Leigh Busway Inspector's Report

Contents

Case Details

Reference TWA/3/1/195

- The proposed Greater Manchester (Leigh Busway) Order 200 is requested to be made under Sections 1 and 5 of the Transport and Works Act 1992. A Direction is also sought under Section 90(2A) of the Town and Country Planning Act 1990.
- The effect of the Order, and of the Direction which is also sought, would be to permit the construction and operation of a guided busway, with associated works and operations including some on-road bus priority measures, between the bus station in Leigh and Newearth Road in Ellenbrook, together with the acquisition of the necessary land or rights over land.
- The Order and Direction are requested by the Greater Manchester Passenger Transport Executive (GMPTE).

Summary of Recommendation: I recommend that the requested Order and Direction be made, subject to modifications contained in Appendix 3 to this report.

1.0: Preamble

1.1 Procedural

1.1.1 I held a public local inquiry at Tyldesley Top Chapel, Tyldesley, commencing on 10th September 2002, for the purpose of hearing representations and objections concerning an application made by the Greater Manchester Passenger Transport Executive (GMPTE), in accordance with the Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2000 made under Sections 6,7 and 10 of the Transport and Works Act 1992, to the First Secretary of State for the making of the Greater Manchester (Leigh Busway) Order 200 under Sections 1 and 5 of that Act, and for the making of an associated Planning Direction under Section 90(2A) of the Town and Country Planning Act 1990. This Order was drafted by GMPTE and its making was applied for on 31st January 2002. I have been appointed to conduct the inquiry in accordance with Section 11 of the Transport and Works Act 1992. GMPTE confirmed that all statutory requirements had been complied with. The inquiry closed on 8th October 2002. I carried out unaccompanied site inspections on 16th September, 23rd September and 30th September, and an accompanied site inspection on 9th October 2002.

1.2 Effect of the Order

1.2.1 The purpose of the proposed Order would be to permit the construction of on-road bus priority measures running generally north-eastwards from Leigh bus station to East Bond Street, Leigh, and the construction of a twin-track guided busway running along the line of an abandoned railway from there generally north-eastwards, and then generally eastwards past the town of Tyldesley, for some 7 km in all to its termination at a junction with Newearth Road, Ellenbrook. A twin-track spur guided busway some 400m in length would connect southwards from the main busway to the isolated housing area of Higher Folds. Six bus stops are proposed on the busway, with a seventh stop at Tyldesley providing an interchange with on-road bus services. Three of the stops would have park-and-ride facilities, and all would have sophisticated provisions for passenger information, access, shelter and ticketing. An all-weather shared recreational route for walkers, for cyclists and, over much of the length, for equestrians would be constructed beside both the main busway and the spur.

1.3 Compulsory Purchase

1.3.1 The compulsory purchase element of the Order would permit the compulsory purchase of such land and rights as are needed for the works, either permanently or temporarily, and as is not already the subject of an agreement to purchase from its existing owners. In fact most of the land is to be acquired by agreement, and the compulsory purchase relates mainly to such peripheral land as did not form part of the former railway.

1.4 The Proposed Quality Bus Corridor (QBC)

1.4.1 The development covered by this Order is the western part of a wider scheme promoted by the GMPTE, which is referred to as the Leigh-Salford-Manchester Quality Bus Corridor (QBC). The other elements of the QBC scheme would extend some 12 km eastwards from Newearth Road, Ellenbrook, into the centre of Manchester; the measures covered by the present series of associated proposed orders and permissions extend as far east as the Bolton Road roundabout on the A580. They would mainly follow the line of the A580/A6, and would include bus lanes designated on the existing highway, bus lanes built on the existing verges, a further 9 sophisticated bus stops and a number of traffic regulation measures aimed at achieving bus priority. The method by which these associated measures, between the Newearth Road junction and the Bolton Road roundabout, are intended to speed up public transport is essentially to provide a bus-only lane on the inner lane of the A580 dual carriageway wherever this is needed in order to bypass queues waiting at the major signal-controlled

junctions. These junctions, not the amount of road space, are considered by GMPTE to be the limiting factors on the capacity of the A580.

1.4.2 The scheme for bus priority measures on the A580 between Newearth Road and the Bolton Road roundabout would leave at least 2 lanes of the A580 in each direction to carry the general traffic, while keeping the full carriageway width available for all traffic at the junctions themselves; the timing of the junction signals would be optimised also. GMPTE considers that this would allow sufficient road space for all of the traffic that the junctions could handle, and so provide improved journey times for public transport without adding significantly to the overall journey times of general traffic. There would also be a fourth, and larger, park-and-ride facility where the QBC bus route would pass under the M60/M61 interchange with the A580.

1.5 The Other Related Applications

1.5.1 At the opening of this inquiry the two planning applications and two applications for Traffic Regulation Orders which this eastern part of the QBC scheme would require were outstanding with the authorities to which they had been made. By the end of the inquiry I had been given to understand that the two planning applications had been approved, and that the two Traffic Regulation Orders were expected to be submitted to a joint public inquiry which would probably open on 26th November 2002. This duly took place, closing on 10th December after an interim adjournment, and the resulting reports on these two Traffic Regulation Orders have been submitted to the relevant authorities. The western and eastern parts of the QBC scheme are physically distinct, but it was stated by GMPTE that they were inter-dependent and had been submitted to the Government and justified for financial approval as a whole; GMPTE would not intend to implement them separately. For brevity, this report refers to the western part of the QBC scheme as the busway, and to the eastern part of the QBC as the bus priority measures.

1.6 Format of Report, and Documentation

1.6.1 Following a report of the preliminary matters, and a description of the site and its surroundings, I shall report the material points of the cases for and against the draft Order and the requested Planning Direction, together with my conclusions and recommendations. A list of persons appearing at the inquiry is attached as Appendix 1. Inquiry documents are identified in the report as "ID", followed by a number, and they are listed in Appendix 2. Proposed modifications to the draft Order and the direction have arisen from a variety of sources, and those that I recommend are listed in Appendix 3. GMPTE also provided a large number of Core and Deposited Documents, categorised as "A", "B" and "C" List documents according to their status and function. These are referred to in the report as "GMPTE.", followed by A, B or C depending upon their category, followed by a number. These Core and Deposited Documents are listed in Appendix 4.

2.0: Preliminary Matters

2.1 Legal Submission

2.1.1 A legal submission was made by the major objector, the Busway Noway Campaign (Obj 266) (which was supported by the Campaign for Planning Sanity), at the opening of the inquiry. This is attached as ID 2. The gist of this submission was that the Environmental Statement submitted by GMPTE (GMPTE.A12, A13, A14) was seriously inadequate in relation to the requirements of the relevant legislation and EC Directives. These deficiencies were considered by the objector to be so great that the Secretary of State should be asked to consider whether he should require the provision of further information, under Rule 17(2), before the inquiry proceeded any further, since in the objector's view the Secretary of State could not lawfully determine the present application on the basis of the information that had been provided so far. The deficiencies arose, in the view of the objector, partly from the lack of information as such, and partly from the deferment of the provision of information to a later stage at which the public would not be able to comment. For instance, there was no detailed information on the methods by which contaminated land at the scrapyard at Hart Street, Tyldesley, would be dealt with, and the neighbours ought to be able to know about these methods and to question them.

2.1.2 I am not a lawyer, and the question of whether the Secretary of State could lawfully determine the application is not for me to decide. However, so far as the inquiry was concerned, it did not seem to me that the environmental information submitted was inadequate for the purpose of establishing the environmental impact of the scheme, or the principle of what needed to be done about it. It appeared to me that in some respects the actual characteristics of local fauna could well change in the period before construction started, and that in other respects the requirements of the controlling bodies for protection of species could well also change in this time, as experience developed. Other problems, such as the precise location and extent of sporadic contamination, could only be ascertained during the course of the development, but the evidence submitted did not, in my view, indicate that there was anything that normal monitoring would not detect or that normal methods of control could not deal with. Consequently, I considered that it was reasonable that some detailed survey and design work should be left until later, but the principles appeared to me to be clear from what was known and submitted already. I therefore did not consider that it would be appropriate to defer the inquiry for this reason.

2.1.3 A second group of submissions or objections was made by Busway Noway on 8th October 2002, which may or may not be considered to constitute legal submissions as such. These are attached as ID 42, and the gist of them is reported in sections 6.1.17 and 6.1.18 of this report.

2.2 Further Request for Adjournment of the Inquiry

2.2.1 The presentation of evidence to the inquiry concluded on Wednesday 2nd October, Counsel for GMPTE requested a 2 day adjournment to allow time for further negotiations and the preparation of final statements. The objectors present, including Busway Noway, agreed to this and the inquiry therefore did not sit on 3rd and 4th October.

2.3 Objections &c.

2.3.1 At the opening of the inquiry 544 objections had been made which had not been withdrawn. Some further objections were submitted during the inquiry, and at the end of the inquiry the situation was that a total of 574 objections had been made, of which 12 had been withdrawn. There were also 4 representations in support, 2 of which had been submitted by bodies or persons that did not attend the inquiry, and 3 more general written representations.

2.3.2 The main grounds of objection were:

The busway would give only minimal savings of travelling time at maximum environmental and financial cost, compared with the reverse situation on the eastern bus priority measures on the A580/A6 where nearly all of the congestion presently occurred.

The busway was not supported by local opinion.

The busway would serve only the route to and from Manchester, whereas the majority local need was for travel to other places such as Warrington, Liverpool, St Helens, Wigan and Bolton.

It would be better simply to improve existing bus services and remove the congesting pinch-points on their routes. Alternatively, the local rail system should be revived, for instance by linking from the main Liverpool line at Kenyon Junction through Leigh to Wigan. Alternatively, the Metrolink tram system should be extended along the proposed busway route.

The signal-controlled crossings of the busway over the existing local roads, and interference from vehicles entering and leaving the park-and-ride facilities, would exacerbate the existing local traffic congestion.

The busway would degrade the existing pedestrian, cyclist and equestrian routes that followed it, and the Green Belt land through which much of it would pass. The present rare and greatly valued safe, quiet and rural character of these routes would be lost, and users would be endangered by the bus traffic. Also, the former equestrian route eastwards from Astley Street would not be reinstated.

The busway would severely damage the wildlife corridor which had developed along the abandoned railway line. It would remove much of the maturing vegetation and it would put at risk the Great Crested Newts, water voles, bats, birds and other creatures that relied upon this wildlife corridor for breeding and general habitat.

The park-and-ride facilities would occupy valuable open amenity space, and the loss of the Green Belt land at Astley Street was to be especially deplored.

The construction and operation of the busway and the bus stops would introduce noise, vibration and air pollution to nearby properties and would be detrimental to their outlook. There was no proper provision for control of these effects, or for compensation for them.

2.4 Matters taken into Account

2.4.1 I have taken into account the Environmental Statement and all of the other environmental information submitted, both as documentation and as evidence at the inquiry. I have also taken into account the original objections, the statements of case, the written representations, the evidence submitted at the inquiry and all other material considerations.

3.0: Description of the Scheme, its Surroundings and the Order Land.

3.0.1 Figure 2a in GMPTE.A13 gives a convenient over-view of the scheme and the area.

3.1 Leigh

3.1.1 The town of Leigh has some 45,000 inhabitants. It is in the Metropolitan Borough of Wigan, some 9km south-east of the town of Wigan and 20km west of the centre of Manchester, and it has no direct railway or motorway connections. The M6 runs north-south some 9km to the west and the M60/M61 Manchester orbital motorway runs north-south some 10km to the east. The Liverpool-Manchester railway line is some 4km to the south, but with no convenient station; the Wigan-Manchester railway line is some 5km to the north, with stations at Atherton and Walkden. The nearest major road is the A580 East Lancashire Road, a dual carriageway that runs east-west some 3km south of the centre of Leigh. The Leeds-Liverpool Canal runs east-west through the southern edge of the town.

3.1.2 The land around Leigh is relatively flat, with the large undeveloped area of Chat Moss to the south. To the north the land climbs, initially gently and then more steeply, to the ridge upon which the town of Tyldesley stands. Further north the land slopes generally upwards towards hills in the far distance. The Leigh area was extensively mined for coal, and was formerly disfigured by mine installations and tips. Mining has now ceased entirely, and the installations and tips have been almost entirely removed within the past 20 years or so and the land reclaimed, though to somewhat variable standards. The textile industry has also faced serious decline since the 1960s. There used to be an extensive network of railways but many of these, including the line which used to run from Leigh to Salford by way of Tyldesley and Ellenbrook and which the busway is proposed to follow, were closed in the 1960s. The continuation of the line of that former railway east of Ellenbrook is blocked by subsequent development in the Salford area.

3.2 The General Principles of the Scheme

3.2.1 After a short section of on-road bus-priority measures between Leigh Bus Station and East Bond Street, in the centre of Leigh, the scheme would provide an off-road twin-track guided busway running for some 7 km from East Bond Street, generally north-east and then east, to its junction with Newearth Road in Ellenbrook. The busway corridor would be fully fenced off from adjacent properties, on the side of the corridor which was occupied by the busway, except where public rights of way entered or left it. It would pass through the southern fringe of the town of Tyldesley, and through the relatively open countryside on each side of that town. It would include a spur busway running south from this main busway to the isolated housing area of Higher Folds.

3.2.2 There would be a parallel recreation route within the same corridor for walkers and cyclists, along the full length of the main busway and the spur. This would provide also for equestrian use between Holden Road in Leigh and Astley Street in Tyldesley, and to Higher Folds. The recreation route would be fenced off from the busway, except at crossings by public rights of way, and it would have screen fencing between it and adjacent properties where necessary. There would be six sophisticated bus stops on the main busway, with shelters, raised platforms and advanced passenger-information facilities. There would also be an interchange station at Tyldesley, accessible by ordinary bus services. Three small park-and-ride sites would be provided, for use by relatively local users of the busway. The busway would be used by a high-frequency high-quality bus service connecting between Leigh and the centre of Manchester, together with such other more local services of suitable quality as bus operators might wish to operate.

3.3 The On-road Section in Leigh

3.3.1 The route of that part of the proposed QBC which is covered by the present Order would begin with an on-road section running eastwards for some 400m along Spinning Jenny Way, on the south

side of the centre of Leigh, between Leigh bus station and the junction with Lord Street South. It would be well clear of the Town Centre Conservation Area. There would be a signalised junction, with a pedestrian facility, at the exit from the bus station. For the western 250m of this on-road section there would be a westbound bus-lane in the centre of the road, to ease access to the bus station, and for the eastern 115m there would be an eastbound bus lane on the present verge to give easier access to the turn north eastwards into bus lanes on Lord Street South. The route would continue north-eastwards, through a remodelled junction, onto Princess Street, and the on-road section of the route would finish at its light-controlled crossing (with a pedestrian facility) of East Bond Street.

3.4 The Guided Busway From East Bond Street, Leigh, to Holden Road, Leigh (Chainage 1000 to 1430)

3.4.1 The guided busway proper would begin on the north-east side of the East Bond Street crossing, at a nominal chainage of 1000. Immediately adjacent to this point there would be the first of the busway bus stops, accessed on foot from East Bond Street and from the proposed small park-and-ride facility, with about 70 spaces, on the south east side of the busway. Vehicular access to this facility would be gained from High Street by way of a presently private service road crossing the car park of the adjacent Lancastrian Squash Club; it is intended that the Club should retain full access to its premises and should be provided with equivalent parking. Misuse of this and the other park-and-ride sites by non-busway travellers would be discouraged by requiring users to buy a combined parking and busway ticket.

3.4.2 The busway would run first through what is presently a lorry park, on the line of the abandoned railway, with industrial or commercial properties on each side, and would then cut into the old railway embankment to run north-eastwards as far as Holden Road in a false cutting between housing areas, from which the false cutting would partly conceal it. At Holden Road it would emerge at road level from the slope at the end of the old railway embankment, which was cut back when the former railway bridge was demolished, and it would cross Holden Road by a signal-controlled at-grade crossing. The embankment is heavily wooded, with shrubs and immature trees on the top and some older trees on the side slopes. An informal path runs along its top and a formal path, narrow and shut in by fences, runs along its foot on the south-eastern side; the new recreational route would run on substantially the same alignment as the present formal path.

3.5 Holden Road, Leigh, to Miller's Lane (Chainage 1430 to 3040)

3.5.1 On the north-east side of the Holden Road crossing there would be the second of the busway bus stops, but no park-and ride facility. The busway would be at the same level as Holden Road and the adjacent unadopted Rosebury Avenue, which appear to be a little below the level of the ground upon which the old railway embankment was built. A long strip of land some 2m wide, sloping sideways down to the south-eastern edge of Rosebury Avenue from the toe of the embankment, is owned by the owners of the corresponding houses fronting onto the north-west side of that road. This strip is proposed for compulsory purchase so that it can be treated as a single fairly flat area for landscaping and design purposes; a roadside footway is envisaged, subject to consultation with the residents.. (see GMPTE.A13, Fig 31a).

3.5.2 Beyond Holden Road the busway would run substantially at the level of the existing ground on either side, requiring the removal of the existing heavily wooded and relatively narrow old railway embankment. This is mostly some 3m high, but up to some 6m high in places, and the present semi-informal path runs along its top. The top of the embankment carries a dense cover of immature trees and shrubs, but again there are more mature trees at places on its side slopes. The new recreation route between here and Tyldesley would be on the north-western side of the busway. At Lilford Park Brook (chainage 1750) there would be separate bridges for the busway and the recreation route, in the interests of improving their appearance and the supply of light to the brook. Beyond this point the housing on the south-east side stops and is replaced by open fields, but the recently-built housing on the north-western side continues to about chainage 2000.

3.5.3 The route presently continues north-eastwards from the Lilford Park Brook on the wooded old railway embankment, which would be removed about as far as chainage 2150 as part of the busway works. From about that chainage the busway would run at the same level as the existing ground-level track, with slightly higher wooded ground on its south east side, as far as about chainage 2930, a little short of Miller's Lane, where it would cut down through the old railway earthworks to cross the lane at grade. After chainage 2150 the trees and the higher ground block views out to the south east. Views out to the north-west continue to be obscured, as earlier, by the dense post-railway growth of trees and shrubs, and then the woodland of Lilford Park closes in on the north-western side of the route at about chainage 2350. There would be a farm crossing at about chainage 2540. The present character of this part of the route, from chainage 2150 as far as Miller's Lane, is that of a woodland ride, with trees meeting over the top and a broad, but in places potholed and muddy, surface of earth and stones. The surface is severely rutted on the steep slope down to Miller's Lane at chainage 3040. Beyond the Lilford Park woods, from about chainage 2600, the lower land to the north west is open and green, but again there is a very obscured view because of the dense growth of trees along the former railway.

3.6 Miller's Lane to Astley Street, Tyldesley (Chainage 3040 to 4530)

3.6.1 At Miller's Lane there would be a crossing suitable for large farm vehicles. The busway route continues generally eastwards from there, across flat land which was the subject of a major reclamation scheme in the 1980s. No embankment or substantial trees remain in this section. To the north west there are open views extending for perhaps 1.3 km towards the town of Atherton. To the south, flat open land runs down to the isolated housing area of Higher Folds, which was formerly surrounded by grey pit heaps. This land is part of the Red Rose Forest project (ID 16). The route follows a broad track, with a crushed stone surface, rising slightly above adjacent wet land to its crossroads at chainage 3870 with the similar existing north-south track called Cooling Lane, which runs southwards from the western end of Tyldesley to the Higher Folds estate. Higher Folds is presently accessed by only one vehicular road, which connects south-westwards to the A572 and Leigh.

3.6.2 The proposed Higher Folds busway spur would overlie that part of Cooling Lane which is to the south of the main busway route. A little to the west of this crossroads, in the wet land at about chainage 3700 and adjacent to the north side of the former railway reservation, is a large pond at Nuttall's Farm which is identified as being of importance to water voles and Great Crested Newts, amongst other creatures. (Pond No. 15 in GMPTE.A13, Fig 17a). A substantial level of horse-keeping is apparent in this general area, mostly north of the corridor; the tracks along the corridor and running off it to the north and south are used by equestrians.

3.6.3 The Higher Folds busway spur would run approximately along the existing north-south Cooling Lane trackway. Its main turning facility for buses would be into and out of the eastern part of the main busway, which would be done at low speed. Turns to and from the west would be possible in emergencies with care, but this would be done only at low speed and under special control. This existing trackway is on level ground, has a crushed stone surface and is flanked by thick belts of immature trees. Some of these trees close to the existing track would need to be removed, though there would be replanting, while the outer ones would remain. Some heaps of stones within these outer areas were pointed out as hibernation locations for Great Crested Newts which would return to the Nuttall's Farm pond to breed. A ditch parallel with the existing track, on its west side, is identified as showing evidence of water vole territories (Location 16 in GMPTE.A13, Fig. 16a), and this would be relocated on a similar alignment and reconnected by culverts to existing drainage channels on the east side of the route. The recreation route connection to Higher Folds would need to cross the main busway to the west of the Higher Folds busway spur junction, and then cross the Higher Folds busway spur itself by a farm crossing some 40m to the south of this so as to be able to run southwards down the east side of the spur.

3.6.4 The busway would climb eastwards from the spur junction, with a copse on its north side and fields sloping down on its south, and cross a wider triangular area of rough-grassed open land at about

chainage 3920 formerly occupied by a railway station and junction, to reach the third proposed busway bus stop, at Tyldesley West (chainage 4200), with pedestrian connections to the street to the north. At this stop the new recreation route would cross the busway to continue eastwards on its southern side as far as Hough Lane (chainage 5890). There are open views to the south for perhaps 1km, towards the small village of Gin Pit which is set in partially-reclaimed former mining land. From here the busway would run eastwards along the old railway reservation, with its thick planting of immature trees, to the proposed signal-controlled crossing on the north-south Astley Street, Tyldesley. The present path in this locality is apparently well used, but it is irregular, narrow and of varying standard.

3.6.5 The town of Tyldesley (population about 23,000) has suffered like Leigh from the end of coal mining and the decline of the textile industry. It is accessed from Leigh by way of Atherton, there being no more direct vehicular connection. The main street runs along the crest of an east-west ridge, from which there is a gentle slope down to the north and a sharper slope down to the south. Terraces of older houses, and outside the central area more modern housing developments, run down the slope from the main street towards the old railway reservation, which traverses the face of the slope some 150m south of the main street and typically some 12m below it. To the west of Astley Street a second small park-and-ride facility is proposed, with about 50 spaces. Its vehicular access would be taken directly from Astley Street at a point adjacent to the busway crossing. This facility would be built on Green Belt land along the wooded face of the slope between the old railway line and the gable walls of the ends of the terraces which front onto Wareing Street or Astley Street, or the back gardens of the properties which front onto Upper George Street or Poplar Grove. It would have pedestrian connections to the streets to its north as well as to Astley Street; the signal controls at the busway crossing would have a pedestrian phase, giving a safe link between the park-and-ride site and the Tyldesley Interchange to the east.

3.7 Astley Street, Tyldesley, to Sale Lane, Tyldesley (Chainage 4530 to 6670)

3.7.1 Astley Street, which presently has a gradient of nearly 10%, would be re-graded for some 150m to produce better gradient and crossfall at the busway crossing. To the east of Astley Street, at chainage 4600, there is at present a substantial area (roughly 1 hectare) of undulating grassland, the southern edge of which falls away fairly steeply to the old railway line. It is crossed by paths and edged by the gable walls of terraced housing and the back yards of two large old schools now used for more general educational and social purposes; no formal, or substantial informal, use of this land for recreational purposes is apparent. The Tyldesley Interchange is proposed to be sited on the western part of this land, with stops for the QBC and for local bus services which would access the interchange from Astley Street. To the south of the densely wooded former railway line, and below it, is Astley Park, which is an area of land laid out for various kinds of formal and informal recreation. The busway and the interchange would cut into the slope, but would not interfere with the park, access to which from central Tyldesley would be gained by the roadside footways beside Astley Street and Well Street.

3.7.2 East of the interchange there would be a controlled at-grade busway crossing of Well Street, which also would be re-graded. From there the busway would continue within the former railway land, generally with some cutting on its northern side and some embankment on its southern side, to cross Upton Lane at grade at about chainage 5440. Between Well Street and chainage 5600 there is modern housing backing onto the railway reservation along much of its northern side, and modern houses in Garden Street back onto it on the southern side immediately east of Well Street. In this locality the existing path along the route is well used, and is surfaced and lit for a short distance east of Well Street, again with a heavy concentration of immature trees. I noticed several cyclists riding or pushing bicycles on paths crossing the corridor in this general locality, though these are not recorded as being more than footpaths.

3.7.3 At about chainage 5600 the former railway line went into cutting, to pass beneath Hough Lane under the narrow arch of the existing road bridge at chainage 5890, and continued in cutting for much of the distance to its crossing of the north-south part of Sale Lane (chainage 6670), and beyond it.

The cutting has been partly infilled and planted for some distance westwards from the Sale Lane crossing, and the busway would infill wholly or partly much of the remainder so as to permit an at-grade signal-controlled busway crossing at Hough Lane, instead of requiring the bridge arch to be rebuilt wider so as to allow the busway to pass underneath. The busway, and the new recreation route on its south side, would climb on the approach to this crossing from the west at a maximum gradient of 5%, to suit the needs of recreational users. The crossing control signals would be linked to those at the junction of Hough Lane with the east-west part of Sale Lane some distance to the north, to prevent traffic congestion building up through their interaction. A retaining wall would be built on the south side of the busway, to support the back gardens of adjacent houses between about chainages 5625 and 5810, and the busway would be raised on a similar wall above the existing covered flood attenuation tanks on its north side between chainages 5760 and 5860..

3.7.4 The present cutting in the vicinity of Hough Lane is impressive, with vertical stone sides in places, though the path is littered and poorly maintained. A long flight of steps rises to Hough Lane beside the bridge. Ditches beside the path provide some drainage and wildlife habitat, and these would be lost. A third small park-and-ride site, with about 70 spaces, is proposed immediately west of Hough Line, on a site presently partly occupied by the Hart Street scrapyard. Vehicular access to it would be gained from the main east-west street, here called Sale Lane, by way of Hart Street. A fourth busway bus stop is proposed immediately east of Hough Lane, on the slightly embanked top of the partial infill in the cutting, and from here to the end of the busway at Newearth Road the new recreation route would run on the northern side of the busway.

3.7.5 The busway would continue eastwards from Hough Lane, initially in the partially infilled cutting and then cut into the existing planted slope below Chester Road. Much of this slope is at present well covered with immature trees, many of which would need to be removed. The scheme envisages replacement landscape planting on both sides of the busway. There are open views from it to the south for perhaps 1km through the gap between Astley to the west and Mosley Common to the east. The recreation route, on the northern side of the busway, would rise up to run alongside Chester Road. The busway itself would not be likely to be visible from the fronts of the houses in Chester Road, but the buses on it would be more likely to be visible, certainly towards the eastern end. A fifth busway bus stop would be located immediately to the west of the proposed at-grade signal-controlled busway crossing of Sale Lane at chainage 6670, but this would be without any park-and-ride facility. The shelters for this stop would stand in front of the easternmost houses in Chester Road.

3.8 Sale Lane, Tyldesley (Parr Brow), to Newearth Road, Ellenbrook (Chainage 6670 to 8140)

3.8.1 On the eastern side of Sale Lane, at Parr Brow, the old cutting has not been infilled, and the present path runs eastwards along the northern edge of the cutting until the route reaches ground level at about chainage 6900. The former railway continued to be mainly on embankment from here to Newearth Road, and the present informal recreation track is little more than a trodden line through the brambles and immature trees that cover most of the top of the embankment; again, there are some more mature trees on the embankment sides. Several steel barriers cross the track, but they do not extend over the full width and do not prevent use by pedestrians. Use of the track by cyclists or equestrians would be more difficult, though I think not impossible. I saw no clear indication of either of those uses between Sale Lane and Ellenbrook, though some horses are kept in fields adjacent. Where the trees allow, and once past the industrial estate on the south side at Parr Brow, there are open views across open Green Belt for some 1km to the north towards Little Hulton and Walkden, and for some 500m to the south towards Mosley Common. These open views exist as far as City Road (chainage 7690), where there is a woodland cemetery on the north side. The busway would continue eastwards to City Road on the old railway embankment, with the recreation route on its northern side and with a pedestrian crossing and farm access at Sheep Lane (chainage 7140). In my view the present steep slopes from the west down the end of the embankment to City Road, and further on down to Newearth Road, would make equestrian use of the present route difficult, and they seem likely to make pedestrian or cyclist use difficult or dangerous when the ground is wet.

3.8.2 The former railway bridge over City Road has long been demolished, though the old stone abutments of the bridge remain. It would be replaced by a new busway bridge, built somewhat higher to provide adequate headroom; the old abutments might or might not prove to be capable of incorporation. The existing embankment would therefore need to be raised at the approaches to the new bridge, but further to the east and west of the bridge the embankment would be reduced in height by some 1m - 2m in order to widen its top so as to provide sufficient width to accommodate both the busway and the new recreation route. There would consequently be a total loss of existing trees both from the top of the embankment and from its upper slopes, where this was done, but trees on the lower parts of the slopes should survive and screen the busway. The new recreation route would not cross the new busway bridge at City Road, but would slant down the northern side of the embankment on both sides of the road so as to cross the road at grade. Retaining walls would be needed on both sides of the embankment, both east and west of City Road, to permit these arrangements.

3.8.3 East of City Road (chainage 7690) there is a confused area of woods and former railways to the north of the proposed busway, and housing to the south. Beyond chainage 7900 the busway would be cut down into the existing surface of the old railway track, and it would cross from Wigan into Salford at about chainage 7960. A small existing former railway bridge at chainage 8000 is at too high a level, and would be removed and replaced by a lower embankment. The busway would run down into a false cutting, excavated within the present embankment, so as to approach the sixth busway bus stop, immediately west of the junction of the busway with Newearth Road, at road level. This stop also would have no park-and-ride facility. Again, the dense tree cover on the top of the old embankment would be lost, but that on the remaining parts of the embankment side slopes would be retained.

3.8.4 At about chainage 7940 the new recreation route would branch off to the north-east from the line of the existing informal recreation route, along the embankment of a second former railway which appears to be used at present as a connecting informal, and mainly pedestrian, recreation route. After passing north-west of Pond No. 52 (GMPTE.A13, Fig. 16c), which lies at a lower level between the two former railway embankments, the new recreation route would fork. One part would continue to the north-east, maintaining the connection along the second former railway. The other part would swing back to the south-east, around the northern end of Pond No. 52, crossing the line of a third former railway at a point which appears now to lie within an extended and partly tree-planted garden at the rear of No. 13 Hurstfield Road (CPO Plots 109 and 110) some 30m from the rear of that house, to rejoin the busway in the false cutting leading to the Newearth Road bus stop and to Newearth Road itself.

3.8.5 The confused area of woodland to the north of the busway between City Road and Newearth Road is designated as a Site of Biological Importance, or SBI (GMPTE.A13, Fig. 18c), and both the busway and the new recreation route would run through the southern edge of it. It contains a series of ponds, of which Pond 52 is one. This pond is identified as being a breeding site for the Great Crested Newt (GCN), as well as for the Smooth Newt, the Palmate Newt and the frog. Neither the busway nor the recreation route would interfere directly with this pond, but the terrestrial roaming areas of the amphibians that breed there would be affected by both. To the south east, the boundary of the SBI is formed by that of the third former railway line referred to above, the railway land being just within the SBI; the Newearth Road bus stop would lie outside it.

3.8.6 The busway scheme would terminate at a signal-controlled junction, with pedestrian facilities, on Newearth road and some junction markings on Newearth Road itself. An existing formal recreation route continues eastwards through Salford from Newearth Road along the main former railway line.

4.0: The Case for the Greater Manchester Passenger Transport Executive

4.0.1 The gist of the case for the GMPTE was as follows.

4.1 Policy

4.1.1 Role of the GMPTE

4.1.1.1 The Scheme was being promoted by the GMPTE, which was responsible for implementing the policies of the Greater Manchester Passenger Transport Authority (GMPTA). That body comprised 33 Councillors who were appointed by the 10 District Councils in Greater Manchester; it was the policy-making body responsible, under statutes including the Transport Act 2000, for developing policies concerning local transport, for making all major policy decisions in that connection, and for carrying out its functions so as to implement those policies.

4.1.2 Transport Policy and the Local Transport Plan

4.1.2.1 The current statement of local transport policy was the statutory Local Transport Plan (LTP) (GMPTE.A20), which had been submitted in 2000. The five Core Objectives of the LTP were briefly

To strengthen, modernise and diversify the county's economy in environmentally sustainable ways.

To support urban regeneration and bring disused and under-used urban land back into effective use.

To make Greater Manchester a more attractive and healthier place to live, work and invest.

To focus these improvements in the Regional Centre, the town centres and major employment centres.

To reverse the decentralisation of population and economic activity, sustain the community and cultural life of urban centres and neighbourhoods, and ensure that everyone could participate in the opportunities that the county had to offer.

The LTP also listed a series of more specific transport objectives, the achieving of which would lead to the achieving of the core objectives (GMPTE.A20, para. 3.37).

4.1.2.2 The pattern of movement in the county was very complex, between Manchester itself, the many surrounding towns, and major free-standing employment centres such as the airport or Trafford Park. The pattern had been analysed, most recently in 1991, and the strategy had been developed to enable public transport to capture a higher share of the trips to the various centres, to encourage walking, cycling and the use of public transport for the shorter trips, and to encourage development in locations accessible by public transport, cycling and walking. A number of alternative strategies had been tested by modelling, and a strategy based upon an improved public transport network had been adopted, which would help to reverse the spiralling increase of dispersed activity/car travel. The development of the Metrolink was a major element in this, but Leigh was not served by it.

4.1.2.3 Leigh was unique among the District centres in having neither a heavy rail service, nor a Metrolink service nor any direct high frequency bus service to Manchester. Unfortunately, rail congestion in central Manchester would prevent any expansion of heavy rail services there for at least ten years, and Leigh would have a low priority if and when that situation improved; consequently, Leigh could not realistically expect a rail-based improvement for at least 20 years. The LTP aimed at improving public transport into and between District centres, and apart from the development of the Metrolink network it aimed to do this through the creation of Quality Bus Corridors (QBCs), which was a concept that had been developed after considerable research and consultation. There would be major enhancements to public transport infrastructure and services, and measures to improve the quality of public transport and present it to passengers as an integrated service. The Greater Manchester Integration Project, which was being developed by a partnership which involved a wide range of bodies and transport operators, had as its centrepiece a multi-modal county-wide Quality Partnership Agreement which was aimed at achieving this.

4.1.2.4 The five-year LTP programme specifically include the Leigh Guided Busway as part of its Leigh-Salford-Manchester Quality Bus Corridor, as well as a network of Quality Bus Corridors elsewhere, which now amounted to some 15 QBCs covering over 200km of routes. In addition to the present project, GMPTE was also committed to a Leigh-Wigan QBC. The QBCs would improve service by, amongst other things, providing improved passenger information before and during journeys (for instance, with real-time displays of the times of the next departures at bus stops), by improving the waiting environment, improving services (for instance, by requiring the use of new fully-accessible low emission buses), by improving fares and ticketing, and by improving connections and interchange. Quality Partnership Agreements would be entered into with operators to achieve this, and an example of such an agreement was submitted (ID 4). In many cases these routes would not have a level of demand sufficient to justify a Metrolink service.

4.1.3 Objectives of the QBC and European, National and Regional Transport Policies

4.1.3.1 The specific objectives of the QBC were to:

Provide a high quality public transport link between Leigh and Manchester via Tyldesley, Ellenbrook, the A580 road and Salford;

Improve public transport between Leigh, the other areas served and the rest of the conurbation by improving access to the local, regional and national public transport systems;

Help overcome the constraint that existing public transport presented to the area of search for jobs and training for those living in the areas that would be served who were without their own transport;

Stimulate inward investment in the areas that it would serve;

Contribute to greater social inclusion in the areas served;

Moderate the impacts of the rising demand for car travel by providing better quality public transport that would help to keep existing passengers on public transport instead of switching to the car, which would also attract some existing car users to public transport;

Support the further development of Leigh as a commercial and business centre within Greater Manchester.

4.1.3.2 These specific objectives of the Leigh-Salford-Manchester QBC accorded with EC policy (GMPTE.A56), with the 1998 Transport White Paper (GMPTE.A22), with the advice in the 1999 associated document "From Workhorse to Thoroughbred" (GMPTE.A27) and the 2000 "Transport 2010 - The Ten Year Plan" (GMPTE.A51). They were also consistent with the core and transport objectives in the LTP, and if they were achieved they would contribute to the transport quality objectives.

4.1.3.3 The QBC further accorded with the draft Regional Transport Strategy in the present review of RPG 13, Appendix 2, which also advised the local authorities to protect disused railway lines where there was potential for their future re-use as transport routes. The busway was an integral part of the LTP strategy, which had been endorsed by the central government, and it had received the government's specific financial support. However, it was not the sole improvement to public transport either in the corridor or in the Leigh area as a whole, and it should therefore not be criticised for not being a total solution to the problems, or for not accessing other destinations that were of interest to local people. Furthermore, the objectors were plainly wrong in their assertion that its sole purpose was to improve the time taken for the end-to-end public transport journey between Leigh and central Manchester.

4.1.4 The Scheme, the Alternatives and Public Consultation

4.1.4.1 The old railway alignment had been protected in the Wigan Unitary Development Plan (UDP), between Leigh and Parr Brow, to preserve the option of rebuilding the railway; from Parr Brow the UDP had envisaged that the rebuilt railway would run north-east to a new junction with the

Wigan-Manchester line at Walkden. However, a heavy rail link was now considered to be impracticable because of the delay, the lack of adequate forecast patronage to support the heavy construction costs involved, and the sheer organisational difficulty in achieving any such project under present legislation.

4.1.4.2 In addition to the problem of high railway construction costs there would be a need for an ongoing subsidy for a heavy rail option, unlike the busway. In Greater Manchester, heavy rail passenger subsidies in 2000/2001, including those on much more heavily-used lines than a line to Leigh would be, had averaged at £0.26 per passenger-kilometre. Such a subsidy would have to be paid either by the Strategic Rail Authority (SRA) or by the GMPTA, and as the SRA was unlikely to see such a line as a high priority this would mean that the money would have to come from the GMPTA and the local payers of Council Tax. A further drawback was that rail services would be less frequent than bus services. For many areas accessible directly by the busway, this would erode any time saving given by the higher railway running speeds.

4.1.4.3 Metrolink also would require an unrealistic annual patronage of 5 million passengers to justify it, and a 15km extension from its present end at Eccles to Leigh. The capital cost of such an extension would be in the region of £112m. Consideration had been given to the options of an entirely on-road system of bus priorities and an alternative which incorporated these measures to the east and the busway to the west. The busway offered the advantage of a narrow overall width with limited surfacing, on a dedicated traffic-free route, with a good ride and good correspondence between the bus floor and the kerb at stops, but with complete freedom for the busway services also to make use of other roads as part of their route. Such a system allowed space for a parallel recreation route which would have been impossible if the route had been used for a rail service, and this made a very economical use of land resources.

4.1.4.4 After GMPTE had proposed a number of alternatives in public consultation, Atkins Transportation Planning had been appointed to carry out an independent review of all rail and bus based alternative options identified to date, and to include any others that might occur to them. Their report of 1999 (GMPTE.A32) had looked at fifteen full options, together with a number of sub-options. Thirteen of these full options had been referred to Atkins by GMPTE and two had been added by Atkins. Six of the thirteen original full options had been based on heavy rail, four on light rail and three on buses. The two added by Atkins had considered additional stations on the Liverpool-Manchester railway line. The cost estimates had been comparative, and had left out a number of cost items common to all options; they had also not included the full costs of integrating a branch line with the main railway, or the effects of the recent factors driving up rail costs such as signalling and the consequences of privatisation. GMPTE had subsequently also studied the Busway Noway rail-based alternative, when sufficient details had become available. The question that now had to be addressed was not whether the scheme as now proposed was the best of all possible schemes, but whether it offered an acceptable balance of costs and benefits, taking those terms in their widest sense, in the context of the objective of providing an improved public transport link in the Leigh-Manchester corridor.

4.1.4.5 Atkins had concluded that the Leigh-Salford-Manchester QBC represented a superior bus-based solution, offering rapid transit facilities at relatively low cost. Its particular benefits were its reduction in bus-based journey times and its high penetration of Tyldesley and other areas between Leigh and Ellenbrook which were not presently served by rail or express bus. They considered that none of the light rail or heavy rail options suggested in earlier studies appeared to present cost-effective solutions, and that most had some operational difficulties. They recommended that one of their two extra options - a parkway station on the Liverpool-Manchester line at Kenyon Junction - should be investigated further, but they did not consider it to be an alternative to the busway in relation to Tyldesley and its surrounding areas. Planning permission for such a parkway had in fact been subsequently refused. It should be noted that the then Department for Transport, Local Government and the Regions (DTLR), in giving financial clearance for the scheme prior to the application for the present Order, had been satisfied that a range of alternatives had been considered,

and had agreed that the low-cost option of just constructing the eastern bus priorities measures on the A580 (LCA 1) was the appropriate alternative to use for comparative evaluation.

4.1.4.6 GMPTE had carried out comprehensive public consultation exercises, which had included opinion research surveys, distribution of printed material, public meetings, visits and presentations to local groups and specific local consultations where necessary. Two full exercises which had been carried out in 1998 and 1999 had been duly reported to the GMPTA (GMPTE.A33 and A34). Mostly the organisations consulted had been in favour. Public consultation had raised some concerns, such as the loss of cycleways, equestrian facilities and walkways, and these and other concerns had been addressed in the detailed design, the Environmental Statement (ES) and mitigation measures. A number of changes had been made following the first consultation exercise, including reducing the design speed from 80kph to 65kph, relocating bus stops, amending crossings, and providing better controls against misuse by motorcycles. A second series of public consultations (GMPTE.A36-A39) had shown reduced concern over the effect upon equestrians but increased concerns over impact on trees and wildlife, and local detail. Further modifications had been made to the scheme in consequence. More public consultation had been carried out in 2001 on a small number of specific new proposals.

4.1.4.7 The scheme now had the full support of the District Councils whose areas it would serve, Wigan MBC and Salford City Council, the earlier concerns of which had all been successfully addressed. It was also supported by the Highways Agency, and by all the District Councils in Greater Manchester which had made it a priority in the LTP.

4.1.4.8 Two public opinion surveys had been carried out by Harris Research Centre (GMPTE.A40 and A41). A telephone survey of 500 people living in the area served by the busway in 1998 had shown 65% support for the idea and 75% of likely users if the busway were built. Present non-users of public transport were as likely to use the service as present bus users. Face to face interviews of a representative sample of heads of households in 1999 had shown 66% thought the proposals good or fairly good, 20% bad or fairly bad. Public transport users were more positive than non-users.

4.1.4.9 A face to face survey of 629 people in 2002 by Simpson Carpenter had shown similar results to the 1998 and 1999 surveys. In addition, of those living closest to the proposed new recreation route, 37% used the present pathway. Opinion in this group was almost even, for and against the proposals. 73% of the total sample of users and non-users living closest to the pathway were happy with the proposals, and in Leigh to Ellenbrook as a whole 78% were happy with the busway proposals. The overall conclusion from each of these three independent surveys was that, although opinion was divided, the majority was in favour of the proposals.

4.1.5 Impacts and Benefits of the Proposed Scheme

4.1.5.1 The QBC and the busway were not seeking to create better public transport as an end in itself, but as a means to reduce congestion, stimulate employment and investment, and tackle social inclusion. They sought to do so by creating the new, high frequency and high quality service, making use of both the busway and the bus priority measures to the east. The scheme had been conceived, developed, evaluated and justified to the (now) Department for Transport (DfT) as a single concept, and the effect of synergy made it impossible to look at each section of the corridor and specify an incremental amount by which that section added to the value of the whole, which could then be compared with the capital, environmental and other costs attributable to that particular section. Consequently many of the benefits could not be considered, with any accuracy, in relation to the busway alone and had to be seen in relation to the whole of the QBC.

4.1.5.2 The travel times would be shorter than those now being experienced, both during the peak period and outside it, and on all parts of the route. Furthermore they would be more reliable because they would be less subject to the unpredictable effects of traffic congestion. At present, delays in one trip had a knock-on effect by delaying the start of that bus on its return journey, so that the effect of one such delay could last throughout the day. Reducing this effect would improve reliability and passenger confidence, and help to reduce operating costs.

4.1.5.3 The improved buses, bus stops and passenger information would add to the benefits, and it was also expected that there would be some transfer of present car travellers to the new bus service, reducing to some degree the general levels of congestion that would otherwise occur. Overall, some 70% of the passengers on the QBC were expected to have transferred from existing bus services. It was not expected that any existing local bus services would become unviable because of this, but some changes could well occur. GMPTE had powers and resources to support services if that became necessary. The 1991 Census showed 62,000 people living within walking distance of a QBC stop, and 44% of these were in households with no car; the scheme would improve their travel choices significantly.

4.1.5.4 A modelling exercise by the Centre for Economics and Business Research had estimated (ID 44 Appendix 3) that the improved accessibility resulting from the QBC scheme would improve employment opportunities in greater Manchester by a total of over 1,300 jobs. 1,035 of these would be in the corridor served by the scheme, and most of these (636) would be in the Leigh and Tyldesley areas, though for these to materialise there might need also to be suitable sites and training facilities. The estimate had also shown that the scheme was likely to lead to an increase in the population within the QBC corridor by 840, again mostly in the Leigh and Tyldesley areas, and that the savings in journey times would lead to an overall gain in productivity equivalent to 86 jobs.

4.1.5.5 A report had been commissioned from Roger Tym on the social inclusion and other benefits of the scheme (GMPTE.A29). This had identified 17 wards overall that would be served by the QBC, with considerable variations in their socio-economic characteristics. In varying ways, such as concentration on declining kinds of employment, poor local access to basic facilities of all kinds, unemployment and long-term illness, some 15 of these suffered above average social exclusion, and a high proportion of residents were dependent on public transport. Higher Folds was particularly deprived.

4.1.5.6 The busway would give these deprived areas a frequent, fast and regular link with Leigh, Salford and Manchester, making travel by bus much less of a constraint. The Greater Manchester Integration Project would lead to improved interchange and inter-operation of the full range of public transport services. Use of the busway, either end-to-end or partially, and of the Tyldesley Interchange, would be open to suitable operators and vehicles, enabling a network of better main and feeder services to develop, though the benefits from this wider use had not been taken into account in the cost/benefit assessment. If the Tyldesley one-way system was found to inhibit use of the interchange by local buses, traffic management measures to correct this could be considered. The scheme was not expected to increase traffic flows in general on the surrounding road network, but there might be some small effects from road closures, as in Leigh, or adjacent to park-and-ride sites and busway bus stops.

4.1.5.7 The busway would provide better access to employment, health facilities, education facilities, shops, leisure and community facilities. This was particularly the case in relation to specialist facilities, for example in the field of health, which tended to be concentrated in a particular location. The Tym report estimated that the additional trips resulting would be between 300,000 and 1 million per year, reflecting a substantial reduction in social exclusion, but this had not been taken into account in calculating the benefits of the scheme. Overall, the scheme would meet all of its objectives, and would contribute to the broader objectives of the Greater Manchester LTP.

4.1.6 Procurement of Services and Impact on the Bus Network

4.1.6.1 In Greater Manchester some 85% of the total vehicle-kilometres of the bus services were provided commercially, while the remainder were procured by subsidy. The GMPTA specified the type of services to be so procured, and the GMPTE procured them, specifying the required routes, timetables, periods of operation, frequency &c. Operators submitted bids, specifying the subsidy that they would require, and GMPTE awarded contracts on the basis of best value. The criteria used by the GMPTA aimed at maximising the number of people provided with an adequate and accessible service in residential areas.

4.1.6.2 The QBC service was intended to have, as a minimum, 6 buses per hour in each direction between Leigh and Manchester, between 0700 and 1900 on Mondays to Fridays and between 0800 and 1900 on Saturdays. It was also intended that there should be a minimum of 4 buses per hour, each way, outside these periods between 0600 and 2300 on Mondays to Saturdays, and between 0800 and 2300 on Sundays. All buses would be required to be fully accessible to wheelchairs and to meet fully the requirements of the Disabled Persons' Transport Access Committee (DPTAC). At the bus stops the matching platform heights and minimal gaps would particularly benefit mobility-impaired and encumbered passengers, who would also benefit from the intended real-time bus service information displays, CCTV monitoring and passenger access to the control centre in an emergency. Bus service information would be available on the Internet, and the time of the next bus from any stop would be available through an automated telephone service.

4.1.6.3 The buses would be required to meet full Euro 3 emission requirements (or Euro 4 if that had come into force) and to minimise internal and external noise. Core service buses would be required to be less than 5 years old, which compared with the span of 10-12 years for which the initial operator of a bus would normally keep it. There would be additional requirements for cleanliness, driving training and standards, passenger comfort &c. Any feeder-service operators who were also licensed to use all or part of the busway would be required to be of an acceptable standard. All operators using the busway would be required to participate in the concessionary fares scheme, and there would be through-ticketing to feeder and connecting services.

4.1.6.4 GMPTE would licence operators to use the busway, which would be a private right of way, but it would not set licensing conditions that would be more onerous than would be necessary in order to secure the provision of the intended service standards. It also intended to set up a Quality Partnership Scheme (QPS), with the relevant Highway Authorities (Wigan Borough and Salford City Councils, and the Highways Agency), as permitted by the Transport Act 2000, under which only those operators who met its requirements as outlined above would be permitted to use the busway. The intended frequency of the services could not be required under the QPS, though it could be required under the licensing scheme. However, it was estimated that operators would find the service sufficiently profitable to run most, if not all, of the required service on a commercial basis. If more than one operator wished to enter into the QPS the licensing regime would be used to ensure that an even frequency of buses was provided nevertheless. Any services that were not provided commercially could be covered by subsidy under contract, but this was not expected to be necessary.

4.1.6.5 Another way of achieving the required level of service, including frequency, would be to obtain consent from the Secretary of State for a Quality Contract, which would be with a single operator with exclusive rights. However, this was seen as a last resort, if commercial operation and the QPS failed to provide an adequate level of service - for instance, in the face of unsustainable competition - and was not favoured in present circumstances.

4.1.6.6 There was an extensive local network of bus services in the area, centred on Leigh bus station. There were also longer-distance services, but only one of these was a direct express service to Manchester which would compete directly with the busway, and that service (No. 34) ran only in the peak periods. Its timetabled journey time for the full journey was 48 minutes off-peak and 63 minutes during the morning peak. A more indirect service which ran all day, the No. 26, was scheduled to take 60-70 minutes during the peak, 54 minutes during the day and 50 minutes in the evenings. There were also two other services between Leigh and Manchester, which were more indirect and ran via Tyldesley. These took up to 90 minutes for the full journey during the peak period.

4.1.6.7 The existing Leigh - Manchester bus services were not aimed primarily at serving the full journey, but at linking settlements en-route with each other as well as with the terminal points. All except the No. 32 from Tyldesley and the No. 34 from Leigh followed circuitous routes, making them unattractive for the longer journeys, and they were very susceptible to the effects of traffic congestion, leading both to the scheduled times varying greatly and to the buses not managing to keep reliably to those varied schedules. As previously noted, these random delays then tended to disrupt the timings for the rest of the day, making the services of limited use to anybody who needed to arrive at a

particular time, for instance at work; they were unlikely to attract passengers from the private car. The QBC could avoid these problems.

4.1.6.8 Public concern had been expressed that areas like Astley, Boothstown and Worsley, which were served by the existing Leigh-Manchester bus service, could be left without buses if that service diverted to the QBC. However, the operators of the existing services could already have diverted to a more direct Leigh-Manchester route along the A580 if they had so wished, but they had not done so because of the patronage that their services received from these areas. As these areas would not be served directly by the QBC there was no reason to fear that this demand would be reduced. However, if the services to these areas did reduce nevertheless, GMPTE would review the network and replace the lost services with subsidised ones. GMPTE had entered into dialogue with the existing bus operators in the area affected by the QBC proposals, offering to participate in impact studies, and was now working on one with the main commercial operator. Forecasting commercially-based services so far ahead was difficult, but it was noted that the demand for bus travel was in fact increasing, and that none of the existing bus operators had objected to the busway Order.

4.1.6.9 GMPTE also intended to review the network of feeder services before the opening of the proposed QBC, to ensure adequate access to it from areas not served directly by it.

4.2 Transport Economics

4.2.1 Cost/Benefit

4.2.1.1 Subsequent to the original financial and economic appraisal of the QBC scheme in 2000, an updated appraisal had been submitted to the DfT in 2001. The DfT had indicated that it would make funds available for the scheme, as the appraisal had shown that the scheme would offer value for money if it were not significantly altered in scale or scope. A reappraisal had since been made following the latest DfT guidance (May 2002. ID 45 Appendix 2), and taking into account the development of the QBC specification since the 2001 submission.

4.2.1.2 The passenger demand had been assessed by Steer Davies Gleave, using a model that reflected established best practice and DfT requirements. Account was taken of journey time, reliability and punctuality, fares and parking charges, access time to stops and wait time at them, and a measure of people's perception of different modes. The model had validated well against observed usage. The calculated times showed that the QBC would have a substantial advantage over the time presently taken by cars, as well as the present bus services, during the peak hour. This timing would be 42 minutes as compared with 55 minutes, between Leigh and Manchester, and it would be achieved reliably on a typical weekday during the school term. Consequently passenger demand for the QBC would arise from transfers from cars, as well as from other bus services, and also from new journeys made as a result of the QBC. Existing bus passengers would benefit both from reduced journey times and from increased reliability.

4.2.1.3 It was estimated that the total number of passengers on the QBC service in 2009 (the first year after the anticipated build-up period) would be about 600 during the morning peak hour and about 360 during an average inter-peak hour, giving 1.9 million passengers a year. This figure was higher than had been forecast in earlier studies, such as that in GMPTE.A43. The increase arose partly from the use of the latest updating of the Highways Agency's Sub-Regional Highway Model (SHRM) and partly from the use of the year 2009 in place of 2005. The reduction in local road traffic resulting from transfers from cars in 2009 would be relatively modest, but it would still amount to some 2.4 million vehicle kilometres a year, and the total value of time savings from reduced congestion had been estimated by Steer Davies Gleave at £14 million over a 30 year evaluation period.

4.2.1.4 The updated financial and economic appraisal was based upon these forecasts of demand &c., and assumed the capital works expenditure to be incurred in 2005 and 2006, giving an opening date of 2007, with a project life of 30 years, a 1998 price base, a discount rate of 6% and a deflation rate to the 1998 price base of 2.5%. The QBC capital cost was estimated at £28.1 million (the fourth park-and-ride at the M60 junction was ignored throughout this calculation) and the annual operating cost

(infrastructure and services) at £1.17 million, including net bus replacement costs. Benefits not taken into account included time savings arising from journeys taking less than the conservatively-assumed 43 minutes end-to-end, use of the busway by other services, use of the park-and-ride sites, any additional QBC services above the basic levels assumed, any social-inclusion journeys beyond the 15% extra off-peak allowed for, and extra journeys to work generated by the increased employment activity.

4.2.1.5 The standard DfT cost/benefit calculation showed a saving of £3.4 million a year. This was made up of £2.86 million for user time savings, £0.40 million for vehicle operating cost savings, and £0.1 million for user accident savings. The comparison of time savings assumed the QBC to be using the same terminus in the centre of Manchester as the present Services Nos. 34 and 26, so any general change of terminus, for instance to Shudehill, would not affect the comparison. Similarly, neither would the various improvements now being programmed within the centre of Manchester, such as those at Blackfriars Street and the Inner Relief Route, which were expected to reduce bus journey times there by some 4 - 5 minutes. There would also be significant benefits for people with impaired mobility, but these were not quantified in this process. The reduction in local levels of congestion would save another £1.2 million a year.

4.2.1.6 Using the normal discounting technique over the appraisal period, the QBC benefit/cost ratio was a strong one, at 1.53:1. The net present value would be positive, with benefits of £50.83 million compared with costs of £33.24 million, giving a surplus of benefits over costs of £17.59 million. The annual revenue from the scheme was estimated at £2.27 million, allowing for discounted and concessionary travel tickets. This would exceed the annual operating costs, and so the scheme was considered to be financially viable.

4.2.2 Sensitivity

4.2.2.1 Sensitivity tests had been carried out looking at the effects of a lower frequency of service, a cost over-run and variations in the journey time. These showed that the QBC had a robust and stable economic case, and that it would still offer value for money if such conditions were to occur.

4.2.2.2 A number of alternative schemes had been assessed, including:

(i) a scheme with bus priority measures on the A580 only, also referred to as Low Cost Alternative 1 (LCA 1) - the basic alternative scheme submitted to DfT;

(ii) a similar scheme but adding two limited-stop bus services between Leigh and Manchester; one would be via the A574 and the A580, providing the shortest possible journey time between Leigh and Manchester, and the other route would serve Tyldesley as well. Both services would have a frequency of 4 buses per hour. This was referred to as Low Cost Alternative 2 (LCA 2);

(iii) the alternative rail-based scheme put forward by Busway Noway, with a heavy rail link from Kenyon Junction to Wigan via Leigh.

