

## **Failings of the consultation process for the Kingskerswell Bypass (South Devon Link Road)**

This scheme is extremely controversial, locally and regionally.

As evidence of consultation, Devon County Council (DCC), in its Best and Final Bid (BAFB), relies on a consultation undertaken in 2002. The council claims that since then there have been more one-off events, exhibitions and meetings. A series of exhibitions were held in June 2011, however there has been significant criticism of the way the data from the exhibitions has been manipulated. It also relies on a Stakeholder Management and Communications Report produced for the BAFB in 2011.

### **The 2002 consultation**

There is little detail in the BAFB and the Stakeholder Management and Communications Report about the 2002 consultation. However, local residents recall that there were no non-road alternatives included in the consultation; it was simply a choice between different routes.

In addition, the scheme under consultation in 2002 was a far less complex scheme and was therefore better supported.

### **Further consultation**

DCC claims that there has been consultation on the scheme “at frequent intervals”; however, on closer examination of section 5.3 of the BAFB and of the Stakeholder Management and Communications Report, it emerges that the other consultations that have occurred since 2002 have been statutory consultations for the planning permission in 2004 and for the CPOs and SROs in 2008.

These consultations were obligatory and part of the statutory process. **DCC have not undertaken any other consultation, over and above that which is required by the statutory process, since 2002, until the recent exhibitions in 2011.**

Scheme newsletters and the dedicated scheme website are not genuine balanced attempts by DCC to gauge public opinion or to inform users of both sides of an argument, but are rallying points for the scheme. Indeed, the new dedicated website is urging people to write into the Department for Transport to show support for the scheme using the [development.pool@dft.gsi.gov.uk](mailto:development.pool@dft.gsi.gov.uk) address.

In section 5.3 of the BAFB DCC states that "*A new edition of the newsletter detailing the key elements of the bidding process and the planned period of consultation for the Department of Transport will be forthcoming in early September 2011*". To date no newsletter has been produced.

There is little detail in the BAFB and the Stakeholder Management and Communications Report regarding the bus-related public meeting in 2006. Local residents say that it was about a small specific part of the scheme and could not be claimed to be a consultation about the scheme.

DCC is also able to use the media to its advantage. The Herald Express newspaper runs its own pro-road campaign that does not reflect public opinion more generally, and it is against this backdrop that local objectors try to seek media coverage. They find it is very difficult for opposing views to receive coverage.

## **Exhibitions held in 2011**

DCC appointed Coast Communications, a private PR company, to undertake its consultations with the local community. Five exhibitions were held in June 2011.

There are a number of concerns with the information supplied by DCC and Torbay Council at the exhibitions, and CPRE Devon has commissioned a report on this, which has been supplied to ministers.

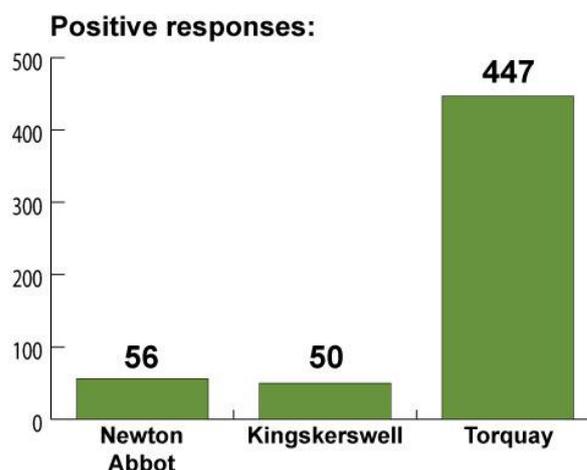
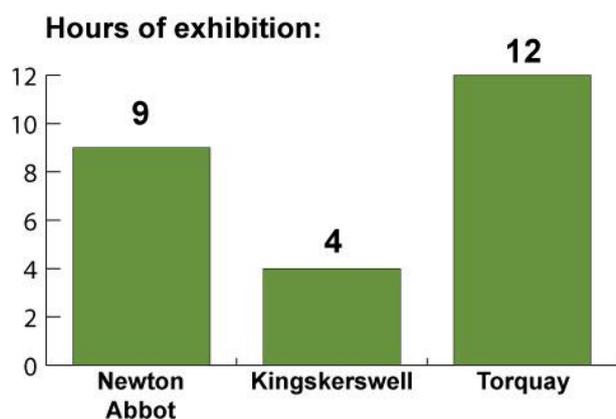
Here, we would like to examine whether the timing and locations of the exhibitions led to an unbalanced view of the levels of support or opposition to the scheme. The Kingskerswell Alliance has already copied Norman Baker and DfT officials into a letter to Paul Ewings of DCC, asking the council to address its concerns about the exhibitions (20 July 2011). A response from the council has not been received to date.

