

# The Camden (Torrington Place to Tavistock Place) (Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order [2017]

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## Statement of Case of Imperial London Hotels Limited

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### Introduction

1. Imperial London Hotels Limited (ILHL) is the owner of the Tavistock Hotel which fronts onto the south side of Tavistock Square.
2. ILHL has objected to the draft Camden (Torrington Place to Tavistock Place) (Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order [2017] ('the Order') by letter to the London Borough of Camden dated 31 May 2017 that is attached to this statement as **ILHL 1 (p1-8)**.

### Purpose of the Inquiry

3. ILHL adopts the Inspector's description of the 'purpose of the inquiry' set out in the Pre-Inquiry Note, namely, to ascertain:
  - whether or not the Order is made for a qualifying purpose; and
  - whether any disadvantages which would arise as a result of the Order would be outweighed by the advantages (if any) which would be conferred by it were it to be made by the London Borough of Camden (LBC).

### Qualifying purposes

4. The qualifying purposes for which a Road Traffic Regulation Order may be made in London are set out in section 6 of the Road Traffic Regulation Act 1984 (RTRA) and include any of the purposes mentioned in Schedule 1 and paragraphs (a) to (g) of section 1(1) of the RTRA. The purposes mentioned in section 1 RTRA include, for facilitating the passage on the road or any other road of any class of traffic, for preserving or improving the amenities of the area and for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
5. By section 122(1) RTRA, the general obligation when exercising any functions under the RTRA, is to do so in such a way as 'to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway' so far as practicable having regard to the matters set out in section 122(2) RTRA that include 'the desirability of securing and maintaining reasonable access to premises.'
6. While ILHL will acknowledge the policies in support of cycling referred to in LBC's Statement of Case, submissions shall be made as the content of those policies and their relevance, if any, to Inspector's decision in the light of section 122 (1) which imposes a statutory duty in making Road Traffic Orders 'to secure the expeditious, convenient and safe movement of vehicular and other traffic.'

## **The purposes of The Camden (Prescribed Routes, Waiting and Loading Restrictions and Parking Places) (No.1) Experimental Traffic Order 2015 (the ETO)**

7. As stated in the LBC Statement of Case 1.1-1.2, on the 22 February 2017 the LBC Cabinet resolved, subject to the public inquiry and a final decision being made in the light of the Inspector's report, to approve the progressing of a permanent traffic order that has the sole effect of reproducing and continuing in force indefinitely the provisions of the ETO.
8. The purposes of the ETO were set out in the 'Torrington Place to Tavistock Place temporary trial of traffic changes, Information Leaflet' October 2015. The experimental 12 month trial was said to provide the opportunity to test 'a potential solution' to issues including 'reducing the impact of through traffic in the area.' It was asserted also that:

"Removing westbound traffic will also make the corridor a more pleasant environment for pedestrians, with improved air quality and street that are easier to cross."
9. The leaflet indicated that "detailed monitoring" would be undertaken during the 12 month trial "to assess the impact on air quality, traffic, pedestrians and cyclists;" and that if the trial showed that the changes had been positive the Council would consider making the ETO traffic arrangements permanent.

### **ILHL requests for information**

10. On the 26<sup>th</sup> February 2016 John Russell (JR) of SCP traffic and transport consultants acting for ILHL, met with Andrew Ulph a transport planner with TfL. As recorded in JR's email of the 2<sup>nd</sup> March 2016 to Mr Ulph (**ILHL2 p9-10**), their discussion included:
  - a request for outstanding information relating to traffic volumes
  - the suitability of the ONE strategic traffic model for assessment of the ETO trial
  - that TfL had only been asked to model the ETO as implemented
  - that TfL assessed the ETO scheme with the interpretation of its assessment work being done by LBC
11. In response to his request for modelling information, JR received an email 15<sup>th</sup> March 2016 from Mr Ulph (**ILHL3 p11-58**) in which he confirmed that "TfL was only asked to model the ETO as implemented." Attached to the email was a "validation report for the ONE model."
12. As regards congestion caused by the ETO scheme, the validation report ("Approved 29/06/2015") stated that to properly assess congestion at junctions and links the area would require detailed micro-simulation modelling in VISSIM.
13. On 12<sup>th</sup> September 2016 LBC commenced a consultation on the ETO including the publication of a consultation leaflet headed "Consultation: Torrington Place/Tavistock Place Route." Under the heading "Why was the trial introduced?" the leaflet stated that the trial was introduced to address a number of issues including:

"As part of the approval for the West End Project we agreed to bring forward proposals for a trial to reduce the impact of through traffic on local residents in Torrington Place between Gower Street and Tottenham Court Road."