4.2.2.3 Alternative (i) (LCA 1)would cost only £5.7 million (1998 prices), and would incur no extra operating costs, but it would have slower run times and would give no direct link between Leigh and Tyldesley. The wholly on-road service would also be perceived as less attractive than the high quality busway service, despite the use of dedicated bus lanes, and so it would attract only an extra 0.07 million passengers in 2010. Few users would be attracted from cars, compared with 0.4 million for the QBC. Consequently it would be serving mostly the existing bus passengers. The ratio of benefit/cost would be 2.7:1 - higher than for the full QBC scheme - but the net present value would be £7.68 million - only 43% of that of the QBC. The user benefits would be less than a quarter of those of the QBC. The bus priority measures would give value for money, in economic terms, but they would not achieve the objectives of the scheme of improving public transport links to Leigh, and they would be of only marginal benefit to users of existing bus services between Leigh and Manchester.

4.2.2.4 Alternative (ii) (LCA 2) would generate a net present value of £6.26 million and a benefit/cost ratio of 1.31:1, both of which would be substantially inferior to the figures for the QBC scheme. It

was specified so as to provide services to Leigh and Tyldesley which would get as close to the QBC standards as would be possible without building the busway, with a frequency optimised from the point of view of both the economic and the financial cases. In providing an express bus service between Leigh and Manchester it would go some way towards addressing the objectives of the scheme, but it would nevertheless fail to attract sufficient demand and the revenue would consequently be less than the operating costs. This alternative would therefore require subsidy, which it was very unlikely to get. LCA 2 would require more bus kilometres and bus hours to cover the same service area as QBC, and therefore more buses to provide the services, which would cause it to have higher operating costs and 5-year fleet replacement costs. The calculation of benefits had assumed that the quality of service would be as for the QBC busway, which in practice an on-street service could not achieve.

4.2.2.5 Alternative (iii), the provision of Busway Noway's suggested rail link from Kenyon Junction to Leigh and then on to Wigan, was estimated by Mott MacDonald to cost about £140 million, at single-track standard. This would allow 2 trains per hour each way, and operating costs would be about £3.3 million a year. If all seats were occupied in peak periods, and 25% at other times, there would need to be a time saving of more than 80 minutes per trip to achieve an economic net present value of zero, and this time saving would need to increase to 2.5 hours if the level economic return value forecast for the QBC were to be achieved. To avoid the need for subsidy an average yield of £4.50 per return journey would be needed. This scheme would therefore not be viable, nor acceptable.

4.2.2.6 These comparative assessments showed that Alternatives (i) and (ii) would generate less benefit than the QBC. Alternative (ii) (LCA 2) would also not cover its operating costs. Alternative (iii) would be likely to be neither economically nor financially viable due to the costs of constructing and operating heavy rail services. The QBC was the most cost-effective way of meeting the objectives for public transport within this corridor, with a strong and robust economic case, likely to attract commercial operators and require no ongoing support.

4.2.2.7 As had been noted, it was very difficult to subdivide realistically the costs and benefits of the overall QBC scheme between the busway part, which was the subject of the present Order, and the bus priority measures to the east. Such an approach was not appropriate, because the full scheme benefited from synergy, and in its financial appraisal of the scheme the DfT had not asked for any such disaggregation of the costs or the benefits. Construction of the busway without the bus priority measures would not meet GMPTE's objectives for the corridor, nor would it attract operators; only the combination of the two parts of the QBC would result in the increase in patronage and reduction in operating costs that would make the scheme financially viable, and justify funding approval by DfT. GMPTE would not construct the busway without the substantial saving in journey time that would be added by the bus priority measures. The logic of this was demonstrated by the following table of comparisons.

4.2.2.8 Tabulated comparison of QBC, LCA 1 and LCA 2. Sums are in £ million.

Item:	**Full QBC**	**LCA 1**	**LCA 2**	**Increment of QBC over LCA 1**	**Increment of QBC over LCA 2**
Costs:					

Operating	-11.3	0.0	-15.5	-11.3	+4.2
Busway	-17.4	0.0	0.0	-17.4	-17.4
Bus Priorities	-4.5	-4.5	-4.5	0.0	0.0
Sub-total	-33.2	-4.5	-20.0	-28.8	-13.2
Benefits:					
User Benefits	+34.8	+8.1	+18.1	+26.7	+16.6
Non-user	+14.4	+4.1	+7.2	+10.4	+7.2
Benefits Generated	+1.6	0.0	+1.0	+1.6	+0.7
Revenues:					
Sub-total	+50.8	+12.2	+26.3	+38.7	+24.6
Economic NPV	+17.6	+7.7	+6.3	+9.9	+11.3
Benefit / Cost Ratio	1.53:1	2.71:1	1.31:1	1.34:1	1.86:1

4.2.2.9 This table of comparisons showed that the full QBC would add benefits of £38.7 million to the benefits of £12.2 million generated by LCA 1, so that the incremental benefit would amount to some 80% of the total benefit achieved by the full QBC scheme. When the incremental benefits were compared with the incremental costs of £28.8 million, the addition showed a strong benefit/cost ratio of 1.34:1. Again, the full QBC would add benefits of £24.6 million to the benefits of £26.3 million generated by LCA 2, giving an incremental benefit amounting to about half of the total benefit achieved by the full QBC scheme. In that case, when the incremental benefits were compared with the incremental costs of £13.2 million, the addition showed a strong benefit/cost ratio of 1.86:1.

4.3 Planning

4.3.1 National Policies

4.3.1.1 About half of the length of the busway lay within Green Belt, together with the small park-and-ride site at Astley Street, Tyldesley. The questions to be considered were whether the proposals were for inappropriate development, in the sense of PPG2; whether they would maintain openness; whether they would conflict with, or support, any of the five purposes of the Green Belt as set out in PPG2; and whether they would injure the visual amenities of the Green Belt. The effect on the corresponding Wigan and Salford UDP Green Belt policies was also relevant.

4.3.1.2 The PPG was not explicit as to whether a linear infrastructure project of this kind was or was not inappropriate in principle, so it needed to be tested against the five purposes of the Green Belt and the requirement to maintain openness. The main arguments in respect of these tests were those which are set out in paras. 4.5.4.2 and 4.5.4.3 of this report, and they demonstrated clearly that the busway would have no urbanising effect. The bus stops were located to serve existing housing, not to attract more, and the footprint of the scheme was largely confined to the existing envelope of trees and other vegetation which would retain its essential character. The scheme provided for only the minimum landtake needed for operation and for the parallel recreation route. In consequence of these things, none of the first four purposes of the Green Belt would be harmed.

4.3.1.3 The fifth purpose, urban regeneration, would be positively served by the improvement of access to Leigh and Tyldesley, and by the potential to extend the QBC further afield in the future. Visually, the only adverse impacts would be the relatively slight effects of the retaining walls and the

new bridge required in the vicinity of City Road; apart from these small local effects the busway would have no adverse effects upon the visual amenities of the Green Belt, either within it or conspicuous from it.

4.3.1.4 GMPTE did not consider the proposals to constitute inappropriate development to any significant degree, but if any part of them was considered to be so there were very special circumstances to justify them. These were that the proposals accorded with national transport policy for accessibility and promoting non-car travel; that they were part of the Greater Manchester transport strategy in accordance with national and regional guidance; that they utilised a corridor much of which was safeguarded in the Wigan UDP (from Leigh to Parr Brow) for a re-opened heavy rail link to Manchester which would have had a much greater impact on the Green Belt, to which the busway was a more realistic alternative; that they would assist with urban regeneration; and that they would utilise a former rail route on an existing brownfield strip of land rather than using a new greenfield one.

4.3.1.5 The proposed Astley Street park-and-ride site had been selected after careful consideration of a number of alternatives, as was advised in Annex E to PPG 13, which had introduced paragraph 3.17 into PPG2. Figure 36 in GMPTE.A13 identified these alternatives as Sites 1 to 4. A wholly different location adjacent to the Tyldesley West bus stop would also have been in the Green Belt, and it would have been far too exposed to houses to its north and to the Green Belt.

4.3.1.6 Site 4, south of the interchange and east of Astley Street, would be big enough, and just outside the Green Belt. Much of the existing low-lying vegetation screening the site would need to be removed to get rid of Japanese Knotweed, so the loss of this vegetation did not provide a counter-argument, and if the remaining semi-mature trees could be retained Site 4 would be viable in purely environmental terms. However, it would be too far downhill for convenient access to the interchange by the users, requiring extensive ramp structures, and it would also require an undesirable extra vehicular junction on Astley Street. This junction could not be positioned close enough to the busway signal-controlled crossing to be combined with it, but also it could not be located far enough away from the crossing for safety. The combination of these two problems made Site 4 operationally unacceptable.

4.3.1.7 Site 3 at Astley Street, to the east of the interchange, could not accommodate the required parking, except perhaps north of the busway and west of Well Street - but it would then be too small to be effectively screened by planting, and Well Street would not provide an acceptable vehicular access route to it, because of its numerous frontagers. Site 2, west of Astley Street and south of the busway, would be much more exposed to the Green Belt and would be outside the busway corridor, and it would have more difficult access to the interchange. Land north of the busway corridor and west of Astley Street was already in other uses, mainly residential.

4.3.1.8 This had left only Site 1, the site now proposed, which was within the corridor and west of Astley Street. The provision here of the park-and-ride facility would protect the adjacent Conservation Area from casual parking. It would contain no buildings other than those essential for its operation. It lay within a wooded corridor, and this together with the proposed landscaping would avoid harm to the openness or visual amenity of the Green Belt. This park-and-ride site featured in the First Annual Progress Report of the Local Transport Plan (GMPTE.A23), the QBC having been included in the LTP itself (GMPTE.A20).

4.3.1.9 Overall, the busway proposals were therefore not harmful to the Green Belt, would have no effect upon openness, and had no conflict with the policies of checking the unrestricted sprawl of large built-up areas, or of preventing neighbouring towns from merging, or of safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. They would assist in urban regeneration by encouraging the recycling of derelict and other urban land, and they would not injure the visual amenities of the Green Belt in any way. They accorded with the policies in PPG 2, and with PPG 13 as regards the criteria for the location of park-and-ride sites.

4.3.2 PPG 13: Transport (2001)

4.3.2.1 The QBC scheme accorded with the 2001 revision of PPG 13. It promoted more sustainable transport choices, by offering radically improved public transport in the Leigh-Manchester corridor. It would improve accessibility to jobs, shopping, leisure and services by public transport. It would promote accessibility by cycling and walking, and it would reduce the need to travel by car. It would provide better for disabled people, it would improve facilities for interchange between modes of travel, it would reduce community severance - particularly in relation to Higher Folds, much of which was beyond convenient walking distance from direct bus routes into Salford and Manchester - and it would encourage use of public transport by providing park-and-ride facilities commensurate with local need.

4.3.3 Draft Regional Planning Guidance for the North West (2002).

4.3.3.1 The QBC accorded with the policies in the draft RPG in a number of ways. These were

It contributed to the over-riding aim of delivering sustainable development.

It helped to achieve greater economic growth and associated social progress, urban renaissance, active management of environmental assets, high environmental and design quality, and an accessible Region with efficient and fully integrated transport.

It promoted social inclusion through accessibility and mobility.

It placed high priority on accessibility of infrastructure and services, on upgrading public transport and on advancing social inclusion by improving access to employment, shops, leisure facilities and public services (Policy UR 3).

It promoted the principle that public transport systems should be modern, efficient, and very well integrated, on a multi-modal basis and making best use of existing resources (Policy T 1).

It promoted the making of such use through improvement of public transport passenger services and of public transport infrastructure in major urban areas and key transport corridors (Policy T 10).

4.3.4 Local Planning Policies

4.3.4.1 As regards the open land policies in the 1995 Wigan UDP (GMPTE.A30), the route was adjacent to protected open land for a short length east of Parr Brow, in which openness and visual amenities were to be preserved. However, although the busway would be visible from this land, it would be well landscaped and would have no adverse visual effect upon it. It would not impinge upon existing agricultural land or operations. Wigan UDP's policy for Greenways envisaged the whole length of the former rail reservation, from Holden Road to Ellenbrook, as having such a use and this was to some degree in conflict with its policy of also preserving this corridor for a future rail use as far east as Parr Brow (after which the protected rail route ran north-eastwards towards Walkden), but the proposed recreation route parallel with the busway would provide a safe and attractive greenway. Resolution of the conflict would be much more difficult if the route were used for rail.

4.3.4.2 Wigan policy EN1 for environment and design required the protection and, where appropriate, enhancement of semi-natural habitats and landscapes, and the control and reduction of pollution, dangers and eyesores. The landscape strategy in the scheme would support the first part of this, and the removal of the scrapyard would support the second. Policy EN3 addressed the prevention and reduction of pollution, and the watercourse protection measures would achieve this. Noise would be reduced by the 40 mph design speed, and the scheme would have no significant effect upon air quality. The landscaping scheme, with minimisation of tree felling, would comply with Policy EN4. Policy EN5A required protection of SBIs, and the proposed measures at the SBI pond near New Manchester, east of City Road, would comply with this.

4.3.4.3 The Wigan UDP transport policies were in accordance with generally-accepted principles, in relation to matters such as safety, efficiency, effective use of resources, encouragement of public transport both for those without cars and as an alternative to the private car, and encouragement of walking and cycling. The safeguarding of the Leigh-Parr Brow route for a rail link to Manchester would not be prejudiced in the longer term by the busway, but for the shorter term at least the busway would fulfil a similar public transport role. There was therefore no great inconsistency between the busway and this policy, which was likely in any case to be modified, in the forthcoming Wigan UDP review, to include and protect use of the route (including the Higher Folds Spur) as a busway, with upgrading to rail retained as a longer-term possibility. The Wigan Town Centre Policy TCS 1 of improving the accessibility of Leigh and Tyldesley Town Centres would also be helped by the scheme.

4.3.4.4 Salford's UDP (GMPTE.A31) policies contained similar provisions in relation to open land, landscape, and pollution, with which the scheme would comply similarly. The easternmost 200m of the busway route to Newearth Road lay in Salford, and the present strategic recreation route on top of the old railway embankment would be replaced by the busway, with the new recreation route beside it. No conflict was seen in this respect.

4.3.4.5 Salford's UDP transport policies favoured a balanced transport network, avoidance of congestion, encouragement of public transport, walking and cycling, and equality of access. No conflict was seen between the busway scheme and any of these.

4.3.5 *Code of Construction Practice*

4.3.5.1 GMPTE had a code of construction practice (draft in GMPTE.A14, Appendix L). All contractors would be required to undertake works in accordance with this, in the interests of ensuring acceptable standards in relation to such matters as noise, pollution, contaminated material, construction routes, nature conservation, site working hours and minimisation of nuisance to local residents. GMPTE considered that it should be made a condition of the requested planning permission that this code should be entered into before works commenced.

4.4 Engineering

4.4.1 General Description

4.4.1.1 As stated in paragraph 3.2.1 above, the busway scheme would run generally eastwards from Leigh towards the centre of Manchester. It would pass through the town of Tyldesley and would terminate after about 7.7km at a junction with the ordinary road system at Ellenbrook; there would also be a spur some 0.4km long running south from west of Tyldesley to Higher Folds. The guided busway would cover all of the length of the scheme except for a short on-road section at the western end about 0.6km in length, and it would have twin guideway tracks for the whole of its length, including the spur The typical cross-section of this was shown in ID 47(iii), Appendix 6. Each guideway track would consist of a parallel pair of pre-cast concrete track beams, L-shaped in cross-section, the inner edges of which would be some 1.4m apart. The horizontal part of each track beam would provide a smooth flat concrete wheel-track some 600mm wide. On the outer side of the wheel track there would be an upstand concrete kerb, some 180mm high, against the inner side of which the buses' guide wheels would bear. This upstand would be omitted at public highway crossings, however, where there would be funnel-shaped upstand entries and exits to the guideway tracks.

4.4.1.2 The overall width of each guideway, between the inner sides of the kerbs, would therefore be of some 2.6m, and the twin guideway tracks would require substantially less space than would be needed for a conventional two-way road. However, although the track would be narrower than a road lane, it would be wide enough to take guided buses of the maximum width permitted on roads; it was thought unlikely that this maximum permitted width would be increased nationally in the future.

4.4.1.3 The design speed of the busway would be 40 mph, and the agreements with operators would require this limit to be observed. The combination of the guidance and the smooth wheel tracks

would give a smooth passenger ride, as well as achieving a good match between the positions of the bus and the platforms at stops. The busway would be private, and both this and its design would minimise the risk of its abuse or obstruction by other vehicles.

4.4.1.4 The remodelling and planting of the old railway reservation would create a fully landscaped and attractive linear park through which the route would run at a level which minimised noise and visual intrusion for adjacent properties. The L-shaped track beams would be supported on a succession of pre-cast concrete cross-beams, acting like railway sleepers, with spaces of about 750mm between them. These spaces would be filled with soil and planted with grass or a wild flower mix - chosen for aesthetic reasons rather than ecological ones - except where there was a need for them to be kept open, for example to provide an amphibian underpass, or "toad tunnel", to enable small animals to cross the track (GMPTE.A14, Part 3; ID 48). The height of a toad tunnel, under the track beam, would be about 200mm, which would be plenty for such other animals as hedgehogs. Outside the guideway track the adjacent soil would generally be at the level of the top of the upstand kerb which formed the outer side of the "L" of the track beam, except where provisions such as a toad tunnel beneath the track beam required the soil to be kept lower.

4.4.1.5 Horizontal slots in the lower part of the upstand kerb, below the band which would be swept by the bus guide wheels, would give access to a lowering of the soil outside. These would be intended to enable the escape of any small animals that had fallen into the guideway and could not climb the 180mm internal upstand of the kerb or reach a toad tunnel. They would probably be about 100mm high, and spaced every 5m, but the detailed design, frequency and location of these crossing and escape facilities would be in accordance with the requirements of the relevant ecological controlling authorities - English Nature and DEFRA. They utilised the principle which was used successfully in trapping newts, which was that a newt encountering a barrier moved along it to find a gap and walked through.

4.4.1.6 At each of the six busway bus stops there would be lighting, lit access paths, a passenger shelter on each side of the busway, CCTV where necessary, ticket machines, real time information and help points. There would be a platform on each side, similar to those on the Metrolink system but lower and shorter. These would match the height of the bus entries, to assist people with impaired mobility, which meant that they would be quite low and inconspicuous, and the guidance system would enable the gap between the platform and the bus to be minimised. The platforms would be some 25m long. Some stops would include audible information for people with impaired vision. There would also be a QBC control centre, with radio links to the bus drivers and two-way links to the bus stops, enabling unforeseen problems to be handled efficiently and passengers to be kept informed.

4.4.1.7 Where the busway crossed public highways there would be traffic signal controls, which would stop traffic when an approaching bus was detected (with some minor variation to deal with traffic conditions at Hough Lane). Crossings of recognised public rights of way and farm accesses would be maintained, with 90^{o} approaches and fencing, signing and other measures to ensure safe use. The limits of deviation of the works around crossings had been drawn so as to provide space for this. Good inter-visibility between buses and the users of crossings would be provided, but buses would generally have the right of way.

4.4.1.8 The scheme would also provide, as a replacement for the present somewhat variable recreation route along the corridor, a new segregated all-weather recreation route, or Multi-User Path (MUP). It was intended that this would be fully and sensitively landscaped, and that it should have a fully-compacted crushed stone surface with a crossfall or a camber for drainage, except where there was already hard surfacing near Astley Street and Well Street. It would provide for pedestrians and cyclists over the full lengths of the main guided busway and the Higher Folds spur, replacing the well-used formal, semi-formal and informal paths that presently extended along the whole of these routes. Between Holden Road in Leigh and Astley Street in Tyldesley, and also beside the Higher Folds spur, the new recreational route would accommodate equestrians also. The surfacing would allow horses to walk or trot, but not to canter, and it would also discourage high cycling speeds, so reducing the problem of differential speeds on this essentially shared route. A typical cross-section was shown on

ID 47(iii) Appendix 6 (but see later as regards the surfacing material). Provision would be made for horses to cross the busway.

4.4.1.9 The new recreational route had been designed after extensive consultation and studies as to the necessary widths; there was no statutory guidance as to a desirable specification. It would be typically 4.5m wide where equestrian use was to be provided for, with 0.5m borders, and it was envisaged as having a 0.5m demarcation strip allowing 2.5m for equestrians on the side furthest from the busway and 1.5m for pedestrians. Cyclists would be expected to use the equestrian strip normally, but would be asked to switch to the pedestrian side when passing horses. Where there was no provision for equestrians the width of the MUP would be 3m, and again it was envisaged that there could be a demarcation strip and 0.5m borders. In this case it was envisaged that this strip would run down the middle of the path, dividing the width between pedestrians and cyclists. However, the question of whether and how either of these means of demarcation should be provided was a matter for discussion and agreement with the relevant local authorities. There would be 0.5m shoulders in both cases, and there would be fencing between the MUP and the busway except at crossing points, with a hedge in addition where space permitted.

4.4.1.10 Two reports into multi-use of paths had been produced by Mott MacDonald (GMPTE.B2 and B4), and from these GMPTE was satisfied that the shared use would be safe and enjoyable, and that the path widths would be adequate for the intended uses. The only vehicular use of the paths would be by maintenance vehicles, and rarely by emergency vehicles if there was an emergency on the busway. Access to the recreational route from the public highway would be limited by locked gates, and a Ranger service would be provided, financed by GMPTE, to maintain standards in the linear park (ID 49(i), Appendix C). This would probably employ two full-time Rangers, subject to agreement with Wigan. Such things as the provision for control of undergrowth on the accesses to the bus stops and park-and-ride sites would help towards crime-prevention

4.4.1.11 Consideration had also been given to extending the equestrian provision from Astley Street to Ellenbrook (GMPTE.B3), but it had been rejected for 3 reasons:

the space within the corridor was too narrow, in places, to accommodate it without significant extra cost, or loss of space for landscaping, or both, and without causing extensive damage to the wildlife corridor;

such an extension would not form part of a wider comprehensive equestrian network, such as existed west of Tyldesley, so it would probably be less used;

this would amount to a betterment of the corridor, rather than a replacement of what existed, and for the above two reasons it would not be a good use of public funds.

4.4.1.12 The main part of the guided busway would follow the line of the abandoned railway, and the work would include the removal or lowering of most of the former railway embankments and the complete or partial infilling of the cuttings. At City Road a new bridge was proposed to carry the busway over the existing road, which would require the raising of the old embankments on either side to allow modern standards of headroom to be achieved. Lighting would be provided only at the bus stops and on the approach paths to them from public highways, at public highway crossings and on the presently-lit section of the existing path along the route from Astley Street to east of Well Street.

4.4.1.13 Mott MacDonald had looked into the requirements for safe operation of the busway (GMPTE.B7), and due note had been taken of their findings. In order to minimise the risk of possible disruption of the bus service by the breakdown of a bus on the busway, a purpose-built recovery vehicle capable of travelling along the track would be provided. However, the requirement for new buses should minimise the risk of breakdowns, as should the reduced rate of wear likely to occur on this relatively uninterrupted route, and buses developing problems would in many cases be able to leave the busway at an intermediate public highway crossing point before having to stop. The estimate was that there would be about 1 to 5 breakdowns a year, and about 1 actual blockage, depending upon the standard of bus maintenance achieved by the operators.

4.4.1.14 Access to the track by other vehicles would be controlled by gates, fencing and surveillance, and by traps at the public highway crossings, generally as shown on ID 47(iii) Appendices 7 and 8, and there would be an early-morning pre-operation inspection of the track each day. The proposed kind of guidance would produce little or no risk of "derailment", and the combination of forward visibility and the braking capacity of the buses would enable the driver to prevent collision with any significant obstruction. The service and accident records of comparable systems were good, with no serious "derailments" over a period of some 50 system/years in Adelaide, Essen, Ipswich and Leeds. The failed system at Nancy had used a different method of guidance, which was thought to be the cause of the 2 accidents there, and it was not comparable. There had been one accident at Leeds, due to driver error, but without serious consequences.

4.4.1.15 The three small park-and-ride sites were intended to attract motorists who might otherwise park in residential streets near the busway bus stops, and to maximise the attractiveness of the QBC to motorists living near the route but beyond personal walking distance. They had been included following a report by Mott MacDonald (GMPTE.B6), which had identified the problem of on-street parking in such locations, and they would be accessed without requiring users to drive past the frontages of residential properties. They would have reserved spaces for disabled people closest to the bus stops.

4.4.2 Traffic and Running Times

4.4.2.1 Three Mott MacDonald Transport Assessments had been prepared for the QBC scheme, the first of which (ID 47(i), GMPTE.P4c) dealt with the busway section. This demonstrated that the various proposals for junction controls and the like produced acceptable levels of capacity, performance and convenience. The other two Assessments (GMPTE.B8 and ID 47(ii), GMPTE.P4d) dealt with the eastern bus priority proposals.

4.4.2.2 A runtime model had been produced, dividing the Leigh-Manchester route into about 85 sections. It took account, for each section, of average bus acceleration and deceleration rates, of average bus running speeds, of average stop dwell times and of average junction delays in the context of the signal timings and the QBC bus priorities. The estimated running times on the QBC between Leigh and central Manchester were 42 minutes in the AM peak eastbound, 43 minutes in the PM peak westbound, and 39 minutes in either direction off-peak. These times were considerably shorter than those achieved by the present bus services, and would be much more consistent throughout the day, and the measures producing them would have no significant adverse effects on other traffic. In forecasting the demand for, and in assessing the economics of, the QBC scheme, GMPTE had used the worst of these 3 figures as the basis of an assumed average journey time of 43 minutes throughout the day - a very conservative calculation.

4.4.3 Scheme Construction

4.4.3.1 The scheme would require alterations to existing highways between Leigh bus station and East Bond Street, and at the various crossings of public highways beyond that point. None of these would be particularly complex, and the contractor would be required to submit proposals for the safe, convenient and rapid execution of the works for acceptance by the relevant highway authorities. There would be advance protection for flora and fauna.

4.4.3.2 A Mott MacDonald study of usage of the present path along the route (GMPTE.B1) had shown typical levels of up to 40 people/hour west of Astley Street at a weekend (mostly walkers, but some cyclists and equestrians) and up to 90 people/hour on the urban section between Astley Street and Upton Lane (walkers and cyclists). Usage observed on weekdays had been lower. Alternative routes to this present path had been surveyed (ID 47(iii), Appendices 17-19), since the existing route would not be safe to use during construction on the relevant parts. The actual alternative routes to be used would be agreed with Wigan and Salford Councils nearer the time, and these alternatives would be upgraded where this was necessary to make them suitable for the diverted users. Paths and bridleways crossing the corridor would remain open subject to such local temporary diversions as

might be necessary. A temporary bridleway parallel with Cooling Lane, but some 5m - 10m from the nearest part of the construction work, would be provided while the Higher Folds spur was being built.

4.4.3.3 The removal of embankments, infilling of cuttings and regrading work would require earth-moving along the corridor, and to tip sites, and the disposal of any unsuitable materials or obstacles found. Some services would also need to be relocated or protected. This work would leave, for a time, a bare strip of ground. Disposal of any contaminated material and controlled weed, such as Japanese Knotweed, would follow regulations. The ground conditions were considered to be suitable for the intended works, and no difficulty was expected from the effects of former mining. The estimated volumes of material to be transported to and from the site were listed in GMPTE.A13, Table 12.2.1. About 100,000 m^3 would need to be removed, in about 8,000 lorry loads. Disposal sites would be sought as close as possible, and four potential disposal sites had been identified. However, the sites actually to be used could only be identified at the time of the works, by the contractor.

4.4.3.4 The design of the few necessary structural works would minimise nuisance to adjacent properties, for example by minimising pile-driving and maximising the use of prefabricated components instead of in-situ work. Site deliveries would be made along the corridor from the nearest suitable public highway access point, and the fact that 8 suitable access points had been identified in discussion with Wigan and Salford Councils meant that construction traffic volumes to each should be low. Use of any other accesses to the site by construction traffic would be prohibited. Suitable routes for construction traffic along the main road network to the permitted site access points were identified in ID 47(iii) Appendix 20. All structural work would be contained within the corridor, except perhaps for some culvert strengthening. However, City Road would need to be closed, probably for two 5-hour night closures, for safety when bridge beams were being placed. There would be no actual physical blockage of the road at these times. These closures would probably be on Saturday/Sunday nights, with special arrangements in case of any need for emergency access. At all other times at least one lane would be kept open, and overall the operations were not expected to cause any significant adverse effect.

4.4.3.5 Preliminary ground preparation would include installation of a drainage system. The busway drainage would include an impermeable membrane beneath the busway formation and below the level of the toad tunnels, and would feed into parallel drains alongside. It was envisaged that these would discharge mainly into streams and drains already crossing the corridor, by way of traps to intercept spills, but that there would be two longer outfalls from just west of Walmsley Farm and from a point at the east end of Tyldesley Cemetery. The bus stops would involve small-scale engineering works, and ducts for communications would be laid along the busway.

4.4.3.6 The construction programme would be constrained by the need to work in a long and narrow corridor with up to 3km between access points, and with a bridging point at Lilford Park Brook. There would also be a need to translocate newts out of the corridor and prevent them from returning, in the period March-July. Other environmental protection works, and landscaping works, also had their own seasonal requirements. Overall, a two-year construction period was envisaged.

4.4.4 Road Safety

4.4.4.1 The three Transport Assessments by Mott MacDonald, referred to above (para. 4.4.2.1) had looked into the problems of road safety on the QBC. So far as matters connected with the busway were concerned, there had been a total of 10 accidents in 3 years near the junction of Ellenbrook Road with Newearth Road, none of which had been serious. They had mostly involved collisions between northbound traffic on Newearth Road and vehicles turning into it out of Ellenbrook Road. It was considered that the new signals at the end of the busway, some 100m north of this, should reduce this risk. The extra traffic introduced by the QBC, perhaps up to a maximum of 10 buses per hour in each direction, would be unlikely to have any effect on the public roads, and the service should result in a modest decrease in the amount of local car traffic, saving an estimated 3 personal-injury accidents a year over the QBC route as a whole.

4.4.4.2 Signalised pedestrian crossing facilities on the Busway route itself were proposed at all sensitive locations, and in general the facilities for accessing or crossing the busway were considered to be safe. The whole scheme would be subject to safety audit and approval by the Highway Authorities concerned.

4.4.5 Alternative Rail Schemes

4.4.5.1 The possibility of meeting the transport objectives by means of an alternative rail-based scheme had been raised during earlier consultations. As had been described, WS Atkins had produced a study of options using heavy rail, light rail and buses. The heavy rail-based options and sub-options that they had studied had totalled 10 in all. The conclusions of that study were summarised in GMPTE.A32. Following the submission of the QBC scheme, Busway Noway had submitted proposals for a further scheme, connecting through from the former Kenyon Junction to Wigan by way of Leigh. The locations of all of these schemes were shown in ID 47(iii) Appendix 21. GMPTE had taken this opportunity to review all of the alternative rail schemes on a common basis, rather than the more limited and comparative basis of the earlier Atkins calculation. It had taken full account of the current structure of the rail industry, the costs of interfacing new and existing railway infrastructure, current safety requirements for new railway works, and current design standards for new railway works. The impact of these factors upon cost estimates had been significant, in particular in relation to the full costs of changing the railway network (e.g. re-signalling) and the effects of the current rail industry culture.

4.4.5.2 The full Busway Noway scheme would involve crossings of the A572 and the A579, two crossings of the Leeds-Liverpool canal, a level crossing or (if that were not approved) a 1km viaduct at Slag Lane, and the crossing of two landfill sites and an area of potential mining subsidence and ground contamination at the former Bickershaw Colliery. It would pass through Green Belt land at Pennington Flash, where no allocation for future transport use had been made, and it would now cost some £80 - £120 million in the form described by Busway Noway; it might cost as much as £140 million if a viaduct were needed for the crossing of the canal and Crankwood Lane. It could create problems of operation and timetabling on the Chat Moss line into Manchester, it would not serve Tyldesley or Ellenbrook, nor the A580 between Ellenbrook and Pendleton, and it would attract little traffic other than that concerned strictly with Leigh.

4.4.5.3 The Walkden to Leigh scheme was for a branch line essentially the same as that for which the Wigan UDP had reserved land along the corridor now proposed for the busway. There would be substantial costs for signalling, a 1km viaduct to connect into the Wigan-Manchester line at Walkden, three new stations, bridges for path and road crossings, and viaducts or embankments at Lilford Park to approach a bridge over Holden Road. The presently estimated cost was again some £110 - £140 million.

4.4.5.4 The Glazebury to Leigh scheme was again for a branch line. It would require re-signalling on the Chat Moss line, a railway bridge over the A580, a station at Pennington Road, Leigh, and a bridge over the Leeds-Liverpool Canal together with property acquisition if there was to be an alternative station at Derby Road East. The cost was presently estimated at £40 - £60 million, or £50 - £70 million, depending upon the station location chosen.

4.4.5.5 The Hag Fold (Atherton) to Leigh scheme would require resignalling on the Manchester-Wigan line and signalling on the branch itself. There would need to be a new curve to make the connection into the old Bolton and Kenyon railway alignment, which the branch could follow, and this might require property acquisition. A bridge would be needed over the A577, some 132 kV pylons would need to be relocated, and a terminal station would be needed on the northern outskirts of Leigh. The cost was presently estimated at £40 - £60 million.

4.4.5.6 The Kenyon Junction - Leigh branch line scheme would require resignalling the Chat Moss line, a triangular junction at Kenyon, signalling on the branch, bridges beneath the A580 and the A572, and a station at St Helen's Avenue, Leigh. Presently estimated cost £30 - £50 million.

4.4.5.7 The three new stations suggested as alternatives would cost some £3 - £4 million each. All but the cheapest of the rail schemes would cost more than the QBC.

4.5 Environment

4.5.1 Environmental Impact Assessment

4.5.1.1 The results of the Environmental Impact Assessment were reported in the Environmental Statement, or ES (GMPTE.A12, A13 and A14). As required, it had undertaken an assessment of the likely environmental impacts of the proposed development, negative and positive, that could have a significant effect upon the environment, and it had provided sufficient information to allow an informed decision on the potential impact on the environment to be made. Amongst other guidelines the assessment had followed the 1995 DoE Good Practice Guide, Volume 11 of the Design Manual for Roads and Bridges, and publications by the RSPB (GMPTE.B32) and the Landscape Institute (GMPTE.B23). The question of what, in each case, amounted to a "significant effect", which was not defined in statute, had been addressed in the ES.

4.5.1.2 The issues with potential environmental significance had been identified as being air quality; nature conservation; landscape, land use and visual amenity; mining subsidence and contaminated land; noise; public amenity and recreation; and water quality. The likely adverse impacts had been assessed as being of a local or district-wide nature, rather than regional, national or international, and the majority of these were considered to be of moderate or lower significance. Various desk studies and surveys had been carried out by specialist consultants, and there had been the two extensive public consultation exercises previously referred to.

4.5.1.3 The ES had also given consideration to the main alternatives considered, and the reasons for the choice made, summarising the 19 options and sub-options considered by WS Atkins (GMPTE.A32). The environmental impacts of these were compared in Table 2.2 in ID 12. Table 2.1 gave a more detailed comparison of the environmental effects of the heavy rail options and the QBC, and paragraphs 2.2.40 to 2.2.57 considered various alternative locations for stops and park-and-ride sites.

4.5.2 Impact of Heavy Rail Alternatives

4.5.2.1 The comparison between the environmental implications of the QBC and of two of the heavy rail alternatives merited particular consideration. These alternatives were the Walkden - Parr Brow - Leigh branch line as provided for in the Wigan UDP, and the Kenyon Junction - Leigh - Wigan line proposed by Busway Noway.

4.5.2.2 The line from Walkden to Leigh would result in a significant loss of amenity, compared with no such loss in the case of the QBC. There would be no space for a recreational route beside the line; any such facility would need the acquisition of extra land and would need to follow residential streets at Leigh and Tyldesley. Crossings would have to be by bridges or underpasses, and so would probably be more limited in number and more intrusive visually, or perceived as more unsafe in the case of underpasses. The Higher Fold link could not be provided. Embankments would need to be raised at Holden Road, and the reinstatement or reconstruction of additional bridges, with raised or reconstructed embankments and/or cuttings, would be needed at Holden Road, Lilford Park Brook, Astley Street, Well Street, Hough Lane and Sale Lane. The general level of the rail line would be higher and more obvious than that of the busway, and additional retaining walls would be likely to be needed in several places.

4.5.2.3 Moving eastwards from Hough Lane the impact would initially be less, but the re-excavation of the cutting west of Sale Lane would destroy more of the existing trees and planting than would the busway. North-eastwards from Parr Brow a new cross-country rail line would be needed to Walkden, several metres higher than the busway, and this would intrude into another part of the Site of Biological Importance near New Manchester. Overall the environmental impact of this alternative would be significantly greater than that of the busway, with greater loss of vegetation leading to a

greater loss of its character as a wildlife corridor, greater impact on the Green Belt, greater visual intrusion, more noise and vibration and the loss of more land to stations.

4.5.2.4 The Busway Noway rail alternative, from Kenyon Junction to Wigan via Leigh, would have a single track. Its layout and engineering implications had already been described. None of it lay within a transport corridor allocated in the Wigan or Warrington UDPs, and much of it lay within the Green Belt. There would be substantial interference with existing footpaths and a greenway, and with residential property. There would be a substantial loss of maturing woodland, and potential hydrological interference between the tunnel under the A572 and the lake at Pennington Flash, as well as interference with, and landscape and visual impact upon, both the Leeds-Liverpool Canal Corridor and the Pennington Flash Country Park and the SBI there. Problems with former mining land and the crossing of landfill sites had already been mentioned.

4.5.2.5 There was the possibility of simply continuing to use the corridor as a recreation route and not as a transport corridor. However, while this would be environmentally friendly it would achieve none of the transport objectives and it would ignore the UDP allocation of much of the land as a transport corridor.

4.5.3 Land Use

4.5.3.1 The Scoping Study (GMPTE.B10) had concluded that the impact of the busway on current land-use patterns would be long-term, irreversible, permanent and direct, and of moderate significance. However, the subsequent more detailed studies in the EIA, taking account of the more detailed design, showed this to be an over-estimate of the physical effects of the physical land-use change. The busway would be confined to the allocated corridor, and land adjacent to the corridor would not be significantly affected by the operation of the busway, and only marginally during construction. The only permanent physical land use changes resulting from the scheme would be the loss of the redundant public toilets at Lord Street South, Leigh (there were others within 200m), of the lorry park at East Bond Street, Leigh, and of the scrapyard at Hart Street, adjacent to Hough Lane, in Tyldesley. The removal of the scrapyard in particular would be beneficial from the point of view of appearance, noise, air quality and ground contamination.

4.5.3.2 The busway would overlie the existing informal non-vehicular route between Leigh, Tyldesley and Ellenbrook. While this was designated as a Greenway in Wigan and a Strategic Recreation Route in Salford it was not maintained, it suffered from litter and fly-tipping, and in winter or in wet weather it became difficult to negotiate, especially by people with disabilities. The busway corridor also ran through Green Belt, between Lilford Park Brook and Astley Street, and again across Mosley Common east of Parr Brow.

4.5.3.3 The purpose of the Greenway network was to promote access, using attractive routes, to interesting and peaceful landscapes within a countryside environment (Wigan UDP, GMPTE.A30, p99), for a variety of user groups including walkers and where possible cyclists, horse-riders and disabled countryside users. The busway would not compromise any of these objectives, and in fact the associated new recreation route would serve them better than the present path, and in all weathers. It would introduce information boards, better access and reduced gradients, better security and better maintenance through the establishment of the Ranger service. Wigan and Salford Councils were happy that the scheme supported their policies, and that it would not preclude the reinstatement of a railway line at some point in the future.

4.5.3.4 The Wigan UDP defined Local Open Space as land suitable for informal recreation and children's play space, including all types of play space suitable and available for children's use as defined by the National Playing Fields Association. It included casual or informal space which could contain amenity and landscaped areas, outdoor equipped playgrounds and other outdoor play facilities such as adventure playgrounds. No areas of Local Open Space recognised by Wigan MBC were affected by the proposals.

4.5.4 Green Belt

4.5.4.1 Any direct transport corridor connecting Leigh to Manchester had to cross the Greater Manchester Green Belt at some point. About 55% of the length of the busway would do so and, as noted above, the Astley Street park-and-ride site would lie within it. While the ES considered, on a precautionary basis, that some of the proposed development might be considered to be "inappropriate" in the sense of PPG2, the PPG was not entirely clear about what this meant. The key elements, as stated in para. 4.3.1.2 above, were whether the development would preserve openness and not conflict with the five purposes of the Green Belt.

4.5.4.2 In terms of appearance and openness the guideway would be no more obtrusive than a country road, with a kerb very slightly higher than normal. The Tyldesley West bus stop would be the only one in the Green Belt. Like the others, it would have two small shelters, a ticket machine, seating and lighting, and from most or all Green Belt locations it would be seen against the backdrop of Tyldesley; consequently it would be only slightly more obtrusive than any other bus stop in the region. The lighting locations were shown in the Schematic Planting Plans in ID 13, and would be limited to the stops, their approach footpaths, park-and-ride sites and paths that were already lit. Lighting columns would be limited to 4m in height, with flat cut-off down-lighters to minimise light spill, and some 95% - 98% of the route would be unlit. Consequently the lighting would not detract from openness.

4.5.4.3 The Lilford Park Brook bridges would be low and inconspicuous. At City Road the new bridge and the adjacent embankments would be higher than the present embankments, and would be supported by retaining walls, but would not make worse the already rather oppressive effect created by the existing embankments. Elsewhere the lowering or total removal of the existing embankments would increase openness. The new recreation route would not detract from the openness in an area that already had many footpaths and other tracks. Essential facilities for outdoor recreation were seen by PPG2 para. 3.4, as being appropriate within a Green Belt, and only the all-weather surface would distinguish it from the other paths. The extensive landscaping for the scheme would integrate it into the wider landscape and would have no adverse effects on its visual amenity. The ground modelling would maintain or increase the present visual openness. The overall physical make-up of the busway scheme was visually open in character, with no installations such as gantries or overhead wires, and would not be detrimental to the openness of the Green Belt. The movement of the buses along it would be more visible, but only intermittently and well-screened, and fully consistent with the allocation of most of the route as a transport corridor. Overall, the visual impact of the scheme on the Green Belt, after the 15 year maturation period for the planting, would be substantially the same as that of the route now.

4.5.4.4 The proposed Astley Street park-and-ride site had been described, as had the reasons why no other site was suitable (paras. 4.3.1.5 to 4.3.1.8). It was illustrated in Figure 35 in GMPTE.A13, which showed how it would be constructed on an excavated shelf in the middle of the southward-sloping woodland. The levels chosen and the retention of the surrounding trees, together with replanting of trees, would mean that it would not be widely visible; its backdrop would be of houses, and its visual effect would be minimal. The fact that the site was aimed only at local users would be likely to reduce overall vehicle travel distances and benefit sustainability, as envisaged by PPG13. As regards PPG2 para 3.17(c), the site would not compromise the openness, the visual amenity or any of the five purposes of the Green Belt, and would contain no buildings. As regards PPG2 para 3.17(d), while the location of the site had not been specifically included in the LTP (GMPTE.A20), the QBC was entirely within the protected corridor which the LTP did refer to, and the site was akin to the busway bus stop sites in representing a degree of detail that the LTP was not intended to address specifically.

4.5.4.5 If it was considered that some further justification of the proposals was needed, amounting to very special circumstances, there were several of these. The QBC was in accordance with the policy in PPG13 for promoting sustainable transport choices, promoting accessibility by public transport, walking and cycling, and reducing the need to travel especially by car. The guided busway followed a

transport corridor allocated in the Wigan UDP, and would have less impact than a rail scheme - which nevertheless it would not compromise. It was part of a wider integrated rapid transport system strategy, in accordance with local, regional and national transport policy. It safeguarded and upgraded the existing recreation route, in line with the UDP. It produced economic benefits through improved accessibility, with a performance enhanced by segregation from road traffic. It re-used a former rail corridor, and by reducing reliance on cars it would reduce congestion and pollution. By providing a local park-and-ride facility it would reduce the risk of adding to on-street parking within the Tyldesley Conservation Area. For all of these reasons the benefits that it would generate would outweigh the minimal adverse impacts.

4.5.5 Ground Conditions

4.5.5.1 The ground conditions were covered in detail in section 9 of chapters 5 to 11 of Volume 1 of the Environmental Statement (GMPTE.A12). No particular problems were expected from the natural ground in the area. A survey of potential contamination, arising from the possible use of colliery waste or ash in the railway earthworks amongst other things, had been carried out and was reported in GMPTE.B13. The information was needed in relation to the proper consideration of the health and safety of construction workers, possible contamination of neighbouring properties during construction, possible pollution of ground water and watercourses, and possible exposure of phytotoxic contamination in areas to be landscaped.

4.5.5.2 Moderate levels of contamination had been revealed, particularly by sulphate and arsenic. Much of this was in an ashy layer in the top metre or so of the former railway formation, and some of it could be due to the natural local underlying mineralogy. Generally, higher levels were in isolated hot spots, such as might have been locomotive standing-places on former rail sidings. Sampling would be required during construction, and precautionary working practices would need to be followed. Adequate control could be achieved by normal procedures, and a specific requirement for these should be incorporated in the proposed Code of Construction Practice (Draft in GMPTE.A14, Appendix L). They would include such things as damping down in dry weather. Sulphate-resisting concrete could be needed in places. The works might expose layers with phytotoxic contamination which could prevent the sound establishment of landscaped areas, so testing would be needed prior to planting. Any material found to have moderate levels of contamination, principally of sulphates and phytotoxic heavy metals, would need to be taken to a suitably-licensed landfill site, using sheeted-down high-sided trucks.

4.5.5.3 Concerns had been expressed by objectors, principally relating to the nature of the spoil, whether any of it was contaminated and posed a danger to human health, the risk of spread of contamination to adjacent properties or watercourses, and the risk from transporting spoil by lorry through residential areas. The perception of risk was often greater than the actual risk. For any actual risk to arise there would need to be three things simultaneously: a source of contamination, a pathway by which it could be spread, and a target to which it could be so spread.

4.5.5.4 The level of ground contamination that had been found in the corridor was only moderate, and much of it was confined to an ashy layer in the top metre or so of the railway formation - typical of former railway lines and colliery spoil. Some would need to be removed, but where the new works would bury it deeper it would be left where it was. There were some local "hot spots", due to localised former uses; these would be given special attention before and during construction, but none found to date had been sufficiently polluted to pose a significant hazard to human health. Mobilisation of contaminated material sufficient to cause it to spread would require certain weather conditions to be accompanied by very poor working practices. The Code of Construction Practice, and planning conditions imposed by Wigan and Salford Councils, would prevent this both on site and off site. Condition 3 of the proposed planning conditions dealt specifically with contaminated land, including the potential problem of spread.

4.5.6 Nature Conservation

4.5.6.1 The proposed busway corridor had been the subject of a number of ecological studies since 1997. GMPTE.B14, B29, B10 and B9 dealt with these in some detail. Data sources included the Greater Manchester Ecological Unit (GMEU), Wigan MBC, Salford CC, English Nature, Leigh Ornithological Society, the Environment Agency, the County Bird Recorder and the regional representative of the British Trust for Ornithology. The surveys for bats, badgers and amphibians in late Spring 1998 (GMPTE.B9) had covered a zone extending 250 metres each side of the proposed alignment. Further studies had been carried out in the Spring and Summer of 2000 to update the information. In total Hyder Consulting had carried out 11 studies relevant to the busway between 1997 and 2000 (GMPTE.A14 and B9). Volume 1 of the ES (GMPTE.A12) simplified and rationalised this information. The relevant maps, plans and sketches were in Volume 2 Part 1 of the ES (GMPTE.A13), and the ecological impacts as seen by Hyder were summarised in Table 5.1 in that part. However, to some degree this had been overtaken by subsequent design work - for example, in relation to the water vole burrows (para. 4.5.6.9 below).

4.5.6.2 The methodology used for assessing the significance of the potential impact of the proposed development from the point of view of nature conservation had been described in section 3.5 of Volume 1 of the Environmental Statement (GMPTE.A12). As regards the significance of individual sections of the corridor, it measured the magnitude of the effect against the ecological value to arrive at the significance, and then went on to consider the length of time for which this would last. Similar methods were used to assess the magnitude, term and significance of the effects upon habitats and species. The ecological value of the various sections, habitats and species in the corridor were all rated as being of local value only. The result of this was that in the worst case, where a high local ecological value was combined with a high magnitude of effect, the significance would be rated as moderate. The assessments had taken into account the proposed measures of mitigation, and had assumed that they would be successful.

4.5.6.3 The surveys had shown the presence of a variety of wildlife. The overall value of the water vole and amphibian populations, which included Great Crested Newts, was high local, and the river habitat value was moderate local. Birds, bats, reptiles and invertebrates were rated at low local, and no evidence of badgers had been found at all.

4.5.6.4 There were no Sites of Special Scientific Interest or any other nature conservation sites of international or national interest within or near the allocated transport corridor, and the route was not designated as a wildlife corridor under Policy EN5B of the Wigan UDP. As a whole, the route was a site of local importance, though some elements were of high local significance. The presence of an internationally important species would not in itself lead to the site being rated as internationally important. SSSI grading would arise from consideration of a collection of habitats, and the mosaic of species, rather than just one.

4.5.6.5 Even the 7 components of the "Ponds near New Manchester" SBI did not reach the SSSI standard. Nevertheless, that was one of the two sites of local importance in the vicinity of the busway, and its boundary extended into the corridor at Ellenbrook, where one of the 7 important ponds (W52) would be enclosed between the busway and the new recreation route. The other 6 ponds would not be affected. This SBI was graded "A" by the GMEU, which meant that it was of county or regional wildlife importance. It was an important breeding habitat for amphibians including the Great Crested Newt (GCN). The land lost to the busway would be a strip of about 220m x 15m average, on the southern edge of the SBI, which mostly corresponded with the former railway trackbed, and it formed part of the terrestrial habitat of the GCN population. The impact upon the SBI would be low, but long-term, giving overall a moderate significance.

4.5.6.6 The other SBI was the Atherton and Bedford Woods SBI, graded "B" ("District wildlife importance"), north-east of the built-up area of Leigh. It abutted the north-west side of the corridor for about 200m, and the encroachment from it of new oak and birch woodland onto, and south of, the former railway line had made this one of the best sections of woodland habitat along the corridor. It acted as an extension to, and a buffer for, the designated woodland which contained typical woodland

bird life. No more than 15 metres of this buffer would be lost to the busway proposals, and new native woodland planting would be reinstated along the edges of the busway and the recreational route. There would be some disturbance during construction, but no direct loss of SBI habitat. Any effects on the SBI would therefore be of minor significance.

4.5.6.7 Within the terms of the EIA Regulations, the significant impacts of the proposals had been assessed section by section and for individual habitats or species. Section by section, their significance would be minor in most sections, but moderate in 3 of these. They were Miller's Lane to Cooling Lane, Cooling Lane to Astley Street, and Mosley Common Road to Newearth Road. There would also be a moderate significance for the corridor as a whole, considered as a wildlife corridor. Assessing the impact by species or habitat, there would be impacts of moderate significance for water voles and amphibians.

4.5.6.8 In relation to concerns expressed by objectors about the "loss" of the wildlife corridor, it should be noted that there would be no such loss, though there would be a short-term reduction in its effectiveness lasting less than 5 years. Two or 3 growing seasons would be sufficient to give new cover for wildlife. The corridor presently offered largely continuous connectivity and natural cover, as well as commuting and feeding corridors for bats and nesting and breeding opportunities for some birds. The habitat of the protected species present would be replaced in line with the GMPTE policy on woodlands, wetlands or other sites of high nature conservation value as set out in its Statement of Case. The ES had expressed perhaps a rather pessimistic view, but in the context of the current design and planting proposals it was now considered that the amount of permanent loss would be very small. Even where the narrowness of the corridor would prevent the recreation of a wildlife corridor of the present density there would be new, albeit narrow, planting belts. The connectivity would be enhanced by the sowing of wildflower grass on the verges and between the concrete trackways of the busway. The total width of non-vegetated ground would be the 4.5m of the equestrian part of the new recreation route.

4.5.6.9 The water vole population would be further surveyed, about a year before work started, and advance works including measures for exclusion and any necessary translocation would be undertaken where necessary. Mitigation measures would seek to address all direct impacts upon the water voles, and monitoring would continue for several years to enable this work to be fully informed. Contrary to previous understanding, and the ES, it was now clear that the busway works would not require the destruction of, or damage to, the protected burrows of the water voles in the bank at the pond near Nuttall's Farm (W15). Connectivity of existing water vole routes would be protected, with additional water features constructed where necessary, and all measures would be in accordance with the commitments in the ES, the draft planning condition No. 13 and guidance prepared by English Nature (GMPTE.B27).

4.5.6.10 The results of the amphibian surveys were shown in Volume 2, Part 1, of the ES (GMPTE.A13). Frogs, toads and all 3 kinds of newt were identified. Only Ponds W15 and W52, containing GCN, were close enough to the busway to be directly affected, and although the locations of populations of these within the required 500m of the busway were known in some detail, further information would be needed in order to make the determinations needed under current legislation and the mitigation guidelines prepared by English Nature (GMPTE.B25). The additional surveys would be carried out, in the appropriate months, if the scheme were to proceed, and appropriate mitigation measures would be designed accordingly, in order to obtain the necessary licence from DEFRA. These mitigation measures had been described in outline in paras 5.10.6 to 5.10.11 of Volume 2 Part 3, of the ES (GMPTE.A14).

4.5.6.11 The Lilford Park Brook and the Honksford/Astley Brook crossed the busway corridor, and were of moderate local ecological value. Any impact upon these streams would be of minor significance.

4.5.6.12 The corridor was used by birds, but the survey work carried out showed that overall it had a low local ecological value for them, notwithstanding the data submitted by the Leigh Ornithological Society. The impact of the busway on birds in the area was considered to be of only minor

significance. However, the Code of Construction Practice would be used to ensure that no clearance of vegetation would be carried out during the breeding season without a thorough breeding bird survey. The survey would extend to adjacent open grassland, to check for ground-nesting birds.

4.5.6.13 No evidence of the presence of badgers had been found within 250m of the busway corridor. However, the Code of Construction Practice would ensure that, if any were found nevertheless, the requirements of English Nature for procedural and appropriate mitigation measures would be complied with.

4.5.6.14 The bat surveys had shown that the corridor was used by small numbers of Pipistrelles for commuting and feeding, but no roosts had been found. The corridor therefore had a low local value for bats, and any potential impact would be of minor significance. However, there were locations which bats might choose to utilise, and appropriate survey work would be carried out prior to demolition or felling affecting these. If any work was programmed in the principal breeding season further survey work would be carried out to confirm the presence or absence of roosts.

4.5.6.15 Mitigation measures in relation to each species were listed in Part 3 of the ES Volume 2 (GMPTE.A14). They would include, as part of the overall environmental design, the creation and maintenance of new grasslands, scrub, woodland, hedgerows, water bodies and wetlands; the provision of toad tunnels and measures for the displacement and exclusion of amphibians and water voles from the construction site and for the exclusion of amphibians from the busway channels after completion; provision of amphibian hibernacula; and such measures as the retention of dead wood to provide feeding habitats for bats. In addition, boxes for birds and for bats would be erected at suitable locations.

4.5.6.16 A survey for invasive species had been carried out. Japanese Knotweed and Himalayan Balsam had been identified, and found to be spreading. The scheme would control and eradicate these within its limits, to the benefit of the nature conservation value of the corridor. Japanese Knotweed material and soil would be disposed of as Controlled Waste.

4.5.6 17 No evidence of the presence of reptiles had been found, and the present use of the corridor by people and dogs was likely to discourage them. The corridor was therefore considered to be of low local value for them. However, they would be required to be treated appropriately if found during construction. The area was also considered to be of low local value for invertebrates.

4.5.6.18 Chapter 4 of the ES (GMPTE.A12) confirmed that the proposals sought to accord with the objectives of PPG9 and, where appropriate, mitigation measures would be implemented to ensure that its objectives were met. Policies EN5 and EN5A of the Wigan UDP were relevant. Generally Policy EN5A sought not only to protect SSSIs, Local Nature Reserves and SBIs, but to develop new areas of nature conservation interest, to allow movement of species between sites along wildlife corridors, and to promote properly controlled public access to the natural history resource. Specifically Policy EN5A protected the two SBIs mentioned above (paras. 4.5.6.5 and 4.5.6.6) and legally protected species, but Policy EN5B did not identify the allocated busway corridor as a wildlife corridor.

4.5.6.19 Through the EIA surveys and appraisals GMPTE did recognise and appreciate the nature conservation resource of the entire busway corridor, and had taken steps to ensure the long-term future and survival of wildlife, trees, woodlands and hedgerows along it and to ensure their integration with other aspects of nature conservation. In particular GMPTE was pursuing the Wigan and Salford UDP environmental policies by ensuring the retention of trees and hedgerows wherever practicable, providing replacement planting on site wherever practicable, replacing displaced habitats, providing offsite compensatory tree planting, enhancing properly controlled public access, and providing maintenance through the Ranger service. There would be a short-term loss of some trees and other vegetation, but this was a public transport route in the Wigan UDP, and a disused rail line. The proposals, with these mitigation measures, were a highly sustainable long-term option.

