

JL's PDS Meeting LN Update Questions

1. CE&S PDS Meeting of 11 Jan 2024

An update on the B&NES LN programme was presented to the CE&S PDS Panel at its meeting in Keynsham on 11/01/24.

What happened with the early LTNs implemented in London from 2020 onwards showed that, to be successful, LTNs need to be designed with care. I am not sure we are there yet with the LTNs we are taking forward here in B&NES. I tabled a number of questions to the meeting on the process B&NES follows for designing its LN schemes. The first four of my questions I was able to ask at the PDS meeting within the time available. The remaining questions were answered in writing and I was assured that both the questions and answers would become part of the public record of the meeting.

My questions, the answers provided at the meeting, the official answers provided subsequently in writing by Cllr Manda Rigby dated 31/01/2024, my understanding from those answers and my current position on each issue are as follows.

Question 1

How and by whom were the preliminary designs for each LN produced? The co-design workshops with local residents indicated residents' desires and requirements. But residents are not Traffic Engineers; I understand that the output from each of those workshops was interpreted as statements of requirement, at best as design suggestions, but not as preliminary designs themselves. Who took the output from each co-design workshop and came up with each of the preliminary designs proposed for these LTNs?

Verbal answer in the meeting – it was a combination of officers and contract engineers together.

Official written response:

For the five proposed LN ETROs in 2024:

Yes, specifically at the request of Members, the Project Team identified measures originating from the co-design workshops which were appropriate for ETROs and then instructed our consultants, in consultation with Highways colleagues, to create preliminary designs. This has been a significant piece of work conducted over the last quarter.

For the wider LN schemes:

The Project Team identified measures originating from the co-design workshops and then instructed our consultants, in consultation with Highways colleagues, to create preliminary designs.

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JL understanding from the written response – the Project Team (i.e. officers) identified measures originating from the co-design workshops and then instructed the consultants to work with Highways to create preliminary designs.

JL position – This depends on what “identified measures” means. If it means the officers identified the means of intervention and the locations of those interventions, then it agrees with what the consultant engineers told me when I asked them this question in December 2023. If it means the officers identified objectives (e.g. “stop rat running on this named street”) but not the means by which those objectives would be met, or identified the means but not the specific locations of those means, then it conflicts with what the engineers said.

Please would you clarify what you mean by the term “identified measures”, specifically does “identified measures” mean the objectives were identified but not the means, the means were identified but not the locations, or the means and the locations were identified?

If the answer to this question varies from LN scheme to LN scheme, please say so and then answer it specifically for the Walcot LN scheme.

Please can the consultants be asked to say if they concur with your answer?

Question 2

I have received conflicting answers in the past when I have asked whether preliminary designs were produced by the contract engineers or by Council officers or by Council members. In a conversation I had in early December 2023 with the contract engineers about the Walcot LN preliminary design, the engineers said they were not tasked with producing that preliminary design but were presented with it by officers. In a subsequent meeting I had with the Cabinet Member later in December 2023, she said that it was the engineers who had produced the preliminary design. May I see a copy of the Schedule or Scope of Work covering the work the contract engineers were asked to undertake by B&NES for their part of the B&NES LN Programme? I do not need to see any commercially confidential aspects of the contract, just the specification of the work the contract engineers were asked to undertake.

Verbal answer in the meeting – a response will be provided within five working days.

Official written response:

The Council Officer Project Team worked closely with consulting engineers to identify possible measures for inclusion in the preliminary designs for the Walcot LN. Based on the co-design output and a technical review, residents' priorities were shortlisted and developed into outline sketches along with the ward members. These were developed into preliminary designs by our consultants.

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The preliminary design was based on a shortlist of measures. This SM decision has now been postponed until the FBC is approved. However, the shortlist formed the scope of work for the engineers who continue to work very closely with our project and highways teams, and who have also been integral to delivering the community engagement throughout the project (since 2021).

JL understanding from the written response – the Project Team and ward members shortlisted residents' priorities and, following a technical review, developed outline sketches. These outline sketches were developed into preliminary designs by the consultants.

The shortlist formed the scope of work for the engineers.