14. The consultation leaflet purported to contain "information on the effects of the [ETO] changes since their introduction."

15. Regarding collisions it stated that "Collision data is not yet available for a sufficient length of time to measure the effect of the trial on road safety."

16. In respect of "Motor Traffic" the consultation leaflet stated:

"We have undertaken detailed traffic counts to assess how the trial has affected the movement of motor traffic through the area. Overall, since the introduction of the trial, motor traffic has reduced along the Torrington Place/Tavistock Place corridor and on some adjoining streets but some other streets have seen increases."

Traffic count information was provided in Appendix 1 to the document.

17. As regards air quality, the leaflet said:

"Monitoring information at the three sites in the project area where nitrogen dioxide emissions have been measured indicates significant improvements in air quality, following implementation of the trial, of between 9% and 20%"

18. Under the heading "Feedback received during the trial" concerns recorded included:

- "Reports of increased traffic congestion on some other local streets."
- "Concerns that taxi journey times have increased to some destinations."
- "The eastbound one-way traffic lane makes it more difficult for taxis dropping off disabled passengers off at the Tavistock Hotel as the wheelchair ramps are only accessible on the traffic side not the kerbside"

19. In a press notice headed "Record response for Torrington Place/Tavistock Place route consultation" dated 7<sup>th</sup> November 2016, LBC said:

"The consultation responses, consideration of alternative proposals for aspects of the schemes and other information including but not limited to air quality, traffic counts and road safety, will be used to inform the Council's final decision on the scheme."

20. In response to the invitation extended in the consultation leaflet to "Find out more" by contacting LBC, Farrer & Co, on behalf of ILHL, wrote to LBC on the 21<sup>st</sup> September 2016 (**ILHL4 p59-62**) requesting information including:

- traffic survey data sets undertaken in March and May 2016
- accident data referred to under section 1 "Collisions"
- comments received by LBC regarding the trial and consultation
- correspondence between LBC and the emergency services relating to the trial and the consultation

- correspondence between LBC and four hospitals relating to the trial and consultation
  - correspondence between LBC and University College, London relating to the trial and consultation
  - full details of the air quality monitoring undertaken relating to the trial which was reported in the consultation leaflet including data and calculations
  - full details of all air quality monitoring undertaken in the last three years (whether related to the trial or not) within the area bounded:
    - (a) To the north east by the A501/A5200 between its junctions with Euston Road and High Holborn
    - (b) To the north-west by the A501 between its junctions with Grays Inn Road and Tottenham Court Road
    - (c) To the south-west by the Tottenham Court Road between its junctions with the A501 and the A40 Oxford Street; and
    - (d) To the south-east by the A40 High Holborn between its junction with the Tottenham Court Road and Grays Inn Road
21. In addition, the letter raised a specific query as to discrepancies in before and during trial traffic flows shown in Appendix 1 of the consultation leaflet.
22. JR, acting on behalf of ILHL, responded to the public consultation by letter dated 20<sup>th</sup> October 2016 (**ILHL5 p63-70**) expressing concern about the apparent failure of LBC to consider alternative schemes and also recording the Tavistock Hotel's experience of the ETO trial including:
- increased traffic congestion
  - potential worsening of traffic related air quality on many streets; and
  - safety concerns
23. Specific reference was made to the hotel's experience that, as a direct consequence of the trial, traffic which previously travelled westbound along the corridor was now snaking through the area increasing traffic volumes on northbound routes which fed into the corridor to the detriment of those who live and work on these streets as well as pedestrians making use of them. JR referred to traffic modelling undertaken by TfL before the commencement of the trial that predicted these traffic increases, and the apparent lack of an attempt by LBC to investigate their impact in terms of air quality access and congestion prior to the trial. He also identified misleading comments in the on-line consultation document and invited LBC to commit to a full TfL modelling exercise of a westbound only car traffic scheme and to conducting air quality tests in at least five other locations aside from Gordon Square, Russel Square and Tavistock Place.
24. Lastly, JR noted that there was a significant amount of information about the ETO trial that was not in the public domain; and that attempts to acquire it from LBC had been to no avail.