4.5.6.20 Objectors had complained that insufficient attention had been given to ecology interests, that the loss of the wildlife corridor had been understated, that the loss of woodland and individual trees

was of special concern, and that many of the mitigation packages would give insufficient protection to wildlife interests. However, this was not so.

4.5.6.21 The corridor had been extensively surveyed, and was not designated as being of nature conservation interest. Effects on SBIs were only very slight. Wildlife used the corridor, but it would be an exaggeration to say that they relied upon it. The value as a wildlife corridor was not understated in the documentation, and neither would the corridor be lost. Fragmentation would be short-term, and it was only one part of a local network of corridors; planting and regrowth would quickly rebuild the connectivity. What happened typically was that wildlife moved out during construction, as at the Manchester Airport 2nd Runway, but that the vast majority moved back in again afterwards. Many of the trees on the route needed maintenance and/or thinning, and at least 5 young trees would be replaced for every tree removed. All trees would be surveyed for nesting birds and roosting bats before felling, and action would be taken to avoid disturbance. In case any protected species moved into the construction area, there would be a walkover of the whole of that area in the months before site clearance to check for their possible presence.

4.5.6.22 Some disruption to the natural environment and wildlife was inevitable in any linear transport scheme, but GMPTE aimed to create a better and more sustainable environment in the long term, and was confident that its policies and mitigation would achieve this. So far as the water voles and the GCN were concerned, in particular, its proposals would maintain a population of equivalent status on or near the original sites adjacent to the busway. Translocation of newts had been envisaged as a possible option, but it seemed unlikely to be necessary, since no breeding ponds would be directly affected. Trapping of newts and relocation to ponds or elsewhere, for example to an area on the safe side of the route, from terrestrial habitat prior to and during construction, was a well tried and tested technique, and the advice of EN and other such bodies would be followed in such matters; a consent from DEFRA would be needed for any such work.

4.5.6.23 The typically 15m strip required for the construction of the scheme would make no significant difference, during construction, to the amount of territory in which the newts could roam in their terrestrial phase for hunting and hibernation, which extended at least 500m from the ponds. The rather pessimistic view taken by the authors of the 1998 report (GMPTE.B9) seemed to have been based upon an understanding that the busway would have much the same character and effects as a road. That view had been arrived at without knowledge of the actual details of the scheme, and the design of the scheme as now submitted made it incorrect.

4.5.7 Recreational Users

4.5.7.1 The existing network of paths had been surveyed comprehensively, including those not shown on the Definitive Map. The replacement multi-user path (MUP), which had already been described in some detail (paras 4.4.1.8 to 4.4.1.10 above) was intended for walkers, including people with pushchairs, for cyclists, for people with impaired mobility, and in part for equestrians, and to be fit for their use throughout the year. No single statutory document offered advice on a suitable specification for such a route, and while user groups had views on the subject these tended to be coloured by their own particular kind of use. The current proposals complied with advice from Sustrans and the British Horse Society (GMPTE.B33, B34 and B19). The Countryside Act 1968 stated that equestrians and walkers had equal rights on bridleways, and that cyclists must give way to pedestrians and equestrians, and these principles had been followed in the design.

4.5.7.2 The MUP would meander within the space available, rather than running rigidly parallel with the busway. It would be provided with good sightlines, generally at least 75m, with a maximum gradient of 5% to suit cyclists and the users of wheelchairs. The Ranger service would ensure that the surface was maintained and that overhanging or encroaching vegetation was cut back.

4.5.7.3 Much of the existing recreational route along the former rail corridor was well used, but most of it, except in the region of Tyldesley, had a poor and often narrow surface, and there were often steep slopes where bridges had been removed. In the section between Holden Road and Astley Street, and on the Cooling Lane track, where there was shared use by pedestrians, cyclists and equestrians,

there did not seem to have been any serious conflicts between these user groups. Although in many respects the MUP would provide better facilities than the existing route, concerns had been raised by objectors nevertheless. In particular these were that the walking or riding experience would be significantly altered; that the section for equestrians was too limited; that the traffic lights at Astley Street would be dangerous for equestrians; that a limestone surface (as originally proposed) would be unsuitable for horses; that use of the route by emergency vehicles could lead to conflict with other users; that the proposals created bridleway culs-de-sac and too-frequent crossing points; that the crossings would be unsafe; and that the route would remain only a permissive bridleway.

4.5.7.4 It was true that the user experience of the route would be different. The present route was narrow and had a natural feel, but it was muddy, locally subject to litter and fly-tipping, and unsuitable for some walkers - for instance, those with pushchairs, or with disabilities. The MUP would have a more engineered feel in the short term, but it would be more suitable for use by varying kinds of user and in varying weather conditions. In the longer term it would integrate with its surroundings as other such paths had done. It would also be properly maintained monitored and interpreted by the Ranger service. Whether the experience of using it was better or worse would be a matter of opinion.

4.5.7.5 Dealing with the equestrian matters, the problem of extending the equestrian provision had already been referred to (para. 4.4.1.11 above). The design of the bridleway at its ends at Holden Road and at Astley Street would provide for the safety of equestrians. As had been stated, the surfacing material to be used would be chosen to be suitable for horses to walk or trot on it, but not to canter or gallop, and there would be discussion with equestrian interests on this point. It might well be crushed sandstone aggregate, rather than limestone as had originally been suggested, as used on other local and national bridleways. The important thing was that, when it had been compacted, water should run off it rather than soak into it. Use of the path by emergency vehicles would only happen if there was an emergency within the busway corridor that could not be reached in any other way, which was likely to be a very rare occurrence. In such a case the crew would be on the lookout for other users of the route, who might also have already become aware of the problem. Horse stiles or gates, to an approved design, would be included at the equestrian approaches to the route, to admit horses but make access difficult for motorcycles. Where space permitted a corral would be used. As to the status of the route, it would be a formally-designated definitive bridleway between Holden Road and Astley Street.

4.5.7.6 The question of a need for segregation of the classes of user had been looked into (paras. 4.4.1.9-10 above). Complete segregation of the 3 main classes of user would need a total width of at least 15m, allowing for the minimum recommended width for each class of user and a reasonable depth of planting. The space available for the new recreation route was as little as 8m in places, such as east of Lilford Park Brook, so a single MUP had to be chosen. Various guidelines, such as the Rights of Way Act 1990, indicated that a bridleway should have a minimum width of between 2m and 4m, and the narrowness of the part of the existing route that was used by horses did not seem to be causing problems. Indeed, the Delph Donkey MUP in the Greater Manchester area was only 2m wide and had no problems of this kind. Consequently the 4.5m allocated for the equestrian part of the route should allow users to avoid each other.

4.5.7.7 Some objections had been to the loss of amenity that was feared to arise from the operation of the busway, in relation to the proximity of the buses, increased noise and bus traffic, and permanent closure of footpaths. The busway would be separated from the MUP by a fence and, wherever possible, by a hedge which would not be significantly higher than the fence - say a maximum of 1.5m. Horses could shy at an approaching bus, but horses did use the local road network which produced a similar situation, and local horses might be expected to have some experience of traffic including buses. The horses would not be able to proceed at more than a trot, and horses became easier to control the slower they went. Good sightlines would reduce the risk of their being startled, and the width of the bridleway would provide manoeuvring space. The owners of horses would have some responsibility for ensuring that the horses that used the route had suitable reactions to the approach of buses, and the frequency of the bus services would give horses plenty of opportunity to become

accustomed to this. Taking these things into account, together with the availability of other equestrian routes in the area between Leigh and Tyldesley, it did not seem that there ought to be a problem.

4.5.7.8 Noise monitoring had shown low existing ambient levels throughout the day. The buses would produce mostly minimal or slight rises in average noise due to the passing of individual buses, and in fact a reasonable level of noise was probably desirable in order to give horses and riders some warning. The subject of noise was dealt with more fully elsewhere. On other matters, there would be no permanent closure of footpaths or bridleways, nor any permanent loss of amenity. Temporary alternative routes, for use during construction, had been identified (ID 48 Fig. B). These would be improved, before the start of construction, where necessary. Designated footpaths and bridleways crossing the busway route would remain open during construction, with temporary local diversions if and where necessary. Concerns had also been expressed about the possibility of an adverse impact upon local livery yards and equestrian businesses, but there seemed no reason, in these circumstances, why there should be any such impact.

4.5.8 Construction

4.5.8.1 The impact of the works during construction would be minimised by the application of GMPTE's Code of Construction Practice, the draft for which had been previously referred to (GMPTE.A14, Part 1, Appendix L). The content and the mechanism of enforcement would be agreed with the relevant departments of Wigan MBC and Salford CC before the start of construction. The key concerns would be to minimise the impact upon the landscape of the corridor; to protect flora and fauna; to keep an archaeological watching brief; to maintain access; to minimise nuisance due to dust; and to manage noise and vibration levels from construction activities.

4.5.8.2 None of the proposed alterations to the existing highways was expected to have any significant environmental effect, apart no doubt from minor annoyance to residents. As regards fauna and flora, advance protection was essential, with a detailed programme of advance works. The clearance of vegetation would be carried out at a time that would depend partly upon when approval of the scheme was received, but also partly upon seasonal wildlife considerations. Vegetation to be retained would be protected by stout fencing.

4.5.8.3 Advance surveys of fauna would be carried out, to update and extend existing information on relevant species, and advance works of protection of water voles and GCN would be needed, including translocation and exclusion from the area of the works. Additional enhancement measures would be considered to encourage water voles to colonise the area further and extend their present range. Similar measures would be undertaken in respect of GCN, aimed at maintaining a population of equivalent status on or near the original sites adjacent to the busway. The present survey information on the GCN population in the area was insufficient to make the determinations required under new legislation and mitigation guidelines prepared by English Nature. Consequently, an application would be made to DEFRA to gain permission to move any endangered GCN populations. To achieve a successful licence application, additional survey work would be carried out to generate suitable data to interpret and evaluate the local GCN population and identify appropriate mitigation measures.

4.5.8.4 Once the presence of GCN had been confirmed, additional visits would be undertaken to obtain a reliable estimate of population size, the potential impact of the proposals would be considered and a detailed method statement prepared, with advice to be sought from English Nature and the Environment Agency. All potential GCN habitat within the juvenile newts' roaming distance of 500m from a confirmed breeding pond would be considered as part of the application to DEFRA.

4.5.8.5 During the operation of clearing and ground remodelling, an archaeologist would monitor any ground disturbance for artefacts - though no significant archaeology was believed to be present in the corridor. Dust and the maintenance of local air quality would be dealt with by normal control measures, as specified in detail in section C3 of the draft Code of Construction Practice. Section C6 of the Code dealt with contaminated material. The carrying out of structural works was covered by Section C9, and the protection of surface and ground water resources was covered by Section C4.

Planting and fencing work would be carried out as early as possible, to mitigate construction impact. Planting would accord with BS 4428 (GMPTE.C31). Community Liaison would be important during construction, and Section C11 of the draft Code of Construction Practice would be followed.

4.6 Landscape and Visual Matters

4.6.1 Existing Landscape Character

4.6.1.1 The former railway corridor had local landscape value as a recreation route, and had a verdant character which contributed positively to the urban, suburban, urban fringe and rural settings through which it passed. Most of this character was relatively new, the land having been planted in the mid-1980s using Derelict Land Grant funding following the collapse of coal mining. This showed how quickly such a character could be created. However, the planting now needed management and thinning, and the existing recreation route was marred by its worn-out state, by its poor accessibility for disabled people, by its misuse by motorcycles, and by considerable litter, tipping and neglect. It had a generally neglected air, which in secluded places could be threatening.

4.6.1.2 The surroundings were in Character Area 56 of the 1996 publication "The Character of England" (Countryside Commission and English Nature). This area was described as being fragmented by barriers of urban development and a variety of land uses, with some areas of arable farming, poor drainage following the mining activities, and much recreational open space utilised in many instances for horse paddocks. Its environment was not of high or exceptional landscape quality in any way. However, the scheme had been designed to avoid causing any adverse impact upon the setting or the character of the adjacent Atherton Hall Park, and it should be noted that no adverse comments had been received from consultations with English Heritage or the Greater Manchester Archaeology Unit.

4.6.2 The Assessment Process, Mitigation and Enhancement

4.6.2.1 The process carried out in the ES (GMPTE.A12 - A14) had been thorough, comprehensive and iterative with the design of the scheme, and had included a design strategy. The main landscape changes created by the scheme would be the removal of existing vegetation, the removal or alteration of existing earthworks, and the replacement or construction of bridges. The objectives of the strategy were to minimise visual intrusion; minimise impact on the existing landscape; maximise safety; provide a quality recreation facility; create a coherent long-term design solution; and create a quality environment for the bus and recreation corridor. The design elements that would be used to create this quality image included new native tree and hedge planting; the soft grass treatment between the busway tracks; retention of scrub, woodland and trees; new screen fencing; the upgraded and controlled recreation path; new signage, seating and quality bus shelters; and lighting in limited locations.

4.6.2.2 The quality of the corridor as a recreation resource would be improved by the retention and planting of trees, and the other new elements, and the corridor would retain its informal rural feel (such as was illustrated in the photographs of the Pennington Flash Country Park, ID 49(ii), Figure 7c) rather than a "formal" feel as in the Haigh Country Park. While the retention of the vegetation was important, the removal or reduction of existing embankments was preferable in some places to reduce overlooking and allow more width for replacement planting and screening; it also allowed the MUP to be wider than the often narrow railway embankment top would have permitted. The horizontal alignment, within the corridor, was intended to maximise both the retention of existing vegetation and the space for the MUP, and to keep the busway as far as possible from sensitive adjacent receptors such as houses.

4.6.2.3 Compared with a bus route using ordinary road construction, the busway would be narrower, with a softer appearance, fewer safety barriers, easier exclusion of other vehicles, less tyre noise and a generally higher quality of appearance. Compared with the heavy rail options, the busway could use steeper gradients and permit level crossings, and therefore would require less intrusive structures and cause less overlooking. It would be narrower than a twin-track railway, would have a softer

appearance due to the grass between the tracks and the lack of upstanding rails, and would permit the parallel recreation route to be constructed within the existing corridor. Compared with the Leigh-Walkden heavy rail alternative, the busway also would not require an intrusive cross-country connection from Parr Brow to Walkden. The specific landscape problems which would be caused by the Busway Noway alternative rail scheme had already been described (para 4.5.2.4 above). A light rail alternative would create less problems than heavy rail for crossings, but would introduce obtrusive overhead lines and poles.

4.6.2.4 The scheme would result in an overall net loss of woodland/scrub cover, the present total of 196,684m^2 being replaced by 86,542m^2 of retained vegetation and 44,977m^2 of new planting, leaving a net loss of 65,165m^2 - though it was arguable that the replacement planting would result in larger areas of vegetation than this calculation showed.. In compensation GMPTE had adopted a Tree Replacement Policy under which it would plant 5 young trees for every tree removed, and at least 2 saplings for every 2 removed. This could be carried out under the Red Rose Forest Initiative, possibly immediately adjacent to the busway on land owned by Wigan Council and Peel Holdings (ID 49(ii), Figure 9). A hedgerow of native species was also proposed along most of the route, between the MUP and the bus track, as separation and as a distinctive linear landscape and wildlife feature. This would be omitted only where the route passed through dense woodland, where the shade would not suit it. The only non-locally-native tree species proposed to be used to any extent in the planting was evergreen Laurel, to be used where extra year-round screening was needed immediately adjacent to houses. The intended species were listed in GMPTE.A14 Annex E.

4.6.2.5 The use of grass between the busway tracks had been mentioned. This would be a special low-growing semi-native mix, as used extensively in Germany. Where space permitted there would also be areas of wildflower grassland along the route, to create openings along the corridor and avoid creating a green tunnel effect. This would provide open space for passive recreation, and more habitat diversity for wildlife. Where necessary, there would be screen fences to provide an additional visual barrier, or a noise barrier. Their maximum height would be 2.5m, and because of their visual obtrusiveness their use for visual screening would generally be limited to locations in which there was less than 3m of intervening planting. The visual impact of lighting would be limited by its restricted provision and its effective prevention of light spread, as previously described (para 4.5.4.2 above).

4.6.2.6 The visual impact of the scheme had been assessed on a length-by-length basis, and was reported in the ES. Within the Leigh Town Centre there would be little effect, apart from improved screening to an unattractive builders' yard. Between East Bond Street and Holden Road the corridor would retain its green character, and the visual effects would initially be mostly "moderate adverse", with some "substantial adverse" effects at properties close to Holden Road. After 15 years the effects would reduce to "slight adverse" in most cases, though at 4 properties close to Holden Road they would remain "moderate adverse"; 2 of these properties already fronted Holden Road, and the impact would still be substantially less than that of a rail scheme such as the present UDP envisaged.

4.6.2.7 Between Holden Road and Miller's Lane, the first part of the route was through largely suburban development. The works, especially the removal of the embankment, would create "substantial adverse" initial landscape and visual effects. These would diminish in the longer term to a "slight adverse" landscape effect, but even with screen fencing the upper floors of the nearby houses would have a view of the busway, particularly in winter. About 42 adjacent properties, which were very close to the busway in a location in which there was little room for screen planting, would experience a significant "moderate adverse" longer-term visual effect. However, the buses would be an occasional feature, not a permanent one, the general replacement planting would reduce the effect, and these houses were already overlooked from the existing path on the embankment, whereas the buses would be lower down and would not overlook these houses or their gardens. Further on, the removal of a belt of vegetation up to 22m wide through the woods would not radically alter the overall landscape character or quality of the corridor, and the initial effect s would be only "slight adverse". The maturing of the scheme would produce "slight adverse" landscape effects and "negligible" visual ones.

4.6.2.8 Between Miller's Lane and Well Street the scheme ran first through open low-lying agricultural land, and then the Tyldesley Edge of Settlement character area. The existing landscape quality in the first part, as far as Cooling Lane, was low, and the effect of the scheme would be "slight adverse" in landscape terms. Initial visual impact here would be "moderate adverse" for a few nearby properties, and "negligible" beyond 500m. There would be no significant long-term landscape or visual effects. East of Cooling Lane there would be substantial removal of existing trees, but a substantial block would remain on each side of the route, giving an initial landscape effect of "moderate adverse". Initial visual effects would be "moderate adverse" or "slight adverse", depending on viewpoint, but as the scheme matured the landscape and visual effects between Cooling Lane and Astley Street would become insignificant. Between Astley Street and Well Street the Interchange would create an initial "moderate adverse" landscape effect, with "substantial adverse" initial visual effects on some initially unscreened properties to the north. The ground shaping and planting would help greatly, and in the longer term the landscape effects here would be negligible, and the visual effects "slight adverse".

4.6.2.9 Between Well Street and Sale Lane the corridor was presently defined first by dense vegetation, which screened views of the corridor, and then by the deep cutting which also was heavily vegetated. Beyond this there was a series of blocks of dense planting, some of which had been coppiced, possibly to improve the views. In the eastern part the works would produce an initial "substantial adverse" landscape effect, maturing to "moderate adverse". Initial visual effects on houses in Garden Street would be counteracted by screen fencing, resulting in an initial "moderate adverse" on most of this section, maturing to insignificant with the exception of Gas Works Cottage.

4.6.2.10 The landscape effects in the area of the cutting would be initially "moderate adverse", maturing to insignificant, and the visual effects would be similar except that the local landscape and visual effects of the replacement of the scrap yard by the park-and-ride site would be "slight beneficial". Eastwards to Sale Lane, past Chester Road, the rather crude existing planting would be modified to produce a more positive character, though the busway could not be fully screened. The initial landscape effects here would be "moderate adverse", maturing to "slight adverse" or "negligible". The visual effects would be improved by the opening up of distant views, giving initial effects of "moderate adverse" at the western end of Chester Road and "substantial adverse" at the eastern end, opposite the bus stop. Apart from the 4 properties immediately adjacent to the bus stop, where there would be a "moderate adverse" long term visual effect, there would be no significant longer-term adverse visual effects. Moving the busway down hill had been considered, to reduce the visual impact, but this would have introduced highway crossing problems and would still not have concealed the busway; also, it would have moved the bus stop further from passive surveillance from the houses. As at Holden Road, the impact here of the rail scheme for which the UDP had allocated the land would have been greater.

4.6.2.11 Between Sale Lane and Newearth Road, the first section lay within the "Mosley Common Fragmented Agriculture" character area, while beyond City Road woodland lay on most of the northern side, with suburban gardens to the south at a generally lower level. Views out were limited by the dense vegetation. The infilling of the cutting east of Sale Lane would produce a "substantial adverse" initial landscape effect, which would be seen by few sensitive properties, maturing to "slight adverse", with negligible visual impact at either stage. The reduction of the embankment further east would leave the more mature vegetation on the remaining lower side slopes unaffected, giving an initial "moderate adverse" landscape effect maturing to "negligible". The visual effect on most receptors, most of which would be distant, would be "negligible".

4.6.2.12 Adjacent to City Road the raising of the embankments, and the retaining walls, would have "substantial adverse" initial landscape and visual effects, reducing to "moderate adverse". However, it should be noted that there was no objection from the Woodland Cemetery, immediately north-west of City Road and adjacent to this section. The design of the retaining walls would enable replacement planting to screen both the buses and the walls themselves (GMPTE.A13 Figure 50c). They were not considered to present a significant barrier to wildlife, which would be able to walk round the ends. Further to the east the landscape effect of the reduction and removal of the embankment would be

"substantial adverse" initially, declining to insignificant. The visual impacts on the south side would be "moderate adverse" to "slight adverse", depending on the density of the adjacent woodland, while those on the north side at the eastern end would be "substantial adverse" due to their proximity to the busway, the bus stop and its lighting, reducing to "moderate adverse" in time.

4.7 Noise, Vibration and Air Quality

4.7.1 Noise

4.7.1.1 The generation of noise and vibration during the construction of the scheme would be controlled by the Code of Construction Practice, which would be developed in agreement with the Local Authority Environmental Health Departments. This would require the use of inherently quiet plant and the use of enclosures and screens around any noisy fixed plant where this was necessary and practicable. Best practicable means would be used to control noise without unreasonably inhibiting the work, and to require working methods that would result in the minimum noise compatible with normal working practices. Hours of work would normally be limited to 0800-1800 on Mondays to Fridays, and 0900-1300 on Saturdays; Work at other times, except with the prior agreement of the Local Planning Authority (LPA), would be limited to servicing, maintenance and testing of plant, pumping and any emergencies prejudicial to safety or public health. Vehicles, plant and machinery involved in excavation, backfilling and construction would not be started up before 0800 unless otherwise agreed by the LPA.

4.7.1.2 The busway would run through a generally quiet area, so the sound of the buses would not be masked by that of other traffic. The effect of the bus operations would be to raise L_{Aeq} noise levels at receptors by between 1dB(A) and 10 dB(A), depending on distance and factors such as gradients and bus stops. However, the resulting levels at building facades would still be relatively low, being 59dB $L_{Aeq\ (18\ hour)}$ or less along the sections with the worst noise impacts. This equated to a maximum free-field level of about 56dB L_{Aeq}. PPG24 referred to World Health Organisation (WHO) guidance (which had since been revised) which had stated that general daytime outdoor noise levels of less than 55dB L_{Aeq} were desirable to prevent any significant community annoyance. Notwithstanding the subsequent WHO revision, the general consensus remained that few people were seriously annoyed during the daytime at noise levels below this approximate figure. The forecast figure was also below the daytime noise level of 68dB L_{Aeq} which was the threshold at which the Noise Insulation Regulations required noise insulation to be provided in affected dwellings. As there would be no bus services between 2400 and 0600 there would be no night-time noise impact under the Regulations.

4.7.1.3 As had been mentioned, noise fences would be provided in exposed locations, but the upper floors of some houses protected in this way might overlook the barrier, so that upper-floor noise attenuation would be less. In such locations the noise receptors for which the noise levels had been calculated had been at first floor level, to present the worst-case impact. However, the normal daytime locations for people were at ground floor level or in the garden, and the noise levels which they would experience there would be lower than those shown in these calculations.

4.7.1.4 The noise levels would be below the most stringent WHO guideline of 50 dB L_{Aeq} at all communities other than the Lilford Park Amenity Area and Tyldesley Community Centre. At Lilford Park the level would be 52dB $L_{Aeq\ (18\ hour)}$, and while this excess of 2dB denoted moderate annoyance it applied only immediately adjacent to the busway, at a distance of 10m, beyond which it would quickly fall to below 50dB(A). At the Tyldesley Community Centre and Education Welfare Centre, about 30m from the route and close to the Interchange, the overall noise level would still be only 54.8 dB(A) - within the WHO criterion for moderate annoyance. However, and as was the case for many other receptors, the present noise level here without the busway was already within the "moderate annoyance" band. It should also be noted that all of these calculations were based upon the forecast actual bus running speeds in each location. They also assumed a worst-case cast-in-situ running surface, whereas the pre-cast guideway surfaces would be smoother than this, and therefore quieter.

4.7.1.5 The outdoor criterion of 55 dB L_{Aeq} was derived from the WHO guidance used by PPG24, and in considering its possible achievement the question of feasibility was relevant. A recent review

by the National Physical Laboratory had found that the percentage of people exposed to levels above this could not be significantly reduced without virtually eliminating road traffic noise and other forms of transportation noise from the vicinity of houses. It had also found no evidence that more than a very small minority of people found such noise levels particularly onerous in the course of their daily lives. Users of the open space near the busway would likewise not experience noise levels above the guideline, and would only experience noise from the busway at all when a bus was passing - unlike the situation adjacent to a road.

4.7.1.6 There was also a WHO guideline for noise levels outside bedroom windows, which was an L_{Amax} figure of 60 dB. The busway would exceed this when it was operating, but examination of the receptor locations between 2300 and 2400 had shown that most of these already experienced maximum levels higher than this at that time, or experienced similar noise levels to the busway levels due to local cars' movements and car doors closing. The low-speed car movements at the park-and-ride sites would also be unlikely to cause noise problems. Consequently GMPTE considered that busway scheme was unlikely to alter the existing noise climate significantly, and that it was not likely to cause annoyance even where the worst operational noise levels occurred.

4.7.2 Vibration

4.7.2.1 Heavy construction work could cause vibration, for instance at Lilford Park Brook, Hough Lane and City Road, but the use of bored piling where practicable would limit this. The distance between the construction works and the nearest receptors should be sufficient, on the whole, to reduce any vibration to levels unlikely to annoy the occupants, or to interfere with equipment within buildings, or to damage structures. The situation as regards potential or actual vibration arising from the construction process would be monitored during the design process and on site. It was not expected that there would be any detectable vibration from the actual busway operations, which would be using rubber tyred buses on a smooth and well-engineered track.

4.7.3 Air Quality

4.7.3.1 The generation of air pollution by the construction process, in which the principal risk was of dust, would be controlled and, if necessary, corrected by the normal methods under the Code of Construction Practice. The risk would be a temporary and intermittent one. There was unlikely to be a risk to health; where problems did occur they were more likely to be short-term nuisance effects from operations close to the site boundary. Effective measures could include damping down; sheeting of vehicles transporting materials; controls over vehicle speeds; restrictions on cutting, grinding and burning; application of best practice; correct siting of machinery; use of hard standings and wheel washing; institution of a complaints and investigative response procedure; and compliance with relevant legislation and British Standards. It was expected that, with such measures and liaison with the local authority, the works would cause no adverse impact on ambient air quality.

4.7.3.2 In relation to the operation of the busway project, the principal relevant air quality standards, objectives and target dates were those set out in the Air Quality (England) Regulations 2000, Appendix X, enacted as part of the UK National Air Quality Strategy (NAQS) under Section 80 of the Environment Act 1995. Where the objectives were not likely to be met by the required year the relevant Local Authority must designate an Air Quality Management Area, for which an Action Plan must then be prepared. The NAQS standards were set on the basis of what was desirable to avoid or minimise risks to health, but they were not necessarily technically feasible at present, or economically efficient. The NAQS objectives, on the other hand, represented what was considered to be realistically achievable within the timetable specified. These objectives were applied where members of the public, in a non-occupational capacity and at locations close to the ground, were likely to be exposed over the averaging time specified for the objective - 1 hour, 24 hour or a full year, as appropriate. New draft objectives, mostly to apply from the year 2010, had been published in 2001, but these were not proposed to be substituted immediately for the present objectives.

4.7.3.3 The air quality within the guided busway corridor itself was presently acceptable, with no exceedances of NAQS objectives. However, NO_2 levels on parts of Spinning Jenny Way in Leigh

Town Centre were likely to exceed the annual mean objective, and the short initial on-road section of the route would run along this. The same applied to the eastwards continuation of the QBC from Newearth Road along the A580. Sections of the entire Greater Manchester area were now designated as an Air Quality Management Area (AQMA), for which an action plan had been produced.

4.7.3.4 The localised air quality assessment had shown that, for locations close to the guided busway, the scheme would give rise to only small and insignificant changes to the ambient concentrations of air pollution, and that the NAQS objectives would continue to be met at all of these receptor locations. Where exceedances did occur along the A580, these would not be exacerbated by extra buses travelling within the existing traffic stream or on existing bus lanes. However, where the QBC proposals for bus lanes on the present verge, or on the present inside line, would bring more buses closer to the existing houses, there would be small increases in the concentration of NO_2 which might cause the annual mean objective threshold to be reached in some locations where otherwise it would not have been.

4.7.3.5 Actual changes in pollution due to buses using the QBC would be small, with insignificant effects in relation to ambient concentrations and compliance with air quality standards, and they would not lead to any changes in the Councils' duties under the Regulations. They would also not represent a risk to the health of local residents, employees, pedestrians or shoppers, and over the wider area the consequent reduction in car traffic would lead to a reduction in the total mass emissions of pollution.

4.8 Property and Compensation

4.8.1 Property Impact of the Scheme

4.8.1.1 Most of the land required for the scheme was owned by Wigan MB Council, Salford City Council and Peel Holdings Ltd, with which Option Agreements had been entered into; no powers of compulsory purchase for this land were therefore being sought. The Option Agreement with Wigan provided for, amongst other things, the granting of an option to take a building licence to undertake the construction of the linear park and busway and then to transfer to GMPTE such land as was needed for the safe operation of the busway. The linear park element would remain owned by Wigan, and the part of the linear park which would be constructed on the land now owned by Peel Holdings would also be transferred to Wigan. There was no provision to return the land to its present owners if the busway were abandoned. The necessary procedures under Section 123 of the Local Government Act 1972 had been gone through by the local authorities concerned, in relation to land that might have been thought to be open space used by the public.

4.8.1.2 Although the scheme had been designed to minimise its impact upon private property it had not been possible to avoid this altogether, and the properties and rights for which powers of compulsory purchase were needed were listed in the Book of Reference. The cost of property acquisition was not considered to be a significant cost on the scheme, but an estimate of £1 million had been included to cover all of the land acquisition, compulsory and voluntary, together with claims for severance and depreciation. These last were not easy to predict.

4.8.1.3 Some objections had been made in relation to the effects of the scheme upon the value or saleability of nearby properties which GMPTE had no direct need to acquire, and GMPTE did have a policy in relation to the acquisition of seriously affected properties. However, GMPTE did not consider that any such effects would be sufficiently extensive for it to be necessary to produce a formal discretionary purchase scheme in the present instance. Indeed, the presence of stations or stops on similar schemes, and the greater accessibility that these would provide, tended rather to increase local property values.

4.8.2 Liaison

4.8.2.1 During the course of construction liaison arrangements would be set up with local businesses, owners and occupiers, to provide information and deal with complaints. A non-statutory small claims

procedure would be set up to deal with reasonable claims for damage caused by the contractor. It was not expected that any damage to property would occur, but owners and occupiers of nearby property would be invited to agree a schedule of condition prior to the commencement of the works where GMPTE or its contractor felt this to be appropriate.

4.8.3 Negotiations

4.8.3.1 Negotiations with objectors had continued, and would continue.

5.0: The Case for the Supporters

5.1 Salford City Council

5.1.0 The gist of the case for Salford City Council was as follows.

5.1.1 Salford City Council (Salford CC) was the local planning authority within whose boundaries the eastern end of the busway would lie, and it was the owner of some of the land required. It was also the local planning authority and highway authority for the area through which the proposed QBC bus priority measures to the east of the busway would pass. The busway scheme had been prepared in liaison with Salford CC, which had a progressive attitude towards transport policy that had resulted in the creation of an effective mix of highway and public transport schemes offering true modal choice. The Quality Bus Corridor principle had been adopted widely in Greater Manchester, and the Association of Greater Manchester Authorities had stated that such measures as these and the Metrolink, which would provide new high quality alternatives to the use of the car, must be significantly advanced before charging for the use of roads could be introduced.

5.1.2 The Salford UDP (GMPTE.A31) contained transport policies aimed at supporting economic revitalisation, satisfying social and economic needs, promoting public transport as an alternative to the private car, promoting cycling and walking, improving conditions for those with mobility problems, and improving safety for all road users. Many of these policies were directly relevant to the busway, and two of these were policies R7 and EN5(i). UDP policy R7 identified the former railway line as a strategic recreation route, on which development would not normally be permitted unless provision could be made to maintain the continuity of the route, and its relation to any linear feature. UDP policy EN5(i) identified the eastern end of the corridor as being in an area in which the environment would be improved by the identification, improvement and promotion of an integrated network of wildlife corridors. However, this area widened out greatly to the north, and the busway would not interrupt the linear nature of the disused railway.

5.1.3 Salford CC considered that the recreation and conservation policies in the UDP would not be contradicted, since the recreation route would retain continuity and be improved, the wildlife corridor also would remain continuous, and trees lost would be amply replaced. The UDP review, which was now in progress, was expected to incorporate the busway in the relevant area statement (Walkden and Little Hulton Area Plan, approved by the relevant Community Committee on 26th November 2001), and the other QBC proposals in the appropriate sections.

5.1.4 In deciding to support the scheme Salford CC had taken full account of local opinion, including the opposition to the QBC scheme expressed by the Worsley and Boothstown Community Committee in its Area Plan - the boundaries of which did not include the area of Salford traversed by the proposed busway. The members of Salford CC represented some 250,000 people, while the Six Associations (Objector No. 456) were part of the Community Committee arrangements, but represented only about 2000. Salford CC had always considered the scheme in its entirety, and its effects upon the community as a whole, as it required full implementation in order to gain the benefits sought, and Salford CC continued to support the scheme in toto.

5.1.5 The busway scheme accorded well with both national and local transport policy, and the deliberations within Salford CC had ensured that appropriate debate had taken place into the scheme. Salford CC had no provision for a rail link alternative in its 10-year plan, and it considered that the QBC would be a medium-level way of improving air quality in the city. The Council believed that the busway would be an appropriate measure to help reduce congestion and increase travel opportunities between Leigh and Manchester, and although the Council was a partner with GMPTE in the scheme it had also independently determined to offer its support to it.

5.2 Wigan Metropolitan Borough Council

5.2.0 The gist of the case for Wigan Council was as follows.

5.2.1 Wigan Council was the local planning authority and local highway authority for most of the area through which the busway would run, except for its extreme eastern end. The Council had been fully involved in the preparation of the scheme since 1998, had been kept fully informed and had suggested changes which had been incorporated into the final scheme. The first LTP (submitted in 2000 and running to 2005/06) had included this project as a major scheme (GMPTE.A20, p.42, Figure 2), summarising its benefits as the provision of faster and more reliable bus journeys, the reduction of car use and traffic congestion, environmental benefits and improved social inclusion and economic benefits. The LTP had stated that consultation on the busway scheme had been one of the biggest exercises that AGMA/GMPTA had undertaken, and that amendments had been made in response to it which had themselves been subject to further consultation.

5.2.2 Wigan was very dependent on bus transport, and the Council had been involved in the development of the first QBCs in the Manchester area; presently there were some 2,700m of bus lanes in Wigan MB. Wigan Council now had a programme of extending this work to other corridors throughout the borough, with GMPTE. It was also a partner in the Integration Project, and the Leigh area had been a test bed for the improvement of information at bus stops in general, which had later been extended to other parts of Manchester. When the consultation paper called "Transport Matters", produced in relation to the preparation of the Local Transport Plan, had been placed on deposit in libraries and council offices, it was understood that none of the responses had criticised the busway proposal. The QBC scheme as a whole had, of course, been subjected to a Government financial appraisal and had passed its tests for eligibility for funding.

5.2.3 As regards policies, the draft RPG had a number of relevant policies which this scheme clearly met, and Wigan supported these, especially Policy T10 dealing with the development of the Greater Manchester strategic bus network. Also in line with draft RPG policy, the scheme would have real benefits in terms of social inclusion, including the areas of Higher Folds and Tyldesley which were shown in the 1998 Index of Local Deprivation as suffering from severe local deprivation. Transport 2010 was the framework for national transport policy, and it referred specifically to guided busways, identifying them as one of its outputs.

5.2.4 The 1996 Wigan UDP (GMPTE.A30) had identified most of the busway route as a safeguarded rail corridor, as far east as Parr Brow, which was a policy to which no objection had been raised at any of the consultation stages. It should be noted that, at that time, the continuation of a reinstated rail line from Parr Brow to Walkden had been seen as being part of the after-use following proposed opencast mining of that area, which had failed to happen. Wigan would have liked to continue the rail safeguarding along the old line to Newearth Road, but the corridor of the former railway had been blocked by new development further east, in Salford. Policy T1 of the UDP recognised the need to maintain and improve the transportation system so as to cater for the mobility of all residents, and T3 recognised the need to provide bus services at all levels to meet the needs of those without cars where a social need for services existed.

5.2.5 The reinstatement of the rail link had been seen as a long-term proposal, which met local people's wishes for better links to Leigh and Tyldesley, as part of the PTE's then long-term Strategic Plan. Such a link was now considered to be probably incapable of materialising before 2020 due to lack of rail capacity in Central Manchester, to lack of funding to correct this for some 10 years, and to other priorities if and when funding did become available. Compared with the scheme for a reinstated railway, the busway scheme had distinct advantages in terms of timeliness, flexibility, land take and frequency of boarding points, and given the Council's longstanding wish for an enhanced public transport link on this general alignment the busway seemed the most appropriate way of satisfying this. The improved public attitudes to public transport which would result from the quality aspects of the scheme would also be important.

5.2.6 In relation to the Green Belt, the starting point was that the corridor had been allocated in the UDP mainly for re-use as a route for rail, with all the effects that that would imply. The busway scheme was, in the view of the Council, "appropriate development" in this context, having no significant conflict with Green Belt policy in relation either to openness or to the five purposes of

defining the Green Belt, and it was significant that no objector had challenged the Council's evidence on the implications of the scheme for the Green Belt. The proposals would cause no material harm to either Green Belt or environmental interests, provided that the agreed conditions were imposed.

5.2.7 The Council was satisfied that there was no practical alternative to the proposed park-and-ride site at Tyldesley, which was functionally necessary and had been carefully chosen and designed for minimum impact. The scheme would have no material effect upon the farming community, or the protection of agricultural land, and the provision of the new recreation route complied with Policies L3, L3A, T7 and T8. The route would avoid any direct impact upon Atherton Hall Park, and impact would be minimised by careful landscaping. The provision of bus stops with platforms, and the requirement for buses to meet disability standards, would accord with Policy EN7F, which aimed to improve accessibility for people with disabilities, and the structures would be simple and few. There was no significant conflict with any other policy of the UDP.

5.2.8 A review of the UDP was now in progress, and the Issues Report had made a specific reference to a revision of Policy T4B to protect the line of the proposed busway for that particular purpose; none of the 25 comments on transport issues that had been received as part of the review process had criticised this. The requirements identified in the very up-to-date statutory LTP were major inputs to the UDP review, in relation to land use. The Council would give consideration, as part of the review process, to the suggestion made by GMPTE in its evidence, that the reviewed UDP might also allow for a future upgrading of the busway to light or heavy rail if demand were to justify such a development. The busway would not prevent this happening in the long term.

5.2.9 Wigan Council had recently achieved Beacon Status in respect of its work on Neighbourhood Renewal, and the busway was one of the priority schemes in its Neighbourhood Renewal Strategy. One could not be sure exactly what the impact would be on local traders, but greater accessibility worked in both directions and generally helped both the business community and its customers, and it was likely to help the Leigh area rather than Manchester. The better accessibility of Leigh would also reduce the tendency for people to travel the longer distance to Manchester, which accorded with Government policy.

5.2.10 Wigan Council considered also that the proposals for minimising and mitigating environmental impact were appropriate, and it would work towards the improvement of local tree cover through the provision of areas of replacement tree planting in the Red Rose Forest project on land owned by Wigan and Peel Holdings adjacent to the busway. It would work with GMPTE through the Construction Code of Practice and other powers to ensure that the impact of construction was minimised, and it saw no reason to expect that the operation of the project would generate problems of noise, vibration or air pollution, or conflict with policies in relation to these. Wigan Council maintained a register of contaminated land, under the Environmental Protection Act 1990, and there were currently no entries on the register relating to any land forming part of the busway.

5.2.11 Wigan Council had entered into an Option Agreement with GMPTE for the transfer of its relevant land holdings for the purposes of the scheme, including the construction of the linear park. The procedures required under Section 123(2)(a) of the Local Government Act 1972 had been gone through, as much of the land covered by this Option Agreement was open space for the purposes of that Section, and the Council had considered the 194 objections received before resolving to proceed with the Agreement.

5.2.12 Wigan Council would operate the maintenance and management scheme for the linear park, which also was provided for in the Option Agreement, and which would be funded by GMPTE. This would be an ongoing arrangement, in perpetuity, not limited-term. The earlier scheme for the recreational reclamation and use of the former mining area north of Higher Folds had been without longer-term funding for maintenance, and Wigan Council had no budget at all for such maintenance work. No other source of funding for laying out such facilities, or for maintaining them, had been found. The Option Agreement would come into effect only if the Order were approved.

5.2.13 The Tyldesley Interchange would unavoidably be lower than Tyldesley Town Centre, but access would be adequate and local bus services could choose to make use of it. It could also be reached, by disabled people, by means of the ring-and-ride service (for which improvements were being considered) or taxi. This proposed use of the land was considered acceptable - its present use was only by dogs and for looking at. The former Land Reclamation Scheme had suggested its use for a car park. It was not needed as a public open space, and the UDP had not allocated it for anything.

5.2.14 As well as allocating most of the corridor for rail re-use, the UDP had also allocated the whole of it within Wigan for use as a Greenway to serve walkers and, where possible, cyclists, equestrians and disabled people, and the scheme would assist in developing and maintaining this. Users of the present informal recreation route might prefer it to the proposed path beside the busway, but it seemed likely that they would prefer that to a path beside the UDP's reinstated railway. They might again prefer neither a railway nor a busway, but the choice which had to be made was more complex than that. The Council considered the scheme to be a major benefit in respect of its recreational policies.

5.2.15 The benefits from the scheme would be as had been described by GMPTE, and it would both increase travel opportunities for the less mobile sections of the community and maximise recreational use adjacent to the busway. There would be very significant and much-needed local benefits, with a particular local benefit to Higher Folds, and there would be no significant disbenefits. The Order should be approved.

5.3 Other Supporters

5.3.0 No other supporters appeared at the inquiry. However, a number of letters of support were received. The gist of the case for these other supporters was as follows.

5.3.1 Peel Investments

5.3.1.1 Peel Investments is a company that owns a substantial area of land around Higher Folds, on the southern side of the busway route and adjacent to it, west of Tyldesley. Much of this land is proposed for planting under the Red Rose Forest scheme. It also owns part of the former railway corridor in this vicinity (see ID 49(ii), Figure 9). It wrote simply to say that it supported the application for the Order.

5.3.2 Mr F Parkinson

5.3.2.1 Mr Parkinson wrote as an elderly and totally blind person, with other disabilities, and with a disabled wife. He and his wife had been members of the Wigan MBC Access for the Disabled Committee for some 14 years, and he represented this on the GMPTE Wigan Local Transport Group. He and his wife were also members of the Wigan Ring and Ride Steering Group, which dealt with special local door to door bus services, and he was a member of the User Group for this service, and a number of other generally-related organisations. Mr Parkinson considered that great improvements had been made in recent years in relation to the safe and convenient use of roads and transport facilities by disabled people in the Manchester area. The proposed QBC would add very significantly to these, with its DPTAC-compliant buses and its easy access for all kinds of disabled people; this would also be very helpful for people who were simply encumbered with shopping or small children. The uniformly high standards of accessibility on the busway would enable such people to use it with confidence, in association with the more local ring-and-ride bus service if they needed that too, or with shared taxis as far as the bus stop. The park-and-ride facility would help those who had cars to make the interchange between modes easily, making journeys into Manchester far more practical than driving all the way through the traffic. Similarly, there would be easy access from the busway services to the Shopmobility service adjacent to Leigh bus station.

6.0: The Case for the Objectors

6.0.1 The gist of the case for the Objectors was as follows. The largest contribution to the evidence objecting to the scheme was made by the Busway Noway campaign. As many of the points raised by individual objectors were also raised in the comprehensive presentation made by Busway Noway, that presentation is reported first.

6.1 Busway Noway

6.1.1 General, Policy and Precedents

6.1.1.1 Busway Noway was an organisation set up about 4 years ago, with input from the Campaign for Planning Sanity, to oppose the busway proposals. It had no formal membership, but about 400 supporters, and its activities were based entirely upon public meetings. It acted as advocate for members of the local community, and it had founded its case upon the outcome of a series of consultation exercises that it had carried out and meetings that it had held for the purpose. These meetings had been open to those with different views, and a few such views in support of the busway scheme had been presented at them, but the general understanding had been that if people wished to support the scheme they should set up their own organisation for that purpose. The matters raised by its witnesses ranged from matters of broad principle to details of the impact of the proposals upon a single dwelling. The two matters upon which it presented expert witnesses were the economic justification for the scheme and its environmental impact.

6.1.1.2 It was noted that several consultants had been responsible for various reports submitted by GMPTE, on complex matters such as comparison of alternatives or the implications of park-and-ride. Busway Noway felt that, as these consultants were reliant upon employment by organisations such as GMPTE, these reports could not be considered to be really independent.

6.1.1.3 There were a number of guided busways around the world, but since they had been introduced in Essen in 1979 there had been comparatively little take-up of the principle, with Adelaide as the only other widely-reported example. Britain appeared to be the only country that was currently developing them, with 4 schemes presently in operation. Compared with light rail they were said to be less safe, to have higher operating costs and to lack an attractive image; infrastructure costs were said to be comparable. It was doubtful whether the high additional cost of the busway, as compared with a well-considered on-road quality bus system, was justified, and conventional bus priority measures were far more cost-effective.

6.1.1.4 From the point of view of impact, the starting point for considering the present application must be EEC 85/337 as amended by EEC 98/11, and the associated EIA Regulations, DETR Circular 04/02 and the relevant Inquiries Procedure Rules. It was clear that the cumulative effects of the proposed development with other developments that must be considered, so the other elements of the QBC were also relevant. The ES must contain sufficient information to enable the significant effects of the proposed development to be taken into account in coming to a decision about it, as set out in the Rochdale decision. Details must be included at that stage, and not left until a later stage at which neither the original decision-maker nor third parties would be able to be involved.

6.1.1.5 The Rochdale case had established that effects upon protected species must be fully taken into account at this present stage, and this requirement should also apply in relation to matters, such as the treatment of contaminated land, that could present a danger to public health. The deficiencies of the ES had been referred to in the legal submission made at the beginning of the inquiry (ID 2). The ES did not contain the necessary information, and in several places it stated that further information would be provided later to the Local Planning Authority - for instance in relation to a habitat survey. However, until this had been done, the Secretary of State himself would not have "appropriate information" upon which to make a fully-informed assessment of the likely environmental effects of the busway. A precautionary approach to all environmental aspects had to be adopted. Consequently, permission for the scheme could not lawfully be granted until these elements had been submitted,

until the public had had ample opportunity to comment upon them, and until the Secretary of State had no remaining doubt as to what the environmental impacts would be.

6.1.1.6 The main requirements were set out in Schedule 1 of the TWA rules. These required, amongst other things, that in the ES there should be a description of the main characteristics of the works and the production process - but the possibility of recycling contaminated material on site had been introduced only in evidence, not in the ES, and so might not have been known to the statutory consultees. Alternatives considered should be outlined, and the reason for the choice stated - but no adequate information on this had been provided. Impact upon fauna should be described - and the courts had ruled that it would be perverse to determine that an effect upon protected species was not significant. Any difficulties in the provision of the required information should be stated in the ES - but all that had been said was that the information would be provided later which, as the Rochdale case had shown, was not enough. The ES was misleading, its content was simply inadequate to meet the requirements of the Rules, the majority of the documents additional to it were hard to come by, and evidence was given that some were not obtained.

6.1.1.7 An additional point in this respect was that since the claimed viability of the full QBC scheme, which included the busway, rested largely upon the time-savings claimed to be achieved by the on-road bus priority measures east of Ellenbrook, the environmental and other consequences of the on-road proposals should be taken into account at this time. In this context, it was noted that the ES studies had been based upon a service frequency of one bus per 6 minutes in the peak hour and one per 12 minutes off peak, with one per 15 minutes on Sundays. This amounted to 147 buses per weekday, whereas the current evidence would give only 108. Calculations of both economics and impact based on the ES figure were therefore incompatible with the current proposals.

6.1.1.8 The scheme would be contrary to a number of policies in the Wigan UDP. It would not minimise environmental damage and would not provide for freight, so it did not comply with Policies T1(C) and T1(E) unlike, for instance, the rail spur alternatives. Policy T1A required due regard to be paid to problems of visual impact and severance associated with new road projects, but the busway would cause serious visual intrusion which, in the case of a large number of private dwellings, would remain at a significant level even in the long term. Very few of the properties initially suffering an adverse visual effect in one of the top two categories would eventually move into a beneficial effect. One visually intrusive element would be the mis-named "bus stops", which should really be called "stations", being wide and long, having platforms and shelters, being supposedly open only to busway travellers, but being actually also open to vandals and groups of teenagers.

6.1.1.9 Similarly, Policy H3A limited non-residential uses in residential areas, requiring them not to be detrimental to residential amenity, for instance by causing visual intrusion. Policy T3 supported improved bus provision, but the busway scheme would reduce the opportunities for this as well as undermining existing services. Policy T4B, which defined much of the proposed route as a future rail corridor, had done so specifically, and not as a route for general transport or indeed for public transport in general, so the present scheme did not comply with that policy either. Furthermore, in realistic terms the construction of the busway would reduce the likelihood of a rail link ever being provided on this alignment, which would be contrary to Policy T4B. The LTP and the Wigan UDP were now in disagreement, and generally the UDP should take precedence. The Salford UDP (GMPTE.A31), which related to a relatively small part of the eastern end of the corridor, allocated it for recreation and leisure, as it did for the continuation of the former railway east of Newearth Road, and this also should be taken into account.

6.1.1.10 The busway would also be in effect a new road through parts of the Green Belt, and indeed if the busway were a failure the next move might be to turn it into an actual road, either from Leigh to Manchester or, by a further extension along protected former railway routes, from Wigan to Manchester, perhaps as part of the "Wigan Hub" transport centre project. Any such building of a new direct road through the Green Belt would be highly undesirable, and would have adverse consequences for both ecology and transportation. The Green Belt had been established by the

Greater Manchester Green Belt Local Plan in 1984, when the closure of the railway had long been a fact.

6.1.1.11 Even if it did not lead to the development of an actual road, the busway would reduce the openness of the Green Belt, contrary to the Green Belt policies in the UDP, and since it was judged to have adverse visual effects on the many residential properties which it passed, it must have similarly adverse visual effects on the Green Belt along its route. It would also form a barrier between other forms of open countryside and the established wooded nature of the route. The busway would split some farms and make other farming journeys longer, contrary to Policy OL4C. Contrary to Policy L1, the scheme would provide virtually no compensation land for outdoor open space lost; the recreation route would not compensate for the loss of the considerably larger area of re-naturalised woodland and open space that would be taken up by the scheme, especially within Tyldesley. Finally, the loss of the scrap yard in Hart Street should also have been considered in the context of the recycling policy - it was a major recycling facility in the area, and recycling was to be encouraged.

6.1.1.12 Busway Noway accepted most of the objectives stated for the QBC (para 4.1.3.1 above), but it did not consider that the scheme would be the best way of achieving them, nor that it would actually do better in this respect than a much cheaper upgrade of the existing public transport in the area. However, it did want to see an improved network, not just another radial route to the centre of Manchester. The further development of Leigh was desirable only to the extent that it supported local interests, without causing more people and vehicles to travel into and out of Leigh. Each community should be self-supporting. There was no need for commercial development at Leigh beyond this; further urbanisation in the area should be resisted. The social inclusion objective was laudable, but it did not need to be pursued by means of the busway; an improvement of the existing public transport services would achieve as much, but without the busway's excessive disbenefits and without the busway's relatively early shut down at night.

6.1.2 Economic Justification

6.1.2.1 The justification advanced by GMPTE had failed to distinguish adequately between the QBC benefits attributable to the guided busway and the benefits attributable to the associated proposal for bus priority measures further east along the A580. This was important because the financial and environmental costs were much higher for the busway than for the bus priority measures, amounting to some 80% of the total capital cost of the QBC, but a far lower proportion of the benefits; probably the busway accounted for about 90% of the overall disbenefits of the QBC and only 10% of the overall benefits. Certainly it was necessary to look at the costs and benefits of the scheme as a whole, but it was also necessary to study each part to see whether it was pulling its weight, or perhaps should be altered or omitted. The concept of Best Value required that the scheme chosen should be the optimum scheme, and the busway part of the scheme simply was not good value. The bus priority measures were not part of the application, and the benefits that they would give should not be relied upon to justify it.

6.1.2.2 The method of calculation and discounting also seemed strange - the August 2002 costs quoted by GMPTE were the same as those given in GMPTE.A43 for January 2001, at a time when costs were escalating at 16% p.a. Even when discounted back to 1998 at 2½% the results should not have been the same, and this process under-estimated the real capital costs.

6.1.2.3 In pursuance of this proper apportionment of cost and benefit, a detailed breakdown of the benefits from each section of the QBC had been requested from GMPTE; however, this had not been provided. The lack of such a breakdown was contrary to the Major Public Transport Scheme Appraisal Guidance 2002, which stated that "where the scheme includes measures which could be introduced separately, the full package should be appraised, but the contribution of separable elements should be identified. It should be clear how each element would contribute to the overall scheme". Cross-subsidisation might be acceptable in some cases, for example if there was an economically weak link between two stronger parts of an essentially continuous scheme, or if it provided some other essential benefit which could not be obtained by other means, but that did not apply here. The bus priority measures on the A580 clearly could be introduced separately from the busway, though

probably not vice-versa, so this guidance was applicable. Cross-subsidisation could also be justified if it led to economic regeneration, but there were alternative ways of achieving that in this area, at much lower cost. While the QBC scheme as a whole had met the Government's funding criteria, the lack of fair comparison of the scheme with the alternatives had made it impossible to tell whether those alternatives might not also have met the funding criteria.

6.1.2.4 GMPTE had claimed that the full QBC project was economically viable on the basis of forecast NPV and benefit/cost ratio. The guided busway element of the QBC would provide limited benefits, in that the savings in journey time that it would offer between Leigh and Newearth Road would amount at most to only some 3 or 4 minutes. It appeared that some 2 minutes would be gained by the on-street bus priority measures between Leigh bus station and the beginning of the busway, and about a further 11 minutes would be gained on the bus priority measures east of Newearth Road. This would compare with a total QBC time-saving between Leigh and Manchester claimed by GMPTE of some 18 minutes relative to a current peak-period journey time of about 60 minutes, though it would depend upon the location of the terminus in central Manchester. This could be seen by comparing the GMPTE forecasts of QBC running times with the present timetables for Services 26 and 34 on routes with similar end-points at the same time of day (ID 55(q), ID 60). The time saving between central Tyldesley and Newearth Road, compared with the present Service 32, would also be about 3 or 4 minutes. In other words, the busway would produce about 20% of the total savings of time. The only significant time saving that could be achieved only by the busway was the 4-minute saving between Leigh and Tyldesley.

6.1.2.5 Detailed improvements to the existing highways, for example those which Busway Noway had suggested at junctions on the road through Tyldesley (ID 41, ID 55(k)), could probably themselves reduce present running times by about 2 minutes, if one disregarded those parts of these suggested improvements which GMPTE considered unfeasible. This would reduce still further the relative time-saving offered by the busway and should have been taken into account in the cost-benefit calculations. If the further highway improvements which Busway Noway considered feasible, though GMPTE did not, were carried out this on-road saving would increase to about 4 minutes (ID 41). These examples, though quite detailed, were simply illustrative of the possibilities; others also were possible.

6.1.2.6 On-road improvements on the A572, which GMPTE had accepted in principle to be possible but had not researched in detail, could probably save about 4 minutes on the direct Leigh-Manchester bus route, between Leigh and the Newearth Road junction with the A580. The busway would give some benefit to Higher Folds, from the faster bus links, but the people there feared that this through route might damage the "village" feel of the area, and there would be relatively few passengers on that section of the route. It was quite possible to walk through, from much of Higher Folds, to the A572 to catch the Leigh-Manchester bus without first taking the bus into Leigh.

