

Briefing for Camden Councillors on Public Inquiry Outcome

Introduction

BRAG members are conscious that Councillors may not read the full report from the Public Inquiry Independent Inspector, and so have prepared this briefing.

We present these key findings, quoting facts and sources directly from the Inquiry report conclusions, in the interest of accuracy, and to avoid the debate sinking back into exaggeration and unfounded assertion. Since the report's publication, there has been some significant misinformation circulated, not least in the Camden New Journal. The Inspector looked carefully at the evidence and made recommendations which preserved the new cycle tracks but which also recognised the needs of the wider community.

Although the Inspector's recommendation was not BRAG's first choice (which was two separate cycle lanes with two-way traffic, as pre-2005) we consider that it offers a fair and balanced solution. One-way west-bound traffic will cause less displaced traffic and pollution on local streets and supply the much needed west-bound route (the only one between the Strand and Euston Road). Given the clear evidence from the Inquiry as set out below, BRAG would suggest that the Council is under a duty to implement the recommendations.

1. Cycling numbers on the Tavistock-Torrington corridor have not increased.

The number of cyclists on the corridor has not 'doubled', as stated by Camden New Journal (31.5.18). The Council claim, put forward by officers at the Public Inquiry, that cycling had increased up to 52% was discredited and subsequently withdrawn by Louise McBride under cross-examination. The Inspector concludes (8.5.4 of the Public Inquiry Report): 'In the absence of reliable data it is only possible to conclude that cycle use of the [Tavistock-Torrington] corridor has not decreased.'

2. No overall reduction in traffic in the study area, and significant displacement on to surrounding streets.

The Inspector noted (8.6.10) that there had been no overall reduction in traffic and said that 'traffic has diverted along other available westbound routes, in particular, Great Russell Street, Endsleigh Gardens, Gower Place, Tavistock Square (southwest side) Endsleigh Place and Judd Street to access Euston Road. This accords with the data ... which shows increases in traffic at certain times of the day by as much as 554% (Endsleigh Gardens). This in my view indicates a significant increase in traffic on routes adjacent to the corridor at the times surveyed.

3. Cycling safety has not improved on the corridor

Cycling accidents increased from 7 to 11. It was demonstrated at the Inquiry that this could not be explained by an increase in volume of cycling on the corridor. The Inspector says (8.16.1): 'there has been an increase in cycling casualties which is unexplained but cannot be attributed to an increase in cycle use'

4. Pedestrian safety is better on the corridor but worse where traffic has been displaced

The Inspector says (8.16.1): 'pedestrian casualties along the corridor have reduced'. However pedestrian accidents were shown to have increased on Great Russell Street, one of the recipient streets for displaced traffic from the corridor. The Inspector confirmed (8.7.11) this increase which he said was 'unexplained'; and said that 'it is clear that since the implementation of the trial there has been an increase in casualties'.

5. Pollution was not shown to have reduced across the area.

The Inspector noted the absence of pre-trial monitoring in streets which received the displaced traffic from the corridor and says (8.9.4) that in some surrounding streets 'pollution levels are higher than expected'.

The Inspector notes, with regard to monitoring on the corridor, the admission by the Council (8.9.2) that 'some level of caution must be used when analysing the [Council's] results. Andrew Webber in cross examination also acknowledged that the data gathered was not the annual mean concentrations (annualisation) and had not been adjusted to take account of seasonal influences.'. The Inspector therefore concludes (8.9.3) 'it is difficult to quantify the level of improvement in air-quality on the corridor'.

6. Traffic jams have got worse.

The Inspector says (8.6.18): 'since the implementation of the trial there has been an increase in congestion which has resulted in increased journey times and travel costs; this has had an adverse effect on the quality of life and commercial operations.' Hence the recommendation to change the direction of vehicle traffic, which will help ambulances and other essential services just as much as taxis.

