings to be lost is of townscape significance. Conservation area consents are required for the demolition and/or relocation of the Concrete Barrier, Granite Bollard, Media House, the Churchill Way (South Flyover) and the Mann Island Pumping Station Kiosk and the Kiosk/Bell Tower at the Maritime Museum and these are therefore addressed in the Assistant Inspector's report (paragraphs 6.30 to 6.41), where he concludes in each case that consent should be granted.

8.99 As stated by Merseytravel and confirmed in the course of site visits, the commercial properties on the north side of London Road are part of a run-down secondary shopping area of little architectural or townscape interest [4.137]. I note that there would be opportunities for regeneration of the north side of London Road on completion of the tram construction. Demolitions at Stonebridge [4.135] are already anticipated in the Development Brief for the area, and the area is of very little townscape value, and already largely vacant, with houses boarded up. Similar considerations apply to the proposed demolitions in Cherryfield Drive.

8.100 Professor Lesley proposes a number of realignments which, in his view, would still further reduce property demolition [6.42]. These alternatives all have significant disbenefits, however [7.57]; the properties which would be saved from demolition on the other hand are of low townscape value and, in many cases are to be demolished in any event. To my mind, the disbenefits of these alternatives outweigh the townscape and other value of the properties which would thereby be saved from demolition.

8.101 The proposed OLE fixings would inevitably have some impact upon the built environment. CABE, however, supports the principle of preferring where possible buildings attachments for OLE [4.77]. In my view, the sensitive use of such fixings would help to minimise the visual impact of the tram, avoiding cluttering already busy streets with poles. This issue is addressed in more detail in paragraphs 6.86 to 6.95 of the Assistant Inspector's report relating to listed buildings and conservation areas. His conclusion is in favour of buildings fixings for OLE wherever possible.

8.102 I have nevertheless had regard to the objections outstanding in relation to the proposed use of individual buildings for OLE fixing [6.72]. The OLE would generally be supported from building facades by a single stainless steel eyebolt [7.105]. These would be similar to fixings used in other cities where modern tram systems have been constructed; there is no evidence before me to suggest that such fixings have given rise to significant problems. Attachment of equipment to buildings is addressed in Article 19 of the draft Order, and this also provides for its removal on notice for maintenance and redevelopment [4.148] and for the payment of compensation for loss or damage.

8.103 I accept that, through the Design Specification, all reasonable steps would be taken to minimise the impact of OLE fixings, and other equipment on the built environment [4.75]. I concur with the Assistant Inspector's conclusions generally preferring building fixings to poles for OLE in respect of listed buildings and conservation areas.

8.104 Overall, I conclude that the impact of the scheme on the built environment would be small. In some locations, London Road for example, the construction of the tram would provide opportunities for townscape improvement.

■ **the effect of the scheme on access to property**

8.105 I recognise that, as claimed by Merseytravel, retention of reasonable access to property was a prime consideration in the choice of horizontal alignment of the route, and that, following negotiations, in many instances, objections on this ground have been withdrawn, partly withdrawn or apparently not pursued [7.104]. I have already addressed this issue in paragraphs 8.74 to 8.86 in relation to street closures and TROs. There are outstanding issues with regard to access to the following properties:

8.106 **Mr P Brown (T/A Marathon Motors):** I recognise Mr Brown's genuine fears as to the impact on his business which any worsening in the means of access to it would have [6.56]. His premises are located some 40 metres down a narrow cul de sac, Broadway West, which is sandwiched between Broadway and the embankment of the former Liverpool Loop railway line. As I observed in the course of my accompanied site visit [1.3], his premises are neither prominent nor, except from Utting Avenue East to their east, currently easily accessible. Customers approaching from other directions must partly or wholly negotiate the twin mini-roundabouts currently in place at the Broadway junction [2.5].

8.107 I accept that Merseytravel's original proposal, which would have required customers to effect a U-turn across the tram tracks, [7.81] was unacceptable. The arrangement now proposed would replace the existing twin roundabouts with a single elongated roundabout. Despite Mr Brown's further submissions, this does not seem to me to represent a significant change from the existing arrangements. Manoeuvres at the roundabout are likely to be rendered safer by the signalling of the junction [7.82]; this to my mind would also allow the tram tracks to be negotiated with ease and safety. In my view, a reasonably competent motorist would experience no deterrent difficulty. I do not accept that any person, disabled or otherwise, crossing the northern end of Broadway West would be in any way adversely affected.

8.108 Clearly there would be a potential for difficulty during construction. However, Merseytravel has provided assurances that all reasonable steps would be taken to ensure that access to Mr Brown's premises would be kept open during ordinary business hours, and this is a matter addressed in the CoCP [7.83].

8.109 Mr Brown remains concerned at what he perceives the open-ended nature of the proposed power to make further TROs in contained in Article 46(2) of the draft Order. For the reasons set out in paragraph 8.87, I believe that Mr Brown and any other occupier of property potentially affected would have sufficiency of protection.

8.110 **Mr and Mrs Johnson:** Their concerns appear in part to arise from a natural misapprehension regarding imperial and metric measures [6.75]. Having regard to the response of Merseytravel [7.112], it is my view that there would be no unacceptable impact on access to their property.

8.111 **Thomson Partnership:** As accepted by the Partnership [6.60], Merseytravel's revised proposals for customer and delivery access to its premises are satisfactory [7.86]. The Partnership's other more general concerns are addressed elsewhere in these conclusions.

8.112 I have considered and addressed at paragraphs 8.83 to 8.86 issues relating to the impact on access to premises in Liverpool city centre. As to access to residential properties along the Line 1 route, I can again identify no unacceptable adverse impact. I accept that the breaking up of traffic into platoons by new signalised junctions is likely to assist vehicular access to and egress from the driveways to residential properties [7.94].

■ **the visual impact of the scheme on the landscape and townscape, having regard to the effects of the scheme on the setting of listed buildings and the character and appearance of conservation areas and to the nomination of the City Centre as a World Heritage Site**

8.113 The success of Liverpool's bid for World Heritage Site status was announced in the course of writing this report [1.11]. The city centre Design Specification developed by Merseytravel and LCC forms Schedule 3 to the Implementation Agreement [4.75]. This would provide the framework within

which the concessionaire would develop the detailed design of the scheme, if and when the TWA Order is made and the deemed planning permission granted [4.78].

8.114 The impact of the scheme on the listed buildings and conservation areas in Liverpool city centre is addressed in the Assistant Inspector's report. His overall conclusion is that all the applications should be granted, subject to conditions [8.198]. The effect of the tram on the setting of the listed buildings and on the character and appearance of the conservation areas nevertheless fall to be considered separately under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In my view, and subject to continuing careful assessment of design detail, the proposed tram would preserve and perhaps enhance the character and appearance of the WHS and the conservation areas.

8.115 Elsewhere, the main impact upon landscape would be the loss of up to 800 trees [4.70]. I have had regard to the concerns of local residents relating to the impact of this loss both on landscape and ecology [6.53 and 6.66]. Some of these trees are, however, likely to be coming to the end of their natural span in any event [4.70]. The two-for-one replacement policy using trees which are semi-mature, taken with the Tree Management plan enshrined in the Implementation Agreement [4.71] would in my view ensure that any adverse impact on landscape would be short-term. The long-term effect of the re-planting policy on landscape is likely to be neutral.

■ **the effects of the scheme on flora and fauna, including the loss of trees and grassed areas**

8.116 The scheme would affect no statutory sites of ecological value [4.69]. Similarly, no impact upon protected species has been identified [4.72], though further surveys would be conducted prior to the commencement of construction, and, in the event that any protected species is identified, any necessary guidance and/or licence would be sought from the appropriate agency. I recognise that there would be some marginal loss of habitat at the Broadway overbridge [4.69], though this would not affect the integrity of the site.

8.117 Some temporary loss of habitat would clearly result from the loss of up to 800 trees [4.70], which I have addressed above. In my view, the two-for-one tree replacement policy and the Tree Management Plan would ensure no long-term adverse impact.

8.118 I conclude at paragraph 8.128 that the loss of green or open space is to be regarded as de minimis. Following construction of the tram, the largest such area, the central reservation in Muirhead Avenue, would in large part become available for use by fauna. The planting of spring flowers would be restored and probably expanded [7.96].

8.119 In these circumstances, I can identify no significant long-term impact upon flora and fauna.

■ **the effects of the scheme on water resources, contaminated land and air quality**

8.120 Protection of the water environment would be regulated under the CoCP during construction and by condition both during construction and thereafter [4.91]. I accept that there would be no significant adverse impact upon water resources.

8.121 I note that the CoCP would require the concessionaire to adopt what appear to me appropriate mitigation measures in respect of contaminated land [4.92]. Contaminated land and its treatment are also the subject of proposed Planning Condition 2 [8.190]. These provisions appear to me to impose appropriate and adequate control upon the Line 1 concessionaire.

8.122 As to air quality, reduction in general traffic on some sections of the proposed tram route would reduce exhaust emissions, though in some cases at the cost of increasing it elsewhere by dint of traffic transferring to other routes. To the extent that the tram reduces traffic in Liverpool city centre below the levels predicted in the absence of the tram [4.17, bullet point 5], some relative improvement in air quality is, in my view, to be expected. It is not, however, claimed that Line 1 would result in any major overall improvement in air quality.

■ **the impact of the scheme on public health and security**

8.123 I note the evidence of Merseytravel, following a detailed Health Impact Assessment, that there would be slight negative impacts on public health during construction, but overall benefits thereafter [4.93]. There is no challenge to this evidence.

8.124 I recognise that despite improvements in public transport security and the reduction in transport-related crime described in evidence by the British Transport Police [5.1], public concerns about security on the public transport system in Merseyside remain [6.54 and 6.79]. Merseytravel is committed to the improvement of safety and security on the public transport system on Merseyside.

8.125 To my mind, the security arrangements proposed by Merseytravel not only for the tram but also for the P&R facility are likely to contribute significantly to improved public safety [4.94]. I note that this is a conclusion shared by supporters of the scheme, and especially those representing the more vulnerable members of society [5.1 and 5.11].

■ **the loss of public open space**

8.126 A number of areas of green or open space would be lost as a result of introducing Line 1 [4.105 et seq]. In considering the impact of these losses, I have had regard to applicable planning policies [4.105 and 4.109]. Of these spaces, the largest is the central reservation in Muirhead Avenue. The visual amenity of this area would, in my view, largely be maintained by the planting of replacement trees [7.74]. There is no evidence before me that the area has a significant recreational or nature conservation interest, or that its relationship to adjoining green spaces would be adversely affected. To my mind, the tram would also not materially affect the essential openness of the Pier Head area [4.107].