JL position – The first part of this response adds slightly to Answer 1 but still needs clarification at a greater level of detail.

Please would you clarify what you mean by the term "outline sketch", specifically does "outline sketch" mean the objectives were identified but not the means, the means were identified but not the locations, or the means and the locations were identified?

Please would you say who took the co-design output, who undertook the technical review mentioned above, and who selected the possible measures for inclusion that residents were then asked to prioritise?

If the answers to these two questions vary from LN scheme to LN scheme, please say so and then answer them specifically for the Walcot LN scheme.

Please can the consultants be asked to say if they concur with your answer?

The second part ("The shortlist formed the scope of work for the engineers") does not answer my question.

Please would you say what the engineers were asked to do with the shortlist? Were they asked or invited to comment on it, compare it with alternatives, or to challenge it, or were they asked simply to accept it as is and develop preliminary designs from it without making any amendments to it?

If the answer to this question varies from LN scheme to LN scheme, please say so and then answer it specifically for the Walcot LN scheme.

Please can the consultants be asked to say if they concur with your answer?

Question 3

Were the contract engineers asked to consider alternative possible preliminary designs and were the contract engineers or anyone else tasked with performing a comparative analysis of different possible preliminary designs for each LN?

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Verbal answer in the meeting (Chris Major) – For each LN, the preliminary design chosen was the one judged to have the most suitable location for the primary intervention (usually the modal filter).

Official written response:

Yes, alternative designs have been considered. As part of this, the benefits and disbenefits of each design have been discussed.

JL understanding from the written response – Alternative designs were considered and the benefits and disbenefits of each design were discussed.

JL position – Part 1 of this question was specifically “Were the contract engineers asked to consider alternative possible preliminary designs” not “were alternative possible preliminary designs considered”. The original draft response said alternative designs were considered and discussed by ward members, Cabinet members and officers. The official response leaves it unspecified who was involved in considering alternative designs. The consultant engineers said they were not involved in the selection process and that is not contradicted by the official response.

Please answer the question “Were the contract engineers asked to consider alternative possible preliminary designs” not “were alternative possible preliminary designs considered”.

Please confirm that when you say “alternative designs have been considered” and “the benefits and disbenefits of each design have been discussed” whether they were considered and discussed by members and officers with or without the direct participation of engineers.

If the answer to this question varies from LN scheme to LN scheme, please say so and then answer it specifically for the Walcot LN scheme.

Please can the consultants be asked to say if they concur with each of your answers?

The answer to part 2 of this question “were the contract engineers or anyone else tasked with performing a comparative analysis of different possible preliminary designs” is that the benefits and disbenefits “have been discussed”. This makes it clear that no analysis beyond the superficial (“discussion”) was performed, i.e. no structured or unstructured comparative analysis was undertaken. The consultant engineers were not given alternative outlines to work from and they were not asked to perform any comparative analysis.

Question 4

Were the contract engineers or anyone else tasked with doing any traffic analysis or traffic impact assessment for the proposed preliminary or final designs for each LN?

Verbal answer in the meeting (Cath Brown) – No. The approach is to collect traffic data beforehand and traffic data afterwards and assess the traffic impact from the data.

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Official written response:

No. This is because the decision was taken early on in the project to adopt a “consult, design, test, monitor, decide” delivery model, rather than a “design, predict, provide” delivery model.

JL understanding from the written response – No. The approach is “design, implement as an experiment, assess what the impact has been from what happens”.

JL position – My question has been answered in the negative. No one was tasked with doing any traffic analysis or traffic impact assessment for the proposed preliminary or final designs for each LN.

Question 5

Were the contract engineers or anyone else tasked with doing an Equality Impact Assessment for the proposed preliminary or final designs for each LN?

Official written response:

For the five proposed LN ETROs in 2024:

Equality issues have been considered throughout the design process. There is an overarching EQuiA for the project which underpins the whole project, and it has recently been updated.

JL understanding from the written response – There is an updated overarching EIA for the project.