25. On the 16<sup>th</sup> November 2016 (**ILHL6 p71-78**), approximately two months after Farrer & Co.'s 21<sup>st</sup> September 2016 request for information, LBC provided, inter alia, traffic data sets on an encrypted data stick, accident data in paper form, a copy 'of all the Air Quality Monitoring Information which you seek' on an encrypted data stick and an explanatory note of the data. A separate letter was promised by LBC dealing with the traffic count query raised.
26. In a letter of 5<sup>th</sup> December 2016 to LBC (**ILHL7 p79**), JR acting for the hotel, referred to the Council's commitment to assessing alternative schemes to the ETO made by officers at a meeting of the Marchmont Association on the 19<sup>th</sup> September 2016 and requested:
- a brief description of the alternative schemes being assessed by LBC
  - confirmation that LBC were testing the alternative schemes using TfL's transport model
  - advice as to when the results of these alternative assessments would be made available to the public
  - confirmation that interested parties would have full access to the assessment data to enable independent scrutiny of it
  - confirmation that LBC would not be making any decision on the trial until the alternatives had been assessed and the public given an opportunity to comment on the assessments
27. Four and a half months later on the 21<sup>st</sup> April 2017 (two months after the LBC Cabinet resolved to make the Order), LBC responded (**ILHL8 p80-81**) to Mr Russell's letter indicating that:
- LBC had undertaken assessment of alternative schemes using TfL's ONE model, testing having commenced on 30<sup>th</sup> November 2016; and that a report on the feasibility and traffic effects of alternatives tested had been completed in February 2017 and made 'Appendix D' to the report to the meeting of the LBC Cabinet on 22<sup>nd</sup> February 2017 (Appendix D)
  - an officer's assessment of the traffic modelling output was published on the LBC website on the 15<sup>th</sup> February 2017
  - a 'technical note' [on modelling] was being 'finalised' by LBC's consultants
  - that the assessment [of alternatives] was undertaken using TfL's ONE Model software and would require TfL's permission before disclosure.
28. Appendix D 2.1.2 stated that removing one direction of motor traffic from the Torrington Place to Tavistock Place 'corridor' (the corridor) would increase the usable width potentially available for pedestrians and cyclists while providing an adequate lane width for motor traffic in a single direction. And that this would be the case "in its current configuration [eastbound motor traffic only] or reversed [westbound motor traffic only]."
29. Appendix D 2.5.1 said that the proposal to reverse the direction of the one-way motor traffic flow in the corridor posed 'no major geometric design changes' to the ETO layout.