8.127 There is no suggestion that the loss of green space at Stonebridge Lane or at Grant Gardens would be in breach of UDP Policy OE11, or otherwise impact adversely to a material degree. I accept that the re-development of the Stonebridge Cross area provides the appropriate opportunity to consider replacement green space in that vicinity. The loss of open space in Knowsley appears to me de minimis [4.110].

8.128 I have had regard to the lack of opposition on the part of LCC and KMBC to the loss of green/open space and the impact of the scheme on such areas [4.111], and, with the exception of Muirhead Avenue, the absence of any other sustained objection. In my view, taken overall, the loss of green/open space is insignificant.

■ **whether the proposed works in the Green Belt in the vicinity of Croxteth Brook would be inappropriate development within the terms of PPG2 (Green Belts)**

8.129 In my view, the proposed works would fall into the category of engineering operations which, for the admittedly short lengths of Green Belt involved, would materially change the use of that land [4.114]. Within the terms of PPG2 they would therefore be inappropriate development unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it [4.112].

8.130 It is proposed to lay the tram tracks on grass through the Green Belt, and to provide OLE poles which are as small and light in appearance as possible. At this point, Line 1 would run within an existing busy transport corridor containing the A580 and the slip road to the M57 motorway [4.113]. The scheme is thus unlikely, in my view, to have a significant impact on the openness of the Green Belt or to conflict with its purposes. In my opinion, it would therefore not be inappropriate development in the Green Belt.

8.131 If I am wrong in this conclusion, however, the very special circumstances claimed by Merseytravel would fall to be considered [4.116]. These include: the manifest public benefits which would flow from the scheme; that Line 1 is supported by local planning and transport policy, and particularly the LTP; that, if Kirkby is to be linked to Liverpool by a tram line, the alignment must cross the Green Belt because no other alternatives outside the Green Belt were found to be available;

and that the exact route is now adopted planning policy by virtue of the SPG recently adopted by KMBC.

8.132 In the light of my overall conclusion as to the balance between the public benefits Line 1 would bring and as to any adverse impacts it would have, these special circumstances are, in my view, sufficient to outweigh any harm to the Green Belt and to justify the tramway route running through two short sections of the Green Belt at this point.

## **6. The measures proposed by Merseytravel for mitigating the adverse impacts of the scheme, including: the proposed Code of Construction Practice and Design Guide**

8.133 The latest version of the CoCP forms Schedule 6 to the Implementation Agreement [D60]. The Design Guide has been significantly progressed in the Design Specification for the city centre, which forms Schedule 3 to the Agreement. I recognise that agreement with LCC has thus been reached on a very considerable number of detailed matters. The remaining matters of detail fall to be dealt with pursuant to the proposed conditions to be imposed on the deemed planning direction.

8.134 The Implementation Agreement with its 16 Schedules to my mind offers a high degree of assurance that the impacts of the scheme both during construction of Line 1 and during operation of the tram would be minimised. The CoCP would impose stringent restrictions on the contractor. Nevertheless, as is admitted by Merseytravel, there would inevitably be some disruption during construction, and some impact from noise, vibration and dust.

8.135 The construction programme would be designed, however, to ensure that the more serious potential impacts (those arising from activities outside normal working hours, for example [4.96]) would be limited in their duration in any sensitive vicinity.

8.136 The Design Guide and the Design Specification have been drawn up on the basis of guidance from the Royal Fine Art Commission [4.75] and with overall approval from the relevant agencies [4.77].

8.137 To my mind the CoCP and the Design Guide and specification together provide an appropriate framework within which the detailed design of the Line 1 scheme can be worked up and its subsequent implementation achieved.

### **■ any compensatory measures proposed for residents and businesses affected by the scheme**

8.138 Apart from discretionary hardship payments for displaced street traders [4.150], no special compensatory measures are planned. I have considered this issue with care, but can identify no adverse impact of such severity as to render any such further measure appropriate.

### **■ whether Merseytravel proposes to provide land in exchange for any public open space taken for the purposes of the scheme**

8.139 For the reasons set out in paragraph 4.111, Merseytravel does not intend to provide land in exchange for the areas of green/open space lost. I have concluded in paragraph 8.128 that the loss of such space is generally insignificant. Merseytravel's decision not to offer exchange land does not, in my view, have significant adverse consequences.

### **■ any measures to avoid, reduce or remedy any major adverse impacts of the scheme**

8.140 A major infrastructure scheme such as Line 1 would inevitably give rise to some adverse impacts both during construction and subsequent operation. To my mind, the adverse impacts of the scheme which might be considered major are these:

8.141 **Tree loss:** The construction of Line 1 would lead to the loss of up to 800 trees. This has a potentially major impact upon landscape and upon habitats [4.70]. This impact is to be mitigated by the planting of replacement trees on a generally two-for-one basis. The replacement trees would be semi-mature so as to reduce the length of time in which such an impact is felt, and felling would as far

as possible avoid the bird breeding season. The programme is governed by a Tree Management Plan [4.71] and by proposed planning condition 9 [8.190].

**8.142 Impact upon townscape:** I have addressed the potential impact of the scheme on townscape in paragraphs 8.113 to 8.115, and it is also addressed in the Assistant Inspector's Report. The ancient maritime, commercial and cultural centre of Liverpool, now a World Heritage Site, with many conservation areas and listed buildings, is clearly vulnerable to insensitive development. In my view, however, the care which has been taken and would continue to be applied in the detailed design of the tram, especially in Liverpool city centre, amounts to fully appropriate mitigatory measures to protect it [8.113].

**8.143 Noise and vibration:** I have assessed the noise and vibration impacts of the scheme in paragraphs 8.93 and 8.96, and taken into account the mitigation proposed. I do not believe that either during construction or when the tram is operational, the impact of noise and vibration could be regarded as major.

**8.144** There is no challenge to Merseytravel's case that there are no major ecological impacts, no adverse impact on water quality, on air quality or by reason of interference with contaminated land. I have reached positive conclusions above as to all these matters.

■ **any measures to avoid, reduce or remedy any other adverse environmental impacts of the scheme**

**8.145** I have had regard to the Schedule of Environmental Mitigation Measures agreed between Merseytravel and LCC and KMBC [4.68 and Document P7/J]. The comprehensive range of measures proposed to my mind addresses satisfactorily all other significant adverse environmental impacts of the scheme.

■ **Whether, and if so to what extent, any adverse environmental impacts would still remain after the proposed mitigation measures had been put in place.**

**8.146** It is not possible to prevent some adverse consequences from construction noise [4.95 to 4.100]; and there will be some minor adverse impact from operational noise and from diverted traffic [4.87]. There will also be some limited adverse impact on landscape and townscape, resulting from the felling of trees, especially in the short term, and from the installation of OLE. These impacts would all in my view be no worse than moderate.

**7. The conditions proposed to be applied to deemed planning permission for the scheme, if given, and in particular whether those conditions meet the tests in DoE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.**

**8.147** With the help of the Assistant Inspector and in the light of the tests set out in paragraph 14 of Circular 11/95, I have considered the conditions which it is proposed by Merseytravel should be attached to the grant of planning permission. These have been agreed with the local planning authorities and are set out in their latest version in P7/I [7.124].

**8.148** I accept that all the proposed conditions are necessary, relevant, enforceable and reasonable. I find, however, that some are unnecessarily complex and I consider that these may be confusing. I have sought to phrase them more simply in the interests of precision. The conditions which I recommend should be imposed, should the First Secretary of State be minded to grant deemed planning permission, are set out in paragraph 8.190, together where appropriate with a brief explanation. I therefore conclude that, subject to the amendments I have put forward, all the proposed conditions comply with the tests set out in Circular 11/95, and should be imposed.

## **8. The adequacy of the environmental statement submitted with the application for the TWA Order and whether the statutory requirements have been complied with**

8.149 I have considered the multi-volume Environmental Statement (A17/1 to 17/5) to which there was no sustained objection. I can find no fault with it; it has been expressly amended in only one respect in relation to noise levels in certain roads in which traffic levels are predicted to increase [4.87]. I conclude accordingly that Merseytravel has complied with the Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2000, together with EU Directives 85/337/EEC and 97/11/EC.

8.150 No material changes have been made to the Appraisal Summary Table [4.57].

## **9. Merseytravel's proposed arrangements for protecting the interests of statutory undertakers and whether they are sufficient to enable those undertakings to be carried on effectively, safely and in compliance with any statutory and contractual obligations**

8.151 Article 62 of and Schedules 10 and 11 to the draft TWA Order provide extensive protection for statutory undertakers [4.142]. There is no in-principle objection to these provisions. Moreover, I recognise that there has been close co-operation with statutory undertakers with the result that agreement has been reached with most of them and many objections have been formally withdrawn.

8.152 The position with regard to those objections of the three statutory undertakers where objections had not been formally withdrawn by the end of the inquiry is set out in paragraphs 4.143 to 4.145, namely:

8.153 **Manweb:** Full agreement has been reached with the exception of limitation of liability clauses. These were in the course of continued negotiation when the inquiry closed.

8.154 **National Grid Transco plc ("NGT"):** Assurances have been offered to NGT to meet its concerns regarding the 275kV cable in Muirhead Avenue. This matter had not been finally resolved when the inquiry closed.

8.155 **United Utilities Water plc:** Terms were agreed between the parties on 8 June 2004, and a formal agreement had been drafted. This, however, had not been signed when the inquiry closed.

8.156 It is regrettable that, despite two adjournments of the inquiry, totalling more than three weeks [1.2], final formal agreements eluded the parties in these three cases. It is my view, however, that the remaining issues are not of great significance: the assurances offered to NGT appear to me adequate; negotiations regarding limitation of liability with Manweb were on-going, but apparently routine; only the signing of a formal agreement was outstanding in the case of United Utilities Water plc.

8.157 Steps taken by Merseytravel with regard to stray current control, including the working party and draft agreement appear to me appropriate and adequate [4.146].

8.158 No statutory undertaker had outstanding concerns of sufficient weight to warrant their attending at the inquiry. (The remaining United Utilities objection [6.51] is from its property services provider and does not relate to its statutory undertaking.) I conclude that there are no significant extant objections from statutory undertakers such that I should recommend material changes to the relevant provisions in the draft Order, or that the Order should not be made at all.

## **10. The timescale for implementing the scheme and its compatibility with other urban regeneration proposals in Liverpool City Centre and along the route of Line 1.**

8.159 The programme for procurement and construction of the scheme is set out in paragraphs 4.50 et seq. It is the view of Merseytravel that, while the programme is demanding, it remains entirely feasible. I accept that the procurement process is well advanced, with candidates for the concession reduced to two, both of whom remain interested in obtaining the concession and of the view that the

Line 1 can be built to time and within budget [4.53]. As I conclude in paragraph 8.173, the process of funding Line 1 is also relatively well-advanced.