JL position – I did a search on the B&NES website for the overarching LTN EIA and found it (dated May 2020 – so hardly “recently updated”). It said the aim of the policy is for the schemes “not to disadvantage disabled people” and “that all opportunities to promote equality and mitigate any potential negative impacts” will be taken. The page also includes a template for developing individual scheme EIAs.

The original draft response said that there were individual EQuiAs for the three existing pilot schemes which had recently been updated and that the latest versions would be published on the Council’s webpages, w/b 15 Jan 2024. I searched the web pages but was unable to find them. It also said that individual EIAs would be published for each subsequent LN scheme when the decision is made to take that scheme forward under an ETRO.

Please provide a link to the EQuiAs for individual LNs so I can see what a scheme EIA entails.

Question 6

Were the final designs subject to consultation with and/or signed off by suitable representatives of disabled residents?

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Official written response:

For the five proposed LN ETROs in 2024:

Equality issues have been considered throughout the design process. Should the trials go ahead, then individual EQUAs for the 5 schemes will be developed and consultation with groups through the Independent Equality Advisory Group will take place. You can find out more about how we ensure inclusive designs at our LN website at www.bathnes.gov.uk/liveableneighbourhoods (See Approach to developing LNs)

JL understanding from the written response – Consultation will take place through the Independent Equality Advisory Group.

JL position – I went to www.bathnes.gov.uk/liveableneighbourhoods to see the approach adopted. That said the approach “includes working with our local Independent Equalities Advisory Group to ensure ... our draft designs work for everyone – including vulnerable people and people with disabilities”. I am happy with that.

Question 7

Were the final designs subject to consultation with and/or signed off by the emergency services?

Official written response:

For the five proposed LN ETROs in 2024:

Emergency access has been considered throughout the design process and we have discussed the trials with representatives from Avon Fire and Rescue and SWAST, which resulted in us in making some small changes to the proposed designs. Further consultation will happen should the trials go ahead.

For the wider LN schemes:

Not formally at this stage as the designs are not finalised and the FBC has not been approved. Once these have been submitted as part of the FBC and approval given, consultation will take place.

JL understanding from the written response – There have been discussions with AF&R and SWAST. Further consultation will take place should trials go ahead.

JL position – There have been discussions and consultations but has there been sign-off?

Is each Emergency Service required to sign-off individual LN designs before they can be taken forward to implementation? Has any of the Emergency Services expressed concerns or reservations about any of the LN designs being taken forward in ETROs?

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Question 8

Were the final designs subject to consultation with the local residents who would be affected by each design?

Official written response:

For the five proposed LN ETROs in 2024:

*We took the decision to go straight to experimental trials after consulting on the design with highways and emergency services and ensuring that the designs aligned with the sentiments expressed at co-design and in earlier consultations. They aim to address issues that we know people in the area feel strongly about, and they are technically sound. **It is essentially a six-month consultation.***

During the trial we would monitor traffic and air quality impacts. In this way we can allow people to get used to change and draw on a range of evidence before deciding whether to make schemes permanent or not.

For the wider LN schemes:

Not formally at this stage as the designs are not finalised and the FBC has not been approved. Once these have been submitted as part of the FBC and approval given, consultation will take place.

JL understanding from the written response – No. The approach is to go straight to ETRO. An ETRO serves as a six-month consultation. We will monitor traffic and air quality evidence and use that to decide whether to make the schemes permanent or not. However, for the wider LN Schemes (which I take means future LN schemes beyond the five experimental ones in 2024), consultation will take place.

JL position – An ETRO is not a consultation. Residents are made to experience the scheme and are not given an opportunity to forewarn the Council even if they can foresee dire effects that go beyond “fear of change”. It is not clear from the answer that resident input will have any bearing on the decisions made on whether to make any experiment permanent.

Please confirm that, for future LN schemes beyond the five experimental ones in 2024, there will be consultations with local residents.

Why is the situation regarding consultations with local residents different for the five experimental schemes proposed in 2024 than for future schemes?

Will the results of those consultations with local residents be taken into account when the designs that go forward for implementation are finalised?

Will the results of those consultations with local residents be taken into account when decisions are made on whether to make experimental schemes permanent or not?