7. No evidence of health benefits in the area or modal shift to active travel

The Inspector states: (8.10.2) 'The Council now accept that there has been no increase in pedestrian traffic on the corridor and can now only submit that there has been no decrease in cycling.' He concludes (8.10.3): 'there is no evidence to show that the trial has resulted in a modal shift such that there will be wider health benefits.'

8. Fundamental paucity of evidence

In his conclusions the Inspector refers (8.6.15) to 'a fundamental paucity of evidence to support the efficacy of the trial. The data from the 78 ATC sites has not been analysed to establish changes in traffic due to the trial (only 32 sites have been used in the analysis), there is no comparable traffic queue data, no journey time surveys to show how journey times might have altered or ANPR surveys to determine the response to the trial.'

Conclusion

BRAG members attended the entire Public Inquiry and submitted over 100 pages of evidence. We are very familiar with the Inquiry documentation and would be pleased to provide any further information that Councillors may require.

Letter sent to all members of the Cabinet of the London Borough of Camden;

Copied to Sir Keir Starmer MP

Dear Councillor

I write on behalf of Bloomsbury Residents' Action Group about the findings of the Public Inquiry into the Tavistock-Torrington trial, on which the Council will shortly be making decisions, and would like to make three main points:

1. Conclusions of the Public Inquiry

BRAG members are conscious that councillors were not present at all at the Public Inquiry and we understand from Councillor Sabrina Francis that councillors may not have time to read the full report from the Independent Inspector, and so we have prepared this attached briefing.

We attach the key findings, quoting facts and sources directly from the Inquiry report conclusions, in the interest of accuracy, and in the hope that decision will be made on facts and evidence rather than myth and ideology.

The Inspector received evidence for and against the trial over a period of four weeks and has spent six months preparing his report. Many local residents and businesses, both for and against the trial, worked for months preparing and presenting evidence, many having to spend considerable amounts of their own money. Given the local importance of this Inquiry, and its significant cost to council tax payers, we call on the cabinet to respect the evidence-based conclusions from the Independent Inspector.

BRAG wishes to inform cabinet members formally that BRAG supports the Inspector's conclusions and recommendation. A change of direction for vehicle traffic was not BRAG's preferred option but it is one that we can understand and respect. It addresses congestion/air quality issues, is helpful to people with disabilities, and leaves the new cycle tracks in place.

But also, and if you have not already done so, we urge you to read sections 6.1.20-22 of the Inspector's report about the quality of evidence given to the Inquiry by Camden Council's officers. As the Inspector says in his conclusions (section 8.6.15): '... there is a fundamental paucity of evidence to support the efficacy of the trial'. The Inspector reported as he did because Camden's case was weak. Key sections were qualified or withdrawn under cross-examination (including, for instance, that cycling has not increased by up to 52% as claimed by Louise McBride, but can, as she agreed, in fact only said to have not decreased; and that Adam Webber's methodology in measuring air quality was flawed to the extent that the claim of 8.7% and 21.44% reductions in NO₂ was discredited, with the Inspector concluding that any improvement on the corridor could not be quantified).

When the Inspector's report was released, we started to meet ward councillors to explain BRAG's response. To our surprise, Councillor Harrison gave the very strong impression to two committee members who attended his surgery on 8th June that the Inspector's recommendation was likely to be rejected. We were particularly concerned that Councillor Harrison cited delivery of the legacy West End Project (WEP) as a likely reason for keeping the west-east vehicle route.

But the WEP proposals consulted on in 2014 did not include this trial.

The west-east vehicle trial route was a response to consultation comments from residents in Torrington Place (see Cabinet papers for 21 January 2015, public document pack page 1055, question 14). If the West End Project was viable without the trial, as in the original consultation proposals put forward by officers, then it is viable with east-west vehicle traffic too. You might then say that the traffic concerns of Torrington Place residents would remain – and that is true. But at least those residents were consulted, which residents east of Gordon Square and in streets with displaced traffic were not. (The consultation area can be found on page 992 of the cabinet document already referred to). Clearly, though, the Council should try to address the concerns of all resident groups, not just one.