8.160 The scheme involves no major engineering works [7.12]. More than 90% of the route follows on-street alignments [4.4]. Care has been taken to exclude unforeseen problems [7.12], though I recognise that, by definition, not all problems are foreseeable. Some of the necessary preparatory works may well have been carried out under CCMS prior to commencement of Line 1 construction [4.54].

8.161 I accept that failure to complete construction of Line 1 before 14 September 2007 would have serious consequences. That is the date which, by virtue of the rectification agreement between Merseytravel and LCC, would trigger suspension of work in the city centre until 2009 and the clearance of all city centre work sites by 1 December 2007 [4.55]. Line 1 is an important element of infrastructure for the 2008 celebrations, and the celebrations are in their turn significant for the successful launch of Line 1. The absence of the tram in a year of such significance for Liverpool's image and prosperity would undoubtedly be a significant blow.

8.162 I have had regard to the fears expressed by objectors. Professor Lesley takes the view that construction of the scheme may not be commenced until 2018 or 2019 [6.31]. Other objectors have views which are less extremely pessimistic, but doubt whether it could be completed by September 2007.

8.163 Having regard to the nature of the project, to the advanced state of contract negotiation and to the care taken to exclude construction problems, I take the view that there are good prospects of Line 1 being built according to Merseytravel's schedule, and, in particular, being in service before the 2008 celebrations.

8.164 Details of potential development sites served by Line 1 are set out in paragraph 4.46. These include not only the seven key sites, but a significant number of smaller sites. While it is not claimed by Merseytravel that any of these developments is necessarily dependant on the Line 1 scheme being constructed, it is their case that the existence of the tram would facilitate and accelerate developments and would help to prevent the regeneration process from flagging. Meanwhile the additional prosperity associated with the developments, not only in Liverpool city centre but along the whole route, would generate more public transport patronage. This is a view held by many of the supporters of the scheme, including those with development interests along the Line 1 corridor [5.7].

8.165 It is, of course, not possible to be precise as to the implementation of developments for which, in some cases, no planning permission yet exists. The PSDA now not only has its planning permission but also the necessary CPO and other powers [4.46]. There are to my mind good prospects of this scheme proceeding in parallel with Line 1. This is clearly desirable, given its key position on the proposed Whitechapel loop. Merseytravel and English Partnerships are in close liaison over development of the King's Waterfront [4.138]. The Pier Head and Stonebridge Business Park schemes are also well-advanced [4.46].

8.166 In these circumstances, it is my opinion that the Line 1 scheme and the timescale for implementing it are compatible with the urban regeneration proposals along the Line 1 route, both topographically and chronologically.

## **11. Whether the proposals are reasonably capable of attracting the necessary funding, including submissions on whether the provision of public funding for the scheme would contravene EU legislation.**

8.167 The sources from which Merseytravel proposes to fund Line 1 are set out in paragraphs 4.50 to 4.52. The test to be satisfied, drawn from the Guide to TWA Procedures, is set out in paragraph 7.6. The first part of the above extract from the Statement of Matters is drawn from it.

8.168 It is claimed by objectors that the provenance of the major part of the funds is at best precarious. In their view, the settlement letter of December 2003 is to be construed as meaning that no



application for central government funding can be submitted until after the Order is made [6.2]. This would mean that Line 1 would join a long queue of other competing projects, such perhaps that its construction would not commence until 2018/9 [6.31]. Certainly, it would not be reasonable to anticipate that construction of the tram could be completed by the autumn of 2007, so as to support and enhance the 2008 Capital of Culture celebrations.

8.169 I accept that, read on its own, the sentence relied on by objectors from the last paragraph of the December 2003 settlement letter is ambiguous: it might have the meaning attributed to it by them. There are other significant references to government funding, however. These include the reference in the December 2002 settlement letter, which appears to me to state clearly that government funds are committed [4.51], though conditionally on the obtaining of the necessary powers. If, for some reason, the Department for Transport had intended to say something contrary to these earlier indications in December 2003, I take the view that this would have been clearly stated, with reasons.

8.170 I am reinforced in this view by the Secretary of State's statement of 11 May 2004 [7.12]. On balance, I accept that conditional government funding is in place. In my view, the reference in the December 2003 letter is to draw-down of moneys [7.10].

8.171 Taken in conjunction with these other references, I accept that government funding of £170 million is in place, conditional on the making of the Order and the obtaining of other necessary consents. In the absence of any supporting evidence, I do not accept the assertion of Professor Lesley [6.32] that, were the Order not to be made until after the December 2004 LTP settlement, commencement of works would have to be delayed until December 2005, because no funds could be drawn down during the intervening year.

8.172 As to the availability of the remaining funds, the NWDA is a party to the inquiry; yet there is no evidence before me to suggest that its provisional grant of £15m towards Line 1 is now withdrawn or otherwise in jeopardy [6.3 and 7.8]. There appears to be no challenge to Merseytravel's claim in relation to the ERDF contribution of £25m [4.52]. Some objectors appear to contend that the proposals are not reasonably capable of attracting the remaining £18m from other local development agencies and from developers [6.3]; given the number of potential development sites in the Line 1 corridor [4.46], some of them very substantial in scale, I conclude that the relatively small proportion of the construction cost remaining to be raised is likely to be made available through this means.

8.173 It is accordingly my opinion that the scheme is reasonably capable of attracting the necessary funds.

8.174 I now turn therefore to the issue of potential contravention of EU legislation, and also address the assertions made by objectors with regard to UK law. I have before me no particularised claim that the manner in which Merseytram Line 1 is to be constructed would be in contravention of either domestic or EU law [3.3 to 3.7]. I have had regard to the very full legal argument submitted on behalf of Merseytravel (Appendix 2 of A26) which is summarised in paragraphs 3.7 to 3.13 of this report.

8.175 This submission concludes that public funding received by Merseytravel does not constitute state aid; that, on the basis of the Altmark decision, no state aid arises in relation to agreements between Merseytravel and the Line 1 concessionaire; that even if state aid did arise, it would be excluded from the application of Article 87 of the EC Treaty. There is accordingly no issue which could be referable to the European Commission. Moreover, since Merseytravel is not an undertaking for the purposes of Article 82 of the EC Treaty, and there is no market which it could dominate or in which it could abuse a dominant position. No potential breach of Article 82 accordingly arises.

8.176 As I indicated at the inquiry, legal issues do not fall to me to determine. It is my view, however, having regard to the detailed submission on behalf of Merseytravel and in the absence of any cogent submission to the contrary, that the provision of public funding of Line 1 would not be impermissible under either EU or UK law.

**12. In relation to the attachment of over-head line and other equipment to buildings, the justification for**

- **prescribing in Article 19(6) of the TWA Order a minimum of 56 days notice for owners requiring Merseytravel temporarily to remove such equipment compared with 28 days notice in the TWA Model Clauses**

8.177 A number of written objections relating to the impact of fixing OLE equipment to buildings remains outstanding [6.72]. I have considered these fully, and in each case the response of Merseytravel, including the position statement prepared by Merseytravel in each case [7.105 and 7.106, and A31]. The issue is also addressed in relation to listed buildings in the Assistant Inspector's report. It is our joint view, supported by the relevant agencies, that building fixings for OLE have a generally more limited adverse impact upon the streetscape than poles. Such fixings have been widely used in other modern tram systems without any reported unacceptable adverse impacts. In my view, the protection provided by Article 19 [7.106] is sufficient to avoid unacceptable impacts upon the owners of buildings affected.

8.178 As to Article 19(6), it is my view that the 56-day notice period specified strikes a reasonable balance between the interests of those property owners affected and the need of Merseytravel to ensure that the operation of Line 1 is not disrupted. It is to be noted that, though there is some extant objection to the principle of attaching OLE to buildings, no express objection to this provision was pursued at the inquiry.

- **the proposed power in Article 49 of the TWA Order for Merseytravel to make byelaws about the maintenance of the facades of buildings to which such equipment has been attached**

8.179 It seems to me that this is an appropriate way to ensure the safe maintenance of the frontage buildings alongside Line 1. Following a proposed modification, the byelaws would now be drawn up in consultation with the LCC or KMBC. They would also require confirmation by the Secretary of State [4.149]. There therefore appears to me no real risk that the property owners affected would be subjected to unreasonable or oppressive requirements.

**13. With regard to the provisions in the TWA Order for the introduction of a penalty fares scheme (Articles 55 to 61), whether the implementation of such a scheme and the level of the penalty fare should be subject to approval by the Secretary of State and whether the Secretary of State should have a power to suspend the operation of a penalty fares scheme, in the interests of ensuring its proper operation.**

8.180 Modifications to the penalty fares provision are proposed [4.147] and are contained in the draft Order as proposed to be modified (A28/1). This now provides for an initial penalty fare of £10, and for any variation to be subject to approval by the Secretary of State. It would also give the Secretary of State power to suspend the operation of a penalty fares scheme. There is no objection to the proposed penalty fare provision.

8.181 In my view, the penalty fare provision as now proposed to be modified appropriately meets the concerns expressed in this section of the Statement of Matters.

**14. Whether Merseytravel has proposed any substantive changes to the TWA Order since the application was made; if so, whether anyone likely to be affected by such changes has been notified; and whether any proposed changes to the Order would amount to a substantial change in the proposals for the purpose of section 13(4) of the TWA.**

8.182 The modifications to the Order proposed by Merseytravel are contained on Document A28/1, and are referred to in paragraphs 7.125 et seq. With one exception, there are no express objections to

the modifications, many of which have been introduced to meet the concerns of property owners and occupiers. I note that none of the proposed modifications would increase the extent of the land proposed to be compulsorily acquired.

8.183 The exception is the modification proposed to Schedule 9 to the Order in respect of St John's Lane. I have reached a conclusion as to the merits of this proposed modification in paragraph 8.82. The modification is technical in nature since the Environmental Statement and other documents earlier published make clear the intention that St John's Lane should be closed [7.110]. It was only by oversight that the provision was omitted from the original draft TWA Order. I therefore take the view that the modification is one of form rather than substance.

8.184 If, however, I am wrong in this conclusion, then, having regard to its prior advertisement, as mentioned in paragraph 7.111 and as evidenced by the three objections received to it, it is my view that if the draft Order is to be made, it may be made incorporating this modification without the need to invite further representations.

8.185 This concludes my response to the Statement of Matters, and before turning to the question of conditions and a summary of my conclusions, I address two other issues.