30. Importantly, Appendix D section 3 indicated that a traffic modelling exercise had been undertaken to "assist in assessing the possible impacts of making permanent the interventions currently in place in the Tavistock Place/Torrington Place corridor as part of the trial;" and that "further testing" had also taken place "to consider the alternative proposals raised in response to the public consultation." Paragraph 3.1.1 stated that:
- "The Council commissioned an external consultant to investigate the possible redistribution of motor traffic when the Trial interventions are combined with future committed and other potential schemes in the surrounding area. TfL officers have been involved throughout this process and have agreed the method adopted for the assessment and confirmed that the traffic model is fit for purpose."
31. Appendix D 3.1.2 described the TfL ONE traffic model, and that it had been:
- "calibrated using on-site traffic survey data collected after the Trial was implemented."
- Paragraph 3.1.3 indicated that "the primary objective of this analysis is to test predicted impacts of making the Trial permanent, and consider the impacts of the alternative proposals."
32. Appendix D 3.1.5 indicated that predicted changes in the morning peak period only had been considered across the "study area;" and that although the area covered by the model extended much further than the "trial area," nonetheless, the data produced had been "useful for comparative assessment."
33. Paragraph 3.1.6 listed the schemes tested in the modelling exercise including;
- "The Trial (eastbound only in the Corridor for motor vehicles
  - The Trial (westbound only in the Corridor for motor vehicles..."
34. A purported description of the modelled traffic impacts of these two schemes were set out respectively in Appendix D 3.2.1 and 3.3.1/2.
35. Appendix D 3.5 - 3.6 addressed modelled traffic impacts of the "potential" Brunswick Square and Judd Street traffic regulation order proposals, neither of which have been confirmed.
36. Appendix D 5.2 concluded that "Using strategic traffic modelling to assess predicted impacts of the remaining alternative options" including westbound only" it was shown that the Trial ETO scheme was to be recommended for a permanent road traffic order.
37. At his request, JR met with Simi Shah (SS) and Alexis Bielich (AB) of LBC and LBC's traffic and transport consultants Systra on the 29<sup>th</sup> June 2017. This meeting was originally a request to TfL (with LBC copied in) on 8th May 2017 because LBC had informed JR on 21st April 2017 that it was TfL's model and that he had to speak to them. It was only after JR approached TfL to undertake a separate modelling exercise of the Trial and alternatives that LBC responded and indicated a willingness to meet. At the meeting LBC indicated its willingness to share modelling information. The TfL ONE model used to assess the traffic impacts of the ETO being a strategic model, JR was informed that Systra had recalibrated the model in the Bloomsbury area to make it more reflective of local conditions. He was also told

at the meeting that LBC had tested a number of scenarios including both eastbound and westbound only motor traffic in the corridor.

38. A note of the 29<sup>th</sup> June 2017 meeting (**ILHL9 p82-86**) was subsequently agreed. As recorded in the note:
- LBC had commissioned Systra to undertake modelling for the various options
  - Systra's modelling had been undertaken using TfL's ONE (Operational Network Evaluation, using VISUM software) model
  - Systra had drafted an information note "Torrington Tavistock Corridor Modelling (Torrington Place/Tavistock Place (TPTP)) Trial VISUM Option Testing" issued 27/06/2017 Option Testing Information Note)
  - LBC said the note was a draft which would be modified in the light of the discussion at the meeting
39. At the meeting, TfL presented the Option Testing Information Note on a large screen and said that the traffic modelling exercise assessed the possible impacts of making the ETO permanent; it also investigated the possible redistribution of motor traffic when the trial interventions, and other options are combined with future committed and/or proposed schemes in the surrounding area.
40. It was agreed at the meeting that the AM peak showed the worst case and JR said it was important to "get the AM right." He said two junctions, Woburn Place/Tavistock Square and Bedford Way/Tavistock Square were incorrectly coded in the model and needed to be corrected.
41. JR raised the issue of air quality at specific locations and times. TfL confirmed that they could provide count data (ATC) which could be used to calculate conversion factors to take one-hour model data to AADT for use in Air Quality assessment.
42. In discussion on the modelling JR expressed interest, among other matters, in Figure 4; vehicle speeds and journey times in specific zones; Section 2.6 (two way section - left turn off at Woburn Place); Figure 19; and asked to be provided with the "zoning plan" accompanying the modelling.
43. TfL stressed that the modelling was strategic and although it could provide junction capacity constraints it would not provide the level of detail you would obtain from modelling undertaken using LinSig; and that LinSig outputs were currently being audited by TfL. JR asked to see the outputs.
44. JR indicated he was content with the use of the "process" adopted of calibration using the 2016 ONE model; but that he would wish to see more information on the inputs for the Torrington / Tavistock corridor and the parameters of the model and would wish to look at the "junction layout coding" in the model with TfL.
45. LBC said that Systra's draft Option Testing Information Note would not be distributed but that a summary would be provided "focussing on predicted reductions and increases in traffic for the options modelled".
46. JR indicated his interest in seeing how journey times might change with various options looking at zones and connectors. TfL indicated that more detailed

modelling information than provided by the ONE model would be required to provide journey time information; microsimulation would be required including VISSIM corridor modelling.