2. Request for a reasonable time to consider the officers' report prior to the cabinet meeting

Secondly, we understand that the cabinet will consider this matter on 5th September and that the officers' report will be published six working days before that meeting. As this is a complex issue on which the Inspector deliberated for several months, we believe it would be fair for the officers' report and recommendations to cabinet to be published much earlier than the usual six days before the meeting. We have discussed this with Sir Keir Starmer.

We understand however, from Louise McBride's letter of 4th July to Sir Keir, that the council is not prepared to do this but will be arranging a meeting with BRAG and other participants in the Inquiry, ahead of the publication of the cabinet papers. If arranged with sufficient notice to allow participants to plan to attend, and to respond thereafter in time for the cabinet meeting, this would be helpful. However, we shall shortly be running into the holiday period when it is probable that many of those who participated in the Inquiry will be away. Given that the Inspector's report was published in May, it is disappointing that the council should choose to wait for nearly two months, for a period inevitably coinciding with many people being away, to hold these discussions.

In view of this we suggest that the only fair way to allow for proper consideration and discussions would be to delay the cabinet decision to October, and not to hold the planned meetings with stakeholders in the holiday period.

3. Request for information on the cost of the Public Inquiry

We asked councillors last year for the cost of the Public Inquiry but this information was not provided. The original estimate was £100,000 but those attending could see that the costs are likely to have far exceeded this budget.

We now understand, from the letter referred to above, that the cost was £298,577, which is three times over budget. This sum includes the Inspector, the Programme Officer, legal advice and traffic modelling. It does not however include the very considerable cost of officer time. Councillors may not be aware that there were up to ten officers attending per day over the four week period. We would be grateful if you

could also tell us the cost of the time officers spent preparing for and attending the Inquiry, the sum of which will undoubtedly amount to tens of thousands of pounds.

In conclusion

If our reading of the situation is correct, it now seems possible that Camden Council, having prompted an Inquiry because of its own administrative error*; having spent over £300,000 of council tax payers' money on the Inquiry; and having put local residents and businesses in the position of needing to spend many months and a considerable amount of their own money on participating in the Inquiry, may be going to reject the recommendations. If this were to happen, it would give the clear impression, that this had always been the intention and that the Inquiry was just a cynical exercise to deal with an administrative error. It would be a shocking waste of public funds and abuse of public trust.

Our pessimistic anticipation of the outcome may be unfounded – and we very much hope this is the case. Nevertheless, we hope you will share our concern about what this would say about Camden's decision-making. It is already difficult for residents around the corridor to keep faith in local democratic processes. We feel let down by councillors who should be willing to listen to us and understand our concerns.

A trial scheme was introduced about which residents were not consulted in advance; an independent Public Inquiry was held at great public cost, but it now appears that its conclusions could be rejected despite the evidence; and it seems that any offer for discussion with Inquiry participants on the officers' recommendations may be timed to coincide with the holiday period.

We therefore ask that

- you arrange the stakeholder meetings at a time when participants can reasonably be expected to be able to attend; and that you plan the cabinet meeting accordingly, to allow for fair time for consideration and discussion
- you inform us of the cost of officer time preparing for and attending the Inquiry
- you provide reassurance that the Public Inquiry was not, as we fear, a cynical exercise and a huge waste of our time and money, and that the independent Inspector's recommendations will be accepted

Yours sincerely,

Nicky Coates - Bloomsbury Residents' Action Group

*The document presented to Camden Council Cabinet on 22nd February 2017, entitled Torrington Place/Tavistock Place route – Traffic Trial Scheme

(SC/2017/04) stated:

'An ETO can be made permanent without further notice and consultation if specific procedural steps have been followed throughout, but it seems that copy documents, which were stated to be on deposit once the ETO had been made, could not be inspected by the public at the due place and time at the start of the relevant period, so the safer course is to proceed with re-advertising and making provision for objections to be made in what would be the normal way if the shortened process is not followed..'