### **Other Considerations**

#### ***Railway Paths Limited***

8.186 There is no suggestion that reinstatement of railway use of the Broadway overbridge is even remotely in prospect. For works to be carried out now to allow such reinstatement [6.82] would to my mind be a clear waste of public money. In the circumstances, it is my view that the unilateral deed of undertaking executed by Merseytravel provides RPL with sufficient protection against any liability arising in respect of its responsibilities for the Broadway overbridge and of its contractual obligations to the Secretary of State for Transport and to BRB (Residuary) Limited [6.83 and 7.122].

#### ***Public Consultation***

8.187 There is complaint from a number of objectors that there has been inadequate public consultation over the Line 1 proposal and/or that the information placed in the public domain by Merseytravel was inadequate [6.1, 6.18, 6.30, 6.52, 6.63 and 6.69]. These are arguments which I am unable to accept. All the principal documents have been in the public domain since at least October 2003 [7.55], and the Line 1 proposal was contained in the LTP submitted nearly 4 years ago [4.38]. The Statement of Case and Supplementary Statement, Proofs of Evidence and other documents have been made available at the proper time and in accordance with the relevant Procedure Rules [3.1].

8.188 The evidence presented by Merseytravel at the inquiry to my mind establishes that a major effort was made to consult with the public and with principal stakeholders [7.3 to 7.5]. The records of the consultation exercise and of the opinion poll show a degree of support for Line 1 of a wholly different order of magnitude from the extent of objection [7.4].

8.189 In any event, the holding of a public inquiry which extended to 17 days [1.2] in my view provided an ample opportunity for those opposed to the scheme to have their objection heard; only 14 chose to do so, of whom 4 then withdrew their objection wholly [1.5] and 2 withdrew in part [6.50 and 6.60].

### ***Conditions***

8.190 In the light of paragraph 8.148, the conditions which I propose to recommend be imposed on the deemed planning permission, if granted, are set out below. All references to "the local planning authority" are to be taken to mean LCC or KMBC according to the area within which the relevant element of the scheme is located.

#### **Condition 1 - Time Limit**

The development hereby permitted shall be begun before the expiration of 5 years from the date of the deemed planning permission.

Under the powers in section 90(2A) of the 1990 Act, as amended, the First Secretary of State may direct that planning permission for the development on which the request was made shall be deemed to be granted subject to such conditions as may be specified by the direction. Notwithstanding the need to submit further details for approval by the local planning authority, there is nothing in section 90(2A) that implies that the deemed planning permission should be in outline. I therefore conclude that the deemed planning permission would be a full planning permission and that the 5 year time limit applies.

If the Planning and Compulsory Purchase Act 2004 comes into force before his decision is issued, it may be necessary for the First Secretary of State to reduce the duration of the permission to three years in accordance with section 51(1)(a) of that Act.

### **Condition 2 - Contaminated land**

Development shall not begin until a scheme to deal with contamination on any land within the relevant limits of the Merseytram route, likely to cause significant harm to persons, pollution of controlled waters or the environment, has been submitted to and approved in writing by the local planning authority.

The above scheme shall include an investigation and assessment report, prepared by a specialist consultant approved by the local planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for the intended purpose, together with a management plan which sets out long term measures with respect to contaminants remaining on the site.

Any remedial measures approved by the local planning authority shall be implemented in accordance with the principles set out in the Code of Construction Practice, referred to in the Environmental Statement, before development commences or within such other period as may be agreed by that authority.

In view of the potential for encountering contaminated land along the tram route [4.92], this condition is clearly important. In accordance with my comment in paragraph 8.148, I recommend the above simplified condition based on Model Conditions 56-58 in the Circular 11/95.

### **Condition 3 - Siting Design and external appearance**

Approval of the siting, design and external appearance within the relevant limits of the following elements of the development shall be obtained in writing from the local planning authority before each element is commenced:

- the alignment of the tram track;
- each of the tram stops;
- any bridges or viaducts;
- any permanent fences, walls or other barriers, including bunds;
- property boundary treatments where permanently altered;
- poles and brackets etc. required to support the overhead line system;
- electricity sub-stations, transformers and ancillary equipment;
- lighting equipment
- any terracing, cuttings, embankments or other earth works;
- the Park and Ride site at Gillmoss;

- the Operations and Control Centre at Gillmoss;
- any other ancillary buildings or structures;
- full details of how any building, structure or site shall be restored or made good where it adjoins a building or structure to be demolished or altered, and a timetable of works to restore and make good.

#### **Condition 4- Design Specification**

That part of the development, to which the City Centre Design Specification relates, shall be designed and constructed in accordance with the Design Specification, unless otherwise agreed in writing by the local planning authority.

#### **Condition 5 - Materials**

Details of the materials to be used in any external surface of any element of the development above ground level shall be submitted to and approved by the local planning authority before that element of the development is commenced.

Conditions 3, 4, and 5 relate to the matters reserved for further submission to and approval by the local planning authority.

#### **Condition 6 - Tree Survey**

Before any works on the development hereby permitted commence, the following details of all trees within the relevant limits (having a stem diameter of 50mm or greater), shall be submitted to and approved by the local planning authority:

- their location, species, girth, stem diameter, crown spread and assessment of condition;
- existing and proposed ground levels at the base of the trees where nearby changes of level or excavations are proposed;
- the trees to be removed and/or pruned, lopped or topped in conjunction with the proposed development, which shall be clearly marked on the submitted plan.

The positions and details of fencing or hoardings, prohibited areas and physical means of protecting the retained trees during the construction period, shall be submitted to and approved by the local planning authority, prior to the commencement of each element of the works. The fencing and hoardings shall be erected at the distances from each tree as set out in BS5837:1991-"Guide for Trees in relation to construction", unless otherwise agreed with the local planning authority. All tree protection measures shall be implemented and remain in place throughout the construction period of that element.

#### **Condition 7 - Retained Trees**

Until the expiration of 5 years from the commencement of operation of the tram system, hereby permitted, no retained tree shall be felled, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the approval of the local planning authority. If any retained tree is removed, uprooted or dies within that same period, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

This condition is amended to accord more closely with Model Condition 75 in Circular 11/95.

#### **Condition 8 - Landscaping Scheme**

No landscaping works or related development shall take place until a scheme for landscaping associated with the authorised works has been submitted to and approved by the local planning

authority. The scheme for landscaping shall be formulated with a view to providing habitats for birds and other fauna wherever practically possible, and shall include:

- proposed finished ground levels;
- vehicle and pedestrian access, parking and circulation areas;
- hard surfacing materials and layouts;
- minor artefacts and structures such as street furniture, play equipment, refuse bins, storage units, cycle racks, signs and lighting;
- existing and proposed functional services above and below ground such as drainage, power and communications cables, pipelines, indicating all lines, manholes and supports etc.;
- retained historic landscape features and proposals for their restoration, where relevant, including Grant Gardens;
- the exact location and species of all existing trees and planting to be retained;
- schedules and plans of proposed planting noting species, sizes and proposed numbers/densities;
- written specifications and cultivation plans for the establishment of new trees, planting and grassed areas;
- implementation timetables.

#### **Condition 9 - Replacement Trees**

The landscaping scheme shall include provision for the planting of two semi-mature replacement trees for each tree that is to be removed, of species, specification and location to be approved by the local planning authority, which shall be as close as possible to the positions from which the trees have been removed. Where the local planning authority agree that semi-mature trees are inappropriate or cannot be achieved, smaller tree stock or alternative planting measures shall be approved.

#### **Condition 10 - Implementation and maintenance of landscaping**

All hard and soft landscaping works shall be carried out in accordance with the approved landscaping scheme, its implementation timetables and all relevant British Standards and Codes of Practice.

Any tree or shrub planted as part of the approved landscaping scheme that, within 5 years of the date of planting, is removed, dies or, in the opinion of the local planning authority, becomes seriously damaged or diseased shall be replaced in the next planting season with specimens of the same species and size unless the local planning authority consents in writing to any variation.

All tree works shall be carried out by a qualified tree surgeon in accordance with BS3998:1989 - Recommendations for Tree Work, and shall not be undertaken between 1 March and 31 July each year, unless otherwise agreed in writing by the local planning authority.

#### **Condition 11- Replacement Habitats**

Before the commencement of Work No.18 in the vicinity of Knowsley and Croxteth Brooks, details of any habitats to be removed and the proposed ecological mitigation or compensation measures and their timetable and maintenance, together with details of any impact on those water courses, shall be submitted to and approved by the local planning authority and implemented in accordance with the approved timetable.

Conditions 8, 9, 10 and 11 are amended in the interests of greater precision.

#### **Condition 12 - Highways access**

Prior approval of the siting, design and layout within the relevant limits of the formation and laying out of any new permanent means of access to a highway to be used by vehicular traffic, or of any permanent alteration to an existing means of access to a highway used by vehicular traffic, shall be obtained from the local planning authority before that element of the development is commenced.

### **Condition 13 - Prevention of water pollution**

In carrying out the development, all reasonable steps shall be taken to prevent the pollution of watercourses and groundwater, including by the following methods:

- no contaminated material, or polluting construction or demolition material or refuse shall be deposited within the relevant works limits;
- no rainwater contaminated with silt or soil from disturbed ground during construction works shall be permitted to drain to any surface watercourse or water sewer without sufficient prior settlement;
- no foul drainage or contaminated surface water run-off shall be discharged into any bore-hole, well, spring soak-away or watercourse, including dry ditches connected to a watercourse;
- all surface water drainage from impermeable parking areas, new roadways and hard-standings for vehicles comprised in the development shall be passed through an oil interceptor or other drainage system suitable for the site being drained before being discharged into any watercourse, surface water sewer or soak-away system;
- prior written approval of the construction details of any storage facilities for oils, fuels or chemicals shall be obtained from the local planning authority before that element of the development is commenced.

Condition 13(d) is amended in the interests of simplicity.

### **Condition 14 - Archaeology**

No development within or immediately adjacent to an area which, in the opinion of the local planning authority, is of known or suspected archaeological importance, shall commence until a scheme to deal with any archaeological remains on the site has been submitted to and approved by the local planning authority.

The scheme shall identify areas where open excavation and/or a watching brief are required and also the appropriate measures to be taken during and after construction should any significant archaeological remains be found. The scheme shall also require that any archaeological works on the site be carried out by a qualified investigation body acceptable to the local planning authority.

The last sentence of this condition has been simplified.