The Kingskerswell Alliance was given data by Coast Communications regarding participant numbers at the exhibitions and the below information has been taken directly from that.

Devon County Council held exhibitions in just two areas directly affected by the road (Kingskerswell and Milber), and in three other areas that were known to be pro-road. In the two consultations closest to the road, residents were mainly against the scheme – 63 per cent. However the exhibitions were held at these two locations for just four hours each.

In contrast, at the three locations furthest from the road, where support for the road was highest, the exhibitions were held for a total of 17 hours. This then lead to artificially inflated overall levels of support for the scheme.

Exhibitions	Attended	For	Against	Don't know	Exhibition length (hrs)
Riviera Centre, Torquay	98	83	12	3	6
Kingskerswell	187	50	96	6	4
Forde House, Newton Abbot	107	29	6	6	5
Milber, Newton Abbot	184	27	59	7	4
Union Square, Torqay	358	364	31	0	6
<b>TOTAL</b>	<b>932</b>	<b>553</b>	<b>204</b>	<b>22</b>	<b>25</b>



The data supplied to the Kingskerswell Alliance by Coast Communications also does not add up and we have concerns about its reliability. For instance, they claim that 358 people attended the exhibition at Union Square in Torquay, yet then claim that 364 people signed comments forms supporting the road.

Although the Kingskerswell Alliance clearly represents local residents against the scheme, they were not informed of the exhibitions. Further there was an invitation-only briefing at Forde House in Newton Abbot to which the Kingskerswell Alliance was not invited.

During all the exhibitions, one of the boards on display claimed support for the scheme from Sustrans, including the organisation's logo. Sustrans does not support the scheme and never gave permission for their name and logo to be used in support of the road. Sustrans has since insisted that its name and logo be removed from any online versions of the exhibition. Local people were misled into believing that Sustrans was a supporter of the scheme.

DCC claim that the feedback from the exhibitions resulted in the reinstating of various parts of scheme. However it is believed that it is more likely these parts were reinstated because DCC discovered that their omission would result in a renewed planning application and CPOs due to material changes in the scheme.

## Scale of opposition

It is blatantly untrue that there is “*comparatively few objections*” to the scheme, as claimed by DCC in section 5.3 of their BAFB. There is substantial opposition. At DCC’s own exhibitions 63 per cent of those attending in the Kingskerswell and Milber areas (the only areas directly affected by the road) were against the scheme.

The Kingskerswell Alliance has so far collected over 5,000 postcards from over the south Devon area showing opposition to the scheme which affects a village with a population of 4799. Indeed just over 1000 postcards were signed by residents from Torbay which is more than the total who attended the July 2011 exhibitions.

The village is well represented by the Kingskerswell Alliance and objector numbers at the public inquiry are not a good indicator of the scale of public opposition. Many people would not have attended as they saw that the Kingskerswell Alliance was representing them. The Public Inquiry was held in a location some distance away from Kingskerswell which could only be reached, with difficulty, by 2 bus journeys. Indeed, because of the location, DCC was asked to provide a bus so local people from Kingskerswell could reach the venue!

DCC claim in section 5.3 of the BAFB that the Kingskerswell Alliance was informed of the recent exhibitions. This is completely untrue. Kingskerswell Alliance was not informed, nor invited to them. Alliance members were not informed about invitation-only briefings either.

DCC also claims that discussions and dialogue are ongoing with the Kingskerswell Alliance. However, the Kingskerswell Alliance complains that many of its letters to DCC go unanswered, including the 20 July 2011 letter regarding concerns about the exhibitions.

Campaign for Better Transport and CPRE wrote two letters to DCC in July and August 2011 after seeking legal advice regarding the status of the planning permission after changes to the scheme. We are still awaiting a response to both these letters.

## **Other stakeholders**

In section 3.3 of the BAFB DCC states that it has applied for and been granted a Marine Licence.

However, local residents have discovered that DCC failed to advertise the application until after the licence had been granted. When this was pointed out to the Marine Management Organisation, the MMO removed the licence. This is an example of how DCC has failed to follow the statutory process.