6.1.2.7 As noted, the busway itself had not been separately studied, but it would cost some £17.5 million compared with some £3 million for the bus priority measures section of the QBC. Even if the benefits of the two parts of the QBC had been equal this would have been a big imbalance, and could well have caused the busway to show a benefit/cost ratio of less than 1. The lower passenger-usage of the Leigh-Tyldesley section (about 33% of the A580 load) and of the Tyldesley-Ellenbrook section (about 75%) indicated that a greater proportion of the benefit would in fact be generated by the eastern section on the A580, and any COBA comparison ought to reflect this. However, GMPTE was claiming that the busway accounted for four times as much of the benefit of the overall scheme as arose from the on-road section (see para. 4.2.2.8 above), so that in effect the busway would unlock huge benefits unattainable by the basic scheme. Even if the time-savings made on the respective parts of the QBC had been as claimed by GMPTE, which was doubtful, this did not seem reasonable.

6.1.2.8 The description of the scheme showed that, for the majority of passengers, the majority of their time-savings would be made east of Ellenbrook, and the information given by GMPTE in ID 11 (Table 1) showed that even in the peak period passenger numbers would be very low on the western end of the busway, at only some 20% - 30% of capacity. The low-cost alternative LCA 1 would, by

itself, save 23% of present Service 34 journey times between Leigh and Manchester, and 38% of present Service 32 journey times between Tyldesley and Manchester. Such significant savings should generate significantly more trips than GMPTE had calculated, even without an upgraded quality of service; a rule of thumb was that a 10% time saving by public transport would reduce comparable car trips by 3%. There was no reason to suppose that such a scheme could not be operated with general benefit to the public in the absence of the busway, even though that was not presently the intention of GMPTE. The cost/benefit figures given for the low-cost alternatives seemed unrealistically biased against such on-road schemes, and the incremental benefit shown for the busway should be correspondingly less.

6.1.2.9 The people who would gain most from the busway, as distinct from the A580 section of the route, would be the comparatively few people who used only that part - about 19.5% of total users in the peak period and 30% off-peak - and those who would find the new bus stops closer than the present ones. The former would save only 4 minutes at most, which seemed unlikely to outweigh the savings on the A580. The latter appeared relatively few, since existing services ran close to most of the busway bus stops, and could be offset by those who would be less well served if existing services were reduced. The idea that there was a threshold of time-saving above which transfer to the bus service from car-use would occur was a myth; each individual operated at a marginal position, and any effect would be incremental.

6.1.2.10 The GMPTE comparison exercise had looked at the full QBC and at the low-cost alternatives LCA 1 and LCA 2 (which seemed to have been allocated oddly high operating costs), but it had not included a scheme which provided on-road improvements combined with a high-grade on-road QBC service, both running all the way from Leigh to Manchester. The comparison was therefore defective, so far as concerned the assessment of the contribution of the busway as such, since the full QBC scheme had many attractive quality components which had nothing to do with the busway, and which were omitted from LCA 1 and LCA 2. These could in nearly all cases be equally well attached to an on-road QBC scheme, which would still produce time-savings of 11 minutes and could hardly then be described as not meeting the scheme's objectives. There was no reason to suppose that such a scheme would not attract operators, who did operate such services elsewhere.

6.1.2.11 If it were nevertheless the case that the addition of the busway element would indeed trigger a big rise in use of the QBC as a whole, the part of resulting time-saving enjoyed by this extra ridership that occurred on the A580 part of their journey should be attributed to that part of the scheme, and not wholly added to the credit of the busway - which was what the marginal increment calculation had done (see para. 4.2.2.8 above).

6.1.2.12 Another deficiency seemed to be in the calculation of user time savings, put by GMPTE at £2.86 million per year, which equated to a saving of about £1.50 per passenger trip on an annual total of 1.9 million trips. This in turn equated to an average saving of 15 minutes per trip, and since the maximum saving for an end-to-end trip was about 17 minutes this seemed unlikely, even taking other time savings into account. Overall, a proper COBA analysis of the guided busway covered by the Order would probably show that it offered poor value.

6.1.2.13 GMPTE had also claimed that the busway services would be commercially viable, or sufficiently so for any less profitable parts of the service to be guaranteed by subsidy or quality bus agreements. The relatively low expected levels of use on the busway itself, coupled with the extended hours over which the service would be operated, suggested that there could well be a requirement for public subsidy in order to maintain the full service promised, and the figures produced did not appear to have made any provision for this.

6.1.2.14 GMPTE argued that, as well as being faster, the QBC services would have more reliable timing, because of the reduction of the unpredictable delays caused by congestion. It was true that increased reliability would be a valuable quality, but very little of the present congestion occurred on those parts of the route that would be replaced by the guided busway. Most of it happened on the A580 eastwards, and delays due to this would be reduced by the bus priority measures, not the busway.

6.1.2.15 The users of the busway, and of the rest of the QBC, were forecast to be largely (69%) drawn from existing public transport passengers; relatively few were expected to transfer from using cars. The probability of attracting sufficient passengers to make the service viable seemed low, since the present comparable service only ran at 30 minute intervals. GMPTE had said that existing bus services were not expected to suffer, but even the present bus services were often not nearly full, and if the loss of revenue on these existing services led to some of them requiring subsidy in order to ensure that they continued to run, this would be an additional cost for which the present estimates did not appear to have made provision. It was also an additional cost for which provision might not be made in the future, whatever the present commitment and assurances might be. The loss of, for instance, the present peak-period express Service 34 could be a very undesirable result.

6.1.2.16 It was also questionable whether sufficient allowance had been made for the cost of enough standby capacity to cope with buses being out of service - only one of the new fleet of 11 specialised buses would be on standby, with all of the others en-route or turnround at the stated frequencies and timings. If the peak frequency was one bus every 6 minutes, as had been suggested, the number of buses required would probably be 20, raising costs still further - and this apparently still did not allow for the service on the Higher Folds spur. Similar questions arose in connection with the availability of the special recovery vehicle, and in the Ranger service. Both of these were intended to provide cover for a 17-hour day 7 days a week, which would be difficult with 4 staff on each job in cases of sickness or leave.

6.1.2.17 The forecast of 250,000 trips transferred per year from cars to the QBC in 2005 (GMPTE.A43, Table 6.4), leading to a reduction of 2.2 million vehicle km per year, was of uncertain derivation. To have any relevance, a comparison with other QBC options should have been included, looking at benefit/cost ratios in this respect. The reduction in local vehicle km was given as 1,200 per day, which did not seem likely to be much in percentage terms. In either case, insofar as these reductions would lead to a release of suppressed demand, any actual non-user benefits in such things as the reduction of congestion and accidents might well not materialise, which by itself would delete most of the positive benefit/cost ratio.

6.1.3 Congestion and Modelling

6.1.3.1 The introduction of the signal-controlled busway crossings was likely to result in greatly increased local traffic congestion. Obvious locations for these tail-backs included Astley Street, the centre of Tyldesley, Hough Lane, the Sale Lane/Mort Lane roundabout, Sale Lane to Ellenbrook, and the park-and-ride accesses at Hart Street and Astley Street. On Newearth Road, where no new measures were proposed, the congestion would probably hold up the buses for two changes of the A580 junction signals, causing a delay of 3 or 4 minutes (ID61, Fig 1). If the bus services were instead run from the A580 junction through a bus-only re-connection into Ellenbrook Road, and on into the ordinary road network, this problem could be avoided. The increased congestion would make life particularly difficult for those local residents who needed to travel the local roads as part of their work. The congestion was likely to be sufficient to cause the tail-backs from one junction to affect the operation of the next, so the modelling of the junctions should have been carried out on a combined basis, not individually.

6.1.3.2 The busway signal-controlled crossings of the existing roads would be particularly likely to add to existing congestion at Holden Road in Leigh and at Hough Lane in Tyldesley. At Hough Lane the combination of the new at-grade crossing with the multiplicity of traffic signals and accesses would create particular problems of safety, intrusion and obstruction of access to adjacent properties including the cemetery. The proposed infilling of the cutting to allow the at-grade crossing of Hough Lane by the busway would create danger for the school children, who used Hough Lane to access the 4 schools on that road, as well as using potentially contaminating fill material. Both the construction and the operation of the scheme would increase noise, pollution and intrusion for the adjacent dwellings, some of the residents of which already had health problems, with buses pulling up at the stop every 3 minutes between 6pm and midnight. It would be better to run the busway at the level of the former railway, under the present Hough Lane bridge, and so reduce traffic congestion and the

construction cost. The proposed adjacent busway bus stop should be put on the west side of Hough Lane, at that lower level and with the park-and-ride next to it for easier access, with the storm water tanks moved or bridged.

6.1.3.3 The QBC scheme as a whole would be likely to reduce the capacity of the A580 East Lancashire Road by devoting inner lane road space to little-used buslanes, and restricting into the remaining lanes the substantial traffic flows, which at present often included a high proportion of HGVs, that would otherwise be able to use the inner lane. The consequently increased congestion and, in some places, the increased width, would add to the dangers of crossing the A580 in vehicles or on foot, or of walking or cycling along or beside it. North-south traffic which had to cross the A580 was also likely to experience increased delays, leading to increased use of residential streets as rat runs. The QBC would also be likely to lead to on-street car parking near its bus stops, with an increase in car-related crime, and neither the parking nor the crime could be adequately controlled due to lack of police resources. Since GMPTE accepted that the busway would not be implemented by itself, these additional dangers from the QBC were relevant to consideration of the busway Order. Consideration should also be given to reducing the speed limit on the A580 further, to 40mph or even 30mph, which would add no more than about 2 minutes to the overall journey time.

6.1.4 Service and Accessibility

6.1.4.1 The guided busway would not follow a route that would provide the best service to the communities between Leigh and Ellenbrook, nor would it go through the disadvantaged areas such as Boothstown; indeed, for much of its length it would run through countryside with neither residents nor bus stops, and in the view of Busway Noway its sole purpose was to transport people from Leigh to Manchester. Pedestrian access from the newer housing estates, with their branched layouts, to the route was poor, and the closing of footpaths to reduce crime could well make this problem worse. An on-road service following the existing bus route, but with higher standards of service, of frequency, of reliability, of buses and of bus-stop facilities such as were proposed for the QBC, would probably deliver many of the claimed benefits but at far lower cost, and would achieve the image of high quality that was necessary in order to increase ridership. It would do this without most of the capital works or the dedicated running and maintenance costs of the busway.

6.1.4.2 There was also no apparent reason why the very real benefits for disabled or encumbered people, such as improved accessibility, that would be offered by the low-floor buses and raised bus stop platforms on the busway, could not also be offered at on-street stops as part of the more general upgrading of these bus stops that GMPTE intended. In any case the proposed provision for wheel chairs, of only 1 space per bus, should be substantially improved upon. Disabled and encumbered people could constitute some 40% of all bus users. These stops would be more accessible to the public than, for instance, the Interchange at Astley Street in Tyldesley, which pedestrians would be able to reach only by way of a steep slope whether they approached it from the north or from the south. The ring-and-ride service could be similarly improved with low bus floors; its door to door service would be better than the service provided by the busway.

6.1.4.3 Such an alternative on-street service would also avoid the risk of reductions and deterioration in the present bus services, both the direct peak-period express Service 34 which ran from Leigh to Ellenbrook along the A572 and then continued eastwards along the A580, and also the more indirect but more accessible service that ran through the intermediate communities such as Boothstown. In fact, the morning peak Service 34 was already being reduced from 8 services to 5, coupled with a doubling of the more indirect Service 26 that served the communities more closely. The decline or loss of such services would be harmful to the communities that they served, and the impact of the QBC on them must be known from the transfer calculations and should have been properly quantified. It might be that local bus operators had not objected to the scheme, but their view was purely commercial; it did not mean that they thought there would be no consequential future reduction in the levels of existing services.

6.1.4.4 The claimed journey times along the QBC from Leigh to Manchester were not particularly fast, and certainly not so in comparison with rail. Even so, their achievability in a reliable manner in

the morning peak was doubtful due, amongst other things, to inadequate capacity at the signal-controlled junctions on the A580. The proposed off-peak timings could probably be achieved without the busway. The claimed evening peak timings were probably not achievable without additional westbound buslane capacity in and near the city centre (ID 61). All of these things cast doubt upon the claimed viability of the QBC scheme, the remaining justification for which seemed to be solely that it would provide an attractive journey time from Leigh to Manchester in the morning peak.

6.1.4.5 There might be more users of the QBC scheme on the more easterly sections, but then their time-savings to Manchester would be correspondingly less. Furthermore, the local population made journeys in a wide variety of directions, both local and further afield, while the QBC would serve only one east-west desire line and would not connect directly into public transport services covering anything like the full range of desired destinations. The reconstruction of a rail link would provide far better connections to a wide range of destinations, but viewing things realistically it would be less likely to happen if the busway were built.

6.1.5 Landscape

6.1.5.1 The scheme would not "recreate and reinforce the wooded nature of the corridor such that the effects of the scheme will be negligible over much of its length", as GMPTE had said in its Statement of Case. The character of the corridor would change long-term and irreversibly, from an informal disused railway line in a small and, in context, highly valuable rural enclave, with a predominant character of natural regenerating vegetation and increasingly interesting wildlife, to a planned linear transport corridor with strong urbanising influences such as concrete guideways, security fencing, bus stops, car parks and lighting, with motor vehicles passing every few minutes. That fundamental change could not be masked by even the best landscaping, and the view of the ES that there would be a substantial adverse effect improving only to moderate adverse in some sections (GMPTE..A12 table, p.306) had been more realistic than the present optimism of GMPTE.

6.1.6 Ecological Impact

6.1.6.1 The busway would have severely adverse effects upon the ecology of the corridor, which was of high value, including as an educational resource, and it was unlikely that the displaced wildlife would be able adequately to survive and replenish it. There was no alternative wildlife corridor nearby, as the surroundings consisted mostly of housing and "improved" agricultural land, and the hedgerows did not connect. The 1998 rules for appraisal in relation to biodiversity had been incorporated in the procedure for multi-modal studies (2000), and there was clear advice that schemes should be rejected where these rules were contravened. The survey work carried out had not gone far enough, and the April timing in the case of GCN had not enabled the size of populations to be established.

6.1.6.2 Busway Noway had commissioned its own ecological survey of the land potentially affected by the busway, in 2001 (ID 56(a)). This had shown that over the last 30 years the proposed route had become colonised by a mosaic of woodland, scrub and coarse grassland. Drainage ditches and ponds further added to the diversity of semi-natural habitats. As habitats in their own right only the wet woodland and swamp habitats were regarded as Key Habitats in the UK Biodiversity Action Plan, but all of the habitats were important locally as they represented a corridor of semi-natural habitat within a largely urban or improved agricultural landscape. Much of the planting was indeed relatively recent, but it had now reached sufficient maturity for there to be some natural decay, leaf litter and fungus, which was beneficial to wildlife, and the overarching of the trees had produced a tunnel which was very attractive to insects and their predators. Most of this would be lost to the busway.

6.1.6.3 More important than the habitats on the busway route themselves were the range of internationally and nationally important species which these habitats supported; the presence of these species also added to the ecological importance of the vegetation upon which they relied. These species included Great Crested Newt (GCN), which roamed and hibernated some 500m - 1km from their breeding places; water voles, which needed not only their ponds but also a network of ditches along which to move; bats, which had not been reported to roost actually on the route but certainly

hunted there; and an impressive list of bird species, several of which did nest on the route, though the survey information had not identified adequately the breeding locations. Invertebrate and plant species had not been monitored, but no particularly uncommon species had been observed.

6.1.6.4 The implication of Table 3.5.1 in the ES (GMPTE.A12, p.55), with additions from the Regini table upon which it appeared to be based (GMPTE.A14, Part 3, p.6, Table 2.1) was that sites supporting internationally or nationally important species should be regarded as being correspondingly of international or national value. The ES had tended to pay inadequate attention to important species; for instance, in GMPTE.A14, Part 3, p.17 it described the area as being of low local value despite its having been shown to contain 2 nationally scarce species of invertebrates. Although the precise ecological impact of the proposed development was not clear, so that further survey work would be needed in order to assess the impact fully, the following impacts were clear:

Loss of woodland and scrub, at least some of which would be used for shelter and hibernation by the GCN and all of which provided habitat for foraging bats in the summer and for breeding, feeding and roosting birds. Breeding birds whose habitat would be affected would include Song Thrush, Treecreeper, Nuthatch, Willow Tit, Willow Warbler, Chiffchaff, Blackcap, Whitethroat, Lesser Whitethroat, Garden Warbler, Bullfinch, Linnet, Lesser and Greater Spotted Woodpeckers, Tawny Owl, Woodcock and Sparrowhawk. Some of these would find the habitats directly along the corridor ideal for nesting, and probably nested there as well as in the adjacent woodland; the adjacent housing and "improved" pasture were much less useful to them. Affected feeding and roosting birds in autumn and winter could include Redwing and Fieldfare. The parts of the route which had the character of a woodland tunnel, much of which would be cut back, were particularly attractive for foraging bats. It also seemed that the water vole burrows from Pond W15 under the adjacent track would be lost.

Loss of rough grassland, which provided feeding habitat for GCN and invertebrate prey for bats.

Probable loss of pond, ditch and swamp habitat, used by breeding populations of GCN and water vole, and also providing invertebrate prey for bats.

Destruction of the site as an open-space resource supporting semi-natural habitats where the local community could experience wildlife and enjoy tranquillity away from the towns and housing estates. This was a rare facility in this area.

Increased disturbance to any wildlife in the surviving remnants of semi-natural habitat.

Creation of a barrier, with obstacles and a lack of cover, effectively preventing movement of GCN and water vole between semi-natural habitats and waterways to the north and south of the track. GCN typically lived in "meta-populations", inhabiting a group of ponds and needing free interchange between them, as well as the ability to range over land to a radius of 500m or more during their terrestrial phase. A barrier would lead to fragmentation and isolation of the populations, which would increase the risk of local extinction. This problem would be particularly acute beside Cooling Lane, with its proposed busway link to Higher Folds, which was close to GCN hibernating-places. Ironically this was probably the most outstanding part of the route for GCN and water vole.

6.1.6.5 The additional survey and other information that was still needed in order to enable a full appraisal of the ecological impact of the scheme to be made was as follows.

The area should be mapped in detail to overlay the proposal onto the scheme and show which features would be lost.

There should be a survey of GCN, water vole, bat and bird populations, showing areas used for breeding, feeding, roosting and hibernation, and any relevant links to other populations.

There should be a survey to determine presence of notable invertebrate and plant species.

There should be a detailed account of mitigation measures, including full compensation for all important areas of habitat used by notable species, the methods to be used in any translocation, the

methods for minimisation of disturbance to wildlife and the public during construction and operation, and the methods to be used to overcome fragmentation of habitats and restriction to free movement of species. This mitigation could not be designed without a proper understanding of populations

Under the regulations, all of this information should have been obtained already, and made available to the public, so that objectors would have been properly enabled to comment upon it as part of the inquiry process.

6.1.6.6 The formal assessment of the nature conservation impact of the scheme in the GMPTE documents had been incorrect in its application of the required criteria. These documents had reported the presence of protected species and associated habitat, but had played down their importance on the grounds that there were no sites of more than local designation. The SBI site was there described as being of lower conservation value, so that although the impact of the scheme upon it was "major negative", possibly disrupting the site, the overall impact was rated as only "slight adverse" (GMPTE.A43, para 7.13). This was a fundamental misreading of the guidance in the Government's "Guidance on the Methodology for Multi-Modal Studies" (GOMMMS) (Volume 2, March 2000, pp82 - 90), which said that such a provisional categorisation based upon statutory or local designations was a broad guide which could only be used as a starting point for determining biodiversity and earth heritage value; a site which was non-designated could nevertheless have a very high value, since the SSSI series was representative rather than all-inclusive.

6.1.6.7 A site occupied by a European protected species such as GCN might be defined as being of "International designation" under Table 4.13 of GOMMMS, giving it a status of "very high" nature conservation value (Table 4.10). Under Table 4.14 a "major negative" impact upon such a site would result in an assessment of "very serious adverse" impact, and under Note A of Table 4.14 this would make it unacceptable upon nature conservation grounds alone, even with compensation proposals. The sections of the scheme which affected populations of GCN, at least, should therefore be rejected on these grounds quite apart from any others.

6.1.6.8 The information contained in the surveys by Hyder Consulting and reported in the ES (GMPTE.A12, A13 & A14) showed that the route comfortably qualified for SSSI status for its amphibian assemblage of 5 out of the 6 British species, even though this status had not been formally awarded. Further survey was required to establish which birds bred on the site, but Hyder had acknowledged that 5 species protected under Schedule 1 of the Wildlife and Countryside Act and 7 UK "Priority" Biodiversity Action Plan species had been recorded along it.

6.1.6.9 By considering the bird species listed by Hyder and by the Leigh Ornithological Society which had a high likelihood of breeding on the site, and by adding up their scores as given in the SSSI qualification lists produced by NCC (1989), it had been demonstrated that the site only just fell short of SSSI status for both scrub and woodland habitats. ID 59 Appendix 1 also listed birds seen on the eastern part of the busway, the great majority of which also nested on it. It was accepted that SSSI designation, as such, would not increase the level of protection afforded to the protected species along the corridor, but the high scores on SSSI criteria supported the conclusion that the site was of moderate national importance, and of high regional importance, for birds.

6.1.6.10 SSSIs were not routinely notified for water vole, but Hyder had shown that the proposed route included a particularly dense population of them. This was an extremely valuable attribute to the site, and justified considering it to be of high national importance for water vole. Any loss of the connectivity of their network of ditches, as envisaged in the ES, would have adverse effects, though if the scheme maintained both this and the quality of the vegetation fringing the ditches there would be less of a problem. There was a discrepancy between the statement in the ES that the protected water vole burrows at Pond W15 would be destroyed and the present view of GMPTE that they would not; the intended works in their vicinity should be precisely specified so as to settle the matter. The presence of such a good water vole population considerably enhanced the site's claim for SSSI status. Where an SSSI was notified, there was a general understanding that every part of it was of national importance, and not that it comprised many locally important sites which together formed a nationally important whole. Loss of any part could undermine the remainder, since the different parts were

likely to provide different but interlocking facilities meeting the various needs of the species populations that the SSSI supported, for such separate activities as breeding, feeding and hibernation.

6.1.6.11 As had been noted, Hyder had confirmed the presence of internationally protected GCN and bat species, which meant that the site had some international value, though the appropriateness of carrying out GCN surveys so early in the year was questionable. The populations did not appear to be exceptional in a European context, but the population of GCN in Pond W15 was now estimated by GMPTE at about 100 individuals and would therefore just meet the SSSI definition of an "exceptional" population in British terms. This, together with the largely unknown, but confirmed, use by bats meant that the site should be regarded as having moderate international importance. While the bats probably lived in the nearby houses, at some times of the year they might well roost or hibernate under bridges on the route. The site correspondingly had national value for water vole, the amphibian assemblage and the birds noted (ID 55(i), 55(r)). Had the site been anywhere else in the country, where amphibians were generally less prolific, it would probably have been notified as an SSSI for its amphibian assemblage alone. In terms of planning policy it should be treated as an SSSI, and as a UDP wildlife corridor even though the UDP had not so designated it.

6.1.6.12 Although Hyder, in its summary, had suggested that "low impacts" were anticipated on the ecology and nature conservation interests, in its original 1998 survey report it had stated that the busway would be a real threat to these habitats, and that the corridor would be made into a real barrier to amphibians, contributing to isolation, fragmentation and weakening of populations of amphibians and other forms of wildlife. Hyder had suggested some measures for mitigation but had acknowledged, in 1998, that it would be difficult to compensate for this loss of habitat. The 2002 ES took a rather less critical view, but there had been no significant change in the ecology to justify such a revised opinion; the 1998 report had been an honest attempt to portray the situation, whereas the ES appeared to be a re-write to justify the scheme.

6.1.6.13 It was now argued by GMPTE that the provision of toad tunnels would prevent this barrier effect, but the frequency of these would need to be clearly specified; they would be useless if they were too sparse and difficult to find. Also, there was no research into their effectiveness. If they were effective, to give the present freedom of movement they would need to be nowhere more than 1 metre apart. Not all movement by newts was at night, and the busway would expose daytime movements to heat and predation. Even at night the newts would be very exposed to predators, where at present there was plenty of cover from stones, tree roots and the like, and they would be channelled into narrow corridors. The small escape slots would be of doubtful effectiveness, in the context of the frequency of the bus services. Newt fences could be useful, over limited lengths, during the construction period but if they separated the newts from their habitat the newts would die. Similarly, the water vole population could be badly affected by the disturbance and separation during the construction period.

6.1.6.14 The proposed measures for mitigation had been described by GMPTE in principle, with the details left to be settled by DEFRA. However, a full and acceptable solution to the problems of protected species should have been presented at this stage, and the public should have been enabled to comment upon it. Reliance should not have been placed upon the DEFRA licensing system, even though representations could be made to DEFRA at the stage of licensing. It was true that, in setting the terms for its licence, DEFRA could ask for more information, or changes to the scheme, and could withhold the licence if these were not satisfactory, but nevertheless it could be influenced by the knowledge that planning permission had been granted even though there was no compulsion upon it to accept such influence.

6.1.6.15 The use of the corridor by buses, equestrians, cyclists and walkers would all create disturbance, and the vibration created by construction and by buses could lead to collapse of the water vole burrows. In the ES Hyder had explained that habitat re-creation and restoration after disturbance were of uncertain reliability, highly unpredictable and a huge risk. Given the outstanding national value of the site for nature conservation, and the additional international interest, such risks could not be considered acceptable. At such a site general policy, such as in PPG 9, considered that mitigation

was a last resort and that the site should be left undisturbed unless the development were in the overwhelming public interest. If that criterion were met it was still the case that, when all mitigation had been taken into account, the scheme must enable the populations of protected species to be undiminished and preferably to be enhanced. The design and mitigation now submitted by GMPTE would not achieve this. On these grounds also the proposed guided busway should be refused.

6.1.7 Green Belt

6.1.7.1 Part of the site lay within the Green Belt and part did not, but to avoid artificial distinctions the whole of the site should be treated as Green Belt. The ES had been ambivalent as to whether the scheme would or would not be "inappropriate development" in the terms of PPG2, but had said that it should be assumed that some parts of it would be so, but that these would nevertheless not conflict with the spirit and aims of the Green Belt and there were very special reasons in their favour. However, it needed to be shown in that case that the gain to these other considerations was greater or more important than the loss to the Green Belt, and could not be achieved in some less harmful way. No such evaluation had been presented by GMPTE, nor were these criteria met. Any "inappropriate" development in the Green Belt would, by para 3.2 of PPG2, be considered to be harmful to it, and any such harm, of whatever degree, would be given substantial weight by the Secretary of State. When considering whether any such harm would be outweighed by benefit, the comparative harm/benefit balances of the suggested alternatives should also be looked at. The busway's time-saving of 2 minutes in the Tyldesley area, compared with the suggested on-road alternative with minor highway improvements, would provide no significant benefit to counterbalance the harm.

6.1.7.2 In relation to PPG3, in which a definition was given of "brownfield" land in relation to housing, this site was mostly not that but clearly "greenfield"; there was little sign of previous development or permanent structures, and the embankments were now a local feature, unobtrusive, and covered in trees and wildlife. In any case, even derelict land could fulfil a Green Belt function.

6.1.7.3 The guided busway was not the best way to serve the area, an alternative transport strategy (such as would be described) would achieve the desired regeneration better and more cheaply, and access to the Green Belt along the railway corridor could be achieved without the cost of the busway or the damage to the rural environment that it would cause. The UDP policy protecting the corridor for future railway use was not a "value" or "gain" in itself; its value depended upon what it was needed for, and Busway Noway considered that the corridor would now meet the public need better as a traffic-free informal recreation corridor accessing a limited and precious rural area than as a public transport route between Leigh and Manchester.

6.1.7.4 Procedurally, it was right that the existence of the UDP policy allocating much of the corridor for rail re-use should now be taken into account in assessing the impact of the busway scheme. It was also true that the impact of the rail redevelopment was considered to be acceptable in terms of this statutory planning policy. Nevertheless, the corridor had perhaps now become more valuable for uses other than as a transport corridor, and the question that should now be considered first was whether the transport corridor would destroy the recreational corridor. Following this should be the questions of whether, in the light of that, the transport route should be built at all and whether the recreational route could be kept. Busway Noway recognised the UDP allocation, but it was not proposing the implementation of the renewed rail line as an alternative to the busway - indeed, it would oppose it.

6.1.8 Investigation of Alternatives

6.1.8.1 It was a requirement of the present process that GMPTE should show that it had considered an adequate range of alternatives; objectors could submit others, to show that it had not done so. The range of alternatives put forward by GMPTE was limited, and in a town which was one of the largest in the country not to be served by a rail connection it was remarkable that the rail alternatives had not been given more positive consideration. The removal of the rail service in the 1960s had been a poor decision, which might well have had more to do with a desire to avoid the cost of building a bridge at the crossing of the existing railway and the new M6 than with the actual economics of the rail service. The cost estimates put forward by GMPTE for a basic branch line scheme that would have connected

Leigh with Kenyon Junction had gone up from £4 million to £9 million estimated by Mott MacDonald in 1999 (GMPTE.A32) to £30 million to £70 million in GMPTE's present evidence (*Inspector's Note: actually £30m - £50m - see para. 4.4.5.6*), which seemed unrealistically inflationary over a mere 3 years and gave little grounds for confidence in these estimates as a basis for discussion. It was also noticeable that estimates for the busway scheme were now increasing.

6.1.8.2 Busway Noway had itself put forward a two-phase rail-based alternative scheme. The first phase would connect from Kenyon Junction to a new station in Leigh by the Twist Lane roundabout, on what was presently the golf course, close to the main shopping centre and closer to the increasingly important and expanding new retail developments. The distance of 800m from the station to the main shopping centre was no greater than the catchment limit assumed for the busway bus stops, the climb over the canal bridge was no worse than the climb to Tyldesley town centre, and the initial dead-end problem could be overcome. A second phase would then connect from there to Wigan, partly by way of the largely still extant Bickershaw Colliery line. Such a scheme would cost more than the busway, but it would connect Leigh far better and more comprehensively than the busway, it would relieve the pressure on the over-subscribed rail services from Atherton, and it would also correct the presently poor availability of public transport in the very badly deprived area of Platt Bridge. It would admittedly run partly through Green Belt and a wildlife corridor, and would affect the protected Kingfishers there, but it would be far less damaging in these respects than the busway scheme.

6.1.8.3 The Busway Noway scheme was one which GMPTE had not considered as part of its comparison process, and it was one which the support from the local community had shown that they preferred. It was now being put forward by Busway Noway not as a fully-detailed preferred alternative as such, but in order to show that the selection process which had failed to generate such a scheme for consideration must have been inadequate. The Six Associations (Obj 456) had put forward a cheaper version of the Kenyon Junction to Leigh option, using an existing railway bridge under the A580, which also was worthy of analysis, but this had not been considered by GMPTE either.

6.1.8.4 Even if the economic comparisons for rail-based schemes had not used exaggerated costings, for each of these 2 alternatives the test of economic performance was only one of 5 equally important and simultaneous criteria in the new appraisal method; others included safety and impact. A weak economic performance could be outweighed by a strong environmental one. The NATA/GOMMMS method required the initial assessment to include as wide a range of options as possible, testing each as appropriate and then narrowing down - not the choice of a preferred option, and the carrying out of a less-detailed study of alternatives to justify rejecting them. The consideration of alternatives should be reviewed before any decision was made on this scheme, to give proper justification for any finally-preferred option. There should also be a detailed assessment of biodiversity.

6.1.8.5 As regards comparisons, Busway Noway had already said that the most reasonable low-cost alternative with which the present scheme should have been compared - but had not been - was a fully-specified QBC service using the existing roads, but subject to the bus priority measures of LCA 1 and to localised road improvements elsewhere. This would run closer to the homes of the potential users than the busway, and so be more accessible. LCA 1 had been specified with none of the QBC elements of added quality, even though such elements were becoming increasingly common in bus priority schemes nationally, so although it would be accessible it was hardly surprising that it was not thought likely to attract a major increase in custom. The addition of quality elements to the on-road services west of Newearth Road would improve the benefits and attractiveness of the service incrementally, whether or not bus priority measures were carried out there as well in order to cut journey times. Increased frequencies on the QBC would not in themselves increase attraction and benefit by reducing waiting time; regular bus-users would know when a bus was due, and time their journey accordingly, provided that bus services kept to the time table.

6.1.8.6 A further alternative lower-cost strategy for an east-west high quality bus route might be to construct a short length of bus-only lane (but not necessarily a guided busway, with its special needs and costs) from Higher Folds to Tyldesley, and to run two QBC services from Leigh to Manchester,

one of which ran through Higher Folds and Tyldesley to the A580, and the other of which ran on the present route of the Service 34, perhaps subject to minor modifications. Such a scheme would offer most of the advantages of the QBC in terms of service quality, reliability, frequency, ease of access, information and fare structures, without most of the proposed dedicated infrastructure, maintenance and renewal costs, emergency provisions, environmental damage and knock-on effects on other services. However, it should still form only a part of a wider and better co-ordinated local public transport strategy.

6.1.8.7 Although appropriate bus-based schemes could usefully be adopted, Busway Noway considered that the basic problem was that the local transport strategy was misconceived. The present scheme would simply add a bus service running parallel with existing well-used rail services, which were themselves capable of growth without damaging the capacity of the A580. It was not integrated, in that it would encourage car use, through the park-and-ride sites, without encouraging alternatives such as walking, cycling or rail travel. The starting point for a proper integrated local transport strategy should be that Leigh itself should be served by a new rail connection, offering higher-speed connections from the main town in several directions, including onward connections by way of the main rail network. In relation to these onward connections, it should be noted that the 2001 Greater Manchester Strategic Rail Study had suggested feasibility studies of Tram-Train running on the Manchester-Wigan line through Atherton, and had said that this option provided the greatest benefits in terms both of development benefits and ridership.

6.1.8.8 This new rail connection should be supplemented by co-ordinated bus services, including local feeder mini bus services to the existing local rail stations and some additional ones in appropriate locations. These should be keyed in to the train arrival and departure times, and they should wait for train arrivals if necessary as was being done at Clitheroe and Carnforth (ID 61). Allied to this policy for Leigh should be the provision of a network of good connections from the other communities both to central Manchester and to Leigh, the latter for both local social and economic purposes and to spread the benefit of this new rail connection. In addition, there was great scope for encouraging walking and cycling rather than mechanised travel. The busway would provide only a part of the benefits of such a strategy, and at relatively high cost; it was neither the only public transport solution for the area nor the best, even if no rail link were to be provided.

6.1.9 Recreation

6.1.9.1 The present path along the proposed busway corridor was a highly valued and well used public recreational resource, both in itself and in relation to its connections, and it attracted users from a wide area. It promoted walking rather than road use, an attractive urban environment, and health and well-being - all of which were Government objectives. It was usable, and used, by cyclists - mostly on mountain bikes, but a few on racing bikes as well - and by disabled and blind people, and by children walking to school, at least in parts. It was also used, when there were no motorcycles on it, by equestrians on the section west of Astley Street, and this shared use caused no problems; one could just stand aside to let the horses pass. At the western end there was substantial weekend use by large numbers of runners. The survey of use produced recently by GMPTE had actually under-estimated the number of users, through being carried out after the start of the school holidays, during a local holiday week, and when many local people had been away at the Commonwealth Games. The survey had also been erratic, in that it had appeared to include people who had been in the vicinity but not actually passing the surveyors on the path, and some surveyors had been up to 100m from the path.

6.1.9.2 In the 1980s the route had been the subject of a large-scale tree-planting operation, following the removal of the railway structures and the reduction of some of the embankments. This planting was now coming to maturity, and nature had come back, not only on the route itself but also on the former colliery land nearby to which the route gave access. The busway scheme would cause the loss of many of these trees, and however good a new planting scheme might be, it would take many more years to reach the same state. The presently informal and rural character of the path, with its abundant wildlife, was unusual in this area, and it was well illustrated in the photographs submitted by both

GMPTE and many of the objectors. Opinions differed as to the adequacy of present maintenance, but Wigan Council already had a responsibility for carrying this out properly, without having to wait for funding from the busway. Some felt that the walkway was effectively being maintained only by the walkers, but that more intensive maintenance would spoil its character.

6.1.9.3 The proposed new recreation route would be much more engineered in its general character and although the path itself would be wider the overall width of the strip of land on which people could walk would be reduced. Even when the landscaping had matured, the route would be far less unusual and attractive than it was now. The restriction of the width would create difficulties by forcing all of the different kinds of users to use only the path itself, with no room to step off out of the way of such things as horses or the probably continuing illicit motorcycles, and the entire route would suffer from the wholly new impact of the passing bus traffic. The whole form and recreational quality of the route would change, and the ecological quality, which was essential to the public enjoyment, would be destroyed.

6.1.9.4 Moves had been afoot, before the abolition of the Greater Manchester Council, to add this recreation route between Leigh and Ellenbrook to the Definitive Map and to give it a bridleway status from end to end. Notices apparently giving it this status had been erected along the route - and later removed. If the present scheme were to proceed, it would be much improved if the proposed equestrian provision could be extended along the full length to Ellenbrook. To protect the recreational quality of the corridor, the planning permission should require that if the busway were to fail the route should be restored to its present state rather than become a road.

6.1.9.5 The scheme involved a substantial reorganisation of the lesser rights of way in the corridor, and was stated to replace like with like. However, it had been acknowledged that the statutory designations of the existing paths did not necessarily reflect their actual use, and many of the supposed footpaths were in fact also used by cyclists - and had been so for long enough for that use to have become an established right. The fact that a right was not shown on the Definitive Map did not invalidate that right, nor did it mean that such a use was necessarily a permissive one and therefore incapable of establishing a right. Such rights should now be recognised and provided for by GMPTE, but this could only be done effectively if the rights on the continuation of the paths outside the corridor were similarly recognised by the responsible authority; it was understood that work was now in progress on a number of submissions for Definitive Map Modification Orders.

6.1.9.6 An additional complication in respect of the recording of rights of way, however, was that the redesignation of a footpath as a cycletrack would require it, under the Cycle Tracks Act 1984, to be removed from the Definitive Map, so that there would no longer be a conclusive record that there was also a pedestrian right of way along it; cycletracks did not necessarily have pedestrian rights as well. It was noted that GMPTE was willing, in principle, to accept an upgrading to include cyclist rights on appropriate routes within the corridor, though only in relation to routes which crossed the corridor rather than ran along it. The tracks in question included cart road crossings near Clough House Farm and at Lilford Park, at Millers Lane, at Cooling Lane and possibly 2 more cart roads between Tyldesley and Gin Pit. A Section 106 Agreement, by GMPTE, might be appropriate in relation to work on such paths outside the corridor.

6.1.9.7 Apart from the value of the present corridor as a route along which to walk, cycle or ride, it was also an attractive and safe place for children to play and build dens, for dogs to run and for cats to hunt. In addition the trees and the wildlife provided a most attractive backdrop for the houses close to it. The busway would detract seriously from all of these qualities, whereas national planning policy was that local authorities should protect and enhance such recreational rights of way, and should seek to provide better facilities for walkers, cyclists and equestrians. The loss of the informal open spaces at Astley Street and Manchester Road was also undesirable, in terms of national planning policy, which required that the loss of parks, recreation grounds, playing fields and allotments and other open space should be weighed against such benefits as its development might bring.

6.1.10 Safety and Pedestrian, Road, Farm and Animal Crossings

6.1.10.1 The lack of objection on safety grounds from the two Councils, as Highway Authorities, did not seem very significant as the busway would not be a highway; it probably came under the Health and Safety Executive. Busway Noway considered that the busway proposals did present risks, to both the users of the busway and the users of the proposed adjacent recreation route.

6.1.10.2 So far as users of the busway were concerned, it would be much more difficult, and would be likely to take much longer, to deal with an accident or a breakdown on the busway itself than would be the case on an ordinary road, since it would be difficult to remove a total blockage produced by a broken-down bus or by vandalism or fallen branches. It would not be easy for another vehicle to approach the scene and it seemed doubtful whether a specialised recovery vehicle would be kept within easy reach. If the guidance mechanism failed, as appeared to have happened at the now closed busway at Nancy, or if the guidance was overridden by some action of the driver as seemed to have happened at Leeds, or if the bus were derailed by an obstacle or track damage, there would be a substantial risk to both the passengers and the users of the recreation route alongside. The discontinuity of the guidance kerbs at crossing points presented a substantial risk of driver error as the bus entered and left the guided mode, and the consequences of a "derailment" resulting from this or from a malfunction elsewhere, at the expected bus speeds, could be catastrophic.

6.1.10.3 The proposed busway corridor would be fully accessible to children, who presently played safely and unsupervised along the corridor and in the land and quiet residential roads on either side. Several of the pedestrian crossings of the busway would be in isolated locations, and children would be likely to cross there unaccompanied, as well as crossing the busway in between the authorised crossings if they felt like it. Bus drivers would not expect to see children on the track, their vision could be restricted by foliage, and they would be travelling relatively quietly and at a speed which children would find difficult to assess, and unlike the situation on even a minor country road the children might well not be expecting to encounter a bus. Young children could be unable to read a warning sign. If the foliage were to be of limited height, or were to be cut back, to give a visibility of 120m in each direction from the probable eye positions as had been claimed by GMPTE (ID 33), this would increase the visual intrusion created by the busway. Both the crossings and the busway itself would result in danger for children, and no details had been given of how this problem would be addressed at each such location.

6.1.10.4 Higher Folds presently had the quiet and self-contained character of a village, with its own schools, shops, church and other facilities, and safe play areas. This character was valued by local people, but the increased bus traffic, and possibly cars coming to park to use the bus service, would introduce danger. The present bus services to Higher Folds were considered by the local people to be quite sufficient, with a service every 10 minutes into Leigh and every 30 minutes to Leigh and Wigan, and their frequency could be increased if an improvement were really necessary.

6.1.10.5 In relation to the danger to equestrians, the relatively fast and quiet approach of the buses would be likely to alarm horses on the parallel recreation route where this included an equestrian facility. While most riders were competent, horses were nervous by nature, and the experience of the approach by a bus would be quite different both from the present peaceful woodland ride and the situation on a country lane, where traffic generally passed horses slowly and cautiously. Furthermore, because of the extensive nature of the local bridleway network, many of the local horses had never needed to become accustomed to road traffic at all. The prospect of an emergency vehicle approaching an equestrian along the recreation route was also very alarming, since this would be likely to be without warning, and noisy, and the fencing of the route would mean that there would be nowhere for the horse and rider to escape to. Farm tractors and motorcycles could present similar problems.

6.1.10.6 The facilities for equestrian crossings of the busway still gave cause for some concern, because even if they were well-designed, and equipped with horse-stiles on each side (ID 29) it would probably take up to about a minute for a single horse fully to negotiate the crossing. It was also

essential that there should be sufficient inter-visibility between the bus and the rider, who could be as much as 6m or 8m from the track.

6.1.10.7 Horses were herd animals, tending to follow each other, and as riding was often carried out with strings of horses it would be unsafe to require them to cross the busway by a means which did not give them priority over the buses, such as a Pegasus crossing. Consequently the proposed crossings should have signal controls for both pedestrians and equestrians, giving them priority over the buses, and these should give sufficient time for crossing both by individual equestrians - which current signals in the area generally did not - and by groups. The double crossing at the northern end of the spur busway to Higher Folds was a point of particular concern as a bus could appear there suddenly, from around the corner. Recent advice from the British Horse Society (ID 55(o)) should be followed in designing equestrian provision.

6.1.10.8 As regards the safety of animals, GMPTE had now given some details of the proposed toad tunnels and the escape slots for small animals. These were untried, and unless it was certain that they would be effective it would be unsafe to rely upon them to provide mitigation of the dangers that animals would face in crossing the busway or, in the case of small animals, from falling into it. Furthermore, GMPTE had not committed itself to saying with what frequency these facilities would be provided and in what locations. Without such a commitment it was not possible to say whether, even if they were effective in themselves, the provision of them would be sufficient to avoid fragmentation of populations or the trapping of the animals that they were intended to protect. There was an additional risk for birds of prey, in that the proposed grass planting of the strip between the track beams could attract small animals which in turn would attract these birds, which would then be at risk of being struck by buses.

6.1.11 Noise, Vibration, Air Pollution &c.

6.1.11.1 The scheme would introduce increased air pollution into the route that it followed, especially in those areas that were presently free from traffic, to the detriment of users and nearby residents and introducing more serious risks for sensitive people such as asthmatics - at Sale Lane, for instance. Apart from quantitative measurements, present levels of pollution could be judged by the presence or absence of sensitive life-forms. One of these was the Rhytisma acerinium, a fungus which formed black "tar" spots on sycamore leaves and was sensitive to concentrations of SO_2. It was very noticeable that such spots could be seen in the relatively clean air conditions along the country parts of the busway route, but were almost entirely absent in the urban conditions along Newearth Road. Busway Noway did not have a technical expert witness to challenge the GMPTE technical evidence regarding the effect of the scheme on properties and their environment, and agreed that the two Councils with environmental health responsibilities for the area had not raised concerns on this subject, but it considered that the GMPTE evidence on this matter should be looked at critically.

6.1.12 Construction and Contamination

6.1.12.1 The possibility of contamination from the construction process was worrying to the local people, since there was no detailed mitigation package that set out exactly how the acknowledged contaminated land would be dealt with. Furthermore, the extent of contamination had not been fully surveyed, for instance in the scrapyard at Hart Street where two instances of contamination beyond the permitted limits had been identified (ID 20). This should have been included in the ES. There should in law be a register of contaminated land, kept by the local authority, from which the public could discover the location and degree of any contamination - but although Busway Noway had asked for a copy, none had been provided. It was understood to be a continually-updated computer database, and not to have been put in the public domain. Wigan had now advised that no part of the site appeared on the register, but it was unclear whether this was because the land was not considered to be contaminated or whether it had not been investigated for possible registration. It was also unclear whether the authority responsible for overseeing any remediation was Wigan, as it would be if the contamination was slight, or the Environment Agency as it would be if the contamination was more severe. Since the land had now been acknowledged to be contaminated it should have been registered and investigated, and the relevant authority should have been clearly identified at this stage.

6.1.12.2 There was also no detailed information on how the lorries carrying the estimated 55,400 tons of contaminated material, or some 3,955 lorry loads, would be prevented from spreading it throughout the areas of housing, containing several thousand houses, and of farmland, within some 200m to 400m of the busway route, and along the public roads over which they would need to pass. Similarly, although this material would need to go to licensed tips there was no indication of where these would be or how the lorries would get there. There appeared to be an intention to recycle some contaminated material on site, and this again should be properly described; residents needed to know about potentially contaminating material, however much it might be diluted, so that they would be in a position to comment upon it and have their comments taken into account. The problem was not only one of the actual levels of contamination, but of the perception of this by the public. The regulations might be effective in preventing contamination if they were properly complied with, but this did not often happen; the residents needed more specific reassurance than the ES provided.

6.1.12.3 The measures to protect site workers were set out in Appendix L of the ES, but not those to assess the danger to the public and to protect them from it - and Schedule 4 to the EIA Regulations required that they should have been. This information should not have to be found by trawling through other documents, if indeed this were possible, and the local people had been rendered unable to assess the problem, or to challenge GMPTE on its proposals. Consequently the ES failed in this respect to comply with the EIA Regulations.

6.1.12.4 Another problem with the construction was that during its estimated two year duration the adjacent residents would be likely to be exposed to unacceptable levels of dust, noise and vibration, quite apart from the risk of being exposed to contaminated material. They would have no legal entitlement to compensation for this, and people with asthma and similar health problems could be put at risk. The residents at New Manchester would actually be cut off, for two days, by the closure of their cul-de-sac road for the erection of the proposed new busway bridge. Even if the closures were limited to night time, this would be inconvenient for shift workers or anybody else who might wish to be out late.

6.1.13 Town Centres and the Local Economy

6.1.13.1 GMPTE had not demonstrated how the busway would stimulate inward investment in the area, nor would it offer any better access to jobs elsewhere than the existing bus services. Conversely, it did appear that the busway was likely to have a devastating effect upon the economic viability of the town centres of Leigh and Tyldesley. Part of its claimed viability must arise from its use by shoppers, since there would not be enough commuters to support it, and these would be people choosing to use it to shop in Manchester City Centre instead of locally. Tyldesley was well provided with shops and other facilities at present, serving areas that would be within the busway catchment, and if these facilities were to lose trade to central Manchester many of them would no longer be viable. There was a risk of detriment, especially to the many local small traders, leading to a spiralling decline of the existing centres. It was accepted that no local trader, responding as such, or local trade organisation had objected to the Order, and that neither had the two Councils, but some business people had expressed their concern to Busway Noway personally and some shops had supported Busway Noway by providing space for its fund collection boxes.

6.1.14 Park-and-Ride

6.1.14.1 The park-and-ride facilities would be likely to attract drivers, thereby adding to local traffic levels, but nevertheless they seemed too small to have any significant impact on general traffic levels, even if their general effect had been to reduce them. If drivers accustomed to use these facilities found them to be full, they would then park in the adjacent streets, to the detriment of residents. Furthermore, research into the effectiveness of park-and ride schemes in attracting travellers onto public transport and away from the use of the private car had shown that in fact they tended not to reduce car dependence but, if anything, to increase it and to increase traffic - for example, by leading travellers to drive to a bus stop rather than walking to it (Papers by Dr Graham Parkhurst, ID 55(m) and 55(n)). The more recent paper by Dr Parkhurst, submitted by GMPTE (ID 47(iv)), seemed to show a U-turn in his views. Substantial numbers of residents at the public meetings had been against

both on-street parking and park-and-ride. The proper way to prevent unacceptable on-street parking in residential areas was to enforce against it, not to use up more land by providing park-and-ride sites.

6.1.14.2 It had also been claimed by GMPTE that potential users would be attracted to use the park-and-ride facility by the argument that the saving in petrol costs would be greater than the cost of using the park-and-ride - but this had not taken into account the probability that such people would mostly be travelling in the peak period, when fares were likely to be enhanced to an extent which would wipe out this advantage. Furthermore, while GMPTE had accepted that there could be some seasonal overflow of park-and-ride parking onto the nearby streets, this disbenefit to the residents had not been allowed for in the cost/benefit calculations. Providing "kiss-and-ride" facilities might be better - the journey could be combined with the school run/driver's work journey, and there would be no need for space for parking nor pollution from cold starts. Ring-and-ride was another preferable alternative. The only genuine beneficiaries from park-and-ride would be disabled drivers.

6.1.15 Consultation and Public Support

6.1.15.1 Busway Noway accepted that the GMPTE was pursuing the policies of the GMPTA, and that this was made up of the 10 relevant local authorities. These were democratically elected, though they were controlled mainly by one party, and their representatives on the GMPTA were not elected directly to it by the public. Many of the local Councillors in the Ellenbrook and Worsley areas were in fact concerned about the scheme. Busway Noway did not consider that the effect of this arrangement amounted to the proper representation of local people, and the number of objections showed that the wider electorate was not happy that its views were being represented.

6.1.15.2 The public consultation exercises carried out by GMPTE had no doubt been well meant, and in some respects - the public meetings, and the attempts to involve the public - they had been quite good. However, in some other respects, especially the surveys, they had been a total disaster. The early Harris survey had dealt with general principles, not with a specific scheme in a specific location with identifiable effects on identifiable nearby residents. It had also been taken over a very diverse area, some parts of which were 6km from the route now proposed. Much of the initial consultative material had been sent to the wrong addresses. No person whose house backed onto the actual route, or would be directly affected by the proposals, seemed to have been surveyed, and the nature of the survey seemed to have been designed to get the answers that GMPTE wanted. Many local people had been unaware of the scheme until quite recently.

6.1.15.3 Although GMPTE had organised public meetings on the scheme there had been none at Ellenbrook, where it had been left to local groups to organise one and invite GMPTE to make a presentation. No GMPTE meetings had been held at Higher Folds, or in the areas to the east of Newearth Road that would be affected by the on-road bus priority measures. The series of public presentations given by GMPTE when the scheme had been designed in more detail had dealt more with those details than with the basic or technical questions. GMPTE had indeed held meetings with public interest and specialised interest groups, but it seemed not to have accepted the generally opposed views of those who had attended these meetings. Both GMPTE and the local authorities had been invited by Busway Noway to a meeting in January 2002, but they had refused to attend.

6.1.15.4 In contrast, Busway Noway had conducted a series of public meetings, at which 99% of the people present had opposed the busway. An open comments book had been provided at these meetings (ID55(f)), in which only 3 of the 66 comments had been favourable. The Leigh Journal, a well-read local paper, had published stories both for and against the busway and had then conducted a write-in poll using a box-tick form in the paper, and its report of the result (ID55(h)) had shown 160 respondents in favour and 3080 against. This cast doubt upon the accuracy of the view of the general public which was put forward by GMPTE on the basis of its poll. There was little public support for the busway scheme amongst those communities that would be most affected by it, and those further afield might change their minds when they realised that there were better alternatives. In fact, although there had been a limited amount of unspecific support for the busway initially, this had ebbed when the possibilities of rail had been explained. The rail alternative being put forward by Busway Noway was not its own idea - it had been raised by local people at the meetings. A bus

alternative, with a service along the A580, had also been looked at, but that had been dropped because of opposition from the residents of Boothstown.

6.1.15.5 Overall, it was agreed that the action taken by the various bodies and groups had resulted in the public being made adequately aware of the proposals, even though the questioning was considered to have been defective.

6.1.16 Specific Locations and Properties

6.1.16.1 *CPO Plots 32 - 47. Rosebury Avenue, Leigh.* At Rosebury Avenue, in Leigh, the scheme would take away a narrow strip of land immediately abutting the south-east side of the carriageway of this private road. This strip was made up of small individual plots, each of which was owned by the owner of the corresponding house opposite, on the north-west side of the road. The reason for this compulsory purchase had not been made clear to the residents, although they did understand that the intention was to remove the present old railway embankment opposite the houses, from the foot of which this strip sloped down to the existing road level. The quiet road and the strip were used as a play area by the local children, and some of the individual parts of the strip had been put to planting or parking use by their owners. If the parking were lost the road was too narrow to allow utility or emergency vehicles to drive down it past the cars that would be parked on it - but as it was a private road, who would be able to deal with people who parked on it to use the busway? Furthermore, the proposed Holden Road bus stop, with its lighting and vandals, would be immediately opposite these houses. It would be quite wrong to build such a busway through an urban area like this.

6.1.16.2 *21 Hough Lane, Tyldesley.* At Hough Lane, in Tyldesley, the scheme would take away a 2m wide strip of land beside the back lane serving the side and rear of properties fronting onto Hough Lane on the north east side of the proposed crossing. This land was used by the adjacent residents to park and turn their cars, so as to emerge safely onto Hough Lane in a forwards direction; reversing would be difficult and dangerous, and the back lane leading to Sale Lane was usually too obstructed to be used. This strip should be omitted from the scheme.

6.1.16.3 *83 & 85 Chester Road, Tyldesley.* Adjacent to the point at which the busway would cross Sale Lane, at the east end of Tyldesley, the easternmost houses in Chester Road would have a large bus "station" stop in front of them, with no parking provision. This would attract on-street parking, in an area with present problems of traffic congestion which would be exacerbated by the signal-controls at the busway crossing, and would have a number of undesirable effects including light spread and the attraction of teenagers.

6.1.17 Articles of the Order

6.1.17.1 Mr Maile made a submission, which is the first item in the attached ID 42. In brief, he considered that Article 19 in the draft Order was unnecessary and undesirable. The law already made adequate provision for dealing with obstruction, and this Article would lead to duplication as well as potentially violating the right of the community to protest by peaceful assembly guaranteed under Article 11 of the ECHR. Bylaws made by the Secretary of State should relate to the operation and safety of the system, not matters that might arise during the construction period. The Secretary of State had considered a proposal for a similar Article in relation to the draft Order for the proposed Chester Busway, and had rejected it. It should be rejected in the present case also.

6.1.18 Planning Conditions

6.1.18.1 There was an essentially unsatisfactory situation, described in detail in ID 42, in relation to the proposed planning conditions, since the busway would come under two different local planning authorities (actually splitting the track near Newearth Road) and their policies might conflict. The affected draft conditions were Nos. 1, 3(a), 4, 5, 6, 8, 10, 11 and 13. No indication was given as to how any such conflict was to be resolved, which could lead to discontinuity between the decisions and the works in the two areas. Any planning permission granted should correct this defect.

6.1.18.2 A number of conditions required revision, and one needed to be added. The full views of Busway Noway on this were set out in ID 42. To begin with, Condition 1 was too vague. The development proposals were set out in many documents, of which the ES was one - but what parts of it remained relevant? There were many proposed alterations; which authority was to decide which of these should be incorporated?

6.1.18.3 Condition 3 potentially conflicted with the Contaminated Land Regulations and Part 11A of the Environmental Protection Act 1990, on the identity of the policing authority for contaminated land. If the Environment Agency was found to be the policing authority there would be conflict with the power of the local planning authority, under this condition, to approve the scheme.

6.1.18.4 Condition 8(a)(iii) conflicted with other conditions, particularly Condition 1, since the plans and drawings did not show facilities to separate cyclists, pedestrians and walkers - and the route was not wide enough to allow a physical separation. The condition would therefore be unenforceable.