### **Condition 15 - Old Dock Archaeology**

No development shall take place along Canning Place, or within 20m of the junction of Canning Place and Strand Street until:

- a programme of archaeological work has investigated the location, nature, extent and survival of that part of Old Dock directly affected by the development, in accordance with a written scheme, including an evaluation and excavation programme, which has been submitted to and approved by the local planning authority;
- details of an engineering solution and method statement showing the location and nature of any structures proposed by the development which will affect Old Dock have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details to secure the preservation of Old Dock, provided that this is compatible with the engineering requirements of the development.

This condition has been amended to read more simply.

**Condition 16 - Protection of Princes Dock Wall**

Before the temporary use of the land as a construction work site at Princes Dock commences, details of the position, design and method of protecting the listed gate and dock wall on the Bath Street frontage shall be submitted to and approved by the local planning authority.

**Condition 17 - Bat Survey**

No development shall take place until the results of a survey and monitoring to establish the presence or otherwise of bats in any trees or structures to be removed within the relevant limits, together with a programme of mitigation measures, have been submitted to and approved by the local planning authority. Any such survey, monitoring or mitigation measures shall be undertaken and prepared in consultation with English Nature and the Department for the Environment, Food and Rural Affairs.

**Condition 18 - Water Vole Survey**

No development shall take place until the results of a survey and monitoring to establish the presence or otherwise of water voles on any land adjacent to or in the vicinity of any watercourse within the relevant limits, together with a programme of mitigation measures, have been submitted to and approved by the local planning authority. Any such survey, monitoring or mitigation measures shall be undertaken and prepared in consultation with English Nature and the Department for the Environment, Food and Rural Affairs.

Conditions 17 and 18 have been slightly altered to make them easier to read.

**Condition 19 - Contamination encountered during construction**

If at any time while the development is being carried out, any contamination is encountered which was not identified and dealt with under the terms of Condition 2, that element of the development shall not proceed until an assessment of the contamination has been made with a scheme and timetable to contain, treat or remove it have been submitted to and approved by the local planning authority.

This condition has been simplified because the approved scheme would presumably cover all the details.

**Condition 20 - Construction noise and hours of operation**

Construction works shall not take place outside the hours of 0800-1800 Monday to Friday and 0800 to 1300 on Saturdays ("the normal working hours") unless otherwise agreed by the local planning authority.

During the normal working hours the maximum noise levels generated by construction plant and equipment, measured 1.0m from the façade of any occupied dwelling or other building occupied for residential or office uses, shall not exceed the following limits:

0800-1800 hrs Monday to Friday:- 75dBL <sub>Aeq,10hr</sub>

0800-1300 hrs Saturday: - 75dBL <sub>Aeq,5hr</sub>

During the normal working hours the maximum noise levels resulting from any construction operation, measured 1.0m from the façade of any school, college or other teaching facility construction, shall not exceed the following limits:

At any time 65dBL <sub>Aeq,1hr</sub>

Peak noise level 70dBL <sub>Aeq,1min</sub>

This Condition has been rephrased to accord more closely with Model Condition 65 in Circular 11/95.



### **Condition 21 - Operational noise**

The tram system shall be designed and constructed to avoid, where practicable, noise arising from wheel squeal. Noise monitoring shall take place at 6 monthly intervals for 3 years following commencement of public operations of the tram system at locations to be agreed with the local planning authority, to establish whether or not the trigger levels for the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 are exceeded. Where monitoring indicates that these trigger levels are exceeded, or where peak noise levels attributed to the tram system exceed 82dBLAmax free field(slow time weighting), other than where this level is exceeded due to other sources, insulation in accordance with the Regulations shall be made available to the occupiers of properties affected by the noise.

Minor amendments have been made to this condition. In particular, to the satisfaction of the local planning authority is a vague and unnecessary addition when the requirements would presumably be met by the Regulations. This element of the condition has therefore been omitted.

### **Condition 22 - War memorial**

The War Memorial at present sited within the depot of Glenvale Transport Limited at Gillmoss shall be relocated with appropriate landscaping to a site in the vicinity to which the public has access. Details of the siting and landscaping shall be submitted and approved by the local planning authority before any development in that area commences.

### **Condition 23 - Scheme of environmental mitigation measures**

Where the siting of any part of the development is to deviate materially from the centre line shown for the development within the relevant limits, a scheme of environmental mitigation measures shall be submitted to and approved by the local planning authority. This approval shall not unreasonably be withheld nor conditions imposed unless the local planning authority considers that the scheme is inadequate to mitigate any environmental impact arising from the proposed deviation not taken into account in the submitted environmental statement.

### **Condition 24 - Environmental mitigation measures**

The development shall be carried out in accordance with the Schedule of Environmental Mitigation Measures which shall be submitted to and approved by the local planning authority.

### **Condition 25 - Disabled Parking**

In conjunction with the local planning authority and the local highways authority, provision shall be made, prior to their removal, for the permanent replacement of the 27 on-street disabled parking spaces currently on Whitechapel and Stanley Street.

Corrected to ensure that the provision shall be made, to accord with the Circular.

### **Condition 26- Approval under these conditions**

Where the approval agreement or consent of the local planning authority is required under any of the above conditions, it shall be given in writing.

### **Condition 27 - Implementation**

With respect to any condition set out above that requires the approval of the local planning authority, the works or matters thereby approved shall be carried out in accordance with the approved details unless otherwise approved in writing by the local planning authority.

This condition is better entitled Implementation and should be placed last so as to refer to all the preceding conditions.

The proposed conditions to be imposed on the listed building and conservation area consents are set out in the appended report of the Assistant Inspector.

## Summary of Conclusions

8.191 In my view, Merseytram Line 1 would generally meet the objectives which are set out in paragraphs 4.17 to 4.19. As I have concluded in paragraphs 8.18 to 8.41, it would bring clear transportation, regenerative and socio-economic benefits. It would raise the profile and improve the image of Merseyside as an area now emerging from economic decline and stagnation. It would provide a high quality, reliable public transport service, not least by reason of its almost total segregation from other traffic. Its economic performance is robustly positive, even after the application of sensitivity tests and anti-optimism adjustments.

8.192 It has been chosen and designed to serve a transport corridor which includes some of the most deprived areas in the United Kingdom. It would improve access for the elderly, the disabled and those with children, heavy luggage or shopping. Despite the concerns of some objectors, I take the view that Line 1 would integrate well with the existing transport network and make a significant contribution to the attainment of the SIPTN which is the principal policy of the LTP. It would also serve important health, retail and cultural facilities.

8.193 For a scheme of this scale, extending for some 18 kilometres and costing over £225m, its impact on residents and businesses along its corridor and upon the environment would be remarkably small. Very little demolition is required, and the small number of residential properties lost are likely to be demolished in any event as part of a separate development scheme. Access to some commercial properties would be affected, but in no case to an unacceptable degree.

8.194 There would be a slight adverse long-term noise impact, but no unacceptable impact on any residential property. There would be a slight beneficial impact on air quality. There would be some adverse impacts during construction by reason of disruption, dust, noise and vibration, but these would be controlled and monitored under agreements entered into with LCC and KMBC, and conditions to be attached to the deemed planning permission.

8.195 Such limited adverse impacts on the environment as have been identified would largely be met by the mitigation proposed in the Schedule of Environmental Mitigation Measures agreed with the local authorities and enshrined in the Implementation Agreement. There would be no long term adverse impact upon ecology. Some adverse impact upon landscape and townscape is probably inevitable, but this would again largely be met by mitigation and/or counterbalanced by improvements elsewhere along the Line 1 route.

8.196 The scheme potentially affects up to 94,500 people. Yet there is remarkably little objection. Many objections have been withdrawn, following agreed adjustment of the proposals, or merely once the full scope of the scheme and proposed mitigation measures were explained to objectors. There is evidence of a significant degree of popular support for the tram as the responses to the public consultation and the opinion poll show. The scheme has attracted a significant volume of express support.

8.197 The scheme has the full support of the democratically elected LCC and KMBC, and of other bodies whose responsibility it is to examine and if so advised approve in detail the construction of a scheme such as Line 1. LCC and KMBC are both the local planning and the highways authorities. Their support for the scheme is neither unthinking nor uncalculated. It is only as a result of lengthy negotiations that the detailed objections of LCC and KMBC were resolved.

8.198 I concur with and endorse the conclusions of the Assistant Inspector with regard to the applications for listed building and conservation area consent. These are set out in his appended Report. I propose in accordance with his conclusions to recommend that all the applications be granted, subject in each case to the conditions recommended by the Assistant Inspector.

8.199 I have had regard to these and all other matters raised both at the inquiry and in written representations, but they do not alter the conclusions I have reached. In my opinion, the scheme would meet its objectives, and the benefits which it would bring to the citizens of Merseyside would

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substantially outweigh the disbenefits. I propose to recommend that Merseytravel be granted the powers necessary for Line 1 to proceed.

## **9. Recommendations**

9.1 I recommend that the Merseytram (Liverpool City Centre to Kirkby) Order 2004 be modified as in the draft Order dated 9 June 2004 attached as Document A28/1 incorporating A28/3, and that the Order so modified be made.

9.2 I recommend that planning permission be granted within the various limits provided for in the draft Order and subject to the conditions set out in paragraph 8.190 of this report.

9.3 I recommend that the applications for listed building and for conservation area consent, which are addressed in the report of the Assistant Inspector appended hereto, be granted subject, in respect of each application, to the conditions set out in that report.