47. Actions from the meeting included a further meeting to be arranged regarding model inputs and parameters.
48. An agreed meeting on the 13<sup>th</sup> July 2017, however, was postponed by LBC because Systra had found errors in the model and had decided to re-run it. A further meeting was, accordingly, arranged for the 24<sup>th</sup> July 2017. In due course this meeting was also postponed on the day by LBC.
49. The reason for the postponement of the 24<sup>th</sup> July 2017 meeting was subsequently explained by Simi Shah (SS) of LBC in an email to JR 7<sup>th</sup> August 2017 (**ILHL10 p87-88**) (that included the draft note of the 29<sup>th</sup> June 2017 meeting) as follows:
  - "the information you are seeking was not fully ready..."
  - Systra have been undertaking further checks...[that have] revealed discrepancies in the calibration...
  - this meant that all of the options had to be re-run..."
50. In the email SS undertook to provide JR with a "zoning plan of the Bloomsbury area, and the calibration traffic flow details, as soon as they are available to me;" and to write separately with regard to JR's request to review the model and access the modelling data.
51. JR responded to SS's email by email 8<sup>th</sup> August 2017 (**ILHL10 p89-90**) in which he contested that he had agreed the "model was fit for purpose" as recorded in the note of the meeting of the 29<sup>th</sup> June 2017.
52. At a meeting between JR and LBC on the 16<sup>th</sup> August 2017, LBC presented some flow plots which indicated to JR that the westbound traffic only flows showed less traffic displacing. JR set out a series of queries which he needed LBC to confirm before he could have confidence in the model. He also raised a number of matters regarding validation of the model; an exercise LBC had not undertaken.
53. Following the meeting, on the 18<sup>th</sup> August 2017 JR emailed LBC (**ILHL12 p91-92**) attaching a list of his queries and a note of actions (**ILHL13 p93-100**). In the email JR highlighted:
  - that it was agreed that Systra would look again at the modelling of the westbound scheme (left turn flares on Bedford Way and Woburn Place missing in the model runs); and
  - also in some detail at Great Russell Street in the trial scenario (as traffic surveys showed a significant increase in traffic travelling westbound along Great Russell Street which the model wasn't showing);
  - an issue as to the extent of traffic constraints in the study area (given VISUM model limitations);
  - that JR asked for a hard copy of the assessment report Systra had presented at the meeting.



54. Following the 16<sup>th</sup> August 2017 meeting JR received from LBC:
- a copy of the Option Testing Information Note put up on a large screen at the 29<sup>th</sup> June 2017 meeting (the model had since been recalibrated)
  - copies of the change in traffic flow slides which had been presented at the 16<sup>th</sup> August 2017 meeting.
55. The latter (**ILHL14 p101-148**) showed that LBC's forecast of change in traffic flows arising from the Trial with the Brunswick Square scheme in place generated increases in traffic flows on a greater number of streets in the area compared with westbound only traffic in the corridor.
56. In addition, anomalies in the model noted by JR shown on the slides included:
- increases in traffic westbound along Endsleigh Gardens with westbound only traffic in the corridor (counter-intuitive given traffic could travel westbound along Tavistock Square in this alternative);
  - no change in traffic on Great Russell Street (contra observed traffic data); and
  - an increase in westbound traffic on Euston Road (contra observed traffic flows)

raising the fundamental question whether the model being used by LBC / Systra was yet fit for its purpose.

57. At the pre-inquiry meeting on the 31<sup>st</sup> August 2017 the Inspector was handed a list of 24 outstanding requests made of LBC by JR regarding largely modelling issues (ILHL15 p152-153); and the Motion Technical Note 3 "model review" (ILHL13 93-100).
58. At LBC's request, JR met with LBC on the 4<sup>th</sup> September 2017 to discuss the Linsig models which the Council was having prepared to assess the operation of the signal controlled junctions along the Tavistock Place/ Torrington Place corridor. JR took the opportunity to request from LBC outstanding data / information and answers to queries some of which had been outstanding from 21<sup>st</sup> September 2016. These included the assessment criteria which LBC had applied to determine if the Trial had been a success.
59. JR listed these outstanding matters in his letter to the Council 7<sup>th</sup> September 2017 (copied to the Programme Officer) following the 4<sup>th</sup> September 2017 meeting (ILHL15 p149-153)
60. JR received SYSTRA 14/02/2017 report "Region 52 Existing Validated LinSig Model" on 07/09/2017. This report had been discussed at the meeting of 04/09/2017 during which meeting JR and SYSTRA had reached agreement on most of the report. JR is reviewing observed degree of saturation for Woburn Place which is the only outstanding difference of opinion on this element of work at this stage.
61. Despite the Inspector's urging "the Council to use their best efforts to meet the representatives of ILHL injunction and to provide the outstanding information," at the time of preparing this Statement of Case there remains a substantial number of