6.1.18.5 Condition 13 was irrational, since the ES lacked accuracy through being based upon inadequate inspections and surveys.

6.1.18.6 There should be an additional Condition 14, requiring that all equestrian crossings should be in accordance with recommendations laid down by the British Horse Society, and that a scheme should be submitted to and approved in writing by the local planning authority, Wigan MBC. The stated reason should be to ensure the safety of horses and riders.

6.2 Other Objectors

6.2.0 Many of the other objectors put forward views that were the same as the views on the same subject that were submitted by Busway Noway, or they expressed specific support for the Busway Noway expert evidence in matters such as the economic justification of the busway scheme. The gist of other, or supplementary, evidence submitted by the other objectors is as follows.

6.2.1 General, Policy and Precedent

6.2.1.1 The emphasis of GMPTE on the busway was misplaced. While busways could be useful complementary measures as part of an integrated strategy, they were not useful in general as the single component or mover. More specifically, the local people at Leigh made journeys in all directions, not just one, and many went to Trafford Park and its surrounding area to work or shop; indeed, if they said that they were "going to town" they very rarely meant Manchester, and the former Leigh railway station had never sold very many rail tickets for that journey. Apart from Trafford Park, and Salford Quays, relevant destinations for local people included Warrington, Wigan, Bolton, St Helens, Hindley and Liverpool, none of which would be made more accessible by the busway. The north-south travel direction was more important to local people than the east-west.

6.2.1.2 Leigh was the largest town in the UK with no rail connection; the stations on its former rail connection had been profitable, but the connection had been removed in order to save the cost of a bridge for it on the line of the motorway then under construction further to the west, on the basis of a defective survey of its use. Leigh lay within a large triangular area of south west Lancashire that was similarly deprived. The rail link from Wigan to Manchester along its northern edge had services of poor quality, with outdated and packed trains, few park-and-ride facilities and no Sunday services, while the Chat Moss Line along its southern edge had no suitably located station. The GMPTE Rail Support budget amounted to £73 million, but although Wigan contributed to this it would receive little in return, having so few railways. An allocation for transport was now being made to Wigan and Bolton, but none of this would go on extending the highly successful Metrolink services into this area.

6.2.1.3 The proper solution to the transport problem would be to rebuild or reopen one or more of the abandoned or disused railways in the area, for use by light or heavy rail, or to provide park-and-ride facilities at the stations at Astley, Glazebury and Kenyon Junction (ID 70). A wide rail loop could be formed using the two lines along the northern and southern edges of the triangle together with the existing but unused line between Newton le Willows and Wigan, allowing an interchange to tram at

Eccles giving access to Salford Quays. An even wider loop could include lines to the north of Wigan, and much benefit would be gained if a still wider rail-based plan for the region were to be adopted.

6.2.1.4 GMPTE maintained that the busway scheme would not inhibit the reinstatement of a rail link at some future date, if this were justifiable. However, the scheme as it now stood would perpetuate and extend the infilling of the former railway cuttings, and GMPTE had not shown that the resulting gradients would be compatible with such a reinstatement.

6.2.2 Economic Justification

6.2.2.1 The busway scheme had arisen from the now-defunct Xanadu scheme at Leigh. Without the ridership that Xanadu would have generated there would be inadequate demand for the service that the busway could offer.

6.2.2.2 A realistic calculation of the benefit/cost balance for the busway should have been provided, since the relevant question for this inquiry was whether that balance was satisfactory in relation to the busway as covered by the present Order, not the whole QBC. This calculation should have been based upon a proper apportionment of the relevant factors between the busway and the rest of the QBC scheme, as well as a realistically-based valuation of the benefits. No detailed calculation of these had been submitted by GMPTE to the inquiry. It was accepted that the DfT had considered the figures which had been submitted to it for the overall QBC scheme to be satisfactory, but this did not answer the relevant question.

6.2.2.3 In fact it appeared that most of the capital costs would be incurred on the busway between Leigh and Ellenbrook, while most of the time savings would be gained on the bus priority measures between Ellenbrook and Manchester. If a more realistic allocation of the claimed benefits of the QBC scheme were made, between the busway and the remainder of the scheme, and if the costs were taken to be as allocated by GMPTE, the benefit/cost ratio for the busway element would be seen to be substantially below 1:1. The method of discounting utilised to calculate the price base, which increased the costs at 2½% up to 2007-8 and then discounted back at 6% to produce an NPV at 1998, gave distorted results. It would be better for inter-scheme comparisons to discount current capital cost estimates back to 1998. Furthermore, the scheme was sensitive to the effects of increases in capital costs and decreases in patronage at levels which might quite realistically be expected to occur, and these could destroy the economic case for it (ID 62).

6.2.2.4 One objector considered that the allocation of value to time in these calculations was also unrealistic. Bus users tended to place less value on time than car users, and were less likely to have a car available, so they should be considered as a separate market; car drivers were unlikely to be persuaded to use a bus in normal circumstances. However, an opposing view was that bus passengers using the bus to get to work were no less concerned to get there reliably and on time than anybody else; for them, the unreliability of the existing bus services, due in part to congestion on the A580, was a major problem.

6.2.3 Congestion and Modelling

6.2.3.1 The interaction of the traffic signals at the busway crossings with road traffic and pedestrians would create particular problems of safety and congestion. The traffic signals would in general change every 20 seconds out of 3 minutes, and at Sale Lane and Hough Lane the lights would be interactive, so that use of the pedestrian crossing would cause them to change every 75 seconds, which would be entirely unacceptable especially at peak periods. It would make more sense to dig out the partly-filled railway cutting and take any busway under the existing roads at both Hough Lane and Sale Lane, and perhaps put a park-and-ride site at City Road.

6.2.4 Service and Accessibility

6.2.4.1 As regards the accessibility of busway services by disabled people, this would be a benefit in itself, but getting to the busway bus stop would still present problems - the Ring-and-Ride service had to be booked up to 24 hours in advance, for instance, and might not be available for the required

matching time-slot. It would be better to introduce low-floor buses as standard on all existing services and to provide facilities for them at all bus stops, which were more local to people's homes. This would also help people who were encumbered with children and push chairs, or who were just elderly and not very mobile.

6.2.4.2 There was a long history of access along the route by equestrians, which should be continued and preferably improved. The old railway line from Holden Road to Astley Street, and its many connections to the local network of horse routes, had been used by equestrians ever since the removal of the railway track. Following local public pressure, the designation of a statutory bridleway following this line as far as Cooling Lane, connecting from the bottom of Lilford Woods to Squire's Lane, and leading onwards into Tyldesley and to Meanley Lane east of Higher Folds, had been approved by the former Greater Manchester Council in 1981, as part of the Higher Folds Reclamation Scheme. However, the Orders designating the route had not been processed and the Definitive Map for Wigan had not been completed before the abolition of the GMC in 1986 (ID 69(III)). Notwithstanding these failures a series of official notices indicating that the route was a public bridleway, and horse stiles at the entrances to the route, had been erected in the 1980s as part of the land reclamation scheme. The notices had mysteriously disappeared a few months before the busway scheme was made public.

6.2.4.3 The scheme would not provide an adequate service to equestrian interests, which were of substantial importance. Equestrianism generated some £3 billion in the national economy, and indirect expenditure would add significantly to this (ID 69(I)). There were over 600 horses in the general area of Leigh, about half of which were in the immediate area of the busway, and they helped greatly towards the Government policy of encouraging farm diversification. This high level of activity locally was entirely due to the quality and extent of the off-road riding routes (ID 69(II)), in which the present route along the busway corridor formed a link of district importance, rather than of only local importance as claimed in Table 1.5.1 of the ES. The quality of the present route, for horses, was generally quite good apart from the muddy part at Miller's Lane, where motorcycles ploughed it up. The 1998 survey of use for GMPTE had under-counted equestrian use, by missing out those who rode before or after work and by having the equestrian access at Holden Road blocked by the car and the possessions of the person who had been executing the count there.

6.2.4.4 There were 8 livery yards and farms offering livery in the area, 2 of which were very large, and numerous small private yards and individual horses, and no account seemed to have been taken of the effect of the busway on these businesses. There were correspondingly many riders in the area, and the proposed equestrian arrangements for the busway would detract seriously from the service presently offered to them. Access from the new route to the quiet streets of Tyldesley and Leigh would be reduced by the proposed designations of the new routes between NP42, 43 and 44 (King William Street), and between NP10 and NP 11 (Hathaway Court), as only footpaths. The poorer quality of the new route would be especially detrimental for women, children (some of whom were as young as 4 or 5) and elderly riders. Disabled riders, with poor vision, would be particularly badly affected. Off-road riding was a vital facility, both for the riders and also for the road traffic which on-road riders would hold up; a single horse on a narrow country road could easily hold up traffic for 10 minutes.

6.2.4.5 The originally-proposed surfacing of the multi-user path was of crushed limestone, which would have been totally unsuitable. The surface as now proposed would be hard, whatever the stone used, and this would still be unsuitable for horses to use at more than a trot, unlike the present track upon which horses could canter. However, on the Cuckoo Trail in Sussex (another former railway track) it had nevertheless been found possible to use a soft surfacing on the equestrian sections on or alongside the trail itself; could there not be a parallel soft track here, for horses? While GMPTE said that its hard surfacing was intended to minimise speed differentials between users, no such problem had arisen between horses and pedestrians on the present route - the problems encountered were with "cowboy" motorcycle riders, and research had shown that these were almost impossible to exclude by means which were not even more likely to deter legitimate users (ID 69(IV)). The somewhat minimal Ranger service could not be expected to police such intrusions effectively.

6.2.4.6 Bearing in mind the Government's policy of extending access for all, the designated bridleway use should be extended eastwards from Astley Street so that it would run the full distance from Holden Road in Leigh to Newearth Road in Ellenbrook; the route westwards from Ellenbrook towards Tyldesley had in fact also been used by equestrians for many years, up to the present time, and the route had in the past been used by equestrians as a link to attend at Cleworth Hall shows (Obj 560 - 574). This would permit a future link into Salford, allowing a further linkup with other trails such as Sale Water Park and the Pennine Trail. While it would be best if the full 4.5m width could be provided along the eastwards extension to Ellenbrook, the possibility of this causing engineering problems was understood. As had been noted, the shared use of the presently often narrower path west of Tyldesley, and indeed of similarly narrow paths all over the country, did not appear to be giving rise to problems of conflict, except where motorcycles were concerned. Consequently there seemed no obvious reason why there should not be shared equestrian/cyclist/pedestrian use of this eastwards extension on a width which, where necessary, could be less than 4.5m, with people giving way to each other as they did now.

6.2.4.7 It would be preferable for the equestrian route to have a horse-friendly surface, suitable for cantering, and there must be effective measures for excluding motorcycles. If the present good canter track were indeed to be lost, this loss should be compensated by the provision of a public sand-paddock or menage area at a convenient point along the route. Such a facility had been suggested, as compensation, by a GMPTE expert equestrian representative at a meeting with equestrian interests, but it had not been included in the present GMPTE proposals. The public bridleway must, of course, be given statutory status.

6.2.5 Landscape

6.2.5.1 The emphasis on the immaturity of the trees in the vicinity of the present recreation route, due to their having been planted as part of a 1980s reclamation scheme, was not entirely correct. Some of the trees visible from the route were more mature, having been planted by the Council under the "Plant a Tree in 63" campaign. The wooded area of Lilford Park and Woods was a rare survival in this increasingly developed locality, and it was particularly sensitive and valuable. It should also be noted that between Holden Road and Lilford Park the route ran through a valuable area of "ancient wetlands", part of a geological fault formation.

6.2.6 Ecological Impact

6.2.6.1 The old railway line had become a vital link for wildlife between Lilford Woods and the rest of the landscaped land of the former Bedford Colliery to the east. Green Woodpeckers, for instance, were established and resident in the woods but fed on wood ants in the Bedford Colliery area, and there were now many more species in the area than had formerly been seen there. Pollution from the busway would be likely to drive many species away from their nesting sites and habitats. On this stretch of the route there were 77 oaks more than 20cm in diameter, well over 100 years old, and many thousands of trees and bushes that would be destroyed by the busway, with many other lesser plants. Some 25/30 years of ecological progress would be destroyed by the scheme. The old railway corridor and the adjacent countryside provided an invaluable resource for school ecological visits and teaching, which the busway scheme would seriously damage and for which there would be no replacement.

6.2.6.2 The Leigh Ornithological Society considered that the area affected was particularly good for passage and breeding passerine species and wintering/roosting flocks of Thrushes and Starlings. The fringes of this now-formed linear wood were excellent hunting grounds for predatory birds such as Kestrel, Sparrowhawk, Barn Owl, Tawny Owl and Little Owl. This, together with the open fields and close mature woodland, contributed to a sustainable environment that wildlife could thrive in. There were many pairs of breeding Willow Warbler, Chiffchaff, Common and Lesser Whitethroat, Wren, Dunnock, Robin and Thrush species along the route.

6.2.6.3 As had been noted already, the Green Woodpecker had now bred in the adjacent woodlands of Lilford Park for three years, but it would be seriously affected by the proposed development. The

recent housing development at Holden Road had devastated the Grey Partridge population, and many other birds observed locally would be affected by the busway development (ID 40, ID 43). Some of these were either Schedule 1, Red or Amber List species (ID 55(i)). The old railway line, which had been retrieved from its industrial past and turned into a corridor for wildlife to use for safe migration and to populate other areas, should be left like that.

6.2.7 Green Belt

6.2.7.1 The busway would increase pressure for the redesignation of adjacent Green Belt land and its use for new housing development to take advantage of the busway link. By passing through the Green Belt areas east and west of Tyldesley it would reduce their value as areas for public enjoyment, even if no other development were to take place in consequence.

6.2.8 Investigation of Alternatives

6.2.8.1 A further alternative to the present busway scheme, which appeared not to have been considered by GMPTE, would be to extend the A580 bus priority measures westwards as far as the A580 junction with the A579 Atherleigh Way, and then to provide a bus-only route northwards along the east side of Atherleigh Way into King Street, Leigh. This would provide the required express link to Leigh, which could be supplemented by the circular service to Higher Folds and other existing bus services which ran through the areas where people lived. This scheme would give much greater accessibility for users, much quicker implementation and much reduced financial and environmental costs.

6.2.9 Recreation

6.2.9.1 The present corridor was a valuable countryside resource for walkers in the Manchester area, accessible by public transport at both ends and accessible at various points along its length for those who preferred a shorter walk. The experience of using it, with access both to the woodland and to the wildlife, would be greatly impoverished both by the presence of the buses and by the intended more formal character of the path. It would be far better to devote the route to recreational uses, as part of a long-distance recreation route extending, for example, through both Wigan and Salford, and also to retain its value for educational visits. The route had some years ago been a more beautiful walk than it was now, but its maintenance had been deliberately neglected by Wigan Council for the past 5 years to favour the busway.

6.2.9.2 From a more local point of view, the informal country walk along the corridor was unique in the western part of Leigh (ID 63), but there were many other "municipalised" paths. The proposals would produce yet another municipalised path, with poles and notices, at the cost of losing something that was unique. Unlike the present path, because of the buses it would not be safe for children or dogs to run about freely. If there was really a need for an improved bus service it could run from Leigh to Higher Folds by way of the existing Green Lane and Queensway, and then by a short new connection northwards to Tyldesley, without affecting this existing country walk. The extensive landscaping proposed would only make the effect of the busway less bad - not good - and it would take many years even to do that.

6.2.9.3 The recent housing developments along the north-western flank of the proposed busway, north of Holden Road, had brought the urban development right up to the edge of Lilford Park, and there was other recent development on the south-east side, south of the Lilford Park Brook. These new housing areas had not been provided with any recreational facilities of their own, and this made the further encroachment onto the open land which would be caused by the busway even more undesirable. It would also open the way to more intrusion by illicit motor cycle riders, dumpers of rubbish and burners of stolen cars.

6.2.9.4 The construction of the Tyldesley Interchange would take up an open space that was enjoyed by a broad section of the community, making the area instead into one to be avoided. The loss of

access to this and other open land along the route would encourage local people who wished to enjoy such things to drive elsewhere in order to do so, adding to road traffic.

6.2.10 Safety and Pedestrian, Road, Farm and Animal Crossings

6.2.10.1 The safety of the proposed equestrian route should be compared with that of the present route. It had to be remembered that if a reasonable length of circular ride was to be achieved in this general area it would normally be necessary for the ride to follow or cross the line of the busway. While adult riders with road-trained horses might have little problem, many riders in this area were children and, as had been noted, many of the local horses had never needed to become accustomed to road traffic; these were the kinds of people and horses for whom safe provision had to be made.

6.2.10.2 The replacement equestrian route now proposed was too close to the busway to avoid nervous horses being startled by "silent" approaching buses, or by the notoriously alarming sound of air brakes. There was a need for excellent inter-visibility at all crossing points, between the buses and the people waiting to cross; the use of the buses' horn or headlights should be strongly discouraged, since these were more likely to alarm than to warn - see the Highway Code, Item 190. Calculating what this inter-visibility distance should be, it seemed desirable that an equestrian intending to cross the busway should stay in a safe position outside the horse stile until the way was seen to be clear, and that the bus should not cross the crossing until the horse was clear of the horse stile on the other side. With a bus running speed of 40 mph and a horse crossing time of about a minute, this meant that there ought to be clear inter-visibility between the safe positions on each side and the bus for a distance of a mile or so in each direction.

6.2.10.3 It would be necessary to ensure that overhanging branches were cut back to safe head height. Where equestrians needed to use pelican crossings an additional high-level control button should be installed on each side of the road..

6.2.10.4 Additional problems would be created for equestrians by the multiplicity of signs, which horses did not like, and by use of the route by illicit and intimidatory motorcycle riders, combined with the lack of escape routes which would enable a horse to get out of their way. There was a substantial risk of a scared horse bolting, to the danger of its rider and of walkers, and possibly jumping over the dividing fence onto the fenced busway from which escape would be difficult. At present, female equestrians were confident of their safety on this route, which might not continue to be the case. The fencing and hedge between the recreation route and the busway would not be proof against trespass by children or dogs - or not for long. Both the equestrian route and the rest of the recreation route needed to be re-sited further away from the busway. In the opinion of some, there should be a proper division between the equestrian route and the footpath rather than shared use, and others considered that cyclists should be physically separated from pedestrians.

6.2.10.5 The details now provided for the proposed equestrian crossings of the busway, using wood rather than metal, seemed to be the best that could be got, and reasonably satisfactory though not totally safe However, in addition to providing safe crossing points for horses on the busway, making due allowance for nervous horses and inexperienced or handicapped riders, it was also necessary to provide safe means of access to the ends of the equestrian route at Holden Road in Leigh and at Astley Street in Tyldesley. Horses would need to approach these access points along public roads, travelling along the correct side rather than against the vehicular traffic, and their crossing of these roads to enter and leave the equestrian route needed to be properly protected. As a further point, the design of the Lilford Brook bridge did not appear suitable for horses, either in its detail or in the angle at which it would cause the equestrian route to approach the busway, which was likely to cause horses to be startled by an approaching bus.

6.2.10.6 Some of the busway bus stops would be relatively isolated and not overlooked, and these would encourage crime and vandalism. Those without a parking facility, such as at Tyldesley West and at Newearth Road in Ellenbrook, would encourage on-street parking to the detriment of local residents and of road safety, especially for school children. There was a fear of a link between the

parking of cars and local burglary levels. Similarly, the lack of conductors on the buses was likely to lead to insecurity and intimidation, deterring use by potential travellers.

6.2.10.7 Much of the present route was a traffic-free way to school used by many children, and the introduction of bus traffic beside it and on crossings would force many of these children onto the ordinary roads, either on foot or adding to the "school run" car traffic.

6.2.11 Noise, Vibration, Air Pollution &c.

6.2.11.1 Because the scheme would give rise to increased noise and air pollution, and loss of privacy, screens should be placed between the busway and adjacent homes or recreational areas wherever possible. Continuous screens of coniferous trees, or perhaps ash trees, would reduce both noise and intrusion, and would absorb pollution, and purpose-designed screen fences to established standards would also be appropriate.

6.2.11.2 The busway bus stops, whether with or without park-and-ride facilities, and the controlled crossings, would be likely to increase road traffic in their vicinity. This was likely to make it more difficult for local residents to get in or out of their property.

6.2.11.3 The Environmental Assessment had identified 14 adverse effects and only 1 beneficial effect, taking account of environmental and other matters. Its assessment of visual impact had put the number of severely adversely affected houses unrealistically low, with only 3 houses being so designated in Maesbrook Drive even though there were 18 houses in this locality that had small rear gardens that backed directly onto the busway. Two houses that were not designated as "severely affected" were even closer to the busway than the three that were so designated.

6.2.12 Construction and Contamination

6.2.12.1 The work of removal of the old railway embankment and the construction of the new busway would come very close to the even-numbered houses which were grouped at the eastern end of Rosebury Avenue, requiring effective measures to protect them from vibration, undermining and contaminated dust. If trees were left in place, rather than all being removed, this would provide some protection. It should also be noted that the odd-numbered houses in Rosebury Avenue had been affected by mining subsidence, and holes were still appearing in the road. Although the subsidence was officially said to have stabilised, with an end to the acceptability of claims, there was a risk that the engineering work could re-activate it.

6.2.12.2 The proposed busway route would cross a number of major utilities, including a major new gas pipeline in the vicinity of Cooling Lane. The application did not say how such crossings and/or diversions would be executed safely. However, it was clear that the construction period would be some two years, and since the equestrian route along the corridor plainly could not be used during this time there would be major disruption for horse riders and livery yard owners, unless the mitigatory diversions were fully adequate. The same applied to walkers, many of whose routes would be closed during construction, and in some cases permanently.

6.2.12.3 It was the point of view of several objectors, and numerous petitioners, that the residents of properties near the proposed works would be exposed to dust, noise and vibration, and that where none of their property was actually to be compulsorily acquired they would have no statutory right to any compensation for this. They could also lose by not being able to get full value for their property in the event that they needed to sell it during the course of the works. Households affected would include those in Rosebury Avenue, Holden Road, Hathaway Court, South Court, Southgate and Elmridge in Leigh. The absence of any right to compensation was an infringement of Article 1 of the First Protocol of the European Convention on Human Rights, and the interference with the right to respect for private life and home would be contrary to Article 8 of the First Protocol. The Order should have an additional Article, similar to that provided for in the Water Industry Act 1991, Schedule 12 para 1 in relation to works by utility operators. Under this the undertaker would have a duty to do as little damage as possible, and be liable to pay compensation for any loss or damage caused. This should be assessed as if Rule 6 of the Land Compensation Act 1961 applied.

6.2.12.4 The draft code of construction practice in the ES, Appendix M, was inadequate in relation to dust nuisance. For instance, none of the removal of embankments should be allowed to take place between April and September inclusive. It should also specify the routes to be taken by vehicles removing material off the site, which should have been made clear to the public in the Order documents. If the code were properly policed and fully complied with, if there was consultation with the residents nearer the time, and if there were a non-statutory claims process, these things would help to minimise any adverse impact upon the residents.

6.2.13 Town Centres and the Local Economy

6.2.13.1 No material points under this heading additional to those made by Busway Noway were raised by the other objectors.

6.2.14 Park-and-Ride

6.2.14.1 The proposed park-and-ride site at Astley Street in Tyldesley would take up Green Belt Land, and would encourage additional peak-period traffic on a steep hill where there were already substantial problems of congestion and delay. It also appeared that there would be some loss of Council housing at Higher Folds, to make way for a park-and-ride site.

6.2.15 Consultation and Public Support

6.2.15.1 No material points under this heading additional to those made by Busway Noway were raised by the other objectors.

6.2.16 Specific Locations and Properties

6.2.16.1 *CPO Plots 84 and 88. The Scrapyard, Hart Street, Tyldesley (Obj 20).* The Order proposed the compulsory purchase of Plots 84, 86, 87 and 88. Plots 86 and 87 formed parts of the access to the scrapyard adjacent to Hough Lane, Tyldesley, and would become highway; the acquisition of these 2 plots was not now being objected to by the owners of the scrapyard, provided that access to the scrapyard over them would be maintained. However, Plot 88 was essentially the scrapyard itself, which was the sole business of its main proprietor and supported him, his two sons and their families, and Plot 84 lay to the west of it. The scrapyard was an authorised use, which would be difficult to relocate, though the owners were looking for a site. A planning application had been made in October 2000 for the development of the whole of the objector's land, for housing, but this had been delayed because of the then incompletely-defined busway project and then had been refused in July 2002. If it had not been for the busway, the objector considered that permission for housing would have been granted.

6.2.16.2 Plots 84 and 88 did not include the western 1/3rd of the scrapyard owners' land, which the proposed purchase would cause to become inaccessible and blighted. Furthermore, a significant part of these two plots was to be used only for landscaping, and not directly for the park-and-ride service for which the land was to be acquired. If the area to be acquired were to be shifted westwards, so as to leave the scrapyard proprietors with the eastern part of their land, they would be able to continue in business and this would add only about 50m to the walk from the parking to the proposed busway bus stop on the east side of Hough Lane, past the northern or southern edge of the scrapyard. Such a distance was considered quite acceptable at many railway stations; the real reason for the proposed purchase was to clear up the area, which was not a proper reason in the present context. The Order should be amended to this effect.

6.2.16.3 *Well Street, Tyldesley, adjacent to 55 Maesbrook Drive (Obj 104).* The scheme proposed the realignment of Well Street, to provide suitable levels for the busway crossing. If this were done it would raise the road relative to the adjacent property, reducing the relative height of its fencing and increasing problems of overlooking and intrusion.

6.2.16.4 *CPO Plot 26. The Lancastrian Squash Club, East Bond Street, Leigh (Obj 267).* The Lancastrian Squash Club owned a long leasehold interest in Plot 26, which was the car park for the

adjacent fitness club building. The ground landlord was Wigan Council. The site had been let by Lancastrian Squash Club to Northern Fitness Contracts Ltd and Classic World of Fitness Ltd for 25 years from 1st March 1997. The total plot amounted to some 0.3 hectares. The car park, which was currently being re-surfaced, had its main entrance from the access to the adjacent lorry park, which opened off East Bond Street opposite its junction with Princess Street, Leigh. An alternative entrance road to the rear of the Club building, which was the one currently in use and was under the Club's control in the vicinity of the building, opened off East Bond Street opposite its junction with High Street.

6.2.16.5 The Club had been put at a disadvantage because a letter which had been sent seeking details of ownership had said that the only interest to be acquired was the subsoil of the street at the front of the club (ID 67, App 9). When later correspondence had been received about acquisition (ID 67, App 1) it had been assumed that this was still the case, and it was only when a letter was received from the tenant in February 2002 (ID 67, App 10) that it had been realised that there was an intention to acquire part of the car park, to provide access to both the Club car park and the proposed adjacent park-and-ride facility. The incorrectness of the original Notice had disadvantaged the Club by causing its case to be prepared in a rush.

6.2.16.6 The Club did not object to the busway scheme as such, and indeed the adjacent busway bus stop would be to its advantage. However, it did object to the effects of the scheme upon the Club in relation to the Club car park, which was proposed to be compulsorily purchased so that part of it could be used for the park-and-ride site and its access road. The GMPTE proposals for the replacement of the lost car parking spaces were seriously inadequate in numbers, and were likely to lead to other problems for the Club as well. The situation was that the present car park could accommodate about 57 cars, and by any reasonable standard the Club needed at least 60 spaces - as GMPTE's attempt to produce a revised scheme that would provide that number had acknowledged. Such a number was essential for the prosperity of the Club, which had a gross floor area of 1115m^2 and a licence for evening events in the club room for 150 people; all told, the premises could cater for a membership of 1700. The fitness Club itself presently had 1300 members, using the gym facilities and the single squash court, and it had capacity for about 1500. There were a further 200 people who were members of a Line Dancers' club.

6.2.16.7 The fitness and functions elements of the use of the building could operate independently; the upstairs part of the building was purely for functions. It was not known whether the planning permission covered the functions activity. It was also not known whether the present parking was entirely adequate if both elements of the use were in operation at the same time, but the parking was certainly fully used then. The Club was in a highly competitive market, though it was not known where its nearest competitor offering a similarly full range of activities was located. It could not afford to lose a single one of its parking spaces, and it also needed a good direct access to the car park.

6.2.16.8 In contrast, the busway scheme as originally submitted would leave the Club with only 43 spaces and a dangerously tortuous access road with poor visibility (ID 67, App 12), which would need an unsightly multiplicity of signs. A large delivery vehicle (HGV), for which a 15m bay of adequate width would be needed, would block the access to the Club building and the car park, if it were standing on-site by the rear service door, and on-street deliveries might well be banned by the local highway authority because of obstruction. Large vehicles made deliveries twice weekly, and smaller vehicles more often. The GMPTE suggestion of allocating to the Club some of the spaces presently proposed for the adjacent park-and-ride would be of no use, since the busiest times for the Club would coincide with the commuter peaks.

6.2.16.9 The GMPTE proposals would create a large and inadequately controlled public area at the rear of the Club building, open to misuse and crime and exposing the Club to a variety of risks; the Club's loss of control over this area could restrict its future development potential. The park-and-ride facility would have only 70 spaces, enough for 2 bus loads, and it would be far too small for such a location, being the only such site close to the centre of Leigh. Consequently it would be filled by commuters' cars, and would have no capacity left to serve off-peak busway passengers, such as

shoppers. Both this and its distance from the bus stop would give rise to a risk of misuse of the Club's own parking spaces by busway passengers, or would require the expense of providing and manning security measures such as a barrier and CCTV. GMPTE had suggested that it could help with the provision of these, but its offers were not clear.

6.2.16.10 The Club considered that the various other suggestions put forward by GMPTE would not work, and this included the revised scheme which GMPTE had submitted during the inquiry (ID 68). They would simply leave the Club with too few parking spaces or a defective parking layout, inadequate or on-street servicing, and a narrow back-street vehicular access with excessively sharp bends; the most recent revised scheme would also put the park-and-ride spaces inconveniently far from the busway bus stop. These factors would cause the Club to cease to attract or retain members, and the Club would gradually deteriorate.

6.2.16.11 The Club suggested that a better course of action would be for GMPTE to buy additional land adjacent to Brook Mill, at the rear of the Club building (ID 67, App 11) and use this to provide more park-and-ride spaces with a better access and no loss to the Club parking. Alternatively GMPTE should buy the whole of the Club's long leasehold interest; if GMPTE's solution did cause no detriment to the operation, as GMPTE suggested, then this would cause it no loss. This was not simply an issue of compensation, but one of preserving a facility into which the Club had put a substantial investment, and which the scheme was likely to put into a longer-term decline with consequences for which the compensation legislation made no adequate provision.

6.2.16.12 *Rights of Access, and Plots 52, 53, 56, 61, 62, 65 and 67.* The owners/occupiers of Lodge Farm (Obj 386), Walmsley Farm (Obj 387) and Clough House Farm (Obj 388) had rights of access along and across the busway corridor, by virtue of title deeds or prescription. These rights were glossed over in the ES (GMPTE.A12, para. 6.2.10), and Article 30 of the Order would extinguish them, albeit with compensation. Financial compensation would not compensate adequately for the loss of them. The objectors had said that existing rights of way across the corridor should be reinstated, and replacement parallel rights of way should be provided as accommodation works.

6.2.16.13 In relation to these objections, these objectors had been told by GMPTE that if they had rights of access along or across the line of the busway these could be accommodated in the scheme, replacing like status with like status. On the basis of this assurance the relevant parts of Objections 386, 387 and 388 had been withdrawn.

6.2.16.14 One objection, from this group, had remained in relation to the proposed land acquisition, at Walmsley Farm (Obj 387), where it was still considered that no adequate reason had been given for the proposed acquisition of Plot 62. The original explanation given by GMPTE had been that it was needed "in order to provide elbow room". The loss of this plot, which was an important part of the farm yard at Walmsley Farm, had needed better justification than that. However, GMPTE had now explained that the plot was needed in order to provide the adjacent crossing over the busway with proper geometry and sightlines, that the details would be re-examined, and that any part of the plot which proved not to be needed for this purpose would be returned. On this basis, this objection also was withdrawn.

6.2.16.15 *Rosebury Avenue, Leigh.* In addition to the problems of pollution both during and after construction, and of illicit and obstructive parking in Rosebury Avenue, the busway would cause substantial difficulties of access to Rosebury Avenue because of the closeness of the busway crossing of Holden Road to the Rosebury Avenue junction. There would also be a loss of privacy.

6.2.16.16 *13 Hurstfield Road, Worsley (Obj 291).* The loss of Plot 109 from the garden of this property, and the loss of amenity caused by the construction of the scheme, would have serious effects upon the value and saleability of the property. The proposed layout of the footpath in particular would cause a substantial loss of security and privacy as well as disruption to the wildlife, and the busway would introduce noise into a very quiet area.

6.2.16.17 *39 and 41 City Road (Objs. 425 and 489).* The proposed acquisition of Plot 104 appeared to cause a loss of access to these properties. The purpose of the proposed acquisition of Plots 103, 104 and 105 was not clear.

6.2.16.18 *Plots 98 and 99 (Obj 490).* A right was claimed to move animals along Sheep Lane, Tyldesley, which crossed the busway.

6.2.16.19 *South side of the busway, between City Road and Newearth Road (Obj 555).* A petition was submitted, with 16 signatures from houses in New City Road, Brandwood Close and Hindburn Drive. It expressed concern over increased noise levels resulting from both the construction and the operation of the busway, and asked that a noise barrier be installed on this side of the busway, with adjacent evergreen shrub and bush screen planting. This should provide protection extending from 27 New City Road at least as far as the beginning of the fire engine repair depot which fronted onto Newearth Road. The barrier should be installed before the start of construction, so as to reduce construction noise and to protect existing trees on the side slope of the embankment.

6.2.17 Articles of the Order

6.2.17.1 Article 21(2)(a) of the Order sought to remove the time limit for exercise of powers of compulsory purchase, as set out in Section 4 of the 1965 Act. This was unacceptable and unnecessary, and likely to give rise to protracted uncertainty and blight. In addition, such an extension would be contrary to the thinking on such matters in ID 32, which was a document issued by the Office of the Deputy Prime Minister following public consultation in 2001 on powers of compulsory purchase. This envisaged a limitation of the two halves of the compulsory purchase process to a maximum of 18 months each, giving an overall maximum of 3 years for the whole process. The application of this principle to Transport and Works Act orders had not yet been worked out, and it was acknowledged that these might have different needs and different timescales. It was also acknowledged that undue delay in the provision of necessary infrastructure could result from a need to hold a public inquiry into a proposed extension of CPO powers that had proved in practice to have been granted for too brief a period. Nevertheless, the objectors considered that there should be a balance in this matter between the public and the private interest, and that the 3 year limit presently prescribed by the Act for the process should be retained, not extended.

6.2.17.2 Article 31 of the Order would allow a period of 5 years in which a Notice to Treat could be served, from the date when the Order came into force. This also should be limited to 3 years, for the same reasons as above.

6.2.17.3 As noted above in para 6.2.12.3, it was proposed by several objectors and numerous petitioners that the Order should have an additional Article, under which the undertaker would be liable to pay compensation for noise, dust and other pollution arising during construction, assessed as if Rule 6 of the Land Compensation Act 1961 applied.

6.2.18 Planning Conditions

6.2.18.1 No material points under this heading additional to those made by Busway Noway were raised by the other objectors.

7.0: Other Written Representations

7.0.1 The gist of the other written representations was as follows.

7.1 The Environment Agency (Rep 1)

7.1.1 The Environment Agency's representation stated that it had no objection in principle to the proposed development, but wished to make a number of comments and representations upon it. Several of these related to drainage, the possibility of needing a Waste Management Licence for re-use of spoil, and related matters. The Agency also proposed that before and during construction temporary protective metal fencing should be erected and maintained along any watercourses, ditches, ponds, wetlands and SBIs, and that a requirement for this could be included as an additional Condition in the Direction granting deemed planning permission.

7.1.2 The Agency also noted the proposed Condition No. 13, regarding the requirement for the approval by the local planning authority of a scheme for mitigation prior to the commencement of development, and it suggested that this scheme should take the form of an Environmental Action Plan which could incorporate matters agreed subsequent to the Environmental Statement. It also suggested that Condition No. 13 should be extended to require adherence to this scheme during the design, construction and post-project monitoring of the works.

7.1.3 The Agency further suggested two minor changes to the protective provisions in Article 51 of the draft Order. In Article 51(2)(a), line 2, after "...obstruction to the flow...", the words ", or alteration to the course," should be added, so as to ensure that the Agency retained its oversight of such alterations, to the extent that they did not otherwise involve obstructions to the flow. In Article 51(2)(b), the second and third lines should be altered (alterations highlighted) so as to read "...within two months **from the day the plans are received by the Agency, it** does not indicate...". The purpose of this alteration was to bring the wording into line with that in previous TWA Orders, having been included at DEFRA's request in the Knowsley Industrial Park Order in 1999.

7.2 United Utilities (Rep 2)

7.2.1 United Utilities had also submitted a letter which was recorded as an objection (Obj 550). However, I do not consider that the content of the letter reflected an objection to the scheme, but only constructive observations on points that would need to be kept in mind. United Utilities pointed out the need for consultation on design and for great care and good liaison during the course of construction, in order to avoid the danger of disrupting major utilities. It had a programme of environmental improvements in relation to its services, which could be affected by the proposed temporary stoppings-up of paths or streets. Its electricity supply, water supply and sewerage services could be affected by a need for emergency works at any time, for which arrangements for emergency access would need to be made. The necessary consents would need to be obtained in respect of any proposed reconnection of private drains or drainage of contaminated water to sewers, and tree and shrub planting should avoid water pipes, electric cables and public sewers.

7.3 The Wildlife Trust (Lancashire, Manchester and North Merseyside) (Rep 3)

7.3.1 The Trust did not object to the proposals in principle, but pointed out the importance of protecting the integrity of the SBIs along the route of the QBC and the protected species within them. The Trust considered the ecological surveys to have been thorough, and most of the ecological impacts to have been identified, but it was concerned at the lack of adequate detail in the ES on the mitigation This lack of detail made it very difficult to assess how effective or otherwise these proposals were likely to be in protecting the areas of wildlife importance and the protected species that would be affected, or would be likely to be so.

7.3.2 Within Wigan, the Trust considered that the mitigation where the busway would border on the southern boundary of the Grade B SBI at Atherton and Bedford Woods appeared to be appropriate.

At the Grade A "Ponds near New Manchester" SBI, this location was particularly important for amphibia, including the protected GCN, and Pond W52 was immediately adjacent to the busway. Consequently, this part of the busway would form part of the GCN terrestrial habitat. Construction would inevitably include disturbance of Pond W52 and the habitat, and would require a licence from DEFRA, the application for which would have to include detailed mitigation proposals. In addition, 5 of the ponds in the area contained 5 species of amphibians and 2 contained 4 species, so the SBI probably met the criteria for an SSSI.

7.3.3 Pond W15, near Cooling Lane, also contained GCN and would be threatened, so similar steps would be needed. The habitats of the large population of water voles there were also protected, and mitigation would need to include compensation for loss of water vole habitat within the corridor by the creation of additional habitat in the area.

7.3.4 It was accepted that, in most areas affected by the busway, the intention was to protect ecological and wildlife interests, but the details of the nature, location and timing of the mitigation were not given in the ES. Mitigation should be completed before any works threatening wildlife took place, and the missing information would be needed before the effectiveness of the mitigation proposals could be assessed.

8.0: The Response of the GMPTE

The GMPTE considered that many of the points raised by the objectors had already been adequately covered in its Evidence in Chief. However, insofar as a further response seemed needed, the gist of it was as follows:

8.1 General, Policy and Precedent

8.1.1 The busway and the QBC were part of an integrated transport strategy. The QBC would meet all of the issues raised by the Commission for Integrated Transport, and the Chair of the Commission had quoted Greater Manchester several times as an area which was in the lead on creating an integrated transport system. Guided busway technology was being used successfully in Australia and in Britain, and was being experimented with in France. There was nothing unusual about a gap in the implementation of new technology - there had been about a 10-year gap after the Tyne & Wear Metro. It was accepted that this specialised busway technology could only be recommended in the particular circumstances where its unique characteristics made it advantageous, and the GMPTE Evidence in Chief had explained why those particular circumstances existed in this case.

8.1.2 While it was true that the busway was not a railway, the safeguarding of the corridor in the UDP specifically as a rail route was for public transport. The policy referred to a public transport route between Leigh and Manchester and, as such, the description of the busway route as an existing "public transport corridor" was appropriate. The provision of the busway, in the absence of any probability of rail link in the foreseeable future, would maintain this public transport corridor and would not preclude a future rail alternative. The guided busway was not a road, and it could not be turned into a road without further permission, which would be contrary to transport policy, nor could it be extended further west without additional permission. As had been pointed out, the busway would be narrower than would be permissible for a road, so it did not lend itself to such a conversion in any case.

8.1.3 The 1996 Wigan UDP had reviewed and reaffirmed the Green Belt boundaries, and it had also safeguarded the corridor for re-use as a heavy rail route (Policy T4B). That use had therefore been accepted, in terms of planning policy, and in knowledge of the corresponding level of environmental intrusion. PPG 2, which dealt with Green Belts, was a policy statement aimed at safeguarding the countryside and openness; the Green Belt was not in itself a policy for nature conservation. The guided busway was not a development of a kind that would extend the urban envelope, or add to urban sprawl, and neither was the park-and-ride facility. The improved accessibility would encourage redevelopment within the existing urban area, rather than creating urban development in the Green Belt outside it. The busway would also have considerably less environmental impact in the Green Belt than the rail link which the UDP had contemplated and accepted in 1996. There had been no challenge, by objectors, to the essential proposition that in any event the proposals were within the ambit of PPG 2, both in Wigan and in Salford, but even if this had not been so the evidence showed clearly that there were very special circumstances justifying the proposals in the context of the policies in the UDP, in PPG 2 and the LTP.

8.1.4 As regards Wigan UDP Policy OL4C, no farms would be split, and all vehicular access tracks and footpaths would be maintained, though with some slight diversions during construction. No designated open space would be affected by the scheme. UDP Policy L1 did not apply to either of the two affected small areas of amenity grassland, at Astley Street/Well Street and at Chester Road, west of Parr Brow. The loss of the scrapyard at Hart Street would get rid of an eyesore near to housing, complying with UDP Policy EN1C; the loss had not been raised as a recycling policy issue, and such public reaction as there had been had supported its removal. The line of the busway east of Parr Brow, which diverged from the line which had been allocated by the UDP for rail use, had been used for a non-greenfield purpose of which substantial traces still remained, and it therefore came under the general description of brown land - for instance, as described in Annex C to PPG 3. The UDP did also designate some linear routes as wildlife corridors, but the busway route was not one of these.

8.1.5 As a more general point on policy, there would always be some impact from any development, and there was always a degree of conflict between the various demands. The UDP was intended to resolve these conflicts, which inevitably involved a degree of compromise, and it had to be seen as a whole. It was appreciated that a number of longer-term transport studies were being carried out in the wider Manchester area, but there would be no benefit in waiting for the outcome of all of these. The JETTS study of the problems of the M60, for instance, which was looking at a horizon of 20+ years, already contained the busway as part of its input.

8.2 Economic Justification

8.2.1 The benefits from the busway would arise from a variety of factors, and would exceed those achievable by other means. These included improved journey times for local and longer distance journeys, a viable high-frequency bus service benefiting those who travelled by bus along the A580, substantially better reliability and quality of bus services in the Leigh/Tyldesley area, and greater patronage than could be achieved by alternatives. Time savings would provide only part of the benefit, though a very important one in achieving economic viability; frequency, reliability, punctuality and service quality were all important components.

8.2.2 As regards the principles for the appraisal of this kind of scheme, the Guidance on Full LTPs was submitted as GMPTE.C48, and the 2001 Guidance on Major Scheme Appraisal was submitted as GMPTE.A42, which had subsequently been updated in matters of detail. These both related to methodologies in GOMMMS, for multi-modal studies. The Guidance on NATA had been withdrawn. Annex E of GMPTE.C48, which was submitted as GMPTE.A43, gave the relevant guidance on making an application to DfT for funding, and funding approval had to be obtained before the scheme could proceed to public inquiry. The proposals needed to be assessed against the Government's national objectives, which related to the economy, environment, safety, integration and accessibility (GMPTE.A22). None of these overrode the others, but two very important aims were viability without subsidy and the achievement of a benefit/cost ratio (BCR) greater than 1. The BCR was a useful way of distinguishing between alternatives with similar NPVs, but the maximisation of the BCR was not an objective; economically, GMPTE considered the best scheme to be the one with the highest NPV, so long as the Government had approved the necessary funding. The proposals also needed to be assessed against the LTP's local objectives, which had to be compatible with the national ones. The approval of the economic case by DfT indicated that the guidance on assessing the scheme and its alternatives had been followed to its satisfaction, and that the local objectives were suitable.

8.2.3 The justification for the scheme relied only upon the ridership that the present scheme and context was likely to provide, based upon recent surveyed travel patterns. They had no connection with proposals such as the defunct Xanadu project. The scheme as a whole had been subjected to the Government's strict funding appraisal tests, which it had satisfied. When comparisons were made with the alternative of using light rail, it was found that both the capital and the operating costs for light rail were significantly higher than those for guided bus. Even if the expected benefits of the QBC in terms of reliability and quality were removed from the equation, the time savings alone would provide a sound economic justification for the scheme. It was fair to attribute to the guided busway the performance benefits associated with the bus priority measures, since without the guided busway the rest of the QBC scheme, including the bus priority measures, would not happen.

8.2.4 GMPTE agreed that there was substantial peak-period congestion on the A580 east of Ellenbrook. That was why the QBC scheme, in order to provide the quality of overall service that it sought, included an extensive package of bus priority measures east of Ellenbrook. The busway would nevertheless itself contribute a saving of some 8 minutes, in comparison with present observed running times - not the decidedly unreliable timetabled times quoted by Busway Noway - to the total estimated saving of 18 or 19 minutes on the Leigh-Manchester journey, and to a motorist it was the total journey time that mattered when he or she was considering what travel mode to adopt. The contribution made by each of the time savings produced by the various parts of the QBC was important in achieving the overall threshold level of time savings that was necessary if significant mode transfer was to take place. The marginal appraisal of the busway and the services that it would

facilitate (para 4.2.2.8 above) had shown that it would generate 3 times as much benefit as the low-cost alternative (LCA 1) of providing the bus-priorities alone. The busway enabled overall improvements in timing, frequency, quality, reliability and passenger attraction, resulting in this synergistic effect.

8.2.5 It had been claimed by Busway Noway that on-road improvements in favour of bus priorities in Tyldesley could produce sufficient time savings to eliminate the claimed benefit from the busway. GMPTE considered that the bus priority schemes put forward by Busway Noway, at Manchester Road, at the Hough Lane junction, at various places on Sale Lane and at Mosley Common, were mostly unfeasible or of negligible benefit (ID 33). The maximum gain would be less than 2 minutes, reducing the busway peak period saving over the same length of route to about 6 minutes. There was a general policy of detailed highway improvements, as well as of providing up-graded facilities at bus stops on ordinary roads, as part of the general programme of QBCs, and the scope for this had been looked at in the early stages of the present scheme. However, to such extent as such improvements could be implemented in this area they would still produce a bus service markedly inferior in journey time and service standards to that offered by the scheme which included the busway.

8.2.6 The costings for the bus services were considered to be robust. The improved standards would cost more, but these increases had been taken into account in the calculations. While some operators had been exerting upward pressure on tender prices, it was noted that the ATCO report on Local Authority Bus Contracts had concluded that lack of competition in some areas was a major influence, but that the only group of authorities which had shown a consistent decrease in average contract prices over the three years studied was the Passenger Transport Executives.

8.2.7 The cost estimates had assumed, as the Government required, that the operator would be a free-standing independent company. In reality it was likely that the operator of the QBC would be an established operator, able to tender on the basis of the cost of this marginal extension of its business, and this meant that the operating costs were likely to be lower and the cost of the provision of spare vehicles or cover staff would be relatively cheap. All of these factors were likely to cause the tender prices to be lower than the appraisal had had to assume. In this context it should be noted that the peak frequency, for which the 11 buses included in the costings were considered to suffice, was now set at 6 buses per hour, not a bus every 6 minutes as Busway Noway had suggested. It should also be noted that the ES had studied the effects of different possible frequencies depending upon the impact which was being looked at, always choosing the worst case - the basic guaranteed service flows of 6 per hour for economics, but higher flows for environmental impact.

8.2.8 The benefits arising from the various parts of the QBC scheme could not be assessed on the basis of the calculation set out in ID 62; the project was not divisible in this way. The addition of the busway to the minimal LCA 1 scheme, or to LCA 2, not only gave direct benefits to the passengers, but also added to the benefits gained from the more basic schemes because there would be more users. Total benefits included allowances for stop access/egress, waiting time, journey time reliability and quality, which were not proportional to in-vehicle time savings, and some bus passengers on the bus-priority section of the QBC would be travelling on journeys that also used the busway and, without the busway, would not be made by bus. The higher-frequency services which would be made viable only by the full scheme would benefit passengers who travelled only on the A580 part of it, so that busway benefits and costs were relevant to them also. The inclusion of such benefits in the calculation was standard practice where the new scheme built upon existing or enhanced infrastructure elsewhere.

8.2.9 The guidance quoted by Busway Noway regarding the need to carry out separate assessments of separable elements related to LTP process, not to this stage. GMPTE had stated clearly that it would not implement the busway part of the scheme without the bus priority measures to the east. If that guidance had been relevant, the bus priority measures could have been assessed separately, because they could stand alone, but the busway could not. The total benefits from the full QBC scheme had been assessed as being 4 times greater than those from the basic priority measures alternative LCA 1, and as being 2 times greater than those from LCA 2, which sought to replicate the QBC scheme as

closely as would be possible without the busway; the net present value of the QBC would be 250% of that of either of these alternatives (see paragraph 4.2.2.8 above). So far as was possible, the separable elements of the scheme had therefore been appraised.

8.2.10 The price base used made little difference to the comparison of costs and benefits, since the method of calculation applied to both sides of the equation. The QBC scheme would also be robust to a capital cost over-run of 170% above the present estimate, to a fall of passenger numbers of the order of 30%, or to an increase in the overall peak period journey time from 42 minutes to 46 minutes.

8.3 Congestion and Modelling

8.3.1 GMPTE had studied the operation of the various local junctions where congestion was feared. The results of these studies were reported in ID 47(i), with Astley Street park-and-ride access at Section 5.7, Well Street at Section 5.8, Hough Lane at Section 5.9, Hart Street at Section 5.10 and Sale Lane at Section 5.11. In all cases it had been found that the junction would operate satisfactorily from a traffic point of view, with no risk of congestion. Similarly, no problem of additional congestion arising from the busway was apparent on the Tyldesley Centre - Sale Lane route, nor anywhere else on the local network. It was therefore unlikely that there would be sufficient tail-backs from these junctions to affect other local junctions. There would be some small delays at the new traffic signals, which could be offset by reductions in delay elsewhere due to car drivers transferring to the QBC. Overall the delay effects on local drivers would be minimal.

8.3.2 As regards the validity of the modelling, the Hough Lane busway crossing and the Hough Lane/Manchester Road/Sale Lane junction had been included in a single model. Because other junctions did not experience interacting tailbacks, there had been no need to model them in combination. Between the Hough Lane/Manchester Road/Sale Lane junction, the Mort Lane/Sale Lane junction and the location for the Sale Lane busway crossing there might now at times be platoons of slow-moving traffic, but no stationary queues over the whole length had been observed, and if they had occurred on occasion this was likely to have been the result of an abnormal situation which would not have been made worse by the QBC.

8.3.3 The lights at the signal-controlled crossings of the busway and public highways would change only in response to pedestrian demand or the approach of a bus, and would provide pedestrians with adequate protection. On average there would be no more than one bus every 3 minutes, and this was the maximum used for planning purposes; such a rate was unlikely to be maintained throughout the evening to midnight, and a change every 75 seconds was highly unlikely at any time. At the Hough Lane/Manchester Road/Sale Lane junction it was proposed that the signals should be co-ordinated with the nearby busway crossing signals and GMPTE calculations showed that any queues building up at the busway signals would dissipate before the next red period, so that widespread congestion would not occur.

8.3.4 More specifically, the likely effects of the busway crossing at Hough Lane had been queried in relation to congestion, safety, convenience and other matters. It had been suggested that the busway should instead pass under the existing bridge. This would not be a good alternative. As noted above, the junction modelling did not show that the effect of this crossing would be to add to the local congestion The work on widening the arch of the bridge would disrupt traffic on Hough Lane for several months, and the resulting positioning of the busway bus stop at the bottom of the cutting would cause it to be neither easily accessible nor sufficiently open to observation for security. The construction of a bus stop platform spanning the storm water tanks, which could not support any additional load and to which adequate access would have to be maintained, would be difficult and expensive. The alternative of relocating the tanks would also be expensive. The retaining wall on the south side would need to be made longer, because of the altered profile of the busway. There was sufficient uncontaminated surplus material elsewhere on the scheme to avoid any need to use contaminated material for infilling the cutting at Hough Lane bridge, so that problem would not arise. The crossing facilities proposed by GMPTE would be safe and would not cause congestion, and the suggested alternative would have no advantage to offset its disadvantages.

8.3.5 Except insofar as they might interact, traffic conditions on the A580 were not relevant to the present proposals for the busway. In fact, reductions of the speed limit on the A580 to 40mph or to 30mph would increase overall peak period QBC journey times in the peak direction by about 1 minute and 3 minutes respectively. Compared with present services (34 and 26), the overall Leigh-Manchester time savings generated by the QBC were estimated at 19 minutes and 13 minutes, eastbound, at peak and off-peak times respectively. The corresponding westbound time savings were 15 minutes and 17 minutes respectively.

8.4 Service and Accessibility

8.4.1 The service justification for the busway scheme was not solely that it would provide an attractive journey time in the morning peak. Such an improvement was needed, and the scheme would provide it, but there would be improvements to journey times in the evening peak, and to the reliability and quality of the services throughout the day. Part of these improvements in the speed and reliability of the overall journey would arise from the bus priorities now being implemented in central Manchester, separately from the works under the present QBC project. As regards off-peak journey times, the best off-peak scheduled Leigh-Manchester time (Service 34) was presently 47 minutes, whereas the QBC scheme would achieve 39 minutes. These improvements were aimed at benefiting all lengths of journey within the corridor, and at those terminating beyond it, and not just at the Leigh-Manchester journey.

8.4.2 The calculations and modelling submitted by GMPTE showed that passengers would be attracted both on-peak and off-peak, and that the journey times presented were achievable with the proposed scheme. It had been shown by GMPTE that this attraction would include significant numbers of people from cars. Providing an increased frequency on such existing services as the 26 and 39 would help to improve existing public transport, but it would not provide the faster, more reliable and more comfortable public transport that was needed.

8.4.3 While Newearth Road could in theory become congested, Mott MacDonald had never observed it to be so and they concluded that congestion there, at a level sufficient to impede significantly the northbound QBC buses, was unusual. The calculations in GMPTE Document B8 confirmed that the introduction of QBC proposals would not result in increased delay to traffic on Newearth Road or to delays to southbound QBC vehicles. Westbound QBC services on the A580 could be delayed if there were a queue on the approach to the junction with Newearth Road, but GMPTE.B8, Section 5.2, showed that the proposed length of bus lane for this locality would be adequate. If this were found not to be so in practice there was sufficient space east of the junction for it to be possible to apply for a Traffic Regulation Order and planning approval to extend the bus lane. Although traffic circumstances elsewhere could prevent the estimated overall runtime being achieved, this was expected to be only an occasional occurrence.

8.4.4 As regards the accessibility of buses for disabled people, the QBC scheme was not the only scheme for the improvement of bus services. Low floor buses might still be introduced on existing services, but even where this was done and matching raised kerbs were provided, thoughtlessly parked cars often prevented the buses from being able to stop in the right place. This would not happen with the busway.

8.4.5 Turning to the matter of access to the area for equestrians, GMPTE acknowledged the importance of equestrianism to both the farming economy and the general economy, and intended to support this. The new all-weather multi-user path was specifically designed to include equestrians between Holden Road and Astley Street, and it would maintain the level of equestrian connectivity and facility presently enjoyed in the area. While taking this supportive view, GMPTE felt that the actual level of equestrian use observed on the present route in 1998 and July 2002 did not match the claimed horse population of some 300 in the immediate area of the busway. Only 20 horses had been observed in a 17 hour day in July 2002 on the corridor, and GMPTE suggested that the majority of the livery yards were probably some distance away, on the other side of the built-up areas or the A580, rather than being in the immediate vicinity. There certainly were livery yards and stables at local

farms, but none of the local farmers who had liveries and had objected to the scheme had raised its specific impact upon their livery business as an issue.