C J Tipping

INSPECTOR

## **Annex A**

### **APPEARANCES**

#### **THE PROMOTER**

##### **Merseyside Passenger Transport Executive ("Merseytravel")**

represented by Mr Charles George QC,  
assisted by Mr David Manley QC,  
both instructed by Bircham Dyson Bell, 50 Broadway, Westminster, London SW1H 0BL

They called:

Mr N Scales, Chief Executive, Merseytravel  
Mr A Jones Steer Davies Gleave ("SDG"), 28-32 Upper Ground, London SE1 9PD  
Mr J Stephens SDG  
Mr L Eyles SDG  
Mr D Mack SDG  
Mr T Morton, Mott MacDonald Limited, Spring Bank House, 33 Stamford Street, Altrincham WA14 1ES  
Mr I Gilder, Environmental Resources Management ("ERM"), 8 Cavendish Square, London W1C 0ER  
Mr S Mitchell, ERM  
Mr C Mann, Ardent Management Limited, PO Box 3050 Wokingham, Berkshire RG40 3YD

#### **THE SUPPORTERS**

British Transport Police, North West Area Headquarters, 6th Floor, Tower Block, Piccadilly Station, Manchester M1 2BP, represented by Chief Superintendent M Ripley

Halton Borough Council, Grosvenor House, Halton Lea, Runcorn, Cheshire WA7 2GW, represented by Mr A West

Liverpool Chamber, Number One Old Hall Street of Commerce and Industry, Liverpool L3 9HG, represented by Mr S Pearse

Royal Liverpool and Broadgreen University Broadgreen Hospital, Thomas Drive, Hospitals NHS Trust, Liverpool L14 3 LB, represented by Mr T Lee

Liverpool Land Mersey House, 140 Speke Road, Development Company Garston, Liverpool L19 2PH, represented by Mr R D Mason

Light Rail (UK) Limited, Warrington Business Park, Long Lane, Warrington, Cheshire WA2 8TX, represented by Mr J Harkins

Miss J Kemp, 26 Marine Crescent, Waterloo, Liverpool L22 8QP

Mrs Arlene McCarthy MEP 1 George Leigh Street, Manchester M4 5DL

Local Solutions Mount Vernon Green, Hall Lane, represented by Mr D Littler, Liverpool L7 8TF

Mr D Wade-Smith, Grand Hall, Albert Dock, Liverpool L3 4AA, (T/A The Room Store)

Ms C Wilson, Rainhill Parish Councillor, 74 Rainhill Road, Rainhill, Prescot, L35 4PF

#### **THE OBJECTORS**

Glenvale Transport Limited Gillmoss Bus Depot, East Lancashire Road, Liverpool L11 0BB, represented by Mr Jonathan Crystal of Counsel, who called

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Mr D Brady, Mersey Docks and Maritime Centre, Port of Liverpool L21 1LA  
Harbour Company, represented by Mr H Hrinkiewicz and Mr P J M Stoney

Moorfield Group Limited, Premier House, 44-48 Dover Street, London W1S 4NX, represented by Mr H Bassford

Thomson Partnership, 521/523 West Derby Road, Tuebrook, T/A KFC, Liverpool L13 8AA,  
represented by Mr Draper and Ms S Thomson

Transit Promotion Limited, 16 Hope Street, Liverpool L1 9BX, represented by Professor L Lesley, 30  
Moss Lane, Liverpool L9 8AJ

United Utilities Facilities, Dawson House, Great Sankey, Warrington, & Property Services Limited,  
Cheshire WA5 3LW, represented by Mr J Riley, Addleshaw Goddard, Solicitors, 100 Barbirolli  
Square, Manchester M2 3AB

Ms P Boulton, 22b Muirhead Avenue, Liverpool L13, represented by Mr K Allen

Mr P Brown, 10/12 Broadway West, Norris Green, (T/A Marathon Motors), Liverpool L11 1BZ

Miss D Matthews; 65 Shard Close, Liverpool L11 0DP

Mr H Mylett; 69 Hambleton Close, Liverpool L11 0DS

Mr R P Wall 75 Shard Close, Liverpool L11 0DW

all represented by

Mr R Honey of Counsel, instructed by EarthRights, Solicitors, Springfield, Kilm, Axminster, Devon  
EX13 7SB

and

Mr J Kenny 7 Broad Place, Liverpool L11 1BP

Ms M Kinsella 67 Utting Avenue East, Liverpool L11 5AA

Mr L Roche 1 Lancefield Road, Liverpool L9 3BD

Mrs P Williams 149 Utting Avenue East, Liverpool L11 5AB

## **Annex B**

### **DOCUMENTS**

#### **I Documents submitted by Merseytravel**

##### **A Transport and Works Act and Related Applications**

- A1 Application Letter
- A2 Declaration as to Status of the Applicant
- A3 Rule 5 Affidavit
- A4 Draft TWA Order (including Schedules)
- A5 Explanatory Memorandum
- A6 Application for Planning Direction (including List of Items of Development and Draft Planning Conditions)
- A7 Applications for listed building consent
- A8 Applications for conservation area consent
- A9 List of Other Consents, Permissions and Licences
- A10 Cost Estimate
- A11 Funding Statement
- A12 Waiver Directions
- A13 Works and Land Plans and Sections
- A14 Book of Reference
- A15 Planning Direction Drawings
- A16 Traffic Regulation Order Plans
- A17/1 Environmental Statement Volume 1: Main Report, ERM
- A17/2 Environmental Statement Volume 2a: Appendices (except the General and Line 1 Design Guides), ERM
- A17/3 Environmental Statement Volume 2b: Appendices (General and Line 1 Design Guides), Llewelyn Davies and SDG
- A17/4 Environmental Statement Volume 3: Figures and Plans, ERM
- A17/5 Environmental Statement Non-Technical Summary, ERM
- A18 A3-sized Works and Land Plans and Sections and Planning Direction Drawings
- A19 Merseytravel's Statement of Case, January 2004
- A20 Merseytravel's Supplementary Statement of Case, February 2004
- A21 The Case for Merseytram: a Summary of the Statement of Case, January 2004
- A22 Opening Submissions
- A23 Merseytravel's proposals for the accompanied site visit
- A24 Note regarding proposed modification of the draft Order in relation to St John's Lane
- A25 Note regarding two further applications for related listed building consents
- A26 Closing Submissions of Mr Charles George QC and Mr David Manley QC with appended Statements of Matters tables and note on competition law and state aid
- A27 Further modified draft Order
- A28/1 Revised further modified draft Order
- A28/2 Note on the revised further modified draft Order
- A28/3 Replacement page 12 of the revised further modified draft Order
- A29 Bircham Dyson Bell letter dated 9 June 2004 confirming compliance with the relevant TWA Procedure Rules
- A30 Amended Appendix 1 (list of items of development) to Merseytravel's request for a Planning Direction (A6)
- A31 4 files containing correspondence relating to all objections, including position statements regarding unwithdrawn objections
- A32 Replacement sheet nos. 3, 4, 5, 8, 9 and 10 of the Traffic Regulation Order Plans (A16)
- A33 File containing supporters' correspondence

A34 Replacement sheet nos. 6 and 14 of the works and land plans (A13)

A35 Response on behalf of Merseytravel to the submissions made on behalf of Liverpool City Council on 10<sup>th</sup> June 2004

**B Documents referred to in Category A Documents**

B1/1 Merseyside Local Transport Plan: The Way Forward: Liverpool, South Sefton and Knowsley Area Study Stage One Report: Final Report, SDG, March 2000

B1/2 Merseyside Local Transport Plan the Way Forward: Stage Two Final Report, SDG, August 2000

B2 Merseyside Light Rail Transit Project Development Position Statement No. 1, SDG, Mott MacDonald and ERM, March 2001

B3/1 Merseytram Project Development Position Statement No. 2 Volume 1, SDG, July 2001

B3/2 Merseytram Project Development Position Statement No. 2 Volume 2, SDG, July 2001

B3/3 Merseytram Project Development Position Statement No. 2 Alignment Drawings, SDG, July 2001

B4 Merseytram Project Development Position Statement No. 3, SDG, December 2001

B5/1 Merseytram Project Development Position Statement No. 3A, SDG, November 2002

B5/2 Merseytram Project Development Position Statement No. 3A: Appendices, SDG, November 2002

B6/1 Merseytram Project Development Position Statement No. 4, SDG, October 2003

B6/2 Project Development Position Statement No. 4: Alignment Drawings, STG, October 2003

B7 Merseytram Line 1 Public Consultation Report, SDG, October 2003

B8 Not Used

B9 Not Used

B10 Not Used

B11 Merseytram Line 1 Operations Report, SDG, October 2003

B12 Merseytram Line 1 Socio/Economic Impact Report, SDG, January 2004

B13 Merseytram Line 1 Property Impact Report, Ardent Management Ltd, October 2003

B14 Merseytram: Operations and Control Centre Site Assessment Report, Mott MacDonald, November 2002

B15 Merseytram Line 1 Park and Ride Site Selection Study, ERM, October 2003

B16 Merseytram Line 1 City Centre Routeing, SDG, October 2003

B17/1 Merseytram Construction Report and Outline Phasing Programme: Volume 1, Mott MacDonald, June 2003

B17/2 Merseytram Construction Report and Outline Phasing Programme: Volume 2: Drawings and Figures, Mott MacDonald, June 2003

B18 Merseytram Line 1 Worksites Selection Study, ERM, October 2003

B19 Not Used

B20 Merseytram Drainage Assessment Report, Mott MacDonald, May 2003

**C Documents which are referred to in Category B Documents**

C1 Merseytram Line 1 System Specification, SDG, October 2003

C2 Merseytram Line 1 Lineside Equipment Report, Mott MacDonald, June 2003

C3 Merseytram Line 1 Statutory Undertakers Report, Mott MacDonald, May 2003

C4 Merseytram Line 1 Arrangement of Overhead Line Equipment (OLE) Report, Mott MacDonald, June 2003

C5 Merseytram Line 1 Traction and Overhead Contact System Report, Mott MacDonald, November 2001

C6 Merseytram Stray Current Corrosion Control and EMC Management Requirements Report, Mott MacDonald, October 2003

C7 Merseytram Local Model Validation Report, Steer Davies Gleave, November 2002

C8 Merseytram Line 1 Demand Forecasting Models, Steer Davies Gleave, October 2003

C9 Merseytram Line 1 Demand Forecasting Results, Steer Davies Gleave, October 2003

C10 Not Used

C11 Merseytram Line 1 Emergency Services Report, Brian Hannaby & Associates, October 2003



C12 Not Used

C13 Not Used

C14 Liverpool City Centre Movement Strategy, Balanced Approach - Strategy Components, Steer Davies Gleave, July 2000

C15 Urban Design Audit and Analysis - Merseytravel LRT, Llewelyn-Davies, February 2001

#### **D Background and context documents**

D1 Learning About Merseytram, Merseytravel, February 2003

D2 Not Used

D3 Merseyside Objective 1 Programme 2000-2006, Single Programming Document, May 2002

D4 Planning Policy Guidance Note 13: Transport, ODPM, March 2001

D5 Regional Planning Guidance for the North West (RPG13), Government Office for the North West, March 2003,

D6 Regional Economic Strategy, Government Office for the North West & NW Regional Assembly, March 2003,

D7 'Action for Sustainability' Northwest England's Framework for a better quality of life, Northwest Development Agency, Government Office for the Northwest, Northwest Regional Assembly,

D8 Making the Connections: Final Report on Transport and Social Exclusion, Report by the Social Exclusion Unit, February 2003.