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Question 9

Given the lack of analysis of, and consultation on, the final designs, does the Cabinet Member consider it appropriate that these designs should be implemented using ETROs? The ETRO process essentially treats residents as guinea pigs in order to find out what the consequences, intended and unintended, of each design on residents' lives and wellbeing might be.

Official written response:

The ETRO process is designed to do "learning by doing" We have consulted our highways team and the emergency services on the design, and our team of engineers work to national and local design standards, including government best-practice guidance on inclusive mobility.

The aim of introducing a trial scheme is to allow people to experience the change (both positive and negative) over a six-month period before we decide whether to make it permanent. We can also monitor the impact on traffic and air quality to ensure our decision is based on evidence. Fear of change is common, and people's views can often change once they have experienced and become used to the change being proposed.

JL understanding from the written response – The Project Team (presuming that is what is meant by "we") considers it appropriate practice and this approach avoids resident "fear of change".

JL position – It also avoids residents being able to forewarn you of foreseeable dire effects that cannot rightly be dismissed as "fear of change".

The draft response said explicitly that "we believe this to be a sound approach". For some reason, that direct answer has been withdrawn and replaced with an indirect answer that leaves it implied that the Cabinet Member believes this to be a sound approach.

My question has been answered in the affirmative.

Question 10

If it turns out that a design has significant harmful consequences on local residents, is there a way that the ETRO could be terminated before the minimum term of six months has expired or would residents be forced to suffer those harmful consequences for at least six months regardless of their severity?

Official written response:

No, it takes a minimum of 6 months for the behaviour to change and to get enough data to evaluate the impact of the interventions.

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JL understanding from the written response – No, regardless of the severity of the harm.

JL position – This makes it even more important that residents be able to forewarn of dire impacts. B&NES is making itself a hostage to (mis)fortune here.

Question 11

In para 2.12 onwards you say that engagement has taken place with ward members for each of the remaining LN areas to help you understand the issues these designs might create. What was the purpose of that engagement: was it just to identify those issues, to modify the designs to address or minimise the adverse impacts identified, to deprioritise those LNs that might have significant issues associated with them, or something else?

Official written response:

The purpose of the engagement with ward members was to “test the temperature” of the elected ward members of public perceptions of the draft designs, to help prioritise what interventions should be included in the FBC with the limited resources we know are available. All the feedback from ward members was reflected on carefully.

JL understanding from the written response – as stated in the written response.

JL position – The public does not get to see the draft designs until after they have been fixed. Certainly, Walcot residents will not get to see the proposed Walcot LN design until after it has been put forward to WECA in the business case.

The answer says that “All the feedback from ward members was reflected on carefully”. This omits that the Project Team went to considerable lengths to obstruct the Walcot ward members from giving their feedback.

- It took us three months of asking before we were able to see the proposed design and have it explained to us by the engineers (31 August 2023).
- It took another three months of insistent asking after that before I was able to put my written six-page critique of the proposed design to the engineers (05 December 2023), by which time (so I was told by the Cabinet Member) it was too late for any changes to be made.
- I asked during that second three-month period to put my alternative design in front of the engineers and each time my request was refused.

At the meeting on 05 December, the engineers and I worked through my critique of the proposed design in detail. The engineers confirmed that they found no faults in my analysis. Notwithstanding that, a decision was made by the Cabinet Member and her Assistant after that meeting and on or before 12 December to proceed with the design I had critiqued in a meeting that the ward councillors were not invited to participate in. The first meeting the

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ward councillors had with the Cabinet Member after 05 December was for the ward councillors to be presented with a fait accompli – that the scheme would go ahead and with a design a ward councillor had objected to strongly and clearly.

Please explain how “The purpose of the engagement with ward members was to test the temperature of the elected ward members of public perceptions of the draft designs” when the public does not get to see the designs until after the designs have been fixed.

Please explain how “All the feedback from ward members was reflected on carefully” when you have, as I have explained in detail above, obstructed the ward members from providing their feedback, prevented the ward members from discussing an alternative design with the engineers, and have decided to proceed with a strongly critiqued design.