8.4.6 There was an extensive network of riding routes in the immediate area and further afield (ID 47(iii) App. 17 and ID 48 Fig. B). All existing designated bridleways and paths in regular use by horses would be retained, though some diversions would be needed during construction, with improvements being made to these where necessary. As regards the separation between the new bridleway and the busway, there would nowhere be less than 5m between them, assuming the horses to be on the outer side of the multi-user path, which was a better separation than on a country road. There would also be better sight lines for improved inter-visibility, and a physical barrier between the two consisting of a fence and, in many places, a hedge. The potential for conflict between bus and horse was therefore less than on a country road. As regards the suggestion that there could be a soft-surfaced equestrian path beside the cycle/pedestrian recreation route, which needed a firm surface, there was not enough room to permit this with adequate widths for both types of user. It was now accepted that a crushed limestone surface would not be suitable, and the actual finish would be decided after consultation; whatever it was, it would be firm and free-draining, and it had been accepted by all that such a finish was available.

8.4.7 No established rights of way would be blocked by the busway. The new footpath NP42 - NP 43 - NP44 would in fact be a footway beside the street, and it was noted that there were no designated bridleway links at present between the recreation route and either King William Street or Hathaway Court; consequently, the scheme did not propose to create such links. Overall, the impact of the scheme on equestrians would be a temporary slightly adverse one during construction, followed by a minor adverse one in relation to accessibility and amenity during operation.

8.4.8 It was possible that the recreation route east of Astley Street in Tyldesley Street had been used by equestrians in the past, some 20 or 30 years ago. However, notwithstanding the varying equestrian uses claimed in objections 560 to 574, access was not presently permitted east of Well Street, the route was largely fenced and there were metal barriers across the route east of the Sheep Lane crossing. Access did seem feasible from paths in the woods east of City Road; the figure of 5 equestrian users given in the 1998 survey appeared to have been the result of a classification error by the surveyor, but one horse had been observed on the route east of City Road on each of two of the three survey days in 2002. There was therefore no current equestrian movement along the corridor between Well Street and Newearth Road.

8.4.9 The provision of an equestrian route in this section would be an improvement over the existing equestrian facilities, for which GMPTE did not have a responsibility. The route corridor, in this section, was too narrow to provide sufficient width for a continuous 4.5m bridleway, as the study by Mott MacDonald of this possibility had shown (GMPTE.B3), and as had already been noted in outline in the Evidence in Chief. It would require extended retaining walls or steeper side slopes at a number of locations, a separate path past the drainage attenuation tanks between Upton Lane and Hough Lane, and additional equestrian facilities at the road crossings. It would also require the removal of more of the existing vegetation, and more clearance of areas of dense mature woodland to the height of a rider's head, opening up and lightening the existing woodland, with adverse landscape consequences. Furthermore, there was no network of bridleways on the east side of Tyldesley, unlike the west side, into which such a route would connect. The disbenefit would exceed the benefit. Nevertheless, the local authorities would be able to pursue this suggestion at some future date, if they so wished. The fact that the suggestion had been made indicated that the busway and the bridleway were not such incompatible neighbours as had been claimed. As regards the question of providing a sand paddock or menage area, GMPTE did not have statutory authority to acquire land for additional facilities when, as here, an existing resource was being upgraded as part of an overall transport package.

8.4.10 As regards the designations of replacement minor rights of way across the corridor, GMPTE had followed the statutory designations and proposed to replace like with like, though it would do so with an all-weather construction for multiple use which would give a considerably better standard than now existed. In doing so it had assumed that any path that was in public use but was not on the

Definitive Map was a permissive one. Nevertheless, and subject to sufficient space being available, it was willing to co-operate with Wigan Council if that authority saw fit to change any of the existing designations, for example by including rights for cyclists or equestrians. However, as had been stated, the problem of pinch-points prevented any such flexibility in relation to the suggestion of an equestrian route along the corridor east of Astley Street.

8.5 Landscape

8.5.1 The landscape proposals had not been criticised by objectors as being either deficient or warranting improvement. They had been carefully designed to minimise impact on existing vegetation and maximise replanting, so that after 15 years the corridor would appear as a woodland belt in the landscape. The cost, at 1998 prices, would be about £1,100,000 plus about 20% for design, supervision and contingencies. At least 95% of the planting would be with native species. Non-native species would be used where screening would be thin close to residential properties (Common Laurel), to provide an effective evergreen screen, and some ornamental ground cover plants would be used at the bus stops. The design of the busway would avoid urban characteristics such as lighting (other than minimal) or hard surfacing of the path, and there would be grass between the tracks.

8.5.2 The present vegetation was not solely natural regeneration, as the corridor had been planted up in the 1980s, and it needed management so as to provide grass as well as scrub. In the particularly sensitive area adjacent to Lilford Park the busway and recreation route would take up a width of up to 22m, but would not radically alter the overall landscape character or quality of the corridor itself. Given that the ground between the tracks would be grassed in most places, and that the existing path here was quite wide, the actual loss of green surface width would be about 4m in total, or about 10% of the typical 40m width of the corridor. In the longer term the replacement planting and the management system would reduce the landscape effects here to "slight adverse", and the visual effects to "negligible". The contractor would usually be responsible for landscape maintenance for the first 3 years, after which Wigan would take over at the expense of GMPTE.

8.5.3 The evidence showed that there would be no unacceptable visual intrusion. There would nevertheless be some remaining visual impact, after 15 years, and at certain properties in Holden Road, Chester Road and City Road this was forecast to remain at "moderate adverse" levels. However, even there the visual and landscape impacts would be far worse if the corridor were to be used for a railway, for which the UDP had allocated it. The intentions of the Red Rose Forest and its community forest adjoining the busway would improve further the endowment of the area with trees and accompanying habitat. As ID 10 illustrated, slightly under half of the busway would be flanked by forest and the remaining part, while not Red Rose land, would be flanked by substantial open areas. Overall, although the busway would have some landscape impact this was not considered to be significant in the long term, and it should be seen in terms of the improved recreation facility that would result.

8.6 Ecological Impact

8.6.1 The main point in relation to ecological matters in general was that the wildlife in the area had been extensively surveyed, and the habitats and the species in them would all remain after the introduction of the busway. The timing of the surveys had been appropriate for ascertaining the presence of newts in the relevant ponds, rather than being aimed at actual numbers. During construction the wildlife would be protected by the Code of Construction Practice, which the local Council would enforce. The only fields in respect of which further, and more up-to-date, information needed to be provided to the Local Planning Authority were those associated with construction, and these would be covered prior to such things as site or vegetation clearance. An archaeological watching brief would also be maintained.

8.6.2 The ES had been produced in accordance with the relevant guidelines. The relevant requirements for Environmental Impact Assessment and the ES were laid down in the Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2000, which embodied

the requirements of EU law as contained in Council Directive No. 85/337/EC as amended by Council Directive No. 97/11/EC. The Rules required and permitted the Secretary of State to direct the provision of more information if he considered this to be respectively necessary for a valid ES, or just desirable, and required him to take account of the ES, of any representations and of any valid objections in relation to it. Neither he, nor Wigan nor Salford, had asked that more information be provided.

8.6.3 Having regard to the Rochdale decisions, it was clear that the ES must avoid an unnecessary degree of flexibility, and hence uncertainty, but that it did not have to include every available piece of information. What was required to be placed before the inquiry, and the decision-maker, was sufficient information to enable the "main", or the "likely significant" effects on the environment to be assessed, and the mitigation measures to be described, and in the present case this had been done. The further survey work that was proposed to be required, just before the time of commencement of the works in some years' time, was not needed because of any inadequacy in the ES, but as a matter of good practice and reflective of the statutory duties which were quite independent of the ES. The ES, updated where necessary by evidence now submitted to the inquiry, contained in its extensive pages all the information that could reasonably be required.

8.6.4 The nature of the busway was most closely analogous to that of a road, rather than being a strategic-type scheme, so the relevant guidelines were those in volume 11 of the Design Manual for Roads and Bridges, rather than GOMMMS (the Government's "Guidance on the Methodology for Multi-Modal Studies") or NATA (the Government's "New Approach to Appraisal"). It was appropriate to look, in the scoping exercise, at the significant effects - not at every single component, which would be impracticable. A holistic approach needed to be adopted, rather than considering individual criteria separately.

8.6.5 Dealing with the ecological classification and surveys in greater detail, it was significant that, in relation to the ecological value of the corridor, both English Nature (EN) and the Greater Manchester Ecology Unit (GMEU) were aware of the ecology and neither of them had expressed a view that further designation of land at SSSI or SBI level was necessary. Any such designation of the entire corridor would risk devaluing the principle, and the simple fact was that no such designation of the corridor, in whole or in part, had been considered appropriate by the relevant expert bodies. It was nevertheless possible that the Grade A SBI could be upgraded at the next review, and the changes brought about by the busway could help towards this by improving its quality locally. The ES had identified those small areas of the corridor that were ecologically valuable and sensitive, and an SSSI designation would not greatly increase the level of protection afforded by the Wildlife and Countryside Act to GCN, water voles, bats and birds. The ES had identified the species present and had correctly evaluated the most valuable site (the "Ponds near New Manchester SBI") as being of Regional value, and the associated part of the route corridor as of "high local" value; this was the benchmark for other parts of the corridor.

8.6.6 Both EN and GMEU considered the surveys to have been adequate, and the Wildlife Trust had said that they had been thorough and that most of the ecological impacts had been identified. Even Mr Skelcher, the specialist witness for Busway Noway, had accepted that Hyder appeared "to have undertaken a reasonably comprehensive survey of many of the key species affected by the proposal". GMPTE believed that all of the impacts had been identified.

8.6.7 As regards amphibians, the ES had identified 2 ponds as possibly being directly affected by the proposals - W15 at Nuttalls Farm and W52 at the Ponds near New Manchester SBI, both of which contained GCN. In fact the busway would have no direct effect upon either of them, though the implications for their protected populations had to be considered. W15 had been reported to have four species of amphibian including GCN, and large numbers of their eggs had been found covering all submerged leaves. On this basis the pond was considered to contain a "good" population of GCN, rather than an "exceptional" one; population of other amphibia in W15 appeared to be low. The ES had also identified the potential impact on all ponds within 500m, the typical roaming radius of newts in their terrestrial phase. The provision of "toad tunnels" had been described; these, or similar, had

been and continued to be used up and down the country under highways, and no evidence had been produced to show that they were ineffective. They would also serve other small creatures. After construction the busway, with its toad tunnels, would not be a significant barrier to the roaming of the newts; their journey to and from their breeding ponds was a seasonal event, not a daily one - say 2 or 3 times a year. Most of their movement would be at night, when there would be few buses or none. The tunnels would be likely to be provided with a greater frequency beside the ponds, reducing the newts' travel distance. With the intended mitigation, the ponds would be protected from direct impact during construction, and species would be enabled to cross the busway; there would be no significant adverse effects upon the newts.

8.6.8 As regards water voles, the ES had been unduly pessimistic in assuming that the 46 identified burrows in the south bank of Pond W15 would be destroyed by the scheme. This location had been properly assigned a "high local" value - a total of 7 breeding females was not sufficient to give it high national importance. The busway would be some 15 metres away from the bank, in which the burrows typically extended only some 1m or 2m - well within the area of retained vegetation. The area behind the bank would be built up to carry the recreation route, which would be further from the bank, and higher, than the recently re-laid and re-surfaced existing path in this location. Figure 39b in the ES Vol. 2 Part 1 (GMPTE.A13) showed this clearly. The voles would be able to use the toad tunnels under the busway track. Damage to the species or the protected burrows was unlikely, and the proposed mitigation would be adequate if any damage was threatened. During construction there would be a supervising ecologist on site, to ensure that no adverse effects occurred.

8.6.9 As regards bats, although there were potential roost sites along the corridor no actual roost sites had been found. Bat activity did occur in the corridor and was unpredictable, so the matter would be kept under observation; it was difficult to mitigate if there was no problem to be mitigated. As regards birds, while there was plenty of bird activity in the area there did not seem to be much breeding within the boundaries of the corridor itself. The evidence from the Ornithological Society had been unspecific on this precise point (ID 40, ID 43), and it had not indicated in 1998 that any birds bred actually on the route. It had not provided copies of surveys to support any assertion that a wide range of birds did so. A joint site visit on 1st October 2002, to a 750m length of the corridor extending each side of Upton Lane, had identified 15 nests within the corridor, and these had all appeared to be nests of species that were common and widespread in the Greater Manchester area (ID 38). Two Sparrowhawk nests had been observed adjacent to the corridor, one being 15m outside it and the other 25m.

8.6.10 The larger birds mentioned - Sparrowhawk, Cuckoo, Tawny Owl and 3 species of Woodpecker - all required mature woodland for breeding, whereas the majority of woodland along the corridor was young. The more mature and well-established woodland and scrub in the adjacent and wider area was likely to be the main attraction, and the corridor did not really merit the description of a site of moderate national importance and of high regional importance for birds, as the objectors claimed. The disturbance caused by the scheme would be short term, with only minimal long term impact. Such clearance of vegetation as was needed would take place in autumn and winter, avoiding the nesting season, and for non-breeding species sufficient vegetation would remain in the locality to meet their needs.

8.6.11 More generally, GMPTE accepted that there would be a net loss of vegetation along the route corridor, which would be particularly noticeable in the early years. This was shown in detail in ID 39. However, it should be remembered that this was a designated rail corridor, and with a railway the loss would be substantially greater; also, it would not be possible to have a recreational route close to a railway. The present vegetation, largely originating in the 1980s, was in need of active management, which the scheme would provide. The design of the scheme would minimise loss, preserve most of the trees within the corridor, and establish new and replacement planting where possible, including off-site. There would be no net loss of planting in the wider area, and the objectors' photographs of the area showed how quickly this kind of planting could become established.

8.7 Green Belt

8.7.1 GMPTE's additional response on Green Belt policy considerations is reported in section 8.1 of this report.

8.8 Investigation of Alternatives

8.8.1 GMPTE had assessed a wide range of alternatives, and had given an outline of them and the reasons for its choice in the ES, which was what the Rules required; there was no requirement for GMPTE to study every possible alternative. It had concluded that none of the alternatives to the present scheme would meet the objectives of the QBC in a cost-effective way. The WS Atkins study (GMPTE.A32), which had included any alternatives that occurred to Atkins as well as those that GMPTE had submitted to it, had concluded that none of the light rail or heavy rail options suggested in earlier studies (which had included a rail spur via Chat Moss) appeared to represent a cost-effective solution, and that most had operational problems. Since that time, the relative cost of rail schemes had been increased by the need to meet new standards and other factors. Atkins' assessment of a Leigh Parkway station had seen it as served by a guided busway from Leigh, and had seen it only as better than other rail options - not as better than the QBC as now proposed. Not all of the alternatives that had been looked at had been modelled, as many had been filtered out at an early stage for a wide range of reasons - such as not meeting the stated objectives of the scheme. The DfT had not asked for more to be modelled.

8.8.2 GMPTE had in fact recently re-considered the cost of constructing a rail line from Kenyon Junction to King Street in Leigh, comparable with the suggestion by the Six Associations. Mott MacDonald's present estimate of the full cost of this for construction later in the decade was some £30m - £50m at 2002 prices, and it was still the case that lack of rail capacity between Eccles and central Manchester would only permit such a service to be introduced if others were cut back. The potential for improvement of Atherton station as a public transport interchange was being investigated by GMPTE, but while such an improvement might be complementary to the QBC, which would not detract from it, there was no indication that it could be a substitute. Improvements at other stations would be much the same. Problems with such interchange facilities included the need to change vehicles, the perceived unreliability of connections and the lack of proper through-ticketing arrangements. No viable rail options had been identified by any party, and improved bus services feeding into rail stations also seemed unlikely to be economically viable.

8.8.3 GMPTE had looked in detail at the Busway Noway alternative scheme for a heavy rail line from Kenyon Junction to Wigan via Leigh; the details of this had only recently been made available, in Mr Maile's Statement of Case. It would involve very substantial engineering operations, including tunnelling, a canal aqueduct, 5 new stations and substantial alterations to track and signalling. The costs, problems and train operating difficulties referred to in the GMPTE Evidence in Chief remained, and the Leigh station would still be some 800m from the centre of the town. Train services through Leigh connecting such pairs of stations as Wigan and Warrington, Wigan and Manchester, Manchester and Chester and Manchester and Liverpool would be less direct than the present routes, so the operations would have to be supported mainly by Leigh traffic. The level of such use was unlikely to be adequate, as regards the economics, and it was doubtful whether the timetable could be recast so as to provide even an hourly service on these routes without detriment to existing local rail services. Simply, this highly elaborate heavy rail alternative was not capable of practical implementation

8.8.4 As regards its environmental impacts, the Busway Noway alternative would run entirely within the Green Belt, within a designated Wildlife Corridor (Wigan UDP) or a designated Greenway (Warrington UDP). Apart from the effects acknowledged by Busway Noway it would also require demolition of property including a new fire station, several right-of-way crossings, loss of land from Pennington Country Park, incursion into the Pennington Flash SBI, hydrological effects with potentially significant effects on the biodiversity of surrounding habitats, and the impact of a new railway station and its associated infrastructure.

8.8.5 While GMPTE was aware of the Tram-Train concept, and of the recommendation for feasibility studies of it, these studies had not yet commenced and GMPTE had no commitment to them. The capacity of the city centre to take more trams was a potentially limiting factor, especially if the Metrolink system itself were to be extended; the practicability of the idea had yet to be established and expansion of the capacity had not been included in the current bid for the network which was before GMPTE.

8.8.6 In comparing journey times for alternative systems proper account had to be taken of all elements of the journey. Access time to and from stops or stations was important, and for a rail journey this would be much higher. Service frequency was important, and a bus service running 6 times per hour would show a lower average waiting time than a rail service running twice per hour. An additional factor was the lack of any present proposal to add to, or lengthen, the two fully-loaded peak-hour trains to Manchester from Atherton. The QBC was intended to serve three markets: journeys to and from Manchester, journeys to and from Leigh, and other journeys, and all of these were significant in assessing the overall benefits. A direct heavy rail route would serve only the overall Leigh-Manchester journey, for which there was far too low a demand. The minimal low-cost alternative (LCA1) which had been studied, and which incorporated only the on-road bus priority measures east of Newearth Road, would indeed produce benefits, but these benefits would be much lower in aggregate than those from the full scheme and the increment in cost arising from the choice of the full scheme rather than this alternative was fully justified in economic terms (ID 45(ii)).

8.8.7 The incorporation of the guiding element was important; unguided versions of such schemes as those at Leeds and Ipswich might also have shown benefits, but they would have been lower. The added benefits of a guided busway were reduced landtake, better quality of ride, and self-policing to exclude intrusion and obstruction by other vehicles. Despite these advantages, the construction cost of a guided busway was no higher than that of a non-guided equivalent. It was also the case that, while buses approaching a bus stop could be so positioned as to be able to use the kind of high-quality easy-access bus stops that the QBC would use, even without the guidance system, this would require a slower approach speed than if the bus were fully guided, and so would lead to longer journey times.

8.8.8 An enhanced network of local bus services connecting to local centres, the railway stations and other destinations might well benefit the public, but there was nothing to prevent operators from operating such services now. Atherton station could already be reached by several bus services, though only two actually passed the station, and this admittedly somewhat imperfect bus-rail link had attracted only about 50 rail passengers in the 12-hour day on which it had been observed. The investigation of alternatives had included a bus link from Leigh to Walkden station, but it had appeared that by this route the journey time to Manchester would be longer than by the QBC, and the need to change at Walkden would have been a further disincentive . The present absence of such link services suggested that they would not be viable without subsidy, which GMPTE was not in a position to provide.

8.8.9 West of the M60 the A580 did not have sufficient width, without the construction of additional lanes, to enable bus operations to be given sufficient priority without unacceptably impeding general traffic. An on-road bus service west of Ellenbrook following the ordinary single-carriageway roads would have little opportunity for improvement over the existing services. On-road bus priority measures might be possible, but not to a significant extent, as the two independent assessments by MVA and by Mott MacDonald had shown. The objectors' suggested low-cost alternative of constructing a bus-only link between Higher Folds and Tyldesley would not offer a bus service with the journey times and reliability of the QBC, and would fail to meet its objectives. A service running along the A580 and up Atherleigh Way to Leigh would have a longer route, could run into congestion at St Helen's Road and the bus station approach, and could have problems with lack of space for bus priority lanes on the A 580 itself. The longer journey, the exposure to congestion and the perceived dog-leg would be obvious disincentives to potential passengers. GMPTE had in fact investigated a variety of bus-only based alternatives and, as had been noted, it was promoting over 200km of such schemes elsewhere. Here, the scope for effective bus-priority schemes was limited, and the economic return from the busway had come out as best, as had its achievement of the scheme's objectives.

8.8.10 GMPTE did not maintain that there would be no changes to the bus services in the area; these could occur with or without the QBC. What it did say was that the overall level of service, including the QBC, would be no worse than at present. In the economic assessment of the QBC it had been assumed that existing bus services would be unchanged, ignoring the possibility of the extra QBC ridership that could result if there were any reduction of other services.

8.9 Recreation

8.9.1 The surveys of use of the existing recreation route had been carried out on a weekday, Saturday and Sunday in September 1998 and again in July 2002. Part of the 2002 survey had been during the Commonwealth Games, but total attendance (including visitors from elsewhere) on any given day would not have exceeded 4% of Greater Manchester, so this factor was unlikely to have affected the levels of use significantly. The surveyors would have counted people using the relevant part of the route, which would not necessarily have been limited to the exact part upon which they were standing - it could have included other parts within their view.

8.9.2 The 2002 figures had shown a decline in use by pedestrians, equestrians and cyclists, and a great increase in illicit use by motorcycles, but the changes might not have been statistically significant given the limited number of days of survey. For the 2002 weekday, Saturday and Sunday surveys respectively the average numbers of pedestrians were 88, 83 and 62; of equestrians, 12, 5 and 3; of cyclists 23, 16 and 15, and of motorcyclists 15, 8 and 10. These figures related to the whole length of the route for pedestrians and cyclists, to the Holden Road-King William Street length for equestrians, and to the Leigh-Tyldesley and Hough Lane-Sale Lane length for motorcyclists. It was thought that the 1998 equestrian figures had been inflated by equestrians who had known upon which days the survey was to be held, according to what some equestrians had told the surveyors. However, it was not known whether this had had any significant effect upon the user figures - probably not much. The increase in misuse since 1998 by motorcycles had probably had some effect of discouraging legitimate users, and the use by equestrians was oddly low considering the claimed numbers of local horses. However, these could have been using other parts of the extensive formal and informal bridleway network at the time of the 2002 surveys, and there was no way to be sure of the reasons for the changes.

8.9.3 The results indicated a path that was quieter than a typical highway footway but busier than a remote country footpath, which reflected its semi-urban nature. The proposed new recreational route would be provided with entry and exit control barriers carefully designed by SUSTRANS, and supported by the police, which would admit legitimate users, including wheelchair users, but would exclude motorcycles (which would be prohibited by a new bye-law). A degree of compromise between the often conflicting needs of the various user groups was inevitable, but the scheme would provide an enhanced all-weather path, exceeding the design standards of the British Horse Society (GMPTE B.15) and Sustrans (GMPTE B.33) and accommodating all classes of user within a width which would nowhere be less than the present width, and which in many areas would be significantly greater.

8.9.4 As well as providing these higher standards on the existing recreation route, the scheme would maintain the current level of connectivity of the right of way network throughout the route from Leigh to Ellenbrook. It would be better cared-for than now, and it was agreed that while its appearance would be kept naturalistic it would not have the character of a track in the depths of the countryside. Some present users particularly valued this character, but it should be remembered that this path was a link between 2 urban areas, not really a country path as such, and that its present character and condition limited the ability of the public to use it as a link, or for access to the adjacent woodland and Red Rose Forest area. The busway scheme would provide the visual and wildlife quality, the maintenance and the all-weather accessibility that the Council could not afford.

8.9.5 Illicit use of the busway itself by ordinary vehicles would be difficult, because of its kerb guidance system, and could be made more so by adding car trap pits as had been done in Adelaide. Vehicular access to the recreation route also would be limited by control measures. In addition there

would be the Ranger service that had been described. Consequently it was considered to be unlikely that the scheme would increase such things as scrambling, car dumping, rubbish dumping or general vandalism, and the generally more cared-for appearance of the scheme could engender more respect.

8.9.6 In relation to the request by the Secretary of State for information upon the matter of recreational space, the busway would provide a multi-user recreational route in place of the present permissive paths within the present ill-kempt and overgrown corridor. There would be no net loss of space for recreation, and the provision for informal recreation would be improved. No other recreational space was affected and no alternative recreational space was needed. The provision of "exchange land", under Section 19 of the Acquisition of Land Act 1981, applied to proposals for compulsory acquisition, and land defined statutorily as "open space" - laid out as a public garden or used for public recreation or a disused burial ground. No such statutory open space was affected by the CPO provisions in the Order; the corridor was designated as "Greenway" under the UDP, but this was an informal designation, not relevant to Section 19, and use of land for a right of way or passage was not "for the purposes of public recreation". It was possible that parts of the corridor might be places of general resort, but none which might be so were proposed for compulsory purchase. Wigan did not consider any of the former railway corridor to be formal open space.

8.9.7 GMPTE would be acquiring about 9,438 m^2 of additional land, in 4 plots, adjacent to the corridor: 5,701m^2 off Astley Street, 2,886m^2 east of Sale Lane, and 384m^2 and 467m^2 between City Road and Newearth Road. GMPTE was minded to dedicate this voluntarily as public open space, but if the Secretary of State were to consider that additional recreation space should be provided, or that Section 19 did apply, this land could be formally assigned for that purpose.

8.10 Safety and Pedestrian, Road, Farm and Animal Crossings

8.10.1 The safety of the guided busway system for users had been well tested in other locations. It was simple and reliable and, as had been pointed out, the guidance system was understood to be quite different from that at Nancy. Also as pointed out, the guidance kerbing at the entries to the guided sections after crossings would be splayed, to funnel the buses into the track; short gaps would have no effect. The bus speeds would be moderate, and the buses would have good visibility and normal braking capabilities to cope with any unexpected obstructions; an emergency stop from 40mph would take less than 50m. The 120m visibility standard was a minimum - in many places a bus driver would be able to see much further ahead. The horn could be used where appropriate, for instance if there was a dog on the track, but guidance would be issued to prevent inappropriate use, such as where horses might be frightened. The Highway Code did not see headlights as being a particular risk in this respect. The scheme would have to meet the requirements of the Health and Safety Executive before it opened, and no problems were expected in respect of this.

8.10.2 With a view to the safety needs of the various classes of user of the recreational route, it had already been said that consideration had been given to the possibility of providing physical barriers between them, but there was not enough room to do so. The bridleway width of 4.5m was sufficient to accommodate all users comfortably at the same time, and was wider than practically all parts of the present route. The buses would be quiet, but not silent, so horses should not be either terrified by noise or surprised because of its absence, and the horses would be at least 5m away from the passing buses - a rather better separation than on a typical country road. Drivers would be warned to slow down when approaching horses, but they could normally do so using engine braking. If they did consider it necessary to apply the brakes, they would probably do so well before they came level with the horse. The intermediate hedge and fence could be raised, if this were thought necessary, but it seemed unlikely. Local horses would soon become accustomed to the buses, and riders would learn to control them. If any horse were found to remain untrustworthy in such circumstances, it could presumably be ridden on an alternative route.

8.10.3 Use of the recreation route itself by emergency vehicles would only happen in most unusual circumstances, and would then be undertaken with great caution. A width of 4.5m was sufficient for a fire engine to pass an equestrian, slowly and with care, and users of the route would probably be

aware of the emergency and on their guard. Rangers might need to travel along it in some kind of vehicle as part of their duties, but this was a matter to be dealt with in due course by Wigan Council.

8.10.4 As regards the safety of equestrian crossings, it should be noted that there was only a relatively small probability of a bus and an equestrian being at a crossing at the same time; a bus would be approaching within 120m of any crossing (a comfortable stopping distance) for only about 3 minutes in each hour, for about 8 seconds (ID 34). However, an equestrian-friendly crossing such as that shown on ID 29 (developed after discussion with Ms Booth) was intended to be used so as to provide for those occasions when an equestrian was present. A crossing of the busway would be only 8m long, so it would not take long for a horse to clear it once it had entered. "Holding" corrals were in common use, and would be used here, designed to current BHS standards.

8.10.5 The equestrian crossing of the main busway immediately to the west of the junction with the Higher Folds Spur would be no different from any other such crossing. Buses would not turn suddenly onto it from the spur because, except in emergencies (and then slowly), bus traffic using the spur would turn only to and from the east. The buses turning into the spur would also be turning quite sharply, and therefore slowly, around the junction radius, and those turning out of the spur would have to be prepared to give way to buses on the main busway. Consequently they would be unlikely to cause any difficulties for equestrians using the crossing on the spur a little to the south of the junction; the precise location of this would be reviewed when the detailed design was carried out, but allowance would have to be made for the adjacent farm access. At Lilford Park Brook, the bridges would in fact be parallel, not at an awkward angle for horses to approach the busway, and the detailed design of bridge for the recreational route would be the subject of further consultation with equestrian experts.

8.10.6 Equestrians should have no problems with the traffic signals at Holden Road, which would be of similar effect to a Pelican. At Astley Street there would be no need for an equestrian crossing facility as such, as the bridleway would not continue eastwards from the east side of the street., but equestrians might find it easier to wait for a bus to stop the traffic if they wanted to exit the bridleway and cross the street to turn south along it. In other respects the present situation at this point would continue. The adjacent access to the park-and-ride site was not expected to cause problems for equestrians. At both of these end-points of the equestrian route, any equestrians would necessarily be riding horses that were used to traffic, and would be passing through it for some distance.

8.10.7 As regards pedestrian safety in general, and especially that of children, the busway should be safe for children who had been trained and were trusted to walk on normal residential streets, though it had to be remembered that even those were not wholly without risk. The recreation route itself would be safer than a country lane, and the approaches to the busway would be fenced and laid out so that nobody would come upon it unawares; space had been allocated for this, but the details of the design would vary according to the exact local circumstances. GMPTE would organise a local educational programme in the adjacent communities, as it had with Metrolink. There would be a risk for an untrained child, unaware of how to cross roads or avoid moving vehicles, but probably less than on a public highway, and the busway would be fenced off on both sides so that children would be unlikely to be on it between crossing places. More unclimbable fencing could be used where necessary. Bus drivers would be able to report the presence of such children to the control centre, and the buses would have the ability to brake quickly. Accidents to unaccompanied children would be very improbable.

8.10.8 Safety would be improved if motorcycles could be effectively excluded. The entry stiles should make their intrusion more difficult, and it was understood that GMPTE had powers to make byelaws excluding them. The Ranger service would be a deterrent, and the altered character of the path would make it less attractive to young motorcycle riders who would usually prefer something rougher. All in all, use of the route by motorcycles was likely to be reduced by the scheme.

8.10.9 In relation to the suggestion that the A580 arrangements could lead to an increase in rat-running, with increased danger to the residents of the streets concerned, the bus priority arrangements proposed would maintain the A580 junction capacities, which were the ruling factors in relation to delays, so there should be no increase in rat-running.

8.10.10 There was no clear link between park-and-ride parking and local burglary levels, nor was there any apparent accident risk to children arising from park-and-ride sites. Contrary to some local belief, the scheme did not include a park-and-ride facility at Higher Folds - the demolition of some Council housing there had no connection with the scheme. The busway would simply pass through the settlement so as to give it better links to the outside, and any necessary traffic-calming could be carried out by the Highway Authority.

8.10.11 As regards the safety of wildlife, the grass or wild flower planting between the busway track beams would not be a traditional meadow mix, nor would it grow high. There was therefore no reason to suppose that it would be so attractive to small animals as to put birds of prey at significant risk from the buses; with a width of only 1.2m it would only add very slightly to the substantial amount of grass land in the area. Subject to the requirements of the conservation authorities, most of the route would be seeded in this way between the track beams for reasons of appearance, with the lower, and bare, toad tunnels as and where they were needed. These might be at a spacing of 2 in every 5m, perhaps grouped side by side, in areas of high use where the busway needed to be fully permeable, every 8.5m elsewhere in the general vicinity of wetlands, and more widely spaced elsewhere - perhaps every 20m or 50m. Larger creatures would not need to use them, of course. Toad tunnels were thought to be effective, and were accepted practice recognised by DEFRA, but there was no research dealing with them in relation to busways; advice in DMRB Vol. 10 was road-specific.

8.10.12 Opposite to Pond W15 the closeness of the busway would probably require close spacing of the toad tunnels for 100m or more. The actual spacing would have to be based on a re-survey of the current populations; 1998 information would be inadequate in that respect. DEFRA would require this information, and more, after the grant of planning permission and before it would grant a licence for moving newts, in the context of the Habitats Directive. In the event of a need for more such tunnels being identified at any time, this would be met simply by digging out the fill material from between more of the pairs of "sleepers" - the tunnels had no separate structure of their own, and would require no special maintenance, unlike pipe tunnels under roads. The bus traffic would amount to only some 350 vehicles per day, equating to a quiet country lane - not a significant risk for creatures such as hedgehogs, even if one ignored the toad tunnels and the fact that there would be no traffic at all for the later part of the night, which was when most nocturnal creatures tended to come out.

8.11 Noise, Vibration, Air Pollution &c.

8.11.1 It was noted that no challenge had been made to the evidence of Mr Forsdyke, GMPTE's witness on this subject, and that his conclusions could therefore be relied upon and had been endorsed by both Wigan and Salford Councils.

8.11.2 The buses on the guided busway would be modern vehicles, both quieter and less polluting than average, which would add very little to the effects of existing traffic. At Sale Lane, for instance, these buses would add only an insignificant 1dB(A) to existing ambient noise levels. Operational noise levels mostly satisfied relevant national noise guidelines, and no noise annoyance was expected. Nevertheless, noise screens were included where appropriate, to mitigate such noise as would be generated. The scheme would generate no vibration.

8.11.3 Air quality effects had been assessed at key locations representative of situations where buses would have the potential to affect local air quality. The busway buses would have only a small and localised effect, leading to no perceptible or significant changes in air quality or additional obligations with respect to the Councils' duties under the Air Quality (England) Regulations. Such changes as would occur would not represent a risk to the health of anybody. GMPTE had considered whether a formal discretionary purchase scheme was necessary, and its position was that such a scheme was not necessary, in view of the limited impact of the busway. However, qualifying property owners would still be able to submit claims under part 1 of the Land Compensation Act 1973 for depreciation caused by noise, vibration and other defined physical factors. If a problem did become apparent, GMPTE would be able to consider an individual application for discretionary purchase without first having to

adopt a formal scheme, and if it came to believe that a formal scheme was in fact needed, it could reconsider its present position.

8.11.4 Construction noise adjacent to the important temporary bridleway at Cooling Lane would be limited. There were no substantial structures on this length, so machinery would be working in limited locations and for limited times during the 6 months during which the spur to Higher Folds was likely to be under construction.

8.12 Construction and Contamination

8.12.1 The quantity of materials to be used was stated clearly in table 12.2.1 and para 2.6.1 et seq. in volume 1 of the ES, with further information in Fig 5 in volume 2 part 1 of the ES (GMPTE.A12 and A13). The amounts to be removed, and where from, were stated in section 2.8 and Table 2.8.2 (GMPTE.A12). As regards the identification of the sites and routes for the disposal of contaminated excavated material, a number of possible sites were mentioned in the ES (GMPTE.A12 para. 12.2.6 and GMPTE.A13 Fig. 22), with possible routes to them (also in ID 47(iii) App. 8). However, the actual sites could not be prescribed at this stage - the Contractor, following normal British practice, would be free to decide what sites to use, subject to the normal controls operated by the relevant authorities and the Code of Construction Practice. The Red Rose Forest project had expressed interest in obtaining spoil from the site to improve the quality of the soil on its land in the vicinity of the scheme, with particular reference to the possibility that this could permit the establishment of an additional 25ha of community woodland on the presently poor soil very close to the busway and north of Higher Folds (ID 16, ID 37). This would reduce the need to take surplus material off site on public roads, as well as adding greatly to the mitigation already proposed.

8.12.2 The degree of contamination of material at places along the corridor was slight, involving sulphates and phytotoxic heavy metals. In checking for this and other ground conditions, boreholes had been taken to a maximum depth of 9.9m, trial pits to 4.0m, and windows sampling to 6.0m. At the Hart Street scrapyard the general nature and location of the contamination had been identified, but a detailed survey could not be carried out until the cars which covered the site had been removed; however, there was no doubt that it could be dealt with by the normal methods. Where the material was not required to be removed to make way for the project the degree of contamination was generally too slight to require remediation. In some locations it was possible that contaminated material could be used as infill when mixed with uncontaminated, so as to produce a material with no more than the permitted level of contamination, subject to consent for this recycling from the Environment Agency. Where material did need to be taken off site, the general procedure outlined in the ES would be followed.

8.12.3 The requirements for mitigation in relation to the removal of surplus spoil were set out in Appendix l of Volume 2 of Part 2 of the ES (GMPTE.A14), the draft Code of Construction Practice, Sections 3 (Dust and air pollution), 4 (Protection of surface and groundwater resources) and 9 (Handling of contaminated materials). This was clearly stated, in its second paragraph, to relate to residents and businesses, as well as to construction workers, and it covered such things as working hours limitation and temporary protection for closely adjacent houses. GMPTE had suggested two draft planning conditions, Nos. 3 and 13, to give force to this aspect of the Code (GMPTE.A4). The risk to adjacent communities of contamination was virtually zero.

8.12.4 As regards the suggestion that the Order should contain an Article providing for compensation for neighbours affected by the works, GMPTE accepted that the statutory and case-law provisions for compensation did not provide for the detrimental effects of construction work upon nearby residents, though claims could be made if the works caused actual damage. It did, however, have discretionary power to provide alternative temporary accommodation for people whose health problems would be exacerbated. As noted in para. 8.11.3 above, if it proved that there would be a serious effect upon living conditions in any adjacent property, exceeding the guidelines used by the Highways Agency, then GMPTE would consider using its discretion to offer to buy the property.

8.12.5 The construction of the busway would be carried out in accordance with the Code of Construction Practice, which was a document agreed with the Local Authority and enforceable by it. Both GMPTE and the Contractor would have Community Liaison Officers, to advise local people as to what was happening and to receive and respond to complaints. In this context, GMPTE pointed out that it was responsible to the Passenger Transport Authority, which included elected members from its 10 constituent authorities, and that it was correspondingly responsive to complaints. It would provide a small claims procedure, through its contract documentation, dealing with claims for less than £500 or the Contractor's Insurance Excess, whichever was the lower; these procedures had a good track record for speed. Although construction was estimated to take 2 years in all, the work was likely to be progressive along the line and any particular adjacent property would be likely to be subjected to disturbance only for relatively brief periods.

8.12.6 As regards the more general health aspect, GMPTE was not aware of any objections to the busway having been expressed by the Health Authority.

8.13 Town Centres and the Local Economy

8.13.1 It was significant that no retail or trade objections had been pursued at the inquiry. The evidence, including Mr Tym's report, was that the busway would have a significant regenerative effect and would not harm the centres of Leigh or Tyldesley. There was no evidence that the installation of the Metrolink, with which the QBC could be compared, had had any adverse effect upon trade in the areas that it served, whether these were large centres or small. The findings by the Centre for Economic and Business Research contained in Appendix 3 of GMPTE.P1c (ID 44) showed that the economic impact on the areas served would be positive, not negative. Local businesses were not in fact thought likely to lose trade overall - the greater accessibility would work both ways; the CBI confirmed that in fact businesses were attracted to accessible small towns. The forecast attraction of extra jobs and residents to the Leigh and Tyldesley area, already referred to, would also be likely to benefit local businesses in general, though the effects could be made up of some individual minuses as well as pluses.

8.14 Park-and-Ride

8.14.1 Research had shown that the scheme would generate a need for park-and-ride facilities which, if unmet, could give rise to neighbourhood parking problems. The proposed sites were essential to minimise this risk. The sites would be secure, with direct access from the public highway avoiding the need for vehicles to pass residential frontages en route. Their size would be likely to give rise to about 1 car entering or leaving every 1½ or 2 minutes. Most of the traffic movements into or out of the sites would take place in the peak periods, with minimal flows at other times. It was considered by GMPTE to be unlikely that the sites would cause any problems for residents, but rather that they were likely to reduce the risk of parking problems arising. There could be seasonal fluctuations, for instance before Christmas, but even so it was not expected that these would be intolerable for the limited period concerned.

8.14.2 The review commissioned by GMPTE from Dr Graham Parkhurst, an expert in this field, related to this particular application of park-and-ride, not to such schemes in general, and it confirmed this view (ID 47(iv)). It stated that the QBC, with the park-and-ride sites, satisfied the criteria for such schemes to meet local need that he had recommended to local authorities in the past, and was likely to lead to net benefits in terms of car restraint and social inclusion. Dr Parkhurst thought that the provision would be sufficient to prevent problems of on-street parking in those locations. As previously noted, the scheme did not include a park-and ride facility at Higher Folds, and it was not considered that demand for parking at the Sale Lane bus stop, where also there was no park-and-ride facility, should be sufficient to cause a problem. The objectors had suggested that there could be a problem of significant pollution, from the cold starting-up of long-stay parked cars on these sites, but no likelihood of such a problem had been identified.

8.15 Consultation and Public Support

8.15.1 The method chosen for ascertaining public opinion had been aimed at obtaining the views of the population in the area affected as a whole, and the commissioning of an independent specialist market research company was the best way of doing this. The surveys had been based on a sample of the population in the area as a whole; the first survey had been by telephone, the second face to face. The repetition of the opinion surveys had been partly because of the difference in the messages that were being received through meetings and letters. Public meetings were more likely to be attended by those opposed to a scheme than those in favour of it, especially if they were organised by those opposing the scheme, and consequently the outcome of such meetings was not likely to be representative of public attitudes towards the scheme in the area as a whole.

8.15.2 There had been problems with the initial distribution of consultation material, but this had been addressed at the time (GMPTE.A33). GMPTE had carried out extensive public consultation, including at Ellenbrook even though the former railway was not to be used east of Newearth Road. Meetings had also been held there in the second round of consultation (GMPTE.A33 and A34). The scheme had been modified in some respects as a result of the consultation, and no letters complaining of a lack of consultation, or letters from Busway Noway alleging a failure to respond to a resident's complaints, had been received.

8.15.3 GMPTE had not refused to attend the presentation on the Busway Noway scheme organised in January 2002 - it had asked for information as to what kind of scheme this was, so that it could decide what people to send (i.e., the people dealing with heavy rail, or those dealing with Metrolink), but had heard nothing further. Prior to receiving Busway Noway's Statement of Case GMPTE had received no written description of its suggested alternative upon which an assessment could have been based.

8.16 Specific Locations and Properties

8.16.1 As a general observation, the proposals for compulsory purchase were not extensive, but were the minimum necessary for the scheme. In general, nobody had challenged the evidence of need for them, including the evidence regarding the engineering works. Most of the land needed was being acquired through voluntary option agreements, and the GMPTE lists of proposed modifications and substitute plans (ID 19, 19a) had further limited compulsory purchase wherever practicable.

8.16.2 *CPO Plots 32 - 47. Rosebury Avenue, Leigh.* The acquisition of this sloping strip of land at the foot of the embankment was necessary in order to enable it to be reconfigured to fit the busway adjacent, which had to cross Holden Road at the existing road level. There would be a bus stop here, with ground-cover planting and clear-stemmed tree planting to improve informal surveillance. The houses would be some 31m away, on the north-west side of the road. GMPTE had proposed to make this strip into a roadside footway, and had written to all of the resident owners asking for their views on how it should be treated, but had received no reply. This suggested that mostly they might not in fact be very concerned about it. If they wanted it instead to be laid out for parking spaces, or for landscaping, that could be done, subject to the views of Wigan Council, and it would not be necessary for the scheme to retain ownership of it once the work had been carried out. The traffic assessment showed that the Holden Road signal-controlled junction would operate satisfactorily, with no congestion and no significant safety risk. GMPTE would clear litter from the QBC bus stop, and from Rosebury Avenue if a problem spreading from the bus stop developed. The stop was not expected to cause nuisance for residents, but corrective measures were available if needed.

8.16.3 *21 Hough Lane, Tyldesley.* The nearest edge of the busway would be some 22m from the façade of this house, not 15m, and the edge of the platform would be 19m away. GMPTE agreed that the scheme would be adjusted so as not to acquire and plant the 2m strip of land on the south side of the rear-entry track beside the house, presently used by residents for parking. The future use of this strip would then be a matter for Wigan Council, which would remain its owner. This alteration would reduce the width of the landscaping from about 11m to about 9m over this 30m length. Access to this track from Hough Lane would be unlikely to become difficult. The scheme would have no significant effect on traffic levels along Hough Lane. Local people might walk to the bus stop along the east-side

footway in front of the house, but passengers walking to and from the park-and-ride site would cross Hough Lane at the busway crossing, where the signals would have a pedestrian phase, and then walk along the west-side footway.

8.16.4 *CPO Plots 84 and 88. The Scrapyard, Hart Street, Tyldesley (Obj. 20.)* The objector had not challenged the need for a park-and-ride facility in this location, but wanted it to be sited west of a continuing scrapyard use. This location, which would be reached by driving through the scrapyard, would be a major disincentive to use of the park-and-ride. The possible effects would be that the site would not be used, or that there would be parking on-street, and that potential users would either not use the busway or would drive further to a comparable site elsewhere on the busway.

8.16.5 *Well Street, Tyldesley, adjacent to 55 Maesbrook Drive (Obj. 104).* The level of the busway adjacent to this property would still be below the level of the rear fence of the property itself, and would be separated from it by an extensive shield of existing vegetation.

8.16.6 *CPO Plot 26. The Lancastrian Squash Club, East Bond Street, Leigh (Obj.267).* It was acknowledged that no notice had originally been served on the Squash Club, but the objector had not been put at a disadvantage because he had become aware of the proposed Order and its effects on the premises in March 2002, and had been represented and engaged in discussions since then.

8.16.7 The club car park was presently fenced off from the lorry park access, so that vehicles could only reach it by way of the existing alternative rear access road from High Street. The Club's proposed 60 space car park layout showed parking across this fenced-off access point, which would therefore no longer be usable. Consequently the fact that the busway scheme would also close it from the lorry park side was irrelevant. The scheme's access road from High Street, serving both the Club and the park-and-ride, would be at least 7m wide, which for the club traffic and the additional flow to and from the park-and-ride of some 70 vehicles per day would be satisfactory. The proposed layout had been accepted by the Highway Authority, subject to an adequate kerb radius being provided at the corner between the access road and High Street, which could be accommodated. The route would increase the number of junctions to be negotiated by visitors to the Club by 1, not by 2 to 5 as the Club claimed.

8.16.8 As to parking provision, the capacity of the present Club car park was about 43, and if it were properly laid out, taking account of the needs for direct access to parking spaces, for retention of existing vegetation, and for pedestrian routes, service vehicles and clearances from doors, the number of parking spaces would still be well under 60. The plan originally presented by GMPTE/Mott MacDonald (No. 4874/NWD/092, ID 67 Appendix 12) had shown 43 properly laid-out spaces on the proposed new Club car park. The planning permissions for the Club had required a total of 47 spaces. Mott MacDonald had subsequently submitted a drawing showing how 60 Club spaces could be provided, by moving the park-and-ride to the north-east and using the standards adopted by the Club in its 60-space layout, but the Club had considered this to be unacceptable (ID 68). In this matter it was reasonable to consider that the Club's location adjacent to a busway bus stop might be expected to both increase its accessibility and reduce the need for people to drive to it, as well as increasing its attraction by increasing its visibility to the public. GMPTE contended that if it were to provide 43-47 spaces in a quality layout, or 60 to a substandard layout, that would be an adequate replacement for the existing car park.

8.16.9 As regards the adequacy of the proposed parking provision in the area as a whole, there seemed little risk of the park-and-ride being over-subscribed to the extent that people would try to use the Club car park, or the adjacent streets, as the paper by Dr Graham Parkhurst had shown (ID 47(iv)). If such a problem did develop the park-and-ride could be extended north-eastwards beside the busway; a walking distance from the parking to the bus stop of about 100m would be by no means prohibitive. As the Club had accepted, a lifting barrier could, if necessary, deal with any potential misuse of the Club parking, and at off-peak times the park-and-ride might be able to provide overflow parking for the Club.

8.16.10 The service entrance at the rear of the Club building could be accessed from the proposed Club car park, just off the proposed access road, to at least the present standard, and if a service vehicle did have to stop in the access road there would be enough room for other vehicles to pass it. A service vehicle would be able to make a 3-point turn within the car park layout proposed in the scheme, which it could not do easily, or perhaps at all, in the 60-space layout that the Club envisaged within its present car park. As to security, it was not at all clear how this might become a bigger problem with the scheme proposals, nor what problem it was that the Club foresaw, nor whether there was any particular problem in the area. In such respects, the busway lighting and the increased number of passers-by could result in an improvement, and CCTV could be used if necessary. As to accident risks, the low speeds and low traffic volumes on the access road could be carried safely with the proposed layout.

8.16.11 The objector's suggestion that GMPTE should instead provide access to the park-and-ride site by way of land forming part of Brook Mill was not practicable, as GMPTE was not seeking compulsory powers in the Order to purchase that land. GMPTE considered that the objection was really aimed at getting GMPTE to buy the Club.

8.16.12 *Rights of Access, and compulsory purchase, at Lodge Farm (Obj. 386), Walmsley Farm (Obj. 387) and Clough House Farm (Obj. 388).* The existing farm access routes across the busway corridor would be maintained as now, as would farm access routes along it except between Millers Lane and Cooling Lane. There, a new farm access track would be provided beside the busway on its southern side. Safe arrangements would be provided at the crossings, for existing users. The proposed compulsory land acquisitions were, as had been explained, completely justified by the proposals illustrated, including the Technical Development Plans showing the associated construction works (GMPTE.A19).

8.16.13 *39 and 41 City Road (Objs. 425 and 489).* The access to these properties would be maintained during the construction of the retaining wall to their rear. There would probably be a temporary realignment of the access during the work, but the present access would be fully restored on completion. The placing of the beams for the new bridge at City Road would require 2 night-time weekend closures of this access also.

8.16.14 *CPO Plots 98 and 99 (Obj. 490) (Sheep Lane).* This claimed access across the line of the busway, for use by animals, did not seem to have been used for many years. However, it would not be closed by the busway and access across the busway would be made compatible with the busway itself.

8.16.15 *Properties south of the busway, between City Road and Newearth Road (Obj. 555).* The progressive linear nature of the construction process would cause the periods of annoyance near any individual dwelling to be relatively brief. Appropriate mitigation would be addressed through the Code of Construction Practice and liaison with the local authority Environmental Health Department (EHD). Site screening during construction was not thought to be needed here, but that would be the subject of discussion with the EHD before work started. The overall combined façade noise levels with the busway in operation were forecast to be low for an urban area, at about 51-54 dB L_{Aeq}, and far lower than the 68dB(A) at which noise insulation would normally be required. The noise would not be continuous, unlike that from a road, and was unlikely to cause annoyance to individuals adjacent to the route. As the noise levels would be neither high nor continuous, a noise fence was not considered to be necessary.

8.17 Articles of the Order

8.17.1 Various amendments to the draft Order documents had been proposed, of a minor nature and mostly arising from the need to correct errors. These were set out in ID 19A, and had not been opposed.

8.17.2 As regards the justification for Article 19 of the Order as drafted, relating to obstruction of construction of the busway, the views of GMPTE were set out in ID 6. Such a provision was common

in modern Greater Manchester LRT local legislation - for instance as Article 25 of the Ashton under Lyne Extension Order 1998, Article 23 of the Airport Extension Order 1997 and Article 23 of the Eccles Extension Order 1996. There was also Article 29 of the Chester Guided Busway Order 2002. Mr Maile had objected to this proposed Article, in the submission which formed the first part of ID 42. GMPTE was content for the matter to be dealt with as a matter of law and on its merits by the Secretary of State, taking into account existing practice and the precedents. The proposed provision would be useful, but it would not be essential to proceeding with the scheme.

8.17.3 The justification for Article 34 of the draft Order, regarding the service subsidy agreements, was set out in full in ID 5. More briefly, Section 89(1) of the Transport Act 1985 had imposed an obligation to invite tenders for subsidised services. Article 34 originated in the City of Edinburgh (Guided Busways) Order 1998. The TWA Processing Unit had agreed to the inclusion of such a provision in the South Hampshire Rapid Transit Order 2001, which was for a tramway with a short guided busway element. The TWA Processing Unit had, however, asked whether GMPTE intended to operate the service itself and, if not, how it would recruit a private operator for the service. The TWA Unit took the view that on-street services would have to be competitively tendered for under Section 89(1) of the Transport Act 1985, and had commented that exclusion for the guided busway did not appear to be fully justified. GMPTE had replied that it was not entitled to operate the service itself, and that it expected that existing bus operators would be licensed to use the guided busway with suitably adapted vehicles.

8.17.4 GMPTE had no difficulty with the idea of competitive tendering as such, but the requirements of Section 89 went beyond that. They prohibited conditions as to terms of employment, required invitations to tender to be sent to all persons who had given prior written notice, and prohibited acceptance of any tender from a person without a PSV operators' licence valid for local services, or a community bus permit under Section 22 of the Act. GMPTE was also required to take into account, in awarding the contract, questions of economy, efficiency and effectiveness, the implementation of the appropriate bus strategy, and the reduction or limitation of congestion, noise or air pollution. There were also a number of restrictive requirements under Section 90, including a limitation of the tender to 5 years.

8.17.5 These requirements might be workable in relation to the busway. However, the Order did not relate only to the provision of bus services which might fall within the definition of subsidised services; it also related to the letting of one or more contracts for the construction, maintenance and operation of this major piece of infrastructure. In ways which might not currently be fully apparent, it seemed possible that the particular requirements of Sections 89 and 90 might not sit easily with the final contractual arrangements, and Article 34 had been included to avoid any such problems arising. The contractual arrangements would in any case be subject to the general European public procurement regime, and to the specific requirements of the DfT and the Treasury at the time of funding. It was also noted that no objector, submitter of representations or local bus operator had expressed any concern over the draft Article 34.

8.17.6 As regards the proposed modification of the statutory time limits for action in relation to compulsory acquisition of land, it was normal to allow a period of 5 years for an infrastructure project such as this, because of the incompatibility of the normal 3 year period with the funding and procurement procedures that had to be followed. Sometimes even 5 years had not been enough, and an extension by another 5 years had been needed. The Secretary of State had supported extensions in relation to several Transport and Works Act orders, including 3 orders in 1995, 1998 and 2001 in connection with Metrolink. The Government consultation paper on this subject had recognised that in TWA cases there were special needs, and in the present case the requested 5 year span was appropriate, was not inconsistent with emerging public policy, and should be specified. In relation to the suggestions for compensation on the lines of those in the Water Industry Act 1991, these related to special pipe-laying powers exercisable without compulsory purchase. There was no basis for applying them here, and the ordinary provisions should continue to apply.

8.17.7 The provisions in the draft Order for statutory undertakers were in accordance with well-established precedent, and all specific objections to the Order from statutory undertakers had now been withdrawn. The representation from United Utilities, which had not been classified as an objection, was still outstanding but a draft agreement had been offered to them and it was anticipated that this would meet their concerns. United Utilities had not appeared at the inquiry.

8.18 Planning Conditions

8.18.1 The proposed planning conditions had been agreed in advance with the local planning authorities and were similar to those attached to Metrolink TWA orders. Apart from the objection in principle to reserved matters and other aspects, submitted by Busway Noway on the final day of the inquiry (ID 42), no objections had been made to the form of the planning conditions, and GMPTE commended them to the Secretary of State.

9.0: Conclusions

Note: figures in square brackets in the text are cross references to preceding numbered paragraphs.

9.1 Introduction to Conclusions

9.1.1 Having regard to all of the foregoing evidence and to all material considerations, including the Environmental Statement and all of the supporting environmental documentation, and the evidence on environmental matters given at the inquiry, and comments and representations made by statutory consultees and members of the public, I have reached the following conclusions. They are given primarily with reference to the statement of matters upon which the Secretary of State particularly wished to be informed. These matters are identified below at the heads of the relevant sections of the conclusions. Reference is also made to any other matters that I considered to be relevant.

9.2 The objectives of and justification for the proposals in the Order

Including first the extent to which the proposals are consistent with national, regional and local planning and transport policies; and secondly the main alternatives considered before the proposals in the Order were chosen.

9.2.1 The purpose of the Order may be summarised as being to establish part of a high-grade public transport route, the QBC, serving the corridor between Leigh and Manchester, isolated so far as is possible from the congestion generated by ordinary road traffic, and capable of operation without subsidy. In so doing it is intended to provide an attractive alternative to the use of the private car, to reduce social exclusion, and to improve the economic prospects of the area and its residents [4.1.3.1]. These objectives appear to me to be wholly in accord with EC, Government, Regional and Local policies for planning and transportation [Section 4.1.3]. As is noted in paragraph 6.1.1.12 above, Busway Noway accepted most of the objectives stated for the QBC, and it does not appear to me that the objectors made any substantial challenge to any of these objectives, as distinct from challenging the means by which they were proposed to be achieved and the effectiveness and other aspects of those means.