outstanding information requests some of which date back to 21/09/2016. This fundamental information is needed to understand the impacts of traffic diverting onto local streets not forming part of the Trial as a consequence of the Trial. Without this information it is not possible for interested parties including ILHL to examine the basis for or verify the efficacy of, the assertions made by LBC regarding the traffic impacts of the Trial or the impact of changes in road traffic in terms Air Quality impact and of community severance and fear and intimidation. This fundamental deficiency in the provision of information relating to the modelling and effects of the scheme and the consequential lack of transparency of LBC's decision making with regard to the promotion of the Order will be addressed in detail in Mr Russell's evidence to the inquiry on behalf of ILHL.

## **The case for Imperial London Hotels Limited**

### **Whether the Order is made for a qualifying purpose under the 1984 Act**

62. In the LBC Statement of Case 1.3 it is said that the Order is made for several purposes; in summary:
- for avoiding danger to users of the corridor
  - for facilitating the passage of traffic in the corridor
  - for preventing motor traffic using the corridor westbound
  - for preserving the character of the road suitable for pedestrians
  - for preserving or improving the amenities of the area
  - for improving air quality in the borough by, among other measures, implementing the Council's Clean Air Action Programme
63. The physical layout of the ETO Trial corridor – cycleways of a minimum width of 2ms X 2 and single lane with a minimum width of 3.25ms for motor traffic and widening of footways, would accommodate traffic using the corridor.
64. Whether the Order would serve any of the purposes set out in 61 above or serve them in any practical way, is a matter to be established by evidence.
65. Appendix D 3 to the report to the meeting of the LBC Cabinet 22<sup>nd</sup> February 2017 advised Cabinet members that a "traffic modelling exercise" had been undertaken to assist in assessing the "possible impacts" of making the trial permanent; and that "further testing" had also taken place "to consider the alternative proposals" including motor traffic westbound only. Members were also advised that Systra had been commissioned "to investigate the possible redistribution of motor traffic when the Trial interventions are combined with future committed and other potential schemes in the surrounding area."
66. JR on behalf of ILHL and in the interests of transparency, has sought to acquire relevant information regarding the "traffic modelling exercise" referred to as recorded in paragraphs 9 to 60 above. While some information requested from LBC remains outstanding it is, at least, clear that:
- the calibration of the model relied on by LBC in making the Order needs further iterations

- the model has yet to be validated
- tests of alternative schemes have not yet been completed accurately
- it is unknown what the impacts, including traffic and air quality impacts, of the Trial are on the wider local area
- it is unknown what the comparative merits of alternative schemes are compared to the Trial
- it is unknown what the area wide Air Quality impacts arising from the Trial are
- it is unknown what the comparative Air Quality impacts of alternative schemes are compared to the Trial

67. By reason of the defective or incomplete status of the modelling exercise the assertions made by LBC in their Statement of Case that as a result of the Trial:

- the volume of motorised traffic in the area has reduced;
- there have been changes in motorised traffic patterns in the area;
- there has been displacement of motorised traffic;
- that there has been an increase in journey times for motor vehicles;
- that there has been a reduction in vehicle emissions
- the scheme layout has significantly improved air quality along the corridor;
- displace motorised traffic may be adding to pollution levels;
- the scheme can be considered to meet Camden's objectives in its Clean Air Action Plan;
- there has been an improvement in public health by improvement in air quality;
- that the total amount of traffic in the area is likely to have reduced;
- that the modelling exercise of a westbound motorised traffic only option indicated a greater level of reassignment to more local roads; and
- that the trial "represents the best overall option"

are either not made out, or the purported limited extent of changes justified, by substantial evidence.