D9 Provisional Local Transport Plan for Merseyside 2001/2-2005/6, Merseytravel and Merseyside Local Authorities, July 1999

D10 Merseyside Local Transport Plan 2001/2 - 2005/6: Opportunities for All, Merseytravel and others, July 2000

D11 Merseyside Local Transport Plan 2001/2 - 2005/6: Opportunities for All, Technical Appendix 3: Annex E Submission; Merseyside Light Rail Transit, Steer Davies Gleave, July 2000

D12 Merseyside Local Transport Plan 2000/1 - 2005/6 Road Traffic Reduction Act Report, Steer Davies Gleave, July 2000

D13 Merseyside Local Transport Plan 2001/2 - 2005/6 Opportunities for All, Annual Progress Report, August 2001

D14 Merseyside Local Transport Plan 2001/2 - 2005/6 Opportunities for All, Annual Progress Report, July 2002

D15 Merseyside Local Transport Plan 2001/2 - 2005/6 Opportunities for All, Annual Progress Report, July 2003

D16 Liverpool Unitary Development Plan 1986 - 2003, Liverpool City Council, November 2002

D17 Liverpool Unitary Development Plan 2002 to 2016 - Issues Paper, Liverpool City Council, October 2002

D18 Liverpool Unitary Development Plan: Supplementary Planning Guidance: Consultation Draft: Merseytram, Liverpool City Council, October 2003

*D18a Liverpool Unitary Development Plan: Supplementary Planning Guidance (adopted by Liverpool City Council, 7 April 2004)*

D19 Knowsley Unitary Development Plan, Knowsley Metropolitan Borough Council, June 1998

D20 Knowsley Replacement Unitary Development Plan - First Deposit Draft, Knowsley Metropolitan Borough Council, October 2003

D21 Knowsley Unitary Development Plan, Consultation Draft Supplementary Planning Guidance: Merseytram, Knowsley Metropolitan Borough Council, January 2004

*D21a Knowsley Unitary Development Plan, Supplementary Planning Guidance (adopted by Knowsley Metropolitan Borough Council, March 2004)*

D22 Strategic Regeneration Framework Document, Liverpool Vision, July 2000

D23 Liverpool Cityfocus Delivery Plan 2003/2004, The City of Liverpool and Northwest Development Agency, 2003

D24 Objective 1 Strategic Spatial Development Areas: Integrated Development Plan: Stage 2: Gillmoss/Kirkby. Liverpool City Council and Knowsley Metropolitan Borough Council, March 2001.

D25 Liverpool European Capital of Culture bid document: Executive Summary, Liverpool City Council, March 2002

- D26 Liverpool World Heritage Bid: Nomination of Liverpool - Maritime Mercantile City for Inscription on the World Heritage List, Liverpool City Council, January 2003
- D27 Environmental Strategy and Environmental Report 2001-2002, Merseytravel, 2002
- D28 The Merseyside Bus Strategy Summary, Merseytravel, 2001
- D29 Merseyside Access Guide, Merseytravel, 2003
- D30 Merseytravel Statement of Intent: Embracing Sustainable Design, April 2001
- D31 Railway Safety Guidance and Principles Part 2 Section G Guidance on Tramways, HSE Books, 1997
- D32 The Design of Light Rail Systems, A Royal Fine Art Commission Circular, The Royal Fine Art Commission (now CABE), June 1999
- D33 Land Value and Public Transport, Stage 1 - Summary of Findings, Office for the Deputy Prime Minister and Royal Institution of Chartered Surveyors, October 2002
- D34 Liverpool Urban Design Guide, Liverpool City Council, July 2003
- D35 Development Update for Liverpool City Centre, Issue 10, Liverpool Vision, November 2003
- D36 Merseytravel TravelSafe Strategy 2002-2005, Merseytravel, 2002
- D37 Health Impact Assessment, IMPACT, March 2004
- D38 Transport Assessment, Steer Davies Gleave/Mott MacDonald/ERM, March 2004
- D39 Investment Appraisal Overview, Steer Davies Gleave, March 2004
- D40 Merseyside Objective One Programme Prospectus, Government Office for the North West, 2004
- D41 Merseyside Walking Strategy, Merseytravel, June 2002
- D42 Financial, Operational and Demand Comparison of Light Rail, Guided Bus, Busways and Bus Lanes, Hass-Klau and others, Environment & Transport Planning and University of Wuppertal, April 2000
- D43 Stonebridge Cross Regeneration Area: Development Brief, Speke Garston Development Company (as agents for Liverpool City Council), Liverpool Housing Trust and Liverpool Housing Action Trust, November 2001
- D44 Stonebridge Cross Regeneration Area: Stage 2 Brief, Speke Garston Development Company, February 2002
- D45 Stonebridge Cross - a Submission to Speke Garston Development Company, Tesco Stores Ltd and David McLean Developments Ltd, 28 March 2002
- D46 Merseyside Rapid Transit System Order and associated applications Public Inquiry (18 November to 11 December 1998): Report by the Inspector
- D47 Merseyside Rapid Transit System Order and associated applications: Decision Letter by the Secretary of State for the Environment, Transport and the Regions, 12 May 1999
- D48 Merseyside Settlement letter, December 2003
- D49 Bundle containing letter from CABE to Department for Transport dated 26 November 2003; e-mail from John Hinchliffe, LCC World Heritage Officer dated 24 November 2003; and letter from EH to the Department for Transport dated 27 November 2003
- D50 ERDF funding letter from the Government Office for the North West dated March 2004
- D51 Albert Dock Conservation Area: Appraisal, March 2004
- D52 Copy email regarding meetings with bus operators, with annexed minutes
- D53 Letter from Keolis to Neil Scales dated 20 February 2004
- D54 Letter from Neil Scales, Merseytravel to Robbie Owen, Bircham Dyson Bell dated 26 April 2004 enclosing a note detailing the frequency of Merseyrail services from Liverpool City Centre to Kirkby
- D55 Map showing a comparison of catchment areas between 800m Merseytram Line 1 and 400m Glenvale CMT Bus Networks
- D56 Minutes of a meeting on 24 July 2003 between Glenvale Transport Ltd, Boreham Consulting Engineers and Merseytravel
- D57 Press cutting from the Liverpool Echo dated 16 December 2003 reporting Glenvale's concern that the tram will cause job losses
- D58 National Audit Office Report - Improving public transport in England through light rail
- D59 LETS Proposal for Four-Line Integrated Tramway to be included in the First Merseyside Local Transport Plan
- D60 Implementation Agreement between Liverpool City Council and Merseyside Passenger Transport Executive dated 6 May 2004

D61 Extract from Transport Appraisal and the New Green Book (June 2003) regarding the use of benefit to cost ratios

D62 A press article from Liverpool Echo dated 11 May and Department for Transport news release dated 11 May, both reporting on the Transport Secretary's visit to Merseyside on 11 May

D63 A letter to Neil Scales from the Managing Editor of the Liverpool Echo dated 10 May 2004

D64 Secretary of State's decision letter dated 18 May 2004 relating to the Paradise Street Development Area Compulsory Purchase Order and attached Inspector's Report dated 27 February 2004

D65 Extract from Merseytravel's Annual Passenger Services Monitor 2002/2003 regarding bus operators' mileage share

D66 A letter to Robbie Owen of Bircham Dyson Bell from the Head of Transportation and Traffic of KMBC dated 27 May 2004

## **F Legal and related documents**

F1 Section 90, Town and Country Planning Act 1990

F2 Part I, Transport and Works Act 1992 and related Schedules

F3 Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000

F4 Transport and Works (Inquiries Procedure) Rules 1992

*F5 Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992*

F6 Office of the Deputy Prime Minister Circular 02/2003 "Compulsory Purchase Orders"

F7 Department for the Environment, Transport and the Regions Circular 01/2001 "Heritage Applications"

F8 Sections 10, 12, 74 and 75, Planning (Listed Buildings and Conservation Areas) Act 1990

F9 Case Report: Chesterfield Properties Plc v Secretary of State for the Environment

F10 Case Report: R v Secretary of State for Transport and Others, ex Parte de Rothschild and another

F11 Case Report: Tesco Stores Limited v Secretary of State for the Environment, Transport and the Regions and Wycombe District Council

F12 Summaries of Cases: Bexley London Borough Council v. Secretary of State for the Environment, Transport and Regions and Another; Sainsbury's Supermarkets Ltd v Secretary of State for the Environment, Transport, Regions and Another

F13 Extract from the Guide to TWA Procedures (2001 edition)

F14 Guidance on Awards of Costs in Applications Proceedings under Section 6 of the Transport and Works Act 1992

F15 Part II, Transport Act 1968 (as amended)

## **P Merseytravel Evidence-in-chief and Rebuttal Evidence**

P1/A Proof of Evidence of Neil Scales on Strategy, Consultation and Delivery

P1/B Appendices to the Proof of Evidence of Neil Scales

P1/C A note on the Merseyrail patronage for Liverpool City Centre to Kirkby rail services

P1/D A note on Merseytram Line 1 and Impact on the Merseyrail Electrics Network

P1/E Corrected Proof of Evidence of Neil Scales, Strategy, Consultation and Delivery

P1/F A note on the Kirkby Bus and Rail Station bus service and infrastructure provision

P1/G A note on Merseytram Line 1 developments costs

P1/H Corrected Appendices to the Proof of Evidence of Neil Scales

Errata sheet for P1

P2/A Proof of Evidence of Alan Jones on Project Development

P2/B Appendices to the Proof of Evidence of Alan Jones

P2/C Figures, Maps and Plans to the Proof of Evidence of Alan Jones

Errata sheet for P2

P3/A Proof of Evidence of John Stephens on Economic and Social Effects

P3/B Appendices to the Proof of Evidence of John Stephens

## Merseytram Inspector's Report

- P3/C Figures, Maps and Plans to the Proof of Evidence of John Stephens
- P3/D Summary of Proof of Evidence of John Stephens on economic and social effects
- P3/E Note on employment due to tram operations and maintenance, and bus sector impacts
- P3/F Corrected Proof of Evidence of John Stephens, Economic and Social Effects

Errata sheet for P3

- P4/A Proof of Evidence of Leo Eyles on Forecasting and Appraisal
- P4/B Appendices to the Proof of Evidence of Leo Eyles
- P4/C Note on annualisation factors for demand and revenue
- P4/D Further information on demand forecasts and the operating cost model.
- P4/E Supplementary information on operating staff costs
- P4/F Further clarification of Rail Transfer Demand for Merseytram Line 1

Errata Sheet for P4

- P5/A Proof of Evidence of David Mack on Engineering
- P5/B Appendices to the Proof of Evidence of David Mack
- P5/C Figures, Maps and Plans to the Proof of Evidence of David Mack
- P5/D Note on Salthouse Dock Transit Shed Gable End Wall
- P5/E Note on Churchill Way (South Flyover)
- P5/F Corrected Proof of Evidence of David Mack, Engineering
- P5/G Note on William Brown Street
- P5/H Response to Assistant Inspector's Questions