9.2.2 In relation to policy and objectives generally, the measurement of relevant benefit is important. I consider that although the time-savings to be achieved over the full distance between Leigh and Manchester figured largely in the arguments and calculations, the objectives of the scheme did not aim only at benefiting those people who would make this end-to-end journey [8.4.1]. I do not consider that the busway/QBC would in practice benefit only these people, or that the on-bus time savings would amount to more than a part of the benefits sought in the objectives [8.2.1]. Also, it does not appear to me that the busway/QBC forms more than a part of the local transport strategy, and I therefore do not think that it should be criticised for not amounting to a total solution of all of the transport problems in every direction [4.1.2.4, 4.1.3.3].

9.2.3 The only significant departures from the existing Wigan UDP land-use policies are the proposals to construct a guided busway rather than a railway, and to utilise the former railway corridor eastwards from Parr Brow to Newearth Road rather than a new line across open country to the north-east - though I note that the emerging UDP review presently proposes alterations to incorporate the busway proposals [5.2.8]. As regards the substitution of a busway, it appears to me that a busway is part of a spectrum of public transport initiatives, ranging from small-scale on-road local bus services to high-speed trains, each of which may form part of an overall co-ordinated network and which should be selected for their appropriateness to the particular circumstances rather than for uniformity. I do not consider that the substitution of a busway for the railway would depart significantly from the principle of the UDP land-use allocation, especially as later up-rating to a railway would remain possible if it become affordable [5.2.8][8.1.2]. As regards the use of the former railway corridor eastwards from Parr Brow, rather than a route to the north-east, I note that this would re-use a former transport route and would partially re-use the substantial existing railway structures,

rather than following a new and unavoidably conspicuous route across open Green Belt countryside [4.4.5.3, 4.5.2.2]. I consider it to be a substantial improvement in these respects relative to the UDP land allocation, and to be more in accordance with the wider policies [4.1.3].

9.2.4 The existing public transport services in the area served by the busway were generally considered to be lacking in quality, including aspects such as speed, reliability and provision for disabled users [4.1.2.4]. While I have no doubt that improvements could be made to the existing bus services, in my view the constraints imposed by the use of the public highway would prevent them from providing the level of service that is aimed at by the QBC and by transport policy at Government and local level. Attempts at giving them the kind of precedence, on ordinary local public highways like the A572, that would be needed by a QBC could in my view have substantial repercussions on the other users of such roads [8.2.5][8.8.9], and would still perform less well in relation to the objectives of the scheme than the scheme which is now proposed.

9.2.5 The question before me is essentially whether the scheme is acceptable in the context of the relevant objectives and policies, especially those relating to transport and the environment, with an acceptable balance of costs and benefits - but not whether it is the best of all possible schemes. Performance in relation to the relevant numerical indicators, such as benefit/cost ratio and net present value, is important, but these indicators do not cover all relevant factors. An acceptable scheme will perform satisfactorily in relation to them, as well as in relation to the other less easily quantified aspects of the objectives, but it does not follow that the best scheme in relation to the objectives will necessarily be one that performs better in relation to these numerical indicators than the other alternatives.

9.2.6 The alternatives considered covered a wide range of heavy rail, light rail and buses [4.1.4.4], including GMPTE's recent study of Busway Noway's rail-based alternative [4.4.5.2]. The objectors are correct in their claim that other alternatives could be formulated in addition to the 15 covered by the Atkins study [6.1.8.3], such as a scheme limited to use of existing roads [6.1.8.5], or a wider rail-based network [6.1.8.7-8], but it appears to me that the range of schemes studied was sufficient to show that the present scheme would have very substantial advantages in comparison with rail-based schemes, not least in respect of the probability of being able to implement it within a reasonable time while avoiding the blocking of a future rail scheme if that came to be needed and affordable. The road-based alternatives, in my view, all failed to achieve the full range of the objectives that would be achieved by the full QBC, even though they might in some cases perform better in some individual respects. The acceptance by DTLR/DFT of the financing submission made by GMPTE indicated that the Department considered the range of alternatives to have been sufficient, for its purposes [4.1.4.5].

9.2.7 The methods used by GMPTE for calculating the benefits attributable to the busway element of the QBC were strongly criticised by objectors, both in principle and in some detail [Sections 6.1.2 and 6.2.2]. I do not consider that there is good reason to doubt the conclusion of DTLR/DfT that the QBC scheme is economically acceptable overall, or its acceptance of scheme LCA 1 as a comparator for that purpose, but the question of the attribution of incremental benefits to the busway is in my view relevant since, in relation to the Order, it is my understanding that it is these attributed benefits that have to be compared with any disbenefits similarly attributable. It seems to me that while a different method might be used in comparing the relative merits of different alternatives for the part of the QBC scheme that lies west of the A580/Newearth Road junction, if that were a free-standing project, the synergistic approach used by GMPTE is appropriate for comparing the consequences of making the Order with the consequences of not making it, which is the matter before me. The details of the calculation of the exact incremental benefit could be argued at length, and were, but I am satisfied that overall a very substantial additional value would be created by the construction of the busway [8.2.9].

9.2.8 The objectors were also critical of the extent to which public consultation had been carried out [Section 6.1.15]. There seems to me to be a difference of opinion here as to what constitutes public consultation. It appears to me that any substantial construction project is likely to produce a mixture of good and bad effects, and that the perceived balance of these will usually be different in different areas. It is to be expected that people who, on balance, consider that their interests would be harmed

will object to the scheme, and it is right that they should be able to make objections and, if they wish, to be heard in person. However, if the scheme is intended to be of some wider benefit, it is reasonable that the wider public opinion should also be sought and taken into account. In my view GMPTE carried out this wider survey adequately, and also consulted on more detailed matters [4.1.4.6-9]. Busway Noway provided a useful opportunity for objectors to get together and put forward their case [6.1.15.4]. I see no contradiction between the conclusion by GMPTE that a majority of the public in the wider area were in support of the scheme [4.1.4.8] and the conclusion by Busway Noway that a substantial number of people, including some of those most affected by it, had taken positive steps to express opposition to it [6.1.15.4]. I conclude that the general policy of requiring adequate public consultation in such cases was complied with, and I note that Busway Noway broadly accepted this [6.1.15.5], even though it considered that GMPTE had not paid sufficient attention to the results.

9.2.9 **In conclusion, I am satisfied that the objectives of the scheme are sound and in accordance with policy at all levels, that there is a need for the scheme, that the scheme would perform satisfactorily in relation to the objectives, and that the scheme is robust economically.**

9.3 The case for including compulsory acquisition powers in the Order

And whether any or all the land for which such powers have been sought is necessary for the works provided for in the Order.

9.3.1 The amount of land covered by the proposed compulsory purchase is limited, since the track of the former railway is being acquired by agreement [4.8.1.1]. The land proposed to be acquired compulsorily is mainly required for necessary ancillary work, such as drainage works or to allow the provision of properly-dimensioned approaches to crossings of the busway [e.g. 6.2.16.14]. The remaining properties where there is significant disagreement are at Rosebury Avenue in Leigh, at the Hart Street scrapyard in Tyldesley, at the Lancastrian Squash Club in Leigh, at 13 Hurstfield Road in Worsley and at 39 and 41 City Road.

9.3.2 At Rosebury Avenue the existing road appears to be sunk below the level of the previously-existing ground upon which the adjacent embankment was constructed. The embankment is proposed to be removed to allow the construction of the adjacent busway and bus stop at this lower level, to suit the level of the crossing of the similarly low Holden Road immediately to the south. Consequently it is necessary to reduce the level of the intervening sloping 2m strip to the same level as Rosebury Avenue, if the need for an otherwise pointless retaining wall at the rear of the strip is to be avoided. I consider this acquisition to be necessary, and I note that GMPTE is willing to treat this strip in whatever way the owners may reasonably require, and not to retain ownership of it after completion of the works, subject to the agreement of the local planning authority [6.1.16.1][6.2.16.15][8.16.2].

9.3.3 At 21 Hough Lane, Tyldesley, GMPTE no longer proposes to acquire (by agreement) the 2m wide strip of land upon which the occupiers park and turn their cars [6.1.16.2][8.16.3], so the scheme would not cause the problem to arise - though the continuation of this use of that land would then be a matter for the owner, Wigan MBC.

9.3.4 At the Hart Street scrapyard the location of the proposed park-and-ride seems to me to be well chosen relative to the bus stop that it is proposed to serve, and I do not consider that the landscaping associated with this facility would be an unnecessary use of space. If the scrapyard were to be retained and the park-and-ride moved further to the west the walking distance between the bus stop and the parking would be increased by some 50m [8.12.2] or more from its presently-proposed average of about 110m, and both the walk and the vehicular access would pass either through or beside the scrapyard. I agree with the view that this would be likely to deter potential users from using this park-and-ride, and would be harmful to the perceived character of the busway service [8.16.4]. No evidence was given to show that the compensation legislation would fail to provide an adequate recompense for the loss of the scrapyard. I consider the acquisition to be justified.

9.3.5 At the Lancastrian Squash Club it appears to me that the Club did have sufficient time to prepare its case after it became aware of the full proposals, since this happened in March 2002

[8.16.6]. I consider that it would be reasonable for there to be a properly laid-out replacement car park to meet the 47-space requirement imposed by the existing planning permissions [8.16.8]. The drawings submitted indicate, in my view, that it is possible for this to be provided along the lines suggested by GMPTE, and for the necessary land to be provided. From general observation I think that, while delivery vehicles servicing premises of this kind are typically substantial, most of them are smaller than the large vehicles such as the Club suggested [6.2.16.8], though I agree that such vehicles could nevertheless be accommodated on the layouts shown [8.16.10]. The access road would be rather indirect, but I do not think that this would be a significant disincentive to potential clients and the layout seems to me to be acceptable for the low speeds and flows that are expected, subject to the improvement required by the Highway Authority [8.16.7]. The closeness of the bus stop should be beneficial to the Club.[6.2.16.6]. I do not consider that the suggested alternative of using land at the adjacent Brook Mill would be warranted, nor would it be practicable under the Order [8.16.11], and I consider the acquisition to be justified.

9.3.6 At 13 Hurstfield Road, in Worsley, the proposed new recreation route would loop around the northern end of Pond W52 and rejoin the busway by crossing the line of an abandoned railway which here runs roughly from north-east to south-west. This part of the former railway appears to have been incorporated into the substantial garden of No. 13, which widens greatly to the rear of the house but appears to have originally terminated at the railway boundary [3.8.4]. The proposed new recreation route would not lie directly to the rear of the house, nor cross what appears to have been the original garden, and it does not appear to me that the acquisition of the land would significantly prejudice the rest of the property, taking the compensation legislation into account [6.2.16.16]. The loop in the path seems desirable, given the complications caused by the former railway bridge [3.8.3], and I consider the acquisition to be justified.

9.3.7 At 39 and 41 City Road the explanation given by GMPTE for the proposed acquisition is in my view adequate [6.2.16.17][8.16.13]. The acquisition and the proposed works would cause no loss of access other than two overnight closures, and I consider that the acquisition is justified.

9.3.8 In relation to the concern expressed about the continued ability to move animals along Sheep Lane across the busway [6.2.16.18], I consider that the undertaking given by GMPTE as to the continuation of this access would prevent any harm to the farming interest [8.16.14], and that there would be no loss of rights.

9.3.9 **I conclude that there is a compelling case that the proposed powers of compulsory acquisition are necessary, in the public interest, in respect of all of the land and rights to which the Order, as proposed in Appendix 3 to be amended, would apply them. I also conclude that these powers would not be being acquired before reasonable time.**

9.4. The proposed arrangements for protecting the interests of statutory undertakers.

9.4.1 By the close of the inquiry all of the objections by the statutory undertakers had been resolved and withdrawn. There remained a representation from United Utilities [8.17.7]. This did not object as such, but drew to the attention of GMPTE various points requiring care or resolution. The nature of these points does not, in my view, indicate that there should be any problem in addressing them [7.2.1], and GMPTE had offered United Utilities a draft agreement, but at the close of the inquiry this had not yet been accepted. **Subject to that being resolved, I conclude that the proposed arrangements for protecting the interests of statutory undertakers are satisfactory**.

9.5. The impact that the construction and operation of the proposed works would have on local residents and business.

9.5.1 Noise, vibration, pollution, lighting and visual intrusion.

9.5.1.1 The construction of the busway would inevitably introduce some noise, vibration, pollution and visual intrusion into the area. The residents on the south side of the busway, between City Road and Newearth Road, were particularly concerned about the noise aspect and submitted a petition in

relation to it [6.2.16.19]. The relative smallness of the amount of heavy construction work would limit vibration [4.7.2.1], but the substantial amount of earth-moving would, in my view, inevitably be intrusive while it lasted [4.4.3.3]. There is no reason to suppose that the normal methods of control over noise, pollution and working hours would be ineffective, but nevertheless the effect would in my view be sufficient to cause significant disturbance, especially to more sensitive people, in an area that is at present relatively quiet [6.2.12.3]. It is true that there is no compensation for the annoyance suffered, though there is provision for compensation for more specific harm, but I do not consider that this project has any special features to warrant departing from the normal provisions in this respect [6.1.12.4][6.2.12.3][8.12.4]. Although the overall construction period is estimated at two years [4.4.3.6], the work in any particular location is expected to be much more brief, though I would not expect it to be necessarily limited to a single period [8.12.5]. It does not appear to me that, in the City Road/Newearth Road area, the operation of the busway would cause a sufficient problem to justify noise fencing, which would itself be visually intrusive insofar as it could not be screened by vegetation [8.16.15].

9.5.1.2 The concern of residents over pollution and dust during construction is understandable [Sections 6.1.12 and 6.2.12], but there is a big range of possible levels and natures of pollution of soil and those that have been identified do not appear to me to be such as to require any extra-ordinary measures to deal with them. Surveying such material can naturally only find what exists at the point where a sample is taken, so that where some of the pollution occurs in isolated "hot spots" the total situation can only be established during construction. Nevertheless, the degree of sampling so far carried out seems to me to be reasonable and the types of pollution typically found in this kind of area seem to indicate that anything substantially different is unlikely to be found [4.5.5.1-4.5.5.4][8.12.2]. Consequently, I consider that the normal methods of dealing with dust and any polluted material should be sufficient to prevent any substantial problems of annoyance or risks to health.

9.5.1.3 While it is understandable that nearby residents should ask for earth-moving to be restricted to months in which the typically wetter weather would limit dust [6.2.12.4], earth-moving in winter would be likely to generate much greater problems of mud on the site and the roads; the proposed artificial damping-down in dry weather seems to me to be better. So far as the location of off-site tips is concerned, I accept that there is no basis upon which these could be enforceably specified or reliably identified at this time [6.1.12.2][8.12.1]. I note that the temporary road closures at City Road would be brief and would not prevent emergency vehicle access, and it does not appear to me that this would create a problem [6.1.12.4][4.4.3.4].

9.5.1.4 There is no apparent reason why the construction process should lead to any significant pollution of water in the area, this being a potential problem which is addressed by Section C4 of the Code of Construction Practice [4.5.8.5]. The limitation of working hours should prevent any substantial lighting intrusion during construction [4.7.1.1], though servicing, maintenance and other ancillary work could require lighting on site at other times. Actual construction work at other times would require the prior agreement of the Local Planning Authority. Some annoyance could arise, but I doubt whether it would be substantial.

9.5.1.5 In operation, the busway would certainly create more noise than there is now in its vicinity, but I consider that the levels would still be acceptably low in general terms from the point of view of their impact upon nearby properties [4.7.1.1-4.7.1.6], though it is understandable that nearby residents would prefer to have no increase at all [6.1.11.1]. Noise-absorbing screens would be unsightly, and should in my view be used only where there is a substantial problem, as indeed is proposed [4.7.1.3], while it is my understanding that the effect of tree-planting in relation to noise is mainly psychological, producing very little more attenuation than soft ground. There seems no reason why there should be any significant vibration [4.7.2.1].

9.5.1.6 From the point of view of the present character of the recreation route, on the other hand, the noise levels and the visual intrusion of the buses and the busway itself would certainly change these aspects of its character for the worse, and there would be similar effects adjacent to the busway at Lilford Park and at Tyldesley Community Centre [4.7.1.4]. Objectors were concerned about the

change in the character of the recreation route [6.2.9.1-6.2.9.2], and this is something that has to be weighed against the benefits of the scheme.

9.5.1.7 The buses on the busway would be modern, but they would produce exhaust gases and would add to levels of air pollution adjacent to the busway. However, the effects would be small, and would be insignificant in relation to ambient concentrations and compliance with air quality standards. The small reduction in car travel which would result from the busway would have a counterbalancing effect. Overall I consider the effect to be insignificant [4.7.3.1-4.7.3.4].

9.5.1.8 The amount of lighting proposed in the scheme is minimal, some 95%-98% of the route being unlit and the lights being of the flat cut-off type on 4m columns [4.5.4.2]. It does not appear to me that there would be any significant impact from this cause, though the headlights of the buses at night would make a visible difference in the unlit areas.

9.5.1.9 The subject of visual intrusion is covered in paras 4.6.2.1 to 4.6.2.12. The initial visual impact would be substantial, declining as the landscaping matured. It is certainly the case that some nearby properties - for example those at Holden Road, Rosebury Avenue and Newearth Road, and to a lesser extent some at Chester Road - would experience a continuing impact even after 15 years, but in my view the result would not be unacceptable in an urban area. In most cases I consider that this impact would be less than that which would result from a rebuilt railway on the same alignment but using the existing embankments, which at the Leigh end in particular would result in travellers looking down into the houses and gardens.

9.5.1.10 The introduction of the busway would create a major visual difference on the recreation route, though I think that this would be less than a railway would create, supposing that sufficient room could be found for a parallel recreation route to be constructed near to a railway. Given the width of the proposed paths, the proposed intervening hedging (where space permitted) and the grass and topsoil infill between the tracks (where the need for toad tunnels permitted), the structure of the busway itself might not be very visually intrusive to walkers except where the hedge or the infill had to be omitted, but the passage of the buses would make a substantial visual difference even though they would be intermittent. **I conclude that this effect would be acceptable, in the context of the intended role of the route, but also that it would be quite different from the present very rustic and tranquil, though not very accessible, character of the path, and much less acceptable to those who value that present character and are able to enjoy it.**

9.5.2 Availability of recreational space (notably the former Leigh - Ellenbrook rail corridor) and the provision of suitable alternative recreational space.

9.5.2.1 The present corridor is a recreational space in itself, and it gives access to others on the adjacent land, such as Lilford Park. The increasingly overgrown parts of the route do not at present provide much usable open space apart from the path itself, and the views out over open country are limited by the scrub growth beside the path. The path itself is narrow in most places, and of very variable quality, which I consider to be relevant to the question of how much of the theoretically available recreational space is presently of practical recreational use. The length between Leigh and Miller's Lane is suitable for use by walkers in normal health in dry weather, but it has a difficult steep and rutted section leading down to Miller's Lane and would not in my view serve as a regular route for cycling, especially not by commuters. The length from Miller's Lane to Cooling Lane is suitable for most purposes, but the length from Cooling Lane to the site of the proposed Tyldesley West bus stop is narrow, uneven and irregular and therefore of similarly restricted usefulness. From Tyldesley West to Parr Brow the path is reasonably usable by all groups, except where it is flooded due to poor maintenance. The length east of Parr Brow is suitable for a country walk in dry weather by people in normal health, but it appears to me to be of no use as a route for any but the more athletic kind of cross-country cyclist, nor for recreational walks by people of more limited mobility [Section 3 of this report, and 4.5.7.3].

9.5.2.2 In my view while the present recreation route is capable of being used and enjoyed within its limits, it does not provide for as wide a range of activities, nor provide such good access to other

recreational space, nor suit as wide a range of users, as it could. A widening of its capabilities for recreation would in my view be in accordance with the UDP policy for the corridor, but I do not consider that this wider capability could be achieved without a substantial change to its present character. I consider that the busway scheme would add substantially to the recreational usefulness of the land in and adjacent to the corridor, however regrettable the loss of the corridor's present relatively informal character might be in the eyes of those who now use it.

9.5.2.3 I also consider that the scheme would not cause a significant loss of recreational land in the corridor. This is because much of the loss of land to the structure of the busway would in my view be offset by the clearing of scrub and its replacement by maintained landscaping, and by the addition to the usable recreational space of part or all of the steep and largely unusable side-slopes of embankments and cuttings which are proposed to be reduced or to be removed altogether.

9.5.2.4 So far as equestrian recreation is concerned, it appears to me that the scheme would have detrimental effects. This is because it would make the character of the ride less rural, would require more care and training of horses in accustoming them to passing buses and in taking them across the busway, and would provide a surface that would be no better for their purposes than the present one, and in some respects less suitable. While I accept that it is not the function of GMPTE to improve equestrian facilities, I consider that it would be entirely proper for GMPTE to provide some compensatory facilities to make up for this negative impact, and I do not accept the view of GMPTE that this would be an improvement over the existing equestrian facility for which it has no responsibility [8.4.9].

9.5.2.5 The objectors complained of the lack of proposed equestrian provision east of Astley Street [6.1.9.4, 6.2.4.2-7]. Bearing in mind the detriment which the busway scheme would cause to the present equestrian enjoyment of the route, I consider that this complaint is justified, whether or not there had been sufficient equestrian use in the past to establish a right over the eastern part of the route, or an official dedication. It is true that there is no great network of bridleways east of Tyldesley, but there are minor routes and there are horses there [3.8.1], and I consider that an extension of the equestrian facilities to Newearth Road would serve a useful purpose, and would be warranted as compensation for the detriment. I accept that a full-width 4.5m bridleway would not be achievable on much, or perhaps even on any, of this part of the recreation route, but no evidence was submitted to show that even the proposed basic width of 3m would be significantly inadequate, especially for the relatively low level of mixed uses that seems to me to be likely east of Parr Brow. The minimum widths quoted by GMPTE as being advised for bridleways were between 2m and 4m, and GMPTE itself made the point that no problems were being reported from the 2m-wide Delph Donkey MUP elsewhere in the Greater Manchester area [4.5.7.6]. **I conclude that the relevant parts of the Order and Planning Direction documentation should be modified so as to extend the equestrian facilities to cover the length of the new recreation route between Astley Street, Tyldesley, and Newearth Road.**

9.5.2.6 The scheme proposes to site the Tyldesley Interchange on the bare grassed land to the east of Astley Street. Objectors are concerned at this loss [6.1.9.7][6.2.9.4]. I consider that this land does not relate well to adjacent development, being mostly ignored by it [3.7.1], and while footpaths lead across it I saw no indication of any use being made of it other than that described by Wigan MBC - use by dogs and for looking at [5.2.13]. No witness described any more positive current recreational use of the land, and there was no evidence of any proposal for redevelopment in the area that could make it more of a recreational focus. At Chester Road the busway would cut into the broad swathe of open and rather crudely block-planted land [4.6.2.10] on the south-facing slope of the ridge, which again is seen as recreational space by residents. In the strict terms of the Acquisition of Land Act 1981 neither GMPTE nor Wigan MBC consider the Astley Street land to be land for which other open space is needed in exchange [8.9.6][5.2.13], and no argument was submitted to counter this view. However, I agree with the objectors to the extent that it seems to me that the general drift of Government policy favours the retention of recreationally-useful open land in towns, and that this is certainly not "brown land" such as would be favoured for development. **I therefore conclude that there is no statutory need for exchange land, but that the offer by GMPTE [8.9.7] to dedicate**

four parcels of land voluntarily as public open space should be accepted, and that these parcels of land should be formally so classified.

9.5.3 Appearance and character of the area.

9.5.3.1 The general effect of the scheme on the appearance and character of the area would in my view be roughly neutral. The busway itself would be hardly visible, if at all, except at close quarters. This is because the busway structure would involve very little above ground level. The retention of existing vegetation on the remaining embankment side slopes, together with the hedge, tree, shrub and grass planting would provide effective screening, so that in most places it would be the users of the route that would be seen and not the route itself. South of Lilford Park and east of Parr Brow a wooded corridor with reduced embankments or none would replace most of the present substantial wooded embankments. So far as the reduced embankments are concerned, while the planting and the retention of existing vegetation on the side slopes would provide substantial screening above the level of the lowered top surface, the general effect would be more open than now, with more visible activity on the route. Between Lilford Wood and Miller's Lane the close-up appearance would be more regimented than at present, and the existing wooded tunnel effect would be reduced, but there would be no long view of this section because of the wooded land adjacent. Between Miller's Lane and the Tyldesley West bus stop the landscaping would improve upon the earlier and rather patchy reclamation scheme. Between Tyldesley West and Parr Brow the landscaping would in my view give a better appearance than the present one.

9.5.3.2 There would be a less minimal effect upon the appearance of the area in the vicinity of the bus stops. In themselves the bus stops would involve little in the way of visible structures, but they would introduce landscaping, the small shelters and greater activity into the area. The effect at East Bond Street would be broadly neutral, since the bus stop would replace the existing lorry park. At Holden Road the bus stop would replace the high wooded embankment. At Tyldesley West the stop would be in a more open area, though adjacent to housing, giving it a more formal appearance than now. The Tyldesley Interchange at Astley Street would be more substantial, introducing an urban development in place of the present area of grass crossed by paths.

9.5.3.3 At Hough Lane the appearance and character of the area would be little affected by the bus stop, which would occupy the mostly infilled and presently impressive but gloomy vertical-sided cutting. The loss of the cutting itself would detract in some ways from the character of the area, but there was no indication that its character was particularly valued and the long flight of steps from it up to Hough Lane does nothing for its accessibility by people with any kind of disability. At Parr Brow the bus stop would be in front of some of the houses in Chester Road, giving a more urban appearance to this presently rather informal open space. At Newearth Road the bus stop would occupy a false cutting excavated from the existing embankment, with little effect upon the general appearance of the area. None of these effects appear to me to be unacceptable.

9.5.3.4 The park-and-ride sites would be relatively small. The site at East Bond Street would replace part of the lorry park, with no ill-effects in this respect. The site at Astley Street would be so heavily screened that it would have little or no effect upon the appearance or character of the area. The site at Hough Lane would replace the scrapyard, and would be a great improvement in these respects.

9.5.3.5 **Overall I conclude that, while there would be localised changes, the structure of the busway would have little effect upon the appearance and character of the area. Its main effect in these respects would be to introduce greater activity, bringing in buses where presently there are none and substantially increasing the number of people who would walk, cycle or ride horses along the recreation route. While this change would be regretted by those who enjoy the present quiet character of the route, the making of a more intensive use of any resource must inevitably involve some change of this kind.**

9.5.4 Benefits and disadvantages of the proposed Park and Ride sites.

9.5.4.1 The study carried out by Mott MacDonald showed that if park-and-ride sites were not provided there could be a problem of parking in adjacent residential streets [4.4.1.15]. The provision of such sites is not a guaranteed method of reducing the amount of car travel, and it can make matters worse by encouraging people to drive to a bus stop when they could have walked, or by resulting in overflow parking on the streets it was intended to protect [6.1.14.1-6.1.14.2]. However, Dr Parkhurst, whose expertise in this field had earlier been accepted and quoted by objectors, reported that in this particular instance the proposed provision appeared likely to produce the desired effects [8.14.2]. If no such parking area were provided, and if parking were rigidly enforced against [6.1.14.1] I consider that the result would probably be to reduce the degree of transfer from car-use to the busway. I do not accept the objectors' view that a consultant who is employed on this occasion by a party, and hopes to continue to be employed in this way, must be considered not to be really independent [6.1.1.2]; if this were so, no expert witness could be relied upon, except one with a private income. I conclude that the 3 sites proposed should relieve the potential problem identified by Mott MacDonald.

9.5.4.2 The park-and-ride sites could nevertheless generate traffic problems in respect of their accesses, and environmental problems such as pollution from cold starting, and the objectors feared that this would happen [6.2.14.1, 6.1.14.2]. However, they did not produce any evidence to counter the argument by GMPTE that the flows would be too low to cause such difficulties, and that no actual problem of pollution caused by cold starting had been identified. While the objectors' suggested kiss-and-ride provisions would not need parking [6.1.14.2], it appears to me that there is nothing in the proposals that would prevent kiss-and-ride trips being made to any of the proposed bus stops, without special facilities being provided. In view of the fact that the variety of people's arrangements could make it difficult for the driver to combine the kiss-and-ride trip with another, it seems to me that encouraging kiss-and-ride rather than park-and-ride could actually result in extra car mileage. So far as the other impacts of the 3 park-and-ride sites is concerned, it does not appear to me that any of these would be significantly harmful, nor that they would occupy land serving a positive purpose as amenity space. The Green Belt issues are addressed in section 9.8 of this report. **I conclude that the 3 proposed park-and-ride sites would overall have beneficial effects which would outweigh their disadvantages.**

9.5.5 Safety and security of pedestrians and those undertaking recreational pursuits near the proposed works, and for users of vehicles near the proposed works, including measures to prevent other vehicles entering the proposed busway.

9.5.5.1 No vehicular route can be made entirely safe in these respects, unless it is entirely walled-off, since it must inevitably introduce the possibility of a large and hard vehicle hitting a vulnerable human being at a substantial speed, and the capabilities of humans for misjudging situations are almost boundless. However, it seems to me that the simplicity of the guidance system and the degree of separation of the busway from the adjacent recreation route should reduce the risk to pedestrians on that route from malfunctions of the busway system to a very low level. Even if the mechanical guidance system itself were to fail, the constraint of the bus wheels between the track beam upstands, coupled with the relatively low running speed and the superior braking capabilities of the bus, seem to me to make this a safer system than on-road bus services, and I consider that the accident record confirms this view [4.4.1.14].

9.5.5.2 As regards the safety of pedestrians crossing the busway, the proposed crossing arrangements appear to me to make it most unlikely that any pedestrian would approach the busway without knowing what it was [8.10.7]. While the buses would have right-of-way, no sane bus driver would interpret that as indicating that he could ignore people or horses on the track, and the intended visibility and braking capabilities - which I understand to be superior to those of trains - would enable appropriate action to be taken. It is true that small children might not understand these things, but I would not expect an unescorted small child to be so far from home, and in my view any child old enough to be allowed to walk along a residential street unescorted should be safe using the proposed

busway crossings. The proposed local safety training programme should help to alert children and parents to the situation [8.10.7].

9.5.5.3 Although I consider the crossing arrangements to be safe for pedestrians in general, there seems to me to be an exception to this, in a small number of specific locations. I note that both the busway and the recreation route are intended to serve the needs of disabled people, so far as is possible [4.1.6.2][4.5.3.3][5.2.14]. This description includes people who have normal mobility, but have deficiencies in other fields such as sight or hearing. For such people I consider that both the QBC service and the recreation route would in general provide excellent facilities, with good waiting provision, a recreation route separated from road traffic, and a path surface and alignment that would present far fewer difficulties for them than the present path. However, their special needs require specific consideration, if they are to be enabled to make safe use of the new facilities.

9.5.5.4 Most of the bus stops would be adjacent to signal-controlled crossings of public roads, and in such locations it seems to me that people with these disabilities could cross safely provided that the signals were designed with their needs in mind. However, at several major crossing points no such assistance is presently proposed, and in my view these points could be dangerous for people with limited sight or hearing. The buses would be relatively quiet and infrequent compared with ordinary road traffic, and would approach the crossing rather faster, so that such people could be unaware of the approach of a bus until it was closer to them than its stopping distance, and might therefore cross the busway in front of a bus when it was dangerous to do so. If such people are to be enabled to use the QBC and the recreation route unescorted - and the requirement to find an escort would reduce its usefulness to many - it seems to me that at least the few points at which the main recreation route would cross the busway other than by way of a signal-controlled crossing at a public road should probably be provided with signal-controlled crossings. The crossings principally concerned, in my view, are the two at Cooling Lane and the one at the Tyldesley West bus stop, but consideration ought also to be given to this potential problem in relation to the lesser crossings, such as that at Miller's Lane. **This specific point was not raised at the inquiry, and I therefore conclude that it should be brought to the attention of GMPTE as a matter to be considered in the detailed design, rather than being made a formal requirement.**

9.5.5.5 The safety of equestrians is another issue. I do not consider that it is reasonable to expect any route in an area such as this to be safe for a horse that has no experience of motor vehicles at all [6.2.10.1], but I doubt whether there are many such horses now in use for the kind of riding for which the present recreation route and associated bridleways are used. The distance and means of separation of the busway from riders on the recreation route seem reasonable [4.5.7.7, 8.4.6]. With a modest amount of training for horse and rider I consider that the recreation route should be safe for equestrians. The proposals for the facilities for crossing the busway are now considered by the objectors to be reasonably safe, though not ideal [6.2.10.5][8.10.4-8.10.5]. I do not consider the facilities for entering and leaving the equestrian route at Holden Road and Astley Street to be so satisfactory [8.10.6], since keeping a horse waiting beside traffic until a bus comes along to change the lights does not seem to me to be very practical. **The objectors' suggestion of a high-mounted button triggering a basically pedestrian-crossing facility seems to me to merit further consideration [6.2.10.3] and I conclude that GMPTE should give consideration to this problem and this suggested solution as a matter of detailed design**.

9.5.5.6 The question of the safety of groups of horses was raised by objectors, on the basis that they tended to follow each other [6.1.10.7]. It does not seem to me that it should be difficult to provide the crossings with approach restraints, generally on the lines already proposed, that would avoid any such difficulty except perhaps with groups of inexperienced riders. However, I would expect these to be accompanied by supervisors who would be able to ensure that the horses were then led across one by one when it was safe to cross. If there was nevertheless a problem with a horse misbehaving on the track when a bus was approaching, the limited speed of the bus coupled with the visibility and braking ability should enable the bus driver to prevent any danger resulting [8.10.1].

9.5.5.7 So far as the safety of vehicles in the vicinity of the works is concerned, it has already been noted that space is being allowed for the proper orientation of farm crossings and it does not seem to me that, given this design, the limited running speed of the buses and the intentions regarding visibility, there ought to be any substantial safety problem for farm vehicles [4.4.1.7]. As regards general traffic, at the ends of the busway and at its crossings of ordinary roads there would be signal-controlled junctions. Objectors suggested that these controls would cause congestion and danger on the roads concerned [6.1.3.2][6.2.3.1], which GMPTE denied [8.3.1-8.3.4]. While congestion can give rise to accidents, it does not appear to me that the signal-controlled junctions would in fact be likely to increase local congestion, and the use of signal-controlled junctions in urban areas is so well established that I do not consider them to present accident risks in themselves.

9.5.5.8 As regards the prevention of the entry of ordinary vehicles onto the busway, the entry from farm tracks and the parallel recreation route would be gated [4.4.1.14]. At the connections into the ordinary road network the combination of the very un-roadlike appearance of the busway track with the signal controls at all of the entry and crossing points makes accidental entry unlikely, except perhaps by an extremely confused or drunken driver who would be just as much of a menace on an ordinary road. Car traps at the entry points from the ordinary roads would provide a further deterrent [4.4.1.14, 8.9.5]. At these, the proposed bollards immediately at the rear of the kerb, coupled with the narrowing of each running surface to about 400mm with a pit between them some 1.8m wide, would make deliberate entry very difficult for motorcycles, though perhaps less so for larger types of 4-wheeled vehicle. It therefore seems that there could be a problem in this respect, but no evidence was given to show that such a problem had materialised at comparable busways. Gates across the busway entries, either automatically-triggered or simply closed when the bus service was not operational, could in my view be a solution, but in the absence of any indication that this is an actual problem it does not seem necessary to pursue the point.

9.5.6 Business

9.5.6.1 The possibility of adverse effects upon livery businesses was raised by objectors [6.2.4.3-4], but not by any of these businesses themselves [8.4.5]. It appears to me that the scheme would impose some additional restraints upon these businesses, in respect of the training of horses and the supervision of some riders, and would make the track along the route less attractive to equestrians. However, there are other equestrian routes in the area west of Tyldesley, and the recommended extension of the equestrian route to the east of Tyldesley would compensate for the change in character of the track. I do not consider that these changes, taken together, would result in an adverse effect upon local equestrian business.

9.5.6.2 It was argued by the objectors that there would be serious adverse effects upon local businesses in general, which would be exposed to greater competition by the greater accessibility [6.1.13.1]. Again, no local businesses as such had objected on this basis [6.1.13.1][8.13.1]. GMPTE argued that the consequences would be generally beneficial, using the effects of Metrolink as an example, and quoting the CEBR and CBI work on the subject [8.13.1]. I agree with the GMPTE view that the general effect on local business is likely to be beneficial, but that within this general effect there could be losers as well as winners. I do not consider this to be detrimental.

9.5.7 **My general conclusion as to the impact of the construction and operation of the proposed works on the local residents and business is that in no case would this be unacceptable, subject to the modification noted in para. 9.5.2.5 above, but that there are areas of detriment which need to be weighed against the benefits of the scheme. There are also matters of detailed design, highlighted above, to which further thought should be given.**

9.6 The likely effects of the construction and operation of the proposed works on the environment, including any arising under the seven headings listed below.

9.6.1 General

9.6.1.1 It appears to me that it is necessary to consider with what previous state of the corridor the effects of the scheme should be compared. I consider it to be previously-developed land, which Government and more local policy considers should be re-used in preference to green-field land. Objectors suggested that the wording of PPG3 should be applied, as regards the distinction between "greenfield" and "brownfield" land, but it seems to me that although this illustrates the general policy the precise wording of the PPG is in relation to housing, and that this is a very different kind of development [6.1.7.2]. The land is a former railway corridor, and it is statutorily allocated for use as a recreational route with, along most of its length, a rebuilt railway; it is not statutorily assigned for primarily wildlife purposes, nor do its owners wish to put it to that use. The favourable conditions for wildlife within the corridor appear largely to have developed subsequent to the removal of the railway. While it is obviously desirable that such land should be usable by wildlife while its use for transport is in abeyance, rather than being left, or deliberately rendered, desolate and unusable, it appears to me that the present proposal for its re-use should have regard to the need to re-use previously-developed land. I consider that the environmental effects of the proposed development must be considered carefully, but that the former use and the UDP policy form important elements of the background to this consideration [6.1.7.4].

9.6.1.2 The question, raised by the objectors, of the adequacy of the ES has been addressed in para. 2.1.2 above. The ES, together with supplementary information put before the inquiry, needs in my view to identify the "main", or "likely significant" environmental impacts of the scheme, to assess their significance and to identify the mitigatory means by which any otherwise unacceptable impacts would be brought within acceptable limits [8.6.3]. In some cases these means would be required to be prescribed in detail by other bodies such as DEFRA, under its statutory powers, and in others by the local planning authority under a planning condition. The process of approval and control is not a single-stage one, but a cascade process in which each successive level of decision-making has to be operated so that the things that are its proper concern are ascertained before its consent is granted, and that the remaining matters left to be decided at subsequent levels are not beyond the powers of those levels. However, it is also important that the earlier decision-maker should not usurp the powers of the later, so that a conflict might arise, and that decisions on detailed matters should not be taken so early that circumstances may have changed before they are put into effect. It appears to me that the information that has been provided is sufficient to establish what is necessary to be established at this stage.

9.6.2 Ecological impacts, including the potential impact on the integrity of wildlife habitats.

9.6.2.1 The corridor is presently used by wildlife both as a habitat and as a route. It is of considerable importance in this respect - more so in some parts than others - and forms part of the range of GCN and water voles. The survey work carried out identified the species and locations concerned, though as with any creature in a living environment the circumstances may change before construction can start, and the proposed re-survey work is in my view essential. The construction work would render much of the corridor temporarily unusable by wildlife, though in my view after completion and a degree of maturation the corridor and its surroundings would provide facilities for wildlife that would not be significantly inferior to those now existing, and would be likely to increase the degree of diversity. The proposed Red Rose planting in the vicinity would represent a very significant benefit, from the point of view of wildlife, in comparison with what is at present fairly useless "improved" agricultural land [6.1.6.1].

9.6.2.2 The importance of the corridor as wildlife habitat is, in my view, substantial, but I do not consider that the objectors succeeded in proving their case that it was of high national or international value. Individual parts of it are of particular importance to particular species, some of which are protected, and careful consideration needs to be given to both these and their habitat, but I do not

consider that the corridor is a sufficiently coherent whole to justify adding together all of these parts and their inhabiting species over its full length and comparing that sum with the criteria for an SSSI [6.1.6.9]. The official designations in the area, such as the SBIs, appear to me to be adequate and are not proposed for regrading by the relevant bodies, and although the designation at the Ponds Near New Manchester SBI may perhaps be upgraded in the future this would not have any significant additional effect upon the protection of the wildlife [8.6.5]. It appears to me that the scheme should have no unacceptable effect upon the most important habitats, which is to say Ponds W15 and W52. In terms of the percentage of the total habitat of the most important species, the strip occupied by the busway would in my view be of limited significance, provided that adequate measures were taken to ensure connectivity both during and after construction.

9.6.2.3 During construction it seems to me that there could be substantial difficulties for wildlife trying to cross the works, so far as smaller creatures are concerned. However, the Code of Construction Practice would enable the Councils to ensure that wildlife would be protected [8.6.1], and there would be an ecologist on site to supervise the work [8.6.8]. The proposed programme of trapping and relocation [4.5.6.22] should in my view resolve the problem for GCN, since their movement is seasonal. As the ponds and the water vole burrows should be unaffected [4.5.6.9], and as it is intended to retain the connectivity of the ditches upon which the water voles rely and to replace any that would be lost [4.5.6.9], in their case also the trapping and translocation of these animals coupled with this work should give them adequate support and protection.

9.6.2.4 The question of connectivity after the completion of the scheme was considered in the 1998 Hyder report, and it concluded that the busway would constitute a substantial barrier [6.1.6.12][4.5.6.23]. The ES was less pessimistic, but still concerned. However, both of these documents appear to me to have been considering the busway as though it were a pair of sunken roads with high kerbs which could form a barrier, and a trap for small animals which might fall into them, and which would require separate toad tunnels to be built under them, at some cost. This analogy seems to me to be misleading. The busway may be more like an individual road than a strategic scheme [8.6.4], but the description and cross sections appear to me to show that the structural character of the busway is essentially that of a railway, or more properly that of its predecessor a plateway, along which road vehicles run on the hard surfaces of the track beams. The track beams are supported by sleepers, and along their outer edges there are upstand kerbs to restrain and guide - in this case indirectly - the wheels of the vehicles. The material of the busway is concrete, rather than the iron and timber of a plateway, but the essential point is that the topsoil mounded up against the outer sides of the upstand kerbs, and filling the spaces between the sleepers and between the track beams, is provided for cosmetic purposes and not for structural ones, unlike the continuous structure of a road.

9.6.2.5 While there was some discussion of the frequency of the toad tunnels, these were stated to be simply places where the fill material had not been placed, or had been dug out [8.10.12], though if they were located individually rather than in a block there would be a need for some means to prevent material from the adjacent filled area from falling into the open "tunnel" [4.4.1.4]. It therefore appears to me that the basic structural form of the busway would be one without the infill, and that where the infill was omitted the busway would form no more of a wildlife barrier than a traditional railway or plateway under which small animals could cross safely between the sleepers wherever they pleased. Consequently, in the most sensitive locations such as beside Ponds W15 and W52, it appears that the fill material could be largely or wholly omitted if this were necessary in the interests of wildlife, while elsewhere it could be placed wherever the appearance would benefit, with such gaps left in it as DEFRA would require. Furthermore, if the level of the outside fill were to be kept to a sufficient distance below the top of the outside of the kerb, there seems no reason why any animal which was too small to escape from the track by climbing up the inside of the kerb should be able first to fall into it by climbing up the outside. The appearance of the busway is important, but the proposals include substantial planting and grassing which would screen the structure to a substantial degree. It does not seem to me that the more or less continuous infilling apparently envisaged for reasons of appearance would in fact be essential where there was a sufficient ecological reason for omitting or reducing it.

9.6.2.6 It therefore appears to me that the principle put forward for the toad tunnels is capable of avoiding any break in the continuity of the habitat of the GCN, or the water voles, beyond that which would be caused by a railway. If a modest amount of leaf litter were allowed to collect on the floor of the un-filled areas forming the toad tunnels, to give some cover, any barrier effect could be further reduced.

9.6.2.7 The recreation route would have substantially the same effect as the existing broad stoned path running past Pond W15, and I consider that its effect on the continuity of the habitat would be negligible. At Pond W52 there are already two informal paths, one along the main former railway track on the south side of the pond and the other along the second former railway track on the north-west side, though both of these have a rougher surface and a narrower width than those which are proposed for the single new recreation route looping around the north-west and north-east sides. On the north-east side of the pond there is presently what appears to be a domestic garden, with trees planted in it, on the line of the third abandoned railway [3.8.4]. The substitution of the single 3m-wide stone-surfaced new recreation route around these two sides of the pond might be expected to have some slight effect on newts making their seasonal journeys to and from the pond, but I see no reason why the effect should be substantial.

9.6.2.8 I conclude that there would be some permanent loss of wildlife habitat, due to the substitution of the busway tracks for rough vegetation, but that the narrow strip lost would not be significant as a proportion of the whole and that the proposed landscaping should produce a wider variety of habitat in the corridor. The greater exposure of small animals to predators while crossing the strip would result in a slightly increased risk, but if the details of the crossing arrangements are designed, on the principles stated by GMPTE, with due regard to this there should be no substantial barrier effect.

9.6.3 Impact of any disturbance to protected species and the adequacy of the arrangements for undertaking additional surveys to confirm the existence or otherwise of protected species.

9.6.3.1 Provided that due care is taken during the course of construction, the GCN is unlikely to suffer any significant disturbance in its breeding ponds and, as noted above, it is intended that there should be an ecologist on site during construction [8.6.8]. Fencing, trapping and relocation of GCN and other amphibians should ensure that journeys between the terrestrial habitat and the ponds are not prevented, during construction, and the provision of sufficient toad tunnels would do the same after the scheme came into operation. In respect of water voles, again I consider that due care during construction, and appropriate works of mitigation along the lines proposed, should prevent harm to the water voles and any net detriment to their habitat. [4.5.6.15]. So far as birds are concerned, there would be substantial temporary disturbance in the corridor during construction, but the habitat is not unique in the area and the birds clearly identified as nesting in it do not seem to be unusual [8.6.9]. In view of the proposals for landscaping it does not seem to me that there would be any significant continuing loss, and the replacement of scrub with varied landscaping would increase diversity. Increased use of the recreation route by people and, particularly, by dogs would be likely to cause disturbance, but increased use of this kind has been a matter of statutory policy since the UDP was adopted in 1996 and the use is supported by most of the objectors.

9.6.3.2 Further survey work is proposed by GMPTE in respect of bats, amphibians and water voles. In the case of the bats the original survey had found that the bats used the corridor, but that there was no indication that they used it for roosting or breeding, and no evidence had been presented to the contrary. The follow-up survey would be carried out before construction started, to check that they had not subsequently moved into the corridor [4.5.6.14]. Details of the survey work would depend upon the time of year. In relation to amphibians, while the location of populations had been established there would need to be further detailed survey, in the appropriate months, to meet the requirements of current legislation, the mitigation guidelines prepared by English Nature, and the requirements of DEFRA in order to obtain the necessary licence [4.5.6.10]. In relation to water voles, there would be detailed survey work of their territories at least a year before construction began in order to enable the advance works necessary for their protection to be designed, and monitoring would continue for several years to guide the management of ameliorative measures [4.5.6.9]. There

would be a walkover, in the months before the start of site clearance, to check for protected species of any kind that might have moved into the construction area. The objectors considered that this work should have been carried out already, and that there should be further survey work in other fields such as birds, invertebrates and plants [6.1.6.5], but I consider that the proposed work would be sufficient and correctly timed for its purpose.

9.6.4 Impact on land use patterns.

9.6.4.1 The scheme would follow a former transport corridor which has been put to no subsequent use other than for recreational walking, cycling and horse riding, and it is essentially intended to serve the present land use pattern, not to change it. There are no proposed bus stops in the areas where the scheme would run through countryside, which in any case is mostly Green Belt. Existing rights of way for farmers in the vicinity would be maintained. As noted above, although fears have been expressed as to possible loss of business locally [6.1.13.1], these fears were not expressed by businesses or businessmen in that role, and no evidence was produced to counter GMPTE's argument that the local economic effects of the busway would be positive [8.13.1]. Consequently it appears to me that the scheme would have no substantial effect upon land use patterns, either while being built or in operation, other than perhaps a beneficial effect upon commercial activity mainly within existing premises, and a probable increase in the use of the corridor for walking and cycling [4.5.3.3] as well as its use by buses.

9.6.5 Noise, vibration and visual effects.

9.6.5.1 The construction work may be expected to cause a substantial amount of localised noise, especially in the earth-moving phase, whatever measures of control are implemented, though the controls envisaged should keep this within tolerable levels [4.7.1.1]. This would not affect all parts of the corridor at the same time, but it would have its effect upon the character of this generally quiet location and it would be likely to cause wildlife to move elsewhere while it continued. It would be of relatively short duration in any particular location, but despite the controls I have no doubt that some adjacent occupiers would find it annoying. I agree with the objectors that there would be some risk to wildlife in consequence of the construction noise, but I think that it is probable that the great majority would survive to move back in afterwards [4.5.6.21]. Vibration during construction would be even more localised, with correspondingly more localised effects [4.7.2.1].

9.6.5.2 When the scheme was in operation I consider that there is no evidence to show that there would be any vibration; rubber-tyred buses running on smooth pre-cast concrete track beams would be unlikely to have any such effect [8.11.2]. However, the introduction of the buses would bring an element of traffic noise into what is almost entirely a quiet country walk, isolated from traffic. It would also introduce the occasional sound of air brakes, which concerns the equestrians [6.2.10.2]. The visual character of the corridor also would change, with large and relatively fast-moving vehicles passing within a few metres of the path every 5 minutes or so, so that much of the present tranquillity (motorcycles excepted) of the route would be lost. The objectors are right to say that the character of the present recreational route would change substantially [6.1.9.3][6.2.9.1-2], and so far as the tastes of the present users are concerned this would be a change for the worse. From the purely practical point of view the noise levels would not be high enough to make the route unsuitable either for recreational use in general terms, as it would still have a pleasant character even though this would be different, and it would serve better than now as a means of travel on foot, on cycles or on horses between the various points that it connects [4.7.1.2-6].

9.6.5.3 The introduction of the buses would also have an effect upon the wider environment through which the busway would pass. Although the buses would pass intermittently, and would to some degree be screened by planting, they would introduce an element of movement and activity into a scene from which it is at present largely absent. This is not to say that the effect would be an urbanising one - buses and movement are not specific to urban areas - but it would be less tranquil, and the tranquillity is valued by the present users [6.1.9.3][6.2.9.1-2].

9.6.6 Air and water quality.

9.6.6.1 During construction the operation of machinery would inevitably generate exhaust fumes, and dust could be generated by the earth-moving operations, but the normal methods of control would be available and there is no indication that the generation of fumes or the potential generation of dust would go to the extent of having an adverse impact upon air quality [4.7.3.1]. During operation the exhausts from the buses would have negligible effects upon the environmental conditions [4.7.3.4].

9.6.6.2 So far as water in the environment is concerned, most construction processes are capable in principle of polluting this, but section C4 of the Code of Construction Practice would address this potential problem [4.5.8.5]. Existing contaminated material appears unlikely to create a problem in this respect [8.12.2]. When the scheme was in operation, the only source of water pollution would be from spillages on the busway, which would be intercepted by traps [4.4.3.5]. There therefore seems to be no indication of a probable environmental problem of either air or water pollution.

9.6.7 Impact on sites designated to be of local archaeological significance.

9.6.7.1 No sites of archaeological significance were thought to be affected [4.5.8.5], and no adverse comment had been received from the Greater Manchester Archaeology Unit [4.6.1.2]. An archaeological watching brief would be maintained [4.5.8.1], but no problem in this field is apparent.

9.6.8 Impact on traffic levels.

9.6.8.1 The busway project, as part of the QBC, was expected to reduce traffic levels slightly, through transference of car drivers to the buses [4.2.1.3]. Locally, there would be some increase in traffic due to cars accessing the park-and-ride sites [6.1.14.1][8.14.1]. Both of these effects would in my view be very slight. The introduction of signal-controlled crossings would cause localised delays, but would not affect traffic levels as such, and the studies carried out by GMPTE did not show the increased congestion that the objectors feared would arise from these crossings [6.1.3.1-2][6.2.3.1][4.4.2.1][8.3.1-4].

9.6.9 General conclusion on Environmental Impacts

9.6.9.1 It appears to me that the scheme would have little environmental impact except in the fields of ecology and the character of the route, though the annoyance caused by the construction work would inevitably be significant temporarily. In the field of ecology the question of the adequacy of mitigation is of great significance, since what is of concern is the impact of the scheme after it has been refined, by mitigatory modifications and conditions, to eliminate so far as possible the effects of what might be called the crudest version. I consider that PPG9, in its section dealing with development control, supports this view. I therefore do not accept the view of the objectors that general policy, such as in PPG9, indicates that the effects of mitigation should not be taken into account when the scheme affects an area of high value [6.1.6.15], though I do consider that compensation - the carrying out of works elsewhere to attempt to make up for impacts that cannot be rendered acceptable by mitigation - is a more contentious matter in such areas. The matter of the adequacy of the proposed mitigation, in relation to ecology, is addressed in the next section of this report.

9.6.9.2 Except in relation to the character of the recreation route, I do not consider that the introduction of the buses would have any substantial environmental impact. However, the character of the recreation route would be changed significantly by the scheme. The present route is mainly a quiet country walk, of very variable standard, and while in some parts it is usable by the full range of intended users in many parts its usability is more restricted. Those who use it like it, but I consider that some of the features which they enjoy have the effect of excluding other potential users [4.6.1.1], and except at Tyldesley it is not in my view usable by most people for walking or cycling to work. The proposed character, while not being over-formalised, would enable the route to be used by walkers and cyclists in all weathers from end to end, and by equestrians between Tyldesley and Leigh, and this is in accordance with the national and local policy of encouraging wider use of walking and

cycling, in particular, for both recreational and practical travel [5.2.14]. The loss of the present very informal and (except as regards illicit motorcycles) tranquil character would be regrettable, in the interests of those who now enjoy it, but it appears to me that the change is inevitable if the wider use is to be achieved. I conclude that in view of the intended function of the route the environmental impacts of the scheme upon it, though substantial in some respects, would not be sufficiently adverse to be unacceptable.

9.6.9.3 **I conclude that, subject to the mitigation dealt with below, the environmental effects of the scheme would in general be acceptable, but that there would be some adverse ecological effects which would need to be weighed against the benefits of the scheme**.

9.7. The proposals for mitigating any adverse environmental effects including any under the three headings listed below.

9.7.1 Any measures to avoid, reduce or remedy any major adverse environmental impacts of the proposed works

9.7.1.1 I consider that the only major potential adverse environmental impact of the proposed works, other than the change in the character of the recreation route, is in relation to ecology. It is clear that there is a degree of risk for both the GCN and the water voles, in particular, and to their habitats, and that care will have to be taken before and during construction to avoid serious harm to these populations. The work would be required to comply with the guidance and requirements of English Nature and DEFRA [4.5.6.9-10]. The proposed works of mitigation set out in the ES Vol. 2 Part 3 are summarised and updated in the relevant parts of Section 4.5.6 of this report, with some further information in Sections 8.6 and 8.10. The objectors criticised the lack of detailed finality in these proposals [6.1.6.5], but it appears to me that the principles of the intended mitigation are clear and that they are capable of dealing adequately with the identified problems and dangers. The details of the application of those principles will in many cases be dependent upon the precise situation immediately before the start of construction, and upon the policies of the other statutory licensing and controlling bodies at that time. I therefore conclude that the mitigation proposed in relation to potential major adverse environmental impacts of the proposed works is adequate.

9.7.2 Any measures to avoid, reduce or remedy any other adverse environmental impacts likely to arise from the works;

9.7.2.1 As noted above [8.12.2], the level of contamination in the material which would be required to be moved for re-use or taken off site is not high, but if it were not properly handled this would nevertheless be undesirable, as the objectors said [6.1.12.2]. I consider that the measures described in this respect would be adequate [4.5.5.1-4][8.12.3].

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

9.7.3.1 It appears to me that, when the scheme had matured, the only significant remaining environmental impact would be in relation to the ecologically dividing effect of the busway itself, since there is already a footpath along the whole of the length of the proposed recreation route apart from the short length to the north-east of Pond W52. The present width of the footpath is narrower than that which is proposed, east of Miller's Lane, but it does not seem to me that the difference would be significant, at night, even for a relatively slow-moving amphibian. As I have said in paras. 9.6.2.4 to 9.6.2.6 above, the busway does not, in my view, have to have the barrier effect originally envisaged; the type of structure proposed is in my view capable of being made far more permeable to small animals than the inaccurate analogy with a road suggested.

9.7.3.2 A small animal traversing the busway structure through one of the tunnels would probably be more exposed to predators than if it were moving through a strip of grass or woodland floor of the same width, though both the track beams and the sides of the sleepers would provide more cover than could be found on a strip of open ground. However, its route would not need to be channelled past

waiting predators if sufficient tunnels were created in sensitive areas, such as adjacent to the ponds, and since the tunnels have no structure of their own there seems to be no economic reason why this should not be done. Unlike the situation with a railway, there also seems no reason why the space beneath the track beams would need to be kept wholly free of leaf litter, so that a degree of additional cover could be allowed to build up. I do not see why a small animal should become trapped between the track beams, or why it should stay in an exposed position on the running surface, when it could escape through one of the proposed slots in the base of the upstand or drop down between the sleepers and escape under the track beam - provided that these means of escape were installed with sufficient frequency. The detail and frequency of these escape provisions would be matters for agreement with DEFRA, but I conclude that although the busway would add some degree of hazard for small animals crossing its line, it is unlikely that this degree would be substantial.

