

Mr Richard Holland
City of York Council
West Offices
Station Rise
York YO1 6GA

15th December 2014

Dear Mr Holland,

Re: Pinch Point Consultation Phase 1.

Fulford Parish Council thanks you and your colleagues for attending its meeting on 2nd December in order to explain the phase 1 proposals for the Pinch Point scheme. However, there remain serious concerns regarding the project as a whole and the decision to split the consultation process into three separate phases.

1. Comments on the Pinch Point Scheme:

The Pinch Point funding was allocated on the basis of a single integrated scheme that was supposed to improve traffic flows and air quality and also to provide flood defences on the A19. It is now clear that a decision has been taken to split the scheme into three stand-alone phases, with the intention to implement phase 1 before the other phases are even agreed or publicised. No reasoning or justification for this approach is provided within the consultation documents.

Furthermore, it is clear from the supplied phasing plan that the proposed A19 access junction north of Germany Beck has now been removed from the scheme altogether, again with no explanation provided. This is very surprising, since the junction was unambiguously included in the original bid (in Plan 3) and forms an integral part of the scheme providing essential flood walling to protect the A19 carriageway during flood events.

The Council's original bid submission states: *"The main impact of the scheme is to unlock the Germany Beck development by providing an access junction into the site"* (Para 2.5.1) and *"An aspect of the access junction design is flood prevention measures to help reduce the flooding which occurs periodically on the A19"* (Para 2.5.2).

The Consultation letter of 21 November lists the 'main objectives' which include: *"Improve the resilience of the highway network during periods of flooding"* and *"Support economic growth, providing access to the proposed Germany Beck development"*.

It is inconceivable that this crucial element of the whole scheme should now be quietly discarded without any reasons being provided to justify such action. The question also arises as to why Persimmon has agreed to contribute 30% of the total fund value if no part of their development falls within the pinch point scheme boundaries?

Fulford Parish Council would be grateful to receive a full explanation of the above matters.

2. Comments on Consultation Process:

The basic principles of a consultation is that it: (1) must be at a time when the proposals are still at a formative stage; (2) that sufficient information must be given; (3) that adequate time must be given for consideration and response; and (4) the product of consultation must be conscientiously taken into account in finalising any proposals.

It is also established that making consultees aware of previously discounted options is important in consultation exercises and that it does not matter that a decision-maker had a preferred option, provided it is clear what the other options are.

These principles have been upheld in the recent Supreme Court Judgment in the case of *Moseley v the London Borough of Haringey* (October 2014), which states at paragraph 41: *“The consultation required in the present context is in respect of the draft scheme, not the rejected alternatives; and it is important, not least in the context of a public consultation exercise, that the consultation documents should be clear and understandable, and therefore should not be unduly complex or lengthy. Nevertheless, enough must be said about realistic alternatives, and the reasons for the local authority’s preferred choice, to enable the consultees to make an intelligent response in respect of the scheme on which their views are sought”.*

It is the view of Fulford Parish Council that the current consultation fails to comply with the requirements of a fair and lawful consultation for the following reasons:

- a. The consultation documents do not provide sufficient supporting information to clarify the reasoning underpinning the choice of the proposals for phase 1 or whether alternatives were considered and if so why those alternatives were discarded.
- b. It is difficult to provide a meaningful response to the phase 1 proposals in isolation because it is first necessary to understand how the impacts and benefits of phases 2 and 3 are intended to integrate with and complement phase 1 and vice versa.
- c. If phase 1 were to be implemented as a stand-alone project before the plans for later phases are agreed and published, any opportunity to assess (and modify) the scheme as a whole will have been lost.
- d. In order for a public consultation to be seen as a fair process, it is crucial that all those who will be affected by a proposal are properly informed. In this case, there is no evidence that regular users of the A19 corridor or the wider community have been made sufficiently aware of the consultation.
- e. There is no estimate of the cost of phase 1 and how this cost may impact upon the fund as a whole or the viability of later phases (which are acknowledged to be more complex and potentially controversial).
- f. A further criticism of the chosen approach is that three separate consultations will lead to ‘consultation fatigue’ and will inevitably increase the costs to the Council and taxpayer.

3. Comments on details of Phase 1:

The ‘bus only’ access to the southern roundabout from the Designer Outlet exit has the potential to cause additional congestion by requiring all other vehicles leaving the designer outlet to loop around the northern roundabout in order to turn south onto the A19. This could actually increase emissions and journey times at certain times of the day but no supporting information has been provided and seemingly no modelling of the numbers of vehicles that exit the Designer Outlet at the evening peak.

The ‘improvements’ affect only northbound traffic but there is no assessment of how this might impact on southbound journey times especially during the evening peak. The changes to the southern roundabout could result in even more congestion on

Selby Road and Main Street but without any modelling information, it is not possible to comment further.

The additional lane on the northbound approach to the roundabout will be of some benefit but the impact of a further set of lights at Naburn Lane and at the Germany Beck access junction is highly likely to negate any minor saving in journey times. There is no evidence to substantiate the suggestion that these extra lights will smooth the flow of northbound traffic and no data to show that the impact on southbound flows will not worsen.

The traffic lights that have already been installed on the roundabouts and at Crockey Hill appear to have only worsened queuing times within the village and along the A19 corridor and common sense dictates that two additional sets of lights will not provide a solution, but rather will exacerbate existing traffic congestion, regardless of what modelling might suggest.

There is no evidence either to support the claim that levels of “exceedance” in the Fulford AQMA will reduce as a result of phase 1 or that queuing and emissions won’t increase along Selby Road. In the light of our experience with previous traffic modelling we consider that the impact on the village of Fulford is likely to be detrimental. Can we please see some evidence to convince us otherwise?

Despite many requests, little or no information has been supplied regarding the details or progress of the scheme as a whole and there are many new questions arising from this consultation. This letter is therefore accompanied by a separate FOI request, which is being sent to the Council’s FOI department today. We look forward to your response in due course.

Thank you for consulting Fulford Parish Council.

Yours sincerely

A handwritten signature in black ink that reads "J. M. Fletcher". The signature is written in a cursive style. Below the signature is a long, thin horizontal line that tapers to a point on the right side.

Jeanne Fletcher,
On behalf of Fulford Parish Council