Errata sheet for P5

- P6/A Proof of Evidence of Timothy Morton on Transport Assessment
- P6/B1 Appendix 1 to the Proof of Evidence of Timothy Morton
- P6/B2 Appendix 2 to the Proof of Evidence of Timothy Morton
- P6/C First Supplementary Proof of Evidence of Timothy Morton
- P6/D Second Supplementary Proof of Evidence of Timothy Morton
- P6/E Do Something Stage Phase Diagram (Broadway Junction)
- P6/F Drawing - Merseytravel Line 1 Review
- P6/G Corrected and Supplemented Proof of Evidence of Timothy Morton
- P6/H Corrected and Supplemented Appendix 1 to the Proof of Evidence of Timothy Morton
- P6/I A diagram illustrating the cross section of West Derby Road at the premises of Objector 243
- P6/J A note assessing how Junction 50 at Townsend Lane would operate in the with tram scenario

Errata sheet for P6

- P7/A Proof of Evidence of Ian Gilder on Planning, Urban Design, Environment and Supplementary Proof of Evidence of Ian Gilder
- P7/B Appendices to the Proof of Evidence of Ian Gilder
- P7/C *Curriculum vitae* of Dr Jonathan Edis
- P7/D Heritage
- P7/E Revised draft Planning, Listed Building Consent and Conservation Area Consent Conditions
- P7/F Corrected and Supplemented Proof of Evidence of Ian Gilder
- P7/G Corrected and Supplemented Appendices to the Proof of Evidence of Ian Gilder
- P7/H A note on open space at Overdene Walk and Muirhead Avenue
- P7/I Response to Assistant Inspector's Amended Comments on Proposed Conditions, 13 May 2004, with annexed Final Revised Planning Conditions
- P7/J Schedule of Environmental Mitigation Measures
- P7/K Response to Assistant Inspector's further Questions, 19 May 2004

Errata sheet for P7

## Merseytram Inspector's Report

- P8/A Proof of Evidence of Steve Mitchell on Noise and Vibration
- P8/B Appendices to the Proof of Evidence of Steve Mitchell
- P8/C Diagram illustrating the predicted tram noise and measured traffic noise outside 67 Utting Avenue East
- P9/A Proof of Evidence of Colin Mann on Property Impact
- P9/B Appendices to the Proof of Evidence of Colin Mann
- P9/C Letter from Colin Mann to Dominic Brady dated 6 April 2004 regarding replacement car parking
- P9/D Corrected Proof of Evidence of Colin Mann, Property Impact

Errata sheet for P9

P10 Merseytravel's rebuttal of the Proof of Evidence of Mr Dominic Brady on behalf of Glenvale Transport Ltd (OBJ/179)

P10/B Appendices to P10

Errata sheets for P10

P11 Merseytravel's Rebuttal of the Proof of Evidence of Prof. Lewis Lesley on behalf of Transit Promotion Limited (OBJ/252)

P12 Merseytravel's Rebuttal of the Proof of Evidence of Mr L Roche (OBJ/168)

P13 Merseytravel's Rebuttal of the Proof of Evidence of the Utting Avenue East Residents: Ms M Sutton (OBJ/32), Mrs P Williams (OBJ/170) and Ms M Kinsella (OBJ/221)

P14 Merseytravel's Rebuttal of the Proof of Evidence of Mr P Brown, t/a Marathon Motors (OBJ/260)

P15 Merseytravel's Rebuttal of the Proof of Evidence of Mrs Patricia Boulton (OBJ/178)

P16 Merseytravel's Rebuttal of the Proof of Evidence of printing.com (OBJ/266)

P17 Merseytravel's Rebuttal of the Proof of Evidence of the Thomson Partnership, t/a KFC (OBJ/243)

P18 Merseytravel's Rebuttal of the Proof of Evidence of Mr Charles Hubbard on behalf of National Car Parks Limited (OBJ/134)

P19 Merseytravel's Rebuttal of the Proof of Evidence of Mr PJM Stoney for the Mersey Docks and Harbour Company (OBJ/269)

P20 Merseytravel's Rebuttal of the Proof of Evidence of Moorfield Group Ltd (OBJ/164)

P21 Merseytravel's Rebuttal of the Proof of Evidence of Gower Street Estates Ltd (OBJ/164)

P22 Merseytravel's Rebuttal of the Proof of Evidence of Royal Mail Group and Post Office Ltd (OBJ/194)

P23 Merseytravel's Rebuttal of the Proof of Evidence of Mr J Kenny for Mr H Mylett (OBJ/270), Miss D Matthews (OBJ/271) and Mr R Wall (OBJ/272)

P24 Merseytravel's Rebuttal of the Proof of Evidence of Mr Michael Axon for BLCT Ltd (OBJ/210)

P25 Merseytravel's 2<sup>nd</sup> Rebuttal of the Evidence of Prof. L Lesley on behalf of Transit Promotion Limited.

P26 Merseytravel's Rebuttal of the Written Submission of Railway Paths Limited (OBJ/215)

*P27 Merseytravel's Rebuttal of the Proof of Evidence of Mr C Hargreaves on behalf of United Utilities Facilities and Property Services Ltd (OBJ/214)*

*P28 Merseytravel's Response to Objections submitted by Glenvale Transport Ltd (OBJ/179), Arriva North West and Wales (OBJ/274) and Mr J Kennedy (OBJ/233) in relation to the proposed additional St John's Lane Traffic Regulation Order*

*P29 Merseytravel's Response to written evidence submitted on behalf of Atlas Management Corporation (GONW/11)*

P30 Merseytravel's Response in relation to Councillor S Monkcom's Objection (OBJ/273)

P31 Merseytravel's Response to written evidence submitted by Castlewood Securities Ltd (OBJ/242)

*P32 Merseytravel's Response to written evidence submitted on behalf of Trillium (PRIME) Property GP Limited (OBJ/245)*

*P33 Merseytravel's Response to further written evidence submitted by Mr P Brown, t/a Marathon Motors (OBJ/260)*

*P34Merseytravel's 2<sup>nd</sup> Response to further written evidence submitted by Glenvale Transport Ltd, Arriva North West and Wales and Mr J Kennedy in relation to the proposed additional St John's Lane Traffic Regulation Order*

*P35Merseytravel's 2<sup>nd</sup> Response to further written evidence submitted by Cllr Monkcom*

*P36 Merseytravel's Response to written evidence submitted on behalf of Trillium (PRIME) Property GP Limited (OBJ/5)*

*P37Merseytravel's Response to further written evidence submitted by Castlewood Securities Ltd*

*P38Merseytravel's Position Statement for Mr Peter Brown, t/a as Marathon Motors*

## **II Inquiry Documents**

IQ1 Attendance Lists

IQ2 Inspector's Ruling

IQ3 Bundles of Objectors' Letters

IQ4 Objectors' Statements of Case with Schedule

## **III Supporters' Documents**

Note: Original letters of support are to be found in Document A33; additional documents are set out below.

SUPP/16/1 Proof of Evidence of Mr A West on behalf of Halton Borough Council

SUPP/21/1 Proof of Evidence of Mr J Harkins on behalf of Light Rail (UK) Limited

SUPP/21/2 Closing Submission of Light Rail (UK) Limited

SUPP/23/1 Statement of Mr S Pearse with supporting letters on behalf of Liverpool Chamber of Commerce and Industry

SUPP/24/1 Statement of Mr R Mason on behalf of Liverpool Land Development Company

SUPP/28/1 Letter dated 26 March 2004 with supporting documents from Mrs Arlene McCarthy MEP

SUPP/31/1 Letter dated 14 April 2004 from Royal Liverpool and Broadgreen University Hospitals Trust

SUPP/35/1 Letter from Local Solutions dated 19 March 2004

SUPP/36/1 Bundle of documents submitted by the British Transport Police

## **IV Objectors' Documents**

GLENVALE TRANSPORT LIMITED (OBJ/179)

179/1 Press Cutting

179/2 Proof of Evidence: Mr Dominic Brady

179/3 Rebuttal evidence to Merseytravels P10

179/4 Statement of Case

179/5 Objection to St John's Lane Modification

179/6 Response to Merseytravel's P28

179/7 Closing submission

UNITED UTILITIES FACILITIES & PROPERTY SERVICES LIMITED (OBJ/214)

214/1 *WRITTEN SUBMISSION*

*Ms m KINSELLA (OBJ/221)*

221/1 Letter and attachments, dated 25 March 2004

221/2 Bundle of supporting documents submitted to Inquiry

THE THOMSON PARTNERSHIP T/A KFC (OBJ/243)

243/1 Letter of objection dated 24 November 2003

243/2 Bundle of correspondence from Mason Owen

TRANSIT PROMOTION LIMITED (OBJ/252)

## Merseytram Inspector's Report

- 252/1 Proof of Evidence
- 252/2 Letter from Prof. Lesley dated 6 April 2004 enclosing letter from Merseytram dated 9 March 2004
- 252/3 Letter from Prof. Lesley dated 8 April 2004 enclosing letter from Bircham Dyson Bell dated 25 March 2004
- 252/4 Letter dated 30 April 2004 requesting further information
- 252/5 Letter dated 9 April 2004 enclosing copy LTP Settlement Letter dated 18 December 2003
- 252/6 Additional Presentation by Prof. Lesley
- 252/7 Letter dated 8 May 2004 enclosing copy of LETS submission
- 252/8 Closing submission
- 252/9 Letter to Programme Officer dated 25 May 2004, with annexed copy correspondence

### MR PETER BROWN T/A MARATHON MOTORS (OBJ/260)

- 260/1 Original letter of objection dated 3 December 2003
- 260/2 Letter dated 16 March 2004
- 260/3 Letter dated 5 April 2004
- 260/4 Letter dated 24 April 2004
- 260/5 Letter from Merseytram to Mr Brown dated 28 April 2004
- 260/6 Undated note
- 260/7 Letter dated 11 May 2004
- 260/8 Letter dated 26 May 2004

### THE MERSEY DOCKS AND HARBOUR COMPANY (OBJ/269)

- 269/1 Original letter of objection dated 19 February 2004
- 269/2 Proof of Evidence Mr P J M Stoney
- 269/3 Closing submission

### MR L ROCHE (OBJ/168)

- 168/1 Proof of Evidence, in form of letter dated 10 April 2004

### MRS P WILLIAMS (OBJ/170)

- 170/1 Original letter of objection dated 18 November 2003
- 170/2 Bundle of papers, including press cuttings, submitted to Inquiry

### MRS P BOULTON (OBJ/178)

- 178/1 Original statement and photographs (undated)
- 178/2 Statement submitted to Inquiry (dated 24 March 04)