**Whether any disadvantages which would arise as a result of the Order would be outweighed by the advantages which would be conferred by it**

68. By reason of the lack of transparency of the modelling exercise the advantages of the Trial are not wholly demonstrated. Notwithstanding, the most recent iteration of the Council's model indicates that the extent of traffic impacts arising were the Trial

modified so that traffic travelled westbound only (i.e. the direction of traffic is reversed) is significantly less than with the Trial as currently implemented. The Trial scheme, accordingly has traffic disadvantages that are not outweighed by any advantages. The westbound only alternative is, on the available evidence, both modelling and ATC counts, the optimum scheme to achieve the LBC objectives for the corridor.

69. This will be demonstrated in JR's evidence. In particular he will:

- identify the apparent inadequacies in the modelling of the Trial and alternatives
- identify errors regarding data collected and subsequently relied on by LBC
- investigate the implications of these errors as regards the efficacy of the Trial
- consider the implications of the Trial on traffic congestion and road safety and the comparative reduction in congestion that would be achieved by traffic travelling westbound only in the Corridor
- demonstrate that westbound traffic only would meet the stated aims of the Trial
- that safety for cyclists would be better secured by westbound traffic only on the basis of the evidence of accidents that have occurred during the Trial
- show that local areas of severe congestion would be avoided by westbound traffic only including the level of queuing and delayed traffic; and
- that emergency access would be improved by westbound only compared with the Trial

70. As regards the last item above, ILHL will address the exercise under taken leading to LBC's decision to include a taxi rank outside the Tavistock Hotel requiring eastbound taxis to cross over the westbound cycleway in conflict with oncoming cyclists that is recorded in the witness statement of Simi Shah of 11<sup>th</sup> January 2016 in the High Court claim Co/0397/2015. The Trial imposes an inherently dangerous arrangement for the arrival and departure of visitors seeking access to the Tavistock Hotel; an arrangement that is avoided by the adoption of a westbound only vehicular traffic layout.

71. Air Quality issues relative to the Trial shall be addressed by Professor Duncan Laxen in the context of the purposes set out in Section 1 (1) (f) and (g) (section 80: Environment Act 1980) of the RTRA. He will note that the area of the Trial is a designated Air Quality Management Area wherein there are specific duties placed upon LBC under section 84 of the Environment Act 1995. As regards the Trial Professor Laxen will:

- note that prior to the implementation of the Trial no Air Quality Assessment was undertaken as to its likely air quality effects;

- accordingly no demonstration of the of the likely changes in exposure of residents and users of outdoor locations across the wider area broadly from Euston Road to Bloomsbury Way and Tottenham Court Road to Grays Inn Road to air pollutants would be acceptable
- demonstrate that the 'monitoring' of air quality carried out by LBC was wholly inadequate to demonstrate the overall air quality benefits of the Trial that are claimed in the October 2015 leaflet, the September 2016 consultation publication, the Cabinet 22/02/2017 report and or the LBC Statement of Case
- the deficiencies in and the absence of the proven adequacy of, the model deny the possibility of any proper air quality assessment of the Trial being placed before the inquiry.

### **London Borough of Camden Statement of Case (LBC S/C)**

72. The heading of the LBC S/C is incorrect; the title of the published Order is:  
 "The Camden (Torrington Place to Tavistock Place) (Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order [2017]"
73. The "purposes" for which a Road Traffic Regulation Order may be made are not set out or referred to in section 122 of the RTRA as assumed in LBC S/C 1.3. The "purposes" are set out in section 6, Schedule 1 and section 1 of the RTRA. Section 122 imposes a duty on LBC, in the exercise of its powers to make an Order for the above purposes, to (so far as practicable having regard to the matters specified in section 122(2)) "secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway."
74. It is disputed whether the "Policy Framework" referred to in LBC S/C 5.1 and following is relevant to a decision to make an Order under the RTRA. The purposes for which an Order may be made are set out in the Act wherein no reference is made to the achievement of policy objectives as a purpose. It is the policy of the Act that Orders relating to the statutory purposes for which an Order can be made, shall only be made to "secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway." Such traffic includes motor vehicles including private motor transport.
75. Submissions shall be made by ILHL at the inquiry on the relevance of the "Policy Framework" in section 5 of the LBC S/C and its content including the role of motorised road transport in London.
76. The efficacy of the 'rationale' behind the Trial stated in LBC S/C 7.1.to 7.4 and whether it has been demonstrated by the Trial to be effective will be challenged by JR on behalf of ILHL. He will address whether it is in fact shown that motorised traffic has reduced in the study area as a result of the Trial. It is noted in this regard that LBC S/C 7.13 only asserts that "the total amount of traffic in the area is likely to have reduced."
77. JR will challenge the assertion in LBC S/C 7.3 that the traffic modelling carried out by Systra can be relied on as demonstrating a preference for the Trial compared with a westbound only motor traffic alternative.