9.7.4 General Conclusion on Mitigation

9.7.4.1 **I conclude that the proposed measures of mitigation would be sufficient to counter the adverse effects of the proposals to an acceptable degree, subject to comparison of the remaining adverse effects with the benefits of the scheme**.

9.8. The effect that the works proposed in the Order would have on the Green Belt and the extent to which it accords with national policy as set out in PPG2 "Green Belts".

9.8.1 The busway would bring greater activity to the part of the Green Belt through which it would pass, and would require the carrying out of physical development within it. This would include the new busway tracks, the improved recreation route and the bus stop at Tyldesley West. There would also be the Tyldesley park-and-ride site, which I address separately.

9.8.2 I note that the Green Belt is a tool of planning policy, established with the intentions set out in para. 1.4 of PPG2 and having the 5 purposes set out in para. 1.5, rather than a measure for preserving the land for its own sake as in the case of a National Park. The fundamental aim is to prevent urban sprawl by preserving openness, and the 5 purposes can perhaps be summarised as preventing development, within the designated Green Belt, of an urbanising nature. The PPG defines 6 objectives which should be pursued in deciding what the land within the Green Belt should be used for, though these are not stated to be exclusive. They include the provision of opportunities for access to the open countryside, and for outdoor sport and recreation, for the urban population, as well as the protection of landscapes, ecology and agriculture.

9.8.3 It appears to me that linear infrastructure such as the proposed busway, or power lines, railways or motorways, is not inherently urbanising in its nature. It is found all over the country, and while it can be such as to inhibit openness, or may fail to pursue the 6 objectives, it does not necessarily do so. The enhanced activity that it may bring is also not in itself, in my view, an urbanising factor. I consider that the designation of a Green Belt around an urban area must envisage that necessary linear infrastructure will cross it, since no urban area can prosper in the absence of the necessary linear infrastructure, and if there is no prospering urban area there cannot be the pressure for its expansion that is necessary in order to justify the designation of a Green Belt to resist it. I therefore consider that 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, though of course it may still be unacceptable for the more ordinary reasons.

9.8.4 I consider that the transport strategy and the LTP show clearly that the busway is necessary linear infrastructure, so far as its principles are concerned. The design would introduce no significant upstanding structures into the Green Belt, and the minor bus stop shelters are in my view no more than is strictly necessary for its function [4.5.4.2]. While there would be some raising of the existing embankments in the immediate vicinity of the City Road bridge, the main effect on the presently prominent embankments would be to lower them, thereby increasing openness. The service provided by the QBC, of which the busway is a part, would improve the accessibility of open countryside and outdoor recreation for the urban population, as would the improved recreation route, though I accept

that the change in the nature of the recreation route would alter the nature of the recreational experience of walking along it. The landscaping would improve the landscape along the corridor. While there would be some relatively slight detriment to ecology in comparison with the present situation, if the possible further development of the adjacent Red Rose forest scheme is ignored, it would probably be less severe than if the greater part of the corridor were re-used for a railway in accordance with the present UDP. The prominent works for the further rail connection proposed by the UDP to run north-eastwards from Parr Brow would also, in my view, have more substantial effects upon Green Belt issues than would the corresponding parts of the present proposals [4.4.5.3, 4.5.2.3, 4.6.2.3].

9.8.5 The park-and-ride site at Tyldesley would be in the Green Belt, and there seems no reason to doubt that the busway could function without it, though probably with some reduction in passenger numbers and certainly with some reduction in the level of service to the public. However, the evidence indicates that if it were omitted there would be a risk of the adjacent residential streets being used by long-stay parkers using the busway, to the detriment of the amenities of the residents and the Conservation Area. This could be countered by a residents' parking scheme, though at some cost and at some inconvenience to other legitimate users of the street such as visitors. I consider that the evidence shows that no other site would be functionally satisfactory, and that the benefit to the locality and to the scheme would outweigh the detriment to the Green Belt, having due regard to the objectives and policies relevant to it, including Annex E to PPG13 [4.3.1.5-8, 4.5.4.4][8.14.2].

9.8.6 It does not appear to me that the busway would significantly increase the risk of urban development being permitted on parts of the Green Belt adjacent to it [6.2.6.3], since in my view the location of the bus stops is not such as to increase the force of any arguments that might be advanced promoting such development, and the protective Green Belt policies are clear. If it is considered that, notwithstanding the above factors, the busway should be viewed as "inappropriate" development in the terms of PPG2, I agree with the argument that the necessary very special justificatory circumstances exist [4.5.4.5]. **Overall, I conclude that the proposals contained in the Order are acceptable in terms of Green Belt objectives and policies**.

9.9. The cumulative impacts of the works proposed in the Order and other developments associated with the Quality Bus Corridor.

9.9.1 The works proposed in the Order would, as I have said above, produce a number of impacts which would be adverse, but in my view not greatly so. There are no other proposed developments associated with the Quality Bus Corridor in the vicinity of the land covered by the Order. While GMPTE said that it intended to develop the QBC as a whole or not at all [1.5.1], it appears to me that the works and bus priority measures proposed on the A580 further to the east are capable of being implemented without the busway component, and would produce useful - if more limited - benefits and a satisfactory benefit/cost performance [4.2.2.8]. The busway would be a much more doubtful proposition on its own, though GMPTE took the view that because of the synergistic effect it was not possible to produce, as part of the present submission, a meaningful evaluation of the busway separate from the QBC project, and I accept that view in principle [8.2.8]. Planning permission has already been granted for these other works, and for the park-and-ride site at the motorway junction. The public inquiries into the associated Traffic Regulation Orders have been reported upon and the reports are being considered by the relevant authorities [1.5.1].

9.9.2 In view of these things, it does not appear to me that the addition of the effects of the other developments associated with the QBC would add anything, in the locality of the Order land, to the impacts already identified as arising from the Order. To the east, outside this locality, the impacts of the total QBC scheme have presumably been considered acceptable by the authorities that have granted planning permission for the relevant parts of it. **Consequently, I conclude that the concept of cumulative impact does not seem to add anything significant in this instance, in relation specifically to the works and developments**.

9.9.3 There remains the very important link that if these other developments did not materialise then it is highly probable that the busway, with both its adverse and its beneficial impacts, would not materialise either. Objections were also raised to the possibly harmful effects of the QBC as a whole, which these works and developments would permit, upon existing bus services, bearing in mind the fact that some 70% of its passengers were expected to be drawn from users of these existing services. Any loss from the existing peak-hour direct service No. 34, which had recently been reduced, was considered by objectors to be particularly undesirable [6.1.2.15, 6.1.4.3]. GMPTE accepted that there could be some changes in present bus services, but none were expected to become unviable in consequence of the QBC [4.1.5.3]. If any of the services to the adjacent areas were threatened GMPTE would replace lost services with subsidised ones [4.1.6.8]. It appears to me that the QBC should not cause harm overall to users of public transport in this area, though there would probably be losers as well as gainers, but in any case I consider that this objection is more to the local transport policy than to the means by which it is proposed to implement that policy, of which means the present Order is a part.

9.10. The justification for Article 34 of the Order which proposes to exclude the proposed bus services from section 89(1) of the Transport Act 1985 (the obligation to invite tenders for subsidised services).

9.10.1 The arguments advanced by GMPTE for Article 34 of the draft Order are summarised in paras. 8.17.3 to 8.17.5 above, and are stated more fully in ID 5. No objections or counter-arguments were submitted. It appears to me that the issue is a political one rather than a technical one, and that the policies of the present Government differ in some relevant respects from those of the Government that passed the Transport Act 1985. Given the proposed method of operation of the busway, and the concern that Section 89(1) of that Act might interact in an undesirable manner with the already complex and controlled contractual procedures for the construction of the busway, **I conclude that Article 34 should stand unless there is some very positive reason to the contrary, which was not apparent either to GMPTE or to myself**.

9.11 Matters concerning other Articles of the Draft Order and Attached Documentation.

9.11.1 Reference has been made [8.17.1] to the proposals by GMPTE for amendments proposed to the draft Order and its attached documentation, which are set out in ID 19A. These are mostly matters of correction, and no objection was raised to their incorporation. A number of other minor corrections arose in the course of the inquiry, and these are included, together with those in ID 19A, in the Schedule of Recommended Modifications which is attached to this report as Appendix 3. Some allied matters also arose, as follows.

9.11.2 In relation to Article 19, Busway Noway objected to its making any obstruction of a person constructing the works an offence [6.1.17.1]. GMPTE was content to leave the matter with the Secretary of State, considering that the proposed Article 19 would be useful but not essential [8.17.2]. It does not appear to me that the busway project has any special features to require special treatment in this matter, such as might arise if it involved serious damage to a site of international ecological importance, or to an Area of Outstanding Natural Beauty, though there is a significant level of local opposition. This is essentially a matter of public legal policy, and I am not a lawyer. **However, I do not consider that a case was made out for extra legal powers beyond those applying to the generality of construction projects, and on the principle that laws and offences should not be multiplied without good cause I conclude, though as a layman in legal matters, that Article 19 should be omitted.**

9.11.3 In relation to Articles 21(2)(a) and 31, objectors considered that the 5-year timescale proposed to be allowed for the processes of compulsory purchase did not represent a proper balance between the public and the private interest, and that the limit should be 3 years in both cases as provided in the relevant Act [6.2.17.1-2]. GMPTE took the view that TWA procedures rendered a 3 year period inadequate, creating a risk of having to obtain an extension with the risk of further delay to the

project. **I conclude that the proposed 5 year limits are justified in this case, and that these two draft Articles should stand**.

9.11.4 The Environment Agency suggested 2 minor changes to Article 51 [7.1.3]. In Article 51(2)(a), line 2, it suggested the addition of the words ", or alteration of the course," after the words "...obstruction to the flow...". In Article 51(2)(b) it suggested that the second and third lines should be altered to read "...within two months from the day the plans are received by the Agency, it does not indicate...". Neither of these proposed modifications was objected to, both seem to me to be reasonable for the reasons given by the Environment Agency, and **I conclude that the relevant parts of Article 51 should be modified accordingly.**

9.11.5 A substantial number of objectors considered that the scheme would cause substantial problems of dust, noise and vibration from the works adjacent to their homes, for which they would have no entitlement to compensation under the general law [6.1.12.4][6.2.12.3]. They considered that this was contrary to their rights under Human Rights legislation. In their view there should be special provision for compensation for these effects of the proposed works, covered by a new Article in the Order to that effect [6.2.12.13][6.2.17.3]. GMPTE agreed that the law did not provide compensation in such cases, but said that it did have discretionary powers which it could use as and where necessary. However, it considered that the Code of Construction Practice would limit the impact, and liaison arrangements would give local people forewarning and deal with complaints [8.12.4-5]. I have no doubt that, for a while, adjacent residents would experience substantial changes to their normal living conditions, which some would find annoying. However, it does not appear to me that these effects of the construction of the works would be out of the ordinary for such a project, and **I conclude that there would be no justification in this case for modifying the draft Order so as to provide compensation beyond that which Parliament has considered sufficient for the generality of such projects.**

9.12. To establish how existing bus operators will be entitled to use the proposed busway, and how they will be selected to do so.

9.12.1 An important feature of the proposed operation of the busway was that, although the QBC services were envisaged as the main user and provided the main justification, any bus operator would be able to use all or part of the busway provided that they obtained a licence and complied with its terms and those of the intended Quality Partnership Scheme, which they would be free to enter. The licensing conditions would not be more onerous than would be necessary in order to achieve the intended service standards [4.1.6.3-4]. The QBC services as such might be run by more than one operator, in which case the licensing regime would establish appropriate service frequency and co-ordination. This arrangement was expected to produce the required level of service without the need for a Quality Contract, which would need the consent of the Secretary of State and would give a single operator exclusive rights [4.1.6.5].

9.12.2 It was expected that the operators would find the service sufficiently profitable to run most, if not all, of the required service on a commercial basis. If any desired service could not be obtained without subsidy, the normal Transport Act competitive tendering process would be available [4.1.6.4], whether or not the Order as made contained the proposed Article 34 lifting the legal obligation to use it. Since no subsidy under contract was in fact expected to be required - and although doubts were expressed by objectors as to the level of use of the service [6.1.2.13-16] no solid evidence was produced to show otherwise - it appears to me that the operators would in effect be selecting themselves, so that the question of a formal selection process should not arise. **I conclude that, as a method for the procurement of services and the selection of operators, the proposed combination of licensing and a Quality Partnership seems sufficient**.

9.13. The conditions that would be applied to planning permission for the proposed works under the Order, and in particular whether any such conditions meet the tests in DOE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

9.13.1 No objection was raised to any of the proposed planning conditions on the basis that it would not be necessary, relevant, or reasonable, though Busway Noway objected to many on the grounds, broadly, that they were too imprecise and unenforceable [6.1.18.1]. In my view all of the conditions proposed are necessary, relevant and reasonable.

9.13.2 In relation to Condition No. 1, it was objected, broadly, that the development proposals were set out in many documents, but that it was unclear which of these remained relevant, and that there were many proposed alterations; which authority was to decide which of these should be incorporated? I note that the condition sets out clearly the relevant groups of drawings - which would be taken as referring to the updated versions of some, which are attached to ID 19A - and it does not appear to me that these contain significant discrepancies. Where relatively minor modifications are proposed to any development which has been granted planning permission, I consider it to be open to the Local Planning Authority (LPA) to accept those which it considers to lie within the scope of the planning permission already granted, without going to the extent of requiring a formal modification of the permission itself. None of the adjustments mentioned at the inquiry appear to me to lie outside that scope.

9.13.3 The identity of the relevant local planning authority is normally what the statutory arrangements say it is. So far as I am able to judge from the plans submitted, the boundary between the two local planning authorities cuts across the proposed busway to the west of Newearth Road but runs on the south side of it from there as far as City Road, rather than splitting the track as the objectors suggest [6.1.18.1], but whether this is so or not each LPA has authority over its own area and I see no indication of any differing LPA opinions at the join, or in relation to matters which overlap.

9.13.4 As regards Condition 3(a), statutory authority lies where statute says it lies. If it were the case that the Environment Agency was found to be the policing authority in respect of the contaminated soil, it would be necessary for the developer to satisfy the Environment Agency, under statute, as well as the LPA under the condition. I can envisage the situation in which one might be more demanding than the other, in some respect, but since in that case the development could not proceed without meeting the requirements of both I do not see how a conflict could arise; no consent given by one of the authorities could override a more demanding restriction properly imposed by the other.

9.13.5 In relation to Conditions 4,5 and 6, again it is the case that each LPA has authority in respect of its own area. If the two authorities were to disagree about, for instance, so fundamentally connected a matter as the position of an amended busway centre line, obviously there would be a problem, but such a disagreement seems very unlikely and there are appeal procedures to resolve any such disagreement.

9.13.6 As regards Condition 8(a)(iii), the objector is correct in saying that no physical division between the classes of user is considered by GMPTE to be practical in the space available [4.5.7.6][8.10.2]. In my view a demarcation line or strip on the surface of the path would be a measure to separate the classes of user, which was clearly envisaged by GMPTE as a possibility [4.4.1.9], and this might or might not be considered adequate or necessary by the LPA. This condition would leave the decision on this subject to the LPA, which does not seem to me to be unreasonable.

9.13.7 Conditions 10, 11 and 13 again require the consent of the LPA, in these cases to matters conditioned to require the written approval of the LPA, to drainage and to measures of mitigation. As before, I consider that the areas within which each LPA has authority are statutorily defined. In some matters no problem would arise if they did take differing views, but no evidence was given to show that they would be likely to disagree in relation to those matters in which a common approach was desirable, nor indeed in relation to any others of these matters. The actual requirements of the LPA in

respect of mitigation would be based upon the proposals in the ES and the draft Code of Construction Practice, which I consider to have been carried to the degree of detail and certainty necessary at that stage. However, they would be adjusted in detail to accord with the findings of the further survey work which, in a living and changing environment, must look at the situation immediately before the start of work rather than relying wholly on older information which could by then have become out-dated.

9.13.8 The Environment Agency made two suggestions for adjustment of the proposed conditions [7.1.1-2]. The first was that an additional condition should require protective metal fencing to be erected and maintained, before and during construction, along any watercourses, ditches, ponds, wetlands and SBIs. This may well be desirable, and some fencing is plainly intended in the ES, but in my view this should be regarded as being essentially covered by Condition 13. **I conclude, in relation to this, that regard should be had to this suggestion, by GMPTE and the LPAs, when the required scheme for the implementation of mitigation measures is drawn up by GMPTE and considered by the LPAs.**

9.13.9 The second suggestion by the Environment Agency put forward two points in relation to Condition 13. The first point was that the mitigation scheme should take the form of an Environmental Action Plan which could incorporate matters agreed subsequent to the ES. In my view, whatever it might be called it must incorporate any such subsequent agreements, within the overall framework, and **I conclude that this suggestion should be brought to the attention of GMPTE and the LPAs.** The second point was that Condition 13 should be extended to require adherence to this scheme during the design, construction and post-project monitoring of the works. It appears to me that it would be impractical to require formally that there should be adherence to the approved mitigation scheme during the design, since the finalisation of the design and the production of the scheme would be to some degree iterative processes taking place in parallel, not in sequence. Presumably the LPAs would not approve a mitigation scheme based upon a design which paid inadequate attention to mitigation. However, the requirement that the construction and the post-project monitoring should adhere to the approved scheme is entirely reasonable and, while it should go without saying, I consider that it would do no harm to say it. **I conclude that Condition 13 should be extended to require that the construction and post-project monitoring of the works shall comply with the approved scheme for mitigation.**

9.14 Overall Conclusions

9.14.1 I conclude that the proposed busway would provide substantial benefits to the public in the vicinity of the corridor that it would serve, in accordance with the relevant transport objectives and policies at European, national and regional level, the policies of the Local Transport Plan and the objectives of the QBC. These benefits are needed, in the public interest, and I consider that there is no realistic prospect of their being provided, to any comparable extent and within any reasonable timescale, without the proposed busway. The environmental impact of the scheme would be beneficial in some respects, and potentially harmful in others. The impact of the landscaping would be beneficial, though the impact of the removal of the embankments upon the adjacent properties would be mixed and there would be a degree of continuing visual detriment for some properties. The impact of the scheme upon the character of the recreation route would be substantial, but in the context of the intended broader public use I consider that it would not be harmful. There is a significant risk of harm to protected species and their habitats, which would require careful mitigation work before, during and after the main construction work. I consider that the proposed mitigation work, when further refined in order to meet the needs as clarified by the intended re-survey prior to commencement, and when approved by the relevant controlling bodies, would reduce the risk of harm to acceptable levels.

9.14.2 **Putting all of the relevant considerations into the balance, I conclude that benefits of the scheme would outweigh its disbenefits, and that the Order and the requested Planning Direction should be made, subject to the recommended modifications contained in Appendix 3 to this report.**

9.14.3 **I also conclude that the more detailed points highlighted in my conclusions above, but not recommended for formal inclusion in the Order or the Planning Direction, should be drawn to the attention of the bodies indicated.**

10.0: Recommendations

10.1 I recommend that the Greater Manchester (Leigh Busway) Order 200 should be made, subject to the recommended modifications contained in Appendix 3 to this report.

10.2 I recommend that the requested Section 90(2A) Direction conferring deemed planning permission should be made, subject to the recommended modifications contained in Appendix 3 to this report.

INSPECTOR

Appendix 1: Appearances

For The Applicant, The Greater Manchester Passenger Transport Executive (GMPTE):

Mr Clive Newberry QC.	Of Counsel. He was instructed by Bircham Dyson Bell, 50 Broadway, Westminster, London, SW1H 0BL.
He called:	
- Mr Bill Tyson OBE, BA, MA(Economics), FCIT, FILT, FRSA	Chairman and Managing Director of Transport Management Group, a subsidiary of GMPTE, 9 Portland Street, Piccadilly Gardens, Manchester, M60 1HX.
- Mr Neil Chadwick BA (Hons)(Physics), MSc (Transport).	Associate with Steer Davies Gleave, 28-32 Upper Ground, London, SE1 9PD.
- Mr Steve Yates BSc (Geography), MA (Town and Regional Plans), MRTPI.	Consultant, Orchard Cottage, 40 Leighton Beck Road, Beetham, Lancaster, LA7 7AX.
- Mr Tim Morton MA (Mech. Sciences); MSc (Transportation Engineering), FICE, FIHT, FCIT, FILT.	Divisional Director of Mott MacDonald, Spring Bank House, 33 Stanford Street, Altrincham, WA14 1ES.
- Dr Peter Ireland MA, PhD.	Technical Director for Environment with Hyder Consulting Ltd, Firecrest Court, Centre Park, Warrington, WA1 1RG.
- Mr Tom Walker BA, Dip. in Landscape Architecture, MA (Urban Design and Regeneration).	Associate with Gillespies, Minton Chambers, 12, Heatons Court, Leeds, LS1 4LJ.
- Mr Michael Forsdyke BSc, MSc (Environmental Pollution Sciences), Dip. of Institute of Acoustics.	Managing Director of Acoustic Air, 62, Broadwake Avenue, Letchworth, Herts, SG6 3HJ.
- Mr Julian Wrigley BSc (Estates Management), ARICS.	Technical Director of Parkman Group plc, Land Aspects, Parkman House, Lloyd Drive, Ellesmere Port, South Wirral, CH65 9HQ.

For The Supporters:

Salford City Council

Mr Clive Newberry QC.	Of Counsel. He was instructed by Bircham Dyson Bell, 50 Broadway, Westminster, London, SW1H 0BL.
He was assisted by:	
- Ms Pauline Lewis	Legal Executive, Salford City Council, Salford Civic Centre, Chorley Road, Swinton, Salford, M27 8PL.

He called:

- Mr Steven Lee BSc (Hons), MSc, DMS, IEng, MCIT, MIIE, MIHT.	Traffic and Transportation Manager, Salford City Council, Salford Civic Centre, Chorley Road, Swinton, Salford, M27 8PL.

Wigan Metropolitan Borough Council

Miss Ruth Stockley.	Of Counsel. She was instructed by the Director of Legal Services, Wigan Council, Town Hall, Library Street, Wigan, WN1 1YN.

She called:

- Mr Barry King.	Chief Assistant Planning Officer, Wigan Council.

Mr Ian Porter.	Of Counsel, to deliver the Closing Statement. He was briefed by the Solicitor to Wigan Council, Town Hall, Library Street, Wigan, WN1 1YN.

For The Objectors: .

The Busway Noway Campaign (Obj. 266) And The Six Local Associations (Obj. 456).

Ms Vanessa Hall.	She appeared as Lay Advocate for the Busway Noway Campaign and the Six Local Associations, and was instructed by the Campaign for Planning Sanity, 20 Outwood Road, Radcliffe, Greater Manchester, M26 1AQ. She was assisted in this role by Mr C Maile (see below).

She called:

- Mr Alan James BSc (Hons), MA, MLI.	Snade Hill Cottages, Dunscore, Dumfries, DG2 0XA
- Mr Chris Maile (Obj. 266).	Busway Noway Campaign, 20 Outwood Road, Radcliffe, M26 1AQ.
- Mr David Tryner (Obj. 121).	7 Rosebury avenue, Leigh, Lancashire, WN7 1JY
- Mr Graeme Skelcher MPhil.	Ecological Consultant. 8 Coach Road, Warton, Carnforth, Lancashire, LA5 9PP.
- Mr Adrian Dunning (Obj. 456).	Worsley Civic Trust and Amenity Society, speaking for six local associations: Boothstown Residents' Association, Mesne

	Lea Residents' Action Group, Moorside South Residents' association, Worsley Village Community Association, Worsley Civic Trust and Amenity Society, Worsley Civic Trust (Roe Green Branch).
	11 Crombouke Fold, Worsley, Manchester, M28 1ZE.
- Ms Dawn Leach (Obj. 401).	21 Hough Lane, Tyldesley, Greater Manchester.
- Mr Thomas Broadhurst (Obj. 351).	85 Chester Road, Tyldesley, Manchester, M29 8PT.
- Ms Carolyn Evans (Obj. 326).	132 Manchester Road, Tyldesley, Manchester, M29 8RN.
- Ms Karen Barry.	41 Richmond Road, Higher Folds, Leigh, Greater Manchester.
- Mr John Vickers.	For W.A.S.P. (Wildlife and Social Preservation, a pressure group from Hindley Green, Wigan).
	26 Carr Common Road, Hindley Green, Wigan, WN2 4TD.

Other Objectors:

Mr S R Mair BSc, FRICS, FAAV.	of P. Wilson & Co. 10 Bark Street East, Bolton, Lancashire, BL1 2BQ.
- He acted as advocate for, and also gave evidence on behalf of, the following individual objectors:	
	- Robin & Nicola Southern. 7 South Court, Leigh, WN7 1HZ. (Obj. 385)
	- Mark Lancaster. Lodge Farm, Lodge Lane, Atherton, WN7 2NM. (Obj. 386).
	- John & Mark Stafford. Walmsley Farm, Green Lane, Leigh, WN7 2TP. (Obj. 387).
	- David & Margaret Morgan. Clough House Farm, off Holden Road, Leigh, WN7 2HR. (Obj. 388).
	- Mrs C Hurst. 13 South Court, Leigh, WN7 1HZ. (Obj. 389).
	- Mr D Marsh. 18 South Court, Leigh, WN7 1HZ. (Obj. 390).
	- David & Sandie Blood. 22 South Court, Leigh, WN7 1HZ. (Obj. 391).

	- Graham & Barbara Robinson. 20 South Court, Leigh, WN7 1HZ. (Obj. 392). - Anthony & Susan Burns. 15 South Court, Leigh, WN7 1HZ. (Obj. 393). - Anthony & Kathleen Robinson. 12 South Court, Leigh, WN 7 1HZ. (Obj. 394).
Mr M A Redshaw MA (Cantab.), FRICS, on behalf of Lancastrian Squash Club (Obj. 267).	of Acland Bracewell Surveyors Ltd., The Barrons, Church Road, Tarleton, Preston, PR4 6UP.
He gave evidence himself, and also called:	
- Mr Brian Clamp CEng, MICE, MIHT.	of Singleton Clamp, 2 Mount Street Albert Square, Manchester, M2 5WQ.
Mr G Clark MRTPI, on behalf of William Speake, Joan Speake and John Lloyd (Obj. 20).	Chartered Town Planner, 14 Clements Road, Wigan, WN1 2RU.
The following individual Objectors appeared on their own behalf:	
Mr Eric Hall CEng (Obj. 13).	16 Cornlea Drive, Worsley, Manchester, M28 7XW.
Ms June Clark (Obj. 104).	55 Maesbrook Drive, Tyldesley, Manchester, M29 8DT.
Mr Jack Cottam (Obj. 135).	6 Rosebury Avenue, Leigh, Lancashire, WN7 1JZ..
Mr P W Lummis (Obj. 199).	"The Sidings", 38 Wareing Street, Tyldesley, Manchester, M29 8HS.
Mr Jim Prescott (Obj. 215).	101 Chapel Street, Leigh, Lancs, WN7 2DA.
Mr David Mason (Obj. 264).	35 Bridgewater Road, Mosley Common, Worsley, Manchester, M28 1AD.
Mr John Hood (Obj. 516).	83 Chester Road, Tyldesley, Manchester, M29 8PT.
Mrs B Gaskell (Obj. 506).	Liptrots Cottage, Sandy Lane, Lowton-St-Marys, Nr Warrington, WA3 1BA.
Cllr R D Boyd (Obj. 480).	145 Greenleach Lane, Worsley, Manchester, M28 2RS.
Mr G Blackburn (Obj. 315).	19 Hayman Avenue, Leigh, Lancashire, WN7 3UF.
Mrs Edna Booth (Obj. 293).	12 Chapel Walk, Lowton St Mary's,

	Warrington, Cheshire, WA3 1EE.
Mrs C. Salt (Obj. 556).	73 Chester Road, Tyldesley, Manchester, M29 8PT.
Mr Tom Wilson (Obj. 4).	6 Crombouke Fold, Worsley, Manchester, M28 1ZE.
Mr Mike Norris (Obj. 120).	Frank's Café, 119/123 Elliott Street, Tyldesley, Manchester, M29 8FL.
Mr G J S Dugmore (Obj. 354).	41 Hindburn Drive , Worsley, Manchester, M28 1XY.

Appendix 2: List of Inquiry Documents

ID No.	DOCUMENT
ID 1	Attendance Lists.
ID 2	Legal Submission by Busway Noway in relation to the adequacy of the submitted Environmental Impact Assessment.
ID 3	Note by Busway Noway submitting its initial list of questions of clarification.
ID 4	Copy of a Quality Partnership Agreement, submitted as an example by GMPTE.
ID 5	Note by GMPTE on the justification for Article 34 of the draft Order (Service Subsidy Agreements).
ID 6	Note by GMPTE on the justification for Article 19 of the draft Order (Obstruction of Construction of Busway).
ID 7	Note by GMPTE giving its analysis of the objections, as at 6th September 2002.
ID 8	Note by GMPTE on the status of objectors and objections as at 12th September 2002.
ID 9	Note by GMPTE on the proposals for a Ranger service.
ID 10	Extract of Highway Code, on the passing of horses. Submitted by Busway Noway.
ID 11	Note by GMPTE responding to Busway Noway's original questions of clarification.
ID 12	Note by GMPTE responding to the Inspector's questions of clarification.
ID 13	Note by Busway Noway submitting a further list of questions of clarification.
ID 14	Current bus timetables for Services 29 and 34, submitted by Busway Noway.
ID 15	Letter from Wigan Council to Mott MacDonald regarding the acceptability of the proposed road gradients at busway/road crossings, and the access arrangements for the proposed Hough Lane Park-and-Ride facility.
ID 16	Plan submitted by GMPTE showing information on off-site planting.
ID 17	Plans submitted by GMPTE showing the proposed air quality management area.
ID 18	Summary statement by Wigan Council of its Environmental Aims. Submitted by Busway Noway.
ID 19	GMPTE original proposals for modifications to the TWA Order Documentation.
ID 19A	GMPTE final proposals for modifications to the TWA Order Documentation (including plans).
ID 20	Consultants' report on ground conditions/site services on the land at Hart Street Tyldesley (partly occupied by the scrap yard), submitted by GMPTE.
ID 21	The Environmental Mission Statement of Wigan Council, submitted by GMPTE.
ID 22	Note by Busway Noway pursuing questions raised by Mr Alan James, for Busway Noway, in relation to the supplementary Proof of Evidence of Mr Chadwick for GMPTE.
ID 23	Note by Wigan Council regarding contaminated land and the Contaminated Land Register.

ID 24	Note by GMPTE on "Option Agreements" and their provisions.
ID 25	Note by GMPTE responding to Mr Hall's alternative cost/benefit appraisal (Obj 13 Appendix 1).
ID 26	Note by GMPTE responding to questions raised by Mr Hall regarding timings with different speed limits, time savings, and costs and numbers of new buses needed.
ID 27	Note by GMPTE responding to questions raised by Mr Alan James (ID 22).
ID 28	Note by GMPTE responding to Objector 555 concerning noise levels between Newearth Road and New City Road arising from construction and use by buses.
ID 29	Drawing by GMPTE showing a schematic layout for a busway/bridleway crossing.
ID 30	Note by GMPTE responding to a question concerning the cost of landscaping.
ID 31	Note by GMPTE responding to questions raised at the Inquiry regarding depth of soil sampling, planting proposals, numbers of Great Crested Newts, and the lengths of maintenance contracts.
ID 32	Copy of a paper from the Office of the Deputy Prime Minister arising from public consultation on Compulsory Purchase Powers, Procedures and Compensation. Submitted by Mr Mair.
ID 33	Note by GMPTE giving clarification on various points raised by Mr Maile.
ID 34	Note by GMPTE on the likelihood of buses/equestrians coinciding at crossings.
ID 35	Note by GMPTE on the potential content of a licence for the use of the Busway.
ID 36	Note by GMPTE on benefits from GMPTE's licence and contract with operators.
ID 37	Letter dated 26 September 2002, and attachments, from Red Rose Forest Describing their proposals for adjacent land. Submitted by GMPTE.
ID 38	Note by GMPTE on a site visit at Upton Lane on 1st October 2002, to look for birds' nests.
ID 39	Note by GMPTE on the degree of loss of vegetation within the route corridor.
ID 40	Letter dated 14th October 2000 from Leigh Ornithological Society to Hyder Consulting. Submitted by Busway Noway.
ID 41	Note by Busway Noway responding to the clarification by GMPTE of points raised at the Inquiry by Mr Maile (ID 33).
ID 42	Note by Busway Noway commenting on Article 19 of the draft Order, and proposed planning conditions.
ID 43	Letter dated 7th November 2000 from Leigh Ornithological Society to Hyder Consulting. Submitted by GMPTE.
ID 44	Maps and Appendices to the evidence of Mr Tyson, for GMPTE, on Policy. GMPTE.P1c.
ID 45(i) & (ii)	Appendices and Supplementary to the evidence of Mr Chadwick, for GMPTE, on Transport & Economics. **(i)** GMPTE.P2c; **(ii)** GMPTE.P2d.
ID 46	Appendices to the evidence of Mr Yates, for GMPTE, on Planning. GMPTE.P3c.
ID 47(I),	Appendices to the evidence of Mr Morton, for GMPTE, on Engineering:

(ii), (iii) & (iv)	**(i)** GMPTE.P4c; **(ii)** GMPTE.P4d; **(iii)** GMPTE.P4e; **(iv)** a paper produced by Dr Graham Parkhurst for GMPTE entitled "Review of Patronage Forecasts for Leigh Busway P & R Sites".
ID 48	Figures showing the Green Belt, rights of way during construction, and toad tunnels, from the evidence of Dr Ireland, for GMPTE, on Environment.
ID 49 (i) & (ii)	Appendices and figures to the evidence of Mr Walker, for GMPTE, on Landscape and Visual matters. GMPTE.P6c & P6d.
ID 50	Appendices to the evidence of Mr Forsdyke, for GMPTE, on Noise, Vibration & Air Quality. GMPTE.P7c.
ID 51	Appendices to the evidence of Mr Wrigley, for GMPTE, on Property and Compensation. GMPTE.P8c.
ID 52	Appendices to the evidence of Mr Lee, for Salford City Council.
ID 53	Appendices to the evidence of Mr King, for Wigan Council.
ID 54	Appendices to the evidence of Ms Leach (Obj 401), for Busway Noway.
ID 55 (a) to (r)	Appendices to the evidence of Mr Maile (Obj 266), for Busway Noway.
ID 56 (a) to (c)	Ecological Survey and Appendices to the evidence of Mr Skelcher, for Busway Noway.
ID 57	Appendix to the evidence of Mr Vickers, for Busway Noway. (a map showing a possible extension of the busway to form a new road from Wigan to Manchester).
ID 58	Appendices to the evidence of Ms Barry, for Busway Noway. (Higher Folds planting scheme).
ID 59	Appendices to the evidence of Mr Broadhurst (Obj 351), for Busway Noway.
ID 60	Appendix to the evidence of Mr James, for Busway Noway.
ID 61	Appendices to the evidence of Mr Dunning (Obj 456), for Busway Noway.
ID 62	Appendices to the evidence of Mr Hall (Obj 13).
ID 63	Appendices to the evidence of Mr Cottam (Obj 135), with photographs showing recreational use of the route.
ID 64	Appendices to the evidence of Mr Lummis (Obj 199).
ID 65	Appendices to the evidence of Mr Prescott (Obj 215).
ID 66	Documents accompanying the verbal evidence of Mr Mason (Obj 264).
ID 67	Appendices to the evidence of Mr Redshaw, for Lancastrian Squash Club (Obj 267).
ID 68	Plans attached to the evidence of Mr Clamp, for Lancastrian Squash Club (Obj 267).
ID 69	Appendices to the evidence of Ms Booth (obj. 293).
ID 70	Appendices to the evidence of Mr Blackburn (obj. 315).
ID 71	Appendices to the evidence of Councillor Boyd (Obj 480).

Appendix 3: Schedule of Recommended Modifications

Schedule of Recommended Modifications to the TWA Order, The Planning Request, The Book of Reference, The Works Plans, The Land Plans and The Rights Of Way Map.

Note: Where references are made to "replacement sheets", these are the replacement or substitute sheets attached to ID 19A.

1. The TWA Order

Note: Line references are references to lines of the paragraph of the article concerned and not the page

1.1 Article 8, p.12, line 2, leave out "5,6 or".

Reason: correction of mis-reference.

1.2 Article 10(1)(b), p.13, line 5, for "(2)" substitute "(3)".

Reason: correction of mis-reference.

1.3 Article 14(1)(d), p.15, line 9, for "articles 7 or 8" substitute "article 8".

Reason: correction of mis-reference.

1.4 Article 17(1), p.17, line 7, for "1900" substitute "1990".

Reason: correction of mis-reference.

1.5 Article 19, delete.

Reason: not shown to be necessary.

1.6 Article 24(1), p.22, line 2, leave out "(1)".

Reason: correction of mis-reference.

1.7 Article 26(8), page 24, for paragraph (8) substitute-

"(8) The powers of compulsory acquisition of land conferred by this Order shall not apply to the land referred to in this article."

Reason: GMPTE does not need to acquire permanently any interest in the land subject to this provision and, accordingly, the land powers can be limited in relation to parcels subject to this provision so that they are only subject to temporary occupation under this provision.

1.8 Article 29(1), p.26, line 2, for "23" substitute "21".

Reason: correction of mis-reference.

1.9 Article 32(2), p.29, line 1, leave out "paragraph (4) below to article 46" and insert "article 47".

Reason: correction of mis-reference.

1.10 Article 39(4) to (6), p.31, leave out paragraphs (4) to (6).

Reason: The TWA Processing Unit advises that these paragraphs are now superfluous.

1.11 Article 41(4), p.32, line 3, after "busway" insert "runs or to which it gives access".

Reason: wording was omitted in error.

1.12 Article 44(2), p.34, line 3, leave out "which is not a public highway".

Reason: no part of the guided busway is a public highway.

1.13 Article 46(1), p.37, lines 5-6, leave out "its transit system" and insert "the authorised busway".

Reason: correction of mis-reference.

1.14 Article 51(2)(a), p.40, line 2, after "...obstruction to the flow..." add ", or alteration to the course,".

Reason: to ensure that the Environment Agency would retain its oversight of such alterations, to the extent that they did not otherwise involve obstructions to the flow.

1.15 Article 51(2)(b), p.40, second and third lines, alter so as to read "...within two months from the day the plans are received by the Agency, it does not indicate...".

Reason: to bring the wording into line with previous TWA Orders, this wording having been included at the request of DEFRA in the Knowsley Industrial Park Order in 1999.

1.16 Article 53(5)(b), p.42, lines 6-7, leave out "the design and positioning of any poles and brackets required for overhead equipment and".

Reason: inapposite wording derived from tram precedent.

1.17 Article 53(5)(c), p.42, line 4, for "tramcars" substitute "buses"

Reason: inapposite wording derived from tram precedent.

1.18 Article 54, p.44, line 3, for "21" substitute "18".

Reason: correction of mis-reference.

1.19 Schedule 3, p.51, fourth row (Spinning Jenny Way), final column, at end insert "with associated kerb-line realignment (setting forward) on the south side of the adjacent length of Chapel Street".

Reason: minor modification consequential on proposed changes to Brown Street South and Chapel Street closures.

1.20 Schedule 4, Part 1, p.53, third row (NP 105 and NP 112), for "Footpath" substitute "Cycletrack".

Reason: correction of mis-reference.

1.21 Schedule 4, Part II, p.54, after second row (Footpath 109) insert -

"Informal Path Between PD 150 and Cycletrack between NP105 and

PD 151 NP 112 and NP132 and NP134 and NP106"

Reason: this informal path which runs parallel with FPs 108 -109 is not currently listed in Schedule 4. Its diversion (along with FPs 108 and 109) will follow from the construction of the busway and its inclusion as a minor modification to the Schedule is therefore appropriate.

1.22 Schedule 4, Part II, p.54, leave out third row (Footpath, PD132-PD133, NP112-NP106).

Reason: there being no continuous footpath between PD132 and PD133 (points PD142 and PD143 intervene, with no footpath between them within the land to be acquired). This point has been the subject of exchanges between GMPTE and Wigan and District Ramblers Association.

1.23 Schedule 4, Part II, p.56, in eighth row (PD116 and PD 117), fourth column, substitute "Footpath between NP65 and NP111 and NP66".

Reason: the cycletrack referred to produces a short dead-end. The replacement for PD116 and PD117should be shown as the footpath between NP65 and NP111 and NP66. NP61 - NP65 will be a cycletrack but that is already included within NP60-NP73-NP74.

1.24 Schedule 4, Part III, p.57, first row, third column, for "Between PS1 and PS2 (between Brown Street South and Queen Street)" substitute "Between PS3 and PS4 (at junction with Queen Street)".

Reason: correction of mis-reference and because stoppage is no longer required to extend to Brown Street south.

1.25 Schedule 4, Part III, p.57, delete second row: "Brown Street South, between PS3 and PS4 (from Gas Street for a distance of 25m in a southerly direction)".

Reason: stoppage of Brown Street South is no longer required.

1.26 Schedule 8, p.63, add the following rows in columns 2-4-

"48 to 50 Construction working area Work No. 2

72 and 80 Construction working area Work No. 4

83 Construction working area Work No. 5"

Reason: GMPTE does not require these parcels permanently and therefore they should be designated in this Schedule for temporary occupation only.

1.27 Schedule 10, paragraph 2(1), p.69, line 1, for "11" substitute "9"

Reason: correction of mis-reference.

1.28 Schedule 10, paragraph 2(7), p.70, line 5, for "7.5" substitute "5".

Reason: this reduction benefiting utilities has been agreed with BT as part of the settlement of its objection.

2. The Planning Request

2.1 Condition 13, add at the end "The approved mitigation scheme shall be adhered to during the construction and post-project monitoring of the works".

Reason: to ensure that the approved mitigation scheme is complied with.

3. The Book of Reference

3.1 Page 8, parcel 26, column 4, (lessees and reputed lessees) and column 5 (occupiers) insert "Lancastrian Squash Club Limited".

Reason: GMPTE accepts that the Club should feature in the owner's column.

3.2 Page 12, parcel 60, column 3 (owners or reputed owners), insert "Lord Lilford's Estates" and move "Wigan Metropolitan Borough Council" to column 4 (lessees or reputed lessees).

Reason: correction following discussion with relevant interests.

3.3 Page 14, parcel 76, column 2 (Book of Reference description). Substitute 372 square metres for 3293 square metres.

Reason: reduction in area of parcel 76.

4. The Works Plans

4.1 Substitute replacement sheet 1, with changes -

(a) on plan and annotation table, to delete permanent diversion of Brown Street South PSI -PS2.

Reason: see 1.21; and

(b) on plan, to move PS4 to top of Chapel Street below RS8/PS3 annotations.

Reason: see 1.20.

4.2 Substitute replacement sheets 2,3,6,8,9 and 10, with changes to line style of delineations.

Reason: consequential on changes to Land Plans.

5. The Land Plans

5.1 Substitute replacement sheets 2, 3, 6, 8 and 9.

Reason: change in delineation of parcels 48-50, 72, 80 and 83 to temporary occupation (limit of land to be used) only (see 1.22).

5.2 Substitute replacement Sheet 7

Reason: reduction in area of parcel 76, and change in delineation of parcel 80 to temporary occupation as in 5.1 above.

6. The Rights of Way Map

6.1 Substitute replacement sheet 2, with changes-

(a) inserting on plan and annotation table-

PD150-PD151 Pathway Diversion NP105-NP112- Cycletrack

NP132-NP134-NP106

Reason: see 1. 1 7,.and

(b) amending annotation table to delete third row (NP132-NP134) and eighth row (NP105-NP112).

Reason: consequential on 6.1(a).

6.2 Relocate NP129 on Sheet 7 to the southern end of the eastern walkway of Wareing Street.

Reason: to correct a drawing error originating on Mott MacDonald drawing 4874/NWD/TD112. (ID 33).

6.3 Substitute replacement sheet 8; third row in annotation table (PD116-PD117), fourth column, for NP111-NP65-NP61-NP62 substitute NP65-NP111-NP66 and, in the fifth column, for "Cycletrack" substitute "Footpath".

Reason: see 1. 19.

7. General

7.1 Modify the foregoing documentation as necessary in order to extend the equestrian facilities to cover the length of the proposed new recreation route between Astley Street, Tyldesley, and Newearth Road.

Reason: to compensate for detriment to the existing equestrian facilities.

Appendix 4: Lists of Core and Deposited Documents

List A	**GMPTE Statement of Case documents (other than UK and EC guidance and legislation).**
GMPTE.A1	Letter of Application for the Order.
GMPTE.A2	Draft Order.
GMPTE.A3	Explanatory Memorandum.
GMPTE.A4	Request for a Planning Direction.
GMPTE.A5	Declaration as to Status of the Applicant.
GMPTE.A6	Resolution of the Greater Manchester Passenger Transport Authority.
GMPTE.A7	Rule 5 Affidavit.
GMPTE.A8	List of Consents etc.
GMPTE.A9	Estimate of Costs.
GMPTE.A10	Details of the Applicant's Proposals for Funding.
GMPTE.A11	Book of Reference.
GMPTE.A12	Environmental Statement - Volume 1.
GMPTE.A13	Environmental Statement - Volume 2, Part 1, Figures and Illustrations.
GMPTE.A14	Environmental Statement - Volume 2, Part 2, Appendices to Volume 1.
GMPTE.A15	Works Plans and Sections.
GMPTE.A16	Land Plans.
GMPTE.A17	Rights of Way Maps.
GMPTE.A18	Planning Plans.
GMPTE.A19	Technical Development Plans: Part 1, Leigh Guided Busway; Part 2, A580/A6 Bus Priority Section.
GMPTE.A20	Investing in Excellence - Greater Manchester Local Transport Plan, 2001/02-2005/6, AGMA/GMPTA.
GMPTE.A21	Formal decision letters.
GMPTE.A22	White Paper - New Deal for Transport - Better for everyone, 1998.
GMPTE.A23	LTP Annual Progress Report, August 2001.
GMPTE.A24	Greater Manchester Strategic Rail Study, Final Report, June 2001, Oscar Faber.
GMPTE.A25	The Strategic Plan, Strategic Rail Authority, January 2002.
GMPTE.A26	Integration Project Annual Report, 1998-1999.
GMPTE.A27	From workhorse to thoroughbred - A better role for bus travel.
GMPTE.A28	Note on Higher Folds responses to GMPTA consultation on bus strategy.
GMPTE.A29	Leigh Manchester Quality Bus Corridor, Evaluation of Social Benefits,

	Roger Tym and Henry Shaw, May 2002.
GMPTE.A30	Wigan MBC Unitary Development Plan.
GMPTE.A31	City of Salford Unitary Development Plan.
GMPTE.A32	Rail alternative report - WS Atkins.
GMPTE.A33	PTA report on 1998 consultation.
GMPTE.A34	PTA report on 1999 consultation.
GMPTE.A35	1998 Consultation brochure.
GMPTE.A36	1999 Consultation brochure - Leigh to Manchester.
GMPTE.A37	1999 Consultation brochure - Leigh Guided Busway.
GMPTE.A38	1999 Consultation brochure - A580 East Lancs. Road Bus Priority.
GMPTE.A39	GMPTE scheme information sheets.
GMPTE.A40	Harris opinion research survey - 1.
GMPTE.A41	Harris opinion research survey - 2.
GMPTE.A42	Major Scheme Appraisal in Local Transport Plans, Part 1: Detailed Guidance on Public Transport Schemes, DTLR, 2001.
GMPTE.A43	Annex E submission, Final Report, January 2001, Steer Davies Gleave.
GMPTE.A44	Environmental Scoping exercise 1997.
GMPTE.A45	Benefits of Metrolink Investment for the Greater Manchester Economy, Centre for Economics and Business Research.
GMPTE.A46	England's Northwest: A Strategy Towards 2020, North West Development Agency November 1999.
GMPTE.A47	The Environment Strategy for Salford 1998 - 2008.
GMPTE.A48	City of Salford Economic Development Strategy 2001-2004.
GMPTE.A49	Neighbourhood Renewal Strategy for Wigan.
GMPTE.A50	Draft Regional Planning Guidance for the North West, North West Regional Assembly, July 2000.
GMPTE.A51	Transport 2010, The Ten Year Plan.
GMPTE.A52	Social Exclusion and the Provision and Availability of Public Transport, DETR, September 2000.
GMPTE.A53	Our Towns and Cities: The Future, Delivering an Urban Renaissance, Government White Paper.
GMPTE.A54	EU White Paper on the Citizen's Network.
GMPTE.A55	EU Green paper on Fair and Efficient Pricing in Transport.
GMPTE.A56	European Transport Policy for 2010: Time to Decide, EU White Paper.

List B **Documents which were not referred to in the Statement of Case but which could**

be referred to in evidence (other than guidance and legislation).

GMPTE.B1	Guided Busway Corridor - Usage Survey, Mott MacDonald 48474/05/C, May 2002.
GMPTE.B2	Attitudinal Research into Multi User Paths, Mott MacDonald 48474/30/F, May 2002.
GMPTE.B3	Astley Street - Newearth Road Bridleway, Mott MacDonald 48474/18/C, May 2002.
GMPTE.B4	Multi-user Path Risk Assessment, 48474/23/E, May 2002.
GMPTE.B5	Bus Priority East of Lancaster Road, Mott MacDonald 48474/39/C, May 2002.
GMPTE.B6	Parking at Stops, Mott MacDonald 48474/19/B, May 2002.
GMPTE.B7	Guided Busway Operation, Mott MacDonald 48474/10/C, May 2002.
GMPTE.B8	Transport Assessment: A580 Trunk Road, Mott MacDonald 48474/45/C, May 2002.
GMPTE.B9	Leigh Busway Supplementary Environmental Surveys, Hyder Consulting Ltd, June 1998.
GMPTE.B10	Leigh Busway Environmental Review, Hyder Consulting, December 1998.
GMPTE.B11	Environmental Scoping Report A580 East Lancashire Road - A6 Bus Priority Route, Hyder Consulting, November 1999.
GMPTE.B12	Leigh Busway - Tree Survey, Hyder Consulting, May 2000.
GMPTE.B13	Leigh - Salford - Manchester Quality Bus Corridor: Soil Contamination Investigation Report, Hyder Consulting, January 2001.
GMPTE.B14	Phase One Habitat Survey Maps, The Wildlife Trust for Lancashire Manchester and North Merseyside, 2000/2001.
GMPTE.B15	The Feasibility of Segregating Users of Recreational Paths, Gillespies, August 2000.
GMPTE.B16	Leigh Busway, Noise Methodology, March 1999.
GMPTE.B17	Stage III Air Quality Review and Assessment for the City of Salford.
GMPTE.B18	Summary of findings from the review of air quality, Wigan Council Environmental Health and Consumer Protection Department, 2000.
GMPTE.B19	A Guide to the Surfacing of Bridleways and Horse Tracks, British Horse Society, 1995.
GMPTE.B20	Riding and Roadcraft: The BHS Riding and Road Safety Manual (10th Edition), British Horse Society, 1999.
GMPTE.B21	Concrete in Aggressive Ground, British Research Establishment, Special Digest 1, 2001.
GMPTE.B22	Guidance on the Assessment and Redevelopment of Contaminated Land, Interdepartmental Committee for the redevelopment of contaminated land, Guidance Note 59/83 (2nd Edition), ICRCL, 1987.
GMPTE.B23	Guidelines for Landscape and Visual Impact Assessment, Institute of Environmental Assessment and The Landscape Institute, 1995.
GMPTE.B24	Environmental Assessment Guide for Passenger Transport Schemes, Lee & Lewis, University of Manchester EIA Centre, 1991.
GMPTE.B25	Species Conservation Handbook - Survey and Monitoring of Amphibians, English Nature, 1994.

	Nature 1994.
GMPTE.B26	Species Conservation Handbook - Survey and Monitoring of Amphibians, English Nature 1994.
GMPTE.B27	Water Vole - Guidance for Planners and Developers, English Nature, 1999.
GMPTE.B28	Guidance for the Control of Invasive Plants Near Watercourses, Environment Agency.
GMPTE.B29	Handbook for Phase 1 Survey - A Technique for Environmental Audit, Nature Conservancy Council, 1990.
GMPTE.B30	River Corridor Surveys Methods and Procedures - Conservation Technical Handbook No.1, National Rivers Authority, 1992.
GMPTE.B31	Control of Invasive Riparian and Aquatic Weeds, National Rivers Authority R&D Note 233.
GMPTE.B32	Wildlife Impact - The Treatment of Nature Conservation in Environmental Assessment, RSPB 1995.
GMPTE.B33	Making ways for the Bicycle, Sustrans, 1994.
GMPTE.B34	The National Cycle Network: Guidelines and Practical Details, Sustrans, 1996.
GMPTE.B35	Extract from The Manual of Horsemanship, (11th edition, The Pony Club 1997.
GMPTE.B36	Landscape Character Areas, Countryside Commission.
GMPTE.B37	Access and Rights of Way Leaflets, The British Horse Society, June 1998.

List C	**Guidance and Legislation.**
GMPTE.C1	Transport Act 1968.
GMPTE.C2	Transport Act 1985.
GMPTE.C3	South East Lancashire and North East Cheshire Passenger Transport (Designation) Order 1969.
GMPTE.C4	Local Government Act 1972.
GMPTE.C5	Transport and Works Act 1992.
GMPTE.C6	Local Government Act 1985.
GMPTE.C7	Transport Act 2000.
GMPTE.C8	Railways Act 1993.
GMPTE.C9	Transport and Works (Applications and Objections Procedure) Rules 2000.
GMPTE.C10	Transport and Works (Inquiries Procedure) Rules 1992.
GMPTE.C11	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
GMPTE.C12	PPG2 - Planning Policy Guidance - Green Belt, Revised January 1995.
GMPTE.C13	PPG13 - Planning Policy Guidance - Transport, October 1999.
GMPTE.C14	Planning and Compensation Act 1991.

GMPTE.C15	BS 5837 Trees in Relation to Construction British Standard.
GMPTE.C16	BS 3998 British Standard Recommendations for Tree Work.
GMPTE.C17	BS 4428 British Standard Code of Practice for General Landscape Operations (excluding Hard Surfaces).
GMPTE.C18	Wildlife and Countryside Act 1981.
GMPTE.C19	PPG16, Planning Policy Guidance, Archaeology, November 1990.
GMPTE.C20	PPG15, Planning Policy Guidance, Planning and the Historic Environment, September 1994.
GMPTE.C21	PPG9, Planning Policy Guidance, Nature Conservation, October 1994.
GMPTE.C22	PPG1, Planning Policy Guidance, General Policies and Principles, February 1997.
GMPTE.C23	PPG23, Planning Policy Guidance, Planning and Pollution Control, February 1997.
GMPTE.C24	Countryside and Rights of Way Act 2000.
GMPTE.C25	Directive on the Assessment of the effects of certain Public and Private Projects on the Environment, (85/337/EC), EC 1985.
GMPTE.C26	Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment, EC 1997.
GMPTE.C27	Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 92/43/EEC, EC 1992.
GMPTE.C28	RPG 13, Regional Planning Guidance for the North West, GONW, 1996.
GMPTE.C29	Countryside Act 1968.
GMPTE.C30	The Wildlife and Countryside Act 1981.
GMPTE.C31	BS4428 Code of Practice for General Landscape Operations (excluding Hard Surfaces), HMSO 1989.
GMPTE.C32	Rights of Way Act 1990.
GMPTE.C33	BS5837 Guide for Trees in Relation to Construction, HMSO 1991.
GMPTE.C34	Environmental Protection (Duty of Care) Regulations 1991, SI 2839, HMSO, 1991.
GMPTE.C35	The Protection of Badgers Act 1992.
GMPTE.C36	The Waste Management Licensing Regulations 1994. SI 1056, HMSO 1994.
GMPTE.C37	The Special Waste Regulations 1996, SI 972, HMSO 1996.
GMPTE.C38	The Highway Code, HMSO 1999.
GMPTE.C39	The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, SI 293, HMSO 1999.
GMPTE.C40	Environmental Impact Assessment: A Guide to Procedure, DETR, 2000.
GMPTE.C41	Design Manual for Roads and Bridges: Volume 11, Section 3, Part 5: Landscape Effects, DETR, June 1993.

GMPTE.C42 BS5228, Noise and Vibration control on Construction and Open sites, Part 1, Code of Practice for basic information and procedures for noise and vibration, 1997.

GMPTE.C43 Noise Insulation (Railways and other Guided Transport Systems) Regulations 1995.

GMPTE.C44 Calculation of Railway Noise, DoT, 1995.

GMPTE.C45 PPG 24, Planning Policy Guidance, Planning and Noise.

GMPTE.C46 Calculation of Road Traffic Noise, DoT 1988.

GMPTE.C47 Design Manual for Roads and Bridges, Volume 11, Section 3, Part 1, Air Quality, March 2000.

GMPTE.C48 Guidance on Full Local Transport Plans, March 2000.