78. In particular JR will address the change in traffic patterns including the displacement of motor traffic caused by the Trial and its unwelcome traffic impacts on adjoining roads including Endsleigh Gardens; and the paucity of any modelled or other substantial evidence relating to the effect of the Trial on journey times.
79. The Trial has caused an increase in accidents involving cyclists as recorded in LBC S/C 7.4. JR will address the implications of this increase and the merits of a westbound only vehicular traffic arrangement in this regard.
80. It will be doubted whether the public health benefits attributed to walking and cycling in LBC S/C are actually shown to apply with respect to the Trial scheme. In particular, it is not demonstrated by any substantial evidence that the Trial has led to an improvement in air quality through reduction in car use or that the scheme has contributed to meeting carbon emission targets in the AQMA.
81. As regards LBC S/C 7.12, it is doubted that by measurement or modelling it is shown that the scheme layout “has significantly improved air quality along the corridor” or elsewhere in the study area. As noted by LBC “traffic may be adding to pollution levels in Endsleigh Gardens.”
82. It will be disputed that the evidence available relating to the Trial shows that the scheme “can be considered” to meet Camden’s objectives in its Clean Air Action Plan.
83. The incorporation of the dedicated taxi rank in the Trial outside the Tavistock Hotel with eastbound only traffic (LBC S/C 7.17) does not address the discrimination against disabled people caused by the scheme.
84. It will be disputed that as said in LBC S/C 8.1 “Throughout the design process different design options were considered.” In particular, as noted above in paragraphs 10 and 11, TfL was only asked to model the ETO as implemented.
85. JR will refer to Appendix D (LBC S/C 8.4) and subsequent modelling work (LBC S/C 8.7) undertaken by LBC consultants Systra as demonstrating the merits of a westbound only traffic scheme as the optimum scheme to meet the Council’s objectives for the Corridor.
86. ILHL will dispute that on the available evidence it is shown that the Scheme layout represents the best overall option taking into account the need to address previous capacity and safety issues for cyclists and pedestrians (LBC S/C 9.1) or that it is shown by substantial evidence that air quality has improved in the Corridor or in the study area as a result of the scheme (LBC S/C 9.5).

### **The Inspector’s decision**

87. ILHL shall invite the Inspector, on the strength of the evidence (or absence of it), to recommend that the LBC does not make the Order but trials a westbound only scheme and carries out an assessment of its traffic effects and of the air quality effects of the Trial scheme and the westbound scheme on the study area as a whole for comparative assessment purposes.
88. In the alternative, if the available evidence is to be given any substantial weight, it demonstrates that a westbound only road traffic scheme in the corridor is the optimum scheme to meet not only LBC’s traffic and transport objectives for the corridor but also the policy of the RTRA in section 122.

89. On this basis, and in the light of the acknowledgement in Appendix D 2.1.2 (paragraph 64 above) that:

- removing one direction of motor traffic from the Torrington Place to Tavistock Place 'corridor' (the corridor) would increase the usable width potentially available for pedestrians and cyclists while providing an adequate lane width for motor traffic in a single direction; and that this would be the case "in its current configuration [eastbound motor traffic only] or reversed [westbound motor traffic only]; and
- (Appendix D 2.5.1) said that the proposal to reverse the direction of the one-way motor traffic flow in the corridor posed 'no major geometric design changes' to the ETO layout;

the Inspector is respectfully urged to recommend the 'modification' of the Trial scheme to provide for westbound motor traffic only and its confirmation with that traffic arrangement.

